



TOWN OF EXETER, NEW HAMPSHIRE

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

LEGAL NOTICE EXETER PLANNING BOARD AGENDA

The Exeter Planning Board will meet on Thursday, September 26, 2024 at 7:00 P.M. in the Nowak Room of the Town Office Building located at 10 Front Street, Exeter, New Hampshire, to consider the following:

APPROVAL OF MINUTES: September 12, 2024

NEW BUSINESS: PUBLIC HEARINGS

The application of IOKA Properties LLC and DAC IV, LLC for a lot line adjustment between the properties located at 53 Water Street and 45 Water Street. The subject properties are located in the WC-Waterfront Commercial zoning district. Tax Map Parcel #72-34 and #72-35. PB Case #24-14.

A request by Robin Heim for a waiver from Section 9.6.2., Perimeter Buffer Strip of the Board's Site Plan Review and Subdivision Regulations to permit the proposed construction of a detached 2-car garage within the required 50-foot perimeter buffer. The subject property is located at 4 Balsam Way, in the R-2, Single Family Residential zoning district. Tax Map Parcel #89-4.4. PB Case #24-15.

The application of Willey Creek Company for site plan review, lot line adjustment and Wetlands and Shoreland conditional use permits for the proposed relocation of Building D of the Ray Farm Condominium development and associated site improvements off of Ray Farmstead Road. The subject properties are located in the C-3, Epping Road Highway Commercial zoning district and are identified as Tax Map Parcel #47-8 and #47-8.1. PB Case #22-3.

OTHER BUSINESS

- T.F. Moran, Inc. (for C3I, Inc.) - PB Case #23-13, Tax Map Parcel #48-3
8 Commerce Way – Request for extension of Planning Board Conditional Approval
- Exonian Properties LLC – PB Case #22-6, Tax Map Parcel #72-198
43 Front Street – Request for extension of Planning Board Conditional Approval
- Master Plan Discussion
- Land Use Regulations Review
- Field Modifications
- Bond and/or Letter of Credit Reductions and Releases

EXETER PLANNING BOARD
Langdon J. Plumer, Chairman

Posted 09/13/24: Exeter Town Office and Town of Exeter website

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **NOWAK MEETING ROOM**
4 **10 FRONT STREET**
5 **SEPTEMBER 12, 2024**
6 **DRAFT MINUTES**
7 **7:00 PM**

8 **I. PRELIMINARIES:**
9

10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown, Clerk,
11 John Grueter, Pete Cameron (remotely), Gwen English, Jennifer Martel (remotely), and Nancy Belanger
12 Select Board Representative
13

14 **STAFF PRESENT:** Conservation & Sustainability Planner Kristen Murphy
15

16 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:00 PM and introduced the
17 members. Pete Cameron and Jennifer Martel who appeared electronically verified that they were alone
18 in their rooms.
19

20 **III. OLD BUSINESS**
21

22 **APPROVAL OF MINUTES**
23

24 August 22, 2024
25

26 Ms. English recommended edits.
27

28 *Ms. Belanger motioned to approve the August 22, 2024 minutes, as amended. Mr. Grueter seconded*
29 *the motion. A roll call vote was taken, Ms. Belanger voted aye, Ms. English voted aye, Vice-Chair*
30 *Brown voted aye, Chair Plumer voted aye, Mr. Grueter voted aye, Ms. Martel voted aye, and Mr.*
31 *Cameron abstained. The motion passed 6-0-1.*
32

33 **IV. NEW BUSINESS:**
34

- 35 1. The application of 107 Ponemah Road LLC for a multi-family site plan review for the conversion of
36 the existing single-family residence and attached barn located at 50 Linden Street into three (3)
37 residential condominium units.
38 R-2, Single Family Residential zoning district
39 Tax Map Parcel #82-11
40 PB Case #24-11.

41 Chair Plumer read out loud the Public Hearing Notice and asked Ms. Murphy if the application was ready
42 for review purposes. Ms. Murphy indicated the application was ready for review purposes.

43 **Ms. English motioned to open Planning Board Case #24-11. Ms. Belanger seconded the motion. A roll**
44 **call vote was taken, Ms. Belanger voted aye, Ms. English voted aye, Vice-Chair Brown voted aye, Chair**
45 **Plumer voted aye, Mr. Grueter voted aye, Mr. Cameron voted aye and Ms. Martel voted aye. The**
46 **motion passed 7-0-0.**

47 Ms. Murphy indicated that application and supporting documents dated July 9th were submitted. There
48 was no TRC review however there was review by staff. Several waivers are being requested and those
49 letters have been provided.

50 Henry Boyd of Millenium Engineering presented the application on behalf of the owners whom he noted
51 were present. He noted a large barn is being replaced with a different structure. The property line
52 which is 4' is now being moved to 10' and they obtained relief from that.

53 Mr. Boyd noted the two-story property will be moved back and showed four spaces with pervious
54 pavers. He noted the front driveway will be widened to accommodate two parking spaces. Waivers will
55 be requested for grading within 5' of the property line however the grade change is not significant and
56 will tie in at the existing grade to the rear. There will be a waiver request for no backing into the street
57 for the front parking spaces. The septic system will tie into municipal sewer. An easement will be
58 recorded at the Registry of Deeds.

59 Vice-Chair Brown asked about the parking waiver and existing driveway. Mr. Boyd noted they are
60 adding gravel and making a true second space. Backing out of the existing space has occurred for quite
61 some time.

62 Ms. English asked about the Zoning Board of Adjustment notes dated 10/18/23 conditioning there be
63 seven parking spaces, as she is only seeing six on the plan. Mr. Boyd showed the location of the seventh
64 space and agreed to amend the plan.

65 Ms. English asked about the difference in square footage shown and Mr. Boyd noted that when DTC
66 prepared the application to the ZBA they used the tax map instead of the survey which is more accurate.

67 Mr. Boyd noted the neighbors requested screening and the owners met with them and agreed to plant
68 arborvitaes. He showed the portion where they would be placed which he estimated to be 60' and
69 noted there would be approximately 10, every 4.'

70 Ms. Martel asked about the pavers being noted for a walkway rather than a driveway. She noted the
71 significance for vehicular use is important and the pavers should be sized appropriately. Mr. Boyd
72 agreed to revise the plan detail.

73 Ms. Martel asked about the curb cut for the second parking space out front and if that would be
74 widened so that cars would not have to back out over the curb. Ms. Belanger agreed. Mr. Boyd will talk
75 to Jay Perkins at DPW.

76 Vice-Chair Brown noted with regard to the backing onto the street waiver that this has existed for years
77 and the area is dense.

78 ***Vice-Chair Brown motioned after reviewing the criteria for granting waivers that the request of 107***
79 ***Ponemah Road LLC., Planning Board Case #24-11 for a waiver from Section 9.13.15 of the site plan***
80 ***review and subdivision regulations for parking spaces to be arranged so as to not be backing into a***
81 ***public road, be approved. Mr. Cameron seconded the motion. A roll call vote was taken, Mr. Grueter***
82 ***voted no, Chair Plumer voted aye, Vice-Chair Brown voted aye. English voted aye, Ms. Belanger voted***
83 ***no, Ms. Martel voted aye, and Mr. Cameron voted aye. The motion passed 5-2-0.***

84 Vice-Chair Brown noted the waiver for grading within 5' of the property line was common in dense areas
85 and the applicant is working with trees and sewer connections as well as pulling the property line back.

86 ***Vice-Chair Brown motioned after reviewing the criteria for granting waivers that the request of 107***
87 ***Ponemah Road LLC., Planning Board Case #24-11, for a waiver from Section 9.3.6.4 of the site plan***
88 ***review and subdivision regulations for grading within 5' of a property line be approved. Ms. Belanger***
89 ***seconded the motion. A roll call vote was taken Ms. Belanger voted aye, Ms. English voted aye, Vice-***
90 ***Chair Brown voted aye, Mr. Grueter voted aye, Ms. Martel voted aye, Mr. Cameron voted aye and***
91 ***Chair Plumer voted aye. The motion passed 7-0-0.***

92 Vice-Chair Brown asked if a waiver for High Intensity Soil Survey was required and Mr. Boyd indicated it
93 was not necessary because they are changing from private septic to municipal sewer.

94 ***Ms. English motioned after reviewing the criteria for granting waivers that the request of 107***
95 ***Ponemah Road LLC., Planning Board Case #24-11 for a waiver from Section 7.4.15 of the site plan***
96 ***review and subdivision regulations to provide the shape, size, height and location of all existing***
97 ***structures within 200' of the site, be approved. Ms. Belanger seconded the motion. A roll call vote***
98 ***was taken, Mr. Cameron voted aye, Ms. Martel voted aye, Mr. Grueter voted aye, Chair Plumer voted***
99 ***aye, Vice-Chair Brown voted aye, Ms. English voted aye and Ms. Belanger voted aye. The motion***
100 ***passed 7-0-0.***

101 Vice-Chair Brown asked the change in square footage of the existing building versus post construction.
102 Mr. Boyd indicated 31,088 now or 24% versus 30,030 SF post construction of 20.8%. He noted a small
103 reduction in impervious area, an increase in lot coverage and that a stone wall is being removed. Mr.
104 Boyd noted a silt fencing will be shown on the plan.

105 Ms. Murphy reviewed the regulations for Section 7.7-7.13 of the site plan review and subdivision
106 regulations

107 ***Ms. English motioned after reviewing the criteria for granting waivers that the request of 107***
108 ***Ponemah Road LLC., Planning Board Case #24-11 for a waiver from Sections 7.7, 7.8, 7.9, 7.10, 7.11,***
109 ***7.12 and 7.13 of the site plan review and subdivision regulations be approved. Ms. Belanger seconded***
110 ***the motion. A roll call vote was taken, Ms. Belanger voted aye, Ms. English voted aye, Vice-Chair***
111 ***Brown voted aye, Chair Plumer voted aye, Mr. Grueter voted aye, Mr. Cameron voted aye and Ms.***
112 ***Martel voted aye. The motion passed 7-0-0.***

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

114 1. An electronic as-built plan of the entire property with details acceptable to the Town shall be
115 provided prior to the issuance of a certificate of occupancy for any unit. This plan must be in a dwg or
116 dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;

- 117 2. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and
118 Subdivision Regulations prior to signing the final plans.
- 119 3. The annual operations and maintenance report in the Stormwater Management Operations and
120 Maintenance Manual shall be completed and submitted to the Town Engineer and Town Planner prior
121 to signing the final plan and shall be submitted annually on or before January 31st. This requirement
122 shall be an ongoing condition of approval.
- 123 4. All applicable state permit approval numbers shall be noted on the final plans.
- 124 5. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impacts
125 fees, and inspection fees (including third party inspections) prior to the issuance of a building permit or a
126 certificate of occupancy for any unit, whichever is applicable, as determined by the Town.
- 127 6. All condominium documents including declaration and by-laws shall be submitted to the Town
128 Planner for review and approval prior to signing the final plans. In the event the Town Planner deems
129 that review is needed by the Town Attorney then this review shall be at the applicant's expense.
- 130 7. Final plans will show any significant trees that will be removed to accommodate proposed
131 development. If any significant trees are identified to be removed, they shall be replaced at a 1:1 ratio
132 with native deciduous trees with a minimum of 3" caliper and shown on the final plans.
- 133 8. Applicant will plant 10 arborvitaes along every 4' near the new structure to be shown on revised
134 plans.
- 135 9. Applicant will revise plan detail to specify paver type suitable for vehicular use.
- 136 10. Application will add silt fence on eastern property line to the plans.
- 137 11. Applicant will coordinate with public works and neighbor to the west for public sewer connection.
138 Ms. Murphy asked about the existing septic system being filled in and Mr. Boyd agreed to modify the
139 plan to show the final disposition of the existing septic system.
- 140 12. Applicant to modify plan to show disposition of septic in accordance with state regs.
- 141 13. Applicant will realign parking and if necessary coordinate any curb expansion with DPW.
- 142 14. The applicant will provide an additional spot, shown on the plan, for a total of seven spaces in the
143 area described by Mr. Boyd in the hearing, in accordance with the ZBA condition.
- 144 **Ms. English motioned that the request of 107 Ponemah Road LLC., Planning Board Case #24-11 for a**
145 **multi-family site plan application be approved with the conditions outlined. Ms. Belanger seconded**
146 **the motion. A roll call vote was taken, Ms. Belanger voted aye, Ms. English voted aye, Vice-Chair**
147 **Brown voted aye, Chair Plumer voted aye, Mr. Grueter voted aye, Ms. Martel voted aye. Mr. Cameron**
148 **abstained. The motion passed 6-0-1.**
- 149 2. The application of Biery Family Trust for a minor subdivision of an existing 4.37-acre parcel into two
150 (2) single-family residential lots. The subject property is located at 165A Kingston Road
151 R-1, Low Density Residential zoning district

152 Tax Map Parcel #115-12

153 PB Case #24-9.

154

155 Chair Plumer read out loud the Public Hearing Notice and asked if the case was ready to be heard. Ms.
156 Murphy indicated the case was ready for review purposes.

157

158 Ms. Belanger recused herself and left the meeting table.

159

160 **Mr. Grueter motioned to open Planning Board Case #24-9. Mr. Cameron seconded the motion. A roll**
161 **call vote was taken, Mr. Cameron voted aye, Ms. Martel voted aye, Mr. Grueter voted aye, Chair**
162 **Plumer voted aye, Vice-Chair Brown voted aye, and Ms. English voted aye. The motion passed 6-0-0.**

163

164 Ms. Murphy indicated that the application and supporting documents dated June 25th were submitted.
165 The applicant went before the ZBA on June 18th regarding minimum lot frontage. The decision of the
166 ZBA and their meeting minutes are provided. There was no TRC review however the application was
167 reviewed by staff. There are no waivers being requested.

168

169 JJ MacBride of Emanuel Engineering presented the application on behalf of his client who he noted was
170 present. The two-lot subdivision of a 4.4-acre parcel on Kingston Road, Route 111 was previously used
171 as an excavation business. The parcels have no frontage on Kingston Road but use a 50' wide access
172 easement. Currently there is a garage, chicken coops, storage bins, concrete pad and various stockpiles
173 on the parcel. On June 18th the ZBA granted a variance for less than required frontage for both lots. The
174 parcel will be split up the middle with 2.26 acres on the left having 300' of frontage on the private ROW
175 and the parcel on the right with 2.11 acres and 26' of frontage on the private ROW. Five-bedroom
176 homes are proposed.

177

178 Chair Plumer opened the hearing to public comment at 8:15 PM.

179

180 Dan Jones of 181 Kingston Road noted he was an abutter to the west and northerly side and has no
181 issue. He questioned if it is a two-lot subdivision or three. Ms. English referenced a plan dated 6/25
182 which was the original subdivision in 1993.

183

184 Mr. Grueter asked if the existing garage were staying – yes, the chicken coop will be removed.

185

186 Vice-Chair Brown asked about the shared access and whether there were a written maintenance
187 agreement – not at this point.

188

189 Vice-Chair Brown noted that shared access can create challenges and the best way to avoid those is to
190 have a written agreement which he recommended as a condition of approval before the plan is signed,
191 at the Town Planner's discretion. He noted that not having a written agreement can cause
192 complications with financing a mortgage.

193

194 Chair Plumer asked about the barn and Mr. MacBride said there would be no change.

195

196 Mr. Grueter questioned if the driveway was wide enough for two-way traffic. Ms. English agreed and
197 asked how wide it was. The owner indicated 12' but would widen to 16.' Ms. Murphy read the
198 requirement for a 3-4 lot subdivision which is 16'-18' of pavement. Vice-Chair Brown agreed that 16'
199 worked in this case. He asked if the easement were official – yes, it is shown on the plan.

200
201 Ms. Murphy noted the regulation is for paved and Vice-Chair Brown indicated he found gravel to be
202 sufficient.

203
204 Mr. Cameron asked where the parcel was located and Mr. MacBride indicated close to the
205 Exeter/Brentwood line.

206
207 Ms. English asked about the concrete storage bins – they are being removed.

208
209 Karen Benson noted she was comfortable with the accessed if widened she would be okay with that.
210 Chair Plumer noted the Board appreciated that.

211
212 Chair Plumer closed public comment at 8:33 PM.

213
214 Vice-Chair Brown reviewed conditions of approval:

- 215
216 1. Written agreement regarding access to the new lots be added to the deeds
217 2. Gravel access expanded to minimum of 16' added to plan

218
219 Ms. Murphy read the standard conditions of approval:

220
221 3. A dwg file of the subdivision plan shall be provided to the Town Planner showing all property lines
222 and monumentation prior to signing the final plans. This plan must be in NAD 1983 State Plane New
223 Hampshire FIPS 2800 Feet coordinates; and

224
225 4. All monumentation shall be set in accordance with Section 9.25 of the Site Plan Review and
226 Subdivision Regulations prior to the signing of the final plan.

227
228 ***Vice-Chair Brown motioned that the request of Biery Family Trust, Planning Board Case #24-9 for a***
229 ***minor subdivision be approved with the conditions as read. Ms. English seconded the motion. A roll***
230 ***call vote was taken, Ms. English voted aye, Vice-Chair Brown voted aye, Chair Plumer voted aye, Mr.***
231 ***Grueter voted aye, Ms. Martel voted aye and Mr. Cameron voted aye. The motion passed 6-0-0.***

232
233 Ms. Belanger returned to the meeting table.

234
235 3. The application of Copley Properties LLC for design review of the proposed subdivision of an existing
236 169.80-acre parcel at 119 Piscassic Road in Newfields (and Exeter).
237 The Exeter portion of the subject property is located in the R-1, Low Density Residential zoning district.
238 Tax Map Parcels #10-1, 10-2, 10 3, 10-4, 10-5, 10-6, 10-7, 11-11 and 19-16
239 PB Case #24-10.

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Chair Plumer read out loud the public hearing notice, noted the property was both in Newfields and in Exeter and that town counsel was present.

Ms. Belanger motioned to go into non-meeting at 8:41 PM. Mr. Grueter seconded the motion. No vote was taken or required to recess to confer with town counsel.

The meeting room was closed to the public at 8:41 PM.

The meeting room was reopened to the public at 8:57 PM.

Ms. Belanger recused herself.

Chair Plumer reread the Public Hearing Notice for design review.

Ms. Murphy indicated that pursuant to RSA 676:4 this was a non-binding discussion with abutters notified so specific design can be discussed. There was no TRC process. The National Wetlands Inventory was used to show wetlands delineation on the plan and is not what the town requires. When the design review is concluded, the Board should vote to end or table to a date certain. She noted an issue with parcels 11-11, 19-16, 10-1, 10-2, 10-3, 10-5 which are owned by the Town, however the Ruggs claim ownership. Application requires the signature of the owners for final review.

J.J. MacBride of Emanuel Engineering presented the design review on behalf of Olive Rugg Trust who was not present. The applicant, Copley Properties is present.

Mr. MacBride noted there was a presentation last month in Newfields and that no development is proposed in Exeter. He noted there were 122 acres in Newfields and 4 acres in Exeter off Oaklands Road. The property is mostly undeveloped now with the exception of a house in the northern part, barn, supporting buildings and landscaping business on site, field and forest. Wetlands are shown in yellow delineated by Hurley Environmental however the survey is being processed. The preliminary yield plan showed 70 lots with the potential for 77 with 2 acres and 200' of frontage. There will be a conservation open space subdivision with 78 lots shown in case one or more are not buildable. There are three leach fields and the well radius extends into Exeter.

Drew Goddard of Copley Properties noted there is no building in Exeter, subject to change. The landowner is confident in their property rights. A trail system is maintained and he hopes to have trailhead parking.

Chair Plumer noted that where there are property disputes happening the application is not ready to be heard.

Vice-Chair Brown motioned to end the design review process for Copley Properties and to instruct the Town Planner to notify the applicant in writing that the design review process has ended pursuant to RSA 676:4. Ms. English seconded the motion. A roll call vote was taken, Ms. English voted aye, Vice-

284 ***Chair Brown voted aye, Chair Plumer voted aye, Mr. Grueter voted aye, Ms. Martel voted aye and Mr.***
285 ***Cameron voted aye. The motion passed 6-0-0.***

286

287 Ms. Belanger returned to the meeting table.

288

289 **V. OTHER BUSINESS**

290

- 291 • Master Plan Discussion
- 292 • Field Modifications
- 293 • Bond and/or Letter of Credit Reductions and Release

294

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

296 **VIII. CHAIRPERSON'S ITEMS**

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

298 **X. ADJOURN**

299 Ms. Belanger motioned to adjourn the meeting at 9:18 PM.

300 Respectfully submitted.

301 Daniel Hoijer,

302 Recording Secretary (Via Exeter TV)

**TOWN OF EXETER
PLANNING DEPARTMENT
INTER-OFFICE TRANSMITTAL**

DATE: September 19, 2024

TO: Planning Board

FROM: Dave Sharples, Town Planner

**RE: PB Case #24-14 IOKA Properties, LLC & DAC IV, LLC
Lot Line Adjustment
53 Water Street & 45 Water Street
Tax Map Parcel #72-34 and #72-35**

The Applicant(s) are seeking a lot line adjustment of the common boundary line between the properties located at 53 Water Street and 45 Water Street. The subject properties are located in the WC-Waterfront Commercial zoning district and are identified as Tax Map Parcel #72-34 and #72-35.

The proposed lot line adjustment will allow for the conveyance of 75 square feet of lot area from the IOKA Properties LLC property at 53 Water Street (TM #72-34) to the abutting property owned by DAC IV, LLC at 45 Water Street (TM #72-35) to resolve an existing building encroachment.

The Applicant(s) have submitted a lot line adjustment application, plan and supporting documents, dated August 26th, 2024, which are enclosed for your review. There was no TRC review, however, the materials have been reviewed by staff for compliance with the zoning and subdivision regulations. The plans need to show monumentation in accordance with our regulations. I intend to reach out to the applicant regarding this requirement and I will update the board at the meeting.

I will be prepared with suggested conditions of approval at the meeting in the event the board decides to act on the request.

Planning Board Motions

Lot Line Adjustment Motion: I move that the request of IOKA Properties, LLC & DAC IV, LLC (PB Case #24-14) for a Lot Line Adjustment approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
JOHN J. RATIGAN
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
JOHN K. BOSEN
CHRISTOPHER P. MULLIGAN
ELAINA L. HOEPPNER
WILLIAM K. WARREN
BRIANA L. MATUSZKO

OF COUNSEL
MOLLY C. FERRARA

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

August 26, 2024

David Sharples, Town Planner
Town of Exeter
10 Front Street
Exeter, NH 03833

Re: 53 & 45 Water Street, Map 72, Lots 34 & 35
Lot Line Adjustment Application

Dear Dave:

In accordance with our recent discussion, attached please find Lot Line Adjustment Application to move 75 square feet of the 53 Water Street property (Map 72, Lot 34) to the 45 Water Street property (Map 72, Lot 35). Also enclosed are supporting materials, abutter list, labels and check in the amount of \$230.00.

Because this Application does not require a Technical Review Committee meeting we respectfully request that this matter be placed on the Planning Board's September 26, 2024 agenda. 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: Ioka Properties, LLC
DAC IV, LLC
Henry Boyd, LLS

4866-2231-0109, v. 1.

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, NH
APPLICATION FOR MINOR SITE PLAN REVIEW,
MINOR SUBDIVISION and/or LOT LINE ADJUSTMENT**

A completed application shall contain the following items, although please note that some items may not apply such as waivers or conditional use permit:

- | | |
|--|------------|
| 1. Application for Hearing | (X) |
| 2. Abutter's List Keyed to the Tax Map (including name and business address of all professionals responsible for the submission (engineer, landscape architect, wetland scientist, etc.)) | (X) |
| 3. Checklist for plan requirements | (X) |
| 4. Letter of Explanation | (X) |
| 5. Written request and justification for waiver(s) from Site Plan/Sub Regulations | n/a |
| 6. Application to Connect and/or Discharge to Town of Exeter Sewer, Water, or Storm Water Drainage System(s) - if applicable | n/a |
| 7. Application Fees | (X) |
| 8. Seven (7) copies of 24'x36' plan set | (X) |
| 9. Fifteen (15) 11"x 17" copies of the plan set | (X) |
| 10. Three (3) pre-printed 1"x 2 5/8" labels for each abutter, the applicant and all consultants. | (X) |

NOTES: All required submittals must be presented to the Planning Department Office for distribution to other Town departments. Any material submitted directly to other departments will not be considered.



**TOWN OF EXETER
MINOR SUBDIVISION, MINOR
SITE PLAN, AND/OR LOT
LINE
ADJUSTMENT APPLICATION**

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

MINOR SITE PLAN
 **MINOR (3lots or less)
SUBDIVISION** **LOTS**

LOT LINE ADJUSTMENT

_____	APPLICATION
_____	DATE RECEIVED
_____	APPLICATION FEE
_____	PLAN REVIEW FEE
_____	ABUTTER FEE
_____	LEGAL NOTICE FEE
_____	INSPECTION FEE
_____	TOTAL FEES
_____	AMOUNT REFUNDED

1. NAME OF LEGAL OWNER OF RECORD:

Ioka Properties, LLC, 24 Graf Road, Newburyport, MA 01950
DAC IV, LLC, 79 Parker Street, Newburyport, MA 01950
TELEPHONE: (978) 997-0650

2. NAME OF APPLICANT: s a m e

ADDRESS: _____
 _____ **TELEPHONE:** () _____

3. RELATIONSHIP OF APPLICANT TO PROPERTY IF OTHER THAN OWNER: _____

 (Written permission from Owner is required, please attach.)

4. **DESCRIPTION OF PROPERTY:**

ADDRESS: 53 Water Street and 45 Water Street

TAX MAP: 72 **PARCEL #:** 34 & 35 **ZONING DISTRICT:** W C

AREA OF ENTIRE TRACT: 53 Water: .14 ac., 45 Water: .06 ac.
PORTION BEING DEVELOPED: N/A



5. **EXPLANATION OF PROPOSAL:** Lot Line Adjustment to add 75 square feet from Map 72, Lot 34 to Map 72, Lot 35

6. **ARE MUNICIPAL SERVICES AVAILABLE? (YES/NO)** Yes, but property is already served by municipal water and sewer, no changes to the site of use of property are proposed.

IF YES, WATER AND SEWER SUPERINTENDENT MUST GRANT WRITTEN APPROVAL FOR CONNECTION. IF NO, SEPTIC SYSTEM MUST COMPLY WITH W.S.P.C.C. REQUIREMENTS.

7. **LIST ALL MAPS, PLANS AND OTHER ACCOMPANYING MATERIAL SUBMITTED WITH THIS APPLICATION:**

<u>ITEM:</u>	<u>NUMBER OF COPIES</u>
A. <u>Lot Line Adjustment Plan</u>	<u>seven 24x36 and fifteen 11 x 17</u>
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____

8. **ANY DEED RESTRICTIONS AND COVENANTS THAT APPLY OR ARE CONTEMPLATED**
NO IF YES, ATTACH COPY.

9. **NAME AND PROFESSION OF PERSON DESIGNING PLAN:**

NAME: Henry Boyd, LLS, Millennium Engineering, Inc.
ADDRESS: 13 Hampton Road, Exeter, NH 03833 **PROFESSION:** LLS
TELEPHONE: 603-778-0528

10. **LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:** N / A



11. HAVE ANY SPECIAL EXCEPTIONS OR VARIANCES BEEN GRANTED BY THE ZONING BOARD OF ADJUSTMENT TO THIS PROPERTY PREVIOUSLY?

(Please check with the Planning Department Office to verify) (YES/NO) Yes IF YES, LIST BELOW AND NOTE ON PLAN.

Variations were granted for 53 Water Street by the ZBA on November 17, 2020 relative to maximum building height, minimum rear yard setback and off street parking.

NOTICE:

I CERTIFY THAT THIS APPLICATION AND THE ACCOMPANYING PLANS AND SUPPORTING INFORMATION HAVE BEEN PREPARED IN CONFORMANCE WITH ALL APPLICABLE TOWN REGULATIONS, INCLUDING BUT NOT LIMITED TO THE "SITE PLAN REVIEW AND SUBDIVISION REGULATION" AND THE ZONING ORDINANCE. FURTHERMORE, IN ACCORDANCE WITH THE REQUIREMENTS OF THE "SITE PLAN REVIEW AND SUBDIVISION REGULATIONS", I AGREE TO PAY ALL COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

DATE Aug 26, 2024 APPLICANT'S SIGNATURE

ACCORDING TO RSA 676.4.I (c), THE PLANNING BOARD MUST DETERMINE WHETHER THE APPLICATION IS COMPLETE WITHIN 30 DAYS OF SUBMISSION. THE PLANNING BOARD MUST ACT TO EITHER APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION WITHIN SIXTY FIVE (65) DAYS OF ITS ACCEPTANCE BY THE BOARD AS A COMPLETE APPLICATION. A SEPARATE FORM ALLOWING AN EXTENSION OR WAIVER TO THIS REQUIREMENT MAY BE SUBMITTED BY THE APPLICANT.

**CHECK LIST FOR MINOR SITE PLAN REVIEW,
MINOR SUBDIVISION AND LOT LINE ADJUSTMENT**

APPLICANT	TRC	REQUIRED EXHIBITS, SEE REGULATION 6.6.2.4
✓	<input type="checkbox"/>	a) The name and address of the property owner, authorized agent, the person or firm preparing the plan, and the person or firm preparing any other data to be included in the plan.
✓	<input type="checkbox"/>	b) Title of the site plan, subdivision or lot line adjustment, including Planning Board Case Number.
✓	<input type="checkbox"/>	c) Scale, north arrow, and date prepared.
✓	<input type="checkbox"/>	d) Location of the land/site under consideration together with the names and address of all owners of record of abutting properties and their existing use.
✓	<input type="checkbox"/>	e) Tax map reference for the land/site under consideration, together with those of abutting properties.
✓	<input type="checkbox"/>	f) Zoning (including overlay) district references.
✓	<input type="checkbox"/>	g) A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 1,000-feet.
N/A	<input type="checkbox"/>	h) For minor site plan review only, a description of the existing site and proposed changes thereto, including, but not limited to, buildings and accessory structures, parking and loading areas, signage, lighting, landscaping, and the amount of land to be disturbed.
N/A	<input type="checkbox"/>	i) If deemed necessary by the Town Planner, natural features including watercourses and water bodies, tree lines, and other significant vegetative cover, topographic features and any other environmental features which are significant to the site plan review or subdivision design process.
N/A	<input type="checkbox"/>	j) If deemed necessary by the Town Planner, existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
N/A	<input type="checkbox"/>	k) If deemed necessary by the Town Planner for proposed lots not served by municipal water and sewer utilities, a High Intensity Soil Survey (HISS) of the entire site, or portion thereof. Such soil surveys shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
N/A	<input type="checkbox"/>	l) State and federal jurisdictional wetlands, including delineation of required setbacks.

N/A	<input type="checkbox"/>	m) A note as follows: "The landowner is responsible for complying with all applicable local, State, and Federal wetlands regulations, including any permitting and setback requirements required under these regulations."
✓	<input type="checkbox"/>	n) Surveyed exterior property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in New Hampshire must attest to said plan.
N/A	<input type="checkbox"/>	o) For minor site plans only, plans are not required to be prepared by a professional engineer or licensed surveyor unless deemed essential by the Town Planner or the TRC.
✓	<input type="checkbox"/>	p) For minor subdivisions and lot line adjustments only, the locations, dimensions, and areas of all existing and proposed lots.
✓	<input type="checkbox"/>	q) The lines of existing abutting streets and driveways locations within 100- feet of the site.
N/A	<input type="checkbox"/>	r) The location, elevation, and layout of existing catch basins and other surface drainage features.
✓	<input type="checkbox"/>	s) The footprint location of all existing structures on the site and approximate location of structures within 100-feet of the site.
N/A	<input type="checkbox"/>	t) The size and location of all existing public and private utilities.
✓	<input type="checkbox"/>	u) The location of all existing and proposed easements and other encumbrances.
N/A	<input type="checkbox"/>	v) All floodplain information, including contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.
N/A	<input type="checkbox"/>	w) The location of all test pits and the 4,000-square-foot septic reserve areas for each newly created lot, if applicable.
N/A	<input type="checkbox"/>	x) The location and dimensions of all property proposed to be set aside for green space, parks, playgrounds, or other public or private reservations. The plan shall describe the purpose of the dedications or reservations, and the accompanying conditions thereof (if any).
✓	<input type="checkbox"/>	y) A notation shall be included which explains the intended purpose of the subdivision. Include the identification and location of all parcels of land proposed to be dedicated to public use and the conditions of such dedications, and a copy of such private deed restriction as are intended to cover part of all of the tract.
N/A	<input type="checkbox"/>	z) Newly created lots shall be consecutively numbered or lettered in alphabetical order. Street address numbers shall be assigned in accordance with <u>Section 9.17 Streets</u> of these regulations.
✓	<input type="checkbox"/>	aa) The following notations shall also be shown: <ul style="list-style-type: none"> • Explanation of proposed drainage easements, if any • Explanation of proposed utility easement, if any • Explanation of proposed site easement, if any • Explanation of proposed reservations, if any • Signature block for Board approval as follows: Town of Exeter Planning Board _____ Chairman _____ Date _____

**IOKA PROPERTIES, LLC, 53 WATER STREET, TAX MAP 72, LOT 34
ABUTTER LIST**

OWNER/APPLICANT:

72/34 Ioka Properties, LLC
24 Graf Road
Newburyport, MA 01950

72/35 DAC IV, LLC
79 Parker Street
Newburyport, MA 01950

ABUTTERS:

72/33 Exeter Masonic Association
c/o Dwayne Staples
33 Ashbrook Road
Exeter, NH 03833

72/15 64 Water Street, LLC
181 High Street
Exeter, NH 03833

72/14-1 Susan Blaire
c/o Susan Rislove
42 Water Street
Exeter, NH 03833

72/14-2 Mia James Realty Trust
Kristin Poulin, Trustee
45 Wadleigh Point Road
Kingston, NH 03848

72/14-3 Susan Rislove
42 Water Street
Exeter, NH 03833

72/14-4, 5 & 6 Water Street Realty Trust
Chung Jen Chen
531 East Third Street #2
South Boston, MA 02127

72/13 & 42 Town of Exeter
10 Front Street
Exeter, NH 03833

72/36

39-43 Water Street, LLC
39-43 Water Street
Exeter, NH 03833

ATTORNEY:

Sharon Cuddy Somers, Esq.
Donahue, Tucker & Ciandella, PLLC
PO Box 630
Exeter, NH 03833

SURVEYOR:

Henry Boyd
Millennium Engineering, Inc
13 Hampton Road
Exeter, NH 03833

4874-1750-8826, v. 2

LETTER OF AUTHORIZATION

I, David Cowie, duly authorized Member of IOKA Properties, LLC and DAC IV, LLC, owners of property depicted on Tax Map 72, Lot 34 and 35, 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: 8/26/2024

IOKA PROPERTIES, LLC

DocuSigned by:

David A. Cowie

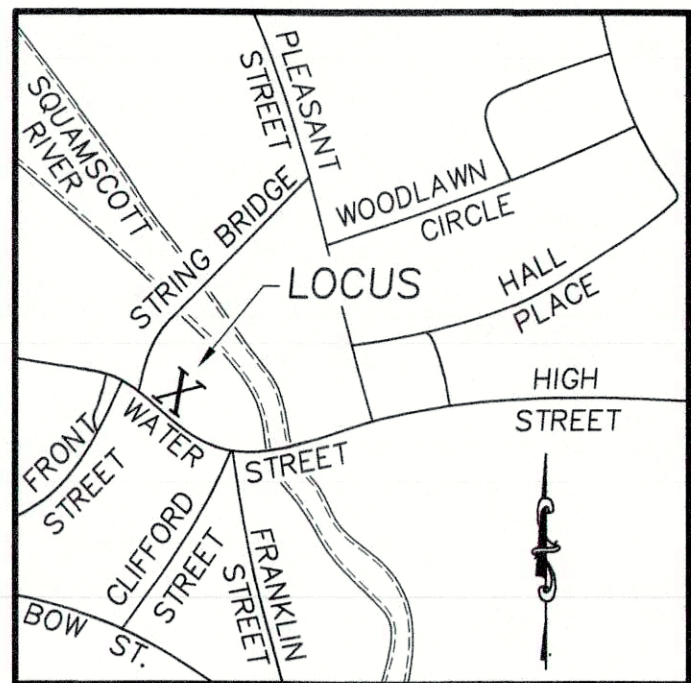
22B735DD52C345C
David Cowie, Member

DAC IV, LLC

DocuSigned by:

David A. Cowie

22B735DD52C345C
David Cowie, Member



NOTES:

1) THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.

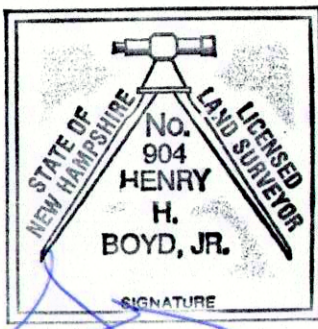
THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT TOWN/CITY ASSESSORS' RECORDS.

I CERTIFY:

THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND BETWEEN MARCH OF 2020 AND JULY OF 2024.

THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

THAT THIS SURVEY CONFORMS TO THE REQUIREMENTS FOR ACCURACY FOR



LICENSED LAND SURVEYOR DATE 08-19-2024

PLAN NOTE

THE PURPOSE OF THIS PLAN IS TO ADJUST THE COMMON BOUNDARY BETWEEN 72/34 & 72/35

TOWN OF EXETER PLANNING BOARD

CHAIRMAN DATE

72/42

TOWN OF EXETER
10 FRONT STREET
EXETER, NH 03833
BK. 2400 PG. 0085

RECORD OWNERS

72/34

IOKA PROPERTIES L.L.C.
24 GRAF ROAD
NEWBURYPORT, MA 01950
BK. 6098 PG. 1375

72/35

D.A.C. IV L.L.C.
79 PARKER STREET
NEWBURYPORT, MA 01950
BK. 6115 PG. 0158

5,902 S.F.
0.14 ACRES

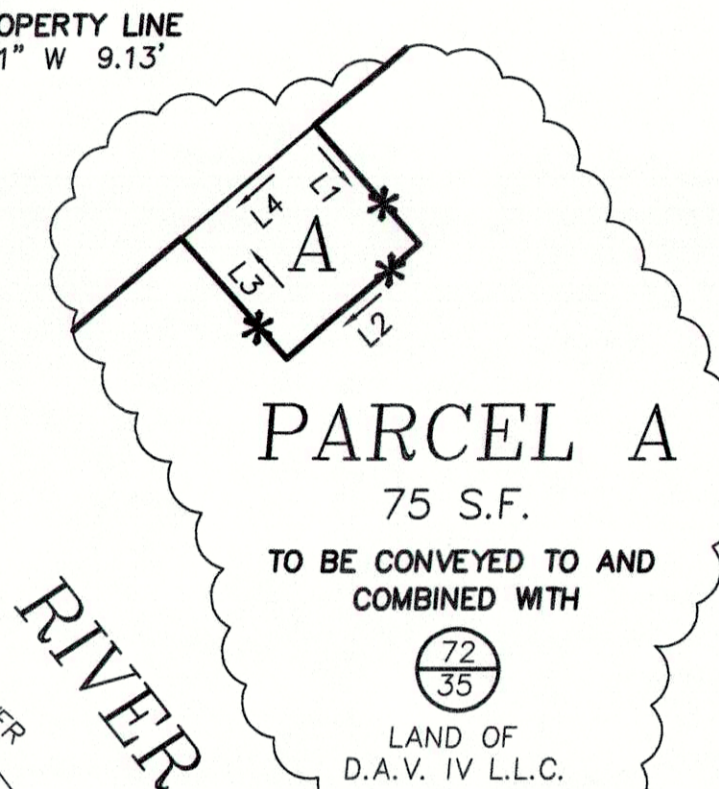
PLAN REFERENCE

"TOWN OF EXETER, NH PLAN OF STEAMER HOUSE LOT " SCALE:1"=15' DATE: DEC. 1949 BY: JOHN W. DURGIN BK.1160 PG.284

"BOUNDARY LOCATION BETWEEN 63 & 69 WATER STREET IN EXETER, NH" SCALE:1"=10' DATE: SEOT. 1984 BY: PARKER SURVEY ASSOC., INC. C-13480

LINE TABLE

L1 S 41°12'44" E 8.19'
L2 S 48°47'16" W 9.13'
L3 N 41°12'44" W 8.33'
PROPOSED PROPERTY LINE
L4 S 49°42'21" W 9.13'



PARCEL A

75 S.F.

TO BE CONVEYED TO AND COMBINED WITH

72/35

LAND OF D.A.V. IV L.L.C.

PARCEL A

DETAIL

MAGNETIC JUNE 2015

LOCUS MAP
NOT TO SCALE

ZONING DISTRICT
WC WATERFRONT

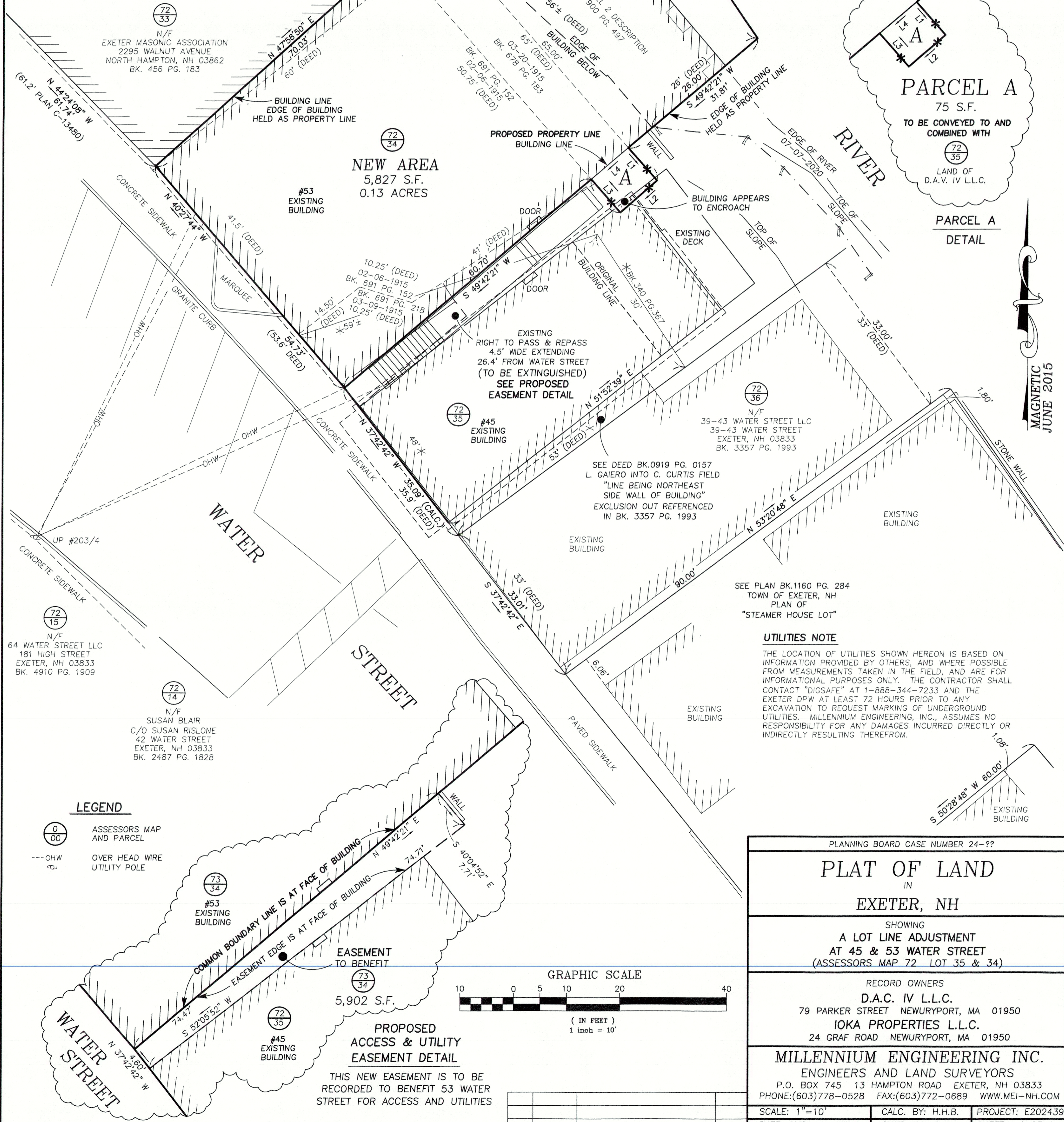
AREA 5,000 S.F.
DWELLING UNIT 750 S.F.
LOT WIDTH 50'
LOT DEPTH 100'

BUILDING SETBACKS
FRONT 10' OR AVERAGE OF BLOCK SIDE = TO SIDE YARD OF ABUTTER OR 10'
REAR 25'

BUILDING HEIGHT (RIVER SIDE) 50'
BUILDING COVERAGE (MAXIMUM) 75%
OPEN SPACE (MINIMUM) 5%

72/33

N/F EXETER MASONIC ASSOCIATION
2295 WALNUT AVENUE
NORTH HAMPTON, NH 03862
BK. 456 PG. 183



NEW AREA
5,827 S.F.
0.13 ACRES

#53 EXISTING BUILDING

EXISTING RIGHT TO PASS & REPASS 4.5' WIDE EXTENDING 26.4' FROM WATER STREET (TO BE EXTINGUISHED) SEE PROPOSED EASEMENT DETAIL

72/35

#45 EXISTING BUILDING

72/36

N/F 39-43 WATER STREET LLC
39-43 WATER STREET
EXETER, NH 03833
BK. 3357 PG. 1993

SEE DEED BK.0919 PG. 0157 L. GAIERO INTO C. CURTIS FIELD "LINE BEING NORTHEAST SIDE WALL OF BUILDING" EXCLUSION OUT REFERENCED IN BK. 3357 PG. 1993

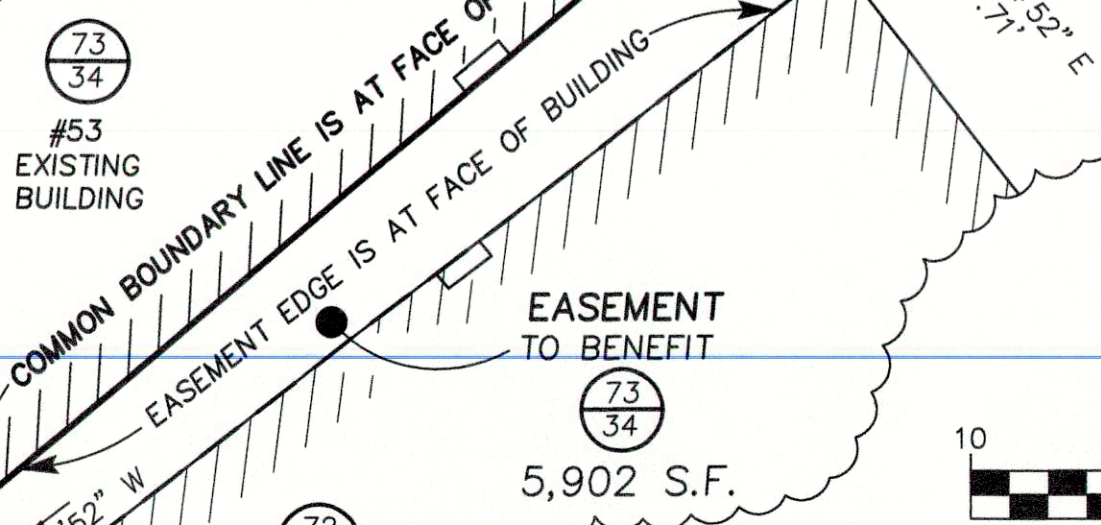
SEE PLAN BK.1160 PG. 284 TOWN OF EXETER, NH PLAN OF "STEAMER HOUSE LOT"

UTILITIES NOTE

THE LOCATION OF UTILITIES SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY OTHERS, AND WHERE POSSIBLE FROM MEASUREMENTS TAKEN IN THE FIELD, AND ARE FOR INFORMATIONAL PURPOSES ONLY. THE CONTRACTOR SHALL CONTACT "DIGSAFE" AT 1-888-344-7233 AND THE EXETER DPW AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST MARKING OF UNDERGROUND UTILITIES. MILLENNIUM ENGINEERING, INC., ASSUMES NO RESPONSIBILITY FOR ANY DAMAGES INCURRED DIRECTLY OR INDIRECTLY RESULTING THEREFROM.

LEGEND

- 0/00 ASSESSORS MAP AND PARCEL
- OHW OVER HEAD WIRE
- ⊕ UTILITY POLE

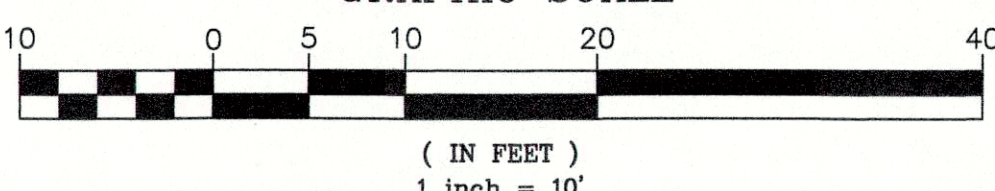


PROPOSED ACCESS & UTILITY EASEMENT DETAIL

5,902 S.F.

THIS NEW EASEMENT IS TO BE RECORDED TO BENEFIT 53 WATER STREET FOR ACCESS AND UTILITIES

GRAPHIC SCALE



PLANNING BOARD CASE NUMBER 24--??

PLAT OF LAND
IN
EXETER, NH

SHOWING
A LOT LINE ADJUSTMENT
AT 45 & 53 WATER STREET
(ASSESSORS MAP 72 LOT 35 & 34)

RECORD OWNERS

D.A.C. IV L.L.C.
79 PARKER STREET NEWBURYPORT, MA 01950
IOKA PROPERTIES L.L.C.
24 GRAF ROAD NEWBURYPORT, MA 01950

MILLENNIUM ENGINEERING INC.

ENGINEERS AND LAND SURVEYORS
P.O. BOX 745 13 HAMPTON ROAD EXETER, NH 03833
PHONE:(603)778-0528 FAX:(603)772-0689 WWW.MEI-NH.COM

SCALE: 1"=10'	CALC. BY: H.H.B.	PROJECT: E202439
DATE: AUG. 19, 2024	CHKD. BY: R.S.G.	SHEET: 1 OF 1

NO.	DATE	DESCRIPTION	BY

**TOWN OF EXETER
PLANNING DEPARTMENT
INTER-OFFICE TRANSMITTAL**

DATE: September 19, 2024

TO: Planning Board

FROM: Dave Sharples, Town Planner

**RE: PB Case #24-15 Robin Heim
Request for Waiver from PB Site & Subdivision Regulations re:
Perimeter Buffer requirement
4 Balsam Way
Tax Map Parcel #89-4.4**

The Applicant is seeking a waiver from Section 9.6.2., Perimeter Buffer Strip of the Board's Site Plan Review and Subdivision Regulations to permit the proposed construction of a detached 2-car garage within the required 50-foot perimeter buffer. The subject property is located at 4 Balsam Way, in the R-2, Single Family Residential zoning district and is identified as Tax Map Parcel #89-4.4.

The Applicant has submitted a written waiver request addressing the criteria outlined in Section 13.7 Waivers of the Board's Site Plan Review and Subdivision Regulations and supporting documents, dated August 30, 2024, which are enclosed for your review.

The subject property is located in the Town Lyne Square subdivision located off of Hampton Road. The subdivision was approved by the Planning Board on November 19, 2009, and subsequently modified on March 11, 2010. The subdivision was recorded at the Rockingham County Registry of Deeds on April 20, 2010, RCCD #D-36337. A copy of the recorded plan and minutes from the Planning Board meetings are enclosed for your review.

Planning Board Motions

Waiver Request Motion: After reviewing the criteria for granting waivers, I move that the request of Robin Heim (PB Case #24-15) for relief from Section 9.6.2., Perimeter Buffer Strip of the Board's Site Plan Review and Subdivision Regulations to permit the proposed construction of a detached 2-car garage within the required 50-foot perimeter buffer be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures

August 27, 2024

To The Town of Exeter Planning Board,

I am asking the members of the Exeter Planning Board to consider granting me a waiver for the additional 35-foot perimeter buffer that is required for my property at 4 Balsam Way in Exeter which is a part of the Town Lyne Square Subdivision. The reason I am asking for this additional buffer to be waived, is to allow space for me to build a detached 2 car garage with a 1-bedroom apartment above it. Without the waiver, I do not have enough buildable space to allow for a detached garage. The intent for this structure is so that my daughter, a Registered Nurse at the Exeter Hospital and her fiancé, a Journeyman Plumber can live there while they save money for a downpayment on a home in Exeter. Ideally, when I retire in 7-10 years, they will purchase 4 Balsam Way from me, and I will move to the apartment. This allows them to raise a family in Exeter and allows me to have a family member close by as I age.

I appreciate your consideration and hope that you can grant me this waiver.

13.7. WAIVERS: The Planning Board shall not approve any waivers from these regulations unless it shall make the following findings based upon the evidence presented to it in each specific case:

13.7.1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

Lot 4 of the Town Lyne Square Subdivision (4 Balsam Way) has the standard 25-foot setback for properties designated as R-2 in Exeter plus an additional 35-foot perimeter buffer. Lots 3 & 5 have already been granted a waiver for the additional 35-foot perimeter buffer and this waiver has not caused any detriment to public safety, health or welfare or injuries to other properties. There is no indication that granting the same waiver to lot 4 would result in a different outcome. The standard 25-foot setback will ensure the public safety, health and welfare to other properties.

13.7.2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property; 13-2 Site and Subdivision Regulations amended April 26, 2018

Lot 4 of the Town Lyne Square Subdivision is narrow, only 76.34 feet wide at the widest point. The only way to build a detached two-car garage with an apartment would be to build it where we are hoping to build it, which would require the waiver of the additional 35-foot perimeter buffer. We have explored the possibility of shifting the driveway and the front walkway to adhere to the current setbacks but, we would be unable to utilize the current drive-under garage as the structure would not allow for an average sized vehicle to make the turn into the garage. Lot 4 has a significantly larger building envelope than any of the other lots within the subdivision. It is the only lot that would allow for a detached structure to be built utilizing a portion of the 35-foot perimeter buffer. Lot 4 currently has a row of pine trees that would remain and provide a natural buffer between Lot 4 and Hampton Road. We may need to remove 2 of the existing pine trees that are on the Balsam Way side of the property to allow for access to the proposed garage but are looking to preserve them if possible.

13.7.3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

Lot 4 of the Town Lyne Square Subdivision is narrow, only 76.34 feet wide at the widest point. The only way to build a detached two-car garage with an apartment would be to build it where we are hoping to build it, which would require the waiver of the additional 35-foot perimeter buffer. We have explored the possibility of shifting the driveway and the front walkway to adhere to the current setbacks but, we would be unable to utilize the current drive-under garage as the structure would not allow for an average sized vehicle to make the turn into the garage. Lot 4 has a significantly larger building envelope than any of the other lots within the subdivision. It is the only lot that would allow for a detached structure to be built utilizing a portion of the 35-foot perimeter buffer. Lot 4 currently has a row of pine trees that would remain and provide a natural buffer between Lot 4 and Hampton Road. We may need to remove 2 of the existing pine trees that are on the Balsam Way side of the property to allow for access to the proposed garage but are looking to preserve them if possible.

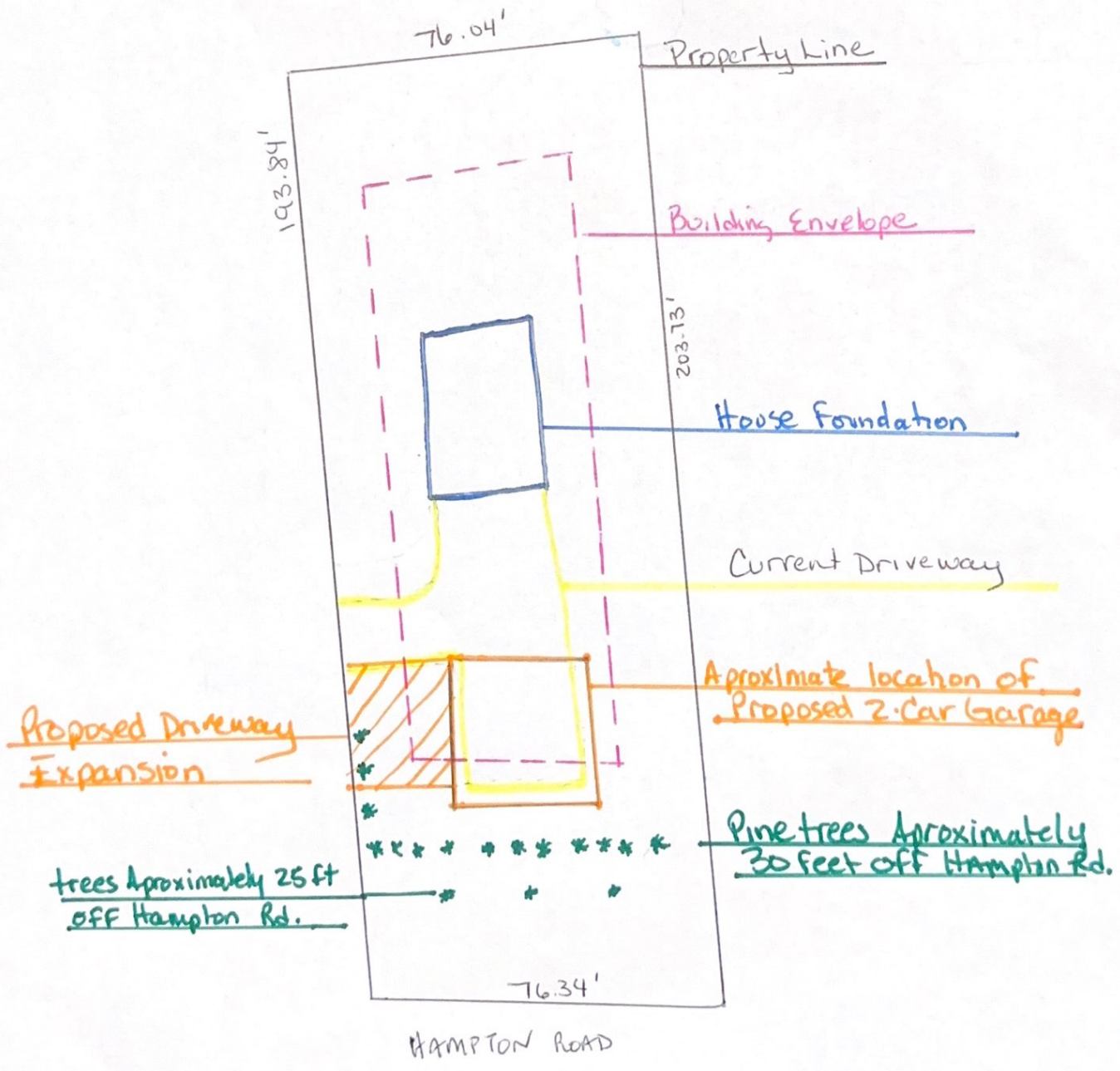
13.7.4. The granting of the waiver will not be contrary to the spirit and intent of the regulations; and,

Property setbacks play a vital role in maintaining a cohesive and visually appealing community while facilitating the provision of essential utilities. Due to the current lay-out of lot 4 of the Town Lyne Square Subdivision, there is a natural buffer that is present with the existing white pines which will preserve the intended spirit of the ordinance. The appearance of the neighborhood will be virtually unchanged if I am granted the waiver that I am requesting.

One of New Hampshire's biggest social issues is a lack of affordable housing. I am asking for the waiver to allow us to utilize a portion of the additional 35-foot perimeter buffer, while maintaining, at a minimum, the standard 25 foot setback from Hampton road to allow for enough buildable space to build a 2 car garage with a 1 bedroom, 1 bathroom apartment above it. The livable space would be no more than 750 square feet. The intent for this structure is so that my daughter, a Registered Nurse at the Exeter Hospital and her fiancé, a Journeyman Plumber can live there while they save money for a downpayment on a home in Exeter. Ideally, when I retire in 7-10 years, they will purchase 4 Balsam Way from me, and I will move to the apartment. This allows them to raise a family in Exeter and allows me to have a family member close by as I age.

13.7.5. The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan. In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. All requests for waivers shall be submitted in writing by the applicant at the time when the application is filed for consideration. The petition shall fully state the grounds for the waiver and all the facts relied upon by the applicant.

Lot 4 Balsam Way
All pictures are Estimates
and not based upon exact
measurements.



