



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*) on Thursday, August 20, 2020 at 7:00 P.M. to consider the following:

APPROVAL OF MINUTES: August 13, 2020

NEW BUSINESS: PUBLIC HEARINGS

The application OSRAM Sylvania for a minor subdivision of a 32.21-acre parcel located at 129-131 Portsmouth Avenue (and off of Holland Way) into three (3) lots; and a request to affirm that Tax Map Parcel #51-17, located east of Holland Way is a separate lot that was created when NHDOT created the Holland Way right-of-way. The subject properties are located in the C-2, Highway Commercial and CT-Corporate Technology zoning districts. Tax Map Parcel #52-112 and #51-17. Case #20-7.

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.

OTHER BUSINESS

- W. Scott Carlisle – Case #17-26
Request for extension of conditional approval for minor subdivision (off Epping Road)
Tax Map Parcel #40-12

EXETER PLANNING BOARD

Langdon J. Plumer, Chairman

*Posted 08/07/20: Exeter Town Office and Town of Exeter website
Revised 08/14/20*

***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/84987690199>

To participate via telephone, call: +1 646 558 8656 and enter the Webinar ID: 849 8769 0199

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 us at extvg@exeternh.gov or 603-418-6425 with any technical issues.



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: August 13, 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 last appeared before the Board on July 23, 2020. The application was tabled and an extra meeting was scheduled to accommodate their return on August 20, 2020. The issues that were the focus of the last meeting were wetlands and traffic impact/circulation. You received and discussed the GZA report at the last meeting. In regards to traffic, an updated analysis was provided and the Study Findings and Recommendations portion is enclosed for your review. The entire document will be sent via email.

The Applicant has submitted a revised set of plans and supporting documents, dated, 8/11/20, for review. The Applicant has submitted a revised waiver request letter, dated August 11, 2020. Waiver motions for all the requested waivers are included below for your convenience. Staff will be reviewing the latest submission and I will update the Board at the meeting.

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.

Granite curbing 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 9.7.5.6 of the Site Plan Review and Subdivision Regulations requiring granite curbing for all traffic control and planting islands 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



Hayner/Swanson, Inc.

Civil Engineers/Land Surveyors

August 11, 2020
Job #5532-SPP

Ms. Barbara McEvoy, Deputy Code Enforcement Officer
EXETER PLANNING DEPARTMENT
10 Front Street
Exeter, NH 03833

RECEIVED

AUG 12 2020

**RE: PROPOSED GATEWAY AT EXETER SITE PLAN
RE-SUBMITTAL #4
170 EPPING ROAD
EXETER, NEW HAMPSHIRE**

EXETER PLANNING OFFICE

Dear Barbara:

Pursuant to the above referenced project please find enclosed revised plans and application information that attempt to address comments brought forth during the July 23, 2020 Exeter Planning Board meeting. Please find below a general overview of the items that have been revised in our plans and application material.

1. The proposed two-story commercial building has been revised back to the original size (48,590 square feet) and layout.
2. The previously presented drop off area for the day care facility has been removed from the plan. The parking lot around the proposed commercial building has been returned to its original layout.
3. As requested by the Exeter Planning Board, six (6) parking spaces have been removed from the plan set. This has resulted in a lessening of the wetland buffer impact in this area.
4. The entire site plan set has been amended to account for the previously discussed wetland limit changes in four locations on the property.
5. The site plans have been revised to show changes made to the southerly curb cut onto Epping Road. The plan currently shows a right-tun exit only from the site.
6. The amended plan shows the proposed interim roadway improvements to Epping Road per the updated traffic report prepared by Stephen G. Pernaw, P.E.
7. The Project Narrative and Conditional Use Permit application and plans have been revised to account for latest changes to the wetland limits and site layout.

Please do not hesitate to contact our office if you have any questions or need additional information.

Respectfully,

James N. Petropulos, P.E.
Principal Engineer/ President
Hayner/Swanson, Inc.

RECEIVED

AUG 12 2020

SITE PLAN
PROJECT NARRATIVE
(revised 11 August 2020)

EXETER PLANNING OFFICE

The project area under consideration for this application is known to the Exeter Assessors Department as Map 47, Lots 6 and 7 and both are currently owned by Gateway at Exeter, LLC of Nashua, NH. The parcel is located in Exeter's C-3 Epping Road Highway Commercial zoning district which allows a mix of permitted uses. The Epping Road corridor contains a number of commercial and industrial businesses. Developed commercial land abuts the property to the south and east. New Hampshire Route 101 immediately abuts the site to the north and, to the west, the property that is immediately adjacent is conservation land owned by the Town of Exeter.

The subject property contains one undeveloped, sparsely wooded lot of 62 acres and one single family residential lot of 0.34 acres. These two parcels will be consolidated and ultimately divided into three different lots. The two future lots, with frontage on Epping Road, will be developed. The remaining back land will remain in its natural state. As can be seen on the preliminary site plans the two lots to be developed contain mild topographical relief. The high point near the center of the lots is at elevation 120.0 +/- and the land slopes off in several directions to the mapped wetlands which range in elevation from 106.0 to 112.0. Wetlands on the property were flagged in 2018 by Gove Environmental Services and field located by Hayner/Swanson, Inc. All of the wetlands identified on the property are forested wetlands with poorly drained mineral soils, typical in New England and within the area. Though ultimately associated with the Little River, these wetland areas lie up gradient and distinctly separate from the river and its contiguous wetlands as defined by the Exeter Shoreland Protection District. The utilities needed to service this site (sewer, water, telephone, electric and gas) are located in Epping Road.

A commercial/residential development is being proposed for the two proposed lots located along Epping Road. On May 22, 2019 the Exeter Zoning Board of Adjustment granted a variance, with conditions, to permit a multi-family residential complex as part of a mixed-use development plan. Proposed Lot 7 will include three, 4-story, multi-family residential buildings that contain a total of 224-units. The buildings will be surrounded by parking on the north, east and west and an entrance road along the new property line to the south. Proposed Lot 6 will contain a 2-story, 48,560 square foot mixed-use building that may include a 20,040 YMCA day care facility and office/retail space. These buildings will have a shared entrance road to Epping Road. Other site improvements include underground utilities to service the building, sidewalks, landscaping and site lighting. Stormwater management basins will accommodate the new runoff created by the proposed impervious areas of the roof, parking areas and entrance driveway.



November 19, 2019
Revised: February 3, 2020
Revised: May 13, 2020
Revised: May 25, 2020
Revised: June 15, 2020
Revised: August 11, 2020
Job #5532 - SPP

Mr. Langdon Plummer, Chairman
Exeter Planning Board
10 Front Street
Exeter, NH 03833

RECEIVED

AUG 12 2020

**RE: SITE PLAN WAIVER REQUESTS
PROPOSED GATEWAY AT EXETER DEVELOPMENT
CASE #19-16
170 EPPING ROAD
EXETER, NH**

EXETER PLANNING OFFICE

Dear Sir:

On behalf of our client, Gateway at Exeter, and in accordance with Section 13.7 of the Town of Exeter Site Plan Review and Subdivision Regulations (SPR), we respectfully request the following waivers for the above referenced project.

WAIVER REQUEST #1

SPR Regulation: Section 7.5.4 requires High Intensity Soils Survey (HISS) information to be added to the site plan.

Waiver Request: To waive the requirement that the site plan set shows HISS information.

Basis of Waiver: HISS mapping shows the general soil types of the land with an emphasis on the drainage class of the soils. The submitted plan set includes a Site Specific Soils Map prepared by Gove Environmental Services of Exeter, NH. Site Specific Soils Mapping (SSSM) is a more detailed representation of the on-site soils. Both methods provide the Town with a good understanding of the on-site soils. The main reason that Site Specific Soils Mapping was used is that it is a requirement of the New Hampshire Department of Environmental Services Alteration of Terrain Permit process.

Waiver Criteria – SPR Section 13.7

The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property: The difference between these types of soils mapping (HISS v. SSSM) has no detrimental impact to the general public.

The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property: Site Specific Soils Mapping is the preferred method of the New Hampshire Department of Environmental Services Alteration of Terrain Program.

Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out: Since Site Specific Soils Mapping is generally considered to be more detailed than a High Intensity Soils Survey it would be unnecessary effort and expense for our client to have to do both.

The granting of the waiver will not be contrary to the spirit and intent of the regulations: This waiver is not contrary to the Exeter regulations since we are providing a more detailed soils mapping that the code requires.

The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan: The request is not in variance to the Zoning Ordinance or Master Plan.

WAIVER REQUEST #2

SPR Regulation: Section 9.7.5.5 requires that landscape islands be provided in parking lots between every ten to fifteen spaces to avoid long rows of parked cars.

Waiver Request: To allow parking aisles in excess of ten to fifteen (10-15) parking spaces without the use of a landscaped island.

Basis of Waiver: As can be seen on the site plans, the proposed development will contain several small to medium size parking areas around the buildings. Curbed islands are proposed in the parking areas to define traffic patterns and provide areas for landscaping. The proposed design attempts to balance the

amount of site landscaping with the ability to provide ease of snow plowing and general maintenance of the parking lots. As an FYI, a landscape island has been added to the proposed parking lot on the south side of Building 'C'. This is in response to the comment received at the May 28, 2020 Exeter Planning Board hearing. This location was chosen because it was the longest 'interior' parking bay in the proposed development.

Waiver Criteria – SPR Section 13.7

The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property: This request will not adversely impact any residents or properties in the Town of Exeter.

The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property: As described above the intent of the proposed parking areas is to provide for a reasonable balance of defining turning movements, providing green spaces and ease of snow plow maintenance.

Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out: The hardship of complying with this regulation would be the loss of approximately thirteen (13) parking spaces for the entire development.

The granting of the waiver will not be contrary to the spirit and intent of the regulations: The proposed site enjoys significant exterior buffers and provides for over 60% total open space where 30% is required for this zone.

The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan: The request is not in variance to the Zoning Ordinance or Master Plan.

WAIVER REQUEST #3

SPR Regulation: Section 9.9.2 requires a seventy-five (75) foot structural and parking setback from wetlands and a one hundred (100) foot setback from vernal pools over 200 square feet in sizes.

Waiver Request: To allow portions of the proposed building, parking, and access driveway areas be constructed within the seventy-five (75) and one hundred (100) foot setbacks.

Basis of Waiver: As can be seen on the plans, wetlands are prevalent throughout this property. In order to meet the development program needs of the proposed building there are numerous areas where the building and parking encroaches into the seventy-five (75) foot setback. Additionally, a vernal pool is located directly adjacent to Epping Road where the where access to the site aligns with the driveway across the road. Without these encroachments this property would be unable to accommodate this proposed development.

Town of Exeter Site Plan Review and Subdivision Regulations Section 9.9.3 Wetland Waiver Guidelines:

1. Relative value of the wetland including its ecological sensitivity and function with the greater landscape.

Wetlands on the site are predominantly seasonally saturated forested wetlands dominated by red maple (PFOIE) with an understory of highbush blueberry, maleberry, and winterberry. These exist as a complex pattern of small fingers and pockets between ledge, small topographical variations, and larger areas of upland. Other than a single area in the northeast corner which has been observed with standing water during most site visits, they lack significant surface hydrology except seasonally and after significant rain. No streams are present in the development area and no clearly identifiable drainage pattern is evident when viewing the wetlands from the ground. Overall, though, drainage is to the west towards Bloody Brook and Little River.

Generally, these types of wetlands function as buffers for the associated waterways and wetland complexes that lie lower in the drainage basin, Bloody Brook and Little river in this case. Water quality buffering function is derived from the complex drainage path water must take before reaching these waterways. Habitat function is generally not wetland specific and is related primarily to the area being undeveloped woodland. The vernal pool habitat at the front of the site is quite marginal due to the proximity of the road.

By contrast, the wetlands on the western portion of the property where preservation is proposed, support greater wetland function and value. While substantially similar, these wetlands contain a number of vernal pools which likely function together and support significant habitat. Drainage is also better defined with several more direct routes to the waterways. For these reasons, these wetlands in this area and their associated buffers are more important to the protection of downstream resource areas.

2. Functions and Values Assessment

A wetland function and value assessment was conducted using the US Army Corps Highway Methodology guidelines. Functions are self-sustaining properties of wetlands, which exist in the absence of human involvement. Values refers to the benefits gained by human society from a given wetland or ecosystem and their inherit functions. Functions and values identified as "primary" have been determined to be significant features of the wetland being evaluated; not necessarily indicating the wetland performs these functions or values at a significant level in comparison to other wetlands in the region or even near the site. The Highway Methodology considers 13 functions and values:

Groundwater recharge/ discharge: This function considers the potential for a wetland to serve as a groundwater recharge and/ or discharge area. Recharge should relate to the potential for the wetland to contribute water to an aquifer. Discharge should relate to the potential for the wetland to serve as an area where ground water can be discharged to the surface.

Flood flow Alteration: This function considers the effectiveness of the wetland in reducing flood damage by attenuation of floodwaters for prolonged periods following precipitation events.

Fish and Shellfish Habitat: This function considers the effectiveness of seasonal or permanent water bodies associated with the wetland in question for fish and shell fish habitat.

