



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, January 14th, 2021 at 7:00 P.M. to consider the following:

APPROVAL OF MINUTES: December 3 and December 17, 2020

NEW BUSINESS: PUBLIC HEARINGS

The application of Patricia Duval for a minor subdivision of an existing 3.39-acre parcel located at 105 Brentwood Road to create one new residential lot. The subject property is located in the R-1, Low Density Residential zoning district. Tax Map Parcel # 60-24. PB Case #20-19

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

The application of IOKA Properties, LLC for a minor site plan review for the proposed redevelopment of the existing building located at 53 Water Street (the former IOKA Theater). The subject property is located in the WC-Waterfront Commercial zoning district. Tax Map Parcel #72-34. PB Case #20-20.

OTHER BUSINESS

EXETER PLANNING BOARD

Langdon J. Plumer, Chairman

Posted 12/31/20: Exeter Town Office and Town of Exeter website

***ZOOM MEETING INFORMATION:**

*Virtual Meetings can be watch on Channel 22 and on Exeter TV's Facebook and YouTube pages.
To access the meeting, click this link: <https://exeternh.zoom.us/j/83300200162>
To access the meeting via telephone, call: +1 646 558 8656 and enter the Webinar ID: 833 0020 0162
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 access the meeting 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.*

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **December 17, 2020**
4 **VIRTUAL MEETING**
5 **DRAFT MINUTES**

6 Zoom ID: 8868835 1368

7 Phone: 1 646 558 8656

8 **I. PRELIMINARIES:**

9
10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Brown (@7:17 PM),
11 Pete Cameron, Clerk, Jennifer Martel, Molly Cowan, Select Board Representative, Nancy Belanger,
12 Alternate, Robin Tyner, Alternate, Mark Dettore, Alternate and Pete Steckler, Alternate (@7:15 PM).
13

14 **STAFF PRESENT:** Town Planner Dave Sharples
15

16 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:03 PM and noted Alternates Nancy
17 Belanger, Robin Tyner and Mark Dettore are active. Chair Plumer read out loud the meeting preamble
18 which indicated that an emergency exists and the provisions of RSA 91-A:2 III (b) are being invoked. As
19 federal, state and local officials have determined gatherings of ten or more people pose a substantial
20 risk to the community and the meeting imperative to the continued operation of Town and government
21 and services which are vital to public, health, safety and confidence. This meeting will be conducted
22 without a quorum physically present in the same location and welcome members of the public accessing
23 the meeting remotely.
24

25 **III. OLD BUSINESS**

26
27 **APPROVAL OF MINUTES**

28
29 December 3, 2020 – Tabled
30

31 *Mr. Cameron motioned to table approval of the December 3, 2020 meeting minutes. Ms.*
32 *Belanger seconded the motion. A roll call vote was taken Cameron – aye, Cowan – aye, Tyner*
33 *– aye, Belanger – aye, Martel – aye, Dettore – aye and Plumer – aye. The motion passed 7-0-*
34 *0.*
35

36 **IV. NEW BUSINESS**

37 **PUBLIC HEARINGS**

38 1. The application of NH Industrial Properties, LLC for a minor subdivision of the existing 1.14-acre
39 parcel located at 47 Hampton Road to create one new residential lot. The subject property is located in
40 the R-2, Single Family Residential zoning district.

41 Tax Map Parcel #87-17
42 Case #20-17

43
44 Chair Plumer read the Public Hearing Notice out loud.

45
46 Vice-Chair Brown recused himself.

47
48 Mr. Sharples indicated the application was complete and ready for review.

49
50 **Mr. Cameron motioned to accept the application of NH Industrial Properties, LLC (PB Case #20-17) as**
51 **complete. Ms. Tyner seconded the motion. A roll call vote was taken Cameron – aye, Cowan – aye,**
52 **Tyner – aye, Belanger – aye, Martel – aye, Dettore – aye and Plumer – aye. The motion passed 7-0-0.**

53
54 Mr. Sharples indicated the applicant submitted a minor subdivision plan. There was no Technical
55 Review Committee review, but it was reviewed by the Code Enforcement Officer Doug Eastman and
56 found to be in compliance with the dimensional requirements outlined in the zoning regulations. DPW
57 had no comments. ZBA granted a variance for the expansion of a non-conforming use to permit the
58 operation of a mechanical business supplying field services for municipal water and waste water pumping
59 systems at this location with work to be performed at the customer's location. The regulations require
60 drainage analysis. The applicant submitted a waiver request seeking relief from the requirement to
61 provide storm water analysis and design standards outlined in Section 9.3. A stone trench and
62 perimeter will be installed. Mr. Sharples indicated Henry Boyd provided a letter relative to the waiver
63 request.

64
65 Matt Steinel presented the plan for the proposed lot layout of .38 acres for a single-family residential
66 structure. There would be concrete pads and a stone area on site with grading around dwelling and
67 garage.

68
69 Ms. Tyner asked if there was anything used in the garage that would hurt the soil and Mr. Steinel
70 indicated he was not sure, but it would be in the report.

71
72 Ms. Tyner asked if there was a soil test requirement and Mr. Steinel noted the contractors will report
73 and clean up if unsuitable materials are found.

74
75 Mr. Steinel indicated the waiver would not be detrimental as a single-family residence which fits the
76 neighborhood. The property is unique due to the combination of past disturbance and minimal
77 proposed lot. The spirit is observed in that the intent is to prevent water issues to neighboring
78 properties and no impervious surface is proposed. Mr. Sharples noted the request does not vary the
79 zoning ordinance or Master Plan.

80
81 **Ms. Belanger moved that after reviewing the criteria for granting waivers that the request of NH**
82 **Industrial Properties, LLC (PB Case #20-17) for a waiver from the requirement to provide Stormwater**
83 **Analysis/Design Standards information be approved. Ms. Martel seconded the motion. A roll call**

84 **vote was taken Cameron – aye, Cowan – aye, Tyner – aye, Belanger – aye, Martel – aye, Dettore – aye**
85 **and Plumer – aye. The motion passed 7-0-0.**

86

87 Mr. Sharples indicated there are two standard Conditions of Approval:

88

- 89 1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be provided
90 prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format
91 and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
- 92 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and
93 Subdivision Regulations prior to the issuance of a Certificate of Occupancy;

94

95 **Ms. Belanger moved that the request of N.H. Industrial Properties, LLC (PB Case #20-17) for Minor**
96 **Subdivision approval be approved with the conditions stated by Town Planner Dave Sharples. Ms.**
97 **Tyner seconded the motion. A roll call vote was taken Cameron – aye, Cowan – aye, Tyner – aye,**
98 **Belanger – aye, Martel – aye, Dettore – aye and Plumer – aye. The motion passed 7-0-0.**

99

100 **V. OTHER BUSINESS**

101

102 Proposed update to Recreational and Public-School Impact Fees

103

104 Mr. Sharples reported that he hired Bruce Mayberry to examine the impact fees that haven't been
105 updated since 2003. Mr. Mayberry will be looking at the ordinance and figuring out what the Town can
106 be charging this year. The Planning Board will adopt the impact fees and the Select Board will accept
107 them. The recommended endorsement of lowest amount option for impact fees.

108

109 Bruce Mayberry explained the current fees are based on 2003 methods. Components include
110 proportionate demand, capital cost and adjustments. Options include NH DOE cost limits, Option A is
111 the most conservative. The average increase is about 2.5% to 3.1% per year, compared to median price
112 percentages, recommended fee slightly more updated. Public space can't be included in fees. The
113 standard is \$ per thousand rather than facilities per thousand. B is to add CIP projects and C is to add
114 notes \$4.5 million.

115

116 Mr. Steckler asked if Option A would become out of date quickly and if there is an option for 2030 if the
117 Town doesn't update again for another ten years, looking at 2025 population and Mr. Mayberry
118 indicated choosing capital value is the trickiest part. Mr. Sharples noted updates should be done every
119 five years. Mr. Mayberry noted updates can be just a review or a running average without
120 overestimating what the population might be or how much is spent.

121

122 Mr. Steckler asked if there is any way to build a % increase into this so that next time won't be such a
123 major step up and Mr. Mayberry noted that could be done for Recreation impact fees but not sure that
124 makes sense for School impact fees as enrollment changes.

125

126 Ms. Tyner asked who pays fees and Mr. Sharples explained by statute they need to be collected at time
127 of purchase by the buyer but generally the developer pays for it. Mr. Mayberry clarified that the fee is
128 assessed to the property not the person. Charging a percentage of the selling price would not fit the
129 statute. For ADUs there is a recommendation to charge per square feet. Mr. Sharples noted waivers
130 shouldn't be given unless it can be proven that their impact is lessened, even with affordable housing.
131 Vice-Chair Brown suggesting adding to the CIP because it comes to the Board annually. Mr. Sharples
132 indicated the Board could do that. This report can be used to make more capital investments and adopt
133 a fee without doing another analysis.

134

135 Ms. Belanger asked if there was a timeframe for use of the impact fees and Mr. Sharples noted it is six
136 years and at the end of those six years the payer can seek a return of the difference if he sees it was not
137 spent. A lot goes to debt service for schools. Recreation is always doing projects. It can be reviewed
138 sooner than every five years.

139

140 Ms. Belanger asked if a Recreation project is on the CIP whether they have to wait for it to pass at Town
141 Meeting in March for it to happen and Mr. Mayberry noted major expenditures may be a good reason
142 to review fees again. Ms. Belanger noted it sometimes takes several years for an item to pass.

143

144 Mr. Sharples recommended having a public hearing for the next meeting.

145

146 Ordinance – Impact Fees

147

148 Mr. Sharples asked Mr. Mayberry to go through the ordinance and suggest minor changes. The
149 collection process was changed to be consistent with State law. Another change is to age-restricted
150 units which is not a waiver anymore. Mr. Sharples noted age restriction impact fees need to go to the
151 voters. The public hearing would be January 14, 2021 before 7 PM.

152

153 Site Plan Regulations Amendment

154

155 Mr. Sharples noted the flood zone maps were updated and need to be adopted. The Select Board can
156 update the flood plane which is just changing dates on the maps in the regulations and staying with base
157 flood elevation.

158

159 Ms. Belanger recommended a 6:30 start time.

160

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

162 **VII. CHAIRPERSON'S ITEMS**

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

164 **IX. ADJOURN**

165 ***Vice-Chair Brown motioned to adjourn the meeting. Mr. Cameron seconded the motion. A roll call***
166 ***vote was taken Cameron – aye, Cowan – aye, Tyner – aye, Belanger – aye, Martel – aye, Dettore – aye***
167 ***and Plumer – aye. The motion passed 7-0-0.***

168

169 The meeting adjourned at 8:26 PM.

170

171 Respectfully submitted,

172 Daniel Hoijer,

173 Recording Secretary

1 TOWN OF EXETER

2 PLANNING BOARD

3 December 3, 2020

4 VIRTUAL MEETING

5 DRAFT MINUTES

6 Zoom ID: 830 9835 5914

7 Phone: 1 646 558 8656

8 **I. PRELIMINARIES:**

9
10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown, Pete
11 Cameron, Clerk, Gwen English, John Grueter, Jennifer Martel, Molly Cowan, Select Board
12 Representative, Nancy Belanger, Alternate, Pete Steckler, Alternate and Mark Dettore, Alternate (@7:29
13 PM).

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

16
17 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:00 PM and read out loud the
18 meeting preamble which indicated that an emergency exists and the provisions of RSA 91-A:2 III (b) are
19 being invoked. As federal, state and local officials have determined gatherings of ten or more people
20 pose a substantial risk to the community and the meeting imperative to the continued operation of
21 Town and government and services which are vital to public, health, safety and confidence. This
22 meeting will be conducted without a quorum physically present in the same location and welcome
23 members of the public accessing the meeting remotely. Chair Plumer acknowledged Exeter TV for all of
24 their help and Mr. Sharples for helping hand deliver the Board's packets before Thanksgiving.

25
26 **III. OLD BUSINESS**

27
28 **APPROVAL OF MINUTES**

29
30 November 12, 2020

31
32 Mr. Steckler recommended an edit to Line 145.

33
34 ***Mr. Cameron motioned to approve the November 12, 2020 minutes, as amended. Mr.***
35 ***Grueter seconded the motion. A roll call vote was taken Grueter – aye, Martel – aye, English***
36 ***– aye, Cowan – aye, Cameron – aye, Brown – aye and Plumer – aye. With all in favor, the***
37 ***motion passed 7-0-0.***

38
39 November 19, 2020

40
41 Mr. Cameron recommended an edit to Line 179.

42 Mr. Steckler recommended an edit to Line 169.

43

44 Ms. English recommended edits to Lines 127, 129 and 209.

45

46 ***Ms. English motioned to approve the November 19, 2020 minutes as amended. Ms. Martel***
47 ***seconded the motion. A roll call vote was taken Brown – aye, Cameron – aye, Cowan – aye,***
48 ***English – aye, Martel – aye, Grueter – aye and Plumer – aye. With all in favor, the motion***
49 ***passed 7-0-0.***

50

51 **IV. NEW BUSINESS**

52 **PUBLIC HEARINGS**

53 1. The application of People’s United Bank for the proposed construction of a drive-thru canopy and
54 reconstruction of the existing parking lot at 1 Center Street.

