



TOWN OF EXETER, NEW HAMPSHIRE

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

LEGAL NOTICE EXETER PLANNING BOARD AGENDA

The Exeter Planning Board will meet on Thursday, July 29, 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: July 15, 2021

NEW BUSINESS: PUBLIC HEARINGS

Continued public hearing on the application of Nouria Energy Corporation for a site plan review of the proposed redevelopment of the property located at 158 Epping Road. The Applicant is proposing a new retail motor fuel outlet (convenience store with drive-thru and fueling canopy with six islands) and a car wash building with vacuum island spaces. The property is located in the C-3, Epping Road Highway Commercial zoning district and is identified as Tax Map Parcel #47-1-2. PB Case #21-4.

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

OTHER BUSINESS

- Gateway At Exeter, LLC – PB Case #19-15 and #19-16
Request for Extension of Conditional Approval – 170 Epping Road – Tax Map Parcel #47-6 and #47-7
- Master Plan Discussion
- Field Modifications
- Bond and/or Letter of Credit Reductions and Releases

EXETER PLANNING BOARD

Langdon J. Plumer, Chairman

Posted 07/16/21: Exeter Town Office and Town of Exeter website

***ZOOM PUBLIC ACCESS INFORMATION:**

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To access the meeting, click this link: <https://exeternh.zoom.us/j/81110861792>

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Please join the meeting with your full name if you want to speak.

*Use the "Raise Hand" button to alert the chair you wish to speak. On the phone, press *9.*

More instructions for how to access the meeting can be found here:

<https://www.exeternh.gov/townmanager/virtual-town-meetings>

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

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **NOWAK MEETING ROOM**
4 **JULY 15, 2021**
5 **DRAFT MINUTES**

6 **I. PRELIMINARIES:**

7
8 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown,
9 Gwen English, John Grueter, Jen Martel, Mark Dettore, Alternate and Nancy Belanger,
10 Alternate.

11
12 **STAFF PRESENT:** Town Planner Dave Sharples

13
14 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:00 PM and read out loud the
15 public hearing notice. The members introduced themselves and Chair Plumer noted Alternates
16 Nancy Belanger and Mark Dettore were active.

17
18 **III. OLD BUSINESS**

19
20 **APPROVAL OF MINUTES**

21
22 July 1, 2021

23
24 Edits were suggested by Ms. English and Ms. Belanger.

25
26 *Ms. Belanger motioned to approve the July 1, 2021 Meeting Minutes as amended. Mr.*
27 *Grueter seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.*

28
29 **IV. NEW BUSINESS**

30 **PUBLIC HEARINGS**

31 1. The continued public hearing on the application of Brian Griset for a lot consolidation, subdivision, lot
32 line adjustment , Wetlands Conditional Use Permit, Shoreland Conditional Use Permit and site plan
33 review for a proposed 16-unit single-family condominium open space development and associated site
34 improvements on properties located off of Tamarind Lane and Cullen Way
35 R-1, Low Density Residential & NP Neighborhood Professional zoning districts
36 Tax Map Parcel #96-15, #81-53 and #96-9
37 Planning Board Case #20-2

38
39 Chair Plumer read out loud the public hearing notice. Mr. Dettore reminded the Board that he has
40 recused himself.

41 Mr. Sharples summarized that the Board had voted to accept the applicant's Yield Plan (rev. 5/5/21) at
42 the May 27th meeting. The applicant then filed an open space subdivision plan which was accepted. At
43 the June 10th meeting the Board determined that 3rd party review of the wetland delineation was not
44 needed. Attorney Pasay indicated he would review the Conditional Use Permits and waiver requests at
45 this meeting. The TRC had no objections to the sidewalk and roadway waiver or the perimeter waiver.
46 Mr. Sharples noted he did not believe a waiver from sloped granite curbing in a cul-de-sac is necessary.
47 As reason Mr. Sharples interpreted the regulation to mean that the curbing shall be granite if curbing is
48 proposed. With the open drainage design there would be no curbing in the cul-de-sac.

49

50 Mr. Sharples reviewed correspondence received since the last meeting on this application. Mr. Pasay
51 provided a letter dated July 8, 2021 in response to the issue raised by the abutters concerning
52 covenants. The Flahertys sent an email yesterday and an email was received this morning from a group
53 of homeowners.

54

55 Attorney Justin Pasay from DTC Lawyers presented the application to the Board noting that Christian
56 Smith the engineer from Beals Associates was present with Jim Gove, the wetlands scientist and the
57 developer Brian Grisot. Attorney Pasay reviewed the testimony provided by Mr. Grisot at the last
58 meeting where he reviewed the project plans, grading and stormwater management. Attorney Pasay
59 responded that issues which have been raised by the homeowners before have been addressed and
60 merit no additional comment. The Conservation Commission recommended approval of the CUP
61 applications.

62

63 Brian Grisot explained the lot line adjustment for the benefit of the Flahertys who have a ROW at 8
64 Tamarind Lane which they did not want going over their property. Mr. Grisot noted the triangular piece
65 would be exchanged and the 75' easement over their driveway extinguished. The property being
66 transferred to the Flahertys includes a section of pond where their son likes to fish. The Exeter Green
67 Homeowners Association voted to approve the lot-line adjustment which extinguishes liability with the
68 Flahertys.

69

70 Ms. English asked when the vote was approved and Mr. Grisot indicated it was recorded in September.

71

72 Mr. Grisot reviewed the consolidation of the Mendez Trust Property and the Grisot property which will
73 then be divided into four parcels. Mr. Grisot posted the plan showing the revised common boundary of
74 the Mendez Trust property so that the vernal pool would be included in the Conservation property.
75 There would be two lots including his home in the R-1 and another single-family home in the R-1 zone.
76 The open space condominium development would be on the 14.59 acre site including a 9 acre open
77 space meadow conserved and maintained by the HOA.

78

79 Jim Gove of Gove Environmental Services described the April 2019 delineation where he identified
80 vernal pools, did soil mapping and a functions and value assessment. Mr. Gove described the wetland
81 impacts to the edge of the man made pond and noted the roadway impacts were an already impacted
82 area of forested wetlands. Mr. Gove noted the total impact is less than 3,000 SF. Mr. Gove described
83 the stormwater storage and nutrient trapping as a small area of edge impact with the functions and
84 values retained in the man made pond which has a fish population. The forested area to the south of

85 the roadway is part of a larger system which will have edge impact and is an area already impacted and
86 will avoid the Swamp White Oaks there.

87

88 Mr. Gove explained the shoreland impacts and Scanlon Brook with the stormwater storage being put
89 into effect. The detention system will take care of any adverse water quality. The functions and values
90 will not be affected. The vernal pools and Swamp White Oaks are protected. The large forested
91 wetland surrounds the prime wetland area. Impact will be minimal.

92

93 Ms. English asked about the entrance road impacts on the man made pond. Mr. Gove noted there will
94 be a slight reduction in volume. Booms will control erosion and keep sediment out.

95

96 Ms. English asked about road salt. Mr. Gove explained that road salt is an unfortunate part of living in
97 New England but the runoff will be controlled by the detention basins before it goes out and the area
98 could be maintained as a low salt area.

99

100 Mr. Griset noted the impact to the man made pond would be less than lineally one quarter.

101

102 Mr. Grueter asked if anyone had calculated the impact or whether this was an estimate and Mr. Griset
103 noted it was an estimate.

104

105 Ms. Martel asked about the 4' retaining wall and the function of other wildlife using the man made
106 pond. Mr. Gove noted he looked in springtime for vernal activity. Scanlon Brook is a perennial stream.
107 The majority of animals would likely prefer the brook as a water source because the pond is next to a
108 home and a busy road.

109

110 Attorney Pasay displayed the plan and reviewed the CUP criteria. Attorney Pasay noted there would be
111 17 home plus the one-unit density bonus. The open space condominium plan is the most
112 environmentally appropriate and sensitive with low value impacts to already impacted edges and where
113 the drainage will benefit as opposed to doing a conventional subdivision which would have three times
114 the environmental impact. 64% would be conserved for the benefit of the Town and 9.4 acres
115 conserved for the benefit of the homeowners and these areas are contiguous to other green spaces.

116

117 Attorney Pasay described the impacts as follows:

118

119 WCD Overlay 29,000 SF

120 Buffer 11,000 SF for Wild Apple Lane

121 Shoreland 7,938 SF within 150' of Scanlon Brook

122

123 Reviewing the CUP criteria Attorney Pasay noted #1 single family homes are permitted in the zoning
124 district. #2 no alternative design. Attorney Pasay described the considerations and amendments to the
125 plan already made to protect the vernal pools. 91% of impact is related to the road to access the
126 property at the edge of wetlands. The design reduced the width of the road and sidewalk. Large block
127 retaining walls will be off Tamarind Lane. The wetland scientist provided a functions and values

128 assessment so the applicant could plan the subdivision with the value of the greater hydrological system
129 protected.

130

131 #4 The applicant requested relief to minimize the impact from the roadway while preserving the
132 functions and values of the man made pond and protecting the Swamp White Oaks.

133

134 #5 Quoting Mr. Gove who supported it is not detrimental to function and values and Mr. Hurley's
135 assessment. 80% of 64 acres will be preserved indefinitely benefits the public. The Conservation
136 Commission is in favor of the easement.

137

138 #6 By preserving the vernal pools and the highest value wetlands are protected forever.

139

140 #7 Restoration proposal is to revegetate and provide a suitable grade. Stumps are to be ground and
141 debris removed and reseeded.

142

143 #8 Permits. The DES State permit is in the works.

144

145 Shoreland CUP

146

147 Attorney Pasay described the first 200' of Wild Apple and the proposed 20' road width and 4' sidewalk
148 width with a block retaining wall. There would be 7,900 SF of impact. The proposal is not detrimental
149 to surface water, no negative impact to Scanlon Brook. Runoff is treated before discharge. There will be
150 Town sewer. The use is residential. Snow treatment is outside the shoreland district.

151

152 9.3.4 access roads and utilities are permitted in the zoning ordinance.

153 9.3.1 design proposal avoids unnecessary impact. 80% preserved in conservation.

154

155 Attorney Pasay explained the reduced roadway and sidewalk and no curbing in the cul-de-sac with the
156 open drainage system and verbally withdrew the waiver request for curbing.

157

158 Mr. Sharples explained regulation 19.17.2 and there being no curbing in the cul-de-sac because of the
159 open drainage system. If there were curbing the drainage system would have closed otherwise.

160

161 Mr. Smith added that the road is super elevated and utilizes the sediment forebay system. Vice-Chair
162 Brown noted it was similar to the Cypress subdivision.

163

164 Mr. Grueter asked if where there is granite curbing there are catch basins and Mr. Smith noted that was
165 correct in other areas where there were curbing, not in the cul-de-sac.

166

167 ***Vice Chair Brown motioned after reviewing regulation 9.17.2 the waiver for granite curbing in the cul-***
168 ***de-sac is not needed. Ms. Belanger seconded the motion. A roll call vote was taken Belanger- aye,***
169 ***Grueter – aye, Brown – aye, Martel – aye, English – aye and Plumer – aye. The motion passed 6-0-0.***

170

171 Mr. Smith presented the request for the road and sidewalk waivers. The roadway and sidewalk width is
172 being reduced to 20' for the road and 4' for the sidewalk for 300' up to the area of the mail kiosk to
173 protect the Swamp White Oaks and minimize disturbance to the man made pond and wetland impact.
174

175 Mr. Smith referenced the written waiver requests.
176

177 Attorney Pasay presented the request for the perimeter buffer waiver and referenced regulation 9.6.1.2
178 of the Site Plan Regulations which he read out loud. Attorney Pasay noted that being an open space
179 condominium development there are no boundary lines within the development to provide a perimeter
180 buffer for. There will be 50' of buffer with new plantings and existing vegetation and 25' for recreational
181 purposes. The green space design that doesn't reduce density and maximizes greenspace. The abutters
182 most affected are the Flahertys and two others who indicated their individual support. The concept is
183 the best to preserve the highest value wetlands and provide contiguous green space in an area which is
184 a transition from downtown and is consistent with the Master Plan.
185

186 Attorney Pasay reviewed the 13.7 criteria noting elevations were reduced for site lines. The property is
187 unique. The Mendez Trust property has no frontage and is landlocked. It is not contrary to the spirit
188 and intent and would not pose a threat to public health, safety or welfare. There isn't another proposal
189 that would protect the property more. It does not vary the zoning ordinance or the Master Plan and is
190 compliant with.
191

192 Mr. Griset added fences were being upgraded, elevation reduced and a block retaining wall. He
193 reviewed a limited history of other properties granted waivers for perimeter buffers and noted 43%
194 received buffer waivers. This proposal is similar to the Boulders at Riverwoods, Forest Ridge in 2005.
195

196 Chair Plumer opened the hearing to the public for comments and questions at 8:20 PM.
197

198 Jonathan Elliot of 6 Tamarind Lane noted he lived at the property for 15 years and works in
199 development. Mr. Elliot feels the development should be done in compliance with the ordinance and
200 site plan regulations. Mr. Elliot expressed concerns with the covenants, not specified. Mr. Elliot
201 questioned how creating a SF lot is consistent with an open space subdivision. Mr. Elliot opined the
202 most affected are the owners with driveway adjacent and ones that see traffic and opined this is the
203 exact reason a perimeter buffer is asked for. Mr. Elliot opined that the site does not support the
204 development. Mr. Elliot noted he is concerned by other development in Town, a single-family home
205 behind the Town Hall, single-family homes on Brentwood and Spruce and Town homes. Mr. Elliot asked
206 how much density could be crammed versus impact to existing neighborhoods. Mr. Elliot opined the
207 Yield Plan is flawed and the development is flawed and Brickyard Park is a safety concern with sports
208 season and no parking. Mr. Elliot encouraged use that would benefit all of the stakeholders involved.
209

210 David Hadden of 12 Tamarind Lane noted the "flow and vibe" of the company is different. He has
211 approached neighbors and asked them to attend the meeting and they felt their voice would not be
212 heard. Mr. Hadden compared the development to filleting a fish and throwing back 64% to the
213 community. Mr. Hadden opined the open space design is just a way to do a cheaper development and
214 blame a thinner road on protecting oaks when it is a cost saving way to develop. It is not similar to the

215 rest of the neighborhood and would like to see a different plan that looks like the neighborhood he lives
216 in.

217

218 Jason Conway of 5 Tamarind Lane noted he lives diagonally across since 2008 and raised concerns with
219 the Town owned culvert that collapsed two years ago which has not functioned for over 20 years. Mr.
220 Conway noted he could not see how when the culvert is fixed it will not change the water low and cause
221 flow into the area assessed. Mr. Conway requested the Board wait until the culvert is repaired by the
222 Town and offered the Board a site walk of his property.

223

224 Mr. Griset discussed the water tables and rain events saturating the soil. The tables have raised on his
225 side. The Town is responsible for the culvert. Mr. Griset expressed concerns with the road under
226 washing and potential sewer rupture. Mr. Griset opined the repair would cause things to get better not
227 worse but could take some time. Delay has no basis.

228

229 Mr. Conway added it is speculative to say fixing the culvert will improve things once the water that has
230 been dammed up begins to flow freely.

231

232 Unidentified stated 40% of the pond is being taken away, the roads are thinning, there are concerns
233 with the whole field, water, delineation and the perimeter around the field area.

234

235 Attorney Pasay stated the covenants were addressed on July 8th. Attorney Pasay noted he did not agree
236 with Mr. Hadden that the open space subdivision is required due to the property size.

237

238 Mr. Grueter asked when the culvert was built and Mr. Griset addressed what the former developer
239 Mutri had done and how he changed the multi-family design in 1984. The culvert rotted out and DPW
240 has no had the funds in the budget to do the work until late summer. Mr. Griset noted the water flows
241 to Scanlon Brook and across his property to Little River. Mr. Smith explains the culvert feeds the channel
242 of Scanlon Brook.

243

244 Vice-Chair Brown requested the two-page email from the homeowners be read into the record.

245

246 Mr. Page of 13 Tamarind Lane read the letter and requested the opinion of Town counsel and impact
247 from the culvert.

248

249 Mr. Page noted the homeowners objected to the Affidavit of Ann Burke who has been deceased for nine
250 years as hearsay. That there are no restrictive covenants is not true. There are concerns with Lots 15-1
251 and 15-2 which are contrary to the declaration and requested 15-1 and 15-2 be removed as well as 96-
252 15-17 and 96-15 being reviewed. Perimeter buffers exist for good reason and requested the request be
253 denied. The authority of the Trustee of the Mendez Trust should be verified. Brickyard Park is a safety
254 issue during athletic events due to drainage and traffic. Concerns with 5/27/21 letter and conveyance of
255 the Mendez Trust Property and prohibition of development of 96-15. The request to release Town
256 counsel's memo concerning density transfer and a request for third party delineation of wetlands.

257

258 Ms. English asked about the Trustee and Attorney Pasay noted authorization is on record. Mr. Griset is
259 the general power of attorney.

260

261 Mr. Bleicken of Tamarind Lane asked if a Trustee could delegate that kind of authority.

262

263 Attorney Pasay noted the Trustee manages the Trust and the owner owns the property. Mrs. Griset is
264 the beneficiary. She directs the Trustee.

265

266 Ms. English objected to the threat to do a different development if obligated to do a cluster
267 development.

268

269 Mr. Griset noted the agreement with Mr. Mutri in 1984 was for a cluster and there were no covenants.
270 The developer has a right to add. In 1991 when the park was donated he had the right to develop
271 conventionally or open space, either way. The Mendez Trust property is not a part of it. Mr. Griset
272 noted it is not about cost savings. Mr. Sharples noted he can request a waiver to access uplands.

273

274 Ms. English expressed concerns about the magnitude of homes to the neighbors.

275

276 Vice-Chair Brown noted the Master Plan encourages open space development. The Planning Board does
277 not make the regulations. Vice-Chair Brown noted he doesn't understand request 7C in the
278 homeowners email today which is repeated as well as the repeated request for third party delineation
279 already debated without yet having a compelling reason. There has been much dialogue from both
280 sides and the Board has listened.

281

282 Vice-Chair Brown asked for more detailed information concerning the Conservation restrictions
283 proposed. Mr. Griset will provide a draft. The property would be open to the general public with access
284 from Brickyard for conservation and passive recreation. The Commission has not finalized the
285 restrictions with him but he has proposed no mechanized vehicles, pathways to be 100' from
286 condominium property, no dogs, fires or fireworks, two viewing stations allowed for education, hunting
287 by permit specifically four veterans would be chosen. No early am or night access. Deep water drilling
288 royalties would be donated to a veteran's group. Mr. Griset agreed more could be done by the Town at
289 Brickyard Park to increase parking safety during sports season but that is up to them.

290

291 Ms. English asked about monitoring and Mr. Griset noted the Commission proposed a stewardship fee.

292

293 Ms. English asked about coyotes being hunted and Mr. Griset noted the HOA would control populations
294 that become over populated such as coyote and nuisance beavers consistent with Fish & Game rules
295 and permits.

296

297 Chair Plumer read out loud the email received from the Flahertys who apologized for not being able to
298 attend but confirmed their ongoing support of the developer and the setback waivers and lot line
299 adjustment.

300

301 Mr. Sharples explained the need for Mr. Griset to have 150' of frontage and for Lot 17.

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Chair Plumer closed the hearing to the public for deliberations at 9:31 PM.

Ms. Martel questioned whether the Swamp White Oaks would survive construction impact with the installation of the roadway and block retaining wall which would likely sever their root system and asked for an arborist to be involved. Mr. Smith noted the oaks are within 5' and Ms. Martel noted that is too close for mature trees and should be five times d/b/h.

Ms. Martel expressed concerns about the drop off and having a pedestrian guardrail at that area of the sidewalk.

Ms. Martel noted the landscape plan lacked diversity and the area where the forebay drain is lawn is an eyesore and lighting would prevent vehicles driving over it at night. Ms. Martel recommended added more variety and plantings in the detention basin area. Mr. Smith will reach out to see what AoT would allow and could go 3 to 1 grade. He noted they were advised lighting would be detrimental to wildlife and proposed a reflector instead.

