



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, May 27, 2021 at 7:00 P.M. to consider the following:

APPROVAL OF MINUTES: April 22, 2021

NEW BUSINESS: PUBLIC HEARINGS

Continued public hearing on the application of Brian Griset for a lot consolidation, subdivision, lot line adjustment, Wetlands Conditional Use Permit, Shoreland Conditional Use permit and site plan review for a proposed 16-unit single-family condominium open space development and associated site improvements on properties located off of Tamarind Lane and Cullen Way. The subject properties are situated in the R-1, Low Density Residential and NP-Neighborhood Professional zoning districts. Tax Map Parcel #96-15, #81-53 and #96-9. PB Case #20-2.

The application of Scott W. Carlisle III for review of a Yield Plan for a proposed 12-lot single-family open space subdivision and associated site improvements on the property located at 19 Watson Road. The subject property is situated in the R-1, Low Density Residential zoning district. Tax Map Parcel #33-26. PB Case #20-21.

OTHER BUSINESS

- Election of Officers
- Master Plan Discussion
- Field Modifications
- Bond and/or Letter of Credit Reductions and Releases

EXETER PLANNING BOARD

Langdon J. Plumer, Chairman

Posted 05/14/21: 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/81909454944>
To access the meeting via telephone, call: +1 646 558 8656 and enter the Webinar ID: 819 0945 4944
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.*

**TOWN OF EXETER
PLANNING BOARD
APRIL 22, 2021
VIRTUAL MEETING
DRAFT MINUTES**

Zoom ID: 89728691039

Phone: 1 646 558 8656

I. PRELIMINARIES:

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

STAFF PRESENT: Town Planner Dave Sharples

II. CALL TO ORDER: Chair Plumer called the meeting to order at 7:00 PM and read out loud the public hearing notice. Chair Plumer read out loud the meeting preamble which indicated that an emergency exists and the provisions of RSA 91-A:2 III (b) are being invoked. As federal, state and local officials have determined gatherings of ten or more people pose a substantial risk to the community and the meeting imperative to the continued operation of Town and government and services which are vital to public, health, safety and confidence. This meeting will be conducted without a quorum physically present in the same location and welcome members of the public accessing the meeting remotely.

The members introduced themselves by roll call and in accordance with the Right to Know Law noted they were alone in the room. Alternate Pete Steckler was activated.

III. OLD BUSINESS

APPROVAL OF MINUTES

April 8, 2021

Mr. Cameron in reviewing the minutes noted while he is an attorney he is not appearing on the Board as an attorney or rendering any legal advice to the Board. That is what they go to Town Counsel for.

Ms. Belanger recommended edits.

40 **Mr. Cameron motioned to approve the April 8, 2021 Meeting Minutes as amended. Ms.**
41 **Martel seconded the motion. A roll call vote was taken Martel – aye, English – aye, Cowan –**
42 **aye, Cameron – aye, Brown – aye, Steckler – abstain and Plumer – aye. The motion passed 6-**
43 **0-1.**

44
45 **IV. NEW BUSINESS**

46 **PUBLIC HEARINGS**

47 1. The application of Brian Griset for a lot consolidation, subdivision, lot-line adjustment, Wetlands
48 Conditional Use Permit, Shoreland Conditional Use Permit and Site Plan for a proposed 16-unit single
49 family condominium open space development and associated site improvements on properties located
50 off of Tamarind Lane and Cullen Way.

51 R-1, Low Density & NP-Neighborhood Professional zoning districts

52 Tax Map Parcel #96-15, #81-53 and #96-9

53 Planning Board Case #20-2

54

55 Chair Plumer read out loud the Public Hearing Notice and noted correspondence had been received
56 from Attorney Pasay asking for a continuance to the Board's May 13, 2021 hearing at 7:00 PM.

57 However, as Mr. Sharples would be absent from that meeting the Board agreed, preferring to have him
58 there, to consider continuing the hearing until May 27, 2021 at 7:00 PM.

59

60 **Vice-Chair Brown motioned to continue the application of Brian Griset, Planning Board Case #20-2, Tax**
61 **Map Parcels #96-15, #81-53, and #96-9 to May 27, 2021 at 7:00 PM. Ms. English seconded the motion.**
62 **A roll call vote was taken Steckler – aye, Martel – aye, English – aye, Cowan – aye, Cameron – aye,**
63 **Brown – aye and Plumer – aye. The motion passed 7-0-0.**

64

65 Vice-Chair Brown noted at the Conservation Commission's last meeting they discussed potentially
66 having a site walk at the property. They are meeting next on May 11th. Vice-Chair Brown noted it would
67 be helpful for other members to watch the meeting video. Chair Plumer noted the last site walk was
68 quite awhile ago and not everyone had a chance to attend. Vice-Chair Brown indicated that Mr. Griset
69 had offered to accommodate anyone who wished to do a site walk. Ms. English asked Vice-Chair Brown
70 if Conservation Commission had scheduled a site walk yet and Vice-Chair Brown indicated they hadn't.
71 Mr. Sharples will post it. The Board agreed on Friday, May 7, 2021 at 9 AM. Mr. Griset was in
72 agreement and recommended meeting at the gravel lot at 8 Tamarind Lane.

73 **V. OTHER BUSINESS**

74

75 Master Plan Discussion

76

77 Field Modifications

78

79 Bond and/or Letter of Credit Reductions and Releases

80

81 Mr. Sharples noted one letter of credit was swapped for a cash escrow.

82

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

84 **VII. CHAIRPERSON'S ITEMS**

85 Chair Plumer indicated that Mr. Cameron and Mr. Grueter are up for reappointment. Mr. Sharples
86 recommended they reach out to Barbara to be put on the Select Board's April 26, 2021 agenda.

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

88 **IX. ADJOURN.**

89 *Vice-Chair Brown motioned to adjourn the meeting at 7:34 PM. Ms. English seconded the*
90 *motion. A vote was taken, all were in favor, the motion passed unanimously. The meeting*
91 *adjourned at 7:34 PM.*

92

93 Respectfully submitted,

94 Daniel Hoijer,

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

The Applicant has submitted plans for a lot consolidation, subdivision, lot line adjustment, Wetlands Conditional Use Permit, Shoreland Conditional Use permit and site plan review for a proposed 16-unit single-family condominium open space development and associated site improvements on properties located off of Tamarind Lane and Cullen Way. The subject parcels are situated in the R-1, Low Density Residential and the NP-Neighborhood Professional zoning districts and are identified as Tax Map Parcel #96-15, #81-53 and #96-9.

At its February 11th, 2021 meeting, the Board voted to accept the Yield Plan entitled "Preliminary Yield Plan for Residential Development, Tamarind Lane, Exeter, N.H." (dated February 5, 2020, and revised January 15, 2021), as presented, for a total of eighteen (18) units. At this same meeting, the Board granted a waiver from Section 7.13 for relief from the requirement to provide a Yield Plan that shall not require a variance from existing zoning ordinances.

Subsequently, the Applicant provided their response comments to the first TRC and UEI comment letters. The Applicant met with the Technical Review Committee (TRC) for a second review via ZOOM on April 1, 2021 and those comment letters and Applicant responses were previously provided in the last meeting packet.

The Applicant appeared before the Conservation Commission at its April 13th, 2021 meeting for review of the Wetlands and Shoreland Conditional Use Permit applications. The Commission was not able to complete their review of the CUP applications at this meeting and tabled further discussion of the applications to their May 11th, 2021 meeting as they wanted to be sure they had adequate time to review and process the information provided by the Applicant while stepping through the criteria.

The Applicant returned to the ConCom on May 11th, 2021 for further discussion on the CUP applications. The ConCom voted to recommend approval of both the CUP applications. A copy of the memo from ConCom Chair Andrew Koff, dated 5/18/21, outlining the Commission's recommendations is enclosed for your review.

The Planning Board and ConCom held a joint site walk on May 7th, 2021. The minutes of that meeting are enclosed. During the site walk, the applicant explained that the Prime Wetland boundary was incorrectly shown upon the Yield Plan that the board previously accepted.

