

**TOWN OF EXETER
PLANNING BOARD
NOWAK ROOM
10 FRONT STREET
JUNE 12, 2025
APPROVED MINUTES
7:00 PM**

I. PRELIMINARIES:

BOARD MEMBERS PRESENT BY ROLL CALL: Chair Langdon Plumer, Vice-Chair Aaron Brown, Gwen English, Jen Martel, Nancy Belanger, Select Board Representative, Alternate Marty Kennedy, Alternate Dean Hubbard and Alternate Sam MacLeod.

STAFF PRESENT: Town Planner Dave Sharples.

II. CALL TO ORDER: Chair Plumer called the meeting to order at 7:18PM and introduced the members.

III. NEW BUSINESS:

1. The application of Willey Creek Company for design review of the site plans, lot line adjustment and Wetlands and Shoreland conditional use permits for the proposed relocation of Building D of the Ray Farm Condominium development and associated site improvements off of Ray Farmstead Road. C-3, Epping Road Highway Commercial zoning district
Tax Map Parcel #47-8 and #47-8.1
Planning Board Case #22-3.

Ms. Belanger and Mr. Kennedy recused themselves. Alternates Hubbard and MacLeod were activated.

Chair Plumer read out loud the Public Hearing Notice.

Mr. Sharples noted the case was ready for review purposes.

Vice-Chair Brown motioned to open Planning Board Case #22-3. Ms. English seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Attorney Tim Phoenix noted that Jon Shafmaster and Kat Morrill from Millenium Engineering were present with Bill Blackett from CKT and Willey Creek. He noted that Attorney Ed Ford and Attorney Chris Hilson were also present to discuss pending litigation. Attorney Pheonix reviewed the history of the approval of the four buildings A, B and C and D in another location. He noted the applicant wished to relocate Building D at the end of the TIFF road. There are variances pending for use. He noted there would be a multi-family site plan, lot line adjustment and conditional use permits for wetlands and

42 shoreland. He noted there would be waivers for school and recreation impact fees and a reduced
43 recreation area waiver request.

44
45 Kat Morrill showed the new proposed location of Building D and the proposed lot line adjustment to
46 acquire additional land from CKT. She noted the access using the town right of way and tapering to a
47 24' driveway. She referenced the proposed connection for access between buildings C and D and
48 emergency vehicle turnaround. She noted utilities will continue off Ray Farmstead Road allowing
49 connection of water and sewer. She referenced one large wetland crossing and the need for two
50 conditional use permits. She referenced the crossing and buffer and noted the crossing was preferred.
51 She noted 1800 SF of direct wetland impact and that there would be a dredge and fill permit. She
52 referenced the existing metal culvert which would be replaced with a 5'x14' open bottom box culvert
53 which is better for wildlife and will be evaluated further through the state permitting process. She
54 showed Watson Brook which is perennial until the culvert. She noted Building D would be outside the
55 shoreland buffer and noted the stormwater feature and slope to be revegetated which were in the
56 shoreland buffer. She noted the applicant went before the Conservation Commission on Tuesday for
57 the CUPs and had a site walk. She noted they are going to reevaluate the boardwalk and 2'x4' bridge
58 and make a path. She noted the trail system which Conservation would like to fit better with the natural
59 area, boulders and significant trees. She noted there would likely be reduced parking impact because of
60 new legislation which reduces the number of parking spaces required. There are 36 spaces under the
61 building and two handicapped and EV spaces would be on the ground. She posted the building site plan
62 and noted a mailbox in the first-floor lobby. She showed the draft landscape plan and turning detail for
63 fire trucks.

64
65 Chair Plumer opened the hearing to public comment at 7:26 PM.