Ms. English requested to see more street trees and Mr. Griset proposed apple trees consistent with the naming of the road.

Ms. Martel noted the fence beyond Unit 8, 9 and 10 is in disrepair.

Mr. Griset noted the Swamp White Oaks were already there when the farm road was put in and their roots have likely spread and adapted but had no problem with it being a condition of approval. Mr. Griset explained screening and why trees that would not lose their leaves were selected and his consultations with the Natural Resource Planner. There is a lot of biodiversity in the other 60 acres. They were told not to use hemlock due to disease.

Vice-Chair Brown motioned to table Planning Board Case #20-2 to July 29, 2021 at 7:00 PM. Ms. Belanger seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.

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

Chair Plumer indicated the applicant would like to be rescheduled to August 26, 2021 at 7 PM.

Mr. Dettore motioned to table Planning Board Case #20-21 to August 21, 2021 at 7 PM. Mr. Grueter seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

346 **V. OTHER BUSINESS**
347
348 Master Plan Discussion
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350 Field Modifications
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353 Bond and/or Letter of Credit Reductions and Releases

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

356 Mr. Sharples reported the Facilities Advisory Committee would like to attend the CIP Meetings in
357 August. Chair Plumer noted the Board would be happy to have them there.

358 **VII. CHAIRPERSON'S ITEMS**

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

360 **IX. ADJOURN.**

361 *Vice-Chair Brown motioned to adjourn the meeting at 10:04 PM. Ms. Belanger seconded the motion.*
362 *A vote was taken all were in favor, the motion passed 7-0-0.*

363

364 Respectfully submitted,

365 Daniel Hoijer,

366 Recording Secretary

367

368 *Zoom link for this meeting for those members of the public who wished to attend virtually was:*

369 *#869 4778 7419*



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: July 22, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: Nouria Energy Corporation PB Case #21-4

The Applicant has submitted an application and plans for site plan review for the proposed redevelopment of the property located at 158 Epping Road. The Applicant is proposing a new retail motor fuel outlet (convenience store with drive-thru and fueling canopy with six islands) and a car wash building with vacuum island spaces. The property is located in the C-3, Epping Road Highway Commercial zoning district and is identified as Tax Map Parcel #47-1-2. PB Case #21-4.

The Applicant appeared before the Board at its July 1st, 2021 meeting for the initial presentation of their plans. Further discussion on the application was tabled and the Board scheduled an additional meeting on July 29th, 2021 to accommodate their return. A site walk was scheduled for Thursday, July 15th, 2021 at 8:30 AM.

Subsequently, the Applicant has submitted revised site plans and supporting documents, dated July 15, 2021. The Applicant has provided response comments to the TRC and UEI comment letters which you have previously received. Copies of the Applicant's response letters, dated July 15, 2021, are enclosed for your review.

The Applicant had provided a Traffic Impact and Access Study (TIAS), dated 4/20/21 with their original submittal. A traffic peer review was conducted by VHB on behalf of the Town on the TIAS and the Applicant has responded the comments outlined in the VHB review letter May 18, 2021. A copy of the response letter from GPI, dated July 15th, 2021 is enclosed. Due to the volume and extent of VHB's comments and the subsequent response from the applicant, VHB will be conducting a review of the responses. The applicant has supplied the additional funding this week and I am hopeful that VHB will complete their review prior to the meeting. I will either send along the VHB review when received or update the Board at the meeting. It is important to note that both VHB and the TRC oppose allowing left turns onto Epping Road. This should be a right-in /right-out only configuration and designed in a way that will make it difficult for vehicles to make this turning movement.

In addition to the left turn comment above, I have a few points to make about the applicant's response letter dated July 14, 2021 that addressed the TRC's comments, as follows:

- Comment # 18: Section 9.7.5.2 requires that parking areas "shall be adequately shaded to reduce the amount of reflected heat." The applicant responded by saying no trees have been added. I

believe they should add trees or request a waiver from this section. As stated at the TRC, it isn't intention to completely screen the site from Epping Road. The planting of a couple of deciduous trees along this frontage will provide the required shading and make a more attractive and welcoming corridor.

- Comment #19: Section 9.7.5.3 states that "where feasible, a minimum of 10-feet of landscaping is required between the edge of any paved surface and the property line." The applicant responds by stating they received a variance and no further response is required. The ZBA does not have jurisdiction over the Site Plan Regulations, this authority rests with the Planning Board and the applicant has not received a waiver from this section. I would encourage the Board to discuss if they feel this provision has been satisfied as the applicant has not responded how it isn't "feasible" to provide 10 feet.
- Comment # 22: The applicant responds by stating they will provide a contribution to a sidewalk fund. We do not have such a fund that I'm aware of. Moreover, it has been the practice of the Board to require a sidewalk in these types of areas along the frontage of the proposed development. This was done for Gateway, Ray Farm and 80 Epping Road, the three most recent examples on this corridor.

There are no waivers being sought at this time in conjunction with the application but some may be required as noted above. In the event the Board decides to take action on the application, I have provided motion(s) below for your convenience. I will be prepared with conditions of approval should the Board decide to grant approval.

Planning Board motions:

Site Plan Motion: I move that the request of Nouria Energy Corp. (PB #21-4) for Site Plan approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank you.

July 14, 2021

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

SUBJECT: Subdivision / Site Plan Review TRC Comments
PB Case #21-4 Nouria Energy Corporation
Site Plan Review – Retail Motor Fuel Outlet w/drive-thru and carwash
158 Epping Road
Tax Map Parcel #47-1-2

Dear Dave:

Please find enclosed a revised set of plans and supporting documentation regarding the above referenced project located at 158 Epping Road. The plans have been revised to address the comments from the TRC, dated May 28, 2021. Based on those comments we offer the following:

Town Planner Comments

1. Are there any known environmental hazards onsite? Have any environmental studies been completed and, if so, please provide copies
Response: A Phase 1 study was previously prepared and did not identify any recognized environmental conditions onsite, see attached.
2. Does the site have any prior history of auto repair?
Response: As a former Jaguar dealership and service center, the site does have a prior history of auto repair.
3. Provide LLS stamp and wetland scientist stamp on Sheet 2 of 13.
Response: The LLS stamp was previously provided on the Existing Conditions Plan and a wetland scientists stamp has been added to this sheet, Sheet 2, as well.
4. Show monuments in accordance with Section 9.25.
Response: Monuments will be provided at the time of site construction prior to the issuance of certificate of occupancy.
5. In the northern property corner there is a call out that states "NH Waterfall Area?" Please explain this.
Response: That is a callout to an existing sign which reads "NH Martial Arts" and the plan has been revised accordingly.
6. If applicable, list of state permits required
Response: All applicable state permits have been listed on the Cover Sheet.
7. UEI will review and send comments under separate cover
Response: Comments were received from UEI and responses have been submitted under a separate cover.

8. Provide note per Section 7.5.5 of the Site Plan regulations
Response: Note 20 was added to the Site Plan.
9. Provide note per Section 7.5.16 of the Site Plan Regulations
Response: Note 20 was updated on the Grading & Drainage Plan accordingly.
10. State the annual reporting requirement for stormwater BMP's in Section 1 of the report instead of "as needed"
Response: Annual reporting of the stormwater BMP's has been updated in the O&M Plan as requested.
11. Provide a single maintenance checklist with all stormwater BMP's listed to make the annual reporting to the Town Engineer more efficient
Response: A single maintenance checklist with all stormwater BMP's has been provided.
12. Once finalized, provide two copies of the stormwater maintenance manual developed by the applicant's engineer and signed by the owner per Section 7.5.13 of the Site Plan Regulations
Response: Two copies of the stormwater maintenance manual signed by the owner will be provided prior to construction.
13. Can a sample of the proposed cement siding be provided with manufactures specs to determine compliance with Section 9.2.4.2 of the Site Plan Regulations?
Response: Samples of the architectural design elements were provided to the Planning Board at the Board meeting held on 7/1/21.
14. Provide assurance that all mechanical equipment shall be screened from adjacent roadways
Response: All mechanical equipment will be screened from adjacent roadways.
15. Was a landscape architect involved in creating the landscape plan?
Response: A landscape architect was involved in creating the landscape plan and professional stamp has been added to the Landscaping Plan.
16. Can you provide evidence that the selected plant species are compatible with the soil conditions on the site?
Response: Based on a review of NRCS soils, the proposed plantings will be tolerant to soil and site conditions.
17. Proposed snow storage areas appear to conflict with landscaping. Please clarify
Response: Proposed landscaping won't interfere with snow storage/removal operations, will remain dormant in the winter months and be replaced as needed in the spring.
18. Section 9.7.5.2 requires that parking areas "shall be adequately shaded to reduce the amount of reflected heat." Although there are 10 trees proposed, none are along the Epping road frontage that will provide shade to the paved area. Please revise plans by providing shade trees along the Epping Rd perimeter of the pavement
Response: This was discussed at the 7/1/21 Planning Board meeting. Trees are not provided

along the Epping Road frontage to provide adequate site distance for vehicles and visibility to the fuel pumps for customers.

19. Section 9.7.5.3 states that where feasible, a minimum of 10-feet of landscaping is required between the edge of any paved surface and the property line..." The strip out front is only 8' and suggest revising accordingly
Response: A variance was granted from Section 6.8.2 addressing the Epping Road Strip Management Ordinance regarding the front strip, no further action required.
20. Please state if all lighting is full cut off and dark sky compliant
Response: All lighting is full cut off and dark sky compliant.
21. Please provide hours the lighting will remain and evidence of a timer to reduce light intensity if they will remain on after 10pm and meets all requirements of Section 9.20
Response: Note 16 has been revised on the Utility Plan regarding outdoor lighting hours.
22. The TRC recommends review of traffic impact study by VHB. Of particular concern is allowing left turns onto Epping Rd from the access that straddles the lots
Response: Comment acknowledged. No response required.
23. In accordance with Section 9.15, the Planning Board has routinely required pedestrian access to and from commercial sits along Epping Road. As part of a project just north of this proposal, the board required a sidewalk along Epping Rd and would anticipate the board will be having a discussion on a sidewalk as part of this proposal
Response: A contribution to the Town's sidewalk fund will be provided which can be incorporated into future sidewalk and roadway construction improvement plans.
24. The town is currently in design of road improvements on Epping Rd from Cronin Rd to Continental that will include a sidewalk that connects the traffic signals at Continental to the sidewalk that was a condition of approval on the project by Cronin Rd
Response: Comment acknowledged, see response #23 above.
25. Confirm the traffic study addresses how it meets the requirements of Sections 7.14.4.1-4 and 8.7.1-8
Response: The traffic study addressed Section 7.14.4, 1 and 4 as well as Section 8.7.1. It did not specifically address the other items point by point. The VHB traffic peer review letter also made a similar comment. These sections have been addressed in the separate VHB Response to Comment Letter.
26. Please show the adjacent outdoor seating/fencing on the adjacent lot to the south to understand how traffic will work in this area. It appears that the striped parking spaces called out "to remain" are fenced off and being used as outdoor seating. It is unclear how traffic will work exiting the site onto Epping Rd in this area. It appears cars will have to move quickly to the right when approaching Epping Rd. Please also explain how traffic to the rear of the site will access the 8' black gate entrance and provide width of this access aisle on the plans
Response: The location of the outdoor seating area has been added to the plans and the driveway/access configuration between 156 & 158 Epping Road has been revised to maintain

existing access to the rear gate located along 156 Epping Road. This revised driveway entrance configuration was discussed at the Planning Board meeting held on 7/1/21.

27. Please provide information on when the gravel area in the rear of the lot was constructed. Aerial photos show that this area was vegetated in 2016 but has since been cleared. This area is within wetlands buffers as shown on the plan. The town has no record of any site plan approval or conditional use permit for the development of this area. It also appears to exceed 10,000 square feet of disturbance and will need to meet the town's stormwater regulations. This matter should be addressed as part of this site plan review;

Response: The gravel area in the back of the site was constructed in 2008. An email dated 6/16/21 from the Town Natural Resource Planner is provided confirming that this area does not need to be addressed as part of the site plan review, see attached.

28. The TRC recommends the Planning Board conduct a site walk. In preparation for the site walk, at a minimum, the applicant should all clearly mark all access points and where the buildings and structures will be located. In other words, it should be easy for the board to understand where the buildings will be and where traffic will flow through the site.

Response: A site walk is scheduled for 7/15/21 and buildings, pavement and driveway locations will be marked out on the ground.

Public Works Comments

1. In addition to Digsafe, add DPW (603-773-6157) to be contacted to locate water, sewer, and drainage
Response: DPW contact information is already provided on the Utility Plan, Sheet 6 of 13.

2. ADD NOTE: The contractor must obtain a valid utility pipe installer's license and the job supervisor or foreman must be certified by the town prior to working on any water, sewer, or drainage pipes that are in a town street or right of way, or that will connect or may be connected to town water, sewer, or drainage system. A licensed supervisor or foreman must be present at the job site at all times during construction of these utilities.

Response: Note #17 has been added to the Utility Plan.

Traffic

1. General concern of entrance and exits through existing turn lanes on abutting roads. Suggest VHB engineers review.

Response: VHB review comments have been received and a separate VHB Response to Comment Letter will be provided.

2. The whole area of the Epping Rd entrance between 156/158 Epping Rd is busy and somewhat confusing. This should be coordinated with the current use (outdoor dining) at 156 Epping Rd if that is to remain.

Response: As shown on the updated Site Plan, the area between the two parcels where the access easement exists has been modified. In making this revision, it directs on-site traffic to the access easement. This eliminates the conflict with any outdoor dining at the 156 Epping Road site and there is no longer a need to extend the easement further into the site.

3. Provide a sidewalk along Epping Road.

Response: A contribution to the Town's sidewalk fund will be provided which can be incorporated into future sidewalk and roadway construction improvement plans.

4. The scope of the traffic study should include the intersection of Epping Road with the Route 101 ramps.

Response: Based on VHB's traffic peer review letter and the updated traffic volumes expected to be generated by the redevelopment, the study area does not need to be expanded since increases in the site trips do not exceed the 100 vehicles per hour threshold at this location.

Grading & Drainage

5. The O&M plan should be a separate document that addresses the maintenance of the drainage system after construction and should include a plan that labels all of the drainage features and snow storage areas. Do not include construction phase activities in this document if they do not apply to the completed project. Add any notes regarding snow removal and winter maintenance. DPW suggests adding a note about the NHDES Green Snow Pro certification program.

Response: A note referencing the O&M plan is provided on the Grading & Drainage Plan and the O&M can be provided to the contractor/owner prior to construction to ensure maintenance occurs in perpetuity. The current O&M plan includes a diagram with all BMP's shown and also includes snow storage removal notes and Green Snow Pro certification information. The Green Sno Pro note has also been added to note 18 on the Site Plan sheet 4 of 13.

6. Rainfall amount should be NRCC plus %15 per AoT. Env-Wq 1503.08 (l) If the project is for infrastructure having a projected life that extends beyond 2050 and is within the coastal or great bay region, such additional information as is necessary to address projected storm surge, sealevel rise, and precipitation events identified in the 2014 Science and Technical Advisory Panel Report, SeaLevel Rise, Storm Surges, and Extreme Precipitation in Coastal New Hampshire: Analysis of Past and Projected Future Trends, prepared by the Coastal Risks and Hazards Commission and available at <http://www.nhcrhc.org/stap-report/>

Response: Rainfall amounts have been updated to be NRCC plus the %15 required per AoT.

7. Revise watershed boundaries to include runoff from the portions of 156 Epping Rd and Continental Drive onto this site.

Response: Boundaries have been evaluated and adjusted as needed.

8. The existing drainage system that crosses onto 156 Epping Rd is identified as 12" CMP, but the owner indicated during the TRC meeting that those pipe have been upgraded to HDPE. Please confirm the size and materials. Also, the existing CB near the proposed infiltration system indicates that there is standing water in the structure above the inverts. This suggests an issue with the downstream system. The system should be evaluated for structural deficiencies or obstructions.

Response: The existing drainage system running through 156 Epping Road has been surveyed and updated information added to the site plan set including pipe sizing, inverts and structure locations. The overall drainage system has been re-evaluated and calculations updated accordingly.

9. Provide pipe sizing calculations for onsite drainage and the downstream drainage system that this site will discharge to.

Response: Pipe sizing stormwater modeling has been added to the Stormwater Report as requested.

10. The watershed boundary that includes flows from Continental Drive heading to the Epping Rd intersection is increased in post-development conditions. Confirm that the existing infrastructure has adequate capacity for the increased flow.

Response: Based on the Hydrocad data presented in the original drainage report, the Pre development watershed area is greater than the Post development area and the calculations provide reductions in peak rates of runoff for all design storms to the Epping Road drainage system.

11. It appears that ponding may occur along the lot line of 156/158 in post-development.

Response: The site design has been revised to reduce potential for ponding along the lot lines between 156 & 158 Epping Road.

12. Provide the stormwater quality calculations to address section 9.3 of the Site and Subdivision Regulations.

Response: Additional information regarding the WQV calculations have been provided in the revised Stormwater Report consistent with Section 9.3 as requested.

Utilities

13. Will there be a water service for the firewood processing operation on the west half of the site? If they will be metered separately, a separate water shut-off is required.

Response: No water service exists for the processing operation in the rear of the site and none is proposed as part of the site re-development.

14. Grease Trap or Oil/Water Separator: Please provide the operation and maintenance plan for the tanks. The holding tank and floor drains must be registered with NHDES Drinking Water and Groundwater Bureau Groundwater Discharge Permit program and will be included in the Town's inspection program.

Response: The O&M for O/W Separators are already provided in the O&M plan. Comment acknowledged, floor drains and/or holding tanks will be registered as required.

15. The sewer service from the car wash only has 2 feet of cover. Confirm that the material specified (PVC) is of sufficient strength for this location and the amount of cover.

Response: The PVC pipe has been revised to HDPE which requires a minimum of 12" of cover and there is adequate for this location and amount of cover provided.

16. The sewer service should enter the sewer main in the direction of the flow in the main. As shown, the service is pointing "upstream".

Response: The sewer service has been updated to enter the sewer main in the direction of the flow.

17. The proposed water service is shown under the concrete pad for the vehicle charging stations. Suggest moving this for ease of future maintenance.

Response: The proposed water service has been shifted approximately 1-2' to avoid crossing below the proposed EV charging station concrete pad.

18. Gas and electric layouts approved by Unitil are required for the final plans and prior to scheduling a pre-construction meeting. The gas service appears to conflict with existing drainage pipes in the ROW.
Response: Comment acknowledged, final signoff from the Utility Companies will be provided prior to construction. A note has been added to the plans regarding the proposed gas line connection to avoid conflicts during construction.
19. Add note regarding the hours of the outdoor lighting operations according to Site Plan regulation Section 9.20.4. 10 pm lighting curfew.
Response: Note 18 has been added to the Utility Plan regarding outdoor lighting hours.

Details

20. Erosion Control notes: change the inspection frequency to every 0.25 inches of rainfall instead of 0.5 inches of rainfall to coincide with the 2017 Construction General Permit.
Response: The inspection frequency has been updated to every 0.25 inches.
21. Sewer Details: update details to conform to Env-Wq 700; the sewer service detail doesn't match what is proposed on the utility plan.
Response: The sewer service detail has been updated as suggested.
22. Water details: update details to confirm to Env-Dw 402.
Response: The water details have been updated as suggested.

Fire Department Comments

Architectural Review

Comments #1 – 5:

Response: See response letter provided by Phase Zero Design dated 6/22/21, attached.

Civil/Site Review

1. Hydrant near site access and towards rear of site (if applicable)
Response: A hydrant has been added onsite near the EV parking spaces.

Sprinkler Review

Comments #1 – 4:

Response: See response letter provided by Phase Zero Design dated 6/22/21, attached.

Fire Alarm Review

Comments #1 – 3:

Response: See response letter provided by Phase Zero Design dated 6/22/21, attached.

Elevators

Response: See response letter provided by Phase Zero Design dated 6/22/21, attached.

Ladder Truck Turning Radius Dimensions

1. See attached diagram entitled "L1 Dimensions"

Response: A Ladder Truck Turn Plan has been added to the plans as requested.