Subsequently, a revised yield plan and open space development site plans, dated 5/11/21, have been submitted addressing the recommendations from DPW, ConCom and at the request of the Applicant. These plans are enclosed for your review, along with a letter of explanation from Attorney Pasay, dated 5/5/21. Also enclosed is a supplemental filing from Attorney Pasay, dated 5/20/21, further addressing the concerns and issues raised relative to the wetlands boundary appeal requested by the abutters.

If the board decides to act on the Yield Plan, I have provided a motion under Planning Board Motions below for your convenience. In the event the Board decides to act on the waiver requests and applications, I have provided motions below for your convenience.

Waiver Motions

Sloped granite curbing in cul-de-sacs waiver motion: After reviewing the criteria for granting waivers, I move that the request of Brian Grisette (PB Case #20-2) for a waiver from Section 9.17.2 of the Site Plan Review and Subdivision Regulations regarding the requirement for the perimeter of the cul-de-sac to be sloped granite curbing be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Roadway Parameters waiver motion: After reviewing the criteria for granting waivers, I move that the request of Brian Grisette (PB Case #20-2) for a waiver from Section 9.17.10 .C. of the Site Plan Review and Subdivision Regulations to permit proposed access roadway width less than required be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Sidewalk waiver motion: After reviewing the criteria for granting waivers, I move that the request of Brian Grisette (PB Case #20-2) for a partial waiver from Section 9.15 to permit a portion of the proposed sidewalk to be less than five-feet (5") in width be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Perimeter Buffer Strip waiver motion: After reviewing the criteria for granting waivers, I move that the request of Brian Grisette (PB #20-2) for a waiver from Sections 9.6.1.2 and 11.2.8 of the Site Plan Review and Subdivision Regulations to provide a 100' vegetated buffer strip and a 50' no-disturb area along the perimeter lot line of the tract 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 a Yield Plan approval of a ____ unit Single Family Open Space development be ACCEPTED / ACCEPTED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Lot consolidation and Subdivision Motion: I move that the request of Brian Griset (PB Case#20-2) for lot consolidation and subdivision, as presented, be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Lot Line Adjustment Motion: I move that the request of Brian Griset (PB Case #20-2) for Lot Line Adjustment approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Single Family Open Space Development Motion: I move that the request of Brian Griset (PB Case #20-2) for Site Plan approval of the proposed single family condominium open space development be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Conditional Use Permit (Wetlands) Motion: After reviewing the criteria for a Wetlands Conditional Use permit, I move that the request of Brian Griset (PB Case #20-2) for a Conditional Use Permit be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Conditional Use Permit (Shoreland) Motion: After reviewing the criteria for a Shoreland Conditional Use permit, I move that the request of Brian Griset (PB Case #20-2) for a Conditional Use Permit be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.



CELEBRATING OVER 85 YEARS OF SERVICE TO OUR CLIENTS

LIBERTY B. MCGOWAN
JOHN J. RATTIGAN
DENISE A. PAVLOS
ROBERT M. DEROGAR
CHRISTOPHER L. BOLDY
STARRON CHIDBY SOMER
DOUGLAS M. MANSFIELD
KATHERINE A. MILLER
CHRISTOPHER T. HILSON
HEIDI L. BARRETT-KITCHEN
ESTYLL PASAY
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
BRENDAN A. O'DONNELL
BLAINE L. HOEPPNER
WILLIAM E. WARREN

RETIREE
MICHAEL L. DONAHUE
CHARLES E. TUCKER
ROBERT D. CIANDELLA
NICHOLAS R. AESCHELMAN

20 May 2021

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

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

Dear David –

Brian relayed to me the substance of your discussions with him earlier this week. In an effort to help streamline the upcoming Planning Board hearing on the above referenced matter on 27 May 2021, we ask that the contents of this letter be relayed to the Planning Board with your Staff Memorandum to address the concerns and issues you raised in your 15 April Staff Memorandum to the Planning Board on this matter (the “April Memo”), and certain abutters request for a wetlands boundary appeal under the Zoning Ordinance. We hope you concur with our summary below and welcome any comment or questions you may have if you do not.

1) Prime Wetlands Issue

- In the April Memo you raised legal questions regarding what, if any authority, the Town has to require a property owner to change the Town-approved prime wetlands boundary. We understand that the Planning Board now has a legal opinion from Town Counsel on this matter.
- The existing conditions plan, as revised and filed on 11 May correctly reflects the current Town-approved prime wetlands map for wetland #26 and the corresponding 100-foot buffer specified in Section 9.1.3(E)(1) of the Zoning Ordinance.
- The revised yield plan, also filed with the Town on 11 May, accurately plots the Town-approved prime wetlands boundary along with its corresponding 100-foot buffer.
- Lots 5 and 6, as depicted on the revised yield plan, continue to meet and exceed all Town requirements and, specifically, the minimum buildable area standard by a factor of 2.5.

DONAHUE, TUCKER & CIANDELLA, PLLC
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111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03255
83 Clinton Street, Concord, NH 03301

2) Abutters' Wetlands Boundary Appeal

- Pursuant to Section 9.1.3(F), “in the event that the Building Inspector, the Planning Board, or the Conservation Commission questions the validity of the boundaries of a wetland area on a specific parcel of land, or upon written petition of the owner or any abutter of the said property to the Planning Board, the Board may call upon the services of a scientist qualified to delineate wetlands in accordance with the standards and criteria specified in 9.1.4.J Wetlands Delineation in order to examine said area and report the findings to the Planning Board for their determination of the boundary.”
- In advance of the 22 April 2021 Planning Board meeting, we learned that certain abutters requested a third-party review of the wetlands delineation in this case.
- As a result, In our 22 April 2021 letter to the Planning Board, we indicated agreement to the third-party review of the wetland delineation on this project made by Gove Environmental Services, Inc. subject to the understanding that the prime wetland boundary is not subject to modification pursuant to this process. This offer was made to expedite the process and get things moving.
- Since that time, the Grisets have learned several critical pieces of information.
 - i. First, the Grisets reviewed the written requests for a third-party review from three abutters which are substantially similar, or identical, which provide no legitimate basis for a third-party review of the wetland delineations. Upon review of these requests, they provide as a basis for same: 1) the prime wetlands boundary issues you raised in your April Memo to the Planning Board, and 2) a conflict-of-interest allegation regarding Gove Environmental Services, Inc. and The Gove Group Real Estate, characterized as the potential developer of the Project. As we have stated, prime wetland boundaries may not be altered via the boundary appeal process. Further, the plotting error on the Grisets initial plan sets resulted from an error on the Town's Prime Wetlands Map, it is not the result of an improper wetlands delineation. Additionally, there is no personal or professional affiliation between Gove Environmental and the Gove Group that constitutes a conflict of interest. Jim Gove and Scott Gove share the same name but are of no relation.
 - ii. Second, at the 11 May 2021 Conservation Commission hearing, abutters to the project verbally requested a third-party review of the wetland delineation and requested that the Conservation Commission postpone finalizing its review of the project until this review is completed. The Conservation Commission declined this request finding that no evidence was presented or provided by the abutters that would justify third-party review. Similarly, the Conservation Commission declined to postpone finalizing a recommendation on the Grisets' Conditional Use Permit applications until after a third-party review was conducted. Instead, the Conservation Commission recommended approval of the Grisets' Wetlands Conservation Overlay District and Shoreland Protection District Conditional Use Permits.
 - iii. After the 11 May 2021 Conservation Commission hearing, the Grisets learned that the Town has not, in fact, secured a third-party review and will

not do so unless/until the Planning Board directs a third-party review be conducted. We anticipate that this process would take several months to complete. As we note above and below, such a review is unwarranted on the facts of this case and would be an unfair burden to the applicant.

