



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, March 24, 2022 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: February 10, 2022

NEW BUSINESS: PUBLIC HEARINGS

Public hearing on a proposed amendment to the Exeter Planning Board Site Plan Review and Subdivision Regulations (Section 5 and Section 9.13) to add language regarding “Electric Vehicle Charging”. *A copy of the full text of the proposed amendment is available in the Planning Department office.*

A request by Ray Farm, LLC for a preliminary conceptual consultation with the Planning Board to discuss a proposed redesign of the remaining improvements associated with the Ray Farm Condominium project (senior living development) located off of Ray Farmstead Road. The subject property is located in the C-3, Epping Road Highway Commercial zoning district. Tax Map Parcel #47-8. PB Case #22-3.

OTHER BUSINESS

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

EXETER PLANNING BOARD

Langdon J. Plumer, Chairman

*Posted 03/11/22: Exeter Town Office and Town of Exeter website
Revised 03/15/22*

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**TOWN OF EXETER
PLANNING BOARD
FEBRUARY 10, 2022
DRAFT MINUTES**

I. PRELIMINARIES:

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

STAFF PRESENT: Town Planner Dave Sharples

II. CALL TO ORDER: Chair Plumer called the meeting to order at 7:00 PM.

III. OLD BUSINESS

APPROVAL OF MINUTES

January 13, 2022

Ms. English recommended edits.

Mr. Grueter motioned to approve the January 13, 2022 meeting minutes as amended. Ms. English seconded the motion. A vote was taken, Chair Plumer and Mr. Cameron abstained. The motion passed 5-0-2.

IV. NEW BUSINESS

PUBLIC HEARINGS

1. Continued public hearing on the application of ZV Investments LLC for a multi-family site plan review for the proposed conversion of the structures located at 50 Newfields Road into four (4) residential condominium units

RU-Rural Residential zoning district

Tax Map Parcel #35-9

Planning Board Case #21-10

Chair Plumer read out loud the Public Hearing Notice.

Mr. Sharples reported the application is for a multi-family site plan review for the conversion of structures located at 50 Newfields Road into four residential condominium units Revised plans and supporting documents were provided on November 30, 2021. The applicant appeared in December and

41 the primary discussion was concerning the potential contamination by the former use as a dry cleaner.
42 On December 16th it was the consensus of the Board that a Phase 1A Environmental Study be
43 completed. That assessment was done and followed by limited Phase 2 testing. Mr. Sharples noted he
44 provided the Table of Contents and Summary as the report is 250 pages, but it is available on the
45 website. The report came back and didn't find any concerns but recommended the small solid waste
46 dumping removal of materials and that should there be future redevelopment or demolition a qualified
47 environmental consultant should observe excavation and determine if any soil contamination tested by
48 the limited number of borings, was missed.

49
50 Mr. Geir of Jones & Beach Engineers noted groundwater, soil and air testing were determined within
51 regular limits and there were no issues.

52
53 Chair Plumer asked about the line in the report that stated the dry-cleaning building was removed and
54 Mr. Geir stated that there was another structure where the cleaning actually took place, testing for
55 contaminants was done in and around the areas.

56
57 Vice-Chair Brown asked about the basis for the recommendation. Mr. Sharples noted that while they
58 didn't believe anything was onsite, they couldn't cover everything, and borings may have missed
59 something. Vice-Chair Brown questioned whether the Board wanted to further burden the property
60 owner. Mr. Sharples noted the recommendation is only for the purpose of this project and will be
61 determined by the Town Planner or Building Inspector. Upgradient, like the septic system, wouldn't
62 trigger it and may not even be applicable if using the old foundation.

63
64 Ms. Martel noted she was happy to see the report and with the peace of mind it provided to the Board.

65
66 Mr. Sharples read out loud the proposed Conditions of Approval.

67
68 (insert)

- 69
70 1. An electronic as-built plan of the entire property with details acceptable to the Town shall be provided
71 prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in dwg or dxt file format and
72 in NAD 1983 State Plane New Hampshire FIPS 2800 feet coordinates;
- 73 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and
74 Subdivision Regulations prior to the issuance of a Certificate of Occupancy.
- 75 3. All Condominium Documents, Declaration and By-Laws shall be submitted to the Town Planner for
76 review and approval prior to signing the final plan. In the event the Town Planner deems that review
77 should be done by the Town Attorney, it shall be done at the applicant's expense.
- 78 4. The applicant shall contact NH Department of Transportation to determine if an updated driveway
79 permit is needed for the change of use. Either an approved DOT permit shall be provided or a letter
80 from NH DOT saying the updated permit is not required shall be provided to the Town Planner before
81 signing the final plans.
- 82 5. All applicable state permit approval numbers shall be noted on the final plan.

83 6. All appropriate fees to be paid, including, but not limited to: sewer/water connection fees, impact
84 fees and inspection fees (including third-party inspection fees) prior to the issuance of a building permit
85 or a Certificate of Occupancy, whichever is applicable as determined by the Town.

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

88 8. Any solid waste identified in Section 5.1.5 of the Phase I Environmental Assessment dated 1/4/22
89 completed by John Turner Consulting, Inc. shall be removed as recommended in said assessment prior
90 to the certificate of occupancy being issued for any unit.