ABUTTER LIST
4 BALSAM WAY, EXETER, N.H.
AUGUST 27, 2024

Applicant:
Robin Ham Heim
4 Balsam Way
Exeter, N.H. 03833
TM #89-4-4

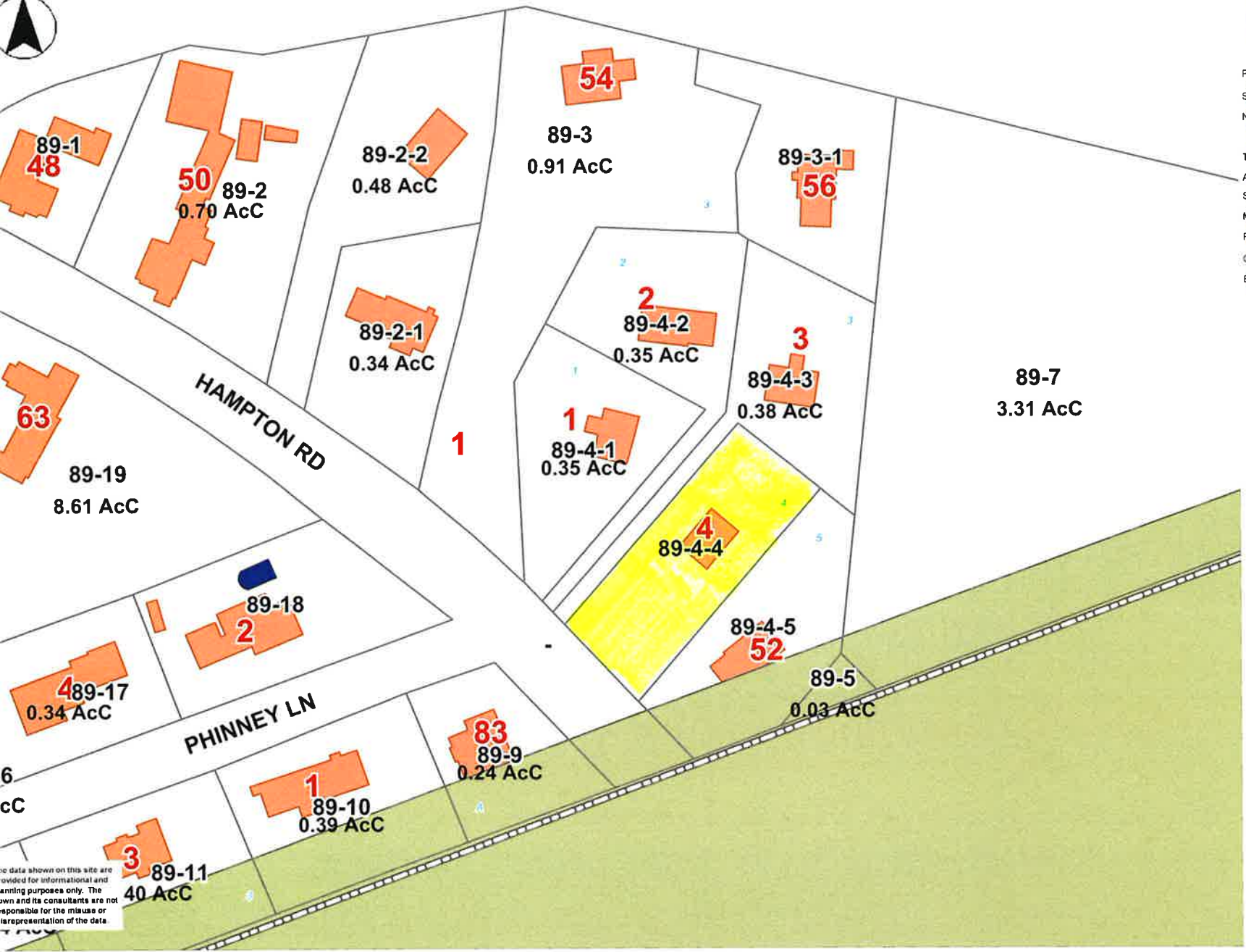
John and Susan Thrumston
1 Balsam Way
Exeter, N.H. 03833
TM #89-4-1

Katie Roy
2 Balsam Way
Exeter, N.H. 03833
TM #89-4-2

Thomas and Nicole Gorski Revocable Trust
3 Balsam Way
Exeter, N.H. 03833
TM #89-4-3

Robert and Felicia Rose
52 Hampton Road
Exeter, N.H. 03833
TM #89-4-5

Cibotti Family Rev. Trust
Jeffrey M. and Heather L. Cibotti, Trustees
83 Hampton Road
Exeter, N.H. 03833
TM #89-9



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

Some 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 08/27/2024 at 03:14 PM

4 Balsam Way, Exeter - Abutter Map

EXETER PLANNING BOARD

MINUTES

NOVEMBER 19, 2009

Chairman Lang Plumer called the meeting to order at 7:05 PM in the Town Hall at 9 Front Street on the above date.

PRESENT: Vice Chairwoman Kathy Corson, Clerk Ken Knowles, Members: Amy Bailey, Carol Sideris and Katherine Woolhouse, Alternate Members: Gwen English, Town Planner Sylvia von Aulock, Natural Resource Planner Kristen Murphy and Deputy Code Enforcement Officer Barbara McEvoy.

It was noted that all board members in attendance would be voting.

NEW BUSINESS: PUBLIC HEARINGS

TUCK REALTY CORP. – PB CASE #2911

The application for a proposed subdivision of the property located at 52 Hampton Road (former Townlyne Grill Restaurant site) into five (5) single family residential lots. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #89-4.

Acting Chairwoman Corson asked Ms. von Aulock if the abutters and public had been duly notified; Ms. von Aulock responded affirmatively. He asked if the application was complete enough for the Board to consider; Ms. von Aulock indicated the application was complete. ***Mr. Knowles moved to accept the application thereby beginning the 90-day clock for the Board to act; Ms. Sideris seconded the motion. VOTE: Unanimous. APPLICATION ACCEPTED.***

Mr. Eric Weinrieb, P.E. with Altus Engineering, Inc. was present on behalf of the Applicant. He acknowledged that Mr. John Krebs of Tuck Realty Corp. and Attorney Michael Donahue were also present. He began his presentation by noting that they had been before the Board for a preliminary design review of the proposed subdivision at the October 22nd meeting. He briefly reviewed that the subject parcel was the former Townlyne Grill restaurant site, and noted that 1.4 acres of the parcel was located in Exeter, with the remaining 0.3 acres in Hampton. He indicated that the Applicant was proposing to subdivide the subject parcel into five (5) single family residential lots with two shared driveway accesses. Mr. Weinrieb explained that a lot line adjustment was also being proposed with the abutting property owner in Hampton (n/f LaFreniere, Hampton Tax Map #6, Lot #16). He indicated that the 0.3 acre triangular-shaped portion of the subject parcel located in Hampton would be transferred to the abutter. Mr. Weinrieb stated that the Applicant had obtained Zoning Board of Adjustment approval in July 2009 (Case # 1386) for relief from the minimum lot width requirement therefore allowing for the configuration being presented; he noted that all lots would meet the minimum lot area requirement. He pointed out that the driveways were widened for fourteen (14) to sixteen (16) feet at the request of the Fire and Public Works Departments.

Ms. von Aulock asked Mr. Weinrieb to provide the Board with information relative to the impervious surface changes. Mr. Weinrieb reviewed the drainage calculations and indicated that the percentage of impervious surface would decrease from 53% to 26% after redevelopment and there would be a reduction in the sewer/wastewater use as well. He indicated that there was currently no storm water treatment of the site and the site contained no wetlands. He added that the footprint of the proposed homes would be limited to 1,800 square feet, although the impervious surface coverage of the driveways would be different for each lot. He indicated that documentation of the impervious surface details were noted on Sheet C-2 and depicted on Sheet C-5 of the plan set.

There being no further discussion at this time, Acting Chairwoman Corson asked if there were any abutters or interested parties who wished to speak on the application. There were none; the public portion of the hearing was closed.

The Board proceeded to discuss the following waivers requested by the Applicant:

- **Section 9.6.2 Perimeter Buffers**

Mr. Weinrieb indicated that the buffer requirements had been reviewed at the earlier Technical Review Committee (TRC) meeting. He indicated that the plans had been revised and were now in compliance with the 50-foot buffer perimeter requirement along the north and west property boundaries, although the Applicant was seeking a waiver to provide a 35-foot buffer along the eastern boundary of the parcel. **Mr. Knowles moved to approve the waiver, as requested, to allow a 35-foot perimeter buffer along the easterly side of the subject property; motion was seconded. VOTE: Unanimous.**

• **Section 9.14.9 Roadway Standards**

Board discussion ensued regarding the request for reduced roadway width. It was represented the two (2) proposed 16-foot wide roadways were actually private driveways providing access to two and three individual lots. Ms. von Aulock indicated that she considered this situation similar to the recently approved three-unit development on Newfields Road (Benham property, PB Case #2904) where the Board had granted a waiver for the reduced width of a single roadway (driveway) providing access to three (3) individual dwelling units on a single parcel. Mr. Knowles maintained that the proposed accesses would be utilized as a shared driveway, would remain private and therefore would not require a waiver. He noted that the Town currently did not have any specifications for driveways. **Consensus of the Board was that no waiver was necessary.**

Mr. Knowles moved to grant conditional approval of the subdivision, as presented, subject to the following conditions:

1. **All requests of the Planning Board to be addressed, including but not limited to the following:**
 - **All waivers and conditions of the approval shall be noted on the plan (on the sheet being recorded).**
 - **Reference to and description of the required "perimeter buffer" shall be included in all individual lot deeds.**
2. **All final revisions to the plans or related documents including homeowners association documents required by Town Departments, Town Counsel and their consultants to be addressed;**
3. **All appropriate fees to be paid including but not limited to: Performance bond, applicable impact fees, sewer/water connection fees, inspection fees, recording fees and other agreed upon improvements;**
4. **An executed subdivision agreement shall be submitted for Board signature;**
5. **A completed Certificate of Monumentation be submitted to the Planning Department along with the appropriate fees for recording the plan;**
6. **All on-site and off-site improvements shall be completed prior to any Certificates of Occupancy being issued;**
7. **A preconstruction meeting shall be arranged by the applicant and his contractor with the Town engineer prior to any site work commencing;**
8. **As part of the building permit process, all new or revised driveways must be reviewed by DPW and be granted driveway permits;**
9. **The Applicant shall meet with the Town Assessor to develop a list for location addresses of all new lots or units;**
10. **The Applicant shall, as agreed upon with counsel representing the owners of the abutting property to the south of the subject property (Lafreniere, 743 Exeter Road, Hampton Tax Map 6, Lot #16), include reference to the 25-foot "no-cut" buffer restriction in the Deed to proposed Lot #5; and**
11. **All conditions of this approval are to be met within one year and all site improvements are to be completed within two years from the date of final approval.**

Motion was seconded by Ms. Bailey. VOTE: Unanimous. **CONDITIONAL SUBDIVISION APPROVAL GRANTED.**

MON-KAL, LLC – PB CASE #2914

A request for a preliminary design review of a proposal to construct eight (8) detached single-family dwelling units on the property located at 10 Columbus Avenue (former VFW site). The

EXETER PLANNING BOARD

MINUTES

MARCH 11, 2010

Chairman Lang Plumer called the meeting to order at 7:05 PM in the Nowak Room on the above date.

PRESENT: Chairman Lang Plumer, Vice Chairwoman Kathy Corson, Clerk Ken Knowles, Selectmen's Representative Bill Campbell, Members: Amy Bailey and Carol Sideris, Town Planner Sylvia von Aulock and Deputy Code Enforcement Officer Barbara McEvoy. Chairman Plumer indicated that all board members in attendance would be voting.

Chairman Plumer extended a "thanks" to residents who voted on Tuesday. He announced that all of the zoning articles passed.

OTHER BUSINESS

BOATOFGARTEN, LLC – PB CASE #2813

The Board reviewed a request from Mr. Mike Leo of VHB, Inc., dated February 16, 2010, for a one-year extension of the conditional approval for the Boatofgarten Building Expansion at 32 Industrial Drive (Tax Map Parcel #47-11). The conditional approval for this project was granted by the Board on March 12th, 2009 meeting.

Ms. Corson moved to grant the extension, as requested, noting the conditional approval would now expire on March 12th, 2011; second by Mr. Knowles. VOTE: Unanimous. ONE-YEAR EXTENSION OF CONDITIONAL APPROVAL GRANTED.

NEW BUSINESS: PUBLIC HEARINGS

TUCK REALTY CORP. – PB CASE #2911

A request for modification of the conditional approval granted by the Planning Board for the "Town Lyne Square" subdivision which includes reconfiguration of the proposed access to lots and a request for relief from the requirement to post a performance guarantee. The subject property is located at 52 Hampton Road, in the R-2, Single Family Residential zoning district. Tax Map Parcel #89-4.

Mr. John Krebs, of Tuck Realty Corp. was present to address the Board. He indicated that he was actually representing Chinburg Builders (the potential buyer of the subdivision) and noted that Mr. Eric Chinburg was out of the country and had asked that he presented the proposed changes to the Board on his behalf. Mr. Krebs proceeded to explain that the lot configuration was being modified to allow for access to four of the lots from a shared roadway (driveway) access from Hampton Road; he noted that the fifth lot (located furthest to the east) would have its own driveway. He indicated that the plan had been reviewed with the Fire Department and their only request that an additional "pull box" be located at the entrance of the proposed roadway serving the four (4) lots.

Mr. Krebs proceeded to address the request for relief from the performance guarantee requirement, noting that all the improvements were on private property with the exception of work required within the Hampton Road right-of-way (ROW). He noted that the ROW work would be bonded as part of the excavation permit. He requested that the Board allow him to tie the completion of final site improvements (i.e. asphalt, landscaping, etc.) to the issuance of the Certificate of Occupancy (C.O.).

Mr. Krebs also mentioned that the triangular piece of land to the east (and located in Hampton) had been transferred to the abutting property owner (N/F Lafreniere, 743 Exeter Road, Hampton Tax Map 6, Lot #16) and the lot line adjustment plan had been recorded.

Ms. Bailey inquired about the possibility of splitting Lots #4 and #5 in the opposite direction (common lot line to be parallel to Hampton Road) therefore allowing all five (5) lots to use the same access. Mr. Krebs responded that he believed three (3) of the lots were currently under contract subject to Planning Board approval.

***These Minutes are subject to possible corrections/revisions at a subsequent
Exeter Planning Board meeting.***

Mr. Knowles commented that he was not in favor of waiving the requirement for a performance bond and allowing the Applicant to move forward without a performance bond and the Board signing off on the plan after completion of site improvements. He stated that there would be no protection for the potential buyers of the properties or for the Town should the developer be unsuccessful in completing the site improvements. Mr. Krebs responded that the requirement to post a bond adds additional cost to the development of the homes and should only apply if the roadway were to be a public (town) road.

Ms. Corson recalled the argument regarding width of the roadway in the Wright Lane subdivision (off Ashbrook Road). Ms. von Aulock indicated that the Applicant would be required to provide a deed reference indicating that the roadway serving Lots #1-4 shall remain private and this reference shall be included in each of the individual lot deeds.

There being no further discussion at this time, Chairman Plumer opened the hearing for public comment. There was no one present to comment, the public portion of the hearing was closed, and Board discussion resumed.

Ms. von Aulock indicated that she had spoken with Town Engineer Paul Vlasich earlier in the week (at the PB/DPW Site Inspectors' meeting) regarding the reconfiguration of the proposed subdivision. She recalled that the Applicant originally submitted plans showing a fourteen-foot (14') roadway, and the DPW and Fire Department had requested a sixteen-foot (16') road width for the shared access roadway serving three (3) lots at that time. She stated that after review of the proposed reconfiguration, an eighteen-foot (18') roadway with an extended apron at the entrance was now being requested by the Town Engineer. Ms. von Aulock made reference to other roadways recently reviewed by the Board and suggested that the town departments must be consistent with their decisions on this issue. She also noted that she had conversation with Mr. Vlasich relative to the request for relief from the performance guarantee. She indicated that Mr. Vlasich was not willing to send a site inspector out for inspections (i.e. utilities) without a bond and inspection fee deposit in place. She reiterated that it was necessary for the Applicant to provide a performance guarantee for the proposed site improvements.

Chairman Plumer asked if a Homeowner's Association was being proposed. Mr. Krebs responded that there would not be an association, although there would be a shared maintenance agreement (between the four property owners) for the private roadway access.

Mr. Campbell commented that he supported the idea of less pavement. Ms. von Aulock acknowledged the Board's concern relative to impervious surfaces, although she indicated that the Fire Department had also concurred with the request for eighteen feet (18') of road width. Mr. Campbell also mentioned that the driveway for Lot #5 needs to be kept out of the buffer.

Ms. Sideris commented that she agreed with the requirement for eighteen feet (18') of road width. Ms. von Aulock suggested that it may be an option for the roadway to be eighteen feet (18') in width at the entrance and beginning of the roadway where it would be most heavily travelled and then possibly taper to sixteen feet (16') to serve the two rear lots. Chairman Plumer expressed concern that parking along the roadway would restrict fire apparatus from entering.

There being no further discussion, Ms. von Aulock reviewed the conditions of approval previously granted by the Board and outlined in the letter dated November 23, 2009. She also summarized the recommended conditions relevant to the proposed modifications. Mr. Krebs contested having to comply with both the requirement to post a performance bond and Condition #6 of the previous approval requiring that "All on-site and off-site improvements shall be completed prior to any Certificates of Occupancy being issued."

Mr. Campbell moved that the access roadway be a minimum of sixteen feet (16') in width and that the driveway for Lot #5 shall not be located within the 25' "No-Cut" buffer. (Motion failed for lack of second).

Ms. Sideris moved that the access roadway serving Lots #1-4 shall be a minimum of eighteen feet (18') in width with the option to be reduced to sixteen feet (16') in width to serve the two (2) rear lots and the design of said access onto Hampton Road, including the apron, shall be subject to

review and approval by the Department of Public Works; and that the driveway for Lot #5 shall not be located within the 25' "No-Cut" buffer. Motion was seconded by Mr. Campbell. VOTE: Unanimous.

Mr. Knowles moved to require the Applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) prior to any site work commencing; second by Ms. Corson. VOTE: Unanimous.

Ms. Bailey moved to require the Applicant to provide a performance bond to cover the costs of the following: private roadway, utilities, landscaping, drainage, erosion and sedimentation control measures and any improvements within the shoulder of the right-of-way (Hampton Road); motion was seconded by Mr. Campbell. VOTE: Unanimous.

Board consensus was that all other conditions as outlined in the November 23, 2009 conditional approval letter would remain valid, with the exception of modification of the dates in Condition #11.

There being no further discussion, **Ms. Corson moved to approve the modifications to the conditional approval granted for Town Lyne Square subdivision on November 19, 2009 (and outlined in letter dated November 23, 2009), as discussed, subject to the following conditions:**

- 1. The access roadway serving Lots #1-4 shall be a minimum of eighteen feet (18') in width with the option to be reduced to sixteen feet (16') in width to serve the two (2) rear lots and the design of said access onto Hampton Road, including the apron, shall be subject to review and approval by the Department of Public Works;**
- 2. The driveway for Lot #5 shall not be located within the 25' "No-Cut" buffer;**
- 3. The Storm Water Pollution Prevention Plan (SWPPP) for the project shall be submitted for review prior to any site work commencing;**
- 4. A performance guarantee shall be provided to cover the costs of the following: private roadway, utilities, landscaping, drainage, erosion and sedimentation control measures and any improvements within the shoulder of the right-of-way (Hampton Road); and**
- 5. All other conditions of the approval granted by the Planning Board on November 23, 2009 shall remain valid. Condition #11 shall be modified to reflect the dates of this approval.**

Motion was seconded by Ms. Sideris. VOTE: Unanimous. MODIFICATION OF CONDITIONAL APPROVAL GRANTED.

PAUL R. SLEMP – PB CASE #21003

The application for a minor subdivision of the property located at 4 Beech Hill Extension to create two new single-family residential lots. The subject property is located in the R-1, Single Family Residential zoning district. Tax Map Parcel #32-6.

Chairman Plumer asked Ms. McEvoy if the abutters and public had been duly notified; Ms. McEvoy responded affirmatively. He asked if the application was complete enough for the Board to consider; Ms. McEvoy indicated the application was complete. **Mr. Plumer moved to accept the application thereby beginning the 90-day clock for the Board to act; Mr. Campbell seconded the motion. VOTE: Unanimous. APPLICATION ACCEPTED.**

Attorney Mark Sullivan was present to address the Board on behalf of the Applicant. He acknowledged that his client, Mr. Paul Slemp was present in the audience. Mr. Slemp greeted the Board.

Attorney Sullivan explained that the proposed subdivision plan before the Board this evening was the same plan the Board had granted a conditional approval for on August 23, 2007 (PB Case #2712). He indicated that his client had not been successful in satisfying the conditions of that approval in a timely manner and the conditional approval had lapsed. He indicated that a revised driveway agreement had been submitted along with the new submission. Attorney Sullivan stated that he had spoken with Rockingham County Conservation District (RCCD) and that they were not requiring the test pits to be redone. He noted that no work had begun on the site.

Mr. Knowles inquired as to the applicability of the recently adopted wetlands overlay district ordinance and its new buffer requirements to this application. Ms. von Aulock replied that the plans were

APPROVED FOR THE RECORD:

Janet Plume 4/8/10
EXETER PLANNING BOARD DATE

CASE NUMBER: 2911

NOTES:
1. THE PURPOSE OF THIS PLAN IS TO SHOW A FIVE LOT RESIDENTIAL SUBDIVISION ON THE PORTION OF THIS LOT IN EXETER AND TO DEED THE PORTION OF THE LOT THAT IS IN HAMPTON TO THE HAMPTON BUTTER (TAX MAP 6/LOT 16).

2. OWNER OF RECORD: TUCK REALTY CORPORATION
136 HIGH STREET
EXETER, NH 03833
RCRD BOOK 4976, PAGE 2313

3. ALL LOTS TO BE SERVICED BY MUNICIPAL WATER AND SEWER SERVICES.
4. TOTAL LOT AREA: 78,446 S.F. (1.80 ACRES) WHICH INCLUDES 77,357 S.F. IN EXETER AND 1,089 SF IN HAMPTON.

5. ELEVATIONS ARE BASED ON DATUM: NGVD 29. SEE HYDRANT ELEVATION, SHEET C-1.
6. STRUCTURES GREATER THAN 50 FEET FROM THE SITE ARE DIGITIZED FROM TOWN G.I.S. MAPS.
7. LOTS ARE TO BE SERVICED WITH NATURAL GAS AND UNDERGROUND UTILITIES.

8. THE LAND OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLANDS REGULATIONS, INCLUDING ANY PERMITTING AND SETBACK REQUIREMENTS REQUIRED UNDER THESE REGULATIONS.
9. ENTIRE LOT LIES IN FLOOD ZONE X, AS PER F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL #33015C0410E DATED MAY 17, 2005.

10. ALL WATER, SEWER, ROAD (INCLUDING PARKING LOT), AND DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 9.5 GRADING, DRAINAGE, AND EROSION & SEDIMENT CONTROL AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC UTILITIES IN EXETER, NEW HAMPSHIRE.

11. WETLANDS ARE NON-EXISTENT ON THE PARCEL.
12. DRAINAGE CALCULATIONS SUGGEST A MAXIMUM OF AN 1,800 SF BUILDING ALONG WITH ASSOCIATED DRIVEWAY AND TURNAROUND FOR EACH LOT.

13. TOTAL DISTURBANCE EXCEEDS 1 ACRE. THE REQUIREMENTS FOR A NPDES CONSTRUCTION GENERAL PERMIT SHALL BE COMPLIED WITH; THE APPLICANT SHALL PROVIDE THE TOWN WITH THREE COPIES OF THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND ALSO ENSURE THAT ONE COPY REMAINS ON SITE, AND THE CONSTRUCTION SITE OPERATOR AND OWNER SHALL SUBMIT A NOTICE OF INTENT (NOI) TO USEPA, WASHINGTON, DC, STORMWATER NOTICE PROCESSING CENTER AT LEAST SEVEN DAYS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE. EPA WILL POST THE NOI AT:
<http://cfpub.epa.gov/npdes/stormwater/loi/noisearch.cfm>. AUTHORIZATION IS GRANTED UNDER THE PERMIT ONCE THE NOI IS SHOWN IN "ACTIVE" STATUS.

14. THE PRIVATE IN PERPETUITY ACCESS DRIVEWAY SERVING LOTS 1 - 4 SHALL BE A MINIMUM OF EIGHTEEN FEET (18') IN WIDTH WITH THE OPTION TO BE REDUCED TO SIXTEEN FEET (16') IN WIDTH TO SERVE THE TWO (2) REAR LOTS AND THE DESIGN OF SAID ACCESS ONTO HAMPTON ROAD, INCLUDING APRON, SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE DEPARTMENT OF PUBLIC WORKS. THE DRIVEWAY FOR LOT 5 SHALL BE ACCESSED DIRECTLY FROM HAMPTON ROAD AND SHALL NOT BE LOCATED WITHIN THE 25' WIDE "NO-CUT" BUFFER.

ZONING SUMMARY
ZONING DISTRICT: R-2
PERMITTED USE: SINGLE FAMILY DETACHED

MIN. LOT AREA:	REQUIRED	PROVIDED
	15,000 SF	77,357 SF (IN EXETER) 1,089 SF (IN HAMPTON) 78,446 SF± TOTAL

MIN. LOT AREA PER DWELLING: 15,000 SF 15,000 SF±/LOT

MIN. LOT WIDTH: 100 FEET 46 FEET (LOT 1)
12 FEET (LOT 2)
12 FEET (LOT 3)
76 FEET (LOT 4)
67 FEET (LOT 5)

MIN. LOT DEPTH: 100 FEET 100 FEET + (ALL LOTS)
MAX. HEIGHT: 35 FEET (3 ST.) 35 FEET MAX.

SETBACKS
MIN. FRONT: 25 FEET 25 FEET
MIN. SIDE: 15 FEET 15 FEET
MIN. REAR: 25 FEET 25 FEET

MAX. BLDG. COVERAGE 25% 11.6%±
EXISTING IMPERVIOUS COVERAGE IS 53.1% (41,600 SF±)

TOTAL PROPOSED IMPERVIOUS COVERAGE IS APPROXIMATELY 26% BASED ON THE ACCESS DRIVEWAY CONFIGURATIONS SHOWN, TYPICAL 1,800 SF BUILDING FOOTPRINTS AND ASSOCIATED INDIVIDUAL DRIVEWAY/PARKING AREAS.

6. ALL ON-SITE AND OFF-SITE IMPROVEMENTS SHALL BE COMPLETED PRIOR TO ANY CERTIFICATES OF OCCUPANCY BEING ISSUED;
7. A PRECONSTRUCTION MEETING SHALL BE ARRANGED BY THE APPLICANT AND HIS CONTRACTOR WITH THE TOWN ENGINEER PRIOR TO ANY SITE WORK COMMENCING;
8. AS PART OF THE BUILDING PERMIT PROCESS, ALL NEW OR REVISED DRIVEWAYS MUST BE REVIEWED BY DPW AND BE GRANTED DRIVEWAY PERMITS;
9. THE APPLICANT SHALL MEET WITH THE TOWN ASSESSOR TO DEVELOP A LIST FOR LOCATION ADDRESSES OF ALL NEW LOTS OR UNITS;
10. THE APPLICANT SHALL, AS AGREED UPON WITH COUNSEL REPRESENTING THE OWNERS OF THE ADJACENT PROPERTY TO THE SOUTH OF THE SUBJECT PROPERTY (LAFRENIERE, 743 EXETER ROAD, HAMPTON TAX MAP 6, LOT #16), INCLUDE REFERENCE TO THE 25-FOOT "NO-CUT" BUFFER RESTRICTION IN THE DEED TO PROPOSED LOT #5; AND
11. ALL CONDITIONS OF THIS APPROVAL ARE TO BE MET WITHIN ONE YEAR AND ALL SITE IMPROVEMENTS ARE TO BE COMPLETED WITHIN TWO YEARS FROM THE DATE OF AMENDED APPROVAL (MAR. 11, 2010).

I CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY CONDUCTED ON AUGUST 10-12, 2009 UTILIZING A LEICA TC703 ELECTRONIC TOTAL STATION AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION. THE ERROR OF THE CLOSED TRAVERSE DOES NOT EXCEED 1 PART IN 15,000.

Thomas D. Brouillette 4-5-2010
SIGNATURE DATE

LEGEND
- - - - - PROPERTY LINE
● IRON ROD FOUND
● IRON PIN TO BE SET
□ GRANITE BOUND TO BE SET
○ EXISTING UTILITY POLE
N/F NOW OR FORMERLY
- - - - - PROPOSED PROPERTY LINE
- - - - - BUILDING SETBACK LINE



FOR LAND IN HAMPTON ONLY:
I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

WAIVER GRANTED:
AT THE NOVEMBER 19, 2009 PLANNING BOARD MEETING A WAIVER FROM SECTION 9.6.2 PERIMETER BUFFERS WAS APPROVED TO ALLOW A 35-FOOT PERIMETER BUFFER ALONG THE EASTERLY SIDE OF THE SUBJECT PROPERTY, WHERE A 50-FOOT PERIMETER BUFFER IS REQUIRED.

11-19-2009 PLANNING BOARD CONDITIONS OF APPROVAL:

1. ALL REQUESTS OF THE PLANNING BOARD TO BE ADDRESSED, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
ALL WAIVERS AND CONDITIONS OF THE APPROVAL SHALL BE NOTED ON THE PLAN (ON THE SHEET BEING RECORDED). REFERENCE TO AND DESCRIPTION OF THE REQUIRED "PERIMETER BUFFER" SHALL BE INCLUDED IN ALL INDIVIDUAL LOTS DEEDS.
2. ALL FINAL REVISIONS TO THE PLANS OR RELATED DOCUMENTS INCLUDING HOMEOWNERS ASSOCIATION DOCUMENTS REQUIRED BY TOWN DEPARTMENTS, TOWN COUNSEL AND THEIR CONSULTANTS TO BE ADDRESSED;
3. ALL APPROPRIATE FEES TO BE PAID INCLUDING BUT NOT LIMITED TO: PERFORMANCE BOND, APPLICABLE IMPACT FEES, SEWER/WATER CONNECTION FEES, INSPECTION FEES, RECORDING FEES AND OTHER AGREED UPON IMPROVEMENTS;
4. AN EXECUTED SUBDIVISION AGREEMENT SHALL BE SUBMITTED FOR BOARD SIGNATURE;
5. A COMPLETED CERTIFICATE OF MONUMENTATION BE SUBMITTED TO THE PLANNING DEPARTMENT ALONG WITH THE APPROPRIATE FEES FOR RECORDING THE PLAN;

PLAN REFERENCES

THIS PLAN IS A COMPILATION OF THE FOLLOWING:

1. "LOT LINE ADJUSTMENT AND SUBDIVISION OF LAND FOR E.R.C. REALTY TRUST AND S.B. REALTY TRUST IN EXETER NH", DATED JANUARY 1999, BY PARKER SURVEY ASSOC., INC., RCRD D-27200.
2. ON-SITE VISUAL INSPECTIONS, MARCH 2009 & NOVEMBER 2009.
3. TOWN OF EXETER G.I.S. MAP FOR STRUCTURES GREATER THAN 50- FEET FROM SITE.

N/F REEDY FAMILY TRUST
TAX MAP 89/LOT 3

PROPOSED NEW UTILITY POLE

PROPOSED 10'-WIDE UTILITY EASEMENT

50' PERIMETER BUFFER STRIP (TYP.)

PROPOSED EDGE OF PAVEMENT



N/F PRIMERANO
TAX MAP 89/LOT 18

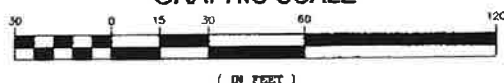
EXISTING 214 SF± DRIVEWAY EASEMENT (PER "SUBDIVISION OF LAND FOR E.R.C. REALTY TRUST", BY PARKER SURVEY ASSOCIATES, DATED JULY 1993)

PHINNEY LANE

LINE	BEARING	DISTANCE
L1	N56°38'43"E	196.98'
L2	S56°35'43"W	198.76'
L3	N23°42'49"E	15.25'
L4	S66°17'11"E	30.00'
L5	S23°42'49"W	24.12'
L6	N27°47'55"W	30.14'

N/F ALLARD
TAX MAP 89/LOT 9 &
HAMPTON TAX MAP 6/LOT 6

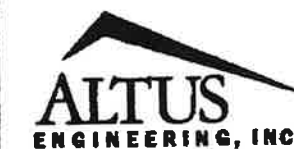
GRAPHIC SCALE



N/F SOJOURN PROPERTY MANAGEMENT
HAMPTON TAX MAP 6/LOT 14/1

N/F LAFRENIERE
HAMPTON TAX MAP 6/LOT 16

D-36337



133 COURT STREET PORTSMOUTH, NH 03801
VOICE: (603) 433-2335
FAX: (603) 433-4194

LAND SURVEYOR:
T. D. BROUILLETTE
39 PARK STREET
EXETER, NH 03833
TEL: (603) 772-4394

ISSUED FOR:
PLANNING BOARD APPROVAL

ISSUE DATE:
MARCH 31, 2010

NO.	DESC.	BY	DATE
0	INITIAL SUBMISSION	EDW	08/19/09
1	PER MEETING WITH TOWN PLANNER	EDW	10/15/09
2	TOWN COMMENTS	EDW	08/19/09
3	ADD WAIVER & CONDITIONS OF P.B. APPROVAL	EDW	11/12/09
4	REV. DRIVEWAY ACCESS	EDW	01/08/10
5	PER AMENDED APPROVAL	EDW	02/12/10
6	ADD ELEC. EASEMENT	EDW	03/19/10

DRAWN BY: RLH
APPROVED BY: EDW
DRAWING FILE: 4163-2010.DWG

SCALE:
22" x 34" - 1" = 30'
11" x 17" - 1" = 60'
8-1/2" x 11" - 1" = 120'

SITE:
TAX MAP 89, LOT 4
HAMPTON ROAD
EXETER, NH
&
TAX MAP 6, LOT 7
HAMPTON ROAD
HAMPTON, NH

OWNER:
TUCK REALTY CORPORATION
136 HIGH STREET
EXETER, NH 03833
(603) 778-6894

PROJECT:
TOWN LYNE SQUARE
SUBDIVISION
with
LOT LINE ADJUSTMENT
HAMPTON ROAD
EXETER, NH

TITLE:
SUBDIVISION
PLAN

SHEET NUMBER:
C-2



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: September 19, 2024
To: Planning Board
From: Dave Sharples, Town Planner
Re: Willey Creek Company PB Case #22-3

The Board may recall that the Applicant previously filed this application in May 2022 and subsequently, after several requests for continuance, requested at the August 25, 2022 meeting for the application to be tabled until further notice, noting that the Board had not yet taken jurisdiction to hear the application.

The Applicant has now re-submitted applications and plans for site plan review, lot line adjustment and Wetlands and Shoreland Conditional Use Permits along with supporting documents, dated 8/13/24, for the proposed relocation of Building D of the Ray Farm Condominium development on Willey Creek Road (off of Ray Farmstead Road). The subject properties are located in the C-3, Epping Road Highway Commercial zoning district and are identified as Tax Map Parcel #47-8-1 and #47-9.

Instead of recapping everything in this memorandum, I have enclosed my memorandum from 2022 and enclosures.

A Technical Review Committee (TRC) meeting was held on Thursday, September 19th, 2024 to allow the applicant to ask any questions of staff and to be clear on what will be brought to the Planning Board. There are outstanding design comments but there are also a couple of threshold issues such as the waivers and the Shoreland CUP. At the TRC meeting, we discussed with the applicant how they wanted to proceed and it was mutually agreed to request that the Planning Board discuss the waivers and the Shoreland permit. The result of the waiver request and Shoreland CUP would significantly impact the proposed design and necessitate revisions to the current plan.

I have included all potential motions for your convenience, should the Board decide to act on any of them.

Waiver motions:

Parking waiver motion: After reviewing the criteria for granting waivers, I move that the request of Willey Creek Company (PB Case #22-3) for a waiver from Section 11.3.1.2.a

of the Site Plan Review and Subdivision Regulations to permit proposed parking within 10-feet of the existing/proposed building be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Parking space (number required) waiver motion: After reviewing the criteria for granting waivers, I move that the request of Willey Creek Company (PB Case #22-3) for a waiver from Section 9.13.1. to permit less off-street parking than required in accordance with Section 5.6.3.B. and 5.6.6 of the Zoning Ordinance be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Dead End Streets/Cul-de-sacs waiver motion: After reviewing the criteria for granting waivers, I move that the request of Willey Creek Company (PB Case #22-3) for a waiver from Section 9.17.2 of the Site Plan Review and Subdivision Regulations regarding street length be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Planning Board motions:

Conditional Use Permit (Wetlands) Motion: After reviewing the criteria for a Wetlands Conditional Use permit, I move that the request of Willey Creek Company (PB Case #22-3) for a Conditional Use Permit be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Conditional Use Permit (Shoreland) Motion: After reviewing the criteria for a Shoreland Conditional Use permit, I move that the request of Willey Creek Company (PB Case #22-3) for a Conditional Use Permit be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Lot Line Adjustment Motion: I move that the request of Willey Creek Company (PB Case #22-3) for Lot Line Adjustment approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Multi-Family Site Plan Motion: I move that the request of Willey Creek Company (PB Case #22-3) for Multi-Family Site Plan approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures

1 **TOWN OF EXETER**
2 **PLANNING BOARD**
3 **NOWAK ROOM – TOWN OFFICE BUILDING**
4 **10 FRONT STREET**
5 **AUGUST 25, 2022**
6 **6:30 PM**
7 **APPROVED MINUTES**

8 **I. PRELIMINARIES:**

9
10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown,
11 Pete Cameron, Clerk, Nancy Belanger Select Board Representative, John Grueter, Gwen English
12 (@ 7:04 PM), Robin Tyner, Alternate (@7:04 PM) and Dan Chartrand, Alternate.
13

14 **STAFF PRESENT:** Town Planner Dave Sharples
15

16 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 6:30 PM, introduced the
17 members and activated alternate Dan Chartrand.
18

19 **III. OLD BUSINESS**

20
21 **APPROVAL OF MINUTES**

22
23 July 14, 2022
24

25 ***Ms. Belanger motioned to table approval of the July 14, 2022 meeting minutes. Mr. Cameron***
26 ***seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.***
27

28 August 11, 2022
29

30 ***Mr. Grueter motioned to approve the August 11, 2022 meeting minutes. Mr. Chartrand seconded the***
31 ***motion. A vote was taken, Mr. Cameron and Vice-Chair Brown abstained. The motion passed 4-0-2.***
32

33 **IV. NEW BUSINESS**

34 **PUBLIC HEARINGS**

35 1. Second Public Hearing on the 2023 Capital Improvements Program (CIP) projects as presented by
36 the Town Departments. (Copies of the proposed document(s) will be available at the Planning
37 Department Office).

38 Mr. Sharples noted that the Town Department Heads presented their CIP projects at the last meeting
39 and were available to answer questions. The second public meeting allows for the Public to ask

40 questions and for the Board to vote to adopt the CIP and send a transmittal letter with their
41 recommendations, one of which was to move the Downtown Parking Flow Analysis from 2024 to 2023.

42 Chair Plumer opened the hearing to the public for comments and questions at 6:45 PM.

43 Chair Plumer commented that the Police and Fire Facility is outdated.

44 Mr. Chartrand noted that in the transmittal letter the Board might ask to identify projects that may be
45 eligible for infrastructure monies and to accelerate their pace given how much money is out there now,
46 especially projects to improve upon drinking water and sewer.

47 Ms. Belanger noted the Assistant Town Manager is right on it as far as funds coming in.

48 ***Mr. Chartrand motioned to accept the CIP and push forward with the Board's comments.***

49 ***The Town should determine availability of federal funding in determining CIP and actively pursue***
50 ***funding and be open to the possibility of moving a project forward in a timely manner should funding***
51 ***be secured. The Planning Board supports funding the Parking Study in 2023.***

52 ***Mr. Grueter seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.***

53 Chair Plumer indicated Vice-Chair Brown would stop in and sign the letter.

- 54 2. The application of Willey Creek Co. for site plan review, lot line adjustment and Wetlands and
55 Shoreland Conditional Use Permits for the proposed relocation of Building D of the Ray Farm
56 Condominium development and associated site improvements off of Ray Farmstead Road (Willey
57 Creek Road)
58 C-3 Epping Road Highway Commercial zoning district
59 Tax Map Parcel #47-8-1 and #47-9
60 Planning Board Case #22-3

61

62 Chair Plumer read the Public Hearing Notice out loud and indicated an email had been received from
63 their attorney.

64

65 Mr. Sharples read the email out loud and indicated the applicant could not attend the Board's next
66 meeting and the Board has not accepted jurisdiction. The applicant noted they will refile and therefore
67 the Board doesn't need to take any action. Attorney Justin Pasay who was present noted the applicant
68 would like to table their application and will be responsible for costs of renoticing.

69

- 70 3. The application of Glerups, Inc. for a site plan review and Wetlands Conditional Use Permit for the
71 proposed construction of a 95,000 +/- square foot industrial warehouse building and associated site
72 improvements on the property located at 19 Continental Drive
73 CT-1 Corporate Technology Park-1 zoning district
74 Tax Map Parcel #47-7-2
75 Planning Board Case #22-9

76

77 Chair Plumer read out loud the public hearing notice and asked Mr. Sharples if the case was ready to
78 be heard. Mr. Sharples indicated the case was ready for review purposes.

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

August 13, 2024

HAND DELIVERED AND EMAIL

Langdon Plumer, Chair
Exeter Planning Board
10 Front Street
Exeter, NH 03833

Re: Re-docketing- August 2022 Tabled Applications
Building D Relocation
Ray Farmstead Road
Wetland and Shoreland Conditional Use Permit Applications
Planning Board Site review/Lot Line Adjustment/Waiver
Tax Map 47, Lot 8, 8.1 (see Also Tax Map 40, 48)

Dear Chair Plumer and Planning Board Members;

You will likely recall detailed application/submissions in 2022 with respect to the above referenced proposal/project to relocate Building D of the Ray Farm Condominium, a 55+ senior living development in Exeter located on/off of Ray Farmstead Road. At the time, Justin Pasay Esq. and DTC Lawyers represented the owner/applicants which, included variously Ray Farm, LLC, Declarant for the condominium project, CKT Associates, Inc and Willey Creek Co.(as required "Applicants"). Attorney Pasay has left DTC. This firm now represents the Applicants.

Discussions with Attorney Pasay and DTC lawyers, the Applicants, a review of the files provided to us, and review of the August 25, 2022 Planning Board minutes reflect that on that date, the pending Application(s) were indefinitely tabled. The Applicants hereby request that the pending Application(s) be returned to the docket and thus the hearing list for the scheduled meetings on September 5, 2024 (TRC, if required), and September 26, 2024 (Planning Board).

Pursuant to our discussions with Planning Department staff, we attach originals and the requisite copies¹ of the following, noting that the attached plan/applications have been previously submitted. Since previously distributed to Planning Board members we resubmit again submitted herewith:

1. Resubmitted 3/16/22-Letter DTC to Exeter Planning Board.
2. Resubmitted 3/22/22-Letter GM2 to Exeter Planning Board.
3. Resubmitted 3/28/22 Site Plan Review Application.
4. Resubmitted 3/28/22 Lot Line Adjustment Application.

¹ We were advised to submit five (5) full size and ten (10) half size plan sets.

DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	OF COUNSEL:
R. TIMOTHY PHOENIX	ALEC L. MCEACHERN	PETER V. DOYLE	SAMUEL R. REID
LAWRENCE B. GORMLEY	KEVIN M. BAUM	MONICA F. KIESER	JOHN AHLGREN
STEPHEN H. ROBERTS	JACOB J.B. MARVELLEY	STEPHANIE J. JOHNSON	

5. Resubmitted Waiver for Parking Setback from Building.
6. Resubmitted CUP Application (Wetlands).
7. Resubmitted CUP Application (Shoreland).
8. Resubmitted 1/11/22 Site Development Plan Set-By GM2.
9. Resubmitted 2/1/22 Plan Set-by GM2.
 - V1.10-Lot Line Adjustment Plan
 - C1-24 Wetlands Impact Plan
 - C1-25-Wetland and Shoreland Buffer Impact Plan
 - C1-28-Watershed Plan
10. Resubmitted RCRD Plan D-40822-Overall Site Plan-by Cammett Engineering.
11. Tax Map, 40, 47, 48.
12. Updated Abutter's List (x 3).

Also enclosed is our check in the amount of \$470.00 to cover the \$250.00 (Site Plan Review), \$60.00 (Lot Line Adjustment) application fees, \$50.00 notice fee, and \$10.00 for each of eleven (11) abutters. ²

Please let us know if you need anything more in advance of the September 5, 2024 TRC meeting or September 26, 2024 Planning Board meeting.

Very truly yours,



R. Timothy Phoenix

RTP/msw
Encl.

cc: Client
GM2 (email)
Cammett Engineering (email)
Millenium Engineering (email)
Exeter Conservation Commission (email)
Officers of Ray Farm Condominium Association
c/o CPManagement (email)

² State records identify the officers of Ray Farm Condominium as Jonathan Shafmaster and William Blackett, who are included on the abutters list. Further investigation identifies the officers as c/o CP Management, 11 Court Street, Exeter, NH 03833, also included on the abutters list. Investigation continues to identify actual officers. If located, additional mailing labels will be provided.



CELEBRATING OVER 175 YEARS OF SERVICE TO OUR CLIENTS

1000 North State Street
Suite 1500
Exeter, NH 03833
Phone: 603.271.1111
Fax: 603.271.1112
www.dtcclawyers.com
DONAHUE, TUCKER & CIANDELLA
PLLC
111 Maplewood Avenue, Suite 11
Portsmouth, NH 03801
Phone: 603.431.1111
FAX: 603.431.1112
www.dtcclawyers.com
DOWLING, HARRIS & MANNING
PLLC
1000 North State Street
Suite 1500
Exeter, NH 03833
Phone: 603.271.1111
Fax: 603.271.1112
www.dtcclawyers.com
RETIREE
MICHAEL HARRINGTON
CHARLES E. DUNN
ROBERT D. CIANDELLA
NATHAN T. HENNINGER

March 16, 2022

Langdon Plumer, Chair
Exeter Planning Board
10 Front Street
Exeter, NH 03833

Re: Request for Preliminary Conceptual Consultation

Dear Chair Plumer and Board Members:

This Firm represents Ray Farm, LLC (the "Applicant"), which is the declarant of the Ray Farm Condominium, a 55+ senior living development in Exeter located on property off of Ray Farmstead Road which is further identified as Town Tax Map 47, Lot 8 (the "Ray Farm Property" or the "Project"). By this letter, the Applicant requests a Preliminary Conceptual Consultation with the Planning Board on 24 March 2022 pursuant to Section 6.1.1 of the Site Plan Review and Subdivision Regulations of the Town of Exeter.

By way of brief background, the Project, as approved by the Planning Board on 27 July 2017, consists of four distinct residential buildings (Buildings A – D) containing 116 units, a 2,000 sf clubhouse, and corresponding site improvements, all serviced by a private driveway accessed via Ray Farmstead Road. See Enclosure 1.¹ As approved, Buildings A, B and C are identical in design, size and footprint, and each contains 32 dwelling units. Building D, as depicted on Enclosure 1, was approved to be located in close proximity to Epping Road and the Mobil Gas Station and has a different design than Buildings A, B and C, containing only 20 dwelling units.

Since the Project's approval, Ray Farmstead Road was built and accepted by the Town as Town Road, and Buildings A and B, as well as the clubhouse, are finished and completely occupied. Building C is being constructed and will be completed shortly in the spring of 2022. More than 40% of the units in Building C are pre-sold.

¹ Approved Site Plan

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite 11, Portsmouth, NH 03801
Iowle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

As the Applicant considered the completion of the Project via construction of Building D as originally approved, a more attractive alternative emerged. Specifically, the Applicant now proposes the relocation of Building D to abutting property to the southeast of the Ray Farm Property identified as Tax Map 47, Lot 8.1 (the "Applicant's Abutting Property"). The Applicant proposes to construct the relocated Building D in the identical manner as Buildings A, B and C, inclusive of 32 units instead of the 20 units Building D was approved for in 2017. The proposed relocation of Building D is depicted on the plans provided herewith by GM2 Engineering (formally W.C. Cammett Engineering). See **Enclosure 2**. As depicted, the relocated Building D would be accessed via an extended internal roadway from Building C, which would require minor wetland crossing.

To accomplish its redesign, the Applicant proposes to consolidate approximately 4.29-acres of the upland area of the Applicant's Abutting Property and combine the same with the Ray Farm Property (Town Tax Map 47, Lot 8). The additional 4.29 acres added to the Ray Farm Property would be the site of the relocated Building D.

The net result of the Applicant's proposal would be a Ray Farm Property that is approximately 15.76 acres in size rather than the existing 11.46 acres. Reconfigured as proposed, the Ray Farm Property would continue to comply in all respects with all local Zoning regulations and would have less density than what was approved by the Planning Board in 2017. The area of the Ray Farm Property which was originally approved to accommodate Building D, will remain an open space area of the Ray Farm Project.

In support of its proposal, the Applicant received approval from the Zoning Board of Adjustment on November 17, 2021 to permit an age-restricted use for the proposed relocation of Building D on the Applicant's Abutting Property, which is Zoned in the C-3 Zoning District, and to increase the total number of residential units in the Project from 116 to 128.

The remnant area of the Applicant's Abutting Property post-subdivision and consultation will be approximately 3.16 acres in size, will have ample frontage along Epping Road and Ray Farmstead Road, will remain in the C-3 Zoning District, will comply in all respects with applicable Zoning regulations and could accommodate viable C-3 commercial development in the future.

As depicted in **Enclosure 2**, the Applicant's proposal will require a Wetlands Conservation District Conditional Use Permit and Shoreland Protection District Conditional Use Permit and the Applicant welcomes any comments the Planning Board may have regarding these prospective applications.



March 22, 2022

Langdon Plumer, Chair
Exeter Planning Board
10 Front Street
Exeter, NH 03833

Re: Site Plan Review Application
Ray Farm – Building D re-location

Dear Chair Plumer and Board Members:

Headquarters
115 GLASTONBURY BLVD
GLASTONBURY CT 06033
860.659.1416

10 CABOT ROAD
SUITE 101B
MEDFORD MA 02155
617.776.3350

6 CHESTNUT ST
SUITE 110
AMESBURY MA 01913
978.388.2157

197 LOUDON RD
SUITE 310
CONCORD NH 03301
603.856.7854

200 MAIN ST
PAWTUCKET RI 02860
401.726.4084

This Firm represents Ray Farm, LLC (the “Applicant”), which is the declarant of the Ray Farm Condominium, a 55+ senior living development in Exeter located on property off of Ray Farmstead Road which is further identified as Town Tax Map 47, Lot 8 (the “Ray Farm Property” or the “Project”). By this letter, the Applicant requests a Site Plan Review with the Planning Board on 12 May 2022 pursuant to Section 6.1.1 of the Site Plan Review and Subdivision Regulations of the Town of Exeter.

By way of brief background, the Project, as approved by the Planning Board on 27 July 2017, consists of four distinct residential buildings (Buildings A – D) containing 116 units, a 2,000 sf clubhouse, and corresponding site improvements, all serviced by a private driveway accessed via Ray Farmstead Road. As approved, Buildings A, B and C are identical in design, size and footprint, and each contains 32 dwelling units. Building D was approved to be located in close proximity to Epping Road and the Mobil Gas Station and has a different design than Buildings A, B and C, containing only 20 dwelling units.

Since the Project’s approval, Ray Farmstead Road was built and accepted by the Town as Town Road, and Buildings A and B, as well as the clubhouse, are finished and completely occupied. Building C is being constructed and will be completed shortly in the spring of 2022. More than 40% of the units in Building C are pre-sold.

As the Applicant considered the completion of the Project via construction of Building D as originally approved, a more attractive alternative emerged. Specifically, the Applicant now proposes the relocation of Building D to abutting property to the southeast of the Ray Farm Property identified as Tax Map 47, Lot 8.1 (the “Applicant’s Abutting Property”). The Applicant proposes to construct the relocated Building D in the identical manner as Buildings A, B and C, inclusive of 32 units instead of the 20 units Building D was approved for in 2017. The proposed relocation of Building D is depicted on the plans provided herewith by GM2 Engineering (formally W.C. Cammett Engineering). The relocated Building D would be accessed via an extended internal roadway from Building C, which would require minor wetland crossing.

To accomplish its redesign, the Applicant proposes to consolidate approximately 4.29-acres of the upland area of the Applicant's Abutting Property and combine the same with the Ray Farm Property (Town Tax Map 47, Lot 8). The additional 4.29 acres added to the Ray Farm Property would be the site of the relocated Building D.

The net result of the Applicant's proposal would be a Ray Farm Property that is approximately 15.76 acres in size rather than the existing 11.46 acres. Reconfigured as proposed, the Ray Farm Property would continue to comply in all respects with all local Zoning regulations and would have less density than what was approved by the Planning Board in 2017. The area of the Ray Farm Property which was originally approved to accommodate Building D, will remain an open space area of the Ray Farm Project.

In support of its proposal, the Applicant received approval from the Zoning Board of Adjustment on November 17, 2021 to permit an age-restricted use for the proposed relocation of Building D on the Applicant's Abutting Property, which is Zoned in the C-3 Zoning District, and to increase the total number of residential units in the Project from 116 to 128.

The remnant area of the Applicant's Abutting Property post-subdivision and consultation will be approximately 3.16 acres in size, will have ample frontage along Epping Road and Ray Farmstead Road, will remain in the C-3 Zoning District, will comply in all respects with applicable Zoning regulations and could accommodate viable C-3 commercial development in the future.

The Applicant's proposal will require a Wetlands Conservation District Conditional Use Permit and Shoreland Protection District Conditional Use Permit and the Applicant welcomes any comments the Planning Board may have regarding these prospective applications.

In the meantime, if you have any questions do not hesitate to contact me.

Very truly yours,

GM2 Associates



Denis M. Hamel, CPESC

Project Manager

cc: Jonathan Shafmaster
Justin Pasay, Esq. DT&C. PLLC
Brendan Quigley, Gove Environmental

Town of Exeter



Planning Board Application for Site Plan Review

October 2019



SITE PLAN REVIEW APPLICATION CHECKLIST

A COMPLETED APPLICATION FOR SITE PLAN REVIEW MUST CONTAIN THE FOLLOWING

1. Application for Hearing (X)
2. Abutter's List Keyed to Tax Map (X)
(including the name and business address of every engineer, architect, land surveyor, or soils scientist whose professional seal appears on any plan submitted to the Board)
3. Completed- " Checklist for Site Plan Review" (X)
4. Letter of Explanation (X)
5. Written Request for Waiver (s) from " Site Plan Review and Subdivision Regulations" (X)
(if applicable)
6. Completed "Preliminary Application to Connect and /or Discharge to Town of Exeter- Sewer, Water or Storm Water Drainage System(s)"(if applicable) (X)
7. Planning Board Fees (X)
8. Seven (7) full-sized copies of Site Plan (X)
9. Fifteen (15) 11"x17" copies of the final plan to be submitted **TEN DAYS PRIOR** to the public hearing date. (X)
10. Three (3) pre-printed 1"x 2 5/8" labels for each abutter, the applicant and all consultants. (X)

NOTES: All required submittals must be presented to the Planning Department office for distribution to other Town departments. Any material submitted directly to other departments will not be considered.



TOWN OF EXETER, NH APPLICATION FOR SITE PLAN REVIEW

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

- COMMERCIAL SITE PLAN REVIEW
- INDUSTRIAL SITE PLAN REVIEW
- MULTI-FAMILY SITE PLAN REVIEW
- MINOR SITE PLAN REVIEW
- INSTITUTIONAL/NON-PROFIT SPR

_____ APPLICATION #
 _____ DATE RECEIVED
 _____ APPLICATION FEE
 _____ PLAN REVIEW FEE
 _____ ABUTTERS FEE
 _____ LEGAL NOTICE FEE
 _____ TOTAL FEES

_____ INSPECTION FEE
 _____ INSPECTION COST
 _____ REFUND (IF ANY)

1. **NAME OF LEGAL OWNER OF RECORD:** CKT Associates

_____ **TELEPHONE:** (603) 431-3170

ADDRESS: 158 Shattuck Way Newington, NH 03801

2. **NAME OF APPLICANT:** Willey Creek Co.

ADDRESS: 158 Shaqtuck Way Newington NH 03801

_____ **TELEPHONE:** (603) 431-3170

3. **RELATIONSHIP OF APPLICANT TO PROPERTY IF OTHER THAN OWNER:** _____

Same

(Written permission from Owner is required, please attach.)

4. **DESCRIPTION OF PROPERTY:** Wooded with variable slopes with areas of wetlands

ADDRESS: off Ray Farmstead Road

TAX MAP: 47 **PARCEL #:** 8-1, 9 **ZONING DISTRICT:** C3

AREA OF ENTIRE TRACT: 15.75 Acres **PORTION BEING DEVELOPED:** 2.55 Acres



5. **ESTIMATED TOTAL SITE DEVELOPMENT COST \$** \$1.2 million+/-
6. **EXPLANATION OF PROPOSAL:** Re-locate previopusly approved Building D to new location shown on the attached plans along with all required apputances

7. **ARE MUNICIPAL SERVICES AVAILABLE? (YES/NO)** Yes

If yes, Water and Sewer Superintendent must grant written approval for connection.
If no, septic system must comply with W.S.P.C.C. requirements.

8. **LIST ALL MAPS, PLANS AND OTHER ACCOMPANYING MATERIAL SUBMITTED WITH THIS APPLICATION:**

<u>ITEM:</u>	<u>NUMBER OF COPIES</u>
A. <u>Site - Civil Plans (23 Sheets)</u>	<u>7 full size, 15 11x17</u>
B. <u>Architectural (2 Sheets)</u>	<u>7 Full size, 15 11x17</u>
C. <u>Wetaland impact plans (3 Sheets)</u>	<u>7 Full size, 15 11x17</u>
D. <u>Stormwater Analysis booklet</u>	<u>7 sets</u>
E. _____	_____
F. _____	_____

9. **ANY DEED RESTRICTIONS AND COVENANTS THAT APPLY OR ARE CONTEMPLATED (YES/NO)** Yes, exist ROW Easement **IF YES, ATTACH COPY.**

10. **NAME AND PROFESSION OF PERSON DESIGNING PLAN:**

NAME: David Giangrande, PE Denis Hamel, CPESC

ADDRESS: 6 Chestnut Street Suite 110 Amesbury, MA 01903

PROFESSION: Civil Engineer **TELEPHONE:** (978) 572-6429

11. **LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:**

Tie into existing water and sewer lines of the Ray Farm project, new stormwater mitigation BMP's.
Paved access drive from near existing Building C to the re-located Building D along with parking, lighting landscappings and walkways. Temporary construction access to Commerce Way.



12. HAVE ANY SPECIAL EXCEPTIONS OR VARIANCES BEEN GRANTED BY THE ZONING BOARD OF ADJUSTMENT TO THIS PROPERTY PREVIOUSLY?

IF YES, DESCRIBE BELOW. (Please check with the Planning Department Office to verify)

A Variance was granted by the Zoning Board of Adjustment to allow a 32 unit multifamily building in the C3 Commercial Zone.

13. WILL THE PROPOSED PROJECT INVOLVE DEMOLITION OF ANY EXISTING BUILDINGS OR APPURTENANCES? IF YES, DESCRIBE BELOW.

(Please note that any proposed demolition may require review by the Exeter Heritage Commission in accordance with Article 5, Section 5.3.5 of the Exeter Zoning Ordinance).

No

14. WILL THE PROPOSED PROJECT REQUIRE A "NOTICE OF INTENT TO EXCAVATE" (State of NH Form PA-38)? IF YES, DESCRIBE BELOW.

No

NOTICE: I CERTIFY THAT THIS APPLICATION AND THE ACCOMPANYING PLANS AND SUPPORTING INFORMATION HAVE BEEN PREPARED IN CONFORMANCE WITH ALL APPLICABLE REGULATIONS; INCLUDING BUT NOT LIMITED TO THE "SITE PLAN REVIEW AND SUBDIVISION REGULATIONS" AND THE ZONING ORDINANCE. FURTHERMORE, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 15.2 OF THE "SITE PLAN REVIEW AND SUBDIVISION REGULATIONS", I AGREE TO PAY ALL COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

DATE 3-24-22 OWNER'S SIGNATURE [Signature]

ACCORDING TO RSA 676.4.I (c), THE PLANNING BOARD MUST DETERMINE WHETHER THE APPLICATION IS COMPLETE WITHIN 30 DAYS OF SUBMISSION. THE PLANNING BOARD MUST ACT TO APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION WITHIN SIXTY FIVE (65) DAYS OF ITS ACCEPTANCE BY THE BOARD AS A COMPLETE APPLICATION. A SEPARATE FORM ALLOWING AN EXTENSION OR WAIVER TO THIS REQUIREMENT MAY BE SUBMITTED BY THE APPLICANT.

