



TOWN OF EXETER, NEW HAMPSHIRE

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www.exeternh.gov

LEGAL NOTICE EXETER PLANNING BOARD AGENDA

The Exeter Planning Board will meet virtually via ZOOM (see connection info below*) on Thursday, June 10, 2021 at 7:00 P.M. to consider the following:

APPROVAL OF MINUTES: May 27, 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.

Continued public hearing on 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

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

EXETER PLANNING BOARD

Langdon J. Plumer, Chairman

Posted 05/28/21: 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/84534127142>

To access the meeting via telephone, call: +1 646 558 8656 and enter the Webinar ID: 845 3412 7142

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.

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**TOWN OF EXETER
PLANNING BOARD
MAY 27, 2021
VIRTUAL MEETING
DRAFT MINUTES**

Zoom ID: 81909454944

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, and Pete Steckler, Alternate. John Grueter arrived at 7:17 PM.

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 Nancy Belanger was activated until the arrival of John Grueter.

III. OLD BUSINESS

APPROVAL OF MINUTES

April 22, 2021

Mr. Cameron motioned to approve the April 22, 2021 Meeting Minutes as submitted. Ms. Belanger seconded the motion. A roll call vote was taken English – aye, Belanger – aye, Martel - aye, Brown – aye, Cowan – aye, Cameron – aye, and Plumer – aye. The motion passed 7-0-0.

41 May 7, 2021 Site Walk

42

43 Chair Plumer activated Alternates Mark Dettore and Pete Steckler for voting on the minutes of the May
44 7, 2021 Site Walk as they were present for the Site Walk and Ms. Belanger and Mr. Cameron were not.

45

46 *Vice-Chair Brown motioned to approve the May 7, 2021 Site Walk minutes. Ms. English seconded the*
47 *motion. A roll call vote was taken English – aye, Dettore – aye, Martel – aye, Brown – aye, Cowan –*
48 *aye, Steckler – aye, and Plumer – aye. The motion passed 7-0-0.*

49

50 **IV. NEW BUSINESS**

51 **PUBLIC HEARINGS**

52 1. The continued public hearing on the application of Brian Griset for a lot consolidation, subdivision,
53 lot-line adjustment, Wetlands Conditional Use Permit, Shoreland Conditional Use Permit and Site Plan
54 for a proposed 16-unit single family condominium open space development and associated site
55 improvements on properties located off of Tamarind Lane and Cullen Way.

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

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

58 Planning Board Case #20-2

59

60 Chair Plumer read out loud the Public Hearing Notice.

61

62 Mr. Grueter arrived at 7:17 PM and replaced Alternate Nancy Belanger. Mr. Grueter noted he was alone
63 in the room per the Right to Know Law.

64

65 Mr. Sharples summarized that at the February 11, 2021 Planning Board meeting the Board had voted to
66 accept the Yield Plan for 18 units, 16 of which are part of the single-family, open space, condominium
67 subdivision with one existing home and the 18th individual lot at the end of Cullen Way which will meet
68 the minimum requirements of a conventional subdivision. A waiver was granted for regulation 7.1.3, a
69 variance obtained by the ZBA.

70

71 Mr. Sharples noted the applicant provided response to the comments of the TRC and UEI letters. The
72 applicant met with the TRC at a second meeting on April 1, 2021, all provided in the last meeting packet.
73 The applicant went before the Conservation Commission on April 13, 2021 and was tabled to their May
74 11, 2021 meeting. The Commission recommended approval of the CUPs as detailed in the May 18, 2021
75 memo provided. Some members of the Commission attended the May 7, 2021 Site Walk with members
76 of the Planning Board.

77

78 Mr. Sharples informed the Board the Prime Wetland Boundary was incorrectly shown on the Yield Plan
79 that the Board previously approved. A revised Yield Plan and Site Plan dated May 11, 2021 was provided
80 to the Board and the DPW and Conservation Commission have addressed that subject. Attorney Pasay
81 provided a letter dated May 5, 2021 provided in the Board's packet.

82

83 Mr. Sharples noted a supplemental filing on May 20, 2021 concerning a boundary appeal request by the
84 abutters in an email received earlier this afternoon which is not in the packets but was forwarded to the
85 Board. The boundary was corrected. There is a request for third party wetland delineation. This is
86 usually addressed during the review of the subdivision plan. The applicant's attorney will speak to the
87 revisions.

88

89 Attorney Justin Pasay indicated he was with Brian Griset and Jim Gove and Christian Smith from Beals
90 Associates is also on the call. Attorney Pasay noted he was not planning to address the CUP and Site
91 Plan Review waivers until the June 10, 2021 meeting as well as respond to the abutter's letter as he has
92 only just received it noting the request contains arguments that have been addressed already.

93

94 Attorney Pasay spoke to the Yield Plan issue in his May 5, 2021 and May 20, 2021 letters and noted a
95 minor discrepancy in the Town's Prime Wetland Map resulting from a bad photo interpretation of
96 vegetation and typography in early 2010 when the map was plotted. This affected the size of proposed
97 lots 5 and 6 buildable areas but the required 25'x25' building area box is still exceeded on both. Nothing
98 else has changed. Mr. Gove's explanation is still good.

99

100 Christian Smith posted the revised plan showing the edge of the Prime Wetland overlaid by the Town's
101 GIS map and the approved Yield Plan for comparison.

102

103 Alternate Mark Dettore recused himself.

104

105 Chair Plumer opened the hearing to the public for comments and questions at 7:31 PM.

106

107 Ann Flaherty of 8 Tamarind Lane noted she is an abutter and supports approval of the Yield Plan finding
108 it not substantially different.

