



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: May 27, 2022
To: Russell Dean, Town Manager
From: Dave Sharples, Town Planner
Re: Friends of Coastal Waters

The Town received the enclosed correspondence from F.X. Bruton, III, dated May 11, 2022, putting the Town on notice that in accordance with NH RSA 674:54. Friends of Coastal Waters, a New Hampshire 501(c)(3) non-profit organization, d/b/a Coastal Waters Chartered Public School intends to occupy the existing building at 2 Holland Way for use as a publicly funded elementary, middle and public high school. The subject property is located in the CT-Corporate Technology Park zoning district and is identified as Tax Map Parcel #69-2.

This use is considered a “governmental land use” in accordance with NHRSA 674:54 that is enclosed. Governmental land uses are exempt from local land use regulations and are therefore not subject to Exeter’s Zoning Ordinance or Site Plan and Subdivision Regulations. However, any governmental land use that is a “substantial new use or substantial change in use” triggers a requirement for the applicant to submit plans and specifications on the proposal to the Planning Board and the Select Board. Within 30 days of receipt of the materials, the Planning Board and/or the Select Board has the right but not the obligation to hold a public hearing on the proposal and issue non-binding comments on the proposal. The Planning Board received the letter and decided to hold a public hearing that was held on May 26, 2022.

As you will note from Mr. Bruton’s letter, the school intends to utilize the existing site as is and the only modifications will be to the interior of the existing building as shown on the enclosed sketches. While they are exempt from our local land use regulations, they are still subject to all life safety and building codes. I will be present at the upcoming Select Board and provide additional detail. The Select Board should decide if they would like to hold a public hearing or not and, if so, schedule it within the next 30 days.

Thank You.

Enclosures

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE
JOSHUA P. LANZETTA

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC

ATTORNEYS AT LAW

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Dover, NH 03820

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(603) 743-6300
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www.brutonlaw.com

May 11, 2022

VIA ELECTRONIC MAIL dsharples@exeternh.gov

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

Re: Friends of Coastal Waters
Owner: CPEX Park LLC
Property: 2 Holland Way, Exeter, NH
Map/Lot: Tax Map 69, Lot 2
Zone: Corporate/Technology Park Zone ("C/T Zone")

Dear Mr. Sharples:

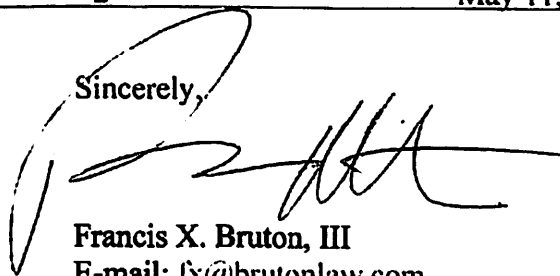
As you may be aware, this office represents the Friends of Coastal Waters, a New Hampshire 501(c)(3) non-profit organization, d/b/a Coastal Waters Chartered Public School ("Coastal Waters"), which is a publicly funded elementary, middle and public high school. Coastal Waters' charter was approved by the New Hampshire Board of Education on January 13, 2022, pursuant to NH RSA 194-B, *et seq.* This approval provides the school with "public school" status and is considered a "governmental use," pursuant to the provisions of NH RSA 674:54, *et seq.*

Coastal Waters anticipates opening in the Fall of 2022 with 230 students, drawn from Exeter and the Seacoast region, with a growth of student population up to 320 students as permitted by its charter. The grade levels at Coastal Waters will be grade K through grade 12. Coastal Waters does not currently operate, as it has been recently chartered, however, it has found the ideal location for its facility at 2 Holland Way in Exeter. Coastal Waters will not be making any exterior renovations to the existing building, but will reconfigure some walls within the existing building.

Pursuant to NH RSA 674:54, II, we are providing notice of the above. In addition, we have enclosed plans and specifications related to the anticipated operations of the school and internal reconfiguration of some of the walls of the building.

We anticipate that this notice is sufficient in order for Coastal Waters to move forward as described herein and as set forth on the enclosed plans. We ask that you confirm that such is the case. Should additional review be necessary, please contact me at your earliest convenience.

