



# TOWN OF EXETER, NEW HAMPSHIRE

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## LEGAL NOTICE EXETER PLANNING BOARD AGENDA

The Exeter Planning Board will meet on Thursday, October 14, 2021 at 7:00 P.M. in the Nowak Room of the Exeter Town Office building located at 10 Front Street, Exeter, New Hampshire to consider the following:

**APPROVAL OF MINUTES:** September 23, 2021

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

The application of Granite State Construction Services LLC for a minor subdivision of the existing 6.59+/- acre parcel at 12 Little River Road into two lots. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel # 62-90. PB Case #21-8.

The application of ZV Investments LLC for a multi-family site plan review for the proposed conversion of the structures located at 50 Newfields Road into four (4) residential condominium units. The subject property is located in the RU-Rural Residential zoning district. Tax Map Parcel #35-9. PB Case #21-10.

### **OTHER BUSINESS**

- Exeter Rose Farm, LLC, PB Case #17-27, Request for Extension of Approval (*expires 10/26/21*)
- Master Plan Discussion
- Field Modifications
- Bond and/or Letter of Credit Reductions and Releases

### **EXETER PLANNING BOARD**

*Langdon J. Plumer, Chairman*

*Posted 10/01/21: Exeter Town Office and Town of Exeter website*



41 Tax Map Parcel #82-36  
42 Planning Board Case #21-6

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

45  
46 Mr. Sharples referenced his September 16, 2021 memo.

47  
48 Christian Smith from Beals Associates presented the application and plans for multi-family site plan  
49 review and Wetlands Conditional Use Permit (CUP) for the redevelopment of the property at 32 Charter  
50 Street. Mr. Smith indicated a site walk was done and that he met with the fire inspector to change the  
51 front parking area to provide for access for the ladder truck. He has responded to UEI's second review  
52 memo and labeled the existing condition plan. He has provided draft architectural for both buildings  
53 and a landscape plan was emailed. He handed out copies. Mr. Smith discussed changes to the sediment  
54 forebay and parking stalls and the better turning radius for the fire department.

55  
56 Mr. Grueter asked about the number of parking spaces per household plus guest spaces. Mr. Smith  
57 noted in addition to the garages there will be 11 spots at the front of the building with a total of 25. Mr.  
58 Grueter opined that three guest spots would not likely be adequate and questioned whether an  
59 additional space could be created elsewhere on the property. Mr. Smith noted that while the parking  
60 does meet the letter of the ordinance he could plan for another stall. There are two vehicles per  
61 household with no limitation. Mr. Grueter recommended putting a limitation in the documents. Ms.  
62 Martel asked the number of bedrooms and Mr. Smith noted they were two bedroom units and noted  
63 she was not in favor of adding more paving so close to the wetland. The Board should not require more  
64 than the regulations. Vice-Chair Brown suggested a future parking area as necessary, without paving it.  
65 Vice-Chair Brown agreed that the spaces should be assigned. Mr. Smith noted the condominium  
66 documents don't usually allow trailers, etc. or working on cars.

67  
68 Mr. Grueter questioned whether the Town planned CIP drainage improvement would be affected by this  
69 development and Mr. Sharples noted Westside Drive is on the other side and he had zero concerns.

70  
71 Chair Plumer opened the hearing to the public at 7:20 PM.

72  
73 Ms. Martel asked about landscaping clarification and the Conservation Commission's notes about the  
74 wetland buffer restoration area. There are no notes concerning spacing in the plans in accordance with  
75 the Commission's recommendation that the plantings be done 10' on center in accordance with the  
76 Army Corp. spacing. Ms. Martel asked about the three maple trees and expressed concerns with the  
77 one in the way of the fire truck turn around. Plantings in the snow storage area at the entrance would  
78 not likely survive and something else should be chosen, or they should be moved. Ms. Martel asked for  
79 an explanation of UEI Comment #20 the catch basin at the northerly entrance to the abutter driveway.  
80 Mr. Smith noted there is a lot less runoff and the catch basin does not seem warranted.

81  
82 Ms. Belanger asked about the stop sign at the top of the hill by the mailbox for the other condominium  
83 association and Mr. Sharples explained it could be addressed if it becomes an issue by the DPW or Police  
84 Department. The roadway is being taken from 20 to 15 so there is more sight distance. Ms. Belanger

85 asked about the driveway and abutters and parking in front of homes. Mr. Smith noted the access aisle  
86 is 24.' Ms. Martel asked about the curbing and street and Mr. Smith explained the area where the DPW  
87 stores snow for Charter Street.

88

89 Chair Plumer opened the hearing to the public at 7:32 PM.

90

91 Chair Plumer asked about affluents. Mr. Smith explained the ejector pump and force main.

92

93 Chair Plumer asked about the Conservation Commission's recommendations concerning invasive species  
94 removal. Mr. Smith noted on the plan the Gove study incorporated with DES.

95

96 Vice-Chair Brown noted the abutters who were not here had spoken to Mr. Catapano and he agreed to  
97 top coat their driveway.

98

99 Ms. Martel asked about the finger extension which Mr. Smith noted is an extension of paving.

100

101 Vice-Chair Brown asked about the architectural plan which was discussed. Chair Plumer asked about  
102 sprinklers and Mr. Smith noted there would be sprinklers in all buildings including the duplex.

103

104 Mr. Smith noted the temporary impact in the prime wetland is 3,800 SF. The temporary impact in the  
105 buffer is 18,913 SF. The permanent buffer impact is 15,216 SF.

106

107 Mr. Smith reviewed the criteria for Section 9.1.6 referencing Mr. Gove's two-page report. Old debris will  
108 be removed. Functions and values will be improved by the restoration. Soil disturbance is temporary or  
109 restored and will be overseeded. All permits will be obtained.

110

111 Chair Plumer closed the hearing to the public at 7:46 PM.

112

113 Mr. Cameron asked if there were any hazardous materials and Mr. Smith noted none had been found in  
114 the Phase I Environmental study but if something unexpected is found it will be dealt with and  
115 mitigated.

116

117 Ms. Martel referenced the area along the existing driveway which had tall evergreens, peonies, azaleas  
118 and Japanese Knotweed. She recommended not transplanting this as the invasives would be spread and  
119 to remove reference to transplanting these plants from the plan.

120

121 Mr. Sharples read out loud the proposed conditions in the Conservation Commission's Memo and added  
122 the condition recommended by Ms. Martel.

123

124 • Remove the note on the landscape plan regarding relocation/transplant of ornamental plans.

125 • Trees and shrubs be planted in the buffer restoration area at a density dictated by the Army  
126 Corp. 10' on center.

127 • Invasive species control management be incorporated into the restoration proposal.

- 128 • Restoration plantings be monitored for a minimum of two years to manage adaptivity should  
129 planting success drop below 70% to ensure success is achieved.

130

131 Vice-Chair Brown motioned after reviewing the criteria for a Wetlands Conditional Use Permit that the  
132 request of One Home Builders, LLC (Planning Board Case #21-6) for a Conditional Use Permit be  
133 approved with the conditions read by the Town Planner Dave Sharples. Mr. Cameron seconded the  
134 motion. A roll call vote was taken: Grueter – aye, Cowan – aye, Brown – aye, Cameron – aye, English –  
135 aye, Martel – aye and Plumer – aye. The motion passed 7-0-0.

136

137 Ms. Martel recommended the tree caliper of 2-2.5” be included in the conditions of approval. Mr.  
138 Sharples noted shrubs are not by the gallon. Vice-Chair Brown recommended adding the condition  
139 about top coating the abutter’s driveway and the landscaping plan be updated for the fire truck turning  
140 and snow storage areas.

141

142 Mr. Sharples read the conditions for the Multi-Family Site Plan approval.

143

144 **1. An electronic as-built plan of the entire property with details acceptable to the Town shall be**  
145 **provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in dwg or dxt file**  
146 **format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates; and**

147

148 **2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and**  
149 **Subdivision Regulations prior to the issuance of a Certificate of Occupancy.**

150

151 **3. A preconstruction meeting shall be arranged by the applicant and their contractor with the Town**  
152 **Engineer prior to any site work commencing. The following must be submitted for review and**  
153 **approval prior to the preconstruction meeting:**

154

155 **i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted to and**  
156 **received for approval by DPW prior to preconstruction meeting; and**

157

158 **ii. A project schedule and construction cost estimate.**

159

160 **4. All comments in the most recent Underwood Engineers Inc. letter shall be addressed to the**  
161 **satisfaction the Town Planner prior to signing the final plans.**

162

163 **5. Third party construction inspection fees shall be paid prior to scheduling the preconstruction**  
164 **meeting;**

165

166 **6. A completed inspection and maintenance manual checklist of the stormwater management**  
167 **inspection and maintenance plan shall be submitted annually to the Town Engineer on or before**  
168 **January 31<sup>st</sup> of each year. This requirement shall be an ongoing condition of approval and noted in**  
169 **the HOA documents where appropriate.**

170

171 **7. All condominium documents including declaration and by-laws shall be submitted to the Town**  
172 **Planner for review and approval prior to signing the final plans. At a minimum the draft documents**  
173 **submitted to the Town shall be revised to include language regarding the maintenance of the**  
174 **driveway and sidewalk onto Charter Street. In the event the Town Planner deems that review is**  
175 **needed by the Town Attorney then this review shall be at the applicant's expense.**  
176

177 **8. All applicable state permit approval numbers shall be noted on the final plans. All appropriate fees**  
178 **to be paid including but not limited to: sewer/water connection fees, impact fees and inspection fees**  
179 **(including third party inspections) prior to the issuance of a building permit or a Certificate of**  
180 **Occupancy whichever is applicable as determined by the Town.**  
181

182 **9. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is**  
183 **visible from adjacent properties and/or roadways.**  
184

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

188 **11. If determined applicable by the Exeter Department of Public Works, the applicant shall submit the**  
189 **land use and stormwater management information about the project using the PTAPP Online**  
190 **Municipal Tracking Tool . The PTAPP submittal must be accepted by DPW prior to the pre-construction**  
191 **meeting.**

192 **12. A Restoration and Erosion Control surety in an amount and form reviewed and approved by the**  
193 **Town Planner in accordance with Section 12 of the Site Plan Review and Subdivision Regulations shall**  
194 **be provided prior to any site work.**

195 **13. Applicant agrees to top coat the driveway at 35 Charter Street.**

196 **14. Landscape plan shall be revised to correspond with the fire truck turning radius and snow storage**  
197 **areas.**

198 Mr. Cameron motioned the request of One Home Builders, LLC (Planning Board Case #21-6) for a Multi-  
199 Family Site Plan approval be approved with the conditions read by the Town Planner. Mr. Grueter  
200 seconded the motion. A roll call vote was taken: Martel – aye, English – aye, Cameron – aye, Brown –  
201 aye, Grueter – aye, Cowan – aye and Plumer – aye. The motion passed 7-0-0.  
202

203 2. The continued application of W. Scott Carlisle, III for review of a proposed twelve (12) lot single-  
204 family open space subdivision, Wetlands Conditional Use Permit and associated site improvements on  
205 the property located at 19 Watson Road  
206 R-1, Low Density Residential zoning district  
207 Tax Map Parcel #33-26  
208 Planning Board Case #20-21  
209

210 Chair Plumer read out loud the Public Hearing Notice.  
211

212 Mr. Sharples indicated that the applicant submitted plans for an open space subdivision and a Wetlands  
213 Conditional Use Permit for a proposed single-family open space development and associated site  
214 improvements on a 97.99-acre parcel located at 19 Watson Road. The applicant submitted an entire  
215 package with a yield plan and open space subdivision plan dated 4/1/21 and a revised yield plan dated  
216 5/21/21. At the June 10, 2021 meeting the Board voted to accept the Yield Plan (dated 5/21/21) for a  
217 12-lot single-family open space development, as presented. The applicant requested a continuance to  
218 tonight's meeting to allow them to attend the Conservation Commission's meeting prior to their  
219 presentation to the Planning Board. The applicant appeared before the Commission at their June 8<sup>th</sup>  
220 meeting for recommendation of their Wetlands Conditional Use Permit and the Commission voted to  
221 table recommendation until a later date so the applicant could return with a revised plan set and wildlife  
222 assessment. The applicant provided revised plans and supporting documents dated August 31, 2021.  
223 The UEI comment letter dated 5/4/21 and TRC comment letter dated 5/2/21 previously provided were  
224 addressed by Jones and Beach in their August 27, 2021 letter. Copies of Stormwater Management  
225 Operation and Maintenance Manual dated 8/25/21 can be found on the Town website. A letter was  
226 received from UEI dated 9/17/21 provided. The applicant returned to the Conservation Commission  
227 September 14<sup>th</sup> and recommendations for approval of the CUP was provided with conditions in a memo  
228 from Vice Chair Trevor Mattera dated September 15, 2021. A copy of the Natural Resource Plan dated  
229 8/19/21 is also available on the Town's website.

