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**TOWN OF EXETER
PLANNING BOARD
NOWAK MEETING ROOM
10 FRONT STREET
JULY 11, 2024
APPROVED MINUTES
7:00 PM**

I. PRELIMINARIES:

BOARD MEMBERS PRESENT BY ROLL CALL: Chair Langdon Plumer, Vice-Chair Aaron Brown, Clerk, John Grueter, Pete Cameron (remotely), Gwen English, Jennifer Martel, and Nancy Belanger Select Board Representative

STAFF PRESENT: Conservation & Sustainability Planner Kristen Murphy

II. CALL TO ORDER: Chair Plumer called the meeting to order at 7:00 PM and introduced the members. He noted that the agenda would start with the extension request of Blind Tiger, LLC.

III. OLD BUSINESS

APPROVAL OF MINUTES

June 27, 2024

Ms. English recommended edits.

Mr. Grueter motioned to approve the June 27, 2024 meeting minutes, as amended. Ms. Belanger seconded the motion. A roll call vote was taken, Ms. Belanger voted aye, Ms. English voted aye, Vice-Chair Brown voted aye, Chair Plumer voted aye, Ms. Martel voted aye, Mr. Grueter voted aye and Mr. Cameron voted aye. With all in favor, the motion passed 7-0-0.

IV. NEW BUSINESS:

1. The continued public hearing on the application of Meniscus Financial Holdings, LLC for site plan review and Wetlands and Shoreland Conditional Use Permits for the proposed construction of a commercial vehicle storage area, a 22,500 S.F. accessory storage building and associated site improvements on the property located at 127 Portsmouth Avenue.
C-2, Highway Commercial zoning district
Tax Map Parcel #52-112-2
PB Case #24-4.

Chair Plumer read out loud the Public Hearing Notice.

43 Ms. Murphy indicated that the applicant met with the Technical Review Committee (TRC) on
44 July 13, 2024 and comments were provided from TRC and Underwood Engineering (UEI). She
45 noted there was a site walk in June and the application appeared before the Conservation
46 Commission in July. She noted staff has reviewed the application with a cursory review by the
47 Town Planner, Dave Sharples and that the memo of the Conservation Commission has been
48 provided. She noted that Mr. Sharples indicated a waiver from architectural standards was
49 recommended.

50
51 Christian Smith of Beals Associates indicated that Doug from Jewett Construction was also
52 present. He discussed the drain and infiltration testing on the premises and native soils. He
53 indicated a memo from the traffic engineer concerning crossing to the existing site and stop sign
54 on entrance to Route 108. He discussed the three 3.5" caliper trees, and gray birch at 10-12'
55 called for. He noted that a memo from UEI was received Tuesday morning and addressed
56 comments 49-52. He discussed the University of New Hampshire stormwater fact sheet which is
57 one page and not germane to the under drained system proposed. He noted that UNH has a 25-
58 page document concerning the design. He addressed the typo on comment 53 for stone fill
59 depth which should be 3.'

60
61 Mr. Smith addressed the test pit close to the proposed building and the test pit dug into the
62 banking to avoid removing trees to access the top of the hill. He discussed infiltration rates and
63 the proposed stone drip edge.

64
65 Ms. Smith indicated that Jewett Construction went through the architectural rules and feels
66 they comply. Mr. Grueter asked about the roof pitch, and Mr. Smith responded it has more
67 pitch per the standards now.

68
69 Ms. Martel asked about the addition of a garage door on the GTE Road side. Mr. Grueter asked
70 if it would be for loading and unloading. Mr. Smith indicated that it was requested by Mr. Foss
71 so that the pick-up truck could back in. There would be no direct deliveries. Mr. Grueter asked
72 how long the driveway would be and Mr. Smith indicated 10.'

73
74 Mr. Grueter indicated there were more windows on the old design and expressed concerns with
75 the narrow road and with the garage. Ms. Smith indicated that glass was reduced after
76 comments made by an abutter who expressed concerns with bird strike and to make the front
77 look less retail because it is not.