Sincerely,

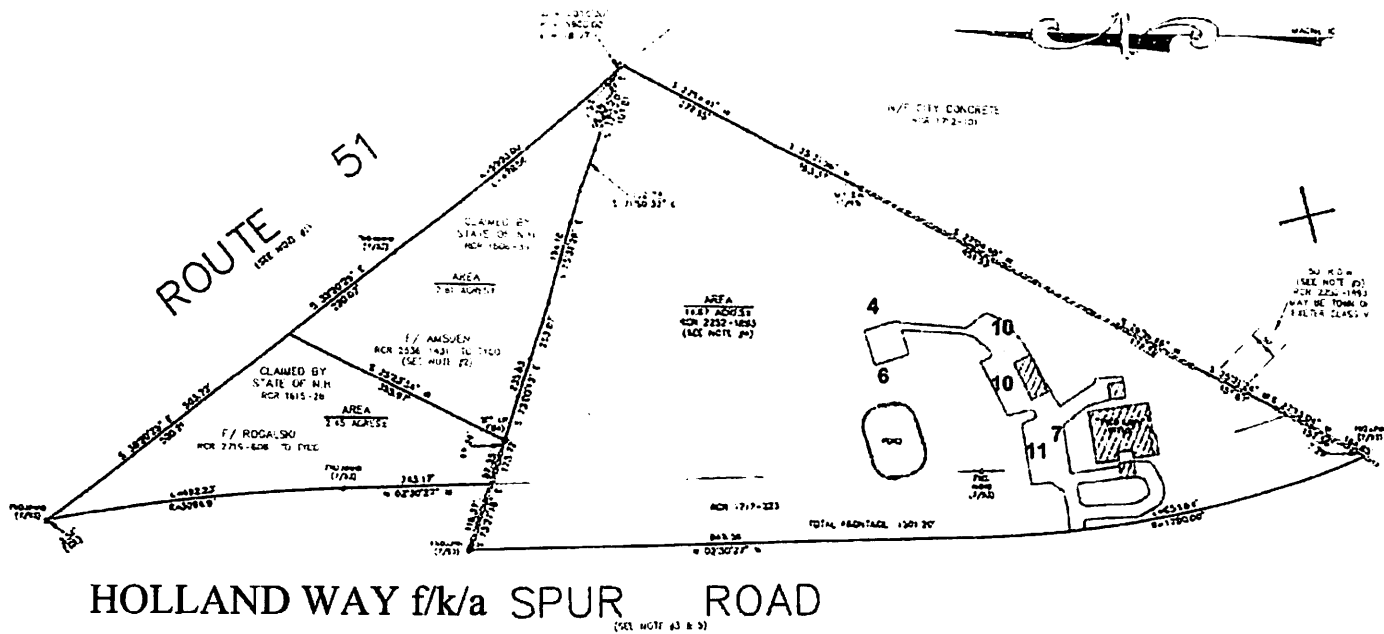
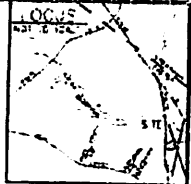
A handwritten signature in black ink, appearing to read 'Francis X. Bruton, III', written over the word 'Sincerely,'.

Francis X. Bruton, III

E-mail: fx@brutonlaw.com

FXB/mas
Enclosures

cc: Friends of Coastal Waters
CPEX Park LLC
Civilworks of New England
Mr. Douglas Eastman, Building Inspector / Code Enforcement Officer



HOLLAND WAY f/k/a SPUR ROAD (SEE NOTE 6 & 8)