230  
231 Mr. Sharples noted the applicant is requesting two waivers in their letter dated March 30, 2021 and  
232 August 30, 2021 for surveyed property lines and significant trees.

233  
234 Mr. Sharples noted the applicant could get a higher density however the 76-Acre Open Space is a  
235 condition of approval (not required) being deeded to the Town with a potential third party holding the  
236 easement.

237  
238 Barry Gier of Jones & Beach presented the application for the 98-acre parcel in the residential zoning  
239 district. He described the 900' cul-de-sac, wells and septic and residential open space. There will be a  
240 closed stormwater system to treat and infiltrate the stormwater with an infiltration basin. Mr. Gier  
241 referenced the Natural Resource Plan prepare by Gove Environmental. He referenced the vernal pools  
242 to be removed from the private lots to the open space, access to the open space and fire cistern.  
243 Proposed CUP impacts to the buffer are 3,784 SF and permanent are 1,215 SF due to the cul-de-sac and  
244 drainage. A site walk was held with the Board.

245  
246 Mr. Gier reviewed the criteria for the waiver requested from 7.4.12 and 7.4.7 of the regulations for  
247 survey of the entire property and identifying significant trees. Vice-Chair Brown explained to the  
248 applicant how the Board had revised the requirements for identification of significant trees within the  
249 disturbed area. Ms. Martel pointed out the importance of the data and the uses the data provide to the  
250 Town and the Planning Board for recommending mitigation. The regulation is not a directive to not cut  
251 the trees or attempt to preserve them. Mr. Carlisle indicated he did not want any significant trees  
252 eliminated but felt the Conservation area was a reasonable give for the trees in the developed area and  
253 that he did not want to dictate what future owners would do with their property.

254

255 Ms. English asked about Blanding's Turtles and encouraged annual education with the HOA.  
256 Conservation Commission recommended vernal pool education as well. Mr. Dettore asked about the  
257 vernal pools. Vice-Chair Brown read the Conservation Commission's memo about an annual education  
258 workshop on vernal pools included in the HOA documents and a copy of the NH Fish and Game  
259 Stewardship Brochure similar to Forest Ridge. Ms. Martel described the educational event held every  
260 couple of years at Forest Ridge. She felt requiring it annually would be too frequent and the Board  
261 agreed on every four years.

262  
263 Chair Plumer opened the hearing to the public at 8:26 PM.

264  
265 Ms. Martel recommended grading or retaining walls to minimize disturbance to the vernal pools. Rocks  
266 could be used from blasting. Mr. Gier recommended changing the slope to 2:1.

267  
268 Mr. Gier read the criteria for the waivers into the record. The large forested parcel had been selectively  
269 cut. There is a large wetland in the back of the property difficult to access.

270  
271 Ms. Martel motioned after reviewing the criteria for granting waivers that the request of W. Scott  
272 Carlisle, III (Planning Board Case #20-21) for a waiver from section 7.4.7 of the Site Plan Review and  
273 Subdivision Regulations regarding identifying significant trees 20" in diameter or greater be denied. Ms.  
274 English seconded the motion. A roll call vote was taken: Grueter – nay, Cowan – aye, Brown – nay,  
275 Plumer – nay, Cameron – nay, English – aye, and Martel – aye. The motion failed 3-4-0.

276  
277 Mr. Cameron motioned after reviewing the criteria for granting waivers that the request of W. Scott  
278 Carlisle, III (Planning Board Case #20-21) for a waiver from section 7.4.7 of the Site Plan Review and  
279 Subdivision Regulations regarding identifying significant trees 20" in diameter or greater be approved.  
280 Vice-Chair Brown seconded the motion. A roll call vote was taken: Martel – nay, English – nay, Cameron  
281 – aye, Cowan – nay, Plumer – aye, Brown – aye, and Grueter – aye. The motion passed 4-3-0.

282  
283 Vice-Chair Brown motioned after reviewing the criteria for granting waivers that the request of W. Scott  
284 Carlisle, III (Planning Board Case #20-21) for a waiver from Section 7.4.12 requiring surveyed property  
285 lines with angles, bearings and distances be approved. Mr. Grueter seconded the motion. A roll call  
286 vote was taken: Grueter – aye, Cowan aye, Brown – aye, Plumer – aye, Cameron – aye, English – aye  
287 and Martel – aye. The motion passed 7-0-0.

288  
289 Chair Plumer closed the public comment at 9:12 PM.

290  
291 Mr. Sharples noted the Conservation Commission recommended four conditions for approval of the CUP  
292 application:

- 293
- 294 • Inclusion of Blanding's Turtle education
  - 295 • HOA documents provide for vernal pool and Blanding's Turtle workshop every four years and to  
296 provide the Fish & Game stewardship brochure
  - 297 • Open Space Conservation Easement to be held by SELT or the Conservation Commission with  
298 the terms of the deed to be reviewed by the Commission.



- Wetlands Conservation District markers to be installed at the boundary of all lots.

300

301 Ms. Martel recommended adding the slope change. Mr. Sharples read out loud the condition.

302

- Final plans shall show an increase in the slopes along the proposed roadway to reduce the impact to the wetland buffers.

305

306 Vice-Chair Brown motioned after reviewing the criteria for a Wetlands Conditional Use Permit that the  
307 request of W. Scott Carlisle, III (Planning Board Case #20-21) for a Conditional Use Permit be approved  
308 subject to the five conditions read by the Town Planner Dave Sharples. Mr. Cameron seconded the  
309 motion. A roll call vote was taken: Grueter – aye, Cowan – aye, Brown – aye, Plumer – aye, Cameron –  
310 aye, English – aye and Martel – aye. The motion passed 7-0-0.

311

312 Mr. Sharples read out loud the conditions for the Single Family Open Space Subdivision approval:

313

314 **1. A dwg file of the subdivision plan shall be provided to the Town Planner showing all property lines**  
315 **and monumentation prior to signing the final plans. This plan must be in NAD 1983 State Plane New**  
316 **Hampshire FIPS 2800 Feet coordinates; and**

317

318 **2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and**  
319 **Subdivision Regulations prior to the issuance of a Certificate of Occupancy.**

320

321 **3. A preconstruction meeting shall be arranged by the applicant and their contractor with the Town**  
322 **Engineer prior to any site work commencing. The following must be submitted for review and**  
323 **approval prior to the preconstruction meeting:**

324

325 **i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted to and**  
326 **received for approval by DPW prior to preconstruction meeting; and**

327

328 **ii. A project schedule and construction cost estimate.**

329 **4. All comments in the Underwood Engineers Inc. review letter dated 9/17/21 and TRC comment**  
330 **letter dated 7/8/21 and any subsequent comments as a result of the further review shall be addressed**  
331 **to the satisfaction the Town Planner prior to signing the final plans.**

332

333 **5. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact**  
334 **fees, and inspection fees (including third party inspections) prior to the issuance of a building permit or**  
335 **a Certificate of Occupancy whichever is applicable as determined by the Town.**

336

337 **6. The Stormwater Management Operations and Maintenance Manual dated December 22, 2020**  
338 **shall include an annual reporting requirement and a completed Stormwater Operations and**  
339 **Maintenance Plan and Inspection Report in the document referenced above shall be completed and**  
340 **submitted to the Town Engineer annually on or before January 31<sup>st</sup>. This requirement shall be an**  
341 **ongoing condition of approval and noted in the HOA documents.**

342

343 **7. All applicable State permit approval numbers shall be noted on the final plans.**  
344

345 **8. All HOA documents or other legal instrument regarding maintenance of the drainage features**  
346 **outside the public road shall be submitted to the Town Planner for review and approval prior to**  
347 **signing the final plan. The document shall include language including the annual reporting**  
348 **requirement set forth in Condition #6 above. In the event the Town Planner deems that review is**  
349 **needed by the Town Attorney this review shall be at the applicant's expense.**  
350

351 **9. The limit of cut/disturbance shall be flagged in the field prior to any site work and these flags shall**  
352 **be maintained until a Certificate of Occupancy has been issued for all units.**  
353

354 **10. If determined applicable by the Exeter DPW the applicant shall submit the land use and**  
355 **stormwater management information about the project using the PTAPP ( ) online municipal**  
356 **tracking tool. The PTAPP submittal must be accepted by the DPW prior to the preconstruction**  
357 **meeting.**  
358

359 **11. The applicant shall submit proposed names of the proposed roadway to the E911 Committee for**  
360 **review in accordance with the Town Ordinance Chapter 14. The street names shall be adopted prior to**  
361 **the issuance of a Certificate of Occupancy for any units.**  
362

363 **12. Assurances for completion of all proposed public improvements shall be provided in accordance**  
364 **with Section 12 of the Site Plan Review and Subdivision Regulations prior to any site work.**  
365

366 **13. The proposed Open space property shall be deeded to the Town in accordance with the plan. This**  
367 **shall be completed prior to the issuance of a building permit for any dwelling unit or any structure.**  
368

369 Ms. English asked about the number of lights and lack of a landscaping plan for the cul-de-sac and street  
370 trees.

371

372 Ms. Martel proposed adding the planting condition in the cul-de-sac area which Mr. Sharples read out  
373 loud as a condition of approval.

374

- 375 • The landscape island within the cul-de-sac shall be planted with seven native trees with a  
376 minimum 2.5" caliper.

377

378 Mr. Cameron motioned that the request of W. Scott Carlisle, III (Planning Board Case #20-21) for a  
379 Single-Family Open Space Subdivision approval be approved subject to the conditions read by the Town  
380 Planner Dave Sharples. Mr. Grueter seconded the motion. A roll call vote was taken: Grueter – aye,  
381 Cowan – aye, Brown – aye, Plumer – aye, Cameron – aye, English – aye and Martel – abstain. The  
382 motion passed 6-0-1.

383

384 Vice-Chair Brown expressed his thanks to Mr. Carlisle for the tone of the project which he noted the  
385 Board does not see every day with zero abutter impact on such a large parcel. Mr. Cameron agreed the

386 project would do the Town proud. Chair Plumer thanked Mr. Carlisle for the donation of land to the  
387 Town of Exeter.

388

389 3. The application of 12 Kingston Road LLC for a minor subdivision of the existing 1.84-acre parcel at 12  
390 Kingston Road into two lots.

391 NP-Neighborhood Professional zoning district

392 Tax Map Parcel #81-51

393 Planning Board Case #21-9

394

395 Chair Plumer reported that t2 Kingston Road LLC has withdrawn their application.

396

397 4. A public hearing on the application of Nouria Energy Corporation for a review of the required plan  
398 changes outlined in Condition #14 of the conditional approval granted by the Planning Board on July 29,  
399 2021 for the proposed redevelopment of the property located at 158 Epping Road. The proposal  
400 includes a new retail motor fuel outlet (convenience store with drive-thru and fueling canopy with six  
401 islands and a car wash building with vacuum island spaces.

402 C-3–Epping Road Highway Commercial zoning district

403 Tax Map Parcel #47-1-2

404 Planning Board Case #21-4

405

406 Mr. Sharples noted the applicant presented their application to the Board on July 1, 2021 and received  
407 conditional approval on July 29, 2021. There were six issues:

408

409 Relocation of the intersection;

410 Elimination of left-hand turns onto Epping Road from the southerly access, except for tractor trailer  
411 trucks;

412 Pedestrian access plan with a sidewalk along the Epping Road frontage;

413 The addition of shade trees along the Epping Road frontage;

414 The widening of the landscape strip from 8' to 10;' and

415 Exterior lighting on dimmers to reduce in intensity after hours.

416

417 The applicant submitted revised site plans and supporting documents dated September 8, 2021  
418 addressing the conditions of approval and a response letter dated September 16, 2021 to the comments  
419 of UEL.

420

421 Mr. Sharples noted a letter received from the traffic engineer concluded the peer review.

422

423 Chris Tymula with GPI provided handouts showing the mark up and striping and stop sign in the internal  
424 circulation. He will add these to the final plan. He reviewed the changes since the conditional approval.  
425 The dashed lines show potential connectivity to Town sidewalks.

426

427 Mr. Cameron expressed concerns with the use of the wording "relocation of intersection." Mr. Sharples  
428 explained the northern portion is 10' lower to the south required by VHB to shift the driveway to line up

429 with the canopy closer to the intersection so that cars are not headed straight into people coming out,  
430 to stop that conflict.

