



# TOWN OF EXETER, NEW HAMPSHIRE

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

## LEGAL NOTICE EXETER PLANNING BOARD AGENDA

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

**APPROVAL OF MINUTES:** July 9, 2020

### **NEW BUSINESS: PUBLIC HEARINGS**

Continued public hearing on the application of Gateway at Exeter, LLC for a proposed lot line adjustment and subdivision at 170 Epping Road. The lot line adjustment will transfer 2.10 acres of land from Tax Map parcel #47-7 to Tax Map parcel #47-6; and subsequently a proposed subdivision of Tax Map parcel #47-7 into two lots in conjunction with a mixed use development being proposed for the site. The subject parcels are located in the C-3, Epping Road Highway Commercial zoning district. PB Case #19-15.

Continued public hearing on the application of Gateway at Exeter, LLC for a site plan review and a Wetlands Conditional Use Permit for the proposed construction of a mixed-use development at 170 Epping Road (TM #47-6 and #47-7). The proposal includes a 224-unit multi-family residential complex, a 2-story 48,560 square foot mixed use building that may include a 20,040 YMCA day care facility, office/retail space and possibly a restaurant along with associated site improvements. The subject parcels are located in the C-3, Epping Road Highway Commercial zoning district. PB Case #19-16.

Continued public hearing on 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 07/10/20: Exeter Town Office and Town of Exeter website*

### **\*ZOOM MEETING INFORMATION:**

*Virtual Meetings can be watched on Channel 22 and on Exeter TV's Facebook and YouTube pages.*

*To participate in public comment, click this link: <https://exeternh.zoom.us/j/81693001213>*

*To participate via telephone, call: +1 646 558 8656 and enter the Webinar ID: 816 9300 1213*

*Please join the meeting with your full name if you want to speak.*

*Use the "Raise Hand" button to alert the chair you wish to speak. On the phone, press \*9.*

*More instructions for how to participate can be found here: <https://www.exeternh.gov/townmanager/virtual-town-meetings>*

*Contact Bob Glowacky at [rglowacky@exeternh.gov](mailto:rglowacky@exeternh.gov) or 603-418-6425 with any technical issues.*

**TOWN OF EXETER  
PLANNING BOARD  
July 9, 2020  
VIRTUAL MEETING  
DRAFT MINUTES**

**Zoom ID: 811 8871 9779**

**Phone: 1 646 558 8656**

**I. PRELIMINARIES:**

**BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown, Pete Cameron, Clerk, Gwen English, Jen Martel, Molly Cowan, Select Board Representative, Pete Steckler, Alternate, Robin Tyner, Alternate and Nancy Belanger, Alternate.

**STAFF PRESENT:** Town Planner Dave Sharples

**II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:03 PM, noted Alternate Robin Tyner was active, and read out loud the meeting preamble which indicated that an emergency exists and the provisions of RSA 91-A:2 III (b) are being invoked. As federal, state and local officials have determined gatherings of ten or more people pose a substantial risk to the community and the meeting imperative to the continued operation of Town and government and services which are vital to public, health, safety and confidence. This meeting will be conducted without a quorum physically present in the same location and welcome members of the public accessing the meeting remotely.

**III. OLD BUSINESS**

**APPROVAL OF MINUTES**

June 25, 2020 - Tabled

Edits were recommended to Lines 94, 144, 173, 184, 213, 259, 276, 286, 300, 90, 112, 144, 320, 331, 120, and 327.

**IV. NEW BUSINESS**

**PUBLIC HEARINGS**

1. Continuation of 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 Tamarind Lane and Cullen Way.  
R-1 Low Density Residential and NP-Neighborhood Professional zoning districts  
Tax Map Parcel S #96-15 and #81-53  
Case #20-2

42 Chair Plumer indicated Case #20-2 was requested to be continued to July 23<sup>rd</sup>.  
43

44 *Vice-Chair Brown motioned to continue Case #20-2 to July 23, 2020 at 7:00 PM. Ms. English seconded*  
45 *the motion. A roll call vote was taken, Plumer – aye, Brown – aye, English – aye, Cameron – aye,*  
46 *Martel – aye, Cowan – aye and Tyner - aye. With all in favor the motion passed 7-0-0.*  
47

## 48 V. OTHER BUSINESS

### 49 Upcoming Cases

50  
51  
52 Chair Plumer noted August 13<sup>th</sup> is the CIP Meeting and may start an hour early. The Board could do 6:00  
53 starts through August to try and get more business done.  
54

55 Mr. Sharples indicated there are ten cases before the Board. The Board could take the less complicated  
56 ones first or go in chronological order by submissions.  
57

58 Mr. Cameron noted in the last two months the Board has only looked at two applications and need to  
59 cut down on the Attorney back and forth.  
60

61 Ms. English noted she was in favor of starting early and adding a smaller application in whenever  
62 applicable but don't want to limit what people say in complicated meetings.  
63

64 Vice-Chair Brown indicated it is frustrating to not have a case during a meeting. Might be smart to add  
65 things to agenda and handle as first come first serve which is what we have always done. Might  
66 consider having a large meeting and giving a hard stop for one case then moving on to another one.  
67

68 Ms. Tyner noted she was in favor of adding more to the agenda just in case as well as the time limit.  
69

70 Chair Plumer indicated it sounds like another case or two should be added with a time limit put on the  
71 big case of the night. Chair Plumer asked about an early start for the CIP?  
72

73 Mr. Sharples noted an early start for the CIP would be helpful. The Board could add a new case to that  
74 meeting and go in the order we've received them and gauge the time.  
75

76 Ms. Martel noted a 6 PM start for August 13<sup>th</sup> for the CIP is fine but she is not in favor of doing that for  
77 every August meeting. Ms. Martel noted if seems like if a case is tabled it should go after the other  
78 cases get heard.  
79

80 Mr. Sharples noted he considered that but that assumes the other applications aren't tabled also. It can  
81 get tricky but there is no time limit under the State of Emergency.  
82

83 Ms. Tyner noted at some point the lawyer back and forths will never come to an understanding. At  
84 what point can we halt? Mr. Sharples noted the Chair can dictate the flow and instruct them not to

85 repeat the same point over and over. Rebuttals with attorneys can last forever. The Chair can close one  
86 he feels the Board has adequate information.

87

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

89 **Field Modifications**

90 **Announcements**

91 **VII. CHAIRPERSON'S ITEMS**

92 Chair Plumer indicated the next meeting would be July 23, 2020.

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

94 **IX. ADJOURN**

95 *Vice-Chair Brown moved to adjourn at 7:58 PM. Ms. Tyner seconded the motion. A roll call vote was*  
96 *taken, Plumer – aye, Brown – aye, English – aye, Cameron – aye, Martel – aye, Cowan – aye and Tyner*  
97 *- aye. With all in favor the motion passed 7-0-0.*

98

99 Respectfully submitted,

100 Daniel Hoijer,

101 Recording Secretary

1 TOWN OF EXETER

2 PLANNING BOARD

3 June 25, 2020

4 VIRTUAL MEETING

5 SECOND DRAFT MINUTES

6 Zoom ID: 865 4385 1931

7 Phone: 1 646 558 8656

8 I. PRELIMINARIES:

9  
10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown, Pete  
11 Cameron, Clerk, Gwen English, John Grueter, Jen Martel, Molly Cowan, Select Board Representative,  
12 Pete Steckler, Alternate and Nancy Belanger, Alternate.

