



# TOWN OF EXETER, NEW HAMPSHIRE

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

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

## LEGAL NOTICE EXETER ZONING BOARD OF ADJUSTMENT AGENDA

The Exeter Zoning Board of Adjustment will meet on Tuesday, July 18, 2023 at 7:00 P.M. in the Nowak Room located in the Exeter Town Offices, 10 Front Street, Exeter, to consider the following:

### **NEW BUSINESS: PUBLIC HEARINGS**

The application of Gateway at Exeter for a variance to modify the terms of a previously granted variance from Article 4, Section 4.2 Schedule I: Permitted Uses and Section 4.3 Schedule II: Density & Dimensional Regulations (ZBA Case #19-07) to permit a multi-family residential complex as part of a mixed-use development plan for property located on Epping Road. The proposed modification will require that 20% of the residential units qualify as workforce housing rental units as defined under the InvestNH Capital Grant Program where the prior approval required that 25% of the units qualify as workforce housing rental units as defined under the NH State Workforce Housing statute. The subject property is located in the C-3, Epping Road Highway Commercial zoning district. Tax Map Parcel #47-6 and #47-7. ZBA Case #23-10.

The application of 43 Winter Street 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 an existing single-family residence into two (2) residential condominium units. The subject property is located at 43 Winter Street. in the R-2, Single Family Residential zoning district. Tax Map Parcel #63-21. ZBA Case #23-11.

### **OTHER BUSINESS:**

- Approval of Minutes: June 20, 2023

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

*Robert V. Prior, Chairman*

*Posted 07/07/23: Exeter Town Office, Town of Exeter website*

Town of Exeter  
Zoning Board of Adjustment  
June 20, 2023, 7 PM  
Town Offices Nowak Room  
Draft Minutes

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

8 **Members Present:** Chair Robert Prior, Vice-Chair Esther Olson-Murphy, Clerk Theresa  
9 Page, Kevin Baum, and Joanne Petito - Alternate. Deputy Code Enforcement Officer  
10 Barb McEvoy was also present.

11  
12 **Members Absent:** Laura Davies, Martha Pennell - Alternate, and Laura Montagno -  
13 Alternate.

14  
15 **Call to Order:** Chair Robert Prior called the meeting to order at 7 PM.

16  
17 **I. New Business**

- 18 A. The application of Kayla and Cory Stewart for a special exception per Article 4,  
19 Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the  
20 conversion of an existing accessory structure into a residential dwelling unit. The  
21 subject property is located at 43 Epping Road, in the R-2, Single Family  
22 Residential zoning district. Tax Map Parcel #63-107. ZBA Case #23-8.

23  
24 Ms. Stewart said she is looking to convert an existing 42x24 garage into a  
25 third unit. The footprint would be the same. There's plenty of parking, including a  
26 guest spot.

27 Mr. Prior asked if they would build on top of the existing structure or tear  
28 that down. Ms. Stewart said it has to come down, because it doesn't have a  
29 proper foundation.

30 Mr. Prior asked how long the front building had been a two family. Ms.  
31 Stewart said a long time, but she didn't know exactly. There was an addition at  
32 some point to add the one bedroom unit.

33 Mr. Prior asked if this is and will continue to be owner-occupied, and Ms.  
34 Stewart said yes.

35 Ms. Petito asked how large the living space of the new unit would be. Ms.  
36 Stewart said 1,008 [square feet]. Ms. Olson-Murphy asked if there is a size limit  
37 on a conversion, or if that's only on an accessory dwelling, and Mr. Prior said  
38 that's only on an accessory dwelling.

39 Ms. Page asked how many bedrooms are in each of the existing units.  
40 Ms. Stewart said a two bedroom unit and a one bedroom unit, and we are  
41 building a two bedroom. There would be three dwelling units following the  
42 conversion.

43 Mr. Baum asked if a tear-down and replacement is something we've  
44 typically considered a conversion. Ms. McEvoy said yes. Ms. Stewart said she

45 also talked to Mr. Eastman [who was not present] about it and he said yes. Mr.  
46 Prior said the footprint not changing is important.

47 Ms. Page asked if the garage will continue to have two parking spaces,  
48 and Ms. Stewart said yes, that will remain the same. Ms. Page said on the map,  
49 there are six other spaces. Are there eight total spaces? Ms. Stewart said yes.  
50 Mr. Prior said you need one per bedroom plus one for each floor, or six, so  
51 they're good on the parking.

52 Mr. Prior opened the discussion to the public, but there was no public  
53 comment. Mr. Prior closed public session and entered deliberations.

54 Mr. Baum said this is straightforward. It appears to meet all the  
55 requirements. If that's the case, we have to grant the special exception. Mr. Prior  
56 said he doesn't see the need to go through the criteria. We've asked our  
57 questions.  
58

59 **Mr. Baum moved to approve the application for a special exception per Article 4,**  
60 **Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the**  
61 **conversion of an existing accessory structure into a residential dwelling unit. The**  
62 **subject property is located at 43 Epping Road, in the R-2, Single Family**  
63 **Residential zoning district. Ms. Page seconded. Mr. Prior, Ms. Page, Ms. Olson-**  
64 **Murphy, Ms. Petito, and Mr. Baum voted aye, and the motion passed 5-0.**

- 65  
66 B. The application of Christine Knapp Revocable Trust for a special exception per  
67 Article 4, Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 to  
68 permit an accessory dwelling unit within the existing carriage house located on  
69 the property at 69 Court Street. The subject property is located in R-2, Single  
70 Family Residential zoning district. Tax Map Parcel #83-86. ZBA Case #23-9.

71  
72 Ms. Knapp said she's seeking permission to make the existing in-law  
73 apartment in the hayloft of the carriage house into an accessory dwelling unit.  
74 She plans to live there and rent out the main house, which is too large for just her  
75 and her husband. Mr. Prior pointed out that this is Board member Martha  
76 Pennell's old house.

77 Ms. Stewart said her husband works overseas and she goes to spend  
78 time with him, and the house cannot be left empty in the winter. This winter she  
79 had the sister of a friend stay there when she was traveling and it was very  
80 stressful to find someone to watch the house.

81 Mr. Baum asked if she will stay in the accessory dwelling unit, rather than  
82 renting it out separately, and Ms. Stewart said yes.

83 Mr. Prior asked the square footage of the accessory dwelling unit, and  
84 Ms. Stewart said currently 738 square feet, but it will be 750 square feet. Mr.  
85 Prior said the unit will be expanded, and the permit has been pulled for that.  
86 There will be a garage under and space above. Do you know that one unit needs  
87 to be owner-occupied? Ms. Stewart said yes. She needs to have a US address  
88 any way. Mr. Prior asked if the main house will be rented as a unit, and Ms.

89 Stewart said yes, she's hoping to find a family who will rent the whole house. Mr.  
90 Baum said it's a single family dwelling, so if they wanted to change that they  
91 would have to come back before the Board. Ms. Stewart said someday she or  
92 one of their kids might want to live in the main house again.

93 Ms. Petito asked if they have parking, and Ms. Stewart said yes, there are  
94 four spaces. Mr. Baum asked if there's an existing in-law apartment. Ms. Stewart  
95 said there's a hayloft; it's not living space now. Mr. Prior asked if this was built as  
96 a carriage house and hayloft, and Ms. Stewart said yes. When she bought the  
97 house, she thought the hayloft would make a great apartment.