109

110 Jonathan Elliot of 6 Tamarind Lane spoke to the request for a third-party wetland's delineation
111 requested and the nature of the brook which with minor blockages creates flooding to Tamarind Lane
112 and the scrap yard. Mr. Elliot opined it was prudent the prime wetlands be reviewed by a third party to
113 confirm the current site conditions rather than relying on a 20-year-old photo.

114

115 Mr. Smith explained the wetlands delineated field photo is that of the Town's GIS error. Mr. Gove
116 performed his work in the field based on current conditions and that is why the map online is different
117 than what Mr. Gove found in the field. Mr. Griset forwarded a well-researched memo as to how that
118 took place.

119

120 Neil Bleicken noted the abutters put a lot of effort into the project and asked the Board to take their
121 time and not take the developer's word for the revision.

122

123 Pete Steckler noted the actual wetland line is well to the right of where the prime wetland is and is not
124 an issue. Mr. Steckler asked if there were other places where they didn't buffer off Mr. Gove's line and
125 used the mapped line because it was more advantageous. Mr. Steckler asked what the blue dotted line
126 represented. Mr. Smith noted it is the soil type; blue is poorly drained jurisdictional wetland. Ms.

127 English asked for color coding at an earlier meeting. Mr. Smith answered there was no advantage to the
128 developer and showed the area to the north which was the Town's original boundary and compared it
129 to Mr. Gove's line. Vice-Chair Brown asked Mr. Gove to speak to the methodology used and explain
130 how much reliance is on the old photos versus field work. Mr. Gove explained he does not rely upon old
131 aerial photos or previous delineations that were done. Mr. Gove noted he sampled each flagged
132 location for vegetation and evidence of wetland hydrology and hydric soils. This is vetted only in the
133 field. A surveyor locates the boundaries and places them on a survey plat.

134

135 Mr. Elliot asked if all is done in the field how something like this happens after a year and a half and
136 echoed what Mr. Bleicken stated about the Board getting it done correctly. Mr. Smith explained Mr.
137 Gove's flags are relied upon and located and plotted on the plan by surveyors. After the Commission
138 met and downloaded the GIS map and underlay it was realized there was a discrepancy. Mr. Griset
139 explained the prime map is a feature created 40 years ago by the legislature so the Town could provide
140 buffers on high value wetlands. Voters approve the overlay zoning map. In 2002-2003 the Commission
141 contracted for the aerial photos. There was distortion in the photos and a line was drawn where they
142 thought it was. The line was off by less than one-eighth of an inch which results in a difference of 80.
143 Mr. Smith noted is a zoning overlay map not a wetlands delineation. Because soils are unreliable HISS
144 mapping is done. The prime wetland boundary has nothing to do with soil delineation. It is maps and
145 photos that the voters approve.

146

147 Chair Plumer closed the hearing to the public at 7:54 PM.

148

149 Ms. English asked about the date of the most recent Yield Plan and Mr. Sharples pointed out the May 5,
150 2021 revision date shown in the box.

151

152 Mr. Pasay explained his May 20, 2021 letter addresses the prime wetland issue. The abutters requested
153 a third-party delineation of the wetlands.

154

155 Mr. Cameron asked about the date in the header of the second page of the May 5, 2021 letter which
156 references April 20, 2021 and Attorney Pasay noted it was a typo.

157

158 Vice-Chair Brown stated he would like to hear discourse from the Board concerning this change to the
159 Yield Plan.

160

161 Chair Plumer noted the error was corrected.

162

163 Mr. Cameron asked for clarification on there being multiple Yield Plans. Mr. Sharples explained the
164 Board is being asked to accept the revised and resubmitted plan to create only this one Yield Plan.

165

166 Mr. Smith showed the plan and the reduced building envelope and noted the building box still fits the
167 required setbacks.

168

169 Ms. Belanger noted the revision seems straight forward and didn't really change anything. Mr. Grueter
170 agreed. Ms. Cowan noted an applicant should feel comfortable bring forth a mistake.

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Chair Plumer reopened the hearing to the public to give opportunity for rebuttal to the comments made by the alternate members.

Mr. Steckler commended the applicant for correcting the error and going above and beyond to research the matter and believes it wasn't intentional. Mr. Steckler noted he still questions whether this lot is feasible and the costs of the driveway. The applicant can't change those boundaries and buffers without an official process.

Chair Plumer closed the hearing to the public at 8:15 PM.

Ms. English agreed with Mr. Steckler that she has never been comfortable with those two lots.

Mr. Cameron noted had the building envelope been adversely affected it would cause approval to be null and void. Mr. Sharples noted it is up to the Board what the scope of review should be. Vice-Chair Brown indicated the lot still fits and doesn't require a waiver.

Chair Plumer reopened the hearing to the public at 8:24 PM so Mr. Elliot could speak. Mr. Elliot noted the error appears to be insignificant assuming the lines re in the correct location and opined that if the lines are off then lots 5 and 6 may be unbuildable and so it would be prudent to have third party review to determine.

Chair Plumer closed the hearing to the public at 8:25 PM.

Ms. Martel motioned that the request of Brian Griset, Planning Board Case #20-02 for Yield Plan approval of a 17-unit single-family open space development be accepted. Mr. Grueter seconded the motion. A roll call vote was taken Cowan – aye, English – nay, Martel – aye, Grueter – aye, Brown – aye, Cameron – nay and Plumer – aye. The motion passed 5-2-0.

Attorney Pasay addressed the request for third party review of the wetland delineation referencing his May 20, 2021 letter. Attorney Pasay noted on April 22, 2021 when the abutters made the request he was not aware the context as it was just made and indicated he would be in agreement to move things along. Attorney Pasay reviewed the three identical requests and determined there is no legitimate basis under the Town's zoning ordinance.