91 9. As recommended on Page 3 of the Phase 2 Soil & Groundwater Quality....dated 2/4/22 completed by
92 John Turner Consulting should property be redeveloped or demolished a qualified Environmental
93 Consultant should be retained to observe the excavation to ensure no contaminated soil is identified.
94 Whether this condition is applicable shall be determined by the Town Planner and Building Inspector in
95 consultation with the applicant prior to issuance of a building permit.

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

99
100 Ms. English asked about the 11/30 plan contours for the septic system which are too close to the
101 property line and Mr. Geir noted they had not been modified but he can include them.

102
103 Mr. Sharples read out loud Condition #11.

104
105 11. No final grading shall occur within five (5') of any property line.

106
107 Vice-Chair Brown asked Mr. Sharples to read Conditions #8 and #9 again which he did and clarified that
108 if someone removes a shed in ten years that wouldn't apply, just for this project.

109
110 ***Vice-Chair Brown motioned that the request of ZV Investments, Planning Board Case #21-10 for a***
111 ***multi-family site plan approval with the conditions as read by the Town Planner, Dave Sharples, be***
112 ***approved. Ms. Martel seconded the motion. A vote was taken, English – aye, Cowan – aye, Plumer –***
113 ***aye, Cameron – aye, Grueter – aye, Brown – aye and Martel – aye. The motion passed 7-0-0.***

114
115 **V. OTHER BUSINESS**

- 116
117 • Master Plan Discussion

118
119 Mr. Sharples noted the MPOC meeting was continued last Friday due to
120 weather.

- 121
122 • Field Modifications
123 • Bond and/or Letter of Credit Reductions and Releases
124 • Public Comment

125

126 Ms. Belanger congratulated Ms. English on being one of two people to whom the
127 Town Report was dedicated.

128

129 **VIII. TOWN PLANNER'S ITEMS**

- 130 • Proposed Amendment to Site Plan Review & Subdivision Regulations – Article 9,
131 Section 9.13 Parking Areas – Requirement for providing Electric Vehicle Charger
132 (EVC) station(s) for multi-family and non-residential developments

133

134 Mr. Sharples provided a handout of the proposed amendment to Section 9.13
135 provided by the Energy Committee which he read out loud. The first page is
136 definition of electric vehicle charging equipment. Mr. Sharples read out loud
137 Section 19.13.8 which appeared in red which requires a percentage of parking
138 spaces be electric charger ready which means a conduit installed with room on
139 the panel to accommodate the number of spaces.

140

141 Mr. Sharples noted the Committee is willing to come before the Planning Board
142 on March 24th and he would schedule a public hearing for that date. The
143 regulation only applies to site plans, not single-family homes.

144

145 Mr. Grueter raised concerns about how the number of spaces would be
146 dedicated, restricting the number of spaces they may not have enough of
147 already, and questioned whether these would take away from guest spots. Ms.
148 Martel noted people could still park there. Mr. Grueter asked if it could be an
149 option, such as being installed in a unit owner's garage at their request. Vice-
150 Chair Brown noted it would probably be metered and not something offered to
151 the public to just drive up and felt the presentation would be educational.

152

153 Mr. Sharples noted Chestnut Hill had a few people ask for the chargers,
154 excavated and put a couple of charging stations in. He noted they would only be
155 where they are in need and could be split between two spaces.

156

157 **IX. CHAIRPERSON'S ITEMS**

158 **X. PB REPRESENTATIVE'S REPORT ON "OTHER COMMITTEE ACTIVITY"**

159 **XI. ADJOURN.**

160 *Mr. Grueter motioned to adjourn the meeting at 7:40 PM. Vice-Chair Brown seconded the motion. A*
161 *vote was taken all were in favor, the motion passed 7-0-0.*

162

163

164 Respectfully submitted,

165 Daniel Hoijer,

166 Recording Secretary



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: March 16, 2022
To: Planning Board
From: Dave Sharples, Town Planner
Re: Proposed Amendment to Site Plan Review & Subdivision Regs

As the Board is aware, the Energy Committee has requested that the Planning Board consider an amendment to their Site Plan Review & Subdivision Regulations addressing Electric Vehicle Charging for new multi-family residential projects and non-residential projects. I did mention this at the last Planning Board meeting and provided a copy of the draft to the members present.

The Energy Committee met on February 9th, 2022 and discussed the attached draft language for the proposed amendment. They voted unanimously to provide the draft language to the Planning Board for their review and consideration. Renay Allen, the Chair of the Energy Committee, will attend the meeting and speak on the amendment.

Thank You.

enc (1)

Department with all information completed as requested on the form (with the exception of requested waivers from applicable regulations), all attachments, drawings, approvals, and other paperwork as requested in the form or elsewhere in these regulations, and all fees and administrative expenses as indicated in these regulations.

5.7. Construction Activities

Disturbance of soils associated with clearing, grading, or excavating. Can include construction of residential houses, office buildings, industrial sites, roads and other utilities, or demolition.

5.8. Cul-de-sac

A cul-de-sac shall mean a minor, local street, having only one end open for vehicular traffic with the other end terminated by a turn-around for vehicles.

5.9. Development

This term shall mean the construction of improvements on a tract or tracts of land, including the enlargement of a structure or physical changes to the site in an effort to accommodate an intended use. As used within these regulations, development also includes the subdivision of land.