98 Mr. Prior said they have a lot of land, and Ms. Stewart said yes, a double-  
99 lot.

100 Ms. Stewart asked if it will require an occupancy permit and septic  
101 approval. Mr. Baum said just an occupancy permit, since there's town water and  
102 sewer.

103 Ms. Petito asked if the parking is between the main structure and the  
104 accessory structure. Ms. Stewart said it's a tight squeeze, but you can get two  
105 cars into the existing garage, and there's plenty of parking beside that. Mr. Prior  
106 said he walked the property, and there's plenty of room for four parking spots,  
107 even without crowding two cars in the garage.

108 Mr. Prior opened the public session, but there was no public comment.  
109 He closed public session and brought the deliberations back to the Board.

110 Mr. Prior said these are two very non-controversial applications tonight. In  
111 the absence of any commentary, he doesn't think the Board needs to run through  
112 the criteria. The applicant understands it needs to be maintained as owner-  
113 occupied.

114 **Mr. Baum moved to approve the application of Christine Knapp Revocable Trust**  
115 **for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and**  
116 **Article 5, Section 5.2 to permit an accessory dwelling unit within the existing**  
117 **carriage house located on the property at 69 Court Street in the R-2, Single Family**  
118 **Residential zoning district. Ms. Olson-Murphy seconded. Mr. Prior, Ms. Page, Ms.**  
119 **Olson-Murphy, Ms. Petito, and Mr. Baum voted aye, and the motion passed 5-0.**

120  
121 **II. Other Business**

122 A. Approval of Minutes: May 16, 2023  
123

124 **Ms. Page moved to approve the minutes of May 16, 2023 as submitted. Ms. Petito**  
125 **seconded. Mr. Prior, Ms. Page, Ms. Olson-Murphy, and Ms. Petito voted aye; Mr.**  
126 **Baum abstained, as he was not present at the May 16 meeting. The motion passed**  
127 **4-0-1.**

128 **III. Adjournment**  
129

130 **Ms. Petito moved to adjourn. Mr. Baum seconded. All were in favor and the**  
131 **meeting was adjourned at 7:25 PM.**

132

133 Respectfully Submitted,

134 Joanna Bartell

135 Recording Secretary

136

137

TOWN OF EXETER  
ZONING BOARD OF ADJUSTMENT

Application for  
**VARIANCE**

JANUARY 2010

RECEIVED

JUL - 3 2023

EXETER PLANNING OFFICE

Town of Exeter  
APPLICATION FOR A

# VARIANCE

Case Number:	<u>2BA# 23-10</u>
Date Filed:	<u>7/3/23</u>
Application Fee:	\$ <u>100.00</u>
Abutter Fees:	\$ <u>100.00</u>
Legal Notice Fee:	\$ <u>50.00</u>
TOTAL FEES:	\$ <u>250.00</u>
Date Paid	<u>7/3/23</u> Check # <u>1115</u>

Name of Applicant Gateway At Exeter LLC  
(If other than property owner, a letter of authorization will be required from property owner)

Address 20 Trafalger Square, Suite 610, Nashua, NH 03064

Telephone Number ( 603 ) 880-0502

Property Owner Gateway at Exeter LLC

Location of Property Epping Road, Map 47, Lot 6 and Lot 7

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

Applicant Signature Thomas F. Moulton Manager  
Date 6/30/2023

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 section 4.2 & 4.3 of the Exeter zoning ordinance to permit:

Allow the modification of terms of a previously granted variance; to permit a multifamily residential project as part of a mixed use development plan and that 20% of the residential units qualify as workforce housing rental units as defined under the InvestNH Capital Grant Program where the prior approval required that that 25% of the units qualify as workforce housing rental units as defined under the NH State workforce housing statute.

**FACTS SUPPORTING THIS REQUEST:**

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

Permitting the modification to allow 20% of the residential rental units qualify as workforce housing, having rent not to exceed 80% of the Area Median Income (AMI), where 25% of the residential units having rent not to exceed 60% of the AMI is not contrary to public interest. The public interest remains unchanged as workforce housing will be provided, even though not by New Hampshire statutory definition, allowing this modification will allow additional units at below market rate to be provided in Town. The basis for this finding that granting the variance will not be contrary to the public interest remains unchanged with the modification of condition of approval.

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

The use and density remain the same as previously approved. The proposed modification is to allow slightly fewer units and to allow slightly higher rents to be charged, being 20% of the units versus 25% of the units at 80% of the AMI versus 60% AMI, insuring success of the project. The basis for the findings as to this criteria remains unchanged with the modification.

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**3. Substantial justice is done;**

Substituting a new definition of qualifications as to workforce housing and lowering the percentage of workforce housing in the project will not adversely affect the public interest or private rights of other property owners nor adversely impact the health, safety or welfare as previously presented. The basis for the findings as to this criteria remain unchanged with the modification granted.

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

The project remains essentially the same only with a slightly different definition of workforce housing and the number of workforce housing units. The basis for the findings as to this criteria remain the same. In addition, the project as presented, has now been finalized and approved by the Planning Board and with the modification approved, is ready to proceed forward.

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

The property and the proposed development remaining unchanged, the use for multi-family residential units with a portion being dedicated to workforce housing remains the same. The basis for the findings remain unaffected by this modification. The modification allows for a viable project with sufficient assistance for the realities of the cost to construct workforce housing.

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ABUTTER LABELS AND LISTS:

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

ADDITIONAL MATERIALS:

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

ZONING BOARD OF ADJUSTMENT

**APPLICATIONS SKETCH PLAN  
REQUIREMENTS/CHECKLIST**

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

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

**ABUTTER LIST***Job No. 5532**June 28, 2023*

<b>Map</b>	<b>Lot No.</b>	<b>Name &amp; Address</b>
<b>OWNER(S):</b>		
47	7	Gateway at Exeter, LLC 20 Trafalgar Square, Suite #610 Nashua, NH 03063
<b>ABUTTERS:</b>		
40	9	State of New Hampshire Department of Transportation P.O. Box 483 Concord, NH 03302
40	11	Net Lease Realty I, Inc. Attn: Ingrid Irvin 450 S. Orange Avenue, Ste. 900 Orlando, FL 32801
41	1	State of New Hampshire Fish and Game Department 2 Hazen Drive Concord, NH 03302
47	4-6	Executive Business Park Condominium Attn: Fran Carlton PO Box 53 Exeter, NH 03833
47	4-15	164 Epping Rd, LLC 3 Brookhaven Road Kingston, NH 03848
47	5	Gladstone Realty, LLC 12 Bills Way Bedford, NH 03110
47	6	Gateway at Exeter, LLC 20 Trafalgar Square, Suite #610 Nashua, NH 03063
47	7-1	Town of Exeter 10 Front Street Exeter, NH 03833
		Gottesman & Hollis, P.A. 39 East Pearl Street Nashua, NH 03060 Attn: Morgan A. Hollis, Esq.

