



TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709
www.exeternh.gov

LEGAL NOTICE EXETER PLANNING BOARD AGENDA

The Exeter Planning Board will meet virtually via ZOOM (see connection info below* and details attached) on Thursday, April 23, 2020 at 7:00 P.M. to consider the following:

APPROVAL OF MINUTES: February 13, 2020

NEW BUSINESS: PUBLIC HEARINGS

The application of Brian Griset for review of a Yield Plan in conjunction with a proposed 16-unit single-family condominium open space development and associated site improvements on property located off of Tamarind Lane and Cullen Way. The properties are located in the R-1, Low Density Residential and NP-Neighborhood Professional zoning districts. Tax Map Parcel S #96-15 and #81-53. Case #20-2.

OTHER BUSINESS

EXETER PLANNING BOARD

Langdon J. Plumer, Chairman

Posted 04/10/20: Exeter Hall kiosk and Town of Exeter Website

***ZOOM MEETING INFORMATION:**

- *Join Zoom Meeting: <https://us04web.zoom.us/j/2080582669>*
- *Meeting ID: 208 058 2669*

- *One tap mobile*
 - +16465588656, 2080582669# US (New York)*
 - +13126266799, 2080582669# US (Chicago)*
- *Dial by your location*
 - +1 646 558 8656 US (New York)*
 - +1 312 626 6799 US (Chicago)*
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 - +1 253 215 8782 US*
 - +1 301 715 8592 US*
 - +1 346 248 7799 US (Houston)*

- *Meeting ID: 208 058 2669*
- *Find your local number: <https://us04web.zoom.us/j/2080582669>*

*For technical assistance connecting to this meeting,
please call 603-418-6425 or email Bob Glowacky at rglowacky@exeternh.gov.*



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Town Meetings Go Virtual with Zoom Meeting

The Town of Exeter, NH will be hosting board and committee meetings virtually with a platform called Zoom Meeting. This platform allows the public to join via webcam, computer audio, or telephone to view and participate in the meeting.

To use Zoom, you will need a computer with a microphone or headset, a smart phone, or telephone.

To use a computer (This is highly recommended for ease of access)

1. Click: <https://us04web.zoom.us/j/2080582669>
2. Follow the prompts to download the program and sign up for a free account.
3. The program will prompt you to connect video and audio from your computer. You don't have to use a camera, but a microphone is required to hear audio and speak to the board.
4. You can also connect audio via phone at this point; to watch on the computer and hear audio on your phone.

To use the smartphone app:

1. Head to the [Google](#) or [Apple](#) appstore on your smartphone.
2. Search for and download the "Zoom Cloud Meetings" app. Follow the prompts to set up an account.
3. Once in the app, click the "Join" button at the top of the app.
4. When it asks for a "Meeting ID," enter "208-058-2669", type in your full name, and click join.
If you do not wish to have your video turned on. Toggle the video off below before clicking join.

To call in with a telephone:

1. Call 1-646-558-8656
2. Enter the Meeting ID: 208-058-2669 followed by #. For the "Participant ID" press #.

PUBLIC COMMENT: Members of the public will be muted until called upon. You may unmute yourselves by pressing the mic icon on the app or by pressing *6 on the telephone.

To alert the chair/host that you wish to speak:

- Desktop app: Click participants, then click "raise hand"
- Mobile app: Click the "..." then click "raise hand"
- Telephone: Press *9 to raise or lower your hand

~ If you have technical issues accessing virtual Town Meetings via Zoom or telephone, contact Bob Glowacky at 603-418-6425 or email at rglowacky@exeternh.gov ~

**TOWN OF EXETER
PLANNING BOARD
FEBRUARY 13, 2020
DRAFT MINUTES**

I. PRELIMINARIES:

BOARD MEMBERS PRESENT: Chair Langdon Plumer, Vice-Chair Aaron Brown, Pete Cameron, Clerk, Niko Papakonstantis, Select Board Representative, Gwen English, John Grueter, Kelly Bergeron, Pete Steckler, Alternate and Jen Martel, Alternate.

STAFF PRESENT: Town Planner Dave Sharples

II. CALL TO ORDER: Chair Plumer called the meeting to order at 7:02 PM.

III. OLD BUSINESS

APPROVAL OF MINUTES

January 23, 2020

Mr. Papakonstantis motioned to approve the January 23, 2020 minutes as amended. Mr. Grueter seconded the motion. A vote was taken, all were in favor, approved 7-0-0.

IV. NEW BUSINESS

PUBLIC HEARINGS

1. Continued public hearing on the application of I. S. Realty Trust for the proposed subdivision of an existing 5.58-acre parcel located at 100 Linden Street into five (5) single-family lots and associated site improvements; and a Wetlands Conditional Use Permit for proposed impacts to the wetland buffer.

R-2, Single Family Residential zoning district

Tax Map Parcel #104-71

Case #19-13.

Mr. Sharples indicated the applicant appeared before the Planning Board at the January 23, 2020 meeting and the application was tabled for several items. The Board wanted additional information regarding the landscaping, rain garden detail, lighting detail and photometric plan, and sidewalk detail.

Revised plans were submitted on 2/6/20. Rain garden, sidewalk and lighting details have been included in the revised plan set. Fixture must be acceptable to DPW. The sidewalk will connect to existing on Patricia Ave. The plans show 3" caliper trees now, one in the center island.

42 The applicant is requesting a waiver from Section 7.4.10 of the Board's Site Plan Review and Subdivision
43 Regulations that require a High Intensity Soil Survey. A waiver request letter dated January 20, 2020
44 was provided to the Board.

45
46 Ian Winter indicated all issues have been addressed.

47
48 Ms. Martel asked if there were discussions with the neighbor concerning screening as there are no notes
49 on the plan to screen the southeast corner of the property and Mr. Winter indicated he will make sure it
50 is handled once everything is in place.

51
52 Ms. English noted she appreciates the increase to 3" caliper trees. Ms. English asked if UEI was satisfied
53 with the detention pond being higher than SHWT elevation and Mr. Sharples indicated he left that to
54 UEI to determine.

55
56 Mr. Steckler asked if there was an operation management plan for the HOA with regard to the rain
57 garden and Mr. Winter indicated it is the responsibility of Lot 1. Mr. Steckler asked if there were any
58 protection for it remaining a rain garden and Mr. Sharples indicated it would be part of the conditions of
59 approval. Mr. Steckler asked if it could be specific to the Stormwater Management Plan. Mr. Winter
60 indicated it would be included in HOA.

61
62 Mr. Cameron asked how the sewer extension from Lot 5 tied into the rest of the sewer and Mr. Sharples
63 noted it comes down through the easement and dumps into manhole 3.

64
65 Chair Plumer opened the hearing to the public for comments and questions at 7:32 and being none,
66 closed the hearing to the public for deliberations.

67
68 Chair Plumer indicated there was one waiver for HISS. Mr. Winter read his application into the record
69 indicating that he proposed to connect to town sewer system and eliminate the existing system.

70
71 ***Vice-Chair Brown motioned after reviewing the criteria for granting waivers that the request of I.S.***
72 ***Realty Trust (PB Case #19-13) for a waiver from Section 7.4.10 of the Site Plan Review and Subdivision***
73 ***Regulations to provide High Intensity Soil Survey information be approved with the conditions stated.***
74 ***Mr. Papakonstantis seconded the motion. A vote was taken, all were in favor, the motion passed***
75 ***unanimously.***

76
77 ***Mr. Cameron motioned after reviewing the criteria for a Wetlands Conditional Use Permit that the***
78 ***request of I.S. Realty Trust (PB Case #19-13) for a Conditional Use Permit be approved with the***
79 ***conditions stated. Ms. Bergeron seconded the motion. A vote was taken, all were in favor, the motion***
80 ***passed unanimously.***

81
82 ***Mr. Cameron motioned that the request of I.S. Realty Trust for subdivision approval (PB Case #19-13)***
83 ***be approved with the conditions stated. Mr. Papakonstantis seconded the motion. A vote was taken,***
84 ***all were in favor, the motion passed unanimously.***

85

86 Mr. Sharples read out loud the conditions of approval:
87

- 88 **1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be**
89 **provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg**
90 **or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;**
91
- 92 **2. All monumentation shall be set prior to the issuance of the first Certificate of Occupancy;**
93
- 94 **3. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town**
95 **engineer prior to any site work commencing. The following must be submitted for review and**
96 **approval prior to the preconstruction meeting:**
 - 97
 - 98 **i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted**
99 **to and reviewed for approval by DPW prior to preconstruction meeting.**
 - 100 **ii. A project schedule and construction cost estimate.**
101
- 102 **4. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact**
103 **fees, and inspection fees (including third party inspections), prior to the issuance of a building**
104 **permit or a Certificate of Occupancy whichever is applicable;**
105
- 106 **5. All proposed public improvements shall be secured in accordance with Section 12 of the Site Plan**
107 **Review and Subdivision Regulations;**
108
- 109 **6. All comments in the Underwood Engineer Inc. review letter dated January 24, 2020, the TRC**
110 **comment letter dated October 7, 2019, the letter from Ass't. Town Engineer Jennifer Mates**
111 **dated February 3, 2020 and any subsequent comments as the result of further review shall be**
112 **addressed to the satisfaction of the Town Planner prior to signing the final plans;**
113
- 114 **7. The Inspection and Maintenance Plan Log Sheet in the Stormwater Management Report dated**
115 **August 1, 2019 shall be submitted to the Town Engineer annually on or before January 31st. This**
116 **requirement shall be an ongoing condition of approval and noted in the Home Owner's**
117 **Association By-laws and/or Declaration (where appropriate);**
118
- 119 **8. As part of the final plan submission, the applicant shall provide a signed copy of the**
120 **Commitment to Maintenance Requirements in the Notice of Long-term Inspection and**
121 **Maintenance Manual in the Stormwater Management Report dated August 1, 2019;**
122
- 123 **9. All applicable State permit approval numbers shall be noted on the final plans. This shall include**
124 **the Remedial Action Plan regarding the clean-up of the site;**
125
- 126 **10. All easement and/or stormwater maintenance documents shall be submitted to the Town**
127 **Planner for review and approval prior to signing the final plans. The detention basin, rain**
128 **garden and all other stormwater BMP's shall be addressed in the documents. In the event the**
129 **Town Planner deems that review is needed by the Town attorney, this review shall be at the**
130 **applicant's expense;**

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- 11. The limit of cut/disturbance shall be flagged in the field prior to any site work and these flags shall be maintained until a Certificate of Occupancy has been issued for all five units;**
- 12. If determined applicable by the Exeter Department of Public Works, the applicant shall submit the land use and stormwater management information about the project using the PTAPP Online Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by DPW prior to the pre-construction meeting;**
- 13. The applicant shall contact the Code Enforcement Officer and Deputy Fire Chief to determine the addresses for the units;**
- 14. The proposed street light fixture shall be reviewed and approved by the Exeter Public Works Department; and**
- 15. Three (3) eight-foot (8') minimum height evergreen trees shall be shown on the final plans in the southeast corner of Lot #1 (near the rain garden).**

2. The continued public hearing on the application of Harbor Street Limited Partnership for two (2) lot line adjustments and subdivision of a 4.96-acre parcel into five (5) single-family residential lots Off Brentwood Road and Spruce Street R-2, Single Family Residential zoning district Tax Map Parcel #63-93 Case #19-18.

Ms. Bergeron recused herself and departed the meeting at 7:51 PM. Chair Plumer indicated Alternate Jen Martel would be the active alternate.

Mr. Sharples indicated the applicant appeared before the Planning Board at its December 19, 2019 meeting and the application was tabled to the January 9, 2020 meeting. The applicant requested after the December 27, 2019 site walk to be continued to the January 23, 2020 meeting to complete the drainage analysis. Subsequently the applicant requested a continuance to the February 13th to provide additional information regarding the drainage analysis. The engineering representing the abutter is satisfied with the changes now. Lot 93-5 has the swale extended. The backyard will be graded towards that to alleviate the risk of overflow there.

Mr. Sharples noted the applicant is requesting one waiver from the Board's Site Plan Review and Subdivision Regulations for the requirement that the post development peak flow rate not exceed that of the pre-development condition. The 2/5/20 waiver request letter was provided. There are additional agreements between Mr. Falzone and the abutters to be added to the conditions of approval.

John Krebbs indicated he was available to answer questions.

175 Ms. English asked if parcels A and B were going to the respective abutters and Mr. Krebbs answered
176 affirmatively.

177

178 Ms. English asked about the trench around the Brentwood Road property getting cleaned and Mr.
179 Krebbs noted it may be deepened by 6" as well.

180

181 Ms. English asked if the oak trees would be removed and Mr. Krebbs noted that on Lot 5 they would be.
182 Mr. Sharples added that is an area of concern with drainage and will need to be graded around.

183

184 Mr. Steckler asked about the drainage analysis and which direction when discharging additional water
185 and Christian Smith noted there are five locations in the analysis which he pointed out on the plan set.

186

187 Mr. Steckler asked if the discharge was being increased to H100 and H500 and Mr. Smith indicated
188 affirmatively. Mr. Smith added that was largely due to Lot 5 and Mr. Falzone agreed to clean the basin
189 to increase flow.

190

191 Ms. Martel asked about the removal of trees and if they could be saved and Mr. Sharples noted this is
192 where they are grading so slope toward swale.

193

194 Chair Plumer opened the hearing to the public for questions and comments at 8:07 PM.

195

196 Dan Hummel indicated if there was a way to save the tree he was okay with that and may request some
197 screening. Chair Plumer asked if three evergreens would be suitable. Mr. Krebbs agree to revise the
198 plan to show evergreens to screen his home and to save the 22" oak.

199

200 Chair Plumer closed the hearing to the public at 8:09 PM for deliberations.

201

202 Ms. English noted she appreciated the effort to communicate with abutters.

203

204 Mr. Steckler noted the plan discharged more water to the Town's system and asked if the Town could
205 handle the additional discharge and Mr. Smith indicated the two locations show increase before this
206 process with the swales providing infiltration and the past man-made ditch connecting to a basin is
207 being restored. The DPW was at the TRC meeting and did not voice any concerns. Mr. Sharples noted it
208 was reviewed by the Town Engineer and is okay with small increase.

209

210 Vice-Chair Brown asked about the Conditions of Approval with abutter agreements. Mr. Sharples
211 indicated he had no concern about adding those. Mr. Krebbs indicated normally they are between
212 abutters and the applicant/developer and adding allows the Town to enforce.

213

214 Mr. Krebbs read his waiver request into the record indicated the small access areas that flow to the
215 drainage structure with minimal increase in peak flow. The stormwater volume increases are well below
216 maximum allowed. The drainage will convey water away from the abutters.

217

218 Mr. Smith noted the small increases did not determine inundation problems in this area. Two acres
219 were created as a right of way access. Catch basins would be placed at the bottom of each and having a
220 drain going uphill would be virtually impossible.

221

222 Mr. Sharples noted the Town did not want to enforce the maintenance of the fence because it is a
223 condition of approval and recommended it should be in deed and the location of the house on Lot 5
224 cannot interfere with the swail.

225

226 **Mr. Grueter motioned after reviewing the criteria for granting waivers that the request of Harbor**
227 **Street Limited Partnership (PB Case #19-18) for a waiver from Section 9.3.1.8 and Section 9.3.4 & 5 of**
228 **the Site Plan Review and Subdivision Regulations regarding stormwater management requirements**
229 **for post construction be approved with the conditions stated. Vice-Chair Brown seconded the motion.**
230 **A vote was taken, all were in favor, the motion passed unanimously.**

231

232 **Mr. Grueter motioned that the request of Harbor Street Limited Partnership (PB Case #19-18) for two**
233 **Lot Line Adjustments be approved. Mr. Cameron seconded the motion. A vote was taken, all were in**
234 **favor, the motion passed unanimously.**

235

236 **Mr. Grueter motioned that the request of Harbor Street Limited Partnership (PB Case #19-18) for**
237 **Subdivision approval be approved with the conditions stated. Ms. English seconded the motion. A**
238 **vote was taken, all were in favor, the motion passed unanimously.**

239

240 **Conditions of approval:**

241 **1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be**
242 **provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg**
243 **or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;**

244

245 **2. All monumentation shall be set prior to the issuance of the first Certificate of Occupancy;**

246

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

250

251 **i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted**
252 **to and reviewed for approval by DPW prior to preconstruction meeting.**

253

254 **ii. A project schedule and construction cost estimate.**

255 **4. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact**
256 **fees, and inspection fees (including third party inspections), prior to the issuance of a building**
257 **permit or a Certificate of Occupancy whichever is applicable;**

258

259 **5. The Inspection & Maintenance Manual Checklist included in the Stormwater Management/BMP**
260 **Operation & Maintenance Plan dated 1-4-2020 shall be submitted to the Town Engineer**

- 261 *annually on or before January 31st. This requirement shall be an ongoing condition of approval*
262 *and noted in the Home Owner's Association By-laws and/or Declaration or the individual deeds*
263 *(where appropriate);*
264
- 265 **6. All easement and/or stormwater maintenance documents shall be submitted to the Town**
266 **Planner for review and approval prior to signing the final plans. In the event the Town Planner**
267 **deems that review is needed by the Town attorney, this review shall be at the applicant's**
268 **expense;**
269
- 270 **7. All common improvements (including but not limited to utilities, drainage, and shared**
271 **driveways) shall be either completed to the satisfaction of the Town or secured in accordance**
272 **with Section 12 of the Site Plan Review and Subdivision Regulations prior to the issuance of a**
273 **Certificate of Occupancy for any unit;**
274
- 275 **8. The final grades and stormwater management systems shown on the Utility and Drainage Plan**
276 **Dated November7, 2019 with the latest revision date of 2-11-2020 shall be constructed in**
277 **accordance with said plan and any changes in grading or any stormwater system shall require**
278 **Town and/or Planning Board approval in accordance with Section 14 of the Site Plan Review**
279 **and Subdivision Regulations;**
280
- 281 **9. The limit of cut/disturbance shall be flagged in the field prior to any site work and these flags**
282 **shall be maintained until a Certificate of Occupancy has been issued for all five units;**
283
- 284 **10. If determined applicable by the Exeter Department of Public Works, the applicant shall submit**
285 **the land use and stormwater management information about the project using the PTAPP**
286 **Online Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be**
287 **accepted by DPW prior to the pre-construction meeting;**
288
- 289 **11. The applicant shall contact The Code Enforcement Officer (CEO) and Deputy Fire Chief (DFC) to**
290 **determine the addresses for the units. In the event the CEO and DFC recommend naming either**
291 **or both of the private driveways, the applicant shall follow the procedures on street naming in**
292 **accordance with Chapter14. The street name shall be adopted prior to the issuance of a**
293 **Certificate of Occupancy for any units;**
294
- 295 **12. The six (6) bulleted conditions listed in an email with the handwritten date of 12-18-2019 and**
296 **signed by Joseph Falzone, Katie Marie Lamontagne, Daniel J. Tesnier, and James & Alexandra**
297 **Allen and attached hereto, shall be fully incorporated herein and be conditions of this approval;**
298
- 299 **13. The six (6) bulleted conditions listed in a document with the handwritten date of 12-17-2019**
300 **and signed by Joseph Falzone, and Jonathan & Alysa Franck, and attached hereto, shall be fully**
301 **incorporated herein and be conditions of this approval;**
302

303 **14. The Town will have the right, but not the obligation, to enforce the conditions of #12 and #13**
304 **above;**

305
306 **15. The builder shall take all precautions to protect the 22" oak tree located at the southern tip of**
307 **the manmade wetland on Lot #93-5; and**

308
309 **16. Three (3) eight-foot (8') minimum height evergreen trees shall be shown on the final plans to**
310 **screen Lot #93-5 from Lot #63-86.**

311

312 **V. OTHER BUSINESS**

313

314 **Master Plan Discussion**

315

316 Mr. Sharples noted he will schedule the next meeting. MUND is on the warrant for Town Meeting to
317 fulfill several goals of the Master Plan.

