

Town of Exeter  
Zoning Board of Adjustment  
March 19, 7 PM  
Town Offices Nowak Room  
Draft Minutes

I. **Preliminaries**

**Members Present:** Vice-Chair Esther Olson-Murphy, Clerk Theresa Page, Laura Davies, Kevin Baum, Mark Lemos - Alternate, and Laura Montagno - Alternate.

**Members Absent:** Chair Robert Prior, Joanne Petito - Alternate, Martha Pennell - Alternate.

**Call to Order:** Acting Chair Esther Olson-Murphy called the meeting to order at 7 PM.

I. **New Business**

- A. The application of The RiverWoods Company of Exeter for a variance from Article 4, Section 4.3 Schedule II to exceed the maximum height requirement in the R-1, Low Density Residential zoning district for the proposed construction of a new health center building; and a variance from Article 6, Section 6.1.2.D to permit parking and portions of the driveway within the required 100- foot landscape buffer. The subject properties are located at 7 RiverWoods Drive, 5 Timber Lane, 6 White Oak Drive, 78 Kingston Road and 67 Kingston Road, in the R-1, Low Density Residential zoning district. Tax Map Parcels #97-23, #98-37, #80-18, #97-29 and #97-44 (all now merged via voluntary lot merger). ZBA Case #24-4.

Attorney Sharon Somers of DTC Lawyers spoke on behalf of RiverWoods of Exeter. Also present were Eric Saari, Vice-President of Altus Engineering; Eric Harrmann, the Chief Design Officer of AG Architecture; Robbi Woodburn, the Principal of Woodburn Landscape Architects; Justine Vogel, the CEO of RiverWoods; Kim Gaskell, VP of Operations at RiverWoods; and Brian White of White Appraisal.

Ms. Montagno said her parents are new residents of Riverwoods, but she doesn't feel that she needs to recuse herself, as she feels she can be impartial in the deliberations. Ms. Olson-Murphy said we have six members; would one alternate be willing to not vote? Ms. Montagno said she would agree to not vote.

Ms. Olson-Murphy stated that the meeting would have a "hard stop" of 9 PM.

Attorney Somers said there are two issues: a variance to allow 11 feet of roof height above what is allowed by right for the health center, and a variance to allow service roads and parking within the landscape buffer between RiverWoods and the land owned by Southeast Land Trust [SELT] and Ruth Hooten. She

asked for the Board's permission to present the information related to both variances simultaneously, and the Board agreed.

Attorney Somers said RiverWoods was here last year for variance relief. That request was denied, which was appealed, and that is pending. Subsequent to the appeal, we acquired land on the south side of Route 111 and established that that piece could be merged with the Ridge and Boulders parcels. We submitted that request to the Planning Board. The Planning Board Chair approved that merger, and it was recorded at the Rockingham County Registry of Deeds. A decision was then issued by the Code Enforcement Officer indicating that the proposed health center is now an allowed use without needing approval by the ZBA. The only remaining matters for the Board are the height and the landscape buffer encroachment.

Attorney Somers said that in anticipation of the variances being granted, we have met with the two abutters next to the landscape buffer encroachment area, SELT and Ruth Hooten, to verify that they have no objections. We've also had extensive discussions with RiverWoods residents. We have recently met with neighbors to the project and heard their concerns about traffic, drainage, light, and construction impacts. We're making a more concerted effort to keep them advised. If we are granted these variances, we will go to the Planning Board for a conceptual consultation, and will provide courtesy notices to the public for that. We would work with the Planning Board to identify the scope of the traffic, drainage, and other studies to address the various issues raised by the neighbors and others. We will also discuss the future development of the portions of the existing campuses where health care residents currently reside who will be moving to the new facility. We would be looking to create additional IL [independent living] units with that space.