Gateway At Exeter, LLC
20 Trafalgar Square, Suite 610
Nashua, NH 03063
Tax Map 47/Lots 6 & 7

Gateway At Exeter, LLC
20 Trafalgar Square, Suite 610
Nashua, NH 03063
Tax Map 47/Lots 6 & 7

Gateway At Exeter, LLC
20 Trafalgar Square, Suite 610
Nashua, NH 03063
Tax Map 47/Lots 6 & 7

CKT Associates
158 Shattuck Way
Newmarket, NH 03801
Tax Map 47/Lots 8-1, 8-2 & 9

CKT Associates
158 Shattuck Way
Newmarket, NH 03801
Tax Map 47/Lots 8-1, 8-2 & 9

CKT Associates
158 Shattuck Way
Newmarket, NH 03801
Tax Map 47/Lots 8-1, 8-2 & 9

Gladstone Realty, LLC
12 Bills Way
Bedford, NH 03110
Tax Map 47/Lot 5

Gladstone Realty, LLC
12 Bills Way
Bedford, NH 03110
Tax Map 47/Lot 5

Gladstone Realty, LLC
12 Bills Way
Bedford, NH 03110
Tax Map 47/Lot 5

Net Lease Realty, Inc.
Attn: Ingrid Irvin
450 S. Orange Ave, Suite 900
Orlando, FL 32801
Tax Map 40, Lot 11

Net Lease Realty, Inc.
Attn: Ingrid Irvin
450 S. Orange Ave, Suite 900
Orlando, FL 32801
Tax Map 40, Lot 11

Net Lease Realty, Inc.
Attn: Ingrid Irvin
450 S. Orange Ave, Suite 900
Orlando, FL 32801
Tax Map 40, Lot 11

Carlisle W. Scott, III
14 Cass Street
Exeter, NH 03833
Tax Map 40/Lot 12

Carlisle W. Scott, III
14 Cass Street
Exeter, NH 03833
Tax Map 40/Lot 12

Carlisle W. Scott, III
14 Cass Street
Exeter, NH 03833
Tax Map 40/Lot 12

R. Timothy Phoenix, Esq.
Hoefle, Phoenix, Gormley & Roberts
127 Parrott Avenue
Portsmouth, NH 03801

R. Timothy Phoenix, Esq.
Hoefle, Phoenix, Gormley & Roberts
127 Parrott Avenue
Portsmouth, NH 03801

R. Timothy Phoenix, Esq.
Hoefle, Phoenix, Gormley & Roberts
127 Parrott Avenue
Portsmouth, NH 03801

Cammett Engineering
297 Elm Street
Amesbury, MA 01913

Cammett Engineering
297 Elm Street
Amesbury, MA 01913

Cammett Engineering
297 Elm Street
Amesbury, MA 01913

GM2 Engineering
6 Chestnut Street, Suite 110
Amesbury, MA 01913

GM2 Engineering
6 Chestnut Street, Suite 110
Amesbury, MA 01913

GM2 Engineering
6 Chestnut Street, Suite 110
Amesbury, MA 01913

Officers of the Ray Farm Condo.Assoc.
c/o Nicholas Garcia
CPManagement
11 Court Street
Exeter, NH 03833

Officers of the Ray Farm Condo.Assoc.
c/o Nicholas Garcia
CPManagement
11 Court Street
Exeter, NH 03833

Officers of the Ray Farm Condo.Assoc.
c/o Nicholas Garcia
CPManagement
11 Court Street
Exeter, NH 03833

William Blackett
President, Director & Treasurer
Ray Farm Condominium Assoc.
158 Shattuck Way
Newington, NH 03801

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William Blackett
President, Director & Treasurer
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Newington, NH 03801

Jonathan Shafmaster
Ray Farm Condominium Assoc.
Vice President & Secretary
158 Shattuck Way
Newington, NH 03801

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158 Shattuck Way
Newington, NH 03801

Kevin Mielke
24 Willey Creek Rd #306
Exeter NH 03833

Kevin Mielke
24 Willey Creek Rd #306
Exeter NH 03833

Kevin Mielke
24 Willey Creek Rd #306
Exeter NH 03833

Ronald Ouellet
32 Willey Creek Rd #201
Exeter NH 03833

Ronald Ouellet
32 Willey Creek Rd #201
Exeter NH 03833

Ronald Ouellet
32 Willey Creek Rd #201
Exeter NH 03833

Ricardo Defrutos
7 Willey Creek Rd #408
Exeter NH 03833
47/8/408

Ricardo Defrutos
7 Willey Creek Rd #408
Exeter NH 03833
47/8/408

Ricardo Defrutos
7 Willey Creek Rd #408
Exeter NH 03833
47/8/408

Deborah Connolly
24 Willey Creek Rd #301
Exeter NH 03833

Deborah Connolly
24 Willey Creek Rd #301
Exeter NH 03833

Deborah Connolly
24 Willey Creek Rd #301
Exeter NH 03833

Herb Chalek
32 Willey Creek Rd #401
Exeter NH 03833

Herb Chalek
32 Willey Creek Rd #401
Exeter NH 03833

Herb Chalek
32 Willey Creek Rd #401
Exeter NH 03833

Willey Creek Company
158 Shattuck Way
Newington, New Hampshire 03801

Willey Creek Company
158 Shattuck Way
Newington, New Hampshire 03801

Willey Creek Company
158 Shattuck Way
Newington, New Hampshire 03801



CHECKLIST FOR SITE PLAN REVIEW

The checklist on the following page has been prepared to assist you in the preparation of your site plan. The checklist items listed correspond to the site plan requirements set forth in Section 7 of the "Site Plan Review and Subdivision Regulations". Unless otherwise indicated, all section references within this checklist refer to these regulations. Each of the items listed on this checklist must be addressed by the applicant prior to technical review of the site plan by the Technical Review Committee (TRC) See section 6.5. of the "Site Plan Review and Subdivision Regulations". This checklist **DOES NOT** include all of the detailed information required for site plan preparation and therefore should not be the sole basis for the preparation of these plans. For a complete listing of site plan requirements, please refer to Section 7 of the "Site Plan Review and Subdivision Regulations". In addition to these required plan items, the Planning Board will review site plans based upon the standards set forth in Sections 8 and 9 of the "Site Plan Review and Subdivision Regulations". As the applicant, it is **YOUR RESPONSIBILITY** to familiarize yourself with these standards and to prepare your plans in conformance with them.

Please complete this checklist by marking each item in the column labeled "Applicant" with one of the following: "X: (information provided); "NA" (not applicable); "W: (waiver requested). For all checklist items marked "NA", a final determination regarding applicability will be made by the TRC. For all items marked "W", please refer to Section 13 of the "Site Plan Review and Subdivision Regulations" for the proper request procedure to be followed. If waivers are requested, a justification letter for requested waivers is strongly suggested. All waiver requests will be acted upon by the Planning Board at a public hearing. Please contact the Planning Department office if you have any questions concerning the proper completion of this checklist.

All of the required information for the plans listed in the checklist must be provided on separate sheets, unless otherwise approved by the TRC.

NOTE: AN INCOMPLETE CHECKLIST WILL BE GROUNDS FOR REJECTION OF YOUR APPLICATION.



SITE PLAN REQUIREMENTS

7.4 Existing Site Conditions Plan

Submission of this plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. The purpose of this plan is to provide general information on the site, its existing conditions, and to provide the base data from which the site plan or subdivision will be designed. The plan shall show the following:

APPLICANT	TRC	REQUIRED EXHIBITS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.1 Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.2 Location of the site under consideration, together with the current names and addresses of owners of record, of abutting properties and their existing land use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.3 Title, date, north arrow, scale, and Planning Board Case Number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.4 Tax map reference for the site under consideration, together with those of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.5 Zoning (including overlay) district references.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.6 A vicinity sketch or aerial photo showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 2,000-feet, or larger area if deemed necessary by the Town Planner.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.7 Natural features including watercourses and water bodies, tree lines, significant trees (20-inches or greater in diameter at breast height) and other significant vegetative cover, topographic features, and any other environmental features that are important to the site design process.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.8 Man-made features such as, but not limited to, existing roads, structures, and stone walls. The plan shall also indicate which features are to be retained and which are to be removed or altered.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.9 Existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.10 A High Intensity Soil Survey (HISS) of the entire site, or appropriate portion thereof. Such soil surveys shall be prepared by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.



<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.11 State and Federally designated wetlands, setback information, total wetlands proposed to be filled, other pertinent information and the following wetlands note: "The landowner is responsible for complying with all applicable local, state, and federal wetlands regulations, including any permitting and setback requirements required under these regulations."</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.12 Surveyed property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in New Hampshire must attest to said plan.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.13 The lines of existing abutting streets and driveway locations within 200-feet of the site.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.14 The location, elevation, and layout of existing catch basins and other surface drainage features.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.15 The shape, size, height, location, and use of all existing structures on the site and approximate location of structures within 200-feet of the site.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.16 The size and location of all existing public and private utilities, including off-site utilities to which connection is planned.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.17 The location of all existing easements, rights-of-way, and other encumbrances.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.18 All floodplain information, including the contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.19 All other features which would fully explain the existing conditions of the site.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7.4.20 Name of the site plan or subdivision.</p>



7.5 Proposed Site Conditions Plan (Pertains to Site Plans Only)

The purpose of this plan is to illustrate and fully explain the proposed changes taking place within the site. The proposed site conditions plan shall depict the following:

APPLICANT	TRC	REQUIRED EXHIBITS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.1 Proposed grades and topographic contours at intervals not to exceed 2-feet with spot elevations where grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.2 The location and layout of proposed drainage systems and structures including elevations for catch basins.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.3 The shape, size, height, and location of all proposed structures, including expansion of existing structures on the site and first floor elevation(s). Building elevation(s) and a rendering of the proposed structure(s).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.4 High Intensity Soil Survey (HISS) information for the site, including the total area of wetlands proposed to be filled.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.5 State and Federally designated wetlands, setback information, total wetlands proposed to be filled, other pertinent information and the following wetlands note: "The landowner is responsible for complying with all applicable local, state, and federal wetlands regulations, including any permitting and setback requirements required under these regulations."
<input type="checkbox"/> N/A	<input type="checkbox"/>	7.5.6 Location and timing patterns of proposed traffic control devices.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.7 The location, width, curbing and paving of all existing and proposed streets, street rights-of-way, easements, alleys, driveways, sidewalks and other public ways. The plan shall indicate the direction of travel for one-way streets. See Section 9.14 – Roadways, Access Points, and Fire Lanes for further guidance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.8 The location, size and layout of off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided. See Section 9.13 – Parking Areas for further guidance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.9 The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage disposal facilities, gas lines, power lines, telephone lines, cable lines, fire alarm connection, and other utilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.10 The location, type, and size of all proposed landscaping, screening, green space, and open space areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.11 The location and type of all site lighting, including the cone(s) of illumination to a measurement of 0.5-foot-candle.
<input type="checkbox"/>	<input type="checkbox"/>	7.5.12 The location, size, and exterior design of all proposed signs to be located on the site.
<input type="checkbox"/>	<input type="checkbox"/>	7.5.13 The type and location of all solid waste disposal facilities and accompanying screening.



<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.14 Location of proposed on-site snow storage.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.15 Location and description of all existing and proposed easement(s) and/or right-of-way.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.16 A note indicating that: "All water, sewer, road (including parking lot), and drainage work shall be constructed in accordance with Section 9.5 Grading, Drainage, and Erosion & Sediment Control and the Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire". See Section 9.14 Roadways, Access Points, and Fire Lanes and Section 9.13 Parking Areas for exceptions.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.17 Signature block for Board approval

OTHER PLAN REQUIREMENTS (See Section Indicated)

- 7.7 Construction plan
- 7.8 Utilities plan
- 7.9 Grading, drainage and erosion & sediment control plan
- 7.10 Landscape plan
- 7.11 Drainage Improvements and Storm Water Management Plan
- 7.12 Natural Resources Plan
- 7.13 Yield Plan

Town of Exeter



Planning Board Application for

- Minor Site Plan Review
- Minor Subdivision
- Lot Line Adjustment

January 2019



Town of Exeter Application for Minor Subdivision, Minor Site Plan, and/or Lot Line Adjustment

Date: January 2019

Memo To: Applicants for Minor Subdivision, Minor Site Plan, and/or Lot Line Adjustment

From: Planning Department

Re: Guidelines for Processing Applications

The goal of the Planning Board is to process applications as quickly and efficiently as possible. To this end, we have designed an application procedure which is simple and easy to follow (see attached). If some of the information being requested seems irrelevant, please check with the Planning Department office, it may be that your particular proposal does not warrant such information.

It is strongly recommended that prior to submitting an application you discuss your proposal informally with the Town Planner. The Town Planner will review your proposal for conformance with the applicable Town regulations and advise you as to the procedures for obtaining Planning Board approval. Please contact the Planning Department office at (603) 773-6112 to schedule an appointment.

The key to receiving a prompt decision from the Planning Board is to adhere closely to the Board's procedures. A chart outlining the "Planning Board Review Process" is attached for your information. Please be aware that a technical review of your proposal by the Technical Review Committee (TRC) will likely precede Planning Board determination. Staff will gladly review the Application process with you so that you understand the various milestones in the process. A checklist is attached to this application to assist you in preparing your plans.

Copies of the applicable "Site Review and Subdivision Regulations" are available on-line on the Town's web site (www.exeternh.gov) or maybe purchased at the Planning Department office on the second floor to the Town Office Building located at 10 Front Street.

It is strongly recommended that you become familiar with these regulations, as they are the basis for review and approval.



TOWN OF EXETER, NH
APPLICATION FOR MINOR SITE PLAN REVIEW,
MINOR SUBDIVISION and/or LOT LINE ADJUSTMENT

A completed application shall contain the following items, although please note that some items may not apply such as waivers or conditional use permit:

- | | |
|--|-------|
| 1. Application for Hearing | (X) |
| 2. Abutter's List Keyed to the Tax Map (including name and business address of all professionals responsible for the submission (engineer, landscape architect, wetland scientist, etc.) | (X) |
| 3. Checklist for plan requirements | (X) |
| 4. Letter of Explanation | (X) |
| 5. Written request and justification for waiver(s) from Site Plan/Sub Regulations | |
| 6. Application to Connect and/or Discharge to Town of Exeter Sewer, Water, or Storm Water Drainage System(s) - if applicable | () |
| 7. Application Fees | (X) |
| 8. Seven (7) copies of 24'x36' plan set | (X) |
| 9. Fifteen (15) 11"x 17" copies of the plan set | (X) |
| 10. Three (3) pre-printed 1"x 2 5/8" labels for each abutter, the applicant and all consultants. | (X) |

NOTES: All required submittals must be presented to the Planning Department Office for distribution to other Town departments. Any material submitted directly to other departments will not be considered.



TOWN OF EXETER
MINOR SUBDIVISION, MINOR
SITE PLAN, AND/OR LOT LINE
ADJUSTMENT APPLICATION

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

- MINOR SITE PLAN
 MINOR (3lots or less)
SUBDIVISION LOTS
 LOT LINE ADJUSTMENT

APPLICATION
DATE RECEIVED
APPLICATION FEE
PLAN REVIEW FEE
ABUTTER FEE
LEGAL NOTICE FEE
INSPECTION FEE
TOTAL FEES
AMOUNT REFUNDED

1. NAME OF LEGAL OWNER OF RECORD: CKT Associate

ADDRESS: 158 Shattuck Way Newington NH 03801

TELEPHONE: (603) 431-3170

2. NAME OF APPLICANT: Willey Creek Company

ADDRESS: 158 Shattuck Way Newington, NH 03801

TELEPHONE: (603) 431-3170

3. RELATIONSHIP OF APPLICANT TO PROPERTY IF OTHER THAN OWNER: _____

Same

(Written permission from Owner is required, please attach.)

4. DESCRIPTION OF PROPERTY:

ADDRESS: off Rayfarmstead Road

TAX MAP: 47 PARCEL #: 8-1,9 ZONING DISTRICT: C3

AREA OF ENTIRE TRACT: 15.75 Acres PORTION BEING DEVELOPED: 2.55 Acres



5. **EXPLANATION OF PROPOSAL:** Add land the the Rasy Farm project to re-locate Buil;dinf D

6. **ARE MUNICIPAL SERVICES AVAILABLE? (YES/NO)** Yes
IF YES, WATER AND SEWER SUPERINTENDENT MUST GRANT WRITTEN APPROVAL FOR CONNECTION. IF NO, SEPTIC SYSTEM MUST COMPLY WITH W.S.P.C.C. REQUIREMENTS.

7. **LIST ALL MAPS, PLANS AND OTHER ACCOMPANYING MATERIAL SUBMITTED WITH THIS APPLICATION:**

<u>ITEM:</u>	<u>NUMBER OF COPIES</u>
A. <u>Lot Line Adjustment Plan</u>	
B. _____	
C. _____	
D. _____	
E. _____	
F. _____	

8. **ANY DEED RESTRICTIONS AND COVENANTS THAT APPLY OR ARE CONTEMPLATED (YES/NO)** Yes exist ROW easement IF YES, ATTACH COPY.

9. **NAME AND PROFESSION OF PERSON DESIGNING PLAN:**

NAME: Robert E. Smith jr
ADDRESS: 6 Chestnut Street Suite 110 Amesbury, MA
PROFESSION: Profesional Land Surveyor **TELEPHONE:** (978) 572-6431

10. **LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:** _____

water, sewer, gas, underground electric, underground com



11. HAVE ANY SPECIAL EXCEPTIONS OR VARIANCES BEEN GRANTED BY THE ZONING BOARD OF ADJUSTMENT TO THIS PROPERTY PREVIOUSLY?

(Please check with the Planning Department Office to verify) (YES/NO) Yes IF YES, LIST BELOW AND NOTE ON PLAN.

Variance from Zoning Board of Adjustment to allow 32 Unit Residential building in the C3 district

NOTICE:

I CERTIFY THAT THIS APPLICATION AND THE ACCOMPANYING PLANS AND SUPPORTING INFORMATION HAVE BEEN PREPARED IN CONFORMANCE WITH ALL APPLICABLE TOWN REGULATIONS, INCLUDING BUT NOT LIMITED TO THE "SITE PLAN REVIEW AND SUBDIVISION REGULATION" AND THE ZONING ORDINANCE. FURTHERMORE, IN ACCORDANCE WITH THE REQUIREMENTS OF THE "SITE PLAN REVIEW AND SUBDIVISION REGULATIONS", I AGREE TO PAY ALL COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

DATE 3-28-2022 APPLICANT'S SIGNATURE

ACCORDING TO RSA 676.4.I (c), THE PLANNING BOARD MUST DETERMINE WHETHER THE APPLICATION IS COMPLETE WITHIN 30 DAYS OF SUBMISSION. THE PLANNING BOARD MUST ACT TO EITHER APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION WITHIN SIXTY FIVE (65) DAYS OF ITS ACCEPTANCE BY THE BOARD AS A COMPLETE APPLICATION. A SEPARATE FORM ALLOWING AN EXTENSION OR WAIVER TO THIS REQUIREMENT MAY BE SUBMITTED BY THE APPLICANT.



CHECKLIST FOR LOT LINE ADJUSTMENT, MINOR SITE PLAN, or MINOR SUBDIVISION PLAN PREPARATION

The checklist on the following page has been prepared to assist you in the preparation of your subdivision plan. The checklist items listed correspond to the subdivision plan requirements set forth in Section 7 of the "Site Plan Review and Subdivision Regulations". Unless otherwise indicated, all section references within this checklist refer to these regulations. Each of the items listed on this checklist must be addressed prior to the technical review of subdivision plans by the Technical Review Committee (TRC). See Section 6.5 of the "Site Plan Review and Subdivision Regulations". This checklist **DOES NOT** include all of the detailed information required for subdivision and lot line adjustment plans and therefore should not be the sole basis for the preparation of these plans. For a complete listing of subdivision plan requirements, please refer to Section 7 of the "Site Plan Review and Subdivision Regulations". In addition to these required plan items, the Planning Board will review subdivision plans based upon the standards set forth in Sections 8 and 9 of the "Site Plan Review and Subdivision regulations". As the applicant, it is **YOUR RESPONSIBILITY** to familiarize yourself with these standards and to prepare your plans in conformance with them.

Please complete this checklist by marking each item listed in the column labeled "Applicant" with one of the following: "X" (information provided); "NA" (note applicable); "W" (waiver requested). For all checklist items marked "NA", a final determination regarding applicability will be made by the TRC. For all items marked "W", please refer to Section 11 of the "Site Plan Review and Subdivision Regulations" for the proper waiver request procedure. All waiver requests will be acted upon by the Planning Board at a public hearing. Please contact the Planning Department office, if you have any questions concerning the proper completion of this checklist.

All of the required information for the plans listed in the checklist must be provided on separate sheets, unless otherwise approved by the TRC.

NOTE: AN INCOMPLETE CHECKLIST WILL BE GROUNDS FOR REJECTION OF YOUR APPLICATION.



CHECK LIST FOR MINOR SITE PLAN REVIEW, MINOR SUBDIVISION AND LOT LINE ADJUSTMENT

APPLICANT	TRC	REQUIRED EXHIBITS, SEE REGULATION 6.6.2.4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a) The name and address of the property owner, authorized agent, the person or firm preparing the plan, and the person or firm preparing any other data to be included in the plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b) Title of the site plan, subdivision or lot line adjustment, including Planning Board Case Number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c) Scale, north arrow, and date prepared.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d) Location of the land/site under consideration together with the names and address of all owners of record of abutting properties and their existing use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e) Tax map reference for the land/site under consideration, together with those of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	f) Zoning (including overlay) district references.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	g) A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 1,000-feet.
<input type="checkbox"/>	<input type="checkbox"/>	h) For minor site plan review only, a description of the existing site and proposed changes thereto, including, but not limited to, buildings and accessory structures, parking and loading areas, signage, lighting, landscaping, and the amount of land to be disturbed.
<input type="checkbox"/>	<input type="checkbox"/>	i) If deemed necessary by the Town Planner, natural features including watercourses and water bodies, tree lines, and other significant vegetative cover, topographic features and any other environmental features which are significant to the site plan review or subdivision design process.
<input type="checkbox"/>	<input type="checkbox"/>	j) If deemed necessary by the Town Planner, existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
<input type="checkbox"/>	<input type="checkbox"/>	k) If deemed necessary by the Town Planner for proposed lots not served by municipal water and sewer utilities, a High Intensity Soil Survey (HISS) of the entire site, or portion thereof. Such soil surveys shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
<input type="checkbox"/>	<input type="checkbox"/>	l) State and federal jurisdictional wetlands, including delineation of required setbacks.
<input type="checkbox"/>	<input type="checkbox"/>	m) A note as follows: "The landowner is responsible for complying with all applicable local, State, and Federal wetlands regulations, including any permitting and setback requirements required under these regulations."
<input checked="" type="checkbox"/>	<input type="checkbox"/>	n) Surveyed exterior property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in New Hampshire must attest to said plan.



<input type="checkbox"/>	<input type="checkbox"/>	o) For minor site plans only, plans are not required to be prepared by a professional engineer or licensed surveyor unless deemed essential by the Town Planner or the TRC.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	p) For minor subdivisions and lot line adjustments only, the locations, dimensions, and areas of all existing and proposed lots.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	q) The lines of existing abutting streets and driveways locations within 100-feet of the site.
<input type="checkbox"/>	<input type="checkbox"/>	r) The location, elevation, and layout of existing catch basins and other surface drainage features.
<input type="checkbox"/>	<input type="checkbox"/>	s) The footprint location of all existing structures on the site and approximate location of structures within 100-feet of the site.
<input type="checkbox"/>	<input type="checkbox"/>	t) The size and location of all existing public and private utilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	u) The location of all existing and proposed easements and other encumbrances.
<input type="checkbox"/>	<input type="checkbox"/>	v) All floodplain information, including contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.
<input type="checkbox"/>	<input type="checkbox"/>	w) The location of all test pits and the 4,000-square-foot septic reserve areas for each newly created lot, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	x) The location and dimensions of all property proposed to be set aside for green space, parks, playgrounds, or other public or private reservations. The plan shall describe the purpose of the dedications or reservations, and the accompanying conditions thereof (if any).
<input type="checkbox"/>	<input type="checkbox"/>	y) A notation shall be included which explains the intended purpose of the subdivision. Include the identification and location of all parcels of land proposed to be dedicated to public use and the conditions of such dedications, and a copy of such private deed restriction as are intended to cover part of all of the tract.
<input type="checkbox"/>	<input type="checkbox"/>	z) Newly created lots shall be consecutively numbered or lettered in alphabetical order. Street address numbers shall be assigned in accordance with <u>Section 9.17 Streets</u> of these regulations.
<input type="checkbox"/>	<input type="checkbox"/>	aa) The following notations shall also be shown: <ul style="list-style-type: none">• Explanation of proposed drainage easements, if any• Explanation of proposed utility easement, if any• Explanation of proposed site easement, if any• Explanation of proposed reservations, if any• Signature block for Board approval as follows:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p style="text-align: center;">Town of Exeter Planning Board</p> <p style="text-align: center;">_____ Chairman</p> <p style="text-align: center;">_____ Date</p>

WAIVER FOR PARKING SETBACKS FROM BUILDING

The Applicant requests a waiver from the requirements of Section 11.3.1.2 of the Site Plan Review and Subdivision Regulations to allow less than 25 feet between Building D and the driveway as follows:

Closest Distance	Furthest Distance	Average Distance
14.9'	30.0'	25.5'

SITE PLAN REVIEW REGULATIONS WAIVER REQUIREMENTS:

13.1.1 Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under provisions of these regulation shall be to insure that an applicant is not unduly burdened, as opposed to merely inconvenienced, by said regulations. The Board shall not approve any waiver(s) unless a majority of those present shall find that:

13.1.2. The granting of the waiver will not be detrimental to the public safety, health and welfare or injurious to other property, and will promote the public interest.

The site has been designed to allow for safe pedestrian and vehicular traffic notwithstanding its location within the setback. Allowing the reduced setback allows less impact to the wetland buffers on the site. There is a substantial amount of landscaping proposed for the areas between the buildings and the parking and/or access drives which will achieve the objective of the regulation.

13.1.3 The waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance, Exeter Master Plan, or official maps.

Allowing this reduced setback will not violate the spirit of the Zoning Ordinance or Exeter Master Plan and will allow less impact in the wetland buffer.

13.1.4 Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.

Granting this waiver would secure the objectives, standards and requirements of the Town's regulation by reducing impacts on the wetland buffer without impacting public safety or the aesthetics of the project which will be thoroughly landscaped.

13.1.5 A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of the hardship shall include, but not be limited to: topography; existing site features; geographic location of the property; and size/magnitude of project being evaluated.

Given the site's existing topography and wetlands, granting this waiver offers greater protection to allow more of the site to remain in its nature state and further protects the wetlands.

Respectfully submitted,
WILLEY CREEK CO., LLC

Johnathan Shafmaster

Town of Exeter



Planning Board Application for Conditional Use Permit: Wetlands Conservation Overlay District

March 2020



Town of Exeter Planning Board Application

Conditional Use Permit: Wetland Conservation Overlay District In accordance with Zoning Ordinance Article: 9.1

SUBMITTAL REQUIREMENTS: (Note: See Application Deadlines and Submission Requirements for Conservation Commission Requirements)

1. Fifteen (15) copies of the Application
2. Fifteen (15) 11"x17" and three (3) full sized copies of the plan which must include:
 - Existing Conditions
 - a. Property Boundaries
 - b. Edge of Wetland and associated Buffer (Wetlands Conservation Overlay District - WCOD)
 - Prime wetland: 100'
 - Vernal Pool (>200 SF): 75'
 - Exemplary Wetland: 50'
 - Very Poorly Drained: 50'
 - Poorly Drained: 40'
 - Inland Stream: 25'
 - c. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements

Proposed Conditions

- a. Edge of Wetlands and Wetland Buffers and distances to the following:
 - i. Edge of Disturbance
 - ii. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements
- b. Name and phone number of all individuals whose professional seal appears on the plan
3. If applicant and/or agent is not the owner, a letter of authorization must accompany this application
4. Supporting documents i.e. Letters from the Department of Environmental Services, Standard Dredge and Fill Application and Photos of the property
5. A Town of Exeter Assessors list of names and mailing addresses of all abutters

Required Fees: Planning Board Fee: \$50.00 Abutter Fee: \$10.00 Recording Fee (if applicable): \$25.00
--

The Planning Office must receive the completed application, plans and fees on the day indicated on the Planning Board Schedule of Deadlines and Public Hearings.

APPLICANT	Name: CKT Associates
	Address: 158 Shattuck Way, Newington, NH 03801
	Email Address:
	Phone: 603-431-3170
PROPOSAL	Address: Ray Farmstead Road
	Tax Map # 47 Lot# 8.1 Zoning District: C-3
	Owner of Record: CKT Associates
Person/Business performing work outlined in proposal	Name: TBD
	Address:
	Phone:
Professional that delineated wetlands	Name: Brendan Quigley, Gove Environmental
	Address: 8 Continental Drive, Unit H, Exeter, NH 03833
	Phone: 603-778-0654

**Town of Exeter
 Planning Board Application
 Conditional Use Permit: Wetland Conservation Overlay District**

Detailed Proposal including intent, project description, and use of property: (Use additional sheet as needed)
 see attached

Wetland Conservation Overlay District Impact (in square footage):			
Temporary Impact	Wetland:	(SQ FT.)	Buffer: (SQ FT.)
	<input type="checkbox"/> Prime Wetlands	_____	<input type="checkbox"/> Prime Wetlands _____
	<input type="checkbox"/> Exemplary Wetlands	_____	<input type="checkbox"/> Exemplary Wetlands _____
	<input type="checkbox"/> Vernal Pools (>200SF)	_____	<input type="checkbox"/> Vernal Pools (>200SF) _____
	<input type="checkbox"/> VPD	_____	<input type="checkbox"/> VPD _____
	<input type="checkbox"/> PD	_____	<input type="checkbox"/> PD _____
	<input type="checkbox"/> Inland Stream	_____	<input type="checkbox"/> Inland Stream _____
Permanent Impact	Wetland:		Buffer:
	<input type="checkbox"/> Prime Wetlands	_____	<input type="checkbox"/> Prime Wetlands _____
	<input type="checkbox"/> Exemplary Wetlands	_____	<input type="checkbox"/> Exemplary Wetlands _____
	<input type="checkbox"/> Vernal Pools (>200SF)	_____	<input type="checkbox"/> Vernal Pools (>200SF) _____
	<input type="checkbox"/> VPD	_____	<input type="checkbox"/> VPD _____
	<input checked="" type="checkbox"/> PD	485 sf	<input checked="" type="checkbox"/> PD 5,347 sf
	<input checked="" type="checkbox"/> Inland Stream	inc. above	<input type="checkbox"/> Inland Stream inc. above

List any variances/special exceptions granted by Zoning Board of Adjustment including dates:
 Variance to permit age-restricted residential use granted on November 17, 2021.

Describe how the proposal meets conditions in **Article 9.1.6.B** of the Zoning Ordinance (attached for reference):
 see attached

9.1.6. B: Conditions: Prior to issuance of a conditional use permit, the Planning Board shall conclude and make a part of the record, compliance with the following criteria:

1. That the proposed use is permitted in the underlying zoning district;
2. No alternative design which does not impact a wetland or wetland buffer or which has less detrimental impact on the wetland or wetland buffer is feasible;
3. A wetland scientist has provided an impact evaluation that includes the "functions and values" of the wetland(s), an assessment of the potential project-related impacts and concluded to the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s) or the greater hydrologic system.
4. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer;
5. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons;
6. The applicant may propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland
7. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, the applicant has included a restoration proposal revegetating any disturbed area within the buffer with the goal to restore the site as nearly as possible to its original grade and condition following construction.
8. That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under NH RSA §485-A: 17, the New Hampshire Wetlands Board under NH RSA §483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act.;

Revised Conditional Use Permit Analysis

As the Planning Board and Conservation Commission is aware, this Firm represents Ray Farm, LLC which is the declarant of the Ray Farm Condominium, a 55+ senior living development in Exeter located on property off of Ray Farmstead Road which is further identified as Town Tax Map 47, Lot 8 (the "Ray Farm Property" or the "Project"), as well as CKT Associates, which is the owner of adjacent land identified as Town Tax Map 47, Lot 8.1 (the "CKT Property"). This revised Conditional Use Permit Analysis supplements our original Analysis filed on 1 April 2022, which included, among other things, the Wetland Delineation & Function-Value Report conducted by Brendan Quigley, NHCWS, of Gove Environmental Services, Inc. dated 31 March 2022 (the "Wetland Report"), which is incorporated herein by reference, and highlights the Project design improvements which have led to reductions in proposed impacts within the Town's Wetlands Conservation Overlay District. Further, this revised Analysis responds to comments made by the Town's Natural Resource Planner during the Technical Review Committee's review. Much of this revised Analysis relies on and incorporates work product and analysis from Brendan Quigley, NHCWS, of Gove Environmental Services.

Enclosed herewith are several plans from GM2 Engineering which were also filed with the Applicant's supplemental filing to the Planning Board dated 17 May 2022. Said plans are provided again herewith for the Town's convenience and include:

- 1) Revised Wetland Impact Plan ("Enclosure 1")
- 2) Revised Wetland and Shoreland Buffer Impact Plan ("Enclosure 2")
- 3) Wetland and Buffer Impact Plan for New Building D at Old Location Plan ("Enclosure 3")
- 4) Wetland and Buffer Impact Plan for potential extension of Ray Farmstead Road Plan ("Enclosure 4")
- 5) Wetland and Buffer Impact Plan for Conceptual ROW from Commerce Way ("Enclosure 5")

Proposed Impacts

- **Revised Wetlands Conservation Overlay District Impacts**

The Project, as revised, contemplates 485 sf of direct wetland impact and 5,347 sf of buffer impact within the Town's 40-50 ft Limited Use Buffer caused by the driveway crossing between Building C and proposed Building D. See Enclosure 1. These revisions constitute a 215 sf (31%) reduction in proposed direct wetland impacts and a 4,126 sf (44%) reduction in proposed buffer impacts over the original plans filed on this Application. See Enclosure 2. These significant reductions were accomplished by removing the temporary construction access extending from Commerce Way and by revising the subject wetland crossing via utilization of retaining walls in lieu of side slope grading and a large crossing structure over the stream. Not only have these efforts reduced impacts, they have also reduced maintenance impacts and increased connectivity along the stream and wetland corridor.

- **Shoreland Protection District Impacts**

No revisions to the proposed impacts within the Town's Shoreland Protection District have been made. The Project continues to contemplate 9,128 sf of proposed impact to the 100 ft Shoreland Protection District caused by grading and stormwater management infrastructure which will be utilized by Building D, as well as 16,560 sf of impact within the 150 ft Shoreland Protection District caused by grading, drainage infrastructure, and portions of pavement which will serve Building D. See Enclosure 3.

Natural Resource Planner Technical Review Committee Comment Responses

Below please find responses to the Natural Resource Planner's Technical Review Committee comments. In the few instances where express responses are not provided, the Applicant will address same with the Conservation Commission at the hearing on 14 June 2022.

Comment: The application does not contain enough information to demonstrate it meets 9.6.1.B.2 ("No alternative design Or which has less detrimental impacts on the wetland or wetland buffer is feasible") or 9.6.1.B.4 ("That the design, construction and maintenance of the proposed use will, to extent feasible minimize detrimental impact on the wetland or wetland buffer").

Response: See below and revised Wetlands Conservation Overlay District Conditional Use Permit Analysis below.

Comment: You have demonstrated that an alternate location for Building D is feasible with your prior approved plans. Your proposal did not include a determination that the previous location would cause a greater wetland impact. Please provide a calculation of impacts that would result from locating the larger 32 Unit Building D to the original location. This is necessary to determine whether your proposal meets the aforementioned condition.

Response: See Enclosure 3. The Project Purpose contemplates that Building D is 32 units in size, not 20 units in size like the originally approved Building D. Enclosure 3 depicts the direct wetland impacts and buffer impacts that would be caused by siting new Building D at the original location. To summarize, siting new Building D at the original location would cause a 29% increase to direct wetland impacts (680 sf of direct impact where 485 sf of direct impact is currently proposed) and an 80% increase to the wetland buffer (26,579 sf of buffer impact where 5,347 sf is proposed) over the proposed impacts caused by siting Building D at the new location. Further, the larger Building D itself would cause significant buffer zone impacts at the original location where the relocated Building D will cause no such impacts. Only the access from Building C to new Building D will cause impacts.

Comment: The application states that gravel construction access road is necessary for construction to avoid conflicts with the developed portions of the lot however, prior plans for the construction of Building D, the recent construction of Building B, and the ongoing construction of Building C all entail driving through the developed portion of the lot for construction purposes, thereby demonstrating it feasible. Further, eliminating this from the

proposal will eliminate impacts to vernal pool buffers and eliminate the need for the temporary wetland crossing. Therefore, it is unclear how inclusion of this gravel construction access road can meet either condition.

Response: The gravel access road is no longer proposed.

Comment: Your proposal has not documented that accessing Building D via the extension of Ray Farmstead Road is infeasible, or quantified the impacts in order to compare with the impacts resulting from the connection between Building C and D and the construction access road. This analysis should also consider that it will be creating a redundant wetland crossing within the wetland system serving Watson Brook when the Ray Farmstead Road is extended as you acknowledged in your wetland application amendment to the State NHDES (File#2017-01530) for the original proposal.

Comment: See Enclosures 4 and 5. Foundationally, this comment assumes that Ray Farmstead Road will be extended over the existing private easement on the Property which the Applicant does not agree with. Regardless, if Ray Farmstead Road was extended over the existing private easement, said extension would cause significantly greater direct wetland and buffer impact than the Applicant's proposal. Specifically, as depicted on Enclosure 4, extension of Ray Farmstead Road would cause approximately 2,280 sf of direct wetland impact, which is nearly five times the impact (a 79% increase) proposed by the Applicant to accommodate the crossing from Building C. Further, the extension of Ray Farmstead Road would cause approximately 15,715 sf of buffer zone impacts which constitutes a 66% increase above the Applicant's proposal. See Enclosures 2 and 4. Finally, extending Ray Farmstead Road would cause approximately 232,124 sf (5.33 acres) of impact within the Town's Shoreland Protection District, where no impact to the Town's Shoreland Protection District is contemplated by the Applicant's proposed crossing from Building C. See Enclosure 4.

There is no question but that the Applicant's proposal will cause dramatically less impacts to the Town's Wetlands Conservation Overlay District and Shoreland Protection District than the extension of Ray Farmstead Road. Further, the far more ecologically sensitive way to provide access to property to the east of the Ray Farm and CKT Properties, which is identified as Town Tax Map 47, Lot 40-12 (known and referred to as the "Carlisle Property"), is to extend Commerce Way as depicted in Enclosure 5. Such an approach would cause approximately 712 sf of direct wetland impact (1,568 sf or 69% less impact than what would be caused by extending Ray Farmstead Road), 13,285 sf of buffer zone impact (2,430 sf or 15% less buffer impact than what would be caused by extending Ray Farmstead Road) and no impact to the Town's Shoreland Protection District, where the extension of Ray Farmstead Road will cause 232,124 sf, or 5.33 acres of impact.

Comment: The application does not meet 9.6.1.B.3 (impact evaluation) because it does not consider impacts to the 100-foot vernal pool buffer from widening the existing trail to meet the 14-20' wide construction access road called out in the plans.

Response: The gravel construction access road has been removed from the proposal and plans.

Comment: I am also concerned that conclusions within the impact evaluation did not consider all project related impacts adequately in order to meet 9.6.1.B.3 for the following reasons:

- *The construction access road is described as requiring minor widening in some portions however it is currently best described as a foot path and the plans indicate resurfacing and widening to 14-20 feet. There is no quantification of this. Without these details, it is not possible to consider impacts to the resources. Further there is no evaluation of sedimentation or runoff from the steep slope of the construction roadway which slopes directly into the wetland feeding Watson Brook. No stormwater management is described to address this. The only management offered is adding silt sock/fence along the linear edge of the road. This is also relevant to Shoreland CUP 9.3.4(G)2.a. ("not detrimental to surface water quality").*

Response: The gravel construction access road has been removed from the proposal and plans.

- *The new location of Building D is within the State Wildlife Action Plan's Highest Ranked Habitat in the Region category but this was not mentioned so it is unclear if this was considered. This is also relevant to Shoreland CUP 9.3.4.(G)2.c. ("undue damage to...wildlife habitat"). Further the impact evaluation report identified a constriction for wildlife movement within the wetland at the crossing between Building C and D. As this is described as a primary function of the wetlands, and a larger crossing structure has not been considered, this also does not appear to meet Shoreland CUP criteria 9.3.4.(G).2.c.*

Response: To summarize, the Applicant is incorporating a larger 36" culvert to facilitate the crossing from Building C to the new Building D and further, said culvert will provide maximum connectivity for wildlife within Watson Brook and associated shoreland areas to the maximum extent it is practical. Wildlife connectivity in Watson Brook itself, and the associated shoreland areas will not be altered by the project. Further, the proposed crossing is not located within the Town's Shoreland Protection District so consideration of Section 9.3.4.G.2.c within the context of the propose crossing, is not appropriate.

A portion of the proposed building site does fall within the "Highest Ranked Habitat in Region" category (green areas on maps) with the rest being classified as "Supporting Lands" (orange areas on the map) which extends to the majority of the forest in this area. As stated in the Wildlife Action Plan documentation, it is very difficult for users of the Wildlife Action Plan Maps to tell precisely what factors have elevated a particular area to this status as it is a combination of many factors. In this case, it appears to be clear that one of the primary factors is the presence of the intact forest block within Henderson Swasey Town Forest which also extends into the surrounding properties. It is notable that the Highest Rank Habitat does not extend along Watson Brook, likely due to existing proximity of development and barriers to movement downstream. The same is true of the stream and wetland where the driveway crossing is proposed from Building C. The modest wildlife connectivity function identified in this small stream and wetland will be maintained to the maximum extent practicable using a 36" culvert. A larger structure is not possible due to constraints imposed by the grade and cover requirements for utilities. The wildlife connectivity in Watson Brook will not be altered. The proposed work

will affect only the edge of the Highest ranked Habitat and portion of the Supporting Lands and will not segment any portion of these areas.

As a result of the analysis above, the project is therefore not expected to result in undue damage to wildlife habitat within Watson Brook or the larger general habitat area.

Comment: The application is missing the restoration plan for the temporary buffer impacts in order to meet Wetland CUP 9.6.1.B.7 (restoration proposal).

Response: The temporary buffer impacts associated with the construction access have been removed from the proposal.

Comment: Please verify what the intent of the Open Space is at the former Building D location. Is it intended to remain free of buildings?

Response: The former location of Building D will remain open space for passive recreation.

Comment The original application indicated that there may be sensitive plant species present and follow up surveys would be conducted during the appropriate growing period prior to construction. When were these surveys conducted and what was the result? Were surveys also conducted within the proposed new location for Building D?

Response: The NHB report for the original application listed sharp-flowered manna grass (*Glyceria acutiflora*) and slender blue iris (*Iris prismatica*) as potentially occurring on the site based on other occurrences nearby. Both these species are wetland plants typically found in open, sunny, wetland habitat areas such as marshes, wet meadows, or emergent areas along water bodies. The initial project involved impacts to the intermittent portion of Watson Brook and a finger of forested wetland, neither of which are suitable habitat for these species. Details of these wetland areas were shared with Amy Lamb of the NHB program who made the determination that neither area was suitable habitat for these species. The same is true of the wetland proposed to be impacted by this Project and the upland portion of the Project and we would expect the same determination.

Additionally, the initial project site was surveyed for the presence of the federally listed small whorled pogonia (*Isotria medeoloides*). The habitat required for this species is more complicated but generally involves gentle slopes, accumulation of leaf litter, and moisture. Limited areas with these characteristics were surveyed in the early summer of 2017 and no small whorled pogonia was identified. We expect to conduct similar surveys on the proposed site of this project this June, likely limited to the intermittent stream crossing area.

Comment: Given the presence of wetlands, there is a potential for entrapment of amphibians from the deep sump catch basins. Is there potential to avoid the use of deep sumps?

Response: There are very limited structures within the project that have this characteristic, and all are located in paved areas. This is often viewed by NH Fish and Game as an acceptable tradeoff given the water quality benefits of these structures. This issue will, however, be fully

coordinated with NH Fish and Game to their satisfaction as part of the State AOT and Wetlands Permit application and review process.

Comment: Please confirm all erosion control silt sock and matting materials are limited to natural material such as jute or coconut matting as photodegrading plastic causes wildlife impacts. Please add note accordingly.

Response: The erosion control silt sock is a tightly woven mesh fabric that does not present an engagement hazard to wildlife and will be removed following construction. Rolled erosion control products such as matting, blankets with plastic thread or weave will not be used on this Project.

Comment: What size is the culvert under the road between building C and D? It would be helpful to have this shown on the grading and drainage plans to identify whether it is sufficiently sized. Did the designs consider sufficient sizing for hydraulic capacity, wildlife and aquatic organism passage? Have elevated rainfall regime been considered in designs?

Response: The contributing watershed at the proposed crossing is only approximately 20 acres, well within the 200-acre threshold for a Tier 1 crossing under State regulations. A 36" culvert is proposed for the driveway crossing which will meet all the criteria for crossing of a stream this size.

Comment: Add requirement for wetland boundary disks to be installed along wetland buffers within the development (55 9.9.1).

Response: The Applicant would be happy to discuss the number and best locations for wetland boundary markers with the Conservation Commission and/or Planning Board.

Revised Wetlands Conservation District Conditional Use Permit Criteria Analysis

As revised, the Project satisfies the applicable Wetlands Conservation District Conditional Use Permit criteria found in Section 9.1.6(B) of the Town's Zoning Ordinance for the reasons stated in the Wetland Report, as supplemented below.

- **That the proposed use is permitted in the underlying zoning district. Zoning Ordinance, Section 9.6.1(B)(1).**

The underlying use is an age-restricted 55+ multifamily residential use which is permitted in the C-3 district and on the underlying properties pursuant to the Variance relief obtained by the Applicant on 17 November 2021. Further, the actual use within the Limited Use Buffer includes paving, retaining walls in lieu of side slope grading, a 36" culvert, and a large crossing structure over the stream to facilitate permanent access to the Project, which use is expressly permitted by Section 9.6.1(1) of the Zoning Ordinance. As such, this criterion is satisfied.

- **No alternative design which does not impact a wetland or wetland buffer or which has less detrimental impact on the wetland or wetland buffer is feasible. Zoning Ordinance, Section 9.6.1(B)(2).**

As described in detail above in the Applicant's responses to the Town Resource Planner's Technical Review Committee's comments, there is no alternative design which does not impact a wetland or wetland buffer or which has less detrimental impact on the wetland or wetland buffer. Specifically, locating the larger Building D at the originally approved location causes 680 sf of direct impact where 485 sf are proposed by the Applicant at the new location. Siting the new Building D at the original location would also cause 26,579 sf of buffer impact, much of which would be caused by the building itself, where the Applicant's current proposal only contemplates 5,347 sf of buffer zone impact caused by the wetland crossing from Building C. See Enclosure 3. Further, providing access via an extension of Ray Farmstead Road would cause dramatically more impact than what the Applicant is proposing. See Enclosure 4.

- **A wetland scientist has provided an impact evaluation that includes the "functions and values" of the wetland(s), an assessment of the potential project-related impacts and concluded to the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s) or the greater hydrologic system. Zoning Ordinance, Section 9.6.1(B)(3).**

As described in the Wetland Report, due to the Project's design, impacts will be reasonable mitigated and the "overall wetland function and the greater hydrologic system will not be negatively affected." Wetland Report pg. 5. Further, because the Applicant's proposal constitutes significantly less direct wetland and buffer zone impacts than all other alternative access routes to the underlying upland, the Project will cause the least amount of impact possible. See Enclosures 3 and 4. On these bases, this criterion is satisfied.

- **That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer. Zoning Ordinance, Section 9.6.1(B)(4).**

The entirety of the relocated Building D is located out of the wetland and all associated buffers and impacts are limited to one permanent wetland crossing the extent of which has been significantly reduced beyond the Applicant's original proposal via the use of retaining walls and a large 36" culvert. The Project also avoids a much larger and more detrimental impact crossing of Watson Brook if Ray Farmstead Road were to be extended or if new Building D were to be sited at the originally approved location. See Enclosures 1 – 4. See also Wetland Report. On these bases this criterion is satisfied.

- **That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons. Zoning Ordinance, Section 9.6.1(B)(5).**

The Project causes no hazard to individual or public health, safety or welfare due to the loss of wetland, the contamination of groundwater, or any other reasons. On the contrary, the

Applicant's proposal to access the underlying uplands for the relocated Building D is, by a significant extent, the least impactful and most ecologically sensitive way to reach those uplands. See Enclosures 1 – 4; Wetland Report. On these bases, this criterion is satisfied.

- **The applicant may propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland. Zoning Ordinance, Section 9.6.1(B)(6).**

The proposed relocation of Building D will ensure that the area which was originally planned to accommodate Building D, will be used for passive open space recreation. Further, as designed, the Applicant's proposal avoids significant direct wetland and buffer zone impacts which would be caused by siting the larger Building D in the original location. See Enclosure 3. The Applicant's proposal also avoids considerable direct wetland, buffer zone and Shoreland Protection District impacts which would be caused by the extension of Ray Farmstead Road. See Enclosure 4. On these bases, this criterion is satisfied.

- **In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, the applicant has included restoration proposal revegetating any disturbed area within the buffer with the goal to restore the site as nearly as possible to its original grade and condition following construction. Zoning Ordinance, Section 9.6.1(B)(7).**

See Wetland Report, pg. 5. On these bases, this criterion is satisfied.

- **That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under NH RSA 485-A:17, the New Hampshire Wetlands Board under NH RSA 483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act. Zoning Ordinance, Section 9.6.1(B)(8).**

The Applicant will obtain all necessary local, State and Federal permits for the Project and welcomes a condition of approval requiring same.

Shoreland Protection District Conditional Use Permit Criteria Analysis

The Applicant has not revised its Project proposal vis-à-vis its proposed impacts to the Shoreland Protection District. The below restates the analysis previously provided to the Planning Board and Conservation Commission with regard to the Shoreland Protection District Conditional Use Permit. To summarize, the Project satisfies the applicable Shoreland Protection District Conditional Use Permit criteria found in Section 9.3.4(G)(2) of the Town's Zoning Ordinance for the reasons stated in the Wetland Report, as supplemented below.

- **That the proposed use will not detrimentally affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions. Zoning Ordinance, Section 9.3.4(G)(2)(a).**

See Wetland Report, pg. 6. On these bases, this criterion is satisfied.

- **The proposed use will discharge no waste water on site other than that normally discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of hazardous or toxic wastes as herein defined. Zoning Ordinance, Section 9.3.4(G)(2)(b).**

See Wetland Report, pg. 6. There will be no wastewater discharge on site and no disposal or storage of hazardous or toxic wastes. On these bases, this criterion is satisfied.

- **The proposed use will not result in undue damage to spawning grounds and other wildlife habitat. Zoning Ordinance, Section 9.3.4(G)(2)(c).**

See Wetland Report, pg. 6. On these bases, this criterion is satisfied.

- **The proposed use complies with the use regulations identified in Article 9.3.4 Exeter Shoreland Protection District Ordinance – Use Regulations and all other applicable sections of this article. Zoning Ordinance, Section 9.3.4(G)(2)(d).**

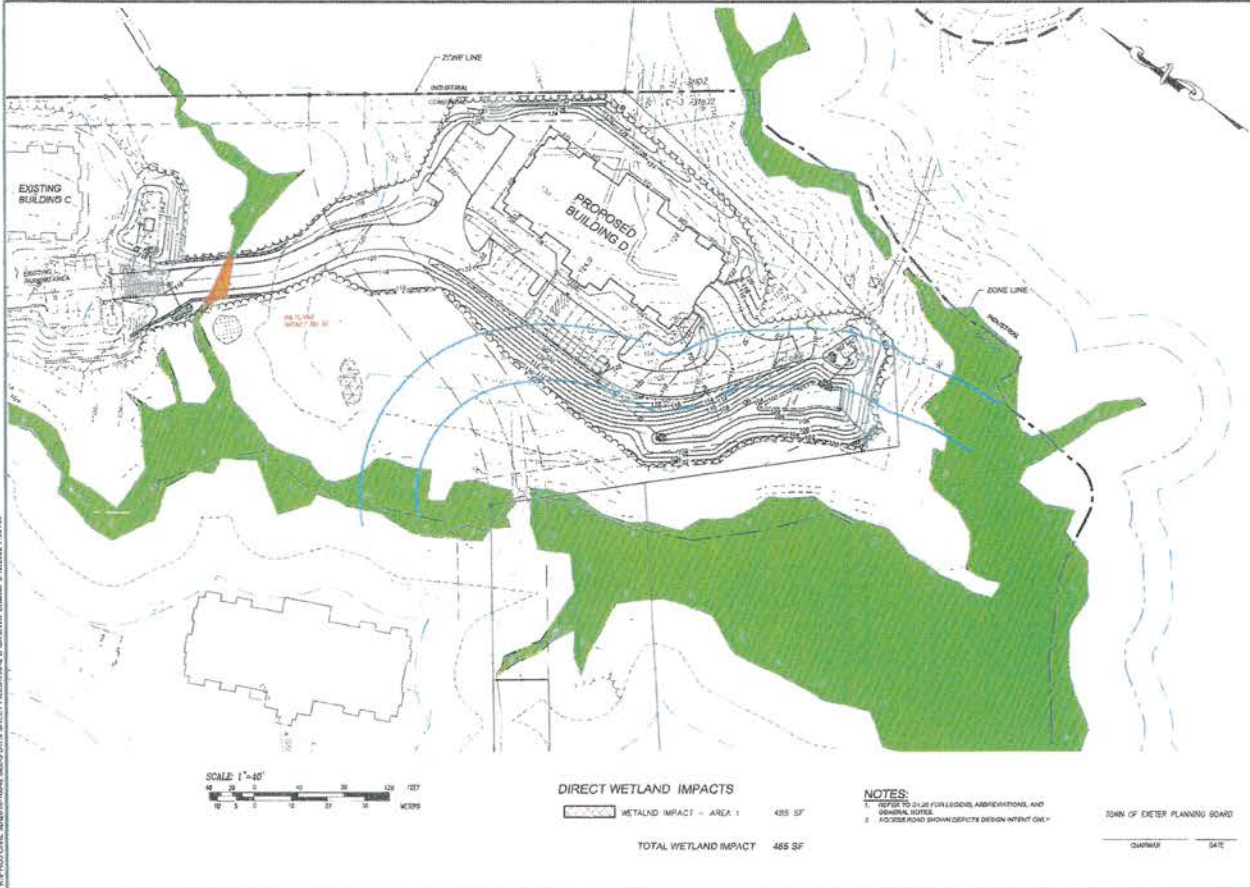
The Project is compliant with the use regulations contained within Article 9.3.4 of the Exeter Zoning Ordinance and all other applicable sections of the Town's Shoreland Protection Zoning District Ordinance.

- **The design and construction of the proposed use will be consistent with the intent of the purposes set forth in Article 9.3.1 Exeter Shoreland Protection District Ordinance – Authority and Purpose. Zoning Ordinance, Section 9.3.4(G)(2)(e).**

In relevant part, the purpose of the Exeter Shoreland Protection District Ordinance is to protect, maintain and enhance the water quality of the Squamscott River and its tributaries in Exeter, to conserve and protect aquatic and terrestrial habitat associated with river areas as well as intertidal and riparian areas, to preserve and enhance those recreational and aesthetic values associated with the natural shoreline and river environment, both fresh and salt, and to encourage those uses that can be appropriately located adjacent to shorelines. Zoning Ordinance, Section 9.3.1.

In this case, and as evidenced by Wetland Report, the Project does not threaten the water quality of the Squamscott River or Watson Brook, does not compromise aquatic or terrestrial habitat associated with river areas, and does not affect the recreational or aesthetic values associated with natural shorelines. As a result, the Project is precisely the type of development which is appropriately sited in proximity to the Shoreland Protection District and which should be encouraged.

ENCLOSURE 1



GMP
 6 CHESTNUT STREET, AMESBURY, MA
 Phone: (978) 388-2157
 CONSULTING ENGINEERS &
 LAND SURVEYORS SINCE 1928
 www.gmpinc.com

**WETLAND
 IMPACT
 PLAN**

**Ray Farm
 Condominium**
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

REVISION BLOCK			
NO.	DATE	BY	CHK.
1	4.26.12	MP/SE	HEI

PREPARED BY: J. RAMBL
 CHECKED BY: J. RAMBL
 DATE: 11-25-12
 JOB # 116529
 SHEET C1-24

K:\PROJ\CAVE\116529\1044\116529_0119_SHEET_FILES\116529_01_GROUNDING_Drawing.dwg 07/10/2012 7:35 AM

ENCLOSURE 2



6 CHESTNUT STREET, AMESBURY, MA
 Phone: (978) 388-2157
 CORRELING SURVEYS &
 LAND SURVEYORS SINCE 1988
 www.gmpinc.com

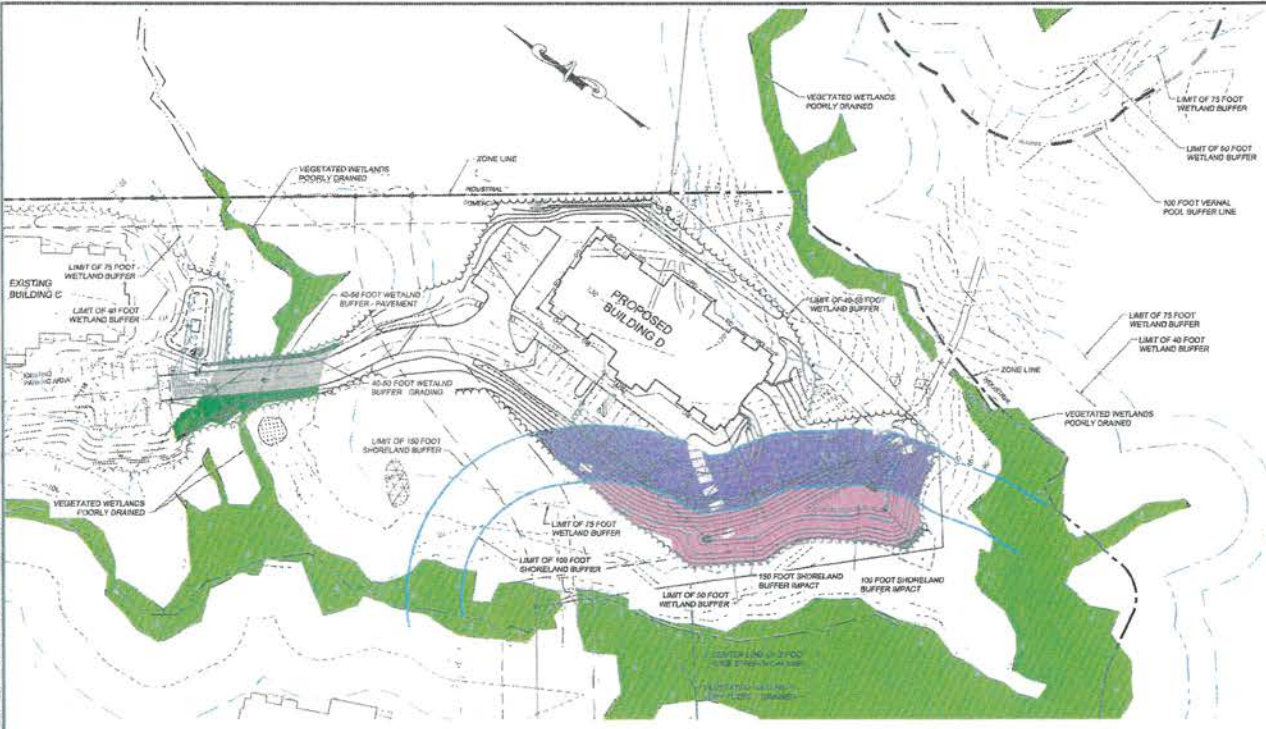
WETLAND AND SHORELAND BUFFER IMPACT PLAN

Ray Farm Condominium
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Client: **Ray Farm, LLC**
 155 Shattuck Way
 Newington, NH 03801

REV.	DATE	DESC.	BY
1	4-29-22	REVISE WET IMPACTS, SH	

BY	DATE	SCALE
DESIGNER: G. HANVEL		
CHECKED: J. SHALLOOZ / R. SMITH		
DATE: 04-29-22		
SCALE: 1"=40'		
DATE: 04-29-22		
SCALE: 1"=40'		
DATE: 04-29-22		



WETLAND BUFFER IMPACTS

40-50 FOOT WETLAND BUFFER IMPACT - PAVEMENT	2858 SF
40-50 FOOT WETLAND BUFFER IMPACT - GRAVEL	0 SF
40-50 FOOT WETLAND BUFFER IMPACT - GRASSING	2469 SF
75 FOOT WETLAND BUFFER IMPACT	0 SF
TOTAL WETLAND BUFFER IMPACTS	5,347 SF



SHORELAND BUFFER IMPACTS

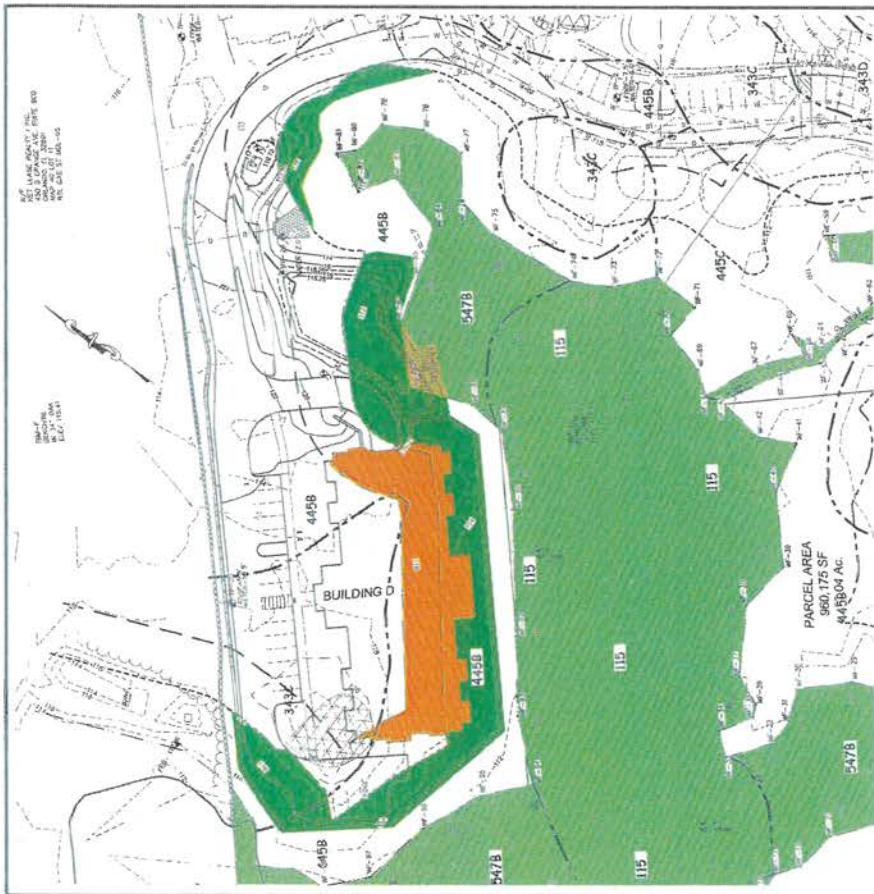
100 FOOT SHORELAND BUFFER IMPACT	9128 SF
150 FOOT SHORELAND BUFFER IMPACT	15,560 SF
TOTAL SHORELAND BUFFER IMPACT	25,688 SF

NOTES:
 1. REFER TO 01.29 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.
 2. ALL BUFFER ZONES SHOWN EXCEPT BUFFER WITHIN ONLY. FINAL DESIGN TO BE COORDINATED WITH RESULTS OF THE TYP PROGRAM DESIGN.