Please review the attached revised information and should you have any questions, please feel free to call our office at your convenience.

Sincerely,



Chris Tymula
Project Manager

enclosure(s)

cc: Mike Durant, Nouria Energy Corp.

F:\Projects\NEX-2020283 - Exeter, NH - Nouria\Correspondence\20283-Response to TRC
Comments.docx

Date: June 22, 2021
To: Michael Durant, Construction Permitting Manager
Nouria Energy Corp.

From: John Selle, AIA
Phase Zero Design

RE: Town of Exeter, NH, Town Planner Comments

The following responses are provided to address Town Planner comments relating to the architectural scope of the project dated 5/28/2021.

TOWN PLANNER COMMENTS

14. Provide assurance that all mechanical equipment shall be screened from adjacent roadways;
Response: Mechanical equipment on the C-Store roof will be concealed from view in a roof well with railing on the back side of the store as indicated on the exterior elevations.

FIRE DEPARTMENT COMMENTS

Basic requirement of the Exeter Fire Department. This list is not all inclusive and other requests may be made during the review process. Unless specifically required by code, some room for compromise is open.

(Rev 5: 9/7/2017) Architectural Review:

- Interior utility room access
 - Response: The utility room will be provided with interior access.
- Interior sprinkler room access
 - Response: The convenience store at 5,500 sf is below the threshold requirement (12,000 sf) for a sprinkler system in an M occupancy. A sprinkler system will not be provided. Similarly, a sprinkler system is not required in the 4,192 sf car wash (B occupancy). A sprinkler system will not be provided.

- Adequate attic access (sized for FF, if applicable)
 - Response: Attic access will be provided as applicable.
- Catwalk access in unfinished areas that have sprinklers (handrails preferred)
 - Response: Maintenance access will be provided in attic as applicable. No sprinkler system is required.
- Knox box required for all buildings with fire alarm or sprinkler systems
 - Response: The building will have a fire alarm system. A knox box will be provided to meet Fire Department requirements.

Sprinkler Review:

- NFPA 13(R,D) sprinkler system where required
- FDC: 4-inch storz with at least 18" clearance to ground
- Electric bell (no water motor gong)
- Attic protection in 13R systems

Response: No sprinkler system is required in Convenience Store (5,500sf M Occupancy) or Car Wash (4,192sf B-Occupancy.)

Fire Alarm Review:

- Single red beacon or strobe indicator on exterior (not horn-strobe)
- NFPA72 Fire Alarm System where required
- Cat 30 keys for pull stations and FACP

Response: A fire alarm system will be provided to meet requirements.

Elevators:

- Heat and smoke top and bottom (heats for the shunt trip)
- Dimensions to accommodate a stretcher (usually a 2500 lbs) 3'6" by 7' at a minimum
- Elevator recall to appropriate floor during an activation
- Sprinkler protection top and bottom if ANY combustible material in the shaft. (can omit per NFPA 13 guidelines)
- Phone in car needs to be able to dial 911
- NFPA 1221 radio assessment where required.

Response: Project buildings are single story. No elevators will be provided.



Overview

i *The Car Wash Reclaim system consists of a conveyor trench within the wash bay, connected by two 6' PVC drains to the first of three 2,000-gallon underground oil/ water separator tanks. The first and second tanks are primarily used for settlement of heavy silt and debris, the second tank. The third and final tank is utilized as the reclaim tank, any excess water is discharged into the municipal sewer system.*

Routine BMP Inspections

i *The conveyor trench, PVC drains, and underground oil/ water separator tanks shall be inspected on periodic basis.*

1. Conveyor trench and PVC drains shall be inspected and cleaned quarterly.
2. The underground oil/ water separator tanks shall be inspected cleaned annually.

Storing Materials

i *All materials used for the Car Wash facility will be stored inside the building or in designated containers.*

1. All waste products shall be disposed of promptly in on-site dumpsters.
2. All solid grit and sand removed from the underground oil/ water separator tanks shall be containerized or hauled off-site for proper disposal in accordance with local, state, and federal regulations.

Chris Tymula

From: Kristen Murphy <kmurphy@exeternh.gov>
Sent: Monday, June 21, 2021 9:17 AM
To: Chris Tymula
Subject: Fwd: 158 Epping Road Site Walk update

Let me know if this suffices. I assume Dave will include this in the PB packet or at least speak to it.

----- Forwarded message -----

From: Kristen Murphy <kmurphy@exeternh.gov>
Date: Wed, Jun 16, 2021 at 12:19 PM
Subject: 158 Epping Road Site Walk update
To: Mike Lampert <mike@alsautomotiveandtruck.com>
Cc: Doug Eastman <deastman@exeternh.gov>, David Sharples <dsharples@exeternh.gov>, Jennifer Mates <jmates@exeternh.gov>, Barbara Mcevoy <bmcevoy@exeternh.gov>

Good afternoon Mike,

This is acknowledgement that today Doug and I met with you and representatives from Nouria this morning to inspect the buffer conditions onsite. During this visit, we also reviewed the April 2008 aerial imagery for the site visible on GoogleEarth (pasted below for others). It is clear from the image date that the grading pre-dated our 2009 wetland buffer regulation update. It is the opinion of Doug and I that this is sufficient evidence that the work in the back of the aforementioned property therefore does not trigger a need for a Conditional Use Permit (CUP). Should there be any plans for further expansion beyond what is indicated, note that you would need to file a CUP application prior to any ground work.



--
Kristen Murphy

**Natural Resource Planner
Town of Exeter
10 Front Street, Exeter, NH 03833
(603) 418-6452**

--
**Kristen Murphy
Natural Resource Planner
Town of Exeter
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P.O. BOX 481
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TEL: 603-778-3888
FAX: 603-778-0104
WWW.EXETERENVIRONMENTAL.COM
STEVE SHOPE@CONCAST.NET
TIM WARR@CONCAST.NET

October 23, 2006

Mr. David Janelle, Vice President
TD Banknorth, N.A.
300 Franklin Street
Manchester, NH 03101

Re: Letter of Reliance for Phase I Environmental Site Assessment Report
Holloway Property - Jaguar Automobile Dealership
Epping Road, Exeter, New Hampshire

Dear Mr. Janelle:

Exeter Environmental Associates, Inc. completed a Phase I Environmental Site Assessment of the above-referenced property for Mr. Paul Holloway, dated August 23 2006 (the Report). We have been contacted by Mr. Walter Siryk of CSI Group of Companies, who has indicated that TD Banknorth N.A. requires a Reliance Letter.

Environmental Associates, Inc. acknowledges and agrees for itself, its successors and assigns that, subject to the limitations and qualifications contained in the Report, TD Banknorth N.A., its affiliates, successors and assigns may rely on the Report as accurately representing conditions at the property as of the date of the Report was prepared, and may rely on the Report in evaluating the environmental condition of the property in the same manner as the party for whom the document was originally prepared.

Please feel free to call if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven B. Shope".

Steven B. Shope, PG
President
Exeter Environmental Associates, Inc.

SBS

Janelle, Dave

From: Richardson, Stephen
Sent: Tuesday, November 07, 2006 11:39 AM
To: Janelle, Dave
Cc: Marcella, Walter J
Subject: 158 Epping Road, Exeter, NH [JCNH Realty LLC]; #06-001562

Dave,

At your request, I have reviewed the Exeter Environmental 08-23-06 Ph. I ESA prepared for Paul Holloway (Greenland, NH). I understand you are considering a new loan in the amount of \$1,760M secured by the subject property. The property will continue its current auto dealership use.

Summary and Recommendations

The submitted Ph. I ESA provides adequate environmental due diligence for the proposed loan. Despite the presence of an automotive service garage and active repair operations, Exeter observed no Recognized Environmental Conditions (RECs). The facility was constructed in 1991 and doubled in size in 2003. Previously the land was undeveloped. The facility is on municipal water and sewer and is heated with natural gas. Although there are three aboveground storage tanks (ASTs) on site, they are all interior and in good condition, with no significant staining. All floor drains in the facility drain to an oil/water separator and then to the municipal sewer. No significant staining was observed on or near floor drains.

Exeter identified no significant off-site threats to the subject property. A comprehensive investigation and remediation has been completed at the abutting dealership property at #156 Epping Road. All USTs were removed, soil and groundwater remediated to NHDES standards, and the DES issued a Certification of no further action.

Exterior grounds were mostly paved and Exeter observed no improperly stored or disposed oil and hazardous material (OHM).

I concur with Exeter that this site presents an acceptable risk and does not warrant further investigation.

Exeter has provided us with a reliance letter, so no further action is required prior to closing.

Stephen V. Richardson, VP
Environmental Program Officer
TD Banknorth, NA
Environmental Dept.
One Portland Square
Portland, Maine
Tel: 207-756-6815
Fax: 207-761-8660
stephen.richardson@tdbanknorth.com

11/7/2006



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TIM@WARR@COMCAST.NET

**PHASE I
ENVIRONMENTAL SITE ASSESSMENT
REPORT**

**HOLLOWAY PROPERTY
JAGUAR AUTOMOBILE DEALERSHIP
158 EPPING ROAD
EXETER, NEW HAMPSHIRE**

REPORT PREPARED FOR:

**Mr. Paul Holloway
P.O. Box 728
Greenland, NH 03840-0728**

August 23, 2006



P.O. BOX 481
EXETER, NH 03835-0481
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FAX: 603-778-0104
WWW.EXETERENVIRONMENTAL.COM
STEVENHOPR@COMCAST.NET
TIMWARR@COMCAST.NET

August 23, 2006

Mr. Paul Holloway
P.O. Box 728
Greenland, NH 03840-0728

Re: Phase I Environmental Site Assessment
Holloway Property - Jaguar Dealership
158 Epping Road
Exeter, New Hampshire

Dear Mr. Holloway:

As per our recent agreement, we have conducted a Phase I Site Assessment of this property for you. The subject property covers 3.83± acres of land area, and is located in a mixed commercial and industrial neighborhood of Exeter, New Hampshire. The property is developed with a Jaguar automobile dealership.

It is the intent of this assessment to evaluate the subject property for the presence of *Recognized Environmental Conditions*. As defined in the American Society of Testing Materials (ASTM) Practice E 1527-00, the term *Recognized Environmental Conditions* refers to the presence or the likely presence of oil or hazardous material on a property under conditions that indicate an existing release, a past release, or a material threat of a release to the environment. This assessment was performed in general conformance with the scope of work and limitations of ASTM Practice E 1527-00.

In summary, this assessment has not identified any *recognized environmental conditions* (to be associated with the subject property)

Two copies of our report are enclosed. We can also provide you with an electronic copy of our report in .pdf format if you request. Please feel free to call if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. B. Shope', with a long horizontal flourish extending to the right.

**Steven B. Shope, PG
President
Exeter Environmental Associates, Inc.**

SBS

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1.0 INTRODUCTION

This report presents the results of a Phase I Environmental Site Assessment of the Holloway property, located at 158 Epping Road in Exeter, New Hampshire (Figure 1). The property is developed with a single commercial building that is operated as a Jaguar automotive dealership. This report has been prepared for Mr. Paul Holloway. The assessment has included: a site walkover, a review of the site history, a review of available local and state records, and preparation of this report.

It is the intent of this assessment to evaluate the subject property for the presence of *Recognized Environmental Conditions*. As defined in the American Society of Testing Materials (ASTM) Practice E 1527-00, the term *Recognized Environmental Conditions* refers to the presence or the likely presence of oil or hazardous material on a property under conditions that indicate an existing release, a past release, or a material threat of a release to the environment. The term is not intended to apply to *de-minimus* conditions that generally do not present a material risk of harm to public health or the environment, and that generally would not be subject to enforcement action by government agencies.

This Phase I assessment was performed in general accordance with the scope of work and limitations of ASTM Practice E 1527-00. This assessment is subject to the limitations stated in Section 7.0 of this report.

2.0 SITE DESCRIPTION

The subject property is located off the western side of Epping Road (also known as Route 27) in a mixed commercial and industrial neighborhood of Exeter, New Hampshire. The property is identified on the Exeter Tax Map 47 as Lot 1.2. According to the Exeter tax map, the property covers 3.83± acres of land area. The location of the

property is shown on the attached US Geological Survey topographic map that is provided as Figure 1. The layout of the property is shown on the site plan that is provided as Figure 2.

The subject property contains a single commercial building that covers 10,455± square feet of base area. The building consists of two parts. The showroom area, which was constructed in 1991 and which covers 5,055± square feet constitutes the eastern half of the building. The western half is a five-bay service garage and car cleanup area that was constructed in 2003, and which covers 5,400± square feet.

The building is heated with natural gas, and is serviced by municipal water and sewer. The building is constructed on a slab-on-grade foundation. The cleanup area of the service garage contains a trench-style floor drain which discharges to the sewer. A drive-through service bay contains a single floor drain that also discharges to the sewer system.

The overall topography of the property is level and at road grade. The land surrounding the building consists primarily of asphalt pavement. However, the western and northern edge of the property consists of field and woods. Several cars and new snowplows are stored in the open field to the west.

The property is surrounded to the north by Continental Drive, to the east by Epping Road, to the south by another car dealership, and to the west by undeveloped woods.

Additional site description is presented in Section 5.0 (*Site Visit*). Selected photographs of the subject property are included in the *Site Photographs* section of this report.

3.0 HYDROGEOLOGIC SETTING

As shown on the United States Geological Survey (USGS) topographic map of the area (Figure 1), there are no significant surface water bodies located near the subject property. A small tributary to Norris Brook is located 400± feet to the east, and Colcord Pond is located 1,800± feet to the south. Regional topography slopes down gently to the south-southwest. Based on our review of the USGS topographic map and information from the DES files for nearby sites, the anticipated direction of local groundwater flow is to the south-southwest, towards Colcord Pond.

The soils at the subject property have been mapped as marine silt and clay deposits¹. These soils consist of a fine-grained mixture of silty clay and sand, typically overlying dense glacial till deposits. The marine sediments were laid down following the last advance of the Pleistocene ice sheet. Both marine sediments and glacial till deposits are typically characterized by a low permeability to groundwater flow.

4.0 SITE HISTORY and RECORDS REVIEW

The history of the property has been obtained from Mr. Michael Baillargeon, the general service manager for Holloway Motorcars, from our personal knowledge of the property, and from the property file at the Exeter Assessor's office. As part of this investigation, the following additional sources were reviewed with regard to information pertaining to a release of oil or hazardous material on, or in the vicinity of, the subject property.

- the Exeter Fire Department;

¹ Moore, R.B. 1990. Geohydrology and Water Quality of Stratified-Drift Aquifers in the Exeter, Lamprey, and Oyster River Basins, Southeastern NH. USGS WRI 88-4128.

- the Waste Management Division (WMD) of the New Hampshire Department of Environmental Services (DES) files and Geographic Information System (GIS) database; and
- the Federal CERCLA and NPL listings within the WMD geographic information system database.

A summary of the site history and the information obtained regarding potential environmental concerns at the subject property is presented below. The minimum search distance for review of nearby properties with environmental concerns is defined as 0.25± miles from the property.

4.1 Site History. The subject property existed as undeveloped land until 1991, at which time the eastern portion of the property was developed as a retail Jaguar automobile sales office. The western portion of the subject building, consisting of the service garage, was constructed in 2003.

We have reviewed US Geological Survey topographic maps covering the subject property. The Exeter Quadrangle shows the subject property as consisting of undeveloped land in both the 1950 and 1973 versions of the map.

Sanborn Fire Insurance Maps do not provide coverage for the subject property, due to the rural nature of the property at the time that the maps were developed (1890s to 1960s±). Therefore, Sanborn maps were not reviewed as part of this assessment.

We have not researched the site history through a review of aerial photographs as the 50-year history of the property has been adequately investigated with other historical sources and with our own personal knowledge of the property.

The ownership history of the subject property, as obtained from the records available at the Rockingham County Registry of Deeds, is presented below.

Owner	Purchase Date	Notes
Paul Holloway	April 1968	
Dorothy DiDomenico	not located	
Stephen Matick	August 1920	
Burt Webster et al.	not researched	

4.2 Exeter Fire Department. We spoke with Fire Inspector Paul Morin by telephone on August 16, 2006. Mr. Morin stated that he has no knowledge of releases of oil or hazardous materials at the subject property. Mr. Morin referred us to the NH Department of Environmental Services with regards to the presence or absence of underground storage tanks at the subject property.

4.3 NH DES - Waste Management Division (WMD). The DES database of properties and sites that are of environmental concern was reviewed on August 11, 2006. The subject property is not listed in this database as being a generator of hazardous waste, having underground storage tanks, or being the location of site remediation. The graphic results of the GIS search are presented in *Appendix I* of this report.

As shown on the attached map discussed above, there is one property within the 0.25± mile search distance of the subject property that is listed as being a groundwater hazard site and the location of former underground storage tanks. Specifically, the Dreher-Holloway automotive dealership, located at 156 Epping Road, abuts the subject property to the south. According to DES records, a comprehensive remediation of the Dreher-Holloway property was conducted in 2002, and that property no longer contains any underground storage tanks. The cleanup was conducted to the satisfaction of DES. Groundwater quality on the Dreher-Holloway property was found to meet applicable standards after two years of monitoring. In a letter dated April 8, 2005, DES issued a

↵ **Certificate of No Further Action to the property owner.** On the basis of this information, it is our opinion that site conditions on the abutting Dreher-Holloway property are unlikely to adversely impact the subject property.

4.4 Federal CERCLA and NPL Listings. The Federal CERCLA (Superfund) and National Priority List (NPL) for uncontrolled hazardous waste sites was reviewed as part of the DES WMD database search. No CERCLA or NPL sites were listed within a ↵ 1.0± mile search radius of the subject property.

5.0 SITE VISIT

5.1 Subject Property. A walkover of the subject property was performed by Mr. Steven Shope of Exeter Environmental Associates, Inc. on August 17, 2006. Mr. Michael Baillargeon was on-site as a representative of the property owner and provided access to the subject building. Selected photographs of the subject property at the time of our walkover are provided in the *Site Photographs* section of this report.

The subject property was observed to consist of a single commercial building that is divided into a showroom area with office space (Photo #1), and the service garage (Photo #2).

No items of environmental concern were noted in the showroom area, where several new cars were stored.

The service garage is separated from the showroom area by a drive-through reception area. This area was vacant during our visit, but was observed to contain a single floor drain that discharges to the sewer system, according to Mr. Baillargeon. The floor drain was observed to be clean and free of any oil odors or staining.

We observed the cover to an oil-water separator located to the north of the building, outside the drive-through area. The site plan (Figure 2) shows that the oil/water separator is connected to the municipal sewer system. A subsurface investigation of the separator was not performed as part of this assessment.

The service garage was observed to contain three above-ground tanks used to store new motor oil, waste motor oil, and new washer fluid (Photo #5). No staining or other evidence of a release from the tanks was noted.

The western portion of the service garage contains a two-bay cleanup area, where cars are cleaned and detailed (Photo #6). This portion of the garage was observed to contain a trench-style floor drain that discharges to the municipal sewer, according to Mr. Baillargeon. A closet to the rear of the cleanup area was observed to contain a lawn mower and one sealed container of gasoline. A shop sink in this area was observed to be clean and free of oil staining (Photo #7).

The floor of the service repair bays was observed to be clean and free of any staining or other evidence of spills (Photo #8). No floor drains were observed in this area.

The exterior of the property was observed to consist primarily of asphalt pavement with numerous parked cars for sale. The western portion of the pavement contained an old front-end loader that is used in the winter for snow removal. We observed an area of stained pavement beneath the loader, where motor oil is dripping (Photo #4). We have recommended to Mr. Baillargeon that the oil staining be removed with adsorbents, and that adsorbent material be kept beneath this piece of equipment. The oil staining does not represent a release to the environment as it is contained to the asphalt. The staining would not likely result in enforcement action by DES in our opinion, and therefore is not considered to be a recognized environmental condition.

5.2 Abutters to Subject Property. The subject property is bordered to the north by Continental Drive and by a tire store across the road; to the east by Epping Road; to the south by a Chevrolet Dealership (formerly known as Dreher-Holloway); and to the west by undeveloped woods. No items of environmental concern were observed on the adjoining properties, when viewed from the subject property.