Mr. Saari presented a map of the RiverWoods campuses and the site plan for the development. He said we are relocating part of the road. There's a 42-inch gas line which we want to avoid. We spoke to the gas company and they directed us not to put any parking there and to cross it with the road as briefly as possible, which results in a curve. This also has the effect of reducing speed. We have a 28-space parking lot and a loop road configuration. There is a service drive that goes around the building, which will also be used for Fire Department access. There is an underground parking garage with 70 spaces to minimize the impact to the site. There is parallel parking for staff along the drive and a park with public access. Everything will be accessed internally from White Oak Drive. The building has a footprint of 57,000 square feet. It has 3 stories for the majority of it. It has two courtyards in the middle. He pointed out the buffer impact, part of which is the existing White Oak Drive. It's an access road, so it may not need to comply with the ordinance anyway. The site is tight. The gas easement is a real problem. It's safe to work around but we don't want to mess with it. There are isolated wetland pockets, but they are very degraded after a century of development. There is a stream channel that comes through the Ridge and the Boulders which we will stay away from as much as possible. The fixed access

88 point is something that DOT will not allow us to move. A traffic study is required  
89 by the DOT for the permit. We do not anticipate any changes to the intersection.  
90 There's a 29-foot grade change across the site, which is hard to deal with. We  
91 wanted to respect the front buffer as much as possible; nothing encroaches there  
92 other than the existing park. An enhanced buffer was done as part of the  
93 Planning Board site plan review for Campus Crossing, and we intend to respect  
94 that. There will be a comprehensive tranche study, a full lighting plan, and a  
95 traffic study. This will be thoroughly reviewed by the town, the DOT, and DES.

96 Mr. Baum asked if the map shows existing stone walls. Mr. Saati said no,  
97 the walls shown are proposed retaining walls to reduce wetland impacts.

98 Mr. Harrmann discussed the plans for the building itself. He said we're  
99 taking the health care components from each of the campuses and bringing them  
100 to one centralized location. We want to enhance the operations of providing care  
101 and meet the needs of the seniors. We're consolidating the three campus  
102 locations into a central area at Campus Crossing. There are four levels of care:  
103 memory care, assisted living, skilled nursing for rehab, and AL2, a higher level of  
104 assisted living. Memory care is a closed loop that allows care to be given in a  
105 "household manner." They have controlled access to an interior courtyard with no  
106 worries of elopement. The other units have access to another interior courtyard.  
107 There are minimal external impacts to the sidewalks and roadways. The current  
108 "skilled" units at the Ridge are 290 square feet. We're offering a 400 square foot  
109 unit to meet the level of expectations that the residents have. In the existing  
110 units, there's no space to sit and comfortably have a conversation with a loved  
111 one. We're increasing the square footage of memory care, skilled, assisted living,  
112 and AL2 so that residents can leave the bed and have a comfortable  
113 conversation; we're also adding the ability for a kitchen to be in these units.  
114 There is direct access and visibility into the bathroom, which is important. On the  
115 second floor, there will be assisted living patients who can navigate elevators and  
116 different levels. For those patients, there is a 2-bedroom at 930 square feet and a  
117 1-bedroom at 650+ square feet. The third floor is AL-2 in a three-household  
118 configuration, where three households meet in the middle at the common area  
119 and dining space but also have distinct areas for socialization such as game  
120 rooms. During the neighborhood meeting, we heard public feedback and  
121 changed the stepback design of the third floor to provide 18 equal AL-2  
122 household units with the same square footage and socialization space. Neither  
123 version of the design would impact adjacent property owners once we landscape.  
124 The overall footprint is 158,000 square feet; that's 11,000 square feet more than  
125 the three health care buildings that exist on the three sites. We will not be  
126 increasing traffic at White Oaks Drive, as traffic coming into the site will be similar  
127 to traffic already coming in for the other sites. They will just stop at this location  
128 instead of continuing to the other three campuses. The 70-space parking garage  
129 sits below grade and eliminates some of the pressure for parking on the site.

130 Ms. Davies asked if 158,000 square feet includes the parking. Mr.  
131 Harrmann said no, it's 158,000 square feet above grade providing service, vs

147,000 square feet above grade providing service. Ms. Davies asked if the below grade parking area is about 52,000 square feet where the footprint is. Mr. Harrmann said it's less, about 30,000 square feet, because we're not using some of the areas under the assisted living wing and the memory care areas. We're staying in the most efficient areas to park and not over-excavating. He added that the slope of the site is lower in one corner, and that's where we'll access the parking garage.

Mr. Baum said it's 11,000 more square feet than the existing service area. How does it compare in number of units? Mr. Harrmann said there are 126 units in the proposed building vs 150 units currently. It's a reduction in unit count related to the increase in square footage for the patient rooms. Currently two people cannot share a one-bedroom space, as the square footage does not meet the size required for two individuals. The size increase will ensure two loved ones can be in the same unit and meet the NH codes.