3) Withdrawal of Agreement for Third-Party Review of Wetland Delineation

- Over the last several weeks and as discussed above, it has become clear that there is no legitimate basis for questioning the wetland delineation in this matter, as the Conservation Commission determined. Two separate site walks have been conducted and no concerns regarding wetland delineation have been raised by any member of the Planning Board or Conservation Commission.
- Similarly, the abutters' request for a boundary appeal is based on the mistaken belief that a third-party review of the delineation could alter the prime wetland boundary, and the mistaken belief that there is a conflict of interest in this case. Neither of these bases are legitimate grounds for a third-party review.
- As there are no legitimate concerns regarding the wetland delineation, requiring a third-party review will only serve to improperly delay the Planning Board's review and impose additional unwarranted costs on the applicant.

We are happy to discuss any and all of the above at the 27 May 2021 Planning Board hearing. Thank you very much for your time and attention.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay
JLP/LH

Cc: Brian Grisct
Gove Environmental Services, Inc.
Beals Associates, PLLC

**TOWN OF EXETER
CONSERVATION COMMISSION MEMORANDUM**

Date: May 18, 2021
To: Planning Board
From: Andrew Koff, Chair, Exeter Conservation Commission
Subject: Wetland/Shoreland CUP Review for an Open Space Development (Griset)

Project Information:

Project Location: CullenWay/Tamarind Lane, Exeter, NH
Map/Lot: Tax Map 96-15 and 96-9
CC Review Date: 11/29/19 Conservation Land Consideration; 5/11/21 Conditional Use Permit Review
PB CASE: #20-02

Following review of the submitted materials and presented information, the Exeter Conservation Commission voted (5 yea, 1 abstention) to recommend approval of the wetland conditional use permits, with the caveat as is typical, that should the project or project-related impacts to wetland buffers increase from what is presented as a part of further review, they request an opportunity for additional review.

Following review of the submitted materials and presented information, the Exeter Conservation Commission voted unanimously to recommend approval of the shoreland conditional use permit.



Andrew Koff
Chair, Exeter Conservation Commission

cc: Brian Griset, Owner
Jim Gove, GES Inc.

1 **TOWN OF EXETER**
2 **PLANNING BOARD & CONSERVATION COMMISSION**
3 **MAY 7, 2021**
4 **SITE WALK**
5 **DRAFT MINUTES**
6

7 **PLANNING BOARD MEMBERS PRESENT:** Chair Langdon Plumer, Vice-Chair Aaron Brown, Gwen
8 English, John Grueter, Jennifer Martel (arrived at 9:19am), Molly Cowan, Select Board
9 Representative, Mark Dettore, Alternate, and Pete Steckler, Alternate.

10
11 **CONSERVATION COMMISSION MEMBERS PRESENT:** Bill Campbell and Trevor Lawrence
12

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

15 **PUBLIC PRESENT:** Brian Griset (applicant), Jim Gove (on behalf of the applicant), Anne Surman,
16 Lisa Bleicken, Peter Lennon, Mark Paige, Kelsey Cosgrove, David Hadden, Patrick Flaherty, and
17 Laura Knott.
18

19 ***Chair Plumer called the meeting to order at 9:05am*** and described the purpose of the site walk
20 and asked everyone to stay together and any questions asked should be heard by all.
21

22 Mr. Griset gave an overview of the project.
23

24 The group walked the site where the development is proposed.
25

26 The group walked the proposed area to be conserved. Mr. Gove pointed out the Prime
27 Wetland areas.
28

29 The group walked to the area of the proposed lot off Cullen Way.
30

31 ***The meeting adjourned at 11:07 AM.***
32

33 Respectfully submitted,
34

34 Dave Sharples,
35 Town Planner



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HEIDI J. BARRETT-KITCHEN
JUSTIN L. PASAY
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
BRENDAN A. O'DONNELL
ELAINA L. HOEPPNER
WILLIAM K. WARREN

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

5 May 2021

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

Re: Planning Board Case #20-2, Griset Project

Dear David –

This correspondence supplements and revises a conclusion asserted in my letter to you dated 20 April 2021 which pertains to the prime wetland delineation on the Mendez Trust Property (the “Letter”). Specifically, my letter asserts, among other things, that the prime wetland boundary on the Mendez Trust Property is accurately depicted in accordance with the Town of Exeter’s 2005 Prime Wetlands Map on all of the Grisets’ filed plan sets. After the filing of the Letter, however, upon receiving the request for a “boundary appeal” from abutters to the Project under the Zoning Ordinance, and upon engaging an exhaustive several-day research initiative lead by Brian Griset to provide evidentiary confirmation of our conclusion to the Town and Planning Board, it was discovered that a minor 73’ discrepancy of the depicted prime wetland boundary on the Mendez Trust Property exists between the Grisets’ filed plan sets and the Town’s 2005 Prime Wetlands Map.

The plotting mistake which lies at the foundation of this error is one not only made by the Applicants’ surveyor and development team, but, as detailed at great length in the enclosed analysis from Brian Griset, by the Town of Exeter and its environmental consultants over the last 19 years.

The corrected prime wetland boundary delineation has a minor impact on the buildable areas of Lots 5 and 6 of the Yield Plan. As adjusted, those buildable areas still exceed, by several times, the Planning Board’s 25’ x 25’ buildable area standard for Yield Plan lots. As a result, Lots 5 and 6 specifically, and the entirety of the Yield Plan, remain reasonably achievable, feasible and viable as the Planning Board previously determined.

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David Sharples, Planner
Town of Exeter
20 April 2021
Page 2

In light of our discovery, we are revising all plan sets to depict the slightly adjusted prime wetland boundary which will be, as adjusted, completely consistent with the Town's 2005 Prime Wetlands Map. The Grisets will not be exercising their statutory right to challenge the prime wetland delineation on the 2005 Prime Wetlands Map. Rather, they hope to make forward progress in this matter. To that end, we will be filing a revised 17-Unit Yield Plan depicting the correct prime wetland delineation for review and consideration by the Planning Board at the 27 May 2021 meeting and would ask that the Planning Board vote to reapprove the same at that meeting.

We appreciate the opportunity to correct the record on this matter and direct your attention, and that of the Planning Board, to the enclosed analysis from Brian Griset which outlines in great detail the context and history surrounding this issue. We also note that all other factual and legal conclusions in the Letter, including those pertaining to the statutory process for delineating and amending prime wetland boundaries, remain valid.

Thank you for your time and consideration and do not hesitate to let me know if you have any comments or questions.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay
JLP/LH

Enclosure (1)

Cc: Brian Griset
Jim Gove, CSS, CWS, Gove Environmental Services, Inc.
Christian Smith, P.E., Beals Associates, PLLC

To the members of the Planning Board and the Conservation Commission:

Introduction:

Two issues have been raised in recent weeks relating to the prime wetland delineation on the Mendez Trust Property and potential implications of that delineation on the Yield Plan previously approved by the Planning Board. Those issues are as follows:

- First, a question was raised by Alternate Planning Board member Peter Steckler during our recent Conservation Commission appearance regarding whether the plotting of the prime wetlands on our plans is in accordance with recent changes in New Hampshire State Law.
- Second, Town Staff raised a question about whether any issue with the delineation of the prime wetland on our plans, should one exist, could invalidate the Planning Board's approval of 17 lot Yield Plan due to the elimination of one or more lots.

In light of these issues, I provide this report after an exhaustive investigation into the delineation of the prime wetlands on my property which included research all available Town records pertaining the Town's adoption of the existing 2005 Prime Wetlands Report and corresponding map. I initiated this investigation to confirm that the plotting of the Town's voter approved, Prime Wetlands Overlay District, specifically those prime wetlands on the Mendez Trust Property known as Prime Wetlands #26, was accurately portrayed on our submissions in accordance with RSA 482-A:15 and the Town Zoning Ordinances.

Specifically, my investigation included in depth discussions with the Planning Staff and the review and analysis of the following documents and informational sources:

- Filed Existing Conditions Plan.
- Filed and approved Yield Plan.
- Current published Prime Wetlands Map of Exeter New Hampshire from 2005, updated to include April 1, 2020 property lines which reflects the Prime Wetland on the Mendez Trust Parcel as Prime Wetlands #26. Sheet 2 attached.
- Town of Exeter's current online GIS mapping tool.
- Current NHDES PRA mapping tool.
- NWI online Mapper.
- The complete Town file of the 2007, voter approved and State Registered "2005 Prime Wetlands Map", the Nov. 2005 Prime Wetlands Report" prepared by West Environmental as lead consultant and all supporting documents within the file. Relevant documents attached.
- The 1983 Town approved, and Town Planning Department prepared Prime Wetlands Map dated Jan, 1983 which was approved and registered with NHDES in 1985. Map attached.