318

319 **TAP Grant**

320

321 Mr. Sharples updated the status of the connecting sidewalks grant that were funded in 2017 with
322 \$600,000 with 80% federal funding, which are on schedule. Three existing sidewalks connect on Spring
323 Street and Winter Street and the west side of Epping Road with Brentwood Road. All the landowners
324 are on board in support of the easements. Conservation recommended with no objection. The Select
325 Board hearing is on February 18th. The easement plan is colored with red areas delineating permanent
326 easements, one access is to reconstruct the curbing. The slope easement is on Spring Street.

327

328 Ms. Martel asked if there were any utility pole relocations and Mr. Sharples indicated a few, one on
329 Epping Road was tricky and none are in the middle of the sidewalk.

330

331 Mr. Sharples indicated the state reviews and will require a flashing beacon 79' north of intersections
332 which will be lit as well.

333

334 ***Vice-Chair Brown motioned the Planning Board has no objection to acquiring easements to the***
335 ***completion of the TAP Grant. Mr. Papakonstantis seconded the motion. A vote was taken, all were in***
336 ***favor, the motion passed unanimously.***

337

338 **VI. TOWN PLANNER'S ITEMS**

339 Mr. Sharples noted the applications are supposed to be submitted digitally and put on website and will
340 look into it. Vice-Chair Brown indicated this would save postage. Mr. Sharples noted if the Board wants
341 to stay electronic then to email him.

342 **Field Modifications**

343 Mr. Sharples indicated he will have one for March.

344 **Announcements**

345 **VII. CHAIRPERSON'S ITEMS**

346 Mr. Cameron noted a resident was not happy with the work across from the Shell station on Main
347 Street. Mr. Grueter noted the building is taller than we thought it would be. Mr. Sharples indicated the
348 project is 5' higher than zoning allows and Mr. Eastman has notified them this must be resolved.

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

350 Ms. English indicated she got a letter for the Housing Appeal Board hearing on February 17th. Mr.
351 Steckler added the repeal bill was to establish the Affordable Housing Commission. Mr. Sharples
352 explained it was to allow quicker appeals than Superior Court and allows the applicant to represent
353 themselves.

354 **IX. ADJOURN**

355 *Mr. Papakonstantis moved to adjourn at 9:12 PM. Ms. English seconded the motion, with all in favor,*
356 *the motion passed unanimously.*

357 Respectfully submitted,

358 Daniel Hoijer,
359 Recording Secretary



TOWN OF EXETER

Planning and Building Department

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

Date: April 13, 2020
To: Planning Board
From: Dave Sharples, Town Planner
Re: Brian Griset Yield Plan PB Case #20-2

The applicant has submitted a Yield Plan in advance of an Open Space Development as required per Section 7.7.1 of the Zoning Ordinance that states: "The dwelling unit density shall be determined using a "Yield Plan" which shall be provided by the applicant and reviewed and accepted by the Planning Board prior to proposing an Open Space Development Plan." The subject parcel is located off of Tamarind Lane and Cullen Way, in the R-1, Low Density Residential district and is identified as Tax Map Parcel #96-15.

The applicant did receive a Special Exception from the ZBA on January 21, 2020 to permit residential use of the 30.76 acre parcel located within the Neighborhood Professional (NP) Zoning District. The applicant also received a variance from Section 4.3 of the Zoning Ordinance to permit a single-family open space development in the R-1 Zoning District which draws density from contiguous unimproved property in the NP Zoning District.

It is important to note that a Yield Plan is not meant to be a fully designed plan. However, it does need to be designed in accordance with Section 7.13 of the Site Plan Review and Subdivisions Regulations that are enclosed for your review. With this in mind, staff has reviewed the Yield Plan which has been revised since the initial submission. The latest plan set has a revision date of 2/20/20.

Please note that the enclosed TRC comments include comments on the Open Space Development Plan but, at this time, the Board should focus solely on the Yield Plan and the Yield Plan comments that are identified in the comment letter. If/when the Yield Plan is accepted by the Board, the applicant will submit an Open Space Development Plan which can be reviewed at that time. The Yield Plan was also reviewed by our third party engineer, UEI via email and the email thread is enclosed for your review. You will note in the email thread, between myself and Allison Reese from UEI, that there was discussion about the size of the building envelope. Our regulations do not stipulate a minimum building envelope size but, during two prior Yield Plan reviews, the Board determined that the plan should show that a 25' x 25' structure should be able to fit within the building envelope to be considered a viable lot. The applicant has addressed all staff

and UEI comments and we have no further comment on the Yield Plan as currently proposed.

To address the availability, viability and feasibility of the Yield Plan per Section 7.13 of the Site Plan Review and Subdivision Regulations, the applicant has submitted the enclosed letter dated February 26, 2020 from Justin Pasay. The letter also includes a preliminary cost estimate and letter from the Gove Group to determine the financial feasibility of the project.

As you will note in the letter, a waiver from the 100' perimeter buffer requirement (Sec. 9.6.2 of the site and sub regulations) is needed for Lot 5 to be a viable lot. Without a waiver, Lot 5 would not have a viable building envelope. This letter also indicates that they have provided two Yield Plans, one showing the 100' required perimeter buffer and the other showing a 50' perimeter buffer. They ask the Planning Board to accept the one showing the 50' buffer which requires a waiver as 100' perimeter buffer is required. Staff did note this but did not take a position on the waiver as it has been past practice to allow the Planning Board to determine if a waiver should be granted.

Prior to the Board voting on the Yield Plan, I would recommend that they go through the criteria for the waiver and vote to grant or deny the waiver. The criteria for granting this waiver is set forth in Section 9.6.2 that states: "The Board may approve a partial or total waiver to the buffer strip if the configuration or location of the parcel, with consideration of abutting properties, warrants flexibility to the proposed green space." I would recommend the Board discuss if this criteria is met prior to acting on the waiver. If the Board grants the waiver, then the Board can proceed to a vote on the Yield Plan. I have provided motions below for your convenience.

Planning Board Motions

Perimeter Buffer Waiver Motion: After reviewing the criteria to waive a portion of the 100' perimeter buffer strip in accordance with Section 9.6.1.2 of the Site Plan Review and Subdivision Regulations, I move to APPROVE / APPROVE WITH THE FOLLOWING CONDITIONS / TABLE / DENY the waiver request.

Yield Plan Motion: I move that the request of Brian Griset (Case #20-02) for Yield Plan approval of a ____ unit Single Family Open Space development be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.



RECEIVED

JAN 14 2020

TOWN OF EXETER, NH EXETER PLANNING OFFICE
APPLICATION FOR SUBDIVISION

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

OPEN SPACE DEVELOPMENT

STANDARD SUBDIVISION

NUMBER OF LOTS _____

_____ APPLICATION

_____ DATE RECEIVED

_____ APPLICATION FEE

_____ PLAN REVIEW FEE

_____ ABUTTER FEE

_____ LEGAL NOTICE FEE

_____ INSPECTION FEE

_____ TOTAL FEES

_____ AMOUNT REFUNDED

1. NAME OF LEGAL OWNER OF RECORD: GRISSET, ADELA J

ADDRESS: 26 CULLEN WAY, EXETER, NH

_____ TELEPHONE: (603) 772-0978

2. NAME OF APPLICANT: Brian Griset

ADDRESS: Same

_____ TELEPHONE: (603) 686-1139

3. RELATIONSHIP OF APPLICANT TO PROPERTY IF OTHER THAN OWNER: _____

Spouse POA

(Written permission from Owner is required, please attach.)

4. DESCRIPTION OF PROPERTY:

ADDRESS: 26 Cullen Way

TAX MAP: 96 PARCEL #: 15 ZONING DISTRICT: R1

AREA OF ENTIRE TRACT: 23.6 ac PORTION BEING DEVELOPED: 5.5 ac



5. **EXPLANATION OF PROPOSAL:**

To consolidate Map 81 Lot 53 and Map 96 Lot 15 and subdivide the subject parcels into two residential lots and 16 condominium units pursuant to a single-family open space development plan, all to be served by municipal water & sewer. Further, the applicant proposes to convey 32.29 acres of property, consisting of the entirety of Map 81-53 and a portion of Map 96-15, to the Town of Exeter for conservation purposes

6. **ARE MUNICIPAL SERVICES AVAILABLE? (YES/NO) Yes**

IF YES, WATER AND SEWER SUPERINTENDENT MUST GRANT WRITTEN APPROVAL FOR CONNECTION. IF NO, SEPTIC SYSTEM MUST COMPLY WITH W.S.P.C.C. REQUIREMENTS.

7. **LIST ALL MAPS, PLANS AND OTHER ACCOMPANYING MATERIAL SUBMITTED WITH THIS APPLICATION:**

<u>ITEM:</u>	<u>NUMBER OF COPIES</u>
A. Full Plan Set	7
B. Drainage Analysis	2
C. Exhibits and reports from Gove Env., Inc	1-each
D. Application for Subdivision	1
E. CUP Shorelands	1
F. Cup Wetlands	1

8. **ANY DEED RESTRICTIONS AND COVENANTS THAT APPLY OR ARE CONTEMPLATED (YES/NO) Condo Doc's to follow** YES, ATTACH COPY.

9. **NAME AND PROFESSION OF PERSON DESIGNING PLAN:**

NAME: Beals Associates, PLLC (Christian O. Smith, PE)

ADDRESS: 70 Portsmouth Ave., Stratham, NH 03855

PROFESSION: Civil Engineer TELEPHONE (603) 583-4860

10. **LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:**

A proposed private road with curbing, water, sewer and underground utilities. drainage treatment structures, erosion controls and proposed screening plantings.



11. HAVE ANY SPECIAL EXCEPTIONS OR VARIANCES BEEN GRANTED BY THE ZONING BOARD OF ADJUSTMENT TO THIS PROPERTY PREVIOUSLY?

(Please check with the Planning Department Office to verify) (YES/NO) No, ZBA decisions are pending on Special exception and Variance applications to be heard on 1-21-2020

12. WILL THE PROPOSED PROJECT INVOLVE DEMOLITION OF ANY EXISTING BUILDINGS OR APPURTENANCES? IF YES, DESCRIBE BELOW.

(Please note that any proposed demolition may require review by the Exeter Heritage Commission in accordance with Article 5, Section 5.3.5 of the Exeter Zoning Ordinance).

No

13. WILL THE PROPOSED PROJECT REQUIRE A "NOTICE OF INTENT TO EXCAVATE" (State of NH Form PA-38)? IF YES, DESCRIBE BELOW.

No

NOTICE: I CERTIFY THAT THIS APPLICATION AND THE ACCOMPANYING PLANS AND SUPPORTING INFORMATION HAVE BEEN PREPARED IN CONFORMANCE WITH ALL APPLICABLE TOWN REGULATIONS, INCLUDING BUT NOT LIMITED TO THE "SITE PLAN REVIEW AND SUBDIVISION REGULATION" AND THE ZONING ORDINANCE. FURTHERMORE, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 15 OF THE "SITE PLAN REVIEW AND SUBDIVISION REGULATIONS", I AGREE TO PAY ALL COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

DATE 1-13-2020

APPLICANT'S SIGNATURE

ACCORDING TO RSA 676.4.I (c), THE PLANNING BOARD MUST DETERMINE WHETHER THE APPLICATION IS COMPLETE WITHIN 30 DAYS OF SUBMISSION. THE PLANNING BOARD MUST ACT TO EITHER APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION WITHIN SIXTY FIVE (65) DAYS OF ITS ACCEPTANCE BY THE BOARD AS A COMPLETE APPLICATION. A SEPARATE FORM ALLOWING AN EXTENSION OR WAIVER TO THIS REQUIREMENT MAY BE SUBMITTED BY THE APPLICANT.



ABUTTERS: PLEASE LIST ALL PERSONS WHOSE PROPERTY IS LOCATED IN NEW HAMPSHIRE AND ADJOINS OR IS DIRECTLY ACROSS THE STREET OR STREAM FROM THE LAND UNDER CONSIDERATION BY THE BOARD. THIS LIST SHALL BE COMPILED FROM THE EXETER TAX ASSESSOR'S RECORDS.

See Attached

TAX MAP _____
NAME _____
ADDRESS _____

TAX MAP _____
NAME _____
ADDRESS _____

TAX MAP _____
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TAX MAP _____
NAME _____
ADDRESS _____

PLEASE ATTACH ADDITIONAL SHEETS, IF NEEDED.



CHECKLIST FOR SUBDIVISION - PLAN PREPARATION

The checklist on the following page has been prepared to assist you in the preparation of your subdivision plan. The checklist items listed correspond to the subdivision plan requirements set forth in Section 7 of the "Site Plan Review and Subdivision Regulations". Unless otherwise indicated, all section references within this Checklist, refer to these regulations. Each of the items listed on this checklist must be addressed prior to the technical review of subdivision plans by the Technical Review Committee (TRC). See Section 6.5 of the "Site Plan Review and Subdivision Regulations". This checklist **DOES NOT** include all of the detailed information required for subdivision plans and therefore should not be the sole basis for the preparation of these plans. For a complete listing of subdivision plan requirements, please refer to Section 7 of the "Site Plan Review and Subdivision Regulations". In addition to these required plan items, the Planning Board will review subdivision plans based upon the standards set forth in Sections 8 and 9 of the "Site Plan Review and Subdivision regulations". As the applicant, it is **YOUR RESPONSIBILITY** to become familiarized with these standards and to prepare your plans in conformance with them.

Please complete this checklist by marking each item listed in the column labeled "Applicant" with one of the following: "X" (information provided); "NA" (note applicable); "W" (waiver requested). For all checklist items marked "NA", a final determination regarding applicability will be made by the TRC. For all items marked "W", please refer to Section 11 of the "Site Plan Review and Subdivision Regulations" for the proper waiver request procedure. All waiver requests will be acted upon by the Planning Board at a public hearing. Please contact the Planning Department office if you have any questions concerning the proper completion of this checklist.

All of the required information for the plans listed in the checklist must be provided on separate sheets, unless otherwise approved by the TRC.

NOTE: AN INCOMPLETE CHECKLIST WILL BE GROUNDS FOR REJECTION OF YOUR APPLICATION.



SUBDIVISION PLAN REQUIREMENTS

7.4. Existing Site Conditions Plan

Submission of this plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. The purpose of this plan is to provide general information on the site, its existing conditions, and to provide the base data from which the site plan or subdivision will be designed. The plan shall show the following:

<u>APPLICANT</u>	<u>TRC</u>	<u>REQUIRED EXHIBITS</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.2. Location of the site under consideration, together with the current names and addresses of owners of record, of abutting properties and their existing land use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.3. Title, date, north arrow, scale, and Planning Board Case Number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.4. Tax map reference for the site under consideration, together with those of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.5. Zoning (including overlay) district references.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.6. A vicinity sketch or aerial photo showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 2,000-feet, or larger area if deemed necessary by the Town Planner.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.7. Natural features including watercourses and water bodies, tree lines, significant trees (20-inches in diameter at breast height) and other significant vegetative cover, topographic features, and any other environmental features that are important to the site design process.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.8. Man-made features such as, but not limited to, existing roads, structures, and stonewalls. The plan shall also indicate which features are to be retained and which are to be removed or altered.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.9. Existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.



<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.10. A High Intensity Soil Survey (HISS) of the entire site, or appropriate portion thereof. Such soil surveys shall be prepared by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.11. State and Federally designated wetlands, setback information, total wetlands proposed to be filled, other pertinent information and the following wetlands note: "The landowner is responsible for complying with all applicable local, state, and federal wetlands regulations, including any permitting and setback requirements required under these regulations."</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.12. Surveyed property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in New Hampshire must attest to said plan.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.13. The lines of existing abutting streets and driveway locations within 200-feet of the site.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.14. The location, elevation, and layout of existing catch basins and other surface drainage features.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.15. The shape, size, height, location, and use of all existing structures on the site and approximate location of structures within 200-feet of the site.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.16. The size and location of all existing public and private utilities, including off-site utilities to which connection is planned.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.17. The location of all existing easements, rights-of-way, and other encumbrances.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.18. All floodplain information, including the contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.19. All other features which would fully explain the existing conditions of the site.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.20. Name of the site plan or subdivision.</p>



7.6. Subdivision Layout Plan (Pertains to Subdivisions Only)

The purpose of this plan is to illustrate the layout of the subdivision lots, rights-of-way, easements, and other uses of land within the subdivision. It shall be prepared on reproducible mylar and be suitable for filing with the Rockingham County Registry of Deeds. The plan shall depict the following:

APPLICANT	TRC	REQUIRED EXHIBITS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.1 Names, addresses, and telephone numbers of: the owner, applicant, and person(s) or firm(s) preparing the plan (including engineer, architect, or land surveyor).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.2 Name of the subdivision.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.3 Location of the land/site together with the names and address of all owners of record of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.4 Title, date, north arrow, scale, and Planning Board Case Number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.5 Tax map reference for land/site under consideration with those of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.6 Zoning (including overlay) district references.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.7 The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.8 The location and width of all existing and proposed streets, street rights-of-way, sidewalks, easements, alleys, and other public ways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.9 The locations, dimensions, and areas of all proposed lots.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.10 The location of all test pits and the 4,000-square-foot septic reserve areas for each newly created lot, if applicable.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.11 High Intensity Soil Survey (HISS) information for the site, including the total area of wetlands proposed to be filled.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.12 State and Federally designated wetlands, setback information, total wetlands proposed to be filled, other pertinent information and the following wetlands note: "The landowner is responsible for complying with all applicable local, state, and federal wetlands regulations, including any permitting and setback requirements required under these regulations."
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.13 All floodplain information, including contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.14 Sufficient data acceptable to the Board to determine the location, bearing, and length of all lines; sufficient data to be



		able to reproduce such lines upon the ground; and the location of all proposed monuments.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.15 The location and dimensions of all property proposed to be set aside for green space, parks, playgrounds, or other public or private reservations. The plan shall describe the purpose of the dedications or reservations, and the accompanying conditions thereof (if any).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.16 A notation shall be included which explains the intended purpose of the subdivision. Indication and location of all parcels of land proposed to be dedicated to public use and the conditions of such dedications, and a copy of such private deed restriction as are intended to cover part or all of the tract.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.17 Newly created lots shall be consecutively numbered or lettered in alphabetical order. Street address numbers shall be assigned in accordance with Section 9.17 Streets of these regulations.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.18 The following notations shall also be shown: <ul style="list-style-type: none"> • Explanation of proposed drainage easements, • Explanation of proposed utility easement, • Explanation of proposed site easement, • Explanation of proposed reservations • Signature block for Board approval
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.6.19 A note indicating that: "All water, sewer, road (including parking lot), and drainage work shall be constructed in accordance with Section 9.5 Grading, Drainage, and Erosion & Sediment Control and the Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire". See Section 9.14 Roadways, Access Points and Fire Lanes and Section 9.13 Parking Areas for exceptions.

