

Town of Exeter
Zoning Board of Adjustment
April 21, 2026, 7 PM
Town Offices Nowak Room
Draft Minutes

I. **Preliminaries**

Members Present: Chair Robert Prior, Vice-Chair Laura Davies, Laura Montagno, John Dal Santo - Alternate, Martha Pennell - Alternate, Adam Carter – Alternate.
Town Code Enforcement Officer Doug Eastman was also present.

Members Absent: Clerk Esther Olson-Murphy, Kevin Baum

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

I. **New Business**

- A. The Zoning Board of Adjustment will hold a public hearing on the application of Phillips Exeter Academy for property located at 35–37 River Street, Tax Map 72, Lot 99, in the R-2 Single Family Residential District. Currently, the existing property in question is undeveloped. The Applicant is proposing the construction of six (6) faculty housing units in three two-family buildings where two-family homes are permitted by special exception, each housing unit will have three (3) bedrooms. 2.2.76 Special Exception: A use permitted within a District only after a determination by the Board of Adjustment that certain conditions specified in the Zoning Ordinance have been met. 2.2.81 Two Family: Two-family home (Duplex): A building designed for residential purposes and contains two principal dwelling units separated by a common interior wall (including ceiling/floor), and supported with a common foundation.

Mr. Prior said he, Laura Davies, and Laura Montagno are the voting members present. He asked alternate Adam Carter, who was present at the previous meeting on this case, if he would be willing to vote, and Mr. Carter agreed. Alternate Martha Pennell also agreed to vote. Alternate John Dal Santo will not vote on this case.

Attorney Eli Leino of Bernstein Shur, Corey Belden from Altus Engineers, PEA Facilities Management Director Mark Leighton, PEA Senior Capital Project Manager Joana Rossi, and PEA Campus Planner and Architect Heather Taylor were present to discuss this application.

Attorney Leino asked if the Board received the McKeon appraisal report that was submitted. Mr. Prior said the Board had not received the packets for the meeting. He asked Attorney Leino to read the information to the Board.

Attorney Leino said we were here in mid-March to explain the bounds of this property. We are adding 35-37 River to the existing school property. It abuts the school's tennis complex. Previously, there was concern about how the project fits into the neighborhood. We are now proposing three duplexes as opposed to

45 two four-unit buildings. Previously, the Board had concerns about the unbroken
46 roof line of 126 feet, so now the largest roof span is 63 feet. He showed a map
47 showing single-family, two-family, three-family, and four+ unit properties. Several
48 of the criteria relate to the existing character of the neighborhood, and this shows
49 it is a mixed area. In R2, a duplex is allowed as a special exception. This will still
50 be a first-class design and a first-class build. The Academy wants to be a good
51 neighbor and a good resident of Exeter.

52 Attorney Leino went through the special exception criteria. A) The use is a
53 permitted special exception as set forth in Article 4.2, Schedule I; yes, a duplex is
54 allowed by special exception in this zone. B) That the use is so designed, located
55 and proposed to be operated that the public health, safety, welfare, and
56 convenience would be protected; we took the comments from the Board and the
57 abutters to heart. We heard that the proposal was too large. The average sized
58 housing in this neighborhood is 2.1 units. We tried to match the neighborhood in
59 scale, density, and design. With regard to convenience, there were some
60 questions about the number of cars using these streets, but as previously
61 proposed, each unit will have two parking spaces, where only one is required by
62 law. This is for the convenience of the neighborhood. We have adequate
63 spacing. We don't have concerns about having adequate area for snow storage.
64 The addition of driveways may help with turnarounds. We're not expecting more
65 noise or light that would be an inconvenience. During construction, we will have a
66 plan to maintain runoff and site stability, and will work within reasonable business
67 construction hours. C) That the proposed use will be compatible with the zone
68 district and adjoining post-1972 development where it is to be located; the map
69 shows what exists in the zone. We heard that this is not a zone for four-families,
70 so we've reduced it to two-families. We've reduced it from eight to six units.
71 We've taken in what the Board members and abutters have said. It's designed to
72 fit in with what's there. D) That adequate landscaping and screening are
73 provided; there are some stands of trees that will remain. In any construction,
74 some tree roots get damaged and we won't be able to save them all. We're
75 planning what can be maintained and what needs to be replaced to provide the
76 screening. This is an older downtown neighborhood where the houses are close
77 together. There's not an acre of woodland buffer. E) That adequate off-street
78 parking and loading is provided and ingress and egress is so designed as to
79 cause minimum interference with traffic on abutting streets; RSA 674:16-VII was
80 passed last summer, reducing the unit requirement to one car per unit, but we'll
81 provide two spaces minimum per unit. Objectively we meet the parking piece.
82 This is a lot at the end of two dead-end streets, so there should be no issue with
83 backing into the street or pulling in. Mr. Belden said these are two dead-end
84 streets that would continue to function as they are, just with more driveways.
85 Attorney Leino continued with the criteria: F) That the use conforms with all
86 applicable regulations governing the district where located; yes, this is allowed by
87 special exception. No further variance relief or waivers are being requested. G)
88 The applicant may be required to obtain Planning Board or Town Planning