66
67 Marty Kennedy of 7 Willey Creek noted he is on the Condominium Association board and has had
68 significant concerns since April. Residents don't want to be caught in litigation and prefer the wooded
69 area be left alone. The 50' ROW is in dispute and there are concerns about the rights to the Carlisle
70 property being developed and additional traffic to the adjacent parcel. He noted concerns with
71 pedestrian safety on Epping Road and no gaps for a safe pedestrian crossing. He noted there would be
72 350 units in a one-block segment of Epping Road plus the draw of the trail system. He noted there is a
73 piece needing further approval for sidewalks, a short segment before the Mobil Station. The residents
74 want the trees to be taken down marked so they can see which will be cleared. He noted residents are
75 older and there will be construction debris and trucks. Building A will get dirty, and he would like a
76 condition that it be power washed at their expense, as needed. He requested a more strenuous
77 inspection because there have been issues with the other buildings. He noted the TRC meeting was
78 awhile ago and wondered if they had gone back with resubmitted plans. He will provide a list of 30
79 items to the Board.

80
81 Attorney Russ Hilliard representing Scott Carlisle referenced a letter dated June 6 from Attorney Driscoll.

82
83 Attorney Joe Driscoll noted he represents the Exeter Select Board and discussed the extension of the
84 TIFF road and Ray Farmstead Road and the June 6 letter and the Judge's decision that the town has no

85 ability to accept the extension of the road as a town dedication. Mr. Carlisle lacks the authority to
86 dedicate it to the town. The Select Board is satisfied with the agreement.

87
88 Patricia Evans of Ray Farmstead Road noted she did not understand what the attorney explained and
89 doesn't want a private driveway that will become the condominium's financial burden if Carlisle uses it
90 to access future development. Attorney Driscoll explained that the town has no rights beyond what the
91 town owns and no ability to control a private driveway.

92
93 Attorney Chris Hilson noted the balance of the private easement cannot be improved by the town. He
94 noted the project was approved with the fourth building in another position. The condominium
95 association would have been responsible for that other access and would need a mutual maintenance
96 agreement to share costs. There is nothing the applicant can do about traffic on Epping Road; the
97 project has already been approved they are just moving the building.

98
99 Vice-Chair Brown noted that Attorney Hilson raised a good point and asked if the applicant could
100 provide the net delta on how much shorter the access would be than the other location. He noted there
101 are 32 residents paying condominium fees for common areas. Mr. Blackett noted that the expense
102 would not be solely on the condominium association, there would need to be a maintenance
103 agreement. Vice-Chair Brown noted any future development by Mr. Carlisle was speculative at this
104 point and not the application in front of the Board.

105
106 Richard P. of 7 Willey Creek noted the maintenance cost of one section versus another is irrelevant if
107 Mr. Carlisle has to come across, that's where the issue would come in. He questioned the width of the
108 road with heavier traffic on it.

109
110 Eileen T. of 24 Willey Creek Road disagreed that it's not the same as the old location that didn't have an
111 easement on it. They have to negotiate with Carlisle to come to you with something equitable and pay
112 attorney's fees. She noted she wanted the town to guarantee no access to the Carlisle property and
113 would rather it be a public road. Vice-Chair Brown explained that the town already tried to make it a
114 public road and was unsuccessful. She questioned if there could be restrictions on residential use and
115 weight limits for vehicles.

116
117 John P. of 7 Willey Creek Road noted development could be sizable, a hotel or a brewery and carry
118 constant equipment day or night.

119
120 Herbert Schalock noted he is a member of the condominium board and expressed concerns with the
121 parking for the new building and stairs from lower to higher levels. The residents are in their 70s and
122 80s and will have to go up a grade. Attorney Phoenix noted the primary parking is beneath the building
123 and as Kat Morrill mentioned there is a state law with less parking impact. There may only need to be
124 one space per unit. Private property owners have a right to develop, and the Carlisle easement has
125 existed for over 100 years, and he has the right to access his property over it. That is a private issue not
126 before this Board. He referenced the existing approval, and three buildings approved without offsite
127 improvements for Epping Road. The construction management plan will control tree removal and dust.
128 The Conservation Commission he noted is looking for a path not a concrete sidewalk. The building has

to be built in compliance with town regulations. New residents will also pay condominium fees and that is a private issue not before the Planning Board.