Attorney Pasay noted such a request should be made in the event the Building Inspector, Planning Board or Conservation Commission question the validity of the boundaries of a wetland area of a specific parcel of land or upon the written petition of the owner or abutter of that property not to call upon to question the services of a wetland scientist qualified to delineate wetlands. The procedure in state statute to amend the overlay is by noticed public hearing and vote at Town Meeting.

Attorney Pasay addressed the second reason the request was advanced, an alleged conflict of interest between Mr. Gove the wetland scientist and Scott Gove the Real Estate Group who are unrelated.

215 Attorney Pasay asked the Board to consider that there was no genuine concern about the wetland
216 delineation raised. There have been two site walks. There is nothing to do with the site HISS map
217 performed by Mr. Gove or evidence to question his stamp on the wetland delineation.

218
219 Mr. Steckler noted he was on the site walk and when they walked to the delineated wet meadow it
220 started to get squishy underfoot right when they hit Mr. Gove's line so he has no reason to question this
221 delineation and none that would impact the current proposed development. Ms. English agreed with
222 Mr. Steckler.

223
224 Mr. Cameron questioned what exactly a third party would do that has not been done. Chair Plumer
225 questioned whether the intent of the request is to confirm Mr. Gove's work is adequate and performed
226 with proper scientific methods. Chair Plumer explained if done, Mr. Sharples, Mr. Gove and the second
227 reviewer would be there. Attorney Pasay concluded within the language of the regulation when there
228 are questions regarding the validity of the boundaries the onus is on those who request it to establish
229 those questions. This is the exact plan provided at the Conservation Commission meeting and there
230 were no comments.

231
232 Neil Bleicken stated he spent a year and a half on the matter and assumed things were accurate and
233 stated they are not. Mr. Bleicken opined the number of homes being placed does not fit the land and he
234 does not have confidence in the maps and doesn't understand the rush.

235
236 Ms. Martel asked how past third-party delineation requests were handled. The one discrepancy that
237 has been pointed out was researched, investigated, and rectified. Nothing else has been brought to the
238 Board's attention that seems different in the field than what is on paper so because of that Ms. Martel
239 noted she is not in favor of third-party review.

240
241 Ms. Cowan noted she tries to be respectful of everyone in this process and asked if a group of abutters
242 come in at what point is this usually requested on other cases. Mr. Sharples noted he would need to do
243 further research to answer that question but does remember in general not just wetlands but traffic
244 studies being requested but in that case an engineer came in to speak at a meeting and the Board
245 decided not to move ahead with third party review. Another example was Cypress, an abutter brought
246 a ten year old plan that showed a wetland in an area that the new plan did not show a wetland. It was
247 verified that the new plan was correct. Requests are usually fact based not just a request.

248
249 Mr. Grueter noted he had not heard anything that would encourage him to support third-party review.
250 If there were something specific the abutters have then they would need to show us. Most members
251 were on the site walk and some abutters were present as well. What was said to be wet was wet and
252 what was said to be dry was dry.

253
254 Vice-Chair Brown stated that he could not remember a case where a review of wetlands changed them.
255 With lack of a compelling reason other than just checking someone else's professional work which is not
256 part of the Board's process he didn't see a real reason to have a third-party review in this particular
257 case. There are quite a bit of wetlands being preserved and protected into perpetuity which is what he
258 suspected gathered favor from the Commission.

259

260 Ms. English pointed out there is no desire by any of the Board to rush through this project. All take this
261 job seriously and have every intention of asking as many questions as they can. Ms. English noted the
262 area she would desire to review is between hoes 12-16 but any change to the wet meadow would be
263 minimal at best. Ms. English noted she did not see how the change would impact the proposed homes
264 that are seen on the plan right now.

265

266 Laura Knott of 15 Tamarind Lane stated the compelling reason is the applicant himself admitted the
267 wetlands were plotted wrong in the first place and recommends the Board request third-party review.
268 Ms. Knott noted the Commission discussed it and felt it wasn't relevant to the CUP and entrusted the
269 Planning Board to review that if necessary and any substantial change would come back before them.

270

271 Mr. Gove responded the plan changes had nothing to do with his work. It had to do with a graphical
272 change based on the old prime wetland line and had nothing to do with his delineation work.

273

274 Chair Plumer closed the hearing to the public at 7:54 PM.

275

276 Chair Plumer reopened the hearing to the public at 7:55 PM to allow Mr. Hadden to speak.

277

278 David Hadden stated he felt uncomfortable listening to someone hired by the developer "its like the fox
279 guarding the hen house."

280

281 Chair Plumer closed the hearing to the public at 7:56 PM.

282

283 Mr. Grueter asked how much cost would be borne by the developer for this review and Mr. Sharples
284 noted the Board would first determine the scope of review, where the focus would be, in what
285 particular area if not delineating the whole thing. The cost is usually several thousand dollars and he did
286 not initially find any availability wetland scientists who weren't scheduled out at least six months.

287

288 Mr. Grueter noted if the whole parcel were not delineated another issue would be raised.

289

290 Mr. Sharples noted the flagging would not be reflagged. Mr. Gove did the flagging. The reviewer would
291 walk along to see if the boundary is different.

292

293 Mr. Cameron noted the scope is important. Vice-Chair Brown recommended against voting not to do it
294 in case something comes up later.