55 C-1, Central Area Commercial zoning district

56 Tax Map Parcel #72-205 and #72-216

57 Case #20-3

58

59 Chair Plumer read the Public Hearing Notice out loud.

60

61 Mr. Sharples noted the applicant appeared at the previous meeting to request site plan review for the
62 construction of a drive-thru canopy and reconstruction of the existing parking lot. The HDC reviewed
63 and recommended conditions issuing a Certificate of Appropriateness. Staff and UEI reviewed the plans
64 and supporting documents and UEI provided comments dated March 4, 2020. There were no concerns
65 with access or emergency services. There were six waiver requests. The Board reviewed and approved
66 five waiver requests and denied the waiver for the angled parking spaces to back out onto Ladd’s Lane.
67 The hearing was tabled to redesign the angled parking which has become two parallel parking spots
68 which do not require a waiver per the ordinance as they will not back onto Ladd’s Lane. The dumpster
69 enclosure was changed from black slats with chain link fencing to a wooden fence. The planting type for
70 the trees were changed to a London Plain tree, grading was revised and will be replanted according to
71 the landscaping plan. The sidewalk was continued around the corner up Ladd’s Lane to the parallel
72 stalls. The half parking spot on the satellite parking spot on the Northeast corner was made into a
73 landscape island.

74

75 Christopher Berry of Berry Surveying & Engineering presented the proposed plan revisions showing
76 changes to the angled parking which is now two parallel 10’x20’ spots with platform and regraded
77 slopes. The dumpster was changed to wooden stockade fencing. The trees were changed and the
78 location of the outlet structure pushed forward. The sidewalk was carried further.

79

80 Chair Plumer commended Mr. Berry for working so hard to improve the layout and provide more
81 greenspace and a safer arrangement and good solutions.

82

83 Mr. Sharples asked if the landscape island in the Northeast satellite parking area is at grade and Mr.
84 Berry noted it was.

85
86 Mr. Grueter asked about the utility pole at the continued sidewalk and Mr. Berry noted it was a grassy
87 area.

88
89 Chair Plumer opened the hearing to the public for comments and questions at 7:22 PM.

90
91 Mr. Steckler asked about the location of the proposed crosswalk crossing the parcel and whether it
92 would be safe for the non-bank pedestrians to use there. Mr. Sharples noted the crosswalk shown is
93 private, internal to the site. The Town would not put a crosswalk across a driveway and has no issue
94 with the Bank having a crosswalk internal to their site.

95
96 Chair Plumer closed the hearing to the public for deliberations at 7:25 PM.

97
98 Mr. Sharples reviewed the proposed Conditions of Approval:

- 99
100 **1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be**
101 **provided prior to the use of the drive-thru. This plan must be in a dwg or dxf file format and in**
102 **NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;**
103
104 **2. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town**
105 **engineer prior to any site work commencing. The following must be submitted for review and**
106 **approval prior to the preconstruction meeting:**
107
108 **i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted**
109 **to and reviewed for approval by DPW prior to preconstruction meeting.**
110 **ii. A project schedule and construction cost estimate.**
111
112 **3. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact**
113 **fees, and inspection fees (including third party inspections), prior to the issuance of a building**
114 **permit or a Certificate of Occupancy whichever is applicable;**
115
116 **4. The inspection and maintenance plan log sheet in the stormwater management report dated**
117 **1/15/20 revised 10/13/20 shall be submitted to the Town Engineer annually on or before**
118 **January 31st. This requirement shall be on ongoing condition of approval.**
119
120 **5. All outdoor lighting (including security cameras) shall be down lit and shielded so no direct light**
121 **is visible from adjacent properties and/or roadways.**
122
123 **6. All landscaping shown on the plans shall be maintained and any dead or dying vegetation shall**
124 **be replaced no later than the following growing season as long as the site plan remains valid.**
125 **This condition is not intended to circumvent the revocation procedures set forth in state**
126 **statutes.**
127
128 **7. If determined applicable by the Exeter Department of Public Works, the applicant shall submit**

129 *the land use and stormwater management information about the project using the PTAPP Online*
130 *Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by*
131 *DPW prior to the pre-construction meeting;*

132

133 *Ms. English motioned to approve the request of People’s United Bank, Planning Board Case #20-3 or*
134 *Site Plan Review with the conditions outlined by the Town Planner David Sharples. Ms. Martel*
135 *seconded the motion. A roll call vote was taken Cowan – aye, Cameron – aye, Brown – aye, English –*
136 *aye, Martel – aye, Grueter – aye and Plumer – aye. With all in favor, the motion passed 7-0-0.*

137

138 2. The application of Exeter Hospital, Inc. for a site plan review for the proposed construction of a 6,417
139 square foot Cancer Center building addition and associated site improvements on the hospital campus
140 at 5 Alumni Drive.

141 H-Healthcare zoning district.

142 Tax Map Parcel #65-131

143 Case #20-11

144

145 Chair Plumer read out loud the Public Hearing Notice.

146

147 Mr. Sharples indicated the application was complete for review purposes.

148

149 *Ms. Martel motioned to open Planning Board Case #20-11, the request of Exeter Hospital, Inc. for a*
150 *site plan review for the proposed construction of a 6,417 SF Cancer Center building and associated site*
151 *improvements on the hospital campus at 5 Alumni Drive. Ms. English seconded the motion. A roll call*
152 *vote was taken Brown – aye, Cameron – aye, Cowan – aye, English – aye, Martel – aye, Grueter – aye*
153 *and Plumer – aye. With all in favor, the motion passed 7-0-0.*

154

155 Mr. Sharples noted the application was submitted on July 14, 2020 with plans and supporting
156 documents. There was no formal TRC meeting, but all departments have reviewed the application and
157 UEI which letters are enclosed in the Board’s packets. The plans were revised on November 20, 2020
158 and addressed most of the concerns. A letter dated December 2, 2020 itemized minor items and
159 comments. The applicant originally requested three waivers dated June 16, 2020 but withdrew the third
160 waiver request for performance guarantee.

161

162 Barry Gier of Jones & Beach Engineers presented the plan on behalf of Exeter Hospital. Colin Laverty
163 and Eileen McDonald of Exeter Hospital were in attendance as well as Christine Rancourt and Marco
164 Montonio of Smith Group.

165

166 Mr. Gier noted Parcel #65-131 is in the hospital zone on the campus and is proposed to be a Cancer
167 Center addition on campus. Ms. Rancourt showed the location of the Portsmouth Avenue entrance
168 behind the main entry which will unite the two cancer centers into one, infilling a courtyard. Mr.
169 Montonio showed the floor plans depicting an open courtyard on either side of the new connector
170 increasing the capacity of the center for infusion patients with 16 new bays at 96 SF each. The
171 courtyards shown were proposed to be terraced. Construction would commence in 2021 and
172 occupancy would be proposed for spring/summer of 2022.

173

174 Mr. Gier noted the small connector building would be demolished. There will be a green roof proposed
175 on the new portion with reconstructed utilities, storm sewers, a new grease trap for the kitchen waste,
176 emergency power lines to the generator on the east side, storm water catch basins underground will
177 infiltrate prior to distribution. Construction access will be limited to Alumni and Portsmouth with no
178 construction vehicles on Highland or Prospect. Staging will be at the north entrance of the building or
179 west of the outpatient center loading dock. UEI comments were addressed and comments from DPW.
180 Two waivers are requested.

181

182 Ms. Martel asked about the terracing and stormwater management system and Mr. Gier explained the
183 roof drains to the sewer system to the underground detention then filtered by the treatment system
184 before discharging to the existing campus stormwater system off Alumni Drive. There will be retaining
185 walls and a nice view for the patients.

186

187 Chair Plumer asked if it would be one story and Mr. Gier answered affirmatively.

188

189 Chair Plumer opened the hearing to the public at 7:44 PM.

190

191 Mr. Gier reviewed the waivers requested from Section 7.4.10, 7.5.4 and 7.7.5 for High Intensity Soil
192 noting the site was previously disturbed and would serve no purpose.

193

194 Mr. Gier noted the waiver from Section 7.4.12 for depiction of property lines with bearings and
195 distances is unnecessary as the construction is more than 200' from the nearest property line. A large
196 zoom out to attempt to capture that would not show the construction proposed.

197

198 Ms. English asked if the waiver for the performance bond 12.1 was withdrawn and Mr. Gier indicated it
199 was withdrawn.

200

201 Ms. English asked about up lighting and Mr. Gier noted it was within the limits of the addition.

202 Chair Plumer asked if there were any questions or comments from the public again at 7:48 PM and
203 being none, Mr. Gier was asked to review the criteria for granting the waivers.

204

205 Mr. Sharples read the five criteria for granting the waivers. Mr. Gier noted the soils were reviewed and
206 not disturbed with no impact. Mr. Gier noted the previous disturbed soil in the middle of the campus
207 was unique to the property and not a virgin site. Mr. Gier noted he did not think the physical,
208 topography and hardship versus inconvenience should not be a requirement. Mr. Gier noted the design
209 is not based on HISS and meets the intent with drainage. There is no septic and requires a higher level
210 of intensity. Mr. Sharples noted it does not vary the provision of the zoning ordinance or Master Plan.

211

212 **Ms. Martel motioned after reviewing the criteria for granting waivers to approve the request of Exeter**
213 **Hospital, Inc. (PB Case #20-11) for a waiver from Section 7.4.10, 7.5.4 and 7.7.5 of the Site Plan Review**
214 **and Subdivision Regulations for High Intensity Soil Survey be approved. Mr. Cameron seconded the**
215 **motion. A roll call vote was taken Cameron – aye, Cowan – aye, Brown – aye, English – aye, Grueter –**
216 **aye, Martel – aye and Plumer – aye. With all in favor, the motion passed 7-0-0.**

217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261

Mr. Gier noted the location of construction is more than 200' from the nearest property line and will not impact setbacks. The property is unique so far from abutting properties and in the center of the campus. The location is a hardship more than an inconvenience to need to show the property lines. The spirit and intent are observed as the site has been reviewed by the Planning Board over the years and they have previously seen the property lines and know where they are. Mr. Sharples noted it will not vary the provisions of the zoning ordinance or Master Plan.

Mr. Grueter motioned after reviewing the criteria for granting waivers to approve the request of Exeter Hospital, Inc. (PB Case #20-11) for a waiver from Section 7.4.12 of the Site Plan Review and Subdivision Regulations for surveyed property lines be approved. Ms. English seconded the motion. A roll call vote was taken Grueter – aye, Martel – aye, English – aye, Cowan – aye, Cameron – aye, Brown – aye and Plumer – aye. With all in favor, the motion passed 7-0-0.

Mr. Sharples noted up lighting may be approved on a case-by-case basis and this may be one of those cases. Mr. Gier showed the locations for the two up lights per tree in the courtyard of the building envelope which he noted would be enclosed by buildings on all four sides with no roof on them to showcase the trees, angled and would not point to the sky. The lights are low wattage. Mr. Sharples noted there would be two on each of the three trees.

Mr. Sharples read out loud the proposed conditions of approval:

- 1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;**
- 2. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town engineer prior to any site work commencing. The following must be submitted for review and approval prior to the preconstruction meeting:**
 - i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted to and reviewed for approval by DPW prior to preconstruction meeting.**
 - ii. A project schedule and construction cost estimate.**
- 3. UEI comments of October 23, 2020 and letter of Jen Mates dated 12/2/20 to be addressed to the satisfaction of the Town Planner and signed prior to signing the final plans.**
- 4. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact fees, and inspection fees (including third party inspections), prior to the issuance of a building permit or a Certificate of Occupancy whichever is applicable;**
- 5. Annual operations and maintenance report in the stormwater management operations and maintenance manual dated 6/25/20 shall be completed and submitted to the Town Engineer annually on or before January 31st. This requirement shall be an ongoing Condition of Approval.**

262 **6. A signed copy of the inspection and maintenance of facilities and property document shall**
263 **accompany the submission of the final plans.**

264
265 Mr. Sharples explained the agreement to maintain stormwater copy will be signed and
266 submitted.

267
268 **7. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is**
269 **visible from adjacent properties and/or roadways.**

270
271 **8. All landscaping shown on the plans shall be maintained and any dead or dying vegetation shall**
272 **be replaced no later than the following growing season as long as the site plan remains valid. This**
273 **condition is not intended to circumvent the revocation procedures set forth in State statutes.**

274
275 **9. If determined applicable by the Exeter DPW the applicant shall submit the land use and**
276 **stormwater management information about the property using the PTAPP Online Municipal**
277 **Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by the DPW prior**
278 **to the preconstruction meeting.**

279
280 **10. A restoration erosion control surety in an amount and form reviewed and approved by the**
281 **Town Planner in accordance with Section 12 of the Site Plan Review and Subdivision Regulations**
282 **shall be provided prior to any site work.**

283
284 **Mr. Grueter motioned to approve the request of Exeter Hospital, Inc. (PB Case #20-11) for Site Plan**
285 **approval with the conditions as read by the Town Planner David Sharples. Ms. English seconded the**
286 **motion. A roll call vote was taken Brown – aye, Cameron – aye, Cowan – aye, English – aye, Martel –**
287 **aye, Grueter – aye and Plumer – aye. With all in favor, the motion passed 7-0-0.**

288
289 3. The application of Chinburg Development, LLC for an amendment to a previously approve subdivision
290 known as “Bramble Meadow” which is located off Brentwood Road and Spruce Street. The proposed
291 amendment is specific to the development of Lot #5 of this subdivision.

292 R-2, Single Family Residential zoning district

293 Tax Map Parcel #63-93

294 Case #20-18

295
296 Chair Plumer read the Public Hearing Notice out loud.

297
298 Mr. Sharples noted the application was complete for review purposes.