5.10. Easement

An easement shall mean the right or privilege that a person, corporation or other organization may have in another's land usually for the purpose of access or installing and/or maintaining utilities and drainage ways.

5.11. Electric Vehicle Supply Equipment (EVSE)

An electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

5.12. Engineer or Surveyor

These terms shall denote the duly designated, legally recognized, New Hampshire licensed professional engineer or land surveyor employed by the applicant as may be pertinent to the actual services to be performed in accordance with the provisions set forth in RSA §320 - A as amended.

2. A bank run gravel sub-base of 12-inches must be applied and compacted, followed by 6-inch base of crushed gravel, which is then compacted and rolled true to grade lines with a roller.
3. A 3-inch binder course and a 1-inch wearing surface of bituminous concrete and pavement must be installed with a self-propelled mechanical spreader and rolled by tandem roller.
4. The minimum grade for parking areas shall be 0.5% and the maximum grade shall be 5%.
5. See Section 9.7 Landscaping and Screening of these regulations for requirements pertaining to parking areas.

9.13.8. Projects shall provide Electric Vehicle Charging Readiness based upon the following standards:

1. Multi-family residential projects: 5% of the total number of new parking spaces.
2. Non-residential projects: 2% of the total number of new parking spaces.
3. The number shall be round up in all cases with a minimum of one space of electric vehicle charging readiness per project requiring site plan review.

Electric Vehicle Charging Readiness shall be defined as a parking space that meets the following requirements:

1. The project has one or more dedicated circuits on the electrical panel(s) such that the panel(s) has the service capacity to accommodate the Electric Vehicle Supply Equipment (EVSE); and,
2. Conduit has been installed to allow the addition of all necessary wiring to electrify installed EVSE at the parking space(s) without having to excavate to do so.

9.14. Roadways, Access Points, and Fire Lanes

Traffic access to the development from Town streets shall ensure the safety of vehicles and pedestrians. The design and construction standards for roadways and points of access are as follows:

- 9.14.1. The Board shall approve of the design for a proposed access/egress point onto the public way. Said point shall provide an adequate sight distance, grade, width and curb.



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Planning and Building Department

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Date: March 16, 2022
To: Planning Board
From: Dave Sharples, Town Planner
Re: Ray Farm, LLC PB Case #22-3

The Applicant is requesting a Preliminary Conceptual Consultation with the Planning Board to discuss a proposed redesign of the remaining improvements associated with the Ray Farm Condominium project, an "Active Adult Community" development located off of Ray Farmstead Road (off of Epping Road). The subject property is located in the C-3, Epping Road Highway Commercial zoning district and is identified as Tax Map Parcel #47-8. Attached please find a letter of explanation and supporting plans, dated March 16th, 2022 for your review.

Please note that the applicant is requesting a Preliminary Conceptual Consultation and not a formal application. As such, abutters have not been notified and the discussion of the Planning Board and applicant can be "in conception form only and in general terms such as the desirability of types of development and proposals under the Master Plan." I have enclosed the relevant section of our regulations and the state statute pertaining to this type of review.

Thank You.

enc (2)

which may be required by particular applications.

(h) In case of disapproval of any application submitted to the planning board, the ground for such disapproval shall be adequately stated upon the records of the planning board.

(i) A planning board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Such conditions may include a statement notifying the applicant that an approval is conditioned upon the receipt of state or federal permits relating to a project, however, a planning board may not refuse to process an application solely for lack of said permits. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

(1) Minor plan changes whether or not imposed by the board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or

(2) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the board; or

(3) Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies, including state and federal permits.

All conditions not specified within this subparagraph as minor, administrative, or relating to issuance of other approvals shall require a hearing, and notice as provided in subparagraph I(d), except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session were made known at the prior hearing.

II. A planning board may provide for preliminary review of applications and plats by specific regulations subject to the following:

(a) Preliminary conceptual consultation phase. The regulations shall define the limits of preliminary conceptual consultation which shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice as required under subparagraph I(d), but such discussions may occur only at formal meetings of the board.

(b) Design review phase. The board or its designee may engage in nonbinding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by subparagraph I(d). The board may establish reasonable rules of procedure relating to the design review process, including submission requirements. At a public meeting, the board may determine that the design review process of an application has ended and shall inform the applicant in writing within 10 days of such determination. Statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken.

(c) Preliminary review shall be separate and apart from formal consideration under paragraph I, and the time limits for acting under subparagraph I(c) shall not apply until formal application is submitted under subparagraph I(b).

III. A planning board may, by adopting regulations, provide for an expedited review and approval for proposals involving minor subdivisions which create not more than 3 lots for building development purposes or for proposals which do not involve creation of lots for building development purposes. Such expedited review may allow submission and approval at one or more board meetings, but no application may be approved without the full notice to the abutters, holders of conservation, preservation, or agricultural preservation restrictions, and public required under subparagraph I(d). A hearing, with notice as provided in subparagraph I(d), shall be held if requested by the applicant, abutters, or holders of conservation, preservation, or agricultural preservation restrictions any time prior to approval or disapproval or if the planning board determines to hold a hearing.

