



TOWN OF EXETER, NEW HAMPSHIRE

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

www.exeternh.gov

LEGAL NOTICE EXETER ZONING BOARD OF ADJUSTMENT AGENDA

The Exeter Zoning Board of Adjustment will meet on Tuesday, November 15, 2022 at 7:00 P.M. in the **Exeter Town Hall located at 9 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 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.

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

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

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 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.

OTHER BUSINESS:

- Approval of Minutes: September 20, 2022

EXETER ZONING BOARD OF ADJUSTMENT

Kevin M. Baum, Chairman



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

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



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

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WILLIAM K. WARREN

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

October 18, 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 tonight's ZBA meeting. Under the circumstances we respectfully request to postpone our application so that it is heard at the November 15, 2022 meeting.

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

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers
SCS/sac

cc: Justine Vogel, RiverWoods Company
Altus Engineering
AG Architects

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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

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 23rd, 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



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

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ERIC A. MAHER
CHRISTOPHER D. HAWKINS
BRENDAN A. O'DONNELL
ELAINA L. HOEPPNER
WILLIAM K. WARREN

August 15, 2022

Via Email Only

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

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

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

Dear Chair Baum and Board Members:

We understand that two regular members will not be present at tomorrow's ZBA meeting. Under the circumstances we respectfully request to postpone our application so that it is heard at the October 18, 2022 meeting.

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

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers
SCS/sac

cc: RiverWoods Company
Altus Engineering
AG Architects

DONAHUE, TUCKER & CIANDELLA, PLLC
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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 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.¹ 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

¹ 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:

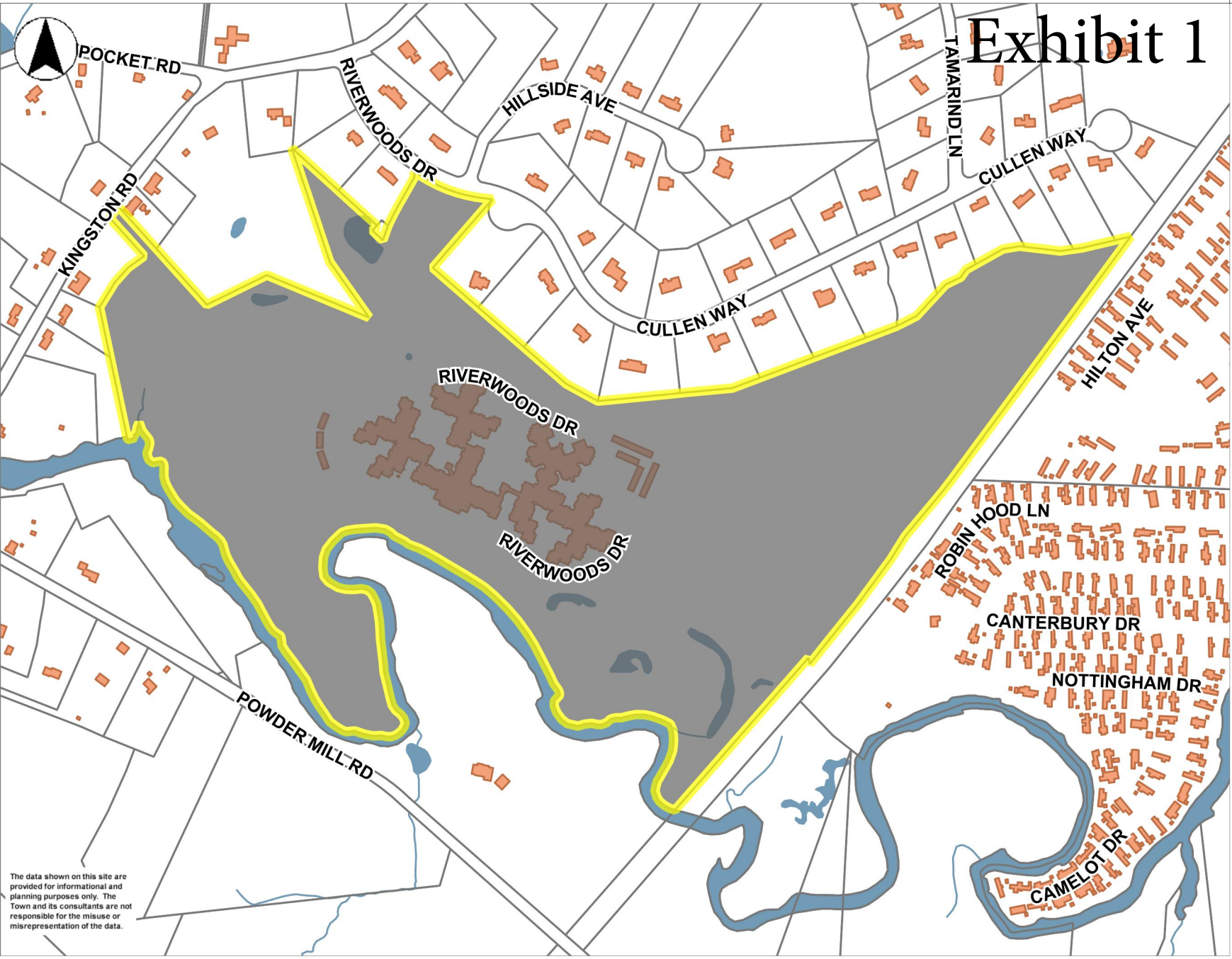
The applicant proposes to provide to The Woods residents nursing home care as licensed by the State of New Hampshire. The only difference between what is offered now and what is

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

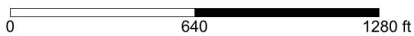


Exhibit 1

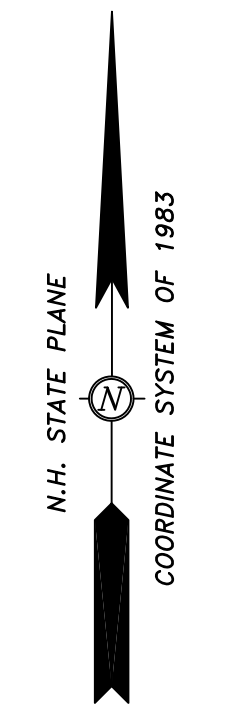
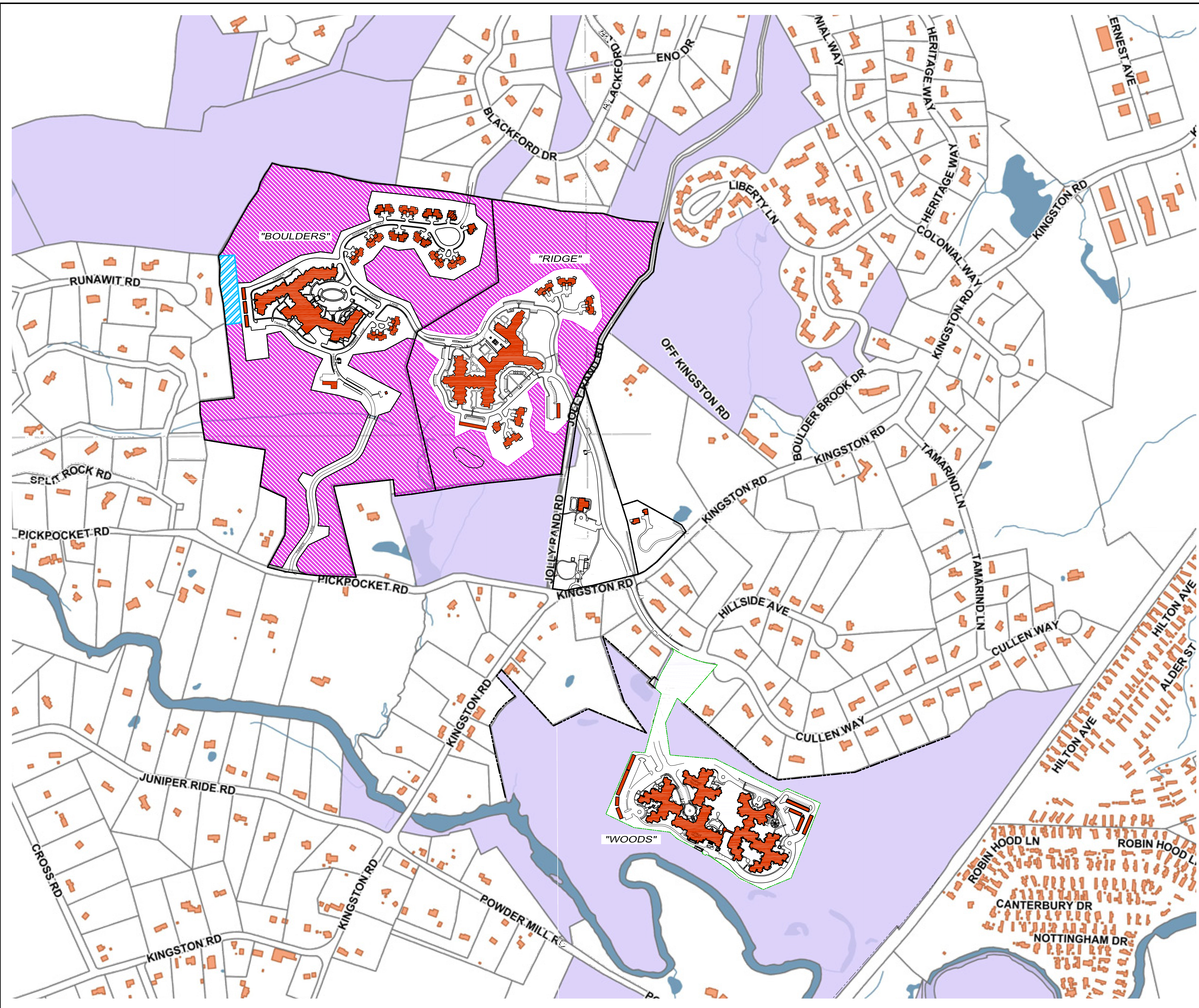


- Parcels
- NH Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets (Updated Feb 2019)
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