Sediment/Toxicant/Pathogen Retention: This function reduces or prevents degradation of water quality. It relates to the effectiveness of the wetland as a trap for sediments, toxicants or pathogens.

Nutrient Removal/Retention/Transformation: This function relates to the effectiveness of the wetland to prevent adverse effects of excess nutrients entering aquifers or surface waters such as ponds, lakes, streams, rivers or estuaries.

Production Export: This function relates to the effectiveness of the wetland to produce food or usable products for human, or other living organisms.

Sediment/Shoreline Stabilization: This function relates to the effectiveness of a wetland to stabilize stream banks and shorelines against erosion.

Wildlife Habitat: This function considers the effectiveness of the wetland to provide habitat for various types and populations of animals typically associated with wetlands and the wetland edge. Both resident and or migrating species must be considered.

Recreation: This value considers the effectiveness of the wetland and associated watercourses to provide recreational opportunities such as canoeing, boating, fishing, hunting and other active or passive recreational activities.

Consumptive opportunities consume or diminish the plants, animals or other resources that are intrinsic to the wetland, whereas non-consumptive opportunities do not.

Educational/Scientific Value: This value considers the effectiveness of the wetland as a site for an "outdoor classroom" or as a location for scientific study or research.

Uniqueness/Heritage: This value relates to the effectiveness of the wetland or its associated water bodies to produce certain special values. Special values may include such things as archeological sites, unusual aesthetic quality, historical events, or unique plants, animals, or geological features.

Visual Quality/ Aesthetics: This value relates to the visual and aesthetic qualities of the wetland.

Threatened or Endangered Species Habitat: This value relates to the effectiveness of the wetland or associated water bodies to support threatened or endangered species

Most of the wetlands in the development area were evaluated together since they are nearly identical and, if not connected, lie in close proximity to each other. Two wetland areas adjacent to Epping Road were considered separately as they were determined to support or potentially support vernal pool breeding habitat. The fact that the wetlands are forested, formed in poorly drained mineral soil, and not directly associated with surface water, limits or precludes many of the functions and values listed *above*. The wetlands do not support Flood-flow Alteration, Fish and Shellfish Habitat, or Sediment/Shoreline Stabilization as these are derived from a close interaction between the wetland and a waterbody. The wetlands also lack or nearly lack value for Recreation, Uniqueness/Heritage, or Educational/Scientific pursuits. They consist of a uniform and *very* common forested wetland type and don't contain the wetland types that are typically associated with wetland supported recreation activities and traditional aesthetic qualities. The low permeability of the glacial till derived soils on the site have allowed wetland conditions to develop on the surface but do not allow significant interaction with the groundwater and are not characteristic of groundwater discharge or recharge areas.

Three functions were identified as being supported by the wetlands in the evaluation area. These are Production-Export, Wildlife Habitat, and Sediment/Toxicant Retention & Nutrient Removal. These are described in greater detail in the following sections.

Production Export - This the primary value identified in these wetland areas. The most prominent feature of the evaluation area and the wetlands is their post logging condition. This is of course temporary but significant, especially when considering habitat. Though not exemplary in the region, this does stand out as

the most significant function. The early successional species currently present in the wetland areas combined with the remaining mast producing trees produce an abundant source of berries, nuts, seeds, and pollen bearing flowers. This likely provides a substantial source of food for wildlife. Export is limited, however, by its small size and lack of a well-defined waterway or other significant avenue of export. This value is also equally supported in the upland areas of the site.

Wildlife Habitat- A moderate *level* of wildlife habitat is present in these wetlands. The current habitat value of the wetlands in this area is suitable for small mammals, insects, and songbirds which may use the wetlands for foraging. Other larger mammals such as deer that are able to tolerate the close proximity of the road also clearly use this area. In a fully forested condition the wildlife habitat value may be different but would still be degraded by the proximity to the road and adjacent development. The habitat value of most of the wetlands on the site is not much different than that of the adjacent uplands and is primarily related to them being undeveloped woodland.

The exception is the semi-permanent pond and small excavated area located on the eastern most portion of the site, in close proximity to Epping Road. These areas were determined to have adequate hydroperiod to support, or potentially support vernal pool breeding habitat. Though no egg masses were observed in either of these areas, fairly shrimp were observed in the smaller area on one occasion, and this area has been classified as a vernal pool on the plans. The wildlife function in these wetlands is therefore comparatively higher though still limited by the proximity to the road. The semi-permanent pond also supports more wetland specific habitat overall.

Sediment/Toxicant Retention & Nutrient Removal - Due to its proximity to the roadway these wetlands may serve some moderate water quality function. These wetlands are likely to receive development runoff destined for Bloody Brook and Little River. The convoluted drainage pattern would provide opportunity for treatment long before reaching more defined flow paths. The lack of obvious drainage inputs, and the lack of densely vegetated emergent wetland components mitigate the importance of these wetlands for these functions.

3. Use cannot be reasonably carried out outside of the buffers

Given the network of wetlands on the site and along Epping Road, the proposed use cannot be reasonably carried out outside wetlands and their respective buffers.

4. Effort to minimize impacts to the buffer

Several development proposals and concepts have been advanced for this property over the years. Most of these made use of the entire site and all of them involved wetland and buffer impacts of a similar magnitude. They also, however, involved impacts to vernal pools and to the wetlands closer to the Little River Conservation Land. In general, an alternate development proposal which may appear to minimize wetland and buffer impacts by using a larger portion of the property ends up creating a network of roads and buildings. This ultimately results in a larger overall impact to the wetlands through proximity impacts and fragmentation.

The current proposal seeks to minimize impacts by avoiding this type of development. While extensive in terms of its direct impacts, the current proposal utilizes only 16 acres closest to Epping Road and entirely avoids impacts to the more valuable western portion of the property. This avoids impacts to vernal pool resources and maintains an unfragmented wetland system and habitat block contiguous to the Little River Conservation Land. Within the development area buffer impacts have been minimized with the use of steep grading and the restoration slopes, where appropriate, using native restoration seed mixes.

Impacts to wetland in the northeast corner of the site were avoided in order to preserve the more specific wetland habitat present in this area. This area and the small vernal pool will be maintained together with a substantial buffer of upland and wetland areas extending north off the site. This results in a loss of the direct wetland connection (Impact Area C) between these wetlands and the wetlands to the west of the development. There are several characteristics of the wetlands and the topography in general which mitigate the potential effects of this segmentation on both side of the development. First is the very flat topography in that area with little discernable east to west flow. The semi-permanent surface hydrology of the small area close to Epping road is discrete and does not extend west. Though partially upland, a near identical habitat connection is being maintained at the edge of the property and more broadly in the wetland just off-site to the north on NHF&G managed land. Surface water will also drain in this direction through, the wetland associated with Impact Area D, and into wetland west of the development. A small adjustment has been made to the slope grading just South of Stormwater Management Pond B to facilitate movement of surface water to its original flow path'

5. Drainage facilities within the buffer

The proposed stormwater management intent is to provide quantitative and qualitative attenuation of stormwater runoff produced by this development. It is

being proposed to include a number of features designed to improve water quality of the stormwater runoff. Deep sump catch basins and sediment fore-bays are used to reduce velocities and settle our suspended solids. The surface-type detention and "wet pond" basin areas will provide for added residence time so that additional settling of suspended solids can occur. Furthermore, by using a multi-stage outlet control structure at each treatment area, peak flow rates can be reduced to the pre-development rates.

6. Recommendations from the Exeter Conservation Commission

On November 12, 2019 the Exeter Conservation Commission voted no objection to the proposed development. A formal letter is pending.

7. Mitigation Proposal

Proposed mitigation consists of preservation of the western 43.6 acres of lot 47-7 and a contribution to the Aquatic Resource Mitigation (ARM) Fund to achieve an overall 20:1 mitigation ratio per federal guidelines. This results in an ARM contribution of \$176,578.41 in addition to the preservation. The proposed method of preservation is fee simple ownership by the Town of Exeter.

Waiver Criteria - SPR Section 13.7

The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property: Development within the 75-foot and 100-foot setback will not adversely impact any surrounding properties or be detrimental to the public safety, health or welfare.

The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property: There are very few properties in Exeter that have so many poorly drained wetland areas spread out across the site. Our approach has been to protect the west part of the site, which contains approximately 10 vernal pools, and develop the east part of the property.

Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out: The property is unique in the sense that it is riddled with fingers of poorly drained soils spread out across the entire 60-acre site. By focusing the project in the

eastern portion of the site we are able to protect the vernal pools located in the western portion of the property.

The granting of the waiver will not be contrary to the spirit and intent of the regulations: The work within the setbacks is mitigated by a balance of open space within the project are and the preservation of a sizeable property behind this site.

The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan: The request is not in variance to the Zoning Ordinance or Master Plan.

WAIVER REQUEST #4

SPR Regulation: Section 9.12.1 which requires a total of five (5) of loading spaces for the commercial building within this project.

Waiver Request: To allow a commercial building with no off-street loading spaces.

Basis of Waiver: The proposed two-story, 48,590 square foot commercial building being proposed as part of this project will likely consist of a day care facility and smaller offices and/or retail spaces. By nature, these types of uses do not typically require a full-size (12' x 50') designated loading space. In fact, the proposed day care facility, which will occupy just over 20,000 square feet of this building, has no need for such a loading area; nor does the smaller office/retail spaces being considered. Deliveries to these types of uses generally consist of Fed Ex/UPS/Amazon/US Mail style drop-offs, which can be accommodated by the over-sized 'van delivery/loading' space provided in the front parking area (see Site Plan). If the building, for some reason is re-tenanted with a use that does require a formal loading dock area, this site plan would need to be revised and re-approved by the Exeter Planning Board to show the dock location and its impact to the site.

Waiver Criteria – SPR Section 13.7

The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property: Being a private lot and development, this waiver, if granted, will not adversely impact the public safety, health or welfare.

The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property: The type of uses anticipated for this building do not typically need a large loading-dock area.

Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out: A loading area (12 feet x 50 feet) if required for this lot would significantly impact the vehicular access around the building and reduce the number of parking spaces provided.

The granting of the waiver will not be contrary to the spirit and intent of the regulations: Since the intended uses do not require a full loading dock area, we think the spirit and intent of the regulations is met. A designated 'Delivery Van Parking Only' space has been provided in the front parking field of this lot.

The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan: This request does not vary the provisions of the Exeter Zoning Ordinance or Master Plan.

WAIVER REQUEST #5

SPR Regulation: Section 9.13.1 which requires that the required number of parking spaces shall conform to Article 5.6.6 Off-Street Parking Schedule as outlined in the Exeter Zoning Ordinance.

Waiver Request: To allow 424 parking spaces where 538 spaces are required by Article 5.6.6.

Basis of Waiver: Article 5.6.5 gives the Planning Board the authority to grant reductions in the number of required spaces as part of a site plan review in order to promote better utilization of parking areas, reduction in impervious surfaces and conservation of open space lands.

Furthermore, Article 5.6.4 recognizes that the concept of 'shared parking' may be utilized by a project with two or more uses. Shared parking, of course, means that one or more uses share a common parking lot so that it is used more efficiently. The concept of different uses utilizing parking spaces at different times of the day takes advantage of the fact that parking spaces are only used

part-time. The goal is to prevent overbuilding parking lots that have a significant portion of unused spaces. For this particular project, the proposed commercial building would have a peak parking demand during the weekday and possibly weekend for retail uses. The multi-family residential part of the development would have a peak parking demand on evenings and weekends. The implementation of the shared parking concept can be governed by the owner through easements, covenants and lease agreements with its tenants.

This request is being made based on the shared parking evaluation below. We think this approach is reasonable based on the known facts of the project and the information provided in the publication entitled "TDM Encyclopedia, Victoria Transport Policy Institute, dated December 21, 2015".

The required number of spaces per Article 5.6.6 Off-Street Parking Schedule of the Exeter Zoning Ordinance is:

LOT 47-6		
REQUIRED:		
CHILD DAY CARE:	1 SP/EMPLOYEES x 40 EMPLOYEES	= 40 SPACES
	1 SP/3 STUDENTS x 163 STUDENTS	= 55 SPACES
RETAIL:	1 SP/300 SF x 11,225 SF	= 37 SPACES
OFFICES:	1 SP/300 SF x 17,295 SF	= 58 SPACES
LOT 47-6 REQUIRED:		190 SPACES
PROVIDED:	(INCLUDING 6 HANDICAP SPACES)	= 97 SPACES
LOT 47-7		
REQUIRED:		
DWELLING UNITS:	2 SP/2 BED UNIT x 68 UNITS	= 136 SPACES
	1 SP/1 BED UNIT x 156 UNITS	= 156 SPACES
	1 SP/FOR GUESTS/4 UNITS x 224 UNITS	= 56 SPACES
LOT47-7 REQUIRED:		348 SPACES
PROVIDED:	(INCLUDING 14 HANDICAP SPACES)	= 327 SPACES
TOTAL REQUIRED		= 538 SPACES
TOTAL PROVIDED		= 424 SPACES

Table 1 below represents estimated Parking Occupancy Rates and minimum number spaces for the various uses within this project throughout the course of a week.