IV. Jurisdiction of the courts to review procedural aspects of planning board decisions and actions shall be limited to consideration of compliance with applicable provisions of the constitution, statutes and regulations. The procedural requirements specified in this section are intended to provide fair and reasonable treatment for all parties and persons. The planning board's procedures shall not be subjected to strict scrutiny for technical

SECTION 6. PROCEDURE

6.1. Pre-Application Review

There are two levels of Pre-Application Review: the Preliminary Conceptual Consultation and the Design Review Stage.

6.1.1. Preliminary Conceptual Consultation

1. In accordance with RSA §676:4, II – (a), an individual who anticipates submitting a formal application for Site Plan/Subdivision approval has the option of informally consulting with the Board prior to formal submission.
2. Purpose: The purpose of a preliminary consultation is to familiarize the Board with the basic concept of the proposed Site Plan/Subdivision. The consultation can also help to acquaint the potential applicant with the formal application process and particular information that the Board may request.
3. Limits of the Review:
 - a) The Board shall conduct the preliminary conceptual consultation at a regularly scheduled meeting of the Board. The applicant will make a presentation defining the general scope and concept of the Site Plan/Subdivision and/or development/redevelopment and how the land will be divided and/or used.
 - b) Such consultation shall not bind either the applicant or the Board, and statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Town's Master Plan. Neither the applicant nor the Board shall be bound by the discussions.
4. Project Description: In order to facilitate discussion, the potential applicant is requested to prepare a base map of the site to be developed or property to be subdivided. The map shall be drawn to scale, and may be drawn in pencil. The proposed site or subdivision development shall be drawn on the base map. Dimensions may be approximate. The data may be tentative, but all information shall be sufficiently clear to illustrate all conditions on the proposed site and/or subdivision development of the property.

5. The following information or data is requested for a preliminary conceptual consultation with the Board:
 - a) General description of existing conditions on the site including characteristics of the land, topography, vegetation, and similar features;
 - b) General description of available public and private facilities and utilities both on-site and in close proximity to the site;
 - c) A general description of the development plan for the site and of the lots to be created, including their size and dimensions, and a general use plan for the site; and
 - d) A topographic map of the site showing in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions and/or the location of other site development features both natural and man-made.

6.1.2. Design Review Phase

In accordance with RSA §676:4, II – (b), the Board and/or the Technical Review Committee may engage in non-binding discussions with the applicant beyond conceptual and general discussions which involve more specific site design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA §676:4, I – (d). Statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action taken.

6.2. **Formal Application Submission**

Applications for Site Plan/Subdivision approval or Lot Line Adjustment shall be filed with the Planning Department and shall fulfill all the requirements of these regulations. An application shall be on forms available from the Planning Department Office. A completed application shall be submitted to, and accepted by, the Board only at a public hearing for which notice has been given to the applicant, abutters, and the general public. Only completed applications will be placed on the Board's agenda in accordance with the "Planning Board's Schedule of Deadlines and Public Hearings".

All application documents, plans, supporting documentation and other materials shall also be provided in digital Portable Document Format (PDF) on compact disc, DVD or flash drive. Digital files shall be complete

and exact copies of the corresponding paper submittals (e.g. plans shall be at the same scale and sheet size as the paper copies). Applicants may submit additional digital files to assist in presentations at public hearings, but such additional files shall not be considered part of the application unless corresponding paper documents are also provided.

6.3. Public Hearing and Notices

6.3.1. Before acting on a completed site plan review, subdivision, or lot line adjustment application, the Board shall hold a public hearing to discuss the merits of said application. A public hearing shall not be required when the Board disapproves an application based upon an applicant's failure to supply information required by these regulations, including abutter's identification; or failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board. In accordance with RSA §676:4, I, (e), requiring notice to the general public shall not be required when the Board is considering or acting upon:

1. Minor lot line adjustments or boundary agreements that do not create buildable lots. However, even for these application, notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions shall be given prior to approval of the application. Any abutter or holders of conservation, preservation, or agricultural preservation restrictions may be heard on the application upon their request; or
2. Disapprovals of applications based upon failure of the applicant to supply information required by these regulations. This information includes identification of abutters, or holders of conservation, preservation, or agricultural preservation restrictions. Additionally, failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board, is grounds for disapproval.

6.3.2. It shall be the responsibility of the applicant to supply the names and addresses of all abutters, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board upon filing an application with the Planning Department. Abutters and the applicant shall be notified by the Planning Department, in the form of a certified mailing, of



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JOHN J. RATIGAN
DENISE A. POULOS
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DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT KUFCHEN
JUSTIN L. PASAY
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
BRENDAN A. O'DONNELL
ELAINA L. HOEPPNER
WILLIAM K. WARREN

RECEIVED

MAR 16 2022

March 16, 2022

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

EXETER PLANNING OFFICE

RETIRED
MICHAEL J. DONAHUE
CHARLES E. TUCKER
ROBERT D. CIANDELLA
NICHOLAS R. AESCHIMAN

Re: Request for Preliminary Conceptual Consultation

Dear Chair Plumer and Board Members:

This Firm represents Ray Farm, LLC (the "Applicant"), which is the declarant of the Ray Farm Condominium, a 55+ senior living development in Exeter located on property off of Ray Farmstead Road which is further identified as Town Tax Map 47, Lot 8 (the "Ray Farm Property" or the "Project"). By this letter, the Applicant requests a Preliminary Conceptual Consultation with the Planning Board on 24 March 2022 pursuant to Section 6.1.1 of the Site Plan Review and Subdivision Regulations of the Town of Exeter.