Concurrently, a legal review of the Statutes, corresponding State administrative rules and applicable local regulations was conducted by Attorney Justin Pasay in consultation with Jim Gove. That opinion was previously filed and will be supplemented by Justin in advance of the next Planning Board hearing in this case.

We have been informed Town Counsel's opinion has been sought on these issues by the Board which we appreciate.

Executive Summary:

After exhaustive research, I determined that a slight (approximately 73') adjustment to the prime wetland delineation on the Mendez Trust Property is warranted in light of a plotting mistake made, not only by my development team, but by the Town of Exeter and its environmental consultants over the last 19 years. The plotting mistake has no effect on the Planning Board accepted Yield Plan except to slightly reduce the buildable areas on Yield Plan Lots 5 and 6, which still exceed, by multiple times, the Planning Board's standard 25' x 25' (625 square feet) buildable area requirement for Yield Plans. As a result, all 17 lots on the Yield Plan remain reasonably achievable, feasible, and viable.

We are not appealing the erroneous boundary. We are making the required change to the plotted Prime Wetland Boundary and all other required adjustments.

We are revising the 17 Unit Yield Plan to accommodate the smaller buildable areas on Lots 5 and 6 and we can confirm they comply with all Zoning, regulatory and Planning Board standards of record.

We will be prepared to move forward at the May 27th Planning Board meeting to have our slightly adjusted 17-unit Yield Plan reapproved and are ready to discuss the CUP permits and all other Subdivision and Site Plan matters.

Conclusions: My executive summary above proceeds on the following foundational conclusions which are explained in greater detail in the analysis below.

1. There was no attempt to deceive the Board.
2. I and my development team repeated the same error that was previously made by the Town and its consultants over the past 19 years.
3. In 2002, Aerial Photo interpreter Janice Stone accurately determined the shape of prime wetlands #26 boundary, both topographically and using the 1995 Aerial photography for vegetation identification, with the exception of the last 73 feet of the area in question adjacent to the railroad and the uplands.
4. In 2002, Aerial Photo interpreter Janice Stone accurately determined topographically the break line between wetlands area and the uplands area and its configuration of the area in question, but in a transposition error, working off two separate photographs, inaccurately placed that line 73 feet into the uplands when delineating the line on the single, merged and combined 1995 photo provided to West Environmental.
5. After that, West Environmental, which conducted the field confirmation of the delineation, located the correspondingly shaped break point in topography, slope and upland v. wetlands and incorrectly assumed it was accurately located on the aerial photo used to create the 2005 Prime Wetlands Map.
6. When plotting the Prime Wetlands Overlay District boundary, our surveyor also incorrectly assumed that the matching topography and end of wetlands was the end of prime wetlands and that the field delineated wetlands/uplands line located by the Town (see number 5 above) was the proper location.
7. I and my consulting engineer also assumed that the Prime Wetland District Boundary, established in 2005, was concurrent with the wetland delineation line and the Prime Wetland boundary which are correctly delineated.
8. This error on our Existing Conditions and Yield Plan is confined to the limited area adjacent to the railroad ROW and only a portion of the boundary line where the end length of 150 feet of

the Prime Wetland Boundary was placed not where the Voters approved it, but rather, where the edge of the Prime Wetlands met the delineated uplands which was the correct location for 2005 delineation purposes.

9. Our correction of the Prime Wetland boundary on our plans and the accurately plotted location of the 2005 voter approved map in 2007 matches the current 2021 edition of the Exeter Prime Wetland Map boundary and does not adversely affect the proposed development or the Yield Plan.
10. For Conservation Commission purposes, the entire area in question is being proposed as perpetual protected open space and for CUP review purposes our application remains the same.
11. For Planning Board purposes both the Yield Plan and the proposed site development do not encroach on either the Prime Wetlands or the 100-foot Prime Wetlands protective buffer.

Investigation Analysis:

Attached Existing Conditions Sheet 4 of 4 with Town of Exeter GIS Town Map Overlay:

Process: This working document utilizes our previously filed Existing Conditions survey as the base map for the area at issue. Our first effort was to try and confirm that our submitted plans were completely accurate.

We have overlayed that plan with a scaled overlay of the same area from the Town's GIS Mapping tool. As the GIS utilizes Town Tax Maps which are not of survey quality and have distortions, we attempted multiple orientations to achieve the most accurate overlay.

The most accurate overlay of the Town GIS map utilized the known single bearing common property line with the railroad with the known surveyed distance of 1139.24', and overlayed the same boundary, pin to pin, from the GIS map. As confirmation, we found the Town Prime Wetland Boundary line encroachment reflected within the Railroad right of way matched the 30' topographical contour exactly.

We next found that the two-segment northwest boundary line identically matched the bearings and distances of the survey.

For confirmation of the width facets of the overlay we found that while the width of the central prime wetlands appears slightly expanded to the west. The location of the Scamen Brook is spot on for much of its length with some deviations in the center but at the top and bottom of the plan it is only off by 6 to 8 feet, a 1% error factor which can be explained by the manual conversion of the Nov. 2005 onto the GIS format.

And last, the common boundary between the Griset and Mendez parcels show that the Town Tax Map depiction of the first segment is consistent with the survey and is accurate but then it fails to follow along the second segment.

So, the three located boundaries are accurately scaled to length and location and the Scamen Brook provides confirmation for the northwest orientation.

Taking into account the distortions contained in Town Tax Maps, for scaling purposes of matching the Town GIS Mapping to the Mendez Trust parcel survey, we believe the error factor in the overlay vertically to be less than .01% and horizontally to be less than .5%, the best that can be achieved.

Discovery: Once the overlay was completed, two things became obvious. First, at a single location adjacent to the railroad, our Prime Wetlands plotting did not match the configuration found in the Town's GIS Prime Wetlands layer, and 2. At this location, approximately 73 feet into the uplands, the Town's Prime Wetlands Boundary did not match either the topography where it was laid out nor the Gove delineated upland/wetland boundary. Upon activating the GIS "wetlands" layer we found that Jim Gove's delineation matched that layer. It was the Prime Wetlands Boundary that was in error.

This raised two new issues for investigation to be pursued:

1. Did the new plotted Exeter Prime Wetland Boundary impact the approved 17-unit Yield Plan buildable area to the degree that a unit would become unbuildable?

The simple answer is no based upon the overlay plan we have created and to which we added revised layouts for Lots 5 and 6.

Corrected plans will be prepared in full compliance with NH State Law 482-A:1 for your review and approval at our next scheduled meeting on May 27th.

The correction results in expanding the Prime Wetland Boundary line on Lot 6 an average 73 feet into the erroneously included upland at just the northern most end to match the 2007 voter approved boundary.

Based upon a full review of our options we have decided not to challenge or appeal the boundary location even though it is clearly erroneous and does not comply with the Statute. We wish to move forward without complicating the process even further.

To move forward, we are revising Lots 5 and 6 of the approved Yield Plan to remove the now non-buildable area from the plan.

Both Lots 5 and 6 will still comply with all Zoning Ordinances and Regulations previously ruled upon, the only difference is that the oversized buildable areas depicted on the Yield Plan that was approved, have been slightly reduced as shown on the "overlay" plan.

Specifically, Lot 5's highlighted buildable area is 1,908 square feet. The new Lot 5's buildable area is 305% above the Board's minimum standard. It facilitates a 30' by 57' "typical house". The chosen two-story house design would offer 2,164 square feet of living space in addition to a two-car garage.

Lot 6's highlighted buildable area is 1,471 square feet. The new Lot 6's buildable area is 235% above the minimum standard set by the Board. It facilitates a 32' by 44' "typical house". The chosen house tri-level design would offer 2,654 square feet of living space in addition to a two-car garage.