6.0 FINDINGS and CONCLUSIONS

We have performed a Phase I Environmental Site Assessment of the property located at 158 Epping Road in Exeter, New Hampshire (the subject property). The assessment has been conducted in general conformance with the scope and limitations of ASTM Practice E 1527-00. Any exceptions to, or deletions from, this practice are described in Section 7.0 of this report.

In summary, this assessment has not identified any *recognized environmental conditions* in connection with the subject property.

7.0 LIMITATIONS

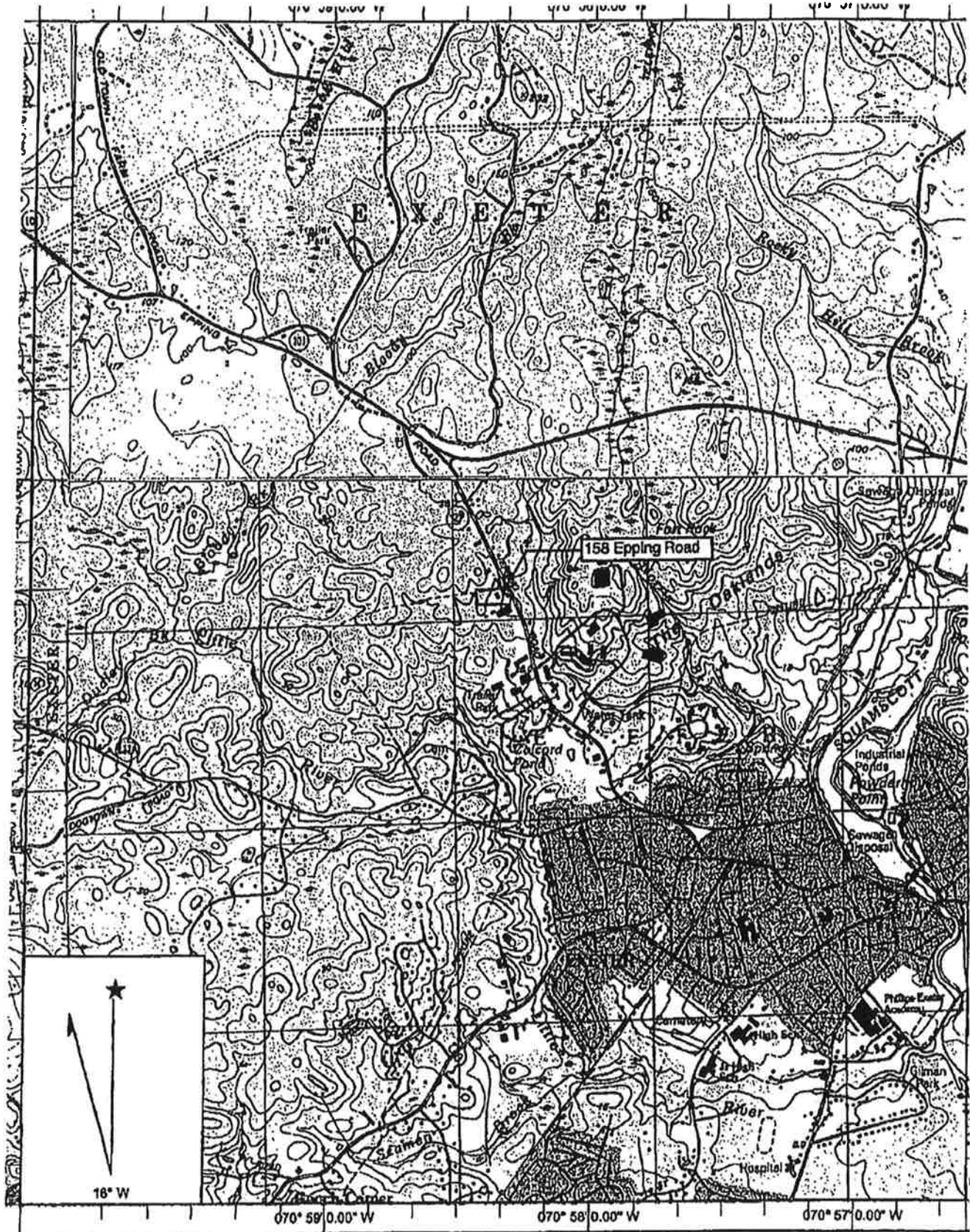
It is the intent of this investigation to evaluate the subject property for the presence of *Recognized Environmental Conditions* as defined in the American Society of Testing Materials (ASTM) Practice E 1527-00. This Phase I assessment was performed in general accordance with the scope of work and limitations of American Society of Testing Materials (ASTM) Practice E 1527-00.

The work scope was limited to: a site walkover, a review of the site history, a review of available local and state records, and preparation of this report. The minimum search distance for review of nearby property with environmental concerns was defined as 0.25± miles. No subsurface investigations were performed for this study. Furthermore, this investigation did not include an inspection of the subject property for the following items: asbestos, radon, radiation, lead paint, or urea formaldehyde foam.

The *user* of this report (Paul Holloway) has not notified us of any recognized environmental conditions that are beyond the scope of this work, such as environmental liens.

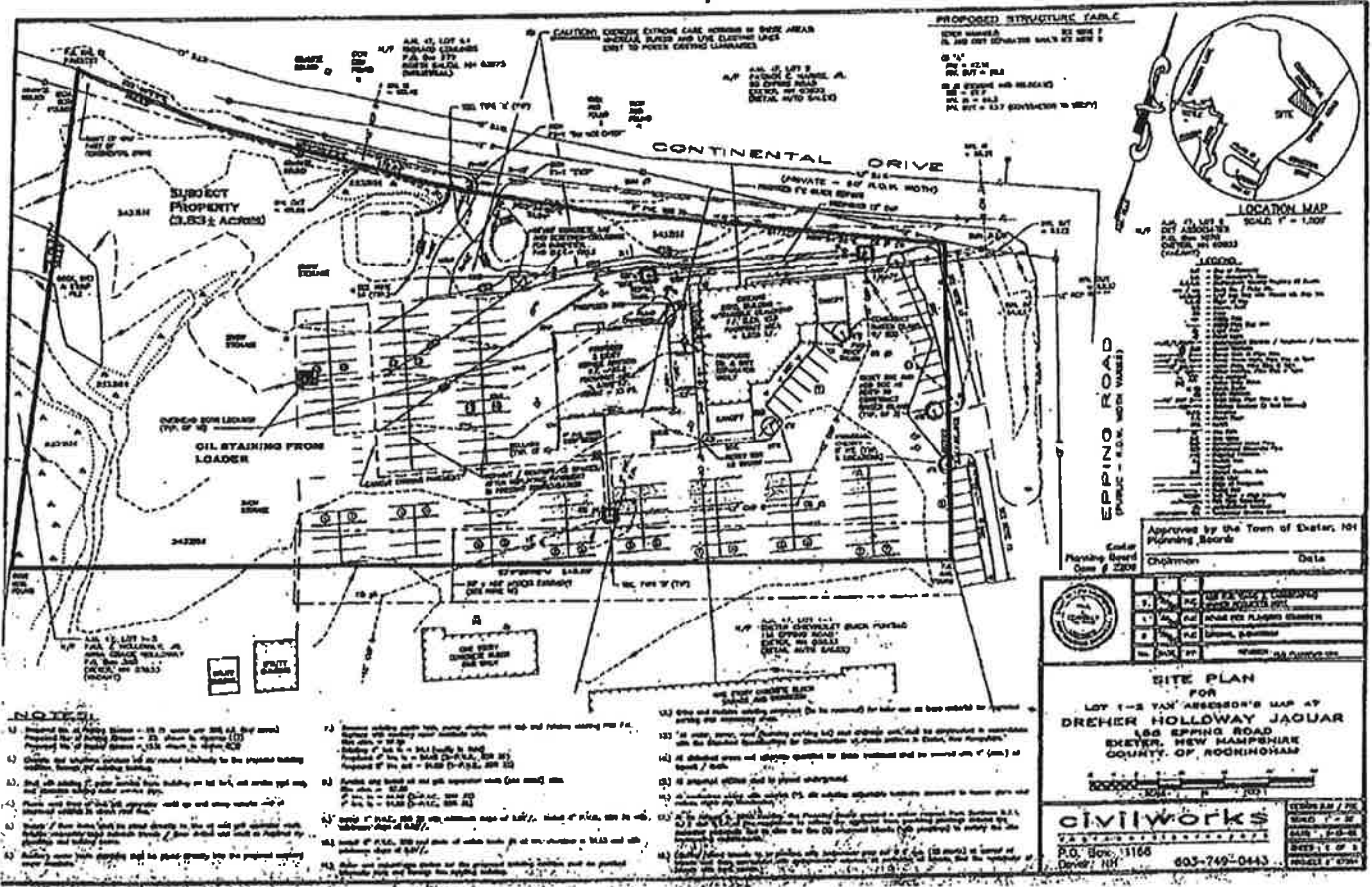
The conclusions presented in this report are based upon the information available to Exeter Environmental Associates, Inc., as of the date of this report. Any supplementary information that becomes available should be forwarded to Exeter Environmental Associates, Inc. for review and revisions as needed. This report has been prepared in accordance with our standard *Terms and Conditions*. No other warranty, expressed or implied, is made.

FIGURES
USGS Site Locus
Site Plan



Name: EXETER
Date: 8/18/2008
Scale: 1 Inch equals 2000 feet

Location: 042° 59' 38.8\" N 070° 58' 21.2\" W
Caption: Figure 1. USGS Locus
158 Epping Road
Exeter, NH



PROPOSED STRUCTURE TABLE

STRUCTURE NO.	STRUCTURE NAME	AREA (SQ. FT.)
1	188 EPPING RD. BLDG.	10,000
2	188 EPPING RD. BLDG.	10,000
3	188 EPPING RD. BLDG.	10,000
4	188 EPPING RD. BLDG.	10,000
5	188 EPPING RD. BLDG.	10,000
6	188 EPPING RD. BLDG.	10,000
7	188 EPPING RD. BLDG.	10,000
8	188 EPPING RD. BLDG.	10,000
9	188 EPPING RD. BLDG.	10,000
10	188 EPPING RD. BLDG.	10,000
11	188 EPPING RD. BLDG.	10,000
12	188 EPPING RD. BLDG.	10,000
13	188 EPPING RD. BLDG.	10,000
14	188 EPPING RD. BLDG.	10,000
15	188 EPPING RD. BLDG.	10,000
16	188 EPPING RD. BLDG.	10,000
17	188 EPPING RD. BLDG.	10,000
18	188 EPPING RD. BLDG.	10,000
19	188 EPPING RD. BLDG.	10,000
20	188 EPPING RD. BLDG.	10,000

LOCATION MAP
SCALE 1" = 1,000'

Approved by the Town of Exeter, NH Planning Board
Chairman _____ Date _____

- NOTES**
1. Proposed site of subject property is 18.8 acres and 188 EPPING RD. BLDG. is 10,000 SQ. FT. (AS SHOWN ON PLANS).
 2. Proposed site of subject property is 18.8 acres and 188 EPPING RD. BLDG. is 10,000 SQ. FT. (AS SHOWN ON PLANS).
 3. All other buildings on site are to be demolished and the site is to be graded and prepared for the proposed building.
 4. All other buildings on site are to be demolished and the site is to be graded and prepared for the proposed building.
 5. All other buildings on site are to be demolished and the site is to be graded and prepared for the proposed building.
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 11. All other buildings on site are to be demolished and the site is to be graded and prepared for the proposed building.
 12. All other buildings on site are to be demolished and the site is to be graded and prepared for the proposed building.
 13. All other buildings on site are to be demolished and the site is to be graded and prepared for the proposed building.
 14. All other buildings on site are to be demolished and the site is to be graded and prepared for the proposed building.

SITE PLAN FOR DREHER HOLLOWAY JAGUAR
188 EPPING ROAD
EXETER, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

civilworks
P.O. Box 11168
Dover, NH 03025
603-769-0443

SOURCE: CIVILWORKS SITE PLAN, MODIFIED BY EXETER ENVIRONMENTAL ASSOCIATES, INC.

SITE PHOTOGRAPHS



Photo #1. View of the front of the subject building, taken from across Epping Road.

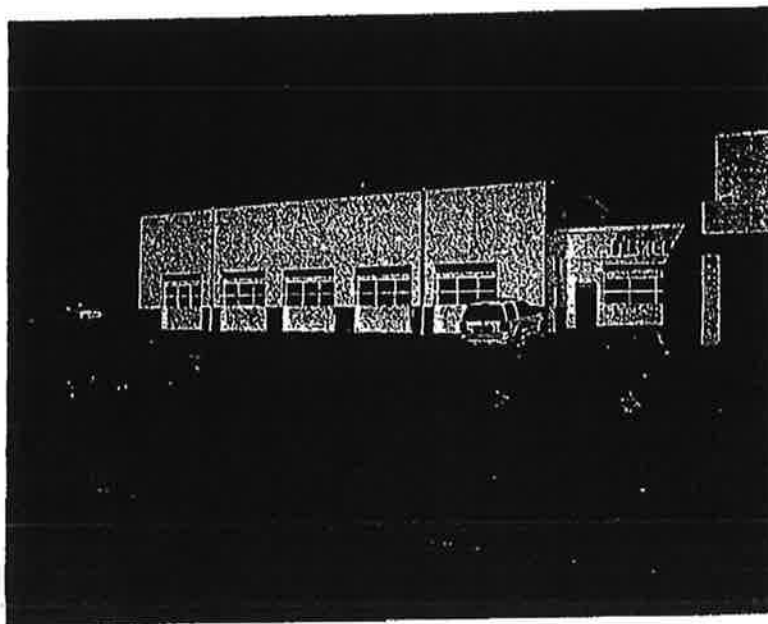


Photo #2. North facing view of the service garage.

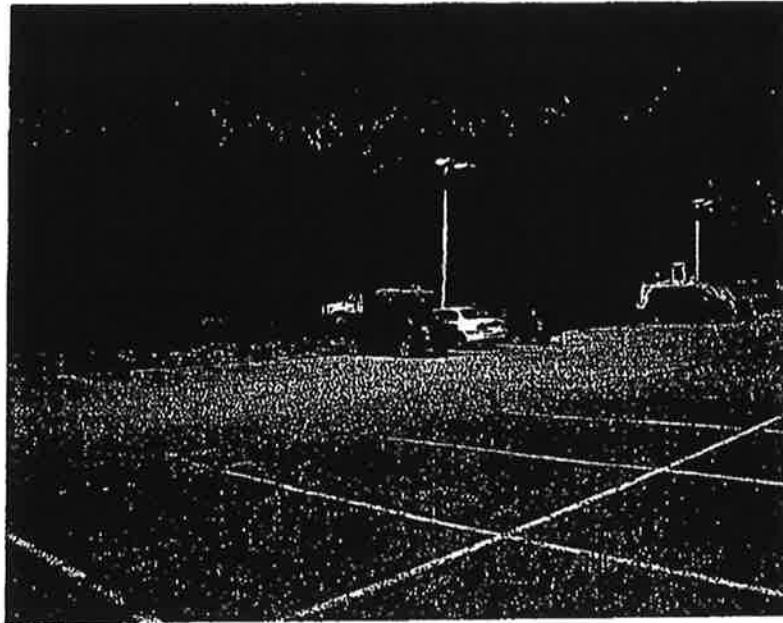


Photo #3. Northwest view of the parking lot and undeveloped portion of the property.

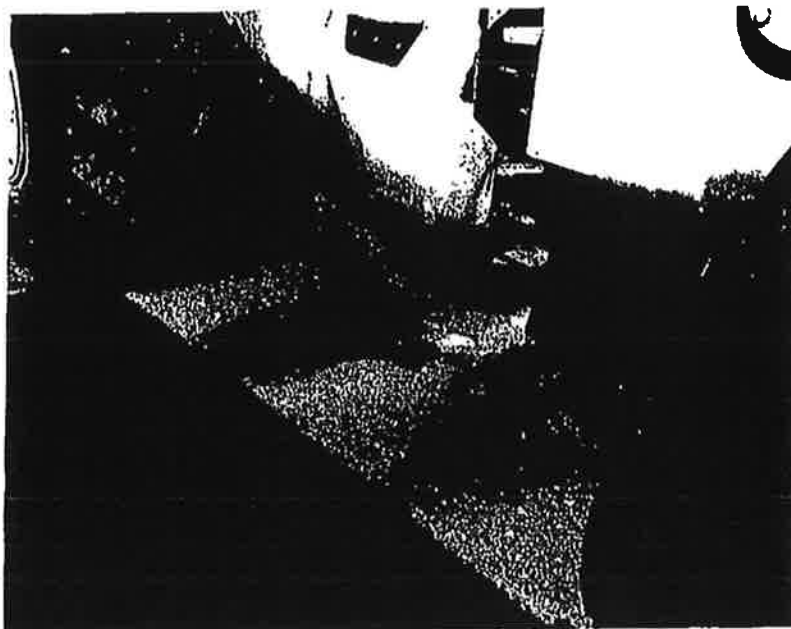


Photo #4. Close-up view of pavement staining from front-end loader.

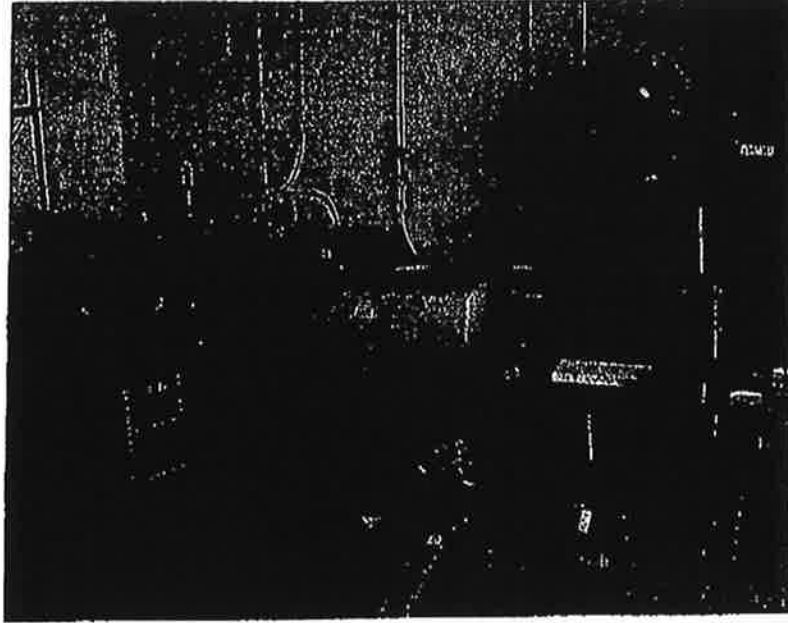


Photo #5. Interior view of tanks used to store motor oil, waste oil and washer fluid.

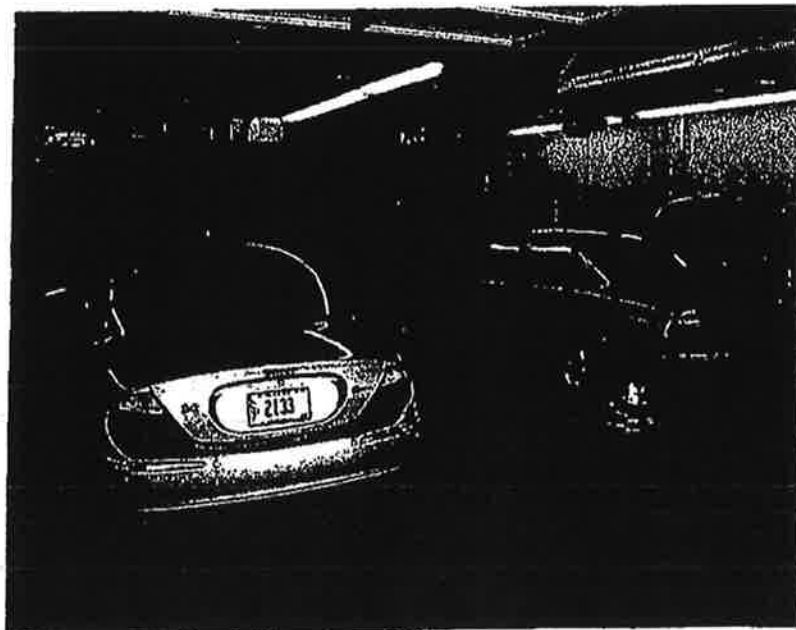


Photo #6. Interior view of auto cleanup area.