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

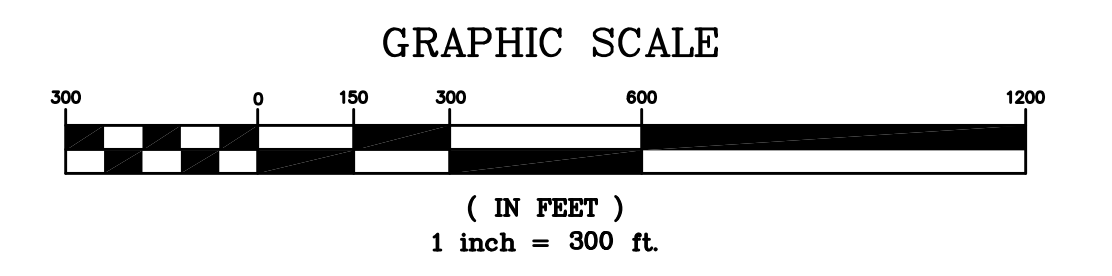
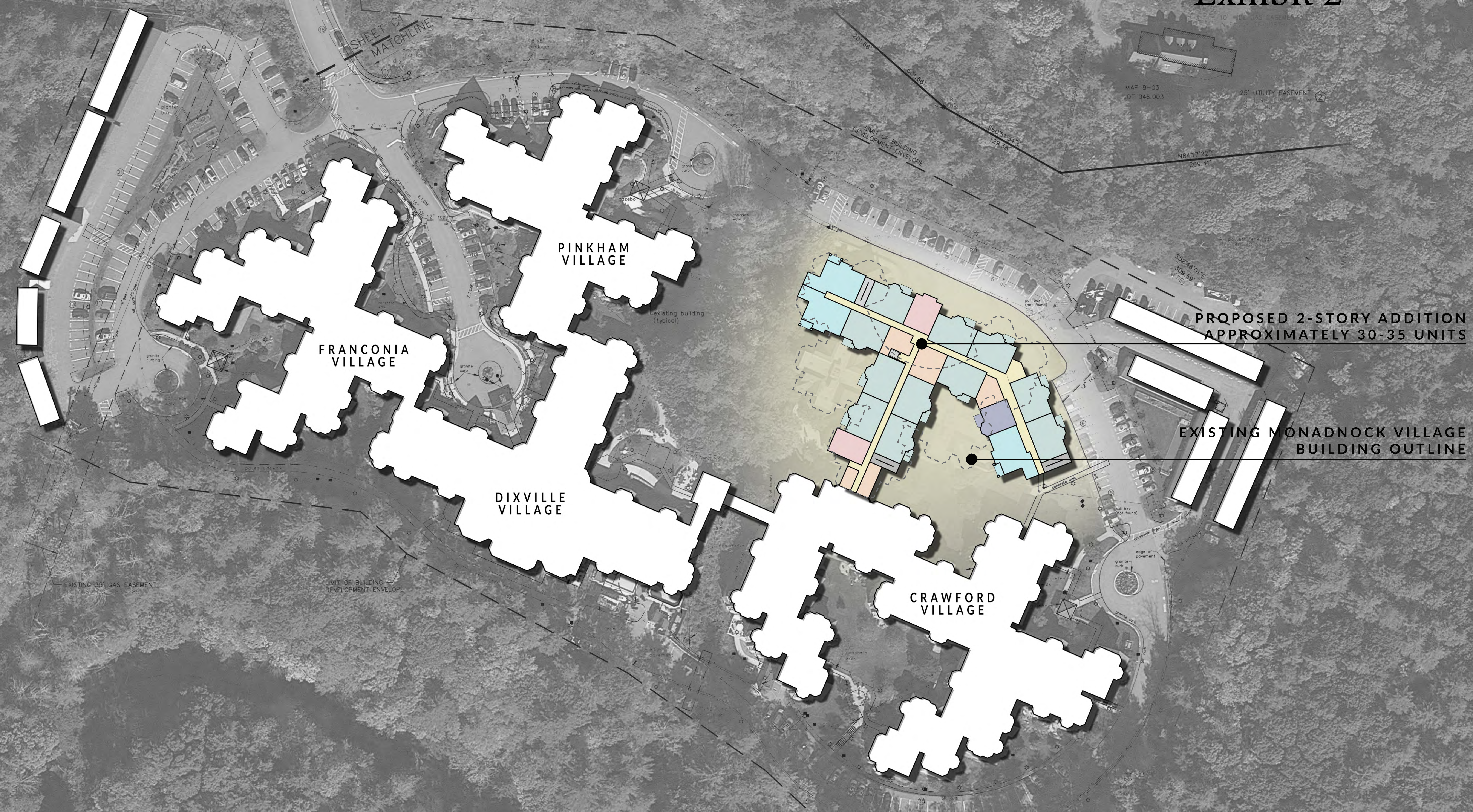


Exhibit 2



PROPOSED 2-STORY ADDITION
APPROXIMATELY 30-35 UNITS

EXISTING MONADNOCK VILLAGE
BUILDING OUTLINE

FRANCONIA
VILLAGE

PINKHAM
VILLAGE

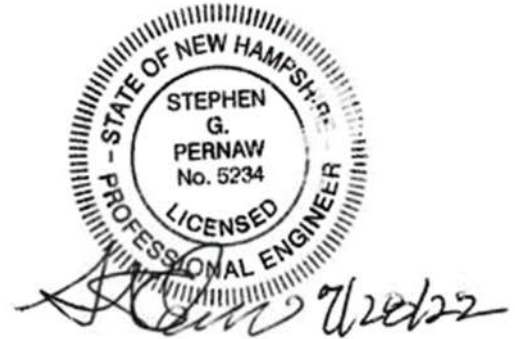
DIXVILLE
VILLAGE

CRAWFORD
VILLAGE

SCALE | 1" = 40'-0"

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 ¹	Add Independent Living Trips ²	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	-33 veh
Exiting	0 veh	5 veh	5 veh
Total	-36 trips	8 trips	-28 trips
PM Peak Hour			
Entering	0 veh	5 veh	5 veh
Exiting	-36 veh	4 veh	-32 veh
Total	-36 trips	9 trips	-27 trips

¹ Based on work shift schedules: 1st = 36, 2nd = 21, 3rd = 21 employees
² 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 **Filter**

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

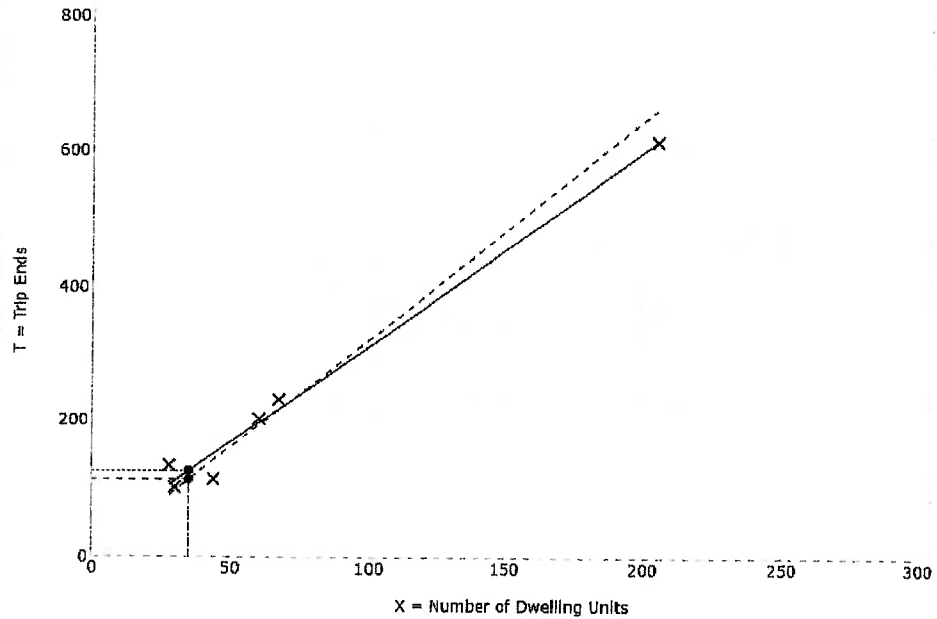
INDEPENDENT VARIABLE (IV):
 Dwelling Units

TIME PERIOD:
 Weekday

TRIP TYPE:
 Vehicle

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

Data Plot and Equation



Reset Zoom **Restore**

X Study Site — Fitted Curve - - - Average Rate

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

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:
 $T = 2.89(X) + 24.82$

R²:
 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)

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

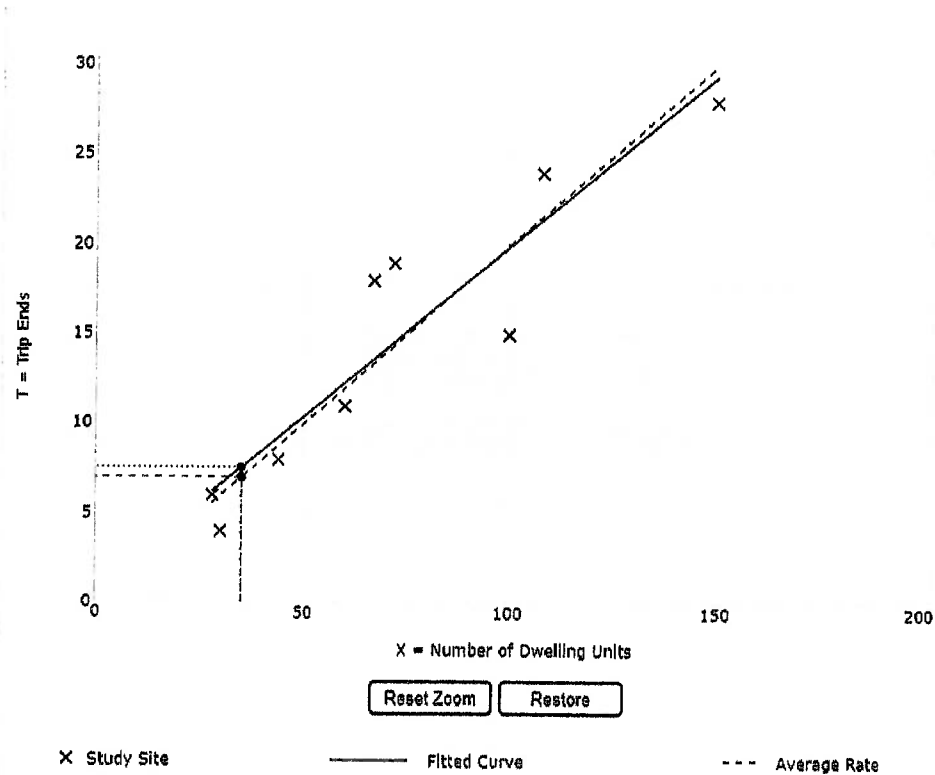
INDEPENDENT VARIABLE (IV):
 Dwelling Units

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:
 $T = 0.19(X) + 0.90$

R²:
 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

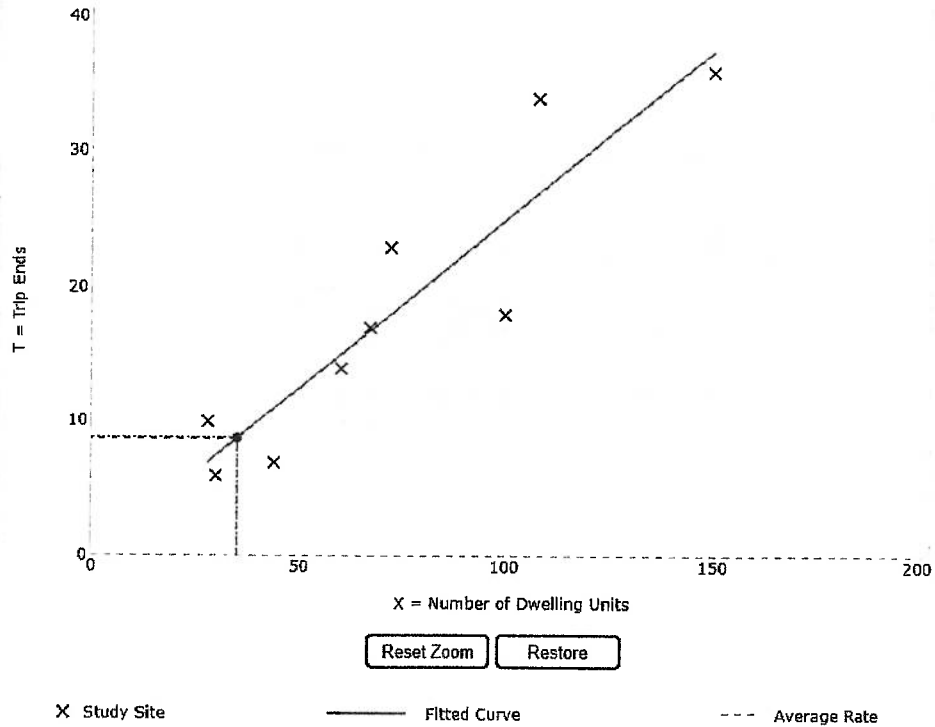
INDEPENDENT VARIABLE (IV):
 Dwelling Units

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:
 $T = 0.25(X) + 0.07$

R²:
 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:

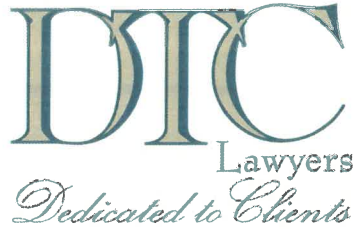
Sharon Cuddy Somers, Esq.
Donahue, Tucker & Ciandella, PLLC
16 Acadia Lane
Exeter, NH 03833

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. AESCHLIMAN

August 8, 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 architectural renderings to supplement the application for variances which was filed on August 1, 2022.