431

432 Mr. Grueter remarked that parking at neighboring Saw Bellies is a concern.

433

434 Vice-Chair Brown motioned that the request of Nouria Energy Corp (Planning Board Case #21-4) for Site  
435 Plan approval (specifically related to Condition #14 of the Planning Board decision letter dated July 30,  
436 2021) be approved. Mr. Cameron seconded the motion. A roll call vote was taken: Martel – aye, English  
437 – aye, Cameron – aye, Plumer – aye, Brown – aye, Cowan – aye and Grueter – aye. The motion passed  
438 7-0-0.

439

#### 440 **V. OTHER BUSINESS**

441

442 Ms. Belanger explained the Housing Advisory Committee will have several businesses and the  
443 Chamber of Commerce speak concerning workforce housing and economic development which  
444 is a regional problem. Exeter has a good selection of housing. There will be a roundtable  
445 discussion on January 22, 2022. The Committee meets the 2<sup>nd</sup> and 4<sup>th</sup> Friday.

446

447 Master Plan Discussion

448

449 Field Modifications

450

451 Bond and/or Letter of Credit Reductions and Releases

452

#### 453 **VI. TOWN PLANNER'S ITEMS**

454 Mr. Sharples noted Yield Plan amendments to the regulations were being brought forward.

455

#### 456 **VII. CHAIRPERSON'S ITEMS**

457 Chair Plumer noted the childcare center near Aroma Joe's had finally been under construction.

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

459

460 **IX. ADJOURN.**

461 *Vice-Chair Plumer motioned to adjourn the meeting at 10:02 PM. Mr. Cameron seconded the motion.*  
462 *A vote was taken all were in favor, the motion passed 7-0-0.*

463  
464 Respectfully submitted,

465 Daniel Hoijer,  
466 Recording Secretary

467  
468 *Zoom link for this meeting for those members of the public who wished to attend virtually was:*  
469 *#865 7433 7197*



# TOWN OF EXETER

## *Planning and Building Department*

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

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

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**Date:** October 1, 2021  
**To:** Planning Board  
**From:** Dave Sharples, Town Planner  
**Re:** Granite State Construction Services, LLC PB Case #21-8

The Applicant is seeking a minor subdivision of an existing 6.59+/- acre parcel located at 12 Little River Road to create one additional lot. The subject property is located in the R-2, Single Family Residential zoning district and is identified as Tax Map Parcel #62-90. .

The Applicant submitted a minor subdivision plan and supporting documents, dated August 5<sup>th</sup>, 2021, which are enclosed for your review. The Applicant had originally proposed to subdivide the existing house off of the church parent parcel and create the required frontage for the new lot on a proposed private right-of-way. However, upon staff review, it was determined that this proposal would require a variance as the proposed lot would not have frontage on a "Street" as defined in our Zoning Ordinance.

The Applicant appeared before the Zoning Board of Adjustment (ZBA) at their September 21<sup>st</sup>, 2021 meeting and presented a variance application for relief from the required minimum lot width/frontage requirements; the variance request was granted. A copy of the decision letter and minutes from that meeting are enclosed for your review.

Subsequently, the Applicant has submitted revised plans, dated 10/1/21, and are enclosed for your review along with the other supporting documents. No TRC meeting was held but the plans were sent around to staff to solicit any comments. As of the writing of this memorandum, we have not received any comments on the application. The comments I have are as follows:

- Provide parking calculations for the church parcel to show there is adequate parking for the church on the newly created lot;
- It appears that some of the church parking will be located on Lot 90-1. No easement is shown and I question why this is proposed this way. The lot line could be moved so all church parking is located on the church parcel making a much cleaner situation; and,
- A copy of a roadway maintenance agreement should be provided to ensure that there is an agreement in place between the owners on the responsibility to maintain the shared portion of the access drive.

There are no waivers being requested for this application.

I am away at a conference next week and will be unable to attend the meeting. Kristen Murphy will attend in my place and I will provide her with suggested conditions of approval in the event the board decides to take action on the request.

**Planning Board Motion:**

**Minor Subdivision Motion:** I move that the request of Granite State Construction Services, LLC (PB Case #21-8) for Minor Subdivision approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures



RECEIVED

AUG -5 2021

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

EXETER PLANNING OFFICE

NOTRC  
PH date: 8/26/21

**OFFICE USE ONLY**

**THIS IS AN APPLICATION FOR:**

MINOR SITE PLAN

MINOR (3lots or less) SUBDIVISION       LOTS

LOT LINE ADJUSTMENT

#21-8	APPLICATION
8/5/21	DATE RECEIVED
175.00	APPLICATION FEE
—	PLAN REVIEW FEE
220.00	ABUTTER FEE
50.00	LEGAL NOTICE FEE
	INSPECTION FEE
\$445.00	TOTAL FEES
	AMOUNT REFUNDED

pt. v # 9229 *hsm*

1. NAME OF LEGAL OWNER OF RECORD: CALVARY BAPTIST CHURCH

ADDRESS: 12 LITTLE RIVER ROAD  
EXETER, NH 03833      TELEPHONE: (603) 765-1255

2. NAME OF APPLICANT: Granite State Construction Services, LLC

ADDRESS: 34 Auburn Street  
Exeter, NH 03833      TELEPHONE: (603) 770-1943

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

Option holder (see attached)  
(Written permission from Owner is required, please attach.)

4. DESCRIPTION OF PROPERTY:

ADDRESS: 12 Little River Road, Exeter, NH 03833

TAX MAP: 62      PARCEL #: 90      ZONING DISTRICT: R2

AREA OF ENTIRE TRACT: 6.59-Ac. +/-      PORTION BEING DEVELOPED: N/A 1-lot subdiv.





5. **EXPLANATION OF PROPOSAL:** To subdivide the existing house off the church parent parcel and create the required frontage on a proposed private right-of-way. The existing drive is 24' in width. The existing house and church are served by municipal water and sewer.

6. **ARE MUNICIPAL SERVICES AVAILABLE? (YES/NO)** Yes, they are existing.  
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. Full scale plan sets	7
B. 11x17 plan sets	15
C. Signed Application form	15
D. Abutters list with mailing labels in triplicate	1
E. Letter of explanation	15
F. Owners Letter of Authorization	15
Check for Application fee	1
Copy of Easement Deeds	1

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:** Christian O. Smith, PE of Beals Associates, PLLC  
**ADDRESS:** 70 Portsmouth Ave., Stratham, NH 03885  
**PROFESSION:** Professional Engineer **TELEPHONE:** (603) 583-4860

10. **LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:** Upon subdivision, the existing house will be renovated. No other improvements are proposed.



**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.

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**NOTICE:**

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

DATE 8/3/2021 APPLICANT'S SIGNATURE [Handwritten Signature]

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

LETTER OF AUTHORIZATION

I, Phil Caton owner of property located at 12 Little River Road, Exeter, NH, current location of the Calvary Baptist Church, do hereby authorize Beals Associates, PLLC, of 70 Portsmouth Avenue, Stratham, NH, to act on my behalf in all matters to be discussed at the Exeter Planning Board hearings, other Land Use Board approval hearings, or State Permitting Agencies concerning the property previously mentioned.

I hereby appoint Beals Associates, PLLC to act on my behalf in the permitting process.

  
Witness

 8/5/2021  
Owner Date

**BEALS · ASSOCIATES** PLLC

**70 Portsmouth Avenue  
Stratham, New Hampshire  
0388  
603 – 583 - 4860  
Fax: 583 - 4863**

August 4, 2021

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

RE: Letter of Explanation  
Granite State Construction Services, LLC  
Proposed minor subdivision  
Tax Map 0062 Lot #: 0090

Dear Members of the Board:

The applicant is proposing to subdivide the referenced parcel located at 12 Little River Road into 1 residential lot on a private common driveway under a proposed variable width right-of way, and a lot with the remaining land. The driveway is an existing 24' paved way serving the existing house and the Calvary Baptist Church. Lots are served by overhead power and underground utilities, with municipal water & sewer services. The existing house structure will be renovated upon subdivision approval and the church will occupy the remaining land. No other improvements are proposed.

Thank you for your consideration.

Very truly yours,  
BEALS ASSOCIATES, PLLC

*Christian O. Smith*

Christian O. Smith P.E.  
Principal



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

APPLICANT	TRC	REQUIRED EXHIBITS, SEE REGULATION 6.6.2.4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a) The name and address of the property owner, authorized agent, the person or firm preparing the plan, and the person or firm preparing any other data to be included in the plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b) Title of the site plan, subdivision or lot line adjustment, including Planning Board Case Number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c) Scale, north arrow, and date prepared.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d) Location of the land/site under consideration together with the names and address of all owners of record of abutting properties and their existing use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e) Tax map reference for the land/site under consideration, together with those of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	f) Zoning (including overlay) district references.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	g) A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 1,000-feet.
<input type="checkbox"/> N/A	<input type="checkbox"/>	h) For minor site plan review only, a description of the existing site and proposed changes thereto, including, but not limited to, buildings and accessory structures, parking and loading areas, signage, lighting, landscaping, and the amount of land to be disturbed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i) If deemed necessary by the Town Planner, natural features including watercourses and water bodies, tree lines, and other significant vegetative cover, topographic features and any other environmental features which are significant to the site plan review or subdivision design process.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	j) If deemed necessary by the Town Planner, existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
<input type="checkbox"/> N/A	<input type="checkbox"/>	k) If deemed necessary by the Town Planner for proposed lots not served by municipal water and sewer utilities, a High Intensity Soil Survey (HISS) of the entire site, or portion thereof. Such soil surveys shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	l) State and federal jurisdictional wetlands, including delineation of required setbacks.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	m) A note as follows: "The landowner is responsible for complying with all applicable local, State, and Federal wetlands regulations, including any permitting and setback requirements required under these regulations."
<input checked="" type="checkbox"/>	<input type="checkbox"/>	n) Surveyed exterior property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in New Hampshire must attest to said plan.



**ABUTTERS LIST  
FOR  
NH-1364 12 LITTLE RIVER RD-MUKARKAR EXETER, NH  
DATE August 4, 2021**

**SUBJECT PARCEL**

**TAX MAP/LOT**

62-90

62-90-1

**OWNER OF RECORD**

CALVARY BAPTIST  
12 LITTLE RIVER RD  
EXETER, NH 03833

CALVARY BAPTIST  
12 LITTLE RIVER RD  
EXETER, NH 03833

**ABUTTERS**

**TAX MAP/LOT**

62-69

62-68

62-67

62-84

62-85

62-89

62-99

**OWNER OF RECORD**

JANE CADWELL  
20 MAIN ST  
EXETER, NH 03833

ROBERT & CATHY FOLSTER  
5 MILLSTREAM DR.  
EXETER, NH 03833

ROBERT MIKE-MAYER  
7 MILLSTREAM DR.  
EXETER, NH 03833

KENNETH CRUZ  
39 BRENTWOOD RD.  
EXETER, NH 03833

MARILYN & VINCENT FREDETTE  
37 BRENTWOOD RD.  
EXETER, NH 03833

GEOFFREY LAKE  
8 LITTLE RIVER RD.  
EXETER, NH 03833

JAMES & KATHLEEN TAYLOR  
8 PENN LN.  
EXETER, NH 03833

**ABUTTERS LIST  
FOR  
NH-1364 12 LITTLE RIVER RD—MUKARKAR EXETER, NH  
DATE August 4, 2021**

62-91	KRIS & KAREN WEEKS 7 PENN LN. EXETER, NH 03833
62-92	TIFFANY & BLAGOJCHO MITEVSKI 5 PENN LN. EXETER, NH 03833
62.93	JULIE & JAMES OSBURN 3 PENN LN. EXETER, NH 03833
62-94	JILLIAN BURNS 1 PENN LN. EXETER, NH 03833
62-95	BARBARA SEYMOUR 5 WALLACE RD. EXETER, NH 03833
62-107	HERBERT SMITH & MARIAN GOODING-SMITH 17 BRENTWOOD RD. EXETER, NH 03833
62-111	PATRICIA WASHBURNE REV. TRUST PATRICIA WASHBURNE TRUSTEE PO BOX 38 MIDDLETON, NH 03887
55-3 UNIT 1	BOULDERS REALTY CORP PO BOX 190 EXETER, NH 03833
55-3 UNIT 2	INTEGRITY VENTURES INC. 21 RED FOX LN BARRINGTON, NH 03825
55-3 UNIT 3	COLCORD POND ASSOCIATES LLC 80 NASHUA RD. SUITE 24 LONDONDERRY, NH 03053