295

296 Chair Plumer recommend tabling the application until the June 10, 2021 meeting.

297

298 **Ms. English motioned to table Planning Board Case #20-2 to June 10, 2021 at 7:00 PM. Mr. Cameron**
299 **seconded the motion. A roll call vote was taken English – aye, Brown – aye, Grueter – aye, Cameron –**
300 **aye, Cowan – aye, Martel – aye and Plumer – aye. The motion passed 7-0-0.**

301

302 2. The application of Scott W. Carlisle III for review of a Yield Plan for a proposed 12-lot single-family
303 open space subdivision and associated site improvements on the property located at 19 Watson Road.
304 R-1, Low-Density Residential zoning district
305 Tax Map Parcel #33-26
306 Planning Board Case #20-21
307

308 Mr. Sharples reported the Yield Plan application is ready to be heard. The proposal is for an open space
309 subdivision and wetlands CUP on a 97.99-acre parcel in the R-1, Low Density Residential zone. Mr.
310 Sharples provided directions to the site located off Exit 9 on Route 101. The applicant has also
311 submitted an open space development plan, but the Yield Plan must receive approval before that can
312 proceed. TRC comments were made on April 29, 2021 and UEI has reviewed. Staff will provide
313 comments after Yield Plan approval. The applicant will go before the Conservation Commission for
314 recommendations on the CUP application on June 8, 2021. There will be some waivers requested. The
315 applicant's response to comments were included in the supplemental packet. The applicant plans 12
316 lots on almost 90 acres and has not maximized the yield plan. Comments were provided about road
317 grading. Mr. Sharples noted his comments have been addressed.
318

319 **Mr. Cameron motioned to open Planning Board Case #20-21. Ms. Martel seconded the motion. A roll**
320 **call vote was taken Grueter – aye, Martel – aye, English – aye, Cowan – aye, Cameron – aye, Brown –**
321 **aye and Plumer – aye. The motion passed 7-0-0.**
322

323 Barry Geier from Jones & Beach Engineers noted Mr. Carlisle was present and Attorney Hilliard. The
324 parcel is on the east side of Watson with 1760' of frontage. Mr. Geier displayed the plan noting a large
325 wetland complex on the east side and some vernal pools. Water drains east and north. 64 acres would
326 be undeveloped. There will be 3,200' of buffer impacts. Wells will be contained within the radius.
327

328 Ms. English asked about the driveway for Lot 3. Mr. Geier noted revised plans were submitted in a
329 separate mailing. Mr. Sharples noted they were received at 4 PM last Friday and are dated May 21,
330 2021. Ms. English asked the reason for the change and Mr. Geier noted because of TRC comments.
331

332 Ms. Martel asked about stormwater management and Mr. Geier explained the layout of proposed catch
333 basins.
334

335 Chair Plumer asked about steep grades. Mr. Geier noted the maximum allowed is grade 8 which they
336 are at or below in places.
337

338 Mr. Steckler asked who delineated the wetlands and Mr. Sharples indicated Jim Gove. Mr. Sharples
339 noted the applicant is not required to go into great detail concerning drainage in this portion of the Yield
340 Plan review process and will get into more detail during review of the open space subdivision plan.
341

342 Mr. Grueter asked if full calculations are not done how would the Board know whether there could be
343 12 lots and Mr. Geier responded there are 12 lots proposed with 67 acres so there will be no trouble
344 making room, if necessary.
345

346 Vice-Chair Brown proposed a Site Walk and one was scheduled for June 8, 2021 at 8:00 AM. Mr.
347 Sharples will invite the Conservation Commission to attend. There is a small parking area by the gate
348 across from the trail. Mr. Geier will attempt to flag the roads in time for the walk.

349

350 Chair Plumer departed the meeting at 9:39 PM and returned at 9:40 PM.

351

352 Ms. Martel asked about functions and values and Mr. Sharples noted he had those but they are not part
353 of the Yield Plan review process.

354

355 ***Vice-Chair Brown motioned to continue Planning Board Case #20-21 to June 10, 2021 at 7:00 PM. Ms.***
356 ***English seconded the motion. A roll call vote was taken Grueter – aye, Martel – aye, Cowan – aye,***
357 ***English – aye, Cameron – aye, Brown – aye and Plumer – aye. The motion passed 7-0-0.***

358

359 **V. OTHER BUSINESS**

360

361 Non-Public Session pursuant to 91-A:3(II)(e) consideration or negotiation of pending claims or litigation
362 which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or
363 against any member thereof because of his or her membership therein, until the claim or litigation has
364 been fully adjudicated or otherwise settle.

365

366 ***By Roll Call Mr. Cameron motioned to go into non-public session pursuant to RSA 91-A:3(II)(e)***
367 ***consideration of legal advice. Ms. English seconded the motion. A roll call vote was taken Brown –***
368 ***aye, Cameron – aye, Cowan – aye, English – aye, Martel – aye, Grueter – aye and Plumer – aye. The***
369 ***motion passed 7-0-0.***

370

371 The meeting was closed to the public at 9:47 PM.

372

373 ***Mr. Cameron motioned to come out of non-public session seconded by Ms. English. A vote was taken***
374 ***Brown – aye, Cameron – aye, Cowan – aye, English – aye, Martel – aye, Grueter – aye and Plumer –***
375 ***aye. The motion passed 7-0-0.***

376

377 The meeting was reopened to the public at 10:05 PM.

378

379 Election of Officers

380

381 Ms. Belanger asked if alternates could be appointed to committees and Vice-Chair Brown
382 reviewed RSA 673 and the Rules of Procedure dated May 10, 2018. Chair Plumer provided the
383 list of Board and Committee appointments. Under RSA 676:1 alternates may participate even if
384 not voting. Mr. Sharples noted he sought a legal opinion, and it was recommended that
385 alternates participate during public comment but not during deliberations. The Rules of
386 Procedure state alternates may participate in deliberations but must be activated to vote. Mr.
387 Sharples noted that as the Board wants alternates to be able to participate during deliberations

388 (outside of voting) he will revisit the recommendation from legal. Chair Plumer noted the ROP
389 state a roll call vote will be taken to make it clear who is voting.