We look forward to being before the Board on August 16, 2022. 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 08 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





SCALE | 1" = 40'-0"





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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



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
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VASILIOS "VAS" MANTHOS
ELAINA L. HOEPPNER
WILLIAM K. WARREN

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

October 18, 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 tonight's ZBA meeting. Under the circumstances we respectfully request to postpone our application so that it is heard at the November 15, 2022 meeting.

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

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers
SCS/sac

cc: Justine Vogel, RiverWoods Company
Altus Engineering
AG Architects

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.¹ 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

¹ 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 2019)
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

Tax Map 98, Lot 37
"The Boulders"

RUNAWIT RD

BLACKFORD DR

PICKPOCKET RD

PICKPOCKET RD

JOLLEY-RAND RD

JOLLEY-RAND RD

OFF KINGSTON RD

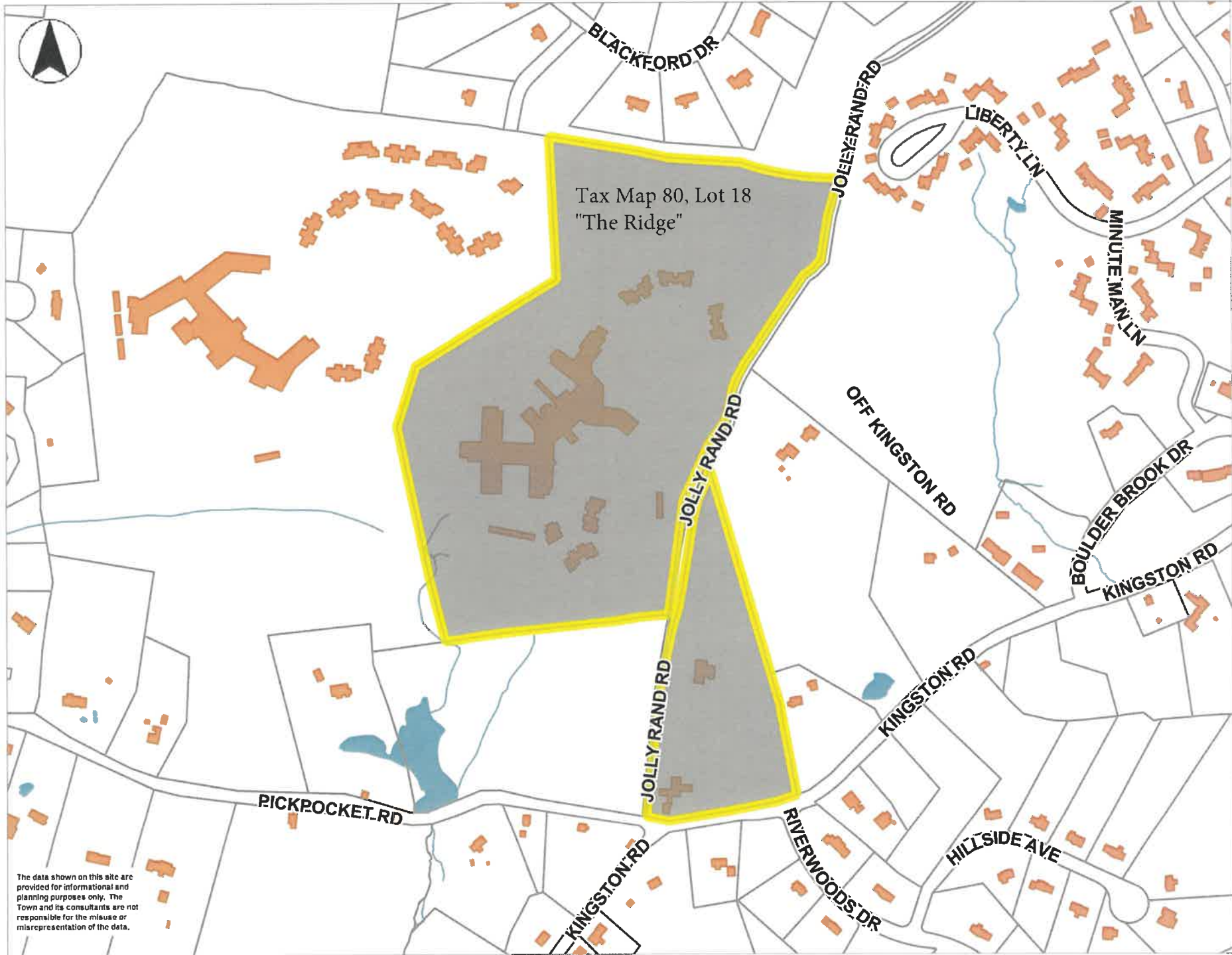
KINGSTON RD

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

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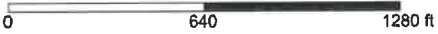
Exeter MapsOnline



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.



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

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>Mantha Herman</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

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

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 :

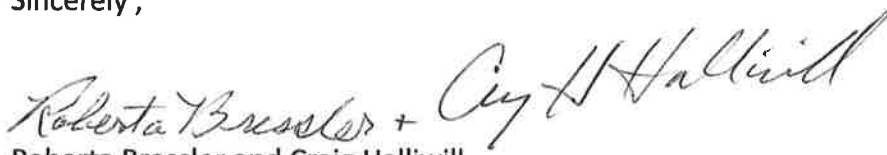
EXETER PLANNING OFFICE

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





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

October 3, 2022

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

Re: 107 Ponemah Road, LLC, Tax Map 82, Lot 11
Application for Special Exception

Dear Chair Baum and Board Members

Attached please find an application for the above referenced property to allow for Residential Conversion pursuant to Exeter Zoning Ordinance Article 4, Section 4.2 Schedule I to convert the existing single-family dwelling with attached barn to a three-family home together with supporting materials, abutter list and labels and check for filing fees. Under separate cover we will provide a plan showing the existing and proposed conditions of the property, generalized floor plans and details on the proposed landscaping and screening.

We respectfully request that this matter be scheduled at the October 18, 2022 meeting.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers
SCS/sac
Enclosures
cc: 107 Ponemah Road, LLC
Henry Boyd

S:\01-99\107 Ponemah Road, LLC\Town of Exeter\ZBA Special Exception\2022 10 03 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

November 3, 2022

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

Re: 107 Ponemah Road, LLC, Tax Map 82, Lot 11
Application for Special Exception, ZBA Case 22-17

Dear Chair Baum and Board Members

This letter follows on the application for special exception which was filed with the Board on October 3, 2022. That filing indicated that additional supporting information would be submitted under separate cover. At this time, the additional information has not been finalized for submission to the Board. Additionally, the undersigned has a scheduling conflict with the December meeting. Accordingly, we respectfully request that this matter be continued to the Board's January 17, 2023 meeting.

If you have any questions do not hesitate to contact me.

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

cc: 107 Ponemah Road, LLC
Henry Boyd



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
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VASILIOS "VAS" MANTHOS
ELAINA L. HOEPPNER
WILLIAM K. WARREN

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

October 12, 2022

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

Re: 107 Ponemah Road, LLC, Tax Map 82, Lot 11
Application for Special Exception, ZBA Case 22-17

Dear Chair Baum and Board Members

This letter follows on the application for special exception which was filed with the Board on October 3, 2022. That filing indicated that additional supporting information would be submitted under separate cover. At this time, the additional information has not been finalized for submission to the Board. Accordingly, we respectfully request that this matter be continued to the Board's November 15, 2022 meeting.

If you have any questions do not hesitate to contact me.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers
SCS/sac

cc: 107 Ponemah Road, LLC
Henry Boyd

S:\01-99\107 Ponemah Road, LLC\Town of Exeter\ZBA Special Exception\2022 10 12 ZBA Letter re continuance.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

Town of Exeter
APPLICATION FOR

SPECIAL EXCEPTION

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

Name of Applicant 107 Ponemah Road, LLC
(If other than property owner, a letter of authorization will be required from property owner)

Address PO Box 234, Windham, NH 03087

Telephone Number (603) 501-9268

Property Owner 107 Ponemah Road, LLC

Location of Property 50 Linden Street, Exeter, Map 82, Lot 11

Applicant 107 Ponemah Road, LLC, By their Attorneys, Donahue, Tucker & Ciandella
Signature *Sharon Cuddy Somers*
Sharon Cuddy Somers, Esq.
Date 10/3/22

*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 SPECIAL EXCEPTION

1. Currently existing use and/or situation: _____

SEE ATTACHED

2. Proposed use and/or situation: _____

SEE ATTACHED

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

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

SEE ATTACHED

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;

SEE ATTACHED

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

SEE ATTACHED

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.

SEE ATTACHED

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

SEE ATTACHED

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;

SEE ATTACHED

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

SEE ATTACHED

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.

SEE ATTACHED

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

SEE ATTACHED

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;

SEE ATTACHED

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;**

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.

**107 PONEMAH ROAD, LLC
TAX MAP 82, LOT 11
50 LINDEN STREET
ABUTTER LIST**

OWNER/APPLICANT:

82/11 107 Ponemah Road, LLC
131 Daniel Webster Highway #888
Nashua, NH 03060

ABUTTERS:

82/18 Exeter Cemetery Association
PO Box 29
Exeter, NH 03833

82/12 Albert & Laraine Bernier Living Trust
52 Linden Street
Exeter, NH 03833

82/13 Southern District YMCA
PO Box 729
Kingston, NH 03848

82/10 Theresa Page
Lucas Elsasser
46 Linden Street
Exeter, NH 03833

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

SURVEYOR: Henry Boyd
Millennium Engineering
13 Hampton Road
Exeter, NH 03833



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

Please Respond to the Exeter Office

LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
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VASILIOS "VAS" MANTHOS
ELAINA L. HOEPPNER
WILLIAM K. WARREN

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

October 3, 2022

Via Hand Delivery

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

**Re: Special Exception Application for Residential Conversion
50 Linden Street, R-2 Zone, Tax Map 82, Lot 11
Narrative Explanation**

Dear Chair Baum and Members of the Zoning Board:

This Firm (the "Applicant") represents 107 Ponemah Road, LLC (the "Applicant" or "Owners"), which owns the property situated at 50 Linden Street in Exeter, also identified as Tax Map 82, Lot 11 (the "Property"). The Applicant seeks a Special Exception for a Residential Conversion pursuant to Exeter Zoning Ordinance Article IV, Section 4.2 Schedule I to convert the existing single-family dwelling with attached barn to a three-family home. This letter is intended as a narrative summary of the proposed use and a detailed explanation as to why the proposed use meets each of the applicable Special Exception criteria for a Residential Conversion.

We respectfully request that the Zoning Board place this matter on the agenda for the Board's October 18, 2022 meeting.