78
79 Ms. Murphy indicated that Drew Koff was present representing the Conservation Commission
80 who recommended denial of the Conditional Use Permits because of shoreland buffer impacts
81 and water quality. Mr. Koff indicated that the Conservation Commission reviewed the wetland
82 and shoreland CUP requested and recommended denial due to the impacts to shoreland buffer
83 and water quality. He stated that Commission member Don Clement said it best that in the
84 town's wisdom regulations were adopted to protect the resources, maintain buffers and this
85 site had important water quality that needed protecting. He indicated that both structures
86 encroached on the shoreland buffer. He stated that the orange area shown on the plan is the

87 impact to the 150' shoreland setback. Mr. Smith responded that there is a small amount of
88 pervious parking lot which will collect stormwater in the underdrains proposed and a stone
89 infiltration trench on the southwest side of the building. He indicated 12,268 SF of impact in the
90 150' buffer.

91
92 Mr. Koff noted the area shown in green is the 150-300' buffer and the whole site is in the buffer
93 for the Exeter drinking water via the intake upstream. Some of the impacts are within 150' of
94 the town's drinking water resource and will have significant impact to the watershed around the
95 building site. He noted impacts to the mature forest which serves to absorb and filter rain and
96 with the margin between the stormwater and forest permanently removed that would be a
97 significant impact. He indicated the Commission voted unanimously that there was just too
98 much risk to the town's water supply and that the town doesn't have these regulations so they
99 can be waived every time. He noted that the plan did not take the resources into account, and
100 he recommended the building be smaller and did not understand the need for such a big
101 parking lot. He noted when the applicant came for their conceptual it was just a parking lot.
102 Mr. Koff noted the Commission unanimously recommended against issuing waivers because of
103 the potential impact to water quality.

104
105 Mr. Koff noted the last time they saw the plan it wasn't proposing pervious pavement, the
106 design changed, and he feels it needs to be more robust given the sensitive area. He indicated
107 they discussed the depth of the underdrain, and it was fairly shallow. Mr. Koff would like to see
108 UEI respond because he, himself is not a stormwater guy.

109
110 Ms. English agreed that they needed to make sure the plan was going to function. With regard
111 to the size of the building, Ms. English calculated that they could put 42 ladder firetrucks fender
112 to fender, it was enormous and in a sensitive location seems too much.

113
114 Mr. Smith indicated the stormwater treatment is supported by the media and gravel beneath
115 the surface, piped to a large culvert which drains to Wheelwright Creek downstream. Mr. Smith
116 indicated that Foss Motors is trying to grow and do this once, they are the number one Dodge
117 Ram/Jeep dealership in the country. Ms. English responded that while she understood their
118 plan to expand the business this is a sensitive site, she did not recall any previous projects in
119 Town with impacts as great as this. Mr. Grueter agreed there are other locations for storage.

120
121 Ms. Belanger noted that the number of cars being parked was an unknown.

122
123 Chair Plumer opened the hearing to the public for comments at 7:42 PM.

124
125 Linda Haskins of Front Street noted that she is a State Representative. She indicated that when
126 you know better – you need to do better. She stated that residents here have some concerns
127 that the project is too big and want to protect their critical water source and feels this plan is
128 going in the wrong direction.

129

130 Vice-Chair Brown indicated there has been a lot of information about pervious vs. impervious.
131 He stated that this is a pretty intense use for this location. He acknowledged they need a waiver
132 regardless of what they do but the site is completely in the buffer zone and should be continued
133 so there is assurance of no impact on the drinking water.

134
135 Ms. Martel agreed that the Conservation Commission review was very reasonable, and the
136 Board should take their recommendation seriously. She agreed there needed to be more work
137 to convince the Board this is zero impact.

138
139 Danielle Frank of 31 Haven Lane expressed concerns about the impact to drinking water.

140
141 Mr. Smith requested a continuance to go back and take another shot at the plan and to respond
142 to UEI.

143
144 Ms. Murphy reviewed the Board's schedule but indicated that they could be first on the agenda
145 for the August 22 meeting but the first meeting in August is completely devoted to the Capital
146 Improvement Plan presentation.

