TOWN OF EXETER
PLANNING BOARD
NOWAK ROOM
10 FRONT STREET
OCTOBER 23, 2025
DRAFT MINUTES
7:00 PM

I. PRELIMINARIES:

BOARD MEMBERS PRESENT BY ROLL CALL: Chair Langdon Plumer, Vice-Chair Aaron Brown, Gwen English, John Grueter, Jennifer Martel, Marty Kennedy, and Alternate Dean Hubbard and Alternate Sam McLeod

STAFF PRESENT: Interim Town Planner Carol Ogilvie

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

III. <u>NEW BUSINESS:</u>

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

Vice-Chair Brown noted that he appreciated everyone's patience while the Board reviewed the easement situation with town counsel. He asked to limit further discussion on the easements as counsel was satisfied with the parking and access proposed by the applicant. Vice-Chair Brown noted that he would welcome feedback from the applicant and some public comment.

Mr. Kennedy noted he still believed that it will result in people parking in adjacent lots and they have a right to do that.

Ms. English agreed with Mr. Kennedy and noted the regulations require one parking space per unit and parking elsewhere is out of the Board's control. She indicated she was concerned with the traffic pattern with the entrance to the bank and having an appealing entrance to the site. She noted she had concerns with drivers and pedestrians.

Chair Plumer noted that parking was shared during different times of the day as happens in any lot in town and this provides more green and less blacktop which is appealing to the environment. Traffic patterns sometimes work themselves out.

Mr. Grueter noted the application met our standards and while they may not like it, they have no jurisdiction over those items (above).

Ms. Martel agreed that the application meets our standards but still has concerns with the Mixed Use Neighborhood Development regulations are not being satisfied, specifically:

- Pedestrian Access
- Circulation
- Bicycle Facilities
- Pages and Pages of design standards are supposed to be met, and the Board has not had the opportunity to discuss that with being focused on access and not reviewing the site plan which she believes is lacking in many ways, four meetings in.

Attorney Josh Lanzetta noted he had prepared a presentation on the easements but is hearing parking and access are not an issue of the Board and will save time but reserves the right to address that if it affects the design standards. He noted he spoke with Laura, Attorney Fahey and Attorney Hilson. He discussed the two waiver requests prior. He described meetings with TRC and town staff and engineers who asked to change the original design.

Ms. Martel reviewed the MUND requirements for pedestrian and bike facilities and circulation and doesn't see those on the site plan. She asked about raised or alternative surfaces and signage or landscape islands and believes striping is not adequate. She expressed concerns with the waiver request because it is explicitly against the intent of the MUND. She expressed concerns with grade, steep slope, pedestrian travel and not understanding the coffee kiosk. She noted the lack of handicapped and otherwise access which required people to cross grass from the parking lot steeper than the 5% allowed. She noted the intent to screen parking and asked why all parking was not out back and felt that backing up toward the bank was unsafe. She noted the architecture didn't meet MUND requirements, nor elevations.

Ms. English agreed.

Mr. Kennedy questioned whether when in the MUND district if the requirement for a CUP (Conditional Use Permit) to determine if approval was required. Attorney Josh Lanzetta noted that the overlay district is applied to the district it sits in, regardless.

Vice-Chair Brown discussed the pedestrian access and walkway in back of the building and 5' wide sidewalk. He discussed the landscaping plans and internal sidewalk to the site.

Ms. Grueter questioned if the road width was wide enough at the bank drive-up to accommodate two cars. Vice-Chair Brown referenced the site plan approved for the Nouria gas station and commented that on paper it looked conflicting but in person it is a surprise how well it works.

Attorney Lanzetta noted the history of the easements, the bank reduction and change in the prior KFC pattern which Blue Ribbon had no choice in and has existed for decades. He noted they are forced into the bounds of the lane way. Vice-Chair Brown agreed. Attorney Lanzetta noted there is no other plan and ingress and egress has been forced on this lot for decades. He discussed the waiver for the 8' sidewalk out front and noted it will look odd to have only one piece of sidewalk that doesn't match the others. He noted the applicant is amenable to signage and use of different materials and handrails for the grade. He noted the Planning staff recommended MUND and the town engineer took the proposed walkway off the plans. He described the feedback and adjustments made during the application process prior to coming before the Board. He noted that there is no way to move the building on the lot.