390

391 ***Mr. Grueter nominated Langdon Plumer as Chair, Aaron Brown as Vice-Chair and Pete***
392 ***Cameron as Clerk. Ms. Martel seconded the motion. A roll call vote was taken Grueter – aye,***
393 ***Martel – aye, English – aye, Cowan – aye, Cameron – abstain, Brown – aye and Plumer – aye.***
394 ***The motion passed 6-0-1.***

395

396 Master Plan Discussion

397

398 Mr. Cameron noted he believes the Committee is updating the Yield Plan language. Mr.
399 Sharples recommended participants take a tour of conventional and open space developments
400 that have been built.

401

402 Field Modifications

403

404 Bond and/or Letter of Credit Reductions and Releases

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

407 **VII. CHAIRPERSON'S ITEMS**

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

409 **IX. ADJOURN.**

410 The meeting adjourned at 10:43 PM.

411

412 Respectfully submitted,

413 Daniel Hoijer,

414 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: June 4, 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 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 May 27th, 2021 meeting, the Board voted to accept the Yield Plan entitled "Preliminary Yield Plan for Residential Development, Tamarind Lane, Exeter, N.H." (rev. 5/5/21 and received in the Planning Office on 5/11/21), as presented, for a total of seventeen (17) units.

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 have been provided in previous meeting packets.

The Applicant appeared before the Conservation Commission at both its April 13th, 2021 and May 11th, 2021 meetings for review of the Wetlands and Shoreland Conditional Use Permit 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, was included in the materials for the last meeting.

The Applicant has provided revised open space development site plans, dated 5/11/21. These plans, along with a letter of explanation and supplemental filing from Attorney Pasay, dated 5/5/21 and 5/20/21, respectively were also provided for the last meeting.

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 Griset (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 Griset (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 Griset (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 Griset (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

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.

RECEIVED

JUN 4 2021

Anne and Patrick Flaherty
8 Tamarind Lane
Exeter, NH 03833
June 3, 2021

EXETER PLANNING OFFICE

Dear Members of the Exeter Town Planning Board:

We are abutters of the proposed open space development on Tamarind Lane (PB case #20-2). We live at 8 Tamarind Lane. Our property borders the proposed development and currently there is a right of way across our property to access the parcel that is proposed as the development site. We expect that the Planning Board will begin to consider the details of the development plan, additional filings, and waiver requests at their meeting on June 10. We write in support of Mr. Grisets' open space development proposal package as well as the requested waivers. We also have several requests related to the development itself and the future condominium association by-laws that would be best for the abutters and the extended neighborhood.

There is a lot line adjustment impacting our property included in the larger packet of submissions (online, it appears in the packet posted for the April 22, 2021 meeting and is stamped as received by the office March 16, 2021). We have worked with the Grisets on finding the best way to address access to the development and address the existing right of way. The lot line adjustment will shift the property line between our property and the Grisets property so that the road to access the development would be fully on the development's own land and not utilize the current right of way. The existing right of way would be ended by the agreement and would no longer exist. We understand that our property would remain in compliance the town's road frontage requirement by incorporating the new development road as part of our road frontage. In exchange for the property shifting from our parcel to the Grisets parcel along Tamarind Lane, a small portion of the current Grisets parcel near the existing pond would become part of our parcel.

This lot line adjustment allows us to keep our driveway in the current location, provides for a separate roadway for the development (rather than using our driveway), and still seeks to minimize wetland impact. The lot line adjustment facilitates locating the development roadway solely on development property (as opposed to ongoing development access using a right of way) alleviates our concerns about liability and access. Extinguishing the existing right of way also removes any concerns of future issues. The lot line adjustment is allowed by our neighborhood protective covenants with the approval of a majority of the covenant members. Signatures of a majority of the covenant members have been obtained and this document has been filed with the Rockingham County Registry of Deeds ("Third Amendment to the Protective Covenants of Exeter Green (formerly the "Meadows"), Exeter, New Hampshire") allowing for the line adjustment.

We also appreciate the aspects of the site plan as it currently stands that offer some buffer between our property and the proposed development building and road. The adjustments in terms of screening near our house, for example will benefit us in terms of maintaining privacy. The Grisets have agreed to repair/ replace existing fencing between our two properties and add in

additional rails to screen our properties as part of the creation of the development. In addition, there will be a double row of evergreen trees between our properties. Existing vegetation along the buffer will be maintained wherever possible. We also understand that there will be screening between the mailbox area and our property as well as the roadway and our driveway as much as possible.

We respectfully request that the condominium association by-laws incorporate the following. We are in agreement with the Grisets on these requests:

- The association will maintain the fencing between the development property and our property at 8 Tamarind Lane.
- The association prohibit short-term rentals (such as AirBnB)
- The association only allow for downward facing exterior lighting on the side of homes that immediately abut our property (8 Tamarind Lane) and those on Greybird Farm Circle
- Because of the narrow buffer, we also ask that the homes that will abut our house at 8 Tamarind Lane and the others in close proximity (7 and 8 Greybird Farm Circle), only be allowed to have rear exterior lights facing downward (as opposed to floodlights, for example) to reduce glare and impact on immediate neighboring property owners.

We ask that there be no street lighting in the development to reduce impact and light pollution. We also request that garbage and recycling pickup take place in the development itself, rather than at its intersection with Tamarind Lane. This would reduce congestion, smells, pests, and garbage accumulation on the road, the potential impact on pedestrians, and general impact on the neighborhood.