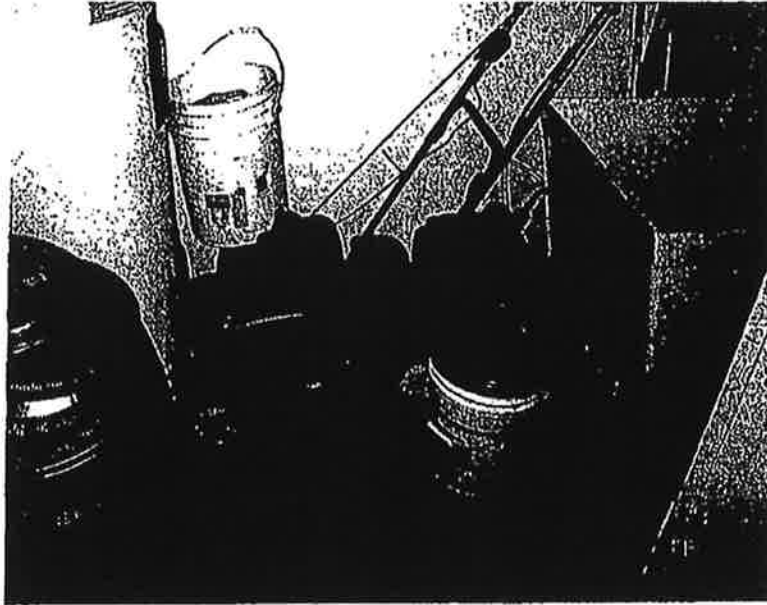


Photo #7. Interior view of a closet where gasoline is stored.

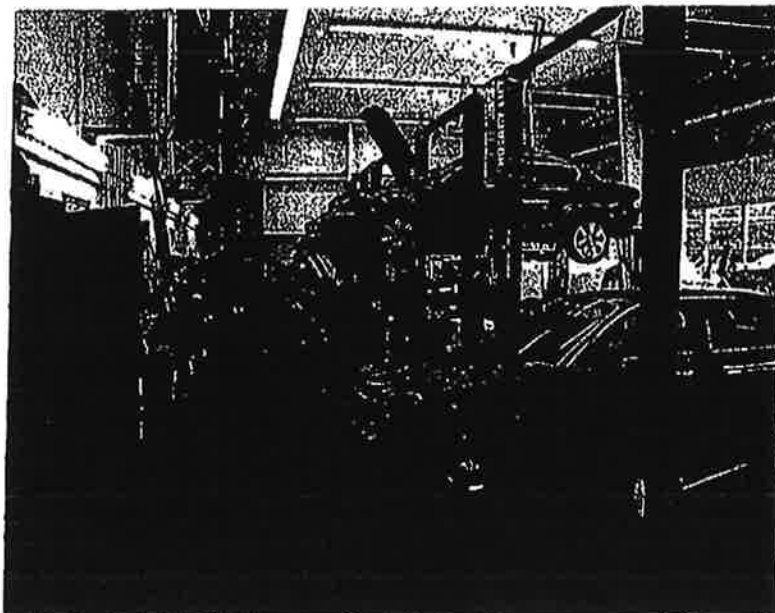
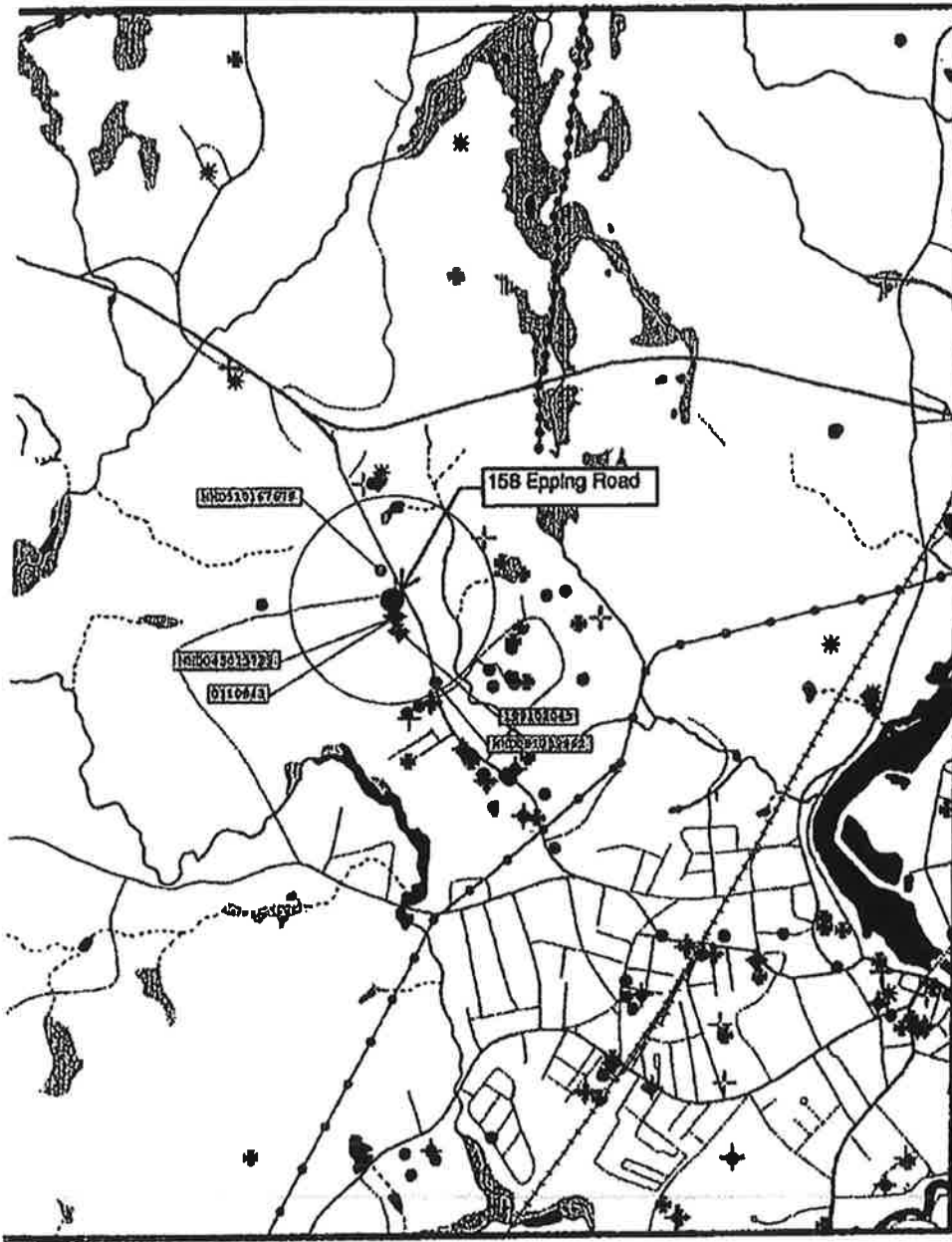


Photo #8. View of the five-bay service garage.

APPENDIX I

DES Database Map and Summary Report

DES Locus 158 Epping Road Exeter, NH



LEGEND

- GWHI Sites
- GWHI Areas
- ✚ USTs
- ✚ ASTs
- RCRA Sites
- RCRA Areas
- Junkyards
- * Public Water Supplies
- ◆ PMS Facilities
- SWPAs
- WHPAs
- River, stream
- Intermittent stream
- Lake, pond
- Marsh, wetland
- Primary route
- Secondary route
- Road, street
- Other road, street
- Railroads
- Pipeline
- Power line
- Telephone line
- Other power facility
- Airport
- Other facility
- State boundary
- County boundary
- Town boundary

The coverages presented in this program are under easy revision as new sites or facilities are added. They may not contain all of the potential or existing sites or facilities. Department is not responsible for the use or interpretation of this information, one for any inaccuracies.

Map Prepared August 11, 2006.

SCALE: 1:24000



Friday 11 Aug 2006 3:38 PM

REPORT OF SELECTED FEATURES

SUMMARY:

ASTS: 1 features selected.
 GWHI SITES, GWHI AREAS: 2 features selected.
 JUNKYARDS: 0 features selected.
 PUBLIC WATER SUPPLIES, PWS FACILITIES: 0 features selected.
 RCRA SITES, RCRA AREAS: 3 features selected.
 SWPAS, WHPAS: 0 features selected.
 USTS: 1 features selected.

<<< ABOVEGROUND STORAGE TANK INVENTORY (1 features selected) >>>

MASTER ID: 1481 SITE#: 910243A
 FACILITY NAME: DREHER HOLLOWAY
 ADDRESS: 156 EPPING RD, EXETER
 ACTIVE TANKS: 4
 TAX MAP: 5-4
 TAX LOT: 14

<<< GROUNDWATER HAZARDS INVENTORY (2 features selected) >>>

MASTER ID: 1481 SITE #: 199102043
 SITE NAME: DREHER HOLLOWAY
 ADDRESS: 156 EPPING RD, EXETER
 PROJECT TYPE: LUST
 PROJECT MANAGER: CLOSED WORKLOAD PRIORITY: 3
 RISK: 8 PERMIT#: NA
 TAX MAP: 5-4
 TAX LOT: 14

MASTER ID: 1481 SITE #: 199102043
 SITE NAME: DREHER HOLLOWAY
 ADDRESS: 156 EPPING RD, EXETER
 PROJECT TYPE: SPILL/RLS
 PROJECT MANAGER: CLOSED WORKLOAD PRIORITY: 3
 RISK: 8 PERMIT#: NA
 TAX MAP: 5-4
 TAX LOT: 14

<<< JUNKYARD INVENTORY (0 features selected) >>>

<<< PWS TREATMENT FACILITIES/PUMP HOUSES (0 features selected) >>>

<<< PUBLIC WATER SUPPLY INVENTORY (0 features selected) >>>

<<< RCRA INVENTORY (3 features selected) >>>

MASTER ID: 47354 RCRA#: NHD045013729
 SITE NAME: DREHER HOLLOWAY INC
 ADDRESS: 61 EPPING RD, EXETER
 STATUS: ACTIVE

MASTER ID: 47372 RCRA#: NHD081259962
 SITE NAME: EXETER FOREIGN CAR
 ADDRESS: 150 EPPING RD, EXETER

STATUS: ACTIVE

MASTER ID: 54686 RCRA#: NHD510167679
SITE NAME: SAFE WAY TRANSPORTATION
ADDRESS: 162 EPPING RD, EXETER
STATUS: DECLASSIFIED

<<< DRINKING WATER PROTECTION AREA (0 features selected) >>>

<<< UNDERGROUND STORAGE TANK INVENTORY (1 features selected) >>>

MASTER ID: 1481 SITE#: 0110543
FACILITY NAME: DREHER HOLLOWAY
ADDRESS: 156 EPPING RD, EXETER
ACTIVE TANKS: 0
TAX MAP: 5-4
TAX LOT: 14

DISCLAIMER: The coverages presented in this program are under constant revision as new sites or facilities are added. They may not contain all of the potential or existing sites or facilities.

The Department is not responsible for the use or interpretation of this information, nor for any inaccuracies.

Feature attribute data are periodically (approximately once a month) downloaded from associated DES databases.

APPENDIX II

**Qualifications of Environmental Professionals
Participating in Phase I Environmental Site Assessment**

STEVEN B. SHOPE, P.H.G., CPG, LSP
President
Hydrogeologist

Steven Shope is the president of Exeter Environmental Associates, Inc. He is a Certified Geologist in Maine, a Licensed Professional Geologist in New Hampshire, a Licensed Driller in New Hampshire, a Certified Professional Geologist (CPG), a Registered Professional Hydrogeologist (P.H.G.), and a Massachusetts Licensed Site Professional (LSP). His areas of expertise include: hydrogeology, assessment and remediation of petroleum spills, solid and hazardous waste management, environmental impact evaluation, geological resource evaluation, and water resource evaluation. He has participated in a wide variety of oil spill remediations, environmental site assessments, hydrogeological investigations for landfill groundwater contamination projects, wellfield contamination studies, remedial investigations, and water resource evaluations.

Prior to joining Exeter Environmental Associates, Inc., Mr. Shope was the office manager and hydrogeologist for Shevenell Gallen and Associates, Inc. His responsibilities included oversight of the office resources, project review, and management of projects throughout New England. Prior to joining Shevenell Gallen, Mr. Shope was employed by Normandeau Engineers, Inc., as hydrogeologist. In this capacity, he was responsible for conducting site assessments, hydrogeologic investigations, and soil vapor studies. Prior to joining Normandeau, Mr. Shope worked as a geologist for Wehran Engineers, where he was responsible for field investigations conducted at both the Dover and Somersworth Landfill Superfund sites.

Education

University of New Hampshire: M.S. Hydrology, 1986

University of Vermont: B.S. Geology, 1984

Experience

- | | |
|----------------|--|
| 1990 - present | President, Exeter Environmental Associates, Inc. |
| 1989 - 1990 | Office Manager & Hydrogeologist, Shevenell Gallen & Assoc., Inc. |
| 1986 - 1989 | Hydrogeologist, Normandeau Engineers, Inc. |
| 1985 (summer) | Geologist, Wehran Engineers & Scientists |
| 1984 - 1986 | Teaching Assistant, University of New Hampshire |

Professional Certifications, Licenses, and Associations

- 1986 - present: Association of Ground Water Scientists & Engineers: member
- 1987 - present: American Institute of Professional Geologists: CPG # 8374
- 1988 - present: American Institute of Hydrology: P.HG. # 1025
- 1991 - present: Certified Maine Geologist: # 279
- 1994 - present: Licensed Site Professional: LSP #6543
- 1998 - present: Certified Underground Storage Tank Decommissioning
- 2000 - present: Certified Fire Fighter I/Career; First Responder
- 2001 - present: Licensed Professional Geologist, NH: #27
- 2004 - present: Licensed Driller in New Hampshire: #1807

Selected Publications

Exeter Environmental Associates, Inc., 1991. Short Term Measure Work Plan, Shaw's Plaza Site, DEP Case #4-0414, Sharon, Massachusetts. Prepared for Sharon Associates, Philadelphia, PA. June 19, 1991.

Exeter Environmental Associates, Inc., 1992. Hydrogeologic Investigation Report, Asphalt Testing Project, US Route 3, Laconia, New Hampshire. Prepared for CMA Engineers, Inc., Portsmouth, NH. November 30, 1992.

Shope, Steven B., 1986. Regional Groundwater Flow and Contaminant Transport in the Vicinity of the Tolend Road Landfill, Dover, NH. Unpublished Masters Thesis, University of New Hampshire, Durham.

Shope, Steven B., 1987. Interpretation of EM Data Through Geoelectric Modeling with Application to a Landfill in Southeastern New Hampshire. *Proceedings of the Fourth Annual Eastern Regional Ground Water Conference*. Burlington, VT.

Shope, Steven B., R. Weimar, and P. Williams, 1989. Preserving Water Quality Without Sewers: A Case Study of On-Site Wastewater Disposal Hydrogeology. *Journal of the New England Water Pollution Control Association*, May, Volume 23, No.1.

Shope, Steven B. 1990. Potential Impacts of Below Water Table Sand and Gravel Mining on Water Quantity. *Proceedings of the Sixth Annual Eastern Regional Ground Water Conference*, Springfield, MA.

Special Training and Seminars

Seminar on Portable Gas Chromatography. Taught by Dr. Thomas Spittler of the United States Environmental Protection Agency. Eastern Connecticut State University, November 6 and 7, 1986.

Seminar on Personnel Protection and Safety Training. 40-hour certification course in Hazardous Waste Site Activities in compliance with OSHA Standard 29 CRF 1910 and SARA sections 126 (d). Taught by Clean Harbors, Inc., and HMM Associates, Braintree, Massachusetts, October 19-23, 1987.

Risk Assessment for the Ground Water Scientist. Taught by Dr. Ronald M. Block in association with the National Water Well Association. Newark, New Jersey, March 21-23, 1989.

AGWSE Conference - Pump and Treat and the Alternatives. Chaired by Dr. John Cherry of the University of Waterloo. Las Vegas, Nevada. October 1 - 2, 1992.

Seminar on the New Chapter 21E Regulations. Taught by the Massachusetts Department of Environmental Protection. Dedham, Massachusetts. July 29, 1993.

Seminar on Risk Characterization and Remedial Action Outcomes. Parts I and J of the 1993 MCP. Taught by the Massachusetts Department of Environmental Protection. Lowell, Massachusetts. October 12, 1994.

Seminar on Site Characterization and Remediation of Dense Non-Aqueous Phase Liquids. Taught by Bernard Kueper. Marlborough, Massachusetts. June 17, 2002.

Seminar on Principles and Field Techniques for Characterizing Contaminant Migration in Fractured Rock. Taught by Pete Haeni and Allen Shapiro. Marlborough, Massachusetts. October 16, 2002.

Seminar on Environmental Chemistry and Forensic Geochemistry. Taught by Michael Wade. Marlborough, Massachusetts. February 11, 2003.



Bank

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The proposed terms and conditions are provided for discussion purposes only and do not constitute an offer, agreement or commitment to lend. The actual terms and conditions upon which the Bank may extend credit to the Borrower are subject to satisfactory completion of due diligence, negotiations between the parties, credit approval, documentation and other such terms and conditions that may be deemed necessary by the Bank

Borrowers: 1) Joseph Cariello, DDS, P.C. (Dovetail Dental Associates, inc.)
2) Interlake Family Dental Center, Inc.
3) Carcorp Realty LLC.

Amount: 1) \$294,000.00
2) \$1,148,000.00
3) up to \$180,000.00

Pricing: 1) Federal Home Loan Bank + 180 bps. (today's indicative 7-yr. Fixed rate is 3.5%)
2) Federal Home Loan Bank + 180 bps. (today's indicative 7yr. Fixed rate is 3.5%)
3) Federal Home Loan Bank + 180 bps. (today's indicative 10-yr. Fixed rate is 3.8%)

Terms / Maturity: 1) 7-year term, fully amortizing note calling for principal and interest payments of \$3,951 / mo.
2) 7-year term, fully amortizing note calling for principal and interest payments of \$15,429 / mo.
3) 10-year term, fully amortizing note calling for principal and interest payments of \$1,805 / mo.

Use of Proceeds: 1&2) Refinance existing debt currently held at Bank of America
3) Pay-off exiting debt at Bank of America and existing borrowings under line facility currently maintained at TD Bank.

Availability: All) Single advance at closing date.

Collateral: 1&2) The loan facility shall be secured with a first lien position on all tangible and Intangible business assets of the borrower.
3) First mortgage position on property located at 282 Route 101,5 Liberty Park Amherst, NH 03031. Assignment of Leases and Rents.

Terms & Conditions Common to all Facilities

Guarantees: All loan facilities shall be cross-collateralized and cross-guaranteed.
Personal unsecured guarantee of Dr. Joseph Cariello.

Financial Reporting: Annual Federal tax returns on all Borrowers shall be delivered to the bank within 10 days of the filing date each year, but no later than May 1st of each year.

Annual personal Federal Tax return and personal financial statement due contemporaneously with Borrowers' returns.

Financial Covenants: Minimum annual debt service coverage ratio: maintain a minimum cash flow to debt service of not less than 1.20xs. Covenant to be tested annually upon receipt and review of the Borrower's federal tax returns.

For the purpose of the covenant calculation, cash flow shall be defined as the combined EBITDA of all Borrowers, less cash paid for taxes, distributions, plus or minus any extraordinary expenses deemed appropriate by the Bank, in its sole discretion.

Debt service shall mean interest expense and required principal payments on all indebtedness for the same period.