Vice-Chair Brown asked the difference in the roadway lengths and Kat Morrill indicated the roadway is 500' and there is not a significant reduction it is comparable.

Ms. Martel requested a pedestrian plan to access the trail network and trail markers. Ms. Morrill noted it is not mapped and seasonal. Ms. Martel requested 10 more canopy trees and evergreens to provide shade in the parking lot. She did not recommend planting in the wetland areas. She asked about plowing. Ms. Morrill referenced the license agreement to allow truck turnaround and that it would be similar to the existing.

Ms. English asked about a lighting plan and Ms. Morrill noted it was being updated. She requested that lighting be kept out of the wetlands. Ms. English asked about the two wide strips on the plan and Ms. Morrill referenced the sidewalk and center line of pavement. Ms. English noted it was not shown on the site plan, sheet 6.

Ms. English asked if the 100' and 150' buffer lines could be labeled. Ms. Morrill noted the site plan doesn't show shoreland. Ms. English noted 20,000 SF in shoreland impact is a lot.

Ms. Martel reviewed the Conservation Commission memo with their proposed conditions and also requested that signage be provided for low salt areas.

Attorney Phoenix noted the wetland impacts are less with this design. Ms. Morrill noted the shoreland impacts and 14,750 of temporary impact and water quality improvement where the stormwater treatment is.

Chair Plumer took a short break to ask the next case to continue as it was getting late.

Ms. Morrill discussed the waiver requests for 100% of the school impact fees, 75% of the public recreation impact fees which as the same as granted for Buildings A, B and C. She referenced the request for less than required recreation area. Ms. Martel asked about age restriction units.

Ms. Martel motioned after reviewing the criteria for granting waivers that the request of Willey Creek, Planning Board Case #22-3 for a wavier from 100% of the school impact fees be approved with the same conditions of the 7/25/2019 approval. Mr. Hubbard seconded the motion. A roll call vote was taken, all were in favor, the motion passed unanimously.

Ms. Martel read the prior decision and proposed the condition for the pedestrian circulation plan and trail markers. Vice-Chair Brown noted it would be better suited to the next waiver request. Mr. Blackett noted fees are for overburdening the existing recreational facilities. There are always going to be trails there. Ms. English questioned the "miles" of trails around Buildings A-D. Attorney Phoenix noted a lot of Shafmaster's other properties are undevelopable steep and wet.

Sam MacLeod asked about parking for 4-6 cars. Mr. Blackett noted that it was a question for the condominium association. Vice-Chair Brown noted the association doesn't own this piece yet. Attorney Phoenix noted the additional liability and again requested to approve what was before.

Sam MacLeod noted the town just purchased a van so seniors could participate in more senior activities. Ms. English noted that Riverwoods had added space for the public to access their trails. Ms. Martel noted she would like to hear the criteria on this one.

Ms. Morrill reviewed the findings in 13.7 concerning public health, safety and welfare not injurious to other properties and noted they are just moving the building. She noted \$925,000 in recreational improvements per the earlier approval. Vice-Chair Brown asked if anyone knew the cost and the CFO for Willey Creek indicated over \$1 million dollars. Attorney Phoenix indicated the clubhouse, trails, sidewalks, fitness room, patios and grilling areas.

Ms. Morrill reviewed 13.7.3, shape, topography and hardship. Attorney Phoenix indicated it was the same.

Ms. Morrill reviewed 13.7.4 not contrary to spirit and intent and Attorney Phoenix indicated the cost and nature of the infrastructure.

Ms. Morrill noted it would not vary the provisions of zoning or the master plan. Attorney Phoenix added that no zoning relief was required.

Vice-Chair Brown noted he is willing to grant that waiver because of what they have provided and that 75% is appropriate.