Ms. Martel described her concerns with the internal circulation from the expresso bar and with the steep slope of the seven parking spaces and a stone wall that a car would be opening its door into. She noted pedestrians would walk into traffic or grass and there is no thought to how people will walk across the site. She noted that ADA parking should be as close to the commercial site as possible and is far away with no access to the expresso bar. Ms. Martel noted she was curious to see the prior iterations. She recommended parking nose in and recommended taking up the grass area with parking or providing green space elsewhere.

Vice-Chair Brown noted that the town engineer is not on the Planning Board and agreed that it is frustrating. He noted he is in favor of seeing the walkway to the kiosk. Ms. Martel noted it is too steep and not accessible. She noted the walkway could zig zag as well.

Attorney Lanzetta noted the bike space can be added and the ADA spot moved. He questioned the green space requirement of MUND and screening. Ms. Martel noted lawn is not providing screening.

Mr. Grueter asked about retail on the first floor and Attorney Lanzetta noted a coffee shop. Ms. Martel noted her concerns with crossing to the expresso bar over grass and recommended a covered expresso bar because of the heat.

Mr. Caley noted the walkway was planned and taken off but he is not opposed to bike racks and the 8', 30' long sidewalk to match Portsmouth Avenue and that handicapped parking can go in front and the wall eliminated. He reviewed the requests of the Board to have a walkway connect the two spaces, confirm grade changes, rails or steps, flexibility on the waiver for the sidewalk width, change surface textures if striping is not enough, ask engineer to address narrow crossing.

Ms. Martel recommended an ADA space for the commercial business and one for the residences.

Vice-Chair Brown recommended a robust parking plan in front of the property and described one in Kittery on Route 1 which did an unbelievable job.

Mr. Kennedy noted it is a shame it is too late to work with the bank because they could do something wonderful. Ms. Martel agreed the lack of collaboration was disappointing.

Attorney Lanzetta expressed how difficult it is to get a bunch of owners to agree and that it is almost impossible to facilitate and to only be able to control what happens on their own property.

Ms. English asked the future purpose of the kiosk and questioned how welcoming the outdoor seating would be in the blazing sun and agreed something covered might be more suitable. People could sit on a bench under trees. The green space is getting smaller and smaller. She expressed concerns with the seven parking spaces backing into the drive lane.

Vice-Chair Brown expressed that part of the MUND is commercial space. He noted he would like to see the landscaping plan. Mr. Caley asked about having flexibility to change things and Ms. Martel noted if he said there would be five trees they didn't want to see four. Vice-Chair Brown noted the Planner has the ability to do minor changes. Ms. Martel noted that green space is a requirement of MUND and therefore the Board considers it. She noted the wall in front works well but the seven parking spots in an awkward orientation do not.

Attorney Lanzetta agreed to make the proposal more walkable and that the kiosk is an amenity to the residents but there are a lot of people on Portsmouth Avenue, and it would be a cool spot to walk and play into the goal for walkability of Portsmouth Ave.

Brian Friedson, owner of the current property gave a history of the lots from the 22-year Blue Ribbon lease to ownership and McLane Manore being built and accessing the Blue Ribbon property to build and how they put in stairs to access the Blue Ribbon, restaurant and mall. Mr. Segal took out the stairs and installed washers and dryers. McLane Manor put in a concrete pad for their dumpster and accessed by Blue Ribbon property and Blue Ribbon reserved the right to remove it if desired in the future. Vehicles stop at the dumpster. Pedestrians use the lot to access the shopping mall. Blue Ribbon objected to the drive through access across the Blue Ribbon lot. In 2010 BankProv razed KFC and Blue Ribbon allowed the drive through one way and lost 5.' If the bank removed their 5' garden it would be 22' wide. McLane Manor has large mulch beds which if needed could change. BankProv traffic crosses Blue Ribbon. He noted the number of trips per day on the Blue Ribbon lot (75-120) and noted some go in and out of the laundromat and run errands and come back. There are two restaurants serving alcohol and people walk across a dark parking lot to Hampton Inn and some park in the lot across the street of the Thirsty Moose. He noted he believes the number of trips will reduce with the future plan as compared to the existing use.