HAMPTON ROAD

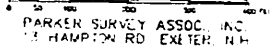
NOTES

1. SEE NEW HAMPSHIRE HIGHWAY LAYOUT PROJECT NO. 807 020-100 SHEETS 33 & 34 OF 102 SHEETS RCR 437-2 & 437-3
2. SEE TRACT OF LAND FOR TYCO LABORATORIES, INC. IN EXETER, N.H. - SCALE 1"=400' - JULY 1984 - PARKER SURVEY ASSOC., INC. JOB #4342
3. SEE TRIBUTION OF LAND FOR 2 RADAR PLATS BY W. EXETER, N.H. SCALED 1"=100' - MAY 1954 - PARKER SURVEY ASSOC., INC. JOB #6338
4. SEE TRACT OF LAND TYCO LABORATORIES, INC. IN ROUTE 101 WIPASC COUNTY OF ROCKINGHAM, EXETER, N.H. BY ASSOC. 3-23-78
5. SEE NEW HAMPSHIRE HIGHWAY LAYOUT PROJECT NO. 872(1) SHEET 8 & 9 OF 23 - 804 00922 - 1 & 2
6. SEE RCR 2284-002 EASEMENT TO EXETER HAMPTON L.L.C. CO.

LEGEND

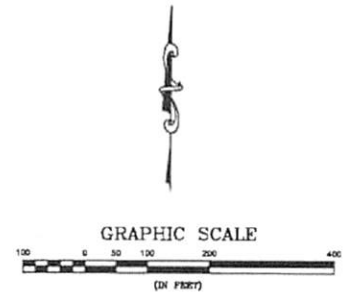
- | | |
|-------|-----------------------|
| IND | TRUNK |
| SP | IRON PIPE |
| W.P. | WATER PIPE |
| --- | FENCE |
| - - - | STONE WALL |
| - - - | REMAINS OF STONE WALL |
| --- | N.H. HIGHWAY BOUNDARY |
| --- | GRAVE HOLE |
| --- | TYCO BLDG. |


Richard G. Parker
 PLAT OF LAND
 FOR
TYCO LABORATORIES, INC.
 IN
EXETER, N.H.
 SCALE 1"=100' FEB 1992
 PARKER SURVEY ASSOC., INC.
 13 HAMPTON RD EXETER, N.H.





NOTES:
 1. AERIAL PICTURE FROM MAPSONLINE - EXETER, NH - SIMPLICITY
 MAPPING BY PEOPLES MAPSONLINE.NET.



NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

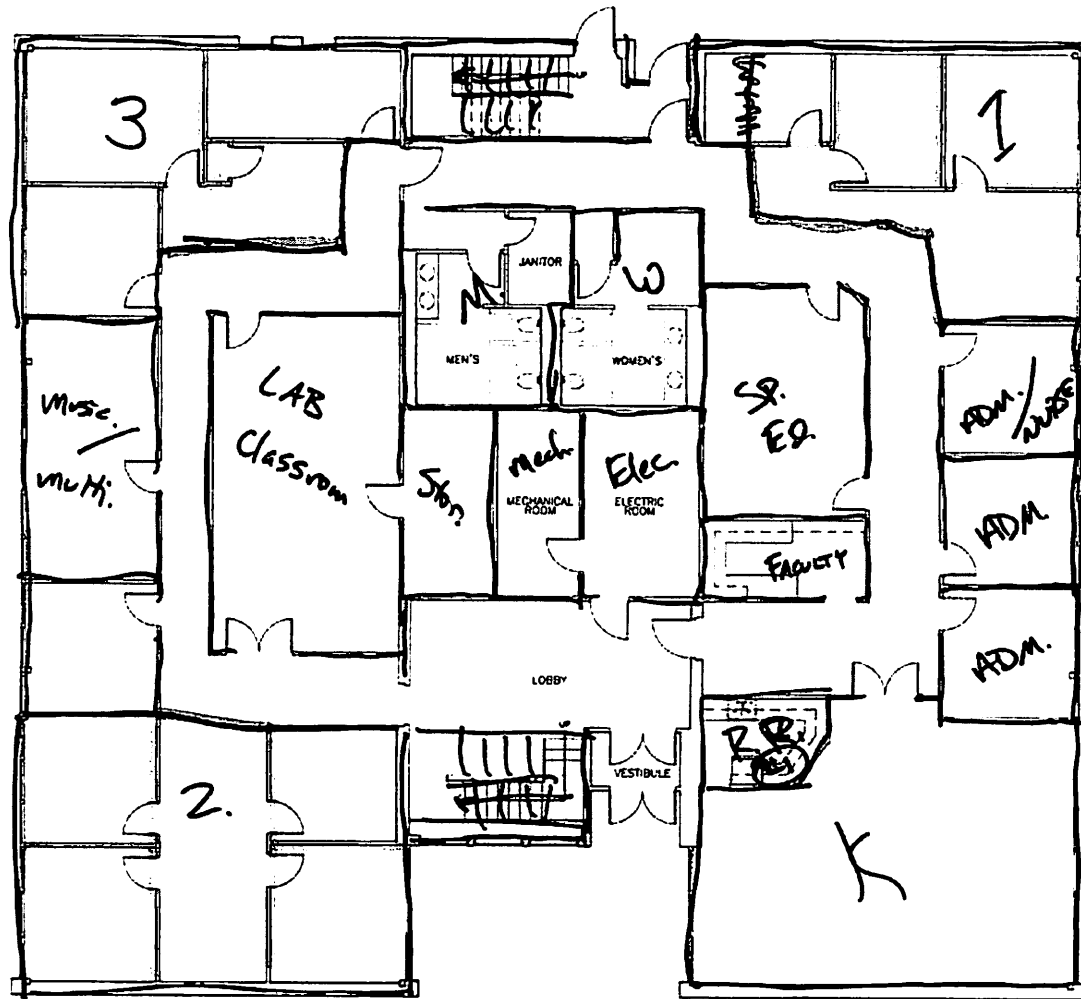
CIVILWORKS NEW ENGLAND
 181 Wood Street, Suite 102
 Dover, New Hampshire 03827