13  
14 **STAFF PRESENT:** Town Planner Dave Sharples

15  
16 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:02 PM and read out loud the  
17 meeting preamble which indicated that an emergency exists and the provisions of RSA 91-A:2 III (b) are  
18 being invoked. As federal, state and local officials have determined gatherings of ten or more people  
19 pose a substantial risk to the community and the meeting imperative to the continued operation of  
20 Town and government and services which are vital to public, health, safety and confidence. This  
21 meeting will be conducted without a quorum physically present in the same location and welcome  
22 members of the public accessing the meeting remotely.

23  
24 **III. OLD BUSINESS**

25  
26 **APPROVAL OF MINUTES**

27  
28 May 14, 2020

29  
30 *Mr. Cameron motioned to approve the May 14, 2020 minutes, as amended. Vice-Chair Brown*  
31 *seconded the motion. A roll call vote was taken, Plumer – aye, Brown – aye, Grueter – aye, English –*  
32 *aye, Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 7-0-0.*

33  
34 May 28, 2020

35  
36 *Mr. Grueter motioned to approve the May 28, 2020 minutes, as amended. Ms. English seconded the*  
37 *motion. A roll call vote was taken, Plumer – aye, Brown – abstained, Grueter – aye, English – aye,*  
38 *Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 6-0-1.*

41 June 11, 2020

42

43 *Vice-Chair Brown motioned to approve the June 11, 2020 minutes, as amended. Mr. Cameron*  
44 *seconded the motion. A roll call vote was taken, Plumer – aye, Brown – aye, Grueter – abstained,*  
45 *English – aye, Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 6-0-1.*

46

47 **IV. NEW BUSINESS**

48

49 **PUBLIC HEARINGS**

50 1. Continued public hearing on the application of Gateway at Exeter, LLC for a proposed lot line  
51 adjustment and subdivision at 170 Epping Road. The lot line adjustment will transfer 2.10 acres of land  
52 from **Tax Map parcel #47-7** into two lots in conjunction with a mixed-use development being proposed  
53 for the site.

54 C-3 Epping Road Highway Commercial zoning district

55 PB Case #19-15

56

57 2. Continued public hearing on the application of Gateway at Exeter, LLC for a site plan review and a  
58 Wetlands Conditional Use Permit for the proposed construction of a mixed-use development at 170  
59 Epping Road (**TM #47-6 and #47-7**). The proposal includes a 224-unit multi-family residential complex, a  
60 two-story 48,560 square foot mixed-use building that may include a 20,040 YMCA daycare facility,  
61 office/retail space and possibly a restaurant, along with associated site improvements.

62 C-3 Epping Road Highway Commercial zoning district

63 PB Case #19-16

64

65 Mr. Sharples indicated Planning Board Cases #19-15 and #19-16 are for a lot-line adjustment and  
66 subdivision with CUP. The applicants appeared on May 28, 2020 meeting and were subsequently tabled  
67 to allow the development team adequate time to review plans and documentation. Shared parking  
68 analysis has been done and is enclosed. A memo that includes potential transportation  
69 requirements/changes is provided. Applicant is requesting several waivers. The applicant appeared  
70 before the Conservation Commission at their June 9, 2020 meeting to discuss recreation and deed  
71 stewardship. Jen Mates of DPW has remaining comments regarding corridor study and internal traffic  
72 movement concerns. Pete Steckler did a site walk and sent in a memo regarding his findings.

73

74 Jim Petropulos indicated he will talk about changes in the resubmittal and likely about traffic. A lot of  
75 information was covered at the last meeting which was beneficial to us. Heard concerns with parking  
76 and shared parking notions. The building was reduced in size, by approximately 10,000 square feet.  
77 Lessened in retail component. Were able to pull 20 feet away from Epping Road. Currently requires 568  
78 spaces, providing 408 spaces. Concerns relative to drop off area. Provided area for that. Took another  
79 look at parking analyses. Ran numbers for shared parking with updated software. Peak demand is 318  
80 spaces according to software. Indicates sufficient parking. Have made changes to accesses and exits,  
81 with two curb cuts, added one way exit at uppermost part to Epping Road. Is a TIF district. Have  
82 pending improvements for road. Have some phasing plans for building. Will hold off on commercial  
83 building until those improvements are made.

84

85 Mr. Petropulos indicated delivery spaces were added and moving spaces. Four were added to  
86 accommodate concerns. Comments regarding landscaping incorporated. Added landscape island. Still  
87 have waiver before you regarding that. Submitted colored scheme for curbing. National Heritage  
88 Bureau (NHB) report was submitted. Wetlands permit submitted as well. Is some wetland impact.

89

90 Stephen Pernaw, the applicant's traffic engineer, indicated they did standard predictions. Building  
91 downsized so traffic numbers will be lower. DOT projects section of highway carries 13,000 cars per  
92 day. Estimated 384 trips during peak hour period. Three-day traffic count by DOT, noted there will be  
93 impact but should be comparable to day to day basis. Left turns can be tricky. Traffic signals not  
94 warranted here. Looked at need for two lanes. Should probably be left turn pocket into site and into  
95 Mobile gas station as depicted. Arriving at site should be right turn lane. Will be taking another look at  
96 these.

97

98 Mr. Pernaw continued, discussing shared parking. ULI model predicts demand of 271 at peak. We've  
99 added cushion to the peak demand. Confirms adequate parking with reduction of square footage. Been  
100 in touch with District 6. Will have scope meeting in Concord for final study.

101

102 Mr. Grueter asked about the original study in 2019? Looked at this in 2016. Were looking at 120  
103 assisted living units, now have 224 apartments. Mr. Pernaw indicated they were brought on to the  
104 project later. Mr. Sharples indicated this was initially design review. Were concerned about traffic  
105 generation back then with that projected use.

106

107 Mr. Steckler noted the model from Urban Land Institute, clarify methodology. Don't see this area as  
108 urban. Stephen Pernaw indicated it is the name of the lead organization. Came out with updated model  
109 this year. Can make adjustments. Model is compatible with this area. Demand is comprised of four  
110 different uses. Most cars are leaving towards end of day. Pattern sticks no matter what area you're in.  
111 Accounts for variations with traffic. Did not take credit for walking trips.

112

113 Mr. Cameron noted the traffic study at Ray Farm was that study factored in at all?

114

115 Stephen Pernaw noted it accounted for two other projects south of the site, with Ray Farm being one of  
116 them.

117

118 Mr. Sharples indicated four buildings were proposed, built one and are working on the second. Plan is  
119 to continue building (Ray Farm).

120

121 Ms. Martel commented on the ULI study-appreciate seeing that information. Question about study by  
122 VHB Jason Plourde. How are improvement measures implemented and when do we hear about DOT  
123 feedback?

124

125 Jason Plourde prepared peer review of study in December. It was a different build program then.  
126 Comments were based on that full build. Looked at delays. Vehicle queuing and volume to capacity  
127 ratios. This development creates higher demand for vehicles than capacity could handle. May create

128 unsafe turning gaps. Mentioned exclusive turn lanes that would be needed. If increase traffic in  
129 intersection is 100 plus cars or more must pay closer attention to that intersection. Study area  
130 should've been expanded. Get input from DOT. Is controlled access right of way. Need to coordinate  
131 with DOT about proposed access. Mr. Plourde indicated a lot will be answered in scoping meeting, will  
132 involve applicant, DOT and municipality.

133

134 Ms. English asked about the letter from Town engineers and possibly eliminating the south driveway –  
135 could that work? Mr. Plourde indicated in Epping Road strip management ordinance, guideline says  
136 abutters consolidate access points on property lines. Try to control access so cars have control point to  
137 access Epping Road. Working to see what corridor would need to look like. If can control access would  
138 fall in line with zoning ordinance and provide safer access and exits by possibly warranting traffic signal.  
139 Not sure about numbers right now with less building.