TOWN OF EXETER PLANNING BOARD
 CHAIRMAN: _____ DATE: _____

P:\PROJECTS\2022\10\04\BLODZ\13 SHEET FILES\0004 D GR.DWG, Drawn: 07/20/22 2:00 AM

ENCLOSURE 3



WETLAND IMPACTS

DIRECT WETLAND IMPACTS

WETLAND IMPACT - AREA I	680 SF
TOTAL WETLAND IMPACT	680 SF

BUFFER ZONE IMPACTS

40-50 FOOT WETLAND BUFFER IMPACT - GRADING	17,860 SF
75 FOOT WETLAND BUFFER IMPACT	8,710 SF
TOTAL WETLAND BUFFER IMPACTS	26,570 SF



9 CHESTNUT STREET, AMESBURY, MA
 PHONE: 978.288.2157
 CONSULTING ENGINEERS &
 LAND SURVEYORS SINCE 1968
 www.gem2.com

Sheet Title:
ALTERNATE 1
 Wetland Impacts for
 New Building D
 at old Location

Project Name:
**Ray Farm
 Condominium**
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Client Name:
Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

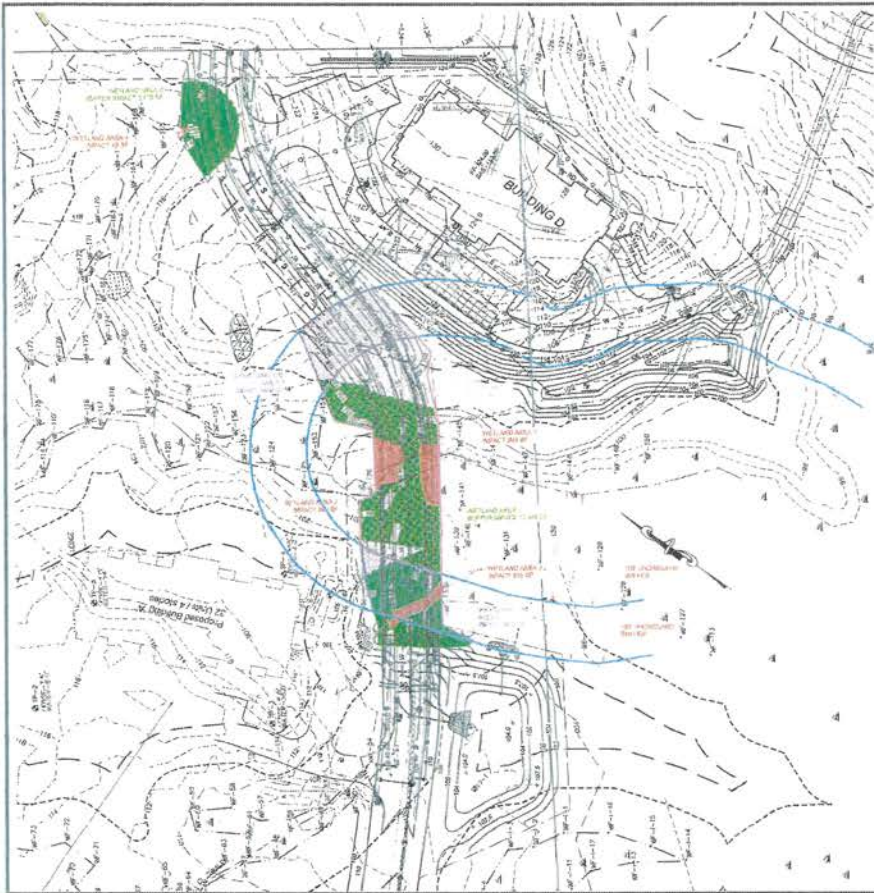
NO.	DATE	REVISION / ISSUE	BY

PROJECT: D. HANDEL
 FIELD: J. SALVAGGIO / K. SMITH
 DESIGN: D. HANDEL
 SURVEY: D. HANDEL
 CHECKED: D. GONGRANDE
 DATE: 04.26.2010
 FILE: 16042.D
 JOB #: 16042.D
 SHEET: C1.01

ENCLOSURE 4

REVISION BLOCK			
NO.	DATE	DESC.	BY

PROJECT: R. J. HANDEL
FIELD: J. SALVAGGIO / R. SMITH
DESIGN: R. HANDEL
CHECKED: D. HANDEL
DRAWN: D. GIANFRANCO
DATE: 04/16/2013
FILE: 030814.000_17.dwg
USER: JGROTH/NG
APP'T: JGROTH



WETLAND IMPACTS

DIRECT WETLAND IMPACTS

WETLAND IMPACT - AREA 1	840 SF
WETLAND IMPACT - AREA 2	895 SF
WETLAND IMPACT - AREA 3	810 SF
WETLAND IMPACT - AREA 4	43 SF
TOTAL WETLAND IMPACT	2,288 SF

BUFFER ZONE IMPACTS

40-50 FOOT WETLAND BUFFER IMPACT - AREA 1	12,343 SF
40-50 FOOT WETLAND BUFFER IMPACT - AREA 2	3,170 SF
75 FOOT WETLAND BUFFER IMPACT	0 SF
TOTAL WETLAND BUFFER IMPACTS	15,513 SF

SHORELAND IMPACTS

SHORELAND 100' IMPACT	14,033 SF
SHORELAND 150' IMPACT - AREA 1	3,685 SF
SHORELAND 150' IMPACT - AREA 2	4,426 SF
TOTAL SHORELAND IMPACT	22,144 SF



ENCLOSURE 5



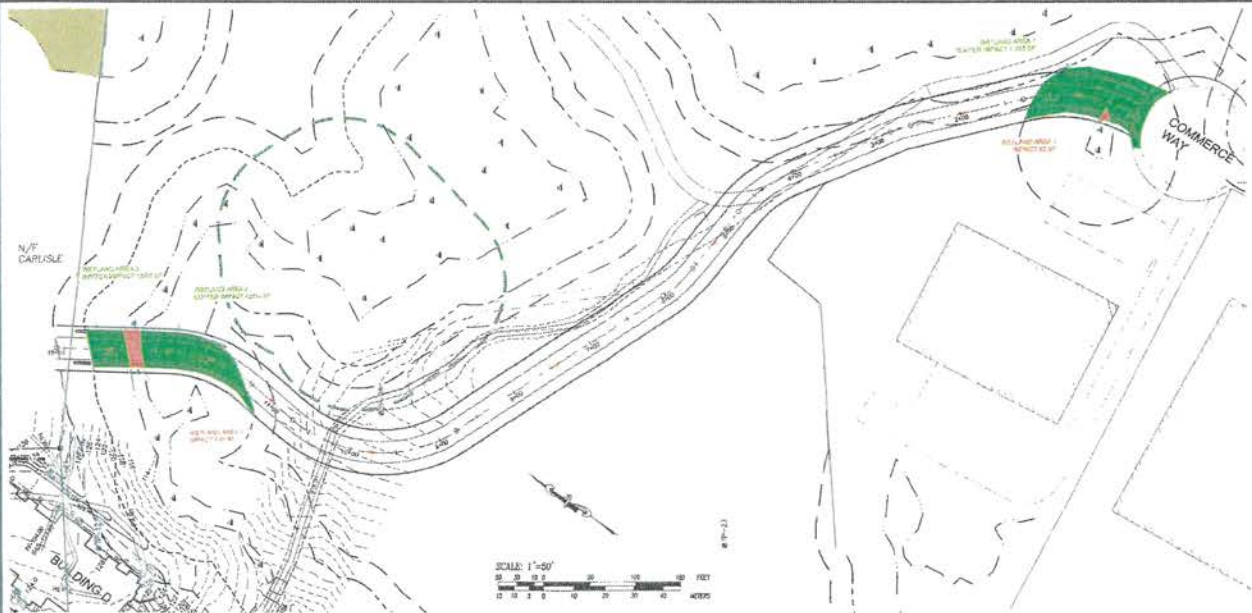
8 CHESTNUT STREET, AMESBURY, MA
 Phone: (978) 288-2157
 CONSULTING ENGINEERS &
 LAND SURVEYORS (LICENSED)
 www.gandm2.com

Sheet Title:
ALTERNATE 2
Wetland Impacts for
Conceptual ROW
from Commerce Way
 Project Title:
Ray Farm
Condominium
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Client/Owner:
 Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

REVISION BLOCK			
NO.	DATE	DESC.	BY

DESIGNER	DR. DANIEL D. HANDEL
CHECKER	DR. DANIEL D. HANDEL
DATE	04/26/2012
SCALE	AS SHOWN
JOB #	16142.0
SHEET	C1.03



WETLAND IMPACTS

DIRECT WETLAND IMPACTS

WETLAND IMPACT - AREA 1	82 SF
WETLAND IMPACT - AREA 2	630 SF
TOTAL DIRECT WETLAND IMPACT	712 SF

BUFFER ZONE IMPACTS

40-50 FOOT WETLAND BUFFER IMPACT - GRADING	13,285 SF
75 FOOT WETLAND BUFFER IMPACT	0 SF
TOTAL WETLAND BUFFER IMPACTS	13,285 SF

Town of Exeter



**Planning Board Application
for
Conditional Use Permit:
Shoreland Protection District**

February 2017



Town of Exeter Planning Board Application

Conditional Use Permit: Shoreland Protection District In accordance with Zoning Ordinance Article: 9.3

SUBMITTAL REQUIREMENTS:

(see Conservation Commission and Planning Board meeting dates and submission deadlines)

1. One (1) electronic copy of full application, including plans (color copy if available)
2. Fifteen (15) copies of the Application
3. Fifteen (15) 11"x17" and three (3) full sized copies of the plan which must include:
 - Existing Conditions
 - a. Property Boundaries
 - b. Edge of Shoreland and associated Buffer (Shoreland Protection District – SPD)
 - c. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements
 - Proposed Conditions
 - a. Edge of Shoreland and Shoreland Buffers and distances to the following:
 - i. Edge of Disturbance
 - ii. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements
 - b. Name and phone number of all individuals whose professional seal appears on the plan
4. If applicant and/or agent is not the owner, a letter of authorization must accompany this application
5. Supporting documents i.e. Letters from the Department of Environmental Services, Standard Dredge and Fill Application and Photos of the property
6. A Town of Exeter Assessors list of names and mailing addresses of all abutters

Required Fees: Planning Board Fee: \$50.00 Abutter Fee: \$10.00 Recording Fee (if applicable): \$25.00

The Planning Office must receive the completed application, plans and fees on the day indicated on the Planning Board Schedule of Deadlines and Public Hearings.

APPLICANT	Name: CKT Associates
	Address: 158 Shattuck Way, Newington, NH 03801
	Email Address:
	Phone: 603-431-3170
PROPOSAL	Address: Ray Farmstead Road
	Tax Map # <u>47</u> Lot# <u>8.1</u> Zoning District: <u>C-3</u>
	Owner of Record: CKT Associates
Person/Business performing work outlined in proposal	Name: <u>TBD</u>
	Address:
	Phone:
Professional that delineated wetlands	Name: Brendan Quigley, Gove Environmental
	Address: 8 Continental Drive, Unit H, Exeter, NH 03833
	Phone: 603-778-0654

**Town of Exeter
 Planning Board Application
 Conditional Use Permit: Shoreland Protection District**

Detailed Proposal including intent, project description, and use of property: (Use additional sheet as needed)
 see attached

Shoreland Protection District Impact (in square footage):	
Water Body	Watson Brook
Temporary Impact	<input type="checkbox"/> 300 Foot SPD _____ <input type="checkbox"/> 150 foot SPD _____ <input type="checkbox"/> SPD Building Setback _____ <input type="checkbox"/> 75 Vegetative Buffer _____
Permanent Impact	<input type="checkbox"/> 300 Foot SPD _____ <input checked="" type="checkbox"/> 150 foot SPD <u>16,560 sf</u> <input checked="" type="checkbox"/> SPD Building Setback <u>9,128 sf</u> grading for stormwater management <input type="checkbox"/> 75 Vegetative Buffer _____
Impervious Lot Coverage	SF of Lot within District <u>71,422</u> SF of Impervious within District <u>6,715</u> % of Impervious within District <u>9.4%</u>

List any variances/special exceptions granted by Zoning Board of Adjustment including dates:
 Variance to allow age restricted residential use granted on November 17, 2021.

Describe how your proposal meets the conditions of Article 9.3.4.G.2 of the Zoning Ordinance (attached for reference):
 see attached

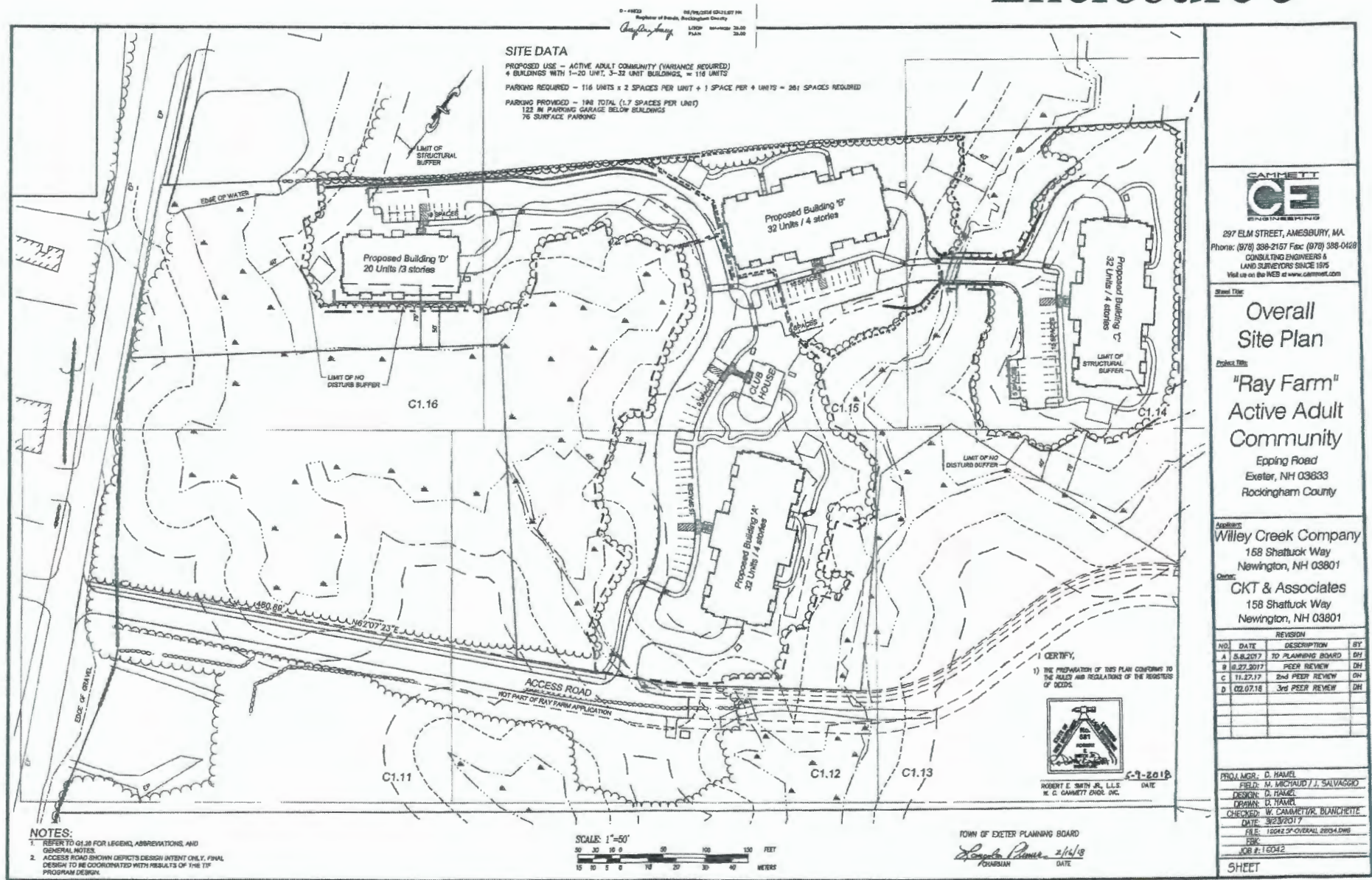
Conditional Use Permit Criteria
Shoreland Protection District

9.3.4 G Conditional Uses:

2. The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made which have been reviewed by technical experts from the Rockingham Conservation District, if required by the Planning Board, at the cost of the developer, provided that all of the following are true:

- a. The proposed use will not detrimentally affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions.
- b. The proposed use will discharge no waste water on site other than that normally discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of hazardous or toxic wastes as herein defined.
- c. The proposed use will not result in undue damage to spawning grounds and other wildlife habitat.
- d. The proposed use complies with the use regulations identified in Article 9.3.4 Exeter Shoreland Protection District Ordinance – Use Regulations and all other applicable sections of this article.
- e. The design and construction of the proposed use will be consistent with the intent of the purposes set forth in Article 9.3.1 Exeter Shoreland Protection District Ordinance – Authority and Purpose.

Enclosure 3

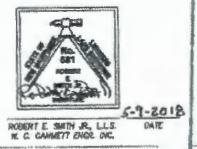


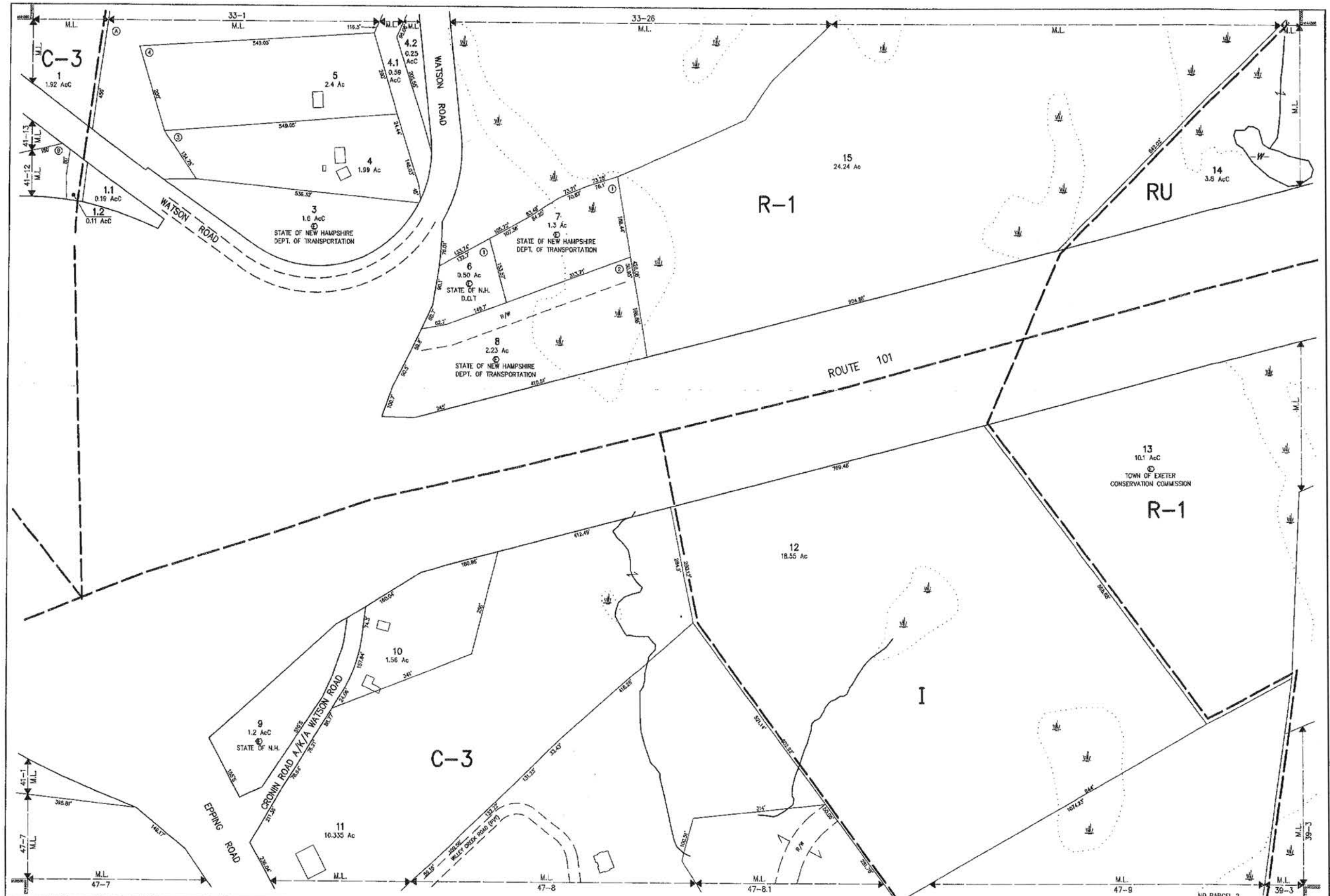
D-40822

GAMMETT CE
 ENGINEERING
 297 ELM STREET, AMESBURY, MA
 Phone: (978) 388-2157 Fax: (978) 388-0428
 CONSULTING ENGINEERS &
 LAND SURVEYORS SINCE 1895
 Visit us on the WEB at www.gammett.com

Overall Site Plan
 "Ray Farm" Active Adult Community
 Epping Road
 Exeter, NH 03833
 Rockingham County

Willey Creek Company
 158 Shattuck Way
 Newington, NH 03801
CKT & Associates
 158 Shattuck Way
 Newington, NH 03801





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

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

PHOTOGRAPHY DATE: APRIL 25, 1995

COMPLETION DATE: MARCH 29, 1995

PRODUCED IN 1996 BY

Technology

11 PLEASANT STREET, LITTLETON, NH 03561
603.322.4545 - WWW.CAL-TEC.COM

AREA SURVEYED Ac
 AREA CALCULATED AcC
 RECORD DIMENSION 100'
 SCALED DIMENSION 1000'
 WATCH LINE M.L.
 WATER -W-

LEGEND

EXEMPT PROPERTY (E)
 SUBDIVISION LOT NO. (S)
 ZONE LIMIT (Z)
 RIGHT OF WAY (R)
 COMMON OWNERSHIP (C)
 BUILDING (B)
 WETLANDS (W)

SCALE 1" = 100'

FEET 0 50 100 200 300

METERS 0 25 50 75

REVISED TO: APRIL 1, 2021

PROPERTY MAPS
EXETER
 NEW HAMPSHIRE

INDEX DIAGRAM

32	33	34
41	47	39
46	47	48

MAP NO. **40**



THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
 THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.
 PHOTOGRAPHY DATE: APRIL 25, 1995
 COMPLETION DATE: MARCH 29, 1996

PRODUCED IN 1998 BY
CAI Technologies
 11 PLEASANT STREET, LITTLETON, NH 03581
 603.332.4549 - WWW.CAITECH.COM

AREA SURVEYED	..... Ac
AREA CALCULATED	..... Ac
RECORDED DIMENSION	..... 100'
SCALED DIMENSION	..... 100'S
MATCH LINE	← M.L. →
WATER	—W—

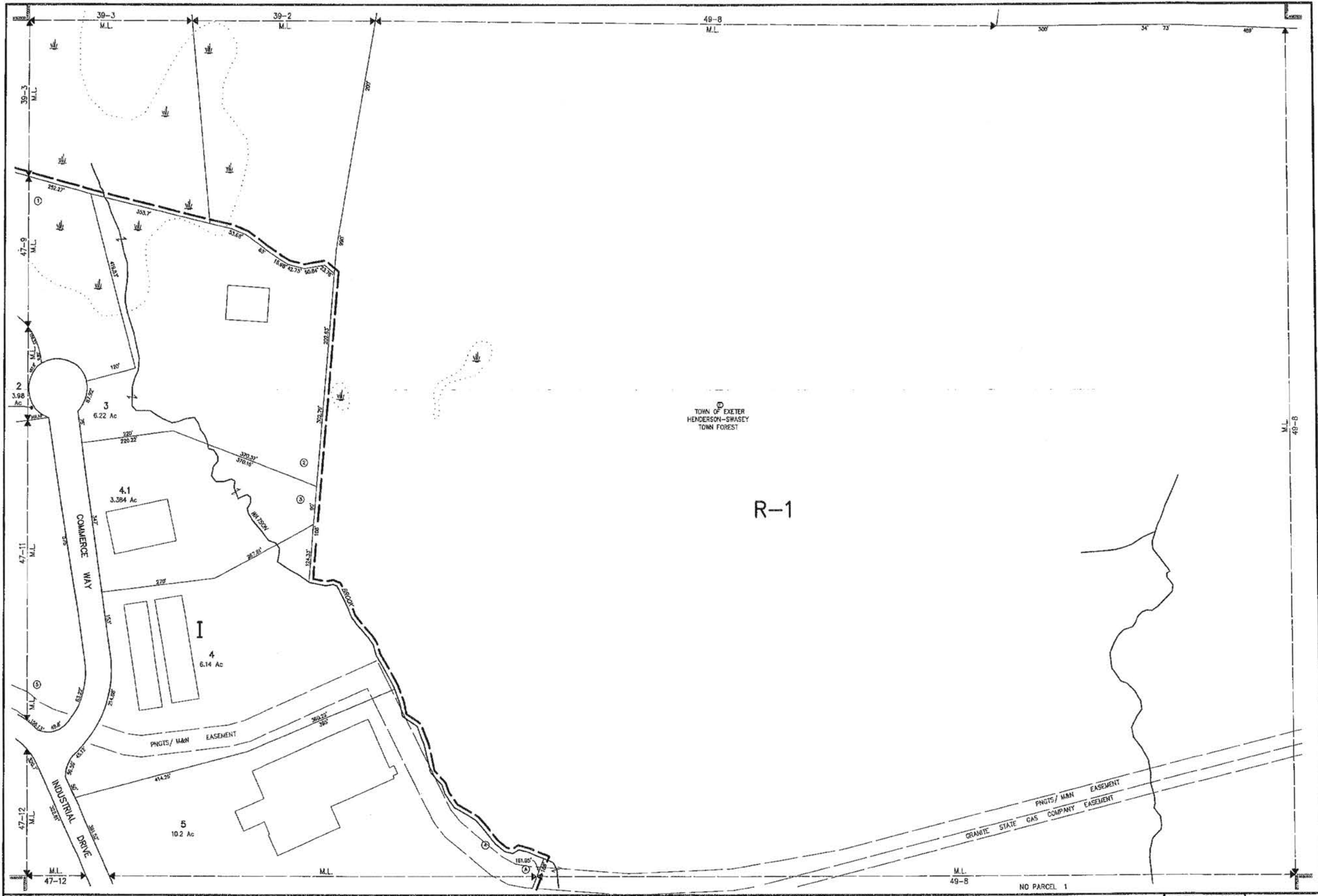
EXEMPT PROPERTY	..... ①
SUBDIVISION LOT NO.	..... ②
ZONE LIMIT	..... ③
RIGHT OF WAY	..... ④
COMMON OWNERSHIP	..... ⑤
BUILDING	..... ⑥
WETLANDS	..... ⑦

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
41 40	41
46 48	48
56 54	54

MAP NO.
47



THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
 THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.
 PHOTOGRAPHY DATE: APRIL 25, 1995
 COMPLETION DATE: MARCH 29, 1996

PRODUCED IN 1995 BY
CAI Technologies
 11 PLEASANT STREET, LITTLETON, NH 03551
 603.331.6540 - WWW.CAI-TECH.COM

AREA SURVEYED	Ac
AREA CALCULATED	Ac
RECORD DIMENSION	100'
SCALED DIMENSION	100'S
MATCH LINE	M.L.
WATER	W

LEGEND

- EXEMPT PROPERTY
- SUBDIVISION LOT NO.
- ZONE LIMIT
- RIGHT OF WAY
- COMMON OWNERSHIP
- BUILDING
- WETLANDS

SCALE 1" = 100'

FEET: 0, 50, 100, 200, 300
 METERS: 0, 25, 50, 75

REVISED TO: APRIL 1, 2021

PROPERTY MAPS
EXETER
 NEW HAMPSHIRE

INDEX DIAGRAM

40	39	38
47	48	49
55	54	53

MAP NO.
48

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

September 13, 2024

HAND DELIVERED AND EMAIL

Langdon Plumer, Chair
Exeter Planning Board
10 Front Street
Exeter, NH 03833

Re: Re-docketing- August 2022 Tabled Applications
Building D Relocation
Ray Farmstead Road
Wetland and Shoreland Conditional Use Permit Applications
Planning Board Site review/Lot Line Adjustment/Waiver
Tax Map 47, Lot 8, 8.1 (see Also Tax Map 40, 48)

Dear Chair Plumer and Planning Board Members:

We write in follow up to our previous submission of August 13, 2024 returning pending Planning Board applications to the docket and requests for hearing.

Pursuant to our discussions with Planning Department staff, we attach originals and the requisite copies¹ of the following, noting that an earlier version of the attached plans were submitted in August, 2024:

- Exhibit 13-Resubmitted 5/10/22 Site Development Plan Set-By GM2.²
- Exhibit 14-Resubmitted 7/06/22 Letter from DTC Lawyers including road length waiver request.

¹ We were advised to submit five (5) full size and ten (10) half size plan sets.

² The plans previously submitted are dated 1/11/22.

DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS 2007-2023
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	STEPHANIE J. JOHNSON	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

Please let us know if you need anything more in advance of the September 19, 2024 TRC meeting or September 26, 2024 Planning Board meeting.

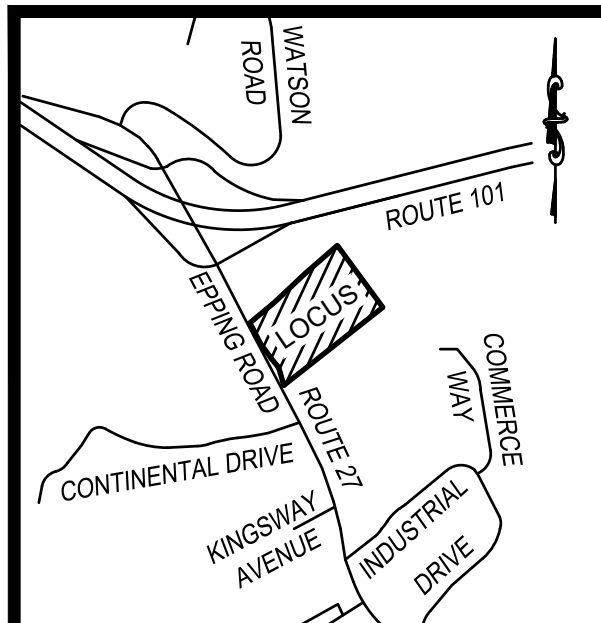
Very truly yours,



R. Timothy Phoenix

RTP/msw
Encl.

cc: Client
GM2 (email)
Cammett Engineering (email)
Millenium Engineering (email)
Exeter Conservation Commission (email)
Officers of Ray Farm Condominium Association (email)



LOCUS MAP
SCALE: 1" = 3000'

Ray Farm

Active Adult Community

Site Development Plans for Building D off Ray Farmstead Road, Exeter, NH

SHEET INDEX

G1.10	TITLE SHEET
G1.20	GENERAL NOTES, LEGEND, & ABBREVIATIONS
V1.10	MINOR SUBDIVISION PLAN
V1.11, V1.12	EXISTING CONDITIONS
C1.10	OVERALL SITE PLAN
C1.11, C1.12	SITE PLANS
C1.21, C1.22	GRADING AND DRAINAGE PLANS
C1.31, 1.32	UTILITY PLANS
C1.41	PLAN & PROFILES
C1.51	EROSION AND SEDIMENT CONTROL PLAN
C5.11 TO C5.16	DETAILS
C1.24	WETLAND IMPACTS
C1.25	WETLAND BUFFER IMPACT PLAN
C1.26	WATERSHED PLAN



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Phone: (978) 388-2157
CONSULTING ENGINEERS &
LAND SURVEYORS SINCE 1988
www.gm2inc.com

Sheet Title:

TITLE SHEET

Project Title:

**Ray Farm
Condominium**
Ray Farmstead Road
Exeter, NH 03833
Rockingham County

Applicant/Owner:

Ray Farm, LLC
158 Shattuck Way
Newington, NH 03801

REVISION BLOCK

NO.	DATE	DESC	BY
1	5.10.22	TRC COMMENTS	DH

DIMENSIONAL REQUIREMENTS (C-3 DISTRICT)

	REQUIRED
MINIMUM LOT AREA	40,000 SF
MINIMUM LOT WIDTH	175 FEET
MINIMUM LOT DEPTH	225 FEET
MINIMUM YARD SETBACKS	
FRONT	50 FEET
SIDE	30 FEET
REAR	25 FEET
MAXIMUM BUILDING COVERAGE	40 %
MINIMUM OPEN SPACE	20 %
MAXIMUM HEIGHT	50 FEET

LOCUS PARCEL

OKT ASSOCIATES
MAP 47, PARCELS, 8 & 9
(SEE MINOR SUBDIVISION PLAN V1.10)

TOTAL SITE DENSITY

TOTAL PARCEL AREA
15.75 Acres (686,127 SF)
TOTAL NUMBER OF UNITS - 128
DENSITY = 5,360.4 SF PER UNIT

BUILDING D SITE DATA

PROPOSED USE - ACTIVE ADULT COMMUNITY (VARIANCE GRANTED)
FOUR STORY 32 UNIT BUILDING, WITH INSIDE PARKING AT BASEMENT LEVEL

PARKING REQUIRED - 32 UNITS x 2 SPACES PER UNIT +
1 SPACE PER 4 UNITS = 72 SPACES REQUIRED

PARKING PROVIDED - 58 TOTAL (1.81 SPACES/UNIT) (WAIVER REQUESTED)
36 IN PARKING GARAGE BELOW BUILDING 22 SURFACE PARKING

TOTAL SITE DATA

PROPOSED USE - ACTIVE ADULT COMMUNITY (VARIANCE GRANTED)
4 BUILDINGS WITH 4-32 UNIT BUILDINGS, = 128 UNITS

PARKING REQUIRED - 128 UNITS x 2 SPACES PER UNIT +
1 SPACE PER 4 UNITS = 288 SPACES REQUIRED

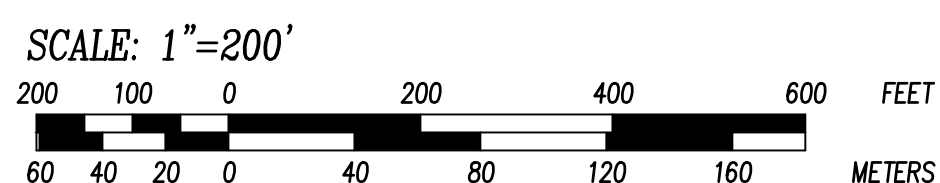
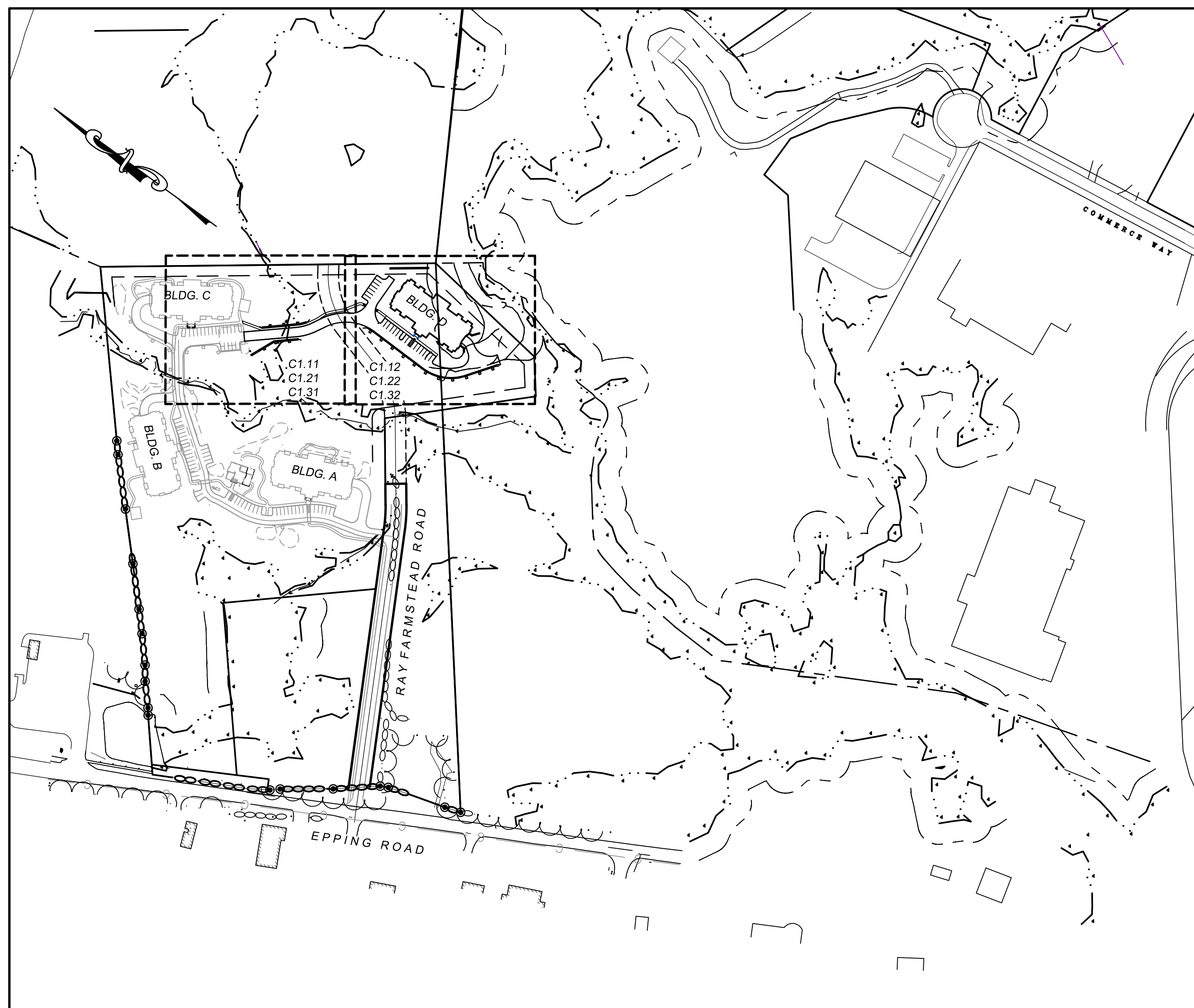
PARKING PROVIDED - 233 TOTAL (1.82 SPACES/UNIT) (WAIVER REQUESTED)
144 IN PARKING GARAGE BELOW BUILDINGS
89 SURFACE PARKING

WAIVERS

1. WAIVER FOR WETLAND IMPACTS - 9.9.2 SITE PLAN REVIEW REGULATIONS
2. WAIVER FOR PARKING - 5.6.5 ZONING ORDINANCE
3. WAIVER FOR ROADWAY DESIGN PLANS - 7.5.7 AND 7.7 SITE PLAN REVIEW REGULATIONS
4. WAIVER FOR PARKING SETBACKS - 11.3.1.2 SITE PLAN REVIEW REGULATIONS
5. WAIVER FOR RECREATIONAL AREAS - 11.3.4 SITE PLAN REVIEW REGULATIONS
6. WAIVER FOR LENGTH OF ROAD - 9.17.2 SITE PLAN REVIEW REGULATION

PERMITS

ALTERATION OF TERRAIN - AOT 1335 (PREVIOUSLY APPROVED)
ALTERATION OF TERRAIN - AOT XXXX (FOR BUILDING D)
DREDGE AND FILL - FILE NO. 2017-01530 (PREVIOUSLY APPROVED)
DREDGE AND FILL - FILE NO. XXXX-XXX (ASSOCIATED WITH BUILDING D)



TOWN OF EXETER PLANNING BOARD

CHAIRMAN _____ DATE _____

PROJ. MGR.: D. HAMEL
FIELD: J. SALVAGGIO / R. SMITH
DESIGN: D. HAMEL
DRAWN: D. HAMEL
CHECKED: D. GIANGRANDE
DATE: 01-11-2022
FILE: 16042 D T1.DWG
FBK:
JOB #: 16042 D

SHEET G1.10

K:\PROJ\CIVIL_3D\2016\16042 BLDG D\1.0 SHEET FILES\16042 D T1.DWG D:\hame\5/16/2022 7:10 PM

GENERAL NOTES

- ELEVATIONS BASED ON NAVD 1988. PLANS ARE NH STATE PLAIN NAD83 COORDINATE SYSTEM.
- OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR'S MAPS AND DO NOT CONSTITUTE CERTIFICATION TO TITLE OR OWNERSHIP.
- EXISTING CONDITIONS DATA FROM AN ON THE GROUND SURVEY CONDUCTED BY W.C. CAMMETT ENG., NOVEMBER OF 2016 THROUGH APRIL OF 2017, AND GM2 ASSOCIATES IN DECEMBER OF 2021.
- WETLANDS AND SOILS INFORMATION PROVIDED BY GOVE ENVIRONMENTAL SERVICES.
- THERE IS NO FLOOD PLAIN ON THIS SITE ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 330130 0401 E.
- THE ORIGINAL PARCEL IS LOCATED AT 183 EPPING ROAD AND IS SHOWN AS LOT 8 ON EXETER TAX MAP 47. IT HAS AN AREA OF 960,175 S.F.± (22.04 ACRES±).
- EXISTING 50' WIDE RIGHT OF WAY IS FOR THE BENEFIT OF N. SCOTT CARLISLE. SEE BOOK 3794 PAGE 1963 FOR NOTICE OF EASEMENT.
- THE PERIMETER SURVEY PERFORMED BY W.C. CAMMETT ENG. WITH A 5" TOTAL STATION AND AN ERROR OF CLOSURE OF BETTER THAN 1:32,000.
- THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION AND ADJUSTMENT OF GAS, ELECTRIC, TELEPHONE, WATER AND ANY OTHER PRIVATE OR MUNICIPAL UTILITIES WITH THE APPROPRIATE UTILITY COMPANY.
- WHERE EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION, AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR, AND THE INFORMATION FURNISHED TO THE ENGINEER FOR RECORD FOR RESOLUTION OF THE CONFLICT.
- EXISTING UTILITY POLES, WILL BE RELOCATED BY OTHERS, IF NECESSARY.
- EXCAVATION SHALL ONLY OCCUR WITHIN THE LIMIT OF WORK, AS SHOWN.
- IF AREAS OUTSIDE THE LIMIT OF PROPOSED WORK IS DISTURBED BY THE CONTRACTOR'S OPERATIONS, THE AREAS SHALL BE RESTORED BY THE CONTRACTOR TO THEIR ORIGINAL CONDITION AT THE CONTRACTOR'S EXPENSE.
- JOINTS BETWEEN NEW BITUMINOUS CONCRETE ROADWAY PAVEMENT AND SAW CUT EXISTING PAVEMENT SHALL BE SEALED WITH BITUMEN, INFRARED SEAL, AND BACK SANDED.
- EXISTING SIGNS AND/OR MAILBOXES WITHIN THE PROJECT LIMITS THAT ARE DISTURBED SHALL BE REMOVED AND RELOCATED AS APPLICABLE.
- ALL DISTURBED AREAS OUTSIDE OF THE NEW PAVEMENT LIMITS SHALL BE LOAMED (4" MINIMUM DEPTH) AND SEEDED.
- A MINIMUM OF 10' HORIZONTAL AND 18" VERTICAL SEPARATION SHALL BE PROVIDED BETWEEN WATER MAINS AND SEWER LINES.
- CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE EXETER WATER AND SEWER DEPARTMENT WHEN MAKING THE CONNECTIONS.
- ALL WORK SHALL COMPLY WITH EXETER'S "STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC UTILITIES IN EXETER" NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
- ALL WATER, SEWER, ROAD (INCLUDING PARKING LOT), AND DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 9.3 STORMWATER MANAGEMENT STANDARDS, STORMWATER MANAGEMENT PLAN, AND EROSION AND SEDIMENT CONTROL STANDARDS AND THE STANDARD SPECIFICATION FOR CONSTRUCTION OF PUBLIC UTILITIES IN EXETER, NEW HAMPSHIRE.

MATERIAL NOTES

- CRUSHED GRAVEL - NHDOT 304.3
- GRAVEL - NHDOT 304.2
- SAND - NHDOT 304.1
- BACKFILL MATERIAL - EARTH MATERIAL FREE FROM ROCKS LARGER THAN 3", DEBRIS, STUMPS, CLAY, ORGANIC MATTER, ICE, FROZEN SOIL, AND EXCESSIVE MOISTURE.
- LOAM - NHDOT 641.2.1
- CRUSHED STONE - GRADED CRUSHED ROCK TO THE SIZE SPECIFIED, WITH LESS THAN 2% FINES PASSING THE #200 SIEVE.
- PLACING AND COMPACTION OF FILL MATERIALS SHALL COMPLY WITH NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION SECTION 304.3.4, 304.3.5, AND 304.3.6.
- PAVEMENTS SHALL COMPLY WITH SECTIONS 401, 403, AND 410 OF NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

CONSTRUCTION NOTES

- PRIOR TO ANY EXCAVATION, DIG-SAFE AND EXETER DPW (603-773-6157) SHALL BE NOTIFIED TO LOCATE ALL PERTINENT UTILITIES INCLUDING WATER, SEWER, AND DRAINAGE.
- THIS PROJECT IS TO BE MANAGED IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER Agr 3800 RELATIVE TO INVASIVE SPECIES.
- ALL EROSION CONTROLS SHALL BE INSPECTED WEEKLY AND AFTER EVERY RAINFALL OF ONE HALF INCH OR MORE.
- DO NOT CLEAR AND STRIP THE ENTIRE SITE AT ONE TIME. THE SMALLEST PRACTICAL AREA SHALL BE DISTURBED DURING CONSTRUCTION. IN NO CASE SHALL MORE THAN 3 ACRES BE DISTURBED AT ONE TIME. STABILIZE THE AREA BEFORE MOVING ON TO THE NEXT AREA. DISTURBED AREAS REMOVED OPEN FOR MORE THAN 30 DAYS, SHALL BE STABILIZED.
- WOODY MATERIAL REMOVED DURING THE CLEARING PROCESS MAY BE GROUND UP AND USED AS MULCH FOR EROSION CONTROL TO STABILIZE APPROPRIATE AREAS.
- AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:
 - BASE COURSE GRAVEL HAS BEEN INSTALLED IN AREAS TO BE PAVED
 - A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED
 - A MINIMUM OF 3 INCH OF NON EROSION MATERIAL SUCH AS RIP-RAP HAS BEEN INSTALLED
 - OR EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED
- ALL AREAS SHALL BE STABILIZED WITHIN 30 DAYS OF INITIAL DISTURBANCE SEEDING SPECIFICATIONS ARE AS FOLLOWS:

TEMPORARY SEEDING FOR EROSION CONTROL DURING CONSTRUCTION:

SPECIES	POUNDS/1000 SF	REMARKS
WINTER RYE	2.5	BEST FOR FALL SEEDING. AUG. 15 TO SEPT. 15. SEED TO A DEPTH OF 1"
OATS	2.0	BEST FOR SPRING SEEDING. NO LATER THAN MAY 15. SEED TO A DEPTH OF 1"
ANNUAL RYEGRASS	1.0	SEED EARLY SPRING. AUG. 15 TO SEPT. 15. SEED TO A DEPTH OF 0.25"
PERNIAL RYEGRASS	0.7	SEED BETWEEN APRIL 1 TO AUG. 15. SEED TO A DEPTH OF 0.5"

PERMANENT VEGETATION SEED MIXTURE:

SPECIES	POUNDS/1000 SF
TALL FESCUE	0.45
CREeping RED FESCUE	0.45
BIRDSFOOT TREFOIL	0.20
TOTAL	1.10

- ALL RE-VEGETATED AREAS THAT DO NOT EXHIBIT 85% VEGETATIVE GROWTH BY OCTOBER 15, OR WHICH ARE DISTURBED AFTER OCTOBER 15, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS (ON 3:1 SLOPES OR GREATER). SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE, OR SECURING WITH ANCHORED NETTING. THE INSTALLATION OF EROSION CONTROL BLANKETS OR MULCH AND NETTING SHALL NOT OCCUR OVER SNOW OR FROZEN GROUND AND SHALL BE COMPLETED PRIOR TO AN ACCUMULATION OF SNOW AND/OR FROST.
- ALL DITCHES OR SWALES WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15, OR WHICH ARE DISTURBED AFTER OCTOBER 15, SHALL BE STABILIZED TEMPORARILY WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS.
- AFTER NOVEMBER 15, INCOMPLETE ROADS OR PARKING SURFACES, WHERE WORK HAS STOPPED FOR THE WINTER SEASON, SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHDOT ITEM 304.3.
- CONCRETE WASH OUT SHALL BE CONDUCTED IN THE AREAS SHOWN ON SHEET C1.51" AND USE THE CONCRETE WASH OUT DETAIL SHOWN ON SHEET C5.11.
- NO STUMPS OR DEBRIS SHALL BE BURIED ONSITE. ALL STUMPS AND CONSTRUCTION DEBRIS SHALL BE STORED ONSITE UNTIL THEY CAN BE DISPOSED OFF SITE IN A FACILITY CAPABLE OF HANDLING SUCH MATERIALS.
- TEMPORARY PORTABLE TOILETS SHALL BE PROVIDED AND PROPERLY MAINTAINED ONSITE FOR THE DURATION OF THE PROJECT.
- VEHICLE MAINTENANCE SHALL BE PERFORMED OFF SITE. ANY VEHICLE LEAKING OIL OR GREASE SHALL BE IMMEDIATELY REPAIRED OR REMOVED FROM THE SITE. FUEL AND OILS SHALL BE STORED IN AN APPROVED LOCATION AND COMPLY WITH LOCAL, STATE, AND FEDERAL REGULATIONS. IN NO CASE SHALL THEY BE STORED WITHIN 100' OF WETLAND AREAS.

EXISTING

	EXISTING CONTOURS
	SPOT GRADE
	WETLAND BOUNDARY
	WETLAND FLAG
	CENTER LINE STREAM
	SIGN
	LIGHT POLE
	FLARED END SECTION
	GUY WIRE
	UTILITY POLE
	CATCH BASIN
	DRAIN MANHOLE
	SEWER MANHOLE
	FIRE HYDRANT
	WATER VALVE
	GAS VALVE
	DRAINAGE LINE
	GAS LINE (APPROX.)
	OVERHEAD WIRE
	TREE LINE
	STONE WALL
	DECIDUOUS TREE
	CONIFEROUS TREE
	SIDEWALK
	EDGE OF PAVEMENT
	BUILDING
	TEST PIT
	IRON ROD FOUND
	IRON ROD SET
	DRILL HOLE FOUND
	MAIL BOX
	CONCRETE SURFACE
	METAL GUARD RAIL
	EASEMENT LINE
	ZONING BOUNDARY LINE
	PROPERTY LINE
	LEDGE
	SURFACE BOULDER
	FLAG POLE
	POST (METAL)
	40' WETLAND BUFFER
	50' WETLAND BUFFER
	75' WETLAND BUFFER
	BIKE TRAIL LINE (APPROX.)
	WATERSHED (FROM GIS)
	DRAIN ZONE LINE
	SOIL LINE (BY GOVE)
	SOIL TYPE (BY GOVE)

CONSTRUCTION LAYOUT CONTROL

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL VERTICAL AND HORIZONTAL LOCATIONS OF SITE ELEMENTS INCLUDING BUT NOT LIMITED TO BUILDINGS, UTILITIES, ROADS, AND GRADING. THE OWNER WILL PROVIDE HORIZONTAL AND VERTICAL CONTROL POINT DESCRIPTIONS AND LOCATIONS TO THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE TO MAINTAIN, PROTECT, AND ESTABLISH NEW IF NECESSARY, ALL CONTROL POINTS DURING THE DURATION OF THE PROJECT.

GEOTECHNICAL TESTING

THE OWNER MAY RETAIN A GEOTECHNICAL ENGINEER TO PERFORM TESTING OF COMPLETED SITE WORK INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF; GRAVEL, CRUSHED STONE, SAND, COMMON FILL, COMPACTION, AND CONCRETE. THE CONTRACTOR SHALL COOPERATE WITH THE HIRED GEOTECHNICAL ENGINEER AND ALLOW FULL ACCESS TO THE SITE AND DELIVERY RECEIPTS OF MATERIALS DELIVERED. WHEN TESTING RESULTS INDICATE NON-COMPLIANCE WITH THE CONTRACT DOCUMENTS AND/OR STANDARD CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL CORRECT THE DEFICIENCY AT NO COST TO THE OWNER.

LEGEND

	120	CONTOUR
	101.2	SPOT GRADE
		RIP-RAP
		EROSION CONTROL
		SIGN
		LIGHT POLE
		GUY WIRE
		UTILITY POLE
	CB-2	CATCH BASIN
	DMH-1	DRAIN MANHOLE
	FES - 1	FLARED END SECTION
	SMH-2	SEWER MANHOLE
		FIRE HYDRANT
		WATER VALVE
		WELL
		TELEPHONE AND CATV PEDESTAL
		TREE
		SHRUB
		PERCOLATION TEST
		DEEP HOLE TEST
		DRAIN PIPE
	UGC	UNDERGROUND COMMUNICATION (TELEPHONE, CATV)
		UNDERGROUND ELECTRIC
		SEWER PIPE (GRAVITY)
		SEWER PIPE (FORCE MAIN)
	SD	ROOF DRAIN
	FD	FOUNDATION DRAIN
		WATER PIPE
		GAS PIPE
		OVERHEAD WIRES
		FENCE
		CURBING
		GUARD RAIL
		RETAINING WALL
		TREE LINE
	NO. DT-#	DETAIL CALL
		BUILDING
		PORTLAND CEMENT CONCRETE
		GRAVEL
		BITUMINOUS CONCRETE
		LANDSCAPING

CONTRACTOR RESPONSIBILITIES

- THE CONTRACTOR SHALL OBTAIN A UTILITY PIPE INSTALLER'S LICENSE AND THE JOB SUPERVISOR OR FOREMAN MUST BE CERTIFIED BY THE TOWN PRIOR TO WORKING ON ANY WATER, SEWER, OR DRAINAGE PIPES THAT ARE IN A TOWN STREET OR RIGHT OF WAY, OR THAT WILL CONNECT OR MAY BE CONNECTED TO A TOWN WATER, SEWER, OR DRAINAGE SYSTEM. A LICENSED SUPERVISOR OR FOREMAN MUST BE PRESENT DURING CONSTRUCTION OF THESE UTILITIES.
- THE OWNER SHALL PROVIDE THE CONTRACTOR COPIES OF ALL PERMITS ISSUED FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL PERMIT REQUIREMENTS THAT HAVE BEEN ISSUED FOR THIS PROJECT INCLUDING BUT NOT LIMITED TO; NPDES CONSTRUCTION GENERAL PERMIT ISSUED BY THE EPA, ALTERATION OF TERRAIN PERMIT ISSUED BY NHDES, SITE PLAN REVIEW PERMIT ISSUED BY THE TOWN OF EXETER, AND THE DREDGE AND FILL PERMIT ISSUED BY NHDES WETLANDS BUREAU.
- CONTRACTOR SHALL MAINTAIN THE SITE IN AN ORDERLY FASHION. ALL CONSTRUCTION EQUIPMENT SHALL BE PROPERLY MAINTAINED AND SECURED WHEN NOT IN USE. THE CONTRACTOR SHALL MAINTAIN RECORDS OF THE SIZE AND LOCATION (INCLUDING SWING TIES), OF ALL UNDERGROUND UTILITIES INSTALLED. THE RECORDS SHALL BE MADE AVAILABLE TO THE OWNER UPON REQUEST.
- THE CONTRACTOR SHALL PROVIDE A CONSTRUCTION SCHEDULE TO THE OWNER FOR REVIEW AND APPROVAL PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES. THE SCHEDULE SHALL BE UPDATED ON A WEEKLY BASIS AT A MINIMUM.

ABBREVIATIONS

UTILITIES	
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYLCHLORIDE PIPE
C.I.	CAST IRON PIPE
COND	CONDUIT
D.I.	DUCTILE IRON PIPE
HYD.	HYDRANT
INV.	INVERT ELEVATION
UP	UTILITY POLE
TSV & B	TAPPING SLEEVE, VALVE AND BOX

GENERAL

PROP.	PROPOSED
MIN.	MINIMUM
MAX.	MAXIMUM
EXIST.	EXISTING
STA	STATION
GRAN.	GRANITE
DRIVE	DRIVEWAY
ELEV.	ELEVATION
N.T.S.	NOT TO SCALE
TYP.	TYPICAL
APPROX.	APPROXIMATE
CEM. CONC.	CEMENT CONCRETE
BIT. CONC.	BITUMINOUS CONCRETE
ROW	RIGHT OF WAY
CL	CENTERLINE
WALK	SIDEWALK
TBM	TEMPORARY BENCH MARK
SGE	SLOPED GRANITE EDGING

TREES

12" B	12" BIRCH
12" C	12" CEDAR
12" M	12" MAPLE
12" O	12" OAK
12" P	12" PINE

ROADWAY

H.P.	HIGH POINT
L.P.	LOW POINT
A.D.	ALGEBRAIC DIFFERENCE
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
PRC	POINT OF REVERSE CURVATURE
PCC	POINT OF COMPOUND CURVATURE
CC	CENTER OF CURVE
PVC	POINT OF VERTICAL CURVATURE
PVT	POINT OF VERTICAL TANGENCY
PVRC	POINT OF VERTICAL REVERSE CURVATURE
PVI	POINT OF VERTICAL INTERSECTION
PGL	PROFILE GRADE LINE
PI	POINT OF INTERSECTION
OD	OUTSIDE DIAMETER
ID	INSIDE DIAMETER
DIA. Ø	DIAMETER
R	RADIUS
TYP.	TYPICAL
L	LENGTH
DP.	DEPTH
EQ.	EQUIVALENT

TOWN OF EXETER PLANNING BOARD

CHAIRMAN DATE



6 CHESTNUT STREET, AMESBURY, MA.

Phone: (978) 388-2157
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LAND SURVEYORS SINCE 1988
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Sheet Title:

General Notes

Project Title:

Ray Farm Condominium

Ray Farmstead Road
Exeter, NH 03833
Rockingham County

Applicant/Owner:

Ray Farm, LLC
158 Shattuck Way
Newington, NH 03801

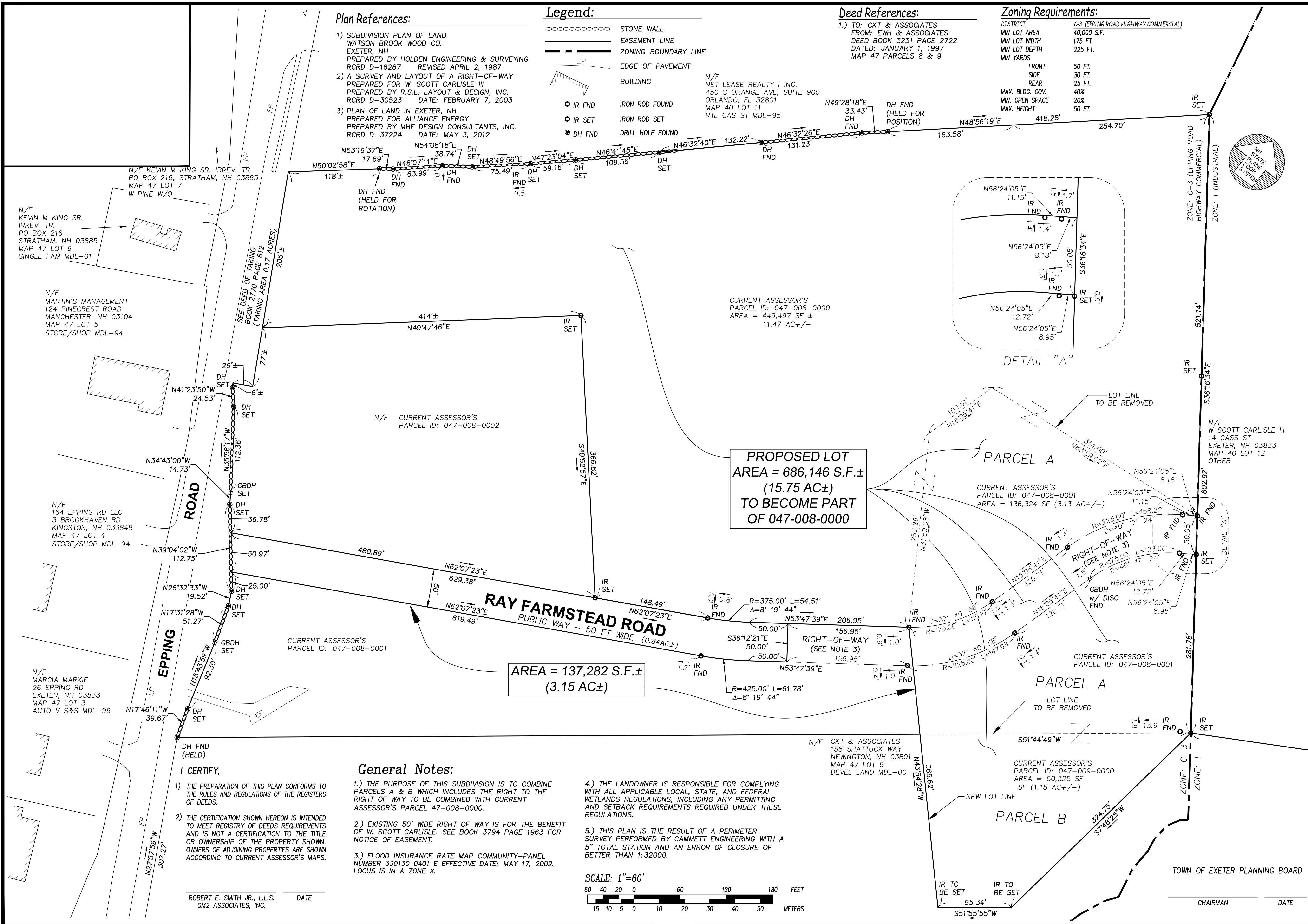
REVISION BLOCK

NO.	DATE	DESC	BY
1	5.10.22	TRC COMMENTS	DH

PROJ. MGR.:	D. HAMEL
FIELD:	J. SALVAGGIO / R. SMITH
DESIGN:	D. HAMEL
DRAWN:	D. HAMEL
CHECKED:	D. GIANGRANDE
DATE:	01-11-2022
FILE:	16042 D.GN.DWG
FBK:	
JOB #:	16042 D

SHEET G1.20

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Plan References:

- 1) SUBDIVISION PLAN OF LAND WATSON BROOK WOOD CO. EXETER, NH PREPARED BY HOLDEN ENGINEERING & SURVEYING RCRD D-16287 REVISED APRIL 2, 1987
- 2) A SURVEY AND LAYOUT OF A RIGHT-OF-WAY PREPARED FOR W. SCOTT CARLISLE III PREPARED BY R.S.L. LAYOUT & DESIGN, INC. RCRD D-30523 DATE: FEBRUARY 7, 2003
- 3) PLAN OF LAND IN EXETER, NH PREPARED FOR ALLIANCE ENERGY PREPARED BY MHF DESIGN CONSULTANTS, INC. RCRD D-37224 DATE: MAY 3, 2012

Legend:

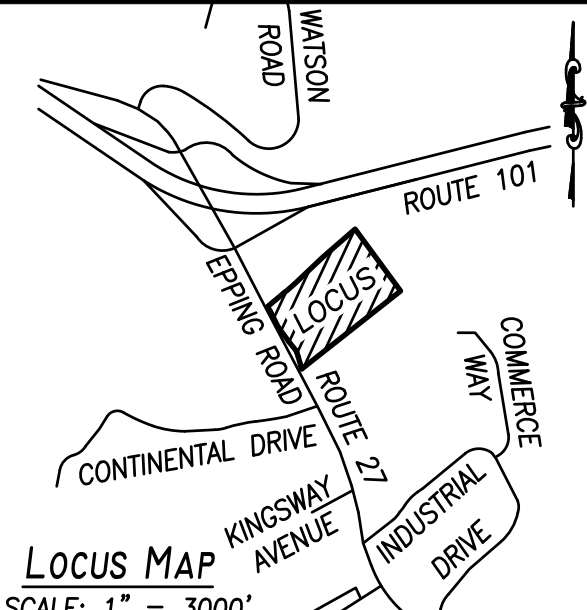
- STONE WALL
- EASEMENT LINE
- ZONING BOUNDARY LINE
- EDGE OF PAVEMENT
- BUILDING
- IRON ROD FOUND
- IRON ROD SET
- DRILL HOLE FOUND

Deed References:

- 1.) TO: CKT & ASSOCIATES FROM: EWH & ASSOCIATES DEED BOOK 3231 PAGE 2722 DATED: JANUARY 1, 1997 MAP 47 PARCELS 8 & 9

Zoning Requirements:

DISTRICT	C-3 (EPPING ROAD HIGHWAY COMMERCIAL)
MIN LOT AREA	40,000 SF.
MIN LOT WIDTH	175 FT.
MIN LOT DEPTH	225 FT.
MIN YARDS	
FRONT	50 FT.
SIDE	30 FT.
REAR	25 FT.
MAX. BLDG. COV.	40%
MIN. OPEN SPACE	20%
MAX. HEIGHT	50 FT.