Notes:

1. Child Day Care rates are estimated as they are not found in any shared parking publications. Based on a conversation with the potential child day care provider drop off times range between 7AM-9AM and pick up times between 3PM-5PM. This provider indicated that the type of drop off/pick up ranges from curbside to parents parking and escorting their child in and out

Table 1 Parking Occupancy Rates and Required Spaces

Uses	Required # of Spaces	M-F 8 AM - 5 PM	# Spaces	M-F 6 PM - 12 AM	# Spaces	M-F 12 AM - 6 AM	# Spaces	Sat - Sun 8 AM - 5 PM	# Spaces	Sat - Sun 6 PM - 12 AM	# Spaces	Sat - Sun 12 PM - 6 AM	# Spaces
Multi-Family Residential (224 Units)	348	60%	209	100%	348	100%	348	80%	278	100%	348	100%	348
Offices (17,295 SF)	58	100%	58	20%	12	5%	3	5%	3	5%	3	5%	3
Retail (11,225 SF)	37	90%	33	80%	30	5%	2	100%	37	70%	26	5%	2
Child Day Care (20,070 SF)	95	50%	48	5%	5	5%	5	50%	48	5%	5	5%	5
TOTALS			348		395		358		366		382		358

of the building. A bus drops off older children after school. Given the above the Parking Occupancy Rates in Table 1 are considered to be conservative.

2. Table 1 does not include any pedestrian traffic from the residential portion of the project to an office/retail use in the commercial building.

Results:

1. Provided parking meets the needs as identified in the shared parking analysis. Highest number of spaces required is 395 while 424 spaces are provided.
2. Using this method of analysis, the project would contain up to 8% more spaces than the required minimum.
3. The benefits of the shared parking concept are less pavement, less stormwater runoff, more open spaces upon the site.

In addition, Stephen G. Pernaw & Company, Inc. performed a similar 'shared parking' evaluation using the Urban Land Institute (ULI) methodology. The report is attached herewith as part of this re-submittal effort. Mr. Pernaw's results indicate that 318 parking spaces are needed for this project while 424 spaces are provided.

Waiver Criteria – SPR Section 13.7

The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property: This parking reduction request will not be detrimental to the public safety, health or welfare or injurious to other properties since it involves a private development.

The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property: The development is unique in the sense that it has the opportunity to share parking uses with non-coincidental peaks.

Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out: Meeting the required number of spaces would likely necessitate additional wetland and buffer impacts.

The granting of the waiver will not be contrary to the spirit and intent of the regulations: It is the applicant's opinion that this waiver request is in

keeping with Article 5.6.4 of the Exeter Zoning Ordinance in that it seeks to reduce paved areas and increase open space within the project.

The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan: This request does not vary the provisions of the Exeter Zoning Ordinance or Master Plan.

WAIVER REQUEST #6

SPR Regulation: Section 9.7.5.6 which requires private sites to use granite curbing for all traffic control and planting islands.

Waiver Request: To allow the use of Cape Cod berm in lieu of granite curb in portions of the proposed project.

Basis of Waiver: The project complies with Section 9.7.5.6 by employing slope granite curb in locations that will control traffic (driveway entrances, interior intersections) and at all landscape islands. In addition, reinforced concrete curb is to be used where sidewalks are proposed. The areas where relief from this regulation is sought is along the back portions of parking lots. Cape Cod berm (bituminous curbing) is a proven product and is being proposed along the back edges of the paved parking areas. Cape Cod berm has been used on other sites within this part of Exeter. Of the 7200 linear feet of curbing on the site we are seeking relief of 1670 feet, which is 23% of the overall amount of curbing.

Waiver Criteria – SPR Section 13.7

The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property: Being a private lot and development, this waiver, if granted, will not adversely impact the public safety, health or welfare.

The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property: With regard to curbing our project intent was to comply with the regulation for the control of traffic at key locations within the site and for landscape islands. Due to large quantity of curbing for this project (1.36 miles +/-) we feel it would be reasonable to use cape cod berm in other locations, primarily along the back of parking areas.

Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship

to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out: A development of this size and nature relies on 'value engineering' to keep its costs down. Significant cost savings could be achieved by this request.

The granting of the waiver will not be contrary to the spirit and intent of the regulations: This curbing requirement is listed within Section 9.7.5 Landscaping for Parking Areas and New Roadways. The use of cape cod berm along the back edges of the parking lots will not adversely impact the landscaping of the development and therefore, will not be contrary to the spirit and intent of this section.

The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan: This request does not vary the provisions of the Exeter Zoning Ordinance or Master Plan.

CONCLUSION:

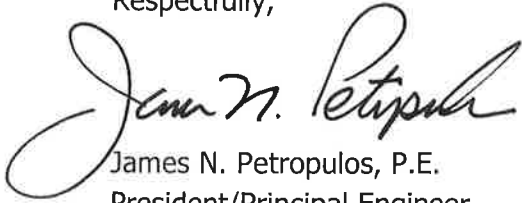
This Project is designed to concentrate open space and focus development in a relatively small lot area. The design of the Project attempts to manage the impervious areas (building footprint and parking areas) to what is reasonably required for the entire site. The site improvements are shared to some extent and efficiently plan for and meet the needs of a residential complex and the adjacent commercial complex. In designing to efficiently accomplish the overall goals, some of the specific regulations (which are designed to generally apply to site plans) have a particularly harsh impact on this Project. The requested waivers relate to requirements which would cause unnecessary hardships and difficulties under the circumstances of this Project.

This Project will provide workforce rental housing. Workforce rental housing is far more difficult to construct and operate than workforce housing units for sale. Under the rental workforce housing guidelines, the units must be affordable to individuals with sixty percent (60%) of the medium income. Whereas, for workforce housing for sale, the homes must be affordable to individuals who have one hundred percent (100%) of the medium income. As a workforce housing rental project, the collective impact of ordinances and regulations cause significant expense and present a significant impediment to affordability.

The waivers requested from the Site and Subdivision Regulations are waivers which will not cause any harm to the health, safety, or welfare of the public. There is no public benefit to strict application of the rules because strict application will not advance the purposes of Zoning or Planning regulations. Strict application of the certain regulations is not necessary or reasonable. A waiver is uniquely appropriate.

Thank you for your consideration in this matter.

Respectfully,

A handwritten signature in black ink, reading "James N. Petropulos". The signature is written in a cursive style with a large, looping initial "J".

James N. Petropulos, P.E.
President/Principal Engineer
HAYNER/SWANSON, INC.


STUDY FINDINGS AND RECOMMENDATIONS

Based on the existing conditions data collected on NH27 in the vicinity of the subject site and the Exit 9 Interchange, the anticipated traffic increases resulting from the proposed multi-use site, and the analysis of future traffic levels in the study area, Pernaw & Company, Inc. concludes:

1. Traffic on NH27 in the study area reached peak levels from 7:00 to 8:00 AM in the morning, and from 4:15 to 5:15 PM in the evening with 1,406 vehicles (AM) and 1,612 vehicles (PM) observed on NH27 (south of the Mobil site) during the peak hour periods.
2. The results of the trip generation analysis indicate that the proposed multi-use site will generate approximately 326 vehicle-trips (161 arrivals, 165 departures) during the AM peak hour, and 384 vehicle-trips (189 arrivals, 195 departures) during the PM peak period.
3. The majority of site traffic (65%) is expected to travel to/from points north on NH27 to reach NH101 and beyond.
4. Site traffic will increase the volume of traffic on the short section of NH27 between the subject site and the eastbound ramp junction by approximately +14% during the worst-case PM peak hour period. The net impact immediately south of the site is projected at +7%.
5. Analysis of the traffic operations at the NH27/Proposed North Site Driveway/Mobil South Driveway intersection confirmed that left-turn departures from the minor approach currently encounter long delays (LOS F) during the peak hour periods, similar to all other streets and driveways along this corridor. Departures from the proposed site driveway approach will encounter the same delays, and long vehicle queues will form within the site. Left-turn arrivals at this site driveway will operate with much less delay during all hours of the day (LOS A or B) and minimal queuing. Right-turn departures from the South Site Driveway are expected to operate at LOS D (AM) and LOS C (PM) in 2031 with the site fully occupied.
6. The traffic signal warrants analysis of the Northerly Site Driveway intersection on NH27 indicates that neither Warrant 1 (Eight-Hour Vehicular) nor Warrant 2 (Four-Hour Vehicular Volume) in the MUTCD is satisfied for the requisite hours. This finding means that both site driveways should operate under stop sign control. Analysis of the NH27/Westbound Ramp Junction using the 2019 traffic volumes indicates that traffic signal control is currently warranted at this intersection.
7. The auxiliary turn lane warrants analysis indicates that “left-turn treatment” and “right-turn treatment” is advisable for vehicles entering the site at the north site driveway. While these findings will be taken into consideration as part of the Town’s corridor study and TIF project, implementation of the “Interim Traffic Mitigation Plan” on Page 29 is recommended if site development precedes the corridor improvement project.
8. Both site driveways should operate under stop sign control and be designed with appropriate corner radii to accommodate a reasonable design vehicle.

9. Sight distances looking left and right from both site driveways exceed 500-feet and provide more than adequate safe stopping sight distances.

This section of NH27 is under the jurisdiction of the Town of Exeter. This report should be submitted to the Exeter Planning Board for their consideration in conjunction with the site plan review process. This report should also be shared with the NHDOT given that this site involves Controlled Access Right-of Way along NH27.



Stephen G. Pernaw 8/10/20

Town of Exeter

RECEIVED

AUG 12 2020

EXETER PLANNING OFFICE



Planning Board Application for Conditional Use Permit: Wetlands Conservation Overlay District

February 2017

(Application REVISED: August 11, 2020)



Town of Exeter Planning Board Application

Conditional Use Permit: Wetland Conservation Overlay District In accordance with Zoning Ordinance Article: 9.1

SUBMITTAL REQUIREMENTS:

1. Fifteen (15) copies of the Application
2. Fifteen (15) 11"x17" and three (3) full sized copies of the plan which must include:

Existing Conditions

- a. Property Boundaries
- b. Edge of Wetland and associated Buffer (Wetlands Conservation Overlay District - WCOD)
 - Prime wetland: 100'
 - Vernal Pool (>200 SF): 75'
 - Exemplary Wetland: 50'
 - Very Poorly Drained: 50'
 - Poorly Drained: 40'
 - Inland Stream: 25'
- c. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements

Proposed Conditions

- a. Edge of Wetlands and Wetland Buffers and distances to the following:
 - i. Edge of Disturbance
 - ii. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements
- b. Name and phone number of all individuals whose professional seal appears on the plan
3. If applicant and/or agent is not the owner, a letter of authorization must accompany this application
4. Supporting documents i.e. Letters from the Department of Environmental Services, Standard Dredge and Fill Application and Photos of the property
5. A Town of Exeter Assessors list of names and mailing addresses of all abutters

Required Fees:

Planning Board Fee: **\$50.00** Abutter Fee: **\$10.00** Recording Fee (if applicable): **\$25.00**

The Planning Office must receive the completed application, plans and fees on the day indicated on the Planning Board Schedule of Deadlines and Public Hearings.

APPLICANT	Name: <u>GATEWAY AT EXETER, LLC</u>
	Address: <u>20 TRAFALGAR SQ, STE 610, NASHUA, NH 03063</u>
	Email Address: <u>THOMASINDOJAHAN@hotmail.com</u>
	Phone: <u>603-880-0502</u>
PROPOSAL	Address: <u>EPPING ROAD</u>
	Tax Map # <u>47</u> Lot# <u>6:7</u> Zoning District: <u>C-3</u>
	Owner of Record: <u>GATEWAY AT EXETER, LLC</u>
Person/Business performing work outlined in proposal	Name: <u>GATEWAY AT EXETER, LLC</u>
	Address: <u>20 TRAFALGAR SQ, STE 610, NASHUA, NH 03063</u>
	Phone: <u>603-880-0502</u>
Professional that delineated wetlands	Name: <u>GOVE ENVIRONMENTAL SERVICES</u>
	Address: <u>8 CONTINENTAL DRIVE, EXETER, NH</u>
	Phone: <u>778-0644</u>

**Town of Exeter
 Planning Board Application
 Conditional Use Permit: Wetland Conservation Overlay District**

Detailed Proposal including intent, project description, and use of property: (Use additional sheet as needed)

SEE ATTACHED NARRATIVE

Wetland Conservation Overlay District Impact (in square footage):

Temporary Impact	Wetland: (SQ FT.)	Buffer: (SQ FT.)
	<input type="checkbox"/> Prime Wetlands _____	<input type="checkbox"/> Prime Wetlands _____
	<input type="checkbox"/> Exemplary Wetlands _____	<input type="checkbox"/> Exemplary Wetlands _____
	<input type="checkbox"/> Vernal Pools (>200SF) _____	<input type="checkbox"/> Vernal Pools (>200SF) _____
	<input type="checkbox"/> VPD _____	<input type="checkbox"/> VPD _____
	<input type="checkbox"/> PD _____	<input type="checkbox"/> PD _____
	<input type="checkbox"/> Inland Stream _____	<input type="checkbox"/> Inland Stream _____
Permanent Impact	Wetland:	Buffer:
	<input type="checkbox"/> Prime Wetlands _____	<input type="checkbox"/> Prime Wetlands _____
	<input type="checkbox"/> Exemplary Wetlands _____	<input type="checkbox"/> Exemplary Wetlands _____
	<input type="checkbox"/> Vernal Pools (>200SF) _____	<input checked="" type="checkbox"/> Vernal Pools (>200SF) <u>10,595</u>
	<input type="checkbox"/> VPD _____	<input checked="" type="checkbox"/> VPD _____
	<input checked="" type="checkbox"/> PD <u>126,715</u>	<input checked="" type="checkbox"/> PD <u>197,495</u>
	<input type="checkbox"/> Inland Stream _____	<input type="checkbox"/> Inland Stream _____

List any variances/special exceptions granted by Zoning Board of Adjustment including dates:

MAY 22, 2019 - VARIANCE to permit a multi-family RESIDENTIAL Complex AS PART OF A MIXED-use development plan

Describe how the proposal meets conditions in **Article 9.1.6.B** of the Zoning Ordinance (attached for reference):

See ATTACHED NARRATIVE

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.