# GOTTESMAN & HOLLIS

PROFESSIONAL ASSOCIATION

Attorneys at Law

39 East Pearl Street • Nashua, New Hampshire 03060-3407

David M. Gottesman  
Morgan A. Hollis  
Paul M. DeCarolis  
Andrew C. Bauer, Jr.  
Elizabeth M. Hartigan

**Direct Dial: 603-318-0455**  
Assistant: 603-318-0456  
Fax: 603-886-0380  
Main Number: 603-889-5959  
Email: mhollis@nh-lawyers.com  
<http://www.nh-lawyers.com>

June 29, 2023

*Via Email Only*

Kevin Baum, Chairman  
Zoning Board of Adjustment  
Town Hall  
10 Front Street  
Exeter, New Hampshire 03833

Re: Map 47, Lots 7 & 6 / Epping Road, Exeter  
Our File No.: 23-202

Dear Chairman and Members:

With this letter, my client, Gateway at Exeter, LLC, is making an application to the Zoning Board of Adjustment for a modification of the variances granted by this Board on May 21, 2019, from Article 4, Section 4.2, Schedule I: Permitted Uses, and Section 4.3, Schedule II: Density and Dimensional Regulations (Residential) of the Exeter Zoning Ordinance in order to permit a multi-family residential complex as part of a Mixed Use Development Plan for a portion of the above-referenced property located on Epping Road in Exeter, New Hampshire. For your convenience, I have attached a copy of the Letter of Notification of the approved variances as **Exhibit A**.

The property was identified as Map 47, Lots 7 and 6 at the time of the application and it consisted of 62 acres. Since the granting of the variances, as agreed at the time of the granting of the variances, a portion of the original property has been conveyed to the Town of Exeter and further, a site plan to allow the proposed and approved use has been approved by the Planning Board of the Town of Exeter.

Development of the proposed and approved multi-family residential complex has not occurred due to a number of factors, including multiple hearings at the Planning Board and a return to the Zoning Board of Adjustment for clarification. Since the original date of approval, market conditions, interest rates and financing availabilities and requirements have all changed.

Kevin Baum, Chairman  
Members of the Zoning Board of Adjustment  
June 29, 2023  
Page 2

One of the conditions of approval, identified as the second bullet condition in the Letter of Modification, was as follows:

That 25% of the residential rental units qualify as workforce housing rental units as defined under the NH State Workforce Housing Statute.

It is the above condition which this application requests be modified. The proposed modification is as follows:

That 20% of the residential rental units qualify as workforce housing rental units eligible for grants under the InvestNH Capital Grant Program, having rent not to exceed 80% Area Median Income (AMI) for the HUD Metropolitan Portsmouth-Rochester, NH Fair Market Rent Area, as published by the U.S. Department of Housing and Urban Development.

As a matter of explanation, in attempting to obtain financing for workforce housing as defined by the State statute which requires rents be limited to 60% of the AMI, with the well documented increase in interest rates from its then low of nearly 0% for such projects, and with substantial increased costs for construction, both in materials and labor, of over 30% from its 2019 levels, this project has become unfeasible and no financing is available at the rents established at 60% AMI, as such rents will not support the costs of construction. However, with the advent of a new program known as "InvestNH", which recognizes the realities of cost to construct workforce housing and the necessity of providing assistance therefor, grants are available for workforce housing for residential projects such as the approved project with a minimum of 20% of the units to be rented at 80% AMI, and this project can and will qualify for such assistance if the condition of approval of the variances is modified as requested.

For your information, I have attached a copy of the flyer summarizing the program of InvestNH and identifying therein the minimum percentage of units at 20% and the maximum rents at AMI which are allowed as **Exhibit B**.

In approaching this requested modification, we believe that with due consideration of the findings for each of the criteria of the variances requested and granted in 2019 with only the substitution of the required modification in the proposal, all findings of the Board that satisfaction of the five criteria necessary for granting the variances remain unaffected. I have attached the minutes of the Zoning Board of Adjustment of May 21, 2019 to this letter as **Exhibit C** to allow you to refresh your memory and also to review consideration of the presentation and deliberations of the Board at that time.

The number of proposed units in the project has not changed and the area of the project has not changed so the density of the development remains unchanged. Only the percent of the total number of units dedicated to workforce housing rental units in the development and the definition of workforce housing qualification is proposed to be changed. These changes are to make the project in compliance with the guidelines for the available grants under InvestNH.

In summary, as to meeting the five criteria for a finding of granting variances, I offer the following comments as to the original findings and the current request for modification:

1. *Hardship* - The property was found to be unique, the application of the Zoning Ordinance found to have no fair and substantial relationship to the purpose of the Ordinance and the proposed use for multi-family housing and density thereof was found reasonable. The property and the density of the proposed development remain unchanged, the use being for multi-family residential with a portion being dedicated to workforce housing. The basis for the findings remain unaffected by this modification.

2. *Not contrary to public interest* - The proposed use and density were found not to be contrary to public interest as granting a variance to allow increased housing units in Exeter was in the public interest and allowing increased density for units addressing the well known shortage of affordable housing was found to be in the public interest. The public interest remains unchanged and every unit which can be qualified as workforce housing, even though not by the New Hampshire statutory definition, will allow additional units at below market rental to be provided in Town. The basis for the finding that granting the variance will not be contrary to the public interest remains unchanged with the modification of the condition of approval.

3. *In keeping with the spirit and intent of the Ordinance* - The proposed multi-family use and density were found to be in keeping with the spirit and intent of the Zoning Ordinance of protecting values and providing appropriate areas for uses without adversely affecting property values. The use remains the same, the density remains the same, and the only proposal is to allow slightly higher rents to be charged, being 80% of AMI versus 60% of AMI, insuring success of the project. The basis for the findings as to this criteria remain unchanged with the modification.

4. *Not adversely impacting values of surrounding properties* - The project was found to be properly located and as presented was found not to have any impact on or harm to values of surrounding properties. The project remains essentially the same only with a slightly different definition for workforce housing and slightly fewer qualified units. The basis for the findings as to this criteria remain the same. In addition, the project as presented, has now been finalized and approved by the Planning Board and is shovel ready and with the modification approved, is ready to proceed forward.

Kevin Baum, Chairman  
Members of the Zoning Board of Adjustment  
June 29, 2023  
Page 4

5. *Substantial justice will be done* - Allowing the project was found not to have any adverse impacts upon the public or private property owners' rights or to adversely impact health, safety or welfare, as it was presented. Substituting a new definition of qualification as workforce housing and lowering the percentage of workforce housing in the project will not adversely affect the public interest or the private rights of other property owners. The basis for the findings as to this criteria remain unchanged with the modification granted.

In summary, although there is a change in the definition of workforce housing which results in a higher percentage of AMI to be charged for rentals and a lower percentage of the project being deemed workforce housing, the goal of providing affordable workforce housing in Exeter remains. The project as presented remains the same, it is simply a modification of a condition of approval to allow the project to qualify for currently existing and available funding which will ensure the success of the project.

I look forward to presenting information and answering questions of the Zoning Board at its next available hearing.

Thank you.

Yours truly,

GOTTESMAN & HOLLIS P.A.