By way of brief background, the Project, as approved by the Planning Board on 27 July 2017, consists of four distinct residential buildings (Buildings A – D) containing 116 units, a 2,000 sf clubhouse, and corresponding site improvements, all serviced by a private driveway accessed via Ray Farmstead Road. See Enclosure 1.¹ As approved, Buildings A, B and C are identical in design, size and footprint, and each contains 32 dwelling units. Building D, as depicted on **Enclosure 1**, was approved to be located in close proximity to Epping Road and the Mobil Gas Station and has a different design than Buildings A, B and C, containing only 20 dwelling units.

Since the Project's approval, Ray Farmstead Road was built and accepted by the Town as Town Road, and Buildings A and B, as well as the clubhouse, are finished and completely occupied. Building C is being constructed and will be completed shortly in the spring of 2022. More than 40% of the units in Building C are pre-sold.

¹ Approved Site Plan

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

As the Applicant considered the completion of the Project via construction of Building D as originally approved, a more attractive alternative emerged. Specifically, the Applicant now proposes the relocation of Building D to abutting property to the southeast of the Ray Farm Property identified as Tax Map 47, Lot 8.1 (the "Applicant's Abutting Property"). The Applicant proposes to construct the relocated Building D in the identical manner as Buildings A, B and C, inclusive of 32 units instead of the 20 units Building D was approved for in 2017. The proposed relocation of Building D is depicted on the plans provided herewith by GM2 Engineering (formally W.C. Cammett Engineering). See Enclosure 2. As depicted, the relocated Building D would be accessed via an extended internal roadway from Building C, which would require minor wetland crossing.

To accomplish its redesign, the Applicant proposes to consolidate approximately 4.29-acres of the upland area of the Applicant's Abutting Property and combine the same with the Ray Farm Property (Town Tax Map 47, Lot 8). The additional 4.29 acres added to the Ray Farm Property would be the site of the relocated Building D.

The net result of the Applicant's proposal would be a Ray Farm Property that is approximately 15.76 acres in size rather than the existing 11.46 acres. Reconfigured as proposed, the Ray Farm Property would continue to comply in all respects with all local Zoning regulations and would have less density than what was approved by the Planning Board in 2017. The area of the Ray Farm Property which was originally approved to accommodate Building D, will remain an open space area of the Ray Farm Project.

In support of its proposal, the Applicant received approval from the Zoning Board of Adjustment on November 17, 2021 to permit an age-restricted use for the proposed relocation of Building D on the Applicant's Abutting Property, which is Zoned in the C-3 Zoning District, and to increase the total number of residential units in the Project from 116 to 128.

The remnant area of the Applicant's Abutting Property post-subdivision and consultation will be approximately 3.16 acres in size, will have ample frontage along Epping Road and Ray Farmstead Road, will remain in the C-3 Zoning District, will comply in all respects with applicable Zoning regulations and could accommodate viable C-3 commercial development in the future.

As depicted in **Enclosure 2**, the Applicant's proposal will require a Wetlands Conservation District Conditional Use Permit and Shoreland Protection District Conditional Use Permit and the Applicant welcomes any comments the Planning Board may have regarding these prospective applications.

Langdon Plumer, Chair
Exeter Planning Board
March 16, 2022
Page 3

In the meantime, if you have any questions do not hesitate to contact me.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay
JLP/sac
Enclosures

cc: Jonathan Shafmaster
Denis Hamel, GM2
Brendan Quigley, Gove Environmental

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

BRENTWOOD PLANNING BOARD

1 Dalton Road
Brentwood, NH 03833

603/642-6400 ext. 116

Fax 603/642-6310

MAR 15 2022

March 8, 2022

EXETER PLANNING OFFICE

To Whom It May Concern:

Enclosed is an abutter's notice for a continued public hearing to April 7th, 2022, regarding a site plan review application before the Brentwood Planning Board. Per the decision from the Brentwood Planning Board at their March 3, 2022 meeting, you are being notified as an abutter to this proposal as it could have regional impact Per RSA 36:55 pertaining to any of the following:

- I. Relative size or number of dwelling units as compared with existing stock.
- II. Proximity to the borders of a neighboring community
- III. Transportation networks.**
- IV. Anticipated emissions such as light, noise, smoke, odors, or particles.
- V. Proximity to aquifers or surface waters which transcend municipal boundaries.**
- VI. Shared facilities such as schools and solid waste disposal facilities.

The applicant is Joseph Falzone, and the site is located at 41A Mill Road in Brentwood, NH, located between Middle Road (111A) and South Road. It lies within Brentwood's Aquifer Protection District and is in the Residential/Agricultural zone along the Exeter River.

The enclosed abutter notice is in regard to a site plan proposal for a 75-unit, 55+ condo (single family homes) development on approximately 72+/- acres of land adjacent to the Exeter River.

Per the March 3rd, 2022 Brentwood Planning Board minutes and RSA 36:57, the following have been notified via certified letter as abutters to the proposal.

- Rockingham Planning Commission, Strafford Regional Planning Commission, Fremont, Kingston, Exeter, Kensington, Stratham, Newfields, Newmarket, Greenland, Newington, Durham, Portsmouth.