Mr. Harrmann said it's a 3-story building in order to deliver the services in a unified location. That's what's driving the height variance request. The existing 3-story buildings on campus are 35 feet tall. The difference is in the construction techniques. We want to maintain an 8-foot ceiling height with all the modern mechanical equipment, fire sprinklers, ductwork, and natural ventilation. We must meet codes that were not necessarily in place at the time the existing buildings were constructed. The 3-story structure all falls underneath the 35-foot range; the 46 feet requested is to accommodate the gabled roof form, which is appropriate with the neighboring context and the existing RiverWoods campuses.

He presented a rendering of the landscape with both gabled roof and flat roof versions of the design. From 111, you can see the highest gabled roof, but there could be additional screening. With a flat roof, we would still be capturing a "sneak peek" of it. The flat roof can be seen from Pickpocket Drive at the existing access to Gooch Park, which access we would remove. The pitched roof version is also visible. Mr. Harrmann showed an animated rendering of the view from Pickpocket Drive. There is a 100-foot landscape buffer that would not be impacted, so the view from the street will remain heavily landscaped. Coming off Pickpocket to 111, because of the angle of approach you don't pick up on the building to your left. Coming from Exeter down 111, there are additional plantings and screenings, and you do see some of the building on the right. Turning right onto White Oak Drive, that's where the 3-story building comes into view. There is parking on the right with landscaped area around it. You come around the drive past the 2-story portion and to the entry.

Ms. Davies asked if these renderings show the plantings on the day it's finished or 10 years out. Mr. Harrmann asked Ms. Woodburn to answer Ms. Davies' question. Mr. Baum asked if she could also distinguish between what's existing landscaping and what's proposed. Ms. Davies asked what the trees will look like in the winter. Ms. Woodburn said the pictures show the existing conditions as well as the proposed conditions at year 1 and year 3. The evergreens shown in front of the building in the proposed landscaping will go in

at 12-16 feet high. We heard from the neighbors that we need to soften the building and screen it where we can. Another rendering shows it 3 years down the road, and the evergreens would be about 3 feet taller. From the Pickpocket Road intersection, the initial installation cuts off a good portion of the view of the building. There is a group of existing pines and spruces that will stay. We will weave in the new plant material and provide a thick visual buffer of evergreens, which are year-round. The screening will help maintain the rural character of the roadway and minimize impacts on the neighborhood. Regarding Gooch Park, we're taking the existing park uses and consolidating them. There are 18 evergreens between the existing trees, 10 of which are 12-14 feet and 8 of which are 14-16 feet. There will also be 3-4 foot high rhododendron bushes to add to the thickness of that screen. Across the street from the building in the parking area, there will be a 3-foot high berm to gain height, then there will be 12-16 foot evergreens there in order to block the parking and the bottom of the building [from adjacent properties]. There will be street trees planted along White Oak Drive and around the perimeter of the building. We're not allowed to plant trees over the gas line, so we will have a meadow planting to minimize the amount of mown lawn and have a natural element. We own another property down the road where we can add a "filter," if not a full screen, along the road. Along the edge of Ms. Hooten's driveway, we will plant more evergreens. 7 trees will be removed from the buffer for the loop road, but we will replace them with 4 trees on the interior side of the loop road to soften the impact of the building.

Ms. Page asked if there has been an assessment of the health of existing trees. Ms. Woodburn said they appear to be in good health but she will have an arborist come look at them as well.

Ms. Davies asked about the dog park. Ms. Woodburn said that's just fencing and a surface. The dog park will be buffered from the street. She added that Administration told her the dog park is not used very much.

Mr. Lemos asked if the trees they'll be using will be native trees. Ms. Woodburn said we wanted to have evergreens that grow together, so she suggested Western Red Cedars, which are native to the US but not to this area. They are also deer tolerant. There will also be White Spruce. The cedars will be a substitute for Hemlock, which we can't use anymore. A lot of the existing trees in the area are ornamental, not native. She doesn't want to do a monoculture, but the screening plants need to grow together well and be dense. Mr. Lemos asked if there's any worry about them outshading native trees, and Ms. Woodburn said no. She said she is looking to put the landscaping in early to allow them to grow, but we'll have to get irrigation to them first, which requires a well. The emphasis on evergreens is for year-round coverage. Ms. Davies asked if there is a visual of the screening in the winter, and Ms. Woodburn said no, but she could create one for the Planning Board.