299
300 Ms. Cowan indicated she is an abutter and recused herself. Chair Plumer noted six members will be
301 voting as a Select Board representative cannot be replaced by an Alternate.

302
303 **Vice-Chair Brown motioned to open Planning Board Case #20-18 the request of Chinburg**
304 **Development, LLC for an amendment to a previously approved subdivision known as Bramble**
305 **Meadow specific to the development of Lot #5, Tax Map Parcel #63-93. Ms. Martel seconded the**

306 ***motion. A roll call vote was taken Grueter – aye, Martel – aye, English – aye, Cameron – aye, Brown –***
307 ***aye and Plumer – aye. With all in favor, the motion passed 6-0-0.***

308

309 Mr. Sharples noted the motion to accept plans as complete for review purposes triggers the start of the
310 65-day statutory time frame. However, in this Emergency Order, that does not apply.

311

312 Mr. Sharples indicated the applicant is seeking an amendment to a previously approved subdivision
313 known now as “Bramble Meadows” located off Brentwood Road and Spruce Street specific to the
314 development of Lot #5. The Board approved a five-lot subdivision for the subject property. The
315 abutters had runoff issues. The site is flat, and drainage was a big issue of review which resulted in the
316 Board approving the plan with final finished grades. The new owner has decided to do a different
317 house. The finger wetland seen in the site walk wasn’t planned to be filled in and is no proposing to fill
318 that in. It is not a jurisdictional wetland as far as the Town is concerned. The Town exempts man made
319 wetlands, but the State does not – it is a wetland to them. The applicant submitted a dredge and fill
320 permit to DES which was reviewed by the Conservation Commission who had no objection but
321 recommended the construction swale and other drainage be properly designed to capture all water
322 coming off the property so the abutters will not be affected by the runoff. Their memorandum is
323 enclosed in the Board’s packets. Jen Mates of DPW and Paul Vlasich the Town Engineer met with
324 Kristen Murphy concerning redesign of the grades and concluded there would be no adverse effect on
325 drainage and have no further comments on the plan.

326

327 Christian Smith of Beals Assoc. presented the plan on behalf of the owners, Chinburg Development, LLC.
328 Paul Kerrigan of Chinburg Development was in attendance. Mr. Smith shared the proposal for Lot #5
329 approved in February. The swale was created, and the house proposed is larger, approximately 1,700
330 SF. Finished floor will be elevated and foundation fill with beneficial stone drip edges will handle the
331 roof runoff with an extra foot of stone trench around. Calculations were shared with the DPW and
332 Town Engineer and found to be able to handle all stormwater runoff from the roof up to a 50-year storm
333 event. No roof runoff will get into this swale. The owner wants a smaller home with a flatter backyard
334 and proposes to move it forward somewhat.

335

336 Chair Plumer asked about the culvert and Mr. Smith noted it goes underneath the common portion of
337 the driveway to a manhole and connects to an existing catch basin.

338

339 Ms. English asked about the wetland area being impacted by the garage and Mr. Smith noted there is
340 569 SF of impact. Mr. Smith noted the old man-made ditch is devoid of function and value now that it
341 no longer wraps around the wood and has been somewhat filled in over the years.

342

343 Ms. Martel asked about the 22” caliper oak tree. Mr. Sharples pulled up the decision letter for the
344 subdivision approval and noted the conditions of approval will still apply.

345

346 Mr. Steckler noted he took exception to the idea that any wetland would be devoid of function and
347 value regardless of size.

348

349 Mr. Sharples read the condition which was "builder shall take all precautions to protect the 22" oak tree
350 located at the southern tip of the man-made wetland on Lot #93-5.

351

352 Mr. Sharples asked the applicant what precautions were taken to protect it and if it had been cut down,
353 Mr. Smith noted he did not believe it had been cut down which was confirmed by abutter Dan Hummel.

354

355 Mr. Smith posted a copy of the previously approved plan at the Board's request, for comparison.

356

357 Mr. Steckler questioned whether the Board would have approved the changed plan with those wetland
358 impacts given the extent that the design of this subdivision was set to get the five lots in, working hard
359 to avoid that wetland impact. Mr. Steckler noted he understood the applicant was new but indicated if
360 he was voting tonight it would be hard to approve this modification.

361

362 Chair Plumer asked if the modification didn't handle the runoff better and Mr. Smith indicated without a
363 question it will improve the stormwater getting into Mr. Hummel's property.

364

365 Mr. Grueter asked if the 22" oak would survive when the man-made wetland is filled in. Mr. Smith
366 noted a tree box could be constructed.

367

368 Chair Plumer opened the hearing to the public for comments and questions at 8:35 PM.

369

370 Dan Hummel indicated he is an abutter to the rear of Lot #5 and has a couple of concerns. Mr. Hummel
371 retained an engineer which was a costly affair for the first approval and is no table to do so a second
372 time. Mr. Hummel believes the builder moved ahead before reapplying to the Board and met with Mr.
373 Sharples to share his concerns and Mr. Sharples agreed the plan was so different it should go back
374 before the Board. Mr. Hummel noted more trees for screening would be an improvement. Mr. Hummel
375 questioned who would be liable if the new owner does not maintain the swale or the swale does not
376 function as promised. Mr. Kerrigan explained that in order to get a wetlands application the applicant
377 had to go before the Conservation Commission and provide a preliminary design. No wetlands were
378 filled in and nothing nefarious or inappropriate occurred to his knowledge. The drainage concept was
379 developed in concert with Mr. Hummel's engineer. Impervious surface is reduced. The HOA documents
380 mandate maintenance of the drainage system. If not, the Town can come in and clean it out and invoice
381 the homeowner. The applicant is happy to put in two more trees in addition to the three evergreens
382 shown on the plan, one of which could be near the 22" oak tree in the event it doesn't survive. Mr.
383 Kerrigan agreed he was not sure how he would ensure what the future owners would do with the trees,
384 but the screening would be mutually beneficial and will walk the site with Mr. Hummel concerning
385 placement. Mr. Kerrigan indicated he was happy to send the revised site plan to Mr. Hummel and Mr.
386 Sharples. The house shown on the plan presented to the board would be smaller.

387

388 Vice-Chair Brown questioned the role of the Board in regulating the house size or where someone
389 places the structure provided it is within the setbacks required by the ordinance. Mr. Sharples agreed
390 Planning does not and did not do that however this is unique in that final grading was approved and
391 with a different size house could change. Vice-Chair Brown noted it is difficult to look at a plan of the

392 house that isn't even the home proposed and try to imagine things. Staff could make approvals as well
393 and be afforded the authorization not approve final grading not substantially changed.

394

395 Mr. Steckler noted based on the previous approval the previous applicant went out of their way with
396 grading that avoided wetland impact. That ditch was discussed. There is room to the right to minimize
397 impacts. Mr. Steckler noted first it is recommended to avoid, then minimize and then mitigate. A shift
398 to the right could minimize impact.

399

400 Ms. English noted she would like to see the wetland ditch preserved and not filled in. Mr. Sharples
401 reminded that the Town does not consider it a wetland and it is in the jurisdiction of the State. The
402 applicant went before the Conservation Commission and they did not object.

403

404 Mr. Hummel noted he hoped it was built into the HOA documents to stay there. The man made ditch
405 doesn't serve any purpose anymore.

406

407 Mr. Cameron noted he was having difficulty resizing the proposed site mentally and would like to see
408 the actual drawing with the 1700 SF home footprint shown.

409

410 Ms. English noted she could go either way on it, while she would like to see it before approving it she
411 does not want to hold up the applicant if Mr. Sharples can approve it without coming back to the Board.

412

413 Ms. Martel asked if the applicant would have to return for each of the other four lots. Mr. Smith noted
414 two are already under construction. Mr. Sharples noted changes could be administratively approved.

415

416 Vice-Chair Brown noted if the drainage plan is not likely to change and the footprint is going to be
417 smaller.

418

419 Mr. Grueter was undecided and not comfortable with it. The highlighted area of the ditch seems
420 narrower than original. Wouldn't mind letting Mr. Sharples make the call.

421

422 Mr. Sharples read the conditions out loud:

423

424 **After final grading is approved by the Town Planner consistent with the Board's discussion no change**
425 **in grading shall be allowed without the approval of the Exeter Planning Board or the Town if the**
426 **change can be administratively approved in accordance with Section 14.**

427

428 **An additional tree shall be added to the three proposed to the rear of the property. In the event the**
429 **tree doesn't survive another tree will be added in front as a back-up.**

430

431 Vice-Chair Brown noted he would like to see more trees added. Ms. Martel requested the engineer put
432 a note on the drawing regarding the 22" oak being protected, and it be a condition of approval.

433

434 **Mr. Sharples added that a note on the plan shall state that the 22" oak tree located at the southern**
435 **tip of the wetland shall be protected during construction and at a minimum an orange construction**
436 **fence be installed around the base of the tree.**

437

438 Chair Plumer closed the hearing to the public for deliberations at 9:25 PM.

439

440 ***Vice-Chair Brown motioned to approve the request of Chinburg Development, LLC. (PB Case #20-18)***
441 ***for an amendment to the subdivision for Lot #5 for new grading be approved with the conditions as***
442 ***read by the Town Planner David Sharples giving the Town Planner David Sharples authorization to***
443 ***approve the final grading plans. Mr. Grueter seconded the motion. A roll call vote was taken***
444 ***Cameron – nay, English – aye, Martel – aye, Grueter – aye, Brown – aye and Plumer – aye. The motion***
445 ***passed 5-1-0.***

446

447 Mr. Sharples noted for the record an abutter claiming to live at 66 Columbus Avenue had emailed him
448 during the hearing 20 minutes ago at 9:18 PM claiming to have comments and not being able to log on.
449 Mr. Graham from Exeter TV repeated the phone number to call in if having technical difficulties which is
450 listed on the agenda. The email from Ms. Sheena Simpson stated everyone should be treated equally
451 and expressed concerns Mr. Hummel was receiving plantings and screenings and did not approve of the
452 amendment.

453

454 Vice-Chair Brown asked if the emailer had participated in prior approvals and Mr. Kerrigan offered to
455 reach out to her and was not sure why his staff would not have returned her call.

456

457 Mr. Grueter asked if the hearing should be reopened due to the technicality. Mr. Sharples indicated
458 there is a 30-day period for reconsideration and will research it further.

459

460 **V. OTHER BUSINESS**

461

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

463 Mr. Sharples noted the impact fee update will go before the Select Board to adopt fees and there will be
464 an amendment.

465 **VII. CHAIRPERSON'S ITEMS**

466 Chair Plumer indicated the next meeting will be on December 17, 2020.

467

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

469 **IX. ADJOURN**

470 ***Vice-Chair Brown motioned to adjourn the meeting. Mr. Grueter seconded the motion. A roll call vote***
471 ***was taken, all were in favor, the motion passed unanimously.***

472

473 The meeting adjourned at 10:30 PM.

474

475 Respectfully submitted,

476 Daniel Hoijer,

477 Recording Secretary



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: January 4, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: Patricia Duval PB Case #20-19

The Applicant is seeking a minor subdivision of an of an existing 3.39-acre parcel located at 105 Brentwood Road to create one new residential lot. The subject property is located in the R-1, Low Density Residential zoning district and is identified as Tax Map Parcel # 60-24.

The Applicant submitted a minor subdivision plan and supporting documents, dated November 30, 2020 and are enclosed for your review.

The Applicant appeared before the Zoning Board of Adjustment, at their August 18th, 2020 meeting seeking relief from the minimum lot area requirement in the R-1 zoning district. The ZBA granted a variance to permit a single family lot to be created with less than the two-acre minimum lot area. A copy of the minutes from that meeting and Notice of Decision are enclosed for your review.

There was no Technical Review Committee review of the application, however it has been reviewed by the Code Enforcement Officer for compliance with the zoning regulations and with the conditions of the ZBA variance approval. DPW provided one comment indicating that the Applicant would be required to obtain a State NHDOT Driveway Permit for the driveway access. I have reviewed the application and plans and the only comment I have is that the proposed protective well radius falls within the state's right-of-way. I called NHDES regarding this matter and I'm awaiting a call back and will update the board at the meeting. In the event the Board decides to take action on the application, I have provided motions below for your convenience.

Planning Board Motion:

Minor Subdivision Motion: I move that the request of Patricia Duval (PB Case #20-19) for Minor Subdivision approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures



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

RECEIVED
NOV 30 2020
EXETER PLANNING OFFICE

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:
 MINOR SITE PLAN
 MINOR (3lots or less)
SUBDIVISION LOTS
 LOT LINE ADJUSTMENT

| | |
|----------|------------------|
| 20-19 | APPLICATION |
| 11/30/20 | DATE RECEIVED |
| 125.00 | APPLICATION FEE |
| 50.00 | PLAN REVIEW FEE |
| 90.00 | ABUTTER FEE |
| | LEGAL NOTICE FEE |
| | INSPECTION FEE |
| 265.00 | TOTAL FEES |
| | AMOUNT REFUNDED |

pd.# 1309

PDUVAL616@AOL.COM

1. NAME OF LEGAL OWNER OF RECORD: PATRICIA DUVAL

ADDRESS: P.O. BOX 661 EXETER, NH 03833

TELEPHONE: 603 234-8838

2. NAME OF APPLICANT: SAME

ADDRESS:

TELEPHONE: ()

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

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

4. DESCRIPTION OF PROPERTY:

ADDRESS: 105 BRENTWOOD ROAD

TAX MAP: 60 PARCEL #: 24 ZONING DISTRICT: R-1

AREA OF ENTIRE TRACT: 3.39A PORTION BEING DEVELOPED: DIVIDE INTO
147,693 S.F. 2 LOTS



5. EXPLANATION OF PROPOSAL: EXISTING 3.39 ACRE LOT WITH SINGLE FAMILY HOME. PROPOSAL IS TO DIVIDE LOT INTO 2 LOTS. LOT A WILL BE 2.05 ACRES AND CONTAIN EXISTING HOME. LOT B WILL BE 1.34 ACRES.