Ms. Martel motioned after reviewing the criteria for granting waivers that the request of Willey Creek, Planning Board Case #22-3 for a waiver from Section 11.7.1 regarding payment of impact fees that a 75% waiver be approved. Vice-Chair Brown seconded the motion. A roll call vote was taken, Mr. MacLeod voted nay. The motion passed 5-1-0.

Ms. Morrill reviewed the request for a waiver for reduced recreation area and noted the same criteria.

Ms. Martel asked how much was required and how much reduction there would be. Ms. Morrill noted she did not have those numbers and referenced the concept of the waiver the trails and recreation space provided and total square feet per unit required.

Ms. Martel asked to apply the condition that the pedestrian circulation plan be mapped and provided to planning staff for approval, including trail markers or way finders.

Vice-Chair Brown questioned what would quantify a trail on a map, and for this site or the whole project? He noted he did not think they could require that of the other property not owned by the applicant.

Attorney Phoenix noted most trails were created by the public, the former building D area won't be developed, and he didn't know how valuable the trailhead map would be because it is separate but because it is part of the whole property approval.

Ms. English noted they haven't walked out there.

Ms. Martel noted that it seems contradictory to ask for this waiver but not show us where it is. Vice-Chair Brown noted they are limited to the property before the Board. Ms. Martel indicated she would like to see a pedestrian circulation plan. Ms. Martel noted a stone dust trail with stabilizer could be used for the path between the buildings. Mr. Sharples indicated 400 SF required per unit with 32 units would need 12,800 SF of recreation area. Attorney Phoenix noted that buildings C and D are part of the overall development this will be part of. He referenced the DTC Lawyers letter from 2018. Vice-Chair Brown noted the area could be an unimproved open space. Mr. Blackett noted most of the area available was in the wetland buffer. Ms. Morrill noted the grilling spaces and patios add to the wooded areas that they can walk on. Attorney Phoenix referenced the 2018 approval with the 3,500 SF clubhouse, 11,735 SF of sidewalk, 3,120 TIFF sidewalk and a total of 16,000 SF which he stated is very adequate for the condominium association when done but he could not tell how much of it is on this particular lot. Vice-Chair Brown noted it was very little.

Vice-Chair Brown motioned after reviewing the criteria for granting waivers that the request of Willey Creek, Planning Board Case #22-3 for a waiver from Section 11.3.4 of the site plan and subdivision regulations to provide less than required recreation area be approved. Ms. Martel seconded the motion. A roll call vote was taken, Ms. Martel and Ms. English voted nay. The motion passed 4-2-0.

Ms. Morrill reviewed the application for wetland CUP and noted that while some impacts are expected to be reduced, what is shown on the plan is the maximum. She reviewed the criteria and noted the design is permitted in the zoning district, there is no alternative design that has less impact. She noted the better access, improved open bottom box culvert, change from the previous entrance design, function and values report of the wetland scientist and stormwater treatment. She noted the Conservation Commission's proposed condition that the higher-level ecosystem be protected by the condominium documents, the restoration proposal and revegetation where required. She reviewed the other permits which will be provided prior to construction.

Ms. Martel motioned after reviewing the criteria for granting a wetlands conditional use permit that the request of Willey Creek, Planning Board Case #22-3 for a wetlands conditional use permit be approved with the following conditions:

- 1. To reduce impacts associated with the pedestrian trail connecting Buildings C and D and retain a natural and limited use of buffers to extent possible.***
- 2. To protect from further development the original Building D location in perpetuity in the condominium documents.***

Mr. Hubbard seconded the motion. A roll call vote was taken, all were in favor, the motion passed 5-0-0.

Vice-Chair Brown returned to the meeting table.

Ms. Morrill reviewed the criteria for the shoreland conditional use permit application. She referenced the access road impacts, grading and stormwater management features and the potential to reduce parking. She reviewed the criteria:

Surface water tributary – noting the stormwater management system, access to building, water quality, 100' setback of the building and treatment of runoff, best management practices for erosion control and restoration. She indicated there would be no wastewater, hazardous or toxic waste. The property will be served by sanitary sewer at the town treatment plant.