140

141 Ms. English expressed concerns about a left out of southbound exit and making a right only? Stop light  
142 would be safest way to control. Mr. Plourde indicated he liked that drive being exit only with daycare  
143 right there and also like drop off only.

144

145 Chair Plumer asked what will be needed to know regarding traffic to vote on application? That scoping  
146 meeting will be critical.

147

148 Mr. Steckler indicated Jen Mates wanted a south driveway to be right turn only. Any thoughts on that?

149

150 Stephen Pernaw indicated the layout of site is important to have left turn departure to get back on 101.  
151 Don't want to encourage U-turns. Mr. Petropulos noted if that was right only, it would have to have  
152 paved access to get out of main driveway. Moved building 20 feet away but that space would get used  
153 addressing that. Could probably rework that system to circumnavigate.

154

155 Stephen Pernaw noted it also needs to be determined if a traffic signal is warranted. Just have to wait  
156 on that situation. Is a minimum criteria before can be considered. DOT will look at any signal this close  
157 to interchange. Mr. Sharples noted that's why we've encouraged DOT's cooperation and involvement.

158

159 Ms. English asked about the number of parking spots at peak demand, 271, and parking that isn't  
160 needed and whether that will be eliminated? Still a bit concerned about drop off at YMCA. Maybe use  
161 this extra space to expand on the drop-off area.

162

163 Mr. Petropulos indicated a waiver is still required. Can look at improving circulation if had an overage in  
164 parking. Will be no commercial building until road improvements are made. Will be no second curb cut  
165 until then.

166

167 Ms. English indicated she preferred as little pavement as possible but in this case, it is needed for safety.

168

169 Ms. Martel expressed concern with drop off. Kids get out on wrong side of road with bus. May need  
170 one more pass not totally comfortable with circulation.

171



172 Mr. Cameron asked Mr. Plourde if he will submit something to account for what was learned today. Mr.  
173 Plourde indicated there will be a scoping meeting with Mr. Sharples.

174

175 Mr. Steckler indicated he would want to hear an opinion about right-turn only from Mr. Plourde.

176

177 Mr. Plourde indicated reducing turning movements could be good but must look at ramifications.

178 Second access is left out. Just don't know impact after square footage reduction.

179

180 Mr. Plourde noted some spaces could be dedicated strictly for daycare if there is an overage of parking.

181

182 Mr. Quigley wants to address the memo from Mr. Steckler's site walk. Often helps focus the questions.

183 Letter gave impression that there are deficiencies with his work. NHB reporting identified endangered

184 plant in exemplary natural community. Iris observed in front ponded area. That is where it was

185 determined to be and NHB signed off on that. Pointed out iris elsewhere. Investigated and found seven

186 iris locations without flowers. Easy to distinguish between slender iris. All identified. Were standard

187 Blue Flag Iris. Plan to update NHB with this information. Swamp White Oak and oak basin swamp are

188 important. That tree alone isn't a protected species. It is a species within that basin swamp. During

189 winter the area was surveyed for significant trees. No Swamp White Oak seen at that time. Have been

190 looking there since before logging. Red maple is dominant. Confident that this tree with the swamp

191 does not exist on this site. Regarding potential for vernal pool breeding habitat out front of site, did not

192 deploy in the smaller area, (minnow traps) captured green frog tadpoles. Were not wood frog. Similar

193 area was completely dry this week. Appears likely to be a number of green frogs that tested the waters.

194 Reviewed those two front areas in the past. Only pulled a single fairy shrimp for that smaller area. Not

195 evidence of breeding. Frogs seem to maybe not use this area.

196

197 Mr. Quigley noted vernal pool issue has been reviewed by authorities on several occasions prior.

198 Proximity to road is important to note. Property has been personally flagged twice and been re-verified.

199 Always been consistent. Don't think my wetland delineation has ever been terribly inaccurate. Harder

200 to re-flag the area now.

201

202 Mr. Steckler noted the point was not to question delineation. Flagging was difficult to see. Is essential to

203 understand impacts to vote for CUP. Project has enormous impact on wetland areas. Approximately

204 three acres of high-quality wetlands with a lot of micro topology. Wetlands need to be identified and

205 probably warrants 3rd party review.

206

207 Mr. Quigley noted the Iris on site had wide leaves and rounded seed pods. Blue Flag Iris flowers always

208 vary but these two features stand out. Mr. Steckler questioned coordinating with NHB about Iris

209 occurrences. Mr. Quigley noted he is satisfied and NHB is as well. As a matter of due diligence will

210 share that information with them and coordinate plant surveys based on suitable habitats. Habitat for

211 Iris is typically wetter. Removing trees made these wetlands a bit wetter overall. Have additional info to

212 prove is not protected Iris.

213

214 Chair Plumer indicated the site walk was not coordinated as the Board usually has. Tough to notice all

215 features. Mr. Steckler questioned what evidence there is that vernal pool was excavated as suggested

216 by Mr. Quigley. Can use secondary indicators to determine, not just egg masses. Mr. Steckler indicated  
217 he believes 3rd party review is warranted.

218

219 Mr. Petropulos noted the site was inspected by Conservation and NH Department of Environmental  
220 Services and other agencies. Walked entire site for feedback. Believe 3<sup>rd</sup> party services have already  
221 been done.

222

223 Mr. Quigley indicated it doesn't matter much if it is an excavated area. More in terms of quality. Were  
224 big piles of dirt on the side. Small wetland impact in that area. Not impacting basin. Would never use  
225 secondary indicators to identify where I've seen no egg mass for two years. Would find that bad  
226 practice.

227

228 Vice-Chair Brown indicated Kristen Murphy could comment. Ms. Murphy indicated she received a copy  
229 of Mr. Steckler's letter and shared it with the Conservation Commission. Was new information to the  
230 Conservation Commission. Checked in with Mr. Quigley. Felt the wetlands were strongly identified  
231 based off his descriptions. Did not see Swamp White Oak herself. Did site walk with Carlos Guindon  
232 there who had high knowledge of that species and did not find any. Did notice fairy shrimp. Believe  
233 that is primary indicator but no way to determine with tadpole species. No request on behalf of the  
234 Commission yet.

235

236 Ms. Martel noted minimal impact comment. Looks to be catch basins out letting to this basin. Make  
237 sure is being treated. Mr. Petropulos noted driveway impacts finger along this basin. No discharge  
238 going here whatsoever. Bigger area has outlet pipe if it ever overflowed. No discharge there either.

239

240 Ms. English asked if Mr. Guindon saw Mr. Steckler's pictures from the site walks to help identify?  
241 Looked to me to be protected Iris. Ms. English noted she realizes it is a challenging site. Didn't see  
242 typical wetland flags to use as markers for delineation. Was difficult to identify. Wish we could look at  
243 it again together.

244

245 Ms. Murphy noted the letter from Mr. Steckler was provided to Conservation Commission and haven't  
246 met as a Board since.

247

248 Mr. Steckler noted site inspections are not intensive 3<sup>rd</sup> party reviews. Part of it was to evaluate  
249 mitigation for back area. Typically note the role of any of those organizations. Ms. Murphy indicated we  
250 do look at wetland plans but most of members are not wetland scientists. Allowed to request 3<sup>rd</sup> party  
251 review if see fit.