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Sheet Title:
**Lot Line
 Adjusment
 Plan**

Project Title:
**"Ray Farm"
 Active Adult
 Community**
 Epping Road
 Exeter, NH 03833
 Rockingham County

Applicant:
Willey Creek Company
 158 Shattuck Way
 Newington, NH 03801

Owner:
CKT & Associates
 158 Shattuck Way
 Newington, NH 03801

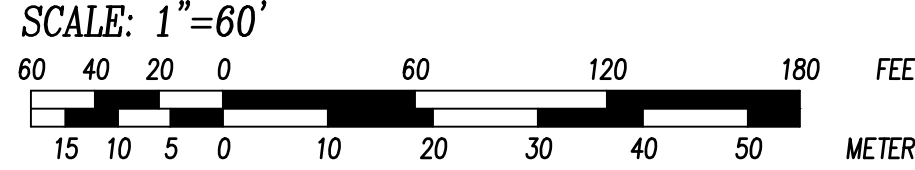
REVISION			
NO.	DATE	DESCRIPTION	BY
1	11.23.21	MINOR EDITS	RS
2	02.01.22	MINOR EDITS	RS

PROJ. MGR.: D. HAMEL
 FIELD: M. MICHAUD / A. BICK
 DESIGN: D. HAMEL
 DRAWN: J. SALVAGGIO
 CHECKED: R. SMITH
 DATE: 5-12-2022
 FILE: 16042 SUB NOV 2021.DWG
 FBK:
 JOB #: 16042

I CERTIFY,
 1.) THE PREPARATION OF THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.
 2.) THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR'S MAPS.

General Notes:

- 1.) THE PURPOSE OF THIS SUBDIVISION IS TO COMBINE PARCELS A & B WHICH INCLUDES THE RIGHT TO THE RIGHT OF WAY TO BE COMBINED WITH CURRENT ASSESSOR'S PARCEL 47-008-0000.
- 2.) EXISTING 50' WIDE RIGHT OF WAY IS FOR THE BENEFIT OF W. SCOTT CARLISLE. SEE BOOK 3794 PAGE 1963 FOR NOTICE OF EASEMENT.
- 3.) FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 330130 0401 E EFFECTIVE DATE: MAY 17, 2002. LOCUS IS IN A ZONE X.
- 4.) THE LANDOWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL WETLANDS REGULATIONS, INCLUDING ANY PERMITTING AND SETBACK REQUIREMENTS REQUIRED UNDER THESE REGULATIONS.
- 5.) THIS PLAN IS THE RESULT OF A PERIMETER SURVEY PERFORMED BY CAMMETT ENGINEERING WITH A 5" TOTAL STATION AND AN ERROR OF CLOSURE OF BETTER THAN 1:32000.



ROBERT E. SMITH JR., L.L.S. DATE
 GM2 ASSOCIATES, INC.

CHAIRMAN DATE



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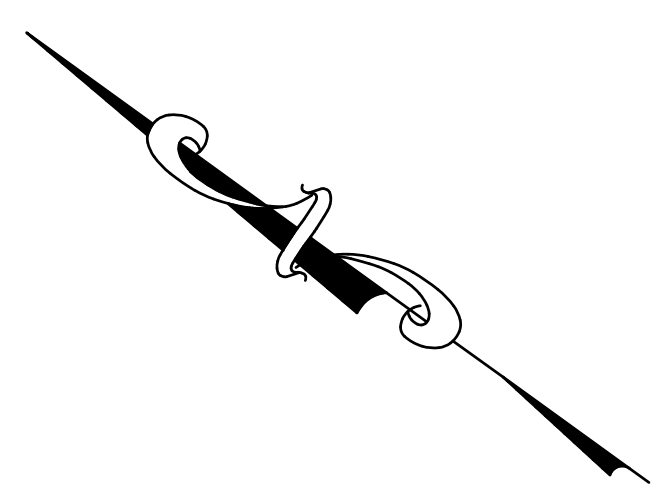
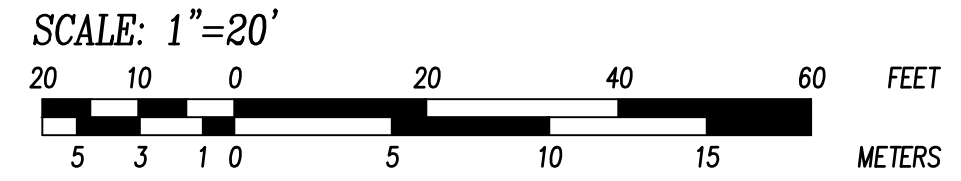
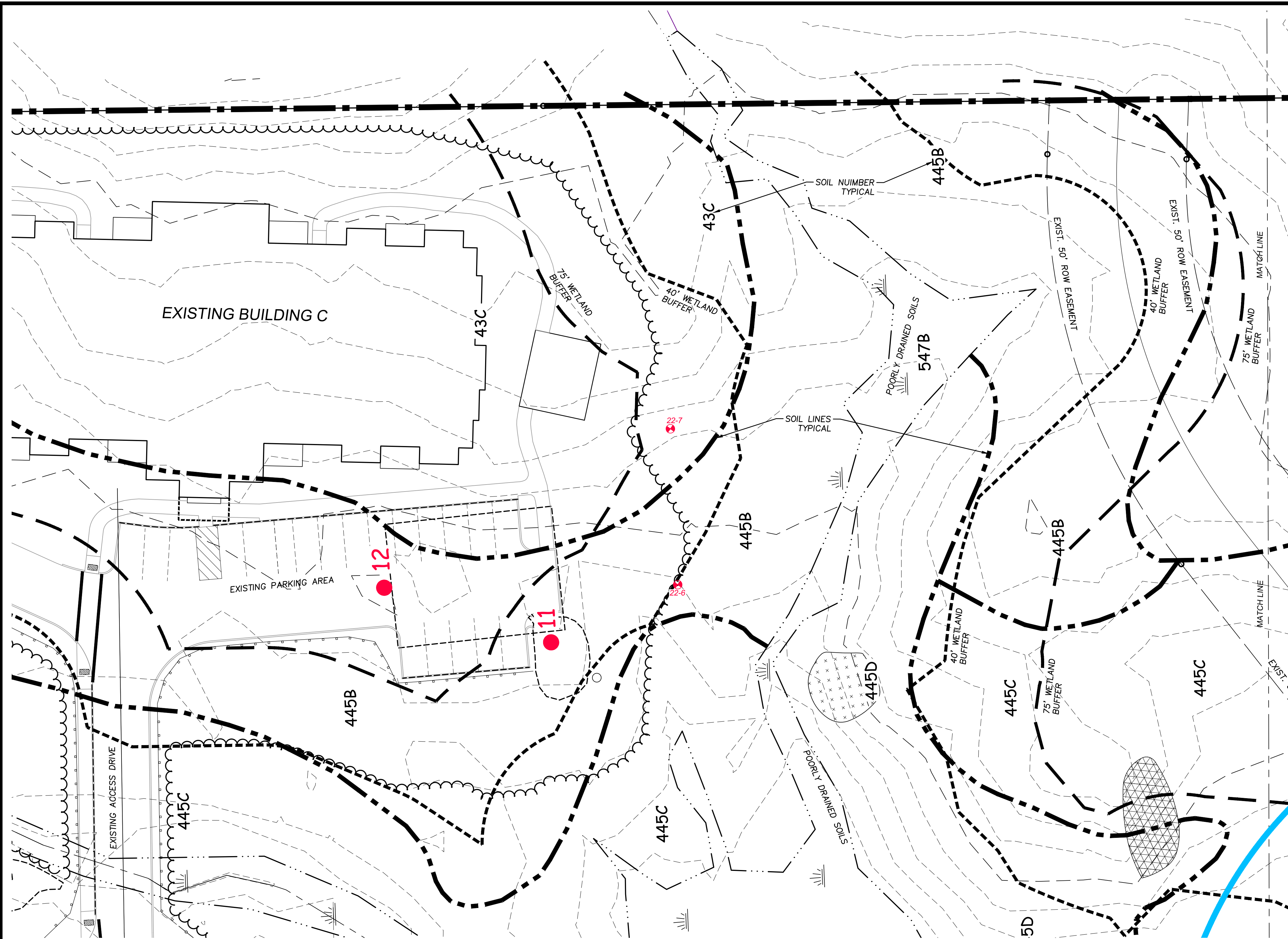
Sheet Title:
**EXISTING
 CONDITIONS**

Project Title:
**Ray Farm
 Condominium**
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Applicant/Owner:
Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

REVISION BLOCK			
NO.	DATE	DESC	BY
1	5.10.22	TRC COMMENTS	DH

PROJ. MGR.: D. HAMEL
 FIELD: J. SALVAGGIO / R. SMITH
 DESIGN: D. HAMEL
 DRAWN: D. HAMEL
 CHECKED: D. GIANGRANDE
 DATE: 01-11-2022
 FILE: 16042 D EC.DWG
 FBK:
 JOB #: 16042 D



SOILS DATA (2016)

NO.	SOIL DESCRIPTION	HYDROLOGIC GROUP	SLOPE
43	CANTON, VERY STONY	HYDROLOGIC GROUP - B	0 - 8%
115	SCARBORO MUCK	HYDROLOGIC GROUP - D	8 - 15%
343	CANTON, EXTREMELY BOULDERY	HYDROLOGIC GROUP - B	15 - 25%
445	NEWFIELDS, VERY STONY	HYDROLOGIC GROUP - B	
500	UDORTHENTS, LOAMY	HYDROLOGIC GROUP - B	
547	WALPOLE, VERY STONY	HYDROLOGIC GROUP - C	

SLOPES

WETLAND NOTES:

The limits of jurisdictional wetlands as shown on this plan were delineated by Gove Environmental Services, Inc., between November 2014 to April 2015 AND November 2021 in accordance with:

- US Army Corps of Engineers Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Technical Report ERDC/EL TR-12-1, January 2012, Version 2.0
- Field Indicators of Hydric Soils in the United States, Version 7.0, 2010 AND (for disturbed site) Field Indicators for Identifying Hydric Soils in New England, Version 3. NEIWPCC Wetlands Work Group (April 2004)
- North American Digital Flora: National Wetland Plant List, current version.

SOIL NOTES:

The soils mapping is within the technical standards of the National Cooperative Soil Survey. It is a special purpose product, intended for infiltration requirements by the NH DES Alteration of Terrain Bureau. It was produced by a professional soil scientist, and is not a product of the USDA Natural Resources Conservation Service. There is a report that accompanies this mapping.

The site specific soil survey was produced October 20, 2016, May 2, 2022 and was prepared by James P. Gove, CSS # 004, Gove Environmental Services, Inc..

Soils were identified with the New Hampshire State-wide Numerical Soils Legend, USDA NRCS, Durham, NH. Issue # 10, January 2011. The numerical legend was amended to identify the correct soil components of the complex.

Hydrologic Soil Group from Ksat Values for New Hampshire Soils, Society of Soil Scientist of New England, Special Publication No. 5, September, 2009.

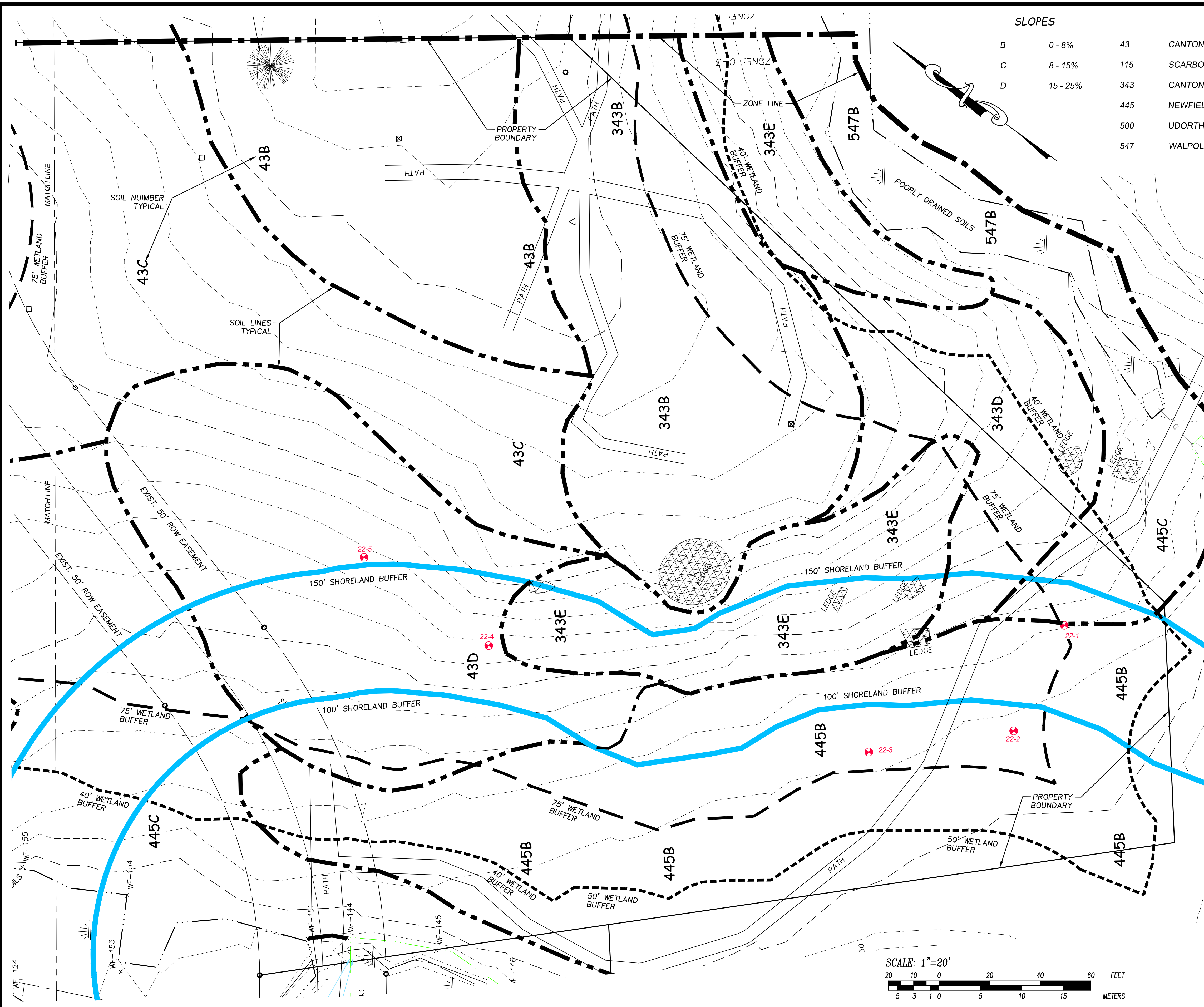
SOILS DATA (2022)

343	Canton, extremely bouldery	: Hydro Soil Group B
445	Newfields, very stony	: Hydro Soil Group B
547	Walpole, very stony	: Hydro Group C

SLOPES

B	0 - 8%
C	8 - 15%
D	15 - 25%

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SLOPES

B	0 - 8%	43
C	8 - 15%	115
D	15 - 25%	343

SOILS DATA

CANTON, VERY STONY	: HYDROLOGIC GROUP - B
SCARBORO MUCK	: HYDROLOGIC GROUP - D
CANTON, EXTREMELY BOULDERY	: HYDROLOGIC GROUP - B
NEWFIELDS, VERY STONY	: HYDROLOGIC GROUP - B
UDORTHENTS, LOAMY	: HYDROLOGIC GROUP - B
WALPOLE, VERY STONY	: HYDROLOGIC GROUP - C

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Sheet Title:
**EXISTING
 CONDITIONS**

Project Title:
**Ray Farm
 Condominium**
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Applicant/Owner:
Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

REVISION BLOCK

NO.	DATE	DESC	BY
1	5.10.22	TRC COMMENTS	DH

PROJ. MGR.: D. HAMEL
 FIELD: J. SALVAGGIO / R. SMITH
 DESIGN: D. HAMEL
 DRAWN: D. HAMEL
 CHECKED: D. GIANGRANDE
 DATE: 01-11-2022
 FILE: 16042 D EC.DWG
 FBK:
 JOB #: 16042 D



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Sheet Title:

OVERALL SITE PLAN

Project Title:

Ray Farm Condominium

Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Applicant/Owner:

Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

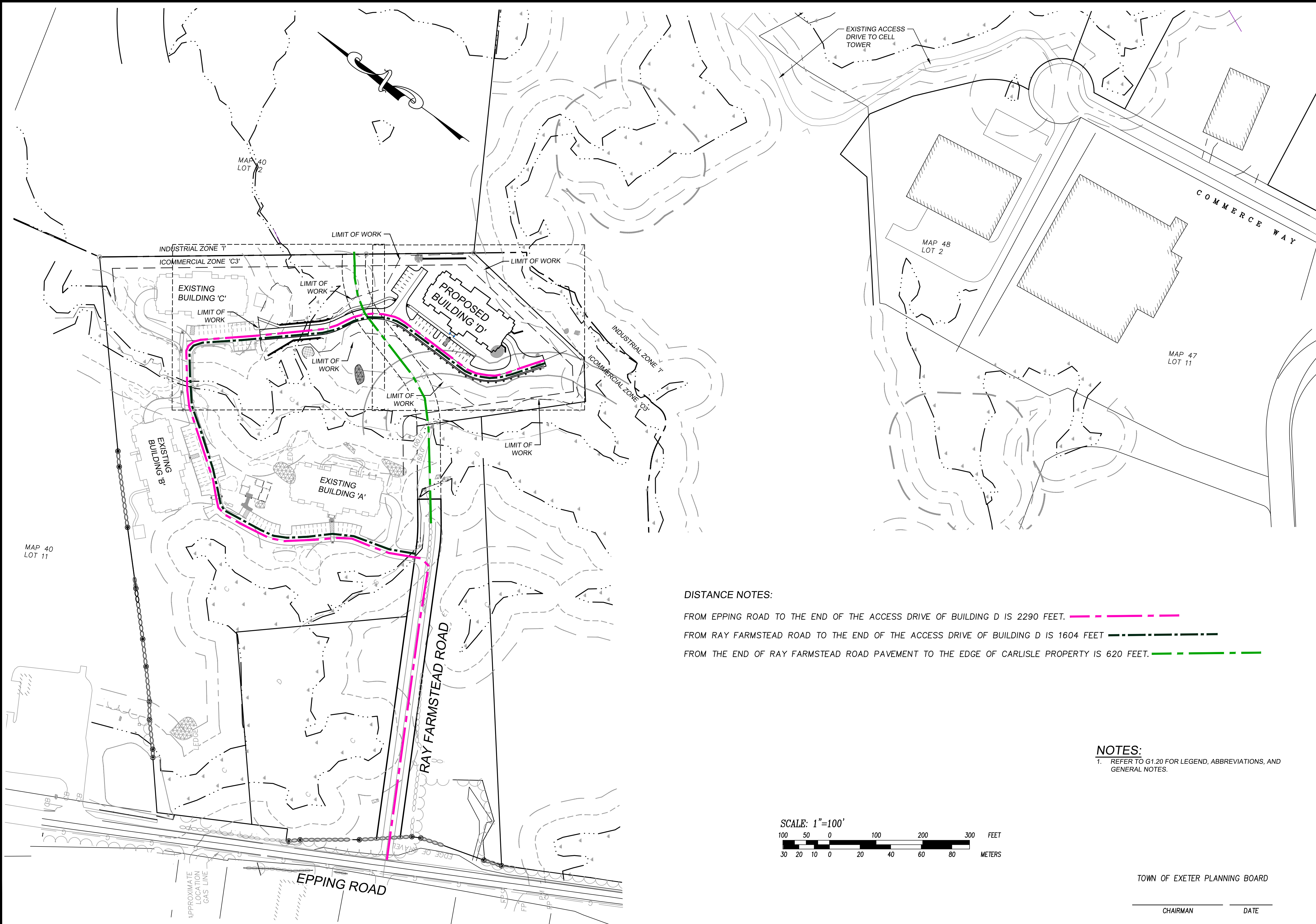
REVISION BLOCK				
NO.	DATE	DESC	BY	
1	5.10.22	TRC COMMENTS	DH	

PROJ. MGR.: D. HAMEL
 FIELD: J. SALVAGGIO / R. SMITH
 DESIGN: D. HAMEL
 DRAWN: D. HAMEL
 CHECKED: D. GIANGRANDE
 DATE: 01-11-2022
 FILE: 16042 D 5P.DWG
 FBK:
 JOB #: 16042 D

TOWN OF EXETER PLANNING BOARD

CHAIRMAN _____ DATE _____

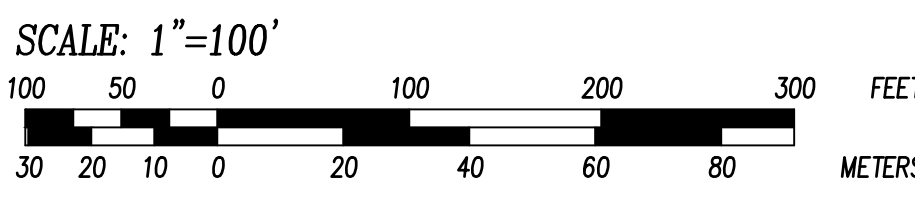
SHEET **CI.10**



DISTANCE NOTES:

- FROM EPPING ROAD TO THE END OF THE ACCESS DRIVE OF BUILDING D IS 2290 FEET.
- FROM RAY FARMSTEAD ROAD TO THE END OF THE ACCESS DRIVE OF BUILDING D IS 1604 FEET
- FROM THE END OF RAY FARMSTEAD ROAD PAVEMENT TO THE EDGE OF CARLISLE PROPERTY IS 620 FEET.

NOTES:
 1. REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.



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Sheet Title:

SITE PLAN

Project Title:

Ray Farm Condominium

Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Applicant/Owner:

Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

REVISION BLOCK

NO.	DATE	DESC	BY
1	5.10.22	TRC COMMENTS	DH

NOTES:

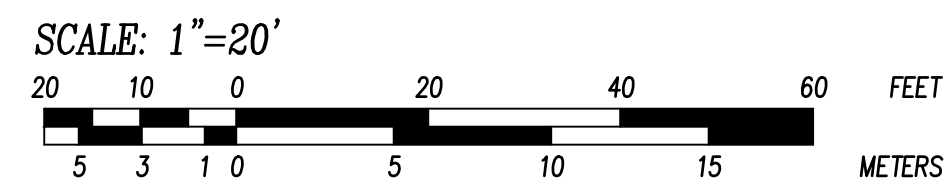
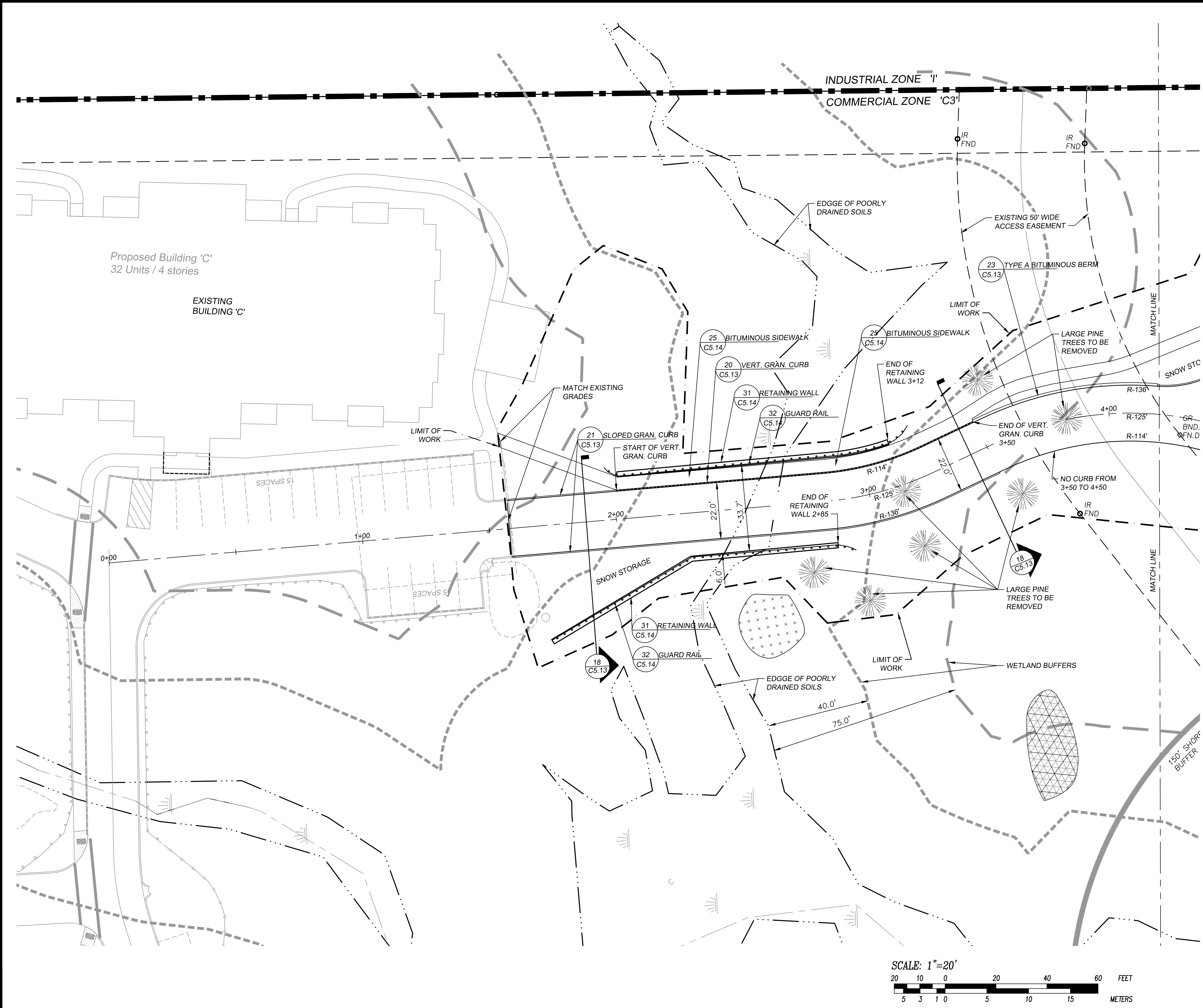
- REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.

TOWN OF EXETER PLANNING BOARD

CHAIRMAN _____ DATE _____

PROJ. MGR.: D. HAMEL
 FIELD: J. SALVAGGIO / R. SMITH
 DESIGN: D. HAMEL
 DRAWN: D. HAMEL
 CHECKED: D. GIANGRANDE
 DATE: 01-11-2022
 FILE: 16042 D 5P.DWG
 FBK:
 JOB #: 16042 D

SHEET C1.11



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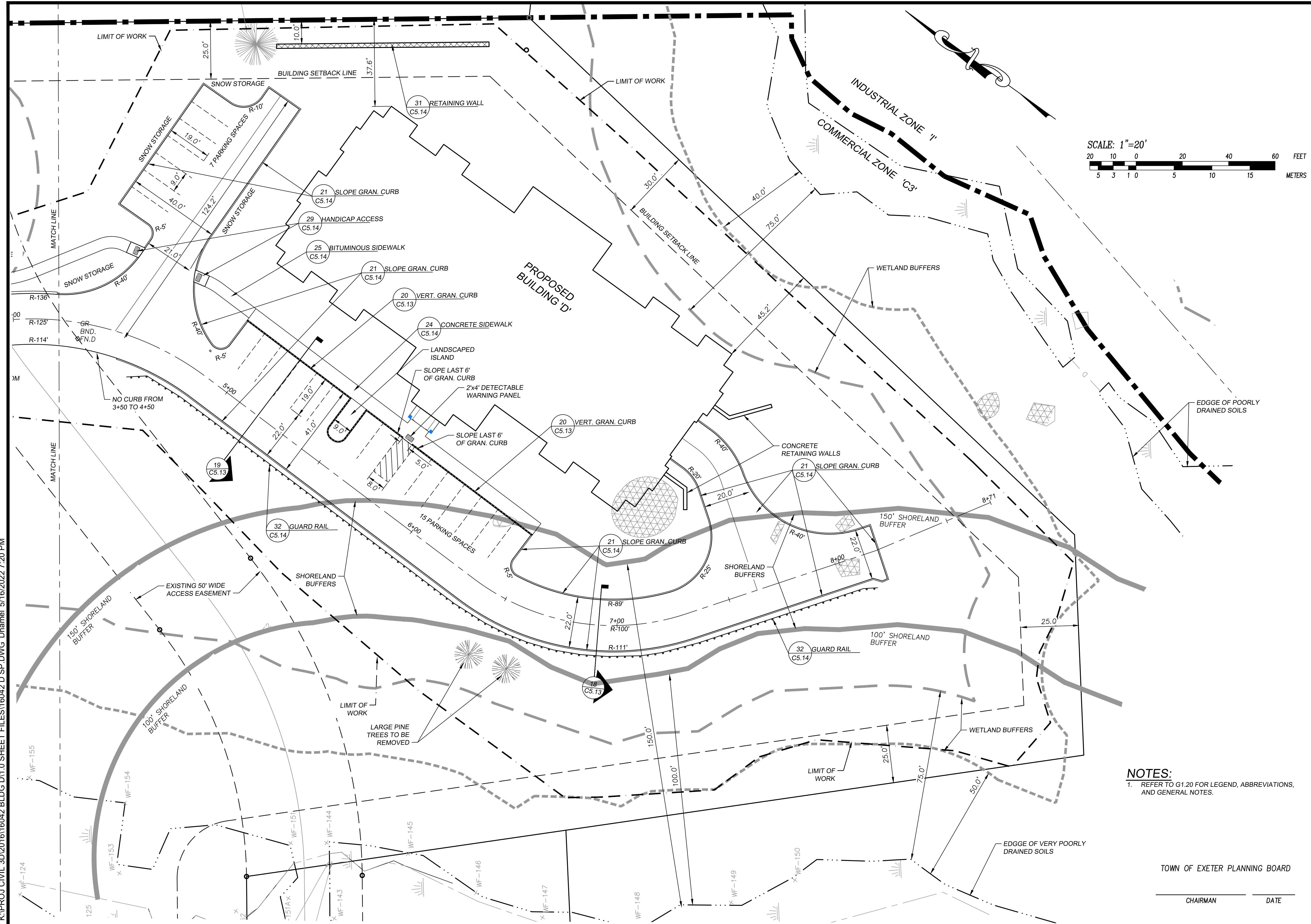
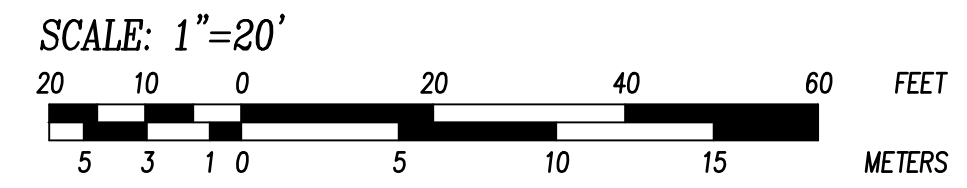
SITE PLAN

Project Title:

**Ray Farm
 Condominium**
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Applicant/Owner:

Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801



NOTES:
 1. REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.

TOWN OF EXETER PLANNING BOARD

 CHAIRMAN DATE

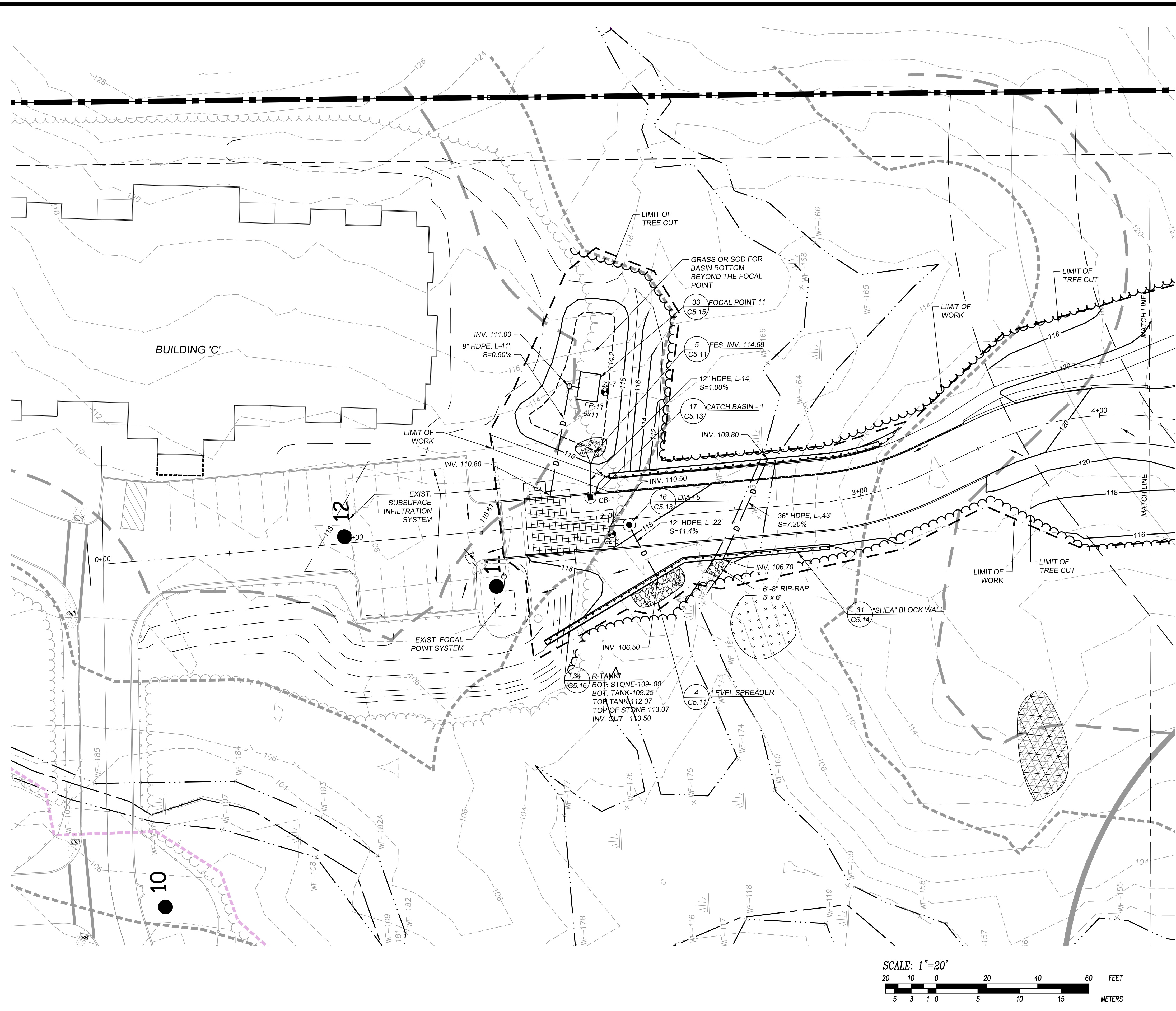
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1	5.10.22	TRC COMMENTS	DH	

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SHEET C1.12

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DRAINAGE STRUCTURES
 CB-1 R-117.15
 12" INV. OUT 114.82

 DMH-5 R-117.90
 12" INV. IN - 110.44
 12" INV. OUT - 109.00

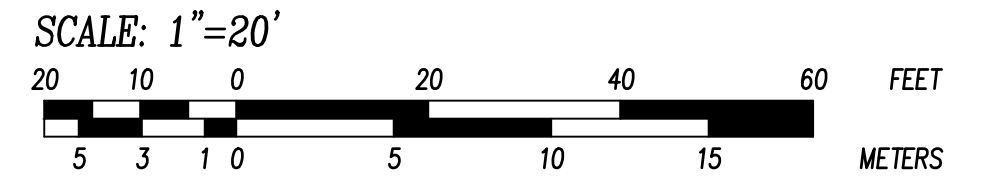
SOIL TEST LOGGED BY DENIS HAMEL 5-3-2022

 SOIL TEST 22-6
 0-6" Sandy Loam 10 YR 3/2
 6"-13" Loamy Sand 10 YR 5/6
 13"-36" Loamy Sand 2.5Y 5/6
 SHWT @17", No Water, No Ledge

 SOIL TEST 22-7
 0-4" Sandy Loam 10 YR 3/2
 4"-13" Loamy Sand 10 YR 5/6
 13"-36" Loamy Sand 2.5Y 5/4
 SHWT @13", No Water, No Ledge

NOTES:
 1. REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.

TOWN OF EXETER PLANNING BOARD
 CHAIRMAN _____ DATE _____



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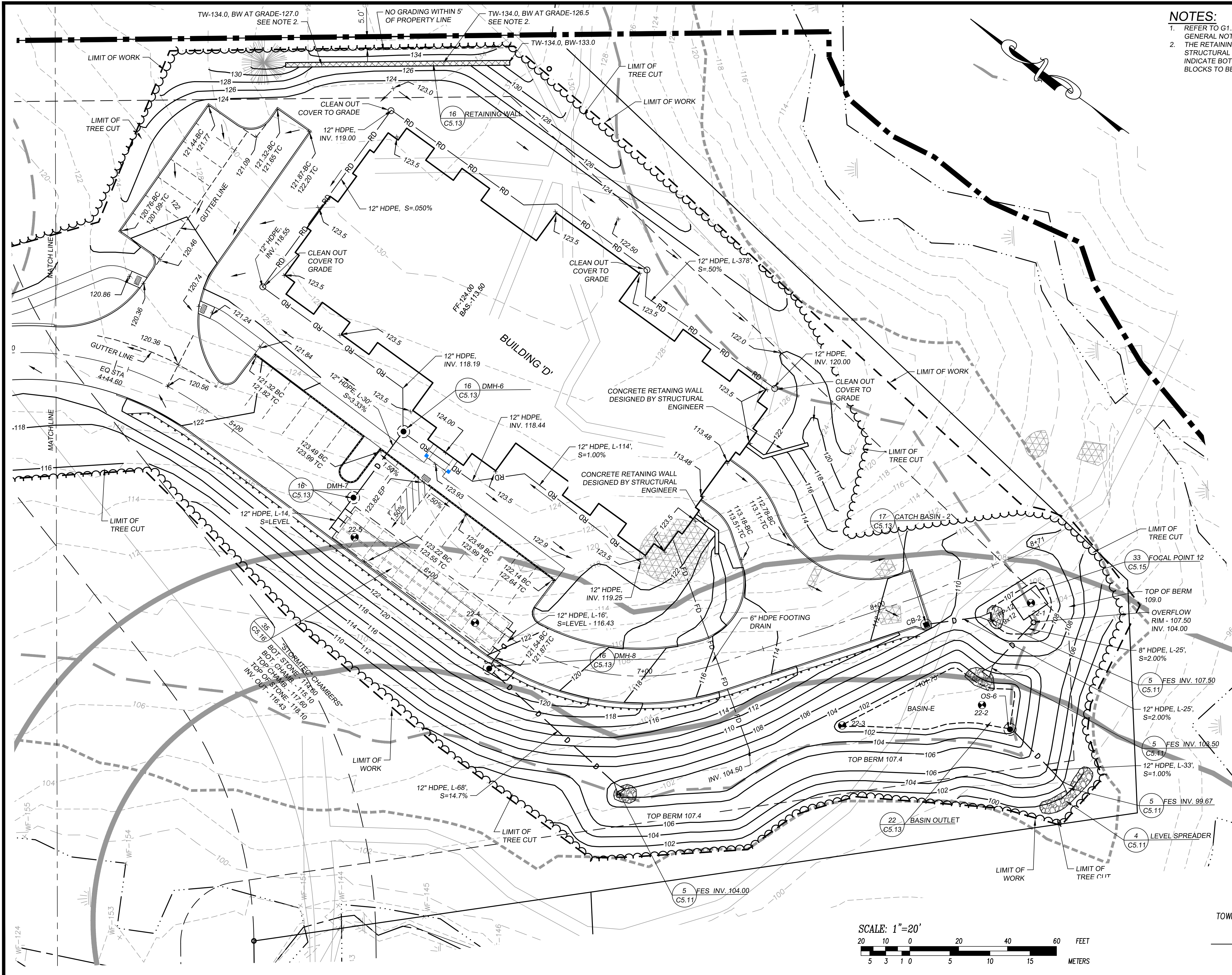
GRADING/ DRAINAGE PLAN

**Ray Farm
Condominium**
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Applicant/Owner:
Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

REVISION BLOCK				
NO.	DATE	DESC	BY	
1	4.26-22	REVISE WET IMPACTS	DH	

PROJ. MGR.: D. HAMEL
 FIELD: J. SALVAGGIO / R. SMITH
 DESIGN: D. HAMEL
 DRAWN: D. HAMEL
 CHECKED: D. GIANGRANDE
 DATE: 01-11-2022
 FILE: 16042 D GR.DWG
 FBK:
 JOB #: 16042 D



NOTES:
 1. REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.
 2. THE RETAINING WALL SHALL BE DESIGNED BY A STRUCTURAL ENGINEER. THE DEGN PLANS SHALL INDICATE BOTTOM OF WALL ELEVATIONS AND SIZE OF BLOCKS TO BE USED.

DRAINAGE STRUCTURES

CB-2	R-111.09	12" INV. OUT 108.00
DMH-6	R-123.50	12" INV. IN - 118.10 12" INV. OUT - 118.00
DMH-7	R-123.16	12" INV. IN - 117.00 12" INV. OUT - 116.43
DMH-8	R-122.10	12" INV. IN - 116.43 12" INV. OUT - 114.00
OS-6	RIM 105.50	TOP OF STRUCTURE-104.83 3" ORIFICE-103.00 6" ORIFICE-104.00 12" HDPE OUT-99.67

SOIL TEST LOGGED BY
 JIM GOVE 5-2-2022

SOIL TEST 22-1
 0-7" Sandy Loam 10 YR 3/2
 7"-39" Loamy Sand 10 YR 5/6
 39"-42" Loamy Sand 2.5Y 5/4
 SHWT @39", No Water, Large Boulder

SOIL TEST 22-2
 0-4" Sandy Loam 10 YR 3/2
 4"-30" Sandy Loam 10 YR 5/6
 30"-49" Loamy Sand 2.5Y 5/4
 SHWT @30", No Water, No Ledge

SOIL TEST 22-3
 0-5" Sandy Loam 10 YR 3/2
 5"-31" Sandy Loam 10 YR 4/6
 31"-52" Loamy Sand 2.5Y 5/4
 SHWT @31", No Water, Large Boulder

SOIL TEST 22-4
 0-6" Sandy Loam 10 YR 3/2
 6"-35" Loamy Sand 10 YR 5/6
 35"-60" Loamy Sand 2.5Y 5/4
 SHWT @35", No Water, No Ledge

SOIL TEST 22-5
 0-8" Sandy Loam 10 YR 3/2
 8"-24" Sandy Loam 10 YR 5/6
 24"-44" Loamy Sand 2.5Y 5/4
 44"-55" Loamy Sand 2.5Y 5/4
 SHWT @44", No Water, No Ledge



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GRADING/ DRAINAGE PLAN

Ray Farm Condominium

Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

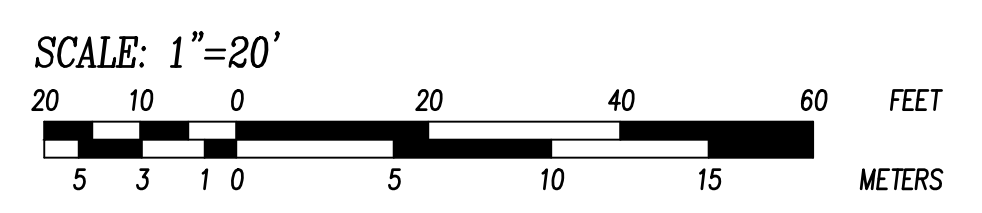
Applicant/Owner:
Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

REVISION BLOCK				
NO.	DATE	DESC	BY	
1	4.26-22	REVISE WET IMPACTS	DH	

PROJ. MGR.: D. HAMEL
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TOWN OF EXETER PLANNING BOARD

CHAIRMAN _____ DATE _____



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Sheet Title:

UTILITY PLAN

Project Title:

Ray Farm Condominium

Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Applicant/Owner:

Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

REVISION BLOCK

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1	5.10.22	TRC COMMENTS	DH

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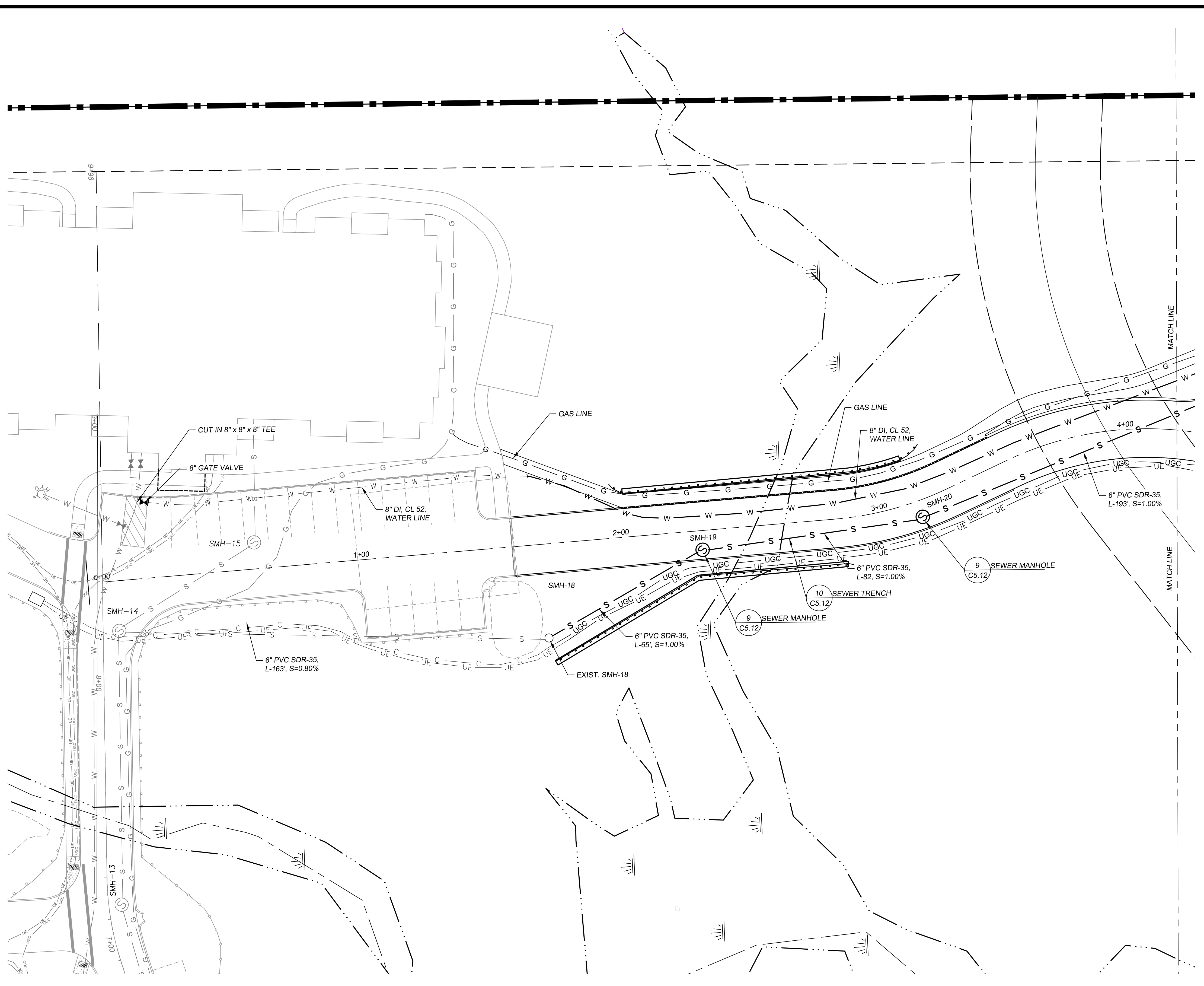
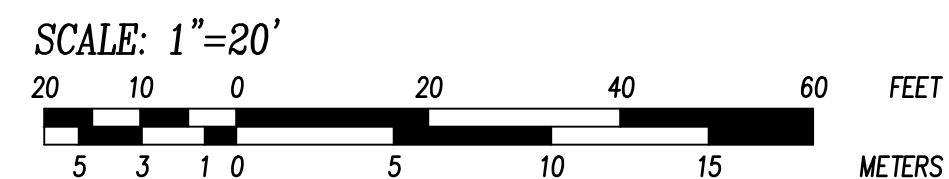
SHEET C1.31

SEWER STRUCTURES	
SMH-14 EXISTING 6" INV. IN 110.60 (EX) 6" INV. OUT 110.50 (EX)	SMH-15 EXISTING 6" INV. IN 111.28 (EX) 6" INV. OUT 111.20 (EX)
SMH-18 EXISTING 6" INV. IN 111.97 (PROP) INV. OUT 111.87 (EX)	SMH-19 R-118.27 6" INV. IN 112.72 6" INV. OUT 112.62
SMH-20 R-119.10 6" INV. IN 113.64 6" INV. OUT 113.54	SMH-21 R-123.00 6" INV. IN 115.67 6" INV. OUT 115.57

NOTES:
 1. REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.

TOWN OF EXETER PLANNING BOARD

CHAIRMAN _____ DATE _____



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Sheet Title:

UTILITY PLAN

Project Title:

Ray Farm Condominium

Ray Farmstead Road
Exeter, NH 03833
Rockingham County

Applicant/Owner:

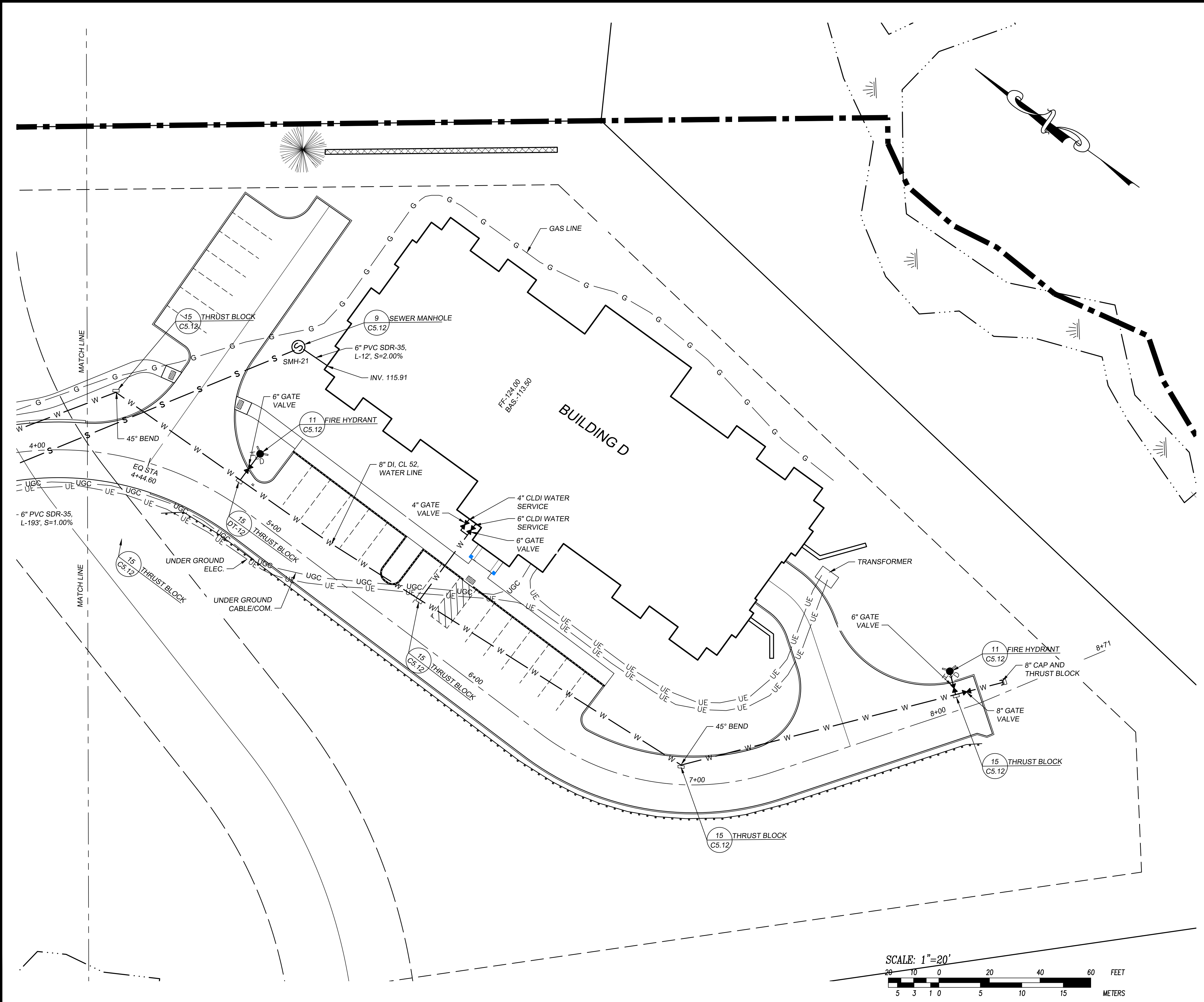
Ray Farm, LLC
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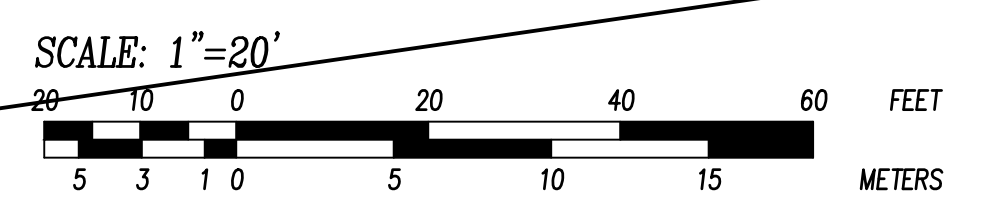
NO.	DATE	DESC	BY
1	5.10.22	TRC COMMENTS	DH

SEWER STRUCTURES

SMH-20 R-119.10	SMH-21 R-123.00
6" INV. IN 113.64	6" INV. IN 115.67
6" INV. OUT 113.54	6" INV. OUT 115.57



NOTES:
1. REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.