Morgan A. Hollis

MAH:jlh  
Enclosures

Exhibit A



TOWN OF EXETER, NEW HAMPSHIRE

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

772-4709

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

May 22, 2019

Thomas J. Leonard, Esquire  
Welts, White & Fontaine, P.C.  
29 Factory Street  
POB 507  
Nashua, New Hampshire 03061

Re: Zoning Board of Adjustment Case #19-07  
Variance Request – Gateway at Exeter, LLC  
Epping Road, Exeter, N.H. (former Kevin King Irrevocable Trust property)  
Tax Map Parcel #47-6 and #47-7

Dear Attorney Leonard:

This letter will serve as official confirmation that the Zoning Board of Adjustment, at its May 21<sup>st</sup>, 2019 meeting, voted to grant the above-captioned application for a variance from Article 4, Section 4.2 Schedule I: Permitted Uses and Section 4.3 Schedule II: Density and Dimensional Regulations (Residential) to permit a multi-family residential complex as part of a mixed use development plan within the area shown as the site on the display plan submitted with the application, and as presented.

The variance approval was granted subject to the following conditions:

- the remaining approximately 45± acres to the rear of the site remaining undeveloped;
- that 25% of the residential rental units qualify as workforce housing rental units as defined under the NH State workforce housing statute;
- that the restriction for workforce housing rental shall be for not less than 30 years;
- that the residential portion shall remain as rental units for not less than 30 years; and
- the multi-family portion of the complex shall include not more than 224 residential rental units.

Please contact the Planning and Building Department for the appropriate paperwork to move forward with your project. If you should have any questions, please do not hesitate to contact their office.

Sincerely,

Laura J. Davies  
Chairwoman  
Exeter Zoning Board of Adjustment

cc: Thomas Monahan, Gateway at Exeter, LLC, property owner  
Dave Sharples, Town Planner  
Douglas Eastman, Building Inspector/Code Enforcement Officer  
Janet Whitten, Deputy Assessor

LJD:bsm



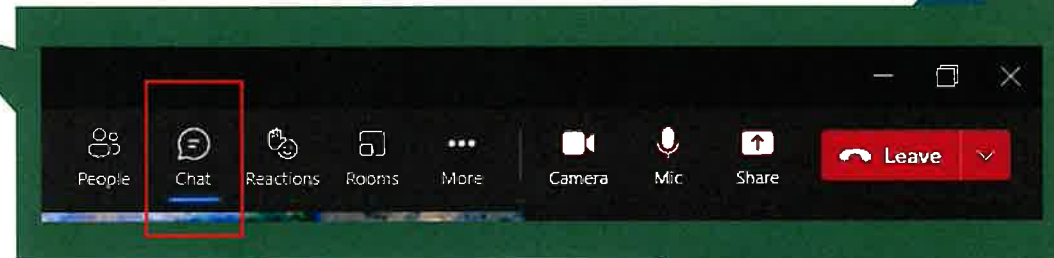
EXHIBIT B

# InvestNH Capital Grant Program Overview

**July 7, 2022**

## General Information

- This webinar will be a review of the general specifications of the **Capital Grant Program**, as available on the InvestNH website – [www.Invest603.com](http://www.Invest603.com)
- We **will not** be taking questions during this webinar. If you have a question, please enter it into the chat box (in the top righthand of the screen) or email it to [investnh@livefree.nh.gov](mailto:investnh@livefree.nh.gov)
- Frequently Asked Questions will be posted online and regularly maintained.



## What is InvestNH?

A **\$100 million** program aimed at stabilizing the **workforce housing** market through grant programs that incentivize **development** and **creative regional solutions** targeting low- to- moderate income housing.

### THERE ARE FOUR GRANT PROGRAMS:

Capital Grant Program

Municipal per Unit Grant

Municipal Demolition Grant

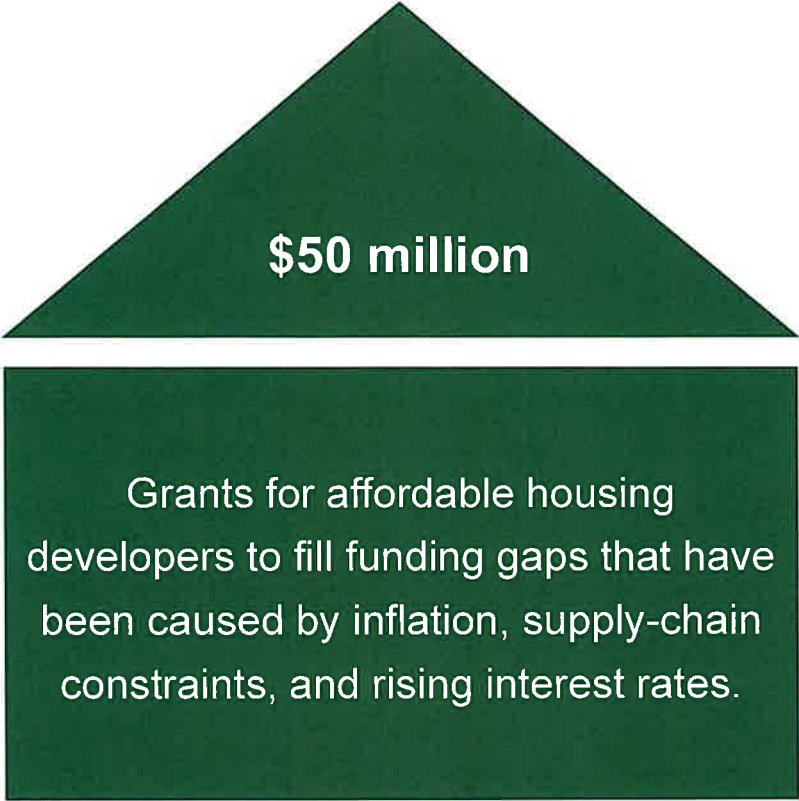
Municipal Planning and Zoning Grant

*Expected at the end of July*

**BEA**

New Hampshire Department of  
BUSINESS AND  
ECONOMIC AFFAIRS

# Capital Grant Program



## Capital Grant Program Summary

- Applications open Monday, July 11 on [www.Invest603.com](http://www.Invest603.com) and will remain open until September 2
- The maximum award amount is **\$3 million**
- A minimum of \$10 million of program funds will be designated for projects **under 16 units** and/or those being developed by non-profit developers
- Eligible projects include those that:
  - Will offer units at rent costs that are **affordable for the area**, as defined by BEA
  - Can show evidence that **all permits required for construction are in place**, at a minimum
  - Will be substantially complete within **18 months** of the award
  - Will result in the construction of **new** units

## How does BEA define “affordability” for this program?

- Maximum gross monthly rent is:
  - Based on the FY '22 HUD 80% Area Median Income (AMI) income limits for a specific Fair Market Rent Area (either metro or county)
  - Defined as rent+ utilities equal to 30% of income
- To determine the Fair Market Rent Area for your project, consult NHHFA’s list of [New Hampshire Municipalities by Fair Market Rent Area](#)