Documents:

The Site Plan Application docs, plans, traffic study, hydrogeologic study, wildlife habitat assessment, stormwater, soils data, etc. can be found via a drop box link online at

[www.Brentwoodnh.gov/Planning Board/Falzone Mill Road Site Plan Application Docs-April 7, 2022:
https://www.dropbox.com/sh/j5ls7bz2fk7zg82/AABFT1bGr2AJTD9rbdsMOI8xa?dl=0](http://www.Brentwoodnh.gov/Planning Board/Falzone Mill Road Site Plan Application Docs-April 7, 2022: https://www.dropbox.com/sh/j5ls7bz2fk7zg82/AABFT1bGr2AJTD9rbdsMOI8xa?dl=0)

A copy of the draft minutes from March 3, 2022, with the decision to treat this application as one of regional impact is also enclosed.

Please contact Andrea Bickum in the Brentwood Planning office for any additional information.

Andrea Bickum
Administrative Assistant,
Brentwood Planning Board
abickum@brentwoodnh.gov

603-642-6400 ext. 116

Enc. Draft Minutes, Abutter's Notice

BRENTWOOD PLANNING BOARD

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Brentwood, NH 03833

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ABUTTERS NOTICE

This certified letter is to notify you, in accordance with RSA 675:7 & 676:4, that a continued public hearing will be held by the Brentwood Planning Board on **Thursday, April 7th, 2022, at 7:00 pm** at the **Brentwood Recreation Center, 190 Route 125, Brentwood, NH** regarding the following application:

7:00 pm: Continued Site Plan Review Application: Applicant Joseph Falzone; Owner Gordon Wilson, 41A Mill Rd, Brentwood, NH 03833, tax map 217.048.000; and Owner Conrad Marcotte Trust, off Mill Rd, tax map 217.052.000. A proposal for an age restricted development consisting of approx. 75+/- units (single family detached dwellings) condominium ownership with associated drainage, roads, utilities, and other amenities; active and passive (foot trails) recreation areas within the proposed development and a club house. Properties are located within the residential/agricultural zone.

At the legally noticed public hearing held on March 3rd, 2022, the Planning Board did not invoke jurisdiction on the application and continued the hearing to April 7, 2022, in order to notify surrounding communities of this project's potential of being one of regional impact.

Either you or a representative of your choice are invited to this hearing to determine if your property may be affected and to offer appropriate comments on the effects. If you no longer own adjoining land, we would appreciate notification to this effect prior to the meeting.

Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

The public is welcome to attend.

Brentwood Planning Board

Minutes

March 3, 2022

7:00 pm: Site Plan Review Application: Applicant/Owner: Wayne Donohue of W.A.D. Property Management, LLC. Site is located at 13 Prescott Road, Brentwood, NH 03833 referenced by tax map 210.055.000. The proposal is to show the existing improvements, to relocate the existing sign and to show the location of the proposed 50' x 100' building. Property is located within the residential/agricultural zone.

The applicant requested a continuation to March 17, 2022.

Motion made by Stevens, 2nd by Finan, to continue the noticed site plan review application for W.A.D. Property Management, LLC to **March 17th, 2022, at 7:00 pm at the Town Office.** All were in favor. Motion carried.

7:00 pm: Site Plan Review Application: Applicant Joseph Falzone; Owner Gordon Wilson, 41A Mill Rd, Brentwood, NH 03833, tax map 217.048.000; and Owner Conrad Marcotte Trust, off Mill Rd, tax map 217.052.000. A proposal for an age restricted development consisting of approx. 75+/- units (single family detached dwellings) condominium ownership with associated drainage, roads, utilities, and other amenities; active and passive (foot trails) recreation areas within the proposed development and a club house. Properties are located within the residential/agricultural zone.

Present: Applicant Joseph Falzone; Scott Cole, Senior Project Manager with Beals Associates for the applicant; Attorney Donald Borenstein of Johnson and Borenstein, LLC out of Massachusetts for the applicant. *Other professionals were in attendance as well but weren't identified.*

Abutters & Residents present: Mark Young 47 Fellows Rd; Bill Dale of Fellows Rd; Jill Dehetre of 50 Mill Rd.; Eric Turer of Peabody Dr.; Corey Beem of 172 S. Rd; Kate Locke-Parks; Bob Stephens, Chairman of the Conservation Commission; Ward Byrne; Steve Hamilton of Scrabble Rd; Liz and Bill Faria; Kim Leo. *The site plan review application meeting was well attended but many residents spoke during the meeting without identifying themselves for the record.*

Stevens opened the hearing. Greenwood said he's reviewed the application and plan set submitted. There are zoning issues that can be addressed but are not addressed in these plans. RCCD, who views wetlands & soils and proves out the density calculations and the Town Engineer's reviews have not been received yet. He doesn't think the application and plan should be considered for acceptance yet, which is what invoking jurisdiction does. There are a lot of abutters present but without invoking jurisdiction, the application isn't formally before the Board and a lot of discussion shouldn't take place, other than addressing the administrative items. Kleinman responded that the Town regulations provide in section 7.4.1 that *should an application be found incomplete, the Board shall notify the applicant requesting the necessary documentation be submitted and informing the applicant that no further consideration of the application can be made until the application is complete.*