6. ARE MUNICIPAL SERVICES AVAILABLE? (YES/NO) NO
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. <u>22 X 34 PLAN SET</u> | <u>7</u> |
| B. <u>17 X 17 PLAN SET</u> | <u>15</u> |
| C. _____ | _____ |
| D. _____ | _____ |
| E. _____ | _____ |
| F. _____ | _____ |

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: HENRY H BOYD JR, LLC MILLENNIUM ENGINEERING, INC
ADDRESS: P.O. BOX 745 EXETER, NH 03833
PROFESSION: LAND SURVEYOR TELEPHONE: (603) 778-0528

10. LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED: NO PROPOSED CONSTRUCTION AT THIS TIME. EVENTUAL, NEW SEPTIC SYSTEM, WELL, DRIVEWAY & SINGLE FAMILY DWELLING ON LOT B



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.

VARIANCE GRANTED FOR REDUCED AREA FOR LOT B ★ CASE # 20-10
DATE : AUGUST 18, 2020

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 10-28-2020 APPLICANT'S SIGNATURE [Signature]

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



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

TAX MAP 60/25-1
 NAME Heather + Christopher Jones
 ADDRESS 97 Brentwood Rd.

TAX MAP 60/24
 NAME Patricia Duval
 ADDRESS P.O. Box 661
Exeter, NH 03833

TAX MAP 60/25
 NAME Leah + Chad Everbeck
 ADDRESS 95 Ferry Street
Hudson, 03051

TAX MAP _____
 NAME _____
 ADDRESS _____

TAX MAP 60-26
 NAME Town of Exeter
 ADDRESS 10 front Street

TAX MAP _____
 NAME _____
 ADDRESS _____

TAX MAP 60-1
 NAME Tobi + Gert Overmars
 ADDRESS 108 Brentwood Rd

TAX MAP _____
 NAME _____
 ADDRESS _____

TAX MAP 60-2
 NAME Michelle Farrar
 ADDRESS 112 Brentwood Rd

TAX MAP _____
 NAME _____
 ADDRESS _____

TAX MAP 60-3
 NAME Richard Dolloff
 ADDRESS 114 Brentwood Rd

TAX MAP _____
 NAME _____
 ADDRESS _____

TAX MAP 61-23
 NAME Kerry Wilson
 ADDRESS 104 Brentwood Rd.

TAX MAP _____
 NAME _____
 ADDRESS _____

TAX MAP _____
 NAME _____
 ADDRESS _____

TAX MAP _____
 NAME _____
 ADDRESS _____

Please attach additional sheets if needed

SERGIO BONILLA
 WETLAND SCIENTIST
 P.O. BOX 4028
 PORTSMOUTH, NH 03802

MEI
 P.O. BOX 745
 EXETER, NH 03833



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"/> | <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"/> | <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." |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | n) Surveyed exterior property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in New Hampshire must attest to said plan. |

NA
 SEE
 NHTSUB
 APPROVAL



| | | | |
|-----|-------------------------------------|--------------------------|--|
| | <input type="checkbox"/> | <input type="checkbox"/> | o) For minor site plans only, plans are not required to be prepared by a professional engineer or licensed surveyor unless deemed essential by the Town Planner or the TRC. |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | p) For minor subdivisions and lot line adjustments only, the locations, dimensions, and areas of all existing and proposed lots. |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | q) The lines of existing abutting streets and driveways locations within 100-feet of the site. |
| N/A | <input checked="" type="checkbox"/> | <input type="checkbox"/> | r) The location, elevation, and layout of existing catch basins and other surface drainage features. |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | s) The footprint location of all existing structures on the site and approximate location of structures within 100-feet of the site. |
| N/A | <input type="checkbox"/> | <input type="checkbox"/> | t) The size and location of all existing public and private utilities. |
| N/A | <input type="checkbox"/> | <input type="checkbox"/> | u) The location of all existing and proposed easements and other encumbrances. |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | v) All floodplain information, including contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982. |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | w) The location of all test pits and the 4,000-square-foot septic reserve areas for each newly created lot, if applicable. |
| N/A | <input type="checkbox"/> | <input type="checkbox"/> | x) The location and dimensions of all property proposed to be set aside for green space, parks, playgrounds, or other public or private reservations. The plan shall describe the purpose of the dedications or reservations, and the accompanying conditions thereof (if any). |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | y) A notation shall be included which explains the intended purpose of the subdivision. Include the identification and location of all parcels of land proposed to be dedicated to public use and the conditions of such dedications, and a copy of such private deed restriction as are intended to cover part of all of the tract. |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | z) Newly created lots shall be consecutively numbered or lettered in alphabetical order. Street address numbers shall be assigned in accordance with <u>Section 9.17 Streets</u> of these regulations. |
| | <input type="checkbox"/> | <input type="checkbox"/> | aa) The following notations shall also be shown: <ul style="list-style-type: none"> • Explanation of proposed drainage easements, if any • Explanation of proposed utility easement, if any • Explanation of proposed site easement, if any • Explanation of proposed reservations, if any • Signature block for Board approval as follows: |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p style="text-align: center;">Town of Exeter Planning Board</p> <p style="text-align: center;">_____ Chairman</p> <p style="text-align: center;">_____ Date</p> |

Millennium Engineering, Inc.

P.O. Box 745
(603) 778-0528

Exeter, NH 03833
FAX (603) 772-0689

November 30, 2020

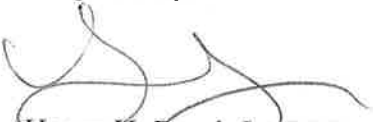
Town of Exeter
Planning Board
10 Front Street
Exeter, NH 03833

Re: Subdivision application for Map 60 Lot 24, 105 Brentwood Road Exeter, NH.

Dear Chairman:

The intent of the subdivision application is to seek to divide the existing 147,693 s.f. 3.39 acre parcel into 2 lots. Lot A shall contain the existing dwelling and have the required lot depth and width with a lot area of 89,357, 2 acres. Lot B shall be for a proposed home, it will have a lot area of 58,336 s.f., 1.34 acres. Lot B did receive a variance for area from the Exeter ZBA.

Respectfully,



Henry H. Boyd, Jr., LLS
Millennium Engineering Inc.



TOWN OF EXETER, NH
APPLICATION FOR MINOR SITE PLAN REVIEW,
MINOR SUBDIVISION and/or LOT LINE ADJUSTMENT

A completed application shall contain the following items, although please note that some items may not apply such as waivers or conditional use permit:

- | | | |
|-----|--|-----|
| ✓ | 1. Application for Hearing | () |
| ✓ | 2. Abutter's List Keyed to the Tax Map (including name and business address of all professionals responsible for the submission (engineer, landscape architect, wetland scientist, etc.) | (✓) |
| ✓ | 3. Checklist for plan requirements | (✓) |
| ✓ | 4. Letter of Explanation | () |
| N/A | 5. Written request and justification for waiver(s) from Site Plan/Sub Regulations | () |
| N/A | 6. Application to Connect and/or Discharge to Town of Exeter Sewer, Water, or Storm Water Drainage System(s) - if applicable | () |
| ✓ | 7. Application Fees | () |
| ✓ | 8. Seven (7) copies of 24"x36' plan set 22x34 | (✓) |
| ✓ | 9. Fifteen (15) 11"x 17" copies of the plan set | (✓) |
| ✓ | 10. Three (3) pre-printed 1"x 2 5/8" labels for each abutter, the applicant and all consultants. | (✓) |

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

Town of Exeter
Zoning Board of Adjustment
August 18, 2020, 7 PM
Town Hall Great Room
Final Minutes

I. **Preliminaries**

Members Present: Acting Chair Robert Prior, Clerk Rick Thielbar, Kevin Baum, Laura Davies, Anne Surman - Alternate, Esther Olson-Murphy - Alternate

Members Absent: Chair Joanne Petito, Christopher Merrill - Alternate, Hank Ouimet - Alternate, Martha Pennell - Alternate

Others Present: Doug Eastman, Barbara McEvoy

Call to Order: Acting Chair Robert Prior called the meeting to order at 6:30 PM. Benjamin and Sarah Anderson requested a continuance for Case #20-2, so there will be three cases heard at this meeting. Of the alternates, Ms. Surman will vote on the first two cases and Ms. Olson-Murphy on the third.

II. **New Business**

- A. The application of Patricia Duval for a variance from Article 4, Section 4.3 Schedule II: Density and Dimensional Regulations--Residential to permit the subdivision of an existing 3.2 acre parcel at 105 Brentwood Road into two (2) lots with less than the required minimum lot area. The subject property is located in the R-1, Low Density Residential zoning district. Tax Map Parcel #60-24. Case #20-10.

Sharon Somers of the DTC Law Firm spoke on behalf of the owner, Patricia Duval. Henry Boyd of Millennium Engineering, the surveyor of the property, was also present.

Ms. Somers said this project is looking for subdivision approval from the ZBA and Planning Board. They are looking to form two lots, one of one acre, one of two acres. The lot has 720 feet of frontage, and has the capacity to have two dwellings. The test pit passed. Septic and well service is possible. The driveway will need DOT approval, but they believe there is adequate sight distance.

Ms. Somers went through the variance criteria: 1) Not contrary to the public interest and 2) Spirit of the ordinance is observed; yes, the creation of these two lots will not unduly violate the zoning. There are varying lot sizes in this area, at least one of which, at 0.5 of an acre, is smaller than the proposed lots. They are all single family homes. This does not alter the fundamental character of the neighborhood or threaten the public health, safety, or welfare. It has private water, septic, and driveway. Lots 25 and 25.1 enter onto Brentwood road, so there is no interference with those properties, they will continue to exit their property as now. 3) Substantial justice is done; yes. The applicant will benefit because it's a large lot and the applicant doesn't need that acreage.

45 She would like to retain her home and sell the other lot. There is no apparent harm to
46 individuals. They received only one letter, that did not object. 4) Values of surrounding
47 properties are not diminished; yes, it's designed such that they are striving to create one
48 lot that is fully conforming, the 2 acre lot, and one as conforming as possible. Both will
49 be used for single family residences. This is a residential neighborhood where lot sizes
50 vary. The size of the lots won't stand out enough to cause any diminution in property
51 value. 5) Unnecessary hardship; this lot has special conditions, this is a long large lot
52 with 720 feet of frontage, and is ideally suited for a subdivision. 6) The proposed use is a
53 reasonable one; yes, this a new house on land which would be able to support an
54 accessory structure or condominium.

55 Mr. Boyd said they haven't done a full boundary survey yet, so the plans are
56 based on the tax map. He felt there was sufficient evidence to apply for the variance, so
57 they don't end up out the cost of a full survey, but they can't guarantee that the parcel is
58 3.2 acres without it. According to the witnessed test pits, the parcel could support a
59 second septic system. He added that there's an old dwelling foundation there. Mr. Prior
60 said they could put in a condition that if the full survey came in under a minimum, they
61 couldn't do it. Mr. Thielbar said he wants to ensure that both lots are over one and two
62 acres.

63 Mr. Baum asked about the approximate frontage for each lot. Mr. Boyd said he
64 thought 300 and 400 feet. Mr. Prior said DOT approval is not guaranteed under 400 feet.
65 Is that a constraint they're willing to accept, rather than saying the line can be flexible?
66 Mr. Boyd said he would prefer that be handled at the Planning Board.

67 Ms. Davies asked about bedrooms based on the septic. Mr. Boyd said there is
68 good soil absorption, so they could do up to a four bedroom. If a lot is without sewer,
69 according to NH subdivision rules, it has to be a minimum of 1 acre.

70 Mr. Prior opened the meeting for public comment.

71 Chad Everbeck of 99 Brentwood Road, an abutter, said they don't feel adding
72 this subdivision is in their long term interest, and will likely affect their property value.
73 The lot in question is too close to their existing home and will affect their privacy.

74 Ms. Somers said she doesn't believe it will affect property values. It will be
75 another single family house. If the owner wished to, she could construct a single large
76 structure as a matter of right that would affect them similarly. Landscaping and fencing
77 could be used to address their concerns.

78 Mr. Prior closed the meeting to public comment.

79 Mr. Prior asked if they could put conditions of screening on the subdivision. Mr.
80 Baum said that was more for the Planning Board to decide.

81 Mr. Prior said the screening is good there and the road is straight. He would be
82 generally in favor of granting the variance. Ms. Davies said that the shape of the lot and
83 the frontage, as well as the history of the lot, go in favor of the application.