Attorney Somers went through the variance criteria for the height variance. 1) The variance will not be contrary to the public interest and 2) The spirit of the ordinance will be observed; it is 11 feet above what is allowed by

220 matter of right. The essential character of the neighborhood consists of 35 foot 3-  
221 story RiverWoods buildings. The neighborhood contains gabled roofs, not flat  
222 roofs. The essential character of the neighborhood will not be altered by adding  
223 11 feet. There is no threat to the public health, welfare, and safety. 3) Substantial  
224 justice is done; if the variance is denied, the loss to the applicant is that the flat  
225 roof is not as attractive, as well as some possible operational issues. There is no  
226 gain to the public with a flat roof, and we believe the public will not be served as  
227 well, because it will not be like the other rooflines in the neighborhood, which are  
228 gabled. 4) The value of surrounding properties will not be diminished; according  
229 to the White Report [included with the application], there is no diminution in value  
230 due to extra height and it will not have a detrimental impact. 5) Literal  
231 enforcement of zoning ordinance will result in an undue hardship; the statute  
232 requires that we provide evidence on three criteria: there are special conditions  
233 of the property; there is a fair and substantial relationship between the public  
234 purpose of the ordinance and its application to the property; and the proposed  
235 use is reasonable. Regarding the special conditions, consider the sheer size of  
236 the land area we're talking about. It's the largest property in the neighborhood.  
237 The Harborside Case accounts for this factor and allows a consideration of what  
238 the property is used for. A 3-story building is allowed by right and the use is to  
239 provide for the health care of residents. The question of necessity is not before  
240 the Board, but rather the question of reasonableness. 11 feet is reasonable when  
241 the end result is to make the building more attractive. Regarding the fair and  
242 substantial relationship, the public purpose is to prevent aesthetic harm or the  
243 blocking of light and air. This is 11 feet beyond that which is allowed as a matter  
244 of right. There will be extensive landscaping, with trees of substantial height from  
245 day 1. We believe the public purpose has been met. Regarding the 11 feet being  
246 reasonable, the purpose of the request is to make the building more attractive.  
247 Because of the extensive buffering, we believe that the proposal is reasonable.

248 Attorney Somers went through the variance criteria for the landscape  
249 buffer. 1) The variance will not be contrary to the public interest and 2) The spirit  
250 of the ordinance will be observed; the evidence presented by Mr. Saari shows  
251 that the encroachments are not going to include buildings, but merely the service  
252 road and proposed parking area. The two properties impacted by the service  
253 road and parking area encroachments are owned by SELT, which is subject to a  
254 conservation easement, and Ruth Hooten, both of which parties have no  
255 objections to this proposal. The proposed landscaping and trees assure that the  
256 chief purpose of the ordinance will be met, because the road and parking will be  
257 largely screened from view. We don't believe there will be impacts due to noise  
258 from these encroachments. The service road will be used largely during the  
259 daytime for service deliveries and the Fire Department. Parking will be used by  
260 staff and visitors. Regarding White Oak Drive, this is an access road, and  
261 technically under the ordinance that is not required to follow encroachments and  
262 a landscaping buffer, but we included it to be conservative. She said Mr. Saari  
263 included the evidence that we are moving White Oak Drive to accommodate the

needs of the gas company. 3) Substantial justice is done; this is a health center and complies with both use and setbacks. The applicant needs the ability to access various points of the building for delivery and fire safety purposes. We need the parking for visitors. If we can't construct the service road where we want to, the applicant will stand to lose because it will make the engineering more challenging. The gas line needs to stay where it is. If the variance is denied for the parking, there will be less parking for visitors which is also a loss. There is no evidence suggesting the public will gain by denying the ability to have a service road or to have the parking on 67 Kingston Road. 4) The value of surrounding properties will not be diminished; page 5 and 6 of the White appraisal report confirms that fact. Mr. White confirms that while there are no exact comparables, exercising common sense formed the basis of his analysis. White Oak Drive already exists and encroaches, it's just being moved to a different location. The building itself is not in the buffer. The properties that are most impacted are conservation land and land to the east owned by Ms. Hooten, which have natural buffering. The proposed screening will help with the buffering. 5) Literal enforcement of zoning ordinance will result in an undue hardship; the conditions are its size, with a property of 204 acres, the largest property in the neighborhood, and the fact that the entire property must operate within a landscape buffer of 100 feet from residential properties. There is no fair and substantial relationship between the purpose, which is to shield the neighboring residents from the operation, and the application. This is a minor amount of encroachment given the entirety of the landscaping buffer, the neighboring area is a conservation easement, and the parking area will be screened from the abutting neighbor, Ms. Hooten. The request is reasonable. The total amount of the buffer to be encroached upon is negligible compared to the total amount of landscape buffer, and it will not impact residential neighbors. The relocation of White Oak Drive is driven by the needs of the gas company. The request is reasonable.