One of Greenwood's comments was regarding regional impact (on file). Greenwood said the Board should consider whether the project could be of regional impact per the RSA's, determine why the project is of regional impact and which municipalities are potentially impacted. Then notice has to go to those communities allowing them abutter status and give them an opportunity to provide comments. The notice requirement is 14-days, not including the day it's sent out or the public hearing date so it's actually, 16 days and that notification, upon the Board determining who it impacts, should happen quickly per the statute. The Board could discuss that tonight. Kleinman disagreed with Greenwood and felt that invoking jurisdiction should happen first. Greenwood disagreed and said the statute says upon receiving an application and as soon as possible, the Planning Board should make that determination, it doesn't reference jurisdiction. Greenwood read the RSA on page 45 in the NH Planning and Land Use Regulation Book.

Brentwood Planning Board

Minutes

March 3, 2022

36:56 Review Required. –

- I. *A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.*

Greenwood continued this doesn't tie this to RSA 676:4 the Boards procedures on plats. The minutes of the meeting where the Planning Board determined it of regional impact, also have to be submitted to those communities. Stevens suggested some towns which could be affected, Kingston, Fremont and Exeter.

Bob Stephens said this project in all likelihood will impact the Exeter River which flows to the Squamscott River which flows into Great Bay, which is on the national list of impaired waterways, the most polluted on the East Coast. Everyone along the Exeter River to Great Bay should be involved. Many abutters and residents agreed. Stevens said it's unusual to involve the entire southern part of NH; there is development in other towns along that same area and Brentwood isn't notified in that process. There should be some reasonableness but agreed that it should be noticed as a project of regional impact. Abutter Young said but Brentwood is upstream. All the other towns that border the Exeter and Squamscott rivers to Great Bay should be notified as there will be an increase in nitrogen from the development; 80 houses. Abutter Dale agreed, adding it's a shared aquifer, river, and nitrates and water quality will have impacts in Great Bay. Stevens said every town in the watershed has an impact on Great Bay, but Brentwood doesn't receive regional impact notices from the entire watershed area, again, what is reasonable and if the RPC feels it's important to let Newmarket, Newfields and Portsmouth know, they will most likely inform us once they've examined the project. NHDES will also review and govern wells, septics and test pit data is reviewed by RCCD (*Rockingham County Conservation District*).

Kennedy asked Bob Stephens how far he considers it of regional impact. Stephens said all the way to Great Bay; downstream where surface water will be impacted. This will impact surface water in the Exeter River, Squamscott River and Great Bay, under the law, reasonable or not. We aren't on Great Bay so other towns wouldn't notify us and if towns don't notify us out of negligence, it doesn't mean we shouldn't notify them. This is on the river, the drainage will go to the river, it's different from development done decades ago downstream in Exeter and Stratham. This is right on the river.

Stevens commented to say the drainage goes into the Exeter River is inaccurate; the plan shows surface water treatment. Stephens replied, it still goes into the river. Hamilton added that the Planning Board with Rob Wofchuck was instrumental in a 4-year water monitoring system which checked the water in and out of Brentwood. The push for that was the cleanup in Great Bay and the costs in Exeter, Portsmouth; millions of dollars on treatment plants and it was to protect Brentwood showing we weren't adding to it. He agrees that anyone along the Exeter River should be notified about this; 80 houses on the river, it will impact the river greatly and impact Exeter and Stratham and what is our cost down the road to have to clean up Great Bay, it could come back to bite us. Many residents agreed.

Morgan asked about the proposed senior housing ordinance to be removed, currently on the ballot, so if the Town votes to remove the 55+ language, wouldn't this be moot? Several members said no. Stevens explained again that it wouldn't impact this project because there were two design review hearings on it already. There is an RSA; within 12 months of the notice for discussion, including design review, the applicant is held harmless from any zoning changes.

Stevens replied the RPC (Rockingham Planning Commission) will also be involved as they will be notified of regional impact and Greenwood added that they would contact only those communities that have

Brentwood Planning Board

Minutes

March 3, 2022

been determined to be impacted by the project; a projects of regional impact committee help in the review. Greenwood believes there are two areas in the regional impact statute that apply here; 1) impact on transportation networks and 2) the proximity to aquifers or surface waters which transcend municipal boundaries. Those are the two for a declaration. Impacted towns would be Exeter (river and drinking water), Fremont (transportation network) and possibly Kingston.

Falzone said the ordinance requires a hydrogeological study, that scientist is here. You're going to send it out for review. They have to look at the septic systems, which are not anywhere near the river. They all exceed 250' feet. Why are we waiting to get those studies that would tell us to do X, Y and Z. Maybe we have to do more or maybe it proves scientifically something different that we don't know. Stevens agreed that they don't have all of that information yet, but Glenn's thought was to start and give these towns notice but they could hold off; it would extend the process. Falzone says it doesn't hold up the acceptance of the plan. Turer asked how much latitude there was for the developer to make modifications before this is finalized and should the other towns receive regional impact notification on a plan that is not settled, could expand or shrink. Stevens said it only grants the communities affected abutter status so the more notice the better; they could be involved in the entire process, which could take 3 or 4 months.