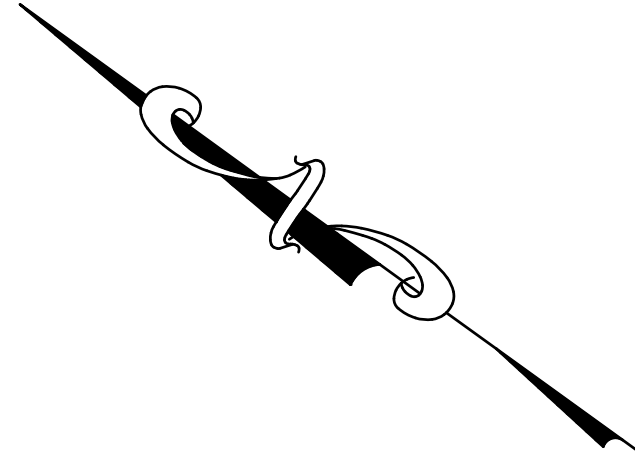
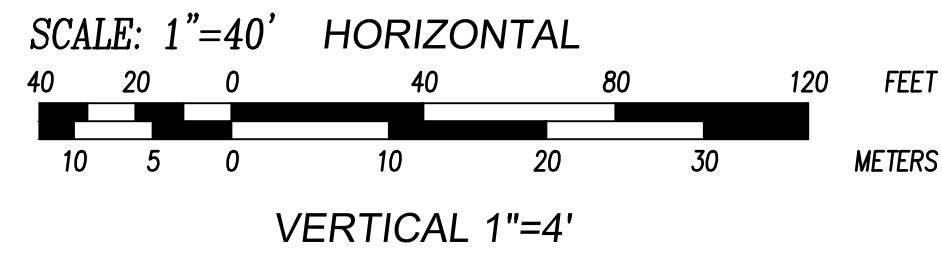
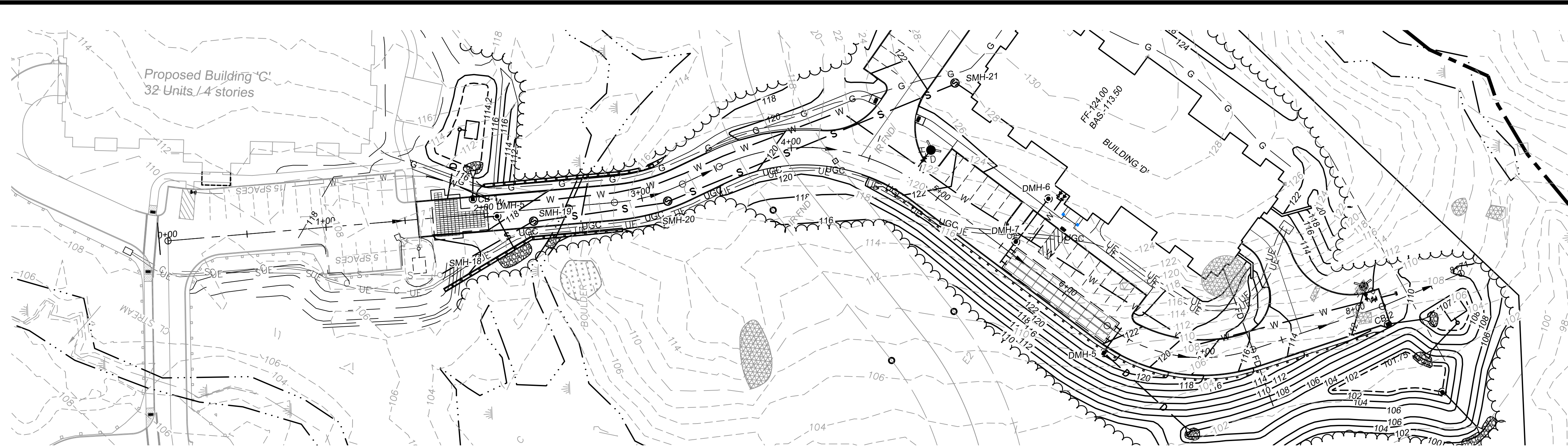
TOWN OF EXETER PLANNING BOARD

CHAIRMAN _____ DATE _____

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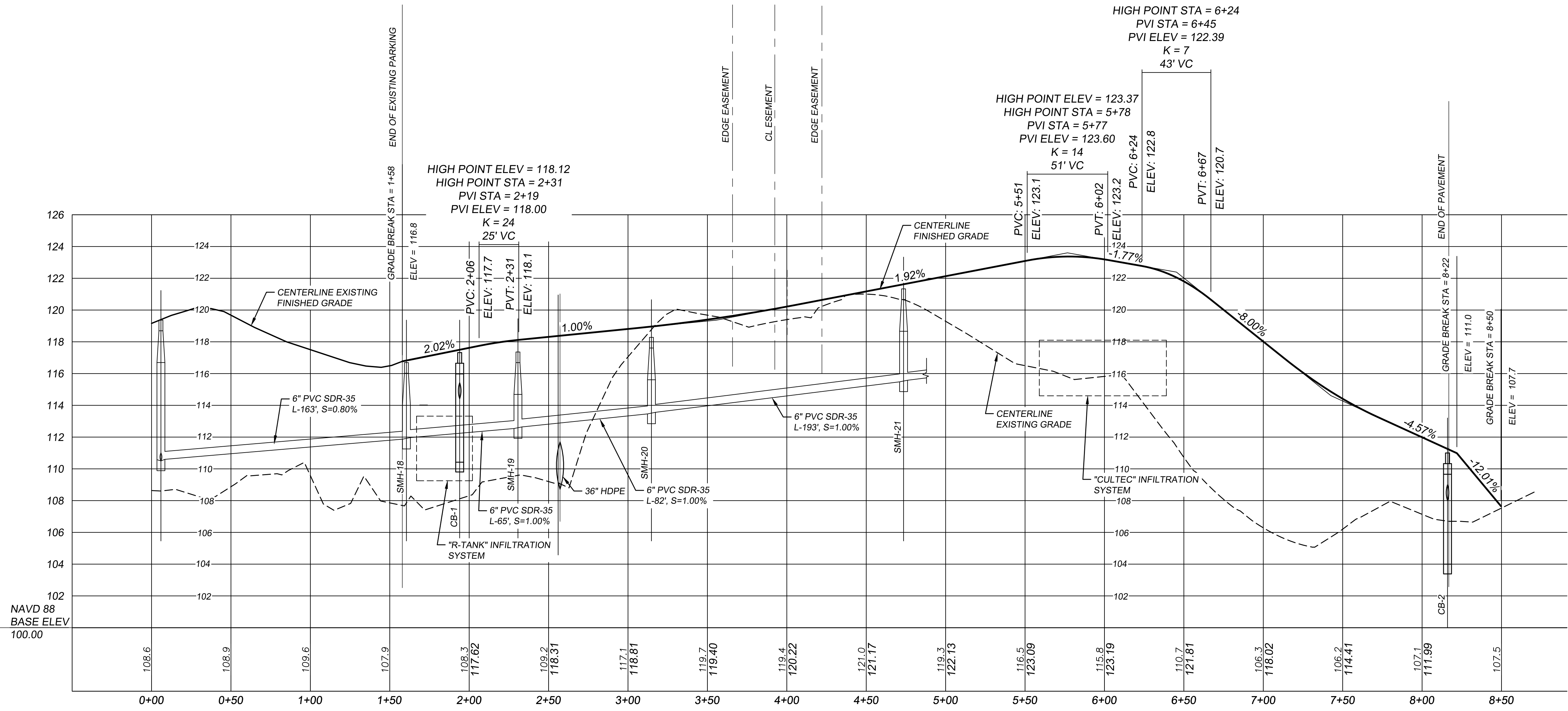
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Sheet Title:
**PLAN
 PROFILE**

Project Title:
**Ray Farm
 Condominium**
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Applicant/Owner:
Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

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Sheet Title:

EROSION AND SEDIMENT CONTROL PLAN

Project Title:

Ray Farm Condominium

Ray Farmstead Road
Exeter, NH 03833
Rockingham County

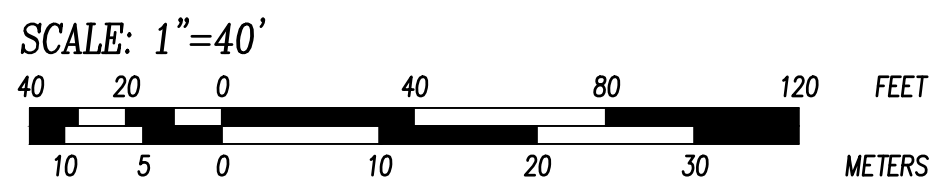
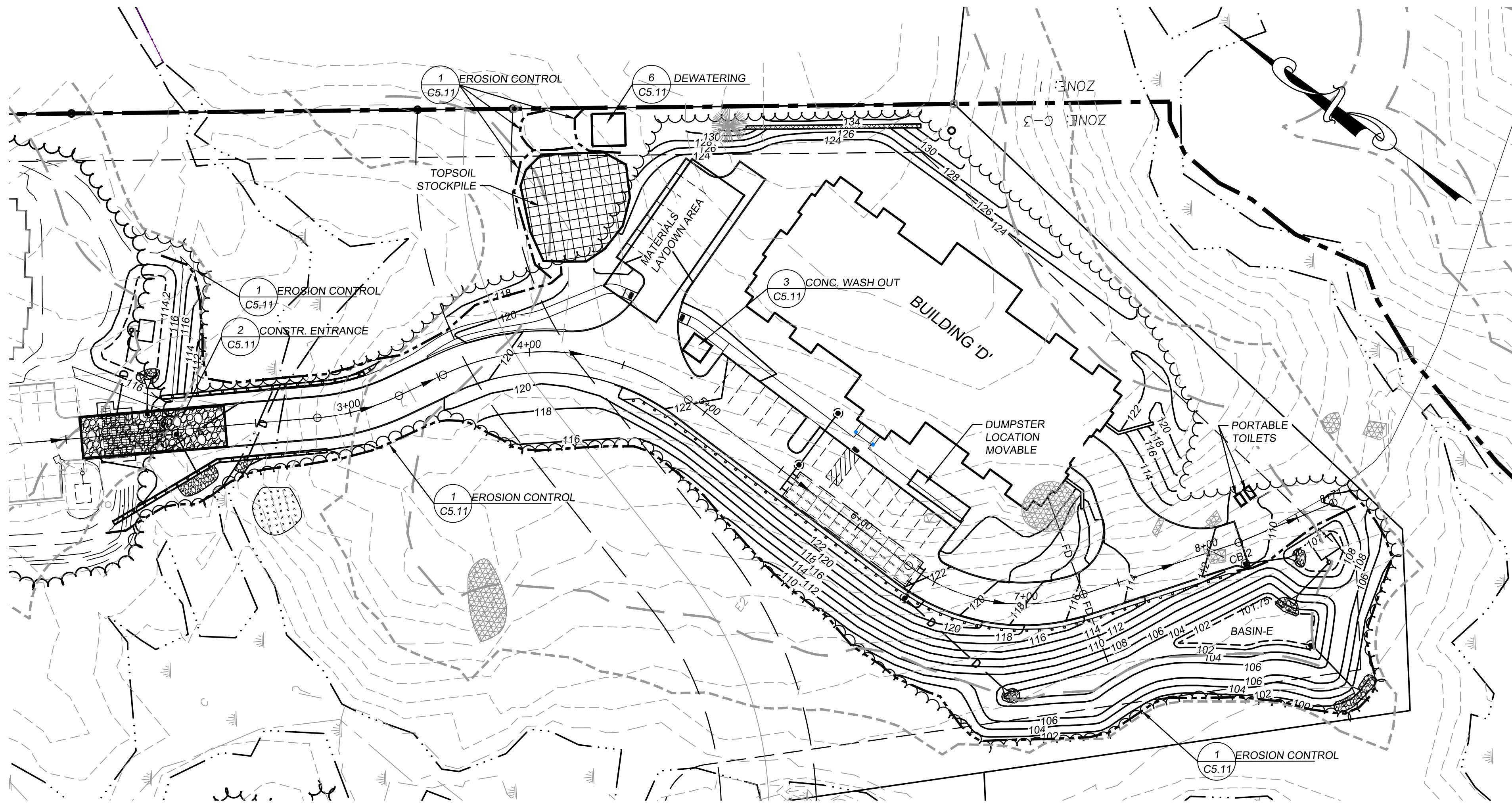
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SHEET C1.51



Construction Notes

- PRIOR TO ANY EXCAVATION, DIG-SAFE AND EXETER DPW (603-773-6157) SHALL BE NOTIFIED TO LOCATE ALL PERTINENT UTILITIES INCLUDING WATER, SEWER, AND DRAINAGE.
- THIS PROJECT IS TO BE MANAGED IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER Agr 3800 RELATIVE TO INVASIVE SPECIES.
- ALL EROSION CONTROLS SHALL BE INSPECTED WEEKLY AND AFTER EVERY RAINFALL OF ONE HALF INCH OR MORE.
- DO NOT CLEAR AND STRIP THE ENTIRE SITE AT ONE TIME. THE SMALLEST PRACTICAL AREA SHALL BE DISTURBED DURING CONSTRUCTION. IN NO CASE SHALL MORE THAN 3 ACRES BE DISTURBED AT ONE TIME. STABILIZE THE AREA BEFORE MOVING ON TO THE NEXT AREA. DISTURBED AREAS REMAINING OPEN FOR MORE THAN 30 DAYS, SHALL BE STABILIZED.
- WOODY MATERIAL REMOVED DURING THE CLEARING PROCESS MAY BE GROUND UP AND USED AS MULCH FOR EROSION CONTROL TO STABILIZE APPROPRIATE AREAS.
- AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:
 - BASE COURSE GRAVEL HAS BEEN INSTALLED IN AREAS TO BE PAVED
 - A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED
 - A MINIMUM OF 3 INCH OF NON EROSION MATERIAL SUCH AS RIP-RAP HAS BEEN INSTALLED
 - OR EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED
- ALL AREAS SHALL BE STABILIZED WITHIN 30 DAYS OF INITIAL DISTURBANCE

SEEDING SPECIFICATIONS ARE AS FOLLOWS:

TEMPORARY SEEDING FOR EROSION CONTROL DURING CONSTRUCTION:

SPECIES	POUNDS/1000 SF	REMARKS
WINTER RYE	2.5	BEST FOR FALL SEEDING. AUG. 15 TO SEPT. 15.
OATS	2.0	BEST FOR SPRING SEEDING. NO LATER THAN MAY 15. SEED TO A DEPTH OF 1"
ANNUAL RYEGRASS	1.0	SEED EARLY SPRING. AUG. 15 TO SEPT. 15.
PERENNIAL RYEGRASS	0.7	SEED BETWEEN APRIL 1 TO AUG. 15. SEED TO A DEPTH OF 0.5"

PERMANENT VEGETATION SEED MIXTURE:

SPECIES	POUNDS/1000 SF
TALL FESCUE	0.45
CREEPING RED FESCUE	0.45
BIRDSFOOT TREFOL	0.20
TOTAL	1.10

- ALL RE-VEGETATED AREAS THAT DO NOT EXHIBIT 85% VEGETATIVE GROWTH BY OCTOBER 15, OR WHICH ARE DISTURBED AFTER OCTOBER 15, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS (ON 3:1 SLOPES OR STEEPER). SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE, OR SECURING WITH ANCHORED NETTING. THE INSTALLATION OF EROSION CONTROL BLANKETS OR MULCH AND NETTING SHALL NOT OCCUR OVER SNOW OR FROZEN GROUND AND SHALL BE COMPLETED PRIOR TO AN ACCUMULATION OF SNOW AND/OR FROST.
- ALL DITCHES OR SWALES WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15, OR WHICH ARE DISTURBED AFTER OCTOBER 15, SHALL BE STABILIZED TEMPORARILY WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS.
- AFTER NOVEMBER 15, INCOMPLETE ROADS OR PARKING SURFACES, WHERE WORK HAS STOPPED FOR THE WINTER SEASON, SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHDOT ITEM 304.3.
- CONCRETE WASH OUT SHALL BE CONDUCTED IN THE AREAS SHOWN ON SHEETS C1.51 AND C1.52. AND USE THE CONCRETE WASH OUT DETAIL SHOWN ON SHEET C5.11.
- NO STUMPS OR DEBRIS SHALL BE BURIED ONSITE. ALL STUMPS AND CONSTRUCTION DEBRIS SHALL BE STORED ONSITE UNTIL THEY CAN BE DISPOSED OFFSITE IN A FACILITY CAPABLE OF HANDLING SUCH MATERIALS.
- TEMPORARY PORTABLE TOILETS SHALL BE PROVIDED AND PROPERLY MAINTAINED ONSITE FOR THE DURATION OF THE PROJECT.
- VEHICLE MAINTENANCE SHALL BE PERFORMED OFF SITE. ANY VEHICLE LEAKING OIL OR GREASE SHALL BE IMMEDIATELY REPAIRED OR REMOVED FROM THE SITE. FUEL AND OILS SHALL BE STORED IN AN APPROVED LOCATION AND COMPLY WITH LOCAL, STATE, AND FEDERAL REGULATIONS. IN NO CASE SHALL THEY BE STORED WITHIN 100' OF WETLAND AREAS.

NOTES:
 1. REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.

Construction Sequence

- PRIOR TO CLEARING, OR EARTH MOVING ACTIVITIES, INSTALL TEMPORARY EROSION CONTROLS AS SHOWN. SEE SHEET C5.11 FOR EROSION CONTROL DETAILS AND TECHNIQUES.
- INSTALL CONSTRUCTION ENTRANCE.
- STRIP TOPSOIL AND STOCKPILE IN DESIGNATED AREA. INSTALL TEMPORARY EROSION CONTROLS AROUND STOCKPILE. BOULDERS AND LARGE ROCKS GREATER THAN TWO FEET IN DIAMETER SHALL BE STOCKPILED SEPARATELY IN A DESIGNATED AREA.
- CONSTRUCT TEMPORARY SEDIMENT BASINS AND OUTLET SWALES IN SAME LOCATION AS THE FINAL BASINS AS SHOWN ON THE PLANS. ADDITIONAL TEMPORARY ROWS OF COMPOST SOCK MAY BE REQUIRED IN THE SWALES. INSTALL OUTLET PROTECTION RIP-RAP AS SHOWN PRIOR TO DIRECTING ANY STORMWATER TO THE BASINS. THE FORE-BAYS WILL SERVE AS CONSTRUCTION PERIOD SEDIMENT SETTLING AREAS BUT MUST BE CLEANED AFTER PARKING/LOADING AREAS ARE PAVED, BUILDINGS CONSTRUCTED, AND UTILITIES INSTALLED.
- CREATE SWALES TO DIRECT STORMWATER FROM THE DEVELOPED PORTION OF THE SITE TO THE TEMPORARY BASINS. IMMEDIATELY STABILIZE THE SLOPES OF THE BASINS BY SEEDING AND MULCHING WITHIN 72 HOURS OF ACHIEVING FINISHED GRADES. ALTERNATE METHODS OF SLOPE STABILIZATION MAY BE REQUIRED IF WORK IS PERFORMED OUTSIDE THE GROWING SEASON.
- PREPARE BUILDING SITE TO BE CONSTRUCTED. INSTALL THE BUILDING FOUNDATION AND IMMEDIATELY BRING THE FILL UP TO DESIGN GRADES. CONSTRUCT THE SLOPES IN THE AREAS SHOWN ON THE GRADING PLANS. STABILIZE THE SLOPE WITH SELECTED PLANT MATERIALS AND SEED IMMEDIATELY.
- ROUGH GRADE PARKING AREAS TO SUBBASE ELEVATIONS. FILL WILL BE REQUIRED TO BRING PARKING AREAS TO THE DESIGN GRADES. IMPORTED FILL SHALL BE COMPACTED TO A MINIMUM OF 95% DENSITY. WATER MAY BE REQUIRED TO BRING THE FILL TO THE APPROPRIATE MOISTURE CONTENT FOR PROPER COMPACTION. DO NOT OVER WATER AND CREATE RUNOFF. DO NOT CONTINUE THE FILLING OPERATION DURING INTENSE RAINFALL OR IF RAINFALL IS ANTICIPATED. INSTALL ADDITIONAL EROSION CONTROL AT THE BASE OF SLOPES WHEN RAIN IS ANTICIPATED, AND LEAVE IT IN PLACE UNTIL SLOPES ARE STABILIZED OR ADDITIONAL FILL IS INSTALLED.
- INSTALL PERMANENT STORMWATER TREATMENT DEVICES INCLUDING THE "FOCAL POINT" BIO-RETENTION SYSTEMS AS SHOWN ON THE PLANS. DO NOT ALLOW STORMWATER FLOW TO THE DEVICES FROM UNSTABILIZED AREAS. IF STORMWATER FLOWS ARE ANTICIPATED TO REACH THE TREATMENT DEVICES PRIOR TO FINAL STABILIZATION, ENCASE THE DEVICES WITH FILTER FABRIC.
- INSTALL UNDERGROUND UTILITIES. BACKFILL AND COMPACT TRENCHES. IF DEWATERING IS REQUIRED TO INSTALL UTILITIES OR STRUCTURES, CONSTRUCT THE DEWATERING AREA AS PER THE DETAIL ON SHEET C 5.11 AND PLACE IN THE DESIGNATED AREA. ADDITIONAL ROWS OF COMPOST SOCK MAY BE REQUIRED AT THE DISCHARGE POINT IF THE WATER IS NOT CLEAR. INSTALL AND COMPACT PARKING AREA GRAVEL. INSTALL THE BINDER COURSE IN PARKING AREAS WITHIN 72 HOURS OF PLACING GRAVEL.
- INSTALL UTILITY CONNECTIONS. SPREAD TOPSOIL IN GRASS AND LANDSCAPED AREAS AND IMMEDIATELY SEED AND MULCH IF NEEDED. ADDITIONAL EROSION CONTROL MAY BE NEEDED TO CONTROL EROSION AND SILTS FROM ENTERING THE TEMPORARY SETTLEMENT BASIN.

TOWN OF EXETER PLANNING BOARD

CHAIRMAN DATE

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Sheet Title:
DETAILS

Project Title:
**Ray Farm
 Condominium**
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

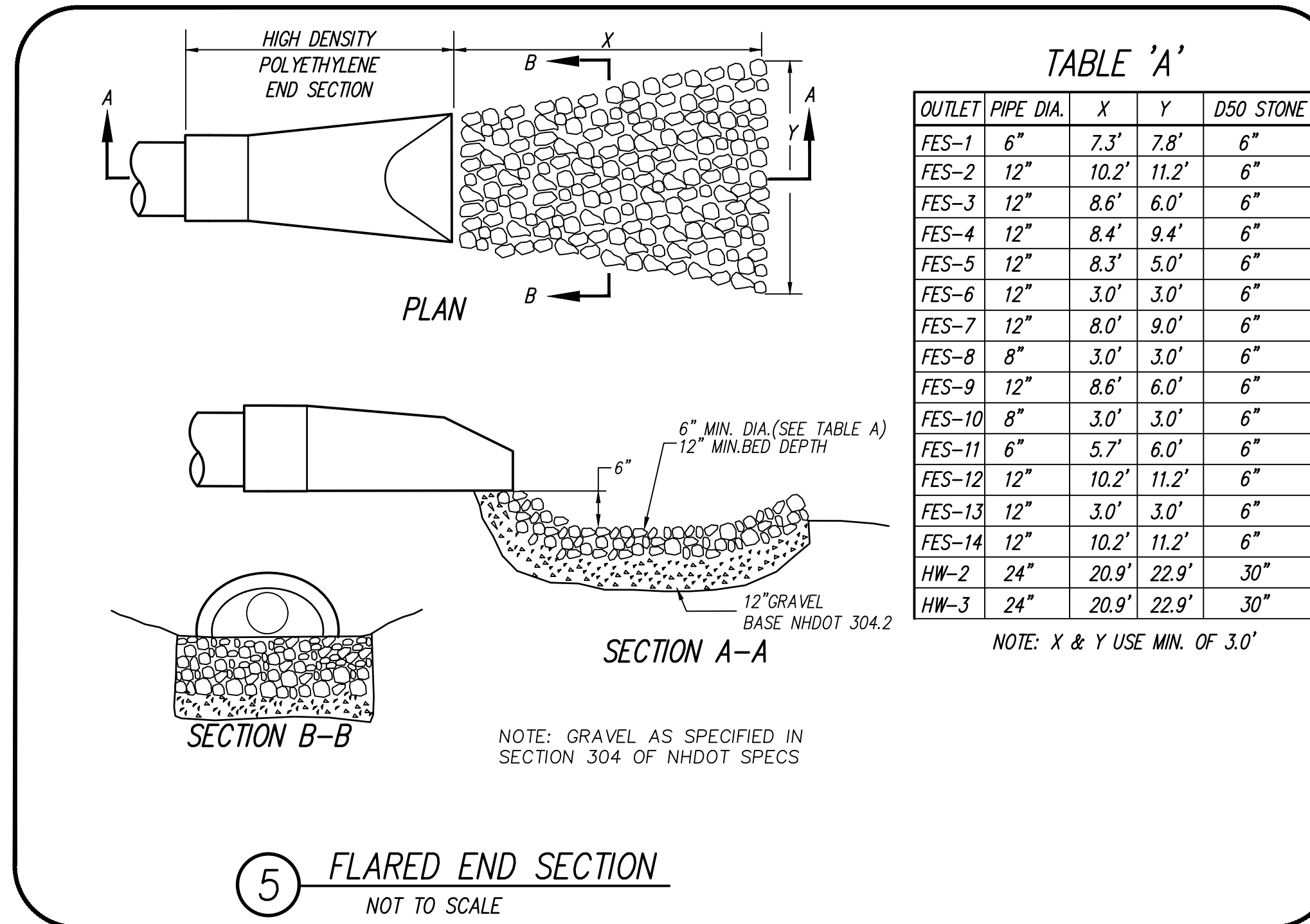
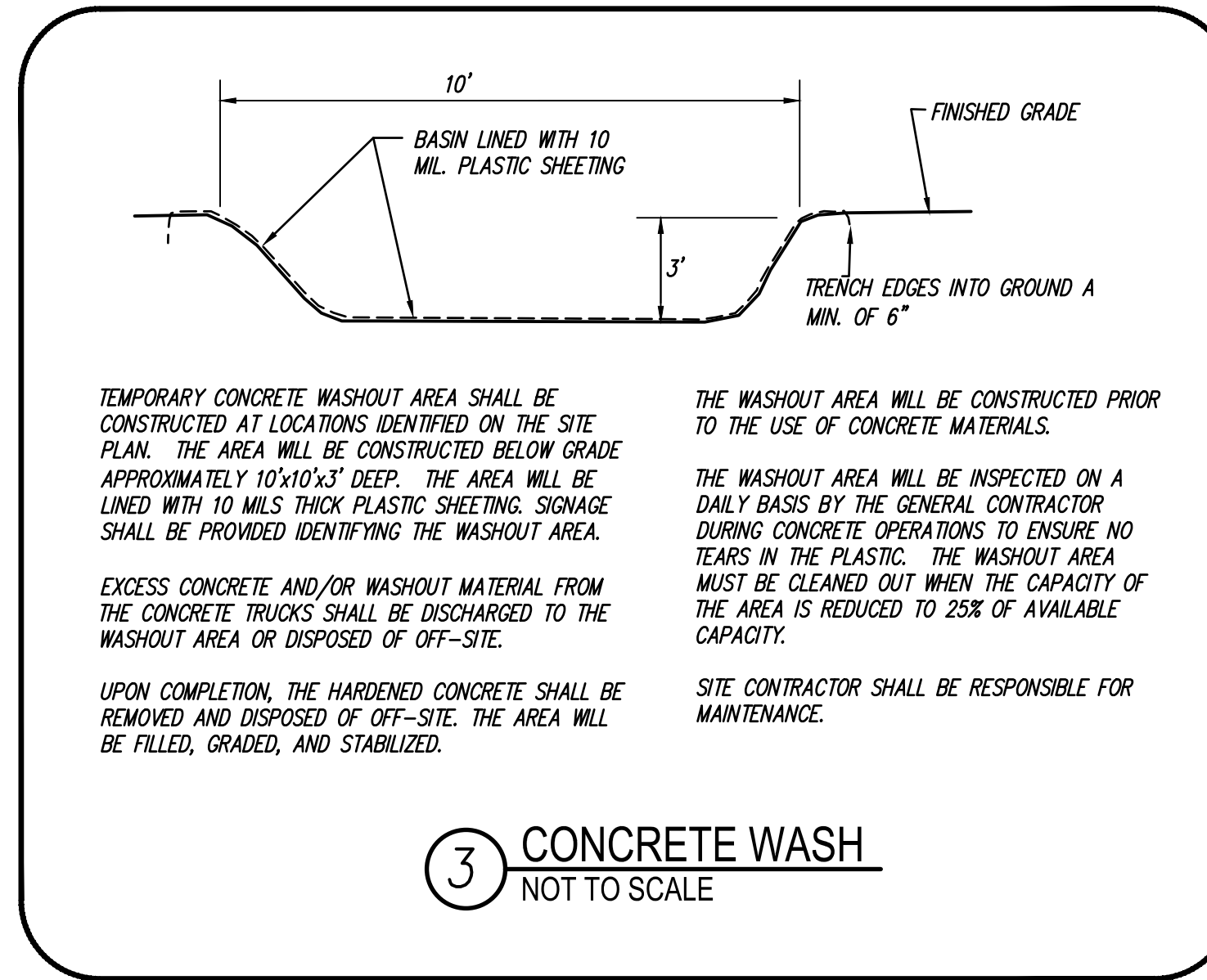
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REVISION BLOCK			
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1	5.10.22	TRC COMMENTS	DH

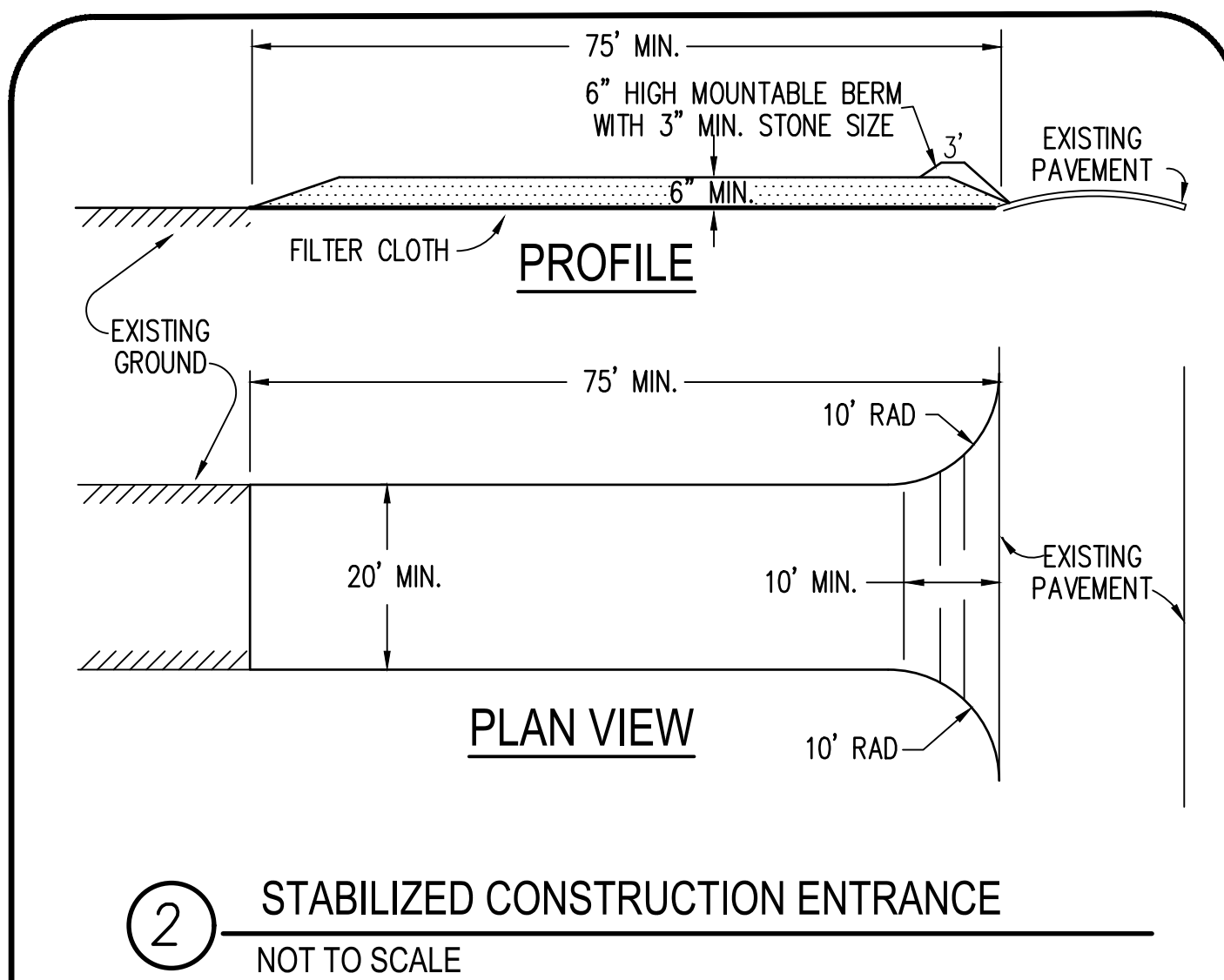
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 FIELD: J. SALVAGGIO / R. SMITH
 DESIGN: D. HAMEL
 DRAWN: D. HAMEL
 CHECKED: D. GIANGRANDE
 DATE: 01-11-2022
 FILE: 16042 D.DT.DWG
 FBK:
 JOB #: 16042 D

TOWN OF EXETER PLANNING BOARD

 CHAIRMAN DATE

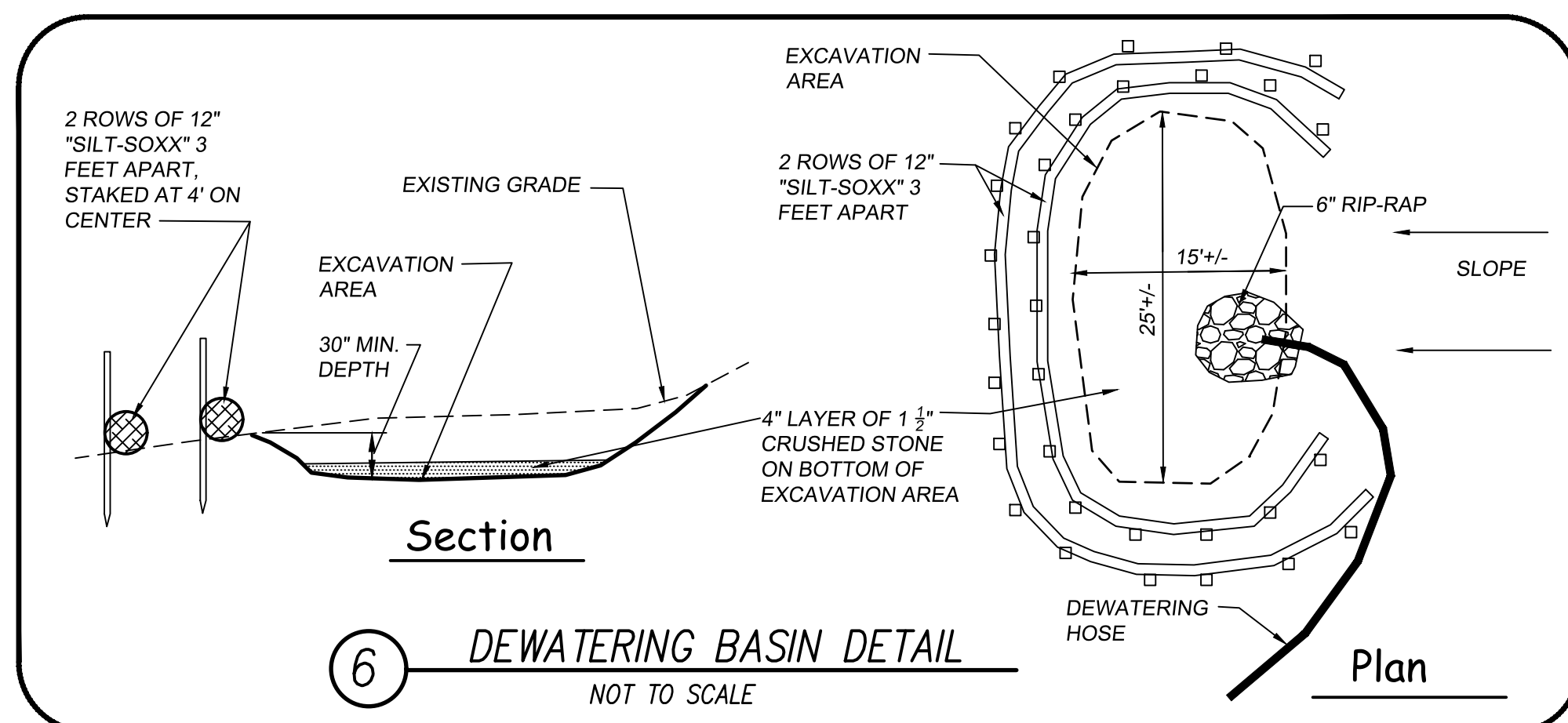
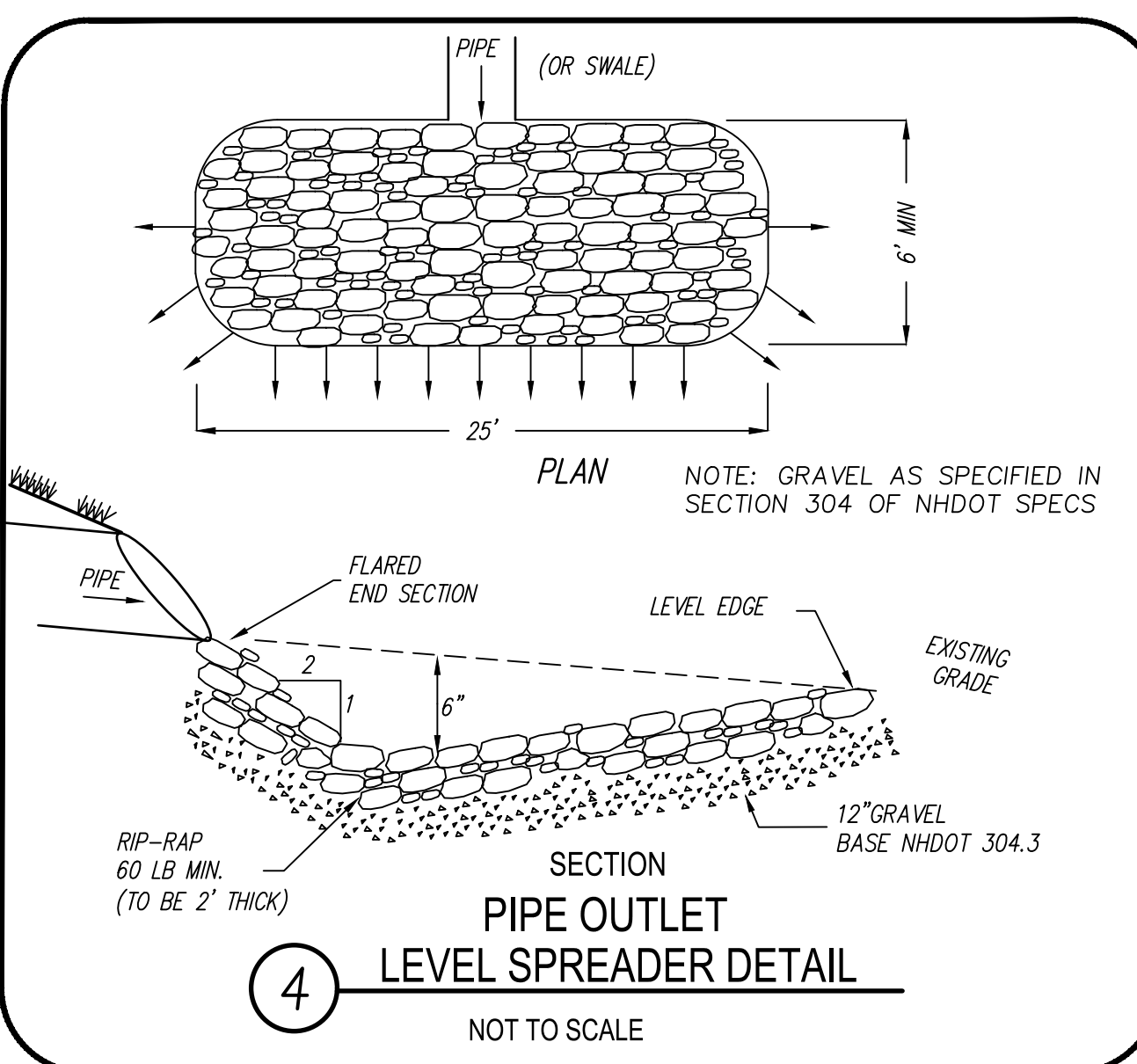
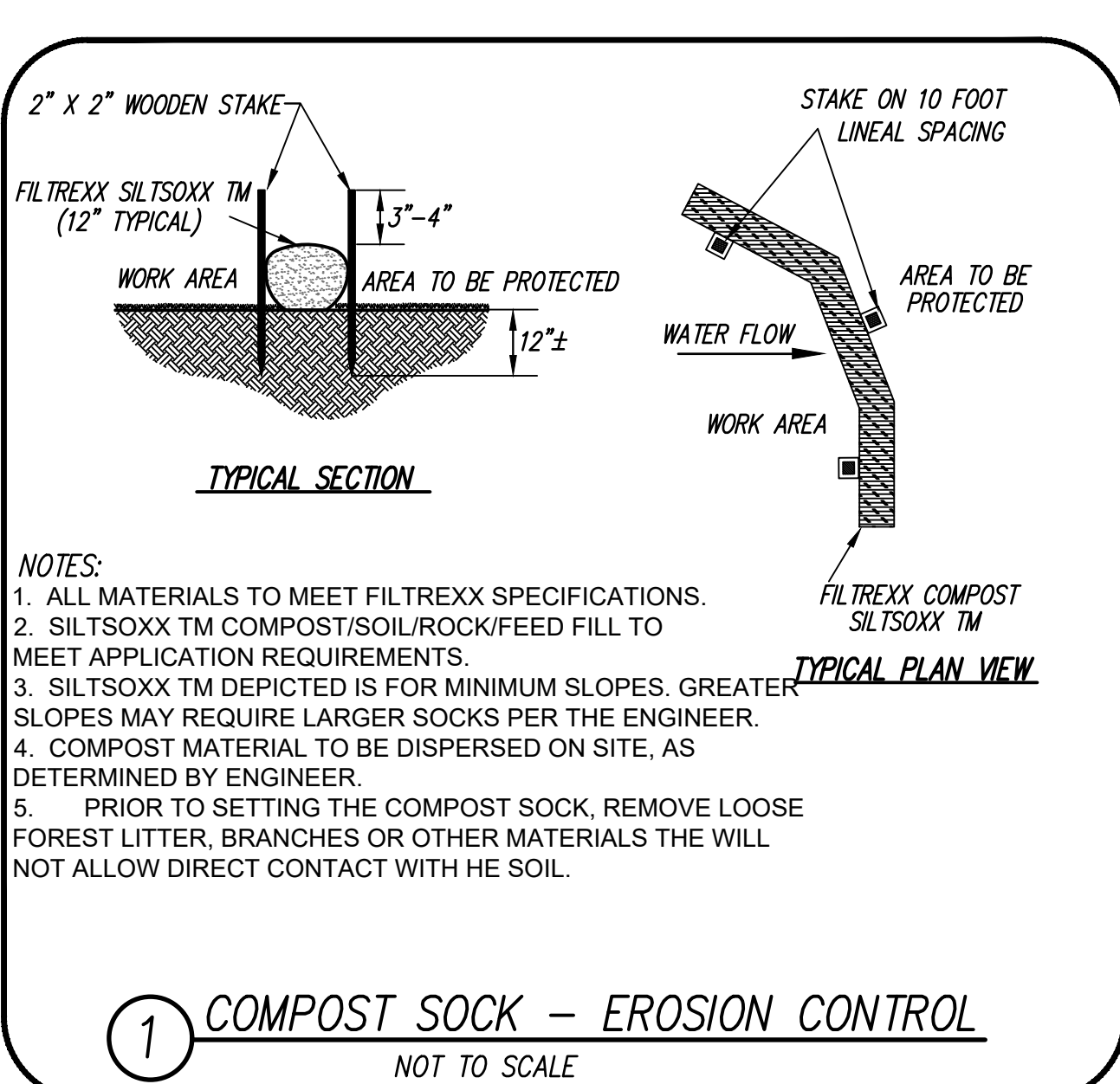


NOTES:
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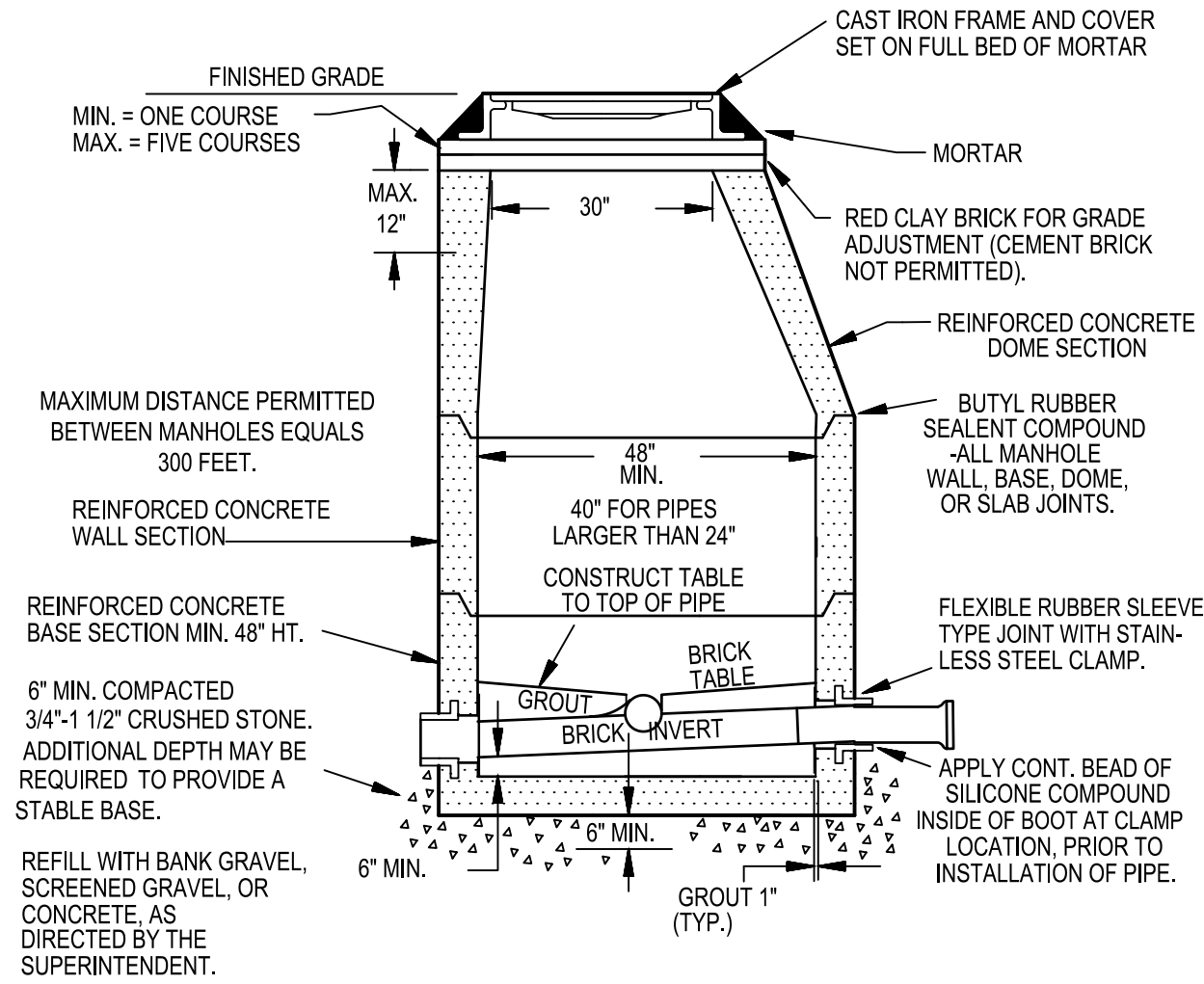
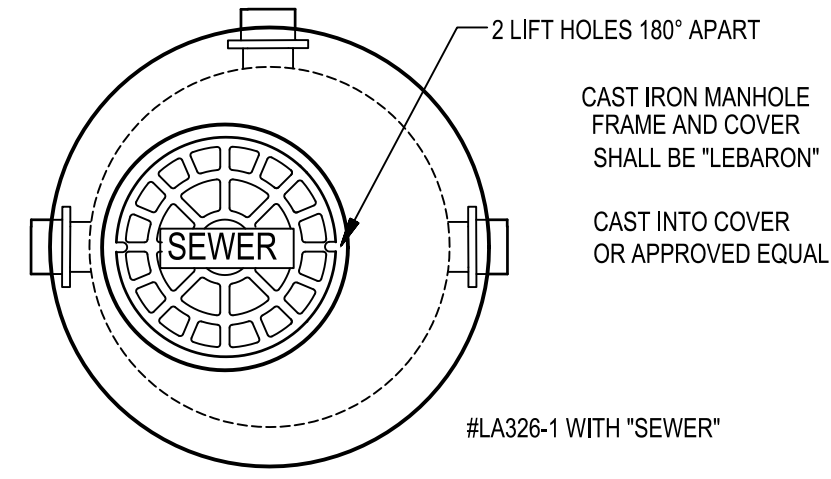


Construction Specifications

- STONE SIZE - USE 3" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- LENGTH - AS REQUIRED, BUT NOT LESS THAN 75 FEET
- THICKNESS - NOT LESS THAN SIX (6) INCHES.
- WIDTH - TWENTY (20) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
- FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. FILTER CLOTH WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENCE LOT.
- SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
- MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
- WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAINFALL EVENT.



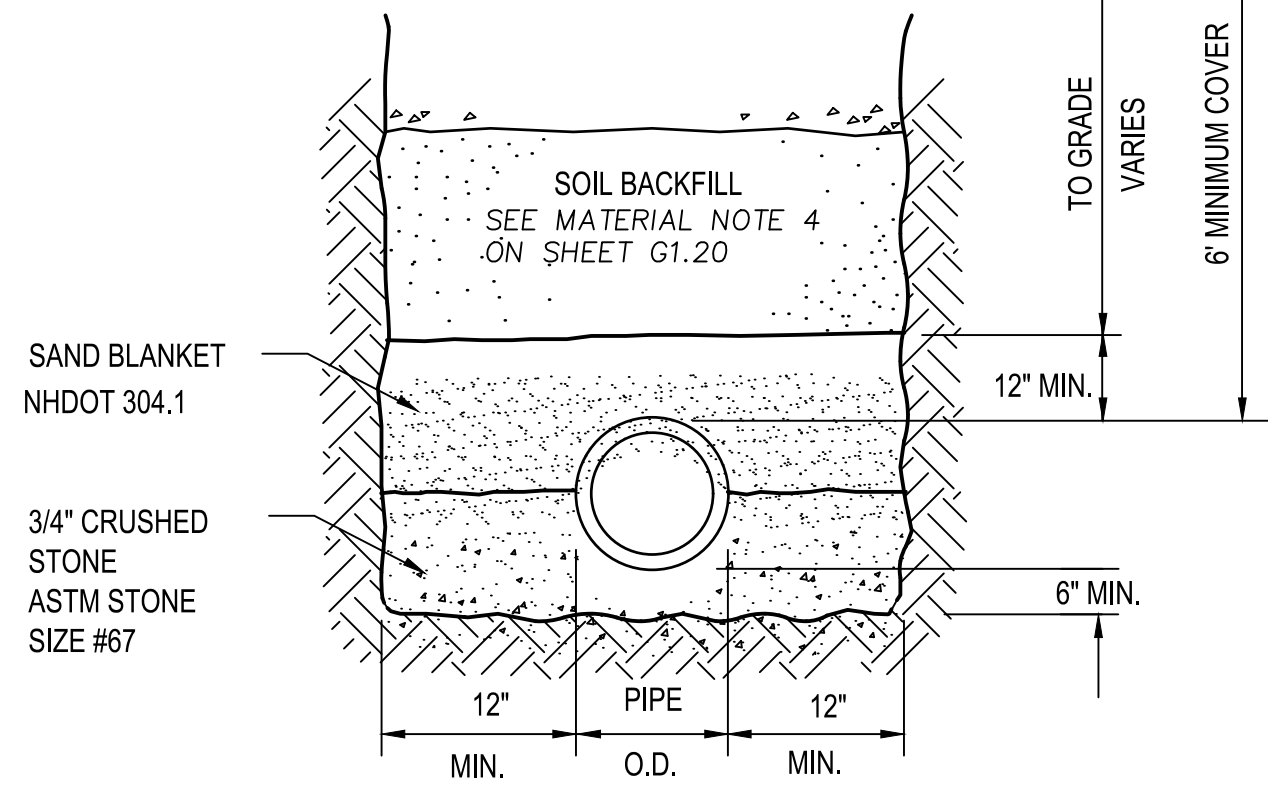
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MANHOLE TESTING: VACUUM TEST MANHOLE FOR LEAKAGE
 THE INITIAL VACUUM GAUGE TEST PRESSURE SHALL BE 10 INCHES Hg. THE MINIMUM TEST HOLD FOR A 1 INCH DROP TO 9 INCHES Hg SHALL BE NOT LESS THAN 2 MINUTES FOR MANHOLES LESS THAN 10 FEET DEEP, 2.5 MINUTES FOR MANHOLES 10 TO 15 FEET DEEP, AND NOT LESS THAN 3 MINUTES FOR MANHOLES MORE THAN 15 FEET DEEP.

- NOTES:
- GRAVEL AS SPECIFIED IN SECTION 304 OF NHDOT SPECS
 - SEWER MANHOLE SHALL BE RATED FOR H-20 LOADING
 - BRICK INVERTS TO BE INSTALLED AFTER TESTING
 - NO STEPS IN MANHOLE
 - BRICKS FOR GRADE ADJUSTMENTS ARE A MAXIMUM OF 5 COURSES

9 SEWER MANHOLE
NOT TO SCALE

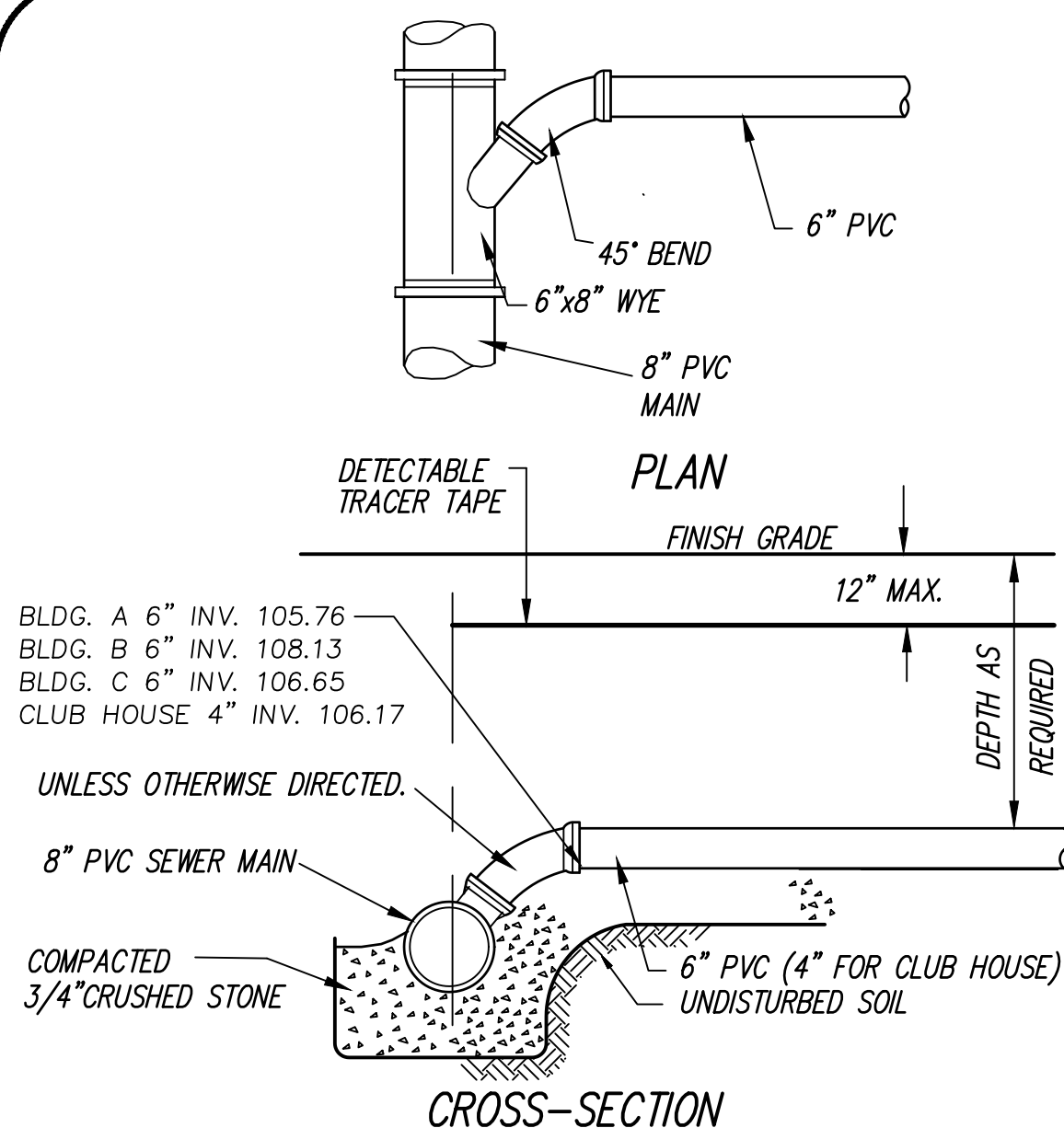


- NOTES:
- GRAVITY SEWER TO BE PVC SDR 35 CONFORMING TO ASTM D3034-04a
 - PLASTIC SEWER PIPE SHALL HAVE A PIPE STIFFNESS RATING OF AT LEAST 46 POUNDS PER SQUARE INCH AT 5% PIPE DIAMETER AS MEASURED WITH ASTM D2412-02 DURING MANUFACTURE.
 - JOINT SEALS OF PVC PIPE SHALL BE OIL RESISTANT COMPRESSION RINGS OF ELASTOMERIC MATERIAL CONFORMING TO ASTM D3212-96(a) AND BE PUSH-ON, BELL-AND-SPIGOT TYPE.
 - SAND BLANKET SHALL BE FREE OF ORGANIC MATERIALS, 100% PASSING 1/2" SIEVE, AND MAXIMUM 15% PASSING #200 SIEVE.
 - COMPACT BEDDING AND SAND BLANKET IN MAXIMUM OF 12" LIFTS.
 - COMPACT BACKFILL MATERIAL IN MAXIMUM OF 12" LIFTS.

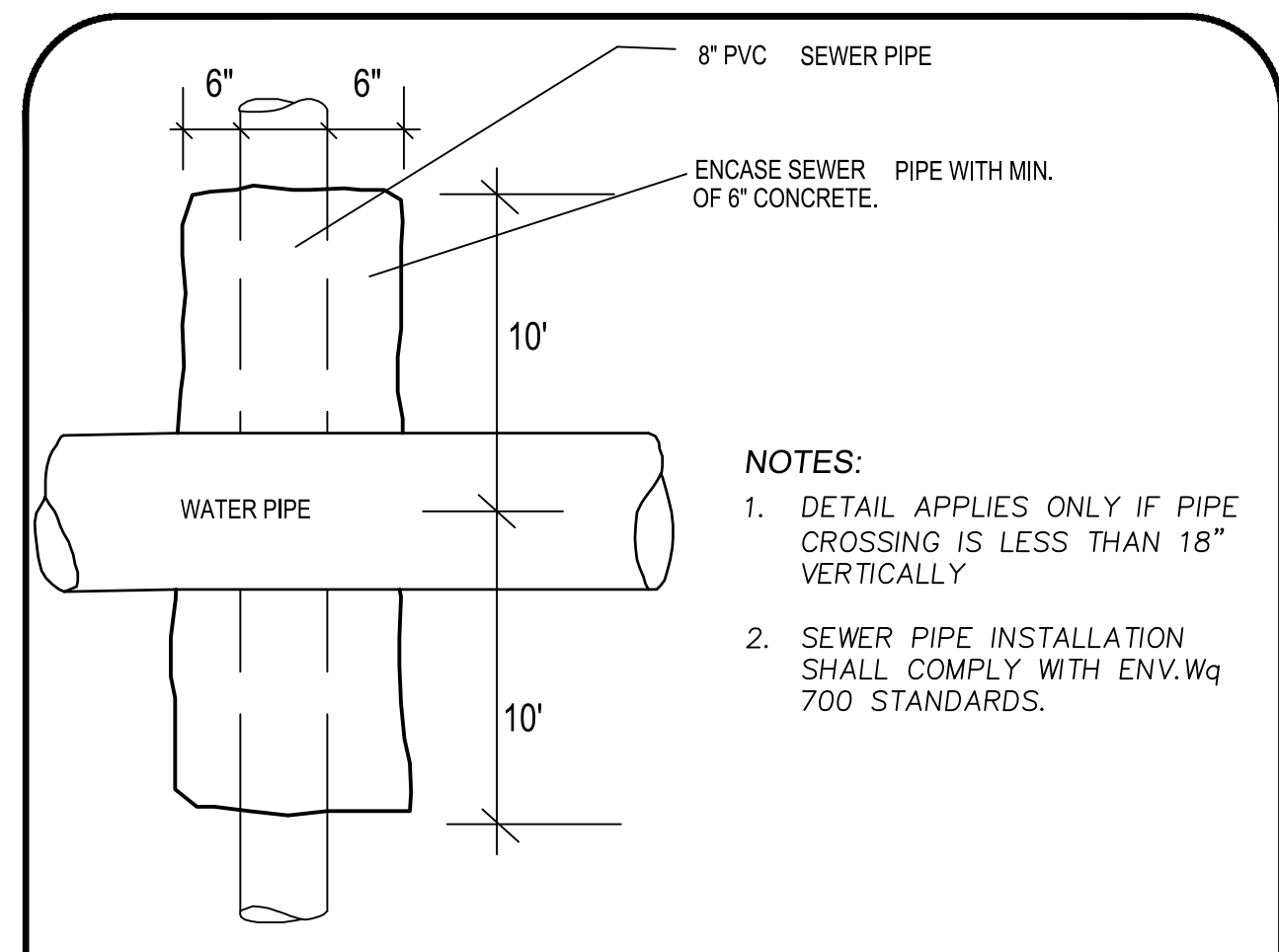
GRAVITY SEWER PIPE TESTING
 LOW PRESSURE AIR TESTS SHALL BE USED FOR ALL NEW GRAVITY SEWERS CONFORMING TO ASTM F1417 "STANDARD TEST METHOD OF INSTALLATION ACCEPTANCE OF PLASTIC GRAVITY SEWER LINES USING LOW-PRESSURE AIR" OR UNI-BELL PVC PIPE ASSOCIATION UNI-B-6, "LOW PRESSURE AIR TESTING OF INSTALLED SEWER PIPE (1998).

DEFLECTION TEST ALL PLASTIC SEWER PIPE NOT LESS THAN 30 DAYS NOR MORE THAN 90 DAYS FOLLOWING INSTALLATION. MAXIMUM ALLOWABLE DEFLECTION OF FLEXIBLE SEWER PIPE SHALL BE 5 1/2% OF AVERAGE INSIDE DIAMETER.

10 SEWER TRENCH
NOT TO SCALE

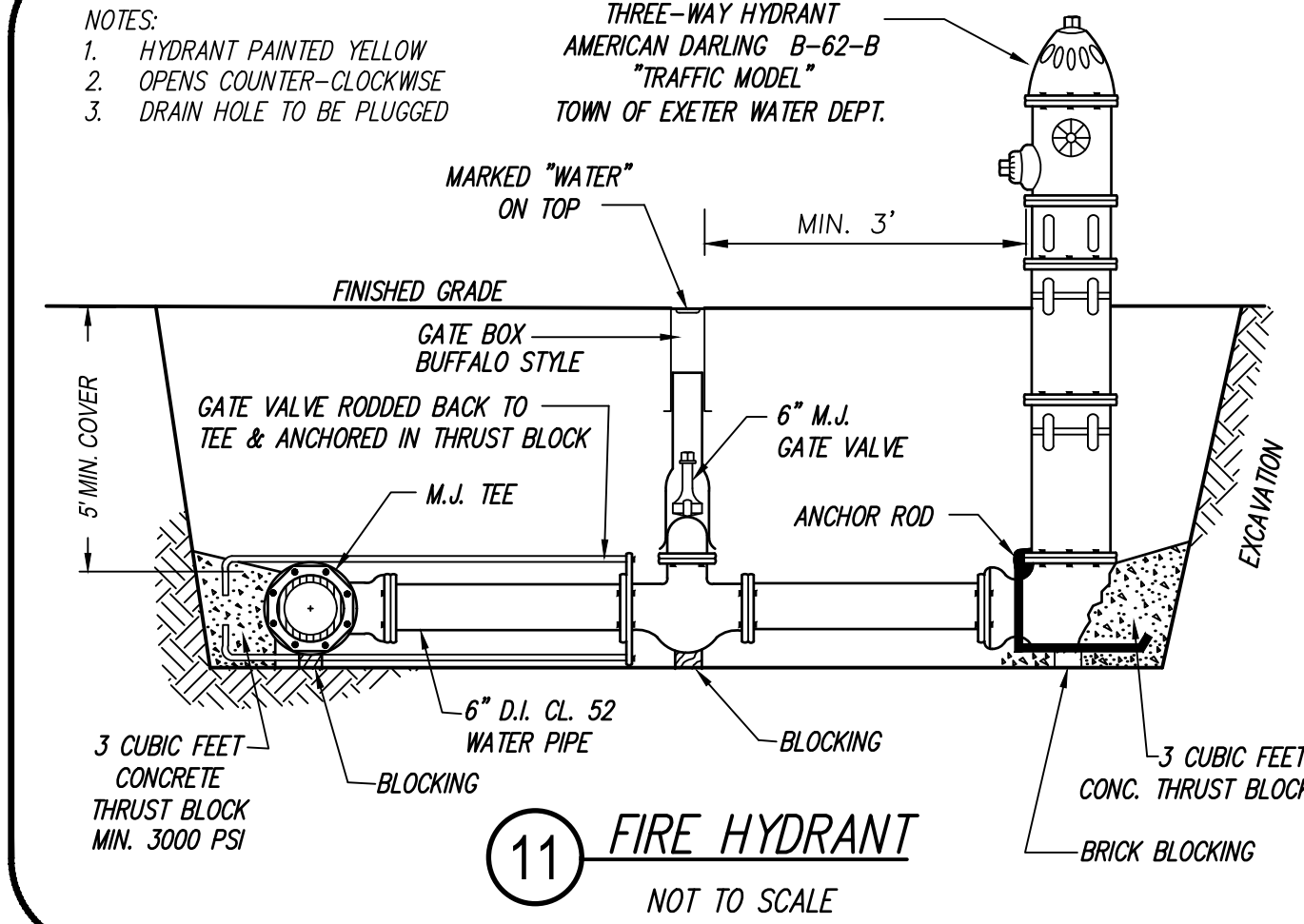


13 BUILDING CONNECTION DETAIL
NOT TO SCALE

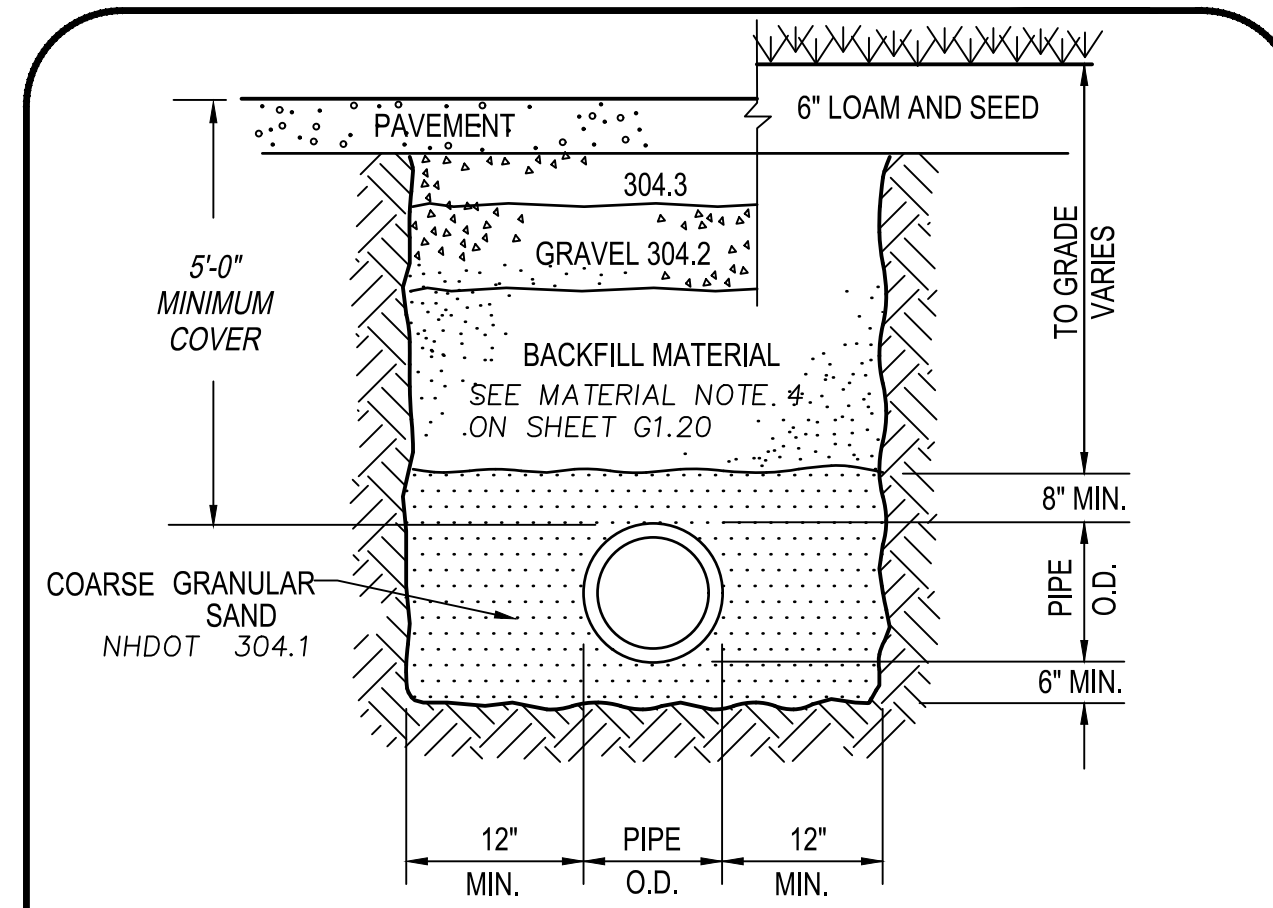


- NOTES:
- DETAIL APPLIES ONLY IF PIPE CROSSING IS LESS THAN 18" VERTICALLY
 - SEWER PIPE INSTALLATION SHALL COMPLY WITH ENV.Wq 700 STANDARDS.