147
148 Vice-Chair Brown recommended that architectural standards should be considered, and the
149 Conservation Commission kept in the loop.

150
151 ***Vice-Chair Brown moved that the application of Meniscus Financial Holdings, LLC Meniscus***
152 ***Financial Holdings, LLC, Planning Board Case #24-4 be continued to the Exeter Planning***
153 ***Board's meeting on August 22, 2024 at 7 PM. Ms. Belanger seconded the motion. A roll call***
154 ***vote was taken: Ms. Belanger voted aye, Mr. Cameron voted aye, Ms. Martel voted aye, Chair***
155 ***Plumer voted aye, Vice-Chair Brown voted aye, Ms. English voted aye and Mr. Grueter voted***
156 ***aye. The motion passed unanimously 7-0-0.***

157
158 2. The application of I. S. Realty Trust for a minor subdivision and Wetlands Conditional Use Permit
159 for the proposed subdivision of an existing 5.58-acre parcel into three (3) residential lots. The
160 subject property is located at 100 Linden Street (and Patricia Avenue)
161 R-2, Single Family Residential zoning district
162 Tax Map Parcel #104-71
163 PB Case #24-7.

164
165 Chair Plumer read out loud the Public Hearing Notice and asked if the case was ready to be
166 heard. Ms. Murphy indicated the case was ready to be heard.

167
168 ***Ms. English motioned to open Planning Board Case #24-7. Mr. Cameron seconded the motion.***
169 ***A roll call vote was taken, Mr. Cameron voted aye, Ms. Martel voted aye, Chair Plumer voted***
170 ***aye, Vice-Chair Brown voted aye, Ms. English voted aye, Ms. Belanger voted aye and Mr.***
171 ***Grueter voted aye. The motion passed unanimously 7-0-0.***

172

173 Ms. Murphy indicated the application was for a minor subdivision with wetland's CUP. Plans
174 and supporting documents dated June 25, 2024 were provided. The applicant appeared before
175 the Zoning Board of Adjustment on June 18, 2024 and received a variance for minimum lot
176 frontage. The notice of decision and minutes are provided. The CUP was presented to the
177 Conservation Commission on July 9, 2024 and the Commission voted unanimously in support.
178 There was no Technical Review Committee review. The application was reviewed by staff and
179 there are no waivers requested. She has a proposed list of conditions for approval.

180
181 Mr. Hunter presented the plan. He indicated the dead end, right of way and utilities, well and
182 septic.

183
184 Ms. English noted this was originally proposed as a five-lot cul-de-sac.

185
186 Chair Plumer opened the hearing to comments from the public at 8:02 PM.

187
188 A resident of 14 Riverbend Circle thanked Mr. Hunter for reducing the plan. He expressed
189 concerns with runoff and replacing vegetation. He noted everyone downstream was "thick with
190 water."

191
192 Mr. Grueter asked about the detention pond and if it functioned. Seneca indicated there was
193 more runoff now than before and that may be due to the removed trees. He indicated sumps
194 are running ten months of the year, some all year round.

195
196 Ms. English asked about vegetation and Mr. Hunter indicated there is currently very little. In
197 2019 the property was logged. He plans to replace that vegetation. Seneca indicated that the
198 utilities clear cut their right of way.

199
200 Mr. Grueter noted the Conservation Commission approved based on replacing the vegetation.
201 Vice-Chair Brown noted that Code Enforcement could follow up and the Town Planner also. Ms.
202 Martel stated that although those mechanisms were in place before, the restoration did not
203 take place. Mr. Hunter indicated the trees died. Mr. Grueter recommended following up on
204 that.

205
206 Ms. English asked about stone drip edge and Mr. Hunter indicated an architect was working on
207 it.