Ms. Davies asked how many square feet of buffer encroachment is proposed. Mr. Saari said on the service road side, the impervious area is 12,303 square feet. On Ms. Hooten's side, the parking lot and White Oak Drive are 28,566 square feet, which is 7,251 more than the existing impervious surfaces.

Mr. Baum asked about parking requirements. Mr. Saari said we're looking at a demand of 106 spaces and we're providing 116. We're going to have a shift overlap where medical staff will be leaving after the next shift comes in. There will also be more visitors around the holidays. Mr. Baum asked if they anticipate any discussion of reduction of parking with the Planning Board. Mr. Saari said he thinks what we've got is a comfortable fit. Anything less will cause operational problems.

Mr. Baum asked about the elevation change. Mr. Saari said in the middle, we have an elevation of 79 which drops into the 50s in the area of the parking lot. Across the building it's probably a 4-foot change at the most. Mr. Baum asked if the height is measured from the lowest elevation, and Mr. Saari said yes.

308 Mr. Lemos said the application said 11 parking spaces are going to be  
309 encroaching, but he counts 16. Mr. Saari said that is just in one area; there are 7  
310 more in the back, for a total of 16 [stet].

311 Mr. Lemos asked if they've talked to DES yet. Mr. Saari said no, not yet.  
312 His guess is that the wetlands impact will be about 20,000 square feet. We'll  
313 interface with wetlands and alteration of terrain. We've modeled this whole thing  
314 with the existing campuses so we have a lot of data already.

315 Mr. Baum asked about the siting. There's a lot of area available. His  
316 understanding of the prior application, pre-merger, was that the building would be  
317 more centrally located, in between the two campuses. Why is the building  
318 proposed to be where it is? Mr. Saari said all three campuses have significant  
319 conservation easements on them, which restricts what we can do. This site  
320 seemed to meet the amount of area we need and is centrally located to all three  
321 campuses.

322 Mr. Lemos asked if this is increasing the total number of people they can  
323 serve, when 150 units will move down to 126. Ms. Vogel said the health center  
324 will be reducing the number of units because we have more than we need today.  
325 Part of the process is to go to the Planning Board for a conceptual consultation.  
326 The second part of the [RiverWoods] Master Plan is to take the existing health  
327 center building and create additional independent living units, so we will increase  
328 our units in totality. Ms. Davies asked how many additional independent living  
329 units there will be, and Ms. Vogel said approximately 70, perhaps 20-25 on each  
330 site. Ms. Montagno asked if the 126 units takes into account the additional 70  
331 units of independent living, and Ms. Vogel said yes. We looked at actuarial  
332 studies to determine how many we'll actually need.

333 Ms. Olson-Murphy opened for public comment. She said that the ZBA is  
334 aware of pending litigation involving the merger, and that the pending litigation  
335 may impact this development, but the ZBA does not consider the litigation  
336 relevant to the limited issues presented in this case, which are the variances  
337 requested. She added that the ZBA takes no position regarding the merger.

338 Bob Prior of 16 Pickpocket Road, speaking as an abutter of RiverWoods,  
339 read a portion of article 6.1.2 of the zoning ordinance: *A landscaped buffer area*  
340 *having a minimum depth of one hundred feet shall be provided between any*  
341 *proposed structure and the perimeter of the property in order to provide an*  
342 *adequate division or transition from abutting land uses.* Mr. Prior said it says  
343 nothing in there about a dog park, a pickleball court, a parking lot, or a road being  
344 a vegetated buffer. He requests that the Board do not allow for the variance  
345 request for the incursions into the setback, and insist that the vegetated buffer be  
346 vegetated. It's critical that this be maintained. None of the existing facilities are  
347 visible from abutting property owners other than in the winter. This building  
348 should not be visible either. Regarding the height variance, the applicants stated  
349 that the additional height is primarily decorative and not functional. Just because  
350 they want to make it taller, doesn't mean they should be allowed to make it taller.  
351 It will just be more visible. He doesn't think the renderings showed a difference of



11 feet. He thinks 35 feet is fine. If the building and service roads don't fit, they have 204 acres and they should find another place for it. The residents of RiverWoods should share some of the pain that the abutters are feeling.