We are in support of approving the waiver requests and CUPs in order to achieve the development as depicted on the site plan. We particularly support this to create a single-family home open space development. Single-family homes will be in keeping with our existing neighborhood. We support the waivers related to the road as well, as we do not feel that granting the waivers for the road will have a negative impact on the development or neighborhood and are appropriate for a private road maintained by the condominium association.

Thank you for your time and consideration of our support for the open space development, additional submissions including the lot line adjustment, and waivers.

Sincerely,

Anne and Patrick Flaherty

RECEIVED

JUN 4 2021

June 4, 2021

Langdon Plumer, Chair
Town of Exeter Planning Board
10 Front Street
Exeter, NH 03833

EXETER PLANNING OFFICE

Re: Planning Board Case #20-2 Brian Griset Open Space Development Project, Grisets' Response to Letter Dated May 27, 2021 submitted by Elliot, Knott, Hadden, Lennon/Desjardins, Liptak/Bennett, Paige, Bleicken and Moran to Langdon Plumer, Chair of the Exeter Planning Board in reference to case # 20-2, Applicant Brian Griset (the "Opposition Letter")

Dear Chairman Plumer:

As stated at the Planning Board hearing of May 27, 2021 please accept this written response to the Opposition Letter. I have attempted to avoid the opposition's personal attacks and accusations which were not relevant to the application and only wasted the Board's time. However, once again, the Opposition Letter is clearly and solely a compilation of misinformation which only serves to confuse issues and, potentially, mislead the Planning Board. The letter also inserts into the record of these proceedings private discussions had between the opposition group and myself and distorts the context of those discussions. For all of these reasons, I offer the below response which should be included in the administrative record of this case. My wife and I simply want our applications to be impartially reviewed in accordance with the regulations and applicable State law without distracting, confusing, and inaccurate information.

Opposition to our project have generally implied that I am a "sneaky" developer seeking to maximize unit density and profit at the expense of the environment and my neighbors. Nothing is further from the truth. As you are aware, the two-year record shows that my wife and I could have initially proposed alternative plans providing much greater density and much larger impacts to the environment. Instead, with the agreement of the majority of my neighbors and abutters, we proposed a development for just 17 additional like-kind single family units on 64 acres, of which 41 acres will be preserved by the Town, and an additional 10 acres will be preserved by the Homeowners Association for the new development. In other words, nearly 80% of my original 64 acres are proposed to be permanently preserved and protected. Far from a proposal that seeks to maximize development potential and profit at the expense of the environment, our proposal preserves and protects high-value wetlands and wetland buffers, a prime wetland, and all primary wildlife corridors and causes less than 3,000 square feet of wetlands impact in an area already disturbed. Our approach is the most environmentally friendly approach possible for the underlying parcels. Our preservation and conservation proposals are unprecedented and significant. This is self-evident. That is why our proposal is actually supported by those abutters most directly affected by it.

The misstatements contained within the Opposition Letter are just the latest example of what I believe to be bad faith actions by the opposition designed to stall, confuse, mislead and pressure members of the Planning Board in an attempt to deny us the opportunity to reasonably develop our property in a way that is consistent with our Constitutional rights.

By this letter, I memorialize my objection to the tactics being utilized and the misinformation being advanced to the Planning Board by the opposition. I address their primary arguments in the Opposition Letter below.

1.) The opposition states that they are not opposed to reasonable development and are willing to compromise. In support of this assertion they provided to the Planning Board a copy of a letter their lawyer sent me in July of 2020.

Response: For context, this "July 21, 2020 settlement" offer came a year after I began trying to work with the neighbors for consensus. In fact, I distributed four neighborhood letters with accompanying plans and coordinated two separate neighborhood informational meetings which were co-hosted by the Souters back in 2019. Of the signatories to the Opposition Letter, only one attended. I have also consistently responded to questions emailed to me.

I also conducted four private site walks for neighbors. Additionally, two Joint Planning Board/Conservation Commission site walks were attended by neighbors. As a result of this open and transparent information exchange a large majority of the neighbors and abutters support the project as planned.

Despite the oppositions' characterization that our communications were confrontational and unreasonable, the opposite is true. I engaged unprecedented outreach and communication with the neighborhood in the good faith attempt to be as transparent as possible. This is my neighborhood too. The opposition group provided the Planning Board with evidence of my outreach efforts in Exhibit 10 of the Opposition Letter.

Instead of attending events I coordinated to reach out to the neighborhood, the opposition created a false narrative and circulated a Petition from Change.org which they presented to the Planning Board, ZBA and Conservation Commission during the conceptual and administrative phase. As a reminder of their stated intentions, please refer back to the minutes of September 26, 2019 Planning Board meeting, lines 145-152, where Laura Knott is recorded saying "...would oppose as long as it comes before the Board...".

The only significant contact I had with this group was after we filed our January application thru an attorney and a single meeting where we were presented with 14, 12 or 8 unit reductions in exchange for their agreement not to totally block the project.

In 2020, contact was established again with a separate Zoom neighborhood meeting held for just the opposition on May 21st along with a follow-up site walk and a question and answer period. A document dump was made available on Google Drive to the opposition and for all the neighborhood, again in May 2020, prior to their attorney's July letter. I answered all questions asked including why alternative access and layouts were not economically viable nor permissible. Please note, other than early on statements of total opposition, while polite, no feedback was given to me by the opposition.

The bottom line is that while I have been characterized as uncommunicative and unwilling to compromise, the opposite is true. I have proposed a totally conservative and thoughtful development which reflects the nature of our neighborhood and have actively attempted to openly discuss issues and questions. I have actively worked with direct abutters to alleviate their concerns where possible to include agreeing on enhanced plantings to provide more buffer and relocating the proposed access road

to the development to accommodate a property owner's request. On the other hand, the opposition has provided me ultimatums and unit limitations which are unworkable for a variety of reasons, as I discuss below, and have unfortunately demeaned me in the public meetings before the Planning Board.