**ABUTTERS LIST  
FOR  
NH-1364 12 LITTLE RIVER RD-MUKARKAR EXETER, NH  
DATE August 4, 2021**

**PROFESSIONALS**

ENGINEERING FIRM

BEALS ASSOCIATES, PLLC.  
70 PORTSMOUTH AVE. 3<sup>RD</sup> FLOOR  
STRATHAM, NH 03885

SOIL SCIENTIST

GOVE ENVIRONMENTAL  
8 CONTINENTAL DR. BLDG. 2 UNIT H  
EXETER, NH 03833

SURVEYOR

DAVID VINCENT  
PO BOX 1622  
DOVER, NH 03821-1622

APPLICANT

GRANITE STATE CONSTRUCTION  
SERVICES LLC.  
ATTN: SAM MUKARAKAR  
34 AUBURN ST.  
EXETER, NH 03833



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

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

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

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

BK2792 P0597

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

DEED OF EASEMENT

20111

MAY 12 2 19 PM '89

KNOW ALL MEN BY THESE PRESENTS, That Calvary Baptist Church of Exeter, Inc., a voluntary organization, duly organized under the laws of the State of New Hampshire, with its principal place of business at 12 Little River Road, Exeter, County of Rockingham and State of New Hampshire,

for consideration paid, grants to Peter B. Lewis and Mary E. Lewis of Pen Lane, Exeter, County of Rockingham and State of New Hampshire,

an easement over the following described parcel of land:

A parcel of land located in Exeter, County of Rockingham and State of New Hampshire, off of the Northerly side of Pen Lane, so-called, and adjacent to other land of Peter B. Lewis and Mary E. Lewis with an area of Two Thousand One Hundred Ninety (2,190) square feet, more or less, and further described as follows:

Beginning at a point at an iron rod on the Northwesterly corner of land of Peter B. Lewis and Mary E. Lewis, which land is identified as Lot #20 on "Plan of Land for Calvary Baptist Church, Little River Road, Exeter, N.H., K.E. Moore & B.G. Staples, Land Surveyors, Scale 1" = 50' dated June, 1982" as recorded in Rockingham County Registry of Deeds as Plan No. D-10865; thence turning and running N 77° 00' 24" W for a distance of Fourteen and Fifty-four Hundredths (14.54) feet to a point identified by an iron rod; thence turning and running S 58° 41' 42" W for a distance of Twenty and Sixty-one Hundredths (20.61) feet to a point identified by an iron rod; thence turning and running S 14° 53' 12" W for a distance of Fifty-eight and Sixteen Hundredths (58.16) feet to a point identified by an iron rod; thence continuing along a course S 12° 10' 02" W for a distance of Fifty and Seven Hundredths (50.07) feet to a point identified by an iron rod; thence turning and running S 78° 37' 46" E for a distance of Seven and Twenty-four Hundredths (7.24) feet to a point identified by an iron rod. The last five courses are along land of Calvary Baptist Church of Exeter, Inc. Thence turning and running N 23° 45' 14" E for a distance of One Hundred Twenty-four and Fifty-seven Hundredths (124.57) feet to the point of beginning.

This easement is conveyed only and exclusively for purposes of passive uses which shall include maintaining the shrubs and greenery, gardening and other similar open space uses. No building or structure shall be placed or erected on said easement, nor shall excavation be performed except in conjunction with an

STATE OF NEW HAMPSHIRE  
TAX ON TRANSFER  
OF REAL PROPERTY  
STATE TAX  
COMMISSION  
MAY 12 '89  
28.00

BK2792 P0598

allowed use. This easement shall be for the benefit of Peter B. Lewis and Mary E. Lewis and their heirs and assigns.

Signed this 26 day of April, 1989.

CALVARY BAPTIST CHURCH OF EXETER, INC.

By: Philip R. Caton  
Philip R. Caton, Chairman,  
Board of Trustees

By: Richard A. Belcher  
Richard Belcher, Chairman,  
Bethel Christian School Board

By: Robert Gauthier  
Robert Gauthier, Pastor

THE STATE OF NEW HAMPSHIRE  
ROCKINGHAM, SS

April 26, 1989

Personally appeared Philip R. Caton, duly authorized, and acknowledged the foregoing to be the voluntary act and deed of Calvary Baptist Church of Exeter, Inc.

Before me:

Marian V. Burwell  
Notary Public/~~Justice of the Peace~~

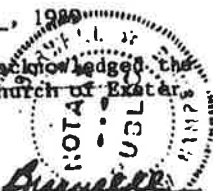
THE STATE OF NEW HAMPSHIRE  
ROCKINGHAM, SS

April 26, 1989

Personally appeared Richard Belcher, duly authorized, and acknowledged the foregoing to be the voluntary act and deed of Calvary Baptist Church of Exeter, Inc.

Before me:

Marian V. Burwell  
Notary Public/~~Justice of the Peace~~



THE STATE OF NEW HAMPSHIRE  
ROCKINGHAM, SS

April 26, 1989

Personally appeared Robert Gauthier, duly authorized, and acknowledged the foregoing to be the voluntary act and deed of Calvary Baptist Church of Exeter, Inc.

Before me:

Marian V. Burwell  
Notary Public/~~Justice of the Peace~~

Com. expires 10/29/91

Know All Men By These Presents: That the undersigned Frederick R. Jefferis and Jessie Jefferis, brother and sister, both unmarried

Del.  
J. T. Perkins  
Not Rec  
Stamp  
\$1.65

of Exeter, Rockingham County, State of New Hampshire  
(hereinafter called GRANTOR, whether one or more), for and in consideration of One Dollars in hand paid, receipt of which is hereby acknowledged, does hereby give, grant, bargain, sell and confirm unto ALLIED-NEW HAMPSHIRE GAS COMPANY, a New Hampshire Corporation duly organized by law with a usual place of business in Portsmouth, in the County of Rockingham and The State of New Hampshire (hereinafter called GRANTEE), and its successors and assigns, the right, privilege and authority to lay, relay, construct, maintain, operate, alter, repair, remove, relocate, change the size of and replace pipe lines (with fittings, appliances, and appurtenances, including cathodic protection equipment) for the transportation of oil, gas, petroleum products or any other liquids, gases or substances which can be transported through pipe lines by a route or routes which the Grantee shall have the right to select, change and alter under, upon, over and through lands which the Grantor owns or in which the Grantor has an interest, situated in the Town/City of Exeter County of Rockingham and The State of New Hampshire, bounded and described as follows: A certain tract of field and wood land situate in said Exeter, on the Northerly side of the road leading from Ryne's house to Brentwood, containing thirteen acres, more or less, bounded Southerly by said road; Westerly by land now or formerly of Benjamin R. Perkins; Northerly by land formerly of Abner Merrill and Easterly by land formerly of Captain Nathan Jewett; being the same premises, however otherwise bounded or described, except a certain tract conveyed out to Albert P. Cote by deed dated July 13, 1955 and recorded in Rockingham Records, Book 1362, Page 371

Being the same lands described in instrument(s) dated Sept. 30, 1949, recorded in the Registry of Deeds for said County of Rockingham in Book 1142, Page 346, and conveyed to Frederick B. Jefferis by deed dated March 10, 1919 by Daniel Kelleher, and joint tenancy deed created joint tenancy between brother and sister dated Sept. 30, 1919, recorded 1142/346. It is agreed that the Grantee, its successors and assigns shall have an easement over all the premises described under, upon, over and through a strip of land 35 feet in width and said strip of land shall extend from Easterly and to the Westerly and along the entire length of a survey line as shown on a Plan of Pipe Line of Allied New Hampshire Gas Company, Plainstown, New Hampshire, to Exeter, New Hampshire to Portsmouth, New Hampshire, prepared by John W. Durgin, Civil Engineers, dated August 1955, Sheet No. 9, and recorded in Rockingham Records, Plat 75, Page 11.

The phrase "survey line" as hereinabove referred to and as shown on the aforesaid Plan does not necessarily mean the location of the pipe line in the easement and it is understood that the pipe line or pipe lines may be located or relocated anywhere within the aforesaid 35 foot easement.

The Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including the free right of ingress and egress to and from said pipe lines.

TO HAVE AND TO HOLD the said easement, rights, privileges and authority, unto the Grantee, its successors and assigns, until the first pipe line is constructed and so long thereafter as a pipe line is maintained thereon.

The Grantor reserves, subject to the rights, privileges and authority herein granted and confirmed, the right to use the said premises for planting and cultivation of crops, as a means of access, ingress and egress to and from the land adjoining, to build cross fences, to maintain and use roads, driveways, sewers, drains, waterlines, gas lines, telephone and telegraph lines and electric light and power lines across said easement, subject, however, to the conditions that no building or other structure shall be erected on said easement by the Grantor, and further provided that the rights reserved to the Grantor shall not be used or exercised in any manner which will interfere with the rights, privileges and authority herein granted and confirmed to the Grantee and further provided, however, that the Grantee shall have the right from time to time to cut and remove and keep removed by such means as the Grantee may select all trees, undergrowth and all other obstructions that may injure, endanger or interfere with the laying, relaying, constructing, maintaining, operating, altering, repairing, removing, relocating, changing the size of and replacing said pipe lines or fittings and appliances appurtenant to said lines.

The Grantee agrees to pay for any damage to crops, timber and existing improvements which may be caused the Grantor by the Grantee laying, relaying, constructing, maintaining, operating, altering, repairing, removing, relocating, changing the size of and replacing said pipe lines. Said damage, if not mutually agreed upon, to be ascertained and determined by three disinterested persons; one to be appointed by the undersigned Grantor, his successors, heirs or assigns in title to said lands; one by the Grantee, its successors or assigns, or in the case of more than one ownership of said right of way and easement, such appointment shall be made by the Grantee, its successors or assigns, against whom damages are claimed; and the third by the two persons aforesaid, and the award of such three persons shall be final and conclusive.

It is agreed that this agreement as written covers all the agreements between the parties and that no representations or statements, verbal or written, have been made, modifying, adding to, or changing the terms of this agreement.

The word "Grantor" as herein used shall refer to and mean the Grantor, his, her or their heirs, executors, administrators or assigns, and the word "Grantee" shall refer to and mean the Grantee its successors or assigns.

~~That the undersigned husband and wife~~ Frederick R. Jefferis and Jessie Jefferis of said Rockingham County, New Hampshire, do hereby release all rights of homestead secured to us or either of us by Chapter 260 of the Revised Laws of New Hampshire or by any other Statute of said State.

Witness our hands and seals to this conveyance this eleventh day of October, 19 55.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

Samuel P. Richards  
to both

Frederick Robert Jefferis  
Jessie Jefferis



1378 222



ACKNOWLEDGMENT

THE STATE OF NEW HAMPSHIRE } ss:  
County of Rockingham }

On this the 11<sup>th</sup> day of October, 19 55, before me  
the undersigned officer, personally appeared Frederick R. Jefferis and Jessie Jefferis  
be the persons (s) whose name(s) \_\_\_\_\_ known to me or satisfactorily proven to  
voluntarily executed the same for the purposes therein contained. (are) subscribed to the within instrument and acknowledged that he (they)

IN WITNESS WHEREOF I hereunto set my hand and seal.

Edward P. Richardson  
Justice of the Peace  
Notary Public

CORPORATE ACKNOWLEDGMENT

THE STATE OF NEW HAMPSHIRE } ss:  
County of \_\_\_\_\_ }

On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me \_\_\_\_\_, the undersigned officer,  
personally appeared \_\_\_\_\_ who acknowledged himself to be the \_\_\_\_\_  
of \_\_\_\_\_ a corporation; that he as such \_\_\_\_\_, being authorized so to do,  
voluntarily executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself  
as \_\_\_\_\_

IN WITNESS WHEREOF I hereunto set my hand and seal.

Justice of the Peace  
Notary Public

DAMAGE RELEASE

I, We, FREDERICK R + JESSIE JEFFERIS for the  
aforesaid consideration as set forth in the first paragraph of this Right  
of Way Agreement do hereby acknowledge and agree that said payment is in  
full settlement with said Grantee for any damage to crops, timber and  
existing improvements which may be caused me us by said Grantee in laying  
and constructing said pipe line within the Easement granted.

17 day of Nov 1955

Signed, sealed and delivered

John W. Wierman Jr.  
in the presence of

Frederick R. Jefferis

Jessie Jefferis



Received and recorded Dec. 1, 9:30 A.M., 1955.

\$ .55  
Rev.

Form of easement covering underground construction only, to be used in connection with rights-of-way located in Maine, New Hampshire and Vermont.