84 Mr. Prior went through the variance criteria. 1) Not contrary to the public interest
85 and 2) spirit of the ordinance is observed; yes, this is intended to keep a consistency to
86 neighborhoods, and there is nothing here inconsistent with that goal. 3) Substantial
87 justice is done; with the exception of the abutter with privacy concerns, he doesn't see
88 that there is mismatch here with the welfare of the public. 4) Values of surrounding

89 properties are not diminished; they heard anecdotal evidence, but no legal testimony. He
90 doesn't feel it will diminish property values. Mr. Baum said the issue is the distance
91 between the homes, which is covered by setbacks. 5) Unnecessary hardship; Mr. Prior
92 said asking the owner to retain the full property is not necessarily a hardship, but he
93 wouldn't want to force them to sell the property because they couldn't subdivide it. Mr.
94 Baum said it's a long, narrow lot, and other lots in the area have equivalent frontage,
95 which will have the greatest impact on the character of the neighborhood.
96

97 Mr. Thielbar moved to approve the request for a variance for subdivision of the existing parcel,
98 the division to be 2 acres in lot A and a minimum of 1 acre in lot B. Ms. Davies seconded. The
99 motion passed unanimously.

100
101 B. The application of William Curtis for a variance from Article 6.10 Home
102 Occupations, Section 6.10.2 "Evidence of Use" to permit more than one
103 commercial vehicle to be parked overnight on the property located at 99 Beech
104 Hill Road. The subject property is located in the RU-rural zoning district. Tax Map
105 Parcel #13-7. Case #20-11.

106 Mariah and William Curtis spoke about the application. They run a part time
107 business, Curtis Tree Care, and have lettered commercial trucks they'd like to park in
108 their yard. They have a gravel road around their house. They don't use the house or the
109 yard for tax write-offs. Mr. Thielbar asked how many trucks they have, and Mr. Curtis
110 said a maximum of 4, one of which is a pickup truck that is not lettered. Mr. Baum said
111 he would prefer screening or something that would limit the view of the business. Ms.
112 Curtis said you can't see the trucks from the front, and there's a fence on both sides.

113 Mr. Prior asked Mr. Eastman if this were to be a full time business, would it
114 change anything. Mr. Eastman said the commercial permit allows not more than one
115 commercial vehicle.

116 Mr. Curtis said he's tried to be considerate of his neighbors. All but one abutter
117 don't have an issue. Mr. Baum said he's more comfortable knowing there's a dedicated
118 screened area for the trucks. Ms. Curtis added that the vehicles are clean, non-rusted,
119 and well-maintained. Mr. Curtis said his biggest truck is GVW [Gross Vehicle Weight] of
120 19,000, and he's ok with never exceeding that number.

121 Phylis Wentworth of 103 Beech Hill, an abutter, said she's lived there for 60
122 years and the area has always been rural residential, not commercial. The applicant has
123 three trucks, but it varies. It's usually quiet, but in July there were back-up beepers going
124 from 7 AM to 3PM. Traffic has increased in the area with the High School within half a
125 mile. HS students and families use the road. The applicant's business continues to grow
126 every year. She first spoke to Mr. Eastman on this issue in 2013. The business is
127 detrimental to her property and the neighborhood.

128 Emily Scarita of 109 Beechwood Road, an abutter, said she has never seen or
129 heard any commercial vehicle parked in the back of their property. She is in support of
130 the applicants.

131 Mr. Prior said they received two abutter letters in support of the variance, from
132 Jerry Start and Judith Nichols



TOWN OF EXETER, NEW HAMPSHIRE

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

772-4709

www.exeternh.gov

August 20, 2020

Sharon Cuddy Somers, Esquire
Donahue, Tucker & Ciandella, PLLC
16 Acadia Lane
POB 630
Exeter, New Hampshire 03833

Re: Zoning Board of Adjustment Case #20-10
Variance Request
105 Brentwood Road, Exeter, N.H. Tax Map Parcel #60-24

Dear Attorney Somers:

This letter will serve as official confirmation that the Zoning Board of Adjustment, at its August 18th, 2020 meeting, voted to grant the above-captioned application for a variance from Article 4, Section 4.3 Schedule II: Density and Dimensional Regulations—Residential to permit the subdivision of an existing 3.02 acre parcel at 105 Brentwood Road into two (2) residential lots, as presented, subject to Lot A being a minimum of two (2) acres in area and Lot B being a minimum of one (1) acre in area, as depicted on the plan prepared by Millennium Engineering, Inc. dated February 24, 2019 submitted with the application.

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

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

Sincerely,

Robert V. Prior
Vice Chairman
Exeter Zoning Board of Adjustment

cc: Patricia Duval, property owner
Henry H. Boyd, Jr., LLS, Millennium Engineering, Inc.
Douglas Eastman, Building Inspector/Code Enforcement Officer
Dave Sharples, Town Planner
Janet Whitten, Deputy Assessor

RVP:bsm

Please see additional
plan attachments under
“Supporting Documents”
posted for this meeting



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: January 8, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: Brian Griset Yield Plan PB Case #20-2

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

The Applicant has appeared before the Board on several occasions. At the September 10th, 2020 meeting the Planning Board voted to accept the Applicant's request for a yield plan approval of a 12-unit single-family open space development. Following the September 10th meeting, the Applicant contacted me to discuss the discrepancy which arose at that meeting relative to the appropriate waiver criteria to be applied when considering a waiver request (Section 9.6.1.2 v. Section 13.7 of the Board's Site Plan Review & Subdivision Regulations). The Board reconsidered the waiver requests again at its October 22nd, 2020 meeting and voted once again to grant the waiver from Section 9.6.2 to permit encroachment of the proposed roadway entering the buffer strip and to deny the waiver from Section 9.6.2 to permit encroachment of a portion of Lot #5 within the buffer strip. The applicant has also provided a letter dated December 4, 2020 that outlines the process so for brevity, I will refer you to that enclosed document.

Essentially, this is the same yield plan the board reviewed prior to the applicant revising the plan by removing any use of the Mendez property or the NP district. The only difference that I can tell is that they have reconfigured lots 4 and 5 on the plan and reduced the lot count from 18 to 17 so the plan no longer requires a waiver from the perimeter buffer in the area of Cullen Way. This waiver was pursued under the 13-lot plan but the board denied the request. This plan also negates the waiver from the perimeter buffer that was associated with the proposed roadway. Since the Mendez property is now part of the yield plan then there is no perimeter buffer requirement from it.

There was considerable information supplied by the applicant and abutters over several meetings regarding the similar plan that is before you today. Abutters were re-notified for

this hearing but the case # is the same so I would consider that all prior submissions and testimony is part of this record. I have provided my June 4, 2020 memo regarding the similar plan for your review.

As you will note in my June 4, 2020 memo, I provide a waiver motion from Section 7.13 that states "The Yield Plan shall comply with conventional subdivision regulations and shall not require a variance from existing zoning ordinances in order to achieve the layout supporting the density." The board did feel a waiver from this section was required and voted as such at their May meeting.

The Applicant is requesting a waiver from Section 7.13 of the Board's Site Plan Review & Subdivision Regulations as so noted in the enclosed correspondence received from Attorney Pasay, dated December 4, 2020.

In the event the Board decides to act on the application, I have provided motions below for your convenience.

Waiver Motions

Yield Plan waiver motion: After reviewing the criteria in Section 13.7 and Section 9.6.1.2 for granting waivers, I move that the request of Brian Griset (PB Case #20-2) for a waiver from the requirement to provide a Yield Plan that shall not require a variance from existing zoning ordinances be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED

Planning Board Motions

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

Enclosure – 2

Thank You.



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: June 4, 2020
To: Planning Board
From: Dave Sharples, Town Planner
Re: Brian Griset Yield Plan PB Case #20-2

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

The Applicant appeared before the Board at the May 14th, 2020 meeting to discuss the Yield Plan. The public hearing was opened and abutter comments were received. The Board tabled further discussion on the application to the June 11th, 2020 meeting to provide the Applicant adequate time to submit supplemental materials supporting the application.

Subsequently, we have received a letter, dated 6/1/20, from the abutting property owners of 8 Tamarind Lane, Anne and Patrick Flarety, expressing their support of the Applicant's plan. The letter is enclosed for your review. I also received an email dated June 5, 2020 from Allison Rees that I also enclosed that clarifies her statements made in an earlier email.

Prior to the Board voting on the Yield Plan, I would recommend that they go through the criteria for the waivers and vote to grant or deny the waivers. The applicant has supplied a letter with enclosures dated June 3, 2020 that sets forth their position on the waivers. The criteria for granting the perimeter buffer waiver is set forth in Section 9.6.2 that states: "The Board may approve a partial or total waiver to the buffer strip if the configuration or location of the parcel, with consideration of abutting properties, warrants flexibility to the proposed green space." The waiver from Section 7.13 is governed by section 13.7 and the applicant's letter noted above sets forth the arguments regarding this request. Please note that the letter argues a waiver is not needed and requests that the board consider

this question at the meeting. I would recommend the Board discuss if the criteria is being met prior to acting on the perimeter waiver and then discuss if the board feels that a waiver is needed from Section 7.13 and proceed accordingly. If the Board grants the waiver(s), then the Board can proceed to a vote on the Yield Plan. I have provided motions below for your convenience.

Waiver Motions

Perimeter Buffer Waiver Motion: After reviewing the criteria to waive a portion of the 100' perimeter buffer strip in accordance with Section 9.6.1.2 of the Site Plan Review and Subdivision Regulations, I move that the waiver request of Brian Griset (PB Case #20-2) be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Yield Plan waiver motion: After reviewing the criteria for granting waivers, I move that the request of Brian Griset (PB Case #20-2) for a waiver from the requirement to provide a Yield Plan that shall not require a variance from existing zoning ordinances be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Planning Board Motions

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

Thank You.



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

4 December 2020

Town of Exeter Planning Board
Attn: David Sharples, Planner
Town of Exeter
10 Front Street
Exeter, NH 03833



Re: Planning Board Case #20-2

Dear David –

Enclosed please find a final revised 17-lot yield plan for review and consideration by the Planning Board at its January hearing. We anticipate a short, 15-minute presentation to highlight the minor differences between this yield plan proposal and previous iterations of same. A single waiver from Section 7.13 of the Site Plan Review and Subdivision Regulations for the Town of Exeter (the “Regulations”), as previously presented, is requested to permit a yield plan which previously obtained a variance from the Zoning Board of Adjustment (the “ZBA”).

The Grisets’ return to this yield plan results from the Planning Board’s 10 September and 22 October denials of the Grisets’ Section 9.6.1.2 perimeter buffer waiver request for lot 5 (the “Lot 5 Waiver”), which denial is the difference between a financially viable and inviable project. The enclosed yield plan, which does not include Lot 5 per the direction of Planning Board, has been reviewed and vetted by the Town Planning Staff and Technical Review Committee (“TRC”). It meets all of the Town’s technical Regulations. It is reasonably achievable, viable, and feasible as evidenced by Grisets filings and presentations to the TRC and Planning Board over the last 11 months, and it has obtained all ZBA relief needed to proceed. This yield plan should be accepted. Should the Planning Board decline to accept this yield plan, we ask that it approve a motion to deny the Grisets’ applications in Planning Board Case #20-2.

Requested Waiver, Section 7.13

The Grisets have followed the guidance and instruction from the Town in this matter from the beginning. The yield plan before the Planning Board benefits from an Administrative Decision, special exception and a variance from the ZBA that permits this precise yield plan to be utilized in this case, as presented. This yield plan has been reviewed and vetted by the Town’s Planning Staff and TRC. It is reasonably achievable, feasible, and viable. Opposition to the Grisets’ proposal, not the Town, raised the Section 7.13 issue at the 11 June 2020 hearing. In

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

response, we have briefed the Planning Board at length, verbally and in writing, regarding the basis for this waiver request.¹ The Grisets' have provided the entirety of the Administrative Decision and ZBA records to the Planning Board for its consideration and review.² The Grisets have presented a comprehensive waiver argument to the Planning Board for why a waiver from Section 7.13 should be granted.³ Finally, we understand Town Counsel has provided a legal opinion to the Planning Board regarding this issue. The Grisets submit that a waiver from Section 7.13 should be granted for the reasons previously provided. We ask the Planning Board to re-acquaint itself with the filings and arguments the Grisets have previously made in advance of the January Planning Board hearing.

Procedural History

The Grisets also ask the Planning Board to consider the procedural history and local review of their proposal to date, which should inform its review and consideration of the Section 7.13 waiver request. As noted above, the Grisets have made every effort to be as transparent as possible, have involved the Town from the beginning of the process, and have followed and relied upon the advice of the Town through the process, to include obtaining the ZBA relief the Town indicated was necessary to utilize this precise yield plan. We summarize that process below.

1) Pre-Filing Efforts

- In the spring of 2019 the Grisets began the process of permitting the Griset Property (Town Tax Map 96, Lot 15) in the R-1 District and the abutting Mendez-Trust Property (Town Tax Map 81, Lot 53) in the Neighborhood-Professional ("NP") District (collectively, the "Properties").
- The Grisets developed an 18-lot yield plan depicting R-1 size lots across both Properties and a corresponding conceptual site plan depicting a single-family condominium development on the upland area of the Griset Property.
- Then, like now, the Grisets proposed to convey the entirety of the Mendez-Trust Property to the Town's Conservation Commission.
- The Grisets met with the Town Planning Staff and the Town's Code Enforcement Officer ("CEO"), with and without counsel, several times in the summer of 2019 to vet their yield plan and conceptual site plan.
- One of the primary results of that process was the guidance from the Town that the Grisets needed a special exception to depict residential uses in the NP District to proceed with the yield plan.

2) Planning Board Design Review

- In an effort to vet its yield plan and conceptual site plan and identify any problems, the Grisets appeared before the Planning Board on 26 September 2019 for a design review. Part of the Grisets' presentation included summarizing the ZBA relief it planned to

¹ See Ltr to Planning Board, dtd 3 June 2020.