The buildable areas on both Lots 5 and 6 well exceed the Board's standard of a 25-foot by 25-foot square building envelope, or 625 square feet.

Therefore, the reconfigured Lots 5 and 6 still meet the Zoning requirements and the buildable area standard set by the Board and they are reasonably achievable, feasible and viable. No other changes are made other than a slight boundary change at the building sites to accommodate the modified configuration. All other details, conditions and criteria reviewed by the Board during the previous approval of the Yield Plan remain the same.

This should address the staffs' first concern.

We respectfully request the Board reapproved the 17-unit Yield Plan so together we can proceed, without delay, with the Subdivision and Site Plan review portion of our application.

2. The second question raised by our discovery regarding the prime wetland delineation on the Mendez Trust Property was why was the 2005 Prime Wetland Boundary mis-plotted by the Town in 2005 and subsequently by my surveyor?

The conclusions reached by my investigation are based upon the documentation contained within the Town's file for the 2005 Prime Wetlands Report. The file contains limited documentation of the project other than the final report and limited communications. No work papers or inter-consultant correspondence other than one letter are in the files. That being said, a few definitive conclusions can be made.

1) 1983 Town approved Prime Wetlands Map:

The file contains a hand-colored version of the 1983 Town approved Prime Wetlands Map but not the report. It has a date of "Rcd 12/99" in the upper right corner.

This map, the first Prime Wetlands Map created in NH, relied exclusively upon the May 1977 Soil Conservation Service "Soil Survey, Town of Exeter, Rockingham Country, NH" utilizing the very poorly drained soils delineations. The USDA map was created from broad field soil classifications and hand drawn delineations. Useful for many purposes but crude in comparison to today's technology.

For the area in question along the railroad you will see that the soil delineation line and the 1983 Prime Wetlands boundary is on a diagonal line from the upland projection on the Mendez Trust parcel that continues over the railroad.

At some point prior to 2002, the Exeter Conservation Commission along with the Planning Department decided to upgrade the Town's Prime Wetlands map utilizing new topographical data and the latest improved Aerial Photography from 1995.

2) 2005 Prime Wetlands Report Documentation:

The final November 2005 Report was received by the Conservation Commission on 1/10/06. (upper right-hand corner).

Page 2 documents and confirms some of the historical events leading up to the project, the intent, the proposed reliance upon aerial photo interpretation and topography for new delineations which was then supposed to be confirmed by field verification.

The first part of Page 3 goes into greater detail of the basis for the 1983 Map and its approval history. The last paragraph introduces photo interpreter Janice Stone and describes the process and criteria for how she will create the updated Prime Wetland delineations from the 1995 photos using a scale of 1 inch to 600 feet. This ratio is important as a 1/8th inch error equates to a 75-foot error.

At this point it is relevant to introduce a letter from the Aerial Photo interpreter Janice Stone to West Environmental which adds further context to the limitations and difficulties related to photo interpretation.

3) Letter: Janice Stone to West Environmental dated September 23, 2002.

This is a transmission cover letter which communicates that Janice is returning the original 1995 black and white aerial photographs along with her set of photo-interpreted pictures. Janice further adds that she also relied on the NWI and specifically states that its wetland delineations are quite different than the existing 1983 Town map. Unfortunately, she is non-specific regarding which specific Prime wetland areas differ.

As for her challenges she adds:

2nd Paragraph: "There was quite a bit of beaver activity in town, and I think a lot of the wetlands have changed because of it. I imagine you will find things very different too, since the photos are from 1995."

This is understandable as by 1995 the reintroduced and protected beaver population (1967), without natural or human predators, had exploded across the State. In fact, the 1977 USDA Soil Map documented the effects of a beaver dam on the Little River utilizing the railroad crossing which created the "ponded" area reflected as soil index 197 which is described as "ponded due to beavers." Of note, as of 2002 that area had not been ponded by beavers for a decade and this would have confused the actual field verification process.

3rd Paragraph: "There were a few areas where the stereo coverage was incomplete because the photos had insufficient (or in one or two cases no) overlap. Several of the larger wetlands extend across a couple of photos, and I tried to note that on each photo." (Emphasis added)

Back to Report: This was exactly what happened in the case of Prime Wetland #26 and is confirmed by West Environmental. On page 9 of the report under "Findings" they describe in the first paragraph the final results of the project then continue on by stating:

"Some of the larger wetlands cover several aerial photos, while several smaller wetlands may be found on just one photo. When wetlands cover more than one aerial photo, the photographs were merged to show the entire wetland (for example, see Prime Wetlands #1, 10, 26...)." Confirmation of this is the actual finished product, Grouping Map #6.

Within the 2005 Report and reflected on page 1 of the report, the Table of Contents, under Maps/Data, Grouping Map #6 is described as "showing Prime Wetlands 26, 27 & 28".

The specific Grouping Map #26 is marked as page "20" in the right-hand corner. In this specific case, it is actually a compilation of three of the original delineated 1995 photos that have been used to create a single mapping photograph and it has been colorized, red for railroad, yellow for Town roads and blue for Prime wetland areas with yellow labels identifying each area.

The report contains no mention of the issues related to earth curvature distortion. Aerial Photography from the 1995 time period did not have geometric correction abilities as current satellite technology has today and therefore, spacial distortion occurs from the center of the photograph to its corresponding edges. This was not accounted for in the 2005 photo interpretations and instead relied on cutting, pasting, and overlaying maps to create a new "merged" map.

On Grouping Map #6, if you look closely you can see the merging lines of the 3 separate photographs. Remember these photographs were cut along subjective lines and overlaid over each other.

If you look at just the top half (Northwest side) of the photo you will see the distinct seam line running from the top middle of the page directly down through the Exeter Machine shop/Yetti Landscaping building on Kingston road and down through the area in question to the bottom of the photo just crossing the railroad. This separates the left and right sides of the pages. However, the left side picture has been trimmed shorter than the right and the third picture bottom left side has its top horizontal edge running across both the farm road and Tamarind Lane midway. Please note the obvious distortions resulting from this last merging location of the photos which resulted in 20 and 30 foot offsets of the two roadways.

Unfortunately, the junction of all three of these pictures occurred at a point exactly where the area of the erroneous Prime Wetland boundary was placed and this assuredly created the initial plotting error by Janice Green in her transcription onto the single, final Prime Wetland #26 mapping photo.

Back in the first paragraph on page 9 of the Report West Environmental states "The field verified Prime Wetland boundaries were digitized by Cartographic Associates, Inc..."

A review of Appendix B – Field Notes finds no field notes for Prime Wetland #26 for confirming the revisions to the proposed boundary locations.

If it was done, the field verification did not catch the merging error and the placement of the southern Prime Wetlands Boundary adjacent to the railroad. In that case it appears only the shape of the boundary edge, the 10+ percent upland slope topography and the vegetation was verified, but not the location.

NWI: The current National Wetlands Inventory Mapping tool has much greater accuracy than available in 1995, 2002 and 2005. It confirms the wetland/upland line is located where we reflect it is on our plans.

Exeter Prime Wetlands Map: At the time of creation of our survey and proposed development plans there was/is no Official Prime Wetlands Map posted at the Planning Office nor was/is the official map posted on the Town's website. The only location until April 15, 2021 of the 2007 Voter approved Prime Wetlands Map was the single colored PW layer for the overlay tool on the Town's GIS mapping tool.

On April 15, 2021 the Planning Department received printed copies of the "Town of Exeter Prime Wetlands Map" which has been updated to reflect the most recent parcel updates as of April 1, 2020. I was able to procure a copy of the new Sheets 1 & 2 on that date.

These maps document that up through April 15, 2021, and currently, the Town is continuing to rely upon the delineations contained in the Report of Nov. 2005 and the voter approved map.

Also, please note that non-Prime wetlands have been added to the Official 2021 Prime Wetland Map at multiple locations across the Town. Further, note that within the Prime Wetland #26 boundary on the Mendez Trust Property, the standard wetlands/uplands delineation line is well within the Prime Wetlands boundary at the critical location and is identical to Jim Gove's delineated wetlands boundary, the same location we erroneously plotted on our original submissions.