Pole Rights  
Jefferis  
to

Know All Men by these Presents that I Frederick Roland Jefferis (otherwise known as Frederick Roland Jefferis (being married) in consideration of One Dollar and other valuable considerations to me paid by the New England Telephone and Telegraph Company, a corporation duly organized under the laws of the State of New York, receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the said New England Telephone and Telegraph Company the right to lay, construct, reconstruct, operate, maintain, replace and remove lines of telephone and telegraph, including the necessary underground cables, pipes, conduits, manholes and appurtenances across, over and under the following described premises in the town of Exeter County of Rockingham State of New Hampshire of which I am the sole owner bounded and described as follows, to wit:

N. E. Tel.  
& Tel. Co.  
Del. to  
Grantee

A certain tract of field and woodland situate in said Exeter, on the northerly side of the road leading from Ryme's Corner to Brentwood, containing 13 acres more or less, bounded Southerly by said road, westerly by land now or formerly of Benjamin R. Perkins; Northerly by land formerly of Abner Merrill; and Easterly by land formerly of Captain Nathan Jewett; Being the same premises conveyed to me by Daniel Kelleher, by deed dated 3/10/19 and recorded in Rockingham Co. Deeds, Vol. 726, P. 426. F. R. Jefferis.

The above granted rights being more particularly described as the exclusive right within a strip of land twenty-five (25) feet in width, to lay, construct, reconstruct, operate, maintain, replace and remove underground cables, pipes, conduits, manholes, and such surface testing terminals, repeaters, markers and other appurtenances, with wires and/or cables therein, as the grantee may from time to time desire, upon, over and under said described premises, including the right to cut down and keep trimmed all trees and bushes as the grantee may deem necessary within said strip, to install gates in any fences or walls crossing said strip, and with the right to permit the laying, or carrying in conduits, the telephone and telegraph wires and cables of any other company; the northwesterly boundary of said strip shall be a line parallel to and ten (10) feet northwesterly from the first cable laid, which cable shall have its location indicated upon surface markers set at intervals on land of the grantor or on lands adjacent thereto, with permission to dig up said strip and to enter thereupon and upon said premises for access thereto for all the above purposes.

The grantor for himself, his heirs, executors, administrators and assigns, covenants that they will not erect or permit any building or any other structure upon said strip which in the judgment of the grantee, its successors and assigns might interfere with the proper maintenance of said cables or conduits or their service in connection therewith.

To have and to hold the above granted rights and privileges in, upon and over said premises to the said New England Telephone and Telegraph Company, its successors and assigns, for their own use and behoof forever.

And I do hereby for myself and my heirs, executors and administrators, covenant with the said grantee and its successors and assigns, that I am lawfully seized in fee simple of the aforesaid premises, that they are free from all incumbrances that I have good right to sell and convey the rights as aforesaid and that I will and my heirs, executors and administrators shall warrant and defend the same to the said grantee and its successors and assigns forever against the lawful claims and demands of all persons.

And for the consideration aforesaid, I Mary Jefferis wife of the said grantor hereby release unto the grantee and its successors and assigns all right of and to both dower and homestead/and all other rights and interests in the rights and easements herein conveyed.

Witness our hands and common seal this 29th day of July, 1941

Witness Arthur L. Bergeron

Frederick Roland Jefferis  
(L.S.)

Witness as to Both

Mary Jefferis (L.S.)

State of N.H. County of Rockingham ss.,

July 29th, 1941.

Then personally appeared the above named Frederick R. Jefferis and Mary Jefferis and personally acknowledged the foregoing instrument to be their free act and deed, before me,

Arthur L. Bergeron  
Justice of the Peace.

Received and Recorded Sept. 3 12 M. 1941

*John A. D. Green Register*

POLE RIGHT

Peavey

to

New Engl. Tel.  
& T&T. Co.

Del. to

grantee

\$ .55  
Rev.

Form of easement covering underground construction only, to be used in connection with rights-of-way located in Maine, New Hampshire and Vermont.

Know All Men by these Presents that I Frank G. Peavey (being married) in consideration of One Dollar and other valuable considerations to me paid by the New England Telephone and Telegraph Company, a corporation duly organized under the laws of the State of New York, receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the said New England Telephone and Telegraph Company the right to lay, construct, reconstruct, operate, maintain, replace and remove lines of telephone and telegraph, including the necessary underground cables, pipes, conduits, manholes and appurtenances across, over and under the following described premises in the town of Exeter County of Rockingham State of New Hampshire of which I am the sole owner bounded and described as follows, to wit: A certain tract of land situated in Exeter bounded Northerly by land now or formerly of H.W. Anderson, Easterly by other land of the grantor, Southerly by land now or formerly of said Anderson and Westerly by other land of said grantor. Being a portion of the premises devised to me by the will of my late mother, Mary A. Peavey, Rockingham County Probate, #16737.

The above granted rights being more particularly described as the exclusive right within a strip of land twenty-five (25) feet in width, to lay, construct, reconstruct, operate, maintain, replace and remove underground cables, pipes, conduits, manholes, and such surface testing terminals, repeaters, markers and other appurtenances, with wires and/or cables therein, as the grantee may from time to time desire, upon, over and under said described premises, including the right to cut down and keep trimmed all trees and bushes as the grantee may deem necessary within said strip, to install gates in any fences or walls crossing said strip, and with the right to permit the laying, or carrying in conduits, the telephone and telegraph wires and cables of any other company; the northwesterly boundary of said strip shall be a line parallel to and ten (10) feet northwesterly from the first cable laid, which cable shall have its location indicated upon surface markers set at intervals on land of the grantor or on lands adjacent thereto, with permission to dig up said strip and to enter thereupon and upon said premises for access thereto for all the above purposes.

The grantor for himself, his heirs, executors, administrators and assigns, covenants that they will not erect or permit any building or any other structure upon said strip which in the judgment of the grantee, its successors and assigns might interfere with the proper maintenance of said cables or conduits or their service in connection therewith.

To have and to hold the above granted rights and privileges, in, upon and over said premises to the said New England Telephone and Telegraph Company, its successors and assigns, for their own use and behoof forever.

And I do hereby for myself and my heirs, executors and administrators, covenant with the said grantee and its successors and assigns, that I am lawfully seized in fee simple of





TOWN OF EXETER, NEW HAMPSHIRE

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

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

September 23, 2021

Christian O. Smith, P. E., Principal  
Beals Associates PLLC  
70 Portsmouth Avenue – 3<sup>rd</sup> Floor  
Stratham, New Hampshire 03885

Re: Zoning Board of Adjustment Case #21-10  
Variance Request for Granite State Construction Services, LLC  
12 Little River Road, Exeter, N.H. Tax Map Parcel #62-90

Dear Mr. Smith:

This letter will serve as official confirmation that the Zoning Board of Adjustment, at its September 21<sup>st</sup>, 2021 meeting, voted to grant the above-captioned application for a variance from Article 4, Section 4.3 Schedule II: Density & Dimensional Regulations-Residential to permit a proposed minor subdivision of the property located at 12 Little River Road with less than the required minimum lot width/frontage requirements, as presented.

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

If you should have any questions, please do not hesitate to contact the Building Department office at (603) 773-6112.

Sincerely,

Kevin M. Baum  
Chairman  
Exeter Zoning Board of Adjustment

cc: Sam Mukarakar, Granite State Construction Services, LLC  
Douglas Eastman, Building Inspector/Code Enforcement Officer  
Janet Whitten, Deputy Assessor

KMB:bsm

*f:\docs\plan'g & build'g dept\zba cases\zba-21-10 let.docx*

Town of Exeter  
Zoning Board of Adjustment  
September 21, 2021, 7 PM  
Town Offices Nowak Room  
Draft Minutes

I. **Preliminaries**

**Members Present:** Chair Kevin Baum, Vice-Chair Robert Prior, Clerk Esther Olson-Murphy, Rick Thielbar, Christopher Merrill - Alternate, Anne Surman - Alternate

**Members Absent:** Laura Davies, Martha Pennell

**Call to Order:** Chair Kevin Baum called the meeting to order at 7 PM.

I. **New Business**

- A. The application of Granite State Construction Services, LLC for a variance from Article 4, Section 4.3 Schedule II: Density & Dimensional Regulations-Residential to permit a proposed minor subdivision of the property located at 12 Little River Road with less than the required minimum lot width/frontage requirements. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #62-90. ZBA Case #21-10.

Christian Smith P.E. from Beals Associates presented to the Board, on behalf of the Applicant Sam Mukarkar (Granite State Construction). Mr. Smith said this project has 65.65 feet of frontage, and they are looking to divide it reasonably. The existing drive is half on one side and half on the other, resulting in 20.5 feet of frontage for the existing house and 45.15 feet for the existing church. The existing house will be renovated and rented.

Mr. Prior asked if they were allowed to use the private right of way as frontage, they would have enough? Mr. Smith said yes, they would have enough frontage for both lots.

Mr. Baum asked if this will be a shared driveway. Mr. Smith said yes, the driveway will serve both. Mr. Baum said regarding the subdivision regulations relating to shared driveways, will this project need a waiver? Mr. Smith said the town Planning staff didn't say a waiver would be required. Mr. Baum said according to the existing conditions plan, they will use an easement that affects this area, is that correct? Mr. Smith said yes, this area is still owned by the church, but the church granted an easement for the abutter to use it as a lawn area.

Mr. Thielbar asked if this variance is about the lack of 100 feet for the two properties, and Mr. Smith said yes..

Mr. Baum observed that there were no abutters present. Mr. Prior asked if there are no more Zoom meetings, and Mr. Eastman said that's correct. It was an IT decision.

For the Board alternates, Mr. Merrill will vote on this issue, and Ms. Surman will vote on the re-hearing.

45 Mr. Prior moved to close the public session and enter into deliberative session. Mr. Thielbar  
46 seconded. Mr. Baum, Mr. Prior, Mr. Thielbar, Ms. Olson-Murphy, and Mr. Merrill voted aye, and  
47 the motion passed 5-0.

48  
49 Mr. Prior said this seems straightforward and a good use of the variance. Mr.  
50 Baum said these are large lots with more than enough area to support the church and  
51 residence. It would be difficult to access it any other way given the wetlands and Little  
52 River.

53 Mr. Prior said the project does meet all of the criteria for a variance. Clearly there  
54 is hardship here.

55 Mr. Prior made a motion to approve the application for a variance from Article 4, Section 4.3  
56 Schedule II: to permit a proposed minor subdivision of the property located at 12 Little River  
57 Road. Mr. Thielbar seconded. Mr. Baum, Mr. Prior, Mr. Thielbar, Ms. Olson-Murphy, and Mr.  
58 Merrill voted aye, and the motion passed 5-0.

59  
60 **II. Other Business**

61 A. Ben and Sarah Anderson - Case #21-8 - Request for Rehearing 66 Newfields  
62 Road, Tax Map Parcel #24-29.

63 Mr. Baum said this is a request for rehearing for the variance application. There  
64 is no one from the public present, and it's not a public hearing. The question is whether  
65 the Board misinterpreted the law, overlooked facts, or made an error. If the Board  
66 doesn't believe they made an error, they would vote to deny.

67 Mr. Prior said the Counsel for the applicant has completely missed what the  
68 Board was talking about regarding hardship. The hardship, which the Board feels is self-  
69 imposed, has to do with use, not the physical conditions of the property. The Andersons  
70 have already been approved for a non-residential use on that property, so they have  
71 fallen afoul of the definition of a bed & breakfast, which "shall not be used for any other  
72 business use." Attorney Pasay has analyzed many prongs of the criteria, but the issue is  
73 the use that exists on the property. It can't be both a bed & breakfast and the Word Barn.  
74 The hardship was imposed by the combination of uses that the applicant wishes to have  
75 on the property.

76 Mr. Thielbar said they're not applying for a rehearing on special exception for the  
77 bed & breakfast issue, but they discuss that issue at length in the application. Mr. Baum  
78 said what they have argued is that the bed & breakfast use is reasonable because it's  
79 permitted in the RU zone by special exception. Short term uses, such as hotel/motel, are  
80 not permitted. Mr. Prior asked where "short term rental" is in the code.

81 Andy Swanson of EXTV said that there is no Zoom, but abutters are trying to call  
82 in. Mr. Baum said as it relates to this request for rehearing, there's no public comment,  
83 so he's not that concerned.

84 Mr. Thielbar said they couldn't rent the space long-term because the noise made  
85 by their first variance [The Word Barn] made it unrentable long-term. Mr. Prior asked  
86 how they are renting it short-term in that case. Mr. Baum said in the short-term those  
87 who stay there might consider the Word Barn use fun. The Andersons' attorney has

88 suggested in this motion that they were not arguing that was a hardship, and that the  
89 information was just provided to give context, but he [Mr. Baum] does think they  
90 presented it as a hardship. The Andersons have the right to have a long-term rental  
91 there with the appropriate approvals. Mr. Prior said that's not a consideration that the  
92 Board needs to take, it's a business condition.