² See Ltr to Planning Board, dtd 10 July 2020 (the "10 July 2020 Letter").

³ See 11 June 2020 Planning Board Hearing.

pursue. Though solicited, the Planning Board offered no critical review of the yield plan or conceptual plan, no substantive review of the design, and did not mention §7.13 of the Regulations or the Grisets' planned ZBA filings. Rather, the response of the Planning Board appeared positive. A contingent of neighbors from the Exeter Green neighborhood appeared to vehemently oppose the project based on unsubstantiated claims.

3) Administrative Decision

- Notwithstanding the original interpretation from the Town that the Grisets only needed a special exception to proceed with the yield plan, in October, the Grisets learned that variance relief may also be required.
- On 28 October 2019, the Grisets filed a request for administrative decision with the CEO to confirm whether variance relief was necessary to utilize its 18-lot yield plan before the Planning Board.⁴
- On 30 October 2019, the CEO issued an Administrative Decision which determined that to utilize the yield plan, the Grisets required:
 - o A special exception to depict residential uses in the NP District on the yield plan.
 - o A variance to "transfer density" from the NP District to the R-1 District.
- The CEO's Administrative Decision also determined that the Grisets reserved their development rights over the Town-owned property identified as Town Tax Map 81, Lot 57 (the "Town Property") (the "Administrative Decision").⁵
- In response to the Administrative Decision, the Grisets asked the CEO from which zoning ordinance they needed variance relief from. The CEO's response was that "there is nothing in our ordinance that allows density transfer between zones, therefore it is not permitted so any request would require a variance."⁶
- The Administrative Decision was not appealed by anyone.

4) ZBA Relief

- In reliance on the CEO's Administrative Decision, on 4 November 2019 the Grisets filed an appeal of the Administrative Decision, a broad variance application seeking relief from the entirety of Article 4.3, Schedule II of the Zoning Ordinance, which is the Town's Density and Dimensional Regulations, and the entirety of Article 7, which is the Town's Open Space Development Ordinance, to permit what the CEO described as the "density transfer between zones." The Grisets also filed a special exception application to depict residential uses in the NP District on the yield plan.⁷
- On 12 November 2020, after a site walk with the Planning Board and Conservation Commission, the Grisets' presented their yield plan and conceptual site plan to the Conservation Commission which unanimously approved a motion to express the

⁴ See Request for Administrative Decision, enclosed with the 10 July 2020 Letter.

⁵ See Administrative Decision, enclosed with 10 July 2020 Letter.

⁶ Id.

⁷ See Grisets' Appeal of Administrative Decision Application, Variance Application, and Special Exception Application enclosed with 10 July 2020 Letter.

Conservation Commission's support of the Town holding a conservation interest in the Mendez-Trust property.⁸

- On 21 January 2020, the ZBA denied the Grisets' appeal of Administrative Decision by a 3-2 vote in Case #19-17 but unanimously granted the Grisets' variance requests "to permit a single-family open space development in the R-1, Low Density Residential zoning district which draws density from contiguous unimproved property in the NP-Neighborhood Professional zoning district, as presented" in Case #19-19, and also unanimously granted the Grisets' special exception application in Case #19-18 (the "ZBA Approvals").⁹
- None of the ZBA Approvals were appealed.

5) TRC Review

- On 23 January 2020, the Grisets yield plan was reviewed by the Town's TRC.
- All of the responses and recommendations of the TRC were incorporated by the Grisets into the yield plan.
- Additionally, the Grisets, through their legal counsel, provided the Planning Board a substantive analysis addressing the reasonableness, viability, feasibility, and achievability of the yield plan under the applicable regulations, including a detailed cost estimate to develop the same.¹⁰

6) Planning Board Review

- **May Hearing**

- On 13 April 2020 the Town Planner provided a Memorandum to the Planning Board which confirmed that the yield plan met all Regulations by stating, among other things, that "[t]he applicant has addressed all staff and UEI comments and we have no further comment on the Yield Plan as currently proposed."¹¹
- On 14 May 2020, the Grisets appeared before Planning Board for yield plan review at which time Case #20-2 was accepted for review. The Grisets' proposal included the Lot 5 Waiver request. A contingent of the neighborhood was present to object to the development across several grounds. Many of these individuals raised technical objections which directly contradicted the review and vetting conducted by the Town Planning Staff and TRC, which found that the Grisets had addressed all technical comments. These allegations continue to this day. Also at the May hearing, a member of the public argued that the Grisets' yield plan was improper in light of Section 7.13's statement that yield plans "shall not require a variance from existing zoning ordinance..." The May hearing was continued to June to give the Grisets an opportunity to supplement its filing.
- On 3 June 2020, the Grisets filed a comprehensive analysis of the issues raised during the 14 May 2020 hearing to include, among other things, an analysis of the Section 7.13 issue

⁸ See Minutes of Conservation Commission Public Hearing, 12 November 2020.

⁹ See Minutes to 21 January 2020 ZBA Hearing and ZBA Notice of Decision, enclosed with 10 July 2020 Letter.

¹⁰ See Ltr to Planning Board, dtd 26 February 2020.

¹¹ See Town Planner Memo to Planning Board, dtd 13 April 2020.

and a formal waiver request from Section 7.13 to permit use of the yield plan which benefited from a variance, per the Planning Department's guidance.¹²

- **June Hearing**

- The next Planning Board hearing occurred on 11 June 2020. A few hours before the hearing, the Grisets were provided a copy of a letter filed by Attorney Timothy Britain on behalf of the neighborhood opposition group. In the letter and at the hearing, Attorney Britain argued that the Grisets' yield plan was illegal and the Grisets' variance was "pointless" because, according to Attorney Britain, the ZBA acted illegally in approving the variance. Attorney Britain urged the Planning Board to deny the yield plan.
- At the same hearing, the Planning Board approved a motion to require a waiver from Section 7.13. As a result, the Grisets presented their waiver request. The hearing was continued to the July meeting due to the late hour.

- **July Hearing and 10 July 2020 Letter**

- In light of the neighborhood opposition to the use the Mendez-Trust Property on the yield plan, the rising expenses associated with the permitting process, and to seek peace, the Grisets amended their yield plan to draw density *only* from the Griset Property. The revised yield plan still required the Lot 5 Waiver, but no waiver was required Section from 7.13.
- A few hours before the 9 July 2020 Planning Board meeting, the Grisets were once again forwarded a letter filed with the Planning Board by the opposition to the project the same day. Attorney Britain's 9 July 2020 letter argued that the revised yield plan was also illegal because it draws density from the Town Property pursuant to an alleged illegal contract between the Town and the Grisets from 1991 whereby the Grisets conveyed to the Town of Exeter 9.3 acres for use as a baseball park in exchange for the Grisets' right to utilize said 9.3 acres for density purposes in future open space development. Attorney Britain argued that the Town was without authority to enter into that contract in 1991, and that the Planning Board should deny the revised yield plan on that ground. Attorney Britain's letter also forwarded a letter from Steven B. Keach, P.E., of Keach-Nordstrom Associates which alleged technical errors in the Grisets' yield plan. The Grisets continued the July hearing to address Attorney Britain's filing.
- On 10 July 2020, the Grisets filed a comprehensive legal analysis regarding Attorney Britain's latest arguments with the Planning Board and asked that the Town Attorney review and comment on same.¹³ That filing incorporated the entirety of the Grisets' ZBA file. We understand that subsequent to this filing, Town Counsel provided a legal analysis to the Town regarding Attorney Britain's arguments.
- On 14 July 2020, the Grisets filed a partial waiver request from Section 9.6.1.2 to permit a perimeter buffer adjacent to the proposed subdivision road cul-de-sac less than the required 100' (the "Road waiver").

¹² See Ltr to Planning Board, dtd 3 June 2020.

¹³ See 10 July 2020 Letter.

- **August Hearing**

- The Grisets' revised yield plan was next reviewed at the Planning Board's 27 August 2020 meeting during which the Grisets presented their revised yield plan and addressed the comments and arguments made by Attorney Britain and Mr. Keach. None of the technical arguments raised by Mr. Keach amounted to actual discrepancies between the Regulations and the yield plan and were refuted by the Grisets and their civil engineer. Due to the late hour, the Planning Board did not address the Lot 5 Waiver or Road Waiver. The hearing was continued to 10 September 2020 due to the late hour.

- **September Hearing**

- In advance of the 10 September 2020 Planning Board meeting, the Town Planner provided a memorandum to the Planning Board with proposed waiver motions for the two partial perimeter buffer waivers.¹⁴ That memorandum references the waiver criteria contained within Section 9.6.1.2, not the Regulations' standard waiver criteria found in Section 13.7.
- During the 10 September 2020 hearing, after a non-public session to consider legal advice, the Planning Board unanimously voted to approve the Road Waiver but unanimously voted to deny the Lot 5 Waiver. There was very little deliberation on either waiver. Despite the Planner's recommendation to apply the waiver criteria found within Section 9.6.1.2, the Planning Board loosely referenced only the standard waiver criteria contained within Section 13.7 of the Regulations. Further, the Board's decision to deny the Lot 5 Waiver without discussing or referencing the 9.6.1.2 waiver criteria appears to be rooted in its agreement with Member Brown's statements, memorialized in the minutes as follows:
 - Vice-Chair Brown noted he believed the criteria has not been met for this lot and is not in the spirit of the ordinance. Have a 100' buffer for a reason. Usually will consider for minor encroachments. One less unit is not unreasonable for a yield plan. It meets criteria for #1 but don't think it is unique enough to meet #2. There is not a particular hardship for this unit.
- The Planning Board's denial of the Lot 5 waiver despite the considerable amount of evidence and analysis regarding the merit of the same constitutes a loss of \$175,000 in projected revenue and is the difference between a financially viable and inviable development.
- In light of the Planning Board's mistaken application of the waiver criteria in Section 13.7 instead of the criteria found within Section 9.6.1.2, the Grisets reached out to the Town Planner via email during deliberation in an effort to redirect the deliberation, all to no avail.¹⁵
- The following day, the Town Planner acknowledged via email the Planning Board's mistake and indicated that the Grisets could either have the issue addressed at the next Planning Board meeting, or have the issue taken up during site review.¹⁶ The Grisets

¹⁴ See Town Planner Memo to Planning Board, dtd 3 September 2020.

¹⁵ See Justin Pasay email to Dave Sharples, dtd 10 September 2020 at 8:24 PM.

¹⁶ See email from Dave Sharples to Justin Pasay, dtd 11 September 2020 at 11:16 AM.

indicated a desire to have the issue taken up at the next hearing.

- **October Hearing**

- Unbeknownst to the Grisets, the Town Planner then decided to obtain a legal opinion regarding the application of the two aforementioned waiver criteria and, apparently based on that opinion, concluded contrary to the Town's position throughout the duration of the permitting process, that the waiver criteria contained in *both* sections of the Regulations had to be met to obtain said perimeter buffer waivers.
- The Grisets learned of this new interpretation three days before the 22 October Planning Board meeting. In response, on 21 October, the Grisets filed a comprehensive analysis detailing the waiver criteria in both Section 9.6.1.2 and 13.7 for both perimeter buffer waivers.¹⁷
- After a presentation on the respective waiver requests at the 22 October hearing, without any deliberation or reference to either of the waiver criteria sections, the Planning Board voted once again to grant the Road Waiver and Deny the Lot 5 Waiver for "reasons previously stated in the record" as reflected in the minutes to that meeting.¹⁸

Conclusion

The procedural history of this case makes clear the Grisets' efforts to comply with all guidance and direction provided by the Town. As that record reflects, the Section 7.13 waiver and current yield plan, as modified by direction of the Town, should be approved by the Planning Board because the yield plan meets the Town's Regulations and because the Grisets previously obtained the ZBA relief necessary to use it in this case. The opposition's anticipated arguments to the contrary, voiced consistently over the last seven months, are rooted in an effort to unwind an Administrative Decision, special exception and variance they did not appeal and a 30-year old contract which the Grisets have performed under, which the opposition has no standing to challenge. These arguments are meritless.

Please do not hesitate to contact me with any comments, questions or concerns.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay
JLP/sac

Enclosures (1)

¹⁷ See Ltr to Planning Board, dtd 21 October 2020

¹⁸ See 22 October 2020 Planning Board Meeting Minutes.

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

Please see additional
plan attachments under
“Supporting Documents”
posted for this meeting



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: January 7, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: IOKA Properties LLC PB Case #20-20

The Applicant is seeking a minor site plan review for the proposed redevelopment of the existing structure located at 53 Water Street (the former IOKA Theater) into a combination of permitted uses including retail, restaurant and eight (8) residential condominium units. The subject property is located in the WC-Waterfront Commercial zoning district and is identified as Tax Map Parcel # 72-34.

The Applicant submitted a minor site plan and supporting documents, dated December 8, 2020 and those materials are enclosed for your review.

The Applicant appeared before the Zoning Board of Adjustment, at their November 17th, 2020 meeting seeking relief from the height and rear yard setback requirements in the WC-Waterfront Commercial zoning district as well as relief from the off-street parking requirements. The ZBA granted all three of the variances, as presented. A copy of the Notice of Decision(s) and the minutes from that meeting are enclosed for your review.

There was no Technical Review Committee review of the application. Ass't. Town Engineer Jen Mates has noted that any proposed modifications to utilities would require review by DPW. I have reviewed the application and the only comment I had was that a waiver from the number of parking spaces will be needed. The Applicant has requested the waiver from Section 9.13.1 of the Board's Site Plan Review and Subdivision Regulations which requires that the parking to be provided for the project is in conformance with the Off-Street Parking Schedule set forth in Article 5, Section 5.6.6 of the zoning ordinance.