208
209 Ms. Murphy read out loud the proposed conditions of approval:

- 210
211 1. A dwg file of the plan shall be provided to the Town Planner showing all property lines and
212 monumentation prior to signing the final plans. This plan must be in NAD 1983 State Plane
213 New Hampshire FIPS 2800 Feet coordinates; and
214 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan and
215 Subdivision Regulations prior to the signing the final plans.
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Chair Plumer reviewed the criteria for the CUP. Mr. Hunter indicated the use was permitted in the zone. Vice-Chair Brown indicated the design was less intense than seen previously as far as alternate designs that were less detrimental. Vice-Chair Brown indicated that the wetland scientist requirement did not apply to a minor subdivision or question #6 another site. Mr. Hunter indicated that the buffer impact was less, and answered yes to question five about health, safety, welfare not detrimental to public health, and ground water not being contaminated. Mr. Hunter answered yes to question seven about restoration and #8 concerning DES 485a:17 and US Army Corp 404 Clean Water Act.

Vice-Chair Brown motioned after reviewing the criteria for the wetlands conditional use permit that the request of I S Realty Trust, Planning Board Case #24-7 for a wetlands conditional use permit be approved. Ms. Belanger seconded the motion. A roll call vote was taken: Mr. Cameron voted aye, Ms. English voted aye, Ms. Belanger voted aye, Vice-Chair Brown voted aye, Chair Plumer voted aye, Ms. Martel voted aye and Mr. Grueter voted aye. The motion was approved unanimously 7-0-0.

The Board discussed the trees. Ms. Murphy noted it was not this applicant that removed them, that was Cypress Circle Dev. Mr. Hunter indicated that he would clear cut within 30' of the foundation. Ms. Murphy reviewed the previous recommendation. Ms. English indicated there is a list on the town website of native trees and shrubs that are recommended. Ms. Martel agreed there could be 12 trees and 12 shrubs selected from the Tree Committee list on the website. Ms. Murphy read proposed condition #3:

- Applicant to plant a mix of 12 native canopy trees and 12 shrubs from the town's recommended species list.

Ms. English motioned that the request of I S Realty Trust, Planning Board Case #24-7 for a minor subdivision be approved with the three conditions outlined by Ms. Murphy. Ms. Belanger seconded the motion. A roll call vote was taken: Mr. Cameron voted aye, Ms. Martel voted aye, Chair Plumer voted aye, Vice-Chair Brown voted aye, Ms. English voted aye, Ms. Belanger voted aye and Mr. Grueter voted aye. The motion passed unanimously 7-0-0.

3. The application of Green & Company for a design review of a proposed mixed-use development on the property at 76 Portsmouth Avenue.
C-2, Highway Commercial zoning district.
Tax Map Parcel #65-118.
PB Case #24-8

Chair Plumer read out loud the Public Hearing Notice for a conceptual design review discussion per RSA 676:4. Ms. Murphy noted the discussion was non-binding and abutters were notified.

Paige Libbey of Jones & Beach presented the conceptual design using the tax map overlay. She indicated the location of the Fisher Auto Parts store and the Thirsty Moose and Verani Realty,

261 Route 108, Jady Hill and Haven Lane. She noted there is a drainage easement between Thirsty
262 Moose and a large, deep culver/swale and wetlands on the south. She discussed the middle
263 ditch which outlands to Webster Ave wetlands and Wheelwright Creek. She indicated the man-
264 made ditches.

265
266 Ms. Libbey reviewed the proposed buildings which would be commercial in the front with
267 apartments and basement parking, four stories in the Mixed Used Neighborhood Development
268 (MUND) zone. She indicated the proposed triplex in the back and proposed extension of Haven
269 Lane and proposed firetruck turnaround. She noted that parking in MUND is one space per
270 residential unit, but they were increasing to 1.5 spaces per unit. There would be 121 units
271 between three buildings and ten percent would be affordable housing as required. She indicated
272 there has been no traffic study yet.

273
274 Ms. Libbey briefly touched upon wetland and buffer impacts and noted they attended the
275 Conservation Commission's meeting. She reviewed plans to relocate the man-made ditch. She
276 showed wetlands in orange and noted no impacts to natural buffers. She indicated roof water
277 would be collected and treated. She noted the project will require State Alteration of Terrain
278 (Aot) and there will be temporary impact to the 40' buffer with a robust planting plan and
279 landscaping along the property line. She indicated right now there is no treatment at all, and
280 the town now has stormwater regulations.