93 Mr. Baum said it's self-created hardship. He doesn't see any error in their  
94 decision. They considered it carefully. There's nothing in the motion for rehearing that  
95 changes the analysis that the Board took. He disagrees with the description of how the  
96 Board considered self-created hardship. The application stated that they read the wrong  
97 purpose into the RU zone, but he disagrees. There is no clear purpose for why short-  
98 term or transient rental use is prohibited in the RU zone, but the Board's reading and  
99 interpretation of the ordinance was a reasonable one.

100 Mr. Prior made a motion to deny the request for a rehearing of Case 21-8. Mr. Thielbar  
101 seconded. Mr. Baum, Mr. Prior, Mr. Thielbar, Ms. Olson-Murphy, and Ms. Surman voted aye,  
102 and the motion passed 5-0.

103  
104 B. Approval of Minutes: August 17, 2021

105 Corrections: Ms. Surman said line 27, "the proposal is for four units, with a limited  
106 common", should be "common area." Line 48, "Mr. Prior said asked," should be "Mr.  
107 Prior asked." Ms. Olson-Murphy said line 115, "a previous case where they couldn't say  
108 the owners couldn't rent," should be "they said the owners couldn't rent."  
109

110 Mr. Prior made a motion to approve the minutes as amended. Ms. Surman seconded. Mr. Baum  
111 and Mr. Thielbar abstained as they were not present at the Aug 17 meeting. Mr. Prior, Ms.  
112 Olson-Murphy, Mr. Merrill, and Ms. Surman voted aye, and the motion passed 4-0-2.

113  
114 III. Adjournment  
115

116 Mr. Prior moved to adjourn. Ms. Surman seconded. All were in favor and the meeting was  
117 adjourned at 7:30 PM.

118  
119 Respectfully Submitted,  
120 Joanna Bartell  
121 Recording Secretary

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

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**Date:** October 1, 2021  
**To:** Planning Board  
**From:** Dave Sharples, Town Planner  
**Re:** ZV Investments, LLC PB Case #21-10

The Applicant is seeking approval for a multi-family site plan review for the proposed conversion of the structures located at 50 Newfields Road into four (4) residential condominium units. The subject property is located in the RU-Rural Residential zoning district and is identified as Tax Map Parcel #35-9.

The Applicant submitted a site plan and supporting documents, dated September 8, 2021, which are enclosed for your review. The existing site consists of a single-family home and two outbuildings. This proposal will increase the number of units on the site from one to four. The site plan does not show any proposed structures or the addition of any impervious surface area. There will likely be patios constructed in the limited common area behind the three-unit building.

The Applicant appeared before the Zoning Board of Adjustment (ZBA) at their August 17<sup>th</sup>, 2021 meeting and presented a special exception application requesting the proposed conversion be permitted. The special exception was granted with the following conditions:

- The condominium documents include a provision that at least one unit be "owner occupied: and
- That the Planning Board, during its review of the site plan, consider the NH DOT driveway permit and whether it is adequate for the proposed use.

A copy of the decision letter and minutes from that meeting are enclosed for your review.

No TRC meeting was held on the application but it was sent to staff to see if they had any comments. As of the writing of this memo, we have not received any feedback but will update the board at the meeting. I offer the following comments for the board's consideration:

- Provide information showing the proposal meets the requirements of Section 11.3 of the Site Plan Review and Subdivision regulations;
- No landscaping is shown on the proposed plan;
- Will the existing septic system be utilized for any of the new units and, if so, what is the condition of it?
- The town is concerned about nitrogen loading into the Squamscott River watershed. Is there an opportunity to install an advanced septic system to minimize nitrogen loading into the environment?

There are no waivers being requested for this application.

I will be at a conference and unavailable to attend the meeting but Kristen Murphy will attend in my place. I will provide her with my suggested conditions of approval in the event the board decides to act on the request.

**Planning Board Motion:**

**Multi-Family Site Plan Motion:** I move that the request of ZV Investments, LLC (PB Case#21-10) for Multi-Family Site Plan approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures



RECEIVED

SEP 8 2021

EXETER PLANNING OFFICE

# TOWN OF EXETER, NH APPLICATION FOR SITE PLAN REVIEW

### OFFICE USE ONLY

**THIS IS AN APPLICATION FOR:**

- COMMERCIAL SITE PLAN REVIEW
- INDUSTRIAL SITE PLAN REVIEW
- MULTI-FAMILY SITE PLAN REVIEW
- MINOR SITE PLAN REVIEW
- INSTITUTIONAL/NON-PROFIT SPR

<u>PB# 21-10</u>	APPLICATION #
<u>9/8/21</u>	DATE RECEIVED
<u>100.00</u>	APPLICATION FEE
<u>N/A</u>	PLAN REVIEW FEE
<u>100.00</u>	ABUTTERS FEE
<u>50.00</u>	LEGAL NOTICE FEE
<u>\$ 250.00</u>	TOTAL FEES

pd. 9/8/21  
V# 0588

_____	INSPECTION FEE
_____	INSPECTION COST
_____	REFUND (IF ANY)

1. NAME OF LEGAL OWNER OF RECORD: ZV Investments, LLC

TELEPHONE: (603) 714-8413

ADDRESS: PO Box 10711, Bedford, NH 03110

2. NAME OF APPLICANT: Same as Owner.

ADDRESS: \_\_\_\_\_

TELEPHONE: ( ) \_\_\_\_\_

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

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

4. DESCRIPTION OF PROPERTY: Single Family Residential

ADDRESS: 50 Newfields Road

TAX MAP: 35 PARCEL #: 9 ZONING DISTRICT: RU

AREA OF ENTIRE TRACT: 5.85 Acres PORTION BEING DEVELOPED: Approximately 1 Acre





5. ESTIMATED TOTAL SITE DEVELOPMENT COST \$ \_\_\_\_\_

6. EXPLANATION OF PROPOSAL: Conversion of existing structures into 4-residential condominium units.

7. 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.

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

<u>ITEM:</u>	<u>NUMBER OF COPIES</u>
A. <u>Condominium Site Plan</u>	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____

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

10. 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

11. LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:

Expansion of existing septic system.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

IF YES, DESCRIBE BELOW. (Please check with the Planning Department Office to verify)

Yes. Special Exception granted by ZBA on August 17th to allow conversion of existing home and accessory buildings into 4-residential condominium units.

**13. 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).

House and accessory structure to be renovated for the proposed condominium units.

**14. 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 REGULATIONS; INCLUDING BUT NOT LIMITED TO THE “SITE PLAN REVIEW AND SUBDIVISION REGULATIONS” AND THE ZONING ORDINANCE. FURTHERMORE, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 15.2 OF THE “SITE PLAN REVIEW AND SUBDIVISION REGULATIONS”, I AGREE TO PAY ALL COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

DATE

9/7/21

OWNER'S SIGNATURE

*Danny W. Lim*

ACCORDING TO RSA 676.4.I ( c ), THE PLANNING BOARD MUST DETERMINE WHETHER THE APPLICATION IS COMPLETE WITHIN 30 DAYS OF SUBMISSION. THE PLANNING BOARD MUST ACT TO 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.

# JONES & BEACH ENGINEERS INC.

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

September 7, 2021

Exeter Planning Board  
Attn: Langdon Plumer, Chairman  
10 Front Street  
Exeter NH, 03833

**RE: Site Plan Application  
50 Newfields Road, Exeter, NH  
Tax Map 35, Lot 9  
JBE Project No. 21064**

Dear Mr. Plumer,

On behalf of our client and the applicant ZV Investments, LLC, Jones & Beach respectfully submits a Site Plan Application for the condominium conversion of 50 Newfields Road into 4-residential condominium units. The intent of this project is to utilize the existing house as a single condominium unit and divide the existing accessory building into 3 condominium units.

The following are included with this Site Plan Application:

1. Completed Site Plan Application with Checklist.
2. Current Deed.
3. Abutters List with Three (3) Sets of Mailing Labels.
4. Tax Map.
5. Fee Check.
6. Seven (7) Full Size Plan Sets.
7. Fifteen (15) Half Size Plan Sets.

Thank you very much for your time.

Very truly yours,  
**JONES & BEACH ENGINEERS, INC.**



Barry Gier, P.E.  
Vice President

RECEIVED

SEP 8 2021

EXETER PLANNING OFFICE

cc: Dan Martin, ZV Investments, LLC (application & plans via email)



## SITE PLAN REVIEW APPLICATION CHECKLIST

A COMPLETED APPLICATION FOR SITE PLAN REVIEW MUST CONTAIN THE FOLLOWING

1. Application for Hearing (x )
2. Abutter's List Keyed to Tax Map (x )  
(including the name and business address of every engineer, architect,  
land surveyor, or soils scientist whose professional seal appears on any  
plan submitted to the Board)
3. Completed- " Checklist for Site Plan Review" (x )
4. Letter of Explanation (x )
5. Written Request for Waiver (s) from " Site Plan Review and Subdivision  
Regulations" (if applicable) (x )
6. Completed "Preliminary Application to Connect and /or Discharge to Town  
of Exeter- Sewer, Water or Storm Water Drainage System(s)"( if applicable) ( ) N/A
7. Planning Board Fees (x )
8. Seven (7) full-sized copies of Site Plan (x )
9. Fifteen (15) 11"x17" copies of the final plan to be submitted **TEN DAYS**  
**PRIOR** to the public hearing date. (x )
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.



## SITE 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 or greater 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 stonewalls. 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 type="checkbox"/>	<input type="checkbox"/>	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.



<input checked="" type="checkbox"/>	<input type="checkbox"/>	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."
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.13 The lines of existing abutting streets and driveway locations within 200-feet of the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.14 The location, elevation, and layout of existing catch basins and other surface drainage features.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.16 The size and location of all existing public and private utilities, including off-site utilities to which connection is planned.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.17 The location of all existing easements, rights-of-way, and other encumbrances.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.19 All other features which would fully explain the existing conditions of the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.20 Name of the site plan or subdivision.



## 7.5 Proposed Site Conditions Plan (Pertains to Site Plans Only)

The purpose of this plan is to illustrate and fully explain the proposed changes taking place within the site. The proposed site conditions plan shall depict the following:

APPLICANT	TRC	REQUIRED EXHIBITS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.1 Proposed grades and topographic contours at intervals not to exceed 2-feet with spot elevations where 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"/>	7.5.2 The location and layout of proposed drainage systems and structures including elevations for catch basins.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.3 The shape, size, height, and location of all proposed structures, including expansion of existing structures on the site and first floor elevation(s). Building elevation(s) and a rendering of the proposed structure(s).
<input type="checkbox"/>	<input type="checkbox"/>	7.5.4 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"/>	7.5.5 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"/>	7.5.6 Location and timing patterns of proposed traffic control devices.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.7 The location, width, curbing and paving of all existing and proposed streets, street rights-of-way, easements, alleys, driveways, sidewalks and other public ways. The plan shall indicate the direction of travel for one-way streets. See Section 9.14 – Roadways, Access Points, and Fire Lanes for further guidance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.8 The location, size and layout of off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided. See Section 9.13 – Parking Areas for further guidance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.9 The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage disposal facilities, gas lines, power lines, telephone lines, cable lines, fire alarm connection, and other utilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.10 The location, type, and size of all proposed landscaping, screening, green space, and open space areas.
<input type="checkbox"/>	<input type="checkbox"/>	7.5.11 The location and type of all site lighting, including the cone(s) of illumination to a measurement of 0.5-foot-candle.
<input type="checkbox"/>	<input type="checkbox"/>	7.5.12 The location, size, and exterior design of all proposed signs to be located on the site.
<input type="checkbox"/>	<input type="checkbox"/>	7.5.13 The type and location of all solid waste disposal facilities and accompanying screening.



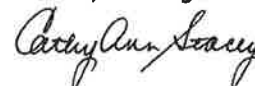
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.14 Location of proposed on-site snow storage.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.15 Location and description of all existing and proposed easement(s) and/or right-of-way.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.16 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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.17 Signature block for Board approval

**OTHER PLAN REQUIREMENTS (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



Return to:  
ZV Investments, LLC  
PO Box 10711  
Bedford, NH 03110



LCHIP	ROA554457	25.00
TRANSFER TAX	RO104884	5,765.00
RECORDING		14.00
SURCHARGE		2.00

WARRANTY DEED

Donald P. Fieldsend and Carolee Fieldsend, husband and wife, of 50 Newfields Road, Exeter, NH 03833, for consideration paid grant to ZV Investments, LLC, a New Hampshire Limited Liability Company, with a mailing address of PO Box 10711, Bedford, NH 03110, with Warranty Covenants;

A certain tract of land, with all of the buildings thereon, situated in the Town of Exeter, County of Rockingham and State of New Hampshire, more particularly bounded and described as follows:

Beginning on said Road at land now or formerly of the heirs of one Peavy;

1. Westerly by said Peavey land to a stone wall at land now or formerly of the heirs of Walter S. Carlisle;
2. Southerly by said wall by land of said Carlisle heirs to land now or formerly of the heirs of John A. Timmons;
3. Easterly by said Timmons land to land now or formerly of Russell J. Fieldsend, Jr.;
4. Northerly by land of said Fieldsend, Jr., 75 feet, more or less to a corner;
5. Easterly by land of said Fieldsend, Jr., 200 feet, more or less, to a point at the highway (Newmarket Road);
6. Northerly by Newmarket Road to the point of beginning.