HUD Metropolitan Fair Market Rent Areas	AMI Rent Limit	Studio	1BR	2BR	3BR	4BR	5BR
Boston-Cambridge-Quincy	50%	\$1,227	\$1,315	\$1,577	\$1,823	\$2,033	\$2,243
	80%	\$1,957	\$2,097	\$2,517	\$2,908	\$3,243	\$3,579
Lawrence, MA - NH	50%	\$1,007	\$1,079	\$1,295	\$1,496	\$1,670	\$1,842
	80%	\$1,565	\$1,676	\$2,012	\$2,325	\$2,593	\$2,861
Portsmouth - Rochester, NH	50%	\$1,018	\$1,091	\$1,310	\$1,513	\$1,688	\$1,863
	80%	\$1,565	\$1,676	\$2,012	\$2,325	\$2,593	\$2,861
Weston-Rockingham Co.	50%	\$1,106	\$1,185	\$1,422	\$1,643	\$1,833	\$2,023
	80%	\$1,565	\$1,676	\$2,012	\$2,325	\$2,593	\$2,861
Manchester, NH	50%	\$875	\$937	\$1,125	\$1,298	\$1,448	\$1,598
	80%	\$1,398	\$1,498	\$1,798	\$2,077	\$2,317	\$2,557
Nashua, NH	50%	\$1,071	\$1,248	\$1,377	\$1,591	\$1,775	\$1,958
	80%	\$1,565	\$1,676	\$2,012	\$2,325	\$2,593	\$2,861
Hillsborough Co., NH (Part)	50%	\$958	\$1,026	\$1,232	\$1,423	\$1,588	\$1,752
	80%	\$1,533	\$1,643	\$1,971	\$2,278	\$2,541	\$2,803

County Fair Market Rent Areas (non-Metro)	AMI Rent Limit	Studio	1BR	2BR	3BR	4BR	5BR
Belknap County	50%	\$832	\$891	\$1,070	\$1,236	\$1,380	\$1,522
	80%	\$1,332	\$1,427	\$1,427	\$1,978	\$2,207	\$2,436
Carroll County	50%	\$827	\$886	\$1,063	\$1,228	\$1,371	\$1,512
	80%	\$1,323	\$1,418	\$1,701	\$1,965	\$2,192	\$2,419
Cheshire County	50%	\$827	\$886	\$1,063	\$1,228	\$1,371	\$1,512
	80%	\$1,323	\$1,418	\$1,701	\$1,965	\$2,192	\$2,419
Coos County	50%	\$827	\$886	\$1,063	\$1,228	\$1,371	\$1,512
	80%	\$1,323	\$1,418	\$1,701	\$1,965	\$2,192	\$2,419
Grafton County	50%	\$827	\$886	\$1,063	\$1,228	\$1,371	\$1,512
	80%	\$1,323	\$1,418	\$1,701	\$1,965	\$2,192	\$2,419
Merrimack County	50%	\$916	\$981	\$1,178	\$1,361	\$1,518	\$1,676
	80%	\$1,466	\$1,570	\$1,885	\$2,177	\$2,428	\$2,680
Sullivan County	50%	\$827	\$886	\$1,063	\$1,228	\$1,371	\$1,512
	80%	\$1,323	\$1,418	\$1,701	\$1,965	\$2,192	\$2,419

## Other Program Details

- The grant can only be used for costs **directly related to construction**
- Participants must demonstrate a **dollar-for-dollar matching** investment of financing or equity
  - This can be satisfied by the fair market value of any **owned** property
- The funded project must be substantially complete within **18 months** of the award
- A minimum of a **five-year deed restriction** is required, covering the affordability requirement and reporting assistance
- Funds will be disbursed on a **reimbursement** basis
  - Spending will be reported to BEA **monthly** until the grant award has been expended
- Funds will be awarded as a **forgivable loan**

## Impact of Project Size

Development projects that exceed \$3 million in total development cost, or that are producing more than 15 units are subject to different rules than smaller development projects.

For projects less than \$3M  
or with 3 - 15 units

All units in the project must meet the affordability threshold, as defined by this program.

For projects greater than \$3M  
or with more than 15 units

A minimum of 15 units or 20% of units in the project, whichever is higher, must be affordable as defined by this program and must have another public/private funding source which imposes a requirement that units be rented to those earning at or below 80% AMI



## What is a “forgivable loan”?

**The Capital Grant Program is structured as a forgivable loan, in lieu of a traditional grant award.**

- The loan structure avoids the federal government from having a long-standing financial interest in property development
- The loan will be made at 0% interest for 18 months
- The loan will be forgiven in full upon the completion of the project and the receipt of a certificate of occupancy for all affordable units
- Only if the developer fails to comply with the conditions of the award will the loan require repayment to the State

## Next Steps

- Applications open on Monday, July 11 at [www.invest603.com](http://www.invest603.com) and will remain open until September 2.
  - Details on application requirements are available in the Capital Grant Program Guidance, which is available online [now](#).
- All questions can be put either in the chat or emailed to [investnh@livefree.nh.gov](mailto:investnh@livefree.nh.gov). BEA will regularly publish an FAQ with responses on the program website.
- Information about the municipal grant opportunities available under the InvestNH Program will be made available near the end of the month.

# Thank You!

Exhibit C

Town of Exeter  
Zoning Board of Adjustment  
May 21, 2019, 7 PM  
Town Offices Nowak Room  
Final Minutes

I. **Preliminaries**

**Members Present:** Chair Laura Davies, Vice-Chair Joanne Petito, Robert Prior, Kevin Baum, Rick Thielbar, Christopher Merrill - Alternate, Esther Olson-Murphy - Alternate

**Members Absent:** Martha Pennell - Alternate, Hank Ouimet - Alternate

**Others Present:** Doug Eastman, Barb McEvoy

**Call to Order:** Chair Davies called the meeting to order at 7:04 PM.

II. **New Business**

- A. Request for Rehearing on the application of VWI Towers LLC, case #19-04 Kingston Road, Tax Map Parcel #100-004

Chair Davies decided to address this matter first. She said there was a glitch in the abutter notification process, and since that's a necessary component of the approval process, there had been favorable input to consider this request for rehearing.

MOTION: Ms. Petito moved to approve the request for rehearing the application for VWI Towers LLC, case #19-04 because it has come to their attention that some abutters were not notified. Mr. Prior seconded. Chair Davies said that the five full time members of the Board will vote. All were in favor. The motion passed 5-0-0, and there will be a rehearing.

- B. The application of Gateway at Exeter, LLC for a variance from Article 4, Section 4.2 Schedule I: Permitted Uses and Section 4.3 Schedule II: Density and Dimensional Regulations (residential) to permit a multi-family residential complex as part of a mixed use development plan for property located on Epping Road (former King property). The subject property is located in the C-3, Epping Road Highway Commercial zoning district. Tax Map Parcel #47-6 and #47-7. Case #19-07.

Thomas Leonard, a lawyer representing Tom Monahan, the principal at Gateway at Exeter LLC, spoke regarding the variance request. He said that this is a request for a mixed-use development at the former King property; the variance is specifically to allow a 224 unit multi-family residence. The balance of the project is a permitted use.

Mr. Leonard gave some facts about the property. It's 62 acres total; to the north is exit 9 of Route 101, to the east is Epping Road, to the south is Continental Drive, and to the west is town-owned property referred to as the Bloody Brook/Little River area. This property is in the C-

44 3 Zone. Epping Road's infrastructure is being improved; the area is a Tax Incremental Financing  
45 [TIF] area identified for improvements, and this is one of the sites to be improved.