89 approval; yes, we acknowledge that we will go for Planning Board and site plan
90 review for this project. H) That the use shall not adversely affect abutting or
91 nearby property values. Attorney Leino presented the McKeon report; Mr.
92 McKeon visited the site and researched sales of single-family homes in the
93 neighborhood which have two- or three-unit properties near them, as well as
94 similar properties around Exeter. He found two recent sales: 31 River Street, a
95 single-family which sold for the list price \$625,000 on June 10, 2024, after seven
96 days; and 22 River Street, a single-family which sold for \$590,000, or \$10,000
97 under the list price, on August 20, 2025, after nine days. It is his professional
98 opinion that the construction of three duplex-style homes at 35-37 River Street
99 will not diminish the values of surrounding residential properties. Attorney Leino
100 said that criteria I) and J) do not apply.

101 Mr. Prior asked them to compare the lot coverage now with the previous
102 application. Mr. Belden said there was a 25% reduction, because we removed
103 two of the units.

104 Mr. Carter asked if the parking for the units includes the garage spaces.
105 Mr. Belden said yes.

106 Ms. Davies asked if each unit has its own driveway with its own garage
107 door, meaning four new driveways on River and two on Browns. Mr. Belden said
108 that's correct. Mr. Prior said the height remains the same from last time, only the
109 length has changed. Ms. Davies asked if this gravel turnaround will be
110 maintained by the Academy. Mr. Belden said this was to address concerns about
111 turnarounds. We can discuss that further during Planning Board review. Ms.
112 Montagno asked them to show the turnaround on the site plan, and Mr. Belden
113 showed that it was at the end of River Street. Ms. Montagno asked about the
114 other side [Browns Court], which is the same size or tighter. Attorney Leino said
115 this was trying to remediate a concern from a neighbor on River Street. Mr.
116 Belden said he thinks it was because the tennis courts are at the end of River
117 Street, people may come down River Street thinking it was an access point.
118 There wasn't the same concern on Browns Court.

119 Mr. Prior asked about dotted lines on the plan, and Mr. Belden said that is
120 showing that our buildings are at a 20-foot setback.

121 Mr. Dal Santo asked how a "neighborhood" is defined. Mr. Belden said we
122 defined the neighborhood utilizing the C1 commercial zoning district as the
123 northern boundary. The southern and western boundary is the Academy, and the
124 eastern boundary is the Exeter River. This neighborhood area is all in the same
125 zoning district, the houses are in proximity to each other, and it is surrounded by
126 certain features.

127 Mr. Prior asked Mr. Eastman if three separate buildings totaling six
128 residences still qualifies for a special exception, and Mr. Eastman said yes.

129 Mr. Prior opened the meeting for public comment. He asked if anyone
130 would like to speak to a petition that was submitted but that the Board did not
131 receive.

