

**TOWN OF EXETER
PLANNING BOARD
NOWAK ROOM
10 FRONT STREET
SEPTEMBER 11, 2025
APPROVED MINUTES
7:00 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, and Alternate Sam MacLeod.

STAFF PRESENT: Interim Town Planner Carol Ogilvie

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

III. NEW BUSINESS:

1. 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.

Attorney Josh Lanzetta and John Lord of Beals Associates were present to represent the applicant. The updated plan was submitted and there were no additional Underwood Engineering, Inc. comments. Attorney Lanzetta noted that he resent the easement document, and the applicant changed the seat count of the coffee bar. He noted the application was fully compliant but for a waiver request for the pedestrian way so that it could match the existing sidewalk.

Mr. Grueter asked if the space between the building and the bank was worked out.

Attorney Lanzetta indicated vehicles would enter and exit on the Blue Ribbon lot and go around the back of the bank. There are other ways from the Margarita's lot and McLean Manor. He noted that he received an email from the owner of Blue Ribbon Dry Cleaners who noted people have been utilizing the access for decades. They have prescriptive rights. He noted that the bank uses the Blue Ribbon

property to exit onto Portsmouth Avenue they have a symbiotic relationship and there is no change to the flow of traffic and there is not an enormous increase.

Acting Chair Brown reported that the Board had received a couple of letters. Mr. Hillson summarized his letter concerning the title to the three lots and stated that there is no easement for ingress and egress through the Manor property. He indicated that he spoke to the Attorney for the Manor property. He argued that the subdivision in 1971 did not reserve benefit to the Blue Ribbon property. He expressed concerns with what he described as every square inch being consumed and that they would need 20 more spots. He explained that three lots were subdivided from one in 1964 and the leases at 1743-174, 1743-166, 1879-110 and that the easement was granted by the tenant of the lot who had no authority to grant an easement. This was terminated at 5817-266. Clearly they have been using it for many years. REL objects to the configuration and this plan forces parking offsite. He discussed the reciprocal easement and the benefit of adjoining property but noted that the property was no longer adjoining and it is abandoned. They subdivided the lots without reserving any right of access to the bank of the property.

Attorney Tim Sullivan indicated he represented BankProv and agreed with Attorney Hillson. He requested a continuance. He questioned the meaning of the 8/26 UEI letter on page 39 parking "actively discussing" with the Planning Board.

Acting Chair Brown noted he was reluctant to grant the abutter a continuance and asked what was likely to change. Attorney Sullivan indicated he wanted Attorney Fahey to be here. Acting Chair Brown asked if the objection was going to change, and that he was reluctant to grant a continuance to abutters who have representation and was not convinced he would hear anything new if Attorney Fahey were here.

Ms. Belanger indicated she has concerns with McLean Manor and the easement issue being cleaned up. The area is not meant to be a roadway. It is a parking lot, not a thru-way.

Ms. English asked what would happen if the Manor prevented cars from going through, if they put up a fence it changes everything, affects parking and circulation. Mr. Grueter noted any gate would need fire department access.

Mr. Grueter indicated he could not vote until the parties have resolved the issue.

Mr. McLeod indicated he was troubled by differing opinions.

Mr. Kennedy indicated he was not convinced that parking was addressed.

Michael Segal indicated he is on the Board of Directors of McLean Manor and that Attorney Hillson was correct and there is no easement to Blue Ribbon to go through or use their property. He provided a handout. He indicated they had 18 one bedrooms and a lot have two cars. There are 18 two-bedrooms, and it is very crowded. He doesn't see how they could have proper parking. They could put up a barrier. There are children there. He wouldn't want to have this kind of traffic. Mr. Segal said there is no

question with a one bedroom with two people they will have two cars and questioned if it could be restricted in the condominium documents.

Attorney Lanzetta stated that misrepresentations were being made. He did reach out to REL and asked for a meeting for months. He disagreed with the title results. He indicated an unproductive meeting with BankProv who told them they would not concede one thing. He noted the bank requested the tear drop feature to improve aesthetics but now they don't want it. He indicated the easement was a private matter and should not affect the decision on the Board. With the reduced seat count the application is 100% compliant with the ordinance and regulations. He submitted the whole chain of title. There was a restoration at 2970-1211 and it is crystal clear.

Attorney Lanzetta pointed out that residents and commercial users can enter and exit on Portsmouth Avenue. He stated: They have a curb cut. The sidewalks are connected for pedestrian safety. Traffic flow does not change on the interior of the property. The easements were created for the benefit of these small properties. They want us to relinquish all of our rights and he objected to the abutter's request for continuance with no new information. The Board has had the title for months. All UEI comments were addressed. The coffee shop is an amenity for the residents and has enough parking. The easement arguments are a moot point, there is no issue yet. BankProv is under agreement and so we may be dealing with the wrong people. They have an enormous traffic island which could be parking. The application fully complies with the ordinance, the traffic pattern is exactly the same. The Bank's drive thru is open 8 hours a day. No one can predict human nature, and they can only provide the safest means. Regulations would need to be in the ordinance. The ordinance doesn't have specific things to dictate that. The ordinance does dictate how we produce the reduced seat count. They are directing people as best as they can. Not using what he believes is their right, we have parking rights but don't need to use them to comply with the ordinance in full.

Mr. Grueter indicated he was not comfortable with it. Acting Chair Brown indicated he was not convinced they will have proper access so he would not call that compliance. Mr. Grueter and Ms. Belanger agreed. Acting Chair Brown indicated he was troubled by the number of legal opinions and this being unresolved. The intent of the Mixed Neighborhood Urban Development is to reduce parking. He noted his issue is access.

Ms. Belanger would like to see the access ironed out before coming back. The Manor situation is troubling.