TAX MAP _____
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*SEE
ATTACHED
ABUTTERS
LIST*

9.1.6 B. Conditions:

1. That the proposed use is permitted in the underlying zoning district;
2. That the use for which the permit is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Wetlands Conservation Overlay District;
3. The proposed impact has been evaluated in the context of the relative "value" of the wetland, including its ecological sensitivity, as well as its function within the greater hydrologic system. To the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s).
4. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer and that no alternative design which does not impact a wetland or wetland buffer or which has less detrimental impact on the wetland or wetland buffer is feasible;
5. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, that the landowner agrees to restore the site as nearly as possible to its original grade and condition following construction;
6. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons;
7. That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under NH RSA §485-A: 17, the New Hampshire Wetlands Board under NH RSA §483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act.

SITE PLAN
PROJECT NARRATIVE - CUP

The project area under consideration for this application is known to the Exeter Assessors Department as Map 47, Lots 6 and 7 and both are currently owned by Gateway at Exeter, LLC of Nashua, NH. The parcel is located in Exeter's C-3 Epping Road Highway Commercial zoning district which allows a mix of permitted uses. The Epping Road corridor contains a number of commercial and industrial businesses. Developed commercial land abuts the property to the south and east. New Hampshire Route 101 immediately abuts the site to the north and, to the west, the property that is immediately adjacent is conservation land owned by the Town of Exeter.

The subject property contains one undeveloped, sparsely wooded lot of 60 acres and one single family residential lot of 0.34 acres. These two parcels will be consolidated and ultimately divided into three different lots. The two future lots, with frontage on Epping Road, will be developed. The remaining back land will remain in its natural state. As can be seen on the preliminary site plans the two lots to be developed contain mild topographical relief. The high point near the center of the lots is at elevation 120.0 +/- and the land slopes off in several directions to the mapped wetlands which range in elevation from 106.0 to 112.0. Wetlands on the property were flagged in 2018 by Gove Environmental Services and field located by Hayner/Swanson, Inc. All of the wetlands identified on the property are forested wetlands with poorly drained mineral soils, typical in New England and within the area. Though ultimately associated with the Little River, these wetland areas lie up gradient and distinctly separate from the river and its contiguous wetlands as defined by the Exeter Shoreland Protection District. The utilities needed to service this site (sewer, water, telephone, electric and gas) are located in Epping Road.

A mixed-use development is being proposed for the two proposed lots located along Epping Road. On May 22, 2019 the Exeter Zoning Board of Adjustment granted a variance, with conditions, to permit a multi-family residential complex as part of a mixed-use development plan. Proposed Lot 7 will include three, 4-story, multi-family residential buildings that contain a total of 224-units. The buildings will be surrounded by parking on the north, east and west and an entrance road along the new property line to the south. Proposed Lot 6 will contain a 2-story, 48,560 square foot mixed-use building that may

include a 20,040 YMCA day care facility and office/retail space. These buildings will have a shared entrance road to Epping Road. Other site improvements include underground utilities to service the building, sidewalks, landscaping and site lighting. Stormwater management basins will accommodate the new runoff created by the proposed impervious areas of the roof, parking areas and entrance driveway.

CONDITIONAL USE PERMIT CRITERIA

Town of Exeter Zoning Ordinance Article 9.1.6.A Conditional Uses: It is being requested to allow the construction of a portion of the building, driveways, parking areas, utilities and other site improvements as shown on the attached plan within the Wetlands Conservation Overlay District.

Town of Exeter Zoning Ordinance Article 9.1.6.B Conditions:

1. That the proposed use is permitted in the underlying zoning district.

Response: The residential portion of the proposed mixed-use development is an allowed use in the C-3 zoning district per the May 22, 2019 the Exeter Zoning Board of Adjustment variance. The commercial use contemplated upon Lot 47-6 is an allowed use in the C-3 zone.

2. That the use for which the permit is sought cannot feasibly be carried out on a portion or portions of the lot which are outside of the Wetlands Conservation Overlay District.

Response: Typically, mixed-use developments require large, flat development areas to be able to accommodate the building and parking needs of the tenants. As can be seen on the site plan wetlands are located throughout the entire site. As previously stated the proposed development has been designed in the easternmost part of the property in order to avoid vernal pool impacts and to create a larger undeveloped lot to the west. Given the network of wetlands on the site, the proposed use cannot be reasonably carried out outside wetlands and their respective buffers.

3. A wetland scientist has conducted a functions and values study of the wetlands and deemed that the wetlands under consideration will not be negatively impacted by the development.

Response: A wetland function and

value assessment was conducted using the US Army Corps Highway Methodology guidelines. Functions are self-sustaining properties of wetlands, which exist in the absence of human involvement. Values refers to the benefits gained by human society from a given wetland or ecosystem and their inherit functions. Functions and values identified as "primary" have been determined to be significant features of the wetland being evaluated; not necessarily indicating the wetland performs these functions or values at a significant level in comparison to other wetlands in the region or even near the site. The Highway Methodology considers 13 functions and values:

Groundwater recharge/discharge: This function considers the potential for a wetland to serve as a groundwater recharge and/or discharge area. Recharge should relate to the potential for the wetland to contribute water to an aquifer. Discharge should relate to the potential for the wetland to serve as an area where ground water can be discharged to the surface.

Flood flow Alteration: This function considers the effectiveness of the wetland in reducing flood damage by attenuation of floodwaters for prolonged periods following precipitation events.

Fish and Shellfish Habitat: This function considers the effectiveness of seasonal or permanent water bodies associated with the wetland in question for fish and shell fish habitat.

Sediment/Toxicant/Pathogen Retention: This function reduces or prevents degradation of water quality. It relates to the effectiveness of the wetland as a trap for sediments, toxicants or pathogens.

Nutrient Removal/Retention/Transformation: This function relates to the effectiveness of the wetland to prevent adverse effects of excess nutrients entering aquifers or surface waters such as ponds, lakes, streams, rivers or estuaries.

Production Export: This function relates to the effectiveness of the wetland to produce food or usable products for human, or other living organisms.

Sediment/Shoreline Stabilization: This function relates to the effectiveness of a wetland to stabilize stream banks and shorelines against erosion.

Wildlife Habitat: This function considers the effectiveness of the wetland to provide habitat for various types and populations of animals typically associated with

wetlands and the wetland edge. Both resident and or migrating species must be considered.

Recreation: This value considers the effectiveness of the wetland and associated watercourses to provide recreational opportunities such as canoeing, boating, fishing, hunting and other active or passive recreational activities. Consumptive opportunities consume or diminish the plants, animals or other resources that are intrinsic to the wetland, whereas non-consumptive opportunities do not.

Educational/Scientific Value: This value considers the effectiveness of the wetland as a site for an "outdoor classroom" or as a location for scientific study or research.

Uniqueness/Heritage: This value relates to the effectiveness of the wetland or its associated water bodies to produce certain special values. Special values may include such things as archeological sites, unusual aesthetic quality, historical events, or unique plants, animals, or geological features.

Visual Quality/Aesthetics: This value relates to the visual and aesthetic qualities of the wetland.

Threatened or Endangered Species Habitat: This value relates to the effectiveness of the wetland or associated water bodies to support threatened or endangered species

Most of the wetlands in the development area were evaluated together since they are nearly identical and, if not connected, lie in close proximity to each other. Two wetland areas adjacent to Epping Road were considered separately as they were determined to support or potentially support vernal pool breeding habitat. The fact that the wetlands are forested, formed in poorly drained mineral soil, and not directly associated with surface water, limits or precludes many of the functions and values listed above. The wetlands do not support Flood-flow Alteration, Fish and Shellfish Habitat, or Sediment/Shoreline Stabilization as these are derived from a close interaction between the wetland and a waterbody. The wetlands also lack or nearly lack value for Recreation, Uniqueness/Heritage, or Educational/Scientific pursuits. They consist of a uniform and very common forested wetland type and don't contain the wetland types that are typically associated with wetland supported recreation activities and traditional aesthetic qualities. The low permeability of the glacial till

derived soils on the site have allowed wetland conditions to develop on the surface but do not allow significant interaction with the groundwater and are not characteristic of groundwater discharge or recharge areas.

Three functions were identified as being supported by the wetlands in the evaluation area. These are Wildlife Habitat, Production-Export, and Sediment/Toxicant Retention & Nutrient Removal. These are described in greater detail in the following sections.

Production Export – This the primary value identified in these wetland areas. The most prominent feature of the evaluation area and the wetlands is their post logging condition. This is of course temporary but significant, especially when considering habitat. Though not exemplary in the region, this does stand out as the most significant function. The early successional species currently present in the wetland areas combined with the remaining mast producing trees produce an abundant source of berries, nuts, seeds, and pollen bearing flowers. This likely provides a substantial source of food for wildlife. Export is limited, however, by its small size and lack of a well-defined waterway or other significant avenue of export. This value is also equally supported in in the upland areas of the site.

Wildlife Habitat— A moderate level of wildlife habitat is present in these wetlands. The current habitat value of the wetlands in this area is suitable for small mammals, insects, and songbirds which may use the wetlands for foraging. Other larger mammals such as deer that are able to tolerate the close proximity of the road also clearly use this area. In a fully forested condition the wildlife habitat value may be different but would still be degraded by the proximity to the road and adjacent development. The habitat value of most of the wetland on the site is in not much different than that of the adjacent uplands, and primarily related to it being undeveloped woodland.

The exception is the semi-permanent pond and small excavated area located on the eastern most portion of the site in close proximity to Epping Road. These areas were determined to have adequate hydroperiod to support, or potentially support vernal pool

breeding habitat. Though no egg masses were observed in either of these areas, fairy shrimp were observed in the smaller area on one occasion, and this area has been classified as a vernal pool on the plans. The wildlife function in these wetlands is therefore comparatively higher though still limited by the proximity to the road. The semi-permanent pond also supports more wetland specific habitat overall.

Sediment/Toxicant Retention & Nutrient Removal – Due to its proximity to the roadway these wetlands may serve some moderate water quality function. These wetlands are likely to receive development runoff destined for Bloody Brook and Little River. The convoluted drainage pattern would provide opportunity for treatment long before reaching more defined flow paths. The lack of obvious drainage inputs and the lack of densely vegetated emergent wetland components mitigate the importance of these wetlands for these functions.

- 4. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer and that no alternative design, which does not impact a wetland or wetland buffer or which has less detrimental impact on the wetland or wetland buffer, is feasible.** Response: The amount of wetland impact has been minimized by sliding the main elements of the site plan as far east as possible and avoiding impacts or fragmentation of the network of vernal pools on the western part of the site. The semi permeant pond and the small vernal pool at the front of the site are not being impacted and will be maintained along with a substantial buffer of wetland and upland area. The small wetland impact at the proposed entrance neat the vernal pool is located to align with the entrance to Mobil on the other side of Epping Road for safety and traffic and in accordance with standard practice and cannot be moved. The use of 3H:1V slopes along the sides of the developed areas minimize the overall impact to the wetlands. The proposed stormwater management systems will protect water quality in the downstream wetlands.

- 5. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use; that the landowner agrees to restore the site as nearly as possible to its original grade and condition following construction.** Response: The proposed impacts are associated with grade changes and structures and are not temporary in nature. However, impacts associated with grading only (non-paved or building areas), will be restored to the maximum extent practical by seeding with a conservation seed mix containing herbaceous and woody shrub species for screening and wildlife habitat.
- 6. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reasons.** Response: Due to the nature of the proposed impacts and the clean nature of this proposed use; hazardous impacts to public health, safety and welfare are not expected. Proposed mitigation consists of preservation of the western 43.6 acres of lot 47-7 and a contribution to the Aquatic Resource Mitigation (ARM) Fund to achieve an overall 20:1 mitigation ratio per federal guidelines. This results in an ARM contribution of \$176,578.41 in addition to the preservation. The proposed method of preservation is fee simple ownership by the Town of Exeter.
- 7. That all required permits shall be obtained from the New Hampshire Department of Environmental services Water Supply and Pollution Control Division under NH RSA 485-A:17, the New Hampshire Wetlands Board under NH RSA 483-A and the United States Army Corps of Engineers under Section 404 of the Clean Water Act.** The permits required to develop this site as shown on the proposed site plan shall be applied for in accordance with local, state and federal regulations. Please note that the New Hampshire Department of Environmental Services Wetland Bureau has conditionally issued approval #2019-03500 for this development.