Ms. Martel noted the crosswalk coming from the bank runs into a planting bed. Attorney Lanzetta noted it was intended to be a cut through not a dead end. She noted the plan needs to be amended.

Vice-Chair Brown discussed the seven parking spots out front and reversing into the lands with vehicles coming at you. Attorney Lanzetta noted the MBT use program was applied and there is a safe distance and turning radius. BankProv's back lot is always empty and there is not a lot of traffic flowing around. Residential parking is less egregious than commercial. He noted it is the standard and the back out depth and width formula have been applied. Vice-Chair Brown asked about angling parking away from the wall and going nose in toward the building. Attorney Lanzetta will evaluate with Mr. Smith at Beals. Vice-Chair Brown noted there was angled parking downtown with more traffic and less visibility. Ms. Martel did not believe that would be approved today. She questioned the front patio. Attorney Lanzetta noted they are trying to provide multiple pedestrian areas and make a walkway. Ms. Martel asked why not have one large space than two smaller areas. Mr. Grueter agreed.

Mr. Kennedy asked why the parking spaces were needed with the easement. Vice-Chair Brown noted it is less problematic after hearing abutter concerns.

Attorney Lanzetta reviewed the requested changes:

- Walkway connect patio to kiosk
- Analysis of Grade

Ms. Martel noted they did not have crosswalks on their property and that alternative textures were not required to internal walkways.

Attorney Lanzetta continued:

- Bike rack system
- Fix Sidewalk to planting bed detail
- Assess ADA parking and bring spot to front of building
- Grade changes and rails
- Confirm planting plan with staff

Ms. Martel noted she was not supportive of the 5’ sidewalk waiver and asked about the required Electric Vehicle Charging conduit for two spaces.

Ms. English asked about the HVAC on the roof, and screening for that. Attorney Lanzetta noted it is usually on the roof and screened. Ms. Martel noted the Board needs to see that on the site plan.

Chair Plumer opened comments to the public at 8:34 PM.

Attorney Hilson discussed the easements, absence of parking and access, traffic patterns and property rights. He stated that he was confident McLane was not part of the agreement.

Attorney Hilson noted a legal right of access doesn’t discharge the obligation to determine adequacy of that access and parking. He referenced section 8.7 of the ordinance requiring safe and adequate vehicular and pedestrian traffic, adequacy of parking, which is reiterated in the MUND ordinance and stated they were doing too much on this lot. He recommended minimizing the cross crossing of this lot and BankProv and for McLane Manor. He asked about truck loading and stated the application is inappropriate for this lot.

Attorney Todd Fahey stated he represents BankProv and referenced the easements and regulations being obligatory not aspirational. He stated that they cannot offload the burden of their project onto a neighbor. BankProv will be taken over by Needham Bank and may have three times more staff than BankProv and who knows about the drive-through.

Attorney Josh Lanzetta noted they are not trying to offload the burden of this project onto a neighbor they are complying by putting all parking on their property and using an access they have a right to and are forced to do that and there is no way around it. There is a small portion of the property that can be developed and comply with setbacks, the district and it is impossible to stray from where this building is. The applicant is willing to work with BankProv on signage and textures. He stated the right of success in interest to access Margarita and BankProv is unequivocally present. He noted in the 6/12/97 Planning Board minutes that it was called out the three businesses McLane, Blue Ribbon and KFC. There is no other way to design this. Deed 1712-201 has the meets and bounds and easements referenced in the chain of title and this was intentionally done for cross traffic and intent matters. The 2025 engineering standards were applied. They complied with safety regulations.

Ms. Martel asked about the truck loading and asked where it is shown on the plan. Attorney Lanzetta noted it would be in the back of the property. Mr. Kennedy asked how they would get to the coffee side. Ms. Martel explained that they need to show us its possible. She noted a door on both sides of the building.