46 The proposal only involves the 15 acre front portion of the lot, the eastmost portion,  
47 closest to Epping Road. There are substantial wetlands throughout the property, but the least  
48 valuable wetlands are in the easterly portion. The tract is wooded, and it was timbered in 2014.  
49 There's one single-family home in the southeast corner, lot 47-6, which will probably be coming  
50 down; otherwise the property is vacant. Mr. Leonard presented the Board with a December  
51 2016 study from Gove Environmental which concluded that easterly portion of the site lacks  
52 significant wetland features; the areas of the property to the west are of far greater value.

53 Mr. Baum asked if the project had gotten through design review, and Mr. Leonard said  
54 no. Mr. Monahan added that they had submitted a conceptual plan to the Planning Board and  
55 done some engineering. They held a conceptual hearing and listening session in which they  
56 showed a large assisted living facility, and folks appeared not to be in favor. Town Meeting this  
57 year actually took the assisted living use out of this zone; their project would be grandfathered,  
58 but they backed off from that development plan last October. Mr. Baum summarized that they  
59 have gone through design review with the Planning Board, but this new proposal doesn't  
60 represent that work.

61 Mr. Leonard said that 15 acres would have the project and any improvements  
62 associated with the project, and the back 45 acres will be open and preserved, not developed,  
63 in perpetuity. They would be willing to sign a covenant with the town to that effect. Mr. Prior  
64 asked if they did the density calculations using the 62 acre figure. Mr. Leonard responded that  
65 residential is not permitted, so he didn't know whether R-4 or R-5 would be the correct  
66 guideline. R-5 allows for one unit for every 3,600 or 3,700 feet, and R-4 every 7,000 feet. If the  
67 project is in the R-5 zone, which he thinks is reasonable, about 20 acres would be appropriate  
68 under R-5. They have 15, but there are three or four acres of wetland on the 15 acre site, so  
69 they can't count that acreage. They could make the argument that they can include the 62 acres  
70 in the calculation, since they plan on preserving it, and that would be well within density. This  
71 would be 224 units; they are interested on doing it on 15 acres, but if the Board thought 20  
72 acres was more appropriate, they could add the other five.

73 Mr. Leonard presented a schematic of the design. There are four buildings proposed:  
74 one building would be commercial, with two stories, for a total of 48,000 feet square feet, and  
75 the other three buildings would be residential. They will comply with the height requirements of  
76 the C-3 Zone, so the project is not asking for a height variance. Making the buildings taller  
77 creates a smaller footprint, which will reduce the impact to wetland areas. They're proposing  
78 224 residential units, 50% of them one bedroom and 50% two bedroom, and with 25% of each  
79 unit type being workforce housing rental units.

80 Ownership workforce housing is defined by the state and town as the mortgage plus  
81 utilities equaling 30% of the median income for a family of four. The proposed project is for  
82 workforce rentals, which have a lower threshold: rent and utilities are 30% of 60% of the median  
83 income for a family of three. Chair Davies asked if they could guarantee that it will be rentals,  
84 not condos. Mr. Leonard said they will make that commitment. They recently did a workforce  
85 rental project in Londonderry, and there's a covenant that says that project will be rental for 30  
86 or 40 years. They would work with Town Planning staff as to how that would be administered in  
87 Exeter. Mr. Baum asked if they would be following the Exeter Subdivision Regulations; there's a

88 process in place, with bonuses in certain areas. Mr. Leonard said yes, they will follow the  
89 regulations, but they are not seeking bonuses.

90 Mr. Thielbar asked if the 56 workforce apartments would be in a separate building or  
91 mixed in. Mr. Leonard said mixed in, that's one of the requirements. There would be  
92 approximately 25% workforce rentals in each building. Each building has a footprint of 17,500  
93 square feet. How many floors depends on the parking needed; they want to minimize  
94 impervious surface but have to provide 1.75 spaces per unit. All the roads will be private roads.

95 Mr. Leonard presented a rendering, pointing out that they would like to have some kind  
96 of courtyard. Mr. Prior said that renderings are not pertinent to their review; they're only  
97 approving their commitment to 224 units and that the development would be limited to 15 out of  
98 62 acres, with the rest left as open space permanently, as well as the guarantee that there  
99 would be rental units for 30 - 40 years and the commitment to workforce housing. Mr. Leonard  
100 said the renderings are relevant because they're making a commitment to buildings with several  
101 stories to minimize impact. If they put in a 100,000 square foot warehouse, there would be a  
102 much greater impact. Mr. Merrill said they will need a public road to get to the offices. Mr.  
103 Leonard said they can do it without public roads, but it would be a Planning Board matter.

104 Mr. Leonard said that zoning has several purposes: it attempts to accomplish the Master  
105 Plan, to allocate infrastructure and resources, to prevent incompatible uses, to ensure the  
106 protection of wetlands, and to encourage a diverse supply of housing. The standards for  
107 granting a variance, according to the statutory reference, require an unnecessary hardship,  
108 which is based in the relationship between the C-3 Zone and the purposes of the Town of  
109 Exeter. This is an unusual piece of property with substantial wetland. The Town wants to  
110 develop the site in a reasonable manner, but the zoning districts don't address the concerns of  
111 the property. They don't accomplish the goals that this property wants to accomplish: wetland  
112 preservation, especially that of higher value, and the availability of housing. A strict application  
113 of the rules at this site would be an unnecessary hardship. This use is consistent, and is not at  
114 variance with anything proposed in the area. No incompatible use could be in the CT-1 zone,  
115 with a 45 acre buffer. Permitted uses don't address many questions intended to be addressed  
116 by zoning. The location of this property is unique: it's at an intersection of Route 101, and has  
117 infrastructure as good as the rest of the Town. These features make it particularly useful for  
118 multi-family residential, since they can't do it without that infrastructure. NH has supported the  
119 idea that the specific location of the property is a special condition that is permitted to support a  
120 variance. The size of the property is also unique. The Town doesn't have large tracts to support  
121 a project like this. The Housing Advisory Committee has identified smaller units as important,  
122 and this will have workforce housing of one and two bedroom units. Mr. Leonard concluded by  
123 saying that under present statutory conditions, the real question is "Is the use reasonable?" This  
124 is a reasonable use.

125 Mr. Leonard then presented letters in support of the project from representatives of  
126 Osram Sylvania, Sig Sauer, Exeter Health Resources, Cobham, and from Russell Dean, the  
127 Exeter Town Manager. The letters spoke about the difficulties of hiring and having young people  
128 move into the area. Small rentals are an important first step to the life cycle of housing.