WAITS WHITE & FONTAINE, P.C.
Attorneys at Law

August 11, 2020

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

**RE: Supplemental Letter in Support of Waivers
Gateway at Exeter - Epping Road, Exeter, NH**

To the Members of the Exeter Planning Board:

Please accept this letter as a supplemental letter requesting waivers in the above-referenced application. By letter dated May 11, 2020, we submitted a formal request for a waiver from the guidelines of Section 11.3.4 which requires four hundred square feet (400 sq. ft.) of recreational space per dwelling unit; and a waiver of the impact fees assessed under Article 11 of the Exeter Zoning Ordinance as they relate to recreational facilities (collectively the "Recreation Waivers"). This letter restates that request and provides additional information for the waivers associated with Recreation Waivers.

In addition, please accept this letter as a Request to Waive the Impact Fees assessed under the authority of Article 11 of the Exeter Zoning Ordinance as they relate to schools/public school impact fees (the "School Impact Fee Waiver").

Recreational Waivers

In our letter dated May 11, 2020, the applicant explained the basis for the recreational waivers requested. Within the Site and Subdivision Regulations, the Exeter Planning Board has authority to make waivers under certain guidelines. Regarding the Recreation Waiver requests, the facts and circumstances of this application support the waiver as requested. While the applicant could provide four hundred square feet (400 sq. ft.) of recreational space suggested under Section 11.3.1 of the Site Plan Specifications, it does not make sense to reduce the land conveyed to the Town by 2+ acres in order to provide recreational space on the developed lot, when the land will be taken from the adjacent lot to be conveyed to the Town. Based upon the unique circumstances of this application strict adherence to the guidelines would work against the Town's stated purposes -- to protect important natural resources and to assemble and protect contiguous public open space.

Similarly, within Article 11 of the Zoning Ordinance, impact fees may be waived under certain circumstances. One such circumstance is when the applicant contributes real estate to the Town. The Zoning Ordinance for the Town of Exeter expressly states that it is appropriate to waive impact fees and to acknowledge contributions of real estate as direct contributions which are reasonably credited against impact fees. In this application, the applicant has an expert real estate appraiser certified in New

Hampshire who has determined that the overall value of the property being donated to the Town far exceeds the recreation obligations that the applicant has. The donation is a contribution of real property with an appraised value of One Million Eight Hundred Fifty-Five Thousand Dollars (\$1,855,000). A portion of that value is necessary for other mitigation purposes, but the excess value is approximately One Million Two Hundred Fifty-Five Thousand Dollars (\$1,255,000). The excess value far exceeds the impact fees for recreation.

Based upon the unique circumstances of this application, the Recreation Waivers should be granted.

School Impact Fees

Under the same Article 11 of the Exeter Zoning Ordinance, the Town imposes impact fees for schools. Under 11.7, the Planning Board may grant full or partial waiver of the impact fees.

This project is a multifamily residential workforce housing project. It consists of two hundred twenty-four (224) rental apartments of which twenty five percent (25%) will be workforce housing rental units. By this letter, the applicant is requesting a waiver for twenty five percent (25%) of the overall school impact fees assessed based upon this project. The waiver request is necessary to make the project economically realistic and viable.

The data upon which the impact fees are based is stale and out of date.

Enclosed with this letter is a report dated August 10, 2020 performed by Mark J. Fougere, AICP in which Mr. Fougere reviews the present Exeter school impact fee and the present Exeter recreation impact fee. In his report, Mr. Fougere summarized how he reviewed the impact fee assessment process and the data supporting the impact fee determinations. Mr. Fougere concluded that the data was stale and could not support the assessment of impact fees within the strict guidelines of the statute. Based upon Mr. Fougere's analysis, the impact fee assessments are likely unsupportable.

It is necessary and appropriate to support Workforce Housing.

In New Hampshire, workforce housing has been identified as a major threat to the State's economic growth. Several Exeter area employers have confirmed the difficulties regarding affordable housing in letters of support to this application. The applicant is requesting that the Town of Exeter waive twenty five percent (25%) of the school impact fees in order to reduce the collective impact of all of the ordinances and regulations on the economics of this proposal and to assure that this opportunity remains economically viable.

By definition, workforce housing rental units must be "affordable" to families with a family income of sixty percent (60%) of the average medium income for the region. "Affordable" means housing with combined rental and utility costs that do not exceed thirty percent (30%) of the household gross income.

As a practical matter, it is very different, perhaps impossible, to build new multifamily rental housing units that are "affordable" as workforce housing rental units defined under the laws of the State of New Hampshire and under the rules and regulations of the Department of Housing and Urban Development. The cost of construction and other costs require rents which are more than the "affordable" rents under the state Workforce Housing rules. When 25% of the units have rents that are limited, the total revenues simply do not support financing for the cost of construction and operation. The revenues are insufficient to make the project viable.

To reduce financing expenses for this project, the applicant is proceeding with New Hampshire Housing Financing Authority financing, or similarly offered financing through the federal government. While it is not subsidized financing, the financing is supported by state bonds. However, as a result, the financing is complex and burdened with requirements to support lower bonding rates. As a result, impact fees and other similar assessments become barriers to the project. Essentially, if this project is required to pay impact fees, the project will not be economically viable.

This project proposes twenty five percent (25%) of its units as workforce housing units. Those units (56 units) will be "affordable" to families with an income of 60% of the average medium income of families in the region. It is necessary, appropriate, and justified to waive 25% of the School Impact Fees to keep this project economically viable.

SUMMARY

The State of New Hampshire, many towns, and many employers in the seacoast area, are experiencing a shortage of housing that is affordable to working households. Many experts identify the shortage of housing as the principal threat to the State's and Region's economic growth. It presents a barrier to expansion of the labor force and it undermines the ability of communities to support new businesses.

The Town of Exeter has worked hard to provide housing affordable to working households. However, land development costs and construction costs are serious impediments to the development of workforce housing.

As a new construction workforce housing rental project, this is a project uniquely important to the region. The project is located on a property which also has unique qualities and characteristics which support development in the easterly section of the property to maintain the westerly section of the property as open protected space. Under the circumstances, strict application of the recreation regulations and strict application of the impact fee assessments are unreasonable and not necessary to accomplish the purposes of the Town of Exeter Zoning and Planning Rules and Regulations. A waiver of Recreation Fees and a waiver of 25% of the School Impact fees are uniquely appropriate.

Respectfully, the applicant is requesting waivers to make this development a realistic and viable opportunity for workforce rental housing.

We appreciate your diligent efforts and consideration.

Very truly yours,


Thomas J. Leonard

/la

Enclosure

cc: Gateway at Exeter, LLC

FOUGERE PLANNING & DEVELOPMENT Inc.

Mark J. Fougere, AICP

253 Jennison Road Milford, New Hampshire 03055

phone: 603-315-1288 email: Fougereplanning@comcast.net

August 10, 2020

RSA 674:21, Innovative Land Use Controls, Section V provides the legal framework under which municipalities can assess impact fees on new development. Given this statutory framework, we raise the following concerns relative to the Town of Exeter's School and Recreation Impact Fee charges.

A. School impact fee.

Cost: \$1,344 per unit, total: \$301,056.

The basis of the current school impact fees are from a Report produced by BCM Planning, LLC (Public School Impact Fee Update – October 30, 2009). The Impact Fee Report is dated and the methodology used to calculate the fee is questionable.

RSA 674:21, V. (a), States, in part *"The amount of any such fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. Upgrading....."*. In addition, the Exeter Zoning Ordinance, Article 11 Public Capital Facilities Impact Fee, Section 11.11 USE OF FUNDS, Subsection 11.11.2 states: *In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of current growth, or are issued for advance provision of capital facilities for which public capital facilities impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments.*

The school impact fees outlined in the Impact Fee Report were derived from expansions to the elementary (Main St.) school, along with the cooperative middle school and high schools. As bonds were used to pay for these expansions, total principal and interest costs established. These known costs should have been used to calculate the School

Impact Fees instead of relying on construction costs estimated by RSMeans¹ which significantly inflated actual costs.

Elementary: This project was completed in 1993 at a cost of \$68 a square foot. The \$1,660,000 cost was paid through a 10 year bond which ended in 2002. The 2009 Updated Impact Fee Report, costs were estimated using RSMeans values to arrive at a construction cost of \$123 a square foot. Actual total costs, including principal and interest payments and accounting for state building aid, was \$48 per square foot. Why is a School Impact fee being charged for a building whose bond was paid for in 2002, over 18 years ago? If actual costs are known and paid for, why was RSMeans used to increase the building costs above what the Town actually realized in financing costs?

Middle School: This project was completed in 1997 at a cost of \$15,500,000. A 20 year bond was used to pay for the project, which ended in 2017. Actual construction costs were \$90 per square foot. Based on RSMeans the cost was increased to \$146; this is well above actual costs. In addition, there appears to be a math error in Table 6, where Credits are calculated. Both the principle and interest payment totals are not correct; principal payments should total \$11,691,699 (not \$6,088,074) and interest payments total \$4,202,136 (Not \$801,642). These errors under fund the Credit calculation for past bond payments.

High School: The new high school was completed in 2004, with a 20 year bond used to pay for the school. Actual construction costs were \$148 a square foot which was increased to RSMeans costs of \$188 a square foot.

In all three cases actual bonded costs were not used to derive the school impact fee. The building costs were increased above actual costs to the community, distorting the costs upward. In addition, since the elementary bond has been paid off since 2002, an argument can be made that an impact fee cannot be charged for this old addition. RSMeans is an acceptable resource to estimate costs, when concrete building costs are not known. In all cases actual building costs were known, bonded for and actual costs realized by Exeter taxpayers.

¹ RSMeans data is used by construction professionals to create budgets, estimate projects, validate their own cost data and plan for ongoing facilities maintenance.

2. Recreation Impact Fee

Cost: \$711 per unit: Total \$159,264

The Recreation Impact Fee was derived from a Report produced by Bruce C. Mayberry and is entitled Recreation Facility Impact Fees In Exeter: Basis for Assessment. The Report is dated September 25, 2003. Given the age of this Report significant questions are raised including:

- Are the projects listed in the 2003 Report (Table 3) constructed?
- What were the actual costs incurred by the Town?
- The Town's anticipated costs totaled \$3,984,000; how much of this cost has the town actually incurred?
- The most recent Capital Improvement Plan (CIP) notes the planned construction of "community center". Is this the same project noted in Table 3 (from 2003) as the "Multi-purpose Community Rec Center"?

RSA 672:21, V(e) states: *The ordinance shall establish reasonable times after which any portion of an impact fee which has not become encumbered or otherwise legally bound to be spent for the purpose for which it was collected shall be refunded, with any accrued interest. Whenever the calculation of an impact fee has been predicated upon some portion of capital improvement costs being borne by the municipality, a refund shall be made upon the failure of the legislative body to appropriate the municipality's share of the capital improvement costs within a reasonable time. The maximum time which shall be considered reasonable hereunder shall be 6 years.*

In addition the Town's Impact Fee Ordinance states: "11.12 REFUND OF FEES PAID The owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest where: 11.12.1 The impact fee has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from that date of the final payment of the fee; or 11.12.2 The Town has failed, within the period of six (6) years from the date of the final payment of such fee, to appropriate the nonimpact fee (town) share to related capital improvements costs."

Impact fees can only be held for a maximum of 6 years. It is clear that given the age of the Recreation Report Impact Fee Assessment (2003), that a major facility planned in 2003 still has not been constructed. Given these findings, the existing fee system does not adhere to statutory requirements and therefore the Recreation Impact Fee cannot be assessed to the Gateway at Exeter project.

Please see additional packets
attached for this meeting
for plan attachments



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: August 5, 2020
To: Planning Board
From: Dave Sharples, Town Planner
Re: OSRAM Sylvania, Inc. PB Case #20-7

The Applicant is seeking a minor subdivision of a 32.21-acre parcel located at 129-131 Portsmouth Avenue (and off of Holland Way) into three (3) lots; and a request to affirm that Tax Map Parcel #51-17, located east of Holland Way is a separate lot that was created when NHDOT created the Holland Way right-of-way. The subject properties are located in the C-2, Highway Commercial and CT-Corporate Technology zoning districts and are identified as Tax Map Parcels #52-112 and #51-17.

The Applicant has submitted a minor subdivision plan and supporting documents, dated March 17, 2020, and are enclosed for your review. A Technical Review Committee meeting was scheduled for April 2, 2020, and subsequently cancelled. The application and plans were reviewed independently by the members of the Technical Review Committee and the TRC comment letter is attached for your review. The Applicant's response to the TRC comment letter, dated June 3, 2020 is also attached as well as revised plans dated August 5, 2020. Since I received the revised plans the day I am writing this memo, I will review the plans further to insure they adequately address staff comments and update the Board at the meeting.