OTHER REQUIRED PLANS (See Section indicated)

- 7.7 Construction plan
- 7.8 Utilities plan
- 7.9 Grading, drainage and erosion & sediment control plan
- 7.10 Landscape plan
- 7.11 Drainage Improvements and Storm Water Management Plan
- 7.12 Natural Resources Plan
- 7.13 Yield Plan



SUBDIVISION APPLICATION
CHECKLIST

A COMPLETED APPLICATION FOR SUBDIVISION MUST CONTAIN THE FOLLOWING:

- | | |
|---|-------------|
| 1. Application for Hearing | (✓) |
| 2. Abutter's List Keyed to the Tax Map
(including the name and business address of every engineer,
architect, land surveyor, or soil scientist whose professional
seal appears on any plan submitted to the Board) | (✓) |
| 3. Checklist for Subdivision plan requirements | (✓) |
| 4. Letter of Explanation | (✓) |
| 5. Written Request and justification for Waiver(s) from Site Plan Review
and Subdivision Regulations" (if applicable) | (✓) |
| 6. Application to Connect and/or Discharge to Town of Exeter Sewer, Water
or Storm Water Drainage System(s) (if applicable) | (✓) |
| 7. Planning Board Fees | (✓) |
| 8. Seven (7) full-size copies of Subdivision Plan | (✓) |
| 9. Fifteen (15) 11"x 17" copies of the final plan to be submitted <u>TEN DAYS</u>
<u>PRIOR</u> to the public hearing date. | Pending TRC |
| 10. Three (3) pre-printed 1"x 2 5/8" labels for each abutter, the applicant and
all consultants. | (✓) |

NOTES:

All required submittals must be presented to the Planning Department Office for distribution to other Town departments. Any material submitted directly to other Departments will not be considered.

Town of Exeter



Planning Board Application for Subdivision

RECEIVED

JAN 14 2020

EXETER PLANNING OFFICE

October 2019



Town of Exeter Planning Board Application for Subdivision

Date: October 2019

Memo To: Applicants for Subdivision

From: Planning Department

Re: Guidelines for Processing Applications

The goal of the Planning Board is to process applications as quickly and efficiently as possible. To this end, we have designed an application procedure which is simple and easy to follow (see attached). If some of the information being requested seems irrelevant, please check with the Planning Department office, it may be that your particular proposal does not warrant such information.

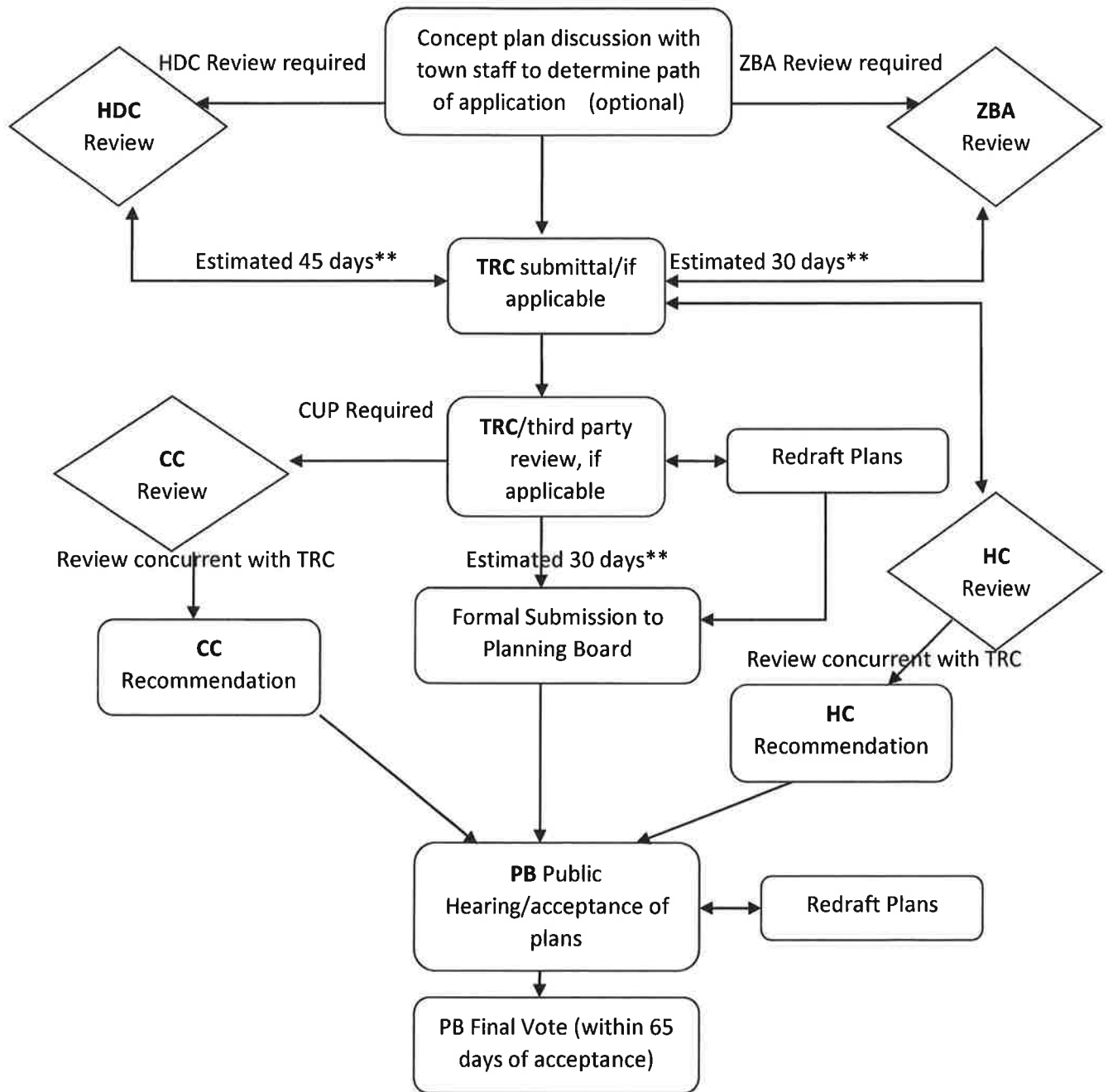
It is strongly recommended that prior to submitting an application you discuss your proposal informally with the Town Planner. The Town Planner will review your proposal for conformance with the applicable Town regulations and advise you as to the procedures for obtaining Planning Board approval. Please contact the Planning Department office at (603) 773-6112 to schedule an appointment.

The key to receiving a prompt decision from the Planning Board is to adhere closely to the Board's procedures. A chart outlining the "Planning Board Review Process" is attached for your information. Please be aware that a technical review of your proposal by the Technical Review Committee (TRC) must precede Planning Board consideration. The Town Planner will only schedule you for a public hearing after your application has gone through technical review and any required changes have been incorporated. A checklist is attached to this application to assist you in preparing your plans.

Copies of the applicable "Site Review and Subdivision Regulations" are available for your review or purchase at the Planning Department office on the second floor to the Town Office Building located at 10 Front Street and are also on the Town's website at www.exeternh.gov. It is strongly recommended that you become familiar with these regulations, as they are the basis for review and approval.



Exeter Planning Review Process Flow Chart*



ZBA – Zoning board of Adjustment **PB** – Planning Board **HDC** – Historic District Commission
HC – Heritage Commission **CC** – Conservation Commission **TRC** – Technical Review Committee
CUP – Conditional Use Permit

*This chart shows the local process only. State permits (Wetlands, Shoreland, etc. are not shown)

**All time estimates are approximate and can vary considerably. However, it is generally expected to take between 90 and 180 days to complete local review in the event review from all boards is required.

70 Portsmouth Avenue
3rd Floor, Suite 2
Stratham, N.H. 03885
603 – 583 - 4860
Fax: 583 - 4863

January 13, 2020

Chairman
Town of Exeter Planning Board
10 Front Street
Exeter, NH 03833

RECEIVED

JAN 14 2020

RE: Letter of Intent
Brian Griset
Proposed Open Space Development
Tax Map 0096 Lot #: 15
Tax Map 0081 Lot #: 53

EXETER PLANNING OFFICE

Members of the Board:

The applicant is proposing an open space development which includes 16 proposed open-space detached single-family condominium units and a single conventional lot off the Cullen Way cul-de-sac. All units will be served by a private road, municipal water and sewer, and associated drainage treatment facilities.

The purpose of this plan is to consolidate Map 81 Lot 53 and Map 96 Lot 15 and subdivide the subject parcels into two residential lots and 16 condominium units pursuant to a single-family open space development plan, again, all to be served by municipal water & sewer. Further, the applicant proposes to convey 32.29 acres of property, consisting of the entirety of Map 81-53 and a portion of Map 96-15, to the Town of Exeter for conservation purposes.

Thank you for your consideration.

Very truly yours,
BEALS ASSOCIATES, PLLC

Christian O Smith

Christian O. Smith P.E.
Principal

**ABUTTERS LIST
FOR
NH- 1154.1 BRIAN GRISET- EXETER, NH
DATE April 8, 2020**

SUBJECT PARCEL

TAX MAP/LOT

96-15

OWNER OF RECORD

ADELA GRISET
26 CULLEN WAY
EXETER, NH 03833

81-57

TOWN OF EXETER
10 FRONT ST.
EXETER, NH 03833

81-53

MENDEZ REV. REAL ESTATE TR.
BRET L. NEEPER TRUSTEE
26 CULLEN WAY
EXETER, NH 03833

ABUTTERS

TAX MAP/LOT

96-16

OWNER OF RECORD

ROBERT F. O'NEILL
DEBRA A. O'NEILL
28 CULLEN WAY
EXETER, NH 03833

96-17

ALYSON M. WOOD
CHRISTOPHER B. WOOD
35 CULLEN WAY
EXETER, NH 03833

96-14

ROBERT W. CARDEIRO
DAWN J. CARDEIRO
24 CULLEN WAY
EXETER, NH 03833

96-9

PATRICK J. & ANNE FLAHERTY
8 TAMARIND LANE
EXETER, NH 03833

96-11

MICHAEL LANIGRA
JULIE LANIGRA
12 TAMARIND LN.
EXETER, NH 03833

96-13

LISA ROSEBERRY TRUST
LISA K. ROSEBERRY, TRUSTEE
22 CULLEN WAY
EXETER, NH 03833

RECEIVED

APR 8 2020

EXETER PLANNING OFFICE

**ABUTTERS LIST
FOR
NH- 1154.1 BRIAN GRISET- EXETER, NH
DATE April 8, 2020**

81-78	WILLIAM L. SHEEHAN DEBORAH L. SHEEHAN 1 COLONIAL WAY EXETER, NH 03833
74-81	JUDITH L. FRAUMENI REV. TR. JUDITH FRAUMENI TRUSTEE 7 GLEN DR. LYNNFIELD, MA 01940
81-54	BRICKYARD BUSINESS CONDO ASSOC. -MC 16 KINGSTON RD. #13 EXETER, NH 03833
81-55	BRICKYARD BUSINESS CONDO ASSOC. 16 KINGSTON RD. #13 EXETER, NH 03833
81-52	BRICKYARD BUSINESS CONDO ASSOC. 16 KINGSTON RD. EXETER, NH 03833
81-58	NATHANIEL HENRY FULLER NICOLE FULLER 2 GREYBIRD FARM CIR. EXETER, NH 03833
81-60	RACHEL HENRY JEFF HENRY 6 GREYBIRD FARM CIR. EXETER, NH 03833
81-61	STEPHEN E. LEAVITT SARAH N. LEAVITT 8 GREYBIRD FARM CIR. EXETER, NH 03833
81-59	CHARLES E. POTTLE MARYANN POTTLE 4 GREYBIRD FARM CIR. EXETER, NH 03833
81-62	CRAIG E. LAWRY 7 GREYBIRD FARM CIR. EXETER, NH 03833

RECEIVED

EXETER PLANNING OFFICE

**ABUTTERS LIST
FOR
NH- 1154.1 BRIAN GRISET- EXETER, NH
DATE April 8, 2020**

81-50	OWEN G. BARIL BARBARA E. MICHAUD PO BOX 975 EXETER, NH 03833
81-51	KINGSTON ROAD 12, LLC 151 EPPING ROAD EXETER, NH 03290
81-49	JOHN F. HENNESSEY MURRAY FAMILY REV. TR. CHRISTINE H. HENDERSON REV. LIV. TR. 12 PENDEXTER RD. MADBURY, NH 03823
73-47	BOSTON AND MAINE RAILROAD 1700 IRON HORSE PARK NORTH BILLERICA, MA 01862
95-64	EXETER RIVER MHP COOPERATIVE INC. C/O HODGES 201 LOUDON RD. CONCORD, NH 03301
96-10	EDWARD LIPTAK ANN ELIZABETH BENNETT 10 TAMARIND LN. EXETER, NH 03833
96-29	THOMAS & LINDA SMITH 7 TAMARIND LANE Lot #22 EXETER, NH 03833
96-28	PAUL & LISA MICHAUD 9 TAMARIND LANE EXETER, NH 03833

**ABUTTERS LIST
FOR
NH- 1154.1 BRIAN GRISET- EXETER, NH
DATE April 8, 2020**

96-8 JONATHAN & COLENE ELLIOTT
6 TAMARIND LN
EXETER, NH 03833

96-30 JASON & PATRICIA CONWAY
5 TAMARIND LANE
EXETER, NH 03833

81-79 TOWN OF EXETER
10 FRONT ST.
EXETER, NH 03833

96-31 ROBERT & REBECCA LIETZ
3 TAMARIND LN.
EXETER, NH 03833

PROFESSIONALS

ENGINEERING FIRM BEALS ASSOCIATES, PLLC.
70 PORTSMOUTH AVE. 3RD FLOOR
STRATHAM, NH 03885

SOIL SCIENTIST GOVE ENVIRONMENTAL
8 CONTINENTAL DR. BLDG. 2 UNIT H
EXETER, NH 03833

SURVEYOR DAVID VINCENT
PO BOX 1622
DOVER, NH 03820

DEVELOPER BRIAN GRISET
26 CULLEN WAY
EXETER, NH 03833

70 Portsmouth Avenue
3rd Floor, Unit 2
Stratham, NH 03885
Phone: (603)-583-4860
Fax: (603)-583-4863

January 13, 2020

RECEIVED

Chairman
Town of Exeter Planning Board
10 Front Street
Exeter, NH 03833

JAN 14 2020

EXETER PLANNING OFFICE

RE: Proposed Open Space Condominium Development off Tamarind Lane
Tax Map 0096 Lot #: 15
Tax Map 0081 Lot #: 53

Dear Members of the Board:

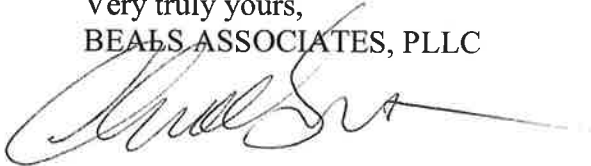
This is written to formalize a request for waivers specific to the road design for the referenced subdivision application.

Your petitioner seeks the following relief:

1. We respectfully request a waiver to Subdivision Regulations Section 9.17.2 which requires sloped granite curbing on cul-de-sac perimeters. The submitted design proposes bituminous cape cod berm throughout inclusive of the intersection radii with Tamarind Lane. We feel the waiver is justified, as this is a proposed private road that will not be maintained by the Town. There is no right-of way proposed and the proposed travel way is sufficient for safe passage of the expected vehicular traffic and emergency response vehicles.
2. We respectfully request a waiver to Subdivision Regulations Section 9.17.10.C which requires 24' of pavement for any development of 10 lots or more. We propose a 20' paved private road with cape cod berm curbing. We feel the waiver is justified as it reduces impacts on wetlands and associated buffers, the private road will not be maintained by the Town, and the design provides safe access/egress for all anticipated traffic including emergency response vehicles. The waiver is allowed in the regulations as stated "An allowance for slight reduction from 24 ft. may be negotiated if the design, topography, road length and other considerations warrant such a reduction." Finally, the reduction of pavement width reduces the total impervious area for the proposed development.
3. We respectfully request a waiver to Subdivision Regulations Section 9.15 which requires sidewalks on one side of the street. We feel the waiver is justified as again, this provides for a reduction in overall impervious area and wetland/buffer impacts. Additionally, there is a network of existing gravel roads within the provided open-space area on the parcel to facilitate passive recreation for all residents.

Thank you for your consideration.

Very truly yours,
BEALS ASSOCIATES, PLLC



Christian O. Smith, PE
Principal



TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

DATE: February 13, 2018
TO: Applicants
FROM: Planning & Building Department
RE: Preliminary Application to Connect and/or Discharge to Town of Exeter Sewer, Water and/or Storm Drainage System(s)

Attached is the "Preliminary Application to Connect and/or Discharge to Town of Exeter Sewer, Water or Storm Water Drainage System(s)". This Application form must be completed by the applicant or the applicant's authorized agent for projects that are subject to Planning Board approval or for a change of use. It is a prerequisite for submission of the "Applications for Sewer Service, Water Service and Storm Drainage Work." All of the application forms referenced above must be completed and approved prior to the issuance of a building permit. This application is intended to address a number of different scenarios and therefore, all sections may not be applicable to your particular situation. Please read the application carefully and fill out as completely as possible. If there are any questions, please feel free to contact the Planning and Building Department Offices. All forms must be submitted to the Planning and Building Department Office for review and distribution.

Please Note: Any approval(s) granted in conjunction with this application will be valid for a period of one (1) year from the date of such approvals(s).

SECTION A: PROPOSED NEW CONNECTIONS OR MODIFICATION OF EXISTING CONNECTIONS

SANITARY SEWER

Description of work Add force main connection to Tamarind Ln sewer vis e-one pumps for 16 new homes

Title of plan Plan & Profile/Effluent Disposal Detail sheets

Total design flow (gpd) 7,200

**For any non-residential discharge or residential discharge exceeding 5,000 GPS, or for a change of use, complete Section C of this form.*

Approved _____ Date _____
Water & Sewer Managing Engineer

WATER

Description of work Extend Tamarin Main to service 16 new homes

Title of plan Plan & Profile/Utility Details sheets

Total design flow (gpd) 7,200

Approved _____ Date _____
Water & Sewer Managing Engineer

STORMWATER

Description of work _____

Title of plan _____

Total design flow (10-year storm, CFS) _____

Approved _____ Date _____
Highway Superintendent

APPROVALS ARE VALID FOR PERIOD OF ONE (1) YEAR FROM DATE OF APPROVAL

SECTION C: SANITARY SEWER CLASSIFICATION AND BASELINE MONITORING

(NON-RESIDENTIAL DISCHARGES OR RESIDENTIAL DISCHARGE OVER 5,000 GPD)

In accordance with Title 40 of the Code of Federal Regulations, Part 403 Section 403.14, information provided herein shall be available to the public without restriction except as specified in 40 CFR Part 2. A discharge permit will be issued on the basis of the information provided in this section.