I. Property Description and Proposed Use

The Property is a 0.35 acre lot of record that is improved by a 1.5-story, single-family home with attached barn and is situated in the Town's R-2 Zoning District. The single-family home situated on the Property contains approximately 2,433 square feet of living area. The existing home has 4 bedrooms. The existing structure was built in 1840 and has been used as a residence for at least ten years.

The Applicant seeks a Special Exception for a Residential Conversion to convert the existing single-family use to a three-family use. As explained in more detail below, the proposed use complies with all of the Special Exception Criteria applicable to Residential Conversions.

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

The Applicant submits that the applicable Special Exception criteria are met for the following reasons:

II. Article V, 5.2 Special Exception Criteria

A. The use is a permitted special exception as set forth in Article 4.2, Schedule I.

As noted above, the Property is situated in the R-2 District. Pursuant to Article IV, Section 4.2, Schedule I, Residential Conversions are permitted by Special Exception within the R-2 District, subject to compliance with additional Special Exception criteria set forth in the Schedule I Notes (discussed in detail below).

B. The use is designed, located, and proposed to be operated so as to protect the public health, safety, welfare, and convenience.

In submitting this Special Exception Application, the Applicant seeks to demolish the attached barn on the property and construct within substantially the same footprint a structure which will contain two dwelling units and the existing residence will remain as one dwelling unit. The Applicant does not propose any modifications to the exterior of the existing dwelling.

There is adequate space to accommodate two (2) dwelling units in a new structure in a building to be located where the barn currently sits, and which will have substantially the same footprint as the existing barn. The Property also uses municipal water, and the Applicant intends to extend the municipal sewer to the property in order to avoid the possible detrimental health and safety effects of on-site septic system to accommodate three dwelling units. Additionally, the Property presently has two driveways, each of which is long enough to park two cars. In addition, the Applicant proposes to create drive under garages within the new structure to accommodate the cars of the additional dwelling units.

Given that the Property's size and configuration are adequate to support the proposed use, the fact that the Property is served by municipal water and will be served by municipal sewer, and the fact that the Property has more than adequate off-street parking, the proposed use does not pose any threat to the public health, safety, welfare, or convenience.

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

The Applicant seeks a Residential Conversion to change the existing single-family use to that of a three-family use. The Property is zoned for residential use(s), including the current single-family use, as a matter of right, and the proposed three-family use, by Special Exception. The proposed use is also compatible with any adjoining post 1972 development in the form of single family homes and the Seacoast YMCA. The proposed use of the Property is thus in keeping with the R-2 District and will remain residential in character. Although there may be a slight intensification of use, the Property is well-situated to accommodate such intensification while remaining compatible with the R-2 Single-Family Residential District.

D. Adequate landscaping and screening are provided.

Addition details will be provided under separate cover.

E. Adequate off-street parking and loading are provided, and ingress and egress are designed so as to cause minimum interference with traffic on abutting streets.

Article V, Section 5.5.6, Off-Street Parking Schedule, requires 2 parking spaces for each multi-family unit of 2+ bedrooms. The existing residence has a total of four bedrooms, and therefore requires 2 parking spaces under Article V, Section 5.5.6. The proposed dwelling units in the barn will each have a total of 3-4 bedrooms, and therefore requires an additional 2 parking spaces each under Article V, Section 5.5.6. The proposed use thus requires a total of 6 off-street parking spaces. The Property presently has two driveways which can be used for parking for at least two cars and the Applicant proposes drive under garages in the barn as described above, providing adequate off-street parking for up to 4 cars. Accordingly, the Property presently has adequate off-street parking for the proposed use.

F. The use conforms with all applicable regulations governing the district where located.

The Property is a substandard, lawfully nonconforming lot of record inasmuch as it was created before the enactment of Zoning in Exeter and does not comport with the minimum lot width (90 feet exists where 100 feet is required) or the minimum side yard setback (4+/- feet is provided where 10 feet is required) although the Property does comport with all other dimension requirements for the R-2 District. Both the existing use and the proposed use otherwise comply with Article, IV, Section 4.2, Schedule I: Permitted Uses, Article V, Section 5.3, Existing Lot Regulations, Article V, Section 5.6, Off-Street Parking, and other applicable provisions of the Zoning Ordinance. The Property and use thus comport with all applicable regulations.

G. Town Planner review and Site Plan review.

The Applicant will seek Site Plan Approval from the Planning Board upon the granting of this request for Special Exception.

H. The use shall not adversely affect abutting or nearby property values.

The proposed use will not adversely affect abutting or nearby property values. As noted above, the Applicant intends to tie the lot into municipal sewer and a new structure will replace the existing barn; both actions will stabilize, or possibly enhance, the property values of the subject property. The residential use of the Property will remain the same and will not adversely affect the property values of nearby properties which include single family homes and the Seacoast YMCA. Any intensification of use occasioned by the proposed Residential Conversion will be minimal, given that the additional parked cars for the new units will be in a garage and the total

number of cars will have minimal impacts on the traffic on abutting streets. As a result of these minimally invasive changes, the proposed use will not affect the values of nearby properties.

I. The Application is not for the hazardous material that is potentially explosive.

The Applicant does not seek to store explosive materials on the Property, so Article V, Section 5.2.I is inapplicable to this Special Exception Application.

J. The Application is not for use on any of the following Tax Map Parcels: #70-101, #70-102, #70-103, #70-104, #69-2, #69-3 and/or #69-4.

The Property under review is Tax Map 82, Lot 11. As such, Article V, Section 5.2.J is inapplicable to this Special Exception Application.

III. Article IV, Section 4.2 Additional Special Exception Criteria for Conversions

A. The number of off-street parking spaces complies with Article 5.6 Off-Street Parking.

As detailed in Section II, E, above, Article V, Section 5.6 of the Zoning Ordinance requires a total of 6 off-street parking spaces for the proposed use. As proposed, the Property will have 6 off-street parking spaces and, accordingly, there is adequate off-street parking for the proposed use under Article V, Section 5.6.

B. The minimum lot size required shall be such that each dwelling unit is provided with thirty percent (30%) of the minimum lot size (per unit) required for the district.

Article IV, Section 4.2, Schedule I Note (b), applicable to Residential Conversions, provides that “[t]he minimum lot size required shall be such that each dwelling unit is provided with thirty percent (30%) of the minimum lot size (per unit) required for the district.” Article IV, Section 4.3, Schedule II, provides that the minimum lot size for single-family dwellings is 15,000 square feet per unit. Assuming that the lot size requirement referenced in Article IV, Section 4.2 Note (b) refers to the existing use rather than the proposed use, the minimum lot size for the proposed use is 4,500 square feet per unit ($30\% \times 15,000 \text{ square feet} = 4,500 \text{ square feet}$). Because the lot size of the Property is approximately 15,246 square feet the minimum lot size per dwelling unit is met.

C. The structure has been a residence for a minimum of ten (10) years.

The existing structure on the Property has been a single-family residence for at least 10 years. The structure was built in 1840 and has been used as a residence since that time.

D. The lot meets the open space requirements of Article IV, 4.3 Schedule II.

Article IV, Section 4.3, Schedule II Note 17 contains two categories for minimum open space in the R-2 district: lots using septic systems require a minimum of 60% open space, whereas lots using municipal sewer require a minimum of 40% open space. The Property will use municipal sewer and must therefore have a minimum of 40% open space. Given that the Property is approximately 15,246 square feet, this translates to a minimum of 6,099 square feet of open space.

The footprint of the existing single-family home and attached barn is approximately 3,425 square feet; additionally, there is approximately 200 square feet of paved driveway surface on the property. The total impervious surface of the Property, therefore, is approximately 3,625 square feet. The remaining 11,621 square feet of the Property is open space, thus exceeding the minimum of 6,099 square feet of open space. Accordingly, the lot meets the open space requirements of Article, IV, Section 4.3, Schedule II.

We intend to provide, under separate cover, a more refined analysis of the total impervious surface to be occupied which will include the proposed structures but since the footprint of the proposed structure will be substantially similar to that of the existing barn we are confident that we will meet the requirement of 6,099 square feet of open space.

E. For conversions intended to become rental units, one of the dwelling units shall remain owner-occupied.

The proposed Residential Conversion is intended to create three condominium units which will be sold therefore this requirement is not applicable.

F. Site Plan review.

The Applicant will seek Site Plan Approval from the Planning Board upon the granting of this request for Special Exception.

G. The Applicant does not request an expansion of the existing structure.

The Applicant does not propose an expansion of the existing structure, so it is unnecessary for the Zoning Board to consider same.

H. There are adequate septic facilities for both units.

The Applicant proposes to connect the property to the existing municipal sewer system and thus will have adequate septic facilities for all of the proposed dwelling units.

IV. Conclusion

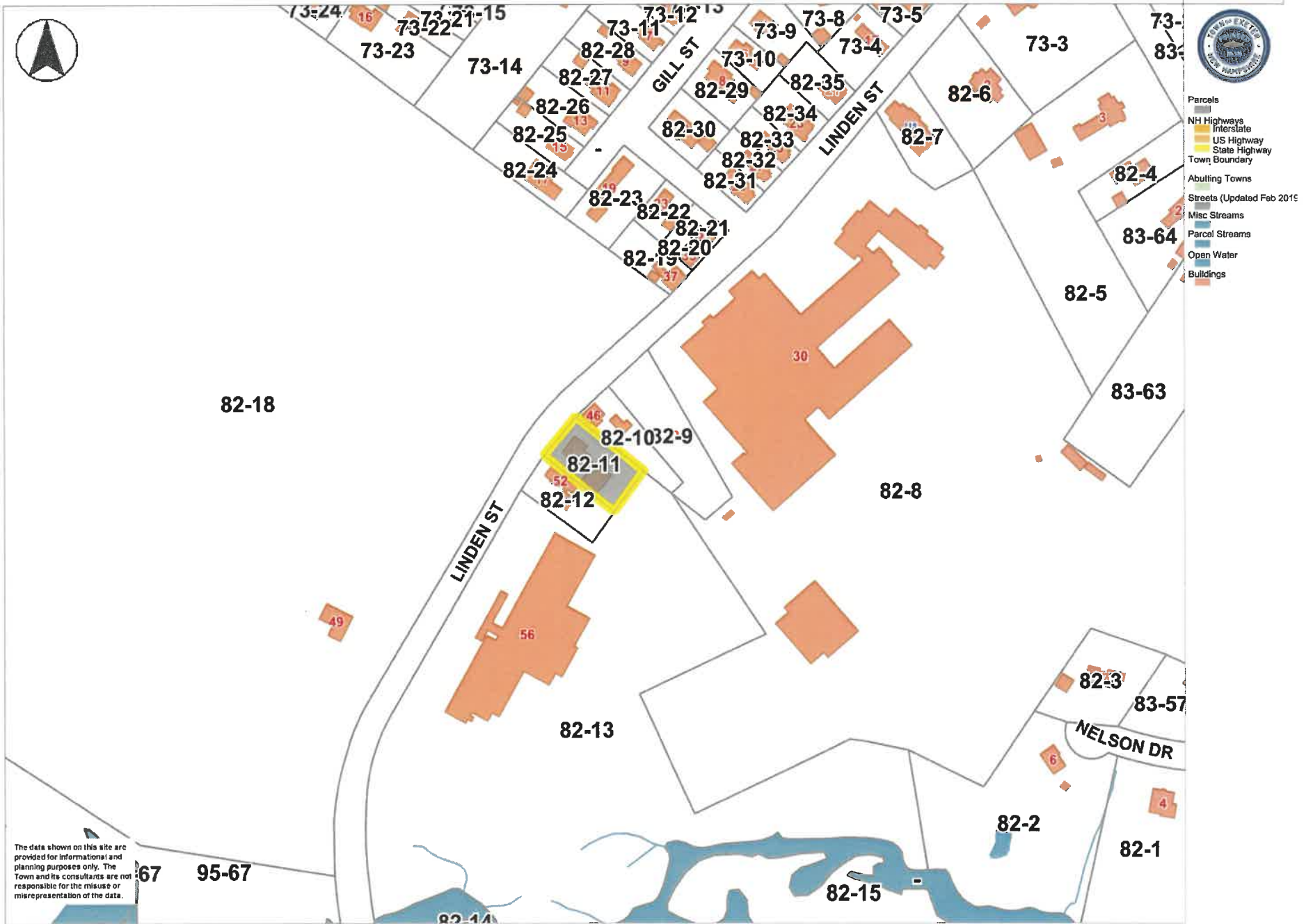
Based on the foregoing, the proposed use fully complies with all provisions of the Exeter Zoning Ordinance applicable to Special Exceptions for Residential Conversions, and the Applicant respectfully requests that the Board grant the requested Special Exception for Residential Conversion. Should the Board require additional information or have questions about any of the foregoing, please do not hesitate to contact me directly. Thank you for your time and consideration.