I will be prepared with suggested conditions of approval at the meeting in the event the board decides to take action on the request.

Planning Board Motions

Minor Subdivision Motion: I move that the request of OSRAM Sylvania, PB Case #20-7, for Minor Subdivision approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures



MAR 17 2020
RECEIVED

TOWN OF EXETER
MINOR SUBDIVISION, MINOR
SITE PLAN, AND/OR LOT LINE
ADJUSTMENT APPLICATION

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

() MINOR SITE PLAN

(X) MINOR (3 lots or less)
SUBDIVISION (3) LOTS

() LOT LINE ADJUSTMENT

#20-7	APPLICATION
3/17/20	DATE RECEIVED
125.00	APPLICATION FEE
150.00	PLAN REVIEW FEE
110.00	ABUTTER FEE
	LEGAL NOTICE FEE
	INSPECTION FEE
385.00	TOTAL FEES
	AMOUNT REFUNDED

1. NAME OF LEGAL OWNER OF RECORD: OSRAM Sylvania, Inc. *pd-1 #418 3/17/20 \$385.-*

ADDRESS: 200 Ballardville Street, Wilmington, MA 01887

TELEPHONE: (603) 778 4548

2. NAME OF APPLICANT: OSRAM Sylvania, Inc.

ADDRESS: 129-131 Portsmouth Ave. Exeter, NH 03833

TELEPHONE: (603) 778 4548

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

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

4. DESCRIPTION OF PROPERTY:

ADDRESS: 129-131 Portsmouth Ave. Exeter, NH 03833

TAX MAP: 51-017 & 52-112 ZONING DISTRICT: C-2 & C-T

AREA OF ENTIRE TRACT: 52-112: 32.21 AC; 51-17: 21.00 AC

PORTION BEING DEVELOPED: N/A



5. **EXPLANATION OF PROPOSAL:** Subdivision of Parcel 52-112 from one lot into 3 lots. Also clarification that the creation of Holland Way created a separate lot for land title purposes at parcel 51-17.
6. **ARE MUNICIPAL SERVICES AVAILABLE? (YES/NO)** Yes, there are existing services to parcel 52-112. No new service is proposed at this time. 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. Subdivision Plan of OSRAM Sylvania Inc. 22X34 (9 Sheets)	7
B. Subdivision Plan of OSRAM Sylvania Inc. 11X17 (9 Sheets)	15
C. Cover Letter	1
D. Application for Hearing	1

8. **ANY DEED RESTRICTIONS AND COVENANTS THAT APPLY OR ARE CONTEMPLATED (YES/NO)** NO IF YES, ATTACH COPY.

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

NAME: Steven Michaud, PLS

ADDRESS: Doucet Survey, Inc., 102 Kent Place, Newmarket, NH 03857

PROFESSION: Licensed Land Surveyor **TELEPHONE:** (603) 659-6560

10. **LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:** None at this time
-
-



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) YES IF YES, LIST

BELOW AND NOTE ON PLAN.

- February 10, 1994 - ZBA Case #1023 Special exception and variance granted for proposed expansion of Non-Conforming use (addition) and for a portion of the expansion to exceed the maximum height regulation.
- January 16, 1996 - ZBA Case #1062 Special exception granted for expansion of Non-Conforming use (proposed 16' x 60' addition)
- October 21, 2003 - ZBA Case #1251 Variance granted to permit approximately 10 acres (the front portion of parcel with frontage on Portsmouth Avenue) of an existing 33-acre parcel to be developed in accordance with the C-2, Highway Commercial zoning regulations.
- October 17, 2006 - ZBA Case #1322 Special exception granted for the expansion of a Non-Conforming use to permit a proposed 41,173 square foot expansion of the existing manufacturing facility.

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 THE "SITE PLAN REVIEW AND SUBDIVISION REGULATIONS", I AGREE TO PAY ALL COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

DATE 03/16/2020 APPLICANT'S SIGNATURE

Paul Valentine

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.

TAX MAP: 052-111-000
NAME: Laurence D Foss
ADDRESS: 30 Bunker Hill Ave
Stratham, NH 03885

TAX MAP: 066-001-000
NAME: Palmer & Sicard, Inc.
ADDRESS: 140 Epping Road
Exeter, NH 03833

TAX MAP: 051-015-000
NAME: King Enterprises Co., LLC
ADDRESS: P.O. Box 1000 – MS 6000
Portland, ME 04104

TAX MAP: 066-002-000
NAME: North Country Trust
ADDRESS: John Blanchard, Trustee
PO Box 397
Princeton, MA 01541

TAX MAP: 051-014-0001
NAME: McFarland Realty Trust
ADDRESS: 151 Portsmouth Ave
Exeter, NH 03833

TAX MAP: 051-017-000
052-112-000
NAME: OSRAM Sylvania, Inc.
ADDRESS: 200 Ballardville Street
Wilmington, MA 01887

TAX MAP: 052-052-000
NAME: 108 Heights, LLC
ADDRESS: c/o Two Guys Self Storage
65 Post Road
Hooksett, NH 03106

Landscape Architect/Planner
NAME: R. Gordon Leedy, Jr.
ADDRESS: Tighe & Bond
177 Corporate Avenue
Portsmouth, NH 03801

TAX MAP: 065-123-0000
NAME: Town of Exeter
ADDRESS: 10 Front St
Exeter, NH 03833

Land Surveyor
NAME: Steven Michaud, PLLS
ADDRESS: Doucet Survey, LLC
102 Kent Place
Newmarket, NH 03857

TAX MAP: 051-053-000
NAME: Exeter Lumber
ADDRESS: 4 John Stark Lane
Hampton, NH 03842

Please attach additional sheets if needed



CHECKLIST FOR LOT LINE ADJUSTMENT, MINOR SITE PLAN, or MINOR 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 and lot line adjustment 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 familiarize yourself 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.



**CHECK LIST FOR MINOR SITE PLAN REVIEW,
MINOR SUBDIVISION AND LOT LINE ADJUSTMENT**

APPLICANT	TRC	REQUIRED EXHIBITS, SEE REGULATION 6.6.2.4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a) The name and address of the property owner, authorized agent, the person or firm preparing the plan, and the person or firm preparing any other data to be included in the plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b) Title of the site plan, subdivision or lot line adjustment, including Planning Board Case Number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c) Scale, north arrow, and date prepared.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d) Location of the land/site under consideration together with the names and address of all owners of record of abutting properties and their existing use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e) Tax map reference for the land/site under consideration, together with those of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	f) Zoning (including overlay) district references.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	g) A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 1,000-feet.
<input type="checkbox"/> NA	<input type="checkbox"/>	h) For minor site plan review only, a description of the existing site and proposed changes thereto, including, but not limited to, buildings and accessory structures, parking and loading areas, signage, lighting, landscaping, and the amount of land to be disturbed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i) If deemed necessary by the Town Planner, natural features including watercourses and water bodies, tree lines, and other significant vegetative cover, topographic features and any other environmental features which are significant to the site plan review or subdivision design process.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	j) If deemed necessary by the Town Planner, 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 type="checkbox"/> NA	<input type="checkbox"/>	k) If deemed necessary by the Town Planner for proposed lots not served by municipal water and sewer utilities, a High Intensity Soil Survey (HISS) of the entire site, or portion thereof. Such soil surveys shall be prepared and stamped 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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	l) State and federal jurisdictional wetlands, including delineation of required setbacks.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	m) A note as follows: "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."

O-5013-001

March 17, 2020

David Sharples
Planning Director
Town of Exeter
10 Front Street
Exeter, NH 03833

RECEIVED

MAR 17 2020

EXETER PLANNING OFFICE

Re: **OSRAM Sylvania Subdivision, 129-131 Portsmouth Avenue, Exeter, NH**

Dear Mr. Sharples:

On behalf of our client, OSRAM Sylvania, Inc. Tighe & Bond is pleased to submit the attached application for a minor subdivision of their property located at 129-131 Portsmouth Avenue in Exeter. The property is designated as Map 51-17 and Map 52, Lot 112 in the town's assessing records.

The purpose of this application is to subdivide Map 52, Lot 112 into three lots – Proposed Lot A, 1.79 Acres located in the C-2 District with frontage on Portsmouth Avenue; Proposed Lot B, 13.29 Acres, located partially in the C-2 District and partially in the C-T District with frontage on Holland Way; and the remainder Lot C, 17.12 Acres located in the C-T District with frontage on Holland Way. The facility is served by municipal sewer and water services. We also respectfully request that the Town affirm that Map 51-17, located east of Holland Way is a separate lot that was created when NHDOT created the Holland Way right of way.

There are no new buildings or other site improvements proposed at this time. The purpose of this subdivision is to facilitate disposition of land not necessary to the Owner's ongoing operations at the site. If and when the new lots are conveyed, there will be a requirement for site plan approval for any new or modified use.

We would appreciate having this application reviewed by the TRC and scheduled for consideration at the Planning Board on their next available agenda.

Very truly yours,

TIGHE & BOND, INC.



R. Gordon Leedy, Jr., AICP
Principal Landscape Architect

Enclosures

Copy: Paul Valentine, OSRAM/Sylvania



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 9, 2020

To: Gordon Leedy, P.E., Tighe & Bond

From: Dave Sharples, Town Planner

Re: Minor Subdivision TRC Comments
PB Case #20-7 OSRAM Sylvania Inc. 129-131 Portsmouth Avenue
Tax Map Parcel #51-17 and #52-112

The following comments are provided as a follow-up after review of the revised plans and supporting documents submitted on 3/17/2020 for the above-captioned project. (TRC meeting scheduled for 4/2/20 was cancelled).

TOWN PLANNER COMMENTS

1. Are there any known environmental hazards on the site? If so, provide detail.
2. Please show all building setbacks on plans (i.e. side and rear building setbacks). Verify with the Building department that lot lines can dissect fencing, concrete pads and other site improvements as shown on the plans.
3. It appears that the entirety of Lot A is covered with different types of building setbacks and there is no buildable area by right. It appears that this lot would likely require a Wetlands Conditional Use Permit (CUP) and a Shoreland CUP to develop in the future. As such, this lot should be labeled unbuildable on the plans with a corresponding note stating that this lot shall only become buildable if all proper permits (shoreland, wetlands, etc.) are secured. In the alternative, you could show the potential development on the plans and request the required permits at this point so you would have an approved building envelope in the event the permits are granted.
4. The Shoreland Protection District Line is shown on the plans but also show the applicable building setbacks set forth in Section 9.3.4.C of the Zoning Ordinance and label as such.
5. Provide monumentation type and placement as set forth in Section 9.25.1 of the Site Plan Review and Subdivision Regulations.
6. Unless already shown, show all easements referenced in Note 25 on the Cover Sheet on the subdivision plans.

7. The plans show that the lot along the easterly side of Holland Way is part of the lot on the western side, is this correct?

PUBLIC WORKS COMMENTS

The following comments are based on the information provided by the applicant to the Planning Department, received March 11, 2020.

1. Provide reciprocal easements for existing and future water, sewer, drainage, and access between the proposed lots, where appropriate.
2. Identify utility access for the proposed lot on the north side of Holland Way.
3. The applicant should be aware that the sewer from this parcel flows to a sewer pump station that is currently operating at the maximum capacity. No new sewer flows can be approved within this sewershed until the pump station is upgraded. Preliminary design for the upgrades is anticipated to occur during 2020 with final design and construction pending funding approval at a future town election.
4. A traffic study will be required for the proposed uses at the subdivided parcels. The applicant should consider access from Holland Way to reduce traffic impacts to Portsmouth Avenue.

FIRE DEPARTMENT COMMENTS

NATURAL RESOURCE PLANNER COMMENTS

Based on application materials by email transmittal and hard copy plans dated March 17, 2020, I have the following comments with regard to natural resources.

1. Add scale bar on any sheets lacking (ex. Sheet 2)
2. It would be helpful to add existing buildings with building label to cover sheet for orientation to following sheets.
3. Note 19, cover sheet makes it unclear what level of survey was conducted on these parcels as for example, wooded areas do have wetlands delineated. Were different levels of survey effort conducted in different parts of the property? If so, please indicate and label different limits of survey.
4. Add HISS soil data, significant trees and FEMA floodplain.

Wetlands:

5. Add note indicating square feet of wetlands/ uplands to document compliance with Zoning Ordinance (ZO) 9.1.9.A.
6. Wetland delineation appears to differ substantially for Lot A from a prior 2006 delineation which shows one contiguous wetland along the SW boundary. I recommend

including flags locations noted with flag numbers on plans as verification may be requested in accordance with ZO 9.1.3.F.

7. Add certified wetland scientist name and stamp to plan sheets.
8. Given September 2019 wetland survey date, have there been any subsequent visits during appropriate time period to survey for vernal pool potential?
9. Add prime wetland boundary and buffer to parcel east of Holland Way.