Mr. McLeod noted he is not comfortable with the easement and felt the Board needs to talk with its own counsel.

Acting Chair Brown noted the timeline issue. Ms. Ogilvie noted the time runs out in two days. Attorney Lanzetta asked for a couple of minutes to speak with his client.

Acting Chair Brown agreed it was worth getting a legal opinion from town counsel regarding parking and easements.

Ms. Belanger indicated the timeline could be continued to October 23rd. Attorney Lanzetta indicated his client was happy to extend until the 23rd so the Board can consult with town counsel.

Ms. Belanger motioned to continue Planning Board Case #25-3 to the October 23, 2025 Planning Board meeting at 7 PM. Ms. English seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

2. The application of the Exeter Presbyterian Church for site plan review of the proposed construction of an additional building, parking and associated site improvements on the property located at 73 Winter Street. The subject property is located in the C-1, Central Area Commercial zoning district. Tax Map Parcel #73-143. PB Case #25-6.

Acting Chair Brown read the Public Hearing Notice out loud and asked if the case was ready to be heard. Ms. Ogilvie indicated that it was.

Paige Libbey of Jones & Beach indicated Skip Phelps from the Presbyterian Church was present along with members of Trail Life and the Am. Heritage Group. She noted the Church has 200 seats for their sanctuary and fellowship hall. They have 26 parking spaces with overflow across the street, at the Cemetery and at Shooters. The addition proposed is a 5,000 SF sanctuary. The Church seat count will remain the same. An 11' wide exit isle will be maintained. There will be porous pavers. There is a small area leased by Shooters for a patio which will be formalized with an easement. The chain link fence will be replaced with stockade. It is close to the property line, and they want to meet the aisle width.

Acting Chair Brown motioned to open Planning Board Case #25-6. Ms. Belanger seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Ms. Ogilvie indicated two waivers were requested for HISS and grading within 5' of the property line. HISS affects the completeness of the application.

Ms. Libbey referenced sheet C3 of the plan set and noted the porous pavers double as stormwater management. Tests pits and infiltration were done.

Ms. Libbey referenced sheet C4 of the utility plan and work with DPW. There will be new utilities to the new building and the existing will remain. They will tie into water and have sprinklers.

Ms. Libbey referenced sheet L1 of the Lighting plan and noted there will be one light pole which will not impact the patio area at Shooters.

Ms. Libbey referenced the landscaping plan and additional plantings, landscape islands and decorative pavers.

Ms. Libbey explained the request for waiver from HISS mapping due to the urban developed land and modeled hydrological soil type which would have no impact on the drainage model.

Ms. Libbey explained the request for a waiver from the requirement concerning grading within 5' of the property line and indicated they would be 3' from the property line with the proposed parking lot and the grade would not change.

Ms. Libbey noted that Doug Greene from Port City Design was the architect.

Ms. Belanger asked the status of the easement deed. Ms. Libbey indicated it was not recorded.

Ms. Belanger requested a site walk. The Board agreed to 8 AM on September 25th.

Mr. McLeod questioned if CIP plans for sidewalk extensions would affect the project. Ms. Libbey will check with DPW.

Acting Chair Brown opened public comment at 7:32 PM.

Brandy Small noted her family has lived in Exeter for ten years and she volunteers with Trail Life at the Church. She noted some of the activities for the children such as field trips, sign language, karate, fire safety and scholarship so the nominal cost per year, \$140, is not a barrier. Last year the programs had 80 kids.

Robert Ficara., the owner of Exeter Bowling and Shooter's Pub expressed his support for the proposal and understood their need for space. They are operating in an old schoolhouse.

Ms. Belanger motioned to table Planning Board Case #25-6 to September 25, 2025 at 7 PM. Mr. Grueter seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

IV. OLD BUSINESS

APPROVAL OF MINUTES

June 12, 2025 – ***Tabled***

Ms. Belanger motioned to table approval of the minutes of June 12, 2025 to the Planning Board's next meeting. Ms. English seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.

August 14, 2025

Ms. Belanger and Ms. English recommended edits.

Ms. Belanger motioned to approve the August 15, 2025 minutes, as amended. Ms. English seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.

August 28, 2025

Ms. Belanger and Ms. English recommended edits.

Ms. Belanger motioned to approve the August 28, 2025 minutes, as amended. Mr. McLeod seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.

V. OTHER BUSINESS

- Master Plan Discussion

Mr. Kennedy reported that he and Mr. Brown and Mr. Grueter followed up with Scott at Rockingham Planning Commission and not much has happened since June. They will have a focus group and reach out to businesses and residents. He did not think the work would be finished by the end of the year.

- Legislative Updates

Ms. Ogilvie indicated there would be a few tweaks to the Ordinance and Regulations from recent legislative changes.

- Bond and/or Letter of Credit Reductions and Release

Ms. Ogilvie noted she has not heard back from the Homeowner's Association relative to a request for \$14,000 bond reduction from the HOA at 78 Linden Street for three items which the developer never did, so that request is on hold.

VI. TOWN PLANNER'S ITEMS

VII. CHAIRPERSON'S ITEMS

Ms. Belanger informed the Board and the Chair that the Select Board at their last meeting sadly accepted the resignation of Pete Cameron, and the vacancy could be filled by the most senior Alternate.

MS. English nominated Marty Kennedy to be a regular full member. Acting Chair Brown seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.

Ms. Belanger recommended that the Chair write a letter to Acting Town Manger, Melissa Roy, so the Select Board can get Mr. Kennedy on their agenda.

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

IX. ADJOURN

Acting Chair Brown motioned to adjourn the meeting at 8:47 PM. Ms. Belanger seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

- 253 Respectfully submitted.
- 254 Daniel Hoijer,
- 255 Recording Secretary (Via Exeter TV)