Very Truly Yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Sharon Cuddy Somers, Esq.
ssomers@dtclawyers.com

cc: 107 Ponemah Road, LLC



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.

0 320 640 ft

Printed on 09/07/2022 at 10:12 AM

Exeter MapsOnline

LETTER OF AUTHORIZATION

I, Gal Peretz, duly authorized representative of 107 Ponemah Road, LLC, owner of property depicted on Tax Map 82, Lot 11, 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: 09-30-2022

107 PONEMAH ROAD, LLC

Gal Peretz
Gal Peretz, duly authorized

Town of Exeter
APPLICATION FOR A

VARIANCE

Case Number:	<u>ZBA# 22-18</u>
Date Filed:	<u>10/28/22</u>
Application Fee:	\$ <u>100.00</u>
Abutter Fees:	\$ <u>50.00</u>
Legal Notice Fee:	\$ _____
TOTAL FEES:	\$ <u>150.00</u>
Date Paid	<u>10/28/22</u> Check # <u>7106</u>

Name of Applicant RICHARD AND DEBBI SCHAEFER
(If other than property owner, a letter of authorization will be required from property owner)

Address 24 POWDER MILL RD

Telephone Number (603) 772-8637

Property Owner _____

Location of Property 24 POWDER MILL RD
ZONE R-1 MAP 102 LOT 4

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

Applicant Signature [Signature] Debbi L Schaefer

Date 10/28/22

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 5 section 3.3 of the Exeter zoning ordinance to permit:

THE USE OF TEST PITS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM WITH LESS THAN 24" TO SEASONAL HIGH WATER TABLE.

THE PROPOSAL IS TO ALLOW DAUGHTER TO HAVE HER OWN LOT. (FAMILY SUBDIVISION)

FACTS SUPPORTING THIS REQUEST:

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

BECAUSE IT WILL ALLOW A GOOD AND REASONABLE
USE OF THE PROPERTY.

2. The spirit of the ordinance is observed;

BECAUSE ALL STANDARDS OF CARE WILL
BE USED TO DESIGN A SEPTIC SYSTEM
TO SATISFY AHDES.

3. Substantial justice is done;

BECAUSE IT WILL ALLOW A 2 LOT SUBDIVISION
ON A 17 ACRE PARCEL AND ALLOW FAMILY
TO STAY TOGETHER

4. The values of surrounding properties are not diminished;

THIS PROPOSAL WILL HAVE NO IMPACT
ON SURROUNDING PROPERTY VALUES.

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

BECAUSE IT WOULD DENY A VERY GOOD USE
ON A VERY LARGE PIECE OF PROPERTY

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.

Millennium Engineering, Inc.

P.O. Box 745
(603) 778-0528

Exeter, NH 03833
FAX (603) 772-0689

October 27, 2022

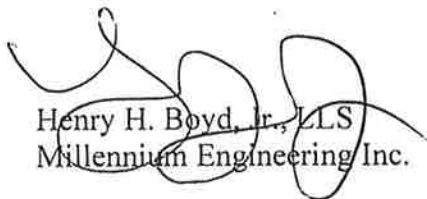
Town of Exeter
Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

Re: Request for relief form Article 5.3.3 for Map 102 Lot 4, 24 Powder Mill Road Road
Exeter, NH.

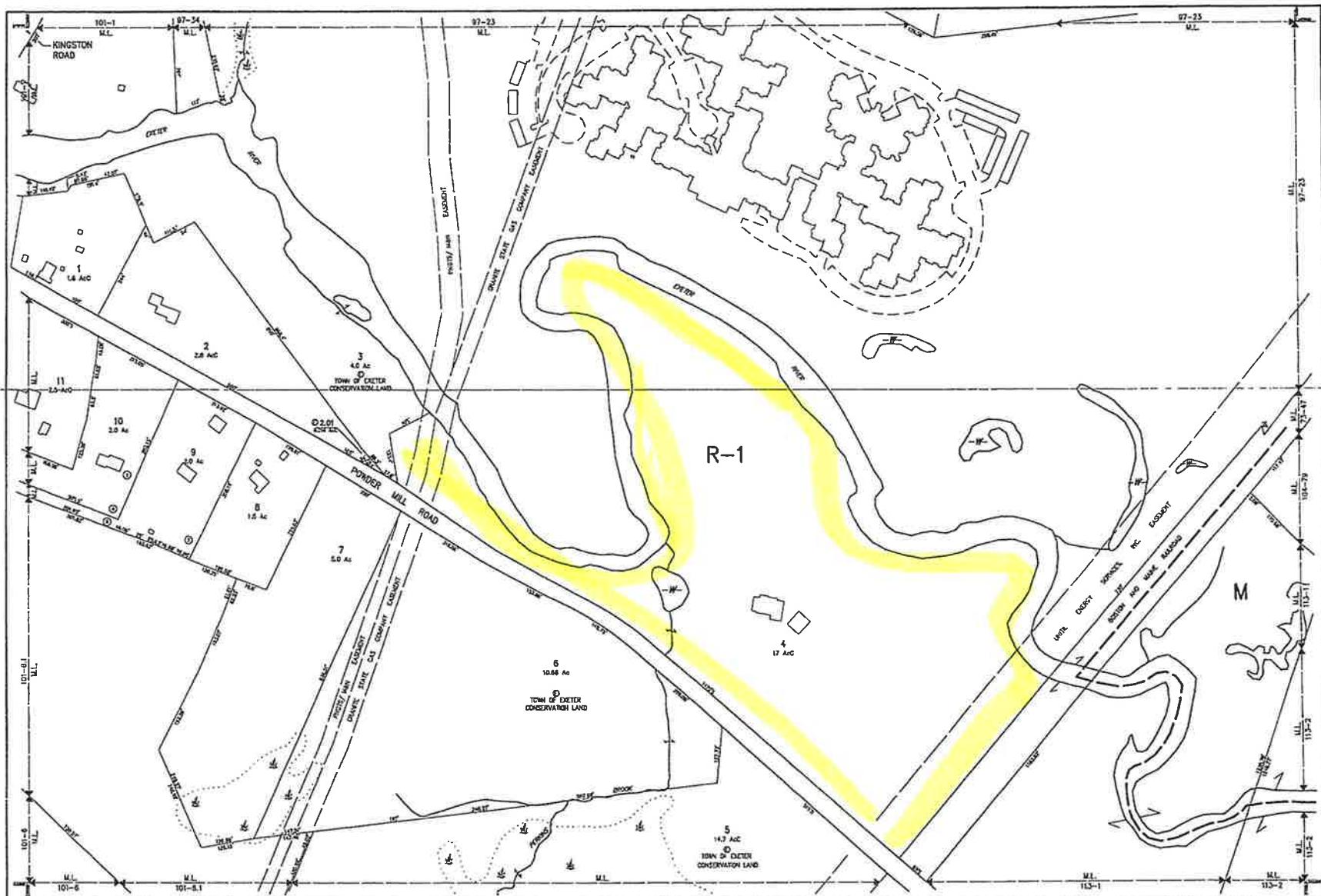
Dear Chairman:

The request is sought to allow test pits to be recognized with a depth to the estimated seasonal high water table of less than 24". This will allow for a family subdivision and eventual individual septic design for a new proposed dwelling.

Respectfully,



Henry H. Boyd, Jr., LLS
Millennium Engineering Inc.



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, 1993

COMPLETION DATE: MARCH 26, 1998

PRODUCED BY 1998 ©

Earth Technologies

11 PLAZA DRIVE, LITTLETON, COLORADO 80120

AREA NUMBER: AC

AREA CALCULATED: AC

BOUNDARY DIMENSION: FEET

BATCH LINES: FEET

WATER: FEET

LEGEND

DUMP PROPERTY: (Symbol)

UNASSIGNED LOT NO.: (Symbol)

WIDE OF HIGHWAY: (Symbol)

CONTRACT DIMENSION: (Symbol)

BUILDING: (Symbol)

RELIEF: (Symbol)

SCALE 1" = 100'

FEET: 0 100 200 300

METERS: 0 25 50 75

REVISED TO: APRIL 1, 2021

PROPERTY MAPS

EXETER

NEW HAMPSHIRE

INDEX DIAGRAM

08	07	06
101	102	103
114	113	112

MAP NO. **102**

BK2614 P0944

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That JOHN J. MASTROELLI and LILLIAN L. MASTROELLI of 229 Lynn Fella Parkway, Melrose, County of Middlesex and Commonwealth of Massachusetts, for consideration paid, grant to RICHARD C. SCHAEFER and DEBBI L. SCHAEFER, husband and wife, with a mailing address of P.O. Box 279, Hampton Falls, New Hampshire, as joint tenants with rights of survivorship; with WARRANTY COVENANTS, the following described premises:

A certain tract of land containing twenty-one acres, more or less, situated in Exeter, in the County of Rockingham and State of New Hampshire, bounded southerly by the Powder Mill Road; westerly by land now or formerly of the Exeter Manufacturing Co.; northerly by the Exeter River, and easterly by the Boston and Main Railroad right of way.

Being the same premises conveyed to the grantors by deed of Walter A. Stone and Helen M. Stone dated September 23, 1975, and recorded in Rockingham County Registry of Deeds Book 2244, Page 0603.

Subject to the following easements insofar as the same may apply: To the New England Telephone and Telegraph Company dated July 17, 1941, and recorded in said Registry, Book 991, Page 162; to Allied New Hampshire Gas Company dated October 5, 1955, and recorded in said Registry Book 1372, Page 185, and to Exeter and Hampton Electric Company dated January 31, 1972, and recorded in said Registry Book 2136, Page 135.

And we, being husband and wife, release to said grantors all rights of homestead and other interests in and unto the premises herein conveyed.

WITNESS our hands this 3 day of July, 1986.