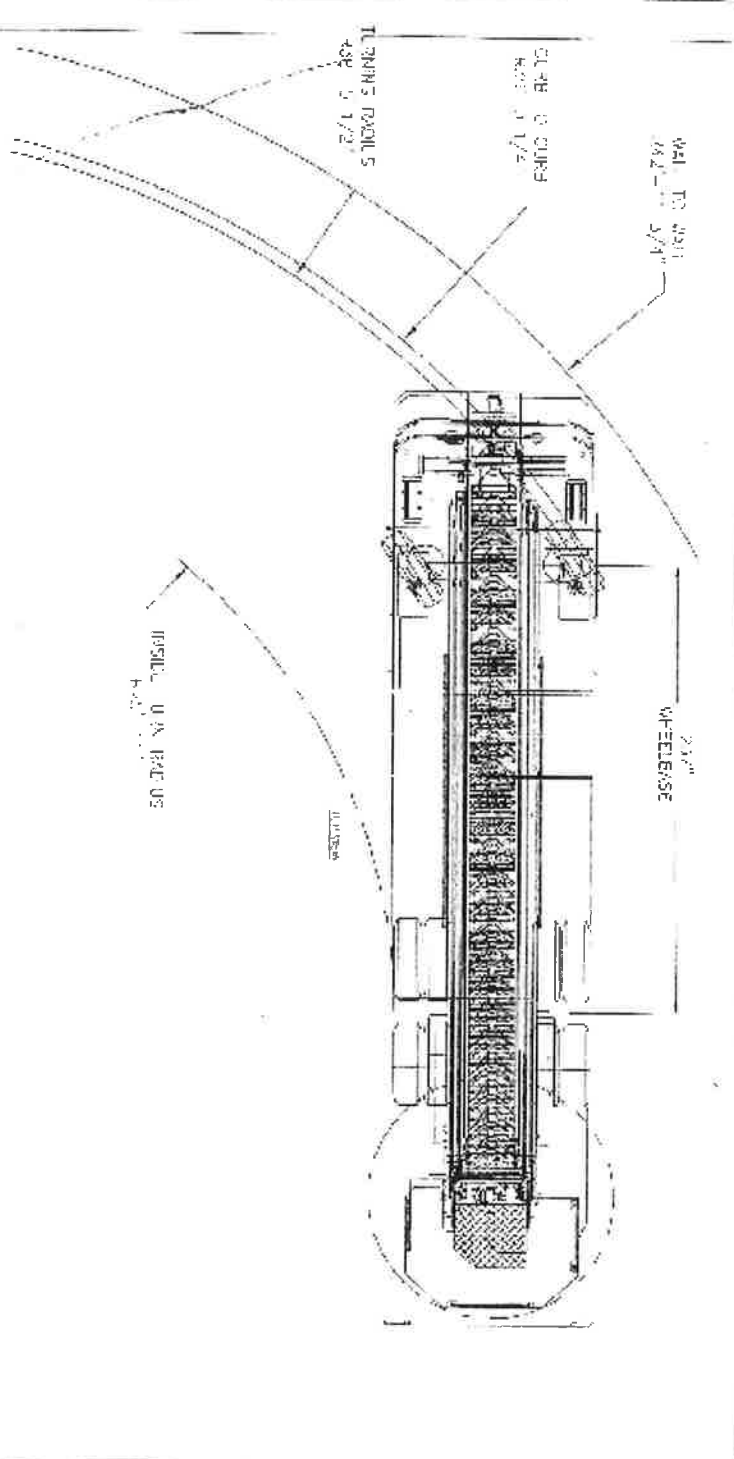
Local Shoreland:

10. Does the extent of the Exeter Shoreland District include consideration of contiguous wetlands? (ZO 9.3.1.B). What field conditions were present to inform this determination?
11. Given the 300' building setback limit on Parcel A, a building anywhere on Proposed Lot A would require an Exeter Shoreland Conditional Use Permit.
12. Please add note indicating impervious cover limits, with emphasis on Parcel A (9.3.4.B).
13. Add boundary lines for surface alteration (9.3.4.D), veg buffer (9.3.4.E)

NHDES State Shoreland

14. Add associated boundaries for State Shoreland

Please submit revised plans, as appropriate and a response letter addressing all TRC comments and UEI comments (if applicable) at your earliest convenience in preparation for being scheduled for a Planning Board public hearing.



TITLE: 109' REAR MOUNT LADDER TURNING RADIUS REPORT
 DRAWN BY: ZCZ DATE: 12SEP 3 MATERIAL: SEE BILL OF MATERIAL

DWG/PART NO: KME FIRE APPA 3ATLUS
 REV: 0 1 OF 1

NOTES
 1. ALL DIMENSIONS ARE APPROXIMATE AND DO NOT TAKE INTO ACCOUNT TOLERANCES WHILE IN USE OF THE VEHICLE OR THE SURFACE THE VEHICLE IS ON - (NO. 109)

24-5013-001

June 3, 2020

Dave Sharples, Town Planner
Planning & Building Department
Town of Exeter
10 Front Street
Exeter, NH 03833

Re: **PB Case #20-7**
OSRAM Sylvania Inc., 129-131 Portsmouth Avenue
Tax Map Parcel #51-17 and #52-112

Dear Mr. Sharples:

Thank you for sending the comments from the Technical Review Committee regarding the application for minor subdivision of Map 52, Lot 112. We will revise and resubmit plans that address these comments as soon as we receive confirmation that our response is adequate to address the Town's concerns.

As a confirmation of our recent conversations, I wanted to reiterate our position that this plan will only subdivide Lot 52-112 into two lots, and that Lot 51-117 is simply being shown to confirm that this lot is a separate lot created by the dedication of the Holland Way right of way.

For simplicity's sake, I have created a copy of your comment letter, with our responses shown in red text. Please review and advise us if these responses are acceptable.

Very truly yours,

TIGHE & BOND, INC.



R. Gordon Leedy, Jr.
Principal Landscape Architect

Enclosures

Copy: Paul Valentine, OSRAM
Denis Robinson, Pierce Atwood
Florian Behr, Sandfires

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 9, 2020

To: Gordon Leedy, P.E., Tighe & Bond

From: Dave Sharples, Town Planner

Re: Minor Subdivision TRC Comments
PB Case #20-7 OSRAM Sylvania Inc. 129-131 Portsmouth Avenue
Tax Map Parcel #51-17 and #52-112

The following comments are provided as a follow-up after review of the revised plans and supporting documents submitted on 3/17/2020 for the above-captioned project. (TRC meeting scheduled for 4/2/20 was cancelled).

TOWN PLANNER COMMENTS

1. Are there any known environmental hazards on the site? If so, provide detail.
There are no known environmental hazards on site.
2. Please show all building setbacks on plans (i.e. side and rear building setbacks). Verify with the Building department that lot lines can dissect fencing, concrete pads and other site improvements as shown on the plans.
So noted. The building department confirmed that a note may be added to the plans conditioning conveyance of the subdivided property on either removing the non-compliant features or curing the non-compliance via zoning relief from the ZBA.
3. It appears that the entirety of Lot A is covered with different types of building setbacks and there is no buildable area by right. It appears that this lot would likely require a Wetlands Conditional Use Permit (CUP) and a Shoreland CUP to develop in the future. As such, this lot should be labeled unbuildable on the plans with a corresponding note stating that this lot shall only become buildable if all proper permits (shoreland, wetlands, etc.) are secured. In the alternative, you could show the potential development on the plans and request the required permits at this point so you would have an approved building envelope in the event the permits are granted.
The applicant will submit a revised application that removes "Lot A" from the plans.

4. The Shoreland Protection District Line is shown on the plans but also show the applicable building setbacks set forth in Section 9.3.4.C of the Zoning Ordinance and label as such.
The applicable building setback (without Conditional Use Permit) is the 300' line shown on the plans.
5. Provide monumentation type and placement as set forth in Section 9.25.1 of the Site Plan Review and Subdivision Regulations.
So Noted. We will provide monumentation as required by the Town's regulations.
6. Unless already shown, show all easements referenced in Note 25 on the Cover Sheet on the subdivision plans.
So Noted.
7. The plans show that the lot along the ~~easterly~~ [Northerly] side of Holland Way is part of the lot on the ~~western~~ [Southern] side, is this correct?
The lot on the northerly side of Holland Way was separated (subdivided) from the southerly side by the taking by the State of New Hampshire of the Holland Way ROW. These are shown as two lots in the assessor's records. We are requesting that the Town acknowledge this by allowing a plan and deed to be recorded reflecting this fact. The northerly lot is designated as Map 51, Lot 17 in the Town's assessor's records, and is an existing lot.

PUBLIC WORKS COMMENTS

The following comments are based on the information provided by the applicant to the Planning Department, received March 11, 2020.

1. Provide reciprocal easements for existing and future water, sewer, drainage, and access between the proposed lots, where appropriate.
So Noted. We will show reciprocal easements across "Parcel A" and across "Parcel C" for existing water, sanitary sewer, drainage and access.
2. Identify utility access for the proposed lot on the north side of Holland Way.
The lot on the northerly side of Holland Way does not currently have access to public utilities.
3. The applicant should be aware that the sewer from this parcel flows to a sewer pump station that is currently operating at the maximum capacity. No new sewer flows can be approved within this sewershed until the pump station is upgraded. Preliminary design for the upgrades is anticipated to occur during 2020 with final design and construction pending funding approval at a future town election.
So noted.
4. A traffic study will be required for the proposed uses at the subdivided parcels. The applicant should consider access from Holland Way to reduce traffic impacts to Portsmouth Avenue.
So noted. Any future requirement for a traffic and access assessment will be based on an application for site plan or change of use to be considered at the Planning Board.

FIRE DEPARTMENT COMMENTS

NATURAL RESOURCE PLANNER COMMENTS

Based on application materials by email transmittal and hard copy plans dated March 17, 2020, I have the following comments with regard to natural resources.

1. Add scale bar on any sheets lacking (ex. Sheet 2)
So Noted.
2. It would be helpful to add existing buildings with building label to cover sheet for orientation to following sheets.
So Noted.
3. Note 19, cover sheet makes it unclear what level of survey was conducted on these parcels as for example, wooded areas do have wetlands delineated. Were different levels of survey effort conducted in different parts of the property? If so, please indicate and label different limits of survey.
So Noted. Wetlands were not delineated on the lot on the northerly side of Holland Way (Map 51, Lot 17). This boundary survey was completed to create a recordable plan of this existing lot. A field delineation and assessment of wetlands on the primary parcel (Map 52, Lot 112) was done and the delineation is reflected in the plans. Per a discussion with Kristen Murphy, we will remove the approximate wetland limits from Lot 51-17 and add a note to the effect that a delineation of wetland limits was not done for this lot.
4. Add HISS soil data, significant trees and FEMA floodplain.
HISS data may not be required for subdivision of a lot with municipal water and sanitary sewer service. There is no FEMA floodplain on the property. Since there is no construction proposed for the property at this time, significant trees were not surveyed. If and when the property owner pursues further improvement of the property, additional survey (soils, septic disposal areas, wetland areas, trees, etc.) may be required.

Wetlands:

5. Add note indicating square feet of wetlands/ uplands to document compliance with Zoning Ordinance (ZO) 9.1.9.A.
So Noted. Parcel A on the plan (formerly parcels A & B) has 14.46 AC of upland/non-jurisdictional area. Parcel B is an existing lot. Parcel C has 16.47 AC of uplands/non-jurisdictional area.
6. Wetland delineation appears to differ substantially for Lot A from a prior 2006 delineation which shows one contiguous wetland along the SW boundary. I recommend including flags locations noted with flag numbers on plans as verification may be requested in accordance with ZO 9.1.3.F.
So Noted. Flag numbers will be added to the plan.

7. Add certified wetland scientist name and stamp to plan sheets.
So Noted.
8. Given September 2019 wetland survey date, have there been any subsequent visits during appropriate time period to survey for vernal pool potential?
Leonard Lord, our CWS visited the site on 5/27/2020 to confirm the presence of vernal pools. One small area that is a part of the water quality treatment system for the property does meet the criteria as a vernal pool. We will add this designation to the plans. There were no other areas on the site that met the criteria for vernal pools.
9. Add prime wetland boundary and buffer to parcel east [north] of Holland Way.
So Noted. This prime wetland does not have any additional buffer, per mapping provided by NHDES. Since this is an existing lot, and no development or change is proposed at this time, no detailed wetland mapping has been done on this site. In order to show a prime wetland boundary, a delineation must be done. Should the owner propose any development on this property, wetland mapping, HISS mapping, etc. will need to be completed as a part of that review.

Local Shoreland:

10. Does the extent of the Exeter Shoreland District include consideration of contiguous wetlands? (ZO 9.3.1.B). What field conditions were present to inform this determination?
Contiguous wetlands were considered in the delineation of the Exeter Shoreland District shown in the plans. There is a discontinuity running the length of the pond in the form of Waterworks Road.
11. Given the 300' building setback limit on Parcel A, a building anywhere on Proposed Lot A would require an Exeter Shoreland Conditional Use Permit.
So noted. While this fact in and of itself should not preclude subdivision, the applicant has elected to remove Parcel A from the plans.
12. Please add note indicating impervious cover limits, with emphasis on Parcel A (9.3.4.B).
Parcel A has been removed from the plans. No additional development or land disturbance within the Exeter Shoreland Protection District is proposed at this time.
13. Add boundary lines for surface alteration (9.3.4.D), veg buffer (9.3.4.E)
So noted. No construction or disturbance within the Exeter Shoreland Protection District is proposed at this time.