Conclusion:

We can conclude that we now know how the error occurred originally, how it was missed by West Environmental during its' review and how by repeating that mistake, our surveyor plotted the incorrect location for a small portion along the railroad at the upland edge without confirming the platted Prime Wetland boundary.

There was no gross error and absolutely no intent to mislead on the applicant's part.

We are in the process of correcting that error on all plans submitted.

This brings us full circle back to today.

Respectfully Submitted:

//s//Brian T. Griset

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: May 18, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: Scott W. Carlisle III PB Case #20-21

The Applicant has submitted plans for an open space subdivision and a Wetlands Conditional Use permit for a proposed single-family open space development and associated site improvements on a 97.99-acre parcel located at 19 Watson Road. The subject parcel is situated in the R-1, Low Density Residential zoning district and is identified as Tax Map Parcel #33-26.

The applicant submitted an entire package with a yield plan and an Open Space Subdivision. However, 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 Applicant met with the Technical Review Committee (TRC) via ZOOM on April 29th, 2021. A copy of the TRC comment letter, dated 5/18/21 is enclosed for your review that is in regards to the yield plan. Staff will review and comment on the OSD after yield plan review by the board. Underwood Engineers Inc. (UEI) did review the plans as well but only offered comments on the OSD. To avoid confusion, I will send a copy of the UEI letter when the board reviews the OSD as the sole focus of this meeting is on the yield plan.

The Applicant is scheduled to appear before the Conservation Commission at its June 8th, 2021 meeting for review of the Wetlands Conditional Use Permit application as part of the OSD.

The Applicant is requesting several waivers from the Board's Site Plan Review & Subdivision Regulations and are outlined in the enclosed waiver request letter prepared by Jones & Beach Engineers and dated March 30, 2021.

I do not provide motions for the waivers or the CUP below as the Board will just be reviewing and acting on the acceptance of the Yield Plan at this time.

Yield Plan Motion: I move that the request of Scott W. Carlisle III (PB Case #20-21) for a Yield Plan approval of a ____-lot Single Family Open Space development be ACCEPTED / ACCEPTED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.



RECEIVED

APR 1 2021

EXETER PLANNING OFFICE

TOWN OF EXETER, NH
APPLICATION FOR SUBDIVISION

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

OPEN SPACE DEVELOPMENT

STANDARD SUBDIVISION

NUMBER OF LOTS 12

APPLICATION _____

DATE RECEIVED _____

APPLICATION FEE _____

PLAN REVIEW FEE _____

ABUTTER FEE _____

LEGAL NOTICE FEE _____

INSPECTION FEE _____

TOTAL FEES _____

AMOUNT REFUNDED _____

1. NAME OF LEGAL OWNER OF RECORD: Scott W. Carlisle, III

ADDRESS: 14 Cass Street, Exeter, NH 03833

TELEPHONE: () _____

2. NAME OF APPLICANT: Same as Owner

ADDRESS: _____

TELEPHONE: () _____

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

Same

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

4. DESCRIPTION OF PROPERTY:

ADDRESS: 19 Watson Road

TAX MAP: 33 PARCEL #: 26 ZONING DISTRICT: R-1

AREA OF ENTIRE TRACT: 97.99 Acres PORTION BEING DEVELOPED: 25.77 Acres



5. **EXPLANATION OF PROPOSAL:** Intent of this proposal is to construct a 920 linear
foot roadway and associated utilities in support of a 12-lot open space residential
subdivision.

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. See Cover Letter | |
| B. | |
| C. | |
| D. | |
| E. | |
| F. | |

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

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

NAME: Barry Gier, P.E., Jones & Beach Engineers, Inc.
ADDRESS: PO Box 219, Stratham, NH 03885
PROFESSION: Civil Engineer **TELEPHONE (603)** 772-4746

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

920' linear foot roadway

Storm drainage system

Underground power, telephone and cable

Onsite septic's & wells



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

(Please check with the Planning Department Office to verify) (YES/NO) No
IF YES, LIST BELOW AND NOTE ON PLAN.

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

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

No

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

No

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

DATE 3/30/21 APPLICANT'S SIGNATURE

Danny W. Lewis

ACCORDING TO RSA 676.4.1 (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.

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PLEASE ATTACH ADDITIONAL SHEETS, IF NEEDED.



SUBDIVISION PLAN REQUIREMENTS

7.4. Existing Site Conditions Plan

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

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



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



7.6. Subdivision Layout Plan (Pertains to Subdivisions Only)

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

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



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

OTHER REQUIRED PLANS (See Section indicated)

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

JONES & BEACH ENGINEERS INC.

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

March 30, 2021

Exeter Planning Board
Attn. Langdon Plumer, Chair
10 Front Street
Exeter, NH 03833

**RE: Subdivision Application
19 Watson Road, Exeter, NH
Tax Map 33, Lot 26
JBE Project No. 19102**

Dear Mr. Plumer:

Jones & Beach Engineers, Inc. respectfully submits a Waiver Request for one (1) waiver for the above-referenced parcel on behalf of our client and property owner, Scott W. Carlisle, III.

Subdivision Regulations: Section 7.4.12: - Requiring "Surveyed property lines including angles and bearings, distance, monument locations, and size of the entire parcel"

Jones & Beach Engineers is requesting a waiver from the requirement that the surveyed property lines for the entire parcel be depicted on the plans. The entire project is 100 ± acres. The proposed subdivision will be taken from the center of the property. Surveyed property lines have been depicted for the area around and adjacent to the proposed subdivision and Watson Road. The remainder of the land is located within a large wetland complex or is adjacent to property owned by the applicant.

Waiver Findings:

- 1.) The granting of the waiver will not be detrimental to the public safety, health, or welfare of injurious to other property.***

Surveyed property lines are depicted along Watson Road and the bordering parcels to the extent that the property lines are not located within the large wetland complex or are directly adjacent to property currently owned by the applicant, therefore, the granting of the waiver will not be detrimental to the public safety, health, or welfare injurious to other property.

- 2.) *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 proposed subdivision is being taken from the center of a large parcel. The boundaries not depicted with bearings and distances are located within a large wetland complex, the survey of which would be unwieldy, or are directly adjacent to property owned by the applicant. In addition, these areas will be included in a proposed open space easement.

- 3.) *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.*

The particular physical surroundings making the depicting of bearings and distances a particular hardship is the location of the boundary through and large wetland complex.

- 4.) *The granting of the waiver will not be contrary to the spirit and intent of the regulations.*

As the proposed subdivision is being cut from the center of the existing property and all bearings and distances associated with the new lots are depicted, the granting of the waiver would not be contrary to the spirit and intent of the regulations.

- 5.) *The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan.*

The proposed lots will meet the Zoning requirements; therefore, the waiver will not vary the provisions of the Zoning Ordinance or Master Plan.

If you have any questions or need any additional information, please feel free to contact our office. Thank you very much for your time.

Very truly yours,
JONES & BEACH ENGINEERS, INC.



Barry W. Gier, PE
Vice President

JONES & BEACH
ENGINEERS INC.



SUBDIVISION APPLICATION
CHECKLIST

A COMPLETED APPLICATION FOR SUBDIVISION MUST CONTAIN THE FOLLOWING:

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

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.

JONES & BEACH ENGINEERS INC.

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

March 30, 2021

Exeter Planning Board
Attn. Langdon Plumer, Chair
10 Front Street
Exeter, NH 03833

**RE: Subdivision Application
19 Watson Road, Exeter, NH
Tax Map 33, Lot 26
JBE Project No. 19102**

Dear Mr. Plumer


On behalf of our client and owner, Scott W. Carlisle, III, we respectfully submit a Subdivision Application for the Planning Board. The intent of this application is to construct a 920 linear feet roadway and associated utilities in support of a 12-lot open space residential subdivision.