Witness:

[Signature]

(to both)

[Signature]

John J. Mastroelli

[Signature]

Lillian L. Mastroelli

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS

July 3, 1986

Personally appeared the above named John J. Mastroelli and Lillian L. Mastroelli and acknowledged the foregoing to be their voluntary act and deed.
Before me,

[Signature]

Justice of the Peace/Notary Public

JUL 3 3 57 PM '86

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

40189

1 2 2 4 3 3

STATE OF NEW HAMPSHIRE
TAX ON TRANSFER OF REAL PROPERTY
STATE TAX COMMISSION
JUL '86
262.50
10669

ASSESSOR'S RESEARCH SHEET

CLIENT: *CHRISTINE RUPP* PROJECT #: _____ DATE: *10-26-22*

PROJECT ADDRESS: *24 POWDER MILL RD EXETER NH 03833*

MAP	LOT	NAME / PROPERTY ADDRESS	DEED REFERENCE		LOCUS
102	4	SCHAEFER FAMILY REV. TRST	BOOK	PAGE	24 POWDER MILL RD
		<i>RICHARD C. & DEBBI L. SCHAEFER TRUST</i>	<i>4329</i>	<i>1795</i>	<i>EXETER NH</i>
		<i>24 POWDER MILL RD</i>	PLAN REFERENCE		ESMT'S ETC.
		NOTES: <i>EXETER NH 03833</i>	BOOK	PLAN	
102	5	TOWN OF EXETER	BOOK	PAGE	<i>35 POWDER MILL RD</i>
		<i>10 FRONT STREET</i>			<i>EXETER, NH</i>
		<i>EXETER, NH 03833</i>	PLAN REFERENCE		ESMT'S ETC.
		NOTES:	BOOK	PLAN	
102	6	TOWN OF EXETER	BOOK	PAGE	<i>25 POWDER MILL RD</i>
		<i>10 FRONT STREET</i>	<i>4438</i>	<i>1701</i>	<i>EXETER NH</i>
		<i>EXETER, NH 03833</i>	PLAN REFERENCE		ESMT'S ETC.
		NOTES:	BOOK	PLAN	
102	7	CREGAN FAMILY REV. TRUST	BOOK	PAGE	<i>19 POWDER MILL RD</i>
		<i>THOMAS & RENEE CREGAN TRUST</i>	<i>5985</i>	<i>0783</i>	<i>EXETER, NH</i>
		<i>19 POWDER MILL RD</i>	PLAN REFERENCE		ESMT'S ETC.
		NOTES: <i>EXETER NH 03833</i>	BOOK	PLAN	
102	3	TOWN OF EXETER	BOOK	PAGE	<i>POWDER MILL RD</i>
		<i>10 FRONT STREET</i>	<i>2400</i>	<i>0092</i>	<i>EXETER, NH</i>
		<i>EXETER NH 03833</i>	PLAN REFERENCE		ESMT'S ETC.
		NOTES:	BOOK	PLAN	



MILLENNIUM ENGINEERING, INC.

ENGINEERING AND LAND SURVEYING

62 ELM STREET SALISBURY MA. 01952

PHONE: (978) 463-8980

ASSESSOR'S RESEARCH SHEET

CLIENT: *CHRISTINE RUPP* PROJECT #: _____ DATE: *10-26-2022*

PROJECT ADDRESS: *24 POWDER MILL RD EXETER NH 03833*

MAP	LOT	NAME / PROPERTY ADDRESS	DEED REFERENCE		LOCUS
			BOOK	PAGE	
<i>113</i>	<i>01</i>	<i>TOWN OF EXETER</i>	<i>1500</i>	<i>0347</i>	<i>48 POWDER MILL RD</i>
		<i>10 FRONT STREET</i>			<i>EXETER NH</i>
		<i>EXETER, NH 03833</i>	PLAN REFERENCE		ESMT'S ETC.
NOTES:			BOOK	PLAN	
<i>113</i>	<i>04</i>	<i>BRUCE M. WHITE &</i>	<i>5400</i>	<i>2533</i>	<i>45 POWDER MILL RD</i>
		<i>TIMOTHY L. WHITE</i>			<i>EXETER NH</i>
		<i>126 LINDEN STREET</i>	PLAN REFERENCE		ESMT'S ETC.
NOTES: <i>EXETER NH 03833</i>			BOOK	PLAN	
<i>97</i>	<i>23</i>	<i>RIVERWOODS CO AT EXETER</i>	<i>3166</i>	<i>0235</i>	<i>7 RIVERWOODS DR</i>
		<i>ATTN. NEB RIDDELL</i>			<i>EXETER, NH</i>
		<i>7 RIVERWOODS DR</i>	PLAN REFERENCE		ESMT'S ETC.
NOTES: <i>EXETER, NH 03833</i>			BOOK	PLAN	
<i>73</i>	<i>47</i>	<i>BOSTON & MAINE RAILROAD</i>			
		<i>1700 IRON HORSE PARK</i>			
		<i>NORTH BILLERICA, NH 01862</i>	PLAN REFERENCE		ESMT'S ETC.
NOTES:			BOOK	PLAN	
			BOOK	PAGE	
			PLAN REFERENCE		ESMT'S ETC.
NOTES:			BOOK	PLAN	



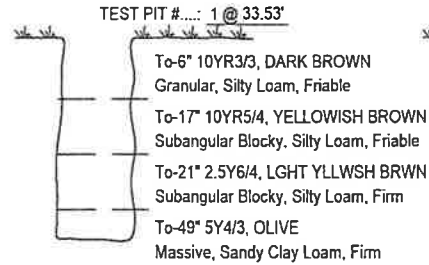
MILLENNIUM ENGINEERING, INC.

ENGINEERING AND LAND SURVEYING

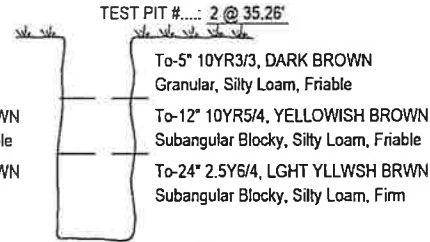
62 ELM STREET SALISBURY MA. 01952

PHONE: (978) 463-8980

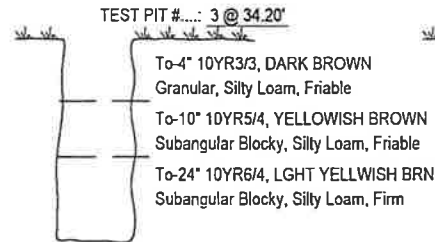
Test Pit Logs



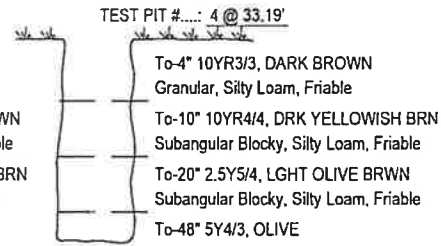
Seeping @.....: NA"
 Roots to.....: 17"
 ESHWT @.....: 17" / 32.12'
 Date Logged.....: 24-Aug-2022
 Logged By: Micah Denner



Seeping @.....: NA"
 Roots to.....: 12"
 ESHWT @.....: 12" / 34.26'
 Date Logged.....: 24-Aug-2022
 Logged By: Micah Denner



Seeping @.....: NA"
 Roots to.....: 10"
 ESHWT @.....: 10" / 33.37'
 Date Logged.....: 24-Aug-2022
 Logged By: Micah Denner



Seeping @.....: NA"
 Roots to.....: 10"
 ESHWT @.....: 10" / 32.36'
 Date Logged.....: 24-Aug-2022
 Logged By: Micah Denner

Soil Classification

Soil data provided by; SoilWeb @ UC Davis & NRCS
 33A - Scitico silt loam
 0 to 5 percent slopes

Scale: N.T.S.

Christine Rupp

Designer:

24 Powder Mill Rd
 Exeter, NH 03833

Septic Designs of NH
 12 Folsom Street
 Exeter, NH 03833
 (603) 714-7018

Owner: Shafer Family Rev Liv Trust
 Address: 24 Powder Hill Rd

Plan #: Map 102, Lot 4

AUTO

Date:

AUTO



Millennium Engineering, Inc.
P.O. Box 745
13 Hampton Rd.
Exeter, NH 03833

Millennium Engineering, Inc.
P.O. Box 745
13 Hampton Rd.
Exeter, NH 03833

Millennium Engineering, Inc.
P.O. Box 745
13 Hampton Rd.
Exeter, NH 03833

Town of Exeter
10 Front Street
Exeter, NH 03833

Town of Exeter
10 Front Street
Exeter, NH 03833

Town of Exeter
10 Front Street
Exeter, NH 03833

Cregan Family Rev. Trust
Thomas & Renee Cregan Trustees
19 Powder Mill Rd.
Exeter, NH 03833

Cregan Family Rev. Trust
Thomas & Renee Cregan Trustees
19 Powder Mill Rd.
Exeter, NH 03833

Cregan Family Rev. Trust
Thomas & Renee Cregan Trustees
19 Powder Mill Rd.
Exeter, NH 03833

Bruce M. White & Timothy L. White
126 Linden St.
Exeter, NH 03833

Bruce M. White & Timothy L. White
126 Linden St.
Exeter, NH 03833

Bruce M. White & Timothy L. White
126 Linden St.
Exeter, NH 03833

Riverwoods Co at Exeter
Attention: Deb Riddell
7 Riverwoods Dr.
Exeter, NH 03833

Riverwoods Co at Exeter
Attention: Deb Riddell
7 Riverwoods Dr.
Exeter, NH 03833

Riverwoods Co at Exeter
Attention: Deb Riddell
7 Riverwoods Dr.
Exeter, NH 03833

Richard and Debbi Schaefer
24 Powder Mill Road
Exeter, New Hampshire 03833

Richard and Debbi Schaefer
24 Powder Mill Road
Exeter, New Hampshire 03833

Richard and Debbi Schaefer
24 Powder Mill Road
Exeter, New Hampshire 03833

Boston & Maine Railroad
1700 Iron Horse Park
North Billerica, MA 01862

Boston & Maine Railroad
1700 Iron Horse Park
North Billerica, MA 01862

Boston & Maine Railroad
1700 Iron Horse Park
North Billerica, MA 01862

To the Zoning Board of Adjustment:

We, Stacey and John Rogers, are the owners of 29 Hampton Road, Exeter, NH. In accordance with Special Exceptions, Article 4.2, we are seeking authorization to lease our backyard "in-law suite" to renters. The structure meets all requirements outlined in Special Exceptions; Article 4.2, Schedule I. No further development of this space is required, as it was legally renovated prior to our ownership of the property.

Renting this space out would directly benefit the town of Exeter in the areas of tourism and commerce. Exeter is a unique and picturesque town with a vibrant community in a highly convenient location. Making this space available to short-term renters would increase exposure and tourism while boosting local business sales.

Alternatively, a property for long-term leasing would also benefit our surrounding neighborhoods. As home sales and interest rates continue to rise, home ownership has become increasingly inaccessible to many residents. A clean, comfortable, affordable rental would be a boon to quality individuals or young families in our immediate community. It might also attract new residents who could bring new energy and ideas, adding to the already bright future of Exeter.

We therefore request that the Zoning Board authorize our space for use as a rental. The flexibility and accessibility of rental spaces is an important consideration in this day and age, and there's no reason our property should sit idle. Thank you for your consideration, and we hope to hear from you soon.

Sincerely,

John and Stacey Rogers

Town of Exeter
APPLICATION FOR

SPECIAL EXCEPTION

Case Number:	<u>2BA# 22-19</u>
Date Filed:	<u>10/31/22</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	_____ Check # _____

Name of Applicant John Luke Rogers
(If other than property owner, a letter of authorization will be required from property owner)


Address 29 Hampton Road, Exeter, NH 03833

Telephone Number (858) 877-8245

Property Owner John Luke Rogers

Location of Property 29 Hampton Road, Exeter, NH 03833
TM# 87-23-3 R-2

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

Applicant Signature 

Date 11/3/2021

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: There is currently a
converted pool house on the property designated
for use as a "guest house" or "in-law suite."