NHDES State Shoreland

14. Add associated boundaries for State Shoreland
So Noted. We will add the boundaries for the NH Shoreland Protection District as applicable.

Please submit revised plans, as appropriate and a response letter addressing all TRC comments and UEI comments (if applicable) at your earliest convenience in preparation for being scheduled for a Planning Board public hearing.

Please see additional packets
attached for this meeting
for plan attachments

JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

July 28, 2020

Exeter Planning Board
Attn. Mr. Lang Plumer, Chairman
10 Front Street
Exeter, NH 03833

**RE: Extension of Conditional Approval
PB Case # 17-26, W. Scott Carlisle, III
Minor Subdivision – Property off of Epping Road, Exeter, NH
Tax Map 40, Lot 12
JBE Project No. 15098**

Dear Mr. Plumer,

On behalf of our client, W. Scott Carlisle, III, we respectfully request a third one-year extension of the Conditional Approval for Minor Subdivision of property dated 24 August 2017 (copy attached). A one-year extension was previously granted on August 9, 2018 (copy attached). A second one-year extension was granted on August 22, 2019 (copy attached). We submitted TIF Road Design Plans to the Planning Board and Department of Public Works on June 28, 2019 (cover letter attached). We received DPW approval of the TIF Road Design Plans with conditions on July 23, 2020 (copy attached). We agree with the DPW observation that “the timing of the road construction is still to be determined.”

The Minor Subdivision Plan will be finalized soon for Board endorsement, and subsequent recording at the Registry of Deeds. An extension is respectfully requested for the Minor Subdivision Approval at the Board Meeting of August 13, 2020.

Please let us know if you have any questions. Thank you very much for your time.

Very truly yours,
JONES & BEACH ENGINEERS, INC.


Jonathan S. Ring, PE
Senior Project Manager

cc: W. Scott Carlisle, III, Applicant (letter via email)
Russ Hilliard, Upton & Hatfield Attorneys (letter via email)



TOWN OF EXETER, NEW HAMPSHIRE

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www.exeternh.gov

August 25, 2017

W. Scott Carlisle, III
14 Cass Street
Exeter, New Hampshire 03833

Re: PB Case #17-26 W. Scott Carlisle, III
Minor Subdivision - Property off of Epping Road, Exeter, N.H
Tax Map Parcel #40-12

Dear Mr. Carlisle:

Please be advised that at the meeting of August 24th, 2017, the Exeter Planning Board voted to **APPROVE** the above-captioned application for a minor subdivision, as presented, subject to the following conditions:

1. A dwg file of the subdivision plan shall be provided to the Town Planner showing all property lines and monumentation prior to signing the final plans;
2. This approval shall not be final until the applicant presents to the Board, and the Board and its engineers approve, a design for both the un-built portion of the so-called TIF road to the applicant's property, and the roadway and cul-de-sac within the property;
3. The potential discrepancy regarding the location of the common boundary line between the subject parcel and the abutting parcel (Tax Map 47 Lot 8) shall be resolved between the property owners; and,
4. These conditions shall be met prior to recording the subdivision plan.

The Board also approved the following waivers from the Site Plan Review and Subdivision Regulations in conjunction with the minor subdivision plan:

- Section 7.4.7 – Natural Features for significant trees - 16" diameter (caliper) or greater
- Section 7.5.4 – High Intensity Soil Survey (HISS) information

Both of the above waivers shall be specific to this subdivision application and shall not apply to any subsequent application submitted for the property.

Please feel free to contact the Planning Department at 773-6114 with any questions.

Sincerely,

Langdon J. Plumer
Chairman
Exeter Planning Board

cc: ✓ Jonathan S. Ring, P.E., President, Jones & Beach Engineers, Inc.
Douglas Eastman, Building Inspector/Code Enforcement Officer

LJP:bsm

f:\town planner\planning\decision letters\pb #17-26 carlisle subdivision -epping road-let.docx



TOWN OF EXETER, NEW HAMPSHIRE

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www.exeternh.gov

August 10, 2018

2018

W. Scott Carlisle, III
14 Cass Street
Exeter, New Hampshire 03833

Re: PB Case #17-26 W. Scott Carlisle, III
Minor Subdivision - Property off of Epping Road, Exeter, N.H
Tax Map Parcel #40-12

Dear Mr. Carlisle:

Please be advised that at the meeting of August 9th, 2018, the Exeter Planning Board voted to **APPROVE** a one-year extension of the conditional approval granted by the Planning Board on August 24th, 2017 for the above-captioned. This conditional approval will now be valid through August 24th, 2019.

Please feel free to contact the Planning Department at 773-6114 with any questions.

Sincerely,

Langdon J. Plumer
Chairman
Exeter Planning Board

cc: ✓ Jonathan S. Ring, P. E., Jones & Beach Engineers, Inc.
Douglas Eastman, Building Inspector/Code Enforcement Officer
Janet Whitten, Deputy Assessor

LJP:bsm



TOWN OF EXETER, NEW HAMPSHIRE

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www.exeternh.gov

August 26, 2019

SEP 08 2019

W. Scott Carlisle, III
14 Cass Street
Exeter, New Hampshire 03833

Re: PB Case #17-26 W. Scott Carlisle, III
Minor Subdivision - Property off of Epping Road, Exeter, N.H
Tax Map Parcel #40-12

Dear Mr. Carlisle:

Please be advised that at the meeting of August 22nd, 2019, the Exeter Planning Board voted to **APPROVE** a one-year extension of the conditional approval granted by the Planning Board on August 24th, 2017 for the above-captioned. This conditional approval will now be valid through August 24th, 2020.

Please feel free to contact the Planning Department at 773-6114 with any questions.

Sincerely,

Langdon J. Plumer
Chairman
Exeter Planning Board

cc: Jonathan S. Ring, P. E., Jones & Beach Engineers, Inc.
Douglas Eastman, Building Inspector/Code Enforcement Officer
Janet Whitten, Deputy Assessor

LJP:bsm

JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

June 28, 2019

Exeter Planning Board
Attn: Mr. Dave Sharples, Planner
10 Front Street
Exeter, NH 03822

RE: Planning Board Case No. 17-26
Carlisle Subdivision T.I.F. Road Extension
Off Epping Road, Exeter
Tax Map 40, Lot 12
JBE Project No. 15098

Dear Dave,

This Minor Subdivision was approved with Conditions on August 24, 2017. In accordance with approval Condition 2, we herewith submit a set of plans for the cul-de-sac terminus of the T.I.F. Road, which passes from Epping Road along a R.O.W. through land of CKT & Associates.

We ask that you send these plans for review and approval to Exeter Public Works, and perhaps Underwood Engineers. It is our understanding that Cammett Engineering (designers of the first 1,300 feet of the T.I.F. Road) has performed utility and drainage design for that road as part of their permitting and approval process for the Ray Farm Project.

Our cul-de-sac terminus of the T.I.F. Road design includes about 400 feet of roadway to be constructed as an extension of the Cammett design, and using reference to their plans and construction details. We assume that one contractor will build this road, and one set of details (Cammett) should control, as those have already been reviewed and approved by the Town. See "Plan Reference No. 1" on JBE plan Sheet P1 "Plan and Profile", as well as Note 17 on Sheet P1.

Our cul-de-sac is super-elevated to the outside, so that drainage can flow out to a granite curb line, then down slope from the high point at Station 15+00 to Cammett catch basins located at Station 11+62. We assume that this small amount of stormwater flow has been included in their calculations.

Because the impervious road surface of this cul-de-sac on Carlisle property is included in the T.I.F. Road design system, there will be less flow toward the existing intermittent stream that

crosses Carlisle Lot 1. We collect the small surface drainage flow from the cut slope of the cul-de-sac into a shallow grassed swale, and route that around the outside of the cul-de-sac R.O.W.

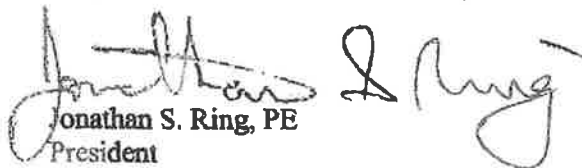
As you are aware, this Minor Subdivision Case No. 17-26, creates three (3) lots for future development. At such time as users of these lots are determined, the driveways and utility connections to the cul-de-sac will be designed for subsequent review and approval during the Site Plan Review process.

Enclosed with this letter are five (5) sets of the following items:

1. Exeter Planning Board approval letter dated August 25, 2017 -- see Condition 2.
2. Cammett Engineering design "Plan / Profile" Sheets C1.41 and C1.42 showing the first 1,300 feet of the T.I.F. Road, last revised 7-16-18.
3. JBE Plan Sheets A1, C1, P1, and E1, for review and approval.

Please forward these plans to the appropriate parties, and let me know if you have any questions. Thank you very much for your time.

Very truly yours,
JONES & BEACH ENGINEERS, INC.


Jonathan S. Ring, PE
President

cc: W. Scott Carlisle, III
Russ Hilliard, Upton & Hatfield

JONES & BEACH
ENGINEERS INC.

Jonathan Ring

Subject: FW: JBE 15098 - Carlisle TIF Road Design Documents, off Epping Road, Exeter

From: Jennifer Mates <jmates@exeternh.gov>

Sent: Thursday, July 23, 2020 11:39 AM

To: Jonathan Ring <jring@jonesandbeach.com>

Cc: David Sharples (dsharples@exeternh.gov) <dsharples@exeternh.gov>; Darren Winham <dwinham@exeternh.gov>; wsc3@comcast.net; Russell F. Hilliard <rhilliard@uptonhatfield.com>; Barbara McEvoy <bmcvoy@exeternh.gov>; Holly Ripley <HRipley@jonesandbeach.com>; Stefanie Michaud <smichaud@jonesandbeach.com>; Barry Gier <bgier@jonesandbeach.com>; Paul Vlasich <pvasich@exeternh.gov>

Subject: Re: JBE 15098 - Carlisle TIF Road Design Documents, off Epping Road, Exeter

Hi Jon,

I understand that the utilities (including transformers, telephone pedestals, etc.) will all be part of the final design for each lot and may need to be modified. The same goes for the grading around the cul-de-sac when the driveway locations are added to the plans. From our discussion this week, I understand that the construction notes and details used for the road on the plans prepared by Cammett Engineering will be used for the cul-de-sac. The timing of the road construction is still to be determined.

DPW has no other comments on the proposed road layout. These plans are acceptable for final approval.

Thanks,
Jen

Jennifer Mates, P.E.
Assistant Town Engineer
Public Works Department
13 Newfields Road
Exeter, NH 03833
(603) 418-6431
jmates@exeternh.gov

On Tue, Jul 14, 2020 at 2:21 PM Jonathan Ring <jring@jonesandbeach.com> wrote:

Dear Jen,

I thank you very much for speaking with me this fine day. As you requested, I attach the documents that we had submitted to the Exeter Planning Department and Public Works last June 28, 2019. Below my current email message, you will see the original electronic email submission of these documents to the Town on 6/28/19. To date, I do not believe that I have seen any review materials relating to these plans.

Please see the attached Cover Letter from me, Planning Board Approval Letter (dated 8/25/17) of our Subdivision with conditions, our Design Plan Set, and Cammett Engineers reference plans for the TIF Road up to the Carlisle property line.



Barbara Mcevoy <bmcevoy@exeternh.gov>

JBE 15098: Extension Request - Carlisle Minor Subdivision, off Epping Road, Exeter, NH

1 message

Jonathan Ring <jring@jonesandbeach.com>

Tue, Jul 28, 2020 at 3:22 PM

To: "David Sharples (dsharples@exeternh.gov)" <dsharples@exeternh.gov>

Cc: Barbara McEvoy <bmcevoy@exeternh.gov>, Scott Carlisle <wsc3@comcast.net>, "Russell F. Hilliard" <rhiliard@uptonhatfield.com>, Barry Gier <bgier@jonesandbeach.com>, Marley Jordan <MJordan@jonesandbeach.com>

Dear Dave and Planning Board,

Please see attached materials submitted with an "Extension of Conditional Approval" Letter for the Carlisle Minor Subdivision located off Epping Road in Exeter. We respectfully request that this subject be addressed at the Planning Board Meeting of August 13, 2020.

Please let me know if I should submit paper copies of these materials, or if this email is sufficient. Feel free to call me if you have any questions regarding this matter. I thank you very much for your time.

Jonathan S. Ring, PE, Senior Project Manager

Jones & Beach Engineers, Inc.

85 Portsmouth Avenue

PO Box 219

Stratham, NH 03885


(603) 772-4746 (ext. #115)

jring@jonesandbeach.com

SAVE A TREE. PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.

Think Green and view the Screen

Thank You

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