The following are included with this Subdivision Application:

1. Completed Subdivision Application with Checklist.
2. Conditional Use Application
3. Waiver Request.
4. Letter of Authorization (previously submitted).
5. Current Deed (previously submitted).
6. Abutters List with three (3) sets of mailing labels (previously submitted).
7. Tax Map (previously submitted).
8. Fee Check (previously submitted).
9. Seven (7) Full Size Plan Sets.
10. Fifteen (15) Half Size Plan Sets.
11. Two (2) Drainage Reports.

If you have any questions or need any additional information, please feel free to contact our office. Thank you very much for your time.

Very truly yours,
JONES & BEACH ENGINEERS, INC.


Barry Gier, P.E.
Vice President

cc: Scott W. Carlisle, III (application & plans via email)

**ABUTTERS LIST (DIRECT)
AS OF
APRIL 8, 2021
FOR
WATSON ROAD, EXETER, NH
JBE PROJECT No. 19102**

RECEIVED

APR 9 2021

EXETER PLANNING OFFICE

OWNER OF RECORD/APPLICANT:

TAX MAP 33/LOT 26
TAX MAP 40/LOT 15
SCOTT W. CARLISLE, III
14 CASS ST
EXETER, NH 03833

ABUTTERS:

26/15
40/4-1
40/4-2
TOWN OF EXETER
10 FRONT ST
EXETER, NH 03833
5538/2669 (06/20/14) – LOT 15

26/19
EXETER HIGHLANDS
HOMEOWNERS ASSOCIATION
20 EXETER HIGHLANDS DR
EXETER, NH 03833

33/1
DEER RUN HOMEOWNERS ASSN INC
ATTN. SARAH VALADE
10 DEER RUN RD
EXETER, NH 03833
2533/1252 (02/19/85)

33/2
ELLEN M. ARCIERI
24 WATSON RD
EXETER, NH 03833
5984/2734 (03/09/19)

33/3
RICHARD A. JEDREY
28 WATSON RD
EXETER, NH 03833
4969/2235 (12/24/08)

33/4
RONALD DIXON
32 WATSON RD
EXETER, NH 03833
5961/0737 (10/04/18)

33/5
DAVID P. FELLOWS
36 WATSON RD
EXETER, NH 03833
3055/2000 (06/03/94)

33/6
EROL BARS
ANA M. BARS
1 DEER RUN RD
EXETER, NH 03833
5705/1073 (04/11/16)

33/13
KIMBERLY C. ASACKER
TRUSTEE OF KIMBERLY REVOC TRST
2 DEER RUN RD
EXETER, NH 03833
3225/1167 (07/02/97)

33/14
VANESSA SMILEY
48 WATSON RD
EXETER, NH 03833
6047/2699 (10/16/19)

33/15
MARK S. WHEELER
ELENA U. WHEELER
1 KELBY SCOTT WAY
EXETER, NH 03833
4683/0240 (07/07/06)

33/17
DONALD J. KEIGHLEY JR REV TR ½%
LAUREN L. ROBBINS REV TR ½%
56 WATSON RD
EXETER, NH 03833
6005/2729 (06/06/19)

33/18
NANCY TERWILLIGER
16 EXETER HIGHLANDS DR
EXETER, NH 03833
5626/2730 (06/15/15)

33/19
DAVID M. PAQUET
DEANNA PAQUET
14 HIGHLANDS DR
EXETER, NH 03833
6221/0852 (01/12/21)

33/20
JOSEPH FRANKLIN LEWICK
12 EXETER HIGHLANDS DR
EXETER, NH 03833
5863/2454 (10/13/17)

33/21
KATHYRN M. TULIPANI
10 EXETER HIGHLANDS DR
EXETER, NH 03833
3439/1122 (11/22/99)

33/22
ALEXANDER W. MARRERO
KATIE M. MARRERO
28 EXETER HIGHLANDS DR
EXETER, NH 03833
5781/1632 (11/30/16)

33/23
NATALIE L. ALARCON
26 EXETER HIGHLANDS DR
EXETER, NH 03833
4350/0683 (08/23/04)

33/24
ANDREW J. SCEASE
VIRGINIA SCEASE
24 EXETER HIGHLANDS DR
EXETER, NH 03833
3719/1612 (02/01/02)

33/25
DENNIS M. GILLICK
22 EXETER HIGHLANDS DR
EXETER, NH 03833
5328/0679 (06/22/12)

40/3
40/6
40/7
40/8
40/14
NEW HAMPSHIRE DEPT. OF TRANSPORATION
PO BOX 483
CONCORD, NH 03302
3085/0046 (12/28/94) – LOT 3
3082/0720 (12/06/94) – LOT 6
2972/2741 (03/19/93) – LOT 7
2992/0896 (06/30/93) – LOT 8
2368/1332 (03/01/80) – LOT 14

40/4
HOUDE FAMILY REVOCABLE TRUST
RANDY A. & JOANNE L. HOUDE TRUSTEES
12 WATSON RD
EXETER, NH 03833
5760/2262 (10/05/16)

ENGINEERS/SURVEYORS:

JONES & BEACH ENGINEERS, INC.
ATTN: BARRY GIER, P.E.
PO BOX 219
STRATHAM, NH 03885

Town of Exeter



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

March 2020



Town of Exeter Planning Board Application

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

SUBMITTAL REQUIREMENTS: (Note: See Application Deadlines and Submission Requirements for Conservation Commission Requirements)

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

Existing Conditions

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

Proposed Conditions

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

RECEIVED
APR 9 2021
EXETER PLANNING OFFICE

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

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

APPLICANT	Name: Scott W. Carlisle, III
	Address: 4 Cass Street, Exeter, NH 03833
	Email Address:
	Phone:
PROPOSAL	Address: 19 Watson Road
	Tax Map # <u>33</u> Lot# <u>26</u> Zoning District: <u>R-1</u>
	Owner of Record: Scott W. Carlisle, III
Person/Business performing work outlined in proposal	Name: Barry W. Gier, P.E., Jones & Beach Engineers, Inc.
	Address: PO Box 219, Stratham, NH 03885
	Phone: 603-772-4746
Professional that delineated wetlands	Name: James Gove, Gove Environmental Services, Inc.
	Address: 8 Continental Drive , Unit H, Exeter, NH 03833
	Phone: 603-778-0644

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

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

Proposed project includes the construction of a 920' linear foot roadway in support of a 12-lot single-family open space residential subdivision. Project includes construction of drainage features in support of proposed development. Lots to be serviced by on-site septic and wells.

Wetland Conservation Overlay District Impact (in square footage):

Temporary Impact	Wetland:	(SQ FT.)	Buffer:	(SQ FT.)
	<input type="checkbox"/> Prime Wetlands	_____	<input type="checkbox"/> Prime Wetlands	_____
	<input type="checkbox"/> Exemplary Wetlands	_____	<input type="checkbox"/> Exemplary Wetlands	_____
	<input type="checkbox"/> Vernal Pools (>200SF)	_____	<input checked="" type="checkbox"/> Vernal Pools (>200SF)	607
	<input type="checkbox"/> VPD	_____	<input checked="" type="checkbox"/> VPD	5,910 S.F.
	<input type="checkbox"/> PD	_____	<input type="checkbox"/> PD	-
	<input type="checkbox"/> Inland Stream	_____	<input type="checkbox"/> Inland Stream	_____
Permanent Impact	Wetland:		Buffer:	
	<input type="checkbox"/> Prime Wetlands	_____	<input type="checkbox"/> Prime Wetlands	_____
	<input type="checkbox"/> Exemplary Wetlands	_____	<input type="checkbox"/> Exemplary Wetlands	_____
	<input type="checkbox"/> Vernal Pools (>200SF)	_____	<input checked="" type="checkbox"/> Vernal Pools (>200SF)	1,215 S.F.
	<input type="checkbox"/> VPD	_____	<input type="checkbox"/> VPD	_____
	<input type="checkbox"/> PD	_____	<input type="checkbox"/> PD	_____
	<input type="checkbox"/> Inland Stream	_____	<input type="checkbox"/> Inland Stream	_____

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

None

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

See Conditional Use Cover Letter.