252

253 Ms. English noted observed impact is visible on this project. Most of building seems to be on wetland or  
254 wetland buffers. On the fence about third-party review.

255

256 Ms. Martel asked if 3<sup>rd</sup> party review would be on the whole site? If they determine to be vernal pool  
257 how would that change the decision-making process?

258

259 Mr. Steckler indicated approximately three acres of wetland is lost. Worth due diligence for the Board's  
260 consideration of CUP. Not sure if would be in favor of this. Not convinced there isn't an Iris or Swamp  
261 White Oak (protected species) on this property.

262

263 Chair Plumer asked to consider the total acreage of site as we look at this. Not sure of effect of roadway  
264 on this either. Not sure a 3<sup>rd</sup> party will help answer those. Mr. Cameron asked what it would start with?  
265 A critique of applicant or a brand-new review? Chair Plumer indicated this has been done before.  
266 Consists of wetland scientists meeting with applicant to confirm or deny the findings of the applicant.  
267 Mr. Sharples noted that was correct but in a general sense. Need to set a scope at this Board.

268

269 Vice-Chair Brown noted 3<sup>rd</sup> party review if we choose, scope is up to us. Our Board member had letter  
270 addressed piece by piece and has not backed off on claims. Out of respect for Board member we should  
271 have a 3<sup>rd</sup> party review. Not comfortable in one certain area. Corridor developed. Landowners prefer  
272 residential uses. Might be delayed and commercial is being shrunk. Think traffic study has to be  
273 complete.

274

275 Mr. Steckler indicated as far as review; the Board can't evaluate wetland impacts because it is unclear  
276 where wetlands are on site. Did see some flags but not many. Think 3<sup>rd</sup> party review could just reflag  
277 site and have applicant work with 3<sup>rd</sup> party review. Think vernal pool needs to be assessed. Also  
278 evaluated NHB's report as well to verify species' presence (if applicable). Would suggest review of  
279 functional evaluation as well.

280

281 Mr. Grueter agreed 3<sup>rd</sup> party review is probably necessary.

282

283 Mr. Sharples noted if the Board wants that he will coordinate it. Reflag wetlands, in area of disturbance,  
284 review vernal pool assessment in front part, evaluate NHB report, evaluate functions and values  
285 assessment.

286

287 Mr. Steckler asked if 3<sup>rd</sup> party review would work with reflagging wetlands, or if an alternate method of  
288 using special data could be used?

289

290 Ms. Murphy indicated an evaluation at this time of year will only determine presence of egg masses.  
291 Challenging to make vernal pool determination.

292

293 Mr. Quigley noted wanted to say the same. Review on delineation, fine with that. Would be difficult to  
294 reflag. Normally find minor differences in these reviews. Ms. English agreed it is the wrong time of the  
295 year to look for vernal pools. Ms. Martel asked if the entry road could be moved away from the  
296 potential vernal pool, would that satisfy?

297

298 Mr. Petropulos noted he doesn't believe there is a vernal pool. Feel alignment across from Mobile is  
299 important so don't think we can move it. Ms. Murphy noted DES regs indicated that fairy shrimp is  
300 partial to definition of being vernal pool. DES may be able to weigh in on this. Feel it is Mr. Quigley's  
301 responsibility to raise these issues to DES. Conservation Commission is also willing to initiate with them.

302

303 Mr. Steckler noted CUP Criteria #3 notes no negative impact. Feel this is where need for 3<sup>rd</sup> party review  
304 is warranted. Encourage to include functional assessment in scope. Agree with Ms. Murphy.

305

306 Ms. Cowan Indicated you have to accept whatever decision is made after this review. Feel DES has  
307 already weighed in. Mr. Sharples indicated the board may want them to attend the next meeting.

308

309 Mr. Quigley indicated the status of two species seem abundantly clear, when I present to NHB have that  
310 information. Would like to leave that part out of review. Ms. Steckler indicated he did not want to  
311 leave it out. Mr. Cameron asked to outline the scope again.

312

313 Mr. Sharples noted the scope of 3<sup>rd</sup> party review would be:

314

315 1. Reflag by applicant in disturbed area with consultation with 3<sup>rd</sup> party review.

316

2. Vernal pool assessment.

317

3. Evaluate NHB report and status of protected species.

318

4. Evaluate functions and values assessment.

319

5. Attend Planning Board meeting.

320

321 Ms. Murphy noted she had nothing to add to that.

322

323 **Mr. Cameron motioned to require 3<sup>rd</sup> Party Review under defined scope outlined above. Mr. Grueter**  
324 **seconded the motion. A roll call vote was taken, Plumer – aye, Brown – aye, Grueter – aye, English –**  
325 **aye, Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 7-0-0.**

326

327 Mr. Sharples indicated the Board expects more information about the areas such as traffic and internal  
328 circulation. Commercial being delayed would be a problem as noted by Vice-Chair Brown.

329

330 Ms. English asked if there is a page showing limit of clearing and Mr. Petroopoulos stated can be seen on  
331 erosion control and grading plan.

332

333 Mr. Sharples indicated the second meeting July 23<sup>rd</sup> is off. July 9 seems too soon for 3<sup>rd</sup> party review.  
334 August 13<sup>th</sup> is set aside for CIP. There are a lot of projects waiting. Mr. Grueter indicated the Board  
335 should probably have that meeting. Vice-Chair Brown agreed. Chair Plumer announced the Board will  
336 meet on the 23<sup>rd</sup> of July.

337

338 Mr. Petroopoulos indicated he would like to receive all comments as soon as possible.

339

340 Mr. Grueter indicated concerns with architectural design. Should look like a gateway to Exeter. Mr.  
341 Grueter indicated he doesn't think it does.

342

343 **Vice-Chair Brown motioned to table Planning Board Cases #19-15 and #19-16 to July 23<sup>rd</sup> at 7 PM. Mr.**  
344 **Grueter seconded the motion. A roll call vote was taken, Plumer – aye, Brown – aye, Grueter – aye,**  
345 **English – aye, Cameron – aye, Martel – aye, Cowan - aye. With all in favor the motion passed 7-0-0.**

346

347 **V. OTHER BUSINESS**

348

349 Vice-Chair Brown indicated the Board will have the ability to meet in person soon. Mr. Sharples agreed  
350 there has been talk of reopening Town Offices. The Governor has relaxed the orders. Have heard that  
351 in-person process is better than online.

352

353 Mr. Grueter asked if someone could opt to attend virtually? Mr. Sharples noted he could work with IT  
354 on that. The Select Board would be involved as well.

355

356 Ms. Martel noted there may be members of the public not comfortable with attending and phone-in  
357 could be an added option.

358

359 Ms. Cowan noted she was not in favor of meeting in person at this time. This platform works best for  
360 people at risk. Mr. Sharples indicated if someone didn't feel comfortable then can continue this way.

361

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

363 **Field Modifications**

364 **Announcements**

365 Mr. Sharples announced the MUND project received the Project of the Year Award. Hopeful it will get a  
366 project under it in the future.