In accordance with all terms and conditions of the Town of Exeter, New Hampshire Ordinances Chapter 15, all persons discharging wastewater into the town's facilities shall comply with all applicable federal, state, and local Industrial Pre-treatment rules.

PART I - USER INFORMATION

Property Owner Name Adella Griset
Owner's Representative Brian Griset
Address 26 Cullen Way, Exeter, NH
Phone 603-686-1139 email _____
Tenant Name N/A
Address _____
Phone _____ email _____

PART II - PRODUCT OR SERVICE INFORMATION

Products Manufactured N/A
Services Provided N/A
SIC Code(s) N/A Building Area (SF) N/A
Number of Employees N/A Days/week of operation N/A Shifts per day N/A

PART III - CATEGORY OF SEWER DISCHARGE

Type of Discharge Septic Proposed Existing Change of Use
Water Use (gpd) 7,200 (from Section A)

Check all that apply:

- Domestic waste only (toilets & sinks)
- Domestic waste plus some process wastewater
- Federal pre-treatment standards (40 CFR) applies

USER CLASSIFICATION SYSTEM FOR INDUSTRIAL DISCHARGE

CLASS 1: SIGNIFICANT INDUSTRIAL USER

Any industry and/or commercial establishment that:

- Is subject to National Pre-treatment standards as outlined in 40 CFR (Code of Federal Regulations) 403.5 (a) (b).
- Discharges a non-domestic waste stream of 5,000 GPD, or more.
- Contributes a non-domestic waste stream totaling 5% or more of the average dry weather hydraulic or organic (BOD<TSS< etc.) capacity of the Town of Exeter Sewer Treatment Facility.
- Has the reasonable potential, in the opinion of the POT Supervisor, to adversely affect the treatment plant, its workers, or the collection system by reason of inhibition, pass-through pollutants, or sludge contamination.

CLASS 2: MINOR INDUSTRIAL USERS

Small industries and commercial establishments (e.g. restaurants, auto repair shops, cleaners, etc.) whose individual discharges do not significantly impact the Town of Exeter Sewer Treatment Facility or systems, degrade receiving water quality or contaminate the sludge. Industries that have the potential to discharge a non-domestic or process waste stream, but at the present time discharge only sanitary waste, may also be included in this class. However, this class shall not include any categorical industries. Industries and commercial establishments in this classification will require a permit and be subject to all inspection, compliance monitoring, enforcement, and reporting requirements of the pretreatment program.

CLASS 3: INSIGNIFICANT INDUSTRIAL USERS

Users which will be eliminated from participation in Exeter's Pretreatment Program. These include industries and/or commercial establishments that discharge only domestic waste (toilets and sinks only) into the municipal sewer system or do not have any reasonable chance of discharging a non-domestic waste stream to the POTW. Class 3 users will be required to notify the Exeter Sewer Division of any change in discharge quantity or character.

CLASS 4: NON-SYSTEM USER

Any industry, business or commercial establishment identified in the Master List of Industrial Users that are not connected to the Exeter Sewer system or which has ceased to discharge to the system.

Industries and/or commercial establishments classified as Class 1 or Class 2 users will be regulated individually and have specific effluent limitations (including conventional pollutants, where necessary) in the discharge permit. All Class 1 and Class 2 users will require a State Discharge Permit, and be subject to all inspection, compliance monitoring, and enforcement and reporting requirements of the pretreatment program.

LETTER OF AUTHORIZATION


I, Adela Griset, owner of property depicted on Tax Map 96, Lot 15, and Brett Neeper, Trustee of the Mendez Real Estate Trust, owner of property depicted as Tax Map 83, Lot 53, do hereby authorize Brian Griset, Donahue, Tucker and Ciandella, PLLC and Beals Associates to execute any land use applications to the Town of Exeter and to take any action necessary for the application and permitting process, including but not limited to, attendance and presentation at public hearings, of the said property.

Dated: 11-4-19



Adela Griset

MENDEZ REAL ESTATE TRUST



Brian T. Griset, attorney in
fact for Brett Neeper,
Trustee

S:\GM-GR\GRISSET, ADELA\EBA\LETTER OF AUTHORIZATION.DOCX

RECEIVED

JAN 14 2020

EXETER PLANNING OFFICE



TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX
772-4709

www.exeternh.gov

January 30, 2020

Justin L. Pasay, Esquire
Donahue, Tucker & Ciandella, PLLC
16 Acadia Lane, POB 630
Exeter, New Hampshire 03833

Re: Zoning Board of Adjustment Case #19-17 Appeal from Administrative Decision
Case #19-18 Special Exception
Case #19-19 Variance
Brian Griset – Kingston Road & Tamarind Lane, Exeter, N.H.
Tax Map Parcel #96-15, #81-57 and #81-53

Dear Attorney Pasay:

This letter will serve as official confirmation that the Zoning Board of Adjustment, at its January 21st, 2020 meeting, voted to deny the above-captioned application for an Appeal from an Administrative Decision relative to the interpretation made by the Building Inspector/Code Enforcement Officer that Zoning Board of Adjustment relief would be required for the proposed single family open space development being presented to the Planning Board for review.

At this same meeting, the Board granted the above-captioned application for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 to permit residential use of a 30.76-acre parcel located within the NP-Neighborhood Professional zoning district for the sole purpose of calculating density for a proposed open space development, as presented.

The Board subsequently granted the above-captioned application for a variance from Article 4, Section 4.3 Schedule II: Density and Dimensional Regulations-Residential and Article 7, Open Space Development to permit a single-family open space development in the R-1, Low Density Residential zoning district which draws density from contiguous unimproved property in the NP-Neighborhood Professional zoning district, as presented.

Please be advised that in accordance with Article 12, Section 12.4 of the Town of Exeter Zoning Ordinance entitled "Limits of Approval" that all approvals granted by the Board of Adjustment shall only be valid for a period of three (3) years from the date such approval was granted; therefore, should substantial completion of the improvements, modifications, alterations or changes in the property not occur in this period of time, this approval will expire.

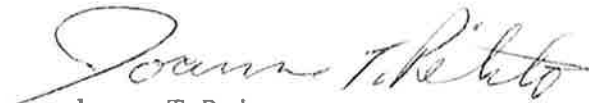
Justin L. Pasay, Esquire
January 28, 2020

ZBA Case #19-17. 18. 19.

Page 2

If you should have any questions, please do not hesitate to contact the Building Department office.

Sincerely,



Joanne T. Petito
Chairwoman
Exeter Zoning Board of Adjustment

cc: Adela Griset, Mendez Real Estate Trust, property owner
Brett Neeper, Trustee, Mendez Real Estate Trust
Brian Griset, Applicant
Christian O. Smith, P.E., Beals Associates PLLC
Douglas Eastman, Building Inspector/Code Enforcement Officer
Janet Whitten, Deputy Assessor

JTP:bsm

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Town of Exeter
Zoning Board of Adjustment
1/21/2020, 7 PM
Town Offices Nowak Room
Draft Minutes

I. **Preliminaries**

Members Present: Chair Joanne Petito, Vice-Chair Robert Prior, Clerk Rick Thielbar, Laura Davies, Kevin Baum, Christopher Merrill - Alternate, Esther Olson-Murphy - Alternate

Members Absent: Martha Pennell - Alternate, Hank Ouimet - Alternate

Others Present: Doug Eastman, Barb McEvoy

Call to Order: Chair Petito called the meeting to order at 7 PM. Only the regular members will be voting.

II. **New Business**

- A. The application of Brian Griset for an Appeal from an Administrative Decision made by the Building Inspector/Code Enforcement Officer on October 30, 2019 relative to the interpretation that Zoning Board of Adjustment relief would be required for the proposed single family open space development being presented to the Planning Board for review. The subject properties are located on NH Route 111 (Kingston Road) and Tamarind Lane in the R-1, Low Density Residential and NP-Neighborhood Professional zoning districts. Tax Map Parcels #96-15, #81-57, and #81-53. Case #19-17.

Justin Pasay of Donohue Tucker & Ciandella spoke about this project, representing the Grisets. This is a concept for a 16 unit open space condominium development, which is permitted in the zoning ordinance, uplands of Gray Bird Circle. The goal is to convey more than 32 acres, the "Mendez Trust Property," to the town as conservation land. Mr. Griset has held neighborhood meetings and a design review with the Planning Board, which had few comments and seemed receptive. They've also had a preliminary review and sitewalk with the Conservation Commission. The issue is the Code Enforcement Officer Doug Eastman's decision on the proposed yield plan. If you apply the density requirements to the whole area, at 5000 square feet required per unit, dozens of units are possible.

Christian Smith of Beals Associates said the project is to use the Mendez Parcel plus 4.6 acres of Mr. Griset's parcel as the basis for the yield plan. There would be open space for the condominium development. An entire parcel would be conveyed to the town, which would provide connectivity to the town-owned Brickyard. The proposed development is 16 individual, single-family condominium residences, plus a separate single-family residence on Cullen Way; everything else would be protected. The wetlands impact would be under 3,000 square feet, just to get the driveway in. Regarding the traffic element and capacity of Tamarind Lane, this road is

45 28 feet wide, 4 feet wider than the standard road in town. They are proposing an additional 17
46 units, for a total of 51 units that that road would serve. He added that the road was designed for
47 the future development of this parcel.

48 Mr. Griset said that in 2003, he acquired the Mendez Trust property. They could build 67
49 residential units by the formula, but are restricted by all the environmental and access issues
50 involved. His goal is to maintain the wet meadow. He's looking to do R1 and have the matching
51 zoning of R1 for both parcels in the yield plan. Based on configuration of the wetlands, they
52 would only use 18 lots out of the total yield, 16 units, plus 1 existing home, and one single family
53 lot. There would be screening, with no visual or noise impact to the surrounding development. A
54 nature trail could be set up from an existing parking lot for public access to the conservation
55 land. Ms. Davies asked if these three parcels were all of his landholdings in the area and this
56 project will exhaust all of his development rights; Mr. Griset said yes.

57 Jim Gove of Gove Environmental Services said Scamman Brook passes through this
58 parcel from west to east, into the prime wetlands on the Mendez Trust, and on to Little River.
59 The National Heritage Bureau has not identified any rare, threatened or endangered species,
60 but his firm did find two vernal pools, which would be protected in this proposal. He also found
61 wildlife corridors. This is a shoreland protection district area for Scamman Brook. It's a forested
62 scrub shrub area, with the exception of the maintained grasslands. Clustering the development
63 will preserve the forested areas and wetland resources.

64 Mr. Prior said the pond is close to the access road. Mr. Gove said this is a man-
65 constructed pond, and he believes it was put in to mitigate stormwater. The pond and the large
66 swamp white oaks in that area will be maintained. Ms. Davies asked if there were wetland
67 impacts. Mr. Gove said yes, 2,500 square feet of impacts near the pond. The access road fills in
68 a slight portion of the pond but impacts more of the forested area adjacent to the pond. This
69 proposal is subject to DES approval.

70 Mr. Pasay said the proposal is part of a process that has taken decades to happen and
71 with a consideration of what's best for the Grisets and the town. The open space planning
72 process requires producing a yield plan, the depiction of a conventional subdivision in an area;
73 those conventional lots are translated into units and put into a cluster. The application would
74 then go to the Planning Board, who has to accept the yield plan. Here, the question is whether
75 or not it's appropriate for the Grisets to depict some of those conventional R1 lots in the
76 Neighborhood Professional [NP] zone of the Mendez Trust without a variance. Subdivision and
77 site review regulations section 7.13 states that yield plans must comply with conventional
78 subdivision regulations, and shall not require a variance from existing zoning regulations to
79 achieve the layout supporting the proposed density. It must be reasonably achievable, comply
80 with the subdivision regulations, and can't require a variance. Because they meet these
81 requirements, all that is required for the NP is a special exception to allow residential uses.

82 Mr. Baum said the issue is the dimensional regulations. Mr. Pasay said the yield plan
83 depicts R1 conventional lots over the whole parcel. Mr. Eastman's written response was "the
84 ability to transfer the density of residential units from the NP zoning district would first require
85 obtaining a special exception from the ZBA to permit residential uses in the NP zone." The
86 Grisets agree on that point. He quoted further: "this relief alone would not allow for the ability to
87 transfer the permitted residential density from the NP to the Grisets' property situated in the R1,
88 low density residential district, but only permit the use. It is my opinion that additional relief from

89 the ZBA by seeking a variance would be necessary for the requested transfer of density as
90 described." Six of the lots are in the NP; the issue is whether they can use those lots for the
91 yield plan without a variance.

92 Ms. Petito asked how many units they would be able to do if they couldn't use the six
93 lots. Mr. Pasay said 13 out of the 16 proposed under the yield plan. Mr. Thielbar said there are
94 three houses coming in from the north, but the regulations require 100 feet of frontage. Mr.
95 Pasay said his understanding was that the plan conformed with the site review regulations. Mr.
96 Smith said two of them have 100 feet of frontage on 111 and the third has it on the proposed
97 cul-de-sac. Mr. Thielbar asked if they could split frontage like that, and Mr. Smith said there's no
98 regulation on having driveways on your frontage. Ms. Davies asked if he meant 150 feet of
99 frontage, which is the requirement, and Mr. Smith said yes.

100 Mr. Baum asked if he were asking for a determination that the yield plan could depict lots
101 in the NP. Mr. Pasay said he's seeking a determination that they can proceed to the Planning
102 Board with their yield plan with only a special exception, but Mr. Eastman's decision was that
103 they needed a variance. They want to use the NP area with residential lots depicted.

104 Mr. Pasay said there was a precedent in the Rose Farm case. On their yield plan, there
105 were higher density lots in multiple zoning districts that were counted. Mr. Prior said that that
106 case had different densities and different zones, but it was all residential, so not relevant to this
107 case. Mr. Pasay said that Mr. Eastman's decision is about the transfer of the density, which was
108 done in the Rose Farm case.

109 Mr. Pasay said there's other precedent in town in the 80 Epping Road case, which was
110 ZBA Case #14-86 from 2014. It's not an open space development case, but the front of the
111 parcel is in C2 and the back is R4. They proposed 81 units, and needed to transfer units from
112 the front, where high density was allowed, to the back. The town granted the variance
113 requested, but one member commented that he didn't think they even needed variance relief. At
114 the Felder-Cool property, off 80 Epping Road, there was a lot line adjustment that brought some
115 of the C2 into the R4.

116 Mr. Pasay said his firm looked into the intent of 674-21, which is a Planning tool that was
117 designed to encourage development the town considers favorable, and to protect property to be
118 conserved. The transfer of density and development rights allows those who own open space
119 property in outer parts of town to sell development rights to owners of property in denser areas.
120 That's not the same as what's being proposed here; they want to create open space in their own
121 development area.

122 Ms. Petito asked if any members of the public wished to speak.

123 Jason Reimers of BCM Environmental Land Law spoke representing abutters Patrick
124 and Ann Flaherty of 8 Tamarind Lane. They agree with Mr. Eastman's decision that applicants
125 need both a special exception and a variance. Nothing in Article 7 allows density transfers
126 between zones. A single-family open space development is not permissible in the NP district per
127 7.5.3, which says "A single family open space development is permissible in the RU, R1, R2,
128 R3, R4 districts." In order for a yield plan for an open space development to show lots in the NP
129 district, a variance is required. Even if the condos themselves are in the residential district,
130 they're using density from the NP district. Getting a special exception merely allows the use; to
131 transfer the density outside of that district is beyond what the ordinance allows. The applicant

132 said that Rose Farm wasn't required to get a variance, but all three districts in that case were
133 residential.

134 Ms. Petito asked which subdivision of Article 7 required a variance. Mr. Reimers said
135 7.5.3; under this provision, an open space development is not permitted in this district. The yield
136 plan is not separable from the development. 7.7.1 also addresses the yield plan, which is an
137 integral part of the open space development.

138 Mr. Pasay said Mr. Eastman did not mention 7.5.3 as a part of the ordinance they
139 needed relief from. The opinion suggested that because single family open space developments
140 are only permissible in R districts, the yield plan is confined to the R districts. If that what was
141 intended, it would be in the language of the ordinance. Their development is in the R1, not in the
142 NP, which will be unimproved open space.

143 Ms. Petito asked if any of the precedents that Mr. Pasay cited had a yield plan that was
144 based in different zoning districts that were not residential. Mr. Pasay said no, they were not
145 open space developments; this type of development doesn't come up frequently.

146 Anne Moran of Tamarind Lane, an abutter, said that she has concerns about the density
147 of the project. Most of the lots on Tamarind Lane are one acre lots. There are a lot of young
148 families in the area, so traffic would be a safety concern.

149 Anne Flaherty of 8 Tamarind Lane asked for clarification that there would still be 13
150 single-family residences if this yield plan were rejected. Ms. Petito said it would depend on how
151 it moves forward, but it will not kill the plan.

152 Trevor Knott of 15 Tamarind Lane said that these designs assume that the Grisets have
153 the ability to construct a road through a private right of way. He asked that the ZBA not make
154 any decisions until this problem is addressed. Ms. Petito said they may revisit that if they get
155 through the appeal of the administrative decision. Mr. Knott said the Master Plan suggests
156 developing this land off of Kingston Road, but this plan is off of Tamarind Lane. The access
157 should not be through Tamarind Lane.

158 Jonathan Elliott of 6 Tamarind Lane said that a yield plan must be "reasonably
159 achievable in a conventional subdivision following town zoning ordinances." He asked that they
160 uphold Mr. Eastman's decision. A special exception is for a permitted use only and can't
161 transfer.

162 Ms. Petito closed the public session.

163 Mr. Prior said the safe way would be to deny the appeal and move on to the underlying
164 issue of the yield plan. The language of 7.5.3 does not anticipate the transfer of density between
165 zones. Mr. Baum said he still has questions about whether a yield plan can include an NP zone.
166 7.1.3 of the site plan regulations seems to say that if only a special exception is required, it
167 seems that a yield plan can include the NP zone. He asked what density gets applied for those,
168 R1 or NP? Ms. Davies said all the lots of the yield plan must be conforming lots, not requiring a
169 variance. It seems like it should be allowed. There's no access to this land through the NP zone.

170 Mr. Prior said the three aspects are reasonably achievable, it meets the subdivision
171 regulations, and no variance is required. Mr. Baum said "reasonably achievable" is a Planning
172 Board matter. They still need a special exception. If they could do a conventional subdivision on
173 the lots shown on the yield plan, that's permissible. Mr. Thielbar said there's an issue of density,
174 but Mr. Prior said they're using the R1 density, rather than the NP. As Mr. Reimer pointed out,
175 7.5.3 doesn't mention NP, which suggests Mr. Eastman was correct in his administrative

176 decision. Mr. Thielbar said they're not trying to build in the NP. Mr. Baum asked what's included
177 in an open space subdivision, just the buildings or the open space as well? Mr. Prior said the
178 NP is in the yield plan but not the development.