132 Katherine Forbes Fisher of 36 River Street said the petition was the
133 response of those on River Street that this does not address their concerns. She
134 also read a statement about her home and neighborhood, which she and her
135 husband have lived in for 44 years. This proposal of six units with 18 bedrooms
136 represents a very different level of intensity and significant increase in
137 occupancy, vehicles, and activity. This portion of the street is a dead-end, which
138 functions as a smaller pocket within a larger neighborhood. The conditions there
139 are very different. All traffic must come in and travel the same stretch, then turn
140 around or back out. All traffic will be concentrated on this small group of single-
141 family homes, which directly affects the character of this quiet residential area.
142 There are questions of safety for children, pedestrians, and people backing out of
143 their driveways. The appraisal does not consider those conditions; it compares
144 homes that are near small multifamily properties, not the ones adjacent to the
145 development. She asked that the density being applied as part of a parcel
146 merger be clearly stated on the record. She would also like a continuance
147 because the appraisal wasn't made available to her until yesterday.

148 Joe Fisher of 36 River Street said the turnaround at the end of River
149 Street will evaporate for six months of the year, because that's where they put
150 the snow when they plow River Street. There was a statement that these
151 buildings would shield us from the Athletic complex, but we never see or hear
152 anybody there. He said people drive down River Street trying to get to the athletic
153 complex year-round, not just in tennis season. They turn around in a hurry
154 because they're probably late for a game.

155 Steve Locke of 44 River Street said his main concern is that this is faculty
156 housing for Exeter. They're probably married and have kids. The average age of
157 the street will go down significantly. There are no sidewalks on this street. It's a
158 question of safety.

159 David Wold of 22 River Street asked what qualifies as a special
160 exception. He understands that there is a special exception for two-family homes,
161 but this is three two-family homes. Mr. Prior said he asked Mr. Eastman that
162 earlier. There are certain things that are permitted in a particular zone. Some
163 things are by right, and some by special exception; there are also things you
164 can't do in the zone, for which you get a variance. Last time we had a request for
165 a variance, which was withdrawn. This time, staff feels that it probably does meet
166 the criteria for a special exception. We will discuss it further as a Board. Mr. Wold
167 said the residents would prefer this area to be a green space. Not all duplexes
168 are created equal. Last time, it was 129 feet wide; these are 63 feet wide, or 126
169 feet total. There's a 15-foot view in between those buildings, but if you look at an
170 angle it will be 126 feet of facade. Now there will be four driveways on a street
171 that's already cumbersome for delivery trucks and plows. Mr. Prior said the plows
172 will still plow the same square footage, this doesn't change anything. Mr. Wold
173 said it will increase the traffic overall. He's confused by the appraisal, which
174 looked at recent sales. The question is whether the people who live across the
175 street will see a lower return if they were to sell. Ms. Davies said typically you

176 would look at similar properties that have sold and determine if they've sold at
177 market value. The Board has not seen the appraisal, but it seems like he gave it
178 some good thought and he is a reputable appraiser. Mr. Wold said the idea that
179 the properties won't lose any value is nonsensical. Mr. Prior said it's naive to
180 think that an empty lot will stay an empty lot. There was a building there, and
181 there will be a building there. Will that necessarily reduce the value of abutting
182 properties? This will be a new building that history shows will be well-built and
183 well-maintained. It's not guaranteed to reduce the value of abutting properties.
184 Mr. Wold said the people who have the best sense of that are the people who
185 live there. This should take into account their points of view. We don't have the
186 resources that a Phillips Exeter does. Mr. Prior said that the Academy and the
187 residents are all taxpayers. Mr. Wold said based on what had been zoned, there
188 was no expectation that there would be 63-foot-wide homes here.

189 Katherine Forbes Fisher of 36 River Street asked regarding the appraisal,
190 do they take into account density? We're increasing the amount of traffic coming
191 onto the road in this small space. Ms. Davies said the ideal methodology would
192 be to look at similar comparables next to single-family or multi-family homes and
193 see if there was any difference. It didn't necessarily sound like the appraisal did
194 that; he looked at homes next to multi-family homes and stated that in his
195 judgement he felt that they were exhibiting a full market value. It would have
196 been better if the Board could have looked into it a little more, but that was an
197 administrative thing and not the applicant's fault. Ms. Forbes Fisher said
198 appraisals of her property are difficult because it's a unique property. Ms. Davies
199 said density in downtown is not always a detrimental thing. Mr. Prior said the two
200 buildings cited in the report were 31 River Street and 22 River Street, which is
201 Mr. Wold's house. Practically every house here abuts or is within sight distance
202 of a multi-family. Ms. Davies said the appraiser chose very local comparables.
203 He did a good job with the data available.