367 **VII. CHAIRPERSON'S ITEMS**

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

369 **IX. ADJOURN**

370 *Vice-Chair Brown moved to adjourn at 10:24 PM. Mr. Grueter seconded the motion. A roll call vote*  
371 *was taken, Plumer – aye, Brown – aye, Grueter – aye, English – aye, Cameron – aye, Martel – aye,*  
372 *Cowan - aye. With all in favor the motion passed 7-0-0.*

373

374 Respectfully submitted,

375 Daniel Hoijer,

376 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](http://www.exeternh.gov)

---

**Date:** July 16, 2020  
**To:** Planning Board  
**From:** Dave Sharples, Town Planner  
**Re:** PB Case #19-15 and Case #19-16 Gateway At Exeter LLC

The Applicant has submitted a lot line adjustment/subdivision application for a proposal to consolidate and re-subdivide Tax Map Parcels #47-6 and #47-7 situated on Epping Road into three lots. The Applicant has also submitted a Wetlands Conditional Use Permit (CUP) and site plan review application for a proposal to construct a mixed use development on the two newly created parcels with frontage on Epping Road. The proposed development will include three (3) multi-family residential buildings consisting of 224 units, a 40,000 square foot mixed use building and associated site improvements. The subject properties are located at 170 Epping Road and are situated in the C-3, Epping Road Highway Commercial zoning district.

The Applicant appeared before the Planning Board at its June 25<sup>th</sup>, 2020 meeting and the Board voted to require a third-party review of the wetlands assessment provided by Gove Environmental Services on behalf of the Applicant. The application was tabled to the July 23<sup>rd</sup>, 2020 meeting. Subsequently, I have contacted several consultants requesting their services for the third-party review and have obtained the services of GZA Environmental and their contract describing their scope of work is enclosed that I believe encapsulates what the Board requested at the June 25<sup>th</sup> meeting.

The two main issues discussed at the June meeting were related to the wetlands and traffic. As you will note in the GZA Contract, they will have the written report done by noon on July 23<sup>rd</sup> and will attend the meeting to present their findings and be available for any questions. I will send you the report as soon as I receive it so you will have at least some time prior to the meeting to review it. We also received a letter from the Conservation Commission, dated July 17, 2020, regarding the review and is enclosed. Regarding traffic, I asked VHB to prepare a list of outstanding items and I provided the letter to the applicant and it is also enclosed. I asked Jason Plourde from VHB to attend the meeting as he did in June and he will be available to provide comments and address any questions the Board may have.

The Applicant has requested several waivers, five of which were outlined in a letter from Hayner/Swanson, Inc. initially dated November 19, 2019 and revised May 13, 2020 (previously mailed). The Applicant also provided a letter dated May 11, 2020 outlining a request for two additional waivers regarding recreation space and recreational impact fees (also previously mailed). A second revision of the waiver request letter was submitted with the June 16<sup>th</sup>, 2020 submission materials which revises Waiver Request #5 relative to the number of Off-street parking spaces required. Waiver motions for all the requested waivers are included below for your convenience.

I will be prepared with suggested conditions of approval in the event the Board takes action on the request.

**Waiver Motions:**

**High Intensity Soils Survey (HISS) waiver motion:** After reviewing the criteria for granting waivers, I move that the request of Gateway At Exeter, PB Case #19-15 and #19-16, for a waiver from Section 7.5.4 of the Site Plan Review and Subdivision Regulations to provide High Intensity Soil Survey information on the **Proposed Site Plan** be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

**Landscape Islands within /Parking Lots waiver motion:** After reviewing the criteria for granting waivers, I move that the request of Gateway At Exeter, PB Case #19-15 and #19-16, for a waiver from Section 9.7.5.5 of the Site Plan Review and Subdivision Regulations regarding landscape islands be provided in parking lots between every 10 to 15 spaces to avoid long rows of parked cars be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

**Wetland Setbacks – 75 foot structural/parking setback from Poorly Drained Soils waiver motion:** After reviewing the criteria for granting waivers, I move that the request of Gateway At Exeter, PB Case #19-15 and #19-16, for a waiver from Section 9.9.2 of the Site Plan Review and Subdivision Regulations regarding the installation of reinforced turf be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

**Off-Street Loading waiver motion:** After reviewing the criteria for granting waivers, I move that the request of Gateway At Exeter, PB Case #19-15 and #19-16, for a waiver from Section 9.12.1. of the Site Plan Review & Subdivision Regulations to provide loading dock spaces be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

**Parking space (number required) waiver motion:** After reviewing the criteria for granting waivers, I move that the request of Gateway At Exeter, PB Case #19-15 and #19-16, for a waiver from Section 9.13.1. to permit less off-street parking than required in accordance with Section 5.6.6 of the Zoning Ordinance be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

**Recreational Space waiver motion:** After reviewing the criteria for granting waivers, I move that the request of Gateway At Exeter, PB Case #19-16, for a waiver from Section 11.3.4. of the Site Plan Review and Subdivision Regulations regarding the requirement to provide area for joint recreational space be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

**Impact Fee Motion:** After reviewing the criteria for granting waivers, I move that the request of Gateway At Exeter, PB Case #19-16, for a waiver from Section 11.7.2 of the Zoning Ordinance regarding payment of impact fees (as they relate to recreation) be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

**Planning Board Motions:**

**Lot Line Adjustment and Subdivision Motion:** I move that the request of Gateway At Exeter, PB Case #19-15, for Lot Line Adjustment and Subdivision approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

**Conditional Use Permit (Wetlands) Motion:** After reviewing the criteria for a Wetlands Conditional Use permit, I move that the request of for Gateway At Exeter, PB Case #19-16, for a Conditional Use Permit be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

**Site Plan Motion:** I move that the request of Gateway At Exeter, PB Case #19-16 for Site Plan approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures



# TOWN OF EXETER

## CONSERVATION COMMISSION MEMORANDUM

Date: July 17, 2020  
To: Planning Board  
From: Andrew Koff, Chair, Exeter Conservation Commission  
Subject: Gateway at Exeter LLC, Epping Road Third Party Wetlands Review

Project Info:

Project Location: Epping Road, Exeter, NH  
Map/Lot: Map 47, Lots 6 & 7  
NHDES File No: Unknown  
CC Review Date: Site Walk 10/30/19, CC Meeting 11/12/19, CC Meeting 5/13/20, Cons Land Walk w/  
small subcommittee 6/2/20, CC Meeting 6/9/20  
PB CASE: 19-16

This memo is provided in addition to prior memos on this project sent in November 2019, and May 2020, and June 2020.

The Conservation Commission has reviewed the 6/23/2020 memo sent from Planning Board member Peter Steckler regarding observations made during a site visit of a vernal pool, beardless iris, swamp white oak, and missing wetland boundaries on the aforementioned project. Furthermore, the Commission has discussed the relevant portions of Planning Board's June 25, 2020 meeting regarding this project.

As stated in our November memo, we expressed a desire to provide additional input should designs change in a manner that causes an increase in wetland buffer impact. Given this information provided by Peter Steckler and the fact that a fairy shrimp was found in Wetland A by Gove Environmental (as discussed in the June 25, 2020 Planning Board meeting), we feel this area should be evaluated as a vernal pool. A vernal pool is defined in state law a site that supports one or more primary indicator species (Env-Wt 104.44), of which include fairy shrimp (Env-Wt 103.64). Our regulations afford vernal pools a 75' limited use buffer, instead of the 50' buffer, and feel these impacts were not properly addressed during our review of the project. We are also concerned about the conflicting reports of two state certified wetland scientists (Brendan Quigley and Peter Steckler) on the presence/absence of the beardless iris and swamp white oak, share Mr. Steckler's concern about the delineation of the wetland boundary. Given these concerns we have the following recommendations to the Planning Board:

*We recommend the Planning Board require the applicant to:*

- *update the site plans to include a 75' foot buffer around the vernal pool in wetland A;*
- *minimize impact to this 75' vernal pool buffer;*
- *evaluate the impact of any unavoidable impacts on future success and viability of the vernal pool; and*
- *recalculate the amount of permanent and temporary wetland buffer impacts in the Conditional Use Permit.*

*We are supportive of the Planning Board's decision to have third party review of the wetland assessment and interested in the confirming the presence/absence of the beardless iris and swamp white oak by a qualified botanist, either through the State Natural Heritage Bureau or the third party wetland scientist, if they are so qualified. We request a copy of this report when complete so the commission can discuss the matter further.*

*Thank you for your continued attention to this matter and we look forward to being in communication with you regarding this project.*



Andrew Koff  
Chair, Exeter Conservation Commission



Known for excellence.  
Built on trust.