179 Ms. Petito asked what the variance would actually be from. Mr. Baum said 7.5.3 is
180 whether it's permissible at all. All of the actual development is in the R1. Mr. Prior said that they
181 should uphold the decision and move on to the underlying issues. Mr. Thielbar said they
182 shouldn't be overturning staff decisions.

183 Ms. Davies said if a property crosses a zoning line, you apply the lot dimensional
184 requirements and if they need to use a piece of another zone to meet requirements, it's never
185 been an issue. Doug Eastman countered that he wouldn't consider that permissible.

186 Mr. Prior made a motion to deny the appeal from an administrative decision, which would
187 uphold the Code Enforcement Officer's decision. Mr. Thielbar seconded. Mr. Thielbar, Ms.
188 Petito, and Mr. Prior voted yay. Ms. Davies and Mr. Baum voted nay. The motion passed 3-2.

189

190 B. The application of Brian Griset for a special exception per Article 4, Section 4.2
191 Schedule 1: Permitted Uses and Article 5, Section 5.2 to permit residential use of
192 a 30.76 acre parcel located within the NP-Neighborhood Professional zoning
193 district for the purpose of calculating density for a proposed open space
194 development. The subject properties are located on NH Route 111 (Kingston
195 Road) and Tamarind Lane in the R-1, Low Density Residential and NP-
196 Neighborhood Professional zoning districts. Tax Map Parcels #96-15, #81-57,
197 and #81-53. Case #19-18.

198 Mr. Pasay asked that they allow Brian White of White Appraisal to speak.

199 Mr. White said he prepared a 45 page opinion letter that addressed the variance and the
200 special exception. According to section 52H, the ZBA must conclude that the development will
201 not adversely affect neighboring property values. This property is made up of three adjacent
202 parcels with common ownership. They're proposing 16 single family units and one single family
203 lot. This is an open space development. According to the MLS data, single family homes in this
204 area have been selling for \$369,000 - \$615,000 over the last four years. In the Master Plan for
205 Exeter, the Kingston Road area is a transition area; the proposed open space development
206 would fit into a transition area. Property values will not be diminished. Regarding view, noise,
207 and use of the property, there is existing screening located between this property and
208 neighboring residences, and they will add 25 feet of buffer along Grey Bird Circle and Tamarind
209 Lane. In appraisals, they look for paired sales, but that data doesn't exist here; his opinion is
210 based on his experience. Any change will increase traffic and the use of the neighborhood, but
211 this proposal is much less intense than what could be done. Regarding distances from
212 properties, the first residence would be 350 feet from Tamarind Lane. There would be a total of
213 58 units from one access drive. The typical range in Exeter is from 42 to 111 units from an
214 access. There was no data from those sales that there was diminution in value. His conclusion
215 is that this development will not have a negative impact on the values of surrounding properties
216 and will enhance the neighborhood.

217 Mr. Pasay discussed the Special Exception criteria. He clarified that for the NP zone,
218 they're considering a small piece of Lot 3, Lot 6, and Lot 7, which are proposed to be accessed
219 from Cullen Way, and Lot 15, 16, and 17, which obtain frontage on the subdivision road but are

220 proposed to be accessed from the right of way. Regarding Criteria 1, the use is a permitted
221 special exception as set forth in Article 4.2 schedule 1; yes, residential uses are permitted by
222 special exception in the NP. Criteria 2, the use is so designed so that public health, safety,
223 welfare, and convenience will be protected; yes, the yield plan is the result of many years of
224 planning, and addresses issues of wetland impacts and access. The lots themselves are
225 insulated. There could be a more intensive development, but they are trying to honor the Master
226 Plan and leave open space. 32.4 acres will be conveyed to the town, as well as leaving 10.3
227 acres open as part of the development. Regarding Criteria 3, the proposed use is compatible
228 with the zoning district; yes, the weight of evidence shows that these six units are substantially
229 in compliance and are in keeping with the goals of the Master Plan, specifically page 30 and 31,
230 which talk about this parcel being a transition between the dense downtown and the more rural
231 western part of town. Regarding Criteria 4, adequate landscaping and screening provided; yes,
232 these lots are unimproved and wooded. Adequate offstreet parking and loading are provided
233 and ingress and egress are designed to create minimum interference with abutting streets. For
234 lots 3, 6, and 7, access is through Cullen Way; lots 15, 16, and 17, through the Brickyard, to
235 reduce traffic on either street. Regarding Criteria 5, the use conforms with code regulations
236 governing the district; yes, it does conform with NP, with a special exception. Regarding Criteria
237 6, as a condition of special exception approval, the applicant must undergo Planning Board
238 review and/or Planning Board approval of the site plan; this is largely an academic process to
239 create a yield plan, which plan will then be vetted by the Planning Board. Regarding Criteria 7,
240 use will not adversely affect property values; yes, by virtue of where they are located, they can't
241 impact surrounding property values, as they are so insulated. Mr. White's appraisal also
242 addressed this. Criteria 8 and 9 are inapplicable.

243 Ms. Petito opened the discussion to the public on the request for a special exception.

244 Jason Reimers spoke again on behalf of Patrick and Anne Flaherty. Regarding Criteria
245 3, the proposed use will be compatible with the zoned district; this size of residential at 30 acres
246 is not compatible with the NP zone. If this area is a transition zone, it would be incompatible to
247 turn it all into residential. Regarding Criteria 7, the use shall not adversely affect abutting
248 property values, Mr. White's appraisal seems to rely on the resulting 16 condo units not having
249 an impact, but the issue at hand is whether the yield plan would be granted as a special
250 exception. The yield plan, if built, has not been shown to not adversely affect nearby properties.
251 Mr. Baum asked if he had any specific concerns about diminution of value, and Mr. Reimers
252 said there are a lot of concerned neighbors.

253 Mr. White said that in his report, he identifies that the six lots in the NP would be
254 increasing the density to 16, but he still concludes that the granting of the special exception
255 would not have any effect on the value. Compared to the potential for 54 mixed-use units, 6 or
256 10 lots on this number of acres is a minimal difference.

257 Trevor Knott said the yield plan is inadequate and the appraisal only includes the final
258 design. Section 5.2 of the Zoning ordinances, the ZBA has the ability to require the Planning
259 Board and/or the Town Planner to approve the plan submitted, and he requests that this
260 proposal be submitted to the Planning Board prior to rendering approval. Decisions of this
261 magnitude should be submitted to the Planning Board first. They should also reject the
262 appraisal, because it's based on speculative evidence. The value of the proposed homes is
263 taken from the builders and is not adequate to determine the effect on values of homes in the

264 surrounding neighborhood. The Master Plan identifies Kingston Road as a transition area, but
265 transitions take place between areas, not in the middle of them in a clustered development.

266 Jonathan Elliott said that a special exception is required to change the use, and a
267 variance is required to allow for the transfer of density. This application says that a special
268 exception is required for the transfer of density. There's a lack of clarity on what's required.

269 Ms. Petito closed the public session.

270 Mr. Prior said they are not planning to hear other cases tonight, except the Great Bridge
271 Properties case.

272 Ms. Petito said the application goes through the criteria well.

273 Ms. Davies said one concern was that the appraisal didn't address the yield plan, but
274 she is satisfied with the appraisal. The potential lots, with the split access, wouldn't affect other
275 properties.

276 Mr. Prior said it's clear that they couldn't build this yield plan, due to wetlands issues.

277 Ms. Davies said that's for the Planning Board to decide, this is just for the use.

278 Mr. Baum went through the criteria for a special exception. Criteria 1, the use is a
279 permitted special exception; yes, that's clear. Criteria 2, the use is so designed so that public
280 health, safety, welfare, and convenience will be protected; yes, it's portions of six residential lots
281 on 30 acres, and there is access shown. A residential use is not going to impact health, safety,
282 welfare, and convenience. Regarding Criteria 3, the proposed use is compatible with the zoning
283 district; yes, these are permitted by special exception. It abuts a residential area. Regarding
284 Criteria 4, adequate landscaping and screening provided; yes, given the size of these lots and
285 their state, that won't be an issue. Regarding adequate parking and loading, yes, there's plenty
286 of offstreet parking and they have shown access. Regarding Criteria 5, the use conforms with
287 code regulations governing the district; yes, with a special exception. Regarding Criteria 6, as a
288 condition of special exception approval, the applicant must undergo Planning review and/or
289 Planning approval of the site plan; even if they went through with this plan, a subdivision review
290 would be done by the Planning Board, so an additional site plan review does not seem
291 necessary. Regarding Criteria 7, use will not adversely affect property values, the applicant has
292 presented an appraisal in support. Six lots on 30 acres will not have an adverse effect. No other
293 evidence or testimony was presented. The other two criteria do not apply.

294

295 Ms. Davies moved that they approve the application for a special exception as presented. Mr.
296 Baum seconded.

297 Mr. Baum moved to amend the motion with the words "for the sole purpose of calculating
298 density for a proposed open space subdivision." Mr. Prior seconded the amendment. All were in
299 favor of the amendment.

300 All were in favor of the amended motion.

301

302

303 C. The application of Brian Griset for a variance from Article 4, Section 4.3 Schedule

304 II: Density and Dimensional Regulations - Residential and Article 7, Open Space

305 Development to allow for the residential unit density permitted in the NP-

306 Neighborhood Professional zoning district to be transferred to an adjacent

307 property located in the R-1, Low Density Residential zoning district for the

308 purpose of creating an open space development. The subject properties are
309 located on NH Route 111 (Kingston Road) and Tamarind Lane. Tax Map Parcels
310 #96-15, #81-57, and #81-53. Case #19-19.
311

312 Justin Pasay asked that the Board incorporate the evidence they've heard thus far, and
313 to consider generally the nature of variance relief in NH, which is to ensure that zoning
314 ordinance is applied in a fair way and to preserve the rights of property owners.

315 He considered variance Criteria 1 and 2: whether it will be contrary to the public interest,
316 and whether the variance will observe the spirit of the ordinance. A variance is only contrary to
317 public interest if it conflicts with the zoning ordinance. This proposal does not. The Supreme
318 Court asks them to consider whether the essential character of the neighborhood will be
319 compromised and whether it will affect public health, safety, and welfare. The open space
320 development plan actually advances the objectives of the ordinance. It doesn't conflict with the
321 essential character of the neighborhood. This is a modest number of units with a significant
322 buffer from Tamarind Lane. The residents on Gray Bird Circle were informed that this
323 development would be coming when Mr. Griset conveyed their parcels to them. Criteria 3 is
324 whether substantial justice would be done; there must be some gain to the public that outweighs
325 the loss the Grisets if it were not to go forward. There's no discernable gain to the public to stop
326 the project. The impact will be minimal, and 42 acres of property will be conserved, which is a
327 great benefit to the public. Other alternatives which could be pursued are more of a detriment to
328 the public. Criteria 4 is whether the values of surrounding properties will be diminished; this will
329 not affect surrounding property values, as stated in the expert testimony. Criteria 5 is the
330 hardship criteria, and that the use is reasonable. The parcels are larger than any in the area.
331 There are significant wetlands on the site. The point of the NP is to have significant frontage on
332 town roads, but there is no frontage here, only access from Kingston Road via a right of way.
333 The property cannot be used in strict conformance with the zoning ordinance.

334 Mr. Griset said in regards to the hardships created by it being an NP property, when they
335 created the industrial zone in 1973, the line drawn ignored property lines and only went to
336 Scamman Brook. After issues, they redrew the property lines but ignored natural features and
337 made the whole area industrial. In 1994, it was changed from industrial to NP to make it more
338 compatible with the surrounding residential. In 2017, the Planning Board added residential uses,
339 as a "transition" property. The hardship is there in the history of this property.

340 Bob Lietz of 3 Tamarind Lane, an abutter, said that 16 condominiums there would affect
341 the character of the neighborhood. His home is on a two acre lot, and this is a cluster of homes
342 right across from his lot. A few homes would be consistent, but not that many.

343 Mr. Reimers said that a variance should not be easy to obtain. The applicant has stated
344 that the open space development itself meets the variance criteria, but he should be
345 demonstrating that the yield plan development meets the criteria. That said, both plans affect
346 the character of the neighborhood. There would be more traffic, noise, and his clients the
347 Flahertys would be affected by the proposed access road. Their property value would likely be
348 diminished. There are other ways that the property can be developed.

349 Ms. Petito asked what is between the Flahertys' property and the proposed
350 development. Mr. Griset said the corner point of the Flahertys' house is 20 feet from the
351 property line, and there's a vegetated buffer area. Anne Flaherty of 8 Tamarind Lane said there

352 would be 75 feet between her house and the nearest proposed building. Mr. Prior asked her to
353 comment on the impact of the access road on her property. Ms. Flaherty said that this plan
354 appears to show an access road separate from her driveway. Mr. Griset said the access drive is
355 12 - 15 feet from their lot, creating slightly more wetlands impact but avoiding their driveway.

356 Lisa Bleicken of 11 Tamarind Lane presented a neighborhood petition in opposition to
357 the project, reflecting concerns about potential property value impacts and lot size differences
358 affecting the neighborhood's character. She said that this may be a transition zone, but once
359 you're in the actual neighborhood the character is very different.

360 Trevor Knott of 15 Tamarind Lane said the zoning ordinance says that a variance must
361 not affect the public health, safety, or welfare, and the values of surrounding properties not be
362 diminished. This plan does not preserve the integrity of the neighborhood. He doesn't agree with
363 the appraisal; on the subject of diminished values, it sounds like a best guess.

364 Mr. Pasay said they're not looking for a variance to allow an open space development.
365 They're looking at whether the density of six of the lots in the NP zone can be transferred for the
366 purposes of the yield plan. Other issues can be considered in a Planning Board context. This
367 always had the potential to be developed, and the use is permitted by the zoning ordinance.

368 Mr. Prior said Mr. Pasay has stated several times that a parcel over 20 acres "must be"
369 open space development. Mr. Pasay said it's a footnote of Article 4.3, Schedule II, Footnote 19:
370 "Where lots of record have a total of 20 or greater acres, open space development is required
371 unless waived by the Planning Board."

372 Ms. Petito closed the public session.

373 Ms. Petito said that the applicant is looking to use the R1 density calculations for lots in
374 the NP zone. Mr. Prior said they're simply looking to put part of six residential units in the NP. If
375 they deny the variance, the applicant has to deal with the density they can get from the non-NP
376 portions of the property. The development will go forward, but at a smaller scale. Mr. Baum said
377 that the abutters' issues remain either way, and are largely the purview of the Planning Board.
378 Mr. Prior said that one of the abutters said that the increased transfer of density would alter the
379 essential character of the neighborhood. Mr. Prior said that he believes it changes the nature of
380 the neighborhood either way. Ms. Davies said the open space development is required for
381 parcels over 20 acres, and that's the Planning Board's issue.

382 Mr. Thielbar said if the area in question were R1, not NP, there wouldn't be an issue.
383 7.5.3 lists the specific districts where they can have an open space development, and the NP
384 parcel doesn't meet the criteria. What should have been requested is permission to use the
385 now-transferred residential use to meet the requirements of 7.5.3. Mr. Prior said it's still an NP
386 with residential uses, per the special exception which they granted. Mr. Baum said the
387 applicant's specific request is "a variance from Article 4.3 Schedule II and Article 7 to permit a
388 single-family open space development in the R1 Zoning District which draws density from
389 contiguous unimproved property in the neighborhood professional zone."

390 Ms. Petito went through the variance criteria. Regarding Criteria 1, the variance is not
391 contrary to the public interest, and Criteria 2, the spirit of the ordinance is observed, she said
392 that is addressed in the application. Mr. Prior said the large parcel will be preserved. Ms. Petito
393 said it will still be a residential neighborhood; she doesn't think the additional units alter the
394 essential character of the neighborhood, more so than the rest of the development. Criteria 3,
395 substantial justice: the benefit to the applicant should not be outweighed by the harm to the

396 general public or other individuals. Ms. Petito said the harm would be some increased traffic; the
397 views are buffered. Mr. Prior says it's a denser usage, and there are access issues the Planning
398 Board will consider. Criteria 4, values would be diminished; Ms. Petito said they heard anecdotal
399 evidence, but nothing to outweigh the expert testimony. Criteria 5, hardship: Ms. Davies said the
400 parcel is landlocked and there are wetland issues. Ms. Petito said it's favored by the Master
401 Plan to develop the property in this way. Mr. Prior said given the environmental nature, this is a
402 parcel of land that should be in conservation, which this development would allow. Mr. Baum
403 said it's consistent with the intent of the ordinance. Mr. Prior said it's going to be an open space
404 development, the question is how big it's going to be.
405

406 Mr. Baum made a motion to approve the requested variance from Article 4.3 Schedule II and
407 Article 7 to permit a single-family open space development in the R1 Zoning District which
408 draws density from contiguous unimproved property in the Neighborhood Professional Zoning
409 District as presented in the application. Ms. Davies seconded. All were in favor.

410
411

412 D. A rehearing on the application of Great Bridge Properties, LLC for a special
413 exception per Article 4, Section 4.2, Schedule I: Permitted Uses and Article 5,
414 Section 5.2 to permit the proposed construction of a "multi-use" structure on the
415 property located a 2 Meeting Place Drive; and a special exception from Article 4,
416 Section 4.4 Schedule III, Note #12 to allow an increased height of said structure
417 not to exceed fifty (50) feet. The Applicant is requesting a slight modification to
418 the condition of approval with respect to the reference that the residential
419 component of the property will be consistent with NH State Workforce Housing
420 Statute §674:58 et seq. The subject property is located in the C-2, Highway
421 Commercial zoning district. Tax Map Parcel #55-75. Case #19-15.

422 Laura Davies recused herself from this case. Alternate Chris Merrill will be voting.

423 Justin Pasay spoke on behalf of Great Bridge Properties. He said they received a
424 special exception from the ZBA in October for the multi-use and the height for the Meeting Place
425 parcel on Epping Road. Based on a misunderstanding, the condition that they agreed to on the
426 workforce housing statute was too cumbersome. They made a motion for rehearing in
427 November. This modification will allow them to comply with the workforce housing statute,
428 except that the development will not be at least 50% 2 bedroom residences. He is providing new
429 motion language, which also updates the description of the first floor use to add "non-
430 residential," because there will be residential storage on that level in addition to commercial
431 space. Ms. Petito said this would still be a commitment to the original intent, to comply with the
432 affordability criteria. Mr. Baum said that he drafted the original motion, and his intent was to
433 make it clear that the project was committed to keeping rents affordable. It's a rehearing, but
434 they can base it on the original hearing. Ms. Petito noted that there were no members of the
435 public present to speak. She closed the public hearing.

436 Mr. Prior made a motion to modify the conditions of approval previously granted on October 15,
437 2019, for the application for a special exception from Article 4, Section 4.2, Schedule I:
438 Permitted Uses and Article 5, Section 5.2 to permit the proposed construction of a "multi-use"

439 structure, with first floor commercial/non-residential, and three stories of residential rental
440 housing that is affordable in nature, using income and rent levels that are consistent with those
441 defined in RSA §674:58, on the property located at 2 Meeting Place Drive, Exeter NH; and a
442 special exception from Article 4, Section 4.4 Schedule III, Note #12 to allow an increased height
443 of said structure not to exceed fifty (50) feet, as presented. Mr. Thielbar seconded. All were in
444 favor.