204 Sherri of 38 South Street said she is nine years old and she and her
205 brother Charlie like to walk their dogs and ride bikes. If another house comes in
206 there, there might be more kids to play with, but there might be more traffic. She
207 wants a safe place to play.

208 Brandon Tetler of 31 River Street said it was a small sample that the
209 appraiser was going off of. If an appraisal is speculative, we should go
210 conservative, which would be depreciation for all the multiple stakeholders,
211 including himself. This property would have changed his mind on moving to this
212 house two years ago. He wanted to get away from the congestion caused by the
213 townhouses on Franklin Street and the multi-families abutting them. He moved
214 away for the quiet and peace. When he lived on Franklin Street, when there
215 wasn't a winter parking ban, all the second cars would be parked right around his
216 house. Ms. Davies asked if he meant that people with a garage and a driveway
217 space would still park in the street. Mr. Tetler said yes.

218 David Wold of 22 River Street said one of the reasons they chose this
219 location was because of their perhaps naive sense that because this was owned

220 by Phillips Exeter it was less likely to be developed like this. Everyone who's
221 been in and around Portsmouth would make different choices and wouldn't build
222 on every square inch of the city. Phillips Exeter provides a buffer against
223 development, but it seems like Phillips Exeter is becoming like a developer in its
224 disregard for the neighbors and the density of the area in which it's building.

225 Bonnie Linscott of Bow Street, who owns a Court Street property, said
226 she's pleased that the Browns Court section has just a duplex, but would like to
227 see a change in the housing so it would have a mirror effect with the driveways.
228 A duplex on River and a duplex on Brown would be ample. There could be
229 "apron parking" off to the side, which would alleviate parking on the streets. The
230 turnaround could become a spare parking spot, and that's not fair. She knows
231 they are going to build something there, but they could accommodate the
232 neighborhood.

233 Sherri of 38 South Street said she has two puppies and they ran away
234 before. She was scared that the busy streets meant they would never come
235 back. For kids, they sometimes wander off. This is on behalf of pets, kids, and
236 herself.

237 Attorney Leino said per *Simplex v Newington*, we have a right to a
238 reasonable use of our property. Abutters would probably prefer this remain a
239 stand of trees, but an empty lot doesn't always stay empty. The Academy has a
240 need to provide faculty housing. Regarding the comments about being
241 reasonable and fitting the neighborhood, we lopped off 25% of the previous
242 proposal. That's a substantial piece. Regarding the idea that the Academy just
243 tells the town what we're going to do, we came in last month with a plan and got
244 no traction. We came back hat in hand with a 25% reduction to do something that
245 is allowed by special exception in the R2 zone. Neighbors don't want this in their
246 backyard, but we have a right and a need to do this. There's nothing in the
247 ordinance that requires duplexes to be the same size as other duplexes on the
248 street. There are a lot of zoning rules, and we've complied with them in this
249 proposal. Many of the comments made were Planning Board issues. We
250 provided an expert appraisal report and were countered by a significant amount
251 of lay testimony with specious ideas about how this is going to harm them, but
252 we've all seen that new builds are a good comparable in towns. We weren't
253 required to be here with testimony about traffic, but residential units tend to have
254 a de minimus impact on traffic. All of these things will be vetted out at the
255 Planning Board. This is a modern proposal that works well and fits with the
256 neighborhood, although it's a little different than what is there. That's how
257 development and the evolution of neighborhoods works.

258 Mr. Prior closed the public session and the Board entered deliberations.

259 Mr. Prior said this use is permitted by special exception in this zone. We
260 have a series of criteria laid out by State law and we will go through each of
261 them.

262 Ms. Davies discussed criteria A) The use is a permitted special exception
263 as set forth in Article 4.2, Schedule I. She said the use is permitted, but she

264 would like discussion on how it applies to a lot such as the Academy's, which is
265 developed with multiple uses. The criteria for the neighborhood is more small-
266 scale residential. Mr. Eastman said they are required to have a minimum of
267 24,000 square feet of lot area, vs 15,000 square feet for a single-family. Their
268 number exceeds 72,000 of lot area on the overall parcel. Ms. Montagno asked if
269 we're looking at the overall parcel, and Mr. Eastman said yes. We're not looking
270 at just the one lot. They'd be merging the lot, providing the area.

271 Mr. Prior said the lot is not just the small lot, it will be merged. There is no
272 lawful reason to prevent the Academy from merging two pieces of property they
273 own. They are allowed to have multiple buildings on an approximately 50-acre lot
274 that they own. The impact is more local, to River Street, Browns Court, and River
275 Street Extension, but as far as this criteria is concerned, this is allowed because
276 they are merging this into the larger property.

277 Ms. Davies discussed criteria B) That the use is so designed, located and
278 proposed to be operated that the public health, safety, welfare, and convenience
279 would be protected. She said there is significant concern within the neighborhood
280 that there will be congestion and safety issues. The Town of Exeter is an older
281 town, and it has a lack of planning in its street layout. There is reason for these
282 concerns, but there are plenty of examples where smaller streets without big
283 sidewalks or turnarounds are fully developed. We can't prevent people from
284 using their property. Ms. Montagno said this was reduced by 25%, but there are
285 still four driveways on River Street. These are dead-end streets. We have the
286 potential for cars parked on the street and cars having to turn around. If these
287 units were set up differently, you wouldn't have to go down the streets, you could
288 go through the property. Ms. Davies said the idea of creating a connected traffic
289 pattern between Browns Court and River Street could be debated. It would
290 increase impervious surfaces and create a less single-family type of
291 development. A lot of people would be driving on private property to turn around.
292 She doesn't know that it's this Board's place to resolve that.

293 Mr. Dal Santo said he complained that cars from out of State turn left on
294 Water Street, and he was told that he should contact Google about it. He's
295 familiar with Franklin Street, and the buildings were designed so that no one
296 could park around them, so it pushes the parking north. It's imperative to resolve
297 that issue in the design. The owners of the properties have a very valid point.

298 Ms. Davies said we're unresolved on criteria B, but she would like to
299 move on.

300 Ms. Davies discussed criteria C) That the proposed use will be
301 compatible with the zone district and adjoining post-1972 development where it is
302 to be located. She said most of the buildings in this neighborhood are pre-1972,
303 so they don't fit into this post-1972 development criteria that well. The use is
304 compatible, there are plenty of duplexes in the neighborhood. There's a good mix
305 of housing. She doesn't see this as a roadblock for this application.

306 Ms. Davies discussed criteria D) That adequate landscaping and
307 screening are provided. She said she believes there will be. Ms. Montagno said

308 this criteria is confusing. It seems like we defer to Planning. There was nothing
309 presented about the landscaping. Ms. Davies said we might not get down to
310 close detail. There are no criteria for existing homes. This is not a different type
311 of use, it's a small-scale residential type of use. She doesn't believe the
312 Academy will do something objectionable.

313 Ms. Davies discussed criteria E) That adequate off-street parking and
314 loading is provided and ingress and egress is so designed as to cause minimum
315 interference with traffic on abutting streets. She said this is a tough one. It's
316 difficult to envision increased occupancy, especially in the snow. Mr. Prior said
317 adequate off-street parking and loading are provided. The law says you must
318 have one parking space for each unit. It says ingress and egress are so designed
319 to cause minimum interference with traffic, which is very limiting. They're not
320 going to cause interference with traffic on abutting streets, therefore the
321 application does meet criteria E. These are not busy streets and they won't be
322 tremendously more busy.

323 Ms. Davies discussed criteria F) That the use conforms with all applicable
324 regulations governing the district where located; yes, this does conform with the
325 regulations. Mr. Prior said this is not considered a large-scale development. Ms.
326 Davies continued: G) The applicant may be required to obtain Planning Board or
327 Town Planning approval; yes, the applicant has acknowledged they will do this.
328 Mr. Prior said we've never done this before, but there is the possibility of saying
329 you must get site plan approval prior to rendering our decision. The Planning
330 Board will have to have a technical review. Mr. Eastman said just from Fire. It's
331 not his decision, it's up to the Town Planner. Ms. Davies said it's a burden on the
332 applicant to go to Planning Board and come back. Mr. Prior said with the
333 Academy doing as much development as it is, it wouldn't be as much of a burden
334 in this case. He said he won't dig any further into that.

335 Ms. Davies discussed criteria H) That the use shall not adversely affect
336 abutting or nearby property values. She said there was evidence presented,
337 although it maybe wasn't as well vetted and people didn't have enough time to
338 look at it. It's better than we usually get. Nobody likes change, but she agrees
339 with the appraiser's conclusion that it's unlikely to diminish property values. The
340 things that diminish property values are pretty adverse things like highway noise
341 or odors/fumes. This is new investment in the neighborhood, which unless very
342 poorly done will not diminish property values. Mr. Carter asked if there is value
343 added in having a park or conservation land across the street. Ms. Davies said
344 people like having an empty lot across the street, but that's not their property.
345 [Criteria I) and J) were not discussed.]

346 Mr. Prior said he believes the only criteria it doesn't meet is B) That the
347 use is so designed, located and proposed to be operated that the public health,
348 safety, welfare, and convenience would be protected. He said he doesn't think
349 health is an issue. Ms. Davies said safety and potentially convenience are an
350 issue. Mr. Prior asked if the safety concerns would be a result of putting four
351 additional driveways with attendant traffic onto River Street and two driveways

352 onto Browns Court, and the impact the traffic will have. Ms. Davies said also the
353 cars parking on the street, and the snow storage, although they're meeting their
354 parking requirements. The neighbors' comment is that the turnaround will turn
355 into a parking space. People will park there for the tennis courts. Mr. Prior said
356 the town should address signage at the ends of Browns Court and River Street,
357 but that's outside the purview of this Board. We have a responsibility to the
358 citizens and taxpayers to protect their health, safety, welfare, and convenience.
359 Ms. Davies said the situation is constrained, and the concern is that it will
360 become more constrained. It's mostly an existing situation. She doesn't love the
361 four driveways. Mr. Prior said we're approving the use and the density, not the
362 construction plan. They can't change the setbacks or the height, but it doesn't
363 have to look exactly like this plan.

364 Ms. Davies asked if the Board should grant the special exception with a
365 note to the Planning Board that we have concerns about access and safety. Mr.
366 Prior said yes, you can make that a part of the motion. Ms. Montagno said it
367 should be clear what our concerns are. Ms. Davies said it's about access,
368 visibility, emergency access, and the driveway placement. There is plenty of
369 opportunity to improve that situation. Mr. Prior said the applicant should take this
370 discussion to heart and think about how to revise the proposal prior to going to
371 the Planning Board. Four driveways dumping onto River Street is a lot in 120
372 feet.

373
374 Ms. Davies made a motion to accept the application for a special exception for 35–37
375 River Street, Tax Map 72, Lot 99, in the R-2 Single Family Residential District as
376 presented, with a request that the Planning Board review this application, that will going
377 for site plan review, with particular attention paid to safety, as it applies to access,
378 visibility, and emergency access, all related to driveway placement. Ms. Pennell
379 seconded. Mr. Carter, Ms. Montagno, Ms. Davies, Ms. Pennell, and Mr. Prior voted aye.
380 The motion passed 5-0.

381
382 **II. Other Business**

383 A. Approval of Minutes - March 17, 2026

384 Mr. Prior said the minutes would be deferred until next month.

385
386 **III. Adjournment**

387
388 Ms. Pennell moved to adjourn. Ms. Davies seconded. The motion passed 6-0 and the
389 meeting was adjourned at 9 PM.

390
391 Respectfully Submitted,
392 Joanna Bartell
393 Recording Secretary
394