GEOTECHNICAL  
ENVIRONMENTAL  
ECOLOGICAL  
WATER  
CONSTRUCTION  
MANAGEMENT

5 Commerce Park North  
Suite 203  
Bedford, NH 03110  
T 603.623.3500  
F 603.624.9463  
www.gza.com



**VIA EMAIL**

July 16, 2020  
File No. 04.P000166.21

Mr. David Sharples, Town Planner  
Town of Exeter  
10 Front Street  
Exeter, New Hampshire 03833

Re: Proposal for Professional Services  
Gateway at Exeter, LLC  
Tax Map 47, Lots 6 and 7  
Gateway at Exeter Mixed Use Development Project  
Exeter, New Hampshire

Dear Mr. Sharples:

GZA GeoEnvironmental, Inc. (GZA) is pleased to provide this proposal to complete a peer review of the proposed Gateway at Exeter Mixed-Use Development located on Epping Road (Route 27) on Tax Map 47, Lots 6 and 7 in Exeter, New Hampshire (Site). We understand the Site consists of 16.71 acres of partially developed land, located to the west of Route 27, south of Route 101, and north of Continental Drive. We further understand that Gateway at Exeter, LLC is proposing a mixed-use development on the Site that includes a YMCA childcare facility, restaurant, retail/medical office space, and residential housing (see Proposed Mixed-Use Development plan prepared by Hayner/Swanson, Inc. dated 6/12/20). Additionally, we understand that Gove Environmental Services has prepared a Natural Resource Plan which summarizes wetlands, vernal pools, rare species, and related wetland functions and values. GZA has developed the Scope of Services below based on your e-mail proposal request dated July 10, 2020.

**SCOPE OF SERVICES**

The proposed Scope of Services includes:

**TASK 1 – WETLAND FLAG REVIEW**

A Certified Wetland Scientist will review the wetland delineation completed by Gove Environmental Services, Inc. (GES) in the field in accordance with the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, using the Routine Determination Method; in conjunction with the Regional Supplement to the Corps 1987 Wetland Delineation Manual: North central and Northeast Region, Technical Report ERDC/EL TR-12-1; the National Wetland Plant List: 2016 wetland rankings,



Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin, 2016, Phytoneuron 2016-30: 1-17; and Field Indicators of Hydric Soils in the United States, A Guide for Identifying and Delineating Hydric Soils, Version 8.2, 2018. GZA will use the wetland flagging placed by GES in the field for comparison. If GZA's interpretation of the extent of wetlands in the field differs from established flags by GES by more than five feet, GZA will place flags clearly labeled using an alpha-numeric sequence, "GZA", and current date (e.g. GZA A1 7/20/20) to reflect GZA's opinion of wetland boundary location. In addition, GZA will provide a sketch of approximate flag locations in our letter report (i.e. as part of Task 6) for later survey location by others. GZA will provide Wetland Determination Data Sheets for locations where in GZA's opinion, wetland boundary adjustments may be considered.

#### TASK 2 – VERNAL POOL REVIEW

GZA will conduct an in-field assessment of potential vernal pool habitat in accordance with Identification and Documentation of Vernal Pools in New Hampshire, third edition, 2016 published by the New Hampshire Fish and Game Department and in accordance with vernal pool criteria outlined in the New Hampshire Code of Administrative Rules Env-Wt 104.15 and 104.44. Since confirmation of vernal pools by egg mass counts can only occur during the typical breeding season from approximately April through June, and given the anticipated timing for field work will be late July, GZA will dipnet observed standing water on the Site to locate and identify amphibian larvae and aquatic macroinvertebrates, if present. GZA will use a hand lens for identification of any observed amphibian larvae to species or generic level and aquatic macroinvertebrates to family level if larval developmental stage allows identification. As needed, GZA will prepare documentation data sheets for confirmed vernal pools according to New Hampshire Fish and Game (NHFG) and U.S. Army Corps of Engineer protocols. GZA's review will focus on the lots of proposed development, and not within Lot 47-7-1, which GZA understands may be proposed as conservation land for the proposed project.

#### TASK 3 – RARE SPECIES/EXEMPLARY COMMUNITY REVIEW

Based on the New Hampshire Natural Heritage Bureau memo dated 10/15/19 issued to GES, GZA understands that swamp white oak basin swamp, slender blue beardless-iris (*Limniris prsimatica*, a.k.a. *Iris prismatica*), northern black racer (*Coluber constrictor constrictor*), and wood turtle (*Glyptemys insculpta*) are known to occur near the Site. A GZA biologist will complete a site review for the noted communities and species over the course of one field visit (up to 8 hours). If the listed species or communities are observed, GZA will photo document the species/community, and locate observed resources with a hand-held GPS unit. GZA will also flag any observed locations in the field, for review/survey location by the applicant or applicant's representative.

Northern black racer and wood turtle are wide-ranging species, and may have potential to be present, even if not observed pending habitat evaluations. As a result, GZA will provide an analysis of habitat conditions to predict the potential for these species to occur on Site. In addition, GZA will review correspondence from the New Hampshire Fish and Game Department to GES as part of our review of habitat suitability, if provided. Slender blue beardless iris typically flowers from June to July and is separated from similar species in part by leaf size. As a result, the survey period (late July) is timed during an appropriate time for review. Therefore, GZA will plan to traverse the Site to survey for slender blue beardless iris along random traverse routes in wetlands, as this species is an obligate wetland species.

#### TASK 4 – WETLAND FUNCTION VALUE REVIEW

- GZA will review the "Natural Resource Plan" prepared by GES as provided by the Town of Exeter. GZA will review the functions and values assessment of wetlands in accordance with *The Highway Methodology*



Workbook Supplement. Wetland Functions and Values: A Descriptive Approach. Army Corps of Engineers (ACOE), New England Division. 1999. NENEP-360-1-30a. This method assesses wetlands within the context of the watershed based on 13 potential functions and values. These functions and values include groundwater recharge/discharge, flood flow alteration, fish and shellfish habitat, sediment/toxicant retention, nutrient removal, production export, wildlife habitat, educational/scientific value, recreation, uniqueness/heritage value, sediment/shoreline stabilization, visual quality/aesthetic value, and endangered species habitat. If GZAs review of wetland functions and values differs from GES, GZA will provide supporting data sheets.

**TASK 5 – MEETING ATTENDANCE**

23 0.5.

GZA understands that the project will be reviewed at a Town of Exeter hearing on July 21, 2020. GZA will be prepared to present our findings at the hearing. This task assumes a total of four hours for one staff member to attend and includes time for preparation of presentation materials.

**TASK 6 – LETTER REPORT**

GZA will summarize the work completed and our findings from Tasks 1 through 4 in a letter report. The letter report will include a narrative summary, photo log, aerial plan depicted noted resources (if new wetland, vernal pool, rare species, or exemplary community resources are observed), and supporting data sheets. GZA will provide a pdf to the Town of Exeter for distribution to the applicant, applicant’s representatives, and other interested parties.