445 E. The application of Carol Miller for an Appeal from an Administrative Decision
446 made by the Historic District Commission at their November 21st, 2019 meeting
447 regarding a request for replacement windows. The subject property is located at
448 30 High Street, in the R-2, Single Family Residential zoning district. Tax Map
449 Parcel #71-6. Case #19-20.

450 This case was tabled until the next meeting.

451
452 F. The application of Benjamin and Sarah Anderson for a modification to a
453 previously granted variance from Article 4, Section 4.2 which permitted the use of
454 the existing accessory barn on their property for community gatherings. The
455 Applicant is seeking relief to permit the operation of a nano-brewery and tasting
456 room, with limited hours, in the basement/ground floor of the barn structure. The
457 subject property is located at 66 Newfields Road, in the RU-Rural zoning district.
458 Tax Map Parcel #24-19. Case #20-2.

459 This case was tabled until the next meeting.

460
461 G. The application of Exeter Hospital, Inc. for a variance from Article 6, Section
462 6.16.2 Perimeter setback to permit a perimeter buffer setback of 25' from a
463 residential zone where 50' is required. The subject property is located on
464 Magnolia Lane, in the H-Healthcare zoning district. Tax Map Parcel #65-147.
465 Case #20-3.

466 This case was tabled until the next meeting.

467
468 H. The application of Seacoast Farms Compost Products, Inc. for a variance from
469 Article 4, Section 4.2 Schedule I: Permitted Uses to permit the expansion of the
470 current town composting and organic recycling services provided at the Cross
471 Road Transfer Station, in accordance with RSA 674:54 II a. The subject property
472 is located in the R-1, Low Density Residential zoning district, Tax Map Parcel
473 #100-4. Case #20-4.

474 This case was tabled until the next meeting.

475
476 **III. Other Business**

477 A. Approval of Minutes: November 19, 2019

478 1. The approval of minutes was tabled until the next meeting.
479

480 **IV. Adjournment**
481

482 Mr. Prior moved to adjourn. Mr. Thielbar seconded. All were in favor and the meeting was
483 adjourned at 11:37 PM.

484

485 Respectfully Submitted,

486 Joanna Bartell

487 Recording Secretary

Control Standards of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.

7.10. Landscaping Plan

Submission of such a plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. All landscaping plans shall be prepared in accordance with the design standards as outlined in Section 9.7 Landscaping and Screening of these regulations.

7.11. Drainage Improvements and Storm Water Management Plan

Submission of such a plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. All storm water management plans shall be prepared in accordance with the design standards as outlined in Section 9.3 Stormwater Management Standards, Stormwater Management Plan, Stormwater Pollution Prevention Plan, and Erosion and Sediment Control Standards of these regulations.

7.12. Natural Resources Plan

Submission of such a plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. All natural resources plans shall be prepared in accordance with the design standards as outlined in Section 9.8 Natural Resources of these regulations.

7.13. Yield Plan (Pertains to Subdivisions Only)

A Yield Plan is designed to provide the applicant and the Board with information regarding the available and viable building development that is feasible under a conventional design. The Yield Plan shall be proposed by the applicant's engineer to ensure the information is valid and complete. The Yield Plan shall comply with conventional subdivision regulations and shall not require a variance from existing zoning ordinances in order to achieve the layout supporting the proposed density. The Yield Plan shall include:

- 7.13.1. Topography at the required 2-foot interval; wetlands and their appropriate buffers; 100-year floodplain; all rivers, water courses including their tributaries, and contiguous wetlands and the appropriate setbacks; tree lines; and any other pertinent natural features.
- 7.13.2. Manmade features including roads, trails, stone walls, and existing structures.
- 7.13.3. Easements and right-of-ways.
- 7.13.4. Abutting streets, lot lines, and structures within 200-feet.
- 7.13.5. Public and private utilities.
- 7.13.6. Potential lots including their dimensions, lot sizes, and applicable setbacks; proposed sewer, water, and roadways; and any other features requested by the Board to ensure the Yield Plan produces a viable development.
- 7.13.7. If an applicant desires, a Yield Plan may be submitted to the Board at a Design Review Phase meeting in accordance with Section 6.1.2 Design Review Phase of these regulations. The Board may vote to accept the Yield Plan concept only after a public hearing as required for a Design Review Phase meeting.

7.14. Other Required Studies and/or Exhibits

In an effort to determine the completeness of a site plan or subdivision application and its conformity to all applicable ordinances and regulations, the TRC may request an applicant to submit studies and/or exhibits above and beyond those outlined in Section 7.4 Existing Site Conditions Plan through 7.13 Yield Plan. In addition, the Board may also request the submission of studies and/or exhibits above and beyond those outlined in Section 7.4 Existing Site Conditions Plan through 7.13 Yield Plan as part of their consideration of a complete site plan or subdivision application. In accordance with RSA §674:44,V and 676:4,I(g), the Board may require that the cost of preparing and reviewing such studies and/or exhibits be borne by the applicant. Examples of such studies and/or exhibits include, but are not limited to the following:

TOWN OF EXETER

Planning and Building Department

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

Date: January 29, 2020 *(revised 2/4/20)*

To: Christian Smith, P.E., Beals Associates, PLLC
Brian Griset, Applicant

From: Dave Sharples, Town Planner

Re: Subdivision & Open Space Development TRC Comments
PB Case #20-2 Brian Griset
Tax Map Parcel #47-6 and #47-7

The following comments are provided as a follow-up to the TRC Meeting held on January 23rd, 2020 for the above-captioned project:

TOWN PLANNER COMMENTS

Yield Plan:

1. Section 7.7.1 of the Zoning Ordinance states: "a "Yield Plan" which shall be provided by the applicant and reviewed and accepted by the Planning Board prior to proposing and Open Space Development Plan." In order to facilitate this review, please provide information regarding how the proposed yield plan is viable and feasible under a conventional design per Sec 7.13 of the Site Plan Review and Subdivision Regulations. Once this information is received, the Planning Board can schedule a hearing on the Yield Plan.
2. Show the required perimeter buffer strip per 9.6.2 on the yield Plan;
3. Per Sec 9.17.5, "each newly created lot shall be provided with its own driveway access to a public street unless otherwise approved by the Board." Lots 3, 6, and 7 on the Yield Plan all share one driveway and Lots 15, 16 and 17 all share one driveway;
4. A note on the yield plan references a 10% density bonus for deeding the Town over 50% of parcel for conservation open space 41+/- AC" and states that the total yield is 19 lots whereas only 18 lots are proposed on the Open Space Plan. Please provide clarification of this discrepancy. It also appears that that you are proposing two additional units for the 10% bonus. Since you are proposing 17 lots on the yield plan and, assuming the Planning board accepts the yield plan, that would provide one additional unit not two;

Open Space Subdivision:

1. Are there any known environmental hazards on the site? If so, provide detail;
2. Provide response to all 5 Section 13.7 criteria for a waiver. The waiver request letter dated January 13, 2020 does not address all of the criteria. For example, the pavement width waiver request states that the “waiver is justified as it reduces impacts on wetlands and associated buffers”. However, the majority of the proposed roadway is outside the buffers and this rationale is not applicable to most of the roadway. I do not support any of the three waiver requests as presented;
3. Show monuments in accordance with Section 9.25;
4. List state permits required and the status of each;
5. If applicable, show any signage (e.g. name of development sign at entrance) on the plans and provide details;
6. How will trash/recycling pick-up be handled?
7. Show snow storage areas on plans;
8. Revise Note #3 on the Site Plan I accordance with Sec. 7.5.16;
9. Show the limits of clearing/disturbance on the plan and the proposed tree line and total square footage of disturbance;
10. Provide drainage and grading plan showing final grades of all disturbed areas. Show driveway locations on plans;
11. Lot 17 depicted on the plans does not meet the minimum frontage requirements for the R-1 zoning district;
12. If the plans do meet Section 7.5.6.B, is it the intent of the proposed building envelope to include and decks or stairways into the units? Also, the rear of the building envelopes 8, 9 and 10 are shown right on the rear setback line so does this also imply that any rear decks/stairs, etc. will be fully within the proposed building envelope?
13. In accordance with Section 7.5.6.C of the Zoning Ordinance, detached single family units on one parcel shall be set apart from each other a minimum of 25'. It is difficult to tell if this requirement is being met with the plans at a 100 scale but it appears that units 1-9 may be less than the required 25' separation. It appears that most are around 23' apart measuring between the middle of the building lines. Please provide smaller scaled plans to determine compliance;
14. Provide information to show the proposal meets the requirements of Sec. 7.7.3.A of the Zoning Ordinance;
15. All units built within 30' of each other require individual fire suppression systems;
16. If applicable, provide driveway/utility/drainage easements language and show any and all easements on the Site Plan;
17. Provide a High Intensity Soil Survey in accordance with Section 7.7.5 of the Site Plan Review and Subdivisions Regulations or request a waiver in accordance with Section 13.7;
18. Will any lighting be proposed? If so, provide details;

19. It appears that a stone wall exists within the 75' wide access easement across Lot 8 Map 96 and continues on to the subject parcel. I say "appears" because the symbol looks like a stone wall but is not included in the legend or called out on the plan. The extent of the wall also differs between Sheet 2 of 4 and Sheet 9 of 17 so revise accordingly. Confirm if this is a stone wall and show how/if it will be impacted;
20. Was the landscape plan created by a Licensed Landscape Architect? Are the plantings low maintenance and chosen for all site conditions? Will irrigation be required? If so, show locations on landscape plan. Suggest providing additional shade trees within the 50' ROW where feasible;
21. Provide information on how the proposed plan satisfies Sec. 9.6.3. Provide response to all seven provisions required under this section;
22. The plan does not meet the requirements of Sec. 9.6.1.2 or Sec 11.2.8 which require a 100' perimeter buffer strip (not provided) and that the first 50' of the strip "shall be left natural and not to be disturbed by construction activities...";
23. Provide information that the proposal meets the provisions of Sec. 11.2.5, 11.2.6 and 11.2.7 of the Site Plan Review and Subdivision regulations;
24. If applicable, please confirm that all proposed erosion control matting shall be fully biodegradable;
25. Please discuss potential addressing of the site/buildings with the Code Enforcement Officer and Deputy Fire Chief;
26. A conditional Use Permit is required. Due to the potential of revisions to the plans as a result of the comments above, the applicant should be prepared to provide the Conservation Commission with updated plans as some revisions may further impact wetland and shoreland buffers beyond what is currently shown;
27. In the process of addressing these comments and revising the plans, it is worth noting that you may utilize a mix of single family, duplex and multi-family structures as permitted and encouraged in accordance with Sec. 7.7.4 of the Zoning Ordinance; and,
28. Please submit revised plans, as applicable, and a response letter addressing these comments. Due to the scope of potential changes that could occur to the Open Space Development plans, I would suggest a second TRC meeting that could be completed during the Planning Board review of the Yield Plan.

PUBLIC WORKS COMMENTS

The following comments are based on the information provided by the applicant to the Planning Department, received January 14, 2020, and discussion at the Technical Review Committee (TRC) meeting on January 23, 2020.

1. In addition to Digsafe, add DPW (603-773-6157) to be contacted to locate water, sewer, and drainage.

2. The O&M plan should include winter maintenance information. The NHDES Green Snow Pro program has several fact sheets that may be useful. A larger-scale site plan that identifies the drainage infrastructure should also be included.
<https://www.des.nh.gov/organization/divisions/water/wmb/was/salt-reduction-initiative/index.htm>
3. ADD NOTE: The contractor must obtain a valid utility pipe installer's license and the job supervisor or foreman must be certified by the town prior to working on any water, sewer, or drainage pipes that are in a town street or right of way (ROW), or that will connect or may be connected to a town water, sewer, or drainage system. A licensed supervisor or foreman must be present at the job site at all times during the construction of these utilities or during work within the ROW.
4. If construction will be phased, provide a phasing plan. Each phase of construction should constitute a complete project and not be contingent on completing future phases.

Site Plan Sheet 9 of 17

5. Note 7 indicates that 3.02 acres will be disturbed, therefore, a NHDES Alteration of Terrain (AoT) permit is required even if the project is phased. The proposed lot 17 should be included in the total disturbance area for the AoT permit.
6. The proposed driveway overlaps the existing driveway at the radius onto Tamarind. The driveways should be separated as much as possible to improve safety.

Plan and Profile Sheet 11 of 17

7. Show water, sewer, gas, electric, telephone, and cable services to each unit. Separate shutoffs should be provided for fire suppression and potable water services. Utilities for the proposed lot 17 should also be shown to identify any potential conflicts.
8. A proposed utility drop pole should be located outside of the ROW. Coordinate with Unitil for drop pole location. Show transformers, telephone pedestals, and any other utility structures that may be required. Gas and electric layouts approved by Unitil are required for the final plans.
9. Provide a copy of the easement for the proposed utilities that will cross the land of 8 Tamarind Lane (Map 96, Lot 9).
10. Show the estimated seasonal high water table (ESHWT) on the profile and on the drainage basin plan. The road may need underdrains or geotextile reinforcement where ESHWT is near or within the road gravels.
11. Provide proposed grading for the houses and driveways.
12. The proposed retaining wall blocks are 41 inches deep. Show full limit of blocks on the plan.
13. Show drainage pipes on the profile at approximately Sta 3+25 and 8+95.

Landscape Plan Sheet 13 of 17

14. Show the proposed treeline. Identify significant trees that are to be removed.

Details

15. Recommend using the NHDOT standard detail GR-1 for the guard rail (31" height, metal posts, synthetic offset blocks). Provide a detail for the guardrail end unit.
16. Catch basin grate should be NHDOT Type B.
17. Coordinate the Cape Cod berm detail with the pavement section.
18. Remove references to porous pavement in details.
19. Specify that hydrants shall be yellow.
20. Standard Manhole Detail: add a note that steps in the manhole are prohibited; an energy dissipator is required for the forcemain entering the sewer manhole.

Preliminary Yield Plan

21. Kingston Road is a DOT road, so the allowable curb cuts are based on the lot of record as it existed on July 1, 1971. Only 3 curb cuts for the 1971 parcel are allowed. Please confirm that this has been factored into the yield plan.

FIRE DEPARTMENT COMMENTS (no comments received)

NATURAL RESOURCE PLANNER COMMENTS

Based on application materials provided with the January 16, 2020 inter-office transmittal, and November 2019 Submission to the Conservation Commission, I have the following comments with regard to natural resources.

1. Wetlands:
 - a. Wetland CUP vs. Wetland Waiver: It is my understanding that this application should follow the zoning requirements based on the 2019 submission for conceptual review. In accordance with zoning ordinance (ZO) 9.1.6.C. this application would require a wetland waiver in accordance with Site Plan Review and Subdivision Regulations (SS) 9.9. and will require response to wetland waiver guidelines.
 - b. Wetland Buffers and Wetland Setbacks: The plan notes for wetland buffers and setbacks are not consistent between sheets and show errors. As you know setbacks and buffers vary with different wetland types as indicated in SS 9.9.2 and ZO 9.1.3.E. Please review for accuracy and consistency. Additionally Scamen Brook qualifies under 9.3.3.A.2, with a 150' district boundary and a 100' building setback (9.3.4.C). I appreciate the detail provided in the shoreland

delineation report but it is difficult to discern where those boundaries appear on the plan set.

- c. Plan needs wetland scientist stamp, please add survey date to note and statement of compliance with local federal and state regulations (see SS 7.6.12, 7.4.11, 7.5.5, 7.6.12, etc).

2. Wildlife Habitat Assessment

- a. The wildlife habitat assessment indicates the natural communities present are common in southern NH. Was consideration given to the presence of swamp white oak? If so please include the criteria missing to support the determination that the site does not qualify as an exemplary natural community. It does list species common to the swamp white oak basin swamp community so clarification is needed. Given the narrow buffer along the access road, was consideration given to potential impacts from grading in close proximity or the amount of fill proposed adjacent to the trees and whether that would alter long term viability of the buffer and/or swamp white oaks.

3. Existing Conditions Plan

- a. 7.4.7 requires significant trees need to be labeled as to be retained or removed. Please add key or note to indicate that S.Oak = swamp white oak. Some sheets show the trees as S. Oak while others pages list them as oak (including both 30" ones). Please correct. At the current scale, it is very difficult to tell how close grading and large block retaining wall structures get to trees. Is it possible to include an inset with more detail? Please add a note stating limits of disturbance and trees proposed for retention will be field indicated for avoidance by a qualified individual prior to the start of site work.

4. Proposed Conditions:

- a. Add snow storage location. Also if snow storage is within cul-de-sac and this will act as sediment forebay, please include notes to address maintenance needs
- b. Drainage plan lists species for planting but does not indicate number or location.
- c. Please add proposed tree line.
- d. Consider diversifying species for landscape plan along abutting property line. Also note hemlock
- e. is susceptible to wooly adelgid which is not only present currently, is likely to increase in numbers and impact with predicted seasonal changes in weather patterns.

5. Yield Plan

- a. 7.3.3. provides definition of net tract area. It may be my unfamiliarity with site specific soils but I cannot figure out which soils qualify as poorly drained/very poorly drained soils to begin to determine calculation for open space density bonus. Please provide a table to show calculations. This is also needed to ensure compliance with 9.1.9 Lot Size Determination.
- b. 7.13.1 requires yield plan to include buffers for all wetlands. Plan is missing prime wetland buffer and I cannot distinguish PD and VPD wetlands to determine if buffers for both are provided. Zoning Requirements inset indicates PD and VPD wetland setbacks is 50' yet legend lists 40'. Regulations require 40' for PD and 50' for VPD.

6. Conservation Land

- a. On 11/12/19, the Conservation Commission voted in support of the town holding conservation interest in the land under a deed similar to what is being proposed with a survey plan of the parcel, baseline documentation, boundaries confirmed with a joint walk between the owner/CC and a receipt of a Phase I environmental report. They also expressed their standard request of stewardship fees with details to be worked out further when deed terms are discussed. There is also interest by the owner to allow limited hunting under specific conditions. It is unclear who would manage the review/approval of the hunting permission under this scenario. More discussion on this is needed.
- b. Jan 13 letter states 32.29 acres would be conveyed, but the yield plan indicates 41 acres. Please clarify.

Subject: RE: Tamarind Lane yield plan



Allison M. Rees <arees@underwoodengineers.com>
to David Sharples

Thu, Mar 5, 10:57 AM

You are viewing an attached message. Town of Exeter, NH Mail can't verify the authenticity of attached messages.

Dave,

Although in practicality, some of these lots would not be buildable, on paper they appear to meet the requirements. I have no further comments.

Thank you,
Allison



Allison Rees, P.E.
Senior Project Engineer
Underwood Engineers
99 North State Street
Concord, NH 03301
(603) 230-9898

From: David Sharples [mailto:dsharples@exeternh.gov]
Sent: Thursday, March 5, 2020 10:43 AM
To: Allison M. Rees <arees@underwoodengineers.com>
Cc: Christian Smith <CSmith@bealsassociates.com>
Subject: Re: Tamarind Lane yield plan

Hi Allison,

Our regulations do not stipulate a building envelope for yield plans. However, on two prior applications (Rose Farm and 98 Linden St), the PB discussed this issue and decided that a minimum of a 25' x 25' building envelope is what needs to be shown. I understand that most homes do not fit into this footprint and likely every home that gets built if this project gets that far will be larger than that but that is what the PB settled on as a minimum building envelope acceptable for yield plan purposes.