281
282 Chair Plumer opened the discussion to the public for comments at 8:40 PM.

283
284 Mr. Grueter asked about the exit on Haven Lane and Ms. Libbey noted it was always part of the
285 property and part of the C-2 District.

286
287 Mr. Cameron asked about the large culvert that provides a lot of drainage to Portsmouth
288 Avenue.

289
290 Vice-Chair Brown indicated he was sure the residents appreciated the existing natural buffer
291 that is there now.

292
293 Ryan O'Brien of 20 Haven Lane expressed concerns about Jady Hill's wet basements and poorly
294 drained soils in the entire area. He expressed concerns with creating a water dam which would
295 flood all the existing homes. Mr. O'Brien expressed concerns with impact to wildlife habitat
296 which he described as a prime habitat and concerns that the wildlife would be cut off from their
297 drinking supply and interrupt the wildlife corridor's continuity. He expressed concerns with
298 traffic safety and was not sure why there had to be two ways in and out when most
299 developments have one. He expressed concerns about such a high density connecting directly
300 to single-family homes. He expressed concerns with the potential for cut-thru traffic and 124
301 units in a very small space connecting to Haven Lane. He noted concerns with green space
302 around the buildings and the buffer between the R-2 and C-2 districts and removing vegetation
303 that would extend Portsmouth Avenue into the neighborhood. He stressed that a buffer was
304 needed. He expressed additional concerns with water, water supply and sewer as well as water

305 pressure. He noted there was just a 3 million bond and questioned whether that was going to
306 manage this. He requested the development not be allowed to affect the Jady Hill area and to
307 remove the proposed connection to Haven Lane and to create a much wider vegetative buffer,
308 and to address water and wildlife migrations.

309
310 Kyle Taylor of 30 Haven Lane noted that he ran a landscape business and has done plowing in
311 the neighborhood. He witnessed the effect of a blizzard followed by a heavy rain event blocking
312 drains on Bonnie Drive and the creek which ran down Haven Lane. He noted the drains are not
313 working and water ponds at Bonny Drive. The culvert in the woods is no longer there. He
314 expressed concerns with sewers and the big dig, storm drains and gas lines. He noted tree roots
315 are into the clay pipes. He has concerns with the man-made trenches. Mr. Taylor noted that
316 the 2023 MUND intent was not for this section to be tied to a commercial district.

317
318 Noel of 11 Bonnie Drive indicated problems with the basement, made comparison to town
319 versus city and wildlife concerns.

320
321 Taylor Adams of 8 Bonny Lane showed the poorly drained soils shown in orange on the town
322 map and questioned why they are not reflected on this plan. She expressed buffer impact
323 concerns and sump pumps already running to get water out of basements especially in the
324 winter and spring flooding season. She worried the hydraulic pressure would crack her
325 foundation. She expressed concerns with additional pavement, decreased value to existing
326 homes and water damage and the removal of a mature forest which provides great water
327 drainage, noise pollution and the number of units. She asked how water would be provided to
328 so many. She was also concerned about traffic and people cutting through if the connection
329 were made to Haven Lane, and speed control. She mentioned adverse possession, easements
330 and privacy fencing.

331
332 Lisa Medlock of 11 Haven Lane stated there are no sidewalks on Jady Hill. People walk in the
333 street. She expressed concerns with pollution, traffic, loss of green space and increasing heat
334 and energy consumption, drainage and property values. She stated that their neighborhood is
335 zoned R-2 and this was not intended to be C-2 mixed. Ms. Medlock read the purpose statement
336 in the ordinance: to lessen congestion, overcrowding, control population growth,
337 environmental stability, water, sewer and schools. She requested the project be scaled down
338 with no access to Bonny Drive or Haven Lane and to consider the water supply.

339
340 Danielle Frank of 31 Haven Lane discussed the natural environment existing and the flora and
341 fauna and dense population of wildlife. She expressed concerns that the large-scale
342 construction would damage this ecosystem. She noted that Article 3 expanded the MUND and
343 requires high quality development consistent with the scale of the neighborhood. She noted
344 her neighborhood is R-2 zoned homes and connection to it is not consistent with the intent of
345 MUND. The C-2 district is designed to support this kind of traffic.