ORIGIN: BMLA (603) 499-7319
DIANE PANTERMOLLER
GREENMAN-PEDERSEN, INC.
44 STILES ROAD, SUITE ONE
SALEM, NH 03079
UNITED STATES US

SHIP DATE: 14JUL21
ACTWGT: 1.00LB
CAD: 11399177/MNET4340
BILL SENDER

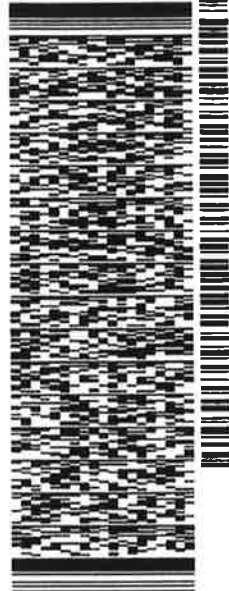
TO ALICIA GEILEN
MASSDEP NERO
205B LOWELL STREET

WILMINGTON MA 01887

REF: MAX:0385315

(978) 694-3234
NV/

POST DEPT



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TRK# 7742 6094 2893
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July 14, 2021

Dave Sharples, Town Planner
Town Planning Office
Town of Exeter
10 Front Street
Exeter, NH 03833

SUBJECT: UEI Peer Review Comments dated 5/24/21
Nouria Energy Gas Station
Design Review Engineering Services
Exeter, New Hampshire

Dear Dave:

Please find enclosed a revised set of plans and supporting documentation regarding the above referenced project located at 158 Epping Road. The plans have been revised to address the comments from the UEI, dated May 24, 2021. Based on those comments we offer the following:

General Administrative Comments

1. Comment acknowledged, floor drains and/or holding tanks will be registered as required.
2. An AoT Permit is not required. The gravel area in the back of the site was constructed in 2008. An email dated 6/16/21 from the Town Natural Resource Planner is provided confirming that this area does not need to be addressed as part of the site plan review, see attached.

Cover Sheet and Existing Conditions

3. Test pit locations have been added to the Existing Conditions Plan.
4. Required permits have been added to the Cover Sheet as requested.

Site Plan

5. The type of curbing was previously labeled on the plan as "Prop. Concrete Curb (Typ.)".
6. The ADA spaces have been updated accordingly and a van accessible sign added.
7. Comment acknowledged, the vacuum spaces are provided & available for customers using the car wash.
8. Driveways, locations, and number will be discussed with Town staff as requested.

Grading and Drainage Plan

9. The site disturbance area was previously listed in Note 10.
10. Site grading along the ADA parking spaces has been re-evaluated and revised accordingly.

11. Flush sidewalks along the building are provided to reduce potential for tripping hazards and bollards are provided for protection due to vehicles as a crash barrier. Adequate space is provided between the store front and bollards to provide ADA accessible movements.
12. The existing drainage system running through 156 Epping Road has been surveyed and updated information added to the site plan set including pipe sizing, inverts and structure locations. Refer to the Existing Conditions Plan for locations and information.

Utility Plan

13. A narrative for the reclaim tank is provided hereto as prepared by the applicant.
14. Buoyancy calcs will be provided during the shop drawing process.
15. Comment acknowledged. No response required.

Lighting and Landscaping Plan

16. Note 16 has been added to the Utility Plan indicating that all site lighting is dark sky compliant.
17. The tree was shifted to avoid the conflict with the sewer.
18. Proposed landscaping won't interfere with snow storage/removal operations, will remain dormant in the winter months and be replaced as needed in the spring.

Detail Sheets

19. A curb stop/buffalo box has been added to the plans.
20. The ESHWT has been added to the detail as requested.
21. The reference to a geotechnical report has been removed from the On-Site Rigid Concrete Pavement Detail.

Stormwater Design and Modeling

22. The label for the Design Point #1 has been revised to DP#1.
23. Test pit locations will be added to the Pre- and Post-Development Drainage Plans with elevations of the ESHWT shown on the Test Pit log data on Detail Sheet 12 of 13.
24. The Hydrocad model and onsite stormwater design was updated to provide no increase in peak rate of runoff at the design point connection downstream of the proposed development and onsite pipe sizing has been added to the report. The analysis was revised to provide onsite detention with no negative impact or increases to the downstream storm drain system therefore the downstream pipe network was not added to the stormwater modeling as requested.

25. Pollutant loading calculations for nitrogen and phosphorous have been added to the report as suggested.

26. Comment acknowledged. The applicant will enter the appropriate tracking information prior to construction.

Please review the attached revised information and should you have any questions, please feel free to call our office at your convenience.

Sincerely,



Chris Tymula
Project Manager

enclosure(s)

cc: Mike Durant, Nouria Energy Corp.
Allison Rees, PE – Underwood Engineers, Inc

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Chris Tymula

From: Kristen Murphy <kmurphy@exeternh.gov>
Sent: Monday, June 21, 2021 9:17 AM
To: Chris Tymula
Subject: Fwd: 158 Epping Road Site Walk update

Let me know if this suffices. I assume Dave will include this in the PB packet or at least speak to it.

----- Forwarded message -----

From: Kristen Murphy <kmurphy@exeternh.gov>
Date: Wed, Jun 16, 2021 at 12:19 PM
Subject: 158 Epping Road Site Walk update
To: Mike Lampert <mike@alsautomotiveandtruck.com>
Cc: Doug Eastman <deastman@exeternh.gov>, David Sharples <dsharples@exeternh.gov>, Jennifer Mates <jmates@exeternh.gov>, Barbara Mcevoy <bmcevoy@exeternh.gov>

Good afternoon Mike,

This is acknowledgement that today Doug and I met with you and representatives from Nouria this morning to inspect the buffer conditions onsite. During this visit, we also reviewed the April 2008 aerial imagery for the site visible on GoogleEarth (pasted below for others). It is clear from the image date that the grading pre-dated our 2009 wetland buffer regulation update. It is the opinion of Doug and I that this is sufficient evidence that the work in the back of the aforementioned property therefore does not trigger a need for a Conditional Use Permit (CUP). Should there be any plans for further expansion beyond what is indicated, note that you would need to file a CUP application prior to any ground work.



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Kristen Murphy

Natural Resource Planner
Town of Exeter
10 Front Street, Exeter, NH 03833
(603) 418-6452

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Kristen Murphy
Natural Resource Planner
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10 Front Street, Exeter, NH 03833
(603) 418-6452

July 14, 2021

NEX-2020283.00

Mr. Michael Durant
Nouria Energy Corp
326 Clark Street
Worcester, Massachusetts 01606

SUBJECT: Response to VHB Comments – 6/2/2021
Proposed Retail Motor Fuel Outlet
158 Epping Road – Exeter, New Hampshire

Dear Mr. Durant:

Greenman-Pedersen, Inc. (GPI) has prepared this Response to Comments (RTC) letter to respond to the traffic comments provided in a letter from Vanasse Hangen Brustlin, Inc. (VHB) dated June 2, 2021 regarding the *Traffic Impact and Access Study* prepared for the proposed retail motor fuel outlet to be located at 158 Epping Road (NH Route 27) in Exeter, New Hampshire. We have reviewed the comments and this letter has been prepared to summarize our responses to the comments. A copy of the VHB letter is attached for reference.

Study Area

Comment 1: *Based on the trip-generation and distribution projections detailed within the Traffic Impact and Access Study and as reflected on Figure 6 and 7, the proposed development is estimated to increase traffic volumes between 62 and 66 vehicles per hour along Epping Road north of Continental Drive and between 42 and 52 vehicles per hour to the south of the Epping Road site driveway during the weekday AM and weekday PM peak hours. Therefore, the study area appears to be reasonable unless there are increases in the trip-generation estimates or changes in the trip-distribution patterns that would increase the site trips to exceed the 100 vehicles per hour threshold (see Comments 3 and 8).*

Response 1: Comment acknowledged. As part of this response letter, the trip generation estimates have been updated and are provided in the attachments. Although the number of total trips has increased as a result of changing the independent variable for LUC 960 (Super Convenience Market/Gas Station), the number of new trips has decreased by 22 new trips during the weekday AM peak hour and 37 new trips in the weekday PM peak hour as a result of the significant increase in pass-by for LUC 960 (see response 8 for more detail). Accordingly, the increase in site trips beyond the study area do not exceed the 100 vehicles per hour threshold and the study area remains reasonable.

Traffic Volumes

Existing Conditions

Comment 2: *VHB concurs with the methodology used in developing the 2021 Existing traffic volumes. Based on a review of NHDOT historical traffic volumes, traffic volumes in the area have generally experienced a negative growth rate between 2015 and 2019. Therefore, VHB finds the rationale to be acceptable that the 2020 Base traffic volumes from the Corridor Study may be representative of 2021 Existing traffic volumes. The Applicant should confirm with the Exeter Town Planner that no land development projects have been constructed in the area that would have increased traffic volumes subsequent to the Corridor Study's traffic counts (i.e., March 2020).*

Response 2: The following developments from the Corridor Study dated December 2020 were considered and included in the 2030 future traffic volumes provided in the TIAS:

- **Ray Farm Exeter** – A 55+ active adult residential community with 116 total units located at 183 Epping Road was in construction at the time of the counts. The anticipated traffic for the remaining units were added to the traffic volume networks.
- **Gateway at Exeter** – The Gateway at Exeter development is proposed on the west side of Epping Road (NH Route 27), south of the NH Route 101 interchange. This mixed-use development includes 11,225 SF of retail space, 17,295 SF of office space, a 20,040 SF daycare facility, and 224 residential dwelling units. The anticipated traffic associated with this project was added to the traffic volume networks.
- **Unitil Corporation** – This 60,000 SF Unitil facility was under construction at 27 Gourmet Place at the time of the counts, and therefore the anticipated traffic associated this project was added to the traffic volume networks.
- **Primrose Daycare School** – A 13,000 SF Daycare School was being considered to replace the previously approved mixed-use development at the end of McKay Drive. Traffic was generated for the daycare using ITE and was added to the traffic volume networks.

GPI has reached out to the Exeter Town Planner and the following projects were identified with an updated status:

- **Ray Farm Exeter** – This project is still ongoing and therefore will not be added to the 2021 Existing traffic volume networks. It is included in the 2030 future traffic-volume networks.
- **5-Lot Subdivision** – This development has been constructed and is located off Spruce Street and Brentwood Road. Due to the scale of the project, this traffic was not added to the 2021 Existing traffic volumes but is expected to have a negligible impact on the study area intersections.
- **Unitil Corporation** – This 60,000 SF Unitil facility has been constructed. It was already included in the 2030 future traffic volumes, but now has been added to the 2021 Existing traffic volumes as well. The project's site-generated traffic volumes are attached to this letter. The Updated 2021 Existing Peak Hour Traffic Volume networks and analysis are also attached.

Comment 3: *Based on the trip-generation methodology for the existing Jaguar automobile dealership, however, the ITE trips for the weekday PM peak hour were developed using the regression equation. In accordance with ITE guidelines, the average rate should be used in calculating the site trips for this dealership during the weekday PM peak hour. In the absence of traffic counts for the existing driveways, the Applicant should therefore update the trip-generation estimates for the existing automobile dealership. This methodology would reduce the existing site trips by approximately 14 trips during the weekday PM peak hour. Combined with potential modifications to the trip-generation methodology for the proposed development (see Comment 8), the Applicant should confirm that the difference in the existing and proposed site trips would not require an expansion to the study area (see Comment 1).*

Response 3: Based on *Figure 4.2 Process for Selecting Average Rate or Equation in Trip Generation Manual Data* from the ITE Trip General Handbook,¹ if there are 20 or more data points, the fitted curve equation should be used. For LUC 840 (Automobile Sales [New]), the data for the weekday PM peak hour of adjacent street traffic is based on 49 data points. Accordingly, we do not agree with the use of the average rate, and therefore no changes were made to the trip-generation estimates for the existing Jaguar automobile dealership.

¹ *Trip Generation Handbook*; 3rd Edition; Institute of Transportation Engineers; Washington, DC; September 2017.

Comment 4: *Based on ITE guidelines, "The time period(s) that provide the highest cumulative directional traffic demands should be used to assess the impact of site traffic on adjacent street system and define roadway configurations and traffic control measure changes needed in the study area... In general, the critical traffic time period for a given project is directly associated with the peaking characteristics of both the project-related travel and area transportation system." Upon review of the trip-generation calculations provided in the Appendix of the Traffic Impact and Access Study, the proposed development is shown to generate more site trips during the Saturday midday peak hour than during the weekday PM peak hour. Therefore, the Applicant should provide support that the Saturday midday peak hour should not be evaluated (i.e., is not a critical time period) for the proposed development and along the Epping Road corridor.*

Response 4: NHDOT traffic volume data on Epping Road was reviewed and a summary is provided in an attachment to this letter. Saturday daily volumes on Epping Road appear to be consistently $\pm 3,000$ vehicles per day (vpd) less than the weekday. Based on the trip generation estimates provided in the TIAS, the Saturday daily total trips were about 700 vpd more than the weekday daily total trips. Accordingly, the traffic volumes on Epping Road are higher on a weekday than a Saturday with and without the proposed development in place.

Additionally, when you base the trip generation on the size of the convenience store as opposed to vehicle fueling positions, as suggested in Comment #8, the proposed site is expected to generate more traffic on a weekday than a Saturday further supporting the evaluation of the weekday conditions versus the Saturday condition.

Lastly, in review of the peak hours in particular, the weekday PM peak hour has more traffic than the Saturday midday peak hour at both NHDOT count locations, north and south of the project site.

Future Conditions

2030 No-Build Traffic Conditions

Comment 5: *VHB concurs with the methodology used in developing the 2030 No-Build traffic volumes. The Applicant should confirm with the Exeter Town Planner that no land development projects are planned to be constructed and occupied by 2030 that would increase traffic volumes in the area.*

Response 5: The following developments from the Corridor Study dated December 2020 were considered and included in the 2030 future traffic volumes provided in the TIAS:

- **Ray Farm Exeter** – A 55+ active adult residential community with 116 total units located at 183 Epping Road was in construction at the time of the counts. The anticipated traffic for the remaining units were added to the traffic volume networks.
- **Gateway at Exeter** – The Gateway at Exeter development is proposed on the west side of Epping Road (NH Route 27), south of the NH Route 101 interchange. This mixed-use development includes 11,225 SF of retail space, 17,295 SF of office space, a 20,040 SF daycare facility, and 224 residential dwelling units. The anticipated traffic associated with this project was added to the traffic volume networks.
- **Unitil Corporation** – This 60,000 SF Unitil facility was under construction at 27 Gourmet Place at the time of the counts, and therefore the anticipated traffic associated this project was added to the traffic volume networks.
- **Primrose Daycare School** – A 13,000 SF Daycare School was being considered to replace the previously approved mixed-use development at the end of McKay Drive. Traffic was generated for the daycare using ITE and was added to the traffic volume networks.

GPI has reached out to the Exeter Town Planner and the following additional projects were identified:

- **Light Industrial / Distribution Facility** – This ±116,000 SF building is proposed to be located at 24 Continental Drive. The anticipated traffic associated with this development was obtained from the Traffic Impact Assessment² prepared for the project and added to the 2030 future traffic-volume networks. The project's site-generated traffic volumes are attached to this letter.
- **Public Safety Complex** – This project is in the conceptual stages and is proposed to be located on Continental Drive at the intersection with Jillian Lane. The facilities to be included in the Complex are still undetermined as well. Accordingly, no traffic associated with this development have been included in the traffic-volume projections.

Comment 6: *The Applicant should provide anticipated timeframes for these identified planned roadway improvements to confirm that construction of such measures would occur within the 2030 design horizon.*

Response 6: Based on discussions with the Town, there are no anticipated timeframes for the Epping Road roadway improvements, for either Mid-Term or Full Build-Out. Accordingly, the 2030 design horizon has been evaluated both with and without the two-way left-turn lane (TWLTL) on Epping Road for comparison purposes.

Comment 7: *As documented within the Epping Road (NH Route 27) Corridor Study, different levels of improvements were identified along the Epping Road corridor for planning purposes. The roadway and traffic-volume conditions in which these recommendations were based may change as future development occurs along the corridor and as transportation improvements are implemented. Therefore, the Corridor Study states that the Epping Road corridor should be reevaluated in the future as vacant parcels are developed and as current land uses are redeveloped because the improvements are subject to revision as the Epping Road corridor evolves. The redevelopment of the Jaguar automobile dealership parcel was not included within the Corridor Study and there are no commitments to implement the Mid-Term improvements evaluated within the Corridor Study. Therefore, the Applicant should evaluate the traffic impacts of the proposed retail motor fuel outlet without the improvements identified within the Corridor Study (i.e., without the potential TWLTL along Epping Road adjacent to the site).*

Response 7: The 2030 No-Build and 2030 Build capacity analysis without the Mid-Term improvements identified within the Corridor Study are attached to this letter and summarized in Table A-1 which include the updated trip generation estimates prepared as part of this response letter.

2030 Build Traffic Conditions

Comment 8 *VHB generally concurs with the methodology used in developing the site trips. The Applicant should, however, revisit the calculations based on the following:*

- *The Traffic Impact and Access Study used Land Use Code 960 (Super Convenience Market/Gas Station) to estimate the proposed site trips for the convenience market and fueling dispensers. The independent variable selected was the number of fueling positions (i.e., 12 vfps) and not the size of the convenience market (i.e., 5,500 square feet). Based on a review of the ITE data for this land use, the size of the convenience market should be considered instead of the number of fueling positions because this variable shows a stronger*

² Stephen G. Pernaw, Inc.; Traffic Impact Assessment, Proposed Light Industry / Distribution Facility, Exeter, New Hampshire, August 4, 2017.

relationship in trip making. The changes in the site trips would then require a modification to the internal trip calculations.

- *The Traffic Impact and Access Study used ITE pass-by data for Land Use Code 945 (Gasoline/Service Station with Convenience Market). ITE issued an erratum subsequent to the publication of the ITE Trip Generation Handbook 3rd edition that provided pass-by data specific to Land Use Code 960 (Super Convenience Market/Gas Station). Since the proposed site trips were estimated using Land Use Code 960 (Super Convenience Market/Gas Station) for the convenience market and fueling dispensers, the Applicant should update the trip-generation characteristic estimates accordingly (i.e., new and pass-by trips).*

Due to the changes in the trip-generation estimates and trip characteristics for the proposed development, the Applicant should revise the proposed 2030 Build traffic volumes and intersection analyses.

Response 8: Although it is common to use the number of fueling positions as the independent variable for LUC 960, the trip generation has been updated using the size of the convenience market. This resulted in 120 more total trips during the weekday AM peak hour and 105 more total trips in the weekday PM peak hour.

The ITE erratum was reviewed for updated pass-by data, specific to LUC 960. The new trips were recalculated based on a pass-by rate of 76 percent during the peak hours as opposed to 62 percent during the weekday AM peak hour and 56 during the weekday PM peak hour.

As a result of the updated number of total trips and the new pass-by rate, the number of new trips reduced from the estimates provided in the original TIAS by 22 new trips during the weekday AM peak hour and 37 new trips in the weekday PM peak hour. The updated Trip Generation details and the following figures are attached to this letter:

- Updated Figure 4 – 2030 No-Build Weekday AM Peak Hour Traffic Volumes
- Updated Figure 5 – 2030 No-Build Weekday PM Peak Hour Traffic Volumes
- Updated Figure 6 – Site Generated Weekday AM Peak Hour Traffic Volumes
- Updated Figure 7 – Site Generated Weekday PM Peak Hour Traffic Volumes
- Updated Figure 8 – 2030 Build Weekday AM Peak Hour Traffic Volumes
- Updated Figure 9 – 2030 Build Weekday PM Peak Hour Traffic Volumes

Comment 9 *Since the Traffic Impact and Access Study has stated that vehicle speeds are important in determining sufficient sight lines to and from a driveway but the speed measurements obtained in the field along Continental Drive are being disregarded for use in determining the required sight lines, then the Applicant should either collect vehicle speeds at the approximate location of this proposed site driveway or base the required sight lines on the posted speed limit. In addition, the Applicant should provide the sight distance calculations for review as well as sight line profile plans.*

Response 9: Vehicle speeds were collected on July 6, 2021 at the location of the proposed site driveway on Continental Drive. The required sight lines have been re-evaluated and the speed data, sight distance calculations, Updated Table 4 – Sight Distance Summary, and Sight Distance Plans are attached to this letter. Based on the updated speed data, available sight distances at the proposed site driveway on Continental Drive exceed the minimum SSD and ISD requirements for safe operation.