Thanks,
Dave

On Thu, Mar 5, 2020 at 10:36 AM Allison M. Rees <arees@underwoodengineers.com> wrote:

Dave

On Thu, Mar 5, 2020 at 10:36 AM Allison M. Rees <arees@underwoodengineers.com> wrote:

Thanks, this is definitely easier to see.

Dave, please confirm the 25' outside dimension square house size. That leaves about 500 SF of living area per floor (after taking out some space for walls) if there is no garage, which is smaller than an average 1-bedroom apartment size of 714 sf.

Zoning limits heights to 35', which is a 2-story house. So it could be about 1,000 SF of living space with no garage. Just want to make sure this is okay.

Thanks,
Allison



Allison Rees, P.E.

Senior Project Engineer

Underwood Engineers

99 North State Street

Concord, NH 03301

(603) 230-9898

From: Christian Smith [mailto:CSmith@bealsassociates.com]

Sent: Thursday, March 5, 2020 10:24 AM

To: Allison M. Rees <arees@underwoodengineers.com>

Cc: 'David Sharples' <dsharples@exeternh.gov>

Subject: RE: Tamarind Lane yield plan

Allison, I have provided a red hatch in the buildable areas for the lots as well as the 25'x25' house boxes that Dave suggested we add yesterday. As I understand it, the Planning Board determined that the 25'x25' was a reasonable depiction of a smaller home for lots with tight building envelopes during the Rose Farm application proceedings.

Christian O. Smith, P.E.

Principal

Beals Associates, PLLC

csmith@bealsassociates.com

Stratham, NH Office

70 Portsmouth Avenue

Stratham, NH 03885

Tel: 603-583-4860

Fax: 603-583-4863

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Cell: 603-234-2180

Land Planning Civil Engineering Landscape Architecture
Offices in Boston, MA and Stratham, NH

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From: Allison M. Rees <arees@underwoodengineers.com>

Sent: Thursday, March 5, 2020 10:07 AM

To: Christian Smith <CSmith@bealsassociates.com>

Cc: 'David Sharples' <dsharples@exeternh.gov>

Subject: Tamarind Lane yield plan

Hi Christian,

I'm having a tough time deciphering all the different wetlands, buffers, setbacks, etc. on the revised yield plan. Can you please indicate the buildable upland area (not including buffers) on each lot for clarity? Even if it's just by hand, that's fine. Any way that clearly indicates the buildable upland portion – shading, highlighting, clouding, etc.

Thanks,
Allison



Allison Rees, P.E.

Senior Project Engineer

Underwood Engineers

99 North State Street

Concord, NH 03301

(603) 230-9898

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ELAINA L. HOEPPNER

RECEIVED

FEB 26 2020

26 February 2020

David Sharples
Town Planner
Town of Exeter
10 Front Street
Exeter, NH 03833

EXETER PLANNING OFFICE

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
NICHOLAS R. AESCHLIMAN

Re: TRC Comments in Planning Board Case #20-2

Dear David –

On 23 January 2020, our client Brian Griset and Christian Smith, P.E. of Beals Associates, PLLC (“Beals”) attended a Technical Review Committee (“TRC”) meeting with regard to the Grisets’ proposed open space development on property located at 26 Cullen Way, within the R-1 Zoning District (the “R-1 District”), which is further identified as Town Tax Map 96, Lot 15, and which is 23.6 acres and is the site of the Grisets’ home (the “Development Property”). Consistent with the Grisets’ Zoning Board of Adjustment approvals in Case #19-18 and #19-19, the proposed open space development concept draws density from two abutting properties to include a parcel identified as Town Tax Map 81, Lot 75, 9.38 acres of which the Grisets conveyed to the Town in 1991 and retain density rights to via agreement with the Town dated 14 August 1991 (the “Town Property”), and Tax Map 81, Lot 53, which parcel is 30.76 acres in size and is owned by the Mendez Revocable Real Estate Trust, of which Adela Griset is the sole beneficiary (the “Conservation Property”). The Conservation Property is located within the Neighborhood Professional (“NP”) District.

This correspondence responds to the comments made by you and others through the TRC review process regarding the yield plan, as memorialized in your 29 January 2020 (revised 2/4/20) TRC comment letter, and describes why the revised yield plan for this project, filed with the Town on 21 February 2020, is reasonably achievable, and presents available and viable development that is feasible under a conventional design. This correspondence will focus specifically on the yield plan’s development access, use of private rights of way, the applicable

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

perimeter buffer strip, and the total economic viability of the project as depicted on the yield plan. This correspondence will be supplemented by Beals, which will provide a technical response to other yield-plan related issues raised by the TRC. We look forward to discussing these responses and the yield plan with you.

Executive Summary

The development accesses proposed on the yield plan, as well as the proposed use of private rights of way to access Lots 7, 13 and 17, and the proposed reduction of the of the required perimeter buffer strip to preserve a building envelop on Lot 5 and expand the building envelopes on Lots 1, 8 – 13, and 15, are all reasonably achievable, viable and feasible pursuant to the requirements of the Town’s land use regulations. Moreover, the yield plan constitutes an economically viable approach for the Grisets and complies in all other respects with the Town’s land use regulations. As a result, the TRC should favorably endorse the proposed yield plan to the Planning Board.

Yield Plan Standard of Review

As you know, yield plans are used to determine the density that is “*reasonably achievable* under a conventional subdivision.” Zoning Ordinance (“ZO”), §7.7.1 (emphasis added). Further, yield plans are designed to “provide the applicant and the Board with information regarding the *available and viable building development that is feasible* under a conventional design.” Site Plan Review and Subdivision Regulations (“Subdivision Regulations”), §7.13 (emphasis added). Pursuant to these regulations, yield plans should therefore be approved if they are reasonably achievable, and present available and viable development that is feasible under a conventional design.

Analysis

1) Yield Plan Overview

Combined, the Development Property, Conservation Property and Town Property consist of 63.83 acres, of which 23.6 acres are uplands. The remaining 40.23 acres consist of 10.76 acres of very poorly drained soils, and 29.47 acres of poorly drained soils. Utilizing the four distinct areas of uplands across the parcels, the yield plan depicts 17 new house lots which comply in all respects with the Town’s land use regulations. In addition to the 17 new house lots, the yield plan depicts lot 2, which will be the site of the Grisets’ existing single family house, to make a total of 18 lots, and also depicts “Lot A”, a 10.46-acre recreation parcel which complies with Section 9.6.3 of the Town’s Subdivision Regulations.

All 17 new house lots depicted on the yield plan would be serviced by municipal water and sewer and each lot maintains a minimum of 75% upland soils for minimum lot size calculations.¹ Great pain has been taken to design the yield plan so to limit wetland encroachment to less than a third of an acre (13,661 sf), though a conditional use permit will still be required.

2) Development Access

¹ See Zoning Ordinance, §9.1.9(A).

Proposed access to the lots depicted on the yield plan is reasonably achievable, viable and feasible as outlined below.

- **Lots 1 - 7**

Lots 1 – 6 are accessed via an extension to the Cullen Way cul-de-sac. Originally planned as a 450' extension, the Cullen Way cul-de-sac extension is now proposed, after consultation with the Town's Planning Department, in a more environmentally limited and sensitive manner, to be 225' long. Of the six lots accessed via the extension, Lots 3 and 6 derive frontage, as permitted by the Town's land use regulations, from the proposed new subdivision road off of Tamarind Lane ("Wild Apple Lane"). As depicted on the yield plan, Lot 7 is accessed via a private right of way over Lot 6 which is necessary in light of the original parcel's natural characteristics as discussed below.

The limited extension of Cullen Way to provide frontage and access to Lots 1, 2, 4 and 5, and to accommodate access to Lots 3, 6 and 7, is economically viable/feasible, as discussed below, and is otherwise permitted by right. As a result, this access is reasonably achievable and should be positively endorsed.

- **Lots 8 – 12**

Lots 8 – 12 are accessed via the proposed Wild Apple Lane subdivision road. Wild Apple Lane accesses the Development Property via a 75' development right-of-way deeded to the Grisets by their business partner in 1993, over property identified as Town Tax Map 96, Lot 9 (8 Tamarind Lane).² Wild Apple Lane provides frontage for Lots 3, 6 – 12, 14, and 16 – 18.

The construction of Wild Apple Lane to provide frontage to 11 of the 18 proposed Lots on the yield plan is economically viable/feasible, as discussed below, and is otherwise permitted by right. As a result, this access is reasonably achievable and should be positively endorsed.

- **Lots 13 – 15**

There is reasonably achievable, viable and feasible access to Lots 13 – 15 via a single permitted driveway off Route 111, a State highway, as explained below.

In New Hampshire, driveway permits to access land adjacent of State highways are regulated by RSA 236:13, and the New Hampshire Department of Transportation's ("DOT") Declaratory Ruling No. 2000-01 ("the Driveway Policy"). The number of permissible curb cuts to accommodate driveway access to land along State highways is based on the status of the underlying land as of 1 July 1971, the date RSA 236:13 was enacted by the State Legislature. When frontage on a State highway is 500 feet or less, no more than two (2) driveways to a single

² See Rockingham County Registry of Deeds, Book 2984, Page 1377.

parcel of land or lot of record will be permitted and when frontage exceeds 500 feet, no more than three (3) driveways will be permitted.³

In this case, a plan titled “Plan of Land in Exeter, New Hampshire, Kingston Road, dated 28 March 1970, signed by the Exeter Planning Board on 2 April 1970 and recorded at the Rockingham County Registry of Deeds on 7 April 1970, depicts parcels “A” and “B” (the “1970 Plan”).⁴ Parcels A and B consist of 74.94 acres inclusive of the Development Property, the Greybird Farm subdivision, and the Exeter Green subdivision.

Parcel B on the 1970 Plan, which consists of what is now the Exeter Green subdivision and the Greybird Farm subdivision, had 1,330 feet of frontage on Route 111, thus entitling it to three (3) driveways under Section 8 of the State’s Driveway Policy. Those three driveways have been used as follows: one driveway for Tamarind Lane, one driveway for Lot 1 of the Exeter Green subdivision, and one driveway for Greybird Farm Circle. Parcel A on the 1970 Plan, which includes Lots 13 – 15 on the yield plan, has 410 feet of frontage on Route 111 thus entitling it to two (2) driveways per Section 8 of the State’s Driveway Policy. To date, parcel A has not used either of these two driveways and the Grisets’ yield plan proposal is to use one of the two permitted driveways along this stretch of Route 111, in the same location as a preexisting farm road, which farm road is depicted on development plans for surrounding properties.

Regarding the type of driveway proposed, the Grisets would utilize a “common driveway” which is defined by the State’s Driveway Policy as “an access point designed for use by 2 or more separate parcels of property, to be designed in accordance with the standards contained in Appendix II, Figure II and XVIII” of the Driveway Policy.⁵ This common driveway would provide access to Lots 13 – 15 as follows. As required by the DOT, and as depicted both in Figure II of Appendix II to the Driveway Policy⁶, and on the yield plan, a 25’ wide paved common driveway would travel from the paved edge of Route 111 over the State’s right of way, to the lot line between Lots 14 and 15. At that point, the common driveway would split into two equal parts, such that a 12.5’ independent driveway would access and exclusively serve Lot 15. The other half would serve Lot 14 and Lot 13, via private right of way over Lot 14, which is permissible under the Subdivision Regulations, as explained in greater detail below, where, as here, the original parcel’s natural characteristics would impose a hardship.

To summarize, access to Lots 13 – 15 is reasonably achievable, available, viable and feasible because two driveway entrances remain available along the relevant portion of Route 111, because use of a common driveway is specifically contemplated by the State’s regulations and because the Grisets’ proposed use of a private right of way over Lot 14 to provide access to Lot 13 is reasonably obtainable under the Subdivision Regulations, as explained below.

- **Lots 16 – 18 and Lot A**

Lots 16 – 18 and Lot A are proposed to be accessed via a private right of way through the Brickyard Condominium. This private right of way was established via two deeds of Louisa L.

³ See State Driveway Policy, §§8(b), (c).

⁴ See Enclosure (1); See also Rockingham County Registry of Deeds, Plan C-1746.

⁵ See State Driveway Policy, §2(h).

⁶ See Enclosure (2).

Lawrence, the first to I. A. Brown and Henry Little, dated 18 May 1876, and the second to I. A. Brown also dated 18 May 1876. These deeds divide a single parcel owned by Lawrence and created the subject right of way to access the rear parcel. The location and width of the right of way were further defined in 2005 on Plan D-33097, recorded at the Registry.⁷ As discussed below, Lot 17 is proposed to be accessed via a private right of way over Lot 16, as is reasonable under the circumstances here. Further, a minor wetland crossing would be necessary, but the expense of that crossing has been taken into account and will be discussed below.

The construction of required wetland crossing to provide access to Lots 16 – 18 is economically viable/feasible, as discussed below. As a result, this access is reasonably achievable and should be positively endorsed.

3) Private Rights of Way, Lots 7, 13, and 17

As depicted on the yield plan and referenced above, Lot 7 is accessed via private right of way over Lot 6, Lot 13 is accessed via private right of way over Lot 14, and Lot 17 is accessed via private right of way over Lot 16. These three proposed private rights of way are reasonably achievable, viable, and feasible for the following reasons.

Pursuant to Section 9.17.5 of the Town's Subdivision Regulations:

Each newly created lot shall be provided with its own driveway access to a public street unless otherwise approved by the Board. The Board shall not approve the creation of a private rights-of-way to a lot, in part or in whole, within a proposed subdivision. The Board may allow an exception to this requirement if, due to the original parcel's natural characteristics, a hardship would be imposed and then, only one lot shall be served by said right-of-way.

(Emphasis added).

Here, access to Lots 7, 13, and 17 via private right of way is required by virtue of the natural characteristics of the original parcel, mainly its wetlands, and a hardship would be imposed both on the Grisets and the environment if the Grisets were required to provide independent driveway access to said lots. For example, there is a contiguous upland that bridges the common boundary of Lots 6 and 7 where both lots abut the railroad. These upland areas constitute the only viable building sites on both lots which are both quite large (6.76 and 8.60 acres respectively). While both Lot 6 and 7 derive frontage from Wild Apple Lane, they are most logically accessed via the Cullen Way cul-de-sac extension and an extended driveway, the expense of which, to include the minor wetland crossing, has been factored into the Grisets' economic viability/feasibility analysis, as depicted below. Certainly a hardship would be imposed, both on the Grisets and the environment, if the Grisets were required to provide access to Lot 7 from its frontage on Wild Apple Lane, over significant wetland areas.

Similarly, the natural characteristics of the original parcel vis-à-vis Lots 13 – 15 mean that there

⁷ See Rockingham County Registry of Deeds Book 456, Page 347 and Book 477, Page 133.

is only one viable driveway access, via a common driveway accessing Route 111, a, of the State highway, as discussed in greater detail above. The yield plan depicts the most logical access to Lot 13.

Like the contiguous upland that bridges the boundary between Lots 6 and 7, Lots 16 and 17 share a buildable upland area in close proximity to the Brickyard Condominium right of way. While Lot 17 derives its frontage off of Wild Apple Lane, it is most logically accessed via the Brickyard Condominium right of way, the expense for which, to include the minor wetland crossing, has been factored into the Grisets' economic viability/feasibility analysis below. Certainly a hardship would be imposed, both on the Grisets and the environment, if the Grisets were required to provide access to Lot 17 via its frontage on Wild Apple Lane, over significant wetland areas.

Accordingly, use of private rights of way to access lots 7, 13 and 17 is reasonably achievable, viable, and feasible under the Town's land use regulations, in light of the natural characteristics of the original parcel and the hardship that would be created on the environment and the Grisets by requiring independent driveway access.

4) Perimeter Buffer Strip

Pursuant to Section 9.6.1(2) of the Subdivision Regulations, all conventional subdivisions, like the one depicted on the yield plan, require a "perimeter buffer strip" of 100-feet in the R-1 District and 50-feet in all other zoning districts, between any proposed lots, septic systems, or service road, and the perimeter lot line of the tract. The Planning Board may approve a partial or total waiver to the buffer strip "if the configuration or location of the parcel, with consideration of abutting properties, warrants flexibility to the proposed green space."⁸

The preliminary yield plan depicts the required 100-foot perimeter buffer strip along the perimeter of the Development Property within the R-1 District, and depicts the required 50-foot vegetated buffer strip along the perimeter of the Conservation Property, located within the NP District. The *proposed* yield plan, however, which the Grisets urge the TRC and Planning Board to favorably endorse, depicts a reduced 50-foot perimeter buffer strip on Lots 1, 3, 5, 8 – 13, 15 and a small portion of 16, all located within the R-1 District where 100 feet is required. A reduced perimeter buffer on these lots would preserve a building envelop on Lot 5, and extend the building envelopes on lots 1, 8 – 13 and 15, all in a manner which is consistent with the history and development of the surrounding property. As a result, and as outlined below, a partial waiver from the Planning Board from the required 100' perimeter buffer strip is reasonably achievable, viable, feasible, and logical, based on facts unique to this case.

Generally speaking, the yield plan depicts development that is in essence the third phase of the Exeter Green subdivision, the protective covenants of which specifically reserve the right of the Grisets to "subject additional real property to the conditions, restrictions, covenants and assessments herein set forth".⁹ In other words, were the Grisets to actually develop the property

⁸ Subdivision Regulations, §9.6.1(2).

⁹ See Protection Covenants of Exeter Green (Formerly "The Meadows"), Exeter, New Hampshire, Rockingham County Registry of Deeds, Book 2535, Page 0075.

as depicted on the yield plan, they would likely add the new lots to the Green Subdivision. As such, there is no logical reason to impose the 100' perimeter buffer requirement to Lots 1, 3, 5, 8 – 13, 15 and 16 because when the Exeter Green subdivision was constructed, the 100' perimeter buffer strip requirement did not exist, and all purchasers within the Exeter Green subdivision purchased their properties subject to their understanding that the subdivision could be added to. This, in addition to Brian Griset's specific references regarding the same to many owners within the Exeter Green subdivision and Greybird Farm subdivision. Beyond this, the building envelopes depicted on the proposed yield plan would support development that is consistent with the surrounding neighborhood, where the houses are substantially closer together in most cases.

More specifically, the individual configurations of the lots in question, with consideration of abutting properties, would warrant flexibility with regard to the perimeter buffer requirement. Lot 5 abuts an existing residence within the Exeter Green subdivision where no such 100' perimeter buffer exists, and where most houses are significantly closer than 100' to one another, as well as the railroad. Imposing the 100' requirement on Lot 5, therefore, lacks common sense and serves only to completely remove the otherwise viable building envelope on the lot. There is no reasonable basis to impose the 100' perimeter buffer requirement on Lot 5. The same analysis applies to Lots 1 and 3.