346

347 Mr. and Mrs. Franceschi of 36 Haven Lane claimed a marker was removed and a lot of trees
348 destroyed already. Mrs. Franceschi expressed concerns with 700 residents in the school,
349 hospital, traffic and asked “do we want another Portsmouth?”

350

351 A resident of 22 Haven Lane echoed concerns with schools, police and fire. She asked to
352 consider the scope of the project, water runoff, wildlife and safety with no cut through.

353

354 Stephanie Franceschi of 36 Haven Lane expressed concerns about water in basements and
355 placing kids playing in danger.

356

357 Jen Thomas of 28 Haven Lane compared the development of the town to becoming a city. She
358 expressed concerns with congestion with so many additional residents in one place.

359

360 Ms. Belanger requested that letters that were received be placed on the website.

361

362 Josh of 10 Haven Lane expressed traffic impact and requested the development keep to the
363 Portsmouth Avenue side. He noted man made or not the drainage was necessary. He
364 recommended putting the proposed buildings at an angle with no access to Haven Lane and
365 proper drainage.

366

367 Chair Plumer indicated there should be a better transition between residential and commercial.

368

369 Ms. Martel agreed the MUND expansion intention may not be reflected.

370

371 Ms. English expressed concerns with the project backing up to a residential neighborhood.

372

373 Steve Taylor of 30 Haven Lane requested a site walk so the Board could see the buffer. He
374 noted he liked the idea of the diagonal angle to keep the three buildings on Portsmouth Avenue
375 and to have no access to Haven Lane.

376

377 ***Vice-Chair Brown moved that the design review process for Green Company, Planning Board***
378 ***Case #24-8 has concluded and to instruct the Town Planner to notify the applicant in writing***
379 ***pursuant to NH RSA 676:4. Ms. Belanger seconded the motion. A roll call vote was taken: Mr.***
380 ***Cameron voted aye, Chair Plumer voted aye, Vice-Chair Brown voted aye, Ms. English voted***
381 ***aye, Ms. Belanger voted aye and Mr. Grueter voted aye. The motion passed unanimously 7-0-***
382 ***0.***

383

384 V. OTHER BUSINESS

385

- 386 • Blind Tiger, LLC (Exeter Country Club) – 58 Jady Hill Avenue
387 Request for Extension of Conditional Approval granted July 13, 2023
388 PB #23-2

389

390 Chair Plumer read out loud the Public Hearing Notice.

391

392 (unidentified) requested a one-year extension on behalf of Blind Tiger, LLC.

393

394 ***Ms. English motioned to grant the request for a one-year extension of the approval for***
395 ***Blind Tiger, LLC. To July 13, 2025. Ms. Belanger seconded the motion. A roll call vote***
396 ***was taken: Ms. Belanger voted aye, Ms. English voted aye, Vice-Chair Brown voted***
397 ***aye, Chair Plumer voted aye, Mr. Grueter voted aye, Ms. Martel voted aye and Mr.***
398 ***Cameron voted aye. The motion passed unanimously 7-0-0.***

399

400 • Master Plan Discussion

401

402 • Field Modifications

403

404 • Bond and/or Letter of Credit Reductions and Release

405

406

407 **VII. TOWN PLANNER'S ITEMS**

408 **VIII. CHAIRPERSON'S ITEMS**

409 Chair Plumer noted the next meeting is on August 8, 2024 for the Capital Improvement Plan.

410 **IX. PB REPRESENTATIVE'S REPORT ON "OTHER COMMITTEE ACTIVITY"**

411 **X. ADJOURN**

412 ***Vice-Chair Brown motioned to adjourn the meeting at 9:46 PM. Ms. Belanger seconded the***
413 ***motion. A vote was taken, all were in favor, the motion passed unanimously.***

414 Respectfully submitted.

415 Daniel Hoijer,

416 Recording Secretary

417 Via Exeter TV