Excepting and reserving conveyance out of Parcel A on Plan No. C-9606 by deed recorded in Book 2367, Page 1484.

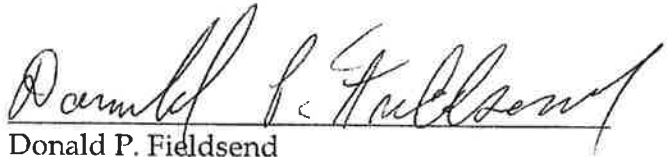
Subject to an easement to Exeter & Hampton Electric Company and New England Telephone & Telegraph Company dated December 10, 1985 and recorded in Book 2578, Page 896.

For Title Reference, see conveyance to Donald P. Fieldsend and Carolee Fieldsend by Quitclaim Deed from Donald P. Fieldsend, dated December 16, 2020 and recorded in Book 6213, Page 1253 of the Rockingham County Registry of Deeds. Life Estate of Russell J. Fieldsend recorded in Deed dated October 2, 1967 in Book 1882, Page 320. See Death Certificates of Russell Joseph Fieldsend, Jr. and Russell J. Fieldsend, Sr., recorded herewith.

We, the grantors hereby release all rights of homestead in the above-described premises.

50 Newfields Road, Exeter, NH 03833

Executed this 29th day of March, 2021.

  
Donald P. Fieldsend


  
Carolee Fieldsend

STATE OF NEW HAMPSHIRE

Rockingham, SS

Then personally appeared before me on this 29th day of March, 2021, the said Donald P. Fieldsend and Carolee Fieldsend and acknowledged the foregoing to be their voluntary act and deed.



  
Notary Public/~~Justice of the Peace~~  
My commission expires: *May 6, 2025*

**ABUTTERS LIST (DIRECT)  
AS OF  
AUGUST 30, 2021  
FOR  
50 NEWFIELDS ROAD, EXETER, NH  
JBE PROJECT No. 21064**

**OWNER OF RECORD/APPLICANT:**

TAX MAP 35/LOT 9  
ZV INVESTMENTS LLC  
PO BOX 10711  
BEDFORD, NH 03110  
BK 6257/PG 2403 (03/29/21)

**ABUTTERS:**

24/1  
RANDALL KEITH LIMBERG II  
SUSAN D HANNA  
54 NEWFIELDS RD  
EXETER, NH 03833  
5666/1012 (10/29/15)

24/32  
FRANCIS T & DONNA L HARRINGTON REV TR  
FRANCIS T & DONNA L HARRINGTON TTEES  
15 LADYSLIPPER LANE  
NEWMARKET, NH 03857  
5793/2914 (01/20/17)

35/7  
TODD C COVIELLO  
46 NEWFIELDS RD  
EXETER, NH 03833  
3423/1627 (09/15/99)

35/8  
JOSEPH J BUKOWSKI II REV TR  
JOSEPH J BUKOWSKI II TRUSTEE  
48 NEWFIELDS RD  
EXETER, NH 03833  
6257/2401 (03/29/21)

35/3-3  
MATTHEW C OLIFF  
LOVEY R OLIFF  
6 WALTERS WAY  
EXETER, NH 03833  
5626/2957 (06/16/15)

35/3-4  
PHILLIP HANEY  
SHEENA R HANEY  
8 WALTERS WAY  
EXETER, NH 03833  
6102/0783 (04/10/20)

35/3-5  
NADARAJAH GANESHKUMAR  
PAHEERATHY GANESHKUMAR  
10 WALTERS WAY  
EXETER, NH 03833  
5004/1474 (04/28/09)

35/3-6  
RYAN GARRITY  
PAMELA GARRITY  
12 WALTERS WAY  
EXETER, NH 03833  
4799/2471 (05/07/07)

**ENGINEERS/SURVEYORS:**

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



TOWN OF EXETER, NEW HAMPSHIRE

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

772-4709

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

August 24, 2021

Barry W. Gier, P.E., Vice President  
Jones & Beach Engineers, Inc.  
85 Portsmouth Avenue  
POB 219  
Stratham, New Hampshire 03885

Re: Zoning Board of Adjustment Case #21-9  
Special Exception Request for ZV Investments, LLC  
50 Newfields Road, Exeter, N.H. Tax Map Parcel #35-9

Dear Mr. Gier:

This letter will serve as official confirmation that the Zoning Board of Adjustment, at its August 17<sup>th</sup>, 2021 meeting, voted to grant the above-captioned special exception request per Article 4, Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the conversion of an existing single family home and accessory structure into four (4) residential condominiums, as presented, subject to the following conditions:

- The condominium documents include a provision that at least one unit be “owner occupied”; and
- That the Planning Board, during their review of the application as required, consider the NH DOT driveway permit and whether it is adequate for the proposed use.

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

If you should have any questions, please do not hesitate to contact the Building Department office at (603) 773-6112.

Sincerely,

Robert V. Prior  
Vice Chairman  
Exeter Zoning Board of Adjustment

cc: Dan Martin, ZV Investments, LLC  
Douglas Eastman, Building Inspector/Code Enforcement Officer  
Janet Whitten, Deputy Assessor

RVP:bsm

Town of Exeter  
Zoning Board of Adjustment  
August 17, 2021, 7 PM  
Town Offices Nowak Room  
Final Minutes

I. **Preliminaries**

**Members Present:** Robert Prior, Clerk Esther Olson-Murphy, Laura Davies, Martha Pennell - Alternate, Christopher Merrill - Alternate, Anne Surman - Alternate

**Members Absent:** Kevin Baum, Rick Thielbar

**Call to Order:** Acting Chair Robert Prior called the meeting to order at 7 PM.

I. **New Business**

- A. The application of ZV Investments, LLC for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the conversion of an existing single family home and accessory structure into four (4) residential condominiums. The subject property is located at 50 Newfields Road, in the R-1, Low Density Residential zoning district. Tax Map Parcel # 35-9. Case #21-9.

Ms. Pennell will not be a voting alternate on this case.

Barry Gier with Jones Beech Engineers and Dan Martin with ZV Investments were present to represent the applicants. Mr. Gier said this property is actually in the RU district. Mr. Prior said in the application, it's R-1, and Mr. Gier said that's incorrect.

Mr. Gier said the proposal is for four units with a limited common area, including an existing house. Each unit has two parking spaces, plus four additional spaces; they have adequate parking. It's a 5.85 acre lot. The proposed conversion is allowed by special exception, with the requirements of footnote 1: 1) The number of spaces for offstreet parking shall comply with Article 5.6; yes, they have 10 spaces. 2) The minimum lot size required shall be such that each dwelling unit is provided with 30% of the minimum lot size per unit required for the district, the required area being 52,272 square feet; yes, the project has 145,910 square feet. 3) The structure has been a residence for a minimum of 10 years; yes, the existing primary building was constructed as a residence in 1925. 4) The lot must meet the minimum of 20% open space; yes, the project has 95% open space. 5) If the conversion is intended for rentals, one dwelling shall remain owner-occupied; all units are intended to be sold, including the main home, so that doesn't apply. 6) The ZBA may require the Planning Board to review the proposed site plan; yes, they're aware of this and will go if necessary. 7) The ZBA may allow an expansion to the primary dwelling to provide additional area to meet the requirements, provided all other requirements are met. Any expansion greater than 400 square feet shall go before the Planning Board for review. Yes, they understand that

44 they may be required to go to the Planning Board for review. [Requirements are  
45 continued below.]

46 Ms. Davies asked about the existing use in the blue building on the property. Mr.  
47 Gier said it was previously a church, but he doesn't think there's any current use besides  
48 storage. Ms. Pennell asked if this was the Blue Ribbon Cleaners site, but this was not  
49 confirmed. Mr. Prior asked whether the limited common area behind on the non-garage  
50 side will be an open area. Mr. Gier said that's an exterior area for the residents, perhaps  
51 for a patio set or a barbeque. There's no expansion to the footprint, only an expansion  
52 upwards.

53 Mr. Gier resumed the footnote requirements: 8) Prior to any renovations, the  
54 owner shall provide evidence to the Town Building Inspector that septic facilities are  
55 adequate for all units according to the standards of the town and the NH DES. If deemed  
56 necessary by the Building Inspector, such evidence shall be in the form of certification by  
57 a State of NH licensed septic systems designer; also the owner shall insure there is  
58 adequate potable water according to the standards of the State of NH. They've talked to  
59 Mr. Eastman about this and they will have to expand the existing septic. Ms. Davies  
60 asked whether the well, which is in the wetlands, is adequate, and Mr. Gier said they  
61 believe so. Mr. Prior asked if they're allowed to touch the well, and Mr. Gier said he  
62 believes they can, but they will confirm that. They already had to make some  
63 improvements to the well and septic systems over the winter after the septic system  
64 failed.

65 Ms. Pennell asked why they chose to put three units in the garage and one in the  
66 house, and Mr. Gier said he thinks it was an economic decision by the applicant.

67 Ms. Davies asked if the DOT driveway permit is adequate, or if they will need an  
68 upgrade. Mr. Gier said he doesn't believe they will need to upgrade, as it was used as a  
69 church at one point and that use had more traffic than is anticipated with this project. Mr.  
70 Prior said in terms of trips per week, this will generate more traffic than the church did,  
71 and Mr. Gier said yes, but it will not have the peaks. Mr. Prior said he did a walk around  
72 and exiting the driveway was problematic; although that's not the purview of this Board,  
73 it may be something they recommend the Planning Board look at.

74 Mr. Gier moved on to the Special Exception criteria. A) The use is a permitted  
75 special exception as set forth in Article 4.2; yes, it's a conversion of an existing  
76 residential into multiple condominium use, which is permitted per 4.2 Schedule 1  
77 Footnote 1. B) The use is so designed, located, and proposed to be operated so that the  
78 public health, welfare, safety, and convenience will be protected; yes, it's on an existing  
79 single family parcel of 5 acres, there's adequate parking without additional impervious  
80 area, and the septic will be upgraded. C) The proposed use will be compatible with the  
81 zoned district and adjoining post-1972 development where it is to be located; yes, this  
82 zone is residential and the proposed use is residential, so they believe it's compatible.  
83 Mr. Prior asked if there are other multi-family properties in the immediate area, and Mr.  
84 Gier said he doesn't think so, but they didn't do an extensive review. D) Adequate  
85 landscaping and screening are provided as required; yes, there is adequate  
86 landscaping, which he pointed out on the site plan. Mr. Prior said there's almost nothing  
87 on the south, and Mr. Gier said that's existing parking, which they're not changing. E)

88 Adequate offstreet parking and loading is provided, and ingress and egress are so  
89 designed to cause minimal interference with traffic on abutting streets; yes, it's an  
90 existing drive with existing parking; it's had higher intensity uses in the past, without any  
91 issues. Mr. Prior asked if they were planning on changing the curb cut, and Mr. Gier said  
92 no. F) The use conforms with all applicable regulations governing the district where  
93 located; yes, the proposed project will comply. They are not asking for any variances or  
94 deviations. G) Applicant may be required to obtain Town Planner review and/or Planning  
95 Board review; yes, they will meet with them as required. Mr. Prior said that would only  
96 apply if the ZBA requires it. Ms. Davies said she thinks for four or more units it's  
97 supposed to go to the Planner or the Planning Board. Mr. Prior said they would look into  
98 that while Mr. Gier continued. H) The use shall not adversely affect abutting or nearby  
99 property values; yes, they're trying to clean up the property, and are not adding anything  
100 on the exterior other than taking it up a story, so they don't believe it will have any  
101 impact. I) and J) are not applicable to the project.

102 Mr. Prior said in the Schedule 1 notes under F, it says that the ZBA may require  
103 the Planning Board to review a proposal; all proposals with three or more units *must* be  
104 reviewed by the Planning Board. Mr. Gier said they're aware of that, although sometimes  
105 the Planning Board will say "yes, move on." Mr. Prior said the Planning Board looks to  
106 the ZBA for guidance, so if the ZBA says they don't require it, the Planning Board will  
107 take that into account, but they should talk to the Planner about it.

