

**TOWN OF EXETER
PLANNING BOARD
NOWAK ROOM
10 FRONT STREET
AUGUST 28, 2025
DRAFT MINUTES
6:30 PM**

I. PRELIMINARIES:

BOARD MEMBERS PRESENT BY ROLL CALL: Acting Chair Aaron Brown, Gwen English, John Grueter, Nancy Belanger, Select Board Representative, Alternate Marty Kennedy, Alternate Dean Hubbard, and Alternate Sam MacLeod.

STAFF PRESENT: Interim Town Planner Carol Ogilvie, Assistant Town Manager Melissa Roy

II. CALL TO ORDER: Acting Chair Brown called the meeting to order at 6:30 PM, introduced the members, and activated the three Alternates.

III. NEW BUSINESS:

1. Second Public hearing on the 2026-2031 Capital Improvements Program (CIP) projects as presented by the Town Departments. Copies of the proposed document(s) will be available at the Planning Department Office prior to the meeting.

Interim Town Manager Mellisa Roy noted that the Board could ask additional questions or vote to move the CIP forward to the final phase.

Ms. English motioned to recommend the draft CIP for fiscal 2026-2031, as drafted, without any changes, be moved to the Budget Recommendations Committee and Select Board. Mr. Grueter seconded the motion. A vote was taken, Ms. Belanger abstained, the motion passed 6-0-1.

2. The continued public hearing on the application of Caley Associates for site plan review and a Shoreland Conditional Use Permit for the proposed redevelopment of the property at 97 Portsmouth Avenue. The developer is proposing to demolish the existing Blue Ribbon Dry Cleaners building on the site and construct a multi-use building to include commercial space, amenities, and 14 residential units with parking and associated site improvements.

C-2, Highway Commercial zoning district

Tax Map Parcel #65-125

Planning Board Case #25-3

Acting Chair Brown read the public hearing notice out loud.

Interim Town Planner Carol Ogilvie submitted a memo dated August 20, 2025 in which she noted the applicant submitted new plans on August 18, 2025 relevant to the handicap parking space and another additional space added, moving the sidewalk, sewer line to the proposed coffee bar, lighting plan, planting plan. She noted one of the 14 proposed residential units would be required to be affordable and will require a condition of approval. The applicant is requesting two waivers as outlined in their June 24, 2025 letter. The applicant presented their Shoreland CUP to the Conservation Commission on July 8, 2025 (see Memo dated 7/10/25).

Attorney Josh Lanzetta indicated that Christian Smith was on his way up.

Vice-Chair Brown opened public comment.

Attorney Chris Hilson of DTC Lawyers noted he represented REL and had a number of concerns. He stated that the intensity of use proposed for the undersized lot, traffic flow, pedestrian flow, and traffic as proposed would require offsite parking at BankProv and REL's strip mall. There is a cross-parking easement from 1964. He noted this parcel had been chopped up after being one lot, putting a lot in between so that it is not adjoining. He argued that the intent of the easement was not for permanent or overnight parking and that people are not going to walk down Portsmouth Avenue, they're going to drive. He argued that they were not going to create a neighborhood on this lot and that it will overburden the easement. He noted his client's rights under the easement and argued it would render his rights under the easement useless. He argued that not having enough parking would harm someone else's property rights and asked the Board to deny approval. He argued that a small undersized lot was grabbing a bunch of parking spots for its exclusive use and that is not what the cross easement is designed to do. Attorney Hilson argued that as configured, it doesn't create a walkable, cyclable neighborhood.

Acting Chair Brown asked the Board if everyone got the letter from BankProv and noted it was challenging for the Board to get a letter like this less than 24 hours before the hearing.