14 SEWER / WATER CROSSING
NOT TO SCALE

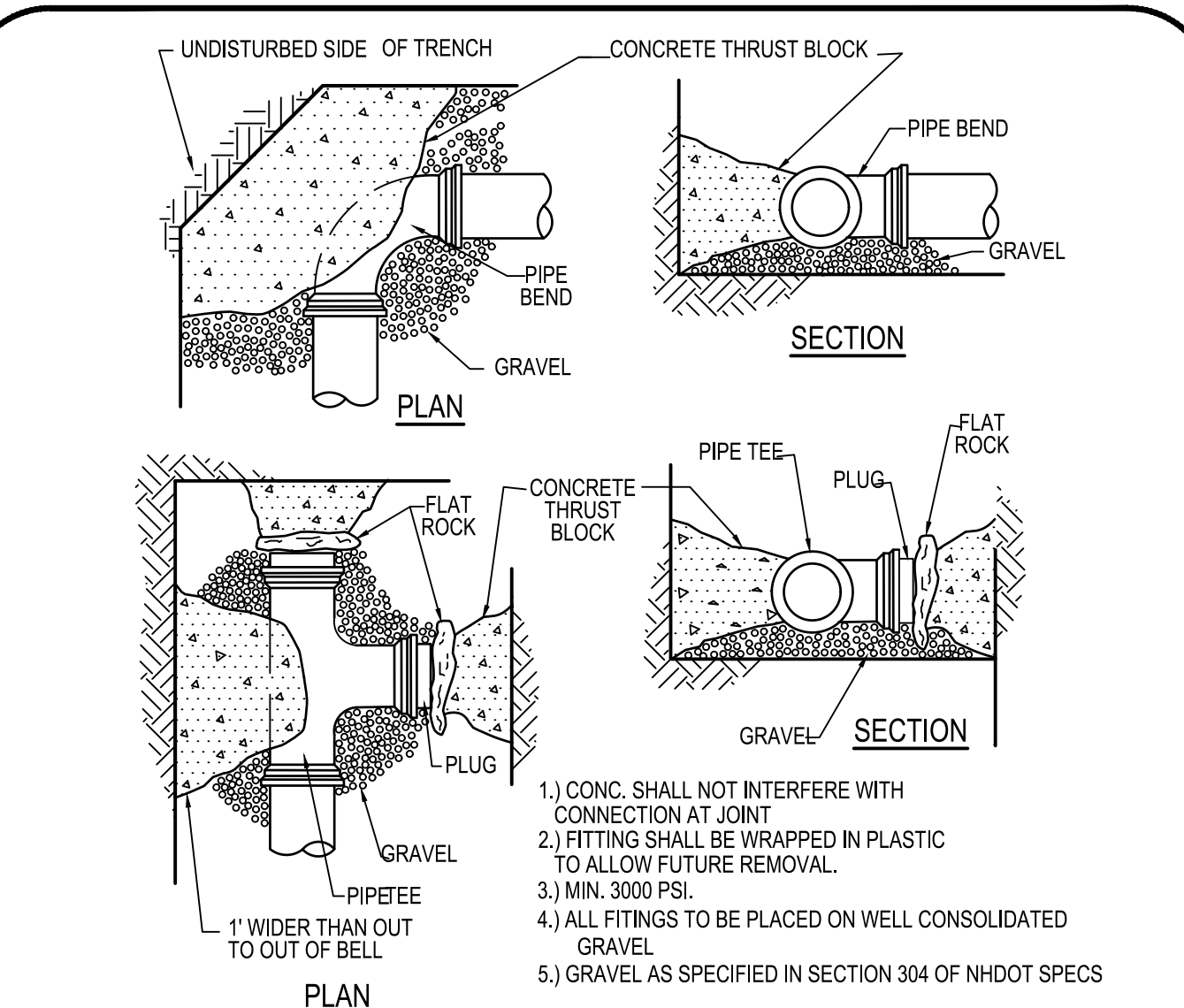


11 FIRE HYDRANT
NOT TO SCALE



- NOTE:
- SEE SITE PLAN FOR PIPE SIZES AND SERVICE.
 - WATER PIPE TO BE DUCTILE IRON (D.I.) CLASS 52
 - GRAVEL AS SPECIFIED IN SECTION 304 OF NHDOT SPECS

12 WATER TRENCH
NOT TO SCALE



- NOTES:
- CONC. SHALL NOT INTERFERE WITH CONNECTION AT JOINT
 - FITTING SHALL BE WRAPPED IN PLASTIC TO ALLOW FUTURE REMOVAL.
 - MIN. 3000 PSI.
 - ALL FITTINGS TO BE PLACED ON WELL CONSOLIDATED GRAVEL.
 - GRAVEL AS SPECIFIED IN SECTION 304 OF NHDOT SPECS

15 THRUST BLOCK PLACEMENT ON BENDS, TEES AND PLUGS
NOT TO SCALE

- NOTES:
- REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.

TOWN OF EXETER PLANNING BOARD
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 Phone: (978) 388-2157
 CONSULTING ENGINEERS &
 LAND SURVEYORS SINCE 1988
 www.gm2inc.com

Sheet Title:
DETAILS

Project Title:
Ray Farm Condominium
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Applicant/Owner:
Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

REVISION BLOCK			
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 DESIGN: D. HAMEL
 DRAWN: D. HAMEL
 CHECKED: D. GIANGRANDE
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 FILE: 16042 D.DT.DWG
 FBK:
 JOB #: 16042 D



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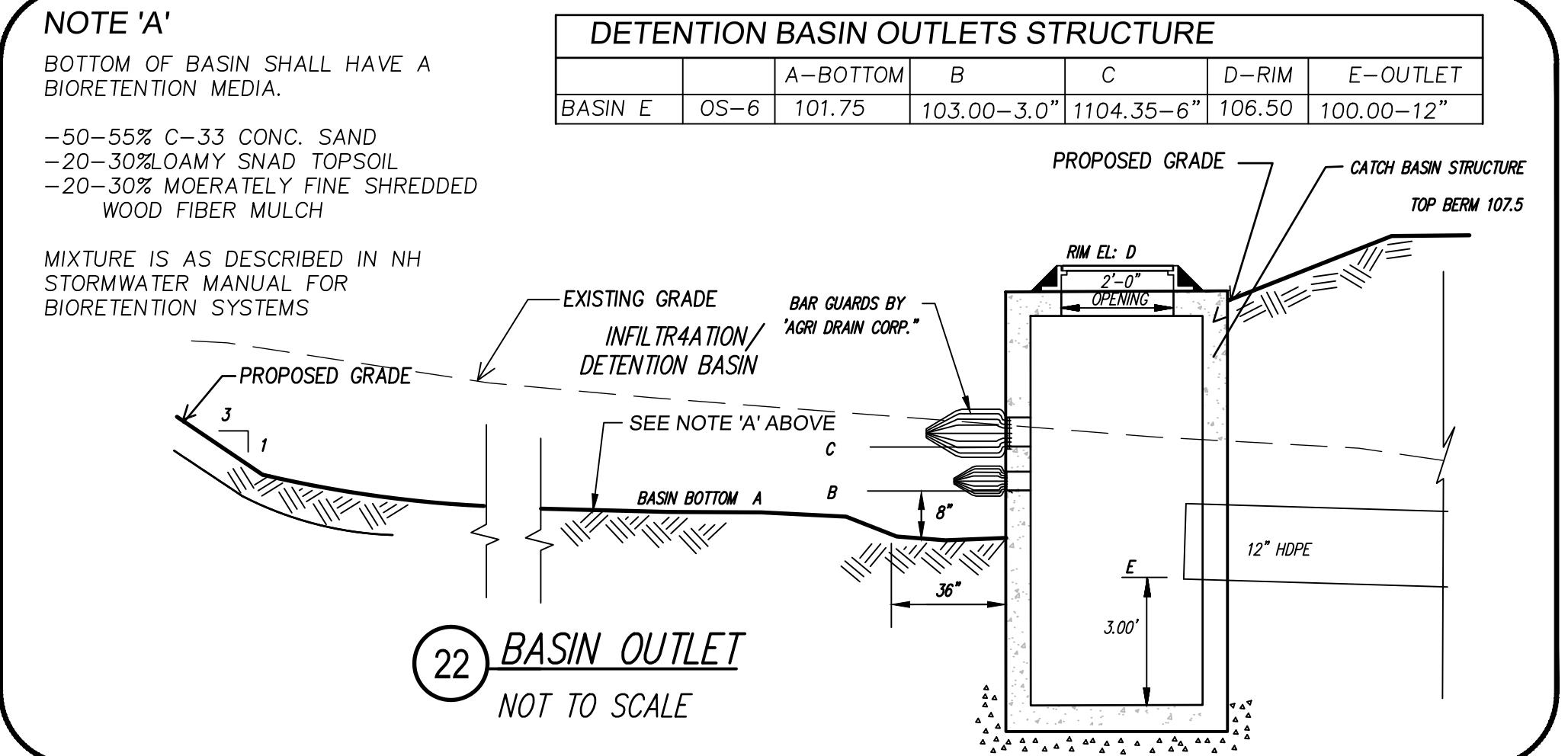
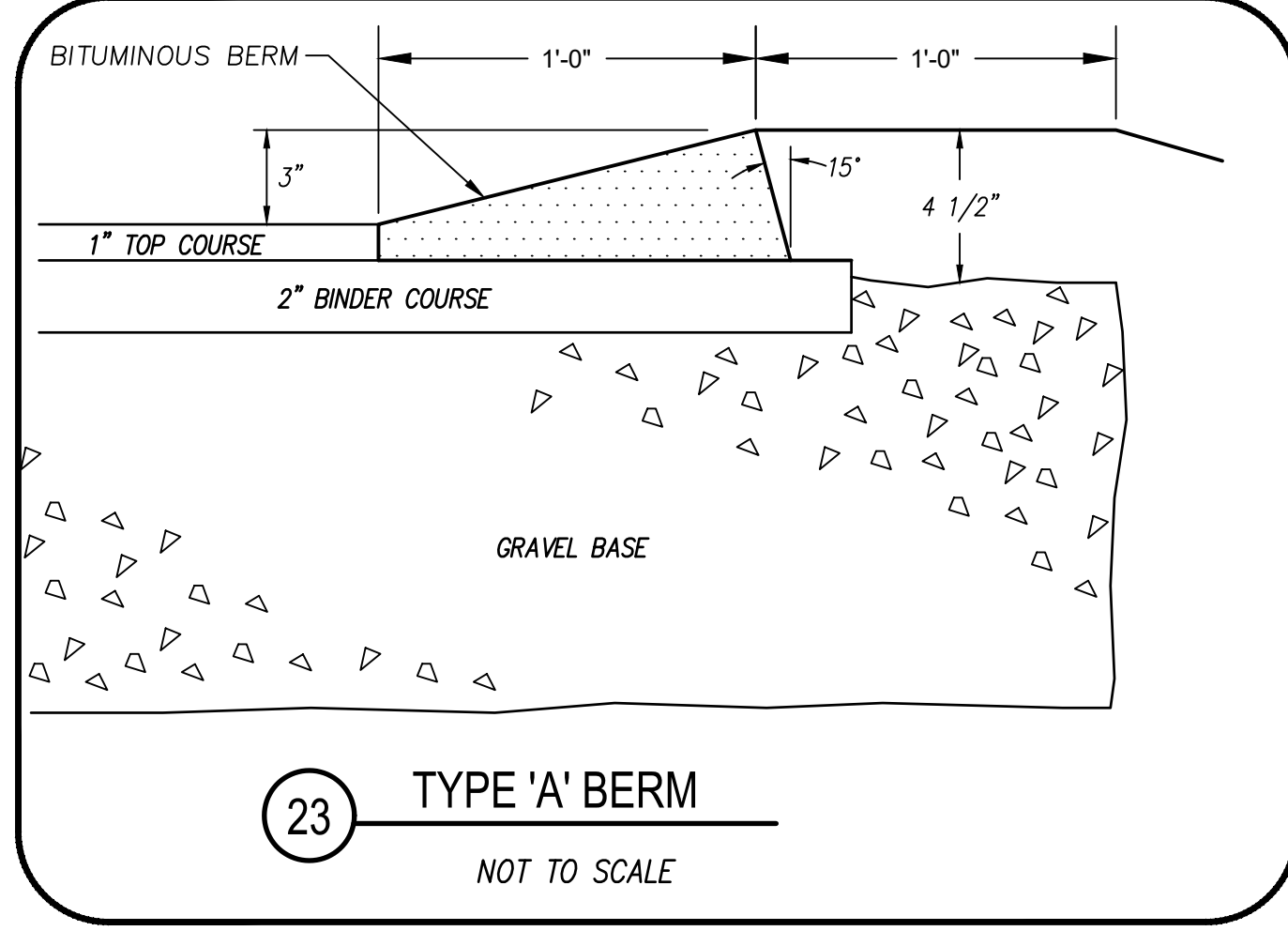
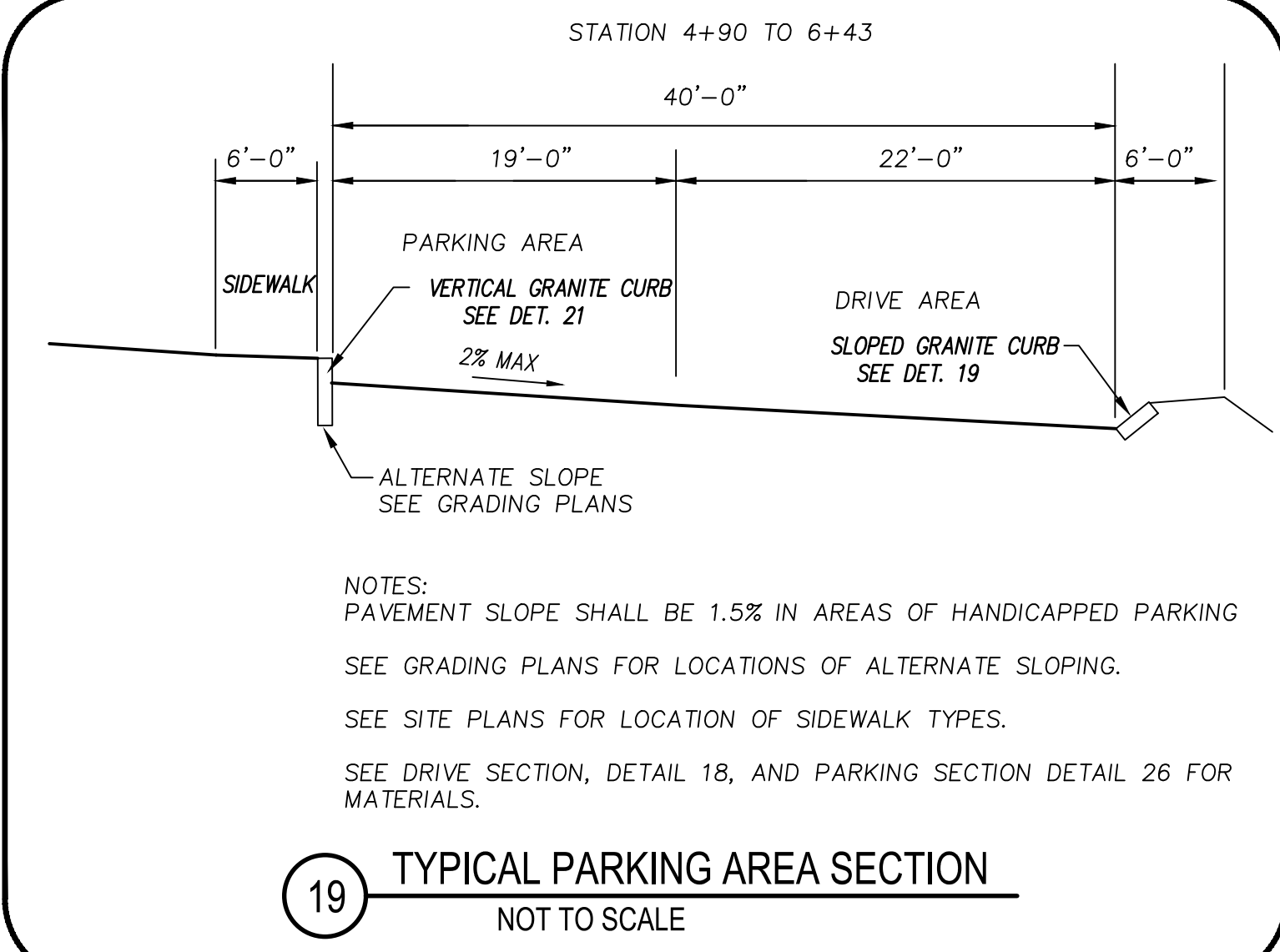
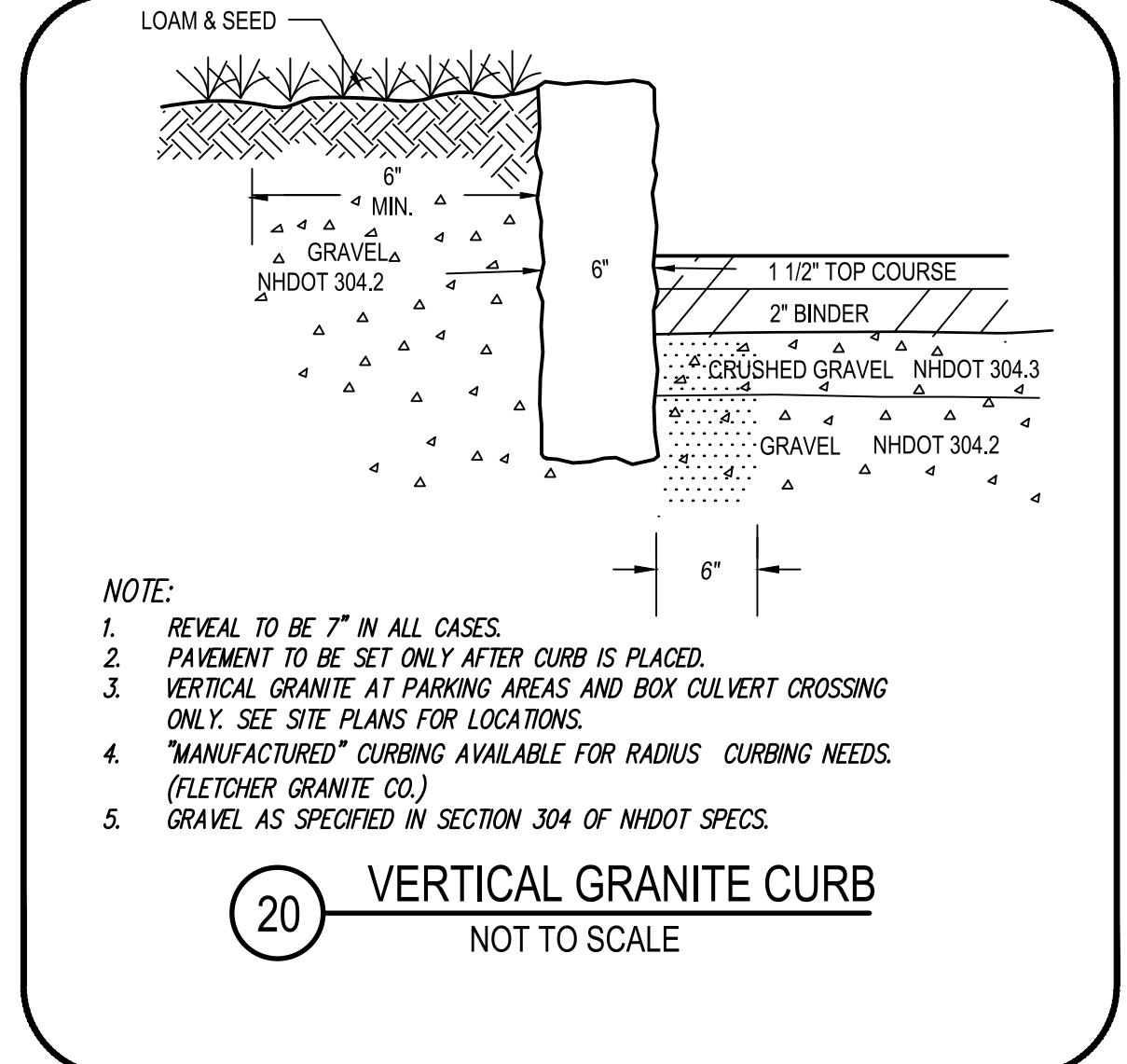
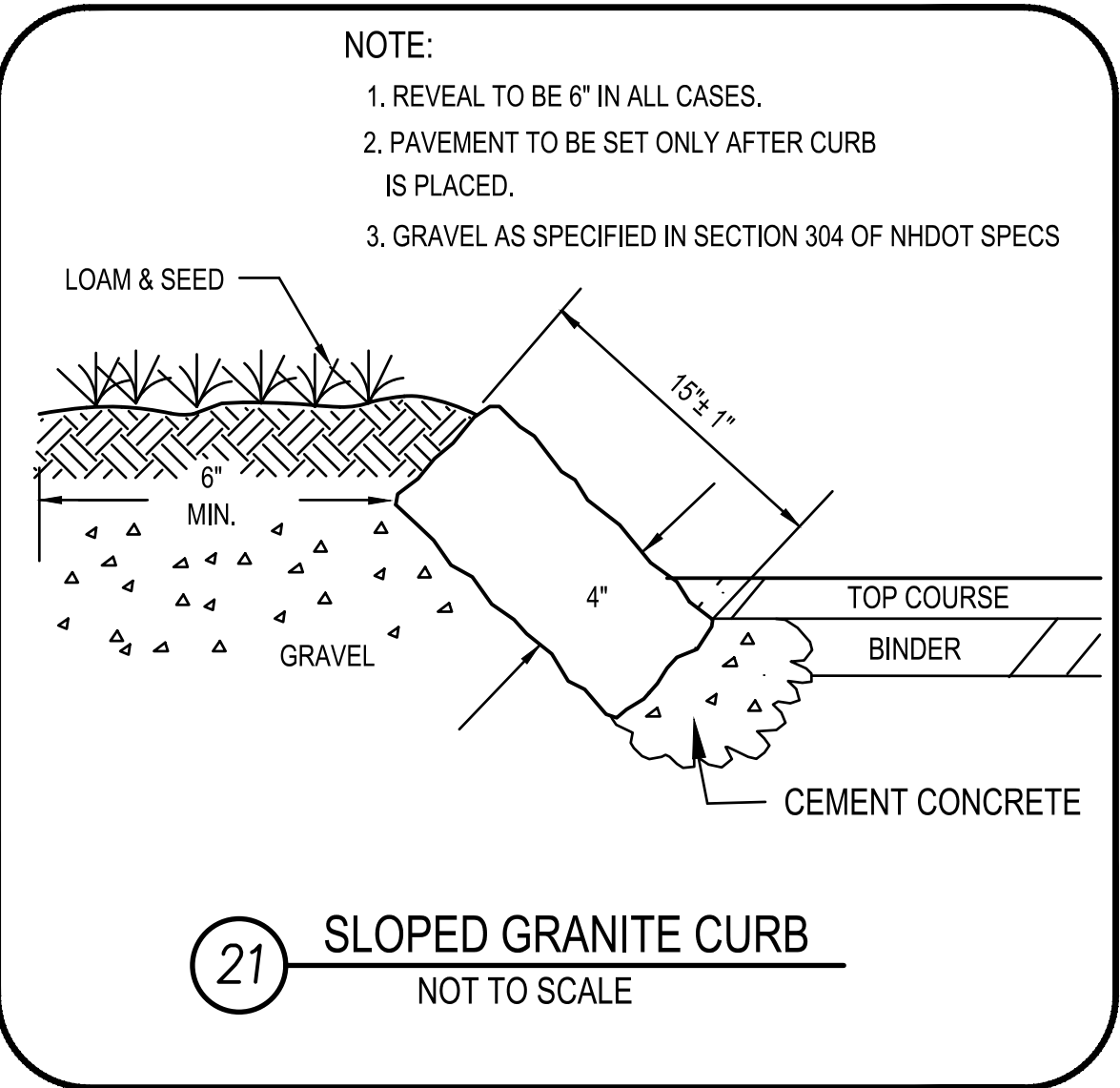
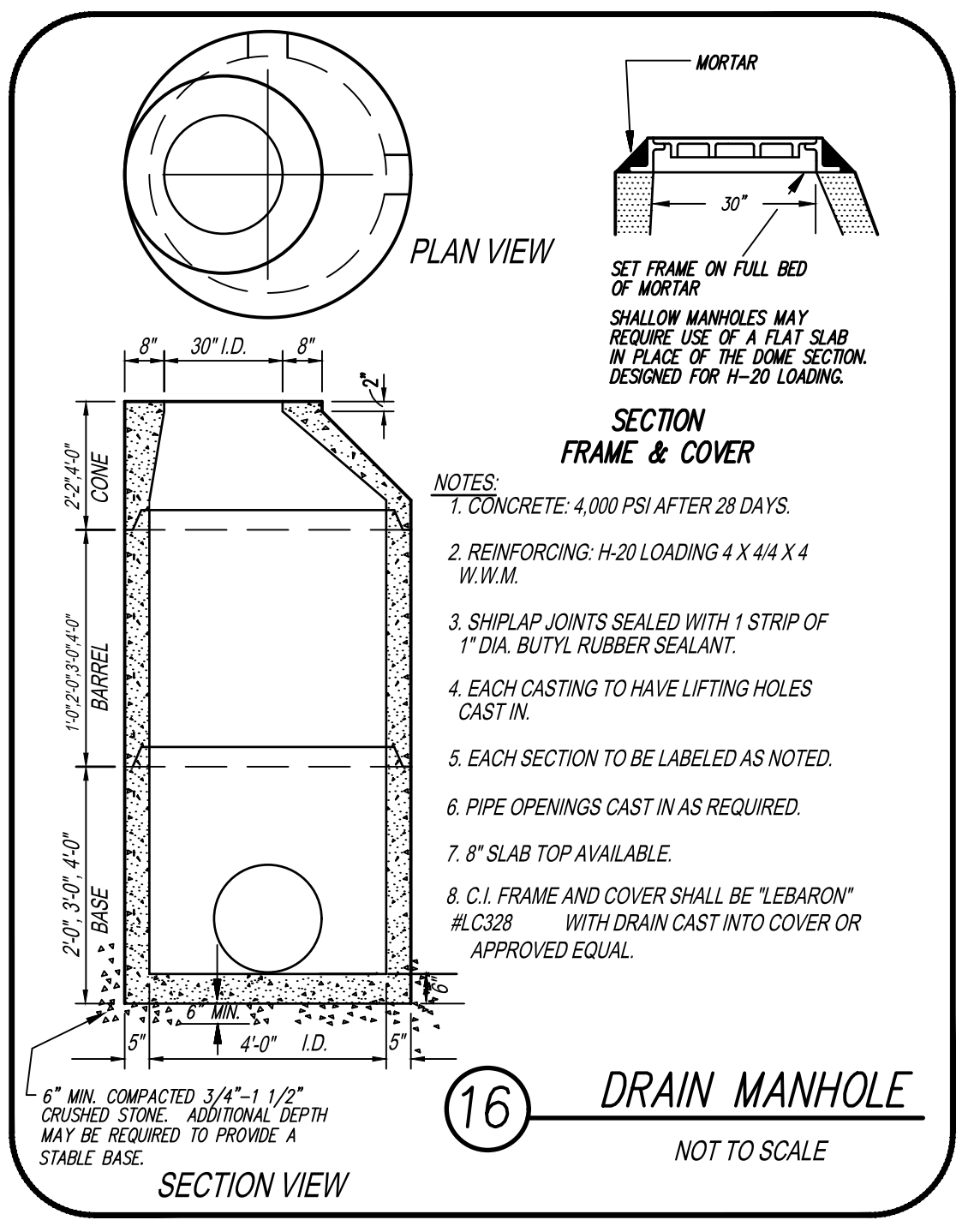
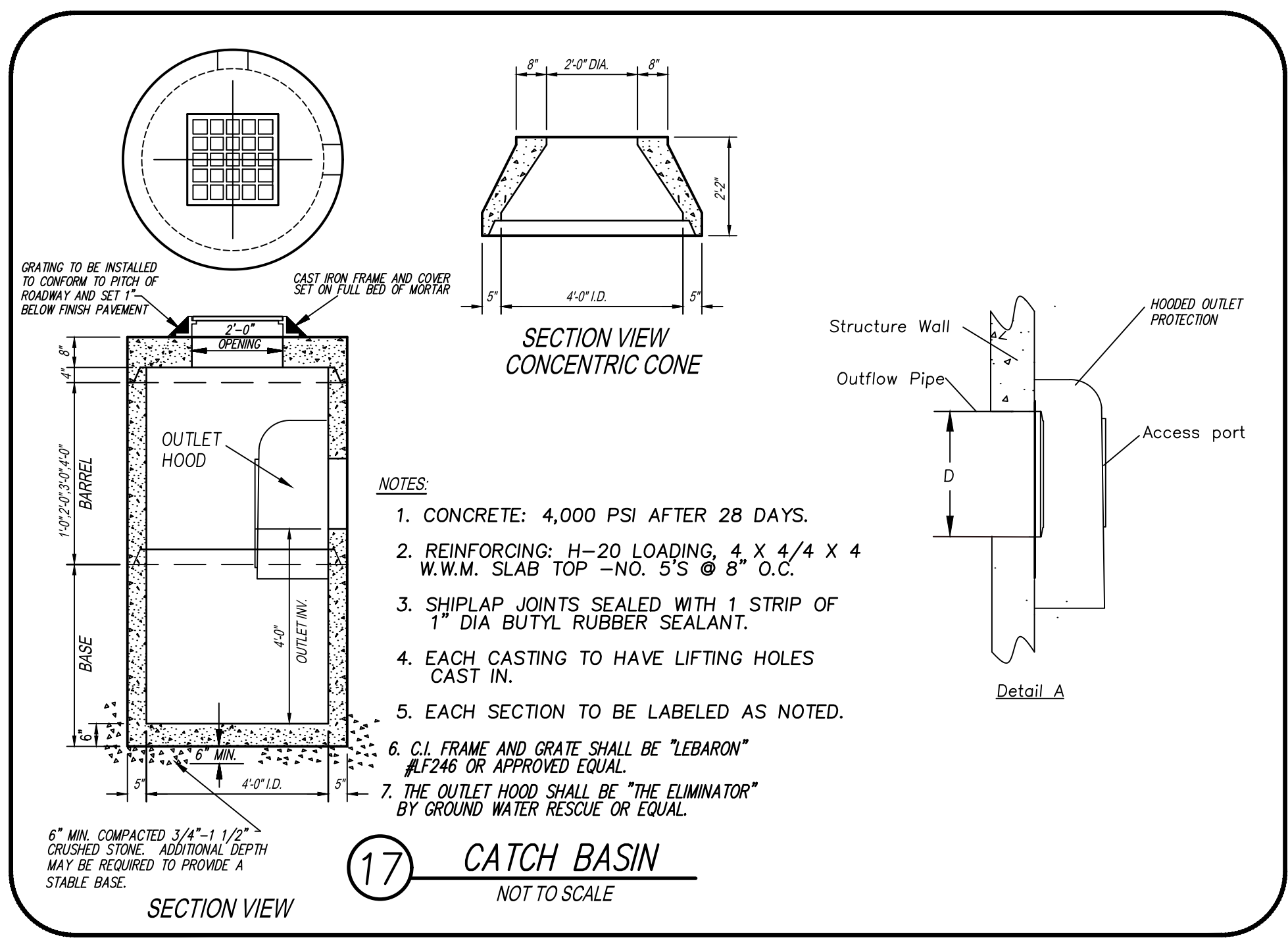
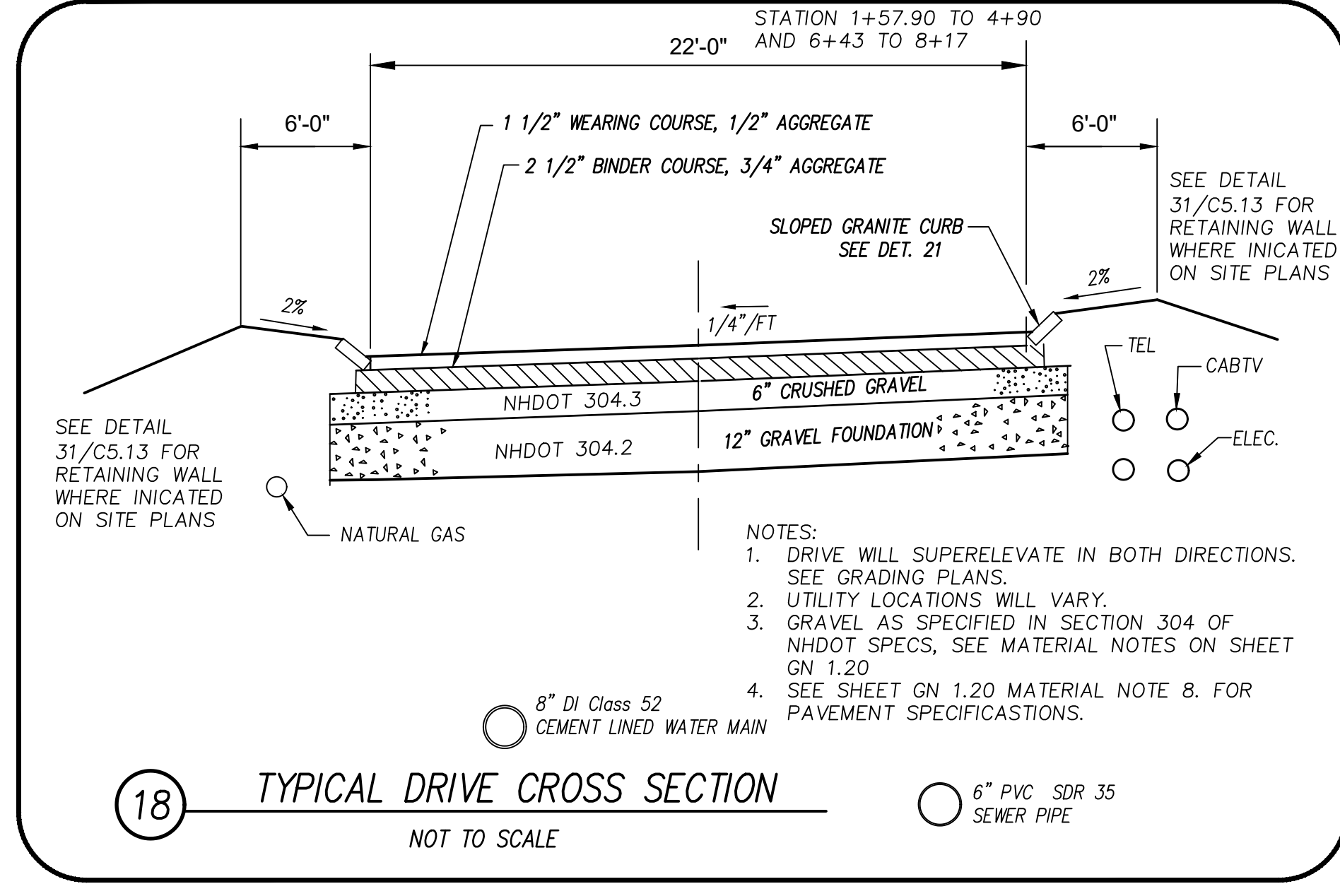
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TOWN OF EXETER PLANNING BOARD

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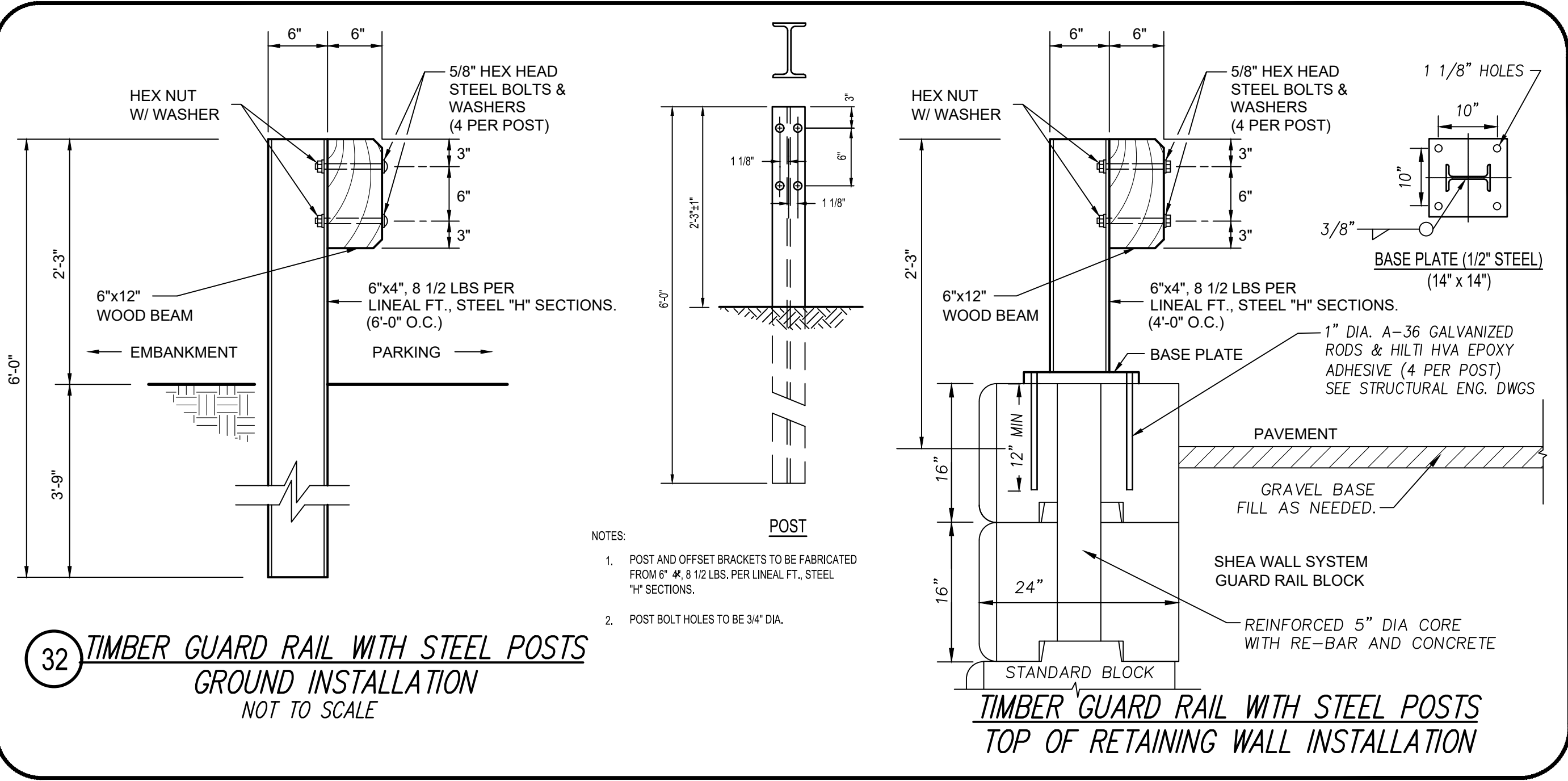
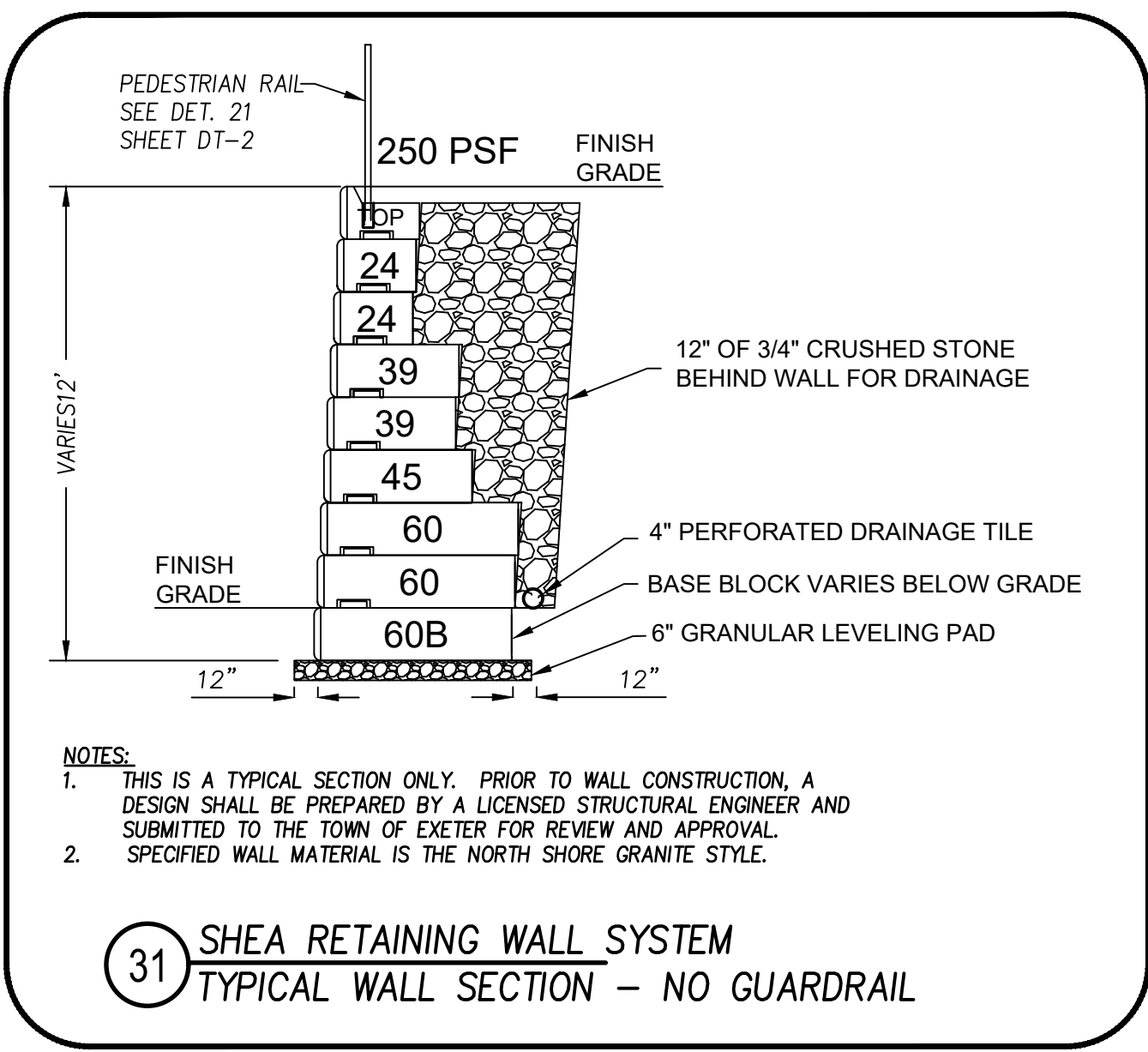
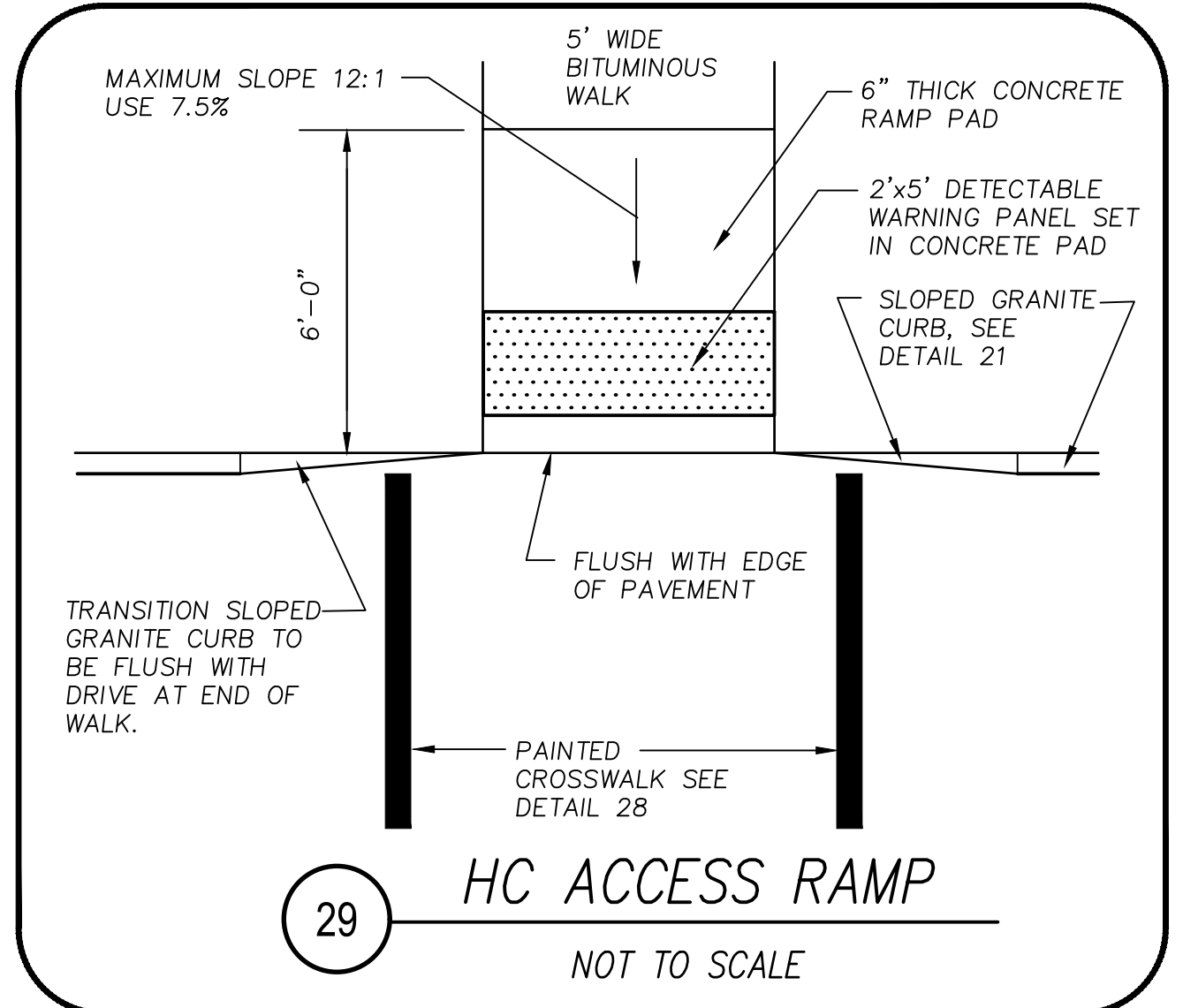
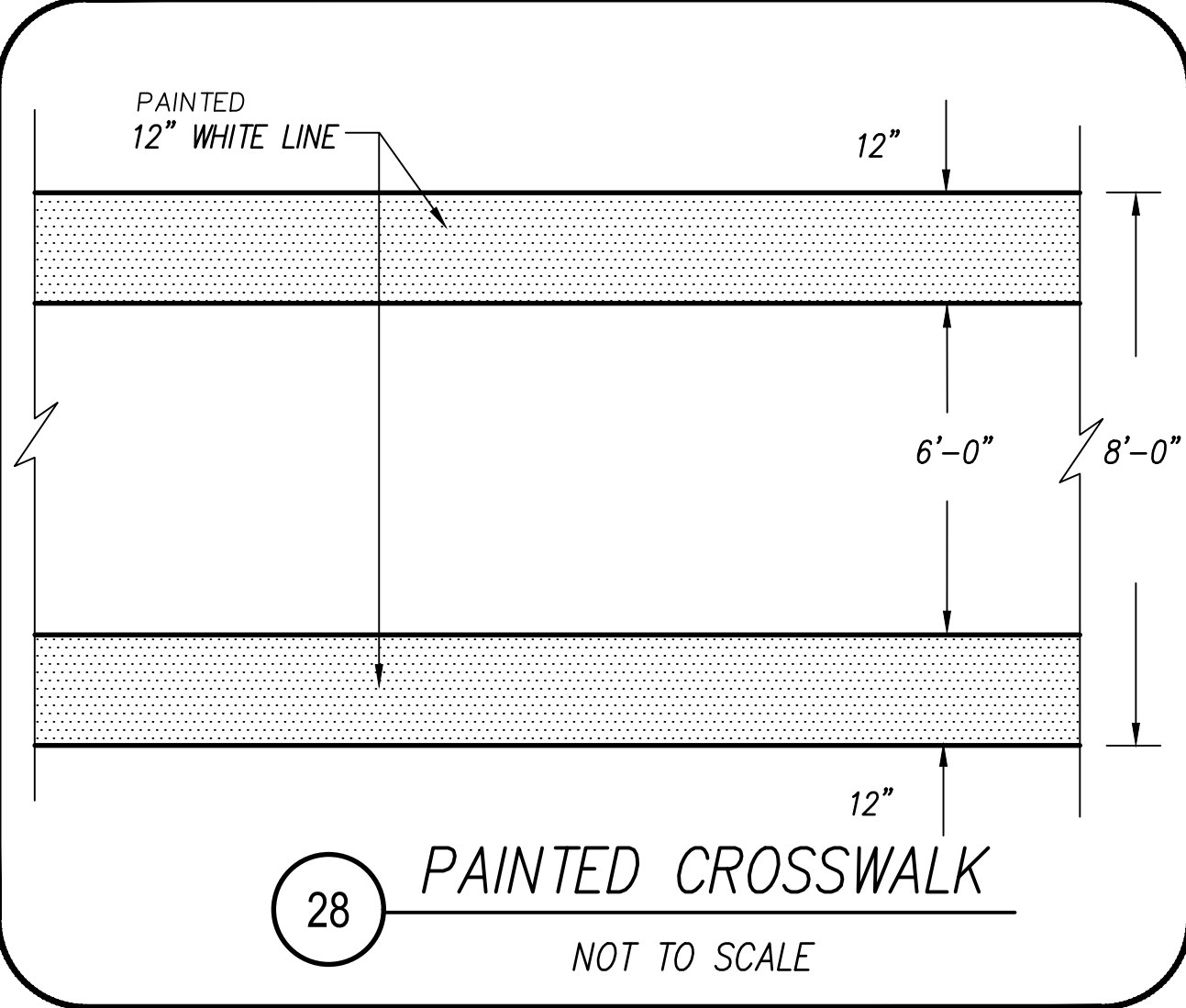
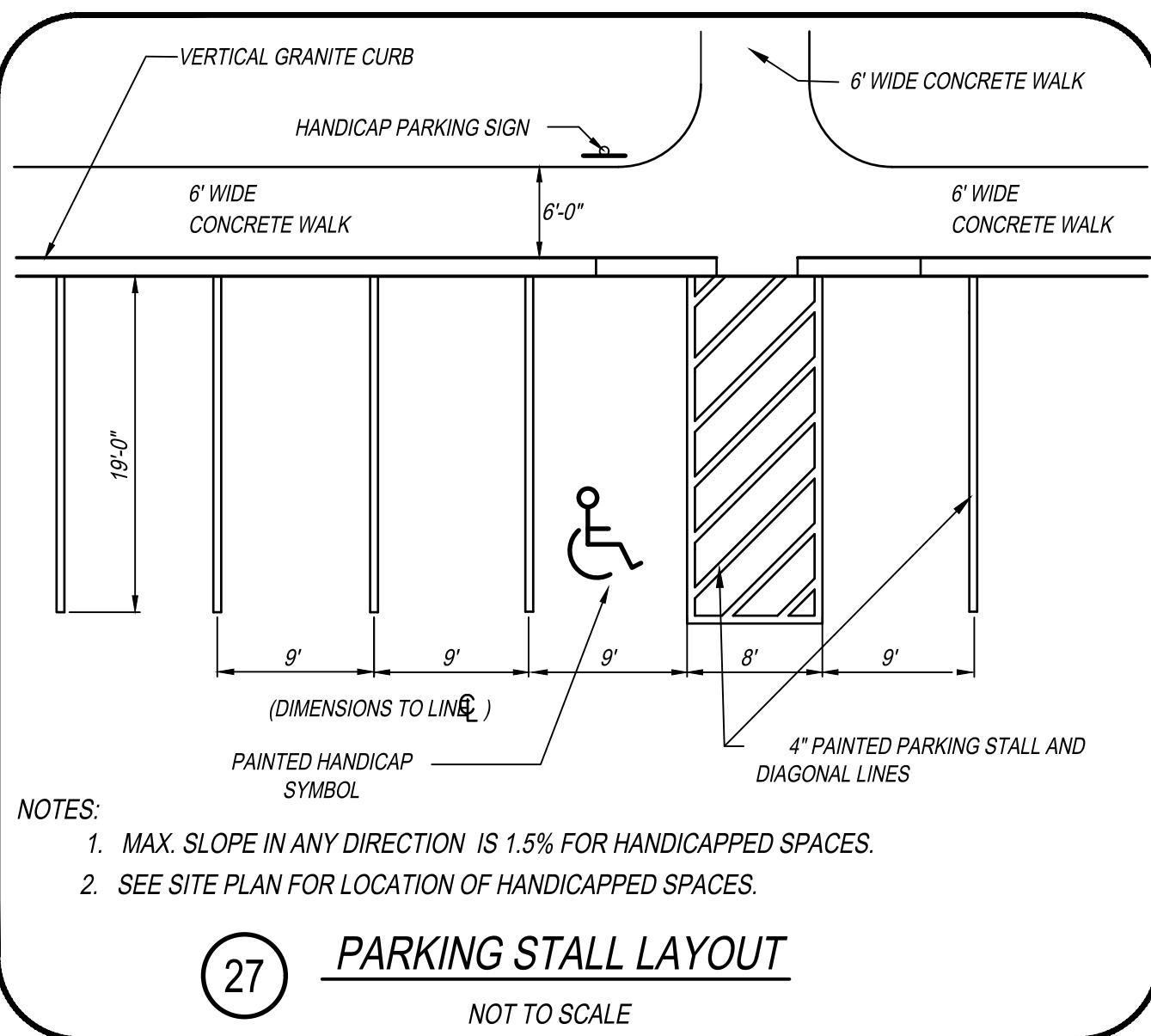
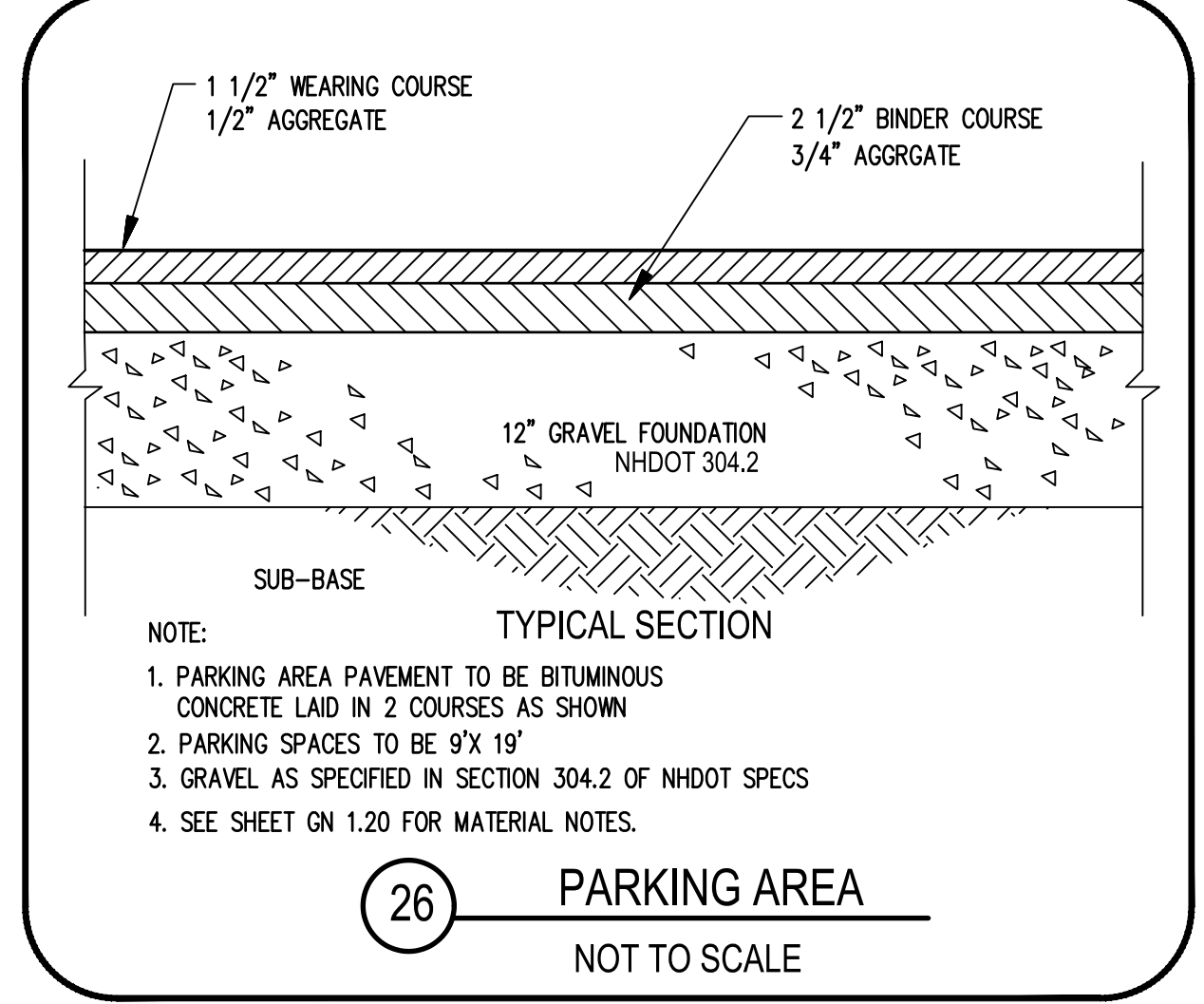
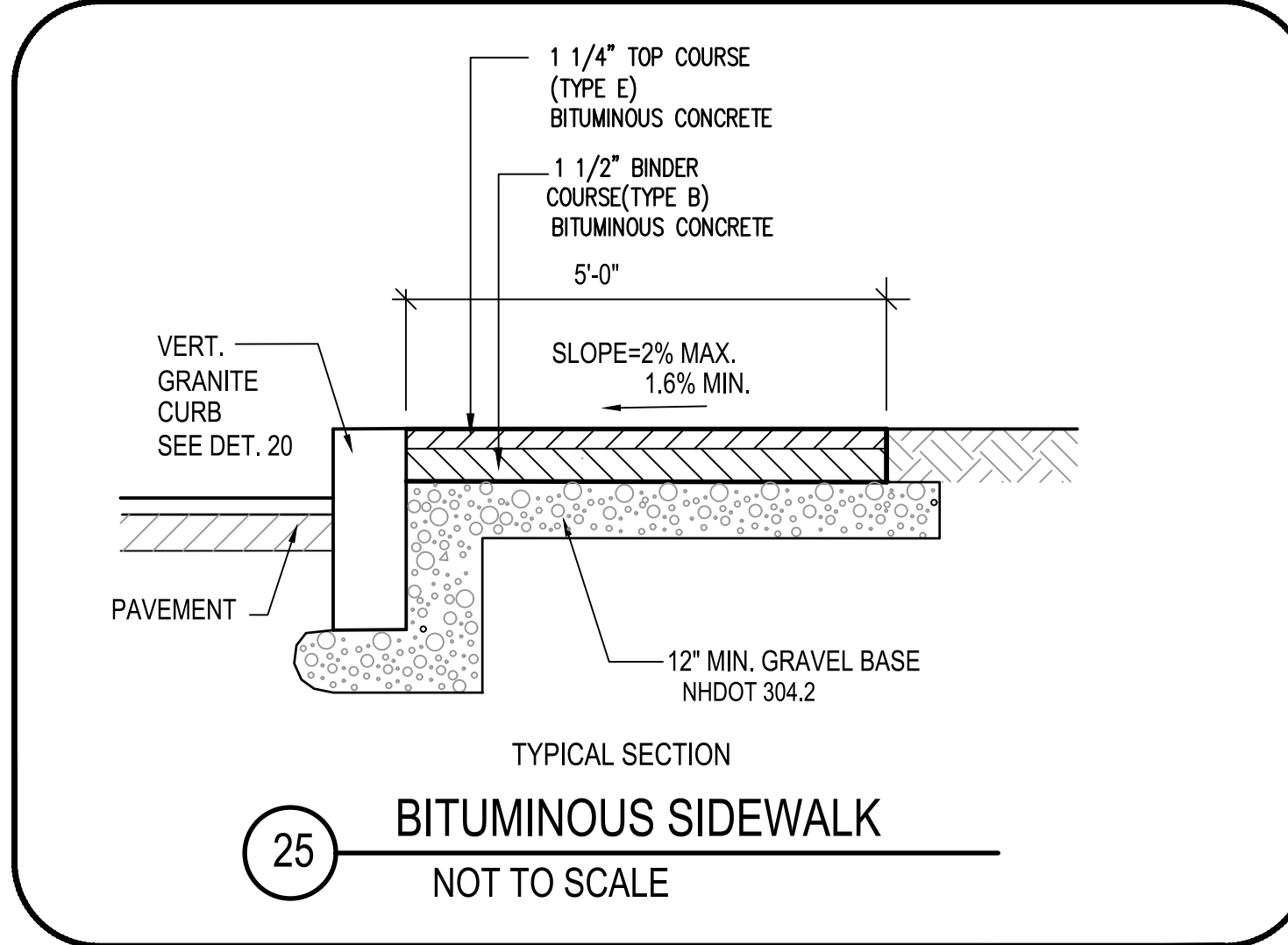
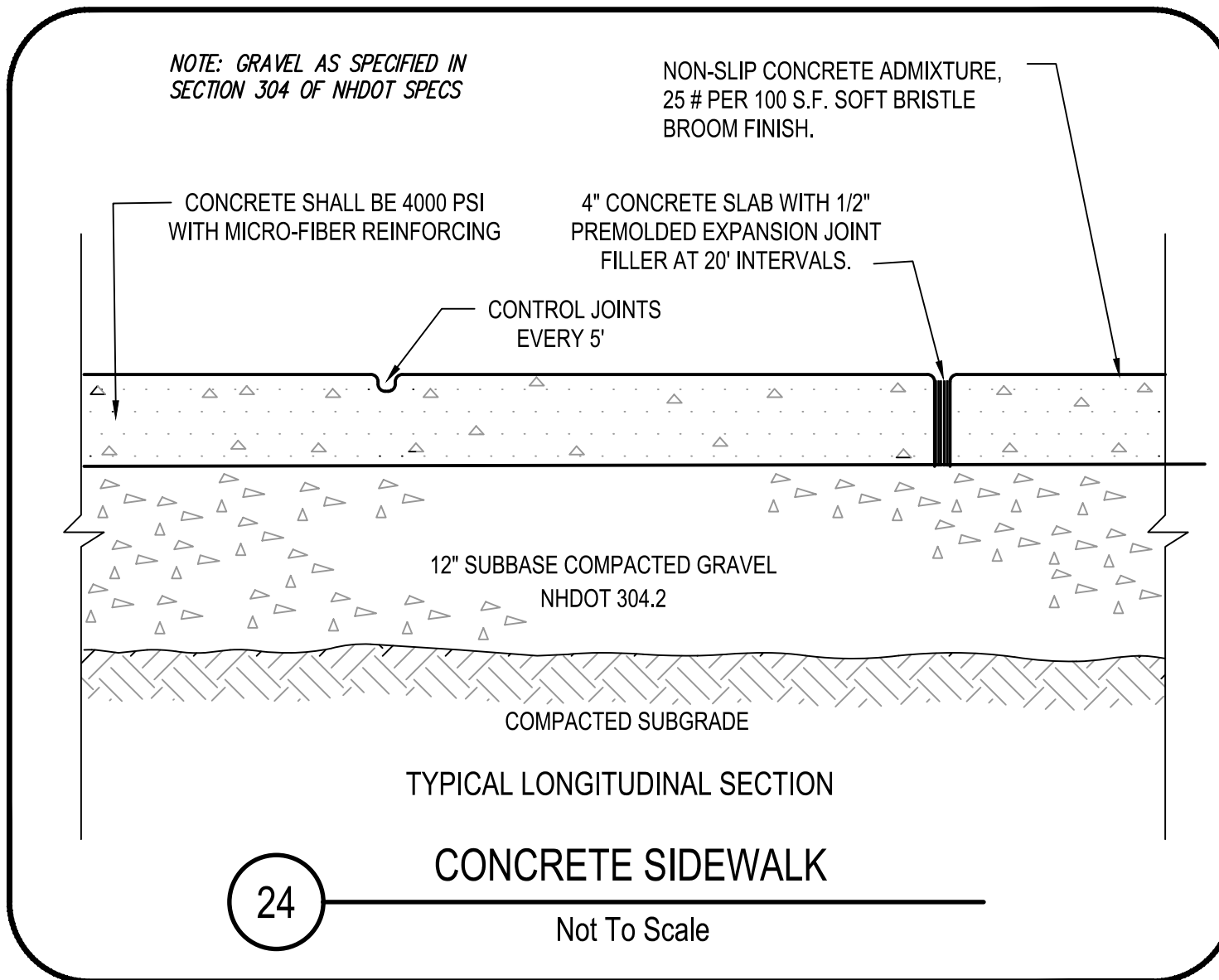
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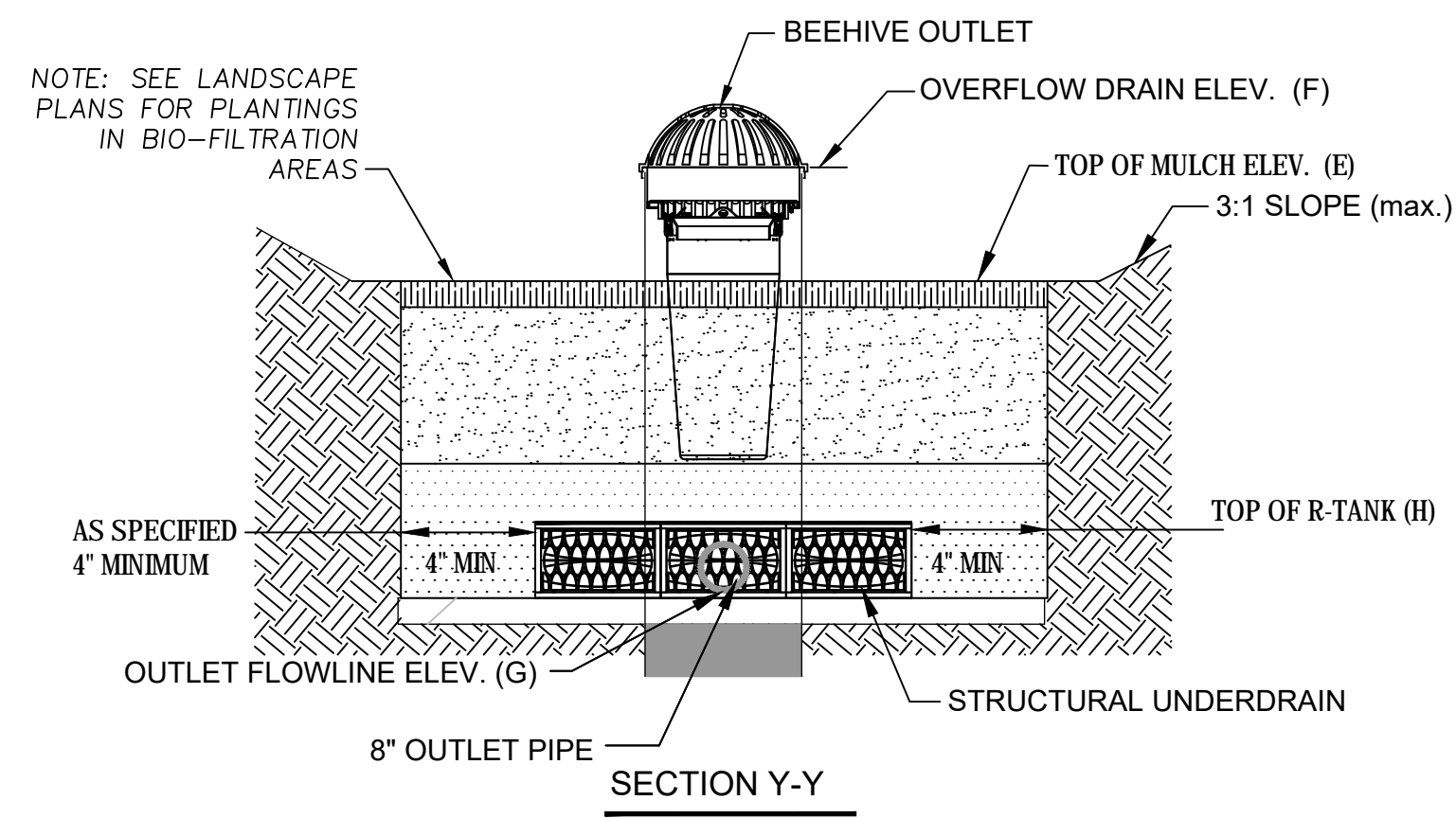
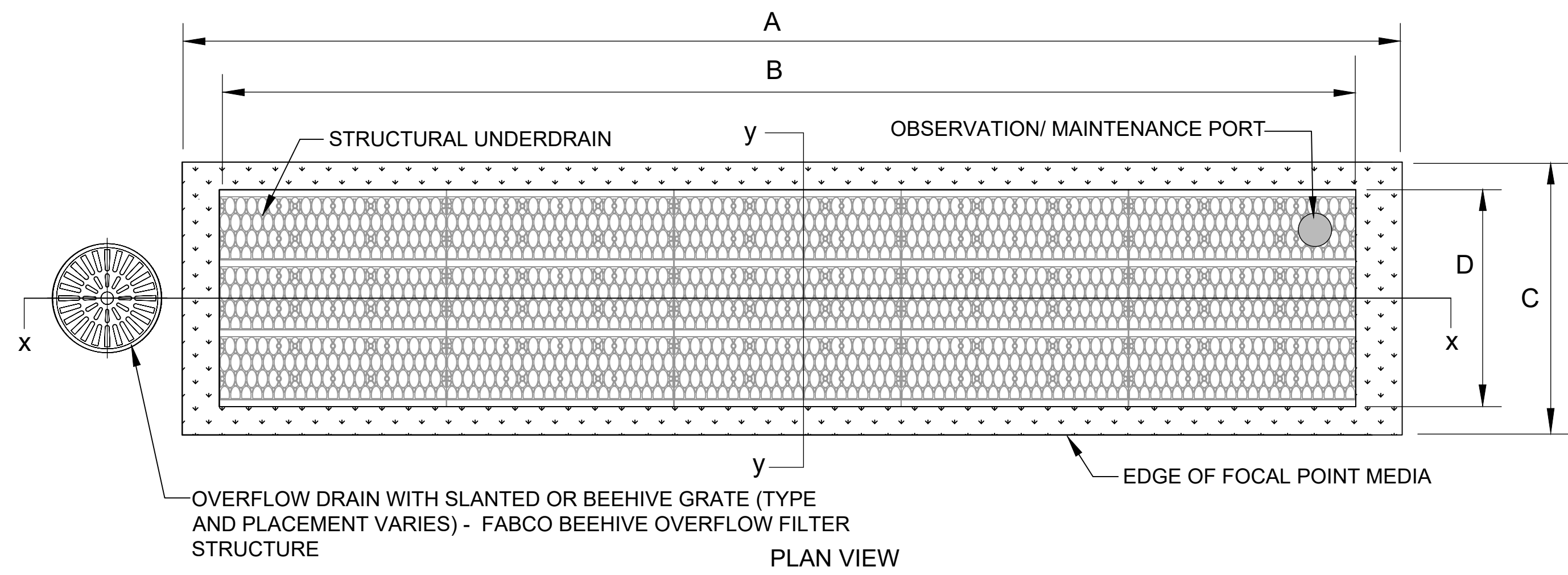
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33