DATE: 06/20/2004
SCALE: 1"=100'
DRAWN BY: SMD
DESIGN BY: SMD
APPROVED BY: SMD
PROJECT: 102-2004

OVERALL SITE AERIAL

FRIENDS OF COASTAL WATERS
 CHARTER SCHOOL
 MAP 69, LOT 2
 2 HOLLARD WAY
 EXETER, NH

1 OF 1

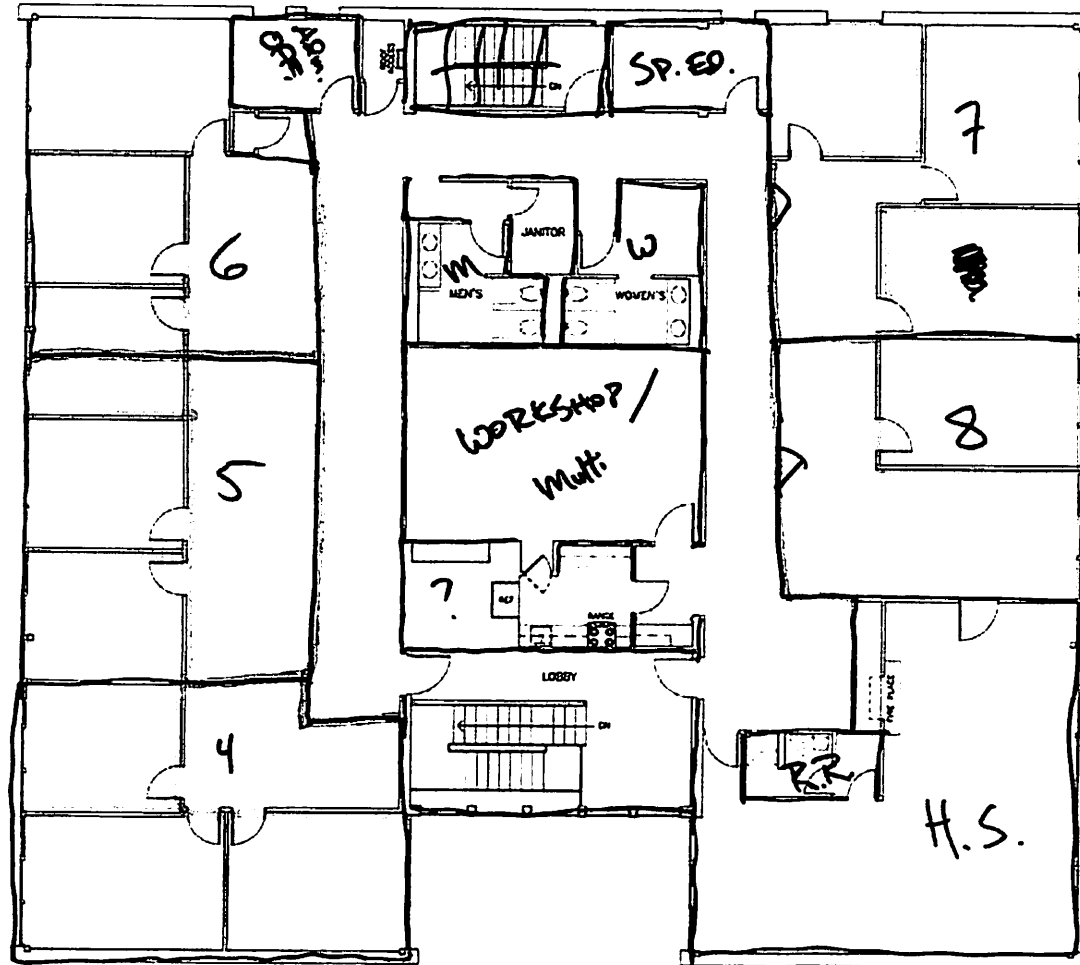


Black - Walls
 High light +
 Construction - remove C
 - Walls to be built

#1 - Rest room
 - make single
 stall restroom

2 HOLLAND WAY
 EXETER, NEW HAMPSHIRE
 FIRST FLOOR PLAN





- Walls
- == Walls to be built
- - - Walls to be removed (yellow highlight)

2 HOLLAND WAY

EXETER, NEW HAMPSHIRE
SECOND FLOOR PLAN



TITLE LXIV

PLANNING AND ZONING

CHAPTER 674

LOCAL LAND USE PLANNING AND REGULATORY POWERS

Governmental Use of Property

Section 674:54

674:54 Governmental Land Uses. –

I. In this section, "governmental use" means a use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, the community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

II. The state, university system, community college system of New Hampshire, county, town, city, school district, or village district shall give written notification to the governing body and planning board, if such exists, of a municipality of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. Written notification shall contain plans, specifications, explanations of proposed changes available at the time, a statement of the governmental nature of the use as set forth in paragraph I, and a proposed construction schedule. Such notification shall be provided at least 60 days prior to the beginning of construction. Either the governing body or planning board of the municipality may conduct a public hearing relative to the proposed governmental use. Any such hearing shall be held within 30 days after receipt of notice by the governing body or planning board. A representative of the governmental entity which provided notice shall be available to present the plans, specifications, and construction schedule, and to provide explanations. The governing body or planning board may issue nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing.