Attorney Todd Fahey of Upton and Hatfield stated that he wrote the letter and questioned the regulations of site plan review. He stated that he shared in Attorney Hilson's view on behalf of the bank relate to the scope and size of the project. He argued there would be traffic and pedestrian safety issues with too much on a very small lot. He argued there would be 28 cars for 14 residential units and that common sense couldn't be checked about what's really going to happen. He argued there would be snow issues which will leave parking spaces unusable. He noted BankProv joined on the views on the easement and would like an explanation of traffic flow and parking once the plan is presented.

Jeff Gilbert noted he was an attorney and one of the owners of the REL plaza for 20 years and felt that 6-7 parking spaces were being stolen and expressed concerns with safety. He expressed concerns with intensity and utilizing his parking spaces. He recommended ten units so that parking could be on site and that no use of reciprocal easements be allowed to satisfy parking requirements. He noted public safety issues are very real. Mr. Gilbert stated that the spaces are for occasional use and not intended to be permanent or become the property of the development. He stated that they will park in our lots and cross drive lanes. Mr. Grueter asked if the intent was written in the easement. Attorney Hillson read

86 “adjoining premises of the grantor” and noted the drycleaner was created in 1965 and DOT wants
87 shared entrances. In 1971 it was taken from his client and put back on record in 1993. Acting Chair
88 Brown asked if his client could deny the applicants from utilizing the parking and he indicated it was
89 overburdening the easement and not for overnight parking but for mobilized patrons.

90
91 Mr. Kennedy asked about the document and whether the bank could put signs up. Ms. English noted
92 there would be issues monitoring with signs. Ms. Belanger noted she had not seen the document and
93 Mr. Smith noted it was sent in June after the Technical Review Committee meeting.

94
95 Ms. Belanger noted the parking lot is not municipal, but private.

96
97 Mr. McLeod noted the number of spaces used by Margaritas on a Friday/Saturday night.

98
99 Acting Chair Brown asked the applicant to address the easement. Attorney Josh Lanzetta noted he
100 submitted the easement language in the packet and questioned if Margaritas redeveloped it violates the
101 rights of the other parcel. He noted the easement language is intentionally broad and the benefit works
102 both ways as a property right that runs with the land. He noted the easement was re-established and
103 re-asserted and the title chain. He noted the condition of the BankProv property which has a mulch bed
104 and is not utilizing parking they could be using on their lot. He felt that there should have been an
105 access and maintenance agreement. He noted the footprint was not changing, it is the same as the
106 drycleaners. He noted the hours of the coffee bar would be complimentary to Margarita’s lunch and
107 dinner and have a morning crowd. He noted there is plenty of unused parking at both Margaritas and
108 BankProv.

109
110 Attorney Josh Lanzetta noted that he was unsure how the intensity argument is going to quash any
111 parking right in New Hampshire. The easement allows parking for all of these properties. BankProv
112 customers can park at the drycleaners, Margartias can park on the BankProv property, it is reciprocal.
113 There is nothing in the easement that says that it can’t. He noted he worked with the Planning
114 Department to utilize MUND specifically and that the town is trying to make the area more walkable and
115 that it is only 2-3 blocks to the hospital. He stated that occasional use isn’t in the easement language,
116 temporary use isn’t in the easement language. He noted safety is a word that gets batted around a lot
117 in order to stop action in his experience. There is a way to stripe and sign the three lots to create
118 pedestrian ingress and egress in a safe manner. He did not think blending parking and safety go
119 together, they are separate issues. He noted all assigned parking is on site, on the property. There is
120 nothing stopping patrons from Margaritas from parking overnight. The idea of temporary or occasional
121 does not exist and if the owners wanted that to exist, they should have negotiated it or written a new
122 easement and have had chances to do that. The document is recorded at the Registry of Deeds. He
123 noted the smaller residences NH is trying to develop and in the Town. One car per unit is the new
124 standard and there is no case law challenging that yet so talking about another standard just as
125 asserting they have a property right, we are asserting that we have a property right and are able to use
126 this easement as it has been established. Just because it wasn’t utilized in this way before, over time,
127 means nothing. Things do change and the law would allow this to happen. He noted 14 residential units
128 all have designated spots in the rear of the property with four more temporary spots for
129 business/commercial spaces out front. He noted they will reduce the seat count of the coffee bar to 18

130 to remove the need for four temporary spots or offsite parking. Mr. Kennedy asked if the spots in back
131 will be posted and Mr. Smith noted no signs are planned.