Fred Bird of 84 Kingston Road said the applicants said the noise won't be a factor, but almost all the neighbors are retired, so the noise will definitely be a factor. The parking lot is currently trees and a house, which will be gone. The generator and shipping/receiving will create noise. He is shocked at the size of this building. There will be 150 people living in a 3-story building across from his house. He has ½ acre, half of which is dead because water is coming across the street. They say they will divert the water into a pond, but that's going to turn into a lake. When he moved there, RiverWoods was already built, but you wouldn't even know they were there, until the 7 acres behind his house were sold. Now there's a generator there that's a straight shot into his house. The drawing shows shipping/receiving, a dog court, and a tennis court being moved closer to Bill and Sue's home. He can hear the tennis balls from his house now. It will disturb our peace and quiet. Article 6.1.2(D) calls for a minimum depth of 100 feet for the buffer, and whenever possible, natural vegetation shall be retained. He said the trees should be retained and planted to make it as dense as possible along the scenic Route 111. The idea is to block all the noise and all the lights. Conifers should be used as much as possible so the leaves won't drop. The generator, shipping/receiving, the tennis court, and the dog park should be behind whatever building is built so abutters don't have to hear them. We hear RiverWoods' squeaky fan all summer. Regarding the height, it looks like the building will be right on the road. He'd rather have a flat pitch or a 2-story. This building will not fit into the neighborhood without changing the neighborhood. Regarding traffic, we've been using emergency flashers just to exit our driveway onto 111. People going to RiverWoods are always in a hurry. We've never complained about RiverWoods before but this thing is big. RiverWoods residents prefer separate health care units so they can walk there. We enjoy the beauty, peace, and quiet of Route 111.

Susan Goodenough of 4 Pickpocket Road said this new facility would be in her front yard. Her property and abutters along 111 will be impacted the most. We have 2 acres and were previously able to mow the full 2 acres, but it is now so wet that the back fields cannot be mowed. The septic system had to be moved as the back area was no longer suitable. We also regularly have water in our yard between the house and barn, and water flows in from the culvert across the street. Ms. Olson-Murphy said the water is not the Board's purview; Ms. Goodenough can speak to drainage in Planning if it gets there. Ms. Goodenough said we just heard about these plans; RiverWoods say they want to be good neighbors, but it would have been more neighborly if we had been notified of these plans before it got to this point.

Sheila Roper of 15 Pickpocket Road said everyone says that SELT has signed off on this. Who owns Jolly Rand Road? How far is it from the buildings? Mr. Saari showed her on the map and said it's about 52 feet from the service

road at the closest point. Ms. Olson-Murphy asked them not to discuss this among themselves. Ms. Roper said no one is talking about Jolly Rand Road.

George Bag of 7 RiverWoods Drive said a health center remote from him may not be what's best for him and his wife. He can't predict what his future healthcare needs might be, but maintaining a sense of community may be what's best for him.

Glenn Theodore of 5 RiverWoods Drive asked if the height will be visible from RiverWoods Drive. There's a busy intersection there which is a concern. He and his son love the road and how it looks now. The noise is tremendous at times. There are emergency vehicles constantly, and heavy equipment. People are speeding back and forth down the road. There was an accident and the car went into the driveway of a neighboring house. How will Route 111 handle that type of traffic? Ms. Olson-Murphy said traffic is the purview of the Planning Board. Mr. Theodore asked whether he will see the building and how much more noise there would be. He doesn't feel that he's going to be able to enjoy his home.

Donald Grant Murray of 74 Kingston Road said he wanted to make some points about the roofline that are not necessarily objections to the height. Coming up 111 away from the town, he saw tree rendering pictures on the gas line, where he doesn't think trees can be planted. His driveway is across from the building; if that is not being altered, they should take a look at that, because it's extremely wet and there are dead trees. He would like to see what the view would be like from his property.