Comment 10 *Based on a preliminary review of the proposed site driveways reflected on the site plans, the access easement between the site and Al's Automotive & Truck Service Center does not appear to be large enough (i.e., east-west) to accommodate motorists exiting the proposed retail motor fuel outlet's western internal driveway onto the shared driveway (destined for Epping Road) without crossing into the abutting private property. Therefore, the Applicant should consider extending the existing access easement further to the west.*

Response 10: As shown on the updated Site Plan, the area between the two parcels where the access easement exists has been modified. In making this revision, it directs on-site traffic to the access easement and there is no longer a need to extend the easement further into the site.

Comment 11 *As shown on the Truck Turn Plan submitted with the site plans, fuel tankers would enter the site from Epping Road southbound by turning right into the site driveway. The truck path is shown to cross into both of the exiting lanes on the shared driveway approach at Epping Road (i.e., the exclusive left-turn lane and the exclusive right-turn lane). After entering the site, traveling northbound, and stopping at the underground fuel tanks, the truck path is shown to cross into the internal curbing and grassed area between the underground tanks and the Continental Drive driveway. In addition, the truck path is shown to exit the western internal site driveway, cross into Al's Automotive & Truck Service Center parking spaces (approximately 5 spaces), and use the exclusive right-turn lane on the site driveway to turn left and exit onto Epping Road northbound. The Applicant should provide traffic engineering support to justify these conflicts or modify the site layout to accommodate fuel tankers.*

Response 11: The Epping Road driveway has been modified and shifted slightly to the north to accommodate the truck turn movements. In addition, as mentioned in Response #10, internal modifications have been made near the access easement between the two parcels. The truck turn plan has been updated to eliminate the concerns noted in Comment #11.

Comment 12: *As shown on the site plans, there are several conflicting maneuvers at and within 140 feet of the Epping Road site driveway. The Applicant should provide traffic engineering support for the close proximity of these three intersections, the conflicts that would occur within a short decision distance, and any proposed internal signage and pavement markings that would help signify which motorist as the right of way and improve safety.*

Response 12: As noted in Response #10 and #11, internal modifications have been made to this area. The updated Site Plan reflects the revised layout.

Comment 13 *The drive-through area for the convenience market was not described within the Traffic Impact and Access Study. The Applicant should provide information related to the proposed drive-through window with respect to the use (convenience items, doughnut shop, coffee, etc.) and detail the expected operations to ensure there is an adequate stacking area to accommodate vehicle queues. In addition, the Applicant should provide information related to the proposed automated car wash to ensure that there is adequate storage space available to accommodate vehicle queues.*

Response 13: The drive-through area for the convenience market is proposed to be a coffee shop. The drive-through provides one lane for customers with an 11-foot bypass lane. The drive-through is proposed to be 11 feet wide and striped to provide approximately 200 feet of storage. Based on an average length vehicle of 20 feet, the drive-through lane provides storage for about 10 vehicles

without impacting on-site circulation. In addition to the striped drive-through window lane, the site provides approximately 80 additional feet (4 vehicles) of storage on-site without disrupting flow on Continental Drive.

Empirical vehicle queue observations were reviewed at the following Dunkin' Donuts facilities located within a gas station during the weekday AM peak period:

- 124 Rockingham Road (NH Route 28), Londonderry, NH on Tuesday, April 17, 2014
Located within the convenience store of an Irving Oil gas station.
Average Queue = 5 vehicles Maximum Queue = 10 vehicles
- 295 Federal Street, Greenfield, MA on Thursday, June 9, 2016
Located within the convenience store of a Sunoco gas station.
Average Queue = 4 vehicles Maximum Queue = 10 vehicles
- 420 Newbury Street, Danvers, MA on Thursday, October 31, 2013
Located within the convenience store of Mobil gas station.
Average Queue = 6 vehicles Maximum Queue = 9 vehicles

The average queues were between 4 and 6 vehicles and the maximum queues were between 9 and 10 vehicles. Based on the vehicle queue observation data, it is anticipated that the vehicle queue for the proposed drive-through window can be accommodated on site. The drive-through window observation data is attached to this letter.

The automated car wash provides storage for approximately 17 vehicles. Based on data from the *ITE Summer E-Newsletter from the Traffic Engineering Council* in Summer 2012, which references data collected by CountingCars.com and includes 12 data points, the average maximum queue for car washes is 5 vehicles and the 85th percentile maximum queue is 7 vehicles. Accordingly, the proposed car wash is expected to provide adequate storage to accommodate the vehicle queues. The relevant pages from the report are attached to this letter for reference.

Intersection Analyses

Comment 14 *Based on previous comments within this traffic peer review letter, the Applicant should reevaluate the 2030 No-Build traffic volumes, the 2030 Build traffic volumes, and the project's impacts at the study area intersections.*

Response 14: The following analysis has been updated and attached to this letter:

- 2021 Existing – Updated based on the inclusion of Unitil Corporation
- 2030 No-Build – Updated based on the inclusion of the Light Industrial / Distribution Facility at 24 Continental Drive, with and without the Mid-Term Improvements.
- 2030 Build – Updated based on the updated Trip Generation estimates provided in this letter, with and without the Mid-Term Improvements.

It should be noted that the 2030 No-Build and 2030 Build analysis with the Mid-Term improvements (Updated Table 6 attached to this letter) was also updated specifically at the intersection of Epping Road at Brentwood Road. The two-way left-turn lane on Epping Road which was added as part of the Mid-Term improvements was inadvertently carried through to the intersection of Epping Road and Brentwood Road rather than ending just north of the intersection. Accordingly, the results were accounting for a two-stage left turn from Brentwood Road onto Epping Road, which is incorrect. Updated Table 6 accounts for this correction.

As shown in Updated Table 6, at the intersection of Epping Road at Brentwood Road, the Brentwood Road eastbound left-turn operates with long delays (LOS F) with and without the redevelopment project. The project is expected to add five to six additional vehicles to the eastbound left-turn movement during the weekday peak hours, increasing the queue by one to two vehicles. As a result of the Util Corporation in the Existing analysis, the Industrial/Distribution Facility in the future analyses, and the updated trip generation in the Build analysis, the changes in the operations were minimal which can be seen at the remainder of the study area intersections:

- Epping Road at Continental Drive
- Epping Road at Columbus Avenue
- Brentwood Road at Columbus Avenue
- Epping Road at Site Driveway
- Continental Drive at Site Driveway

As shown in Table A-1, with the removal of the Mid-Term improvements (two-way left-turn lane on Epping Road), the site driveway on Epping Road is expected to operate with long delays (LOS F), however, the volume-to capacity (v/c) ratios are all expected to be below 1.00 and the on-site queuing is expected to be three vehicle or less which can be accommodated on-site.

Comment 15 *Upon review of Table 6 of the Traffic Impact and Access Study, the Epping Road driveway would be blocked by vehicles extending southerly from the Continental Drive signalized intersection during the weekday PM peak hour (distance = 195 feet, average queue = 262 feet, 95th percentile queue = 410 feet). In addition, the proposed Continental Drive driveway would be blocked by vehicles extending westerly from the Epping Road signalized intersection during the weekday PM peak hour (distance = 115 feet, average queue = 116 feet, 95th percentile queue = 255 feet). These projected vehicle queues will likely change due to the modification of the 2030 Build traffic volumes and with the current geometry along Epping Road (i.e., no TWLTL).*

The reported Epping Road vehicle queues suggest that motorists would have long delays turning left from the site onto Epping Road northbound. In addition, the Epping Road northbound left-turns entering the site may block access for Epping Road northbound vehicles destined for Continental Drive. Further, the Continental Drive vehicle queues suggest that vehicles would have difficulty entering the site from Continental Drive that may result in stacking along Continental Drive easterly to the Epping Road intersection. As the site is located on a corner lot and has access to a signalized intersection, consideration may be given to restricting left turns to and from the site via the Epping Road site driveway (right-turn in/right-turn out only) and restricting left turns into the site from Continental Drive westbound (right-turns in, left-turns out, and right-turns out).

Response 15: The 2030 traffic volume networks and capacity and queue analyses have been updated based on comments provided in the VHB peer review letter. For the Epping Road driveway, there is a 300-foot long northbound left-turn lane that extends from the traffic signal at Continental past the existing/proposed site driveway. The Epping Road northbound through average queue is not expected to block access to the left-turn lane. Although the Epping Road northbound through lane 95th percentile queue will block access to the left-turn lane, based on the 90 second cycle length of the traffic signal, that is only expected to occur approximately two times during the peak hour. Delays for the left-turns exiting the Epping Road driveway are expected to be long, however, the v/c ratios are all expected to be below 1.00 and the on-site queuing is expected to be three vehicle or less which can be accommodated on-site.

As noted on the Site Plan, there is an access easement between the two adjacent properties. The property to the south (156 Epping Road) has no turn restrictions on any of their wide-open curb cuts. If full access and egress is not allowed at the Epping Road proposed driveway, it is expected

that motorists may use the cross connection to enter and exit from the adjacent property. The proposed island to the south of the Epping Road driveway is to narrow up the curb-cut to provide separation from vehicles using the abutting driveways to the south in an effort to provide more control to movements entering and exiting the proposed site. In addition, as shown on the truck turn plan, the fuel delivery truck uses this driveway to enter and exit the site. With the presence of the northbound left-turn lane and a queue that can be accommodated on-site, we would like to request that no turn restrictions are placed on the Epping Road driveway. The proposed driveways will be self-regulating. Motorists will use whatever driveway is easiest for them to get out of depending on the time of day they are visiting the site. If a motorist is not comfortable taking a left turn out of the Epping Road driveway during the peak hours, they always have the opportunity to use the Continental Drive driveway and get access to the traffic signal. During non-peak hours, however, when traffic volumes along Epping Road are lower, motorists may find it easy to make a left turn out of the Epping Road driveway.

For the Continental Drive driveway, with the updated traffic volumes along Continental Drive, the queues from the traffic signal have increased and even the average queues extending from the traffic signal are expected to block the driveway during the weekday PM peak hour when employees are leaving the business along Continental Drive for the day. Accordingly, as shown on the Site Plan, DO NOT BLOCK INTERSECTION pavement markings and signage are proposed in the Continental Drive eastbound approach to allow left-turn movements into the site. Since Continental Drive is a dead-end roadway, the proposed pavement markings and signage are expected to be adhered to because the motorists using Continental Drive use it on a regular basis and are familiar with the area.

Pedestrian Accommodations

Comment 16 *Based on a review of the Traffic Impact and Access Study, pedestrian safety, circulation, and facilities were not addressed. Therefore, the Applicant should engage the traffic engineering consultant in evaluating existing and proposed pedestrian accommodations associated with the proposed development within the site and along Epping Road in the vicinity of the site due to the proximity of existing commercial uses in the area. In addition, the Applicant should coordinate with the Exeter Town Planner with regard to any potential sidewalk projects or improvements along Epping Road adjacent to the site.*

Response 16: ADA compliant pedestrian accommodations are provided around the convenience store, including sidewalks and ADA parking spaces. A contribution to the Town's sidewalk fund will be provided which can be incorporated into future sidewalk and roadway construction improvement plans. We look forward to discussing this with the Planning Board at the upcoming meeting.

Off-Street Parking and Loading

Comment 17 *Upon review of the Traffic Impact and Access Study, off-street parking, loading, and emergency vehicle access were not addressed. Therefore, the Applicant should engage the traffic engineering consultant to evaluate these items.*

Response 17: As shown on the Site Plan, a total of 19 off-street parking spaces are required to meet the Town of Exeter Zoning Regulations. A total of 22 off-street parking spaces are provided, which does not include the 12 spaces at each of the vehicle-fueling positions. A loading zone is provided on-site on the south side of the convenience store building. The delivery vehicles can access this space through the by-pass lane around the convenience store building. Vehicles using the loading zone

are not expected to impact on-site circulation. As shown on the Truck Turn Plans for the site, emergency vehicles are expected to enter the site via the Epping Road driveway since the police and fire departments are south of the site and they are able to exit through the Continental Drive driveway. In addition, there is adequate room on site, the emergency vehicles to circulate around the site.

Should you have any questions or require additional information, please feel free to contact me at (978) 570-2968.

Sincerely,

GREENMAN-PEDERSEN, INC.



Heather L. Monticup, P.E.
Assistant Vice President / Director of Traffic Engineering – Land Development

enclosure(s)

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



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: July 22, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: Brian Griset Yield Plan PB Case #20-2

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

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

The Applicant appeared before the Board at its June 10th, 2021 meeting for public hearing on the aforementioned applications. After lengthy discussion, the Board voted to table further discussion on the application to the July 15th, 2021 meeting. The Applicant indicated that they would be prepared at the next meeting to discuss the CUP criteria, provide their justification for the waivers, and to answer any questions the Board may have.

At the July 15th, 2021 meeting, the Board discussed the following:

- Mix of landscaping along the buffer/adding deciduous trees to the mix;
- Adding a pedestrian guardrail;
- Explore making at least part of the center of the cul-de-sac into a landscape focal point/usable area;
- Add a light pole to the cul-de-sac;
- Lack of trees between roadway and the units;
- Fix/upgrade the fence behind proposed units #8-10;
- Add reflective sign for vehicles approaching the cul-de-sac;
- Provide draft language regarding the proposed covenants on the open space that will be offered to the Town; and
- Access to the open space that will be offered to the Town.

I would like to note that a light pole at the cul-de-sac was discussed at the TRC but we felt that it was not necessary. As such, the HOA could always add lighting if they choose to but we felt that was a decision best left to the homeowners.

As previously mentioned in my July 8, 2021 memo, the TRC has no objection to the sidewalk waiver or the roadway parameters waiver. I also do not believe a waiver from sloped granite curbing in a cul-de-sac is necessary. I interpret the regulation to mean that the curbing shall be granite if curbing is proposed. In this case it is an open drainage design and therefore does not have curbing. I believe the Board agreed with my conclusion but left the waiver motion language below in the event I am mistaken.

At the last meeting, the Board did close the public hearing. As such, I cannot provide you with any additional materials I receive. However, I did hear from the applicant who would like to respond to the access matter and clarify the 50' perimeter buffer waiver. In light of this, I spoke with the Chair and he agreed to reopen the public hearing for the limited purpose of accepting these materials and any other information received from abutters on this topic. I have enclosed four (4) revised plan set sheets (# 9, 11, 12, and 14) and correspondence from Atty. Pasay dated July 22, 2021, the letter of authorization from Brett Neeper, Trustee and a draft copy of the proposed conservation deed provided by the Applicant today. If/when I receive anything from the public on these topics, I will forward it on to the Board.

In the event the Board decides to act on the waiver requests and applications, I have provided motions below for your convenience. I will also be prepared with suggested conditions of approval in the event the Board decides to act upon the request.

Waiver Motions

Sloped granite curbing in cul-de-sac waiver motion: After reviewing the criteria for granting waivers, I move that the request of Brian Grisot (PB Case #20-2) for a waiver from Section 9.17.2 of the Site Plan Review and Subdivision Regulations regarding the requirement for the perimeter of the cul-de-sac to be sloped granite curbing be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED. *(The Board voted unanimously at 7/15/21 meeting that this waiver would not be necessary).*

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

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

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

Planning Board Motions

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

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

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

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

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

Thank You.

Enclosures - 7



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

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JUL 22 2021

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

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

EXETER PLANNING OFFICE

22 July 2021

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

Re: Planning Board Case #20-2

Dear David –

After the public comment section of the hearing closed at the 15 July 2021 Planning Board meeting, a few substantive issues were raised by members of the Planning Board. This letter provides a response to those issues and requests that the Planning Board open the public hearing again at its 29 July 2021 hearing for the limited purposes of discussing these matters, and any others the Board deems pertinent.

1) Plan Changes

First, enclosed herewith please find revised plan sheets 9, 11, 12 and 14.

After further discussions with the Planning Department regarding the nature of the buffer between units 1 – 7 and the perimeter lot line of the tract, Sheet 9, which is the Site Plan, now depicts proposed 13' x 25' typical patio locations. Revised sheet 12, which is titled Plan and Profile 2, depicts the proposed patios behind units 1 – 7 in greater detail and adds a note which states: "Units 1 – 7 may encroach into the 50' buffer a max of 325 sf with a maximum depth of 13' and length of 25 ft. solely for the purpose of an at grade patio area. Restriction shall be incorporated into the condominium documents." In other words, no decks are permitted, only at-grade patios. To the extent it is necessary, the Applicant's perimeter buffer waiver request is amended to reflect precisely what is depicted on these plans with the same rationale and analysis

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

applying as was discussed at length during the 15 July Planning Board hearing and our written waiver request. The Applicant is also comfortable with a condition of approval that confirms that units 1 – 7 are not permitted to have decks.

Sheet 14 is the revised Landscape Plan. In response to comments made by the Planning Board about this plan, we provide the following information:

- At the hearing, a request was made to depict a safety railing between the sidewalk and pond at the entrance of the development where the elevation difference is more than three feet. The Applicant investigated the availability of such railings in guardrail situations and there are none, nor do they appear to be required by the road/sidewalk design standards in the Town's Regulations. Nonetheless, to address the concerns raised, the plan depicts a new Boxwood hedge planting between the guardrail and big block edge adjacent to the guardrail which, when established, will prohibit children from going under the guardrail with the further benefit of providing additional screening for the adjacent properties.
- The coniferous tree planting detail has been added to the plan.
- To address the request for diversity in vegetated screening, the plan now depicts added modifications to all the buffers to consist of at least three tree species. For the perimeter buffer, the in-fill of the first row of plantings has been changed to white pine to match the previously planted white pines. The new second row is now comprised of alternating white, norway and meyer spruce. As discussed at the 15 July hearing, the primary purpose of these plantings is to provide screening in accordance with the Town's standards and requests of abutters. The screening must be effective at all times during the year, not just during the summer months when deciduous trees retain their leaves. Additionally, interplanting deciduous trees in a screening buffer is not recommended as they eventually overshadow the conifers resulting in poor tree health, loss of needles and declining screening effectiveness. For all screening buffers, the plan utilizes the same three species of tree.
- The plan now depicts 17 wild apple street trees, per the discussion at the hearing.
- With regard to the request for plantings around the cul-de-sac to make it more attractive for gatherings, design alternatives were investigated and the Applicant confirmed the most recent State and AOT design requirements for snow storage handling and the required pretreatment in the proposed forebays. In addition, the Applicant contacted the Town DPW Department for their recommendation regarding plantings around the cul-de-sac and potential impacts to snow removal and storage operations. In light of these discussions, no additional plantings are proposed for this location at this time. Ten acres of common area will be available for the residents of this development which are far more suitable for group socializing than the drainage feature inside the cul-de-sac.

- In light of traffic safety concerns at the cul-de-sac, the plan now depicts the “End of Road” marker and its corresponding sign detail. With this marker, the 15 MPH posted speed limit and the ambient light from both the adjacent Greybird Farm street light and the individual homes, the Applicant believes a street light is not necessary and would cause unnecessary impacts to the adjacent amphibian population.

Finally, sheet 11, titled Plan and Profile 1, depicts the first 400’ feet of the road and corresponding drainage infrastructure and utilities. This sheet depicts additional street tree plantings and a new DMH at station 3 + 40 which has been added at the request of the State via its AOT review, to act as a forebay to drainage pond 1.

2) Access to Conservation Area via New Development or Cullen Way

The issue has been raised by the public that the 535-foot access to the proposed conservation area is insufficient and an additional access point, through the new development or via Cullen Way, is required due to a “public safety parking issue” at the existing Brickyard Park.