Attorney Lanzetta consulted with Mr. Caley and agreed to the continuance to next month. He read the list of requests:

- Loading plan
- Walkway connecting patio and kiosk
- EV charging conduit – 2 cars
- Bike stand
- Planting Bed – cut through
- ADA parking in front and keeping one in back
- Grading and railings
- Planting plan

Vice-Chair Brown discussed the lighting plan.

Mr. Kennedy opined that the square footage should be the demand for parking spaces. Attorney Lanzetta responded that the ordinance needs to state that. Ms. Martel stated the grade, and slope is inappropriate as well as backing into pedestrian traffic. She noted the front setback is listed on the plan as 50' when it is 25.' She asked if the building could be closer to the street. Attorney Lanzetta noted that the egress lane is on that spot, the one the Board forced onto the applicant's property. Test pits are out front, the easement is clear, and you can't get away from that lane. He will update the setback to 25.'

Ms. Ogilvie noted the November meeting schedule is the 2nd and 4th Thursday on 11/6 and 11/20.

Vice-Chair Brown motioned to continue Planning Board Case #25-3 to November 6th, 2025 at 7 PM in the Nowak Room. Mr. Grueter seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

2. Consideration and recommendation by the Planning Board for the Town's acquisition of an easement on property owned by Phillips Exeter Academy (off Drinkwater Road) for the purpose of a new groundwater supply well and associated infrastructure
Tax Map Parcel #71-119.

Chair Plumer read the Public Hearing Notice.

Ms. Ogilvie noted there was no staff review.

Steve Cronin of the DPW reviewed the town's 2020 groundwater supply source study and PEA's easement off Drinkwater Road. He noted there is a preliminary well application and negotiated easement. They did a seven-day pump test and expect 400/gal. per day. DES will issue the groundwater permit and they are here under RSA 41:14-a. They went before the Conservation Commission, who recommended approval with one condition that they call out the right to withdraw water in the easement which town counsel is working to modify. The Heritage Commission asked to protect the pond during construction and access.

Mr. Grueter motioned to send a memorandum to the Select Board in favor with the recommendation to call out the right to withdraw water and protect the pond for the proposed construction of a new groundwater well and associated infrastructure. Mr. Kennedy seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

IV. OLD BUSINESS

APPROVAL OF MINUTES

September 25, 2025

Mr. Grueter motioned to approve the minutes of September 25, 2025. Ms. English seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

V. OTHER BUSINESS

- Master Plan Discussion

Mr. Kennedy noted the meeting on November 6th.

- Field Modifications

Ms. Ogilvie noted the modification for 46 Main Street to relocate the utility pole.

- Bond and/or Letter of Credit Reductions and Release

- Other

Ms. Martel asked about having a requirement that the plan be stamped by a landscape architect like other municipalities do.

Vice-Chair Brown discussed having grading within 5' of property line continue although frequently waived and the benefits to the Board and abutters.

VI. TOWN PLANNER'S ITEMS

Ms. Ogilvie reviewed the post office position on delivery of mail to each residence in new subdivisions and desire to have a mail kiosk and the site plan and subdivision regulations should reference this note.

Ms. Ogilvie recommended two changes to the ordinance at town meeting. She noted the ADU law complies but the definition for attached and detached need to match the state. She noted that parking requirements are now one space per residential unit. She noted the Code Enforcement Officer wants to change dog kennels to a special exception use. Ms. Martel asked about having him come in. Ms. Ogilvie asked if it could be done in one public hearing and Vice-Chair Brown explained the Board has two, one to polish the language proposed with feedback and another to move it forward. Ms. Ogilvie noted they have until February 3rd and would recommend the first meeting be December 11, 2025 and the second in Jan. 2026. Vice-Chair Brown expressed concerns with changing what is allowed by right in the ordinance under property rights versus obtaining a Special Exception.

VII. CHAIRPERSON'S ITEMS

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

Ms. English noted in April the RPC terms expire, and they can have three representatives. Mr. Kennedy offered to be the third. She would like the Board to send a letter to the Select Board asking them to appoint him.

Ms. English motioned to appoint Marty Kennedy as a representative to the Rockingham Planning Commission. Vice-Chair Brown seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

IX. ADJOURN

Ms. Grueter motioned to adjourn the meeting at 9:32 PM. Vice-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)