**BASIS OF BILLINGS**

The total estimated fee to complete this assignment is \$6,883. Please see the table below for a more detailed summary of anticipated costs.

TASK DESCRIPTION	ESTIMATED COST
TASK 1 – WETLAND FLAG REVIEW	\$1,990
TASK 2 – VERNAL POOL REVIEW	\$824
TASK 3 – RARE SPECIES/EXEMPLARY COMMUNITY REVIEW	\$824
TASK 4 – WETLAND FUNCTION VALUE REVIEW	\$613
TASK 5 – MEETING ATTENDANCE	\$868
TASK 6 – LETTER REPORT	\$1,764
<b>TOTAL</b>	<b>\$6,883</b>

Services will be provided on a lump sum basis. This estimate is based on the anticipated Scope of Work outlined above, which represents our present judgment as to the level of effort required.

*Invoices for our services will be mailed to the address presented above. Should your billing address be different, please notify the undersigned so that appropriate changes can be made.*

**SCHEDULE**

GZA is prepared to initiate the proposed Scope of Work within one business day of the receipt of a signed contract (as indicated below under Conditions of Engagement). If authorized by/on July 17, 2020, GZA will complete field work during the following week and submit our letter report to the Town of Exeter for distribution on July 24, 2020.

23<sup>rd</sup> at or before 12pm  
O.S.



## CONDITIONS OF ENGAGEMENT

GZA will complete this project in accordance with the attached Terms and Conditions for Professional Services (08/08-Edition/05-9011).

## ACCEPTANCE

***This proposal may be accepted by signing in the appropriate spaces below and returning one complete copy to us (including attachments).*** The executed agreement must be received prior to the initiation of the services described above. This proposal for wetland delineation services, schedule of fees and the terms and conditions shall constitute the entire agreement between the parties.

GZA appreciates the opportunity to submit this proposal for services.

Very truly yours,

GZA GEOENVIRONMENTAL, INC.

James H. Long, CWS, CSS  
Senior Consultant

Deborah M. Zarta Gier, CNRP  
Consultant / Reviewer

Tracy Tarr, CWS, CESSWI  
Associate Principal

JHL/TLT/DMZ: jc

r:\fy21\04\_p000166.21\final 04\_p000166.21\_exeter proposal 07162020.docx

Attachments: Schedule of Fees (NNE270)  
Terms and Conditions for Professional Services (08/08- Edition/05-9011)



This Proposal for Professional Services, Schedule of Fees (NNE270) and the attached Terms and Conditions for Professional Services (08/08-Edition/05-9011) are hereby accepted and executed by a duly authorized signatory, who by execution hereof, warrants that he/she has full authority to act for, in the name of, and on behalf of Jones & Beach Engineers, Inc.

**Town of Exeter**

By:  Title: Town Planner

Typed Name: Dave Sharples Date: 7/16/2020

Billing Address (if different from above):  
\_\_\_\_\_  
\_\_\_\_\_

**GZA GEOENVIRONMENTAL, INC.  
GZA GEOENVIRONMENTAL OF NEW YORK, P.C.  
PALMERTON GROUP, LLC**

**SCHEDULE OF FEES - CALENDAR YEAR 2020**

FOR PROPOSAL FOR SERVICES DATED July 16, 2020 FILE NO. 04.P000166.21

<b><u>LABOR</u></b>	<b><u>Per Hour</u></b>
Senior Principal	\$240.00
Principal	\$220.00
Associate Principal	\$200.00
Technical and Support Personnel	2.7 times Payroll Cost
Outside Services and Subcontractors	Cost Plus 15%
Expenses	Cost Plus 15%

*The above rates for technical and support personnel will be charged for actual time worked on the project, including time required for travel from company office to job or meeting site and return. For work requiring out-of-town overnight stay, the minimum charge for work on the project will be eight (8) hours per day.*

*Overtime work by "Non-Exempt" personnel will be billed at 1.5 times the standard rate.*

*A fifty percent (50%) premium will be added to the above rates for expert witness and other special services.*

*The above-listed rates are valid for the calendar year in which the work is performed. GZA reserves the right to modify this rate schedule on an annual basis to reflect changes in employee compensation and Client acknowledges that labor rates may change during the execution of this project.*

**EXPENSES**

- *Rental of specialized field or monitoring equipment and vehicle charges based on standard unit prices*
- *Transportation, lodging and subsistence for out-of-town travel*
- *Printing, reproduction, plotting, and wide-format scanning*
- *Express mail and shipping charges*
- *Personal vehicle travel for projects at IRS rates*
- *Long distance, local and cellular telephone, facsimile and postage (via U.S. Postal Service) are included in a flat rate Communication Fee of 3 percent per invoice on labor only*

**INVOICES**

*GZA will submit invoices periodically and payment will be due within 20 days from invoice date. Overdue payments will bear interest at 1½ percent per month or, if lower, the maximum lawful rate. GZA may terminate its services upon 10 days' written notice any time your payment is overdue on this or any other project.*

**BUDGETS**

*The Budget contained within GZA's Proposal represents our estimate of the work involved. Actual charges can vary either upward or downward depending upon many factors. GZA considers a substantial budget variance to be 15% and we will not exceed this variance without notifying Client.*

**RETAINER**

*Any retainer specified in GZA's Proposal shall be due prior to the start of services and will be applied to the final invoice for services.*

**FUNDS PAYABLE IN UNITED STATES CURRENCY**

**SCHEDULE NNE270**

r:\fy21\04\_p000166.21\2020 fee schedule nne270.docx



# TOWN OF EXETER

## *Planning and Building Department*

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

[www.exeternh.gov](http://www.exeternh.gov)

---

**Date:** July 16, 2020  
**To:** Planning Board  
**From:** Dave Sharples, Town Planner  
**Re:** Brian Griset Yield Plan PB Case #20-2

As previously noted, 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 appeared before the Board at the May 14<sup>th</sup>, 2020 meeting to discuss the Yield Plan. The public hearing was opened and abutter comments were received. The Board tabled further discussion on the application to the June 11<sup>th</sup>, 2020 meeting to provide the Applicant adequate time to submit supplemental materials supporting the application. Board discussion and public comment continued at the June 11<sup>th</sup> meeting and the public hearing was closed; the Board subsequently tabled the application to the July 9<sup>th</sup>, 2020 meeting for deliberations.

The Applicant subsequently submitted a revised yield plan and correspondence from Attorney Pasay, dated June 29, 2020, which has previously been provided to the Board. The revised yield plan no longer incorporated the bulk of the Mendez Real Estate Trust property (Tax Map Parcel #81-53) as previously presented. In doing so, the need for a waiver from Section 7.13 of the Subdivision and Site Plan Review Regulations with respect to the requirement to provide a Yield Plan that shall not require a variance from existing zoning ordinances in order to achieve the layout supporting the proposed density is no longer necessary. The Applicant withdrew their waiver request from this section as noted in correspondence provided by Attorney Pasay.



One important item that I noted was that the plan depicted a lot line adjustment that transferred 8,519 square feet of land from the Mendez property to the Griset Property. I assumed this was being done so the proposed roadway is out of the perimeter buffer. I indicated I had no issues with this but did relay to the applicant that I will suggest the board place a condition on the acceptance of the yield plan (should one be made) that this lot line adjustment shall be made on the Open Space Development Plan (OSDP). In other words, this piece of land was being used for the Yield Plan so it should also be used for the OSDP.