Motion made by Kennedy, 2nd by Stevens, to deem the Mill Falls Road, "River Run" 55+ housing project, proposed by Joseph Falzone, a project of regional impact with any and all towns bordering the Exeter River down into Great Bay being notified and the Board is doing this even though jurisdiction has not been invoked. All were in favor. Motion carried.

Falzone said felt that the points in Greenwood's review should be discussed for when they come back. They don't need to satisfy any of these conditions to be accepted. The Board could invoke jurisdiction and he would request an additional 65-days then they could discuss what needs to be addressed. Greenwood didn't believe that the plan set provided complied with the requirements for this application and for those reasons considering the application in the public forum is premature. Stevens agreed with Greenwood and suggested Falzone and his engineers come see Glenn on Wednesday. Stevens explained the process again to the residents. Brentwood's engineers will need to review the applicant's submission and reports. There needs to be time to evaluate everything before the Board makes a decision. Invoking jurisdiction, accepting or receiving the application (not making a decision on the project) as complete starts the 65-day clock, a state statute, to get the facts, discuss the application, evaluate, determine if additional reviews or studies are necessary. The applicant can request another 65-days but doesn't need to start all over, it can be continued. Stevens asked for a motion to continue the hearing and confirmed that a mocked-up plan provided by a resident in the audience, that the Magnusson property is not part of this application. Someone asked about disclosure on potential conflicts. Stevens answered it would be vetted in front of the Board, put your issue in writing, sign it and present it to the Board for discussion.

Kleinman thought it shouldn't be continued. Stevens said we just continued W.A.D. Property Management. He didn't have everything, so the Board just voted to continue that hearing to March 17th, 2022. Aldred-Cheek thought it would be helpful to have it re-noticed due to the number of attendees. Stevens said they were noticed and are here tonight. Kleinman reiterated the regulations on incomplete applications, not invoking jurisdiction, then applicant resubmits, and it's noticed again. That formalized process should happen.

Motion made by Kleinman, 2nd by Morgan, that it should not be a motion to continue the hearing. The application should be found incomplete; therefore, no jurisdiction is being invoked, and the application should be resubmitted and noticed again; the formal process. Morgan, Kleinman and Aldred-Cheek were

Brentwood Planning Board

Minutes

March 3, 2022

in favor; Stevens, Johnston, Finan and Kennedy were opposed to having it resubmitted and re-noticed and wanted the hearing continued to a later date. Motion failed. (3 for and 4 against).

Attorney Borenstein, for the applicant, said that last motion about not continuing the public hearing session on the completeness of the application would be very unusual in his experience. You've already continued other matters and suspects that you routinely continue matters of the same circumstance. Stevens said it's been their history of 20+ years to continue hearings. Borenstein said you've already voted on regional impact to notify every town between here and Portsmouth, and suspects that's something the Board hasn't done before. Before the Board takes a 2nd step for something else the Board hasn't done before because of this project, consider that. To require this applicant to re-notify again, when it's never been done before, is an unusual step that will be noted. Kleinman said it's not unusual to follow the regulations. Borenstein said he would direct his comment to the Chair. Stevens agreed, having been on the Board for many years, that has been the practice (*to continue hearings*). Greenwood agreed. Stevens said the notification requirements are well laid out by statute. Morgan said Boards change and now there is have a legal expert on the Board. Borenstein asked if Town Counsel was present. Stevens said no.

Aldred-Cheek was concerned that there were a number of people here, it's not usually held in this location and usually there isn't a large turn-out, so it is different. Kennedy understood her point but said we've always done this. It's not illegal to do it the way we have always been doing it. Greenwood agreed. Kennedy continued I respect Paul but is he doing this just because of this application? Finan said that's a precarious road. Kennedy said doing something strictly because of who he is and what he's doing and I'm not doing it for some other application, I need to be consistent and can't treat this applicant any differently than any other applicant. Aldred-Cheek wanted it on record that it's not because of this particular project or the person applying but in terms of a public process and listening to stakeholders. She respects the fact that there are a lot of people here and we should do what we can, so people are aware; it's different.

Steven's opinion was that it's not contrary to state law to proceed with a continuation and it's been the way it's been done for over 20+ years.

Falzone asked to be on the March 17th hearing. Greenwood said the regional impact notification needs to go out first. Stevens said those notice requirements have to be met so it would be April 7th.

Stevens reiterated to the residents of the process, an administrative decision. The Board is not discussing the details of the project tonight, no votes on the project, we're not formally accepting the application to start the 65-day clock. This vote was to say whether or not the applicant should resubmit or not and go against our standard process of continuing the hearing, which has been done for 20+ years. An unidentified resident was upset that the motion was made, there is further discussion amongst the group that's present, and the motion should be delayed until such time as the discussion is completed; you did not do that. Greenwood said that's not true. The only discussion that happens when a motion is on the floor is between the members of the Board, not between the members of the public. Dale asked if the hearing is continued how do abutters that aren't here know about it. Bickum said it's posted on the agenda. Someone commented it's also online.

Motion made by Johnston, 2nd by Finan, to continue the public hearing for Joseph Falzone's Mill Road 55+ development project to April 7th, 2022, at 7:00 pm at the Brentwood Recreation Center. All were in favor with Morgan opposed. Motion carried. (6 for and 1 against).

Stevens closed the public hearing.