2. Proposed use and/or situation: We would like to obtain
permission from the town of Exeter to rent
this space out.

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

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

There is a map of the property, complete
with dimensions, an abutter's list, a letter of
explanation, and pre-printed labels for each abutter
attached.

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;

This is an R-2 zone property. Special exceptions include two-family homes, bed and breakfasts and accessory dwelling units. We would like to rent it out as one of these uses. We plan to rent it as an accessory dwelling unit.

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

Public health and safety is a top priority. We will be diligent in vetting who rents the space according to public health, safety, welfare & convenience standards. The building conforms to health and safety regulations.

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.

The ADU complies with all regulations
~~are~~ listed in 4.1 Schedule I 2. Accessory Dwelling
Units.

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

Adequate landscaping + screening are provided.

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;

The property is off the road with a ~~1~~ 2 car
driveway provided. There is additional 2-3 car parking
in the driveway of the primary residence.

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 use conforms with all applicable regulations governing the district where it is located.

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.

We will comply with what the Board of Adjustment deems necessary or best with the property.

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

The use will not impact abutting property values. With the goal of bringing renters in to help boost the local economy & town profile, the argument can be made that properties such as these can increase town home values over the course of years.

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;

N/A for this property

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;**

N/A for this property

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.

NR

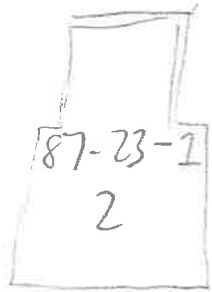
Rental Property, 29 Hampton rd. Exeter, NH 03833

Owner: Exeter Town HOA
P.O. Box 542, Exeter, NH 03833

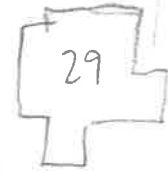
87-3-31

Hunter Place

Hampton Rd.



Owner: Jan Grotenhuis
2 Hunter Pl, Exeter, NH
03833

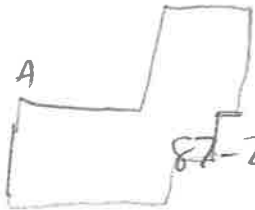


87-23



87-23-3

Owner: Lynda Cote
31 Hampton rd. Exeter, NH
03833



Owner: Kamei / Family Trust
2A Hunter Place, Exeter, NH
03833

ABUTTERS LIST for: 29 Hampton Road, Exeter, New Hampshire 03833

1.) Exeter Farms Rd, Exeter, New Hampshire 03833

Mailing Address: PO Box 541, Exeter, NH 03833

Owner: Exeter Farms Home Owners Association

2.) 2 Hunter Pl, Exeter, New Hampshire 03833

Owner: Ian Grotenhuis

3.) 2A Hunter Pl, Exeter, New Hampshire 03833

Owner: Lemoi/Allen Family Trust

4.) 31 Hampton Rd, Exeter, New Hampshire 03833

Owner: Lynda Cote

5. 29 Hampton Rd. Exeter, New Hampshire 03833
owner: Luke & Stacey Rogers

3 labels each

Exeter Farms Home
Owners Association
PO Box 541
Exeter, NH 03833

Lemoui/Allen Family Trust
2A Hunter Place
Exeter, NH 03833

Exeter Farms Home
Owners Association
PO Box 541
Exeter, NH 03833

Lemoui/Allen Family Trust
2A Hunter Place
Exeter, NH 03833

Exeter Farms Home
Owners Association
PO Box 541
Exeter, NH 03833

Lynda Cote
31 Hampton Road
Exeter, NH 03833

Exeter Farms Home
Owners Association
PO Box 541
Exeter, NH 03833

Lynda Cote
31 Hampton Road
Exeter, NH 03833

Ian Grotenhuis
2 Hunter Place
Exeter, NH 03833

Lynda Cote
31 Hampton Road
Exeter, NH 03833

Ian Grotenhuis
2 Hunter Place
Exeter, NH 03833

Lynda Cote
31 Hampton Road
Exeter, NH 03833

Ian Grotenhuis
2 Hunter Place
Exeter, NH 03833

Luke & Stacey Rogers
29 Hampton Road
Exeter, NH 03833

Ian Grotenhuis
2 Hunter Place
Exeter, NH 03833

Luke & Stacey Rogers
29 Hampton Road
Exeter, NH 03833

Lemoui/Allen Family Trust
2A Hunter Place
Exeter, NH 03833

Luke & Stacey Rogers
29 Hampton Road
Exeter, NH 03833

Lemoui/Allen Family Trust
2A Hunter Place
Exeter, NH 03833

Luke & Stacey Rogers
29 Hampton Road
Exeter, NH 03833

October 31, 2022

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

To Whom it May Concern:

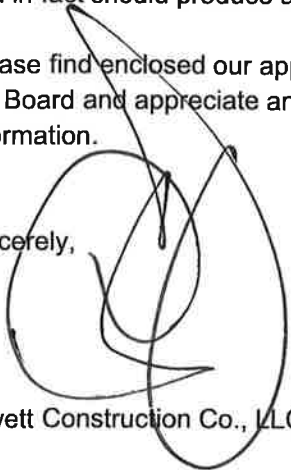
This letter serves as a formal appeal for a Special Exception to be granted at 12 Little River Road, Map 62 Lot 90-0 under current ownership as Calvary Baptist Church. The subject parcel is under agreement with the current Ownership. It is the intent of the Applicant to convert the existing church into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

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;**

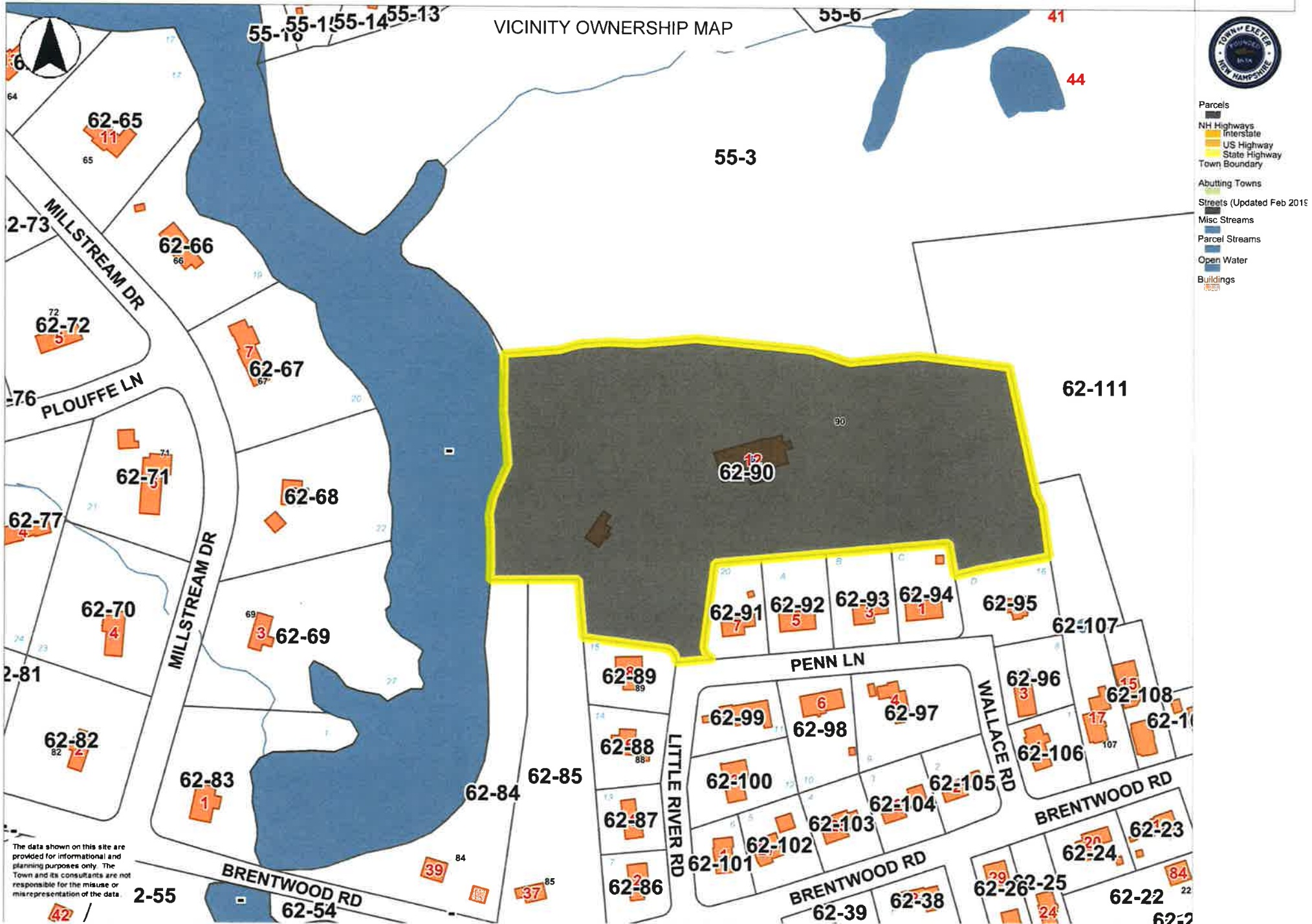
- Not applicable



12 Little River Road Abutters

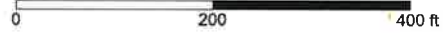
55-3	Seacoast Early Learning Center	Center Real Estate Dev LLC	5 McKay Dr	Exeter	NH	03833
	Integrity Ventures		21 Red Fox Ln	Barrington	NH	03825
	Colcord Pond Associates LLC		80 Nashua Dr Suite 24	Londonderry	NH	03053
	Boulders Realty Corp		PO Box 190	Exeter	NH	03833
62-67	Mike-Mayer Robert		7 Millstream 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**