Spawning or wildlife habitat – she referenced the improvement of the open bottom box culvert, restoration and stormwater treatment elements.

9.3.4 – Ms. Morrill noted this complies with the shoreland ordinance.

9.3.1 purpose of the district – she noted it will protect and enhance treatment of stormwater entering the Squamscott River, the habitat, recreation trails and restoration. She indicated she would provide a written attachment for this as required.

Ms. Martel motioned after reviewing the criteria for granting the shoreland conditional use permit that the request of Willey Creek, Planning Board Case #22-3 for a shoreland conditional use permit be approved with the following conditions:

- 1. Reduce parking and associated impacts in the shoreland buffer to the greatest extent possible.***
- 2. Additional landscaping plan be provided specifying the seed mix for restoration of the disturbed areas and submitted plant list be revised to include only native plants.***
- 3. Temporary impacts within the shoreland buffer meet 85% revegetation upon completion of project.***
- 4. To minimize salt usage on the access road, specifically the wetland crossing, and to add signage at the wetland crossing to this effect.***

Chair Plumer asked about snow plowing. Ms. English recommended looking into a barrier fence.

Mr. Hubbard seconded the motion. A roll call vote was taken, all were in favor, the motion passed 6-0-0.

Ms. Morrill reviewed the lot line adjustment. She posted the plan and showed the lot line to be removed (the M shape on the right of the plan) with the line to be moved down where Building D will now sit below Ray Farmstead Road. She noted the addition comes from the lot owned by CKT, combined will be 15.75 acres.

Ms. English moved that the request of Willey Creek, Planning Board Case #22-3 for a lot line adjustment approval be approved. Mr. Hubbard seconded the motion. A roll call vote was taken, all were in favor, the motion passed 6-0-0.

Marty Kennedy suggested scheduling a site walk. Vice-Chair Brown indicated the Conservation Commission had a site walk and he, Chair Plumer and Ms. English had visited the site. Vice-Chair Brown noted he had see the property since development. He noted there is a lot of concern about the Carlisle easement and driveway and impact to condominium property owners financially which he felt would be addressed if and when Carlisle comes forward with a project. He noted it was not appropriate to speculate and didn't think the Board could require them to build this road to public specifications.

Vice-Chair Brown asked if the applicant had returned to the Technical Review Committee (TRC) and Attorney Phoenix indicated, no, that it could be a conditional approval.

Vice-Chair Brown noted that Mr. Kennedy brought up legitimate issues not in the purview of the Planning Board.

Chair Plumer read the standard conditions of approval:

1. An electronic as-built plan with details acceptable to the Town shall be provided prior to the issuance of a certificate of occupancy. This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 feet coordinates;

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

- i. the SWPPP (storm water pollution prevention plan), if applicable, be submitted to and reviewed for approval by DPW prior to the preconstruction meeting; and
 - ii. A project schedule and construction cost estimate.

3. Third party construction inspection fees shall be paid prior to scheduling the preconstruction meeting.

4. The Annual Operations and Maintenance Report in the Stormwater Operatins and Maintenance Manual shall be completed and submitted to the Town Engineer annually on or before January 31st. This requirement shall be an ongoing condition of approval.

5. All comments in review letters of UEI dated 6/10/25 and TRC letter dated 4/9/25 shall be addressed to the satisfaction of the Town Planner and Town Engineer, or their designee, prior to signing the final plans.

6. All condominium documents including the declaration and bylaws shall be submitted to the town planner for review and approval prior to signing the final plans. Condominium documents to include maintenance requirements for all stormwater practices shown on the plans and other applicable conditions of this application. In the event the town planner deems review is required by the town attorney, this review shall be paid for at the applicants' expense.

349 7. All applicable state permit approval numbers shall be noted on the final plans.

350
351 8. All applicable fees to be paid including, but not limited to sewer/water connection fees, impact fees
352 and inspection fees (including third party inspection fees) prior to the issuance of a certificate of
353 occupancy.