In the event the Board decides to take action on the application, I have provided motions below for your convenience. I will be prepared with conditions of approval should the Board decide to grant approval.

Waiver Motions:

Parking space (number required) waiver motion: After reviewing the criteria for granting waivers, I move that the request of IOKA Properties LLC (PB Case #20-20) 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.

Planning Board Motion:

Minor Site Plan Motion: I move that the request of IOKA Properties LLC (PB Case #20-20) for Minor Site Plan approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures



RECEIVED

DEC 8 2020

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

EXETER PLANNING OFFICE

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

- MINOR SITE PLAN
- MINOR (3lots or less) SUBDIVISION () LOTS
- LOT LINE ADJUSTMENT

| | |
|----------|------------------|
| #20-20 | APPLICATION |
| 12/8/20 | DATE RECEIVED |
| \$100.00 | APPLICATION FEE |
| — | PLAN REVIEW FEE |
| \$120.00 | ABUTTER FEE |
| — | LEGAL NOTICE FEE |
| — | INSPECTION FEE |
| \$220.00 | TOTAL FEES |
| — | AMOUNT REFUNDED |

pd. ✓ # 67380/67381
\$120.- \$100.-
blm

1. NAME OF LEGAL OWNER OF RECORD: IOKA Properties, LLC

ADDRESS: 24 Graf Road, Newburyport, MA 01950

TELEPHONE: (603) 778-0686

2. NAME OF APPLICANT: IOKA Properties, LLC

ADDRESS: 24 Graf Road, Newburyport, MA 01950

TELEPHONE: (603) 778-0686

3. RELATIONSHIP OF APPLICANT TO PROPERTY IF OTHER THAN OWNER: n/a

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

4. DESCRIPTION OF PROPERTY:

ADDRESS: 53 Water Street, Exeter, New Hampshire

TAX MAP: 72 PARCEL #: 34 ZONING DISTRICT: WC

AREA OF ENTIRE TRACT: 0.14 acre PORTION BEING DEVELOPED: None



5. **EXPLANATION OF PROPOSAL:** See attached letter of explanation

6. **ARE MUNICIPAL SERVICES AVAILABLE? (YES/NO)** Yes
IF YES, WATER AND SEWER SUPERINTENDENT MUST GRANT WRITTEN APPROVAL FOR CONNECTION. IF NO, SEPTIC SYSTEM MUST COMPLY WITH W.S.P.C.C. REQUIREMENTS.

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

| <u>ITEM:</u> | <u>NUMBER OF COPIES</u> |
|---|-------------------------|
| A. <u>Boundary plan submitted by surveyor</u> | _____ |
| B. <u>Architectural plan submitted by architect</u> | _____ |
| C. _____ | _____ |
| D. _____ | _____ |
| E. _____ | _____ |
| F. _____ | _____ |

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: Henry Boyd / Millennium Engineering, Inc.
ADDRESS: 13 Hampton Road, PO Box 745, Exeter, NH 03833
PROFESSION: Engineer / Surveyor TELEPHONE: (603) 772-0689

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



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.

See attached.

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 12/08/2020

APPLICANT'S SIGNATURE

John C. Somers

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.



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

Please respond to the Exeter Office

LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
JUSTIN L. PASAY
ERIC A. MAHER
BRENDAN A. O'DONNELL
ELAINA L. HOEPPNER
WILLIAM K. WARREN

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
NICHOLAS R. AESCHLIMAN

December 8, 2020

VIA HAND-DELIVERY
Langdon Plummer, Chairperson
Exeter Planning Board
10 Front Street
Exeter, NH 03833

Re: 53 Water Street, Exeter, New Hampshire

Dear Chair Plummer and Planning Board Members:

Attached please find an application for site plan review regarding the above referenced property, together with appropriate filing fees. The subject property is the site of the former IOKA Theater. The property is now owned by IOKA Properties, LLC and the owners propose to redevelop the existing building into a combination of retail, restaurant and eight residential condominium units. The project has previously received approval from the Historic District Commission for the design of the exterior building improvements and the project has received approval from the Zoning Board of Adjustment for a height variance to allow for various improvements, a variance for expansion of a non-conforming use to allow three decks which will be attached to the building and which will encroach further into the rear yard setback. The Zoning Board of Adjustment also granted variance approval from the requirement for off street parking spaces where ninety-one spaces are required.

At this time we seek site plan approval from this Board. The application request is unusual in that there are no changes contemplated to the site itself. The sole reason for Planning Board jurisdiction for site review is based on the fact that the Town Planner has determined that, pursuant to Section 4.3.3 of your regulations, site review is called for when new multi-family housing is included. In this case, multi-family is proposed, although it will be developed in conjunction with commercial uses which would not otherwise need site review approval.

In conjunction with the site review application, pursuant to the Town Planner decision, the applicant is also seeking a waiver from the regulations of Section 9.13.1. This regulation calls for parking to be provided in conformance with the Off Street Parking Schedule set forth in Article 5, Section 5.6.6 of the zoning ordinance.

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

Langdon Plummer, Chairperson
December 8, 2020
Page 2

The Zoning Board of Adjustment previously granted variance relief from the parking requirements, a copy of which decision is enclosed. The effect of the variance is to grant a “..waiver of the strict letter of the zoning ordinance without sacrificing its spirit and purpose...and results in the establishment of a nonconforming use upon which the landowner has a right to rely...”, P. Loughlin, New Hampshire Practice: Land Use Planning and Zoning, Ch. 24, Variances, §24.02 (2010).

Finally, given the somewhat unusual circumstance of a site review application which will not have any site changes, we hope that the application could be reviewed as quickly as possible. To that end, we ask that a TRC review be conducted at the earliest time to identify any issues that can be addressed prior to reaching the Planning Board. We then ask that, at the next regularly scheduled public hearing following the TRC, the application be deemed complete and be reviewed at the public hearing.

Please contact me if you have any questions.

Sincerely,
DONAHUE, TUCKER & CIANDELLA, PLLC



Sharon Cuddy Somers
ssomers@dtclawyers.com

SCS/jh

cc: IOKA Properties, LLC
Henry Boyd, Millennium Engineers
Adam Wagner and Christina O'Brien, Market Square Architects

WAIVER REQUEST

The applicant seeks a waiver from the provisions of Section 9.13.1 of the site review regulations. Before the Planning Board can approve a waiver, it must make findings on the following criteria. In support of the waiver request, the applicant states as follows:

1. Section 13.7.1 states that the granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property:

The applicant seeks relief to allow no off-street parking where ninety-one (91) spaces are required pursuant to the zoning ordinance. As stated in the site review application, the Planning Board jurisdiction over this matter is triggered solely by the inclusion of multi-family housing in the proposal. But for this element, the proposed development would include only various commercial uses, and in conjunction with the lack of any site changes, the Planning Board would not need to consider site review or the waiver application. That said, granting the waiver will not violate the criteria of Section 13.7.1 since the users of the property can use parking on the street and various municipal parking lots along with the other properties situated in proximity on Water Street. Further, the applicant is unaware of abutting property owners who believe that the proposal will be injurious to their property. Finally, relative to the use which triggers the Planning Board jurisdiction, the eight residential units will require sixteen (16) parking spaces and guest spaces serving the residential units will number two (2) and the proportion of parking spaces required for the residential component is modest in comparison to those required for commercial uses.

2. Section 13.7.2 states that 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 property was once the site of a three hundred seat movie theater. Once the movie theater closed, then it enjoyed one hundred “grandfathered” parking spaces for use in redevelopment, and thus the present proposal would have been conforming to the zoning regulations. For reasons beyond the control of the applicant, and arguably beyond the control of earlier owners in the chain of title, it was not possible to present a comprehensive proposal for redevelopment prior to now, and the “grandfathered” status of those parking spaces has thus lapsed and requires relief from the Zoning Board of Adjustment, which it has received. The applicant contends that the large pool of grandfathered parking spaces is arguably larger than any others which might be claimed by other properties in the vicinity. This fact, coupled with the fact that the grandfathered

status of such spaces cannot be used to conform to the zoning ordinance, makes such conditions unique to this property.

3. Section 13.7.3 states that because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

This property is in the heart of the downtown, with no physical space on the property to create off street parking to serve the proposed development. The property itself has been called out in the Exeter Master Plan as a property which will benefit the Town were it to be redeveloped. Users of this property will need to park somewhere, and the applicant has been unable to identify any shared parking. As a result, parking must occur on the street and in municipal lots or the applicant will sustain a “particular hardship” because the project will not be able to move forward at all. This hardship is undoubtedly much more than “a mere inconvenience”.

4. Section 13.7.4 states that the granting of the waiver will not be contrary to the spirit and intent of the regulations.

The intent of regulations requiring off street parking is to provide, to the extent possible, that the parking needs of any one property will not unduly burden the parking needs of nearby properties. As was stated to the ZBA when parking relief was granted, the applicant anticipates that the staggered nature of parking needs of this property will work in concert with other downtown properties, all of which share existing on street parking with no evidence of problems which are different from other vibrant downtown areas.

Section 13.7.5 states that the waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

Granting the waiver will not vary the provisions of the Zoning Ordinance. The requested parking is now allowed by virtue of the variance granted by the ZBA on October 20, 2020. The waiver will not vary the provisions of the Master Plan since as referenced the above, the Master Plan itself calls out this particular property as one which should be redeveloped.



TOWN OF EXETER, NEW HAMPSHIRE

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

772-4709

www.exeternh.gov

November 25, 2020

Sharon Cuddy Somers, Esquire
Donahue, Tucker & Ciandella PLLC
16 Acadia Lane
POB 630
Exeter, New Hampshire 03833-4924

Re: Zoning Board of Adjustment Case #20-16
Variance Requests - IOKA Properties LLC
53 Water Street, Exeter, N.H. Tax Map Parcel #72-34

Dear Attorney Somers:

This letter will serve as official confirmation that the Zoning Board of Adjustment, at its November 17th, 2020 meeting, voted to approve your application for variances from Article 4, Section 4.4. Schedule III: Density & Dimensional Regulations-Non Residential seeking relief from the Maximum Height Regulations and the Minimum Rear Yard Setbacks; and from Article 5, Section 5.6.6. Off-Street Parking Schedule to allow for no off-street parking to be provided in conjunction with the proposed redevelopment of the existing building, as presented, including the documents submitted electronically on November 17, 2020, subject to the conditions stated below.

The variance for relief from the maximum height requirement was granted with the condition that a maximum height of 58 feet is approved, and not 60 feet as requested in the application.

The variance for relief from the Off-Street Parking Schedule was granted to allow for off-street parking relief up to a maximum of 91 parking spaces in conjunction with proposed redevelopment of the property as stated in the application.

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

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

Sincerely,

Joanne T. Petito
Chairwoman
Exeter Zoning Board of Adjustment

cc: IOKA Properties, LLC
Adam Wagner, Market Square Architects
Douglas Eastman, Building Inspector/Code Enforcement Officer
Janet Whitten, Deputy Assessor

Town of Exeter
Zoning Board of Adjustment
November 17, 2020, 7 PM
Remote via Zoom
Final Minutes

I. **Preliminaries**

Members Present: Chair Joanne Petito, Clerk Rick Thielbar, Laura Davies, Martha Pennell - Alternate, Christopher Merrill - Alternate, Ann Surman - Alternate

Members Absent: Vice-Chair Robert Prior [left prior to voting], Kevin Baum, Hank Ouimet - Alternate, Esther Olson-Murphy - Alternate

Call to Order: Chair Petito called the meeting to order at 7 PM.

Ms. Petito read a statement:

As Acting Chair of the Zoning Board of Adjustment, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 this public body is authorized to meet electronically.

On November 6, 2020, Public notice of this meeting was posted on the town website and on the bulletin board of the town offices at 10 Front Street. As provided in that public notice, the public may access the meeting online and via phone.

Please note that all votes taken during this meeting shall be done by roll call vote. Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting and who that person is (son, daughter, spouse, etc...), which is required under the Right-to-Know law.

II. **New Business**

- A. The application of IOKA Properties LLC for a variance(s) from Article 4, Section 4.4. Schedule III: Density & Dimensional Regulations-Non Residential seeking relief from the Maximum Height Regulations and the Minimum Rear Yard Setbacks; and from Article 5, Section 5.6.6. Off-Street Parking Schedule to allow for no off-street parking to be provided in conjunction with the proposed redevelopment of the existing building. The subject property is located at 53 Water Street, in the WC-Waterfront Commercial zoning district. Tax Map Parcel # 73-34. Case #20- 16.

Attorney Sharon Somers of Donohue, Tucker and Ciandella (DTC), Principals David Cowie and Jay Caswell, and Christina O'Brien of Market Square Architects were present to discuss the application. Attorney Somers said that Ioka Properties LLC is seeking relief from the height regulations to accommodate a structure on the building's

45 roof and a relief from setback regulations to put in balconies. They're also seeking relief
46 from the off-street parking requirements.

47 Ms. O'Brien showed the proposed rear elevation, with balconies on three floors.
48 The 1st floor balcony protrudes 8 feet, the 2nd and 3rd floor balconies 5 feet, and there
49 is a basement-level outdoor deck. On the roof, there will be a railing that encloses a
50 patio with an open air pergola, as well as a structure for a stair access point. The first
51 floor deck would be 5.84 feet from the existing property line on one side, and 0.14 feet
52 on the other side.