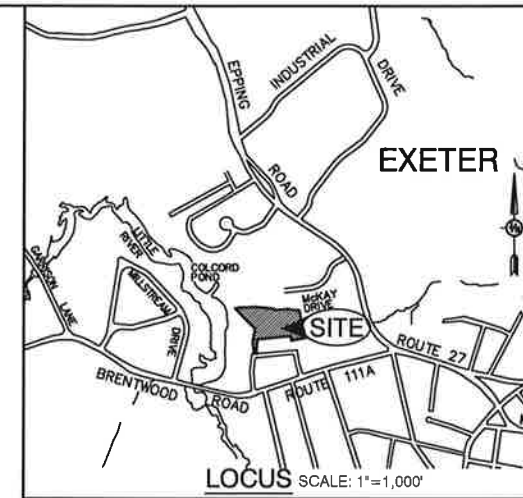
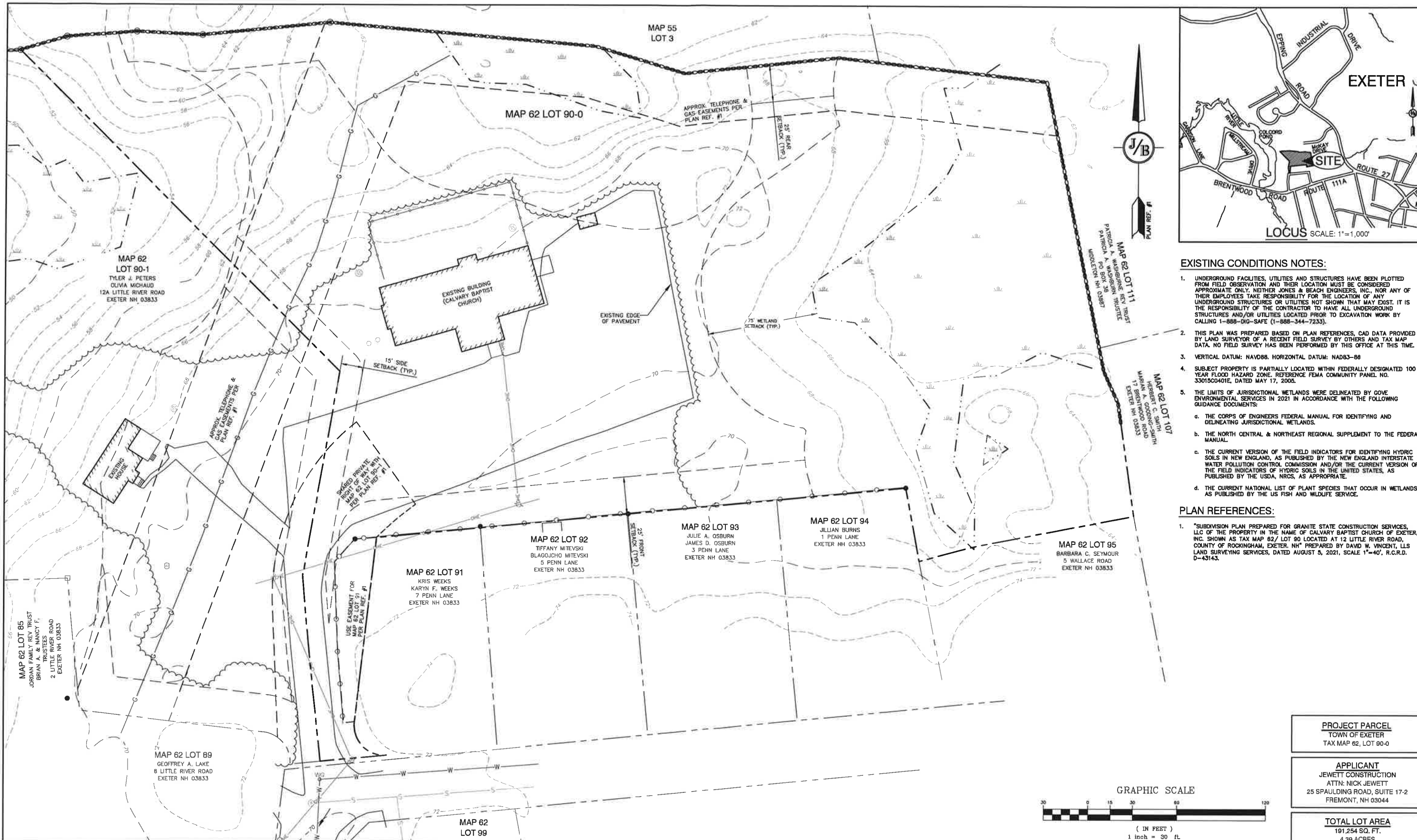
To Whom It May Concern:

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

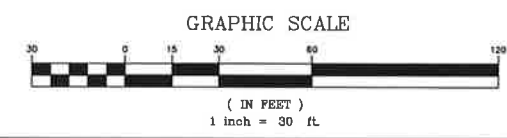


EXISTING CONDITIONS NOTES:

1. 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).
2. 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.
3. VERTICAL DATUM: NAVD88. HORIZONTAL DATUM: NAD83-88
4. SUBJECT PROPERTY IS PARTIALLY LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33019C0401E, DATED MAY 17, 2005.
5. THE LIMITS OF JURISDICTIONAL WETLANDS WERE DELINEATED BY GOVE ENVIRONMENTAL SERVICES IN 2021 IN ACCORDANCE WITH THE FOLLOWING GUIDANCE DOCUMENTS:
 - a. THE CORPS OF ENGINEERS FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS.
 - b. THE NORTH CENTRAL & NORTHEAST REGIONAL SUPPLEMENT TO THE FEDERAL MANUAL.
 - c. 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.
 - d. THE CURRENT NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS, AS PUBLISHED BY THE US FISH AND WILDLIFE SERVICE.

PLAN REFERENCES:

1. "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

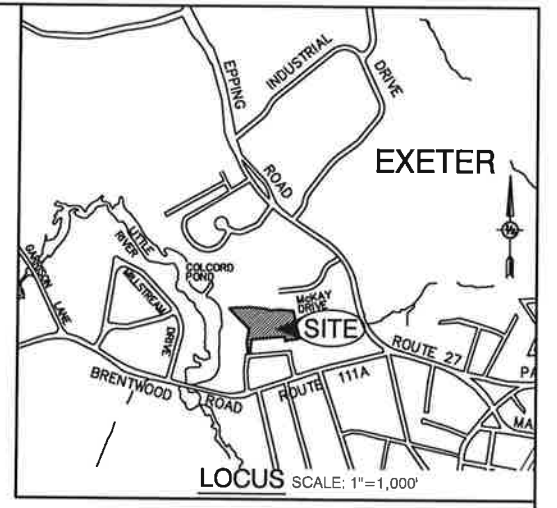
J/B Jones & Beach Engineers, Inc.

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	DRAWING No. C1
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	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.

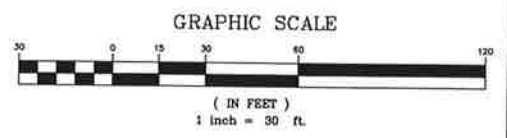
ABUTTERS NOT SHOWN:

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.



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. 4.36 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

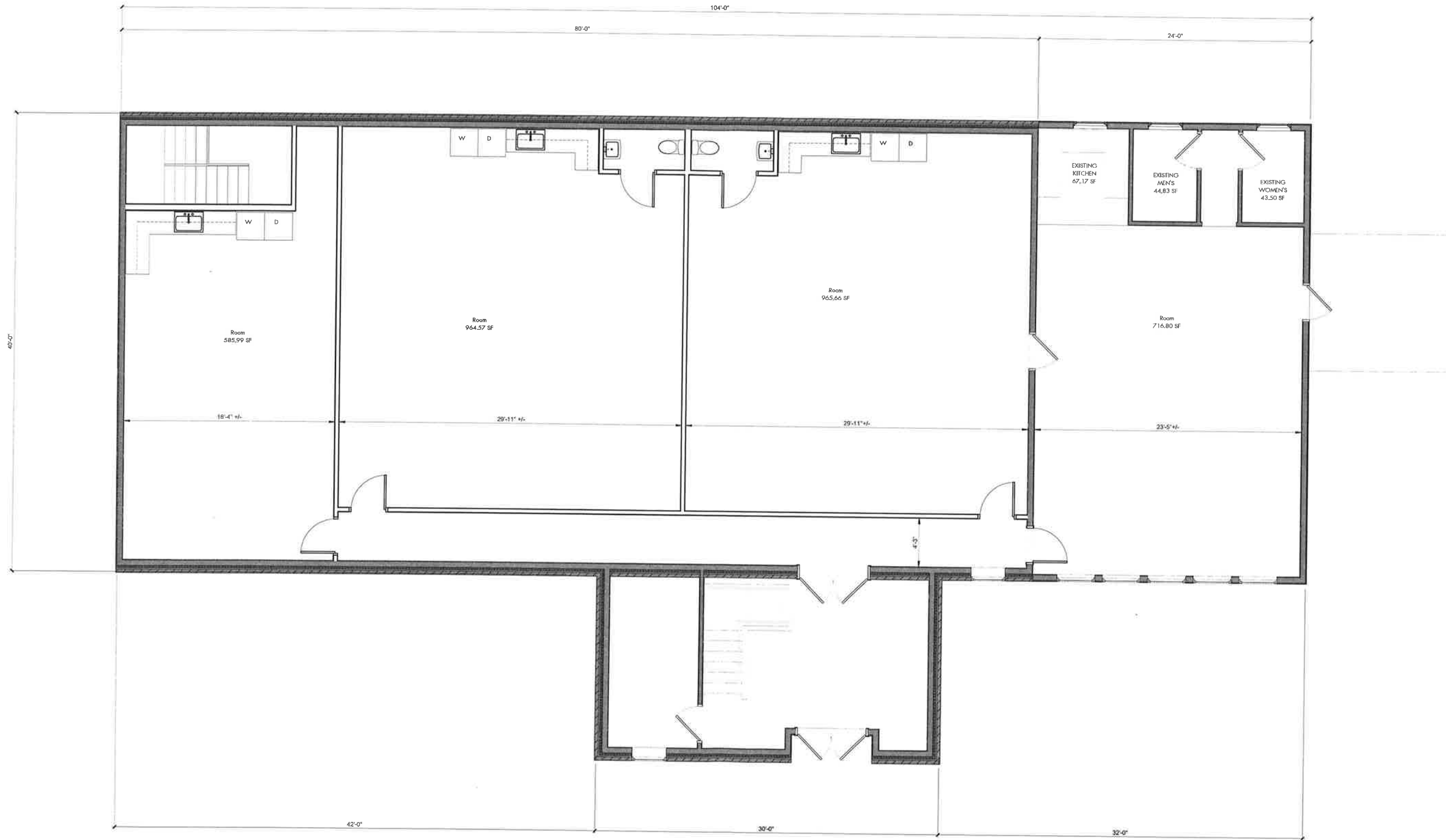
603-772-4746
FAX: 603-772-0227
E-MAIL: JBE@JONESANDBEACH.COM

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



Town of Exeter
Zoning Board of Adjustment
September 20, 2022, 7 PM
Town Offices Nowak Room
Draft Minutes

1
2
3
4
5
6
7 **I. Preliminaries**

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

10
11 **Members Absent:** Laura Davies, Christopher Merrill - Alternate, Joanne Petito -
12 Alternate

13
14 **Call to Order:** Chair Baum called the meeting to order at 7 PM.

15
16 **I. New Business**

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

22
23 Attorney Justin Pasay of DTC Lawyers was present to discuss the application.
24 This proposal would clean up the zoning demarcation between C2 and CT. Holland Way
25 is in the CT district, and a portion of Portsmouth Ave is in the C2 District. Osram
26 Sylvania was a large 32 acre site with a zoning line that split the property down the
27 middle. Since it was split, there have been subdivisions which make the zoning line
28 arbitrary. There are two buildings on the property: a larger building of 135,000 square
29 feet, and a smaller building of 74,000 square feet. At the 2019 Town Meeting, voters
30 decided to change the PP District along Holland Way to the Corporate/Technology Park
31 (CT) District, in order to attract light industrial applications. In 2020, the first subdivision
32 of the Osram site occurred. This created two lots, one of 16.5 acres and the big building,
33 and a second lot of 15 acres with the smaller building. Subsequently, 131 Portsmouth
34 Ave LLC bought the 15-acre site with the smaller building. Last month a further
35 subdivision was approved: the applicants intend to sell a 9 acre lot to CA Design, a
36 company which produces products for the fence industry, a light industrial use. CA would
37 put an addition to the 74,000 square foot building to create a 114,000 square foot
38 building. This building is split by the zoning district; most of it in CT, but the proposed
39 addition is in C2, where light industrial use is not allowed. That's why they need a
40 variance.

41 Mr. Prior asked about access from Holland Way rather than access from
42 Portsmouth Ave for the new subdivision. Mr. Pasay said it will be up to CA Design to go
43 before the Planning Board and discuss those types of issues. A DOT permit has been
44 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.

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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.

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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.”

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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.

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

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III. Adjournment

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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.

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Respectfully Submitted,
Joanna Bartell
Recording Secretary