132
133 Mr. Smith explained the variance from the Zoning Board of Adjustment for encroachment on building
134 setbacks. He noted the residential parking requirements in the Mixed-Use Neighborhood Development
135 are for one space per unit. He couldn't envision the residents parking in the REL parking lot overnight.
136 Ms. English noted MUND must facilitate comfortable pedestrian travel and accommodate safety for
137 pedestrians and bicycles. Mr. Smith noted the rear of the building has all the parkin and then in front of
138 the dry cleaner 7 perpendicular stalls, 14 spaces are designated to residents and there are additional
139 spaces that one should anticipate should be open overnight.

140
141 Ms. Belanger noted that it was brought up at the site walk (August 13, 2025) that the coffee bar might
142 be an office. Mr. Smith noted it was unknown; it would probably be retail.

143
144 Mr. Grueter asked if the coffee bar could be eliminated for more parking. Mr. Smith noted it would be
145 up to the developer and noted he received a review letter from Underwood Engineering the town's
146 reviewing consultant and submitted his response at the end of the day today. The catch basin may need
147 to be vacuumed out at the end of the project and added a note. He discussed tying into the sewer and
148 line to the existing catch basin. He conferred with the Sater and Sewer Superintendent and there is no
149 capacity issue. He noted some minor spill over of lumens in the lighting plan which would be washed by
150 the other lights in the parking lot that are not dark sky compliant on other properties. Ms. English asked
151 If he could work to reduce that to zero.

152
153 Ms. English questioned the traffic flow in the back and questioned if the Manor blocked that. Mr. Smith
154 noted traffic could go around the bank or through the Manor property. Mr. Grueter asked if that were
155 part of the easement. Mr. Smith noted Manor traffic goes through the subject property. Mr. Kennedy
156 questioned if the easement prohibited the Manor from blocking it off and Attorney Josh L. indicated it
157 cannot be obstructed and has been used for a long time.

158
159 Mr. Smith presented the plan revisions. He noted that a stall was added in front, the sidewalk was
160 eliminated on the north side of the property, a retaining wall now extends around and there is a new
161 sidewalk along the parking and access/exit tying into Portsmouth Avenue with handicapped access. He
162 noted sidewalk along Portsmouth Avenue providing a connection to that parking near the sidewalk and
163 to the other easement using that sidewalk.

164
165 Mr. Smith reviewed the CUP in the Shoreland zone and reduction in impervious surface which is another
166 reason for lack of pavement out front.

167
168 Attorney Fahey stated that the easements require reasonable use and pointed to a property line
169 encroachment on the plan. Mr. Smith noted it was landscaping in the painted pedestrian walkway
170 adjacent to the drycleaner on the bank's property. Attorney Fahey stated that treated snow cannot be
171 in the shoreland protection area and four spaces are not available for housing snow. He argued that
172 more snow equals less parking, and they can't plow into the Manor or BankProv lots.

Leann Corning, Senior VP of Client Experience at BankProv questioned signs not being followed and noted that while they don't currently use their back lot, they have an agreement to be acquired at the end of the year so there is no guarantee the new owner won't use those spots for employees. She noted the flow of traffic concerns with the drive through and stop sign. Ms. English asked where most people entered the bank on Margarita's side or the dry cleaner and Acting Chair Brown stated that he always enters closer to Margartias.

Janet Spinelli stated that the Manor is no longer part of the easement and referenced the July 10 minutes.