53 Mr. Prior left at this time due to technical issues.

54 Ms. O'Brien said regarding the height requirements, a height of 35 feet is
55 allowable on the street side. An existing parapet is above that height, and they're hoping
56 to use that as a screen for the rooftop condenser units. On the river side, a height of 50
57 feet above grade level is allowed, which hits in the middle of their proposed rooftop
58 railings. They're asking for a 10 foot allowance above the 50 feet, just in case the 7 foot
59 pergola structure must be raised slightly. Per zoning ordinance, an access way does not
60 fall under the maximum building height allowances. The pergola would be level with that
61 structure.

62 Ms. Petito asked how much higher the pergola and access point are than the
63 front height of the building. Ms. O'Brien said the parapet is about 6 feet taller than the 35
64 feet, and the pergola is about 7.5 feet taller. It shouldn't be visible from Water Street,
65 although you may see a corner of the access way. Attorney Somers said the pergola
66 and stairwell are set back from Water Street, and it shouldn't be visible from the street.
67 She added that the design has been approved by the HDC. Mr. Thielbar asked if the
68 elevator must come above the roof, and Ms. O'Brien said no, it does not come above the
69 roof.

70 Mr. Thielbar said that some information in the presentation was not included in
71 the packet. They will want to have these limitations on what they can do with the roof on
72 record. Attorney Somers said the full package was submitted electronically to the
73 department today for the record.

74 Ms. Surman asked why they asked for 10 feet when they only need 7 feet for the
75 planned structures. Attorney Somers said they don't want to have to come back in the
76 event that the height of the pergola is slightly taller due to a construction issue. Mr.
77 Cowie said they would be ok with only 8 feet, and Mr. Thielbar said he would be more
78 comfortable with that.

79 Attorney Somers went through the variance criteria. 1) Not contrary to the public
80 interest; no, the rear setback is abutting the river, and the variance isn't going to affect
81 the essential character of the locality. Regarding the height relief, this is a practical
82 concern for the mechanicals, as well as being necessary to create a high-end
83 experience for the residents. All of this has been approved by the HDC. Other properties
84 in this locale have rooftop improvements or outdoor seating areas, so this is consistent
85 with the neighborhood. 2) Spirit of the ordinance; yes, this is the same as #1. 3)
86 Substantial justice is done; yes, the applicant will be able to redevelop this property to
87 maximize the enjoyment of the retail and residential users. They're not aware of
88 detriment to any individual if granted. 4) Property values will not be diminished; no, if

89 anything property values will go up as a result of this work. 5) Hardship; yes, the special
90 conditions for this property are that they are the largest building in the area and one of
91 the few that is big enough to support these rooftop improvements, which will not be
92 visible from the street. Regarding the balconies, this is the only property in the area wide
93 enough to support them. The encroachment into the rear yard setback will replicate
94 what's already there with the former bump-out, which will be removed. There's no
95 crowding of abutting properties. Regarding the height, there's no blocking of light or air,
96 as the pergola and railing are largely transparent. The proposal is reasonable; yes, they
97 created the design so there's a balance between what's attractive to residents while not
98 building too high. Ms. Petito asked them to clarify that the balcony is shallower and
99 narrower than the existing bump-out structure on the building, and Mr. Cowie said the
100 lower balcony is slightly more projecting, but the other two project less. He added that
101 removing the existing structure and putting in balconies will cut down the massing of the
102 building on that side.

103 Ms. Petito asked for public comment, but there was none. She closed the public
104 session and began the Board deliberations.

105 Ms. Davies said she had expected the public to be concerned about noise from
106 the balcony, but that's not the case since no one was present. She's not concerned
107 about it. Ms. Petito said it's not visible from the street, and there were no public concerns
108 presented. The balconies are more pleasant to look at than the existing bump-out.

109 Mr. Thielbar went through the criteria. 1) Not contrary to the public interest; no,
110 when looking at functionality and aesthetics, this is definitely in the public interest. 2)
111 Spirit of the ordinance is observed; yes. 3) Substantial justice is done; yes, the building
112 owners are making an effort to maintain the appearance of the building while still having
113 it function in a significantly different way. 4) Value of surrounding properties will not be
114 diminished; yes, and the value may even be enhanced. 5) Literal enforcement of the
115 ordinance would result in unnecessary hardship; yes, the special nature of the structure
116 makes it difficult to make the transition in function within the ordinance limitations. He
117 added that he would like to restrict the overall height to 8 feet, rather than the 10 feet
118 requested in the application.

119
120 Ms. Davies moved to approve the application of Ioka Properties, LLC for a variance from Article
121 4 section 4.4 schedule III: Density & Dimensional Regulations-Non Residential seeking relief
122 from the Maximum Height Regulations and the Minimum Rear Yard Setbacks as requested,
123 with the exception that we will approve the 58 foot height where 50 feet is required as opposed
124 to the 60 foot height where 50 feet is required, as detailed in the application. Mr. Thielbar
125 seconded. Ms. Petito pointed out that the applicant had submitted additional documents today.
126 Mr. Thielbar moved to amend the motion to include the document submitted to the town office
127 today showing additional drawings. Ms. Davies seconded the amended motion. In a roll call
128 vote, Ms. Surman, Mr. Merrill, Ms. Davies, Ms. Petito, and Mr. Thielbar voted yes, and the
129 motion passed 5-0.

130 Attorney Somers said they are also seeking relief for the required 91 off-street
131 parking spaces required by the ordinance. They propose providing none.

132 She went through the variance criteria. 1) Not contrary to the public interest; this
133 requirement is intended to prevent traffic problems, but this is a downtown property in a
134 commercial zone of similar uses, with some residential on the upper floors, which are
135 permitted as a matter of right in this zone. Almost all of these properties do not have any
136 off-street parking, so they won't be changing at all the essential character of the
137 neighborhood. There will be both residential and commercial uses, which they believe
138 will create a "staggered" parking demand. 2) Spirit of the ordinance is observed; yes,
139 the spirit and intent is the same as #1. 3) Substantial justice is done; yes, this variance
140 will allow the applicants to move forward with the project. They're not aware of any
141 individuals who believe their interest will be impaired. Any public impact will be minimal,
142 especially compared with the benefits generated by this building. 4) Values of
143 surrounding properties will not be diminished; no, the surrounding properties are largely
144 commercial and do not provide off-street parking. This renovation will enhance the value
145 of surrounding properties, not diminish them. 5) Hardship; yes, the unique aspect of this
146 property is its size. Fair and substantial relationship; yes, the purpose is to prevent
147 parking issues, but the needs will be staggered. Proposed use is reasonable; yes, this
148 variance is critical to this building being developed. She added that they looked into
149 shared parking, but did not find a solution.

150 Mr. Thielbar asked why they were adding a balcony to the first floor retail area.
151 Attorney Somers said it's irrelevant, as the balcony itself doesn't alter the parking
152 calculations. Mr. Caswell said that is just speculative space, so they're planning a
153 balcony for aesthetic reasons. Mr. Thielbar said if they end up with a restaurant on the
154 first floor, they may need to come back for a larger parking variance.

155 Ms. Petito asked for public comment.

156 Jeff Koroski of Captain's Way said if they have a roof deck, a side deck, and a
157 restaurant, it will create problems with parking. There are already parking problems
158 downtown.

159 Attorney Somers responded that the use of the roof deck will be strictly limited to
160 residents, and will not be open to the public. Regarding the parking situation, a 2018
161 traffic survey by RPC determined that there was the perception of a parking issue
162 downtown but there is actually sufficient parking. The only restaurant usage will be in the
163 basement.

164 Ms. Petito closed the public session and opened the Board deliberations.

165 Mr. Thielbar said he doesn't understand how they arrived at the 91 spaces
166 number. He doesn't believe the "staggered demand" would be enough to offset the

167 parking challenges, as not all residents will leave during the day. There also needs to be
168 a place where those cars can park overnight. There will be 18 downtown parking spaces
169 tied up essentially full time. Ms. Davies said the Master Plan calls for residential uses
170 downtown, which would be impossible without zoning relief. Ms. Petito said she believes
171 the calculations are based on the anticipated size of the restaurant. Ms. Davies said
172 there are empty storefronts and parking is available downtown.

173 Ms. Davies went through the variance criteria. 1) Not contrary to the public
174 interest; no, the public interest is in having a thriving downtown. Overall the parking
175 always seems to work somehow. The mixed-use plan for the building mitigates the
176 parking needs slightly. 2) Spirit of the ordinance is observed; yes, this is basically the
177 same as public interest. 3) Substantial justice is done; yes, there's really no detriment to
178 any particular party that's directly foreseen with the variance being granted. The uses
179 are all permitted by zoning. Having this building back in use will offer a public benefit and
180 a benefit to other property owners. Any potential impact will be outweighed by the
181 anticipated benefits. 4) Values of surrounding properties will not be diminished; no,
182 they've had no testimony that property values will be diminished, and she believes that
183 the values will be enhanced by this restoration. 5) Hardship; the special conditions of the
184 property present a hardship. This is a historic building, and no one would like to see it
185 torn down or reduced in size. No fair and substantial relationship exists between the
186 ordinance and the specific application; yes, the parking regulation is there to provide
187 orderly and easy parking for people, but this is a historic structure with no on-site parking
188 and requires relief to remain in use. Proposed use is a reasonable one; yes, all the uses
189 proposed are permitted. A mixed-use property is a desirable way to develop historic
190 buildings in downtown. The staggered nature of the uses could reduce the parking
191 demand. She added that she personally thinks the building should be used, and it
192 requires parking relief, so she recommends granting the request. Ms. Petito agreed. Mr.
193 Thielbar suggested giving them relief for 100 spaces instead, so they don't have to come
194 back for further relief. Ms. Petito said she doesn't think they can give them more than
195 they've asked for. The number requested is a lot already.
196

197 Ms. Davies moved to approve the application for a variance from Article 5, Section 5.6.6. Off-
198 Street Parking Schedule for off street parking relief for up to 91 spaces in conjunction with
199 proposed redevelopment of the existing building at 53 Water Street, as stated in the
200 application. Mr. Thielbar seconded. Ms. Surman, Mr. Merrill, Ms. Davies, Ms. Petito, and Mr.
201 Thielbar voted yes, and the motion passed 5-0.

202
203 Ms. Petito paused the meeting for a 5 minute break at this time. The meeting
204 reconvened at 9:03 PM.

- 205
206 B. The application of Benjamin and Sarah Anderson for a modification to a
207 previously granted variance from Article 4, Section 4.2 which permitted the use of
208 the existing accessory barn on their property for community gatherings. The
209 Applicant is seeking relief to permit the operation of a nano-brewery and tasting

IOKA PROPERTIES, LLC, 53 WATER STREET, TAX MAP 72, LOT 34
ABUTTER LIST

OWNER/APPLICANT:

72/34 Ioka Properties, LLC
24 Graf Road
Newburyport, MA 01950

ABUTTERS:

72/33 Exeter Masonic Association
c/o Dwayne Staples
33 Ashbrook Road
Exeter, NH 03833

72/35 David A. Cowie, Manager
DAC IV, LLC
79 Parker Street
Newburyport, MA 01950

72/15 64 Water Street, LLC
181 High Street
Exeter, NH 03833

72/14-1 Susan Blaire
c/o Susan Rislove
42 Water Street
Exeter, NH 03833

72/14-2 Mia James Realty Trust
Kristin Poulin, Trustee
45 Wadleigh Point Road
Kingston, NH 03848

72/14-3 Susan Rislove
42 Water Street
Exeter, NH 03833

72/14-4, 5 & 6 Water Street Realty Trust
Chung Jen Chen
531 East Third Street #2
South Boston, MA 02127

72/42 Town of Exeter
10 Front Street
Exeter, NH 03833

ATTORNEY:

Sharon Cuddy Somers, Esq.
Donahue, Tucker & Ciandella, PLLC
PO Box 630
Exeter, NH 03833

Wetland Scientist:

Sergio Bonilla, PWS, CWS
Mission Wetland &
Ecological Services, LLC
P.O. Box 4028
Portsmouth, NH 03802

Engineer:

Millennium Engineering, INC
Henry Boyd
P.O. Box 745
Exeter, NH 03833

S:\IA-IZ\IOKA Properties, LLC\Town of Exeter\2020 05 04 abutter list.docx



TOWN OF EXETER, NH
APPLICATION FOR MINOR SITE PLAN REVIEW,
MINOR SUBDIVISION and/or LOT LINE ADJUSTMENT

A completed application shall contain the following items, although please note that some items may not apply such as waivers or conditional use permit:

- | | |
|---|-----|
| 1. Application for Hearing | (✓) |
| 2. Abutter's List Keyed to the Tax Map (including name and business address of all professionals responsible for the submission (engineer, landscape architect, wetland scientist, etc.)) | () |
| 3. Checklist for plan requirements | () |
| 4. Letter of Explanation | (✓) |
| 5. Written request and justification for waiver(s) from Site Plan/Sub Regulations | ✓ |
| 6. Application to Connect and/or Discharge to Town of Exeter Sewer, Water, or Storm Water Drainage System(s) - if applicable | () |
| 7. Application Fees | (✓) |
| 8. Seven (7) copies of 24"x36" plan set | (✓) |
| 9. Fifteen (15) 11"x 17" copies of the plan set | (✓) |
| 10. Three (3) pre-printed 1"x 2 5/8" labels for each abutter, the applicant and all consultants. | (✓) |

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

Please see additional
plan attachments under
“Supporting Documents”
posted for this meeting