2.) The opposition states that any delays in the process are exclusively due to my actions.

Response: The opposition to this project hired an attorney who, on more than one occasion, filed substantive legal analysis letters to the Planning Board on the day of meetings. This started at the June 11, 2020 Planning Board meeting where the opposition raised arguments regarding density transfers, the nature of our variance relief, and our 30 year old contract with the Town regarding density rights. Foundational to their arguments was our incorporation of the Mendez Trust parcel in our yield plan.

These claims required time and money to respond to and they caused delay. As a result of these delays with the threat of never-ending legal challenges, and because the Mendez Trust property was such a source of contention and the basis for many of their legal arguments, I offered the opposition the choice: support the project as proposed, which would lead to conveyance of the Mendez Trust property to the Town for perpetual conservation, or I would withdraw the Mendez Trust property from the plan and reserve my rights to develop it separately. Under that approach, I would propose only a 13 unit Yield Plan utilizing only the Griset Parcel. The opposition failed to respond by the deadline so we proceeded in that direction.

The only contact from the opposition came after the fact and was from Terry Moran whom I met with on June 19th. Terry stated he was acting as the group's representative. He specifically asked why 4 conventional lots would not work? I answered in great detail. Terry asked why couldn't the access road for the development come from Kingston Road thru the Mendez Trust parcel? I gave him a private site walk at the end of the meeting to illustrate why this was not feasible or permissible. These issues had been asked and answered multiple times to the neighborhood.

I received no additional questions or contact therefore the alternative 13-unit Yield Plan was submitted and proposed to the Board at the July 9, 2020 meeting in response to the opposition's threatened potential legal actions.

The opposition cannot claim they have no culpability in the numerous delays as each prior delay and continuance was in response to their last minute (day of) legal challenges submitted to the Board.

Prior to this, no changes other than TRC or Planning Department were made.

3.) Only after the July 9th meeting did the minority opposition's attorney forward to my attorney the "Settlement Offer" of July 21, 2020 which they portray as a reasonable outreach.

Response: In my opinion the opposition's offer was a blatant "bad faith" offer because it insists on things that are impossible to accomplish which I explained in great detail multiple times to multiple people. And again the opposition used their "last minute" offer as grounds for seeking yet another delay and continuance in the permitting process.

We state for the record their proposal was rejected due to three onerous terms specified in the letter as detailed below:

- Access from Kingston Road: The opposition's first condition was that the project has to be accessed from Kingston Road. This demand would make the project non-permittable and non-viable. From the environmental standpoint, access from Kingston Road would require two large crossings of wetlands of much higher value than those which we propose to impact. Specifically, the opposition's proposal would require 38,000 sq.ft. of wetlands impacts versus the less than 3,000 sq.ft. we are proposing. The opposition's proposal would also impact the Flood Zone to an even greater extent compared to our net zero proposal and would intersect two separate wildlife corridors and fragment the proposed Open Spaces contrary to Zoning Ordinances and regulations of the Town of Exeter. I find this proposal interesting in light of the opposition's repeated advocacy on behalf of the environment. As the Planning Board understands, both local and State wetlands regulations require that the Applicant avoid and minimize impacts by pursuing the least impactful development possible. For these reasons alone, providing access to the upland for development from Kingston Road is a completely illogical and environmentally reckless proposal which does not warrant any serious consideration, particularly where we have a right of way access to the uplands from Tamarind Lane which will cause 92% less impacts to the wetlands and wetland buffers.
- From a cost-perspective, the opposition's proposal would increase road and utility extensions from 850 feet to over 1850 feet, a 118+% addition. These increased costs would make the development totally unviable from an economic perspective.
- The opposition's "offer" places a "cap" on the number of units regardless of the Yield Plan outcome at 15 new units verses 17. Even without the above condition regarding access from Kingston Road, and assuming access for Wild Apple Lane remained as designed from Tamarind Lane, the two unit reduction produces a minimum reduction of 12.5 percent in gross revenue and a 24 percent reduction in return on investment without any benefit to the abutters. When you add-in the demand regarding access from Kingston Road, you make the whole project even less viable.
- The opposition wants to transfer the authority of the Planning Board to themselves regarding perimeter buffers on Tamarind Lane. Not only is this offensive, it is unwarranted as our proposal provides a minimum of 400 feet of buffer off Tamarind Lane which already has three separate tree lines protecting "their view". Of interest, they have no issue with their other neighbors cutting down trees between their neighboring properties as the Paiges, Knotts, Morans and others have all cleared trees from their own properties.

Therefore, the opposition's proposal cannot be viewed as a "reasonable offer" but just one more stalling tactic.

4.) The Opposition Letter alleges, based upon misinformed opinions, not facts, that our proposal violates existing Covenants.

Response: The minority opposition first claimed we had no rights to develop our property and no rights under the Covenants. Now they maintain we are restricted by the Covenants.

Specifically, they assert that the .91 acres transferred by a Lot Line Adjustment in 1993 from Lot 5 to the "Remaining Land" is still subject to the Covenants. They ignore the minutes of the two Planning Board meetings. They ignore the recorded Lot Line Adjustment plan that amended the boundaries of "Meadows of Exeter, New Hampshire" subdivision plan. They ignore the 1993 Homeowner's

Association vote recognizing the adjustment of the boundaries of Lot 5 and the Remaining Land. And finally, they ignore the last three paragraphs on the first page of the recorded Covenants which permit me as the declarant to further-develop the remaining land. Instead, they have provided to the Board what they view as a legal opinion written by Steven Keach, a non-lawyer engineer, when their actual lawyer did not advance this argument.