129 Mr. Leonard then spoke regarding the other criteria. Granting the variance will not be  
130 contrary to the public interest; in fact, there is strong public interest in establishing and  
131 maintaining a community with a broad and diverse housing stock. The criteria that the use of

132 infrastructure for important projects and important purposes is in the public interest is  
133 accomplished here. The proposed use will observe the spirit of the ordinance, and the variance  
134 won't alter the essential character of the neighborhood. This does not interfere with the  
135 neighborhood; there's residential going in across the way. This is an arterial road and not  
136 interfering with the zoning scheme. There are no incompatible uses to worry about. Substantial  
137 justice will be done; this is a win-win, since it affords the owner of this property a reasonable  
138 opportunity of development. There will be no adverse impact to any surrounding property  
139 owners. There is no benefit to the town to prevent this use. There's a suggestion that the project  
140 would take a site away from a manufacturing plant, but there are more sites for that purpose  
141 than for rental housing. This will not have any adverse impact on surrounding property values.  
142 This is an area identified by the town as one to develop and to take advantage of new  
143 infrastructure.

144 Chair Davies said she was concerned about the abutters list, which was not in the  
145 package. Mr. Leonard said he does have one, and Barb McEvoy said she also does have it. Mr.  
146 Prior said that the abutter's list is usually part of the application. Chair Davies added that it's  
147 helpful when there are comments from the public. Ms. McEvoy asked Mr. Leonard if someone  
148 had verified the list, and Mr. Leonard said he thinks so. Chair Davies said she was ok with it if  
149 Ms. McEvoy had verification that all the letters were sent out. Ms. McEvoy said 10 out of 11  
150 certifications have been returned. Mr. Eastman said the verification is done by the assessing  
151 department.

152 Chair Davies closed the session to the public, and said the five regular members will be  
153 voting.

154 Chair Davies said that rental housing is in short supply, which is a big concern. She's  
155 pleased at this project's commitment to a minimum of 30 years as rental housing.

156 Mr. Prior said he had been concerned about hardship, but he finds the argument made  
157 by the applicant very compelling. If they want to accomplish multifamily use and workforce  
158 housing, it needs to be on a property like this. Because of the access to the highway and artery  
159 to downtown, water and sewer, this is the perfect location for this type of a use. He would love  
160 to see more jobs in town and more commercial uses, but this location is optimized for this type  
161 of use more than commercial.

162 Chair Davies said that the wetlands have been an impediment in the past, and large  
163 commercial and industrial uses take up a larger footprint. Sometimes there are concerns about  
164 a conflict between industrial and residential, but the way this is laid out addresses that. Mr.  
165 Baum agreed, saying mixed use development is important. There are other types of permitted  
166 uses under C-3 such as a business office, professional office, or hotel. The reason for this zone  
167 is that it makes sense to have those along a heavily travelled corridor. This project is still  
168 consistent with the purpose of the C-3. Any conflicts between industrial use on Continental and  
169 residential use here are mitigated by the fact that they're willing to put so much of this land into  
170 undeveloped use.

171 Mr. Prior asked if there is a legal precedent for the 60% number in the calculation about  
172 workforce housing. Mr. Leonard was allowed to speak in response to a direct question from the  
173 Board, and said that RSA 674 58-61 is the NH workforce housing statute which defines  
174 "affordable," with regards to rental property, as rent plus utilities being 30% of 60% of a three

175 person family's median income. In Exeter, it is approximately \$1,270 a month for both rent and  
176 utilities. Mr. Prior suggested just saying they abide by the statutory standard.

177 Mr. Thielbar pointed out that there are two different sized apartments for the workforce  
178 housing, so they must not charge the same price for them. Mr. Monahan said that they do  
179 charge different workforce housing rents for one or two bedrooms; it depends on the number of  
180 people in the apartment as well.

181

182 MOTION: Mr. Baum moved to approve a variance to permit a multifamily residential project as  
183 part of a mixed use development plan within the area shown as the site on the display plan  
184 submitted with the application. The variance is conditioned on the remaining approximately 45  
185 acres to the rear of the site remaining undeveloped, and that 25% of the residential rental units  
186 qualify as workforce housing rental units as defined under the NH State workforce housing  
187 statute, and that the restriction for workforce housing rental shall be for not less than 30 years,  
188 and that the residential portion shall remain rental for not less than 30 years, and shall include  
189 not more than 224 residential rental units. Mr. Prior seconded the motion.

190 Doug Eastman asked about the density calculations, and Mr. Prior said that they weren't  
191 tying it to any R-4 calculations. Mr. Eastman suggested they could have used the 62  
192 acres to calculate the density. Chair Davies said she doesn't know how the wetlands  
193 play into the zoning, but thinks that they're safe. Under the R-5, the project would require  
194 18.67 acres, but they're not tied to the R-5, and the project has 67 acres to work with.  
195 Mr. Prior said he's comfortable with 224 units. Mr. Eastman asked if they needed to  
196 consider the variance criteria amongst themselves, and Mr. Prior said they decided it  
197 was unnecessary.

198 All were in favor and the motion passed 5-0-0.

199

### 200 **III. Other Business**

#### 201 **A. Election of Officers**

202 MOTION: Mr. Prior nominated Joanne Petito as Chair of the Zoning Board of Adjustment. Mr.  
203 Baum seconded. All were in favor.

204

205 MOTION: Mr. Baum nominated Mr. Prior as Vice-Chair of the Zoning Board of Adjustment. Ms.  
206 Petito seconded. All were in favor.

207

208 MOTION: Ms. Petito nominated Mr. Thielbar to be the Clerk of the Zoning Board of Adjustment.  
209 Mr. Prior seconded. All were in favor.

210

#### 211 **B. Approval of Minutes: April 16, 2019**

212 MOTION: Ms. Petito moved to approve the minutes of the April 16th meeting as submitted. Mr.  
213 Prior seconded. Mr. Baum and Mr. Thielbar abstained, as they were not present at the meeting,  
214 and the motion passed 3-0-2.

215

### 216 **IV. Adjournment**

217

218

MOTION: Mr. Prior moved to adjourn. Mr. Baum seconded. All were in favor and the meeting was adjourned at 8:55 PM.

219

220

221 Respectfully Submitted,

222 Joanna Bartell

223 Recording Secretary





GATEWAY AT EXETER LLC  
20 Trafalgar Square, Suite 610  
Nashua NH 03064

June 29, 2023

*Via hand-delivery*

Town of Exeter  
Zoning Board of Adjustment  
10 Front Street  
Exeter, NH 03033

Dear Chairman,

I, Thomas Monahan, manager of Gateway at Exeter LLC hereby authorize Gottesman & Hollis, P.A. to represent Gateway at Exeter LLC in its application for variance modification and the presentation to the Zoning Board of Adjustment thereof.

Thank you,

GATEWAY AT EXETER LLC

By:   
Thomas Monahan, Manager

GATEWAY AT EXETER LLC  
20 Trafalgar Square, Suite 610  
Nashua NH 03064

June 29, 2023

*Via hand-delivery*


Town of Exeter  
Zoning Board of Adjustment  
10 Front Street  
Exeter, NH 03033

Dear Chairman,

I, Thomas Monahan, manager of Gateway at Exeter LLC hereby authorize Thomas J. Leonard of Welts, White & Fontaine, PC to represent Gateway at Exeter LLC in its application for variance modification and the presentation to the Zoning Board of Adjustment thereof.