Attorney Hillson questioned if it would be in the condominium by-laws to confine parking to that lot. Acting Chair Brown stated that they did not say that at all, they were not going to utilize their rights but on a temporary basis.

Acting Chair Brown closed public comment at 8:28 PM.

Ms. Belanger noted she would like to see the UEI memo and response, discuss sidewalks and traffic flow.

Ms. English expressed concerns with overflow of light, correcting the landscape plan and tree on Portsmouth Avenue frontage, making sure to use native species and wanted to know more about the easement with the Manor. She asked about the trees coming out when the building is demolished and indicated no replacement is proposed now.

Mr. Mcleod noted that someone who doesn't drive could have a real need filled with access to restaurants and shopping. He was not fully comfortable with pedestrian traffic.

Mr. Hubbard noted there are seven spaces in front and 13 in back.

Mr. Kennedy questioned snow removal/plowing.

Acting Chair Brown understood the coffee shop is someone's vision and if it works it works. More time on access would be helpful and clarification with the Manor easement. Mr. Smith noted the easement includes all four parcels and will forward it to Barbara McEvoy.

Ms. Belanger moved to continue Planning Board Case #25-3 to the Planning Board's September 11, 2025 meeting at 7 PM at the Nowak Room. Ms. English seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

Ms. Ogilvie indicated 65 days were up on the 13th so if continued make an agreeable extension.

3. The application of Sonny Iannacone for a Wetlands Conditional Use Permit (CUP) for the proposed construction of a 25' x 30' addition to the rear of the existing residence located at 18 Ashbrook Road. R R-2, Single Family Residential zoning district

Tax Map Parcel #90-30

Planning Board Case #25-5.

Acting Chair Brown read the public hearing notice out loud and asked Ms. Ogilvie if the case were ready to be heard and she indicated yes.

Ms. Belanger motioned to open Planning Board Case #25-5. Ms. English seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

Mr. Iannacone indicated he purchased his small home in 2023 and has a narrow hall to a small bathroom and wanted a 25'x30' addition.

Acting Chair Brown noted he has been to the Conservation Commission and referenced Ms. Murphy's memo recommending approval with conditions that the temporary disturbance area be reseeded and to stabilize soils. He noted the fertilizer requirements. Ms. English noted fertilizer could be used to get started but he should reach out to Kristen Murphy.

Ms. Belanger motioned after reviewing the criteria for a wetlands conditional use permit that the request of Mr. Iannacone, Planning Board Case #25-5 be approved with the conditions in the Conservation Commission memo of Kristen Murphy dated August 4, 2025 to reseed disturbed areas and stabilize the soil. Mr. Hubbard seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

IV. OLD BUSINESS

APPROVAL OF MINUTES

June 12, 2025 – ***Tabled***

August 14, 2025 - ***Tabled***

Ms. Belanger motioned to table approval of the minutes of June 12, 2025 and August 14, 2025 to the Planning Board's next meeting on September 11, 2025. Ms. English seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

V. OTHER BUSINESS

- Master Plan Discussion

Acting Chair Brown urged members of the Oversight Committee to get back on schedule with meetings. He noted connectivity is one of the items on the to do list and referenced the Bike & Pedestrian Master Plan.

Acting Chair Brown noted that typically Mr. Sharples would guide the Board with vetting potential changes to the ordinance.

- Field Modifications
- Bond and/or Letter of Credit Reductions and Release

Ms. Ogilvie noted she would have more information on a request for \$14,000 bond reduction from the HOA at 78 Linden Street for three items which the developer never did.

VI. TOWN PLANNER'S ITEMS

VII. CHAIRPERSON'S ITEMS

VIII. PB REPRESENTATIVE'S REPORT ON "OTHER COMMITTEE ACTIVITY"

IX. ADJOURN

Mr. Grueter motioned to adjourn the meeting at 9:16 PM. Acting Chair Brown seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Respectfully submitted.

Daniel Hoijer,
Recording Secretary (Via Exeter TV)