With respect to Mr. Keach, he does not have the expertise to interpret law. That being said he has submitted his interpretation of law so we will address it.

The opinions stated in numbered paragraph 2; "The Declaration specifically defines "...property subject to this Declaration"" as including lots shown on ""Plan D-12714 or any amendments to said plan which may be recorded as such"". No problem with this. He then acknowledges in a separate opinion that "The Declaration explicitly acknowledges that ""these restrictions do not effect the remaining land as shown on said plan "".

In his paragraph 5 Mr. Keach acknowledges the Homeowner Association vote that amended the lot lines of Lot 5 and the Remaining Land.

In Mr. Keach's paragraphs 8, 9 and 10 he then jumps to the conclusion that the .91 acre parcel transferred from Lot 5 to the Remaining Land is bound by the Covenants as it is not part of "...the remaining land depicted and defined on Plan D-12714."

Conveniently for the opposition, he ignores the language in the Covenants which states "...or any amendments to said plan which may be recorded as such."

We believe that Lot 5 was properly "amended" and confirmed by the Homeowners approval and the amended Remaining Land parcel is not subject to the Covenants therefore our submission is in accordance with the Regulations.

Upon final review we trust the Board will come to the same conclusion on this opinion letter as it did with Mr. Keach's past opinions where he finally admitted that our plans were in accordance with all Zoning and Subdivision Regulations.

Beyond all this, the 1993 lot line adjustment issue being raised by the opposition is consistent with the history of the development and with previous lot line adjustments performed within the subdivision by the original declarant, Mr. Mutrie. Specifically, in May of 1986, Mr. Mutrie adjusted "lot boundaries" for lot 1, as depicted on plan D-15000 on record at the Registry, which added land into the "remaining land" precisely as the 1993 adjustment did. Additionally, in 1987, the boundaries of lots 2 and 3 were adjusted to accommodate a driveway encroachment (plan C-16387 at the registry) and in 1991 the boundaries of lots 24 and 25 were adjusted to accommodate a house encroachment.

The 1993 lot line adjustment did not violate the covenants and the .91 acres at issue clearly became part of the subdivision's "remaining land", as labeled on the underlying plans, which remaining land is viable for additional development by the declarant as proposed.

5.) The opposition asserts that my attorney Justin Pasay 's statement regarding the Conservation Commission decision against a 3rd party review of the wetland delineation is "inaccurate". They assert instead that "The Commission did not determine that the abutters' request had no legitimate basis to proceed and trusted that the Planning Board would request a third-party review if they believed it necessary at this stage of the process."

Response: Both statements are categorically false. There could be no confusion for anyone who attended the May 11th meeting. The opposition's statement can only be construed as an attempt to mislead the Planning Board into taking an action which had no merit.

For confirmation, please refer to Conservation Commission meeting video of May 11th and the attached draft minutes of that meeting. On page 2 of the minutes you will find three opposition members, (Briecken, Knott and Hadden) requested the Commission require a third-party review of Jim Gove's wetlands delineation before proceeding further. Chairman Koff responds that "other than general uneasiness there has been no specific issuance of challenge." Review of the our CUP applications then takes place and both are voted upon with approval recommendations to the Planning Board.

On page four of the minutes, Laura Knott again asks for 3rd party review. Mr. Koff responds, "Mr. Koff noted it was already discussed and the Commission needs a material reason to request it and has not been presented with one." Beyond this, my attorney specifically asked the abutters to present any valid reason for why a third party review was required, and nothing was offered.

Additionally, no statement was made by the Commission that "they trusted that the Planning Board would request a third-party review..." or anything like this. Again, we ask that the Planning Board review the video and minutes from the April 13th and May 11th Conservation Commission meetings.

Despite this unfortunate attempt to misrepresent what happened at the Conservation Commission meetings, we are grateful that the Planning Board came to the same conclusion that the Conservation Commission did, that no evidence has been provided to substantiate a third-party review of the wetland delineations.

Final Request:

My only request is that the Board assign to the information and evidence provided by the opposition, the weight and credit it deserves in light of their long history and track record of pushing misinformation on the Board. We simply hope for that which all applicants are entitled to, the impartial review of our proposal based on its merits in and the Town's land use regulations and State law.

Respectfully Submitted,

Brian Grisct

Brian Grisct
26 Cullen Way
Exeter, NH 03833

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: June 4, 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 and a copy of the TRC comment letter, dated 5/18/21, addressing the Yield Plan was provided in the last board mailing.

At the last meeting, the Board scheduled a site walk for Tuesday, June 8th, 2021 at 8:00 AM and extended an invitation to the Conservation Commission members to attend. I will provide an update on the site walk at the meeting.

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. I will provide an update for the Board at the meeting.

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

I provide motions for the waivers and the CUP below as the Board but the board first needs to review and act upon the Yield Plan before considering the Open Space Development Plan.

Waiver Motions

Surveyed Property Lines waiver motion: After reviewing the criteria for granting waivers, I move that the request of Scott W. Carlisle (PB Case #20-21) for a waiver from Section 7.4.12 requiring surveyed property lines with angles, bearings and distances be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED

Planning Board Motions

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.

Conditional Use Permit (Wetlands) Motion: After reviewing the criteria for a Wetlands Conditional Use permit, I move that the request of Scott W. Carlisle III (PB Case #20-21) for a Conditional Use Permit (Case #****) be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Single Family Open Space Subdivision Motion: I move that the request of Scott W. Carlisle III (PB Case #20-21) for single family open space subdivision approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

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