108 Ms. Olson-Murphy said that Schedule 1 note C requires that the structure has  
109 been a residence for a minimum of 10 years; it was built in 1925, but has it been used as  
110 a residence, even when the church was there? Mr. Gier said yes, that was his  
111 understanding.

112 Ms. Surman said where it's not a rental, which would have had to be owner-  
113 occupied, will the documents say that the owners can't sublet? Mr. Gier said they asked  
114 the Building Inspector that, and he is looking into it. They didn't find the requirement that  
115 an owner can't rent his unit. Mr. Prior said he thought the Board had heard a previous  
116 application that was similar. Ms. Olson-Murphy said they had a previous case where  
117 they said the owners couldn't rent. Mr. Gier said the applicant is selling the units, so it's  
118 not applicable. Mr. Prior said it's possible that the current owners could simply transfer it  
119 to another corporation which could rent it out. Ms. Davies said the intention of the  
120 requirement is not to have all units be rental with no ownership involvement. In the past  
121 she thinks they required that one unit remain owner-occupied and not be sublet. Mr. Gier  
122 said he would like to consult with his client on whether they would accept such a  
123 restriction.

124 Ms. Surman asked if there's enough room on the property that they could come  
125 back to the ZBA and look to build more units. Mr. Gier said there's enough room to do  
126 that, but he doesn't think there's provision to do that without a variance. This proposal is  
127 just converting what they already have. Mr. Prior said he thought he saw a structure on  
128 the property in the woods, and Mr. Gier said he thinks there is a chicken coop, which  
129 they are not planning to use.



130 Mr. Prior asked for further questions from the Board, but there were none. He  
131 opened it to the public for comment, but there were no comments. He closed the public  
132 session.

133 Mr. Gier said the applicant and himself have an issue with the enforceability of  
134 the provision not to have all units rented. They intend to sell, likely to four individuals,  
135 and after that, how would the Board or the town police the rental? This would restrict the  
136 ability to market this. It's also unlikely that all four units would be purchased for rental  
137 and none would be owner-occupied. Ms. Davies said traditionally in condo documents,  
138 it's required that the association monitor the proportion of tenant-occupied units. Actual  
139 enforcement would be through the town, and typically only occurs when there's a  
140 complaint. Mr. Gier said they're meeting the provisions of the regulations, and they don't  
141 want additional provisions put on the property. Mr. Prior said the requirements would be  
142 on the condominium association, not the applicant. Ms. Davies said this is a rural  
143 residential district; they're considering whether this is in keeping with the neighborhood,  
144 so they can't dismiss the concern that this wouldn't be owner occupied. Mr. Prior said he  
145 does feel it's enforceable, not by the town, but by the association.

146 Mr. Prior brought the discussion back to the Board. He said this is a great way of  
147 utilizing the property. It's a reasonable project, with no expansion of the footprint. The  
148 Board should go through both sets of criteria. Ms. Davies said she does think that they  
149 should request that the Planning Board consider the driveway access and whether it falls  
150 under the existing driveway permit.

151 Ms. Davies went through the footnote criteria (4.2 Schedule I Footnote 1): 1) The  
152 number of spaces for offstreet parking shall comply with Article 5.6; yes, the applicant  
153 has demonstrated that they have met that criteria. 2) The minimum lot size required shall  
154 be such that each dwelling unit is provided with 30% of the minimum lot size per unit  
155 required for the district; yes, the applicant presented calculations that the minimum lot  
156 size would be 13,068 square feet per unit, or a total of 52,272 square feet, and they've  
157 calculated that the uplands plus 25% of the wetland area equals 145,910 sq ft. 3) The  
158 structure has been a residence for a minimum of 10 years; yes, the existing primary  
159 building was constructed as a residence in 1925 and the applicant represents that it has  
160 been occupied as a residence in the last 10 years. 4) The lot must meet a minimum of  
161 20% open space; yes, the project has more than adequate open space at 94.7%. 5) If  
162 the conversion is intended for rentals, one dwelling shall remain owner-occupied. In this  
163 case, the units are intended to be sold, and they've discussed the Board's feelings on  
164 that; they can discuss it further if a motion is made. 6) The ZBA may require the  
165 Planning Board to review the proposed site plan; because there are four units, it must be  
166 reviewed by the Planning Board, and the applicant has acknowledged that. 7) The ZBA  
167 may allow an expansion to the primary dwelling to provide additional area to meet the  
168 requirements, provided all other requirements are met; they do intend to expand the  
169 structure, but not more than 400 square feet, so there's no requirement that this aspect  
170 be reviewed by the Planning Board. 8) Prior to any renovations, the owner shall provide  
171 evidence to the Town Building Inspector that septic facilities are adequate for all units  
172 according to the standards of the town and the NH DES. The applicant has indicated

173 that they will be working on the septic system and the Building Inspector will be involved  
174 in that process.

175 Mr. Prior said he thinks they can agree that they meet all of the criteria under the  
176 footnotes.

177 Ms. Davies moved on to the special exception criteria: A) The use is a permitted  
178 special exception; yes, this use is a permitted special exception in the rural district. B)  
179 The use is so designed, located, and proposed to be operated so that the public health,  
180 welfare, safety, and convenience will be protected; yes, the existing structures are being  
181 utilized, and there's no new construction. With a review of the driveway, she feels that  
182 the public health, safety, and welfare would be protected. C) The proposed use will be  
183 compatible with the zoned district and adjoining post-1972 development; this is where  
184 they were talking about their concern about a four unit property in a rural residential  
185 district. There aren't many multifamily residences in this area, if any, but they can  
186 discuss it in conditions if they wish. D) Adequate landscaping and screening are  
187 provided as required; yes, this is addressed by existing screening, and there's no new  
188 construction. E) Adequate offstreet parking and loading is provided, and ingress and  
189 egress are so designed to cause minimal interference with traffic on abutting streets.  
190 Because of the nature of Newfields Road, there's a slight concern that the driveway is  
191 properly permitted by DOT for the new use. Mr. Prior asked if they should say a note to  
192 that effect, rather than a condition of any motion. He's not sure that if they don't change  
193 the curb cut they will have to go for DOT review. Ms. Davies said DOT frequently  
194 conditions permits on single family use. It could be a note to the Planning Board. F) The  
195 use conforms with all applicable regulations governing the district where located; other  
196 than the number of units, which is covered under the special exception, it does conform  
197 to the governing regulations for the district. G) Applicant may be required to obtain Town  
198 Planner review and/or Planning Board review; yes, they will meet with them as required.  
199 H) The use shall not adversely affect abutting or nearby property values; she doesn't  
200 have a concern about that. It's existing structures, and will be a nice investment in the  
201 area. There was no evidence presented to the contrary. The applicant contends that it  
202 won't, and she agrees. Mr. Merrill asked if everything there is grandfathered in, such as  
203 the garage, which is well within the setback. Mr. Prior said yes. Mr. Merrill asked about  
204 the wetlands, and Mr. Prior said he hopes it's out of the setback for wetlands. Ms.  
205 Davies said I) and J) do not apply to this application.

206  
207 Ms. Davies made a motion to approve the application of ZV Investments, LLC for a  
208 special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and Article 5,  
209 Section 5.2 to permit the conversion of an existing single family home and accessory  
210 structure into four residential condominium units as proposed, with the condition that the  
211 condominium documents include a provision that at least one unit be owner-occupied  
212 and a note to the Planning Board when they review this application as required that they  
213 consider the driveway permit and whether it's adequate to the proposed use. Ms.  
214 Surman seconded. Mr. Prior, Ms. Olson-Murphy, Ms. Davies, Mr. Merrill, and Ms.  
215 Surman voted aye, and the motion passed 5-0.

216

217 **II. Other Business**

218 A. Approval of Minutes: July 20, 2021

219 Corrections: Mr. Prior said Ms. Davies did not vote aye on motion in lines 436  
220 and 437. Ms. Davies said the record should read "Mr. Prior, Mr. Thielbar, Ms. Pennell,  
221 and Mr. Baum voted aye, and Ms. Davies voted nay, and the motion passed 4-1."

222 Mr. Merrill asked what would happen if Mr. Baum or Mr. Thielbar [who were not  
223 present] found other corrections to the minutes, and Mr. Prior said they had received a  
224 copy and he assumed that if there was an issue they would have let him know.  
225

226 Ms. Surman moved to approve the minutes as amended. Ms. Davies seconded. Mr. Prior, Ms.  
227 Davies, Ms. Pennell, and Ms. Surman voted aye, and the motion passed 4-0.

228 **III. Adjournment**

231 Ms. Davies moved to adjourn. Ms. Surman seconded. All were in favor and the meeting was  
232 adjourned at 8 PM.

233  
234 Respectfully Submitted,  
235 Joanna Bartell  
236 Recording Secretary

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

RECEIVED

OCT 8 2021

Oct 5, 2021

To the Exeter Planning Board

EXETER PLANNING OFFICE

My name is Tim Harrington, and I own the property (45 Newfields Road) across from the property located at 50 Newfields Road. Unfortunately, I am traveling on business during this meeting, but wished for concerns to be read aloud, and entered into the public minutes.

I have no issues with the proposed Condominium units located at 50 Newfields Rd, however I do want to ask if there is going to be any more clearing of the property or increased paving (asphalt)? If so, I have a concern.

A few years ago, the property across the street from mine located at 54 Newfields Road was allowed to clear cut a vast amount of wooded acreage. Trees were cut down, and stumps were removed. The land appears to be used for a horse-riding paddock. The issue continues to arise when we have rain and the flow of water that used to be absorbed by the trees and brush in their wooded area, now runs across the property like a parking lot, flowing heavily across the clear cut, into the catch basin, and flooding onto my property. This creates flooding issues and makes my field pool up with water. It takes weeks to dry out. I had the State of NH out to examine and witness for themselves Mike Lynch, Karen Dudley and members of the SELT and the Conservation Commission were present. I have the written report from Mike Lynch which states that the land across the street at 54 Newfields Rd has created additional water flowing onto my property. I want to make sure any improvements or design configurations at the proposed 50 Newfield's Rd do not put any additional water onto my property.

Thank you,



Tim Harrington

45 Newfields Rd

Exeter NH



# TOWN OF EXETER, NEW HAMPSHIRE

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

## LEGAL NOTICE EXETER PLANNING BOARD AGENDA

The Exeter Planning Board will meet on Thursday, October 14, 2021 at 7:00 P.M. in the Nowak Room of the Exeter Town Office building located at 10 Front Street, Exeter, New Hampshire to consider the following:

**APPROVAL OF MINUTES:** September 23, 2021

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

The application of Granite State Construction Services LLC for a minor subdivision of the existing 6.59+/- acre parcel at 12 Little River Road into two lots. The subject property is located in the R-2; Single Family Residential zoning district. Tax Map Parcel # 62-90. PB Case #21-8.

✓ The application of ZV Investments LLC for a multi-family site plan review for the proposed conversion of the structures located at 50 Newfields Road into four (4) residential condominium units. The subject property is located in the RU-Rural Residential zoning district. Tax Map Parcel #35-9. PB Case #21-10.

### **OTHER BUSINESS**

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

### **EXETER PLANNING BOARD**

*Langdon J. Plumer, Chairman*

*Posted 10/01/21: Exeter Town Office and Town of Exeter website*

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**Please be advised that you have received this notice, as you are an abutter to one of the above applications being considered by the Planning Board. Information relative to the application(s) is available for review in the Planning & Building Department office. Any questions, please contact the office at (603) 773-6112. This meeting will also be televised on EXTV Channel 22 at 7:00 PM and at various times following the meeting.**

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Civil Engineers  
 Structural Engineers  
 Traffic Engineers  
 Land Surveyors  
 Landscape Architects  
 Scientists



RECEIVED

September 29, 2021

SEP 30 2021

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

EXETER PLANNING OFFICE

**Re: Exeter Rose Farm, Case #17-27 – Planning Board Approval Extension Request**

Dear Dave:

On behalf of our client, Exeter Rose Farm, LLC, we respectfully request a one-year extension of the Planning Board approval for Planning Board Case #17-27 primarily due to two pending State permits. These permit applications have been submitted to the State and are currently under review.

Based on the State of New Hampshire Supreme Court order dated October 26, 2020, we request the validity of the Planning Board approval be extended from October 26, 2021 to October 26, 2022.

Feel free to contact us with any questions. Thank you.

Sincerely,  
**TFMoran, Inc.**

Brenda Kolbow, LLS  
 Survey Department Manager

BMK/bmk

cc: Exeter Rose Farm, LLC  
 Hoefle, Phoenix, Gormley & Roberts, PLLC