The Applicant was scheduled to present their revised plans to the Board at the July 9<sup>th</sup>, 2020 meeting, however, requested that the application be continued to the July 23<sup>rd</sup>, 2020 meeting given the untimely submission of materials from the abutters' counsel in opposition to the underlying project. .

Subsequently, the Applicant has provided another iteration of the yield plan along with supporting documents dated July 14<sup>th</sup>, 2020; these materials are enclosed for your review. Please note that the revised yield plan eliminates the proposed lot line adjustment as shown on the earlier yield plan.

The Applicant is requesting that the Planning Board still entertain their request for a partial waiver from Section 9.6.1.2 of the regulations with respect to the perimeter buffer strip requirement. Attorney Pasay's letter dated July 14, 2020 (enclosed) sets forth the justification for this request. As requested, the applicant has shown the 100' perimeter buffer delineation in red.

The Board did close the public hearing at the last meeting (on June 11<sup>th</sup>, 2020) but the plans have changed. I would ask the board to consider reopening the public hearing to allow the applicant to address the changes and to allow any public to comment on the revised plan.

### **Waiver 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 that the waiver request of Brian Griset (PB Case #20-2) be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

### **Planning Board Motions**

**Yield Plan Motion:** I move that the request of Brian Griset (PB Case #20-2) for Yield Plan approval of a \_\_\_\_ unit Single Family Open Space development be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.



CELEBRATING OVER 30 YEARS OF SERVICE TO OUR CLIENTS

14 July 2020

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

**Re: Supplemental Filing, Planning Board Case #20-2**

Dear David –

This letter supplements the revised Yield Plan and copies that Brian Griset dropped off to you in person today in the above referenced matter. An electronic copy of the revised Yield Plan is enclosed herewith. The revised Yield Plan now depicts a recreational area pursuant to Section 9.6.3 of the Site Plan Review and Subdivision Regulations for the Town of Exeter (the “Regulations”) and removes the lot-line adjustment between the Griset Property (Tax Map 96, Lot 15) and the Mendez Trust Property (Tax Map 81, Lot 53) depicted in the previous iteration of the Yield Plan. This letter also memorializes the Grisets’ additional partial waiver request from Section 9.6.1.2 of the Regulations. As you are aware, the Grisets have already requested a partial waiver from Section 9.6.1.2 of the Regulations with regard to Lot 5.

As depicted on the revised Yield Plan, the proposed subdivision road located on the Griset Property encroaches approximately 5’ into the 50’ no-disturb line described in Section 9.6.1.2 of the Regulations, applicable in the R-1 District. Additionally, approximately 5’ along the front lot lines of Lots 8 and 9 are within the 100’ perimeter buffer strip.

To address this encroachment, the previous iteration of the Yield Plan depicted a minor lot line adjustment between the Griset Property and the adjacent Mendez Trust Property, owned by Adela Griset. Pursuant to a letter from Attorney Timothy E. Britain dated 9 July 2020 however, opposition to the underlying project argued such an approach was “not permitted.”<sup>1</sup> As an alternative to the lot-line adjustment approach, the Grisets now request a partial waiver from the 100’ perimeter buffer requirement of Section 9.6.1.2 of the Regulations, as depicted on the revised Yield Plan, with regard to a small portion of the Griset Property’s common boundary with the Mendez Trust Property.

Regarding the scope of the waiver request, as noted above, the revised Yield Plan depicts the proposed subdivision road encroaching approximately 5’ into the 50’ no-disturb line described in Section 9.6.1.2 of the Regulations and approximately 5’ along the front lot lines of Lots 8 and 9 are within the 100’ perimeter buffer strip. Per Section 9.6.1.2 of the Regulations,

<sup>1</sup> See undersigned counsel’s 10 July 2020 letter reflecting the arguments made by Attorney Britain in his 9 July 2020 letter.

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

however, the 50' no-disturb line applicable in the R-1 District does not apply to "access roads into the subdivision." Pursuant to the same regulation, "[p]rimary access and secondary access roads . . . shall be allowed to cross the buffer zone." As a result, pursuant to a plain reading of Section 9.6.1.2, the perimeter buffer's 5' encroachment into Lots 8 and 9 constitutes the extent of the partial waiver the Grisets require.

In an abundance of caution, however, the Grisets' define broadly their request for a partial waiver from 9.6.1.2 as that which is depicted on the revised Yield Plan, to accommodate any Planning Board interpretation regarding the scope of relief required. At the very *most*, the partial waiver request is to accommodate a 45' perimeter buffer where 100' is required.<sup>2</sup> This legal nuance, however, is largely irrelevant because under any interpretation, the partial waiver request easily satisfies the applicable standard and is consistent with partial and full waivers of Section 9.6.1.2 granted by the Planning Board in other conventional and open-space developments.

Section 9.6.1.2 of the Regulations permits the Planning Board to totally or partially waive the perimeter buffer requirement "if the configuration or location of the parcel, with consideration of abutting properties, warrants flexibility to the proposed green space." The configuration of the Griset Property vis-à-vis the Mendez Trust Property warrants flexibility for the reasons outlined below.

First, the objective of the perimeter buffer is to "lessen the impact of development on neighboring communities, wetlands, or other features."<sup>3</sup> Here, there will be no impact on neighboring communities, wetlands, or other features. The sole abutter impacted by the partial waiver request is the Mendez Trust Property, which is 30.76 acres in size, is totally unimproved green space, and is owned by Adela Griset, who offers her support for the waiver through this letter. Moreover, there are no wetland impacts, or impacts to any other features, associated with this partial waiver request.

Second, the vast majority of the Mendez Trust Property to west of its common boundary with the Griset Property, particularly in the area of the cul-de-sac, is burdened by wetlands and associated buffers, and therefore undevelopable. The closest upland area to the terminus of the subdivision road on the Mendez Trust Property is at least 350' feet away. Accordingly, notwithstanding the waiver request, there will forever be green space far exceeding the 100' requirement in the relevant area adjacent to the end of the subdivision road cul-de-sac.

Finally, the Planning Board regularly waives the perimeter buffer requirement in circumstances like this<sup>4</sup> which is consistent with one of the express purposes of the Regulations "[t]o provide for green spaces through the most efficient design and layout of the land, *while preserving the density of land development as established in the Zoning Ordinance of the*

---

<sup>2</sup> The edge of the proposed subdivision road is situated, at its closest, 45' from the Griset Property's common boundary with the Mendez Trust Property.

<sup>3</sup> See Zoning Ordinance, §7.3.1.

<sup>4</sup> See Forest Ridge and Blackford Place developments where partial and full waivers were granted for properties in the R-1 and RU Zoning Districts to reduce perimeter buffer strips to just 20' on five (5) lots (Forest Ridge) and 0' on three lots (Blackford Place).

*municipality.*”<sup>5</sup> The Grisets proposal provides for green space which far exceeds the Town’s requirements while preserving the density of land development established by the Zoning Ordinance.

As the requested partial waiver will have no impact on neighboring communities by virtue of the configuration, character and conditions of the Mendez Trust Property, flexibility in the application of Section 9.6.1.2 of the Regulations in this case is warranted, is abundantly reasonable and is consistent with the purposes of the Regulations. The Grisets respectfully request that the Planning Board grant the same in addition to their partial waiver request vis-à-vis Lot 5, as detailed in the Grisets’ 3 June 2020 letter to the Planning Board.<sup>6</sup>

Thank you very much for your time and attention.

Very truly yours,  
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay  
JLP/sac

Enclosures (1)

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

---

<sup>5</sup> See Regulations, § 3(10) (emphasis added).

<sup>6</sup> See “Issue 4”.