The proposed access to the conservation area through Brickyard Park is sufficient for a variety of reasons to include the following:

- The Conservation Commission determined access as proposed is not an issue and provided a recommendation that the Planning Board approve the same.
- Brickyard Park is empty the vast majority of the year. As a result, regardless of traffic issues during recreation events, the vast majority of the time, the existing parking will more than accommodate the field and proposed conservation area.
- To the extent that there is a parking issue at Brickyard Park, it is the Town’s obligation to resolve, not the responsibility of the Applicant. By way of brief background, when the Grisets conveyed the park land to the Town, they included a conceptual design for a park with 67 parking spaces. After conveyance, the Town obtained approvals for their design which included only 40 parking spaces. Upon development of the site, the contractor departed from the approved site plan by failing to properly grade, incorrectly locating fencing, and failing to install parking mediums and guardrails. Additionally, prolonged failure to trim vegetation has reduced the useable parking area and the Town has placed two sheds and a porta-potty in the parking lot area which are not depicted on the site plan. Practically speaking, half of the 40 depicted parking spaces on the site plan are lost due to these issues. A short-term solution to the “parking problem” at the Brickyard Park that would go a long way would be to move the sheds and porta-potty into the surplus field area and cut-back vegetation that is encroaching on otherwise acceptable parking areas.
- When the Kingston Road sidewalk to Tamarind Lane is completed, and should the Town choose to address the site plan issues above, the general public and residents of

David Sharples, Planner
Town of Exeter
22 July 2021
Page 4

Tamarind Lane and Cullen Way will have direct access to the conservation area either by walking or by driving and parking at the Brickyard Park.

In addition to these issues, providing public access through the private development or via Cullen Way will cause additional unwanted traffic within the neighborhood, will cause liability concerns, will cause parking problems, will complicate management of the development by the condominium association, and may decrease the marketability and attractiveness of neighborhood itself.

3) Miscellaneous

Enclosed herewith please also find:

- an authorization executed by Brett Neeper, Trustee of the Mendez Real Estate Trust, owner of the Mendez Property;
- draft warranty deed for conveyance of the Mendez Trust property to the Town for conservation purposes.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay
JLP/sac

Enclosures (6)

Cc: Brian Grisette
Beals Associates, PLLC

LETTER OF AUTHORIZATION

I, Brett Neeper, Trustee of the Mendez Real Estate Trust, owner of property depicted as Tax Map 83, Lot 53, do hereby authorize Brian Griset, Donahue, Tucker and Ciandella, PLLC and Beals Associates to execute any land use applications to the Town of Exeter and to take any action necessary for the application and permitting process, including but not limited to, attendance and presentation at public hearings, of the said property.

Dated: 7/21/21

MENDEZ REAL ESTATE TRUST

Brett Neeper
Brett Neeper, Trustee

S:\GM-GR\GRISSET, ADELA\2021 07 20 NEPPER LETTER OF AUTHORIZATION.DOCX

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JUL 22 2021

EXETER PLANNING OFFICE

RECEIVED

JUL 22 2021

EXETER PLANNING OFFICE

THIS IS A TRANSFER TO THE TOWN OF EXETER, NH AND IS THEREFORE EXEMPT FROM THE NEW HAMPSHIRE REAL ESTATE TRANSFER TAX PURSUANT TO RSA 78-B:2, I AND FROM THE L-CHIP FEE PURSUANT TO RSA 478:17-g, II (a)

WARRANTY DEED

ADELA J. GRISET AND BRETT L. NEEPER, TRUSTEE OF THE MENDEZ REVOCABLE REAL ESTATE TRUST U/D/T DATED _____, both with an address of 26 Cullen Way, Exeter, County of Rockingham, State of New Hampshire 03833 (hereinafter referred to, collectively, as the "Grantor", which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor's executors, administrators, legal representatives, devisees, heirs, successors and assigns),

FOR CONSIDERATION PAID, with WARRANTY covenants, grants in perpetuity to the **TOWN OF EXETER**, a municipal corporation duly organized and existing in the County of Rockingham, State of New Hampshire, with a place of business at 10 Front Street, Exeter New Hampshire 03833, with administration by and through the **Exeter Conservation Commission** pursuant to NH RSA 36:A (hereinafter referred to as the "Grantee" which shall, unless the context clearly indicates otherwise, include the Grantee's successors and assigns),

the "Property" being unimproved land shown on a plan entitled "Proposed Subdivision/Site Plan "Hidden Meadow", Tamarind Lane, Exeter, NH, Tax Map 96, Lot 15" prepared by Beals Associates, LLC, dated January 10, 2019 with revision dated _____ which plan is recorded in the Rockingham County Registry of Deeds as Plan #D-_____, more particularly bounded and described in **Exhibit "A"** attached hereto and made a part hereof.

1. **PURPOSES**

The Property hereby granted is exclusively for the following conservation purposes:

- A. To assure that the Property will be retained forever in its undeveloped, scenic, and open space condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property; and,

B. To preserve the Property for the passive recreational use of the Grantor, its successors or assigns, and the public; and

C. To preserve open spaces, particularly the wetland and upland, of which the Property conveyed hereby consists, for the scenic enjoyment of the general public and consistent with New Hampshire RSA Chapter 79-A which states: "It is hereby declared to be in the public interest to encourage the preservation of open space in the state by providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, by maintaining the character of the state's landscape, and by conserving the land, water, forest, and wildlife resources;

all consistent with the Exeter Master Plan which calls for preservation of the character of the Town by preservation of forest land open spaces and protection of water supply sources, the Property being unimproved land situated in the Town of Exeter, County of Rockingham, the State of New Hampshire, more particularly bounded and described as set forth in **Exhibit "A"** attached hereto and made a part hereof.

DESCRIPTION OF ENVIRONMENTAL VALUE

The Property contains a prime wetland with two (2) vernal pools. There are numerous signs of wildlife and signs that the area is used for travel purposes by various mammals, including deer. Rockingham County is the fastest growing county in the State and large tracts of land are being lost to development. The preservation of prime wetlands is of particular importance.

The Property is hereby conveyed with the following restrictions:

2. USE LIMITATIONS

A. The Property shall be maintained in perpetuity as open space without there being conducted thereon any industrial or commercial activities, except as listed below in Paragraph 2.D. and in Paragraph 3.

B. The Property shall not be subdivided.

C. No structure or improvement, including, but not limited to, a dwelling, any portion of a septic system, tennis court, golf course, swimming pool, dock, aircraft landing strip, mobile home, or dwelling, and/or road shall be constructed, placed, or introduced onto the Property. However, pedestrian trails, observation points and public water supply wells may be constructed, placed, or introduced onto the Property as necessary in the accomplishment of the forestry, conservation, or noncommercial outdoor recreational uses of the Property.

D. No removal, filling, or other disturbances of soil surface, nor any changes in topography, surface or subsurface water systems, wetlands, or natural habitat shall be allowed unless such activities:

i. are commonly necessary in the accomplishment of forestry, conservation, habitat management, or noncommercial outdoor recreational or other permitted uses of the Property.

ii. do not harm state or federally recognized rare, threatened, or endangered species, such determination of harm to be based upon information from the New Hampshire Natural Heritage Inventory or the agency then recognized by the State of New Hampshire as having responsibility for identification and/or conservation of such species.

iii. are not detrimental to the scenic, recreational, wildlife habitat, and water quality protection purposes of conveyance.

iv. Prior to commencement of any such activities, all necessary federal, state, and local permits and approvals shall be secured.

E. No outdoor advertising structures such as signs and billboards shall be displayed on the Property except as desirable or necessary in the accomplishment of the forestry, conservation, or noncommercial outdoor recreational uses of the Property.

F. There shall be no mining, quarrying, excavation, or removal of rocks, minerals, gravel, sand, topsoil, or other similar materials on the Property, except in connection with the approved purposes of this conveyance. No such rocks, minerals, gravel, sand, topsoil, or other similar materials shall be removed from the Property.

G. There shall be no dumping, injection, burning, or burial of man-made materials, including landscaping materials, or materials then known to be environmentally damaging or hazardous including vehicle bodies or parts.

H. There shall be no defacement, movement, removal, or alteration of any stone walls or other monuments or markers that serve as legal boundaries, as per New Hampshire RSA 472:6, or as the legal boundary of the Property as described in Appendix A.

I. The Property may be used to satisfy the density requirements of the Town of Exeter Zoning Ordinance and Site Review Regulations so as to obtain a ten (10%) density bonus which will provide for one dwelling unit above that which is otherwise allowed.

J. Pedestrian trails may be created and maintained by Grantee provided that such trails are located at least one hundred (100) feet from the boundary of other property of the Grantor and Map 96, Lot 17. Trails are to be used only for pedestrian use; no bicycles, motorized vehicles or horses are allowed. The hours of use and other operational matters are to be determined by agreement with the Grantor.

K. Grantee may construct and maintain two (2) observation points overlooking the area designed by the Town as prime wetlands.

L. If the Grantee determines that the Property can be utilized as a public water source, then it may install and maintain wells for this purpose. A fee of fifty cents (.50) per gallon is to be paid to the Grantor, and as applicable, the estate of the Grantor on an annual basis.

M. Grantee shall manage and maintain the Property so as to avoid raising the natural water table and to avoid flooding on abutting property of the Grantor. In conjunction with this obligation, within a reasonable time following the conveyance of the Property, the Grantee will arrange for the removal of beavers and beaver dams.

N. Liability insurance, naming Grantor as an additional insured, shall be carried for the Property at all times by the Grantee.

O. The parties acknowledge that coyotes are deemed a nuisance and Grantee shall control the presence and population of coyotes.

3. RESERVED RIGHTS

A. Notwithstanding the language contained in Section 2. E., the Grantor expressly reserves the right to have signage for trails. Grantor will pay for the signage and the location of the signage shall be determined by agreement.

B. The Grantor reserves the right to post against vehicles, motorized or otherwise, on the Property.

C. The Grantor reserves the right to post against hunting, including but not limited to trapping. The Grantor also reserves the right to allow hunting for veterans if Grantor identifies an independent organization to oversee hunting activities to ensure public safety.

D. The Grantor reserves the right to post a portion or all of the Property, temporarily or permanently, in the event public access proves detrimental to the open space and conservation value of the Property, or, to the health and safety of the residents of the abutting property owned by the Grantor. Prior to modification of public access, the Grantor shall notify the Grantee of the circumstances contributing to a need for closure and will work with the Grantee to explore reducing public access before full closure is exercised.

E. In the event that Grantee fails to fulfill their obligations under Section 2.M to take steps to avoid flooding of the Grantor's abutting property and Map 96, Lot 17 and to remove any beaver dams, then the Grantor, or any other impacted abutters may pursue all legal and equitable remedies against the Grantee. Further, after providing reasonable notice (ten (10) days) of violations of Section 2.M, the Grantor or other impacted abutter may enter the Property and take all necessary steps to remedy the issue.

F. In the event that Grantee fails to fulfill their obligation to control the coyote population, and thus creating a potential nuisance for Grantor's abutting property or that of Map 96, Lot 17,

then Grantor, or the owner of Map 96, Lot 17, or any other impacted abutters, may pursue all legal and equitable remedies against the Grantee. Further, after providing reasonable notice (ten (10) days) of violations of Section 2.M, the Grantor or other impacted abutter may enter the Property and take all necessary steps to remedy the issue.

IN WITNESS WHEREOF, Grantor has hereunto set its hand this ____ day of _____, 2021.

Adela J. Grisct

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, ss.

This instrument was acknowledged before me on this ____ day of _____, 2021 by Adela J. Grisct.

Notary Public

MENDEZ REVOCABLE REAL ESTATE TRUST

Brett L. Neeper, Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, ss.

This instrument was acknowledged before me on this ____ day of _____, 2021 by Brett L. Neeper, Trustee of the Mendez Revocable Real Estate Trust.

Notary Public

ACCEPTED this ____ day of _____, 2021:

**TOWN OF EXETER
BY ITS SELECT BOARD**

**STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM**

This instrument was acknowledged before me on this ____ day of _____, 2021 by _____, _____, _____, _____ and _____, duly authorized Select Board of the Town of Exeter, a New Hampshire municipality, on behalf said Town.

Notary Public

7/22/2021 10:59 AM

EXHIBIT A

LEGAL DESCRIPTION

TO BE INSERTED

S:\GM-GR\Griset, Adela\Conservation Easement\2021 07 22 Conservation Warranty Deed Clean.docx

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



Hayner/Swanson, Inc.

Civil Engineers/Land Surveyors

July 15, 2021

Job #5532

Ms. Barbara McEvoy

EXETER PLANNING DEPARTMENT

10 Front Street

Exeter, NH 03833

**RE: REQUEST FOR EXTENSION
EXETER PLANNING BOARD CASES #19-15 and #19-16
170 EPPING ROAD
EXETER, NEW HAMPSHIRE**

Dear Barbara:

On behalf of our client, Gateway of Exeter, LLC of Nashua, NH, we respectfully request to be placed on the next available Exeter Planning Board agenda in order to respectfully request a one (1) year extension to our August 2019 Exeter Planning Board Site Plan, Conditional Use Permit and Lot Line Adjustment/Subdivision Plan approvals for the above referenced property. There are several reasons for this request. First, an appeal of the site plan approval stayed the proceedings; second, the inefficiencies of the COVID 19 pandemic and third, the marketing effort by our client of the proposed commercial building.

In advance we thank you for your cooperation in processing this information. As always please do not hesitate to contact me if you have any questions or comments.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Petropulos", written in a cursive style.

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



TOWN OF EXETER, NEW HAMPSHIRE

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

www.exeternh.gov

September 3, 2020

James N. Petropulos, P.E.
Hayner/Swanson, Inc.
3 Congress Street
Nashua, New Hampshire 03062-3301

Re: Planning Board Case #19-15 & #19-16 Gateway At Exeter, LLC
Lot Line Adjustment, Subdivision, Site Plan Review and Wetlands Conditional Use Permit
170 Epping Road, Exeter, N.H.
Tax Map Parcel #47-6 and #47-7

Dear Mr. Petropulos:

Please be advised that at the meeting of August 20th, 2020, the Exeter Planning Board voted to **APPROVE** the above-captioned application(s) for a lot line adjustment and subdivision of the properties identified as Tax Map Parcel #47-6 and #47-7, as presented.

At this same meeting the Board granted the following waivers in conjunction with the site plan being reviewed for the proposed mixed-use development:

- Section 7.5.4 – High Intensity Soils Survey information on the proposed site plan;
- Section 9.7.5.5 - Landscape islands be provided in parking lots between every 10 to 15 spaces to avoid long rows of parked cars;
- Section 9.9.2 – Structural/parking setback from poorly drained soils;
- Section 9.12.1 - Provide loading dock spaces;
- Section 9.7.5.6 - Granite curbing for all traffic control and planting islands. This waiver was approved with the condition that the curbs currently shown on sheets 9 and 30 on the westerly end of the parking lot with 16 spaces and 30 spaces respectively be sloped granite curb; and
- Section 11.3.1.4 of the Site Plan Review and Subdivision Regulations of 400 SF of recreational space per dwelling unit.

At this same meeting, the Board voted to deny the two waiver requests submitted, in accordance with Section 11.7 of the Exeter Zoning Ordinance, for relief regarding the payment of Recreational Impact Fees and School Impact Fees; the Board subsequently voted to permit the Applicant to choose to pay the new Recreational and School Impact Fees (being adopted this year) or the current formula, whichever is less.

Please be advised that at the meeting of August 27th, 2020, the Exeter Planning Board voted to **APPROVE** the site plan and Wetlands Conditional Use permit for the proposed construction of a mixed-use development at 170 Epping Road (TM #47-6 and #47-7) to include a 224-unit multi-family

residential complex, a 2-story 48,560 square foot mixed use building that may include a 20,040 YMCA day care facility, office/retail space and possibly a restaurant along with associated site improvements, as presented, subject to the following conditions:

1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be provided prior to the issuance of a Certificate of Occupancy (C/O) for Building C or the Commercial Building. This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and Subdivision Regulations prior to the issuance of a Certificate of Occupancy;
3. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town engineer prior to any site work commencing. The following must be submitted for review and approval prior to the preconstruction meeting:
 - i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted to and reviewed for approval by DPW prior to preconstruction meeting.
 - ii. A project schedule and construction cost estimate.
4. All comments in the Underwood Engineers Inc. letter dated April 4, 2019 and the Jen Mates letter dated June 25, 2020 shall be addressed to the satisfaction of the Town Planner prior to signing the final plans;
5. Third party construction inspections fees shall be paid prior to scheduling the preconstruction meeting;
6. The Inspection Checklist & Maintenance Log in Figure 8 of the Stormwater Management Study dated January 31, 2020, shall be completed and submitted to the Town Engineer annually on or before January 31st. This requirement shall be an ongoing condition of approval;
7. All applicable State permit approval numbers shall be noted on the final plans; All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact fees, and inspection fees(including third party inspections), prior to the issuance of a building permit or a Certificate of Occupancy whichever is applicable as determined by the Town;
8. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and/or roadways;
9. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced, no later than the following growing season, as long as the site plan remains valid. This condition is not intended to circumvent the revocation procedures set forth in State statutes;
10. If determined applicable by the Exeter Department of Public Works, the applicant shall submit the land use and stormwater management information about the project using the PTAPP Online Municipal Tracking Tool (<https://ptapp.unh.edu/>). The PTAPP submittal must be accepted by DPW prior to the pre-construction meeting;

11. The limit of cut/disturbance shall be flagged in the field prior to any site work and these flags shall be maintained until a Certificate of Occupancy has been issued for all units;
12. The applicant shall contact The Code Enforcement Officer (CEO) and Deputy Fire Chief (DFC) to determine the addresses for the buildings/units;
13. The applicant shall submit a letter of approval of the access point(s) from NHDOT prior to signing the final plans;
14. Unless covered by the Tax Increment Financing District, all improvements to the Right-of-Way that are needed to accommodate the proposed development and consistent with the recommendations of VHB and NHDOT shall be fully designed by the applicant and subject to review and approval by the Town Engineer. These plans shall be approved by the Town and NHDOT (to the extent required) prior to signing the final plans. Any changes that cannot be approved administratively, as set forth in Section 14. Modifications to an Approved Plan, shall return to the Planning Board for further review. If TIF improvements that mitigate the impact of this development in front of site are not accomplished before occupancy of the first and second residential buildings consisting of 149 residential units, the applicant shall construct a north bound center lane dedicated to left turns into the site, prior to occupancy permits. If the TIF improvements in front of the site are not accomplished before occupancy of the third residential building or before the occupancy of the commercial building, the applicant shall construct a north bound center lane dedicated to left turns into the site and a south bound right turn lane for turns into the site, prior to occupancy permits for the third residential building and/ or the commercial building. Prior to construction of these improvements, the applicant shall submit a design of said improvements to the Town for review and approval;
15. A restoration and erosion control surety, in an amount and form reviewed and approved by the Town Planner in accordance with Section 12 of the Site Plan Review and Subdivision Regulations, shall be provided prior to any site work;
16. As represented at the Exeter Zoning Board of Adjustment, approximately 48,000 (+/- 500) square feet of commercial space shall be constructed. The commercial building and all associated site improvements (parking, access aisles, sidewalks, entrance ways, etc.) shall be constructed "to the weather" (i.e. all exterior finishes including, but not limited to, siding, roofing, doors, windows, etc.) prior to the issuance of a Certificate of Occupancy for the 113th residential unit. In other words, a total of one hundred twelve (112) residential units can be occupied prior to the commercial building being constructed "to the weather" as described above;
17. A crosswalk connecting the commercial building with Building C shall be shown on the final plans;
18. Final plans shall show a sidewalk between the two access points on Epping Road subject to Town review and approval;
19. Final plans shall show that all deciduous trees planted within snow storage areas have a minimum caliper of 3 ½" at the time of planting;

20. No invasive species, as defined by the NH Department of Agriculture, shall be planted on the site; and
21. The trail connection described in Mr. Leonard's August 25, 2020 letter shall be shown on the final plans.

If you should have any questions, please do not hesitate to contact the Planning Department office at (603) 773-6114.

Sincerely,



Dave Sharples
Town Planner
(on behalf of the Chairman – Exeter Planning Board)

cc: Thomas Monahan, Gateway At Exeter, LLC
Thomas J. Leonard, Esquire
Jennifer Mates, P.E., Ass't. Town Engineer
Douglas Eastman, Building Inspector/Code Enforcement Officer
Janet Whitten, Deputy Assessor

DS:bsm