354
355 9. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be
356 replaced, no later than the following growing season. as long as the site plan remains valid.

357
358 10. All outdoor lighting (including security lights) shall be shown on the final plans and shall be down lit
359 and shielded so no direct light is visible from adjacent properties and/or right of ways.

360
361 11. The applicant shall submit the land use and stormwater management information about the project
362 using the PTAPP online municipal tracking tool. The PTAPP submittal must be accepted by DPW prior to
363 the preconstruction meeting.

364
365 Attorney Phoenix requested a copy.

366
367 Vice-Chair Brown read out loud the additional conditions:

368
369 12. Age restricted as previously discussed.

370
371 13. This approval is considered condition subsequent meaning there would be no more Planning Board
372 meetings required provided the applicant adheres to the conditions of this approval.

373
374 14. Plan shall adhere to the notes by the Conservation Commission letter dated 6/12/25.

375
376 15. If possible, sidewalks be added to the interior of the site.

377
378 Vice-Chair Brown noted he would like to see improvement without triggering the ADA requirement of a
379 sidewalk up to that threshold to the satisfaction of the Conservation Commission or their
380 representative, Conservation and Sustainability Planner, Kristen Murphy.

381
382 16. Minimize impact on Building A during and post construction and require applicant to meet with
383 existing condominium owners to satisfy their concerns.

384
385 17. Minimum of 10 canopy trees with three-inch caliper be added to the plan.

386
387 18. Applicant shall submit a lighting plan for review by the town's representative UEI that shows no light
388 trespass on the wetlands.

389
390 19. All conditions and plan sets are subject to UEI acceptance and review.

391
392 20. A completed landscape plan showing plants and snow storage.

Ms. English recommended going through the plan index.

Attorney Phoenix noted that the condominium documents had been reviewed by counsel and asked if they needed to be reviewed again and Vice-Chair Brown answered so long as there are no changes.

Ms. English motioned that the request of Willey Creek, Planning Board Case #22-3 for a multi-family site plan application be approved with the conditions outlined by the Board. Vice-Chair Brown seconded the motion. A roll call vote was taken, all were in favor, the motion passed unanimously 6-0-0.

2. The application of Foss Motors for design review of a proposal to demolish the existing building located at 133 Portsmouth Avenue and construct a new 36,500 square foot car dealership with expanded parking, vehicle display area and associated site improvements.

C-2, Highway Commercial zoning district

Tax Map Parcels #52-110, #52-111 and #52-112-2

PB Case #25-4.

Vice-Chair Brown motioned to continue Planning Board Case #25-4 to June 26, 2025 at 7 PM at the Nowak Room of the Town Office Building. Mr. Hubbard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Kennedy and Ms. Belanger returned to the meeting table at 10:15 PM.

IV. OLD BUSINESS

APPROVAL OF MINUTES

April 24, 2025 - ***Tabled***

V. OTHER BUSINESS

- Election of Officers

Vice-Chair Brown nominated Langdon Plumer as Chair. Mr. Hubbard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Chair Plumer nominated Aaron Brown as Vice-Chair. Ms. English seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

The Board agreed to wait until Mr. Grueter was present to elect the Clerk. Chair Plumer noted that representatives were needed on committees such as the Master Plan Oversight Committee and Ms. Belanger noted the Housing Advisory Committee which meets on the 2nd Friday at 8:30 AM.

- Master Plan Discussion

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435 • Field Modifications

436

437 • Bond and/or Letter of Credit Reductions and Release

438

439 **VI. TOWN PLANNER’S ITEMS**

440 **VII. CHAIRPERSON’S ITEMS**

441 **VIII. PB REPRESENTATIVE’S REPORT ON “OTHER COMMITTEE ACTIVITY”**

442 **IX. ADJOURN**

443 Chair Plumer adjourned the meeting at 10:20 PM.

444 Respectfully submitted.

445 Daniel Hoijer,

446 Recording Secretary (Via Exeter TV)