9.1.6. B: Conditions: Prior to issuance of a conditional use permit, the Planning Board shall conclude and make a part of the record, compliance with the following criteria:

1. That the proposed use is permitted in the underlying zoning district;
2. No alternative design which does not impact a wetland or wetland buffer or which has less detrimental impact on the wetland or wetland buffer is feasible;
3. A wetland scientist has provided an impact evaluation that includes the "functions and values" of the wetland(s), an assessment of the potential project-related impacts and concluded to the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s) or the greater hydrologic system.
4. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer;
5. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons;
6. The applicant may propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland
7. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, the applicant has included a restoration proposal revegetating any disturbed area within the buffer with the goal to restore the site as nearly as possible to its original grade and condition following construction.
8. That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under NH RSA §485-A: 17, the New Hampshire Wetlands Board under NH RSA §483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act.;

JONES & BEACH ENGINEERS INC.

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

March 30, 2021

Exeter Planning Board
Attn. Langdon Plumer, Chair
10 Front Street
Exeter, NH 03833

**RE: Conditional Use Application
19 Watson Road, Exeter, NH
Tax Map 33, Lot 26
JBE Project No. 19102**

Dear Mr. Plumer:

Jones & Beach Engineers, Inc. respectfully submits a Conditional Use application for wetland buffer impacts associated with the construction of a 920 sq. ft. road in support of a proposed 12-lot single-family open space residential subdivision on the above-referenced parcel on behalf of our client and property owner, Scott W. Carlisle, III. Impacts are required for the construction of the proposed roadway, driveways, and drainage system associated with the proposed construction.

The following are the required conditions for approval of the Conditional Use permit and how the applicant believes the proposal meets the condition.

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

The proposed project is a residential open space subdivision which is permitted in the underlying zone.

2. No alternative design which does not impact a wetland or wetland buffer which has less detrimental impact on the wetland or wetland buffer is feasible.

This project required NO wetland impacts.

The proposed project was designed to minimize or avoid any wetland or wetland buffer impacts to the extent practicable. Project area drains east to west (toward Watson Road) thereby requiring stormwater features be constructed along the Watson Road property line. The property along Watson Road is mostly wetland, therefore, wetland buffer impacts are required.

3. **A wetland scientist has provided an impact evaluation that includes the “functions and values” of the wetland(s), an assessment of the potential project-related impacts and concluded to the extent feasible, the proposed impact is not detrimental to the value and function of the wetlands(s) or the greater hydrologic system.**

Function and values are being completed at this time and will be submitted once complete.

4. **That the design, construction, and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer.**

Majority of the wetland buffer impact is associated with the construction of stormwater features along the western property line. These stormwater features will infiltrate and treat stormwater prior to discharge to the wetlands. Stormwater features will collect stormwater within the wetland buffer and therefore not be detrimental to the wetland buffer or wetland.

Temporary grading within the wetland parking/structure setback will be revegetated and therefore minimize detrimental impact on the wetland buffer.

Permanent impact on the wetland parking/structure setback for driveway to Lot #3 has been minimized and located as distance as practicable to the wetland to minimize the detrimental impact to the wetland.

5. **That the proposed use will not create a hazard to individual or public health, safety, and welfare due to the loss of wetland, the contamination of groundwater, or other reasons.**

The proposed buffer impacts pose no threat to health, safety, and/or welfare. No loss of wetland is proposed and the proposed uses within the buffer pose no threat of groundwater contamination.

6. **The applicant may propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland.**

The applicant is proposing no increase in wetland buffers elsewhere on the site at this time.

7. **In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, the applicant has included a restoration proposal revegetating any disturbed area within the buffer with the goal to restore the site as nearly as possible to its original grade and condition following construction.**

All proposed impacts (with the exception of driveway installation) are to be revegetated as per the project plans.

8. **That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under NH RSA 485-A: 17, the New Hampshire Wetlands Board under NH RSA 483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act.**

No wetland impacts are proposed. All required permits will be obtained prior to the start of construction.

If you have any questions or need any additional information, please feel free to contact our office. Thank you very much for your time.

Very truly yours,
JONES & BEACH ENGINEERS, INC.



Barry W. Gier, PE
Vice President

TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: May 18, 2021

To: Barry Gier, P.E., Jones & Beach Engineers, Inc.
CC: Scott Carlisle, Applicant

From: Dave Sharples, Town Planner

Re: Subdivision / Site Plan Review TRC Comments
PB Case #20-21 - Scott W. Carlisle III
Open Space Subdivision – 19 Watson Road
Tax Map Parcel #33-26

The following comments are provided as a follow-up to the TRC Meeting held on April 29, 2021 for the review of the subdivision/site plans and supporting documents submitted on 4/1/21 for the above-captioned project

TOWN PLANNER COMMENTS

In accordance with Section 7.7.1 of the Zoning ordinance, the yield plan “shall be provided by the applicant and reviewed and accepted by the Planning Board *prior* to proposing an Open Space Development (OSD) Plan”. You have proposed an OSD that includes a yield plan so that will be the first and only item the planning board will review until such time the yield plan is accepted. After acceptance of the yield plan, then you will submit an OSD to the planning board.

Yield plan comments:

1. Section E.III.D.1 sets forth a maximum of an 8% grade of the proposed road. It appears that two sections of the road within the steep areas exceed this requirement. Please provide information supporting that this road could be built as shown and not exceed an 8% maximum grade.
2. Please add Prime Wetland boundary to the Legend;
3. Was the prime wetland boundary field delineated? Does it meet the state definition of a prime wetland that includes any contiguous wetlands?

PUBLIC WORKS COMMENTS

Yield Plans

1. Show contour labels.
2. The well location for lot 1 isn't suitable. "(d) A protective well radius shall not extend across a property line onto a public road unless use of other lands listed in We 602.08(c) above, is not available, or not practicable."
3. How are the 4k septic areas shown in areas determined? They should meet all design requirements.

FIRE DEPARTMENT COMMENTS

1. Cisterns previously mentioned at the first meeting. Ass't. Fire Chief Pizon is requesting that the architect incorporate a 30,000 gl cistern for the project. Depending on the overall length of the road, somewhere close to Watson Road. For example, If the road is say a half mile, it will make more sense to have it somewhere close to the middle.

NATURAL RESOURCE PLANNER COMMENTS

Overall:

It may just be the printing on my copy but sheets do not appear consistent with the symbols used for boundary lines/etc. It would also be helpful if the large scale sheets included topo.

- Add wetland scientist stamp
- Wetlands note states they were surveyed June. When was VP determination made?

Yield Plan Sheets Y1, Y1A, Y1B:

1. Lot 5 contiguous buildable area appears incorrect (Y1).
2. Please add label for major contours (Y1A/B).
3. Add key for hatched wetland areas. Is this standing water?
4. Per SS 9.21.3.2.c. any land having a natural slope of 20% or greater shall not be used for WW disposal. Review 4k septic reserve area for Lots 1, 3, 6.
5. Narrow part of the wetland crossing Lot 4 is shown as vernal pool on other sheets. Please add VP boundary and confirm buffer distance to Lot 4 septic reserve area.

Please submit any revised plans along with a letter responding to these comments (and other review comments, if applicable) no later than (DATE) but sooner if possible, to allow staff adequate time to review the revisions and responses prior to the planning board hearing.

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

PLANNING BOARD REPRESENTATIVES
TO OTHER BOARDS/COMMITTEES
AND/OR COMMISSIONS
(4/30/21)

BOARD/COMMITTEE/COMMISSION

BOARD MEMBER

Rockingham Planning Commission (RPC)

Gwen English (4/30/23)
Pete Cameron (4/30/21)
Lang Plumer (4/30/23)

Historic District Commission (HDC)
Meetings: 3rd Thursday of month @ 7:00 PM

Gwen English

Heritage Commission:
Meeting: 3rd Tuesday of month @ 12:30 P.M.

John Grueter

Housing Advisory Committee

Pete Cameron

Master Plan Steering Committee

Lang Plumer

PLANNING BOARD SUBCOMMITTEES

Master Plan Oversight Committee

Aaron Brown, Pete Cameron,
John Grueter