Bill Goodenough of 4 Pickpocket Road said in the variance request, it's mentioned that RiverWoods is concerned about altering the essential character of the neighborhood. A building 200 feet wide, 400 feet long, and 3 stories high will alter the essential character of the neighborhood. If the building is 46 feet high, where does that begin? This could be 50 or more feet if we don't know where that starts from. The intersection of 111 and Pickpocket is the most salted area in Exeter, so those trees will die.

Attorney Somers said the height and landscape encroachment are the subjects tonight. We've heard the concerns the neighborhood has about traffic, noise, drainage, etc, and these will be attended to at the Planning Board level. The issue tonight is height, and not noise in general but noise created by the landscape encroachments. She didn't hear any particular comments about the height. Regarding the essential character of the neighborhood, that is only related to height, not the size, footprint, or use of the building as those elements comply. It's only whether the additional 11 feet will alter the essential character, and it is our position that it would not. Regarding Article 6.1.2, it reads *A landscaped buffer area having a minimum depth of one hundred feet (100') shall be provided between any proposed structure and the perimeter of the property in order to provide an adequate division....Whenever possible, the natural vegetation shall be retained, or if required, vegetation shall be planted of sufficient size to shield the development from abutting properties.* She believes

440 that they have met this with the presentation tonight, which would be further  
441 addressed at the Planning level. The language indicates that service roads are  
442 not allowed within the designated buffer area, but we're here to request a  
443 variance from that ordinance. The simple act of asking for a variance is not a  
444 basis for it to be denied.

445 Mr. Baum asked if the ordinance says the access way is not permitted in  
446 the buffer. Attorney Somers said the access road is allowed to be in the buffer,  
447 but the service road is not.

448 Mr. Baum asked about the relocation of the park within the buffer. Ms.  
449 Woodburn said the pickleball courts have been in the buffer since just after the  
450 Admin building. They are not getting closer to Jolly Rand. The smaller court will  
451 be moved to be adjacent to the larger one. The dog park is within the buffer  
452 already, we're moving it from one place in the buffer to another place to  
453 consolidate the park elements.

454 Attorney Somers said regarding the architectural renderings and their  
455 views, we don't have all of that information now, but as part of our work with the  
456 Planning Board we will take that into account.

457 Ms. Olson-Murphy closed the public session and entered into  
458 deliberations. She said the Board only has 7 minutes for deliberations [before the  
459 cutoff of 9 PM]. Mr. Baum said he doesn't feel that that's realistic. Are there any  
460 questions that the Board would like to see answered next month? Ms. Davies  
461 said she would like to see renderings in the winter months. An overlay of the  
462 existing views vs proposed views would also be helpful. Mr. Lemos said the  
463 renderings were done to include proposed trees, but the appraisal has a picture  
464 without those and it changes the view considerably. We should get a final  
465 location of the trees. Ms. Olson-Murphy said that's in Planning's purview. Ms.  
466 Montagno said it's in the purview of how you will see the roofline. Ms. Olson-  
467 Murphy said we can't ask for a final rendering. Mr. Baum said it will change in  
468 Planning. We're making a decision based on what's presented to us. Any  
469 decision is conditioned on what's presented. It won't be exact because Planning  
470 needs the leeway to make changes.

471  
472 Mr. Baum moved to continue the application to the April 16 Zoning Board meeting. Ms.  
473 Davies seconded. Ms. Olson-Murphy, Ms. Page, Ms. Davies, Mr. Baum, and Mr. Lemos  
474 voted aye. The motion passed 5-0.

475  
476 Attorney Somers asked that the Board members here tonight be here at  
477 the April 16 meeting. Ms. Olson-Murphy said that's the goal.

478  
479  
480 **II. Other Business**

481 **A. Minutes of February 20, 2024**

Ms. Davies moved to postpone the approval of minutes from February 20 to the next meeting. Ms. Page seconded. Ms. Olson-Murphy, Ms. Page, Ms. Davies, Mr. Baum, Mr. Lemos, and Mr. Montagno voted aye. The motion passed 6-0.

**III. Adjournment**

Ms. Page moved to adjourn. Mr. Baum seconded. All were in favor and the meeting was adjourned at 9 PM.

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary