



# TOWN OF EXETER, NEW HAMPSHIRE

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

[www.exeternh.gov](http://www.exeternh.gov)

## LEGAL NOTICE EXETER ZONING BOARD OF ADJUSTMENT AGENDA

The Exeter Zoning Board of Adjustment will meet on Tuesday, December 20, 2022 at 7:00 P.M. in the Nowak Room located in the Exeter Town Offices, 10 Front Street, Exeter, to consider the following:

### **NEW BUSINESS:**

The application of RiverWoods Company of Exeter for a variance from Article 2, Section 2.2.26, Definition of “Elderly Congregate Health Care” to permit skilled nursing care off site on related campus. The subject property is located at 7 RiverWoods Drive in the R-1, Low Density Residential zoning district. Tax Map Parcel #97-23. ZBA Case #22-15.

The application of RiverWoods Company of Exeter for a variance from Article 2, Section 2.2.26, Definition of “Elderly Congregate Health Care Facilities” to permit skilled nursing care off site on related campus. The subject property is located at 5 Timber Lane, in the R-1, Low Density Residential zoning district. Tax Map Parcel #98-37. ZBA Case 22-16.

The application of Jewett Construction Co., LLC (on behalf of Craig Jewett) for a change of use to permit the existing church on the property at 12 Little River Road to be used as for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2a Montessori Early Childhood Education Center. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #62-90. ZBA Case #22-20.

The application of Twenty-Nine Garfield Street, LLC for a variance from Article 4, Section 4.4 for relief from side and rear yard setback and building coverage requirements; and a variance from Article 6, Section 6.19.3.A.5 to exceed the maximum height requirement for the proposed construction of a three-story, 36-unit apartment building, parking and a first floor “Ambassador Station” providing services for patrons of the abutting train station. The subject property is located at 29 Garfield Street, in the C-1, Central Area Commercial zoning district. Tax Map Parcel #73-225. ZBA Case #22-21.

The application of Charles Fincher for a special exception for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 to permit an accessory dwelling unit in the existing detached garage on the property located at 340 Water Street. The subject property is in the R-2, Single Family Residential zoning district. Tax Map Parcel #64-35. ZBA Case #22-22.

### **OTHER BUSINESS:**

- Approval of Minutes: September 20 and November 15, 2022

### **EXETER ZONING BOARD OF ADJUSTMENT**

*Kevin M. Baum, Chairman*

*Posted 12/09/22: Exeter Town Office, Town of Exeter website*

Town of Exeter  
Zoning Board of Adjustment  
September 20, 7 PM  
Town Offices Nowak Room  
Draft Minutes

I. **Preliminaries**

**Members Present:** Chair Kevin Baum, Vice-Chair Robert Prior, Clerk Esther Olson-Murphy, Rick Thielbar, Martha Pennell - Alternate

**Members Absent:** Laura Davies, David Mirsky - Alternate, Joanne Petito – Alternate. Chris Merrill is no longer a member.

**Call to Order:** Chair Baum called the meeting to order at 7 PM.

I. **New Business**

- A. The application of 131 Portsmouth Avenue LLC for a variance from Article 5, Section 5.1.2 to permit the expansion of a non-conforming light industry use on the property located at 131 Portsmouth Avenue. The subject parcel is located in the C-2, Highway Commercial and CT-Corporate/Technology Park zoning districts. Tax Map Parcel #52-112. ZBA Case #22-12.

Attorney Justin Pasay of DTC Lawyers was present to discuss the application. This proposal would clean up the zoning demarcation between C2 and CT. Holland Way is in the CT district, and a portion of Portsmouth Ave is in the C2 District. Osram Sylvania was a large 32 acre site with a zoning line that split the property down the middle. Since it was split, there have been subdivisions which make the zoning line arbitrary. There are two buildings on the property: a larger building of 135,000 square feet, and a smaller building of 74,000 square feet. At the 2019 Town Meeting, voters decided to change the PP District along Holland Way to the Corporate/Technology Park (CT) District, in order to attract light industrial applications. In 2020, the first subdivision of the Osram site occurred. This created two lots, one of 16.5 acres and the big building, and a second lot of 15 acres with the smaller building. Subsequently, 131 Portsmouth Ave LLC bought the 15-acre site with the smaller building. Last month a further subdivision was approved: the applicants intend to sell a 9 acre lot to CA Design, a company which produces products for the fence industry, a light industrial use. CA would put an addition to the 74,000 square foot building to create a 114,000 square foot building. This building is split by the zoning district; most of it in CT, but the proposed addition is in C2, where light industrial use is not allowed. That's why they need a variance.

Mr. Prior asked about access from Holland Way rather than access from Portsmouth Ave for the new subdivision. Mr. Pasay said it will be up to CA Design to go before the Planning Board and discuss those types of issues. A DOT permit has been obtained for access onto Holland Way.

45 Mr. Prior asked if any further requests would come forward, such as parking or  
46 access. Attorney Pasay said this plan doesn't require any additional relief.

47 Attorney Pasay went through the variance criteria. 1) The variance will not be  
48 contrary to the public interest and 2) The spirit of the ordinance will be observed; yes,  
49 there is no conflict with the purpose of the zoning ordinance. The proposal advances the  
50 purpose of the governing body and of the Master Plan. Town meeting in 2019 rezoned  
51 the CT District to attract more light industrial development. This use is compatible with  
52 the existing surrounding uses, such as Osram. More jobs, more prosperity, and more tax  
53 revenue are in the public interest. There's no threat that this proposal will alter the  
54 essential character of the neighborhood. The proposal is consistent with intent of the  
55 zoning ordinance. 3) Substantial justice is done; yes, there's no identifiable public gain  
56 from the denial. If the variance is denied, the intent of the 2019 zoning ordinance change  
57 and the Master Plan will be frustrated. 4) The value of surrounding properties will not be  
58 diminished; yes, we don't foresee any detriment. If anything, this expansion will increase  
59 the value of this property, which will increase the value of surrounding properties. 5)  
60 Literal enforcement of zoning ordinance will result in an undue hardship; yes, the special  
61 circumstances are that the property and the building itself are bifurcated by the zoning  
62 line. The purpose of the zoning ordinance, which is to advance the public interest,  
63 facilitate reasonable development, and limit incompatible development, would not be  
64 observed by applying it to this property. Granting the variance actually advances the  
65 public interest and accomplishes reasonable and compatible development. The  
66 proposed use is reasonable by virtue of the uses on the property for years and town  
67 meeting's intent to facilitate this type of use on this property.

68 Mr. Thielbar said he's not clear on what the variance should say. Is the applicant  
69 asking for all of the green area on the map to be zoned CT, or just to make sure they  
70 can build a building? Attorney Pasay said the variance is to permit the expansion of a  
71 non-conforming use with the 40,000 square foot addition to the existing building. It's not  
72 requested to re-zone the property. Mr. Baum said it's to permit the expansion as  
73 proposed, nothing additional. Attorney Pasay said the proposal was designed to  
74 encompass what CA Design plans to do with the building.

75 Mr. Prior asked if 131 Portsmouth Avenue is the address only for the green  
76 portion of the map. Attorney Pasay said that was the address for the pre-subdivision  
77 parcel, and he doesn't know of any reassigning of address. Doug Eastman said that lot  
78 has not been numbered yet. Both parcels are currently considered 131 Portsmouth. Mr.  
79 Prior said we can refer to it as 131 Portsmouth Ave lot A.

80 Mr. Baum read a memo from the Economic Development Director in support of  
81 the application, which he said could bring up to 200 jobs to the town.

82 Mr. Baum opened the discussion to the public, but there was no comment. Mr.  
83 Baum brought the discussion back to the Board.

84 Mr. Prior said he believed that the general consensus of the Board was that the  
85 proposal meets the variance criteria. Ms. Pennell said her only possible concern would  
86 be a potential future exit to Holland Way, but that doesn't have anything to do with this  
87 application.

88

89 Mr. Prior made a motion to approve the application of 131 Portsmouth Avenue LLC for a  
90 variance from Article 5, Section 5.1.2 to permit the expansion of a non-conforming light  
91 industrial use on the property located at 131 Portsmouth Avenue, aka Map 51 Lot 112A, as  
92 proposed. Mr. Thielbar seconded. Mr. Baum, Mr. Thielbar, Ms. Olson-Murphy, Ms. Pennell, and  
93 Mr. Prior voted aye. The motion passed 5-0.

- 94  
95 B. A request for rehearing the August 16 Zoning Board decision for 81 High Street,  
96 the Phillips Exeter application, to permit the property be used for multi-family  
97 without the over-55 restriction.

98 Mr. Baum said the rehearing would only take place if there were an error  
99 made or if there were facts not known at the time of the decision. This is purely  
100 deliberative and not open for public discussion. He was not present for the  
101 meeting but reviewed the minutes and is prepared to vote.

102 Mr. Thielbar said when the original variance was issued, there was a  
103 historic building that was falling down. Through a lot of discussion, we decided  
104 that by having an age-restricted use, we would have very little impact on the  
105 surrounding territory and would permit the upgrade of the structure. That facility  
106 has been run successfully for a number of years. The hardship no longer exists.  
107 The essence of the applicant's argument was that since the variance allowed  
108 multi-family housing, any condition on that use is not enforceable, but he [Mr.  
109 Thielbar] doesn't think that's true. The current owner having to raise the prices in  
110 order to run the facility may be a hardship for the residents, but not a hardship for  
111 the property.

112 Ms. Olson-Murphy said they didn't give us anything new to work with,  
113 they're just restating the argument. Mr. Baum said it says that the Board found  
114 that hardship existed in 2011, so it still exists, but he doesn't agree. When the  
115 Board made its decision in 2011, the over-55 restriction was part of it.

116 Ms. Pennell said she read the minutes and got the impression that the  
117 house back then couldn't sell, because there was no market for such a large  
118 single-family house. This seemed like the only way to go. Ms. Olson-Murphy said  
119 a 12,000 square foot building is never going to be a family home. Ms. Pennell  
120 said she's not sure that still true. If you put it on the market now, it may sell.

121 Mr. Prior said he was not present, but he's read the minutes and is ready  
122 to make a vote.

123 Ms. Pennell asked if part of the applicant's argument was that we should  
124 not be considering the variance, but consider the property without the variance?  
125 Ms. Olson-Murphy said even if we did, we would come to the same decision,  
126 because it's not a dilapidated building that needs work. It's a nice building now  
127 that could be sold as a 14 unit building. Ms. Pennell said he could probably sell it  
128 as a single-family. Mr. Prior said that's immaterial.

129  
130 Mr. Thielbar made a motion to deny the request to reconsider. Mr. Prior seconded. Mr. Baum,  
131 Mr. Thielbar, Ms. Olson-Murphy, Ms. Pennell, and Mr. Prior voted aye. The motion passed 5-0.

132  
133  
134  
135  
136  
137  
138  
139

**II. Other Business**

A. Minutes of August 16, 2022

Corrections: Mr. Baum said there were some references to “Attorney Wilson,” but was that Attorney Roy Tilsley or Steve Wilson, the property owner? The Board reviewed the minutes and decided that each reference should read “Attorney Tilsley.”

Ms. Olson-Murphy made a motion to accept the minutes with updating the mentions of “Attorney Wilson” in lines 177, 185, and 191 to be “Attorney Tilsley.” Mr. Thielbar seconded. Mr. Thielbar, Ms. Olson-Murphy, and Ms. Pennell voted aye. Mr. Baum and Mr. Prior abstained because they were not present at the August 16 meeting. The motion passed 3-0-2.

144  
145  
146  
147

B. Mr. Prior and Ms. Pennell said they must recuse themselves from the Riverwoods application to be considered at the next meeting.

**III. Adjournment**

148  
149  
150  
151  
152

Mr. Prior moved to adjourn. Mr. Baum seconded. Mr. Baum, Mr. Thielbar, Ms. Olson-Murphy, Ms. Pennell, and Mr. Prior voted aye. The motion passed 5-0 and the meeting was adjourned at 7:50 PM.

153  
154  
155  
156

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary

Town of Exeter  
Zoning Board of Adjustment  
November 15, 2022, 7 PM  
Town Offices Nowak Room  
Draft Minutes

I. **Preliminaries**

**Members Present:** Chair Kevin Baum, Laura Davies, Martha Pennell - Alternate

**Members Absent:** Vice-Chair Robert Prior, Clerk Esther Olson-Murphy, Joanne Petito - Alternate, Dave Mirsky - Alternate

**Call to Order:** Chair Baum called the meeting to order at 7:07 PM. He asked for a moment of silence for Rick Thielbar, who passed away this week.

I. **Continuances**

A. The application of RiverWoods Company of Exeter for a variance from Article 2, Section 2.2.26, Definition of "Elderly Congregate Health Care" to permit skilled nursing care off site on related campus. The subject property is located at 7 RiverWoods Drive in the R-1, Low Density Residential zoning district. Tax Map Parcel #97-23. ZBA Case #22-15

B. The application of RiverWoods Company of Exeter for a variance from Article 2, Section 2.2.26, Definition of "Elderly Congregate Health Care Facilities" to permit skilled nursing care off site on related campus. The subject property is located at 5 Timber Lane, in the R-1, Low Density Residential zoning district. Tax Map Parcel #98-37. Case #22-16.

Ms. Davies made a motion to continue the hearing on cases #22-15 and #22-16 to December 20, 2022 at the applicant's request. Ms. Pennell seconded. The motion passed 3-0.

C. ZBA Case 22-16. The application of 107 Ponemah Road LLC for a special exception per Article 4, Section 4.2, Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the conversion of the existing single-family dwelling and attached barn located at 50 Linden Street to a three-family home. The subject property is situated in a R-2, Single Family Residential zoning district. Tax Map Parcel #82-11. ZBA Case #22-17.

Ms. Davies moved to continue the hearing for case #22-17 to January 17, 2023 at the applicant's request. Ms. Pennell seconded. The motion passed 3-0.

D. The application of Jewett Construction Co., LLC (on behalf of Craig Jewett) for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 for a change of use to permit the existing church on the property at 12 Little River Road to be used as a Montessori Early Childhood

44 Education Center. The subject property is located in the R-2, Single Family  
45 Residential zoning district. Tax Map Parcel #62-90. ZBA Case #22-20.

46 Ms. Davies moved to continue the hearing for case #22-20 to December 20, 2022 at the  
47 applicant's request. Ms. Pennell seconded. The motion passed 3-0.

48  
49 **II. New Business**

- 50  
51 A. The application of Richard and Debbi Schaefer for a variance from Article 5,  
52 Section 5.3.3. to permit the use of test pits for an individual sewage disposal  
53 system with less than the required 24 inches to seasonal high-water table. The  
54 subject property is located at 24 Powder Mill Road, in the R-1, Low Density  
55 Residential zoning district. Tax Map Parcel #102-4. ZBA Case #22-18.

56 Henry Boyd of Millennium Engineering spoke on behalf of the Schaefers,  
57 who were also present.

58 Mr. Boyd said the Schaefers are trying to give their daughter a piece of  
59 land to keep the family together. Their parcel is 17 acres. He presented Tax Map  
60 102 and a wetland delineation sketch from the wetland scientist for the Board's  
61 reference.

62 Mr. Boyd said that Exeter has an overreaching requirement for septic.  
63 Normally septic needs 6 inches of existing natural soil above the high water  
64 table, but Exeter requires 24 inches. This parcel has between 10 and 17 inches,  
65 about 7 inches short of what's required. This requirement is not necessarily  
66 scientific. We could add fill above the naturally occurring soil, which we will have  
67 to do anyway to get to the 4 total feet from the seasonal water table required for  
68 the septic system. This variance won't create any problems for the town or river,  
69 but will provide a benefit for the applicant.

70 Mr. Baum said this project will also need a permit from NH DES. From a  
71 quick read of the State regulations, do they require 2-4 feet? Mr. Boyd said when  
72 you design the septic system, the State allows 2 feet from the septic to the water  
73 table when using certain technologies. The standard leach field is four feet, but  
74 newer technologies allow a reduction in the size and the distance from the water  
75 table. The first permit required from DES is a subdivision approval, since there is  
76 no sewer. We have to calculate the lot loading based on the soils. The applicants  
77 would have to prove to NH that there is enough soil to support a house, before  
78 they will grant the permit. Then we go to the Planning Board for approval for the  
79 subdivision, then back to DES for the septic design.

80 Mr. Baum asked what type of system would be 2 feet from the water  
81 table. Mr. Boyd said the applicant would likely use Enviro-Septic. We would not  
82 take a reduction in the distance to the water table, but more in the size. Looking  
83 at test pits, the soils here are slower. The 2 foot separation is for the septic itself.  
84 In Exeter, there must be 2 feet natural soil plus the allowance to the septic, for a  
85 total of 4 feet. If approved, we will design a system that will not harm the  
86 environment.

87 Ms. Davies asked about the proposal for the subdivision. Mr. Boyd said  
88 we haven't spent any survey money at this point, only done test pits and the  
89 delineation on the tax map. There's a tree line and driveway. He pointed out on  
90 the map where the house would likely be, but it depends on how much land the  
91 subdivision could be. We would have to meet setbacks from the structures and  
92 wetlands.

93 Mr. Schaefer presented a sketch of the proposed lot, which the Board  
94 reviewed. Mr. Boyd said he would encourage the applicants to share the  
95 driveway between parcels to minimize impacts, but if the State determined it was  
96 acceptable, there's an area for a separate driveway.

97 Ms. Pennell said she doesn't understand why Exeter's regulations are an  
98 issue. Mr. Eastman said it's been an issue before, in the same area, on Linden  
99 Street. 20 years ago, the Conservation Commission wanted to subdivide a piece  
100 of land to sell as a house lot, and they couldn't meet the 24 inches. They were at  
101 10 inches or so. They were granted a variance. Mr. Eastman said he doesn't  
102 know why it's 24 inches. There should be a relief valve when you make  
103 something more restrictive than the state.

104 Mr. Baum said the technology has improved since the regulations were  
105 made. Rye has similar requests frequently. State regulations have moved faster  
106 than the local. Would the applicants consider the condition of using the Enviro-  
107 Septic system? It will probably will have to happen regardless. Mr. Boyd said we  
108 use that system 98% of the time.

109 Mr. Boyd said that one of the reasons for the difference in regulations is  
110 that Exeter has sewer through most of the community, so it doesn't come up that  
111 frequently. If there's no scientific or public health reason to deny it, the Board  
112 should grant the variance so that the applicants can use their property.

113 Mr. Baum said the application contains the variance criteria.

114 Mr. Baum asked if any members of the public would like to speak, but  
115 there was no comment. He closed public comment and the Board entered into  
116 deliberations.

117 Ms. Pennell said her concern was that when there were hurricanes in  
118 Florida, you heard that people should not have built where they built. The  
119 applicants are asking to build where someone says they don't have enough  
120 depth. Mr. Baum said it's not the State saying that, it's the town, which is more  
121 restrictive. The Planning Board here probably does not revisit septic  
122 requirements often. The applicant's next step is to go to DES for subdivision  
123 approval and design approval, so the experts in this field will review it. The  
124 applicants will also go before the Planning Board for subdivision approval. Ms.  
125 Davies added that they'll look at floodplain issues during the subdivision  
126 approval.

127 Mr. Eastman said regarding the 24", there are smaller lots of record  
128 available in the town, as small as 1 acre. We want to make sure that on a small  
129 lot there's a good drainage area. This lot will be in excess of 5 acres, so there's  
130 plenty of room.



131 Ms. Davies said it sounds like there are other safeguards in place. She  
132 takes environmental issues seriously, but this should be an ok area.

133 Ms. Davies made a motion to approve the application of Richard and Debbi Schaefer for  
134 a variance from Article 5, Section 5.3.3. to permit the use of test pits for an individual  
135 sewage disposal system with less than the required 24 inches to seasonal high-water  
136 table, on the condition that an Enviro-Septic Pipe or similar system is used. Ms. Pennell  
137 seconded. The motion passed 3-0.

- 138  
139 B. The application of John Luke Rogers for a special exception per Article 4,  
140 Section 4.2 Schedule I: Permitted Uses, Schedule I Notes 2. and Article 5,  
141 Section 5.2 to permit an existing "in-law" unit to become an accessory dwelling  
142 unit. The subject property is located at 29 Hampton Road, in the R-2, Single  
143 Family Residential zoning district. Tax Map Parcel #87-23-3. ZBA Case #22-19.  
144

145 Mr. Rogers said he and his wife Stacy live at 29 Hampton Road. In the  
146 backyard is an accessory dwelling unit, which is approved as an in-law or guest  
147 suite. He is applying for a special exception to authorize the space as a rental  
148 property. Rental economics are dynamic right now. NH has high occupancy  
149 rates. This space, which is sitting idle, could be beneficial to the town and to us.  
150 This is a converted pool house, and the pool has been filled in. The proposed  
151 use is to rent it out on an intermediate or long-term basis.

152 Mr. Baum asked about the driveway on the map included with the  
153 application. Mr. Rogers said it's a shared drive; 29 has a driveway in front of the  
154 house which is connected to the driveway for 31. The house in the back is off of  
155 the shared driveway. The deed shows the right of way.

156 Ms. Davies said if they want it to become an accessory dwelling unit, the  
157 owner has to occupy one of the two units. Mr. Rogers agreed. Mr. Eastman said  
158 he went through all of that with the applicants. The driveway is tricky, since it's an  
159 easement for a driveway on Hunter Place.

160 Ms. Pennell asked if the applicants converted this from a pool house. Mr.  
161 Rogers said we only moved in a year ago, but our understanding is that there  
162 was formerly a pool that has been filled in. This in-law suite was converted years  
163 ago. Mr. Eastman said it was all permitted, a previous owner filled in the pool and  
164 renovated the pool house into a guest house. It was part of a four-lot subdivision  
165 around the year 2000.

166 Mr. Baum said it sounds like the property meets the accessory dwelling  
167 unit requirements. Ms. Pennell asked if the applicant will have to file with the  
168 Registry, and Mr. Eastman said the Building Department will do a Certificate of  
169 Occupancy and the applicant will be required to amend his deed.

170 Mr. Baum asked if his plans would include short-term rentals. Mr. Rogers  
171 said no, he spoke with Mr. Eastman and it won't be short-term.

172 Mr. Rogers went through the special exception criteria. A) The use is a  
173 permitted special exception as set forth in Article 4.2, Schedule 1; yes, the R2  
174 special exception includes accessory dwelling units. We plan to rent it out as an

175 ADU. B) That the use is so designed, located and proposed to be operated that  
176 the public health, safety, welfare, and convenience would be protected; yes,  
177 that's at the forefront of our intentions. Our family lives on the property. C) That  
178 the proposed use will be compatible with the zoned district and adjoining post-  
179 1972 development where it is to be located; yes. D) That adequate landscaping  
180 and screening are provided; yes, the property is set back from Hampton Road. E)  
181 That adequate off-street parking is provided; yes, plenty of parking is available.  
182 F) That the use conforms with all applicable regulations governing the district  
183 where located; yes. G) The applicant may be required to obtain Planning Board  
184 or Town Planning approval; yes, we will comply with anything that the ZBA  
185 deems necessary. H) That the use shall not adversely affect abutting or nearby  
186 property values; yes, this will be a good thing overall for the immediate area and  
187 the town. He added that I) and J) are not applicable for the ADU use.

188 Mr. Baum opened the discussion to the public, but there was no  
189 comment. He closed the public session and entered into Board deliberations.

190 Mr. Baum asked Mr. Rogers to send Mr. Eastman a copy of the deed. Mr.  
191 Eastman said we can download it without him sending it.

192 Ms. Davies said this is very straightforward. It's an existing building legally  
193 put into use as a residence, but not as a legal separate unit for rental. It meets all  
194 ADU criteria. There will be no physical change to the property. She has no  
195 concerns.

196 Ms. Pennell said she has no issues.

197 Mr. Baum said the access didn't make sense to him at first, but it sounds  
198 like there's an easement.

199 Ms. Davies made a motion to approve the application of John Luke Rogers for a special  
200 exception per Article 4, Section 4.2 Schedule I: Permitted Uses, Schedule I Notes 2 and  
201 Article 5, Section 5.2 to permit an existing "in-law" unit to become an accessory dwelling  
202 unit at 29 Hampton Road. Mr. Baum seconded. [not voted]

203  
204 Ms. Pennell questioned the use of the term "in-law." Mr. Eastman said it could be  
205 referred to as an "accessory structure" instead.  
206

207 Ms. Davies moved to change her motion to use the term "accessory structure" instead of  
208 "in-law unit" in the previous motion: "to permit an existing accessory structure to become  
209 an accessory dwelling unit at 29 Hampton Road." Mr. Baum seconded the amended  
210 motion. The amended motion passed 3-0.

211

212

213

### III. Other Business

214

#### A. Minutes of September 20, 2022

215

Corrections: Ms. Pennell said in the "Members Absent" section, Chris Merrill was  
216 not a ZBA member at that time. Mr. Baum said Dave Mirsky was a member,  
217 although he was not present.

218 Ms. Davies was not present at the 9/20 meeting, so there was not a quorum to  
219 vote. The minutes were tabled until the December meeting.

220

221 **IV. Adjournment**

222 Ms. Davies moved to adjourn. Mr. Baum seconded. All were in favor and the meeting was  
223 adjourned at 8:05 PM.

224

225 Respectfully Submitted,

226 Joanna Bartell

227 Recording Secretary



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD  
JOHN J. RATIGAN  
DENISE A. POULOS  
ROBERT M. DEROSIER  
CHRISTOPHER L. BOLDT  
SHARON CUDDY SOMERS  
DOUGLAS M. MANSFIELD  
KATHERINE B. MILLER  
CHRISTOPHER T. HILSON  
HEIDI J. BARRETT-KITCHEN  
JUSTIN L. PASAY  
ERIC A. MAHER  
CHRISTOPHER D. HAWKINS  
VASILIOS "VAS" MANTHOS  
ELAINA L. HOEPPNER  
WILLIAM K. WARREN

---

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

August 1, 2022

Kevin Baum, Chair  
Zoning Board of Adjustment  
Town of Exeter  
10 Front Street  
Exeter, NH 03833

Re: 7 RiverWoods Drive, Map 97, Lot 23

Dear Chair Baum and Board Members:

Enclosed please find application for variances together with supporting information, abutter list and labels and check for filing and abutter fees. RiverWoods proposes to eliminate 60 skilled care beds and replace them with 35 independent dwelling units at 7 RiverWoods Drive with the skilled care beds being moved to the Ridge campus on White Oak Drive.

We respectfully request that this matter be placed on the Board's August 16, 2022 agenda. In the meantime, if you have any questions do not hesitate to contact me.

Very truly yours,  
DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers  
SCS/sac  
Enclosures

cc: RiverWoods Company  
Altus Engineering  
AG Architects

S:\RA-RL\RiverWoods Company\Health Center & Woods Expansion 2022\ZBA Materials\Final Filing Materials\2022 08 01 ZBA letter.docx

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

LETTER OF AUTHORIZATION

I, Justine Vogel, Chief Executive Officer of Riverwoods Company at Exeter, owner of property depicted on Tax Map 97, Lot 23, do hereby authorize Donahue, Tucker and Ciandella, PLLC, to execute any land use applications to the Town of Exeter and to take any action necessary for the application and permitting process, including but not limited to, attendance and presentation at public hearings, of the said property.

Dated: 8/1/22

RIVERWOODS COMPANY AT EXETER

  
Justine Vogel, Chief Executive Officer

## **ZONING BOARD OF ADJUSTMENT APPLICATION CHECKLIST**

For an application to be considered complete, you must have the following:

- Application Form.
- Complete Abutters List.
- Three (3) pre-printed 1" x 2 5/8" labels for each abutter, the applicant and all consultants.
- Letter of Explanation.
- Vicinity Ownership Map.
- Ten (10) copies of Entire Application. (10 plus original)
- Letter from Owner Authorizing Applicant to file on Owner's behalf.
- Filing Fees: *effective January 1, 2008*
  - \$100.00 Application Fee.
  - \$10.00 Per Abutter
  - Legal Notice Fee: Actual Cost of Advertisement.

*Note: All of the above referenced items must be submitted to the Planning Office on or before deadline dates. See Schedule of Deadlines and Public Hearings for more information.*

Town of Exeter  
APPLICATION FOR A

# VARIANCE

Case Number: _____
Date Filed: _____
Application Fee: \$ _____
Abutter Fees: \$ _____
Legal Notice Fee: \$ _____
TOTAL FEES: \$ _____
Date Paid _____ Check # _____

Name of Applicant RiverWoods Company of Exeter  
(If other than property owner, a letter of authorization will be required from property owner)

Address 7 RiverWoods Drive, Exeter, NH 03833

Telephone Number ( 603 ) 658-1789

Property Owner same

Location of Property 7 RiverWoods Drive, Tax Map 97, Lot 23, R-1 Zone

Applicant Riverwoods Company of Exeter by and through their attorneys, Donahue, Tucker & Ciandella  
Signature *Sharon Cuddy Somers*  
Sharon Cuddy Somers, Esq.  
Date \_\_\_\_\_

*NOTE: This application is not acceptable unless all required statements have been made.  
Additional information may be supplied on a separate sheet if space is inadequate.*

## APPLICATION FOR A VARIANCE

A variance is requested from article 4 & 2 section 4.3 & 2.2.26 of the Exeter zoning ordinance to permit:

the elimination of 60 skilled care beds and add 35 independent living units  
where such units would exceed the allowed density of three dwelling units per  
acre and to permit skilled nursing care off site at related campus

**FACTS SUPPORTING THIS REQUEST:**

**1. The variance will not be contrary to the public interest;**

see attached

---

---

---

---

---

---

---

---

**2. The spirit of the ordinance is observed;**

see attached

---

---

---

---

---

---

---

---

**3. Substantial justice is done;**

see attached

---

---

---

---

---

---

---

---

**4. The values of surrounding properties are not diminished;**

see attached

---

---

---

---

---

---

---

---



**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

see attached

---

---

---

---

---

---

---

---

**ABUTTER LABELS AND LISTS:**

Abutter labels and lists must be attached to this application. Please contact the Planning Office if you have any questions.

**ADDITIONAL MATERIALS:**

If provided with the application, additional submission materials will be sent to the ZBA members in their monthly packet of information. Please contact the Planning Office if you have any questions regarding additional submission materials.

RiverWoods Company at Exeter  
Tax Map 97, Lot 23  
7 RiverWoods Drive, Exeter New Hampshire  
R-1 Zone

RiverWoods Company at Exeter (hereafter “RiverWoods”) requests a variance from the terms of Article 4, Section 4.3 Density Regulations, to allow for the construction of a building to contain up to thirty five (35) independent dwelling units for residents at The Woods campus (hereinafter “The Woods”), where such units would exceed the allowed density of three dwelling units per acre. The building will be located in the same location currently occupied by The Woods Health Center. RiverWoods also seeks a variance from the terms of Article 2, Section 2.2.26.

RiverWoods proposes to move The Woods Health Center to the Ridge and to consolidate it with the health centers of the other campuses. The definition of elderly congregate health care facilities calls for on site nursing home facilities licensed by the State of New Hampshire.<sup>1</sup> While such facilities will continue to be offered to The Woods residents, the services will not technically be offered “on site” and instead will be offered at The Ridge as part of a centralized health center.

The property is located at 7 RiverWoods Drive on the south side of Route 111 and is known as “The Woods”. The property is depicted on the GIS Map and Altus Plan attached as **Exhibit 1**).

## INTRODUCTION

RiverWoods currently consists of a multi campus community all under the same ownership and all under the same management, with the original campus, “The Woods” located on the south side of Route 111 and the other two campuses “The Boulders” and “The Ridge” located on the north side of Route 111. The Woods was originally constructed in 1991 pursuant to a special exception granted under Article 6, Elderly Congregate Health Care Facilities. There are currently 201 dwelling units at The Woods spread over 80+ acres; this number of independent dwelling units complies with the density requirements of Article 4, however, further dwelling units would exceed the allowed density if the calculations were made based on a subtraction of the land subject to the conservation easement.

Subsequent to the construction of The Woods, and starting in 2002, two additional campuses were constructed on the north side of Route 111. Each campus currently contains a health center. The nature of the RiverWoods community is that each of the campuses is unique, and yet the relations and operations among the three campuses are fluid. This core nature of the community is reflected in the evolution of planning for the future of RiverWoods and is no more evident than planning for the health care needs of the RiverWoods community. Beginning

---

<sup>1</sup> Note that RiverWoods does not use the term nursing home facility and instead uses the term health center. However, to avoid confusion with the terms of the zoning ordinance, RiverWoods will use the term nursing home facility within this variance application.

before, but accelerated by, the pandemic, RiverWoods became convinced that the efficiency and efficacy of delivering health care services would be substantially increased if a central health care facility, serving all three campuses, could be constructed on one campus and that the health centers on the remaining two campuses would be abandoned.

This planning exercise is now entering the next phase with a plan underway to propose a centralized health center at “The Ridge.” The plan is not yet complete, but at the appropriate time will be presented to the Town of Exeter for full review by the Planning Board and, if needed, by the Zoning Board of Adjustment.

In the interim, planning is in play for the physical space at The Woods which is currently occupied by the health center, and which will become a vacant spot once the centralized health center is constructed at The Ridge. RiverWoods, responding to a wait list for potential residents of over 350 at any given point in time, would like to take advantage of the opportunity to populate what will become vacant space at The Woods with up to thirty five independent dwelling units notwithstanding that such a proposal will exceed the density allowed under Article 4 if the conservation easement acreage is deducted in the calculations. . RiverWoods understands that the Zoning Board of Adjustment may have concerns about the subject variance being granted and going into effect prior to the centralized health center becoming approved, and RiverWoods agrees to an appropriate condition of approval since RiverWoods would not proceed with The Woods independent living units anyway until they can be assured that the centralized health center will become a reality.

Set forth below are the arguments which support why each of the variance criteria are met to allow for thirty five independent dwelling units at The Woods which will exceed the allowed density and to allow for a health center for Woods residents at The Ridge campus , despite the requirement of the “ Elderly Care Congregate Facility” to provide for such services on site. Following your review of our submitted materials and our presentation at the public hearing, we respectfully request that both variances be granted as presented.

## **SECTION I. DENSITY RELIEF**

### **1. The variance will not be contrary to the public interest.**

Granting the variance will not be contrary to the public interest. To be contrary to the public interest, the variance must unduly and to a marked degree violate the relevant ordinance’s basic zoning objectives. Determining whether the basic objective of the ordinance is violated can be measured by whether the variance will alter the essential character of the locality, or by whether it would threaten public health, safety or welfare.

The basic objective of the density ordinance for this property is comprised of two parts. First, the objective is to control the sheer number of residents on a property and to prevent overcrowding. Note that based on the definition of “dwelling unit” density requirements under

Article 4 are applied to only occupants of independent living units, and not to occupants of the health center. RiverWoods contends that the variance review should be conducted in the context of the impact to the total number of occupants at The Woods, and which will be discussed further. Second the general objective of preventing overcrowding needs to be read in the context of the purpose language not only the generic objective associated with density ordinances, but the objective of the Elderly Congregate Health Care Facilities Ordinance as specified in Article 6, Section 6.1.1 and which states:

“The regulations in this article have been established for the purpose of encouraging the construction of dwelling units suitable for occupancy by elderly persons, while ensuring compliance with local planning standards, land use policies, good building design and other requirements consistent with promoting the public health, safety and general welfare of the inhabitants of Exeter.”

The proposed construction of up to thirty five independent living units in The Woods in the building that currently contains The Woods health center will not be contrary to the basic objective of preventing overcrowding because the fifty nine health care units will no longer be present at the site and instead will reside at The Ridge campus in a new health center. Further, based on general patterns of occupancy noted in the congregate care industry, the occupants of thirty five independent living units will be approximately fifty two and thus the net effect will actually have a slight decrease in the overall population and thus no overcrowding will occur. Further, given that the objective of the elderly congregate health care facility ordinance is to encourage dwelling units for elderly persons and to promote the public health, safety and general welfare of the inhabitants of Exeter, and given that the elderly population in New Hampshire is one of the highest in the country , and that the need for housing is great, the creation of thirty five new independent living units will promote the general welfare of Exeter and the de minimis impact on density does not undercut this conclusion.

The basic objectives of the ordinance outlined above must also be viewed against the essential character of the locality to ascertain whether granting the variance will alter the essential character. In this case, granting the variance will not alter the locality. As stated earlier, The Woods campus was constructed in its current configuration and is surrounded on two sides by single family homes, on the third side by a railroad track with single family homes beyond and on the fourth side by RiverWoods Drive which leads out to Route 111. The proposed location of the thirty five independent living units will be in the same spot as an existing building, so nearby homes will not have new independent living units constructed near them and the appearance of The Woods to neighboring properties will not be altered (See architectural renderings attached as **Exhibit 2**).

The addition of thirty five independent living units will not threaten public health, safety or welfare. Any safety concerns generated by fire and police needs for the additional thirty five units will be addressed by RiverWoods and will additionally be scrutinized as part of site review if site review is required. Any concerns about internal traffic impacts will be scrutinized as part of site review. External impacts will be negligible due to the fact that all traffic will enter and exit from the existing access point on RiverWoods Drive and Route 111, and the increase of traffic from the independent living units will be offset by the decrease in traffic from staff who

are no longer needed at The Woods health center. (See report of Steve Pernaw attached as **Exhibit 3**).

**2. The spirit of the ordinance is observed.**

Under New Hampshire law, this variance criteria is essentially merged with the “public interest” criteria. As stated above, the spirit of the ordinance is to control the sheer number of residents on a property and to prevent overcrowding. For the reasons stated above, the spirit of the ordinance will be observed if the variance is granted.

**3. The values of surrounding properties are not diminished.**

Granting the variance to allow up to thirty five independent dwelling units in the location of the current health center will not diminish property values. The Woods has been in existence since 1991 and its impact on property values of the surrounding properties is established. The proposed independent dwelling units will be located in the same spot where the existing health center exists and thus surrounding properties will not experience new independent living units in close proximity to their properties. Additionally, the current use of The Woods includes both occupants of a health center and independent dwelling units. The addition of thirty five independent living units will not alter the inherent nature of the daily use of the property and thus will not diminish the property values. Any off-site impact to traffic will be de minimis to surrounding properties as described above.

RiverWoods is not aware of any information or evidence that would suggest that the addition of up to thirty five independent dwelling units at the Woods will diminish the values of surrounding properties.

**4. Substantial justice is done.**

The relevant analysis under this element of the variance criteria is whether the benefit to the applicant of granting this variance will be outweighed by a detriment or loss to the individual or to the public at large. Here, the benefit to RiverWoods is that what will become an empty building can be converted to create independent living units, thus helping to address a pronounced need for more of such units. Currently, RiverWoods has a waiting list of 350 people seeking to move in as residents in independent living units. The fortuitous existence of an empty spot to construct independent living units is one that RiverWoods cannot afford to ignore. Moreover, the independent living units to be added are part of the larger planning exercise of constructing centralized health care and obtaining permission for this piece of the exercise is vital.

By contrast, there is no known harm to the public or to any individual to granting the variance from density requirements for the proposal described herein. The public will not be harmed because the impact, if any, of the additional residents will be experienced principally within The

Woods property itself. To the extent there is any conceivable public detriment, it would be traffic related, and as described herein, the net change to traffic exiting and entering the property will be de minimis due to the fact that the added cars from residents at the independent living units will be offset by a reduction in cars from staff because there will no longer be a need for staff to serve the residents of The Woods health center. Likewise, there is no detriment to any individual. Neighboring properties have an established neighbor in the form of The Woods campus, and the substitution of a similar number of residents in independent living units to that which exists in the health center will not be detrimental, particularly given that the independent units will be constructed in an existing location, no closer to neighboring properties.

## **5. Unnecessary hardship**

### **A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:**

The property is distinguished from other properties in the area. It consists of a large 80+ acre parcel with access from RiverWoods Drive and Route 111. Unlike other properties in the area which are primarily, if not exclusively, single family homes, RiverWoods contains a residential community permitted by special exception under Exeter's elderly congregate health care facility ordinance in 1991. The property comprises one campus in what is a multi-campus community, all of which are located directly across from each other off of Route 111.

RiverWoods is proposing to remove the health center at The Woods campus and relocate those residents to a new facility at The Ridge. If the centralized health center proceeds as planned on the Ridge Campus, then the Woods campus will have an empty building. No additional independent units can be constructed elsewhere at the Woods due to the fact the unbuilt portion of the campus is largely subject to a conservation easement. As a result, the property will contain a vacant spot within the large parcel, and the denial of permission to utilize that area will be an unnecessary hardship.

### **B. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

The general public purpose of the ordinance is to prevent overcrowding on any particular lot and to do so in the context of the purposes of the elderly congregate health care facilities. Here, those purposes will be applied to the installation of independent living units in an existing location on The Woods campus which historically been used as a health center for The Woods residents. The number of potential occupants in the Woods health center at any given time is 59; the number of occupants in thirty five independent units is estimated to be 52, thus, creating no increase in the numbers of residents within the campus as a whole and, in fact, reducing the number of residents. Further, the fact that the new residents will be located in an existing spot, and not in new buildings located elsewhere in the campus will eliminate any perception of increased density to other residents on that campus.

**C. The proposed use is a reasonable one:**

The nature of RiverWoods is such that it is now a multi-campus community. The needs of the community are such that a centralized health center, serving all campuses, is believed to be the best way to provide the highest quality and most efficient health care for all of the campuses. This health center will be pursued in the future at the Ridge and certainly will be the subject of additional review by local and state agencies. In the meantime, however, it is reasonable to have a concrete approved plan in place so that when the Woods health center becomes vacant that RiverWoods can immediately begin work to utilize that space and convert it to independent living units to help meet a pronounced need. The impact of the units will not contravene the intent of density regulations because the number of residents at The Woods will be comparable if not less than that which is there now and the only potential impact to the public, namely traffic, will be muted because of the reduction in staff cars.

**SECTION II. RELIEF TO ALLOW NURSING HOME FACILITIES AT THE RIDGE**

**1. The variance will not be contrary to the public interest.**

Granting the variance will not be contrary to the public interest. To be contrary to the public interest, the variance must unduly and to a marked degree violate the relevant ordinance's basic zoning objectives. Determining whether the basic objective of the ordinance is violated can be measured by whether the variance will alter the essential character of the locality, or by whether it would threaten public health, safety or welfare.

The basic objective of the ordinance requiring that on site nursing home facilities be present on site is to have consistency with the notion that the campus is one of "congregate" care, and that a person entering RiverWoods in an independent living unit can remain there until their last days, including, if need be, a nursing home facility. Here, as explained above, RiverWoods has evolved over the years to include a somewhat symbiotic relationship between the campuses, such that residents of each campus have interaction with other campuses. As a result, having a nursing home facility at the Ridge will not unduly and to a marked degree violate the basic zoning objective because unlike having a nursing home facility in a completely different part of town, the new location will merely be in a different campus in the multi campus community.

The basic objective outlined above must also be viewed against the essential character of the locality to ascertain whether granting the variance will alter the essential character of the locality. Based on the comments made in the density relief component of this presentation, having the nursing home facilities located at the Ridge will not alter the essential character of the locality adjacent to the Woods. Similar comments can be made regarding the locality of the Ridge in that it has an established health center, and the area surrounding The Ridge campus and The Boulders campus contain largely single family homes.

Locating the nursing home facility serving The Woods residents at The Ridge campus will not threaten the public health, safety or welfare. First and foremost, the public health and welfare will not be threatened because The Woods residents will continue to have the highest quality health services, and the intention is that centralized services located at The Ridge will even enhance those services. With regard to public safety, as stated earlier, fire and police needs, and external traffic generated by the new location of health services will be scrutinized during site review for The Ridge proposal. Further, any internal traffic impacts at The Woods, such as the possible need for residents to visit a spouse at The Ridge health center, are likely to be minimal and will be scrutinized as part of site review if required.

**2. The spirit of the ordinance is observed.**

Under New Hampshire law, this variance criteria is essentially merged with the “public interest” criteria. As stated above, the spirit of the ordinance is to ensure that nursing home facilities are offered to residents in a manner whereby they will remain physically part of the community. For the reasons stated above, the spirit of the ordinance will be observed if the variance is granted.

**3. The values of the surrounding properties will not be diminished.**

Granting the variance to allow for nursing home care for The Woods residents to occur at The Ridge campus will not diminish the values of surrounding properties. All three campuses of the multi campus community have been in existence for some time, and the impact of health centers on the property values of surrounding properties is established. Moving the nursing home facility for The Woods residents off of The Woods campus to a location across the street will not impact the values of the properties surrounding The Woods. No diminution in value will occur either in properties surrounding The Ridge campus since the use will remain the same. RiverWoods agrees that if the variance is granted, that it can be conditioned on not going into effect until the centralized health center is approved. Any impacts to the Ridge campus from the centralized health center will be vetted by means of the site review process.

RiverWoods is not aware of any information or evidence that would suggest that the location of the nursing home facility for The Woods residents at The Ridge campus will diminish the values of surrounding properties.

**4. Substantial justice is done.**

The relevant analysis under this element of the variance criteria is whether the benefit to the applicant of granting this variance will be outweighed by a detriment or loss to the individual or to the public at large. Here, the benefit to RiverWoods is that having nursing home care outside of The Woods, but across the street at The Ridge, will be that the proposed centralized health center, the need for which is outlined in other portions of this application, will be one step closer to realization.

By contrast, there is no known harm to the public at large from moving The Woods nursing home facility across the street to The Ridge. Similarly, no known harm exists for individuals



outside of The Woods. With regard to the residents of The Woods, the proposed relocation of the nursing home facility has been discussed with them over the course of the past eight months and the reasoning for doing so is understood by the residents.

**5. Unnecessary hardship.**

**A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:**

The property on which The Woods health center sits was the first campus of what has evolved into a multi campus community, all providing elderly congregate care services. All campuses are located directly across from each other off of Route 111. The variance at issue is to allow a deviation from the definition of elderly congregate health care such that the nursing home facility for The Woods will now be located across the street. The New Hampshire Supreme Court has recognized that aspects of a property which might in some circumstances be irrelevant for a hardship analysis, can become relevant based on the circumstances of the variance. Harborside Associates v. Parade Residence Hotel, LLC 162 NH 508 (2011). Here, The Woods is part of a multi campus community, all offering elderly congregate care, and a centralized health center is contemplated to serve all campuses. Under these circumstances, the special condition of the property is that the nursing home care that would otherwise need to be provided at The Woods can be provided in close proximity to The Woods, but in a manner which will offer the highest quality service. To deny the variance for the sake of strict adherence to having a nursing home onsite will mean that the care objectives of efficient and effective health services for the multi campus community may be impaired.

**B. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific provision to the property because:**

The general public purpose of the ordinance is to ensure that the continuum of care which is one of the central tenets of “congregate care” is provided all in one place so as to foster a sense of community.

RiverWoods has over the years evolved into a multi campus community. Because the multiple campuses form a community, planning for the community occurs both with regard to the needs of the individual campuses and the needs of the community as a whole. Here, the needs of the community as a whole are to create a central health care center and in so doing, offer the highest level health care possible. On this issue, the needs of the individual campuses coincide with the needs of the community.

As a result, there is no fair and substantial relationship between the purpose of the ordinance and the strict application to the proposal at hand.

**C. The proposed use is a reasonable one:**

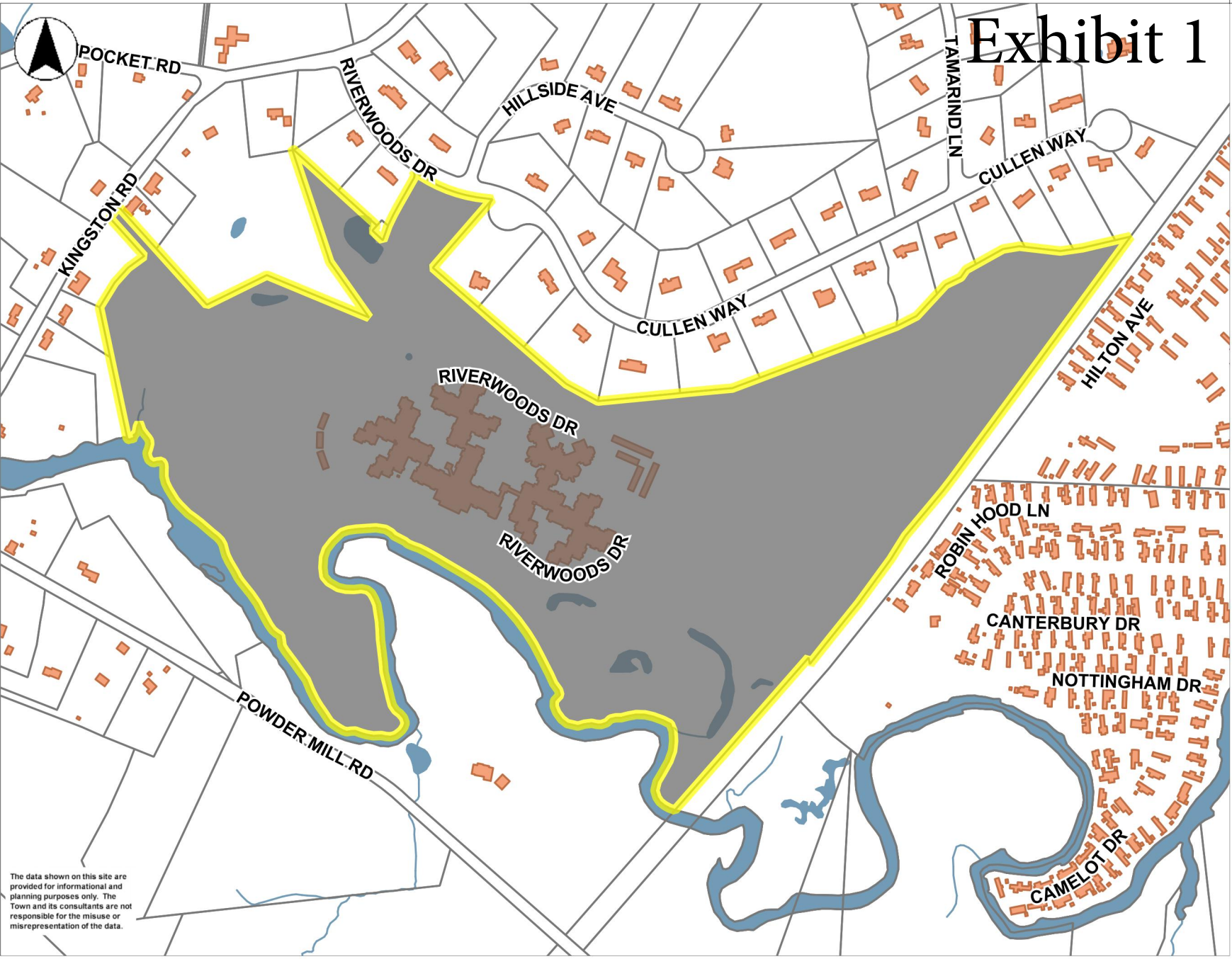
The applicant proposes to provide to The Woods residents nursing home care as licensed by the State of New Hampshire. The only difference between what is offered now and what is

proposed is that the location of the service will be at The Ridge campus, a very short distance from the current location. On balance, the proposed use is reasonable since it still meets the spirit of the ordinance by providing the service within the RiverWoods multi campus community, and yet it does so in what is hoped to be the most efficient manner possible.

S:\RA-RL\RiverWoods Company\Health Center & Woods Expansion 2022\ZBA Materials\2022 08 01 Variance Narrative Final.docx

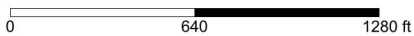


# Exhibit 1

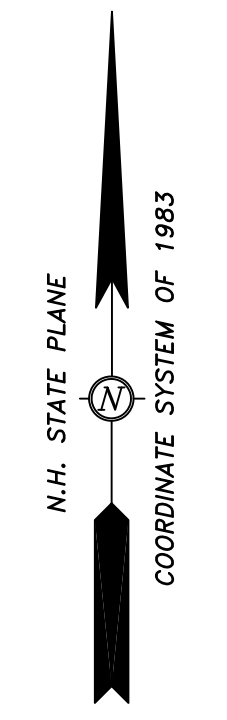
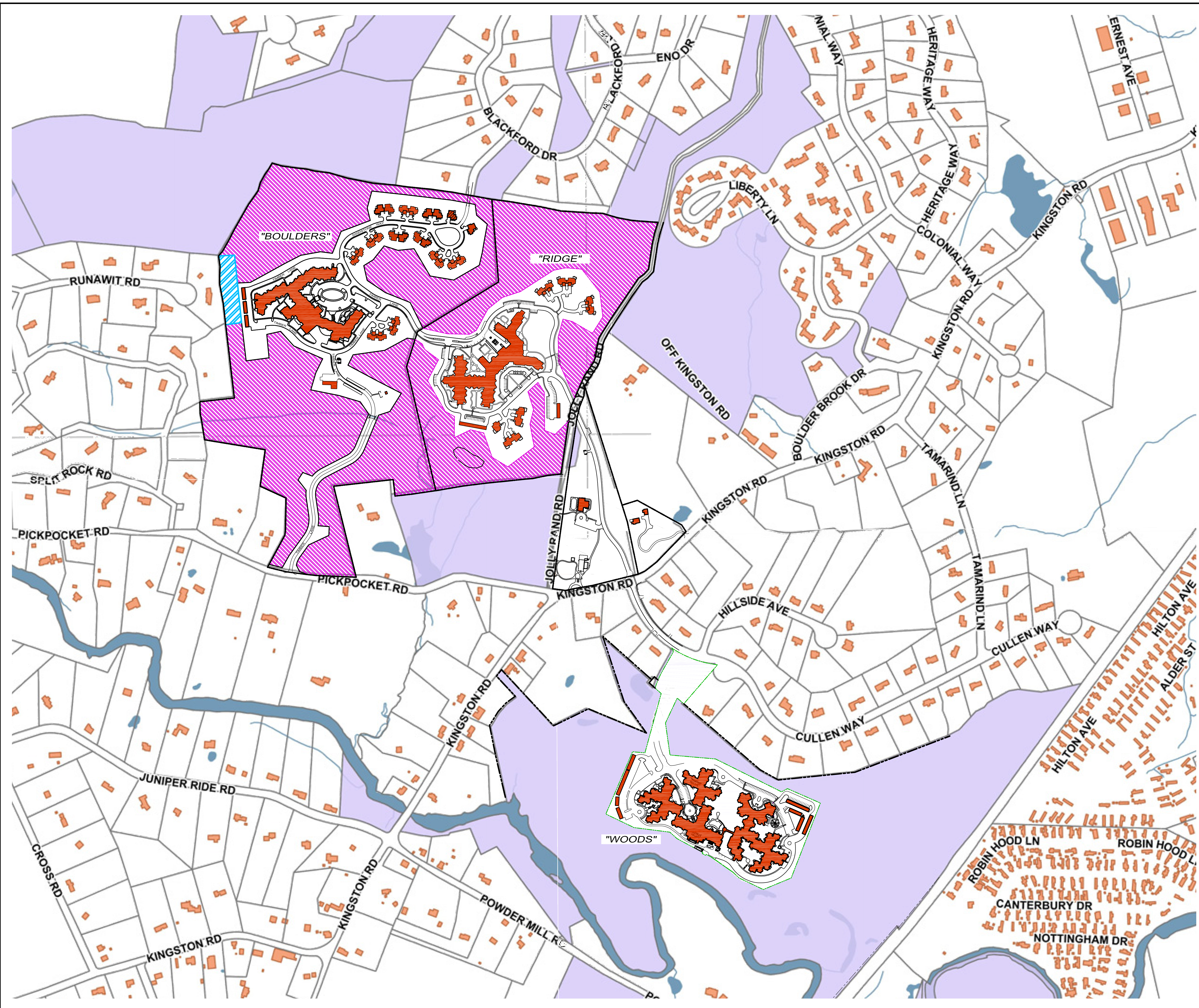


- Parcels
- NH Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets (Updated Feb 2019)
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 07/25/2022 at 10:23 AM



LEGEND:

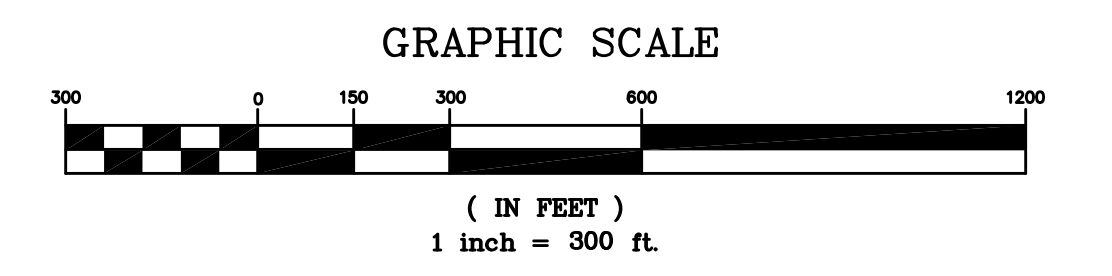
- CONSERVATION LAND (PER TOWN GIS)
- CONSERVATION LAND (ON RIVERWOODS LAND)
- EXISTING USE EASEMENT IN FAVOR OF ABUTTER (ARCHIBALD)

NOTES:

1. THIS PLAN IS A BEST FIT COMPOSITE DEVELOPED FOR RIVERWOOD BY USING THE TOWN GIS MAPPING OVERLAID WITH VARIOUS SITE PLANS PREPARED BY ALTUS ENGINEERING (THE RIDGE, THE BOULDERS, ADMINISTRATION BUILDING AND THE WOODS - FESTIVAL AREA, FRANCONIA WING, PINKHAM VILLAGE IMPROVEMENTS, LODGE WING, CARPORT EXPANSION) AND 'THE WOODS SITE PLAN' PREPARED BY KIMBALL CHASE, DATED 1991.
2. THIS PLAN HAS BEEN PREPARED AS A STUDY PLAN FOR CONCEPTUAL PLANNING PURPOSES ONLY AND IS NOT APPROPRIATE FOR, NOR INTENDED TO BE USED FOR DESIGN PURPOSES.
3. ALTUS MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, REGARDING THE ACCURACY OR COMPLETENESS OF THIS DOCUMENT.
4. ADDITIONAL FEATURES, EASEMENTS, AND RESTRICTIONS ARE KNOWN TO EXIST AT THE RIVERWOODS PROPERTIES, BUT HAVE NOT BEEN ADDED TO THIS DRAWING FILE.

**CAMPUS COMPOSITE PLAN**  
FOR  
**RIVERWOODS AT EXETER**

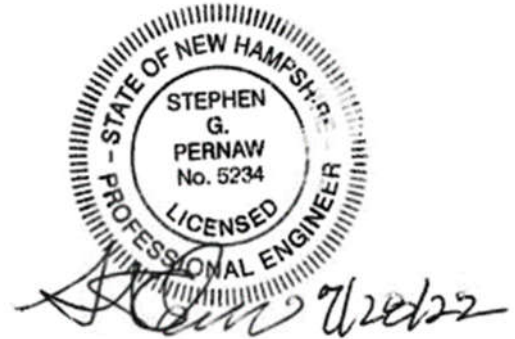
DATE: JULY 26, 2022  
SCALE: 1"=300' (22"x34")  
PROJECT: P5015





**MEMORANDUM**

Ref: 2225A  
 To: Sharon Cuddy Somers, Esquire  
 Donahue, Tucker & Ciandella, PLLC  
 From: Stephen G. Pernaw, P.E., PTOE  
 Subject: RiverWoods – Proposed Independent Living Units  
 Exeter, New Hampshire  
 Date: July 28, 2022



As requested, Pernaw & Company, Inc. has conducted this trip generation analysis on behalf of RiverWoods to address the proposed changes at “The Woods” site on Riverwoods Drive. More specifically, the proposal is to eliminate the existing healthcare facility and replace it with 35 independent living units. Access to the subject site will not change. The results of the trip generation analyses are summarized on Table 1, and clearly show that the proposed “change of use” will translate into fewer vehicle-trips on both a daily and peak hour basis. The trip generation calculations are attached (see Attachments 1-4).

Table 1	Trip Generation Summary - The Woods RiverWoods Exeter		
	Deduct Healthcare Trips <sup>1</sup>	Add Independent Living Trips <sup>2</sup>	Net Change
Weekday (24 Hours)			
Entering	-78 veh	63 veh	-15 veh
Exiting	-78 veh	63 veh	-15 veh
Total	-156 trips	126 trips	-30 trips
AM Peak Hour			
Entering	-36 veh	3 veh	<b>-33 veh</b>
Exiting	0 veh	5 veh	<b>5 veh</b>
Total	-36 trips	8 trips	<b>-28 trips</b>
PM Peak Hour			
Entering	0 veh	5 veh	<b>5 veh</b>
Exiting	-36 veh	4 veh	<b>-32 veh</b>
Total	-36 trips	9 trips	<b>-27 trips</b>

<sup>1</sup> Based on work shift schedules: 1st = 36, 2nd = 21, 3rd = 21 employees  
<sup>2</sup> ITE Land Use Code 252 - Senior Adult Housing - Multifamily

The relocation of healthcare beds from the Woods site to the Ridge site will not impact the volume of traffic on NH111; rather it will just alter the turning movement patterns at the subject intersection. For example, a left-turn arrival from NH111 will become a right-turn arrival, etc.

Attachments

## Land Use: 252

# Senior Adult Housing—Multifamily

---

### Description

Senior adult housing—multifamily sites are independent living developments that are called various names including retirement communities, age-restricted housing, and active adult communities. The development has a specific age restriction for its residents, typically a minimum of 55 years of age for at least one resident of the household.

Residents in these communities are typically considered active and requiring little to no medical supervision. The percentage of retired residents varies by development. The development may include amenities such as a golf course, swimming pool, 24-hour security, transportation, and common recreational facilities. They generally lack centralized dining and on-site health facilities.

The dwelling units share both floors and walls with other units in the residential building. Senior adult housing—single-family (Land Use 251), congregate care facility (Land Use 253), assisted living (Land Use 254), and continuing care retirement community (Land Use 255) are related land uses.

### Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, and the 2000s in Alberta (CAN), California, Maryland, New Hampshire, New Jersey, Ontario (CAN), and Pennsylvania.

### Source Numbers

237, 272, 576, 703, 734, 970, 1060

# Graph Look Up

**Query** **IPD**

**DATA SOURCE:**  
 Trip Generation Manual, 11th Ed

**SEARCH BY LAND USE CODE:**  
 252

**LAND USE GROUP:**  
 (200-299) Residential

**LAND USE:**  
 252 - Senior Adult Housing - Multifamily

**LAND USE SUBCATEGORY:**  
 All Sites

**SETTING/LOCATION:**  
 General Urban/Suburban

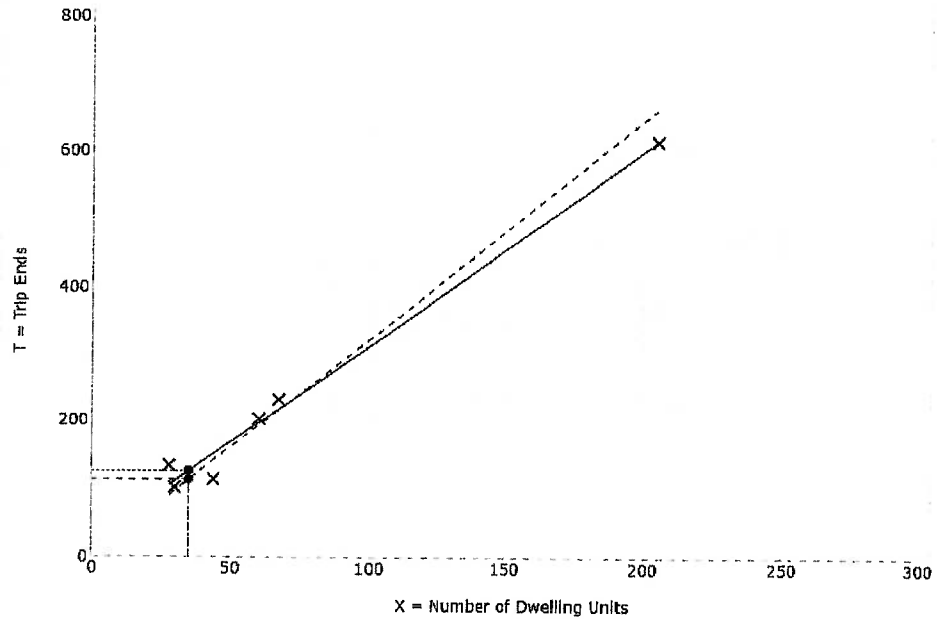
**INDEPENDENT VARIABLE (IV):**  
 Dwelling Units

**TIME PERIOD:**  
 Weekday

**TRIP TYPE:**  
 Vehicle

**ENTER IV VALUE TO CALCULATE TRIPS:**  
 35 **Calculate**

## Data Plot and Equation



## DATA STATISTICS

**Land Use:**  
 Senior Adult Housing - Multifamily (252) [Click for Description and Data Plots](#)

**Independent Variable:**  
 Dwelling Units

**Time Period:**  
 Weekday

**Setting/Location:**  
 General Urban/Suburban

**Trip Type:**  
 Vehicle

**Number of Studies:**  
 6

**Avg. Num. of Dwelling Units:**  
 72

**Average Rate:**  
 3.24

**Range of Rates:**  
 2.59 - 4.79

**Standard Deviation:**  
 0.53

**Fitted Curve Equation:**  
 $T = 2.89(X) + 24.82$

**R<sup>2</sup>:**  
 0.99

**Directional Distribution:**  
 50% entering, 50% exiting

**Calculated Trip Ends:**  
 Average Rate: 113 (Total), 56 (Entry), 57 (Exit)  
 Fitted Curve: 126 (Total), 63 (Entry), 63 (Exit)

Use the mouse wheel to Zoom Out or Zoom In.  
 Hover the mouse pointer on data points to view X and T values.



# Graph Look Up

Query **FORM**

DATA SOURCE:  
 Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:

LAND USE GROUP:  
 (200-299) Residential

LAND USE:  
 252 - Senior Adult Housing - Multifamily

LAND USE SUBCATEGORY:  
 All Sites

SETTING/LOCATION:  
 General Urban/Suburban

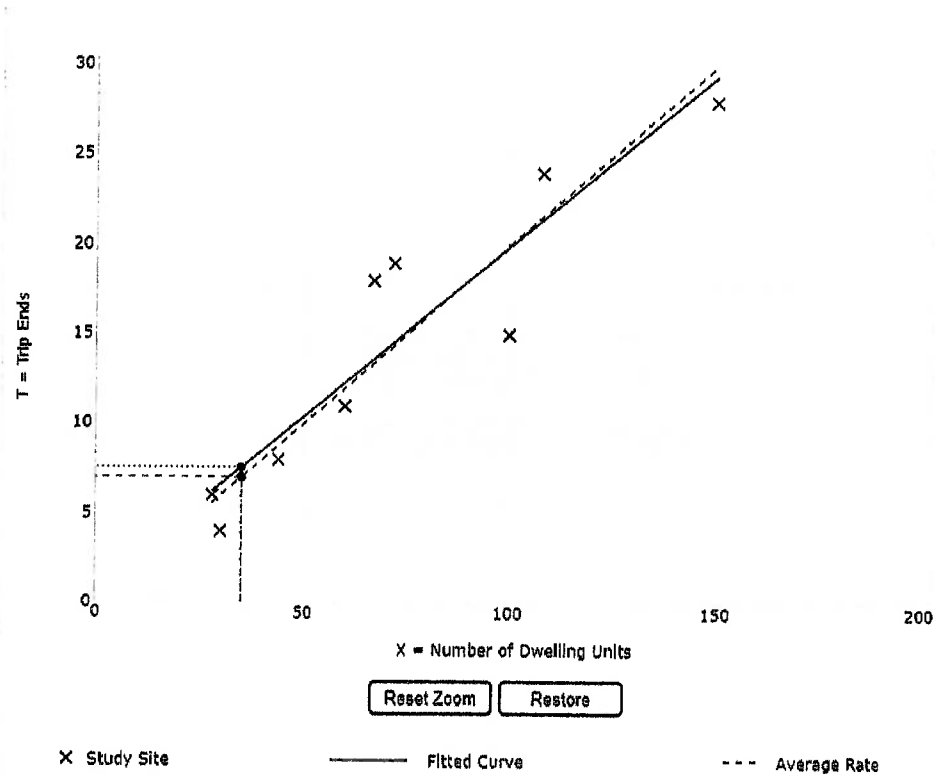
INDEPENDENT VARIABLE (IV):  
 Dwelling Units

TIME PERIOD:  
 Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:  
 Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

## Data Plot and Equation



## DATA STATISTICS

Land Use:  
 Senior Adult Housing - Multifamily (252) Click for Description and Data Plots

Independent Variable:  
 Dwelling Units

Time Period:  
 Weekday  
 Peak Hour of Adjacent Street Traffic  
 One Hour Between 7 and 9 a.m.

Setting/Location:  
 General Urban/Suburban

Trip Type:  
 Vehicle

Number of Studies:  
 9

Avg. Num. of Dwelling Units:  
 73

Average Rate:  
 0.20

Range of Rates:  
 0.13 - 0.27

Standard Deviation:  
 0.04

Fitted Curve Equation:  
 $T = 0.19(X) + 0.90$

R<sup>2</sup>:  
 0.85

Directional Distribution:  
 34% entering, 66% exiting

Calculated Trip Ends:  
 Average Rate: 7 (Total), 2 (Entry), 5 (Exit)  
 Fitted Curve: 8 (Total), 3 (Entry), 5 (Exit)

Use the mouse wheel to Zoom Out or Zoom In.  
 Hover the mouse pointer on data points to view X and T values.

# Graph Look Up

**Query**

DATA SOURCE:  
 Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:  
 252

LAND USE GROUP:  
 (200-299) Residential

LAND USE:  
 252 - Senior Adult Housing - Multifamily

LAND USE SUBCATEGORY:  
 All Sites

SETTING/LOCATION:  
 General Urban/Suburban

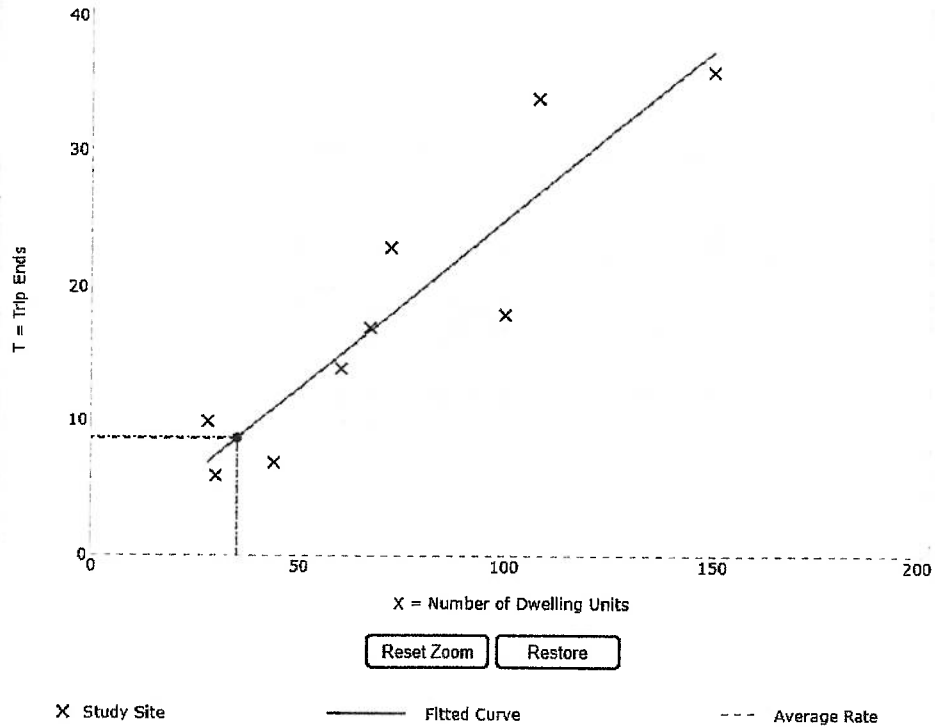
INDEPENDENT VARIABLE (IV):  
 Dwelling Units

TIME PERIOD:  
 Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:  
 Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:  
 35

## Data Plot and Equation



Use the mouse wheel to Zoom Out or Zoom In.  
 Hover the mouse pointer on data points to view X and T values.

## DATA STATISTICS

Land Use:  
 Senior Adult Housing - Multifamily (252) [Click for Description and Data Plots](#)

Independent Variable:  
 Dwelling Units

Time Period:  
 Weekday  
 Peak Hour of Adjacent Street Traffic  
 One Hour Between 4 and 6 p.m.

Setting/Location:  
 General Urban/Suburban

Trip Type:  
 Vehicle

Number of Studies:  
 9

Avg. Num. of Dwelling Units:  
 73

Average Rate:  
 0.25

Range of Rates:  
 0.16 - 0.36

Standard Deviation:  
 0.06

Fitted Curve Equation:  
 $T = 0.25(X) + 0.07$

R<sup>2</sup>:  
 0.84

Directional Distribution:  
 56% entering, 44% exiting

Calculated Trip Ends:  
 Average Rate: 9 (Total), 5 (Entry), 4 (Exit)  
 Fitted Curve: 9 (Total), 5 (Entry), 4 (Exit)

**RIVERWOODS COMPANY AT EXETER  
TAX MAP 97, LOT 23  
7 RIVERWOODS DRIVE  
ABUTTER LIST**

**OWNER/APPLICANT:**

97/23 Riverwoods Company at Exeter  
7 Riverwoods Drive  
Exeter, NH 03833

**ABUTTERS:**

73/47 Boston & Maine Railroad Corp.  
1700 Iron Horse Park  
North Billerica, MA 01862

102/4 Richard & Debbi Schaefer, Trustees  
Schaefer Family Rev. Trust  
24 Powder Mill Road  
Exeter, NH 03833

97/24 & 102/3 Town of Exeter  
10 Front Street  
Exeter, NH 03833

97/34 Keely Rose McElwain  
92 Kingston Road  
Exeter, NH 03833

97/33 Christian Burns  
90 Kingston Road  
Exeter, NH 03833

97/32 Lauren Drinker  
88 Kingston Road  
Exeter, NH 03833

97/37 Sandra Bowers, Trustee  
Sandra Bowers Rev. Trust  
83 Kingston Road  
Exeter, NH 03833

97/31 Frederick Bird, Trustee  
Frederick Bird Rev. Trust  
84 Kingston Road  
Exeter, NH 03833

97/30 Joseph & Marlene Fitzpatrick  
82 Kingston Road  
Exeter, NH 03833

97/29 Robert Lannon  
Sheila Groonell  
78 Kingston Road  
Exeter, NH 03833

97/28 Grant & Carol Murray  
74 Kingston Road  
Exeter, NH 03833

97/27 Portland Natural Gas  
c/o Duff & Phelps  
PO Box 2629  
Addison, TX 75001

97/26 Susan & Daniel Sarmiento  
Sarmiento Family Trust  
3 Riverwoods Drive  
Exeter, NH 03833

97/25 Glenn Theodore  
5 Riverwoods Drive  
Exeter, NH 03833

97/8 Jeffrey & Angela Tougas  
4 Riverwoods Drive  
Exeter, NH 03833

97/9 Christopher & Molly Lewis  
6 Cullen Way  
Exeter, NH 03833

97/22 Christopher & Courtney Benevides  
9 Cullen Way  
Exeter, NH 03833

97/21 Shivan Sarna  
David Desrosiers  
12 Cullen Way  
Exeter, NH 03833

97/20 James & Virginia Harnett

97/19	13 Cullen Way Exeter, NH 03833 William & Kathleen Evans 15 Cullen Way Exeter, NH 03833
97/18	Colby & Stephen Nesbitt 17 Cullen Way Exeter, NH 03833
97/17	Jean Fremont-Smith, Trustee Jean Fremont-Smith Rev. Trust 19 Cullen Way Exeter, NH 03833
97/16	Terrence & Kelsey Cosgrove, Trustees Cosgrove Living Trust 21 Cullen Way Exeter, NH 03833
96/23	Lawrence Arlen Trust Jacqueline Arlen Trust 23 Cullen Way Exeter, NH 03833
96/22	Michael & Kimberly Barner 25 Cullen Way Exeter, NH 03833
96/21	Thomas & Kristen Ellis 27 Cullen Way Exeter, NH 03833
96/20	Nathan & Diane Day, Trustees Cullen Way Trust 29 Cullen Way Exeter, NH 03833
96/19	David & Christine Soutter 31 Cullen Way Exeter, NH 03833
96/18	Julia & Andrew McPhee 33 Cullen Way Exeter, NH 03833

96/17

Alyson & Christopher Wood  
35 Cullen Way  
Exeter, NH 03833

ATTORNEY:

Sharon Cuddy Somers, Esq.  
Donahue, Tucker & Ciandella, PLLC  
16 Acadia Lane  
Exeter, NH 03833

ENGINEER:

Altus Engineering  
133 Court Street  
Portsmouth, NH 03801

ARCHITECT:

Russ McLaughlin  
AG Architecture  
1414 Underwood Avenue, Suite 301  
Wauwatosa, WI 53213



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD  
JOHN J. RATIGAN  
DENISE A. POULOS  
ROBERT M. DEROSIER  
CHRISTOPHER L. BOLDT  
SHARON CUDDY SOMERS  
DOUGLAS M. MANSFIELD  
KATHERINE B. MILLER  
CHRISTOPHER T. HILSON  
HEIDI J. BARRETT-KITCHEN  
JUSTIN L. PASAY  
ERIC A. MAHER  
CHRISTOPHER D. HAWKINS  
VASILIOS "VAS" MANTHOS  
ELAINA L. HOEPPNER  
WILLIAM K. WARREN

RETIRED  
MICHAEL J. DONAHUE  
CHARLES F. TUCKER  
ROBERT D. CIANDELLA  
NICHOLAS R. ABSCHLIMAN

November 14, 2022

**Via Email Only**

Kevin Baum, Chair  
Zoning Board of Adjustment  
Town of Exeter  
10 Front Street  
Exeter, NH 03833

Re: Request to Postpone - Riverwoods Company, Map 97, Lot 23 & Map 98, Lot 37

Dear Chair Baum and Board Members:

We understand that there will not be a full Board present at the November 15, 2022 ZBA meeting. Under the circumstances we respectfully request to postpone our application so that it is heard at the December 20, 2022 meeting.

Additionally, attached is a recent news article featured in manchesterlink.com which details the catastrophic shortage of health care workers here in New Hampshire. We ask that this article be included as a supplement to our variance materials and in support of our argument there is a need to centralize health care in acknowledgement of staff shortages.

Thank you very much for your time and we look forward to appearing before you at the December meeting.

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers  
SCS/sac  
Enclosure

cc: Justine Vogel, RiverWoods Company  
Altus Engineering  
AG Architects

S:\RA-RL\RiverWoods Company\Health Center & Woods, Expansion 2028\ZBA Materials\2022 PLLC Continuance Request.docx

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

# Healthcare workforce shortages at catastrophic levels



A Manchester Community College instructor and student in the medical assistant certification apprenticeship program. Courtesy photo

---

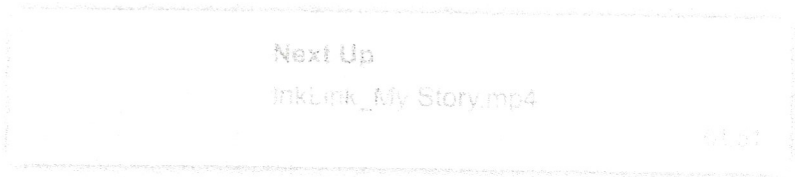
**MANCHESTER, NH** – The acute shortage of healthcare workers in NH prior to the pandemic has become a crisis in the wake of the Great Resignation. “We had seen a decline in licensed nursing assistants prior to the pandemic,” says Brendan Williams, president and CEO of the [NH Health Care Association](#), a membership organization that supports health care and long-term care organizations. “Prior to the pandemic, we had a crisis. Now we have a catastrophe when it comes to finding workers.”

He, and others in the industry, say the greatest need is for licensed nursing assistants—LNAs—and medical assistants. These are often the entry-level position for people entering the healthcare workforce, and they provide much of the hands-on care at hospitals or nursing homes.

While it was challenging for facilities to fill these positions prior to the pandemic, the additional pressures of the past two-and-a-half years—the challenge of securing protective gear, watching



patients die from the virus, and fear of exposing loved ones at home—have pushed many health-care workers to question if they really want their job.



00:25 / 00:34

Meanwhile, those left behind are obliged to work longer hours or come in on scheduled days off because there just isn't anyone else to care for the patients. "We have seen a lot of burnout," Williams says. "I've had baffled members say, 'where did everyone go?'"

Pay increases can help stem the losses, but they don't solve the problem. Williams says he knows of facilities that have given three raises this year alone and still struggle to hire. Nursing wages rose by 24% between 2019 and 2021, he says, and continuing to chase higher pay trends could threaten financial stability.

"It feels like an existential crisis," Williams says. "It is tough sometimes to see how we might get our way out of it. It feels to a lot of our members like an extinction event."

## **Measuring the Gap**

Between the number of workers on hand and the number needed, there's clearly a gap. How big that gap is, though, is still an open question.

"We don't know, we're trying to quantify it," says Roxie Severance, a former long-term care facility manager who has worked as a consultant since 2017. She helps to lead the Sector Partnership Initiative, convening employers, educators and community health organizations around the state, by region, to address healthcare workforce shortages.

Severance and the initiative are in the process of surveying all providers, by region, to come up with a count of how many workers are needed, what kind and where.

"How can the state address it, or anyone else address it, when we don't know how big the problem is?" Severance estimates that the state is short by at least 1,000 LNAs, though the final figure could end up being closer to 1,500. "Then you look at the community colleges and LNA programs. If enough people wanted to be LNAs, could we train 1,000 of them?"

---

For someone who is unemployed or underemployed, or is interested in beginning a career in health care, an LNA position offers good pay, guaranteed employment and the chance for professional development. But there's a barrier. The cost to get certified is about \$2,000, which is prohibitive for someone of limited means. It's important, says Severance, to make grant programs available to remove that barrier.

Then there's the need for capacity in those certification programs. That capacity is often capped by availability of teachers. The state and federal regulations set requirements for LNA instructors that

include at least two years of work experience in a nursing home setting. Anyone who meets these standards would have to take a pay cut to become an instructor.

"The pay is generally so low that you could work in a hospital and make more money, so there's not the incentive to teach," Severance says. It's important to keep the pipeline filled with new LNAs, she says, because many of those new workers will seek higher certification, such as a registered nurse or a nurse practitioner, leaving behind another LNA vacancy.

Until the need is fully quantified, Severance says she worries the situation will only worsen. "It feels to me like there's nothing big being done. I don't feel the urgency by others to improve the situation," Severance says. "I know people are trying to do stuff, but because we don't have the data, [we] don't feel the urgency."

## **Learn and Earn**

One solution already underway takes an old idea, apprenticeships, and applies it to health care, an industry that hadn't previously offered those. Kristen Miller, vice president of academic affairs at White Mountains Community College in Berlin, says her school helped develop an apprenticeship program in partnership with a hospital.

"One of our partners, Memorial Hospital, came to us in the middle of COVID and said, 'We need medical assistants, what can we do?'" Miller says none of the existing programs could deliver trained workers quickly enough to fill the hospital's need, so they started an apprenticeship program.

"We created sections for a cohort of our students. They were hired as medical assistants in North Conway; they were paid full time to go to work, but for 28 hours of that time, they were going to school," Miller says. The balance of time was spent working in the hospital on tasks they were covering in class. "It was a very active learning environment," Miller says.

At Manchester Community College, Kristine Dudley, director of workforce development, says she's been engaging with a statewide effort, ApprenticeshipNH, to offer programs that enable students to become medical assistants, LNAs or patient services administrators. "The best part is, it's earn while you learn for the participant," Dudley says.

She says student demand for apprenticeships has been encouraging, but the effort is running into some internal limitations such as instructor capacity.

Another innovation in Manchester taps into the population of recent immigrants and refugees. Many are interested in becoming LNAs, Dudley says, but need help paying for the training as well as English language skills. That program, called LNA for Success, has already graduated two classes and will start its third this fall.

"All of these partnerships we have are really helping to move forward and solve the pipeline issue, but it takes multiple paths to get forward. We have to be open to trying different things and being open to change," Dudley says.

## **Endowment for Health Lays Out Strategic Plan for Addressing Pipeline Problems**

New Hampshire has a big problem on its hands, and it needs to do something—actually, 107 somethings—and fast. That is the message contained in the "Giving Care: A Strategic Plan" report published earlier this year by the Endowment for Health.

The report notes that NH's healthcare labor shortage, already apparent prior to the pandemic, has only worsened and that projections call for a yet more troubling future if nothing changes.

"While over half of the state's physician assistants are under age 40, 24% of its nurse practitioners and 27% of its primary care providers are over age 60. As well, New Hampshire is projected to be 10th among U.S. states with the most severe nursing shortages," the report states.

"Giving Care," a two-year effort involving stakeholders from public and private sectors, education and industry, and all corners of the state, was designed to be a call to action—107 actions divided into four sections: Pipeline, Policy, Data and Governance.

Among the strategies recommended in the report are: creating a statewide financial support system for entry-level and existing workers for educational development, including stipends for students and up-front tuition payment for professional development; encouraging schools to launch an introduction to health care careers beginning with the 5th grade; launching a summer jobs program hiring teens (16+) for jobs in health care settings to influence their entry into health care careers; and implementing strategies to address barriers to licensure.

Kim Firth, program director at Endowment for Health, says the plan has already gained traction, with committees meeting in August to begin “unbundling” the recommendations and building a schedule of actions, with a particular eye to the next state budget and legislative cycles.

“It was very much intended to not be a pie-in-the-sky 10-year plan,” she says.

The full report can be accessed at [endowmentforhealth.org/resources](https://endowmentforhealth.org/resources).

Firth says anyone considering a career change should look at health care. “This is a great career to get into,” she says. “If you are a member of the healthcare workforce, we appreciate you. The pandemic has been really difficult on our healthcare workforce. It’s really important for us to message that we appreciate them and all they’ve done to keep people safe in a really difficult time in our state.”

---



*These articles are being shared by partners in The Granite State News Collaborative. For more information visit [collaborativenh.org](http://collaborativenh.org).*

---

---

## **About this Author**



## **Adam Drapcho**

Adam Drapcho is a freelance reporter.



[See all of this author's posts](#)

---

August 23, 2022

Deborah Goard  
Stewardship & Land Engagement Director  
Southeast Land Trust  
247 North River Road  
Epping, NH 03042

Re: Southeast Land Trust (“SELT”) Conservation Easement on RiverWoods  
“The Woods” Campus

Dear Debbie:

Thank you for meeting on August 15, 2022, with myself, Erik Saari and Eric Weinreb to discuss the proposed improvements to The Woods campus. The purpose of this letter is to provide you with a summary of the proposed improvements, a discussion of how the proposed improvements will impact the conservation easement held by SELT, a discussion of density calculations used to construct The Woods and how those relate to language contained in the conservation easement itself. We understand that you will need to review the proposed improvements against the conservation easement language to ensure that the integrity of the conservation easement and the conservation easement property is maintained. Following such a review, we ask that if you concur with our analysis, that you provide us with correspondence indicating that you have no objection to the proposed improvements as they relate to the conservation easement and the conservation easement property. This correspondence, together with your response to same can then function as documentation for both parties as to the analysis used relative to density calculation language contained in the easement as applied to this proposal. We anticipate appearing before the Exeter Zoning Board of Adjustment on October 18, 2022 and it would be helpful if we could have your response approximately a week before that time so as to be able to share it with town staff.



I. **Proposed Improvements**

The Woods campus currently contains two hundred and one (201) independent living units and a health center which can hold 60 residents for assisted living and skilled nursing. Two other campuses exist, The Boulders and The Ridge, each of which also contain independent living units and a health center. As part of a master planning exercise, RiverWoods has concluded that the residents at all three campuses will have their medical needs best served by centralizing the three existing health centers into a new health center to be located at The Ridge campus. If this proposal receives approval from local and state authorities, then there will no longer be a need to house the 60 residents which could use the medical center at The Woods, nor will it be necessary to have staff on site to serve their needs. Instead of the medical center residents at The Woods, up to thirty five independent living units will be created in a building which will contain the same or nearly the same footprint as the existing medical center. No other improvements are proposed to The Woods campus in connection with the medical center master planning, and the improvements described above will occur entirely outside the conservation area. The net change in the activity level at The Woods campus will be negligible because the sixty medical center residents will no longer be there, and the staff required for them will no longer be there. The independent living units will contain a mix of single people and couples, and the industry standards for this type of housing suggest that a typical number of total residents for this number of units will be fifty two. As a result, there will actually be a modest reduction in the number of people residing at The Woods campus. Moreover, while the residents of the independent living units may have cars, our traffic research, a copy of which is attached, suggests that the total number of vehicles will not increase.

II. **Density Calculations by Town Regulation**

The methodology that the Town employs to determine density for an elderly congregate health care facility has remained the same over the course of time when The Woods was first created in 1990 through the time when the Ridge and the Boulders were constructed. It is based on a ratio of independent living units per acre. Density calculations do not include beds in the medical center. The methodology is not altered based on the presence or absence of a conservation easement held on the property. In the case of the Woods, the attached plan D-22123 shows a building envelope area of approximately 17 acres with a proposed conservation easement area of approximately 66 acres. The plan notes that the maximum number of occupants is 400 and would contain up to 200 independent living units and 60 medical center beds. These numbers are consistent with a methodology of 3 units per acre and, in fact, the calculations show a surplus of allowed independent living units of 51. I will continue to search for any historical information which might supplement the information shown on the attached plan. However, the plain language of the plan itself shows that the Town approved the project based on a designated building envelope and a maximum occupancy for the total number of residents and a maximum number of independent living units which is consistent with three units for every acre in the eighty four acre parcel.

### III. Density Calculation Restrictions in Conservation Easement

The conservation easement entered into on March 24, 1993, and as reflected at 2973, Page 1185 includes 66.9 acres of The Woods. The easement is silent as to whether the acreage which is subject to the conservation easement can be utilized for density calculations for purposes of future alterations or expansions of The Woods. In 2010, a subsequent amended and restated conservation easement was entered into is recorded at Book 5083, Page 644 (see also Plan D-26239). The amended and restated conservation easement is intended to alter the building envelope development area (“BEDA”) although the total acreage within the BDEA will remain the same as that which is shown on the plan D-22123. The language of the amended and restated conservation easement does not allow the land subject to the conservation area to be utilized for density calculation purposes, however, there is no indication on the face of the recorded plan or the easement itself as to why this restriction is included in the revised conservation easement.

### IV. Relief from Town for Current Proposal

RiverWoods has long operated under the belief that it has no further ability to expand the number of independent living units at The Woods because the density has been exhausted. This conclusion, while true, is a bit more complicated than it first appears in that RiverWoods **has not** exhausted available density based on the town zoning ordinance but has exhausted density for future alterations if the conservation easement area is excluded from total acreage as required by the covenants created between private parties in 2010 in the form of the amended and restated conservation easement. As a result, RiverWoods finds itself in the position of needing density relief, **but only if** SELT views the proposal as one which requires a density calculation by virtue of the fact that more independent living units are being added above and beyond what is there currently.

RiverWoods believes that such a density calculation is not needed for this proposal for several reasons. First, the historical documentation reflected on D-22123 shows that the project was intended to include up to 400 occupants all residing within a building area envelope. Second, the amended and restated conservation easement area does not alter the total amount of the buildable area. Third, by subtracting sixty residents from The Woods who are currently allocated to the medical center, and adding up to thirty five independent living units, containing approximately fifty two occupants, the total number of occupants will not exceed the approved number of four hundred and all will be in a buildable area outside of the conservation easement area.

Deborah Goard, Stewardship & Land Engagement Director  
Southeast Land Trust  
August 23, 2022  
Page 4

RiverWoods has no plans to expand the number of independent living units at The Woods beyond that which is described here, and acknowledges that if at some future time, more occupants are proposed, that the conservation easement language about density calculations may come in to play. In the meantime, however, we do not believe that the proposal undermines the spirit or operation of the amended and restated conservation easement, and we ask that you provide us with confirmation that you do not object to our proposal.

Very truly yours,  
DONAHUE, TUCKER & CIANDELLA, PLLC

A handwritten signature in black ink that reads "Sharon Cuddy Somers". The signature is written in a cursive, flowing style.

Sharon Cuddy Somers  
SCS/sac  
Enclosures

cc: RiverWoods  
Altus Engineering



October 3, 2022

Ms. Sharon Cuddy Somers  
Donahue, Tucker & Ciandella, PLLC  
16 Acadia Lane  
Exeter, NH 03833

Re: Use of Conservation Easement acreage to satisfy density requirements for improvements at The Woods at RiverWoods.

Dear Ms. Somers

Thank you for your letter dated August 23<sup>rd</sup>, 2022 in which you outlined the proposed improvements to The Woods, how you view the impacts of the improvements to the conservation easement held by SELT, and how the density calculation needed for the improvements relates to the conservation easement acreage.

We have reviewed the information you provided as well as SELT's files and do not have an objection to the proposed improvements as they relate to the conservation easement terms. Given that none of the land restricted by the conservation easement held by SELT is being directly impacted, we also find that the proposed improvements will not be detrimental to the Purposes of, or negatively impact the natural resources values of, the conservation easement and the land it protects.

As you note in your letter, the original conservation easement (RCRD Book 2973, Page 1185) was silent on the use of the acreage subject to the conservation easement to satisfy density requirements for The Woods. Further, from a review of our files and plans on record, it is clear that at the time of original site plan approval, the land now subject to the conservation easement was used to satisfy the density requirements at the time of approval, shown as the Building Development Envelope Area on plans D-22123 and D-36239.

In 2010, when the Amended and Restated Conservation Easement (RCRD Book 5083, Page 644) was drafted to address unrelated issues, it was SELT's standard approach to update older easement language to incorporate model language for various sections, including the language found in Section 2.H of the amended easement. This inclusion of this language created an unintended consequence of potentially limiting the use of the conserved acreage in meeting the zoning and related subdivision regulations of the Town of Exeter for the original The Woods



campus. Therefore, it is SELT's determination that the continued use of acreage of the conservation easement land to satisfy density calculations for The Woods is acceptable and consistent with the intent of the original conservation easement, despite the conflicting language. However, it is important to note that this conserved acreage cannot be used to satisfy the density or other requirements for development or use of any other land, owned by RiverWoods or other parties.

If you have any other questions in relation to the conservation easement as plans for improvements at The Woods progress, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah Goard".

Deborah Goard  
Stewardship & Land Engagement Director



## TOWN OF EXETER, NEW HAMPSHIRE

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

[www.exeternh.gov](http://www.exeternh.gov)

October 12, 2022

Sharon Cuddy Somers, Esquire  
Donahue, Tucker & Ciandella PLLC  
16 Acadia Lane  
POB 630  
Exeter, New Hampshire 03833

Re: RiverWoods Company of Exeter, 7 RiverWoods Drive, Exeter, N.H.  
Tax Map Parcel #97-23  
ZBA Case #22-15

Dear Attorney Somers:

Thank you for providing my office with the correspondence between yourself and Southeast Land Trust of New Hampshire (SELT) dated August 23, 2022 and October 3, 2022, respectively in regard to the proposed improvements to "The Woods" campus at the above-captioned address.

After review of the correspondence, I have made an administrative decision that the request for a variance regarding density for this project will not be required as the density requirements for the expansion of the proposed 35 independent living units will be satisfied.

If you should have any further questions, please do not hesitate to contact my office.

Sincerely,

Douglas Eastman  
Building Inspector/Code Enforcement Officer

DE:bsm

*f:\docs\plan'g & build'g dept\zba cases\zba #22-15 riverwoods - administrative dec. to dtc.docx*



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD  
JOHN J. RATIGAN  
DENISE A. POULOS  
ROBERT M. DEROSIER  
CHRISTOPHER L. BOLDT  
SHARON CUDDY SOMERS  
DOUGLAS M. MANSFIELD  
KATHERINE B. MILLER  
CHRISTOPHER T. HILSON  
HEIDI J. BARRETT-KITCHEN  
JUSTIN L. PASAY  
ERIC A. MAHER  
CHRISTOPHER D. HAWKINS  
VASILIOS "VAS" MANTHOS  
ELAINA L. HOEPPNER  
WILLIAM K. WARREN

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

September 30, 2022

Kevin Baum, Chair  
Exeter Zoning Board of Adjustment  
10 Front Street  
Exeter, NH 03833

Re: The RiverWoods Company, at Exeter, New Hampshire, Tax Map 98, Lot 37  
Application for Variance

Dear Chair Baum and Board Members

Attached please find an application for 5 Timber Lane, Tax Map 98, Lot 37 to allow for nursing home facilities at the Boulders campus of RiverWoods to be located off site as part of a master planning exercise to create a centralized health center to service all three campuses. This application is a companion to the application submitted on August 1, 2022 for The Woods campus for the same relief. While Riverwoods has identified the lot on which the Ridge campus is located to be the site of the centralized health center, RiverWoods has not yet identified the exact location on The Ridge lot. We will do so after we pass the threshold test of authorizing the proposed centralized health care use, then expend the resources to identify the precise area where the proposed center is to be located, and then design the building for site plan review by the Planning Board and, as needed, apply to this board for any variance relief necessary.

We request that this matter be scheduled at the October 18, 2022 meeting together with the variance requests previously filed on August 1, 2022.

Very truly yours,  
DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers  
SCS/sac  
Enclosures

cc: Justine Vogel, RiverWoods  
Altus Engineering

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

Town of Exeter  
APPLICATION FOR A

# VARIANCE

Case Number: _____
Date Filed: _____
Application Fee: \$ _____
Abutter Fees: \$ _____
Legal Notice Fee: \$ _____
TOTAL FEES: \$ _____
Date Paid _____ Check # _____

Name of Applicant Riverwoods Company of Exeter  
(If other than property owner, a letter of authorization will be required from property owner)

Address 7 Riverwoods Drive, Exeter, NH 03833

Telephone Number ( 603 ) 658-1789

Property Owner same

Location of Property 5 Timer Lane, Tax Map 98, Lot 37, R-1 Zone

(Number, street, zone, map and lot number)  
Applicant Riverwoods Company of Exeter by and through their attorneys, Donahue, Tucker & Ciandella  
Signature Sharon Cuddy Somers, Esq.  
Date \_\_\_\_\_

*NOTE: This application is not acceptable unless all required statements have been made.  
Additional information may be supplied on a separate sheet if space is inadequate.*

## APPLICATION FOR A VARIANCE

A variance is requested from article 2 section 2.2.26 of the Exeter zoning ordinance to permit:  
to permit skilled nursing care off site on related campus



**FACTS SUPPORTING THIS REQUEST:**

**1. The variance will not be contrary to the public interest;**

see attached

---

---

---

---

---

---

---

---

**2. The spirit of the ordinance is observed;**

see attached

---

---

---

---

---

---

---

---

**3. Substantial justice is done;**

see attached

---

---

---

---

---

---

---

---

**4. The values of surrounding properties are not diminished;**

see attached

---

---

---

---

---

---

---

---

**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

see attached

---

---

---

---

---

---

---

---

ABUTTER LABELS AND LISTS:

Abutter labels and lists must be attached to this application. Please contact the Planning Office if you have any questions.

ADDITIONAL MATERIALS:

If provided with the application, additional submission materials will be sent to the ZBA members in their monthly packet of information. Please contact the Planning Office if you have any questions regarding additional submission materials.

The RiverWoods Company, at Exeter, New Hampshire  
Tax Map 98, Lot 37  
5 Timber Lane, Exeter, New Hampshire  
R-1 Zone

The RiverWoods Company, at Exeter, New Hampshire (hereafter “RiverWoods”) requests a variance from the terms of Article 2, Section 2.2.26. RiverWoods proposes to move The Boulders Health Center to the Ridge lot and to consolidate it with the health centers of the other campuses. The definition of elderly congregate health care facilities calls for on site nursing home facilities licensed by the State of New Hampshire.<sup>1</sup> While such facilities will continue to be offered to The Boulders residents, the services will not technically be offered “on site” and instead will be offered at The Ridge lot as part of a centralized health center.

The property is located at 5 Timber Lane on the north side of Route 111 and is known as “The Boulders”. The property is depicted on the attached GIS Map. We also attach a GIS map of Tax Map 80, Lot 18, which is the lot containing the Ridge campus.

## INTRODUCTION

RiverWoods currently consists of a multi campus community all under the same ownership and all under the same management, with the original campus, “The Woods” located on the south side of Route 111 and the other two campuses “The Boulders” and “The Ridge” located on the north side of Route 111. Each campus currently contains a health center. The nature of the RiverWoods community is that each of the campuses is unique, and yet the relations and operations among the three campuses are fluid. In common practice residents of any campus may receive their health services in a health center located on another campus. This core nature of the community is reflected in the evolution of planning for the future of RiverWoods and is no more evident than planning for the health care needs of the RiverWoods community. Beginning before, but accelerated by, the pandemic, RiverWoods became convinced that the efficiency and efficacy of delivering health care services would be substantially increased if a central health care facility, serving all three campuses, could be constructed on one campus and that the health centers on the remaining two campuses would be closed.

This planning exercise is now entering the next phase with a plan underway to propose a centralized health center at “The Ridge” lot. The plan is not yet complete and RiverWoods is engaged in a deliberate and thorough process to identify the precise location, recognizing that there is a need to balance the desires of the residents with the realities of a post-Covid world and the realities of design and site constraints and the need for approvals. Once the design process is completed, we will present the proposal to the Town of Exeter for full review by the Planning Board and, if needed, by the Zoning Board of Adjustment.

RiverWoods understands that the Zoning Board of Adjustment may have concerns about the subject variance being granted and going into effect prior to the centralized health center

---

<sup>1</sup> Note that RiverWoods does not use the term nursing home facility and instead uses the term health center. However, to avoid confusion with the terms of the zoning ordinance, RiverWoods will use the term nursing home facility within this variance application.

becoming approved by the Planning Board and the ZBA. RiverWoods agrees to an appropriate condition of approval since RiverWoods would not proceed with the project anyway until they can be assured that the centralized health center will become a reality.

Set forth below are the arguments which support why the variance criteria are met to for a health center for Boulders residents at The Ridge lot, despite the requirement of the “Elderly Care Congregate Facility” to provide for such services on site. Following your review of our submitted materials and our presentation at the public hearing, we respectfully request that the variance be granted as presented.

**1. The variance will not be contrary to the public interest.**

Granting the variance will not be contrary to the public interest. To be contrary to the public interest, the variance must unduly and to a marked degree violate the relevant ordinance’s basic zoning objectives. Determining whether the basic objective of the ordinance is violated can be measured by whether the variance will alter the essential character of the locality, or by whether it would threaten public health, safety or welfare.

The basic objective of the ordinance requiring that on site nursing home facilities be present on site is to have consistency with the notion that the campus is one of “congregate” care, and that a person entering RiverWoods in an independent living unit can remain there until their last days, including, if need be, a nursing home facility. Here, as explained above, RiverWoods has evolved over the years to include a somewhat symbiotic relationship between the campuses, such that residents of each campus have interaction with other campuses. As a result, having a nursing home facility at the Ridge lot will not unduly and to a marked degree violate the basic zoning objective because unlike having a nursing home facility in a completely different part of town, the new location will merely be in a different campus in the multi campus community.

The basic objective outlined above must also be viewed against the essential character of the locality to ascertain whether granting the variance will alter the essential character of the locality.

Currently, the locality surrounding the Boulders consists of the two other RiverWoods campuses, each of which has its own health center, and single family homes located adjacent to the RiverWoods property. As a result, eliminating the health center at the Boulders and moving it to The Ridge lot will not alter the essential character of the locality adjacent to the Boulders.

Locating the nursing home facility serving The Boulders residents at The Ridge lot will not threaten the public health, safety or welfare. First and foremost, the public health and welfare will not be threatened because The Boulders residents will continue to have the highest quality health services, and the intention is that centralized services located at The Ridge lot will even enhance those services. With regard to public safety, as stated earlier, fire and police needs, and external traffic generated by the new location of health services will be scrutinized during site review for The Ridge health center proposal. Further, any internal traffic impacts at The Boulders, such as the possible need for residents to visit a spouse at the centralized health center, are likely to be minimal and will be scrutinized as part of site review if required.

**2. The spirit of the ordinance is observed.**

Under New Hampshire law, this variance criteria is essentially merged with the “public interest” criteria. As stated above, the spirit of the ordinance is to ensure that nursing home facilities are offered to residents in a manner whereby they will remain physically part of the community. For the reasons stated above, the spirit of the ordinance will be observed if the variance is granted.

**3. The values of the surrounding properties will not be diminished.**

Granting the variance to allow for nursing home care for The Boulders residents to occur on The Ridge lot will not diminish the values of surrounding properties. All three campuses of the multi campus community have been in existence for some time, and the impact of health centers on the property values of surrounding properties is established. Moving the nursing home facility for The Boulders residents off of The Boulders campus to The Ridge lot will not impact the values of the properties surrounding The Boulders. No diminution in value will occur either in properties surrounding The Ridge lot since the use will remain the same.

RiverWoods is not aware of any information or evidence that would suggest that the location of the nursing home facility for The Boulders residents at The Ridge lot will diminish the values of surrounding properties.

**4. Substantial justice is done.**

The relevant analysis under this element of the variance criteria is whether the benefit to the applicant of granting this variance will be outweighed by a detriment or loss to the individual or to the public at large. Here, the benefit to RiverWoods is that having nursing home care outside of The Boulders lot, but on the adjacent Ridge lot, will be that the proposed centralized health center, the need for which is outlined in other portions of this application, will be one step closer to realization.

By contrast, there is no known harm to the public at large from moving The Boulders nursing home facility to The Ridge lot. Similarly, no known harm exists for individuals outside of The Boulders. With regard to the residents of The Boulders, the proposed relocation of the nursing home facility has been discussed with them and the reasoning for doing so is understood by the residents.

**5. Unnecessary hardship.**

**A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:**

The property on which The Boulders health center sits was the third campus of what has evolved into a multi campus community, all providing elderly congregate care services. All campuses are located directly across from each other off of Route 111. The variance at issue is to allow a deviation from the definition of elderly congregate health care such that the nursing home facility for The Boulders will now be located on the adjacent lot at the Ridge. The New Hampshire

Supreme Court has recognized that aspects of a property which might in some circumstances be irrelevant for a hardship analysis, can become relevant based on the circumstances of the variance. Harborside Associates v. Parade Residence Hotel, LLC 162 NH 508 (2011). Here, The Boulders is part of a multi campus community, all offering elderly congregate care, and a centralized health center is contemplated to serve all campuses. Under these circumstances, the special condition of the property is that the nursing home care that would otherwise need to be provided at The Boulders can be provided in close proximity to The Boulders, but in a manner which will offer the highest quality service. To deny the variance for the sake of strict adherence to having a nursing home onsite will mean that the care objectives of efficient and effective health services for the multi campus community may be impaired.

**B. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific provision to the property because:**

The general public purpose of the ordinance is to ensure that the continuum of care which is one of the central tenets of “congregate care” is provided all in one place so as to foster a sense of community.

RiverWoods has over the years evolved into a multi campus community. Because the multiple campuses form a community, planning for the community occurs both with regard to the needs of the individual campuses and the needs of the community as a whole. Here, the needs of the community as a whole are to create a central health care center and in so doing, offer the highest level health care possible. On this issue, the needs of the individual campuses coincide with the needs of the community.

As a result, there is no fair and substantial relationship between the purpose of the ordinance and the strict application to the proposal at hand.

**C. The proposed use is a reasonable one:**

The applicant proposes to provide to The Boulders residents nursing home care as licensed by the State of New Hampshire. The only difference between what is offered now and what is proposed is that the location of the service will be at The Ridge lot, a very short distance from the current location. On balance, the proposed use is reasonable since it still meets the spirit of the ordinance by providing the service within the RiverWoods multi campus community, and yet it does so in what is hoped to be the most efficient manner possible.

**RIVERWOODS COMPANY AT EXETER  
TAX MAP 98, LOT 37  
5 TIMBER LANE  
ABUTTER LIST**

**OWNER/APPLICANT:**

98/37 Riverwoods Company at Exeter  
7 Riverwoods Drive  
Exeter, NH 03833

**ABUTTERS:**

97/41 Southeast Land Trust  
247 North River Road  
Epping, NH 03042

98/12 Judith McDermott-Eggert  
12 Pickpocket Road  
Exeter, NH 03833

98/13 Robert & Karen Prior  
16 Pickpocket Road  
Exeter, NH 03833

98/14 Joanne Niedzielski, Trustee  
Joanne Niedzielski Revocable Trust  
PO Box 96  
Exeter, NH 03833

98/39 Dennis & Cheryl Hayward, Trustees  
9 Pickpocket Road  
Exeter, NH 03833

98/35 & 80/18 (duplicate) Riverwoods Company at Exeter  
7 Riverwoods Drive  
Exeter, NH 03833

98/36 Paul & Sheila Roberge  
15 Pickpocket Road  
Exeter, NH 03833

79/21 John Bell  
2 Split Rock Road  
Exeter, NH 03833

79/20	Paul Holloway, Jr. 71 Wentworth Road Rye, NH 03870
79/19 & 79/18	Steven & Sarah Ramsay 2 Indian Trail Exeter, NH 03833
79/11	Anthony Pyro Katherine Walther 14 Runawit Road Exeter, NH 03833
79/10	Machaon & Kathryn Bonafede 131 Pickpocket Road Brentwood, NH 03833
80/17-9	David & Elisabeth Matson 17 Blackford Drive Exeter, NH 03833
75/17	Parkway Development Corp. 11 Lafayette Road North Hampton, NH 03862
ATTORNEY:	Sharon Cuddy Somers, Esq. Donahue, Tucker & Ciandella, PLLC 16 Acadia Lane Exeter, NH 03833
ENGINEER:	Altus Engineering 133 Court Street Portsmouth, NH 03801



LETTER OF AUTHORIZATION

I, Justine Vogel, Chief Executive Officer of The RiverWoods Company at Exeter, New Hampshire, owner of property depicted on Tax Map 98 as Lot 37, do hereby authorize Donahue, Tucker and Ciandella, PLLC, to execute any land use applications to the Town of Exeter and to take any action necessary for the application and permitting process, including but not limited to, attendance and presentation at public hearings, of the said property.

Dated: 9/30/2022, 2022

RIVERWOODS COMPANY AT EXETER

  
Justine Vogel, ~~Chief Executive Officer~~ CEO



- Parcels
- NH Highways
  - Interstate
  - US Highway
  - State Highway
- Town Boundary
- Abutting Towns
- Streets (Updated Feb 2015)
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

Tax Map 98, Lot 37  
"The Boulders"

RUNAWIT RD

BLACKFORD DR

PICKPOCKET RD

PICKPOCKET RD

JOJLEY-RAND RD  
OFF KINGSTON RD

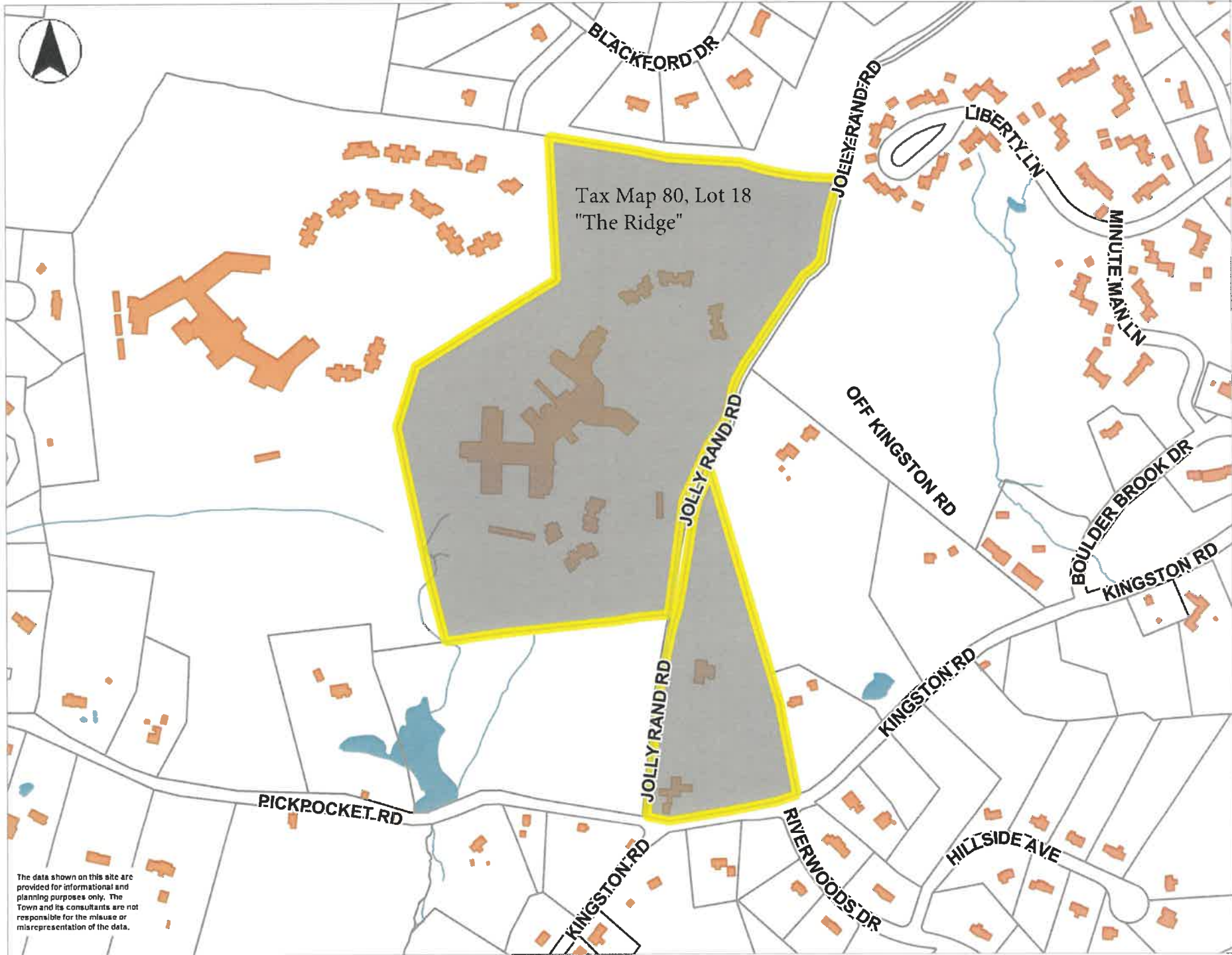
JOJLEY-RAND RD  
KINGSTON RD

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 640 1280 ft

Printed on 09/26/2022 at 12:56 PM

Exeter MapsOnline



Tax Map 80, Lot 18  
"The Ridge"

- Parcels
- NH Highways
  - Interstate
  - US Highway
  - State Highway
- Town Boundary
- Abutting Towns
- Streets (Updated Feb 2019)
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 640 1280 ft

Printed on 09/26/2022 at 12:55 PM

Exeter MapsOnline

Carl and Patricia Lundgren  
5 Timber Lane, Apt. K322  
Exeter, NH 03801

October 11, 2022

The Zoning Board of Adjustment, Town Hall  
10 Front Street  
Exeter New Hampshire 003833

Dear Board Members,

We are residents of The Boulders campus at RiverWoods Exeter and are writing to you with our concerns with RiverWoods' request to grant an exception to the requirement that each of the three campuses of RiverWoods Exeter have onsite health care.


We moved from Portsmouth to RiverWoods Exeter in June 2019. Coming from Portsmouth we had the opportunity to attend marketing presentations and luncheons with current residents where the benefits of life at The Boulders were discussed. One of those benefits was the convenience of having onsite health care. Health care where, if one of us required temporary or permanent assisted living or skilled nursing care, our spouse and friends could easily visit with just a walk to another wing of our building. Having family members who had lived in CCRCs in other states, we knew having health care in the same building was important. It was an important factor in selecting The Boulders at RiverWoods as our final home.

Now, RiverWoods wants to consolidate our health care into a centralized building so they can convert the health care wing on each campus into additional independent living apartments. That would take the "community" out of Continuing Care Retirement Community.

A centralized health care facility would make it difficult for residents to meet with one of the nurses or visit friends who are patients in the facility. Right now, it is common to see assisted living patients join friends for dinner in our dining room or attend special programs in Boulder Hall. That will not happen with a centralized health care facility.

We urge you to continue to view The Boulders campus at RiverWoods Exeter as a single entity in regard to onsite health care.

Sincerely,

  
Patricia L. Lundgren

RF

OCT 14 2022

EXETER PLANNING OFFICE

OCT 17 2022

## STATEMENT OF CONCERN

EXETER PLANNING OFFICE

We, the undersigned residents of The Boulders, one of three campuses of The RiverWoods Company at Exeter, New Hampshire, with an address of 5 Timber Lane, are aware that an Application for a Variance with supporting documentation was filed by the Riverwoods Company at Exeter with the Exeter Zoning Board of Adjustment on September 30, 2022.

That Application requested a variance from Article 2 Section 2.2.26 Definition of "Elderly Congregate Health Care Facilities" of the Exeter Zoning Ordinance to permit skilled nursing care off site on a related campus.

The Section 2.2.26 provides, in part, the relevant provision that the Elderly Congregate Health Care Facility shall provide "*on-site* nursing home facilities as licensed by the State of New Hampshire". (*Italics* and **boldface** supplied)

The supporting documents set forth the required reasons in support of the variance request. That documentation does not reference at any point the hardships that current residents will endure or, for that matter, the benefits lost when access to assisted living and skilled nursing care at The Boulders will no longer be available on-site. Location at a newly constructed, nearby unconnected facility is not acceptable.

The simple solution to this pending disruption to one of the advantages of residence at The Boulders will be the denial of the variance request. We respectfully request the Board to consider the concerns that residents of The Boulders have expressed in its deliberations on the requested variance and adopt the simple solution recommended.

Thank you for your consideration.

<u>NAME</u>	<u>BOULDERS ADDRESS</u>
<u>Robert Cully</u>	<u>4 Timber Lane</u>
<u>Ann Cully</u>	<u>4 Timber Lane</u>
<u>Eileen Lane</u>	<u>5 Timber Lane</u>
<u>Barbara Trubson</u>	<u>5 Timber Lane</u>
<u>Conrad Trubson</u>	<u>5 Timber Lane</u>
<u>Clare Pimones</u>	<u>8 Sandstone Way</u>
<u>Manha Herma</u>	<u>5 Timber Lane</u>
<u>Pierre McGuire</u>	<u>5 Timber Lane</u>
<u>Ann O'Shaughnessy</u>	<u>5 Timber Lane</u>

OVER FOR ADDITIONAL SIGNATURES



NAME

BOULDERS ADDRESS

Roberta Siegel

5 Timber Lane

Ruth Cuanyff

5 Timber Lane

Sandra MacKay

5 Timber Lane

Terri Halloran

5 Timber Lane

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RECEIVED

OCT 17 2022

Ann w. Cully  
4 Timber Lane  
Exeter, NH 03833  
603-658-1636  
[gardener642@comcast.net](mailto:gardener642@comcast.net)

EXETER PLANNING OFFICE

October 17, 2022

Kevin Baum, Chair  
Zoning Board of Adjustment  
10 Front Street  
Exeter, NH 03833

RE: Application for variance from Article 2, Section 2.2.26 filed  
September 30, 2022 By The RiverWoods Company at Exeter  
For 5 Timber Lane, R-1 Low Density Residential zoning district.  
Tax Map Parcel #98-23. Case #22-16.

My name is Ann Cully. My husband Bob and I moved into the Boulders campus in April of 2019. I would like to thank Chair Baum and Board members for the opportunity to speak about a recent event in my life that I feel could have impacted me quite differently if the proposed zoning change is allowed.

As you are aware Boulders residents receive their RW healthcare on site at the Boulders campus. The early action safety net importance of our campus Wellness Center cannot be underestimated.

On 9/26/2022 I received a total knee replacement on my left knee at Exeter Hospital. It went as planned and I returned to my residence the next day. Exeter Hospital gave me great care and they and my surgeon sent me home with a lengthy "to do" list as well as a list of things to look out for. On 10/04 I became unsure if I was developing a problem. I called the Boulders wellness Clinic and spoke with our RN. She listened, asked a few questions and suggested that she could stop by and take a sample. She went back to the clinic and called me saying my test was borderline, for me to be vigilant and that she had called my primary care physician as well as my orthopedic doctor. She suggested that any adverse changes meant I should go to the ER. A few hours later things did change and my husband went with me to the Emergency Room at Exeter Hospital. I stayed at the hospital for approximately 48 hours, underwent several tests and one procedure. Prior to checking out, the Doctor who was overseeing my care said that the early care that I received from the Boulders Wellness Clinic may have allowed me to forego possible blood transfusions, a messy surgery and a lengthy recovery.

The Boulders Wellness Center is essential for maintaining the best possible health of all Boulders Residents.

The proposed variance to Article 2, Section 2.2.26 is not in the best interests of Boulders residents.

Thank you for your time and attention.



RECEIVED

OCT 17 2022

Robert D. Cully  
4 Timber Lane  
Exeter, NH 03833  
603-658-1636  
[bob265@comcast.net](mailto:bob265@comcast.net)

EXETER PLANNING OFFICE

October 17, 2022

Kevin Baum, Chair  
Zoning Board of Adjustment  
10 Front Street  
Exeter, NH 03833

RE: Application for variance from Article 2, Section 2.2.26 filed  
September 30, 2022 By The RiverWoods Company at Exeter  
For 5 Timber Lane, R-1 Low Density Residential zoning district.  
Tax Map Parcel #98-23. Case #22-16.

My name is Bob Cully. My wife, Ann and I have been residents of Boulders for the past 3 ½ years. I would like to thank Chair Baum and Board members for the opportunity to speak about the requested zoning change to Article 2, Section 2.2.26 proposed for the Boulders campus at RiverWoods.

### **Introduction**

Common practice has been for Boulders residents to receive health care on their own campus. Off-site independent care is temporarily utilized when the home campus is full. The proposed variance "that the health centers on the remaining two campuses (Woods and Boulders) would be closed" is disturbing. The variance eliminates the lifetime social benefit of remaining on one campus throughout a resident's lifetime. It also does not recognize the early action safety net importance of the campus Wellness Clinics. The facts involved with the variance request are:

- 1. The variance will not be contrary to the public interest;**  
**The variance is contrary to the public interest;**

The above zoning article requires Elderly Congregate Health Care to be provided on the Boulders (and other) RiverWoods campuses. It is not in the best interest of 600-plus RiverWoods residents to allow a variance for off-site health care. Each campus was designed and sold on the basis of on-site health care. The locality surrounding Boulders will be impacted by consolidating health care at the Ridge campus. Years of construction will increase traffic on Route 111, Pickpocket Road and Timber Lane. After construction is completed, the 25% increase in Boulders Independent Living Units will continue to produce increased traffic on Route 111, Pickpocket Road and Timber Lane.

- 2. The Spirit of the ordinance is observed;**  
**The Spirit of the ordinance is not observed;**

The centralized facility isolates its health care patients from the Boulders community. The spirit of the Boulders community is diminished by removing family members and friends from the community.

Cully/Zoning Board of Adjustment

**3. Substantial justice is done;**

**Substantial justice is not done;**

It is an injustice to require Boulders residents to relocate from their home campus to receive health care. All Boulders residents have moved to RiverWoods with the understanding that lifetime health care will be provided on their campus.

**4. The values of surrounding properties are not diminished;**

**It is difficult to predict the higher volume of traffic on property values;**

The estimated 25% increase in the combined Boulders and Woods independent living population will increase the traffic load on Route 111 and Pickpocket Road. In addition to increased resident traffic, significant support traffic will be needed to service the increased resident population.

**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;**

**Lack of enforcement of the provisions of the ordinance would result in an unnecessary hardship;**

The existing ordinance has served RiverWoods well and supported the success of Boulders and the other two campuses. The congregate health center design should not be eliminated based on general statements such as "will offer the highest service" or that "the care objectives of efficient and effective health services for the multi campus community may be impaired."

There may be a hardship created by moving to the proposed consolidated center. The new center will contain 4 (four) fewer health care units than now exist on the three combined campuses. This problem will increase as the 25% population increase from the new independent living units begins to require health care.

**The proposed use is unreasonable;**

The variance request is unreasonable based on the above discussion. Boulders residents moved to the campus with the expectation that Boulders would provide lifetime health care. Any change from this commitment creates the reaction that consolidated health care "is not why we came here." Comments such as "people can walk or ride a bike" to visit a centralized facility increases the lack of resident trust in consolidated health care.

**Recommendation;**

I strongly request that this zoning variance be denied.

Thank you for your time and consideration.

Robert Cully

October 16, 2022

RECEIVED

Re: Zoning Board of Adjustment Meeting on October 18, 2022

OCT 17 2022

Consolidation of Healthcare Facilities :

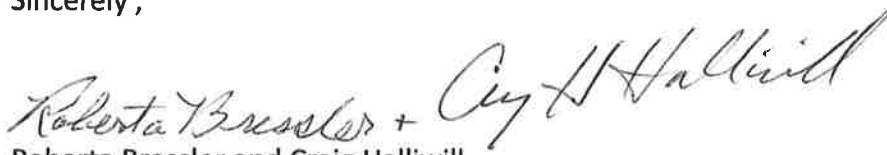
EXETER PLANNING OFFICE

Case #22-15 and Case #22-16

We are residents of The Boulders section of RiverWoods, Exeter. We are concerned about moving into the future with a high level of care in our facility for assisted living, skilled nursing care, and memory care. Consolidating staffing resources provides a higher level of care for all of our residents needing extra attention. As a recently retired Health Care Professional, I know that staff are stimulated and enjoy working in a state of the art facility with enough other professionals to prevent burnout. Consolidation would help us attract the high standard of staff we seek and allow us to offer the residents the latest in geriatric services.

We request that the Exeter Zoning Board grant the two variances that are referenced. If granted, the RiverWoods Exeter Management will be able to continue with their siting evaluation.

Sincerely ,

  
Roberta Bressler and Craig Halliwill

5 Timber Lane, Unit207, Exeter,N.H. 03833

RECEIVED

OCT 17 2022

PLANNING OFFICE

Date: October 15, 2022

To:

Town of Exeter Zoning Board of Adjustment  
10 Front Street  
Exeter, NH 03833

From:

David and Susan Wakefield  
The Boulders, RiverWood Exeter  
5 Timber Lane Unit  
Exeter, NH 03833

Subject:

Agenda – Zoning Board of Adjustment Meeting on October 15, 2022  
Zoning Board of Adjustment Case #22-15 and Case #22-16  
Consolidation of Healthcare Facilities

We, the undersigned, are residents of The Boulders section of RiverWoods Exeter. Presently there is a Healthcare facility in each section of RiverWoods Exeter (The Boulders, The Ridge, and The Woods). The Management of RiverWoods Exeter has proposed that Healthcare be consolidated to a single centralized location.

Currently, we are neither opposed to nor in favor of this change. We believe that there are advantages to residents and to the organization for both the status quo and the requested change. More information about the effects and results of both are essential for decision-making.

Therefore, we request that the ZBA approve the two requested Variances. This will allow RiverWoods Exeter Management to continue the siting evaluation process. Management will then provide us with their expected effects and results. From this we will then be able to form our opinions.

Thank you for taking this under consideration at the meeting on Tuesday, October 18, 2022.

David and Susan Wakefield



David Wakefield  
Susan Wakefield

October 31, 2022

Town of Exeter  
Zoning Board of Adjustment  
10 Front Street  
Exeter, NH 03833

To Whom it May Concern:

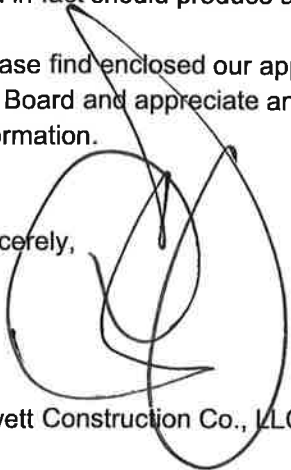
This letter serves as a formal appeal for a Special Exception to be granted at 12 Little River Road, Map 62 Lot 90-0 under current ownership as Calvary Baptist Church. The subject parcel is under agreement with the current Ownership. It is the intent of the Applicant to convert the existing church into a Montessori Early Childhood Education Center for Little Tree Education.

The parcel is located on a private drive off Little River Road. The current use as a church has allowed the site to have the proper layout and offsite parking required to properly serve the childcare use and comply with regulations, without major modification. The intent is to renovate the existing church into the childcare facility, which will not require new development, impervious area increases, or building height. The overall character of the neighborhood will be preserved, and an educational service will be provided to the residents of the neighborhood and surrounding areas.

The parcel, located in the R-2 Zone, is currently operating under a use permitted by Special Exception, and our request to the Town is to allow the conversion of the use of the property into another use permitted by Special Exception. We do not anticipate this change to be of adverse consequence to the surrounding area, and in fact should produce a markedly net-positive effect for the residents and Town of Exeter.

Please find enclosed our application and associated documents. We appreciate the opportunity to be heard by the Board and appreciate any feedback. Please let us know if you have any questions or require any further information.

Sincerely,



Jewett Construction Co., LLC

Town of Exeter  
APPLICATION FOR

# SPECIAL EXCEPTION

Case Number:	<u>ZBA# 22-20</u>
Date Filed:	<u>10/31/22</u>
Application Fee:	\$ <u>100.00</u>
Abutter Fees:	\$ <u>160.00</u>
Legal Notice Fee:	\$ <u>50.00</u>
TOTAL FEES:	\$ <u>310.00</u>
Date Paid:	<u>10/31/22</u> Check # <u>59134</u>

Name of Applicant Jewett Construction Co.,LLC, of behalf of Craig Jewett  
(If other than property owner, a letter of authorization will be required from property owner)

Address 25 Spaulding Road, Suite 17-2 Fremont, NH 03044

Telephone Number ( ) 603-895-2412

Property Owner CALVARY BAPTIST CHURCH, 12 Little River Road, Exeter, NH 03833

Location of Property 12 Little River Road

R-2 Zone, Map 62 Lot 90

(number, street, zone, map and lot number)

Applicant Signature 

Date \_\_\_\_\_

*NOTE: This application is not acceptable unless all required statements have been made.  
Additional information may be supplied on a separate sheet if space is inadequate.*

APPLICATION FOR A SPECIAL EXCEPTION

**1. Currently existing use and/or situation:** \_\_\_\_\_

\_\_\_\_\_

Please reference attached Exhibit A for statements.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. Proposed use and/or situation:** \_\_\_\_\_

\_\_\_\_\_

Please reference attached Exhibit A for statements.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Note: Proposed change of use may result in applicable impact fees.*

**3. List all maps, plans and other accompanying material submitted with the application:**

\_\_\_\_\_

Please reference attached Exhibit A for statements.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**APPLICATION FOR SPECIAL EXCEPTION:**

**Special Exceptions:**

A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

Special Exceptions, as enumerated in Article 4.2, Schedule I, shall be permitted only upon authorization by the board of adjustment. Such exceptions shall be found by the board of adjustment to comply with the following requirements and other applicable requirements as set forth in this ordinance.

NOTE: Please use a separate piece of paper if additional space is needed to complete the following information:

**4. Explain the justification for special exception by addressing the following criteria:**

**A. That the use is a permitted special exception as set forth in Article 4.2, Schedule I hereof;**

Please reference attached Exhibit A for statements.

---

---

---

---

**B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;**

Please reference attached Exhibit A for statements.

---

---

---

---



**C. That the proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located;**

*Note: Adjoining principal uses in existence prior to 1972 (generally referred to as grand-fathered uses) that are not permitted uses as listed in 4.1 Schedule I: Permitted Use, shall not be considered in determining the compatibility of an applicant's proposed use.*

Please reference attached Exhibit A for statements.

---

---

---

---

---

**D. That adequate landscaping and screening are provided as required herein;**

Please reference attached Exhibit A for statements.

---

---

---

---

---

**E. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets;**

Please reference attached Exhibit A for statements.

---

---

---

---

---

**F. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments;**

Please reference attached Exhibit A for statements.

---

---

---

---

---

**G. As a condition of Special Exception approval, the applicant may be required to obtain Town Planner review and/or Planning Board approval of the site plan. Additionally, the Board of Adjustment may require the applicant to obtain Planning Board approval of the site plan prior to rendering a decision on an application for Special Exception.**

Please reference attached Exhibit A for statements.

---

---

---

---

**H. That the use shall not adversely affect abutting or nearby property values;**

Please reference attached Exhibit A for statements.

---

---

---

---

**I. If the application is for a Special Exception for the bulk storage of a material which is, in the opinion of the Planning Board, potentially explosive, than landscaping, per Article 5.20, shall be deemed to include such blast containment, blast dampening or blast channeling features as the Board may require;**

---

Please reference attached Exhibit A for statements.

---

---

---

---

**J. If the application is for a use in the “Professional/Tech Park District,” such exception will not:**

- 1. Affect the water quality of Water Works Pond or other water supplies;**
- 2. Constitute a health hazard to the community;**
- 3. Permit temporary structures;**
- 4. Permit the recycling, disposal or transfer of materials defined as hazardous waste and set forth in Article 5.10.5 of this ordinance;**

---

Please reference attached Exhibit A for statements.

---

---

---

---

*Note: The applicant shall demonstrate that handling, storage and containment of any chemicals or substances defined as “hazardous” will be handled in strict accordance with the regulations and recommendations of the EPA and/or any other governmental body charged with enforcing compliance with any laws or statutes regulating hazardous substances.*

ZONING BOARD OF ADJUSTMENT

**APPLICATIONS SKETCH PLAN  
REQUIREMENTS/CHECKLIST**

1. Title Block – descriptive name of project, north arrow (approximate), street address, date and scale (not less than 1" = 40').
2. Location map showing relevant streets and zoning district boundaries.
3. Names and addresses of applicant, record owner and abutting property owners, including those across the street.
4. Existing and proposed streets, driveways, parking areas (with delineation of spaces) and sidewalks.
5. Location of existing and proposed buildings and property lines.
6. Distances on all sides between buildings and property lines.
7. Existing and proposed tree lines, landscape buffers, screening and fences.
8. Location of existing landmarks including streams, brooks, wetlands, rock outcroppings, wooded areas and other significant environmental features.
9. Generalized floor plans showing dimensions and the square footage of areas for proposed uses.

---

Plans should be no larger than 11" x 17" in size. They need not be prepared by an architect or land surveyor but they must be legibly drawn with printed labels.

- PLANS MUST CONTAIN ALL OF THE ABOVE INFORMATION IN ORDER FOR THE APPLICATION TO BE PLACED ON THE AGENDA FOR A ZONING BOARD OF ADJUSTMENT HEARING.

ABUTTER LABELS AND LISTS:

Abutter labels and lists must be attached to this application. Please contact the Planning Office if you have any questions.

ADDITIONAL MATERIALS:

If provided with the application, additional submission materials will be sent to the ZBA members in their monthly packet of information. Please contact the Planning Office if you have any questions regarding additional submission materials.

## APPLICATION FOR A SPECIAL EXECPTION

**1. Currently existing use and/or situation:**

- The parcel is currently in use as Calvary Baptist Church, a place of worship, allowed by Special Exception in the R-2 Zone. The Church intends to relocate and has listed the property for sale.

**2. Proposed use and/or situation:**

- The Applicant currently has the subject parcel under agreement with the Owner. It is the intent of the Applicant to covert the existing church into a Montessori Early Childhood Education Center for Little Tree Education. The existing building and site provide a convenient and beneficial location for this use, without new construction and while preserving the existing character or the neighborhood. Providing childcare services to the neighborhood will serve as a critical educational benefit to the families of the area and will ensure a consistent economic benefit to the Town.

**3. List all maps, plans and other accompanying material submitted with the application:**

- *Existing Conditions Plan*, prepared by Jones & Beach Engineers, Inc., dated 10/26/22
- *ZBA Site Plan*, prepared by Jones & Beach Engineers, Inc., dated 10/26/22
- *Plan Study (Floorplan)*, prepared by Jewett Construction Co., LLC, dated 10/17/22
- *Letter of Owner Authorization*, dated 10/28/22
- *Vicinity Ownership Map*, dated 10/27/22 from Exeter MapsOnline
- *Abutters List*, compiled by Applicant and dated 10/31/22

**4. Explain the justification for special exception by addressing the following criteria:**

**A. That the use is a permitted special exception as set forth in Article 4.2, Schedule I hereof;**

- *Per Article 4.2, Schedule I: Permitted Uses* of the Exeter Zoning Ordinance, "Child day care" is listed as an allowable use when permitted by Special Exception

**B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;**

- The existing property and building well serves the proposed use. Public health will be protected as the proposed use will not require any new sitework or impervious area, preserving the existing greenspace. The nature of the property, off busy roads but rather on a side street, serves to protect the safety of users and does not increase the burden to public safety departments. The proposed use serves to improve the welfare of the community by providing a safe and educational environment for children. There is great need in the community for this use, as access to educational childcare is currently widely underprovided across the seacoast area. Finally, the location of the use in the R-2 is convenient and would service local families who live nearby and could even walk to the location.

**C. That the proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located;**

- The current zone district is primarily residential, with educational and recreational facilities. The proposed use of child day care is compatible with the zone district as it provides a convenient and necessary service to residents, while adhering to the primary theme of education.



**JEWETT**  
CONSTRUCTION CO.  
DESIGN BUILDERS  
CONSTRUCTION MANAGERS

Offices in New Hampshire and Maine  
(603) 895-2412 • www.jewettconstruction.com

**D. That the adequate landscaping and screening are provided as required by herein;**

- It is the intent of the Applicant to comply with Town standards and regulations regarding landscaping and screening as applicable/practical

**E. That adequate off-street parking and loading and ingress and egress is designed as to cause a minimum interference with traffic on abutting streets;**

- Existing off-street parking is sufficient for the proposed use, see attached Existing Conditions plan. As with the existing use, Ingress/egress is by existing private drive off of Pen Lane, which will allow for any queuing to occur within the site and not on the adjoining Pen Lane. Ingress/egress to Brentwood Road and elsewhere is split between Little River Road and Wallace Road, distributing any traffic. There are no offsite improvements proposed as part of this application.

**F. That the use conforms with all applicable regulations governing the district where located, except as my otherwise be determined for large-scale developments;**

- It is the understanding of the Applicant that the proposed use conforms with all applicable regulations.

**G. As a condition of Special Exception approval, the applicant may be required to obtain Town Planner review and/or Planning Board approval of the site plan. Additionally, the Board of Adjustment may require the applicant to obtain Planning Board approval of the site plan prior to rendering a decision on an application for Special Exception.**

- The Applicant understands the above criterion and intends to comply with any/all conditions required by the Board.

**H. That the use shall not adversely affect abutting or nearby property values;**

- As the subject property is currently developed and there are no changes to the existing site proposed, no adverse effect to abutting or nearby property values is expected

**I. If the application is for Special Exception for the bulk storage of material which is, in opinion of the Planning Board, potentially explosive, than landscaping, per Article 5.0, shall be deemed to include such blast containment, blast dampening or blast channeling features as the Board may require;**

- Not applicable

**J. If the application is for the use in the "Professional/Tech Park District," such exception will not:**

1. **Affect the water quality of Water Works Pond or other water supplies;**
2. **Constitute a health hazard to the community;**
3. **Permit temporary structures;**
4. **Permit the recycling, disposal or transfer of materials defined as hazardous waster and set forth in Article 5.10.5 of the ordinance;**

- Not applicable

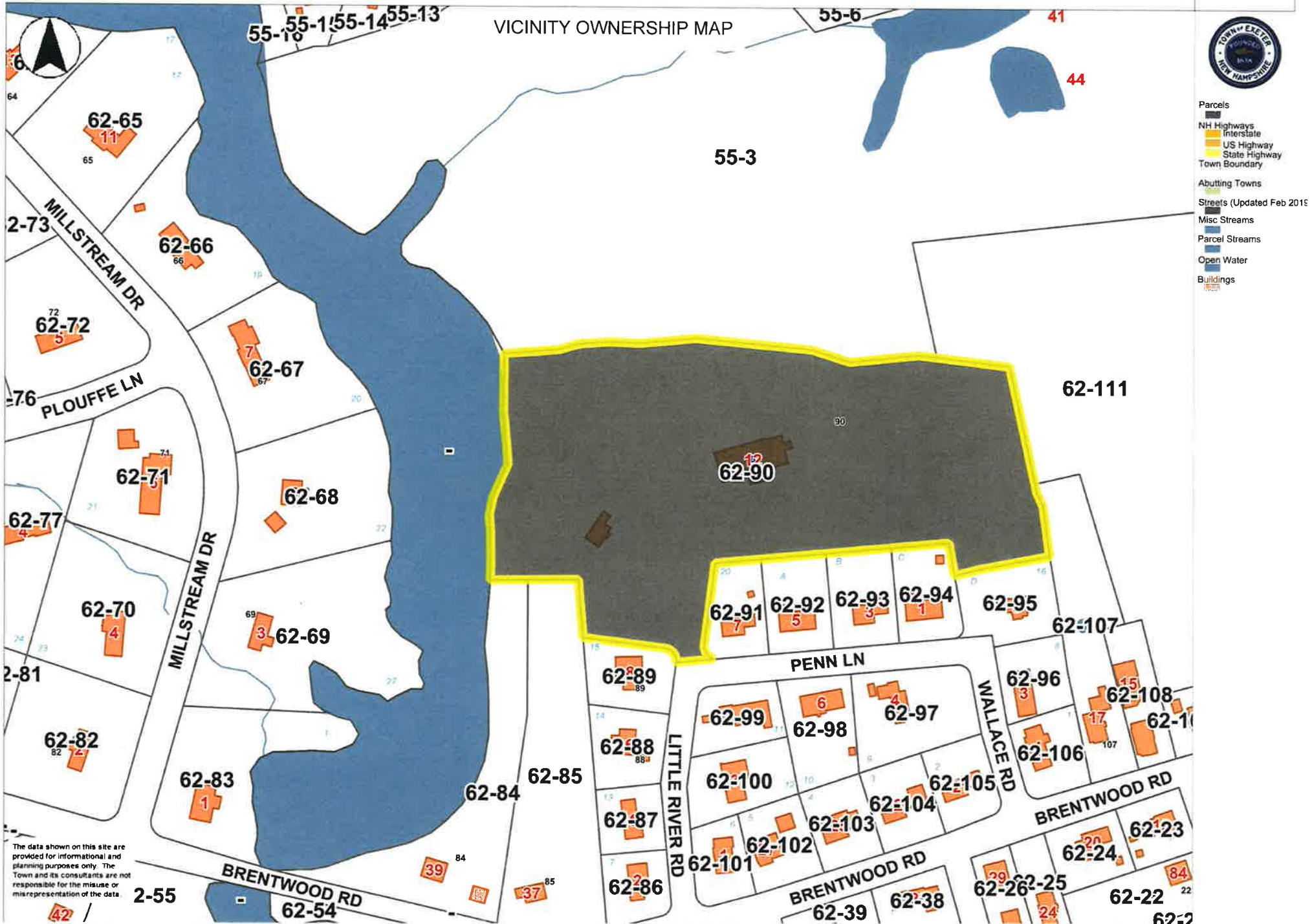


**12 Little River Road Abutters**

55-3	Seacoast Early Learning Center	Center Real Estate Dev LLC	5 McKay Dr	Exeter	NH	03833
	Integrity Ventures		21 Red Fox Ln	Barrington	NH	03825
	Colcord Pond Associates LLC		80 Nashua Dr Suite 24	Londonderry	NH	03053
	Boulders Realty Corp		PO Box 190	Exeter	NH	03833
62-67	Mike-Mayer Robert		7 Millstream Dr	Exeter	NH	03833
62-68	Folster Robert J	Floster Cathy J	5 Millstream Dr	Exeter	NH	03833
62-69	Caldwell Jane S		20 Main St	Exeter	NH	03833
62-83	Blatchford Dale A	Blatchford Patricia N	1 Millstream Dr	Exeter	NH	03833
62-84	Cruz Kenneth		39 Brentwood Rd	Exeter	NH	03833
62-85	Jordan Family Rev TR	Jordan Brian A & Nancy F Trustees	2 Little River Rd	Exeter	NH	03833
62-89	Lake Geoffrey A		8 Little River Rd	Exeter	NH	03833
62-91	Weeks Kris	Weeks Karyn F	7 Penn Ln	Exeter	NH	03833
62-92	Mitevski Tiffany	Mitevski Blagojcho	5 Penn Ln	Exeter	NH	03833
62-93	Osburn Julie A	Osburn James D	3 Penn Ln	Exeter	NH	03833
62-94	Burns Jillian		1 Penn Ln	Exeter	NH	03833
62-95	Seymour Barbara C		5 Wallace Rd	Exeter	NH	03833
62-99	Taylor James	Taylor Kathleen	8 Penn Ln	Exeter	NH	03833
62-107	Smith Herbert C	Gooding-Smith Marian A	17 Brentwood Rd	Exeter	NH	03833
62-111	Washburne Patricia A Rev TR	Washburne Patricia A Trustee	PO Box 38	Middleton	NH	03887
	Jones & Beach		85 Portsmouth Ave, PO Box 219	Stratham	NH	03885
	Jewett Construction		25 Spaulding Rd, Unit 17-2	Fremont	NH	03044

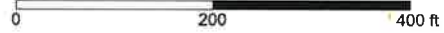


VICINITY OWNERSHIP MAP



- Parcels
- NH Highways
  - Interstate
  - US Highway
  - State Highway
- Town Boundary
- Abutting Towns
- Streets (Updated Feb 2019)
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 10/27/2022 at 12:01 PM

October 28, 2022

**RE: 12 Little River Rd.  
Exeter, NH 03833**

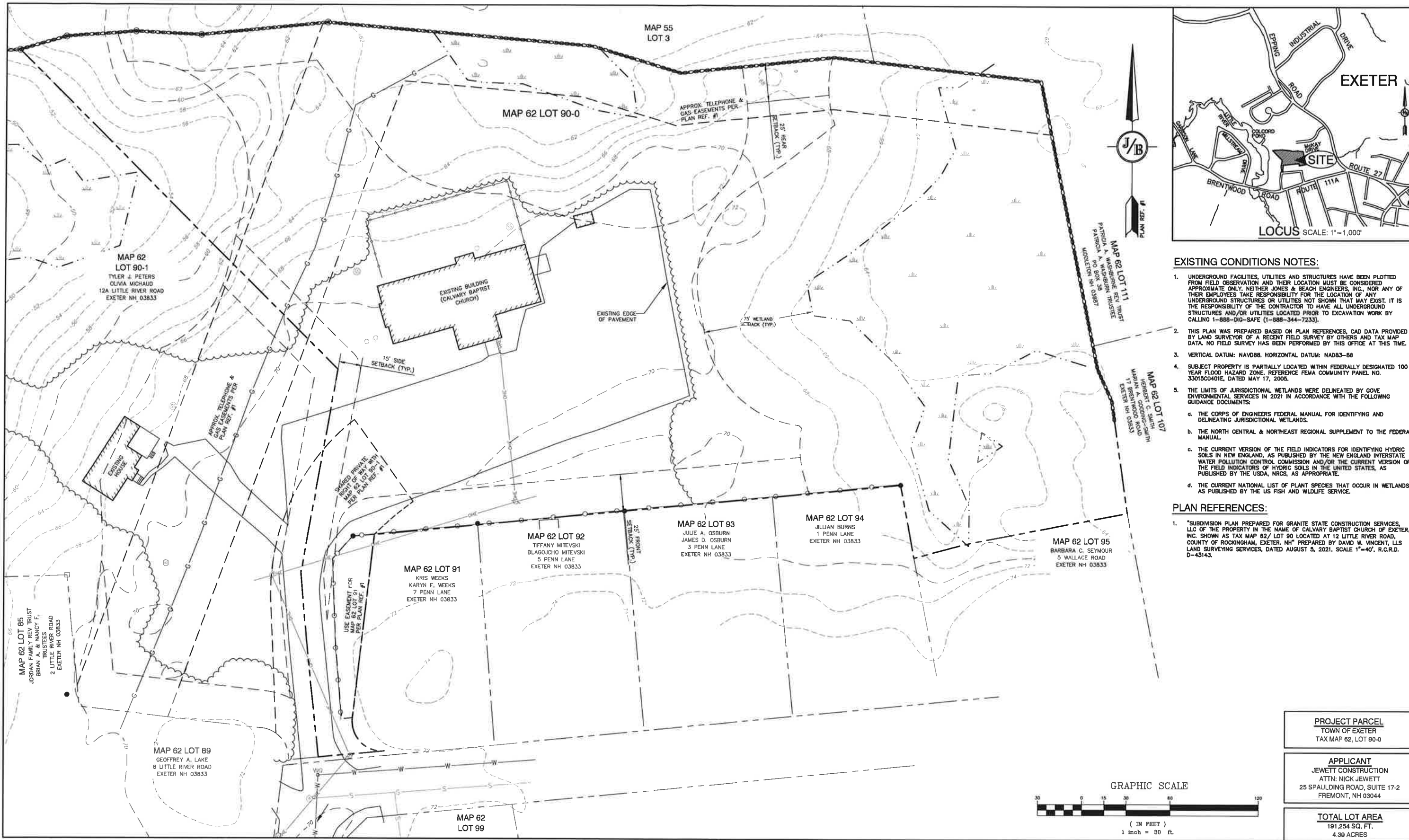
To Whom It May Concern:

I, \_\_\_\_\_, hereby authorize Craig Jewett, and their agents to apply for applicable applications associated with the proposed development on the subject property. This authorization includes the filing of applicable applications, discussion and coordination of same with Municipal and State Staff, and presentation of the project at Public Hearings, respectively.

Respectfully,

CALVARY BAPTIST CHURCH



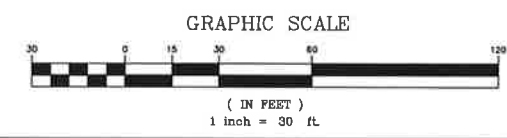
**EXISTING CONDITIONS NOTES:**

- UNDERGROUND FACILITIES, UTILITIES AND STRUCTURES HAVE BEEN PLOTTED FROM FIELD OBSERVATION AND THEIR LOCATION MUST BE CONSIDERED APPROXIMATE ONLY. NEITHER JONES & BEACH ENGINEERS, INC., NOR ANY OF THEIR EMPLOYEES TAKE RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND STRUCTURES OR UTILITIES NOT SHOWN THAT MAY EXIST. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL UNDERGROUND STRUCTURES AND/OR UTILITIES LOCATED PRIOR TO EXCAVATION WORK BY CALLING 1-888-060-SAFE (1-888-344-7233).
- THIS PLAN WAS PREPARED BASED ON PLAN REFERENCES, CAD DATA PROVIDED BY LAND SURVEYOR OF A RECENT FIELD SURVEY BY OTHERS AND TAX MAP DATA. NO FIELD SURVEY HAS BEEN PERFORMED BY THIS OFFICE AT THIS TIME.
- VERTICAL DATUM: NAVD88. HORIZONTAL DATUM: NAD83-88
- SUBJECT PROPERTY IS PARTIALLY LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33019C0401E, DATED MAY 17, 2005.
- THE LIMITS OF JURISDICTIONAL WETLANDS WERE DELINEATED BY GOVE ENVIRONMENTAL SERVICES IN 2021 IN ACCORDANCE WITH THE FOLLOWING GUIDANCE DOCUMENTS:
  - THE CORPS OF ENGINEERS FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS.
  - THE NORTH CENTRAL & NORTHEAST REGIONAL SUPPLEMENT TO THE FEDERAL MANUAL.
  - THE CURRENT VERSION OF THE FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, AS PUBLISHED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION AND/OR THE CURRENT VERSION OF THE FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, AS PUBLISHED BY THE USDA, NRCS, AS APPROPRIATE.
  - THE CURRENT NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS, AS PUBLISHED BY THE US FISH AND WILDLIFE SERVICE.

**PLAN REFERENCES:**

- "SUBDIVISION PLAN PREPARED FOR GRANITE STATE CONSTRUCTION SERVICES, LLC OF THE PROPERTY IN THE NAME OF CALVARY BAPTIST CHURCH OF EXETER, INC. SHOWN AS TAX MAP 62/ LOT 90 LOCATED AT 12 LITTLE RIVER ROAD, COUNTY OF ROCKINGHAM, EXETER, NH" PREPARED BY DAVID W. VINCENT, LLS LAND SURVEYING SERVICES, DATED AUGUST 5, 2021, SCALE 1"=40', R.G.R.D. D-43143.

PROJECT PARCEL TOWN OF EXETER TAX MAP 62, LOT 90-0
APPLICANT JEWETT CONSTRUCTION ATTN: NICK JEWETT 25 SPAULDING ROAD, SUITE 17-2 FREMONT, NH 03044
TOTAL LOT AREA 191,254 SQ. FT. 4.38 ACRES



Design: PSL	Draft: PSL	Date: 10/26/22
Checked: JAC	Scale: 1"=30'	Project No.: 22219.1
Drawing Name: 22219-PLAN.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
0	10/26/22	ISSUED FOR REVIEW	PSL

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**

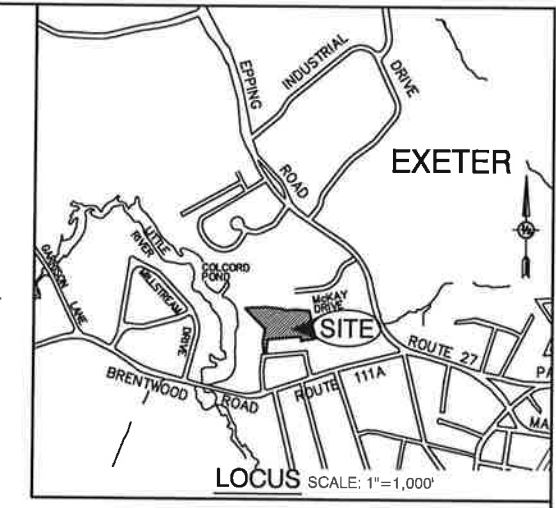
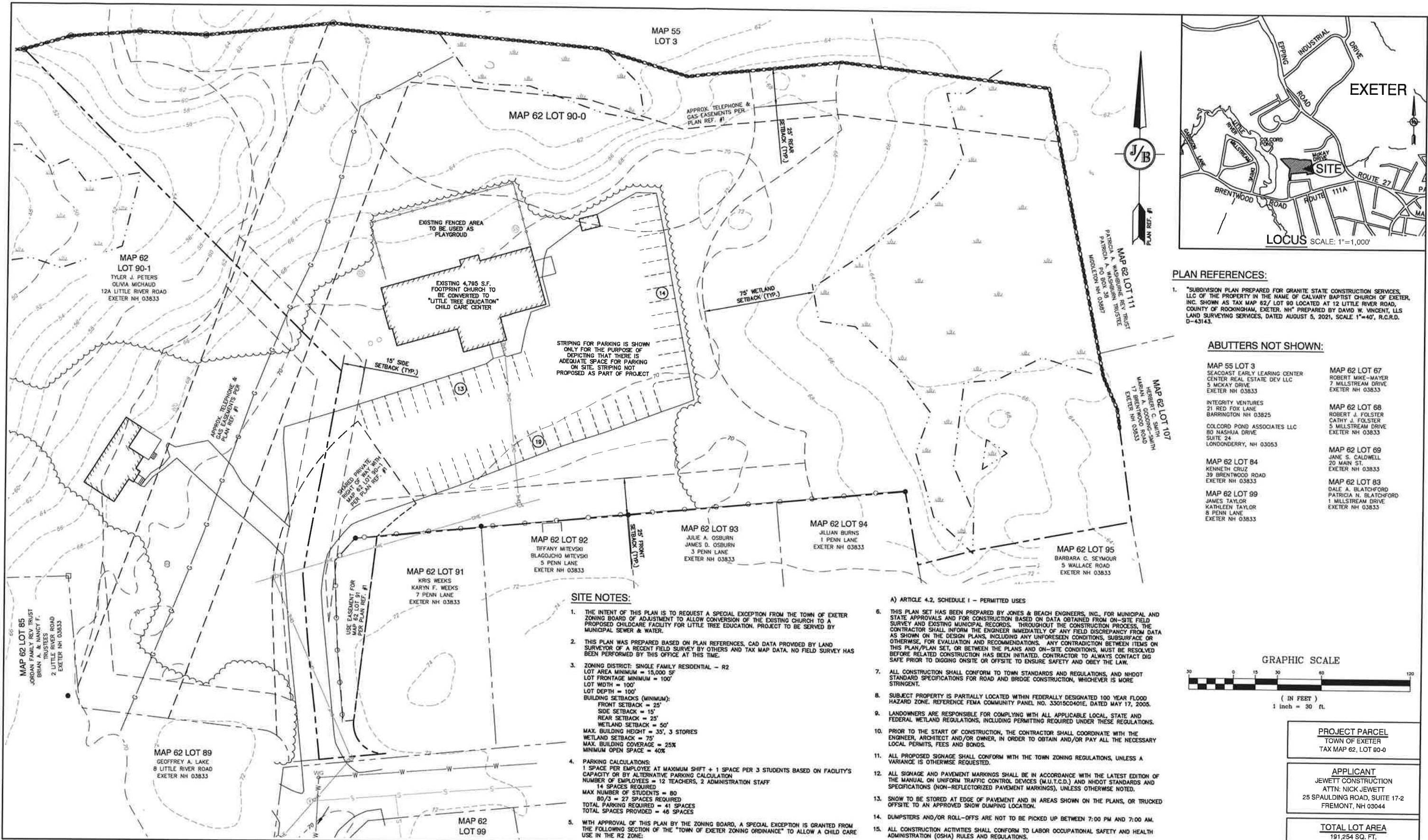
85 Portsmouth Ave. PO Box 219 Stratham, NH 03885

Civil Engineering Services

603-772-4746 FAX: 603-772-0227 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	EXISTING CONDITIONS PLAN
Project:	"LITTLE TREE EDUCATION" 12 LITTLE RIVER ROAD, EXETER, NH
Owner of Record:	CALVARY BAPTIST CHURCH OF EXETER, INC. 12 LITTLE RIVER ROAD, EXETER, NH BK 2792/PG 0592

DRAWING No.	C1
SHEET 1 OF 2	JBE PROJECT NO. 22219.1



**PLAN REFERENCES:**

- "SUBDIVISION PLAN PREPARED FOR GRANITE STATE CONSTRUCTION SERVICES, LLC OF THE PROPERTY IN THE NAME OF CALVARY BAPTIST CHURCH OF EXETER, INC. SHOWN AS TAX MAP 62/ LOT 90 LOCATED AT 12 LITTLE RIVER ROAD, COUNTY OF ROCKINGHAM, EXETER, NH" PREPARED BY DAVID W. VINCENT, LLS LAND SURVEYING SERVICES, DATED AUGUST 5, 2021, SCALE 1"=40', R.C.R.D. D-43143.

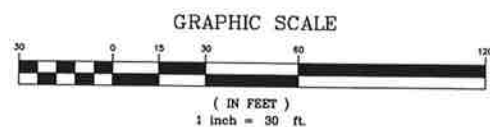
**ABUTTERS NOT SHOWN:**

MAP 55 LOT 3 SEACOAST EARLY LEARNING CENTER CENTER REAL ESTATE DEV LLC 5 MCKAY DRIVE EXETER NH 03833	MAP 62 LOT 67 ROBERT MIKE-MAYER 7 MILLSTREAM DRIVE EXETER NH 03833
INTEGRITY VENTURES 21 RED FOX LANE BARRINGTON NH 03825	MAP 62 LOT 68 ROBERT J. FOLSTER CATHY J. FOLSTER 5 MILLSTREAM DRIVE EXETER NH 03833
COLCORD POND ASSOCIATES LLC SUITE 24 LONDONDERRY, NH 03053	MAP 62 LOT 69 JANE S. CALDWELL 20 MAIN ST. EXETER NH 03833
MAP 62 LOT 84 KENNETH CRUZ 39 BRENTWOOD ROAD EXETER NH 03833	MAP 62 LOT 83 DALE A. BLATCHFORD PATRICIA N. BLATCHFORD 1 MILLSTREAM DRIVE EXETER NH 03833
MAP 62 LOT 99 JAMES TAYLOR KATHLEEN TAYLOR 8 PENN LANE EXETER NH 03833	

**SITE NOTES:**

- THE INTENT OF THIS PLAN IS TO REQUEST A SPECIAL EXCEPTION FROM THE TOWN OF EXETER ZONING BOARD OF ADJUSTMENT TO ALLOW CONVERSION OF THE EXISTING CHURCH TO A PROPOSED CHILD CARE FACILITY FOR LITTLE TREE EDUCATION. PROJECT TO BE SERVED BY MUNICIPAL SEWER & WATER.
- THIS PLAN WAS PREPARED BASED ON PLAN REFERENCES, CAD DATA PROVIDED BY LAND SURVEYOR OF A RECENT FIELD SURVEY BY OTHERS AND TAX MAP DATA. NO FIELD SURVEY HAS BEEN PERFORMED BY THIS OFFICE AT THIS TIME.
- ZONING DISTRICT: SINGLE FAMILY RESIDENTIAL - R2  
LOT AREA MINIMUM = 15,000 SF  
LOT FRONTAGE MINIMUM = 100'  
LOT WIDTH = 100'  
LOT DEPTH = 100'  
BUILDING SETBACKS (MINIMUM):  
FRONT SETBACK = 25'  
SIDE SETBACK = 15'  
REAR SETBACK = 25'  
WETLAND SETBACK = 50'  
MAX. BUILDING HEIGHT = 35', 3 STORES  
WETLAND SETBACK = 75'  
MAX. BUILDING COVERAGE = 25%  
MINIMUM OPEN SPACE = 40%
- PARKING CALCULATIONS:  
1 SPACE PER EMPLOYEE AT MAXIMUM SHIFT + 1 SPACE PER 3 STUDENTS BASED ON FACILITY'S CAPACITY OR BY ALTERNATIVE PARKING CALCULATION  
NUMBER OF EMPLOYEES = 12 TEACHERS, 2 ADMINISTRATION STAFF  
14 SPACES REQUIRED  
MAX NUMBER OF STUDENTS = 80  
80/3 = 27 SPACES REQUIRED  
TOTAL PARKING REQUIRED = 41 SPACES  
TOTAL SPACES PROVIDED = 46 SPACES
- WITH APPROVAL OF THIS PLAN BY THE ZONING BOARD, A SPECIAL EXCEPTION IS GRANTED FROM THE FOLLOWING SECTION OF THE "TOWN OF EXETER ZONING ORDINANCE" TO ALLOW A CHILD CARE USE IN THE R2 ZONE:

- ARTICLE 4.2, SCHEDULE I - PERMITTED USES
- THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC. FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ONSITE OR OFFSITE TO ENSURE SAFETY AND OBEY THE LAW.
- ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.
- SUBJECT PROPERTY IS PARTIALLY LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0401E, DATED MAY 17, 2005.
- LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, FEES AND BONDS.
- ALL PROPOSED SIGNAGE SHALL CONFORM WITH THE TOWN ZONING REGULATIONS, UNLESS A VARIANCE IS OTHERWISE REQUESTED.
- ALL SIGNAGE AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.) AND NHDOT STANDARDS AND SPECIFICATIONS (NON-REFLECTORIZED PAVEMENT MARKINGS), UNLESS OTHERWISE NOTED.
- SNOW TO BE STORED AT EDGE OF PAVEMENT AND IN AREAS SHOWN ON THE PLANS, OR TRUCKED OFFSITE TO AN APPROVED SNOW DUMPING LOCATION.
- DUMPSTERS AND/OR ROLL-OFFS ARE NOT TO BE PICKED UP BETWEEN 7:00 PM AND 7:00 AM.
- ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.



<b>PROJECT PARCEL</b> TOWN OF EXETER TAX MAP 62, LOT 90-0
<b>APPLICANT</b> JEWETT CONSTRUCTION ATTN: NICK JEWETT 25 SPAULDING ROAD, SUITE 17-2 FREMONT, NH 03044
<b>TOTAL LOT AREA</b> 191,254 SQ. FT. 4.36 ACRES

Design: PSL	Draft: PSL	Date: 10/26/22
Checked: JAC	Scale: 1"=30'	Project No.: 22219.1
Drawing Name: 22219-PLAN.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
0	10/26/22	ISSUED FOR REVIEW	PSL

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**  
Civil Engineering Services

85 Portsmouth Ave. PO Box 219 Stratham, NH 03885

603-772-4746  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name: **ZBA SITE PLAN**

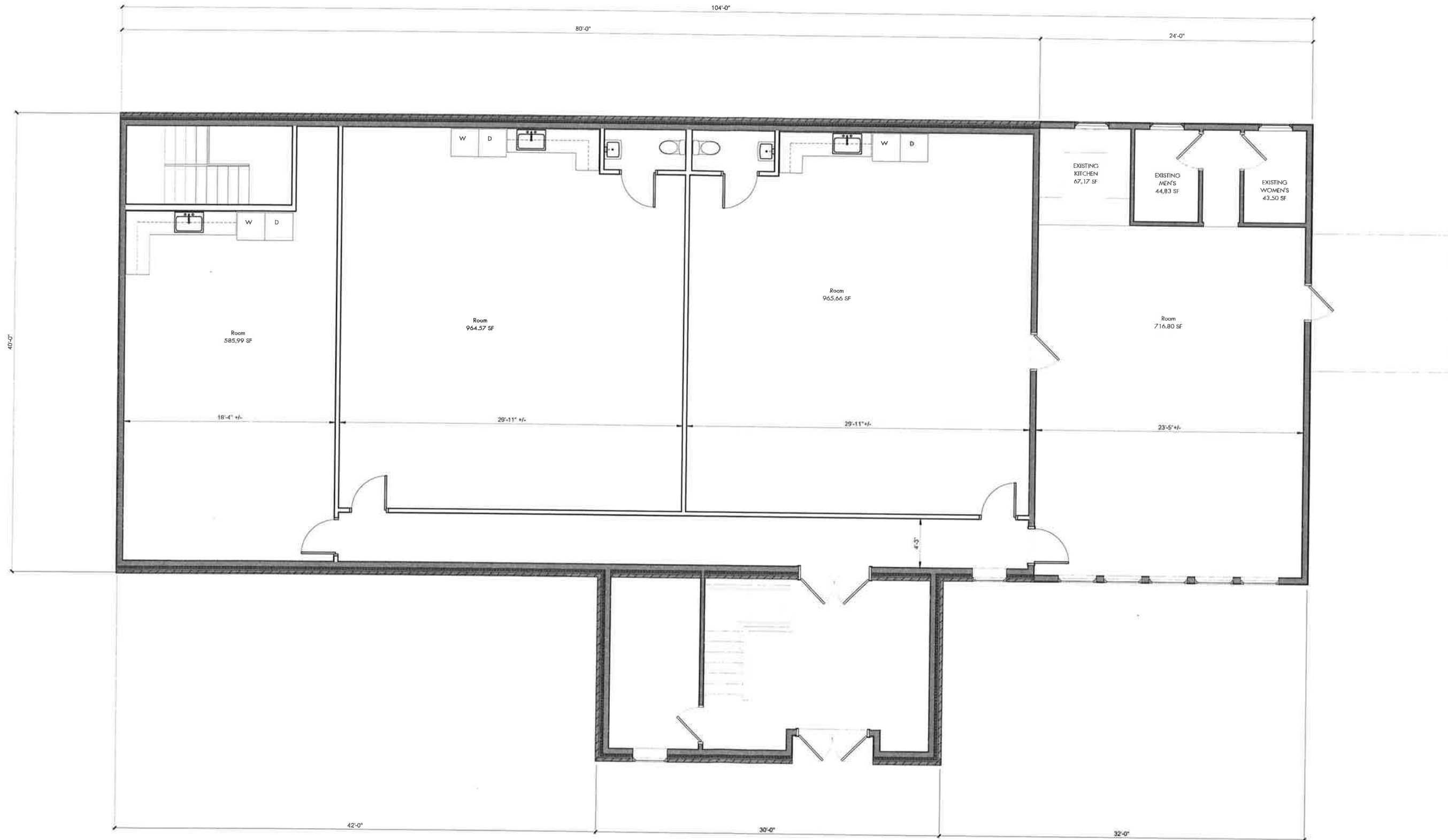
Project: **"LITTLE TREE EDUCATION"  
12 LITTLE RIVER ROAD, EXETER, NH**

Owner of Record: **CALVARY BAPTIST CHURCH OF EXETER, INC.  
12 LITTLE RIVER ROAD, EXETER, NH BK 2792/PG 0592**

DRAWING No.

**C2**

SHEET 2 OF 2  
JBE PROJECT NO. 22219.1



NOV 15 2022

To: Exeter Zoning Board of Adjustment,

From: Blago and Tiffany Mitevski at 5 Penn Lane

EXETER PLANNING OFFICE

This letter is in consideration of the proposed plans for 12 Little River Rd.

My husband and I reside at 5 Penn Lane in Exeter, NH. Our backyard is entirely adjacent to the church parking lot and building behind our house. We moved to this neighborhood three years ago with the intentions of raising our family here. We were drawn to the quietness and quaintness of this neighborhood. The neighbors are very close and currently you can see children playing peacefully in the neighborhood without the risk of many cars. In March of next year we plan on welcoming a little girl to our household and we hope that she can grow up in this neighborhood with the peacefulness that the children now get to.

We bought this property in a residential zone with limited non-profit use. Currently the church uses the property one to two times a week. If the property would change to commercial use, this would drastically change the traffic, noise and liability of inadequate space for recreation and traffic. There is no adequate space behind the building for recreation which means that there would be limited recreation space and traffic patterns in front of the building which directly borders our property.

It is currently a challenge to exit Wallace Rd. or Little River Rd. due to speeding cars on Brentwood Rd. (111A). An increase in traffic to these roads means cars would be backed up blocking all our driveways, waiting for a safe time to exit the neighborhood. This would limit the ability for kids to play, neighbors to go for a walk and leave or arrive at our homes in a timely manner. Currently a bus stop is located at the top of Wallace Rd. If there was an increase of traffic, the risk to their safety would be affected as well. An added consideration is the back up that will occur coming into Wallace Rd. This will affect the intersection of 111A and Epping Rd. and people turning from Washington St. onto 111A.

Another concern of ours is that we have a pool in our backyard. While there is a four-foot chain link fence bordering our backyard it would be a constant concern of ours that there are children who would see the pool in our yard and climb over the fence. This would create added liability and anxiety to our household as well as concern for children's well-being.

Ultimately the added noise level of children and cars would affect the peaceful use of our property for not only us but everyone in the neighborhood.

Please consider the sincere concerns of the residents of Brentwood Rd, Wallace Rd, Little River Rd. and Penn Ln. We implore you to turn down approval of this zoning change as this is of grave concern to us as long-term residents.

Thank you,

Blago and Tiffany Mitevski

Date: 12/13/22  
To: Exeter Zoning Board of Adjustment  
From: Karyn Weeks (and family), 7 Penn Lane, Exeter  
Subject: Jewett Construction Co., LLC request for special exception per Article 4 Section 4.2 Schedule 1: Permitted Uses and Article 5 Section 5.2 for change of use to permit the existing church at 12 Little River Road to be used as a Montessori Early Ed Center

My husband, 3 children and I live at 7 Penn Lane. We are abutters to the property at 12 Little River Road and have a Right of Way on the property.

We understand that we live in a R2 zone and, in theory, a private school can be allowed in this zone if found it would be appropriate for the area but we don't believe it is appropriate or sensible for this neighborhood. This is not simply a zoning issue. There are several issues with this possible change including traffic, noise, safety, change in our property value and the conservation of our healthy and happy neighborhood community. This change would not only negatively affect the abutters of 12 Little River Road but also those who are not abutters and live on Penn Lane, Wallace Dr, Little River Rd, Brentwood Rd and the surrounding roads. We believe that this isn't just an expansion of the current use but an entirely new use that will substantially negatively affect the neighborhood and should not be approved. We don't agree with Jewett Construction's claim on their application that the school will preserve the existing character of the neighborhood. Clearly they do not know the neighborhood well and have not spoken to any of the people who live in it.

We understand that the church got a waiver to the frontage rule and a special exception to the permitted usage to build and open the church years ago and it seemed like a good fit at the time but as time went on, the neighborhood and area changed and the church became less and less a part of the neighborhood and more and more an eye sore in disrepair with very few church-goers. The neighborhood, traffic and surroundings have changed during that time and we believe that this neighborhood should remain the neighborhood it has become, which is a fairly dense and decidedly residential neighborhood. It is definitely not a school-friendly neighborhood because of the reasons I will express in this letter and my neighbors have expressed in theirs.

**Traffic:**

The square footage of the church building as it stands can support 80 students. That is a lot of additional traffic through our neighborhood and to that property every weekday. I'd also imagine that, like all other schools, this school will have events on evenings and weekends fairly often, adding to the traffic on those days and evenings as well.

The church never brought this type of traffic to the neighborhood because it was only open 1 morning and 1 evening a week. Since we moved here about 5 years ago, the church traffic has been limited to Sunday mornings and Wednesday evenings. We have not seen more than 10-15 cars in the parking lot on Sunday or more than 3-5 cars on Wednesday nights. There was no

usual use of the building outside those 2 times each week. Our property abuts the parking lot so we can see it clearly in its entirety.

So you can imagine how a school on that property that has 80 students and is open every weekday and some evenings and weekends would drastically increase the traffic in our neighborhood. An increase of traffic is never a welcome change to any residential neighborhood but we believe it will affect our neighborhood more than most because of the location, size and lack of proper roads and sidewalks to support this big uptick in traffic.

On Jewett Construction's application for change of use, it is stated that the private drive (which is now shared with a home) is sufficient for any queuing during drop offs and pick ups but we challenge that opinion. We feel that this can not be claimed without a proper parking and traffic study completed by a reputable company. We don't think that private drive is wide enough or long enough as it is now to accept this traffic without backup spilling onto both Little River Rd and Penn Lane at drop off and pick up.

The roads (Wallace Rd, Penn Lane and Little River Rd) are not sufficient for the traffic that would be coming and going every day in and out of the school. The roads are not wide enough and there are no sidewalks. Many of us park on the roads which limits the traffic flow even further.

Also, both the intersection at Wallace and Brentwood and the intersection at Little River and Brentwood have issues with sight lines. It is very difficult to see cars coming from the east on Brentwood Road when pulling out of Wallace and extremely difficult to see cars coming from both the east and west on Brentwood when pulling out of Little River Rd. With an increase in traffic leaving the school, this could be very dangerous. It would also slow down the cars leaving the school as the drivers take extra time to check for traffic before turning, causing backups on the above-mentioned roads and blocking some of our driveways. The applicant does not address this issue at all. The applicant also states on the application that families will walk to the school from surrounding neighborhoods. This is not at all realistic. It could be very dangerous considering the uptick in traffic and the lack of sidewalks. Again, they are clearly not familiar with the neighborhood.

The surrounding roads will also be affected greatly. It would add significantly more traffic during busy hours to the famously troubled intersection at Brentwood Road, Epping Road and Columbus Ave. Not to mention people trying to enter and exit Washington Ave from Brentwood Road.

**Noise:**

As someone who has lived close to schools before, I know how loud a school can be. In fact, we can hear the Great Bay Kids Co on Epping Road in our neighborhood when the students are outside. I'd imagine that being a Montessori school, the kids would spend a lot of time outdoors. This added noise would be magnified by the echo created by the brick building and vast parking lot. Currently when church people congregate outside before and after services their words and



echos fill our home. On top of that, the church music leaks from the building, echos and carries to our property. These sounds are not extremely disruptive since they happen only once a week for a couple of hours but a school is a whole other level of daily noise. I can't imagine what it would sound like with 80 kids running and playing outside. Even drop off and pick up would be loud with parents and students congregating in the parking lot and out front of the school. This would fill our whole quiet neighborhood and adjoining neighborhoods with noise. On top of that, traffic noise would obviously increase dramatically. This noise will not be welcomed in our quiet neighborhood.

### **Property Values**

You don't need to talk to a real estate agent to know that people prefer a quiet neighborhood to a loud one. Also, properties within ear-shot of large preschools and daycares lose value. Currently this neighborhood is attractive because it is a quiet neighborhood which is still within walking distance of downtown and businesses on Epping Road. If this becomes a neighborhood with a loud preschool and lots of traffic, our property values will most definitely decrease. I believe that Jewett Construction's claim on their application that "no adverse effect to abutting or nearby property values is expected" is simply not true.

### **Safety and health and culture of the neighborhood:**

On top of the safety of the cars, we need to acknowledge the safety of the pedestrians on Wallace, Penn and Little River and how that will affect the culture of our neighborhood. There are no sidewalks on these roads. Kids and adults walk, run, bike and play on these roads. It is an integral part of the culture of this neighborhood. Added traffic and noise would make these healthy activities of our neighborhood unsafe and may stop neighbors from doing these activities on our roads all together. This would affect our community's physical and mental health. I think we all began to appreciate this even more during Covid. Many people from our neighborhood and adjoining neighborhoods enjoy the safe quiet loop with their pets and loved ones. Currently, people can comfortably and safely walk and play on the road. It's where we meet each other and how we stay connected with our little community. I believe a community's health should always be a top consideration in making decisions like the one that is before you.

This neighborhood is a family community. All the letters you are receiving from neighbors are essentially saying this: If a school is allowed at 12 Little River, it will change the fabric of our neighborhood for the worse.

I'm sure that there are many other better suited properties for this school.

Thank you for your time and consideration.

Respectfully,  
Karyn Weeks (and family)  
7 Penn Lane, Exeter, NH

RECEIVED

DEC 14 2022

12/14/2022  
JB

## Exeter Zoning Board of Adjustment

EXETER PLANNING OF  
Subject:

Request for Denial of the Application of Jewett Construction For Special Exception to Change the Use of the Existing Church at 12 Little River Road to a Montessori Early Childhood Education Center

We have lived at 6 Little River Road for over 35 years and have a long-term perspective of the impacts of the church on the neighborhood

1. The church has always had a small congregation
2. Traffic was limited to arrivals on Sunday morning/departures late in Sunday afternoon. There were also services on Wednesday evening
3. The church has been a good neighbor and had little impact on the neighborhood

On the contrary, the proposed school will have significant impacts on the neighborhood

1. The application has little information about the impacts to the neighborhood
2. The application has no information about the number of children expected in the facility. The maximum student capacity is 80 students according to the building inspector's office.
3. There could potentially be 2 trips per student per day in the morning (in and out of the facility) and 2 trips per day in the evening. This could equate to 320 trips with 160 in the morning (say between 7 and 9 AM) and another 160 in the afternoon (say between 3 and 5 PM). Total trips per week would be as high 1,600 trips per week!

1/3

4. If the number of students is reduced to 50 students, the number of trips is reduced to 200 trips per day ( $50 \times 4$ ) and 1,000 ( $200 \times 5$ ) per week. The amount of traffic at the 50 student level is still unacceptable.
5. There is no capacity for queuing of the cars at the access intersections of Little River Road/Brentwood Road, Wallace Road/Brentwood Road and the Little River Rd/Penn Lane/ Church Driveway.
6. There are no sidewalks and the streets are narrow, especially in the winter. Children walk to the bus stop at the intersection of Wallace and Brentwood Roads. This intersection with a bus stop is one of the main ingress/egress routes for the facility.
7. As parents drop off and pick up their children, it is reasonable to anticipate that as they wait in the queue, the fumes from their idling vehicles will have a negative environmental impact on our neighborhood.

It is clear from the above that there will be a significant negative impact with no benefit to the existing neighborhood.

The Application is insufficient for approval due to inaccuracies and lack of detail

1. The only details in the application are plans for the existing church property.
2. No estimates are provided for the number of students when the facility opens or when it reaches steady state
3. There is no information on the number of students that would be approved if the Special Exception is granted

4. There is no traffic study that would show the impact on Wallace, Little River, Penn Lane and the intersections noted above
5. Application statements made without any support:
  - a. Item 2 "preserving the existing character of the neighborhood" ---- This is unarguably false ..see above
  - b. Item 2 "ensure a consistent economic benefit to the town" - ----- What benefit? No detail provided
  - c. Item 4B From the application "the public health, safety, welfare, and convenience will be protected" As discussed above, the proposed school will adversely impact the neighborhood's public health, safety, welfare, and convenience.
  - d. Item 4E From the application "minimum interference with traffic on abutting streets" From the above you can see that there will be significant impacts on the adjoining streets. The applicant has mis-stated the queuing impact. They are correct that there is space within the church lot for queuing when cars are leaving the site. There will be significant impacts from arriving cars and impacts at the intersections discussed above
  - e. Item 4H With the amount of traffic anticipated, there will be adverse impacts on abutting/nearby property values

Steve and Judy Blaisdell

6 Little River Rd

Exeter NH

603-772-6262

3/3

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC  
ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

November 18, 2022

**VIA HAND DELIVERED**

Robert Prior, Vice-chair  
Exeter Zoning Board of Adjustment  
10 Front St.  
Exeter, NH 03833

Re: Twenty-Nine Garfield Street LLC, Owner/Applicant  
29 Garfield St., Exeter, NH  
Tax Map 73/Lot 225  
C-1, MUND Zones

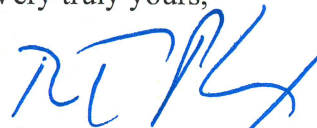
Dear Vice Chair Prior and Zoning Board members:

On behalf of Twenty-Nine Garfield Street, LLC, Owner/Applicant, enclosed please find an original and ten (10) copies of the following in support of requested zoning relief:

1. Application for variance.
2. Owner Authorization
3. 11/18/22 Memorandum in support of zoning relief with exhibits.

Also enclosed is our check in the amount of \$190.00 to cover the \$100 application fee plus \$10 for each of nine (9) abutters on mailing labels (x3). Please advise of the amount due for the legal notice. We look forward to presenting this application to the Zoning Board of Adjustment at its December 20, 2022 meeting.

Very truly yours,



R. Timothy Phoenix

RTP/msw  
Encl.

cc: Client (email)  
Millennium Engineering (email)  
Dennis Mires, P.A. (email)

DANIEL C. HOEFLE  
R. TIMOTHY PHOENIX  
LAWRENCE B. GORMLEY  
STEPHEN H. ROBERTS

R. PETER TAYLOR  
KEVIN M. BAUM  
GREGORY D. ROBBINS  
MONICA F. KIESER

JACOB J.B. MARVELLEY  
DUNCAN A. EDGAR  
STEPHANIE J. JOHNSON

OF COUNSEL:  
SAMUEL R. REID  
JOHN AHLGREN

Town of Exeter  
APPLICATION FOR A

# VARIANCE

Case Number:	_____
Date Filed:	_____
Application Fee: \$	_____
Abutter Fees: \$	_____
Legal Notice Fee: \$	_____
TOTAL FEES: \$	_____
Date Paid	_____ Check # _____

Name of Applicant Twenty-Nine Garfield Street, LLC  
(If other than property owner, a letter of authorization will be required from property owner)

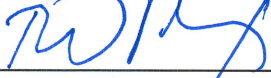
Address 9672 Warburton Drive, Huntington Beach, CA 92646

Telephone Number ( 603 ) 548-6592

Property Owner Same

Location of Property 29 Garfield Street, Exeter, NH 03833  
Map 73, Lot 225; C-1 and MUND Zones

(Number, street, zone, map and lot number)

Applicant Signature 

Date 11/18/22

*NOTE: This application is not acceptable unless all required statements have been made.  
Additional information may be supplied on a separate sheet if space is inadequate.*

## APPLICATION FOR A VARIANCE

A variance is requested from article See attached section \_\_\_\_\_ of the Exeter zoning ordinance to permit:  
Removal of existing commercial/industrial building, redevelop with 3 level apartment building (36 units), 36 parking spaces beneath building; first floor Ambassador Station at north end nearest train station parking lot.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FACTS SUPPORTING THIS REQUEST:**

**1. The variance will not be contrary to the public interest;**

See attached.

---

---

---

---

---

---

---

---

**2. The spirit of the ordinance is observed;**

See attached.

---

---

---

---

---

---

---

---

**3. Substantial justice is done;**

See attached.

---

---

---

---

---

---

---

---

**4. The values of surrounding properties are not diminished;**

See attached.

---

---

---

---

---

---

---

---

**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

See attached.

---

---

---

---

---

---

---

---

ABUTTER LABELS AND LISTS:

Abutter labels and lists must be attached to this application. Please contact the Planning Office if you have any questions.

ADDITIONAL MATERIALS:

If provided with the application, additional submission materials will be sent to the ZBA members in their monthly packet of information. Please contact the Planning Office if you have any questions regarding additional submission materials.



ZONING BOARD OF ADJUSTMENT

**APPLICATIONS SKETCH PLAN  
REQUIREMENTS/CHECKLIST**

- 1. Title Block – descriptive name of project, north arrow (approximate), street address, date and scale (not less than 1" = 40').
- 2. Location map showing relevant streets and zoning district boundaries.
- 3. Names and addresses of applicant, record owner and abutting property owners, including those across the street.
- 4. Existing and proposed streets, driveways, parking areas (with delineation of spaces) and sidewalks.
- 5. Location of existing and proposed buildings and property lines.
- 6. Distances on all sides between buildings and property lines.
- 7. Existing and proposed tree lines, landscape buffers, screening and fences.
- n/a 8. Location of existing landmarks including streams, brooks, wetlands, rock outcroppings, wooded areas and other significant environmental features.
- 9. Generalized floor plans showing dimensions and the square footage of areas for proposed uses.

---

Plans should be no larger than 11" x 17" in size. They need not be prepared by an architect or land surveyor but they must be legibly drawn with printed labels. **PLANS MUST CONTAIN ALL OF THE ABOVE INFORMATION IN ORDER FOR THE APPLICATION TO BE PLACED ON THE AGENDA FOR A ZONING BOARD OF ADJUSTMENT HEARING.**

**29 Garfield Street**  
**Map 73/Lot 225**

**RELIEF REQUIRED**

<b><u>EZO Section</u></b>	<b><u>Required</u></b>	<b><u>Existing</u></b>	<b><u>Proposed</u></b>
<u>§4.4<sup>1</sup></u> <u>Side Setback</u>	10'	Right 23.6' Left 0.2'	5.4' left 7.0' right
<u>§4.4</u> <u>Rear Setback</u>	20'	>20'	5.2'
<u>§4.4</u> <u>Building Coverage</u>	75%	<75%	16848 s.f. (76.3%)
<u>§619.3.A.5</u> <u>Height</u>	35'	<35'	46.58' 57.08 (tower) <sup>2</sup>

---

<sup>1</sup> MUND allows zero front setback and height at 35' EZO§6.19.3.A.1,5 , in the C-1 district. Area per dwelling unit does not apply EZO§6.19.3.A.6.

<sup>2</sup> We believe that the tower requires no relief, as towers are excluded from the definition of building height. EZO§2.2.15. It is included here in an abundance of caution.

**OWNER'S AUTHORIZATION**

I, Mark Kearns, Manager of Twenty Nine Garfield Street, LLC Owner/Applicant of 29 Garfield Street, Tax Map 73/Lot 225, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all Town of Exeter Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date: 7-29-2022

  
Mark Kearns, Manager

## MEMORANDUM

To: Exeter Zoning Board of Adjustment (“ZBA”)  
From: R. Timothy Phoenix, Esq.  
Date: November 18, 2022  
Re: 29 Garfield St.  
Tax Map 73, Lot 225  
Twenty-Nine Garfield Street, LLC, Owner/Applicant  
Zoning District C-1, Mixed Use Neighborhood Development (“MUND”)

On behalf of owner and applicant Twenty-Nine Garfield Street, LLC, and its principal member, Mark Kearns (“Kearns”), we are pleased to submit this memorandum and the attached exhibits in support of zoning relief for consideration by the Zoning Board of Adjustment at its December 20, 2022 meeting.

**I. EXHIBITS**

- A. 10/18/22 Site Plan Set-By Millennium Engineering
  - Existing Conditions
  - Proposed Conditions
- B. 10/18/22 Architectural Plan Set – By Dennis Mires P.A.
  - A-001-Schematic
  - A-001-Ground level parking
  - A-201-Elevations
  - X-101- Perspectives
- C. Site Photographs.
- D. Tax Map 73.
- E. Exeter Zoning Ordinance§6.19 et seq., Mixed Use Neighborhood Development.

**II. PROPERTY/PROJECT**

29 Garfield Street is a 22,075 sq. ft. rectangular lot with 68.43 feet of frontage within the C-1 zoning district. Upon the lot is a nondescript 7064 sq. ft. (footprint) two-story metal commercial/industrial/warehouse building located essentially on the left (west) property line. The remainder of the lot is unimproved gravel access, drive, parking, and truck/equipment storage area. (**Exhibits A, C**). The lot/building directly abuts the Boston and Maine railroad corridor to the west

and the train station parking lot to the north. To the east are similar metal commercial/industrial buildings. *Id.* The larger Garfield Street "neighborhood" includes primarily residences. *Id.*

Via the requested variances and a Conditional Use Permit ("CUP") from the Planning Board for a Mixed Use Neighborhood Development ("MUND") pursuant to Exeter Zoning Ordinance ("EZO")§6.19 (**Exhibit E**), Kearns proposes to raze the existing building in favor of a 3-story 36 unit apartment building with 36 parking spaces under the building <sup>1</sup>at ground level, together with a publicly accessed, thus commercial "Ambassador Station" closest to the train station and its parking lot, in compliance with MUND requirements for residential and commercial uses. EZO§6.19.1.B. The Ambassador Station will provide restroom facilities for those parking and/or boarding/unboarding trains at the adjacent station. <sup>2</sup>EZO§6.19.2.B. The Ambassador station will be used primarily, if not exclusively, by those boarding/unboarding trains, including use of the abutting train station parking lot. Accordingly, adequate parking to support the Ambassador Station exists off-site. The Ambassador Station will be monitored and locked/unlocked according to a schedule to be approved by the Planning Board. Additional amenities under consideration include a ticket kiosk, train schedule, handicap restroom and a public walking path from Garfield Street to the train station parking lot.

Kearns' motivation for the project is the MUND ordinance. Given the surrounding residential neighborhood and the train station, this area is *a de facto* a "Gateway" to the town from those utilizing train services. As such, it is believed that converting the immediately

---

<sup>1</sup> In a MUND development "For residential use, the minimum number of parking spaces shall be one space per unit regardless of the number of bedrooms." EZO§6.19.2.A.1.

<sup>2</sup> No additional on-site parking to support the Ambassador station is provided. "The Planning Board may allow the applicant to provide up to 100% of the minimum parking requirements off-site. The applicant must demonstrate through the use of maps and/or site plans that the number of spaces is adequate and access will be safe and convenient."

abutting the commercial/industrial site to primarily residential use will be more aesthetically pleasing, may encourage train users to live in the apartments, and is consistent with Exeter's Master Plan as implemented through the passage of the MUND ordinance, EZO§6.19.4:

A. Purpose And Authority

1. Pursuant to the Exeter Master Plan, the Town wishes to expand housing diversity in mixed use districts in order to increase the vibrancy of these districts, stimulate the local economy, and provide access to rental and homeownership options that are not possible in other districts.
2. Pursuant to RSA 674:21, IV (a), MUND (and the associated inclusionary zoning requirement) is one of many allowable uses in the zoning districts where it is offered and is therefore voluntarily pursued by an applicant. Further, consistent with the aforementioned statute, the MUND uses inclusionary zoning in response to a series of incentives, including:
  - a. Maximum multi-family density in the C-1 district is one unit per 3500 sq. ft. . Maximum multifamily density in the WC district is one unit per 750 sq.ft. MUND removes these density caps and allows for parking requirements, maximum building height, and site constraints to dictate the number of allowable residential units.
  - b. Allowable building height is increased in two of the three C-1 zoning districts where an applicant pursues MUND.
  - c. Parking requirements for MUND applications are significantly reduced.

Based upon the foregoing, Kearns proposes the 36 unit apartment building with an pleasing architectural design, compliant covered parking for the residential units, the proposed Ambassador Station with parking on the adjacent town/train station lot, together with 10% of the units(here 4), all of which are intended to be rental units, as "affordable", meaning "rented to a household with an income not more than 60% of the HUD median area income for a family of 3 as most recently reported by New Hampshire housing." EZO§ 6.19.B.3. The project will also comply with the rest of the EZO§3.19.B.1-10 Restrictions On Sales And Rental Price as well as

the remainder of the EZO§6.19 MUND requirements, which include, *inter alia*, detailed design standards.EZO§6.19.5 *et seq.*

**III RELIEF REQUIRED**

After meeting with the Town Planning and Building Inspector staff, it has been determined that the following zoning relief is required:

<u>EZO Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>§4.4<sup>3</sup></u> <u>Side Setback</u>	10'	Right 23.6' Left 0.2'	5.4' left 7.0' right
<u>§4.4</u> <u>Rear Setback</u>	20'	>20'	5.2'
<u>§4.4</u> <u>Building Coverage</u>	75%	<75%	16848 s.f. (76.3%)
<u>§619.3.A.5</u> <u>Height</u>	35'	<35'	46.58' 57.08 (tower) <sup>4</sup>

**IV. Variance Requirements**

- 1. The variance will not be contrary to the public interest.**
- 2. The spirit of the ordinance is observed.**

The first step in the ZBA’s analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to *Malachy Glen Associates, Inc. v. Town of Chichester*, 155 N.H.

<sup>3</sup> MUND allows zero front setback and height at 35’ EZO§6.19.3.A.1,5 , in the C-1 district. Area per dwelling unit does not apply EZO§6.19.3.A.6.

<sup>4</sup> We believe that the tower requires no relief, as towers are excluded from the definition of building height. EZO§2.2.15. It is included here in an abundance of caution.

102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” *Id.* “Mere conflict with the zoning ordinance is not enough.” *Id.*

The purpose of the Zoning Ordinance, as stated in Article I, §1.2, is to:

- Lessen congestion in the streets – as set forth above, the goal of the MUND ordinance in furtherance of the Master Plan is to expand housing diversity in mixed use districts in order to increase the vibrancy of these districts, stimulate the local economy, and provide access to rental and homeownership options. This includes providing “affordable” housing as defined in EZO§6.19.4.B.3. The proposal provides 36 (4 affordable) units with covered on-site parking for each unit in a location close to the train station/parking lot, encouraging train users to live in the area. It also addresses the area as a form of Gateway, more consistent with the surrounding residential neighborhood than the existing industrial structure and use. These factors will allow the reasonable and orderly occupation and use of the premises, avoiding congestion, including large-truck traffic, in the streets.
- Secure safety from fire, panic and other dangers – the proposed building will be fully code compliant, including sprinklers. The proposal will improve safety from fire, panic and other dangers.
- Promote health and the general welfare – because the proposal provides alternate rental options essentially downtown and near the train station, including covered parking, and workforce housing in accordance with the MUND/Master Plan, approval of the project and thus the variances requested promotes health and the general welfare.
- Promote adequate light and air – the project only very slightly exceeds lot coverage limits. Given the surrounding area, including the open spaces afforded by the Boston and Maine corridor and train station parking lot, adequate air and light will be provided.
- Prevent the overcrowding of land – the number of units and covered parking is permitted, in fact encouraged. Given the open areas nearest the lot and proposed building, the land will not be overcrowded.
- Avoid undue concentration of population – 36 units in this particular area of Exeter as a form of Gateway from the train station, providing affordable housing and apartment living close to the train station and downtown, the population is not unduly concentrated.
- Facilitate adequate provision of transportation, solid waste, water, sewerage, school and recreation facilities – required parking, covered, with head in and head out access to and from Garfield Street, facilitates transportation as does the proximity to the train station. Town water and sewer will facilitate municipal utilities. The size and location of the apartments is not expected to have a significant effect upon school and recreation facilities. The planning board will



further vet these and other MUND requirements via the Conditional Use Permit process.

- Assure proper use of natural resources and other public requirements – there will be no adverse effect, particularly in light of the intention to provide affordable housing and compliance with the goals of the MUND ordinance and Master Plan

Clearly, the required variances do not “in a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives”. *Malachy Glen, supra*, which also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality... Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The character of the locality in this area is somewhat eclectic since there are commercial/industrial/storage uses near a train station and parking lot, other commercial uses across the tracks, and residences along Garfield and other nearby streets. An apartment building in this area will improve and thus will not negatively alter the essential character of the locality. Likewise, replacing the nondescript metal building and its related heavy commercial activity including significant large truck traffic through the residential area, with aesthetically pleasing fully code compliant apartment building will benefit so will not threaten the public health safety or welfare.

### **3. Substantial justice will be done by granting the variance.**

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. *Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C.*, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” *Malachy Glen, supra* at 109.

The side and rear setback variances are along the railroad corridor and train station parking lot respectively. Neither individual neighbors nor the general public is harmed by its location and the variances required. The height variance is required in order to provide the living units and requisite parking beneath the building. Moreover, in this “Gateway” area the proposed pitched roof that results in the request for the height variance is more architecturally/aesthetically pleasing than a flat roof, also allowing for a solar array on the southeast side of the roof. Again, given its location nearest the rail corridor and parking lot, separated at least by a street from residential uses, there is no harm to the public. Indeed, the other downtown areas permitting a MUND application permit 50 feet in height. It is understood that there are those in town that would prefer a 50 foot limit at this location. Either way, a 46.58 foot height (exclusive of the tower), primarily resulting from the architecturally favored pitched roof, harms no one given its location. Similarly, building coverage at 76.3% is only 1.3% over the limit essentially *de minimis*. Viewing the site, the general public could not even decipher the difference between coverage as proposed and as required. Accordingly, there is no harm whatsoever to the general public from the from granting the variances.

Conversely, Kearns will be significantly harmed if any of the variances are denied, as it will disallow the project from proceeding as proposed, thus jeopardizing the project, and the possible loss of the public and private benefits occasioned by the ordinance in furtherance of the Master Plan/MUND

**4. The surrounding property values are not diminished by granting the variance.**

The existing property, with its nondescript metal building and gravel access, parking and exterior truck/equipment storage, is bounded by the railway corridor, train station parking lot, other commercial/industrial/storage metal buildings and Garfield Street. This project is step one to:

encourage additional use of trains for transportation while reducing potential parking burden on the train parking lot; providing access to rental options, including affordable housing near the train station and downtown; improving the beauty/aesthetics of the mostly residential area. The project's improvements are likely to help increase the value of surrounding properties and certainly will not decrease them.

**5. Denial of the variance results in an unnecessary hardship.**

- a. Special conditions distinguish the property/project from others in the area.

The subject property is a long narrow lot surrounded by the rail corridor, train station parking lot, other similar nondescript metal commercial/industrial/storage buildings, being a few in an otherwise mostly residential area. It is also subject to and provides the benefit of a diversity of type, size, location and affordability of housing near the train station and the downtown via a CUP from the Planning Board pursuant to the MUND Ordinance. These factors combine to create special conditions that distinguish the property from others in the area.

- b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Side and rear setback requirements are intended to promote ample air and light, distance between neighbors, provide sightlines and stormwater treatment. The side and rear setback variances abut a railway corridor and the parking lot, thus adequate air and light exists. There are no close neighbors in that vicinity so sightlines up and down the street are not affected. Stormwater treatment will be dealt with in the Planning Board process and is intended to provide for infiltration on site. There is thus no reason to apply the side and rear setback requirements.

Building coverage limits are intended to provide essentially the same public benefits: air, light, neighbor separation, sightlines and stormwater treatment. For the same reasons, and since

the building coverage limits and requirements are only very slightly exceeded, there is no reason to apply them.

Height limits are intended to avoid over bulking and provide for air and light. This must be balanced against the benefit of providing covered parking beneath and the architecturally superior pitched roof. With the building and lot surrounded by the rail corridor, parking lot, other industrial buildings and the street, the extra height which provides for aesthetic/visual improvement, causes no harm to neighbors or the public.

In summary, balancing the private and public benefits of this project to provide vibrancy, stimulate the local economy and increase rental options, including affordability, near the train station and downtown, against any harm to neighbors or the general public from granting these variances, it is clear that the equities weigh heavily in favor of granting the variances in order to allow the project to proceed with no corresponding harm to the neighbors, the public, or the community at large.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigant v. Town of Hudson, 151 N.H. 747, 752 (2005). The uses are permitted and indeed encouraged via the MUND ordinance.

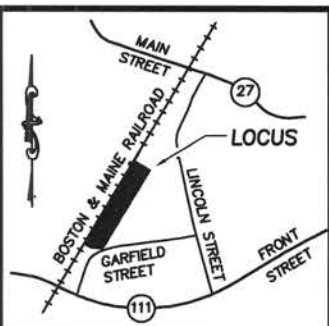
**V. Conclusion**

For all of the reasons stated, Mark Kearns and Twenty-Nine Garfield Street, LLC respectfully request that the ZBA grant the required variances.

Respectfully Submitted,

Twenty-Nine Garfield Street, LLC

By:   
R. Timothy Phoenix Esq.



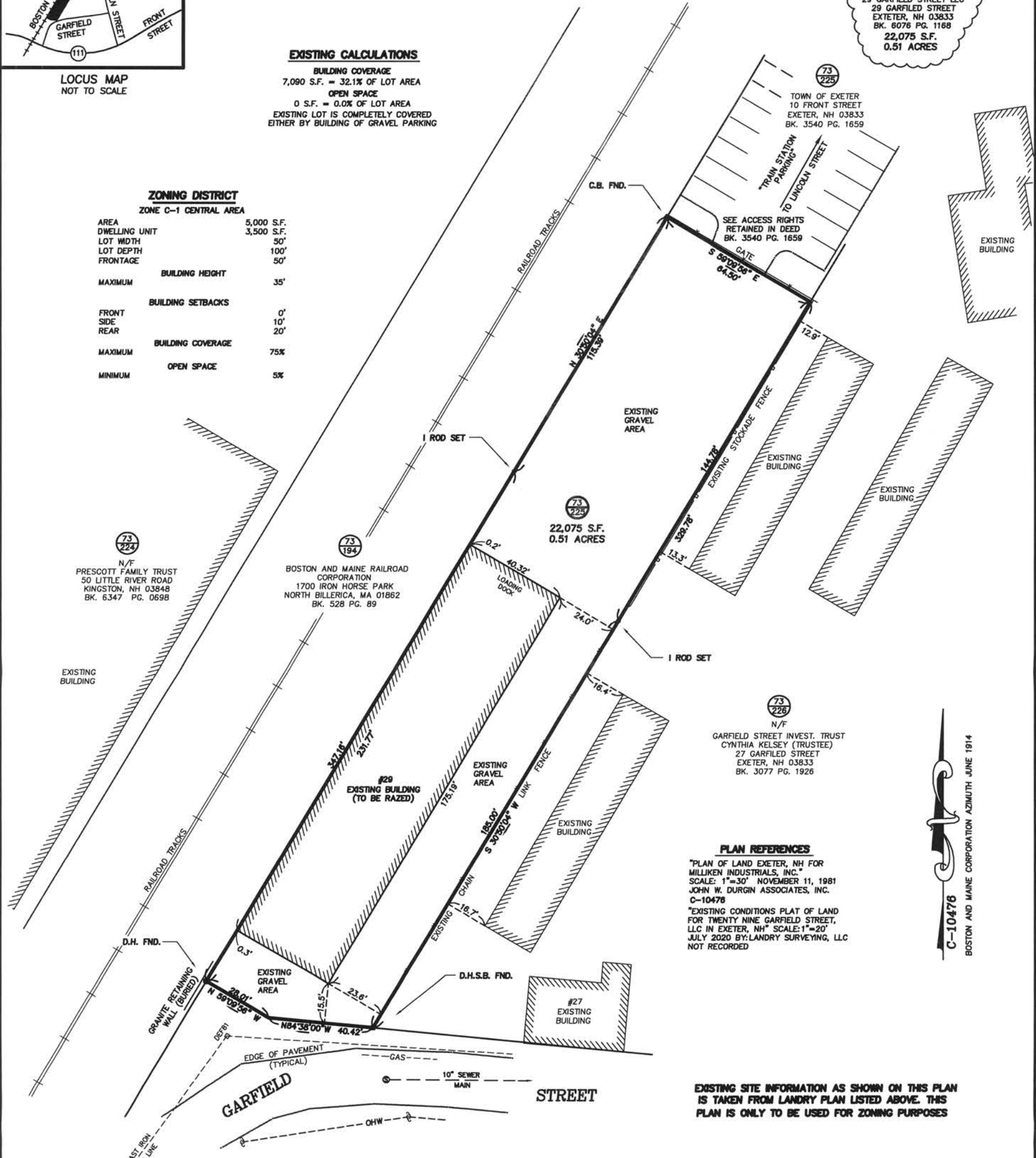
**NOTES:**  
 1) THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.  
 2) THIS PARCEL (DOES NOT) LIE WITHIN A FLOOD ZONE. SEE F.L.R.M. COMMUNITY PANEL 3301500 0420 E EFFECTIVE DATE MAY 17, 2005.

**RECORD OWNER**  
 73 225  
 29 GARFIELD STREET LLC  
 29 GARFIELD STREET  
 EXETER, NH 03833  
 BK. 8076 PG. 1168  
 22,075 S.F.  
 0.51 ACRES

**EXISTING CALCULATIONS**  
 BUILDING COVERAGE  
 7,090 S.F. = 32.1% OF LOT AREA  
 OPEN SPACE  
 0 S.F. = 0.0% OF LOT AREA  
 EXISTING LOT IS COMPLETELY COVERED EITHER BY BUILDING OR GRAVEL PARKING

**ZONING DISTRICT**  
 ZONE C-1 CENTRAL AREA

AREA	5,000 S.F.
DWELLING UNIT	3,500 S.F.
LOT WIDTH	50'
LOT DEPTH	100'
FRONTAGE	50'
<b>BUILDING HEIGHT</b>	<b>35'</b>
<b>BUILDING SETBACKS</b>	
FRONT	0'
SIDE	10'
REAR	20'
<b>BUILDING COVERAGE</b>	<b>75%</b>
<b>OPEN SPACE</b>	<b>5%</b>

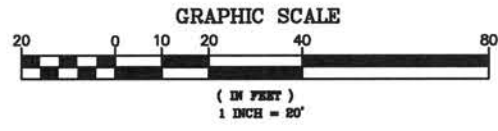


**PLAN REFERENCES**  
 "PLAN OF LAND EXETER, NH FOR MILLIKEN INDUSTRIALS, INC."  
 SCALE: 1"=30' NOVEMBER 11, 1981  
 JOHN W. DURGIN ASSOCIATES, INC.  
 C-10476  
 "EXISTING CONDITIONS PLAT OF LAND FOR TWENTY NINE GARFIELD STREET, LLC IN EXETER, NH" SCALE: 1"=20'  
 JULY 2020 BY: LANDRY SURVEYING, LLC  
 NOT RECORDED

EXISTING SITE INFORMATION AS SHOWN ON THIS PLAN IS TAKEN FROM LANDRY PLAN LISTED ABOVE. THIS PLAN IS ONLY TO BE USED FOR ZONING PURPOSES

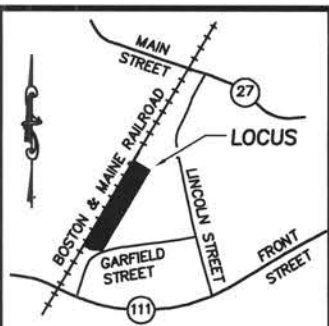
C-10476  
 BOSTON AND MAINE CORPORATION AZIMUTH JUNE 1914

- LEGEND**
- C.B. CONCRETE BOUND
  - S.B. STONE BOUND
  - D.H. DRILL HOLE
  - I.P. IRON PIPE
  - I ROD IRON ROD
  - FND. FOUND
  - ASSESSORS MAP AND PARCEL
  - UTILITY POLE
  - OHW --- OVER HEAD WIRE



EXISTING CONDITIONS		
<b>VARIANCE PLAN</b>		
IN EXETER, NH		
SHOWING <b>PROPOSED SITE REDEVELOPMENT</b> <b>29 GARFIELD STREET</b> (ASSESSORS MAP 73 LOT 224)		
RECORD OWNER <b>29 GARFIELD STREET LLC</b> 29 GARFIELD STREET EXETER, NH 03833		
<b>MILLENNIUM ENGINEERING INC.</b> ENGINEERS AND LAND SURVEYORS P.O. BOX 745 13 HAMPTON ROAD EXETER, NH 03833 PHONE: (603) 778-0528 FAX: (603) 772-0689 WWW.MEI-NH.COM		
SCALE: 1"=20'	CALC. BY: H.H.B.	PROJECT: E222942
DATE: OCT. 18, 2022	CHKD. BY: R.S.G.	SHEET 1 OF 2

A



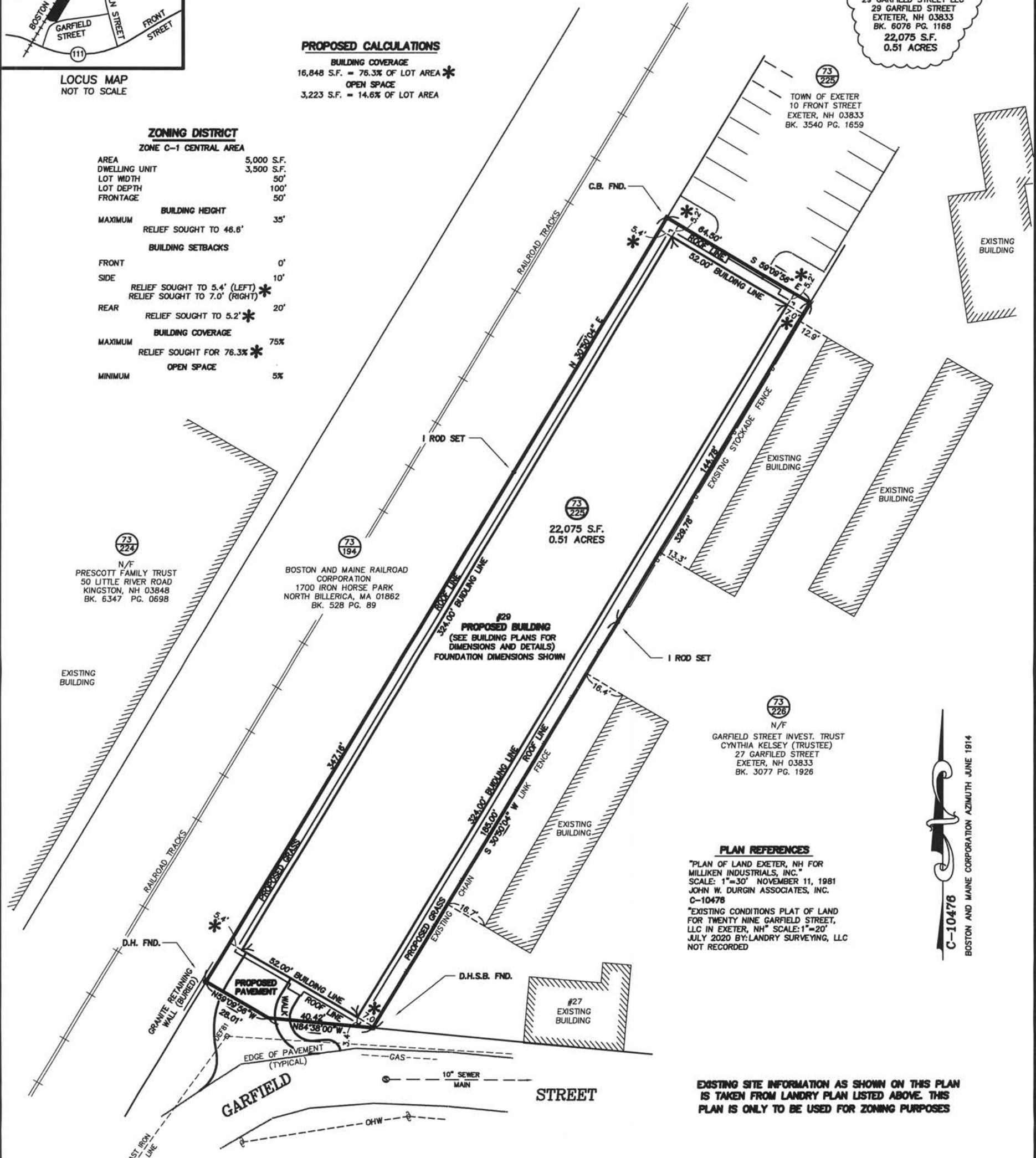
**NOTES:**  
 1) THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.  
 2) THIS PARCEL (DOES NOT) LIE WITHIN A FLOOD ZONE. SEE F.L.R.M. COMMUNITY PANEL 3301500 0420 E EFFECTIVE DATE MAY 17, 2005.

**RECORD OWNER**  
 73  
 225  
 29 GARFIELD STREET LLC  
 29 GARFIELD STREET  
 EXETER, NH 03833  
 BK. 6076 PG. 1168  
 22,075 S.F.  
 0.51 ACRES

**PROPOSED CALCULATIONS**  
 BUILDING COVERAGE  
 16,848 S.F. = 76.3% OF LOT AREA \*  
 OPEN SPACE  
 3,223 S.F. = 14.6% OF LOT AREA

**ZONING DISTRICT**  
 ZONE C-1 CENTRAL AREA

AREA	5,000 S.F.
DWELLING UNIT	3,500 S.F.
LOT WIDTH	50'
LOT DEPTH	100'
FRONTAGE	50'
<b>BUILDING HEIGHT</b>	
MAXIMUM	35'
RELIEF SOUGHT TO 46.6'	
<b>BUILDING SETBACKS</b>	
FRONT	0'
SIDE	10'
REAR	20'
RELIEF SOUGHT TO 5.4' (LEFT) RELIEF SOUGHT TO 7.0' (RIGHT) *	
RELIEF SOUGHT TO 5.2' *	
<b>BUILDING COVERAGE</b>	
MAXIMUM	75%
RELIEF SOUGHT FOR 76.3% *	
<b>OPEN SPACE</b>	
MINIMUM	5%

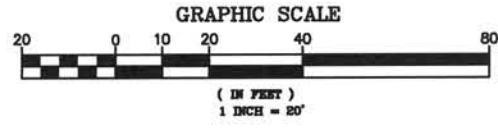


**PLAN REFERENCES**  
 \*PLAN OF LAND EXETER, NH FOR MILLIKEN INDUSTRIALS, INC.  
 SCALE: 1"=30' NOVEMBER 11, 1981  
 JOHN W. DURGIN ASSOCIATES, INC.  
 C-10478  
 \*EXISTING CONDITIONS PLAT OF LAND FOR TWENTY NINE GARFIELD STREET, LLC IN EXETER, NH SCALE: 1"=20' JULY 2020 BY: LANDRY SURVEYING, LLC NOT RECORDED

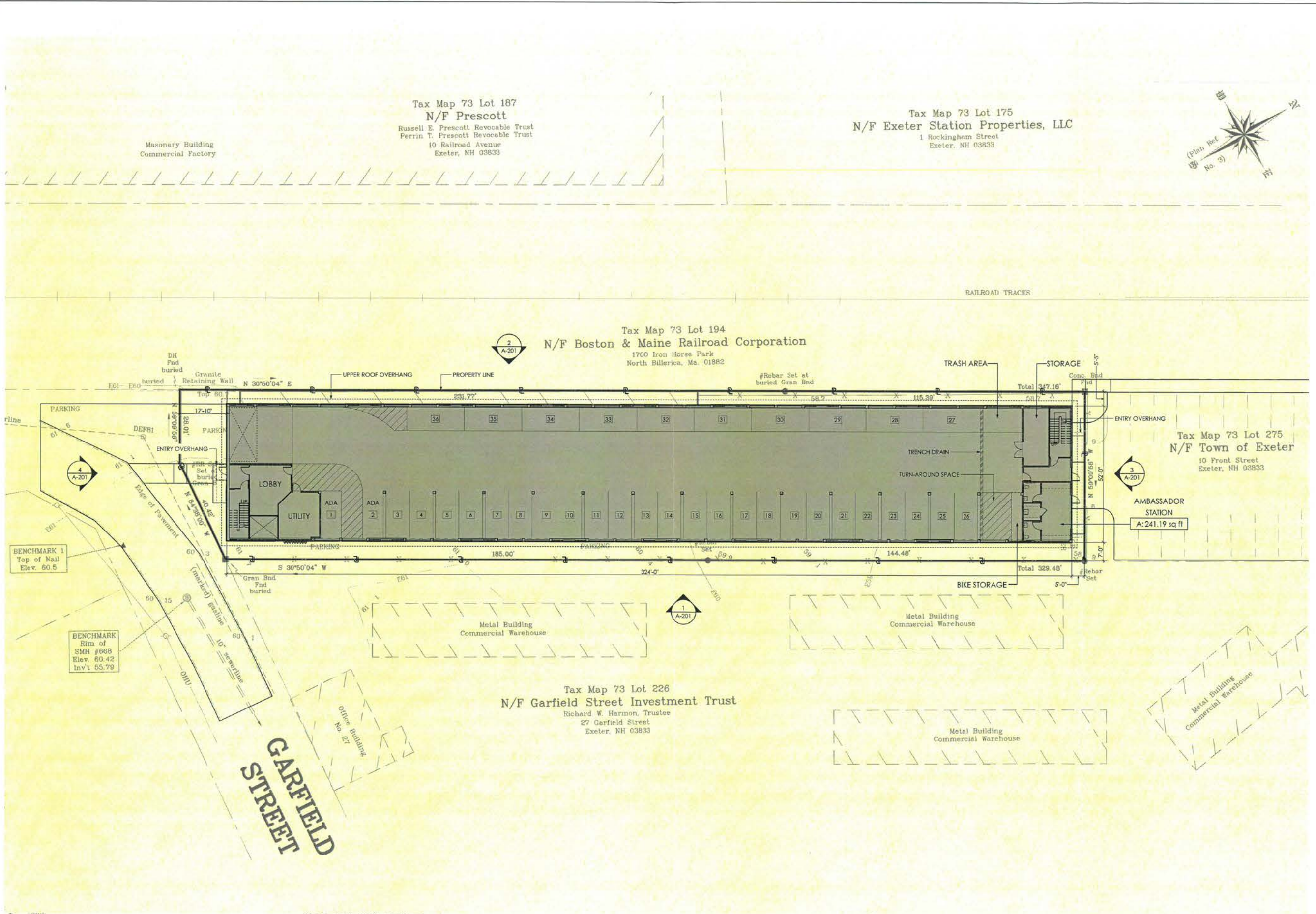
EXISTING SITE INFORMATION AS SHOWN ON THIS PLAN IS TAKEN FROM LANDRY PLAN LISTED ABOVE. THIS PLAN IS ONLY TO BE USED FOR ZONING PURPOSES

C-10476  
 BOSTON AND MAINE CORPORATION AZIMUTH JUNE 1914

- LEGEND**
- C.B. CONCRETE BOUND
  - S.B. STONE BOUND
  - D.H. DRILL HOLE
  - I.P. IRON PIPE
  - I ROD IRON ROD
  - FND. FOUNDATION
  - ASSESSORS MAP AND PARCEL
  - UTILITY POLE
  - OHW — OVER HEAD WIRE



<b>PROPOSED CONDITIONS</b>		
<b>VARIANCE PLAN</b>		
IN <b>EXETER, NH</b>		
SHOWING <b>PROPOSED SITE REDEVELOPMENT</b> <b>29 GARFIELD STREET</b> (ASSESSORS MAP 73 LOT 224)		
RECORD OWNER <b>29 GARFIELD STREET LLC</b> 29 GARFIELD STREET EXETER, NH 03833		
<b>MILLENNIUM ENGINEERING INC.</b> ENGINEERS AND LAND SURVEYORS P.O. BOX 745 13 HAMPTON ROAD EXETER, NH 03833 PHONE: (603) 778-0528 FAX: (603) 772-0689 WWW.MEI-NH.COM		
SCALE: 1"=20'	CALC. BY: H.H.B.	PROJECT: E222942
DATE: OCT. 18, 2022	CHKD. BY: R.S.G.	SHEET 2 OF 2



TWENTY NINE GARFIELD STREET LLC  
29 GARFIELD STREET • EXETER • NH

B

**DENNIS MIRES, P.A.**  
THE ARCHITECTS  
697 LINCOLN STREET MANCHESTER, NH  
(603) 625-4548 www.thedennismires.com

The drawings contained herein were prepared by the undersigned in accordance with the provisions of the State of New Hampshire, RSA 227:103, and the undersigned hereby certifies that the drawings were prepared by the undersigned or under the direct supervision and control of the undersigned, and that the undersigned is a duly licensed professional engineer in the State of New Hampshire.

**SCHEMATIC**

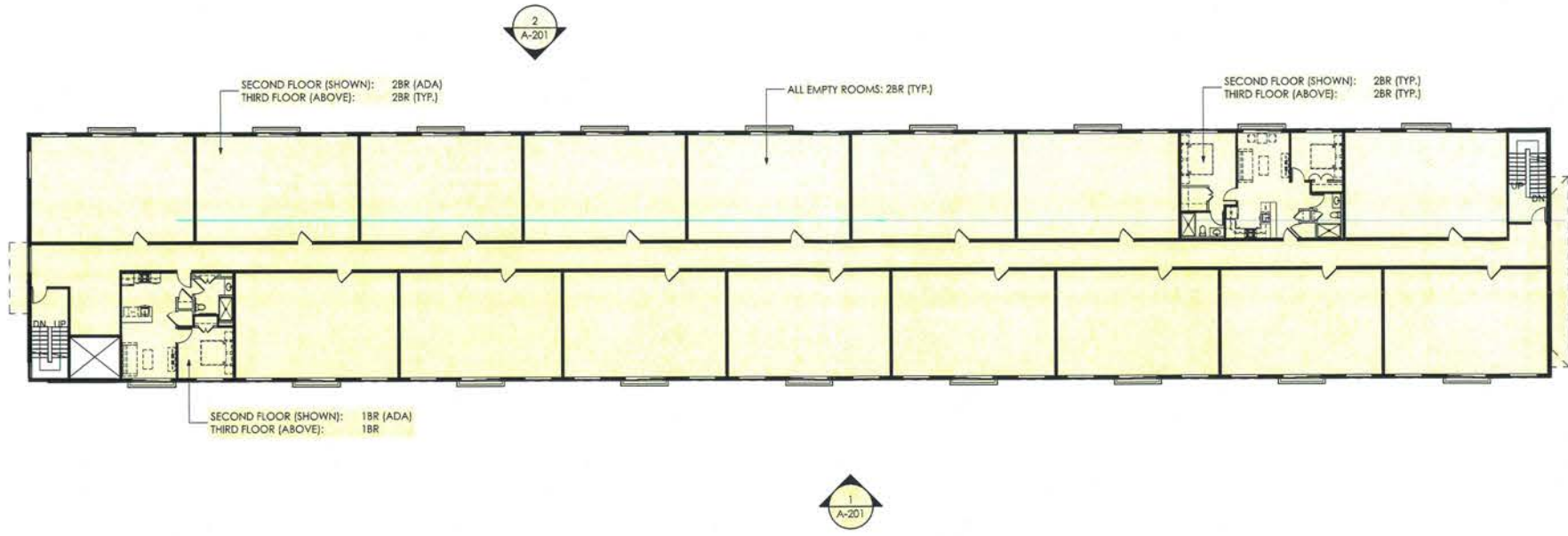
REV #	DESCRIPTION	DATE

**SITE PLAN**

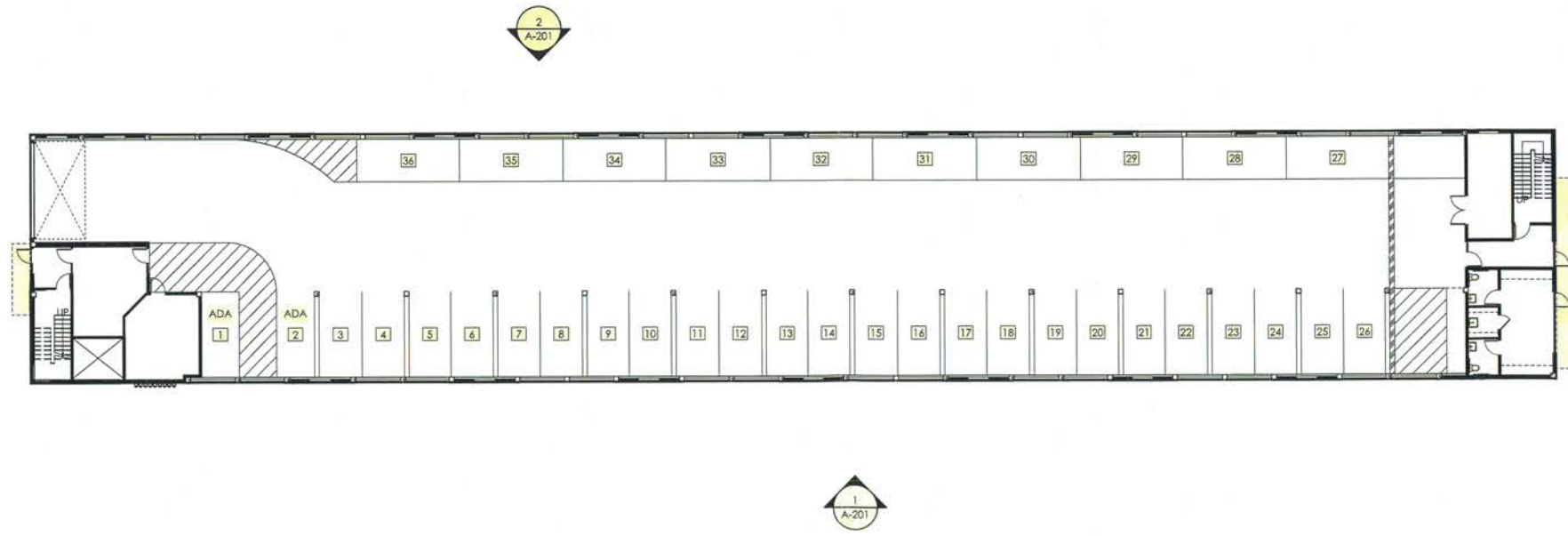
ISSUED: 10/18/22  
PROJECT #: 2020.090

**A-001**

1 SITE PLAN  
SCALE: 1/16" = 1'-0"



2 FLOOR PLAN - UPPER LEVELS  
SCALE: 1/16" = 1'-0"



1 FLOOR PLAN - MAIN LEVEL  
SCALE: 1/16" = 1'-0"

TWENTY NINE GARFIELD STREET LLC  
29 GARFIELD STREET • EXETER • NH

**DENNIS MIREX, P.A.**  
THE ARCHITECTS  
697 UNION STREET, MANCHESTER, NH  
(603) 625-4548 www.THEARCHITECTS.NET

The architect's contract is limited to the design and construction of the building and does not include the design of the interior finishes, mechanical, electrical, plumbing, and other systems. The architect is not responsible for the design of the interior finishes, mechanical, electrical, plumbing, and other systems. The architect is not responsible for the design of the interior finishes, mechanical, electrical, plumbing, and other systems.

SCHEMATIC

REV. #	DESCRIPTION	DATE

FLOOR PLANS  
ISSUED: 10/18/22  
PROJECT #: 2020.090

**A-101**



- ELEVATION GENERAL NOTES:**
1. BLACK ALUMINUM CLAD WINDOWS (TYPICAL)
  2. WHITE BRICK (@ TOWER)
  3. WHITE CLAPBOARD SIDING (TYPICAL)
  4. WHITE SHINGLE SIDING (@ GABLES)



3 WEST ELEVATION  
SCALE: 1/16" = 1'-0"



4 EAST ELEVATION  
SCALE: 1/16" = 1'-0"



2 SOUTH ELEVATION  
SCALE: 1/16" = 1'-0"



1 NORTH ELEVATION  
SCALE: 1/16" = 1'-0"

TWENTY NINE GARFIELD STREET LLC  
29 GARFIELD STREET • EXETER • NH

**DENNIS MIREX, P.A.**  
THE ARCHITECTS  
697 UNION STREET, MANCHESTER, NH  
(603) 625-6548 www.thefirmarchitects.net

This document is the property of the Architect and is not to be used, reproduced or distributed in any form without the written permission of the Architect. The Architect assumes no responsibility for the construction of the building or for the safety of the building.

**SCHEMATIC**

REV. #	DESCRIPTION	DATE

**ELEVATIONS**

ISSUED: 10/18/22  
PROJECT #: 2020.090

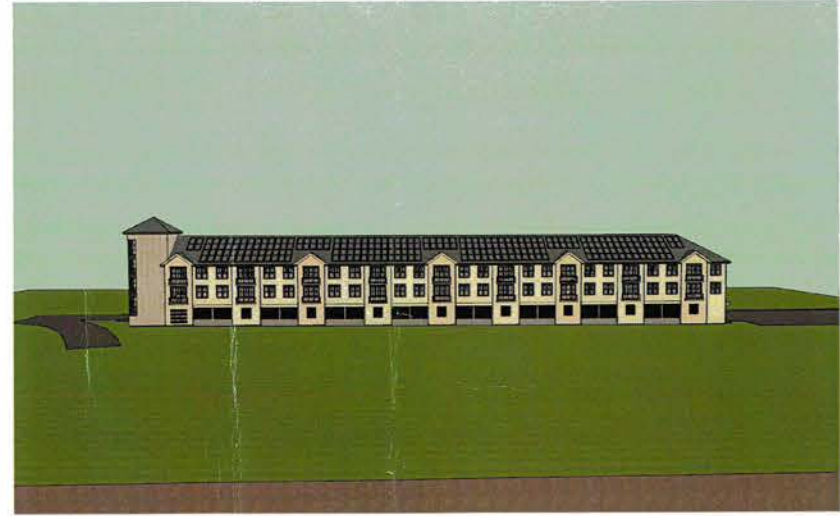
**A-201**



4 PERSPECTIVE @ ENTRY CORNER



5 PERSPECTIVE @ REAR CORNER



6 PERSPECTIVE @ BUILDING SIDE



1 PERSPECTIVE @ ENTRY CORNER



2 PERSPECTIVE @ REAR CORNER



3 PERSPECTIVE @ BUILDING SIDE

TWENTY NINE GARFIELD STREET LLC  
29 GARFIELD STREET • EXETER • NH

**DENNIS MILES, P.A.**  
THE ARCHITECTS  
697 UNION STREET, MANCHESTER, NH  
(603) 625-4548 WWW.THEARCHITECTS.NET

This invoice is prepared in these drawings and the design they are the property of Dennis Miles, P.A. and is not to be used, copied, or reproduced in any form without the written permission of Dennis Miles, P.A. Any reproduction or use of these drawings without the written permission of Dennis Miles, P.A. is strictly prohibited.

**SCHEMATIC**

REV. #	DESCRIPTION	DATE

PERSPECTIVES

ISSUED: 10/18/22  
PROJECT #: 2020.090

**X-001**



### 28 Garfield St

Exeter, New Hampshire  
Google  
Street View - Sep 2019



Google

Image capture: Sep 2019 © 2022 Google

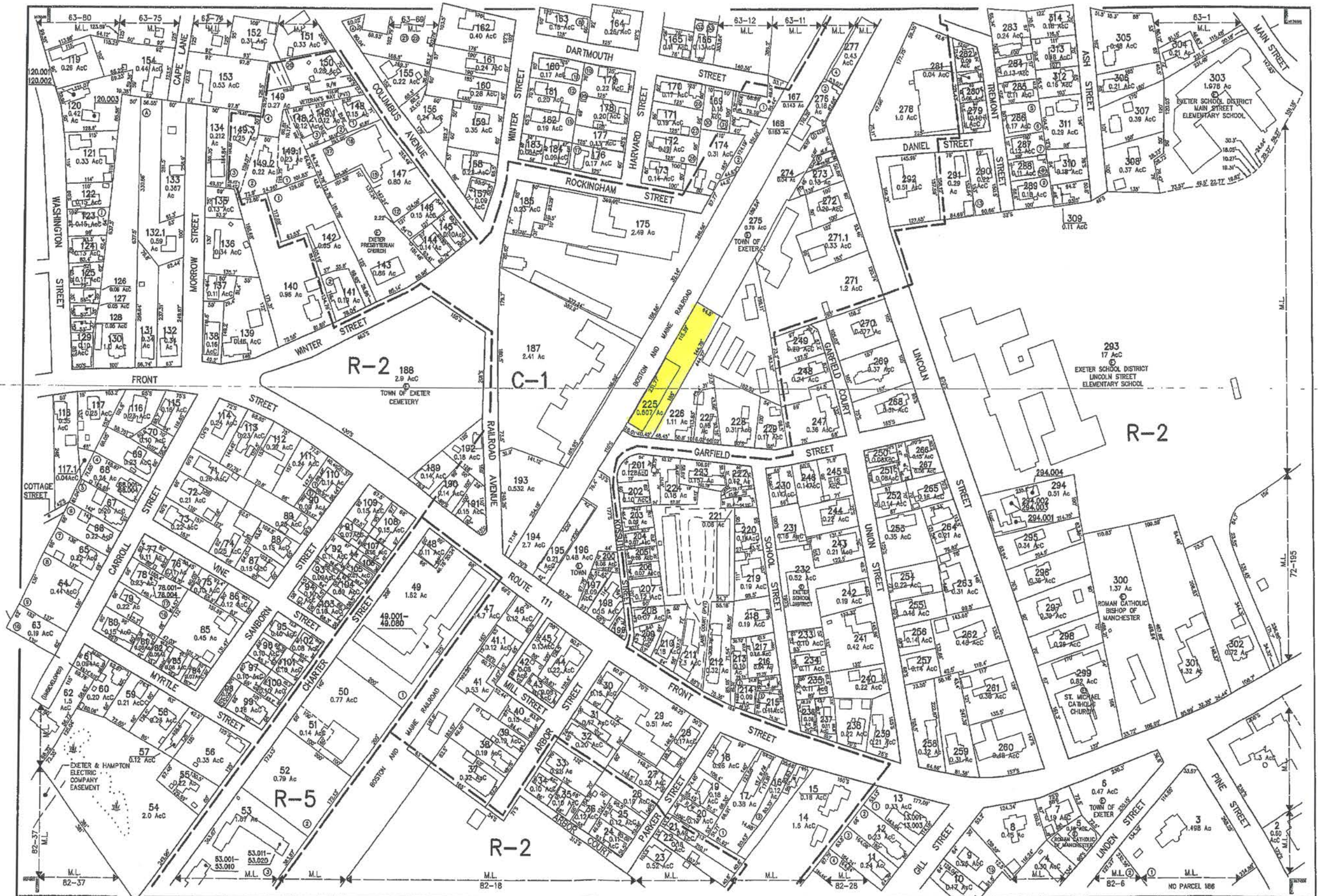


Google Maps 29 Garfield St



Imagery ©2022 MassGIS, Commonwealth of Massachusetts EOE, Maxar Technologies, Map data ©2022 50 ft





THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.

PHOTOGRAPHY DATE: APRIL 25, 1995

COMPLETION DATE: MARCH 29, 1995

PRODUCED IN 1995 BY

**07:1 Technologies**

11 PLEASANT STREET LITTLETON CO. 80120  
303.322.4549 - WWW.071-TECH.COM

AREA SURVEYED . . . . . Ac

AREA CALCULATED . . . . . Ac

RECORD DIMENSION . . . . . 100'

SCALED DIMENSION . . . . . 100%

MATCH LINE . . . . .

WATER . . . . .

LEGEND

EXEMPT PROPERTY . . . . .

SUBDIVISION LOT NO. . . . .

ZONE LIMIT . . . . .

RIGHT OF WAY . . . . .

COMMON OWNERSHIP . . . . .

BUILDING . . . . .

WETLANDS . . . . .

SCALE 1" = 100'

REVISOR TO: APRIL 1, 2021

PROPERTY MAPS

**EXETER**

NEW HAMPSHIRE

INDEX DIAGRAM

82	83	84
74	75	72
81	82	83

MAP NO. **73**

- B. Such proposal does not impair the integrity of the cemetery walls, facilities, drainage, or other physical attributes.
- C. The proposed use does not diminish the general solemnity and solitude of the cemetery setting. In this regard, the Board may require appropriate buffering or screening from such proposed use.
- D. The proposed use does not pose a public safety hazard to the cemetery or patrons thereof.
- E. There are no practical alternatives to the proposed use.

E

## 6.19 MIXED USE NEIGHBORHOOD DEVELOPMENT

### 6.19.1 Eligibility for Conditional Use Permit

An applicant may petition the Planning Board for a Conditional Use Permit, in conjunction with Site Plan Review, to develop a Mixed Used Neighborhood Development (MUND) in accordance with the following criteria:

- A. **Allowed as a Use:** MUND must be identified as an allowable use for the zoning district in which the MUND would be developed, per Section 4.2 of the Zoning Ordinance.
- B. **Collection of Uses:** The development would result in a mix of residential and non-residential uses on site. The collection of proposed uses may include only those enumerated in Schedule I for the zoning district in which the MUND would be developed, except that multi-family residential uses will be deemed a permitted use when included as part of a MUND application. Therefore, any multi-family residential units contained within the MUND do not require a Special Exception.
- C. **Required Outcome:** Where the site on an application contains non-residential use, and an applicant proposes infill residential development to complement the non-residential use, or vice versa, the application may be reviewed as a MUND project. A mix of newly developed uses is not required as part of a MUND application so long as the resulting development will include a mix of uses on site.
- D. **Expansions or Alterations to Previous MUND Projects:** Expansions or alternations to projects previously approved as MUND projects may be reviewed under this section of the Zoning Ordinance.

- E. Design and Inclusionary Housing:** Compliance with the terms of 6.19.4 (Inclusionary Housing) and 6.19.5 (MUND Design Standards) is required unless some ability for relief is specifically identified in those sections.

### **6.19.2 Parking Requirements**

#### **A. Minimum Parking Space Requirements**

1. For residential use, the minimum number of parking spaces shall be one space per unit regardless of the number of bedrooms.
2. For non-residential use, the minimum requirements listed in Section 5.6.6 of the Zoning Ordinance shall be reduced by 50%.

#### **B. Alternatives to Strict Compliance with Minimum Parking Requirements**

The Planning Board may allow the applicant to provide up to 100% of the minimum parking requirements off-site. The applicant must demonstrate, through the use of maps and/or site plans, that the number of spaces is adequate and access will be safe and convenient.

### **6.19.3 Dimensional Requirements**

The dimensional requirements provided in the zoning district in which the MUND would be developed shall govern with the following exceptions. These standards are unique to MUND applications.

#### **A. The C-1 District**

1. Minimum front yard setback shall be zero feet.
2. Maximum setback for newly constructed frontage building shall be twenty-five (25) feet. The design of frontage area shall comply with Section 6.19.5.D.
3. For the C-1 District located in Exeter's Downtown—bordered generally by Water Street, Maple Street and Spring Street—this C-1 District shall have a maximum building height of fifty (50) feet or four stories.
4. For the C-1 District located along Portsmouth Avenue, this C-1 District shall have a maximum building height of fifty (50) feet or four stories.
5. For the C-1 District that contains portions of Lincoln Street, Garfield Street, and Rockingham Street, this C-1 District shall have a maximum building height of thirty-five (35) feet.
6. The area per dwelling unit requirement shall not apply to MUND applications.



**B. The WC District**

1. Minimum front yard setback shall be zero feet.
2. Maximum setback for newly constructed frontage building shall be twenty-five (25) feet. The design of frontage area shall comply with Section 6.19.5.E.
3. Maximum building height shall be fifty (50) feet.
4. The area per dwelling unit requirement shall not apply to MUND applications.

**6.19.4 Inclusionary Housing**

**A. Purpose and Authority**

1. Pursuant to the Exeter Master Plan, the Town wishes to expand housing diversity in mixed use districts in order to increase the vibrancy of these districts, stimulate the local economy, and provide access to rental and homeownership options that are not possible in other districts.
2. Pursuant to RSA 647:21, IV(a), MUND (and the associated inclusionary zoning requirement) is one of many allowable uses in the zoning districts where it is offered and is therefore voluntarily pursued by an applicant. Further, consistent with the aforementioned statute, the MUND uses inclusionary zoning in response to a series of incentives, including:
  - a. Maximum multi-family density in the C-1 District is one unit per 3,500 SF. Maximum multi-family density in the WC District is one unit per 750 SF. MUND removes these density caps and allows for parking requirements, maximum building height, and site constraints to dictate the number of allowable residential units.
  - b. Allowable building height is increased in two of the three C-1 Zoning Districts where an applicant pursues MUND.
  - c. Parking requirements for MUND applications are significantly reduced.

**B. Restrictions on Sales and Rental Price**

1. A minimum of 10% of all units proposed will be sold or rented at the prices specified herein for rental or home ownership. For the inclusionary units, the applicant may propose exclusively rental, exclusively home ownership, or some combination of the two. Units shall be calculated as whole numbers and rounded up. For example, if 22 units of housing are proposed, three units are needed to meet a minimum of 10%.
2. For home ownership, the initial sales price shall be affordable for a household with an income not more than 80% of the HUD area median

- income for a family of four as most recently reported by New Hampshire Housing.
3. For rental property, rental rates shall be affordable to a household with an income not more than 60% of the HUD median area income for a family of three as most recently reported by New Hampshire Housing.
  4. The inclusionary housing units shall be on-site and shall be designed and constructed in a manner that makes them fully consistent in form, materials, architectural details, and internal systems with market rate units in the same development.
  5. Inclusionary housing units will be sold or rented at the required level of affordability in perpetuity using a deed restriction that includes a housing agreement. The deed restriction and housing agreement the owner proposes to use shall be submitted to the Planning Board as part of the development application process. Applicants are encouraged to contact the Planning Department for guidance on the development of an acceptable housing agreement.
  6. No certificate of occupancy shall be issued for an inclusionary housing unit without written confirmation of the income eligibility of the tenant or buyer of the inclusionary housing unit and confirmation of the rent or price of the inclusionary housing unit as documented by an executed lease or purchase and sale agreement.
  7. On-going responsibility for monitoring the compliance with resale and rental restrictions on inclusionary housing units shall be the responsibility of the Planning Board or its designee.
  8. For rental inclusionary units, the owner or his/her designee shall prepare an annual report, due on January 31, certifying that the gross rents of affordable units, the sale and resale price, and the household income of renters/buyers are in compliance with this ordinance. Such reports shall be submitted to the Planning Board or its designee. Failure to submit the annual report, or an annual report that shows non-compliance, will be treated as violations of the Zoning Ordinance.
  9. Where monitoring of income levels in rental inclusionary units shows the tenant no longer qualifies based on increases in income, the next available rental unit in the development shall be rented and restricted to the income level specified in subsection B.3 (above).
  10. Inclusionary units offered for sale and approved by the Planning Board as part of a MUND and subject to RSA 674:58-61 shall require a restrictive covenant and lien granted to the Town of Exeter. The initial value of the lien shall be equal to the difference between the fair market value of the unit and its reduced affordable sale price, which is indexed according to the qualifying income standards. The Town's lien is indexed over time at a rate equal to a consumer price index identified in the restrictive covenant and lien document. Future maximum resale limits shall be calculated as the fair market value minus the adjusted lien value and a

transaction administrative fee. Subsequent sales prices are not limited based on income targets, but on the housing unit's fair market value, minus the adjusted lien value.

#### **6.19.5 MUND Design Standards**

##### **A. Purpose**

Pursuant to the Exeter Master Plan, the Town provides design standards herein to ensure the districts where MUND can occur will continue to develop in a manner that creates active, safe, and walkable neighborhoods. Development approved as part of MUND applications will follow core principles of good urban design by locating buildings, parking areas, sidewalks, and walkways in a manner that facilitates comfortable pedestrian travel. Further, the architectural style of new buildings will incorporate important principles of traditional New England architecture to ensure new construction is consistent with Exeter's architectural heritage. The Town also recognizes that these areas are heavily developed, and it may not be possible to redevelop properties or develop infill projects while strictly adhering to these principles of urban design and traditional architecture. These standards therefore include opportunities to deviate from strict compliance where it is in the best interest of the Town.

##### **B. Applicability of Design Standards**

The following design standards apply to MUND applications. These standards are in addition to other building and development standards found in these regulations and supersede other standards where a conflict may exist. As part of the Conditional Permit application, the applicant may propose, and the Planning Board may allow, deviation from any of the design standards below where an applicant can demonstrate one of the following conditions:

1. The proposed deviation represents a need that goes beyond convenience for the applicant or is requested primarily as a cost-saving measure.
2. The scope of site disturbance and construction improvements will not include any work related to a particular site design standard. For example, if a pre-existing parking area will be retained and remain undisturbed through the redevelopment process, the Planning Board may deem that site design standards for parking will not apply and the parking lot may remain in its pre-existing form. The Planning Board shall review these requests on a case-by-case basis and may condition the approval of an application on future improvements to the site creating greater compliance with these design standards.

3. The scope of development and construction improvements will not include any work related to a particular building standard. For example, if a pre-existing building will be retained and unimproved, building standards will not apply and the building may remain in its pre-existing form. The Town may still require conformance with standards related to signage, lighting, and similar features where practicable.
4. The location of pre-existing buildings, utilities, accessways, or other built features creates a situation where it is not practicable to achieve compliance with the design standards.
5. Site topography, the condition of underlying soils, or pre-existing contamination create a situation where it is not practicable to achieve compliance with the design standards.
6. Landscaping requirements would make it impossible to provide parking spaces that would otherwise enable the development of housing.
7. Deviation from site design standards would facilitate better stormwater management or site circulation.

### **C. Application Contents**

The applicant shall provide the materials called for in the Site Plan Review and Subdivision Regulations for the Town of Exeter. It is the responsibility of the applicant to depict site design, architectural elevations, and street level renderings in a manner that allows the Planning Board to clearly determine compliance with these design standards.

### **D. Circulation**

The design of individual properties or groups of properties shall reinforce the purposes of MUND by encouraging pedestrian and bicycle circulation. Pedestrian and bicycle infrastructure shall be provided using the following site design techniques:

1. Pedestrian connections between sidewalks and buildings and between buildings separated by a parking lot shall be designed to be safe, broad, and easily identifiable.
2. Pedestrian connections that cross parking lots must be designed to clearly show that the space is primarily dedicated to pedestrian traffic using raised or alternative surfaces, signage or raised landscaped islands that serve as a safe resting area for pedestrians between automobile travel lanes.
3. Where sidewalks or other pedestrian or bikeways intersect with automobile driveways or lanes, raised surfaces and/or durable, decorative alternatives to conventional pavement must be used to connect sidewalks or bikeways across the automobile lane. On its own, striping across the

asphalt used for an automobile lane to connect sidewalks or walkways is not adequate to achieve this goal.

**E. Property Frontage** (see Figure 6.19.5.1)

Buildings located along the property frontage (frontage buildings) shall be located and oriented to engage pedestrians that may pass along the frontage of the property.

1. Frontage buildings, whether newly constructed or re-used, shall be connected to the right-of-way in a manner that facilitates pedestrian and/or bicycle activity. The areas between the front façade of frontage buildings and the right-of-way shall accommodate pedestrian/bicyclist space and associated amenities.
2. Travel lanes for automobiles shall not be located in the frontage area except where access driveways into the site are needed.
3. Frontage sidewalks should be reinforced concrete and have a minimum width of eight (8) feet. The Planning Board may approve varied finishes for the reinforced concrete or alternative materials that are consistent with the purposes of MUND. Standard asphalt coverage is not appropriate for sidewalk areas. Where the distance between the edge of pavement in the street and the building façade allows, sidewalks may be greater than eight (8) feet wide. The remainder of this area may include benches, lighting, landscaping, street trees, trash receptacles, and other amenities. Where space in the frontage is adequate, site plans shall identify which amenities the applicant is committed to providing.

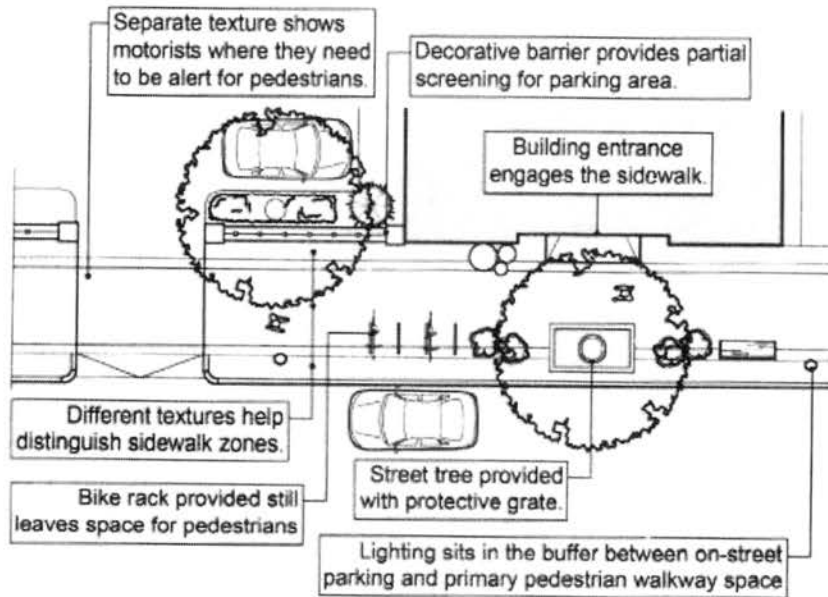


Figure 6.19.5.1

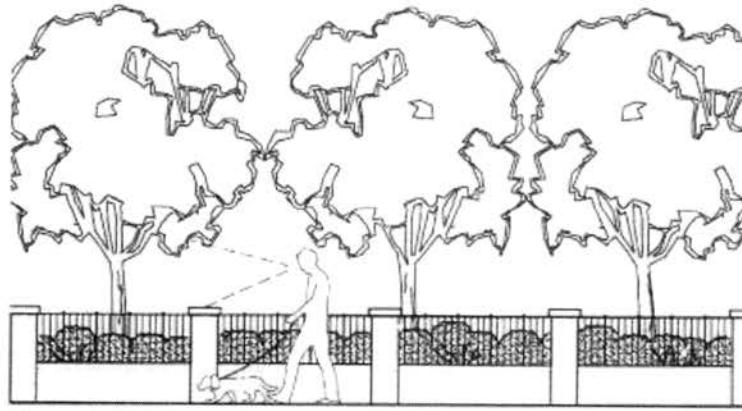
#### F. Landscaping

1. Street trees must be spaced along the sidewalk at an average frequency of one tree every 40 feet.
2. All areas of a site that are not rendered impervious through the development of structures, parking features, circulation features, or other hardscape features should be landscaped with vegetation.
3. Native species should be used wherever possible in landscaped areas. No tree, shrub, or any other plant shall be installed that has been included on the most recently published list of prohibited plants by the New Hampshire Department of Agriculture, Markets and Food.
4. Landscaping, trees, and plants must be planted in a growing condition according to accepted horticultural best practices and shall be maintained in a healthy growing condition. Where applicable, ANSI A300 Standards for Tree Care Operations, as revised, shall apply. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced, no later than the following growing season, as long as the site plan remains valid. This condition is not intended to circumvent the revocation procedures set forth in State statutes.

- a. All-Season: Landscaped areas should be designed to remain functional and attractive during all seasons through a thoughtful selection of deciduous, evergreen, berrying, and flowering plant varieties.
- b. Turf: Turf is discouraged and, where it is used, must not be planted in strips less than five (5) feet wide. Turf seed mixes should be drought resistant. To achieve a high level of drought tolerance, turf seed mixes may include, but shall not be limited to, a predominance of fine fescues.
- c. Plant Hardiness: Plant varieties should be selected for cold-hardiness as well as resistance to drought, moisture, salt, urban conditions, or insects and other pests depending on the location of landscaping and the specific stressors anticipated for different areas of the site.
- d. Minimal Care: Plants should be selected so that landscaping can be maintained with minimal care and the need for irrigation, pesticides, or fertilizers can be minimized or eliminated.

#### **G. Surface Parking**

- 1. For surface parking areas associated with newly developed sites, parking areas shall be located behind or to the side of frontage buildings on the property.
- 2. Where a pre-existing surface parking area is adjacent to a sidewalk, internal walkway, or other pedestrian space, the parking area may remain in use so long as the applicant provides a landscaped buffer between the parking area and the pedestrian space as follows:
  - a. At a minimum, the landscaped buffer shall include a decorative barrier, which may be designed as brick or stone finish walls, decorative fencing, or a combination of these treatments.
  - b. In addition to and inclusive of a decorative barrier, to the extent practicable, the landscaped buffer should include planted areas designed to provide separation between the surface parking area and the pedestrian space while allowing pedestrians to maintain visual awareness between the two areas. The parking area shall not be fully screened from the pedestrian way. (see Figure 6.19.5.2)



**Figure 6.19.5.2**

3. For developments with proposed surface parking areas of ten (10) spaces or more, a minimum of ten percent (10%) of the designated parking area shall be landscaped. This calculation may include any landscaped borders surrounding the parking lot where the landscaped borders are predominantly ornamental vegetation and/or are specifically designed to provide stormwater treatment. Borders that are predominantly stone, turf, fencing, or screening shall not be counted toward this requirement.
4. The ends of parking aisles in surface lots that are more than fifteen (15) spaces in length must incorporate landscape islands at either end of the row. Each island shall include at least one tree that is two (2) inches in caliper at the time of planting. Where the length of a parking aisle exceeds twenty-five (25) spaces, additional landscaped islands must be installed at regular intervals. This interval must not be more than every thirteen (13) spaces.
5. Parking areas for five (5) or more cars or any travel lane that lie along a side or rear lot line shall be separated from adjacent properties by a landscaped buffer at least five (5) feet in width. This standard does not apply where the travel lane or parking area is intentionally designed to cross the property line to facilitate better circulation and/or shared parking.

#### **H. Fencing and Screening**

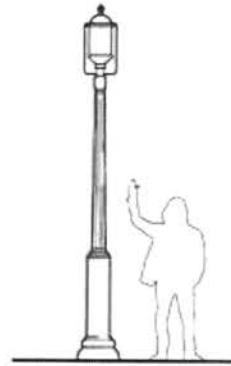
1. All solid waste enclosures, service areas, mechanical equipment, and utilities must be screened from view through the use of fencing and/or landscaping that is effectively opaque.
2. Chain link fencing is prohibited in front and side yards within MUND proposals unless it is necessary for security standards unique to the



individual use, is vinyl coated, and is screened using evergreen trees (minimum six (6) feet in height) and/or shrubs.

**I. Lighting** (see Figure 6.19.5.3)

1. Lighting for parking areas and public/gathering spaces shall be decorative in shape, scale, and finish, with detailed, articulated treatments for the base, post, fixture, and crown. Where decorative street lighting is already installed, the design of proposed lighting standards and fixtures must be consistent with or complementary to said lighting.
2. Light poles and fixtures must not exceed twenty (20) feet in height.
3. Height is measured from finished grade to the highest point of the structure. Structural features used to anchor light standards (e.g., concrete pilings) must not protrude more than six (6) inches from the ground.



**Figure 6.19.5.3**

This illustration shows the proper scale and attention to aesthetic detail.

**J. Building Form** (see Figures 6.19.5.6 and 6.19.5.7)

1. Multi-story buildings must clearly articulate the base, middle (where applicable), and top of the building using cornices, borders of distinct material, or other articulating features on every visible surface of the building.
2. In new non-residential or mixed-use construction, ground floors in a MUND application shall be a minimum of eleven (11) feet from floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height.
3. All buildings with façades longer than forty (40) feet must articulate the façade with varied rooflines, distinct signage for multiple tenants, awnings, arcades, pilasters, columns, recessed spaces and/or entrances, and any other features that serve to add texture to these longer façades.
4. The front façade of any new frontage building shall be designed to appear as the front of the building and shall have a primary entrance.

**K. Building Entranceways** (see Figures 6.19.5.6 and 6.19.5.7)

1. All buildings must have a principal façade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal façade and/or entry. Primary entrances

not facing a street must open onto sidewalks or other designated pedestrian areas that are at least ten (10) feet in width. The street façade must be designed to appear to be a principal point of entry for the building.

2. Main entrances must incorporate architectural features that draw attention to the entrance. These features may include covered porches, distinct sidewalk surfacing, porticos, recessed doorways, and awnings.

**L. Roofline Form** (see Figures 6.19.5.6 and 6.19.5.7)

1. The roof design for new buildings shall provide a variety of building heights and varied roofline articulation. Local models reflecting traditional New England architecture shall provide context for the selection of roof forms. These models include gables, gambrels, flat roofs, mansards and any jointed configuration of these styles. Decorative spires or towers may also be used to articulate rooflines and to provide focal points within a complex of principal buildings.
2. For new buildings or replacement roofing, industrial style metal materials visible from the street shall not be permitted. Metal roofing materials that use decorative finishes and textures for visual accent may be allowed. Visible metal materials necessary for structural integrity, fastening, sealing or other essential purpose are also allowed.
3. Where flat roof lines are proposed, flat roofs shall have decorative cornices or parapets that shield all views of any mechanical systems located on the roof from the street or from windows at a lower elevation in adjacent buildings.
4. Downspouts shall match or be complementary to gutters in material and finish.
5. Utilities and protuberances through or on the front facing roofs are highly discouraged and should generally be shielded from view.

**M. Dormers** (see Figure 6.19.5.4)

1. On pitched rooflines, dormers shall be used to break up roof surfaces and shall be provided at a minimum frequency of one per thirty (30) horizontal feet or fraction thereof.
2. Dormer styles may include doghouse, eyebrow, or shed dormers.



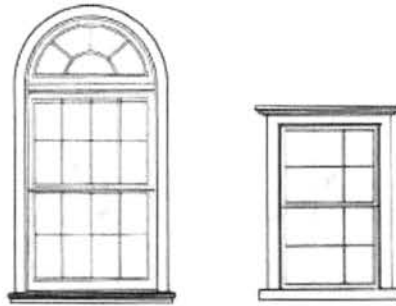
**Figure 6.19.5.4**

The dormer on the left shows the proper scale and form of a dormer window. The dormer on the right provides a window that is too small and shows no aesthetic detail.

3. Windows shall fill the face wall of the dormer to the maximum extent practicable and match the windows in the rest of the building.

**N. Fenestration (see Figure 6.19.5.5)**

1. Window bays in façades above the first floor (above street level) shall have a minimum width-to-height ratio of 1:2. Multiple bays may be placed immediately adjacent to one another in order to create larger window areas. This does not apply to dormers (see subsection L)
2. Mullion pattern and thickness shall reflect traditional New England design with broad decorative surfaces between windows. Mullion finishes that would be highly reflective or industrial in nature are not allowed.
3. Windows on the ground floor shall begin no lower than two (2) feet above street level and shall extend at a minimum height of seven (7) feet from street level.
4. Clear, non-reflective glass with minimal tinting shall be used at street level to allow maximum visual interaction between pedestrians and the interior of the building.
5. Street level façades shall have a transparency of at least fifty (50) percent.



**Figure 6.19.5.5**

These windows show how different treatments still comply with the basic design standards.

**O. Building Materials**

1. Materials and building treatments shall be used that reduce the visibility of buildings from distant vantage points and shall be consistent and compatible with traditional New England design and construction.
2. Where more than one material is used for siding, traditionally heavier materials (stone, brick, concrete with stucco, etc.) shall be located below lighter materials (wood, fiber cement board, siding, etc.). The change in material shall occur along a horizontal line, preferably at the floor level.
3. For finished siding and foundations, natural materials such as brick, stone, wood/concrete clapboards and shingles, and slate are allowed. Asphalt shingles or similar materials for roofing are allowed. High-quality cement-fiber siding designed to preserve the traditional aesthetic character of the district is also allowed.
4. Finish colors should be used to differentiate between important features

(e.g., foundations, entranceways, windows, decorative borders, etc.) and can be used to differentiate between building stories. Generally, it is preferable to use two or three colors inclusive of masonry. The main color(s) on a building should generally be nature blending, earth tone, neutral, or pastel in character. Bright colors should be limited to accent features and/or entranceways. High intensity colors, metallic colors, or fluorescent colors should not be used.

6-33



**Figure 6.19.5.6**

This image is designed to illustrate several of the MUND Design Standards.

Roofline Form: The image shows the interplay between dormers and jointed roofs. In this case, a jointed gable configuration along the "doghouse" dormers reflects typical New England architecture.

Ground Floor Design: The ground floor is slightly taller than floors above it and incorporates a high level of transparency to visually connect people on the sidewalk with what is available inside the building.

Entrances: The entranceways to the building are made more prominent through the use of signage and different materials.

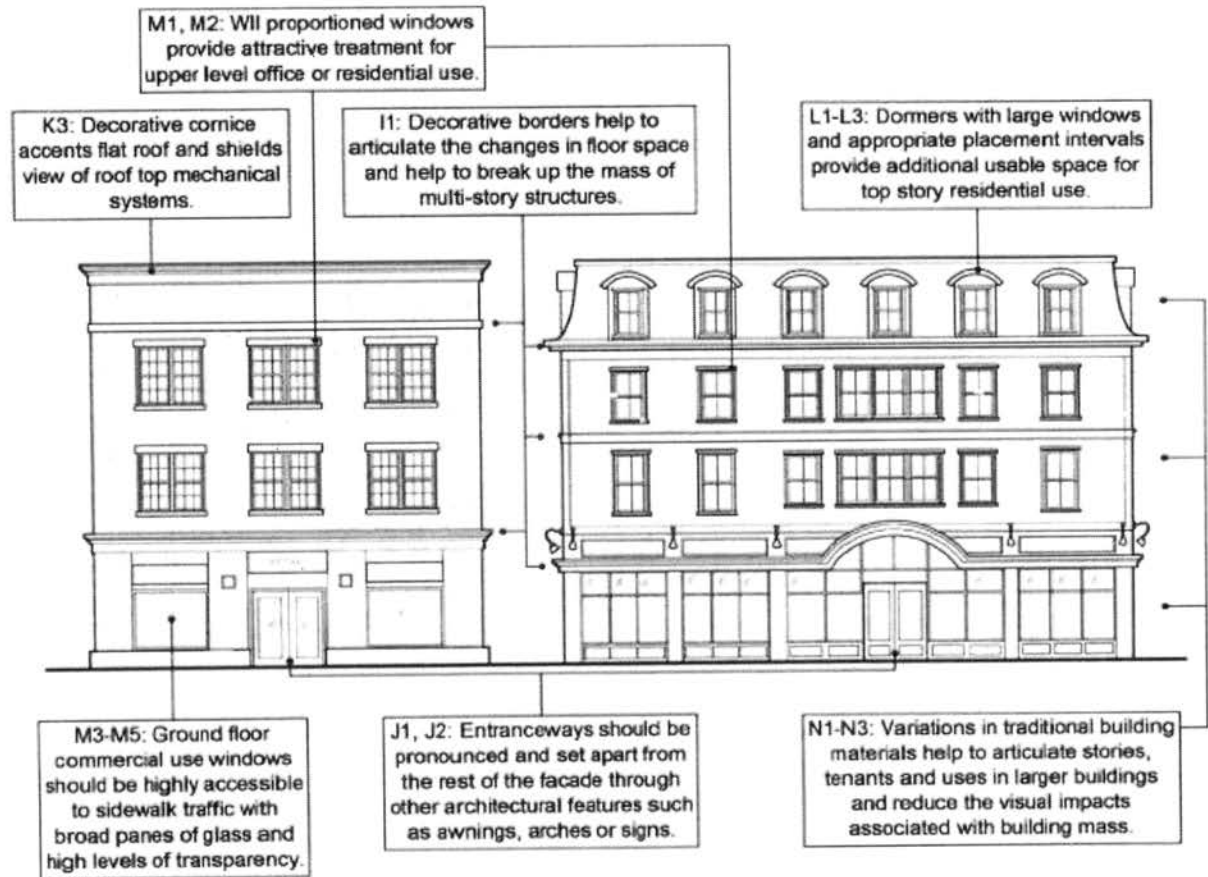


Figure 6.19.5.7

Twenty Nine Garfield Street, LLC  
9672 Warburton Drive  
Huntington Beach, CA 92646  
Tax Map 73 /Lot 225

Twenty Nine Garfield Street, LLC  
9672 Warburton Drive  
Huntington Beach, CA 92646  
Tax Map 73 /Lot 225

Twenty Nine Garfield Street, LLC  
9672 Warburton Drive  
Huntington Beach, CA 92646  
Tax Map 73 /Lot 225

Gregory L. Coussoule  
25 Kossuth Street  
Exeter, NH 03833  
Tax Map 73/Lot 201

Gregory L. Coussoule  
25 Kossuth Street  
Exeter, NH 03833  
Tax Map 73/Lot 201

Gregory L. Coussoule  
25 Kossuth Street  
Exeter, NH 03833  
Tax Map 73/Lot 201

Boston and Marine Railroad Corporation  
1700 Iron Horse Park  
North Billerica, MA 01862  
Tax Map 73/Lot 194

Boston and Marine Railroad Corporation  
1700 Iron Horse Park  
North Billerica, MA 01862  
Tax Map 73/Lot 194

Boston and Marine Railroad Corporation  
1700 Iron Horse Park  
North Billerica, MA 01862  
Tax Map 73/Lot 194

Michelle C. Wasserman  
James S. Applegarth  
28 Garfield Street  
Exeter, NH 03833  
Tax Map 73/Lot 224

Michelle C. Wasserman  
James S. Applegarth  
28 Garfield Street  
Exeter, NH 03833  
Tax Map 73/Lot 224

Michelle C. Wasserman  
James S. Applegarth  
28 Garfield Street  
Exeter, NH 03833  
Tax Map 73/Lot 224

Garfield St Investment Trust  
27 Garfield Street  
Exeter, NH 03833  
Tax Map 73/226

Garfield St Investment Trust  
27 Garfield Street  
Exeter, NH 03833  
Tax Map 73/226

Garfield St Investment Trust  
27 Garfield Street  
Exeter, NH 03833  
Tax Map 73/226

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 73/Lot 275

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 73/Lot 275

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 73/Lot 275

R. Timothy Phoenix  
127 Parrott Avenue  
Portsmouth, NH 03801

R. Timothy Phoenix  
127 Parrott Avenue  
Portsmouth, NH 03801

R. Timothy Phoenix  
127 Parrott Avenue  
Portsmouth, NH 03801

Millennium Engineering, Inc.  
c/o Henry Boyd  
PO Box 745  
Exeter, NH 03833

Millennium Engineering, Inc.  
c/o Henry Boyd  
PO Box 745  
Exeter, NH 03833

Millennium Engineering, Inc.  
c/o Henry Boyd  
PO Box 745  
Exeter, NH 03833

Dennis Mires, P.A  
697 Union Street  
Manchester, NH 03104

Dennis Mires, P.A  
697 Union Street  
Manchester, NH 03104

Dennis Mires, P.A  
697 Union Street  
Manchester, NH 03104

Town of Exeter  
APPLICATION FOR

# SPECIAL EXCEPTION

Case Number:	<u>2BA# 22-22</u>
Date Filed:	<u>12/5/22</u>
Application Fee:	\$ <u>100.00</u>
Abutter Fees:	\$ <u>40.00</u>
Legal Notice Fee:	\$ <u>50.00</u>
TOTAL FEES:	\$ <u>190.00</u>
Date Paid:	<u>12/5/22</u> Check # <u>1015</u>

Name of Applicant Charles Fincher  
(If other than property owner, a letter of authorization will be required from property owner)

Address 340 Water Street, Exeter, NH 03833

Telephone Number ( ) \_\_\_\_\_

Property Owner \_\_\_\_\_

Location of Property 340 Water Street – Zone R2  
Map 64 – Lot 35

Applicant Signature   
(number, street, zone, map and lot number)

Date 12/5/2022

*NOTE: This application is not acceptable unless all required statements have been made.  
Additional information may be supplied on a separate sheet if space is inadequate.*



APPLICATION FOR A SPECIAL EXCEPTION

**1. Currently existing use and/or situation:** \_\_\_\_\_

Property is a single family home with detached garage. This is the owner-occupied residence.

**2. Proposed use and/or situation:** \_\_\_\_\_

Proposed use is to convert existing space on second floor of detached garage into an accessory dwelling of no more than 750 square feet.

*Note: Proposed change of use may result in applicable impact fees.*

**3. List all maps, plans and other accompanying material submitted with the application:**

Zoning map. Zoning map abstract of lot. Assessor's map updated with existing structures.

Tentative floor plan of proposed dwelling.

**APPLICATION FOR SPECIAL EXCEPTION:**

**Special Exceptions:**

A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

Special Exceptions, as enumerated in Article 4.2, Schedule I, shall be permitted only upon authorization by the board of adjustment. Such exceptions shall be found by the board of adjustment to comply with the following requirements and other applicable requirements as set forth in this ordinance.

NOTE: Please use a separate piece of paper if additional space is needed to complete the following information:

**4. Explain the justification for special exception by addressing the following criteria:**

**A. That the use is a permitted special exception as set forth in Article 4.2, Schedule I hereof;**

The requested use complies with all criteria outlined in Article 4.2: a) property and use conforms to a one-family lot; b) limited to only one detached accessory unit; c) appearance of existing building remain unchanged; d) not a manufactured structure; e) maximum size will be under 750 sqft; f) one unit will remain owner-occupied; g) six spaces of off-street parking; h) Not a condominium nor separate ownership; i) updated existing septic connected to town sewer, potable water provided by town's water works; j) occupancy approval will be under Building Inspector's supervision.

**B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;**

The dwelling will help meet the demand for local housing. The dwelling will be in an existing structure with an existing driveway. Dwelling will have no further impact on the land, watershed, or neighbors. The dwelling will be built to code and inspected prior to occupancy. Only a single accessory dwelling will be built and water/sewer requirements will be satisfied.

**C. That the proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located;**

*Note: Adjoining principal uses in existence prior to 1972 (generally referred to as grand-fathered uses) that are not permitted uses as listed in 4.1 Schedule I: Permitted Use, shall not be considered in determining the compatibility of an applicant's proposed use.*

Yes, the proposed will be compatible with zone district.

---

---

---

---

---

**D. That adequate landscaping and screening are provided as required herein;**

While Schedule 4.2 does not specify landscaping and screening, landscaping is already established. Dwelling does not impede on setbacks near abutters nor cause any visual interruption.

---

---

---

---

---

**E. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets;**

Off-street parking of a minimum of 6 spaces are provided without interferrance to abutting streets.

---

---

---

---

---

**F. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments;**

---

The proposed dwelling conforms with all applicable regulations for zone R-2.

---

---

---

---

**G. As a condition of Special Exception approval, the applicant may be required to obtain Town Planner review and/or Planning Board approval of the site plan. Additionally, the Board of Adjustment may require the applicant to obtain Planning Board approval of the site plan prior to rendering a decision on an application for Special Exception.**

---

A site plan is not applicable since proposed dwelling will be in an existing structure.

---

---

---

---

**H. That the use shall not adversely affect abutting or nearby property values;**

---

The use shall not adversely affect abutting or nearby properties. Since dwelling is in an existing structure with an existing driveway, dwelling and its use will have no negative impact.

---

---

---

---

**I. If the application is for a Special Exception for the bulk storage of a material which is, in the opinion of the Planning Board, potentially explosive, than landscaping, per Article 5.20, shall be deemed to include such blast containment, blast dampening or blast channeling features as the Board may require;**

---

Not applicable with this proposal.

---

---

---

---

**J. If the application is for a use in the “Professional/Tech Park District,” such exception will not:**

- 1. Affect the water quality of Water Works Pond or other water supplies;**
- 2. Constitute a health hazard to the community;**
- 3. Permit temporary structures;**
- 4. Permit the recycling, disposal or transfer of materials defined as hazardous waste and set forth in Article 5.10.5 of this ordinance;**

---

Not applicable with this proposal.

---

---

---

---

*Note: The applicant shall demonstrate that handling, storage and containment of any chemicals or substances defined as “hazardous” will be handled in strict accordance with the regulations and recommendations of the EPA and/or any other governmental body charged with enforcing compliance with any laws or statutes regulating hazardous substances.*

54-5

1

53-1

344

WATER ST

Norris Creek

49-7

340

garage

64-35

parking  
(four vehicles)

35

Shed

64-36

64-45

64-34

336

34

64-32

33

64-33

334

WATER ST

557



# ZONING MAP OF EXETER NEW HAMPSHIRE 2019



## LEGEND

- RAILROAD
- ROAD
- PRIVATE ROAD
- TRAIL
- RIGHT OF WAY
- UTILITY
- TOWN LINE
- PROPERTY LINE
- COMMON OWNERSHIP
- IN CONTENTION
- LEASE
- WATER, property line
- WATER, not property line
- WETLAND

## DISTRICTS

- RESIDENTIAL**
- RU Rural
  - R-1 Single Family
  - R-2 Single Family
  - R-3 Single Family
  - R-4 Multi-Family
  - R-5 Multi-Family/Elderly
  - R-6 Retirement Planned Community
  - M Mobile Home Park
  - MS Mobile Home Subdivision
- COMMERCIAL**
- C-1 Central Area Commercial
  - C-2 Highway Commercial
  - C-3 Epping Rd. Highway Commercial
  - NP Neighborhood Professional
  - WC Waterfront Commercial
- CORPORATE/TECHNOLOGY**
- CT Corporate Technology Park
  - CT-1 Corporate Technology-1 Park

- INDUSTRIAL**
- I Industrial
- HEALTH CARE**
- H Health Care

- OVERLAYS**
- A Aquifer Protection
  - HD Historic District
  - ESP Exeter Shoreland Protection\*
  - W Wetland Conservation\*
  - F Flood Hazard\*
- \* See box for description of district boundaries

**EXETER SHORELAND PROTECTION \*\***  
The Exeter Shoreland Protection District is defined to include the following:  
**EXETER RIVER (fresh) \*\***

1. (a) The area of land within 100 feet horizontal distance of the seasonal high water level of the Exeter River and its major tributaries. Major tributaries of the Exeter River within the Town of Exeter are defined to be the following: water flowing north from the Crane Meadows, lower flowing westerly from the Cove and from wetlands between Hampton and Hampton Falls Road, Little River, Dudley Brook and Bloody Brook south to Bruce Hill.
- (b) In addition, the area of land within 150 feet horizontal distance of the seasonal high water level of all perennial brooks and streams within the Exeter River watershed and all other perennial brooks and streams.

**SQUAMSCOTT RIVER (salt) \*\***

2. (a) The area of land within 100 feet horizontal distance of the shoreline of the Squamscott River, and its major tributaries. Major tributaries of the Squamscott River within the Town of Exeter are defined to be the following: Nocia Brook to its confluence with the Watson Brook, Wheelwright Creek, Parkman Brook, and Rocky Hill Brook, and Duesboro Brook and Waterworks Pond, due to their impingement to the public water supply.
- (b) In addition, the area of land within 100 feet horizontal distance of the mean high water level of all perennial brooks, streams and creeks within the Squamscott River watershed.
- (c) The area of land within 150 feet horizontal distance of the upland extent of any tidal marsh adjacent to the Squamscott River.

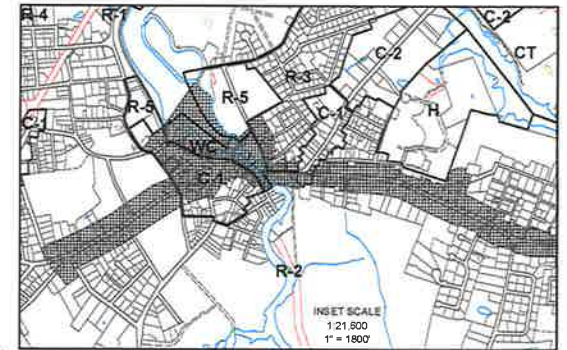
**WETLAND CONSERVATION \*\***  
All areas defined as poorly and very poorly drained soils by the National Cooperative Soils Survey through field mapster surveys completed in 1977, or  
All areas identified as Series 500 (poorly drained) or 600 (very poorly drained) type soils by a high intensity soils survey performed by a qualified soils scientist.

**FLOOD HAZARD \*\***  
All areas identified as being within 100 year flood zone by the Federal Emergency Management Agency and as depicted on the Flood Insurance Rate Map.

\*\* These areas are not displayed on this map.

see abstract

## Historic District Boundaries



## NOTES

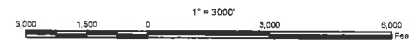
THIS MAP IS BASED ON THE TOWN OF EXETER PROPERTY MAPS AND GIS COVERAGES PREPARED BY CAI TECHNOLOGIES. THE ZONING MAP OF THE TOWN OF EXETER PREPARED BY THE ROCKINGHAM PLANNING COMMISSION IN 1995 AND HAS BEEN UPDATED WITH INFORMATION PROVIDED BY THE TOWN OF EXETER ZONING INFORMATION ARE CURRENT TO MARCH 2019. THIS MAP IS INTENDED FOR REFERENCE AND PLANNING PURPOSES ONLY. PROPERTY LINES CURRENT TO APRIL 1, 2019.

PRODUCED BY



11 PLEASANT STREET LITTLETON, NH 03841  
800.322.4540 • WWW.CAI.TECH.COM

## SCALE



KINGSTON EAST KINGSTON

KENSINGTON

HAMPTON FALLS

HAMPTON

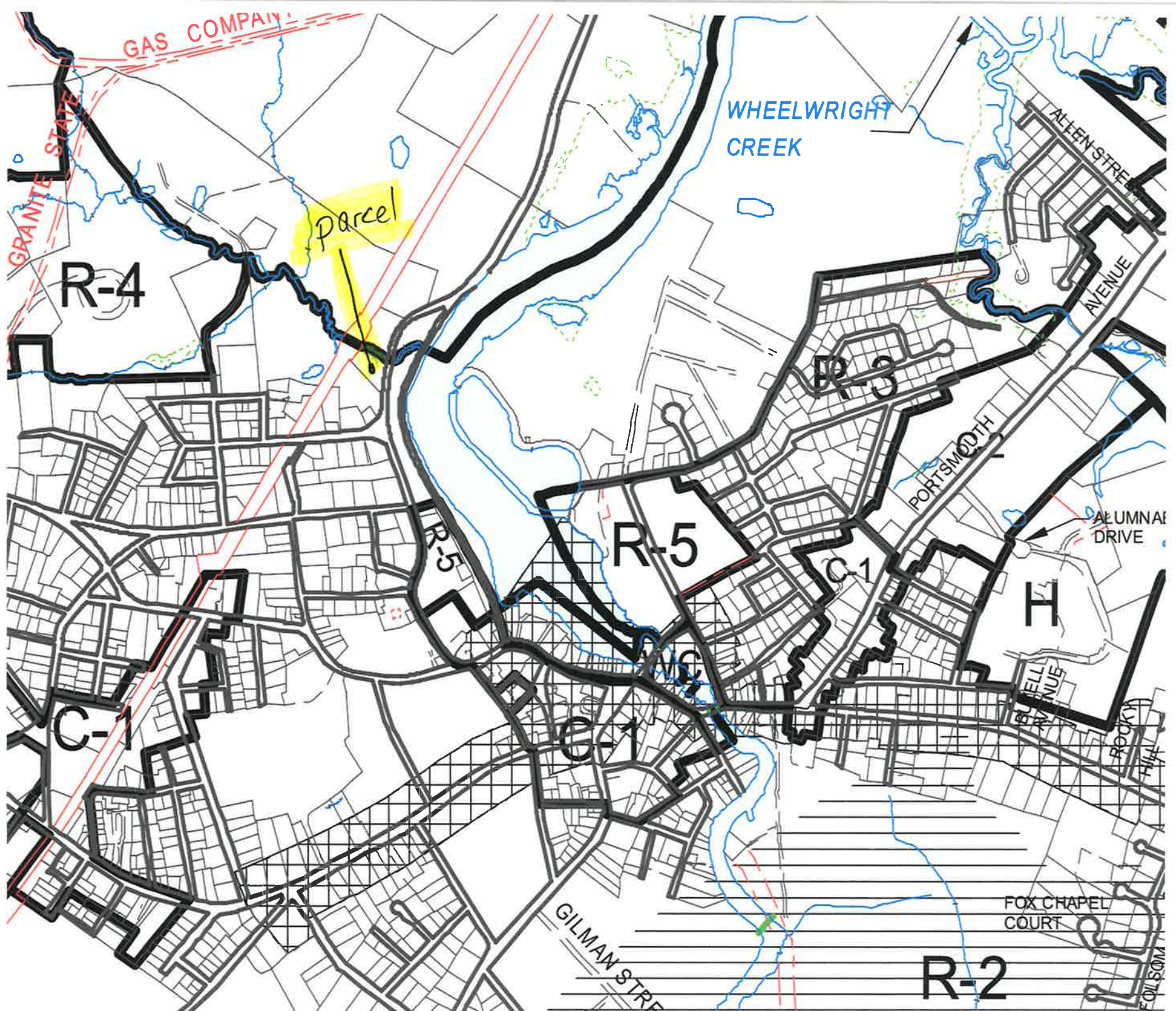
NORTH HAMPTON

NEWFIELDS

EPPING

BRENTWOOD

STRATHAM



GAS COMPANY

WHEELWRIGHT CREEK

GRANITE STATE

R-4

parcel

R-3

R-5

PORTSMOUTH AVENUE

ALLEN STREET

ALUMNAL DRIVE

H

C-1

R-5

C-1

C-1

BELL AVENUE

ROCKY HILL

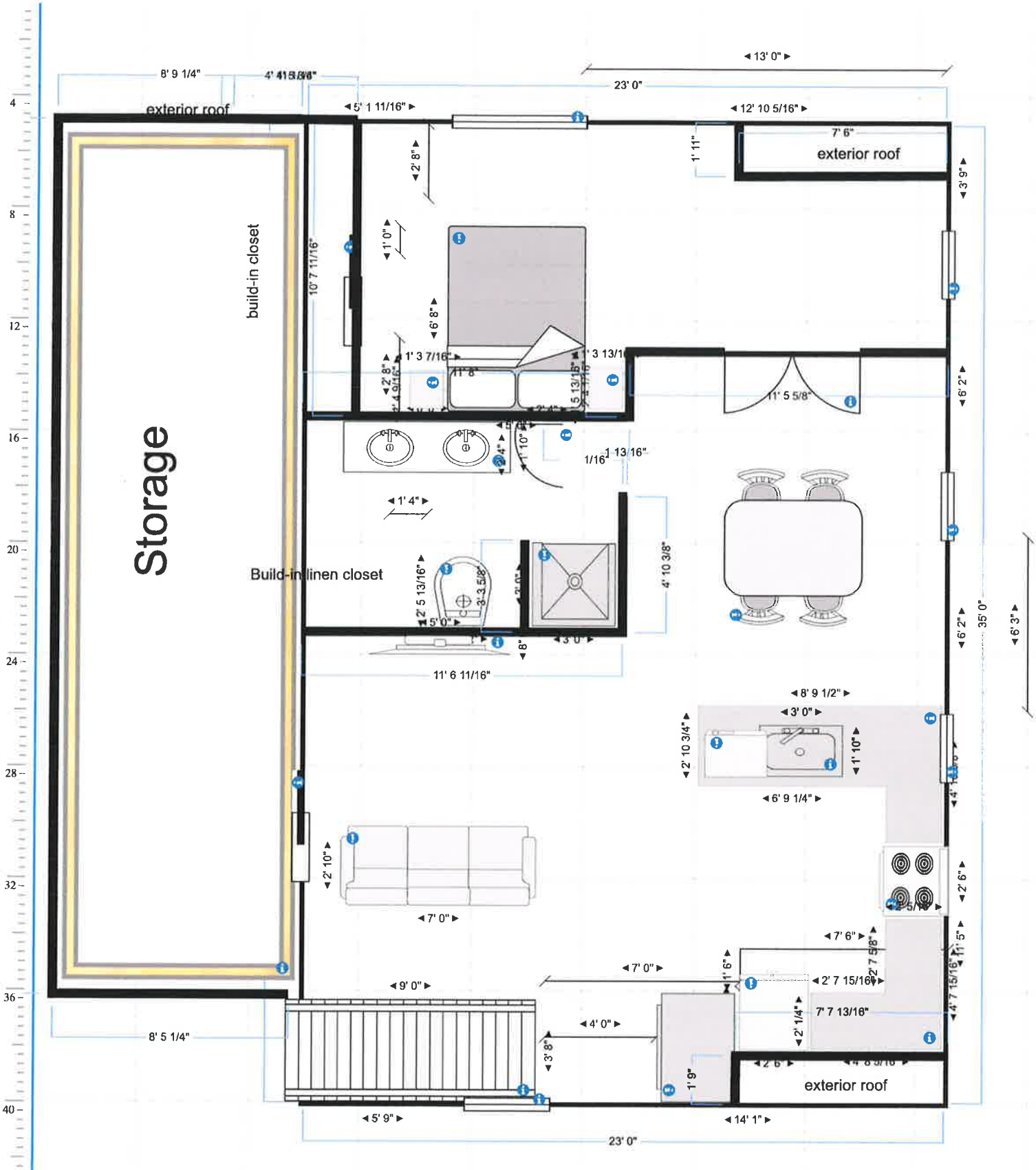
GILMAN STREET

FOX CHAPEL COURT

R-2

COLSON





# Abutters List

Boston & Maine Railroad  
1700 Iron Horse Park  
North Billerica, MA 01862-1681

George P. Higgins  
336 Water Street  
Exeter, NH 03833

Ben Dagostino  
344 Water Street  
Exeter, NH 03833

Town of Exeter  
10 Front Street  
Exeter, NH 03833