II-a. Any use, construction, or development of land occurring on governmentally owned or occupied land, but which is not a governmental use as defined in paragraph I, shall be fully subject to local land use regulations.

II-b. The construction and operation of any solid waste disposal facility on land owned or occupied by any city or town within another city or town shall be subject to local land use regulations to the same extent as if the land were owned and occupied by a private entity. Nothing in this paragraph shall affect the construction and operation of a solid waste facility on land owned by a solid waste management district formed under RSA 53-A or RSA 53-B or any combination of municipalities authorized by an act of the general court, if the land is located within a city or town that is part of the district.

III. This section shall not apply to:

(a) The layout or construction of public highways of any class, or to the distribution lines or transmission apparatus of governmental utilities, provided that the erection of a highway or utility easement across a parcel of land, shall not, in and of itself, be deemed to subdivide the remaining land into 2 or more lots or sites for conveyance for development purposes in the absence of subdivision approval under this title. For purposes of this subparagraph, "transmission apparatus" shall not include wireless communication facilities.

(b) The erection, installation, or maintenance of poles, structures, conduits and cables, or wires in, under, or across any public highways under RSA 231, or licenses or leases for telecommunication facilities in, under, or across railroad rights of way. For purposes of this subparagraph, "structures" shall not include wireless communications facilities.

IV. In the event of exigent circumstances where the delay entailed by compliance with this section would endanger public health or safety, the governor may declare a governmental use exempt from the requirements of this section.