With regard to Lots 8 – 13, even applying the reduced 50' perimeter buffer strip as depicted on the proposed yield plan, there is considerably more space between the building envelopes on the new lots and the existing dwellings on abutting properties in the Exeter Green and Greybird Farm subdivisions. Further, owners of property abutting Lots 8 – 13 already benefit from a buffer planted by the Grisets in addition to a buffer these purchasers planted on their respective properties, and the purchasers of these abutting properties were aware that additional development was planned to occur because Brian Griset advised them of the same. Finally, there is no logical reason to impose the 100' buffer on Lot 15, which abuts the Town's recreational open space land, because to do so would not serve the intent of the regulation.

In consideration of the history of these parcels and how they are situated vis-à-vis abutting property, and the transparency with which the Grisets have dealt with the neighbors, the evidence would strongly support a partial waiver of the perimeter buffer strip requirement as described above were this plan actually to be pursued by the Grisets.

For the reasons outlined above, a partial waiver of the perimeter buffer requirement to preserve a building envelop on Lot 5 and to enlarge the building envelopes on Lots 1, 8 – 13, and 15, is reasonably achievable, viable and feasible and the proposed yield plan should be favorably endorsed.

5) Financial Viability/Feasibility

The development of the parcel in the manner depicted on the yield plan would include construction of Wild Apple Lane, the extension of the Cullen Way cul-de-sac, construction of all associated drainage and utility infrastructure (water, sewer), three minor wetland crossings, the construction of a retaining wall, and the construction of extended driveways to serve Lots 6, 7,

David Sharples
Town Planner
26 February 2020
Page 8

13, and 17, etc. To aid in the analysis regarding whether constructing the yield plan as presented would be economically viable, the Grisets obtained expert analyses which we attach herewith.¹⁰

To determine overall project viability, total projected costs were compared against total projected income. As depicted in enclosure (3), through consideration of the unique circumstances and infrastructure costs associated with each individual lot, the total projected cost to develop the yield plan is \$969,348. On the contrary, the total projected income from the sale of the 17 lots (18 lots less the lot which would contain the Grisets' house), is \$2,875,000.¹¹ That leaves in excess of \$1,900,000 to cover all other costs including design, local and state permitting, and sales, etc.

For these reasons, development of the yield plan is economically viable, and feasible.

Conclusion

As the proposed yield plan presents a reasonably achievable and economically viable and feasible plan, we submit that it is deserving of a favorable review and endorsement from both the TRC and the Planning Board.

Thank you very much for your time and attention.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC


Justin L. Pasay
JLP/LH

Cc: Brian Griset
Christian Smith, P.E., Beals Associates, PLLC

¹⁰ See Enclosures (3) and (4).

¹¹ See Enclosures (3) and (4).

MC 1746



SCALE IN FEET

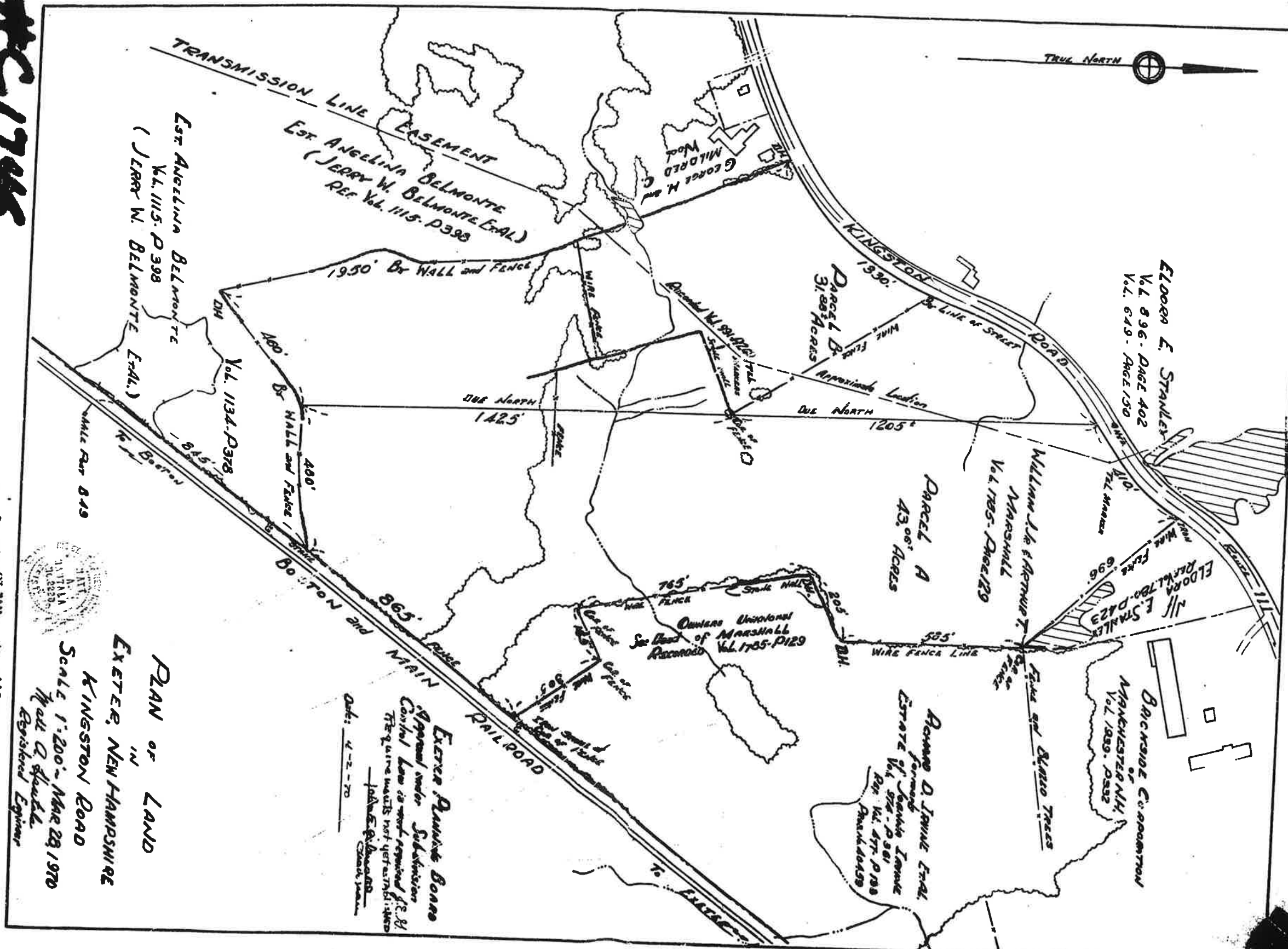
W. WITTEGTO, JR.
REGISTERED ENGINEER



PLAN OF LAND
IN
EXETER, NEW HAMPSHIRE
KINGSTON ROAD
SCALE 1"=200'- MAR 29, 1970
Walter D. Spaulde
Registered Engineer

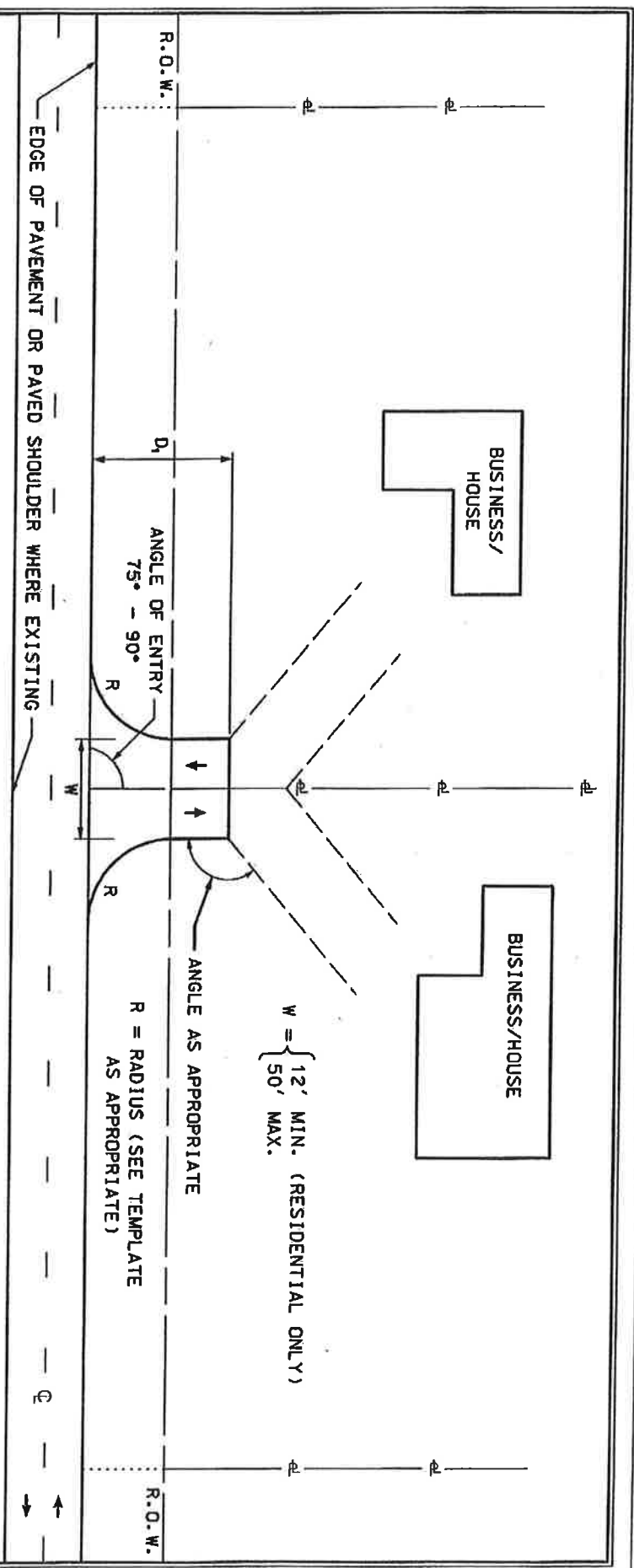
Exeter Plank Bone
Approval under Subdivision
Control Law is not required if it is
The quiet title was not yet recorded
John A. E. Witteggto, Jr.
Charles Jones

Date: 4-2-70



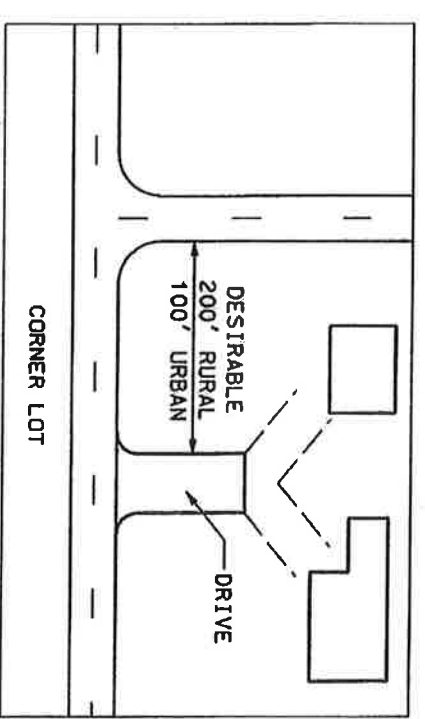
Enclosure #2

Enclosure # 2



$$w = \begin{cases} 12' \text{ MIN. (RESIDENTIAL ONLY)} \\ 50' \text{ MAX.} \end{cases}$$

R = RADIUS (SEE TEMPLATE AS APPROPRIATE)



- NOTES:
- 1) D_1 DISTANCE VARIES - MINIMUM 30' OR R.O.W. LINE WHICH EVER IS GREATER. HIGHER TRAFFIC COUNT WILL NECESSITATE LARGER D_1 .
 - 2) CURBING IF PRESENT, COULD BE FLARED TO FIT DRIVE OR ENDED AS SHOWN ON FIGURE X.
 - 3) WHERE REQUIRED, SEE FIGURES XI AND XII FOR LANE WIDENING.
 - 4) COMMON DRIVES SHALL BE PAVED TO A POINT 20 FEET FROM THE EDGE OF THE STATE HIGHWAY IF PAVED.

COMMON DRIVE - RESIDENTIAL OR MAJOR ENTRANCE
RURAL/URBAN

DATE
11/27/2006

DGN
Figure 11

NH-1154.1 Preliminary Construction Cost Estimate

(Extension of Cullen way cul-de-sac and construction of new subdivision road and associated drainage and utility infrastructure)

Item #	Item Description	Estimated Quantity
Site Preparation		
	Construction Entrance	1.00 EACH
	Clearing & Grubbing	1.00 ACRE
	Silt Fence	500.00 LF
Total Price for above Site Preparation Items:		\$6,750.00
Earthwork		
	Loam Strip	3,868.00 CY
	Excavation - Common Earth	5,250.00 CY
	Embankment - Common Earth	3,270.00 CY
	Excavation - Ledge	3,750.00 CY
Total Price for above Earthwork Items:		\$95,841.00
Drainage		
		60.00 LF
	ADS 12" Drain	
	ADS 15" Drain	760.00 LF
	ADS 18" Drain	220.00 LF
	ADS 18" Drain (Temporary)	80.00 LF
	Wet Ponds	10,500.0 SF
	Drain Manhole 4' Diameter	2.00 EACH
	Catch Basin 4' Diameter	6.00 EACH
	Stone Outlets	50.00 CY
Total Price for above Drainage Items:		\$169,314.00
Water		
	DIP 8" Water Pipe	1.620.00 LF
	1" HDPE Services	17.00 EACH
	Hydrant	4.00 EACH
	Testing - Water	1.00 LS
Total Price for above Water Items:		\$166,302.00
Sewer		
	3" Force Main (Wild Apple Lane)	1.020.00 LF
	6" Sched 35 PVC (Cullen Ext & To Ex Pump Station)	960 .00 LF
	DMH	4.00 EACH
	10,000 Gallon Pump Chamber	1.00 LS
	4" PVC Gravity Services (SDR 35)	15.00 EACH
	2" HDPE FM Services (lots 6 & 7)	2.00 EACH
Total Price for above Water Items:		\$95,600.00
Underground Utilities		
	Underground E/T/C Conduits - Main	1,500.00 LF
	Transformer Pad	6.00 EACH
	Site Lighting	1.00 EACH
Total Price for above Underground Utilities Items:		\$66,160.00
Select Gravels & Binder Paving		
	Bank Run Gravel	1,720.00 CY
	Crushed Gravel	830.00 CY
	Testing - Gravel's	1.00 LS
	Fine Grade Gravels	4,200.00 SY
	Shoulder Gravel To Binder	31.00 CY
	Pavement Binder	476.00 TON

Total Price for above Select Gravels & Binder Paving Items: \$105,440.00

Item #	Item Description	Estimated Quantity
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Site Restoration & Miscellaneous

Striping & Signs	1.00 LS
Loam & Seed Islands	790.00 SY
Loam & Seed	6,754.00 SY
Guardrail	190.00 LF
Retaining Walls	1,650.00 SF

Total Price for above Site Restoration & Miscellaneous Items: \$101,487.00

Curbing, Walks & Top Coat Paving

Pavement Top	285.00 TON
Curbing Sloped Granite	2,100.00 LF
Concrete For Walk Tip Downs 4"	13.00 SY
Paved Walks	98.00 TON

Total Price for above Curbing, Walks & Top Coat Paving Items: \$90,370.00

Mobilization

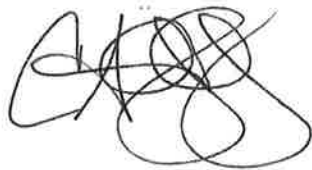
SWPPP Plan	1.00
SWPP Plan SWPPP Monitoring	40.00 HR
SWPPP Maintenance	8.00 HR
Supervision, Layout & General Conditions	1.00 LS

Total Price for above Mobilization Items: \$72,084.00

Total Price for above Phase I Items: \$969,348.00

February 25, 2020

The proposed lots for the residential development off Tamarind Lane will have an average retail value between \$125-190,000 with the average value varying based on the lot grouping. Lots 1-5 located on the Cullen Way cul-de-sac would have an average retail value of \$175,000 per lot. Lots 6-7 would have an average retail value of \$125,000 due to the long shared driveway needed for access. Lots 8-12 on a new cul-de-sac road will have an average retail value of \$190,000. Lots 13-15 on Route 111 would have an average retail value of \$175,000 and lots 16-18 would have an average retail value of \$150,000 because of the access coming through the brickyard condominiums. There have been very few lot sales in Exeter in the past few years because of the lack of availability but the closest comparable sale would be 201 High Street which sold on 6/28/2018. This single lot sold to a builder for \$189,500.



Colton Gove
The Gove Group Real Estate

QUITCLAIM OF EASEMENT

This instrument made this 3 day of MAY, 1991, between New England Telephone and Telegraph Company, a New York corporation having its principal place of business at 185 Franklin Street, Boston, Massachusetts 02107; (hereinafter referred to as "Owner").

WITNESSETH

WHEREAS, New England Telephone and Telegraph Company is Grantee named, or a successor in interest in an instrument originally granted by William Marshall on October 7, 1941 and recorded in Book 991, Page 269, at the Rockingham County Registry of Deeds in Exeter, New Hampshire, (hereinafter referred to as "Original Easement").

WHEREAS, Owner Adela J. Griset of said property in Exeter, New Hampshire that is described in the Original Easement is desirous of having property released from the burden of said Original Easement.

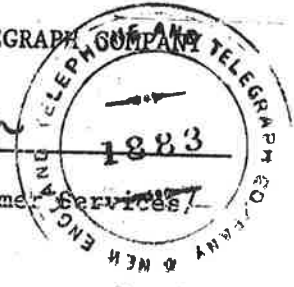
NOW THEREFORE, in consideration of One Dollar (\$1.00) and other valuable considerations to it paid by said Owner, New England Telephone and Telegraph Company does hereby release, relinquish and forever quitclaim unto said Owner and their heirs and assigns, all the right, title and interest in and to that part of the premises now belonging to said Owner which it acquired under said instrument.

IN WITNESS WHEREOF, the said New England Telephone and Telegraph company has caused its corporate seal to be hereto affixed and these presents to be signed by Elizabeth H. Houlihan, its General Manager-Customer Services/Northern States, thereunto duly authorized this 3 day of MAY, 1991.

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY

J. Lucille Amisault
Witness

E.H. Houlihan
By Elizabeth H. Houlihan
Its General Manager-Customer Services,
Northern States



State of New Hampshire, County of Hillsborough

On this the 3 day of MAY, 1991, before me appeared Elizabeth H. Houlihan who acknowledged herself to be the General Manager-Customer Services/Northern States of New England Telephone and Telegraph Company, a New York corporation, and that she, as such General Manager-Customer Services/Northern States, being authorized so to do, executed the foregoing instrument for the purposed therein contained, by signing the name of the Corporation by herself as General Manager-Customer Services/Northern States.

In Witness Whereof I hereunto set my hand and official seal.

Eileen C. Bennett
Notary Public/Justice of the Peace



My Commission Expires: 2/14/95

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

AUG 16 3 03 PM '91

0030035

2887-2000-A

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX

MO	DAY	YR
08	16	91



\$42.00

XX THOUSAND XX HUNDRED AND 42 DOLLARS

CONTROL NUMBER 23814

VOID IF ALTERED