Thank you,

GATEWAY AT EXETER LLC

By:   
Thomas Monahan, Manager

RECEIVED

JUL - 3 2023

EXETER PLANNING OFFICE

Town of Exeter  
APPLICATION FOR

# SPECIAL EXCEPTION

Case Number:	<u>2BA# 23-11</u>
Date Filed:	<u>7/3/23</u>
Application Fee:	\$ <u>100.00</u>
Abutter Fees:	\$ <u>50.00</u>
Legal Notice Fee:	\$ <u>50.00</u>
TOTAL FEES:	\$ <u>200.00</u>
Date Paid	<u>7/6/23</u> Check # <u>cash</u>

*pd. 7/6/23  
adm*

Name of Applicant 43 Winter St LLC / Brian Allen / Alex Hyde  
(If other than property owner, a letter of authorization will be required from property owner)

Address 43 Winter St

Telephone Number (603) 498-6994

Property Owner 43 Winter St LLC

Location of Property 43 Winter St

63/21/0

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

Applicant Signature *[Signature]*

Date 8/30/23

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: \_\_\_\_\_

Single family in unlivable situation

2. Proposed use and/or situation: 2 unit w/ condo conversion

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

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

vicinity map, Address list,

Condo Floor Plan

letter of explanation

**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;**

R-2 zoning allows for two family home  
with 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;**

yes

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

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

yes-

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

yes

**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;**

Add new driveway to right side of home to provide plenty of off street parking

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

yes

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.

Will do if needed.

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

No negative effect to abutting property values



**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;**

No

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**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;**

No

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*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.*

## Letter of explanation - Special Exception

Address - 43 Winter St

Owner - 43 Winter St LLC / Brian Allen / Alex Higley / Jonathan Bennett

Property Description - Previously a 2 then a 3 family home, converted into a single home that is in desperate need of repair. Kitchen and bathrooms are unable to be used in the current situation.

Lot is roughly a rectangle, very flat with limited sloping, with road frontage of 93' making it a non-comforming lot, with a depth of approx. 137' at the deepest. House meets current setbacks for zoning. Home is supported by public water and sewer.

What do we propose? Convert the single family home back into a two family home that will turn into independent condos. The size of the home allows for a 2 bedroom and 3 bedroom condo, this will allow for two more affordable options for residents living near downtown.

Why? R2 zoning allows for special exception for two family / residential conversions. Exeter and southern NH is in need of housing, this will allow a large 5 bedroom home to now meet the needs of today's society, as 5 bedroom homes are not in high demand.

Abutter list for 43 Winter St

3 Spruce St - Peter Finch & Nancy Finch

43 ½ Winter St - Kristy Erickson

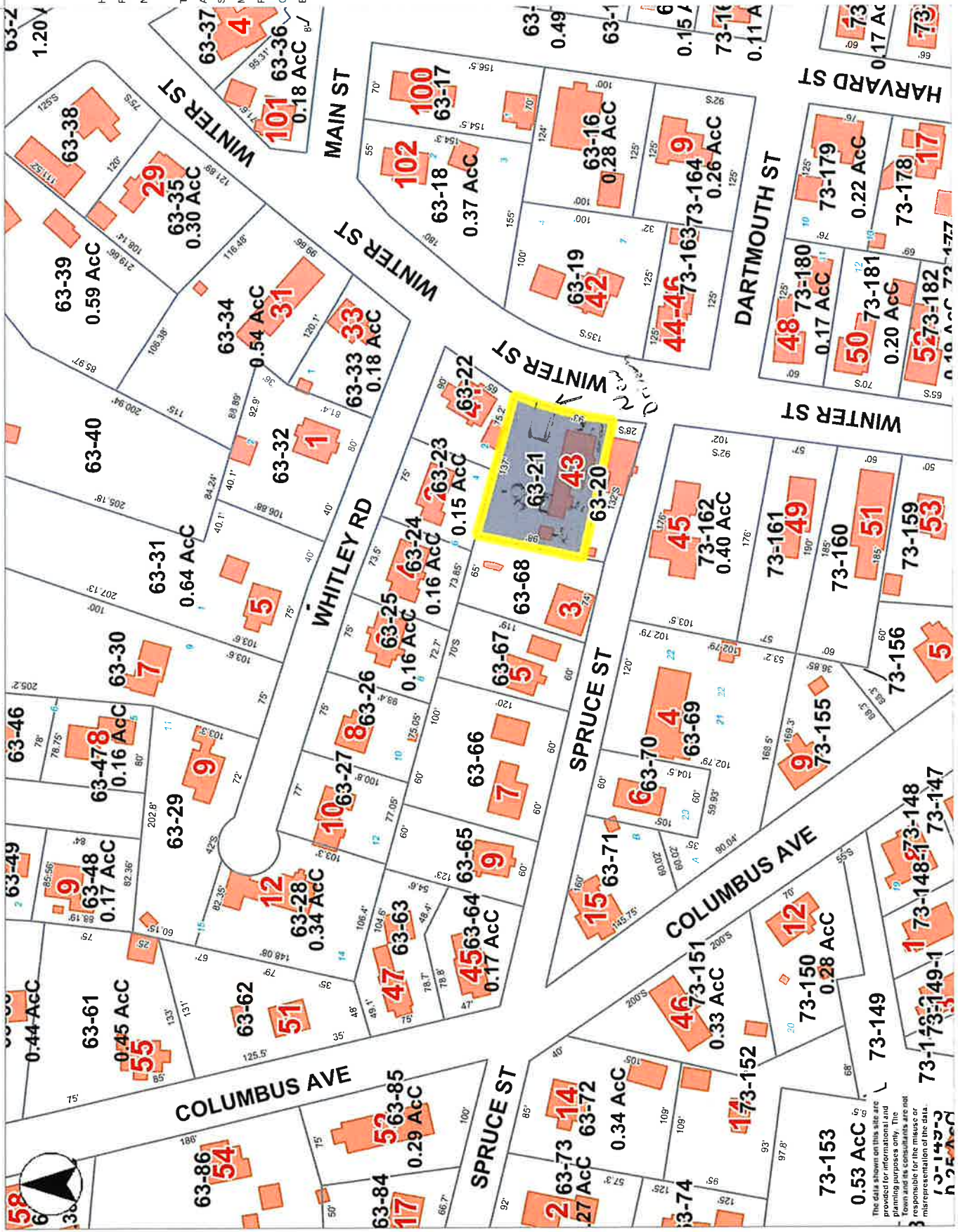
41 Winter St - Elizabeth Loch & Ian Loch

2 Whitley Rd - John Loosman & Kimberly Loosman

42 Winter St - Alexander Fritz and Catlin Lamb



- Historic Photos
- Parcels
- NH Highways
- US Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets
- Misc Streams
- Parcel Streams
- Open Water
- Buildings



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



65' 0.16 Acc

63-68  
0.19 Acc

119'

98'

PRUCE ST

63-20  
0.07 Acc

132'S

43 1/2

45'

Demo'd  
years ago

63-21  
0.28 Acc  
Addition

43

New Driveway  
size TBD

Bulk  
head

4  
0.15 Acc  
free to  
63-23 remove

0137'

2

63-22  
0.14 Acc

75.2'

63'

Side walk

Existing  
Driveway

- Parcels
- NH Highways/Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets
- Misc Streams
- Parcel Streams
- Open Water
- Buildings



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43 Winter Street, Exeter