BIO-FILTRATION SYSTEM "FOCAL POINT"

NOT TO SCALE

NOTE: PRODUCTS ON THIS SHEET ARE DISTRIBUTE BY "ACF ENVIRONMENTAL",
 -25-A PROGRESS AVENUE NASHUA, NH 03062 (603) 589-9255
 -23 FAITH DR. GORHAM, ME 04038 (207) 272 4431 CONTACT ROBERT WOODMAN

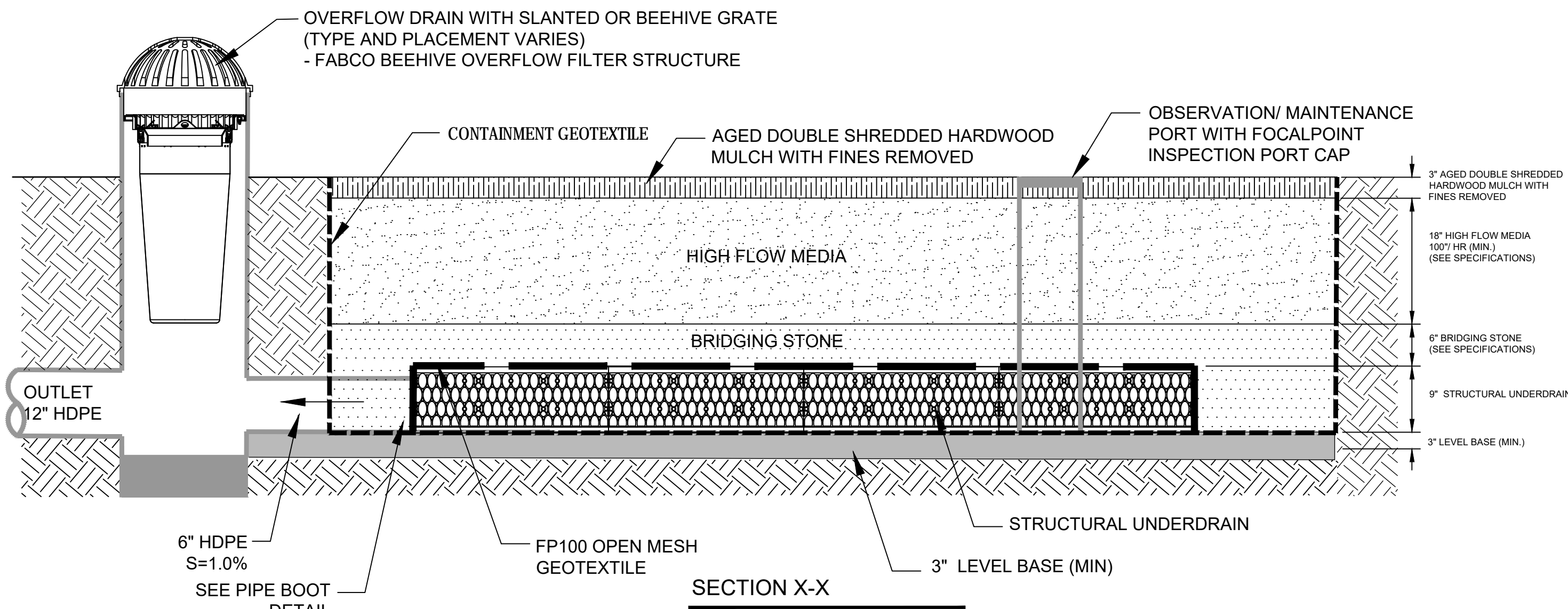


'BEEHIVE' OVERFLOW / OUTLET DATA

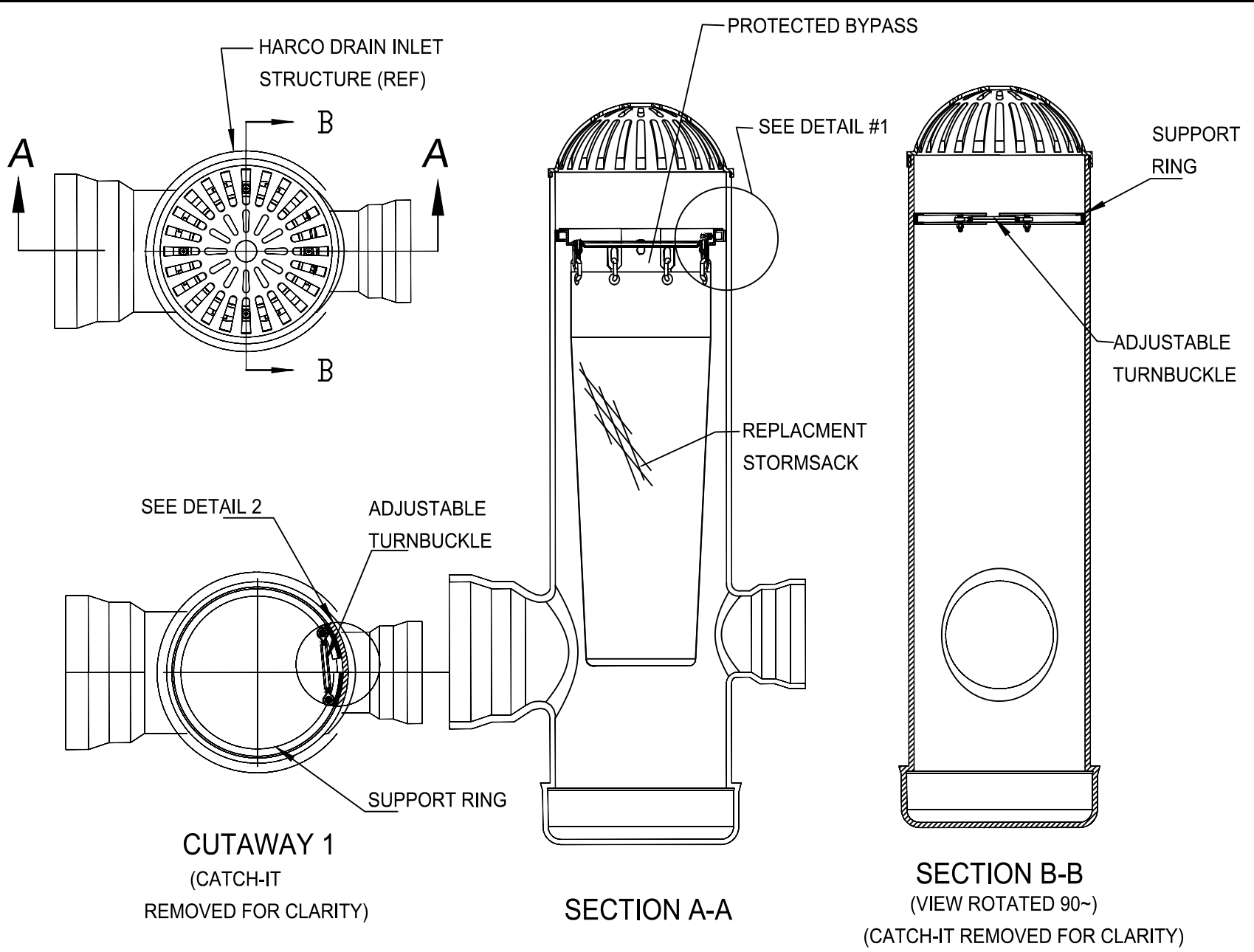
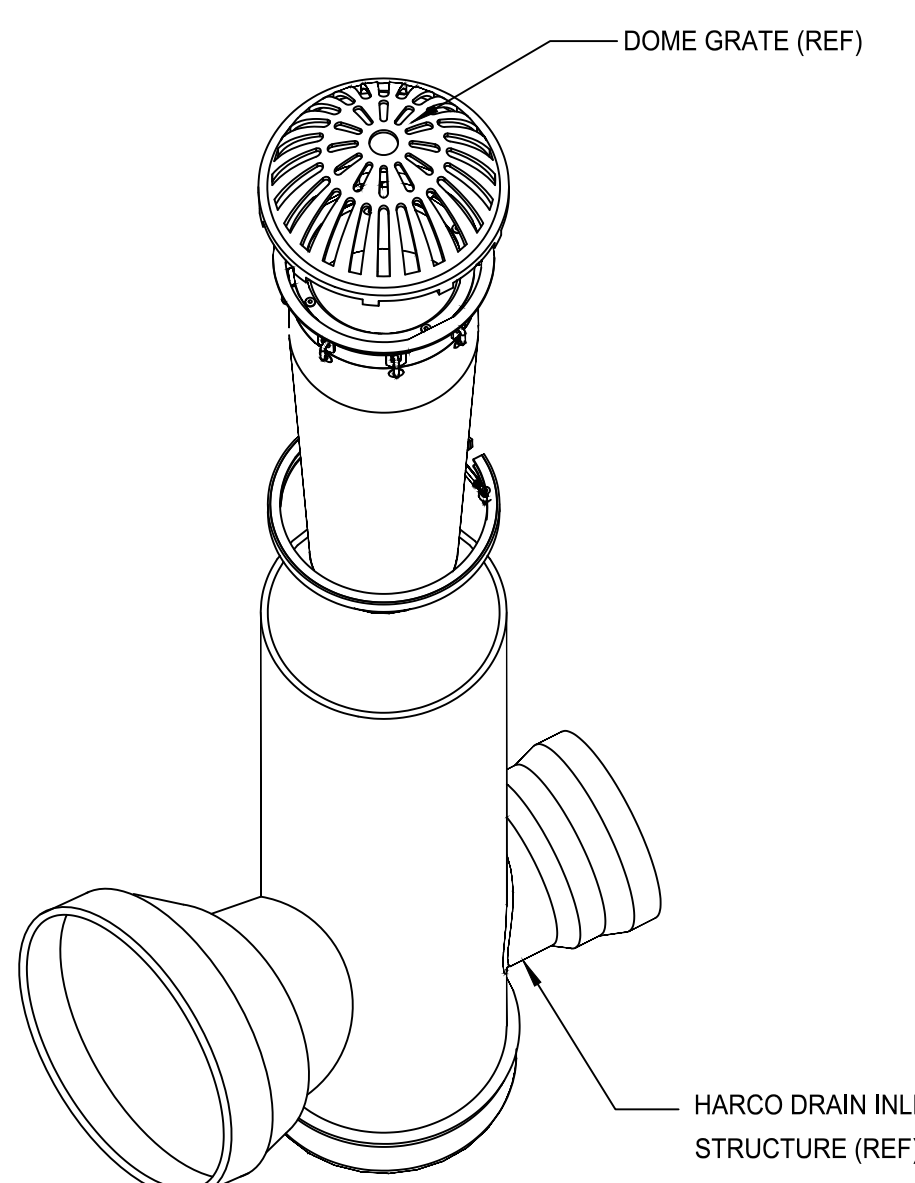
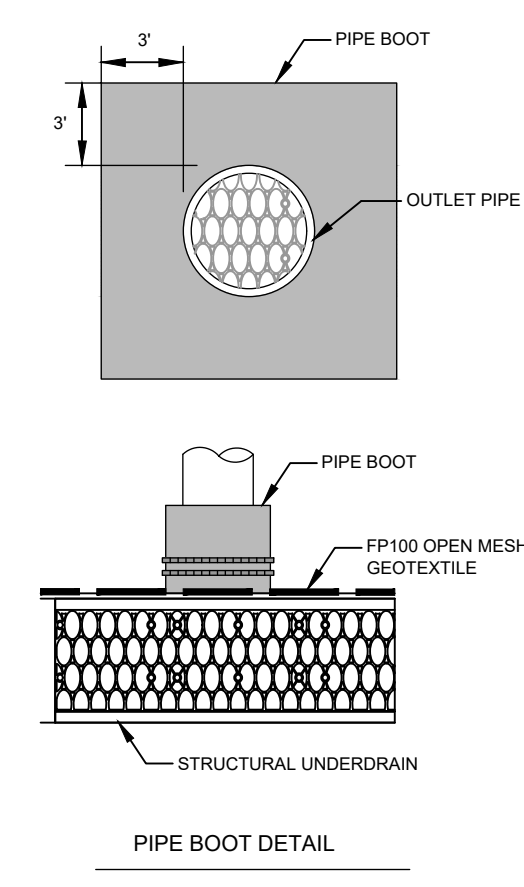
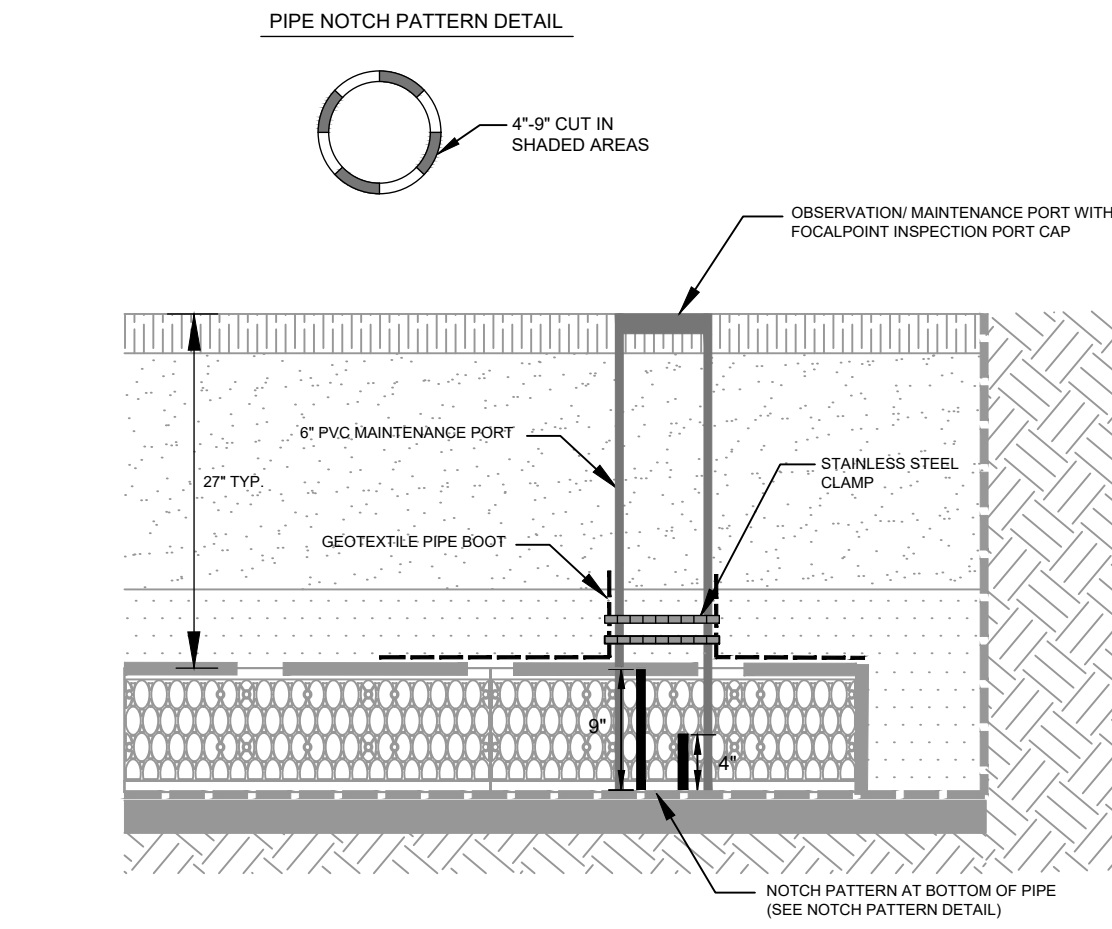
	DIA.	RIM ELEV. "F"	INLET/INV.	OUTLET/INV.
FP-11	12"	115.00	8"/111.00	8"/111.00
FP-12	12"	107.50	8"/104.00	8"/104.00

FOCAL POINT DATA

	A	B	C	D	E	F	G	H
FP-11	11.00'	9.38' (4 CHAMB)	8.00'	6.56' (5 CHAMB.)	114.20	115.00	111.00	111.95
FP-12	12.00'	9.38' (4 CHAMB)	9.00'	7.87' (6 CHAMB.)	107.00	107.50	104.00	104.75



OBSERVATION / MAINTENANCE PORT



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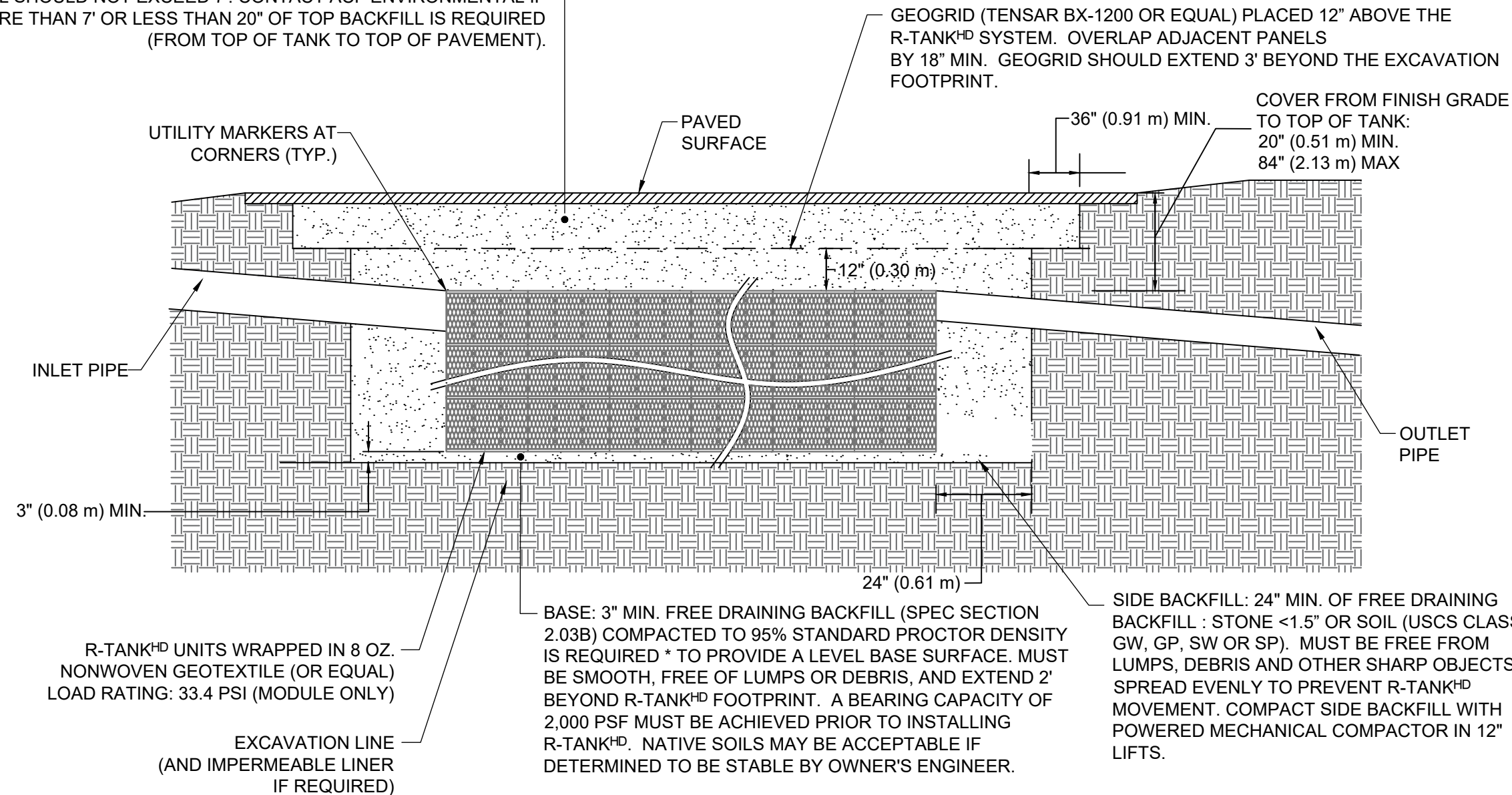
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TOTAL COVER: 20" MINIMUM AND 84" MAXIMUM. FIRST 12" MUST BE FREE DRAINING BACKFILL: STONE <1.5" OR SOIL (USCS CLASS GW, GP, SW OR SP). ADDITIONAL FILL MAY BE STRUCTURAL FILL (SPEC SECTION 2.03C) STONE OR SOIL (USCS CLASS SM, SP, SW, GM, GP OR GW) WITH MAX CLAY CONTENT <10%, MAX 25% PASSING NO. 200 SIEVE, AND MAX PLASTICITY INDEX OF 4. A MIN. 12" COVER MUST BE MAINTAINED BETWEEN BACKFILL EQUIPMENT AND THE TOP OF THE R-TANK™ SYSTEM AT ALL TIMES. TOTAL HEIGHT OF TOP BACKFILL SHOULD NOT EXCEED 7' OR LESS THAN 20" OF TOP BACKFILL IS REQUIRED (FROM TOP OF TANK TO TOP OF PAVEMENT).

NOTES:

- FOR COMPLETE MODULE DATA, SEE APPROPRIATE R-TANK® MODULE SHEET
- INSTALLATIONS PER THIS DETAIL MEET GUIDELINES OF H20 LOADING PER THE 1983, 13TH EDITION OF THE AMERICAN ASSOCIATION OF STATE, HIGHWAY AND TRAFFIC OFFICIALS (AASHTO) STANDARD SPECIFICATIONS
- PRE-TREATMENT STRUCTURES NOT SHOWN



* FOR INFILTRATION APPLICATIONS, BASE SHALL BE 4" MIN. UNCOMPACTED FREE DRAINING BACKFILL (SPEC SECTION 2.03B) TO PROVIDE A LEVEL BASE SURFACE. MUST BE SMOOTH, FREE OF LUMPS OR DEBRIS, AND EXTEND 2' BEYOND R-TANK® FOOTPRINT. A BEARING CAPACITY OF 2,000 PSF MUST BE ACHIEVED PRIOR TO INSTALLING R-TANK®.



R-TANK^{HD} - HS-20 LOADS

AUG 2016 REV

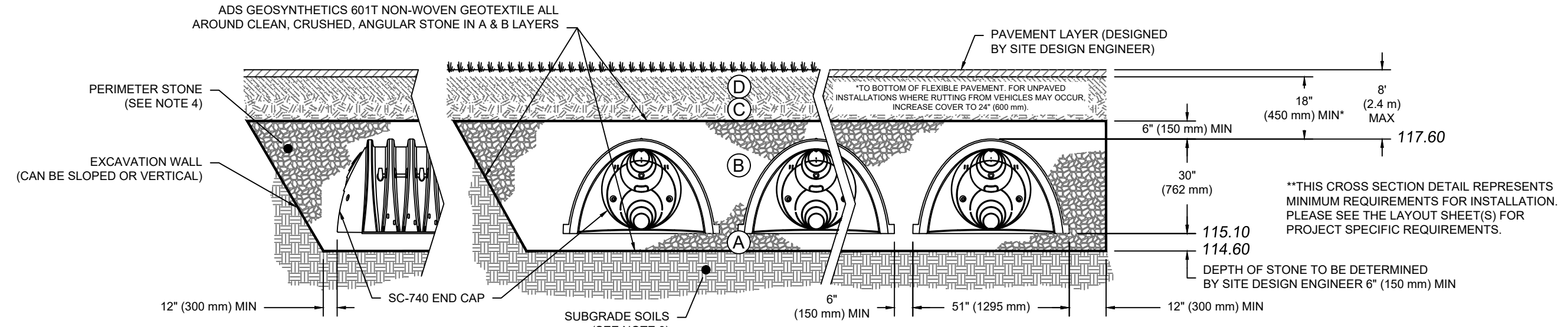
FOR ADDITIONAL INFORMATION PLEASE CONTACT: ACF ENVIRONMENTAL, 1-800-448-3636, www.acfenvironmental.com

ACCEPTABLE FILL MATERIALS: STORMTECH SC-740 CHAMBER SYSTEMS

MATERIAL LOCATION	DESCRIPTION	AASHTO MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENT
D	FINAL FILL: FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER.	N/A	PREPARE PER SITE DESIGN ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.
C	INITIAL FILL: FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE ('B' LAYER) TO 18" (450 mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER.	GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES OR PROCESSED AGGREGATE. MOST PAVEMENT SUBBASE MATERIALS CAN BE USED IN LIEU OF THIS LAYER.	BEGIN COMPACTIONS AFTER 12" (300 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 6" (150 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 lbs (53 kN). DYNAMIC FORCE NOT TO EXCEED 20,000 lbs (89 kN).
B	EMBEDMENT STONE: FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE ('A' LAYER) TO THE 'C' LAYER ABOVE.	CLEAN, CRUSHED, ANGULAR STONE	NO COMPACTION REQUIRED.
A	FOUNDATION STONE: FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.	CLEAN, CRUSHED, ANGULAR STONE	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. ^{2,3}

PLEASE NOTE:

- THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (AASHTO M43) STONE".
- STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 6" (150 mm) (MAX) LIFTS USING TWO FULL COVERAGES WITH A VIBRATORY COMPACTOR.
- WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAKING OR DRAGGING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.
- ONCE LAYER 'C' IS PLACED, ANY SOIL/MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.

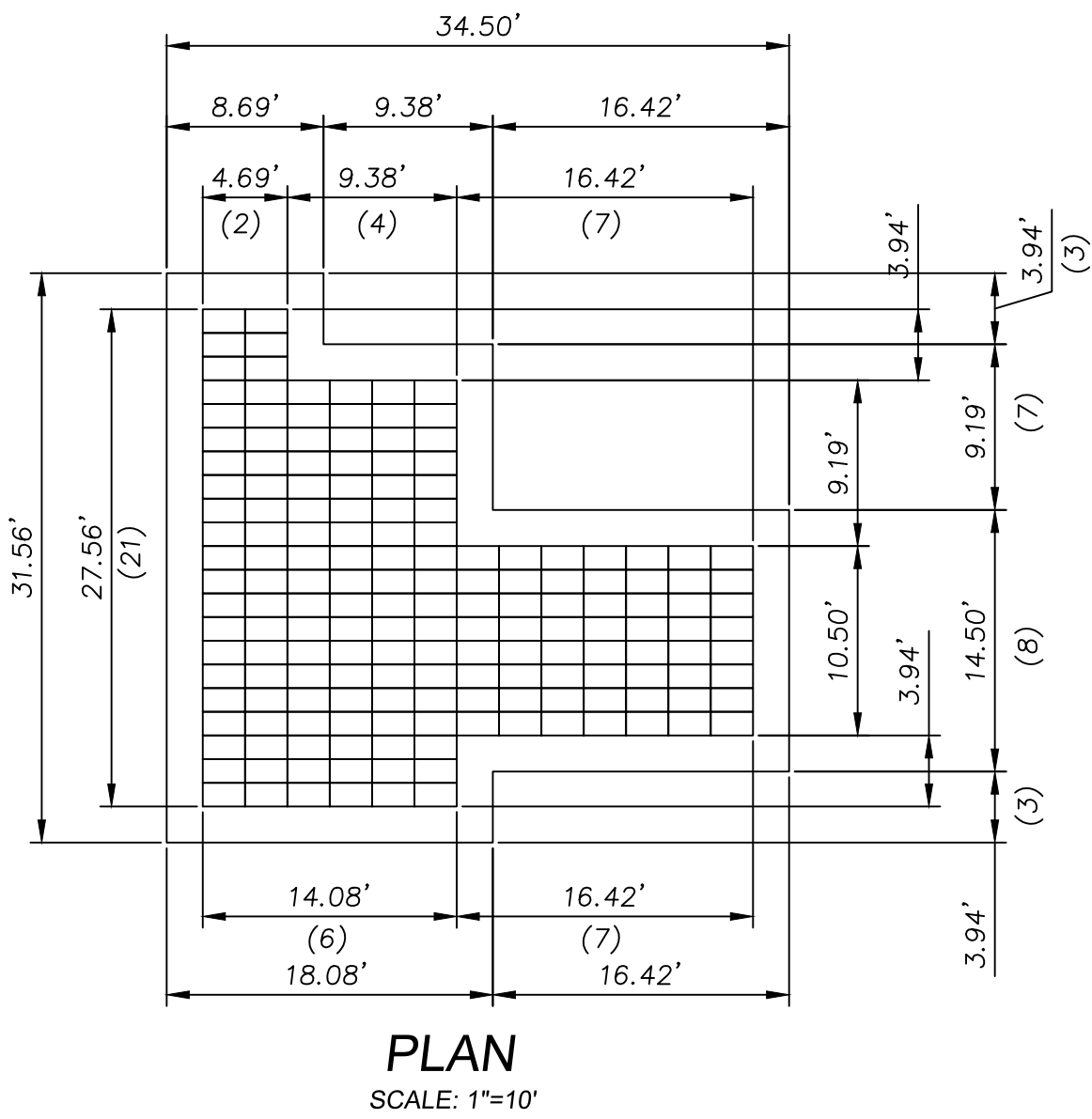


NOTES:

- CHAMBERS SHALL MEET THE REQUIREMENTS OF ASTM F2418-16a, "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- SC-740 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
- PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
- REQUIREMENTS FOR HANDLING AND INSTALLATION:
 - TO MAINTAIN THE WIDTH OF CHAMBERS DURING SHIPPING AND HANDLING, CHAMBERS SHALL HAVE INTEGRAL, INTERLOCKING STACKING LUGS.
 - TO ENSURE A SECURE JOINT DURING INSTALLATION AND BACKFILL, THE HEIGHT OF THE CHAMBER JOINT SHALL NOT BE LESS THAN 2".
 - TO ENSURE THE INTEGRITY OF THE ARCH SHAPE DURING INSTALLATION, a) THE ARCH STIFFNESS CONSTANT AS DEFINED IN SECTION 6.2.8 OF ASTM F2418 SHALL BE GREATER THAN OR EQUAL TO 650 LBS(IN) AND b) TO RESIST CHAMBER DEFORMATION DURING INSTALLATION AT ELEVATED TEMPERATURES (ABOVE 73° F / 23° C), CHAMBERS SHALL BE PRODUCED FROM REFLECTIVE GOLD OR YELLOW COLORS.

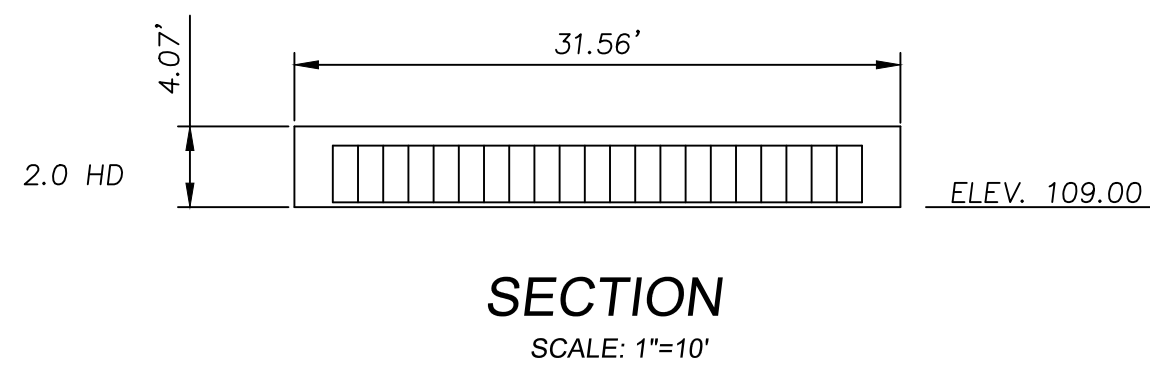
CONSTRUCTION NOTES:

- SUBSURFACE INFILTRATION CHAMBER BASINS:**
- DO NOT ALLOW CONSTRUCTION TRAFFIC ON EXPOSED SOIL SURFACE IN AREA OF THE INFILTRATION SYSTEMS. IF FEASIBLE, PERFORM EXCAVATIONS AND ERECTION OUTSIDE THE LIMITS OF THE INFILTRATION SYSTEM
 - AFTER THE INFILTRATION SYSTEM AREA IS EXCAVATED TO THE FINAL DESIGN ELEVATION, THE FLOOR SHOULD BE DEEPLY TILLED WITH A ROTARY TILLER OR A DISC HARROW TO RESTORE INFILTRATION RATES, FOLLOWED BY A PASS WITH A LEVELING DRAG.
 - DO NOT PLACE INFILTRATION SYSTEMS INTO SERVICE UNTIL THE CONTRIBUTING AREAS HAVE BEEN FULLY STABILIZED.



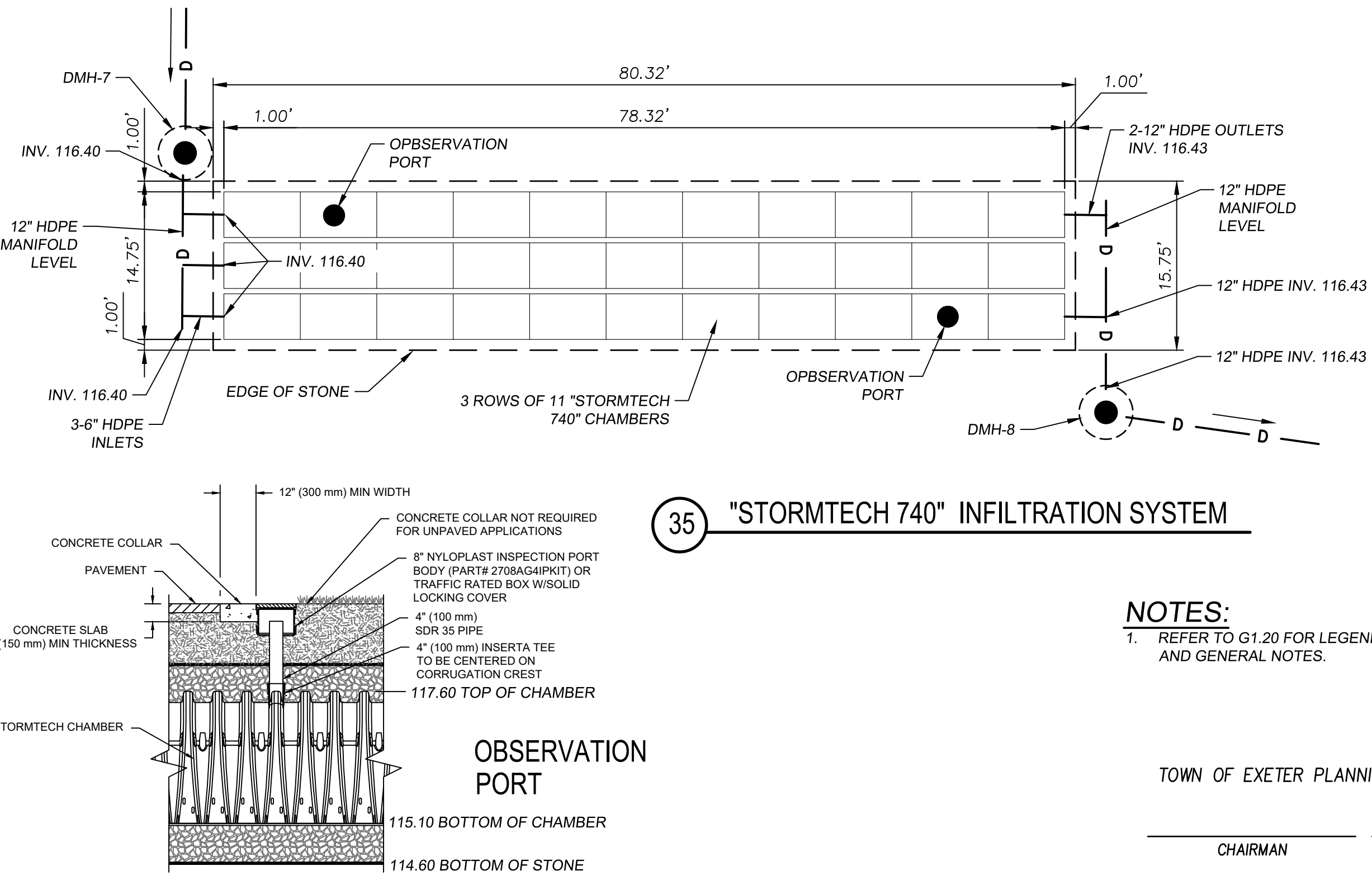
INFILTRATION SYSTEM 4 (INFIL-4)
TOTAL OF 170 2.0 HD CHAMBERS

34 R-TANK INFILTRATION SYSTEM



1

SC-740 CROSS SECTION DETAIL



6 CHESTNUT STREET, AMESBURY, MA.

Phone: (978) 388-2157
CONSULTING ENGINEERS & LAND SURVEYORS SINCE 1988
www.gm2inc.com

Sheet Title:

DETAILS

Project Title:

Ray Farm Condominium

Ray Farmstead Road
Exeter, NH 03833
Rockingham County

Applicant/Owner:

Ray Farm, LLC
158 Shattuck Way
Newington, NH 03801

REVISION BLOCK			
NO.	DATE	DESC	BY
1	5.10.22	TRC COMMENTS	DH

PROJ. MGR.: D. HAMEL
FIELD: J. SALVAGGIO / R. SMITH
DESIGN: D. HAMEL
DRAWN: D. HAMEL
CHECKED: D. GIANGRANDE
DATE: 01-11-2022
FILE: 16042 D.DT.DWG
FBK:
JOB #: 16042 D

SHEET C5.16

K:\PROJECTS\CIVIL\3D\2016\16042 BLDG.D1.0 SHEET FILES\16042 D.DT.DWG Dhamel 5/16/2022 7:35 PM



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

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 ROBERT D. CIANDELLA
 NICHOLAS R. AESCHLIMAN

July 6, 2022

Langdon Plumer, Chair
 Exeter Planning Board
 10 Front Street
 Exeter, NH 03833

Re: Supplement for Planning Board Case #22-3

Dear Chair Plumer and Board Members:

This firm represents Jonathan Shafmaster, Willey Creek Company and Ray Farm LLC (the "Applicant") with regard to the Ray Farm Condominium which is a 55+ senior living development in Exeter located on property off of Ray Farmstead Road (the "Project" or the "Applicant's Property"). Enclosed herewith, please find an updated Traffic Memorandum from Stephen G. Pernaw, PE, PTOE, of Stephen G. Pernaw & Company, Inc., and three waiver requests to include: 1) a waiver request pursuant to Article 5.6.5 of the Zoning Ordinance to permit 58 parking spaces where 72 are required; 2) a waiver request from Section 9.17.2 of the Site Plan and Subdivision Regulations (the "Regulations") to permit a dead-end road that is 1,656.2 feet in length where the maximum length under the Regulations is 1,200 feet; and 3) a waiver request from Section 11.3.1.2.a of the Regulations to permit a 15-foot distance between the proposed building and the parking lot in front of the building.

We also take this opportunity to address the issue of the so-called "TIF Road extension" over a private access owned by Scott Carlisle, to Scott Carlisle's abutting property (the "Carlisle Property"), which we briefly addressed via our TRC comment response letter dated 17 May 2022. That letter summarized the Applicant's objection to the Planning Board's consideration of this issue by virtue of the ongoing litigation involving the Town of Exeter, the Applicant, and Mr. Carlisle, and requested a condition of approval stating that if the extension of Ray Farmstead Road over the existing private access on the Applicant's Property was ever reviewed, approved and permitted, the Applicant would be required to pursue amended site plan approval to ensure

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

compatibility with same. The Applicant maintains this request and suggests it is a reasonable way to resolve the underlying circumstances.

In the meantime, and in the context of the ongoing litigation, the Applicant has requested that: 1) the Town's lawsuit be withdrawn such that the Town's obligations to consult, cooperate and engage in the dispute resolution mechanisms required between the Town and the Applicant concerning Ray Farmstead Road (the "TIF Road Agreement") could be honored¹; 2) the comments concerning the TIF Road extension be withdrawn such as to preserve the juror standard applicable to this Board; and 3) Town Counsel direct the Planning Board and Conservation Commission to *not* consider the issue of the Ray Farmstead Road extension.² To the Applicant's knowledge, the Town has taken none of the foregoing steps as evidenced most recently by the Conservation Commission meeting on 14 June 2022 at which the Commission raised the issue again.

While the Applicant has no intention of discussing or debating the merits of the Town's legal claims in the ongoing litigation before the Planning Board, both the TRC and Mr. Carlisle, through his legal counsel, have inserted the issue of the Ray Farmstead Road extension into this case. As a result, the Applicant has an interest and an obligation in ensuring the record of these proceedings includes the documents which support the Applicant's perspective on the underlying matters. In that context, below please find a summary outline of foundational facts of this case from the Applicant's perspective.

- In 2001, the Rockingham County Superior Court issued an order interpreting the nature and scope of Mr. Carlisle's easement on the Applicant's Property. To summarize, Mr. Carlisle has a 50 ft *private* right of way over the Applicant's Property that runs with the Carlisle Property and benefits that property's owner (the "Carlisle Private Access")³ The Carlisle Private Access is not now, nor has it ever been, public in nature.
- In 2015, the Town Meeting approved Articles 10, 28 and 29 of the Town Warrant which established the Epping Road TIF District (the "TIF") and a TIF Development Plan which proposed to install new sewer and water improvements along Epping Road as well as a new industrial road, with sewer and water, over Carlisle's Private Access on the Applicant's Property to Mr. Carlisle's Property. The Town did not then, and has never

¹ See *infra*.

² The Town's lawsuit, which seeks to enjoy proceedings on this application, is a tacit acknowledgement that these matters are not appropriately considered by this Board because if the Planning Board had jurisdiction to consider and resolve same, the underlying lawsuit would be unnecessary.

³ See Enclosure 1, Order, W. Scott Carlisle, III v. CKT & Associates, 00-E-0072, pg. 18 (emphasis added).

since, acquired any agreement or commitment from the Applicant to convey to the Town the real property interests necessary to build a public road on the Applicant's Property.

- In July of 2017, the Applicant received Planning Board approvals for the Ray Farm 55+ Project.⁴ That review and approval did not include a local review of Ray Farmstead Road. Rather, the Conditional Approval required that the final design of the "TIF Road" that was to be built and serve the Project be completed prior to any site construction activities.⁵ Further, the Conditional Approval stated that before a Certificate of Occupancy would issue, full access must be provided from the proposed "TIF Road" to be constructed by the Town or its designee.⁶ The approved and recorded Site Plan depicts Ray Farm Stead Road terminating after access to the Ray Farm Project is provided.⁷
- On 24 August 2017, the Planning Board approved a minor subdivision of the Carlisle Property which proposed a cul-de-sac that would be accessed via "the future T.I.F. Roadway from Epping Road" (the "Carlisle Subdivision").⁸ The approved plan includes a reference that the "proposed TIF Road to be constructed within existing 50' wide right-of-way to Epping Road (RTE 27) BK 3794, PG 1963 (Plan Ref. 3)."⁹ Subdivision Note 6 states that "[u]pon approval by the Town, the proposed road will be conveyed to the Town."¹⁰ The conditional approval of the Planning Board states that "[t]his approval shall not be final until the applicant presents to the Board, and the Board and its engineers approve, a design for both the un-built portion of the so-called TIF road to the applicant's property, and the roadway and cul-de-sac within the property" ("Condition 2").¹¹ The Town and Mr. Carlisle maintain that this approval "dedicated" a public road over Carlisle's Private Access on the Applicant's Property but Carlisle's Subdivision Application did not include an authorization from the Applicant, the owner of the land upon which Mr. Carlisle was proposing improvements, which is required by Exeter regulations and New Hampshire law. Further, neither Mr. Carlisle nor the Town acquired consent from the Applicant to site the "TIF Road extension" directly over the Carlisle Private Access or a commitment from the Applicant to convey the fee interest in the roadway extension over the Applicant's Property to the Town, as required by Subdivision

⁴ See Enclosure 2, Conditional Approval dated 27 July 2017.

⁵ See *Id.* Condition 4.

⁶ *Id.*, Condition 15.

⁷ See Enclosure 3, Recorded Site Plan.

⁸ See Enclosure 4, Minor Subdivision Application.

⁹ See Enclosure 5, Approved Carlisle Subdivision Plan.

¹⁰ *Id.*

¹¹ See Enclosure 6, Planning Board Conditional Approval Letter dated 25 August 2017.

Note 6.

- On 8 November 2017, NHDES issued AoT Permit number 1335 which covered the Ray Farm Project itself.¹² In April of 2019, that permit was amended to include construction of Ray Farmstead Road to its current terminus.¹³ The existing AoT Permit only covers the built-portion of Ray Farmstead Road. To date, and to the Applicant's knowledge, the State has not reviewed or issued an AoT Permit for the extension of Ray Farmstead Road.
- A State Dredge and Fill Wetlands Permit (File #2017-01530) was issued for the Project on 16 August 2017 (the "State Wetland Permit"). On 1 February 2018, Gove Environmental Services, Inc., sought an amendment to the State Wetland Permit to cover an additional 368 square feet of impact caused by Ray Farmstead Road. The amendment request provides relevant context and states:

The need to amend the permit is related to timing. The full design and permitting of the TIF road was supposed to have been undertaken by the Town of Exeter such that this project, the first in the area to be served by the road, could proceed in a timely manner. The design and permitting of the public road has, however, lagged behind and is now preventing the start of work on the project since the road provides access to the site entrance drive. The applicant intends to enter into an agreement with the Town of Exeter to design and construct the section of roadway up to the entrance drive so work on the approved residential development can begin as soon as possible.¹⁴

- The Amended Wetland Permit was issued by NHDES on 14 February 2018.¹⁵ The State Wetland Permit, as amended, only covers the construction of Ray Farmstead Road to its current terminus. The Amended State Wetland Permit does not cover the extension of Ray Farmstead Road, which, to the Applicant's knowledge, has not been reviewed or approved by any local entity or the State.
- Towards the end of 2017 and into 2018, the Town and the Applicant negotiated the terms of the TIF Road Agreement whereby the Applicant was to construct Ray Farmstead Road

¹² See Enclosure 7.

¹³ See Enclosure 8.

¹⁴ See Enclosure 9.

¹⁵ See Enclosure 10.

over a portion of Carlisle's Private Access.¹⁶ The TIF Road Agreement required the Applicant to build Ray Farmstead Road to the Town's satisfaction and then deed the Town the underlying fee to the improved Ray Farmstead Road to its current terminus.¹⁷ The TIF Road Agreement does not require the Applicant to convey the fee title interest in the remaining area of Carlisle's Private Access to the Town. In fact, the Applicant expressly refused to do so during the negotiation of the TIF Road Agreement, which is why Section 8.2 of the Agreement states that "[t]he Parties recognize that there are other matters involving the [Project] where [the Applicant] has or will request further reasonable cooperation and future consideration from the Town or its Boards and staff, including but not limited to ... consultation and consideration regarding the location of the further extension of the TIF Road on the property of CKT Associates so as to preserve the development potential of CKT's remaining land."¹⁸

- During the negotiation of the TIF Road Agreement, the Town requested that in addition to the design for Ray Farmstead Road that would serve the Project, the Applicant provide design plans for Ray Farmstead Road's extension over Carlisle's Private Access. In good faith, the Applicant, through its civil engineers at the time, Cammett Engineering, provided engineered plans for a Ray Farmstead Road extension over Carlisle's Private Access (the "Cammett Extension Plans"), as it provided other plans to the Town for utility improvements along Epping Road. The Applicant did not authorize the Town or Mr. Carlisle to utilize these plans as the final design of the Ray Farmstead Road extension and made no representation that it agreed with the Cammett Extension Plans as the final plan for Ray Farmstead Road extension. As noted above, the TIF Road Agreement expressly contemplates the potential relocation of the extension to accommodate the development of the Applicant's remaining land.
- In June of 2019, acting on behalf of Mr. Carlisle, Jones & Beach Engineers, Inc. ("JBE") sent a letter to the Planning Board cc'ing Attorney Hilliard, but not the Applicant, which purports to satisfy Condition 2 of the Carlisle Conditional Subdivision Approval which states that the approval is not final "until the applicant presents to the Board, and the Board and its engineers approve, a design for both the un-built portion of the so-called TIF road to the applicant's property, and the roadway and cul-de-sac within the

¹⁶ See Enclosure 11, TIF Road Agreement.

¹⁷ The Applicant subsequently complied with the terms of the Planning Board approval and the TIF Road Agreement and provided as-built plans for Ray Farmstead Road to its current terminus to the Town and conveyed to the Town the existing built Ray Farmstead Road. See Enclosure 12, Recorded Road Deed.

¹⁸ See Enclosure 11, pg. 18. This reflects that the Town understood that it does not hold the necessary rights to forcibly extend Ray Farmstead Road through the Applicant's Property over the Carlisle Private Access over the Applicant's objection.

property.”¹⁹ Specifically, the JBE letter provided a set of plans for the cul-de-sac terminus of the “TIF Road”, produced by JBE, and a copy the Cammett Extension Plans provided to the Town pursuant to the TIF Agreement negotiation. No authorization from the Applicant was requested or obtained by JBE to advance those plans as the final plans for the extension. Further, the cover letter states Jones & Beach “assumes” that the stormwater flow from the proposed cul-de-sac on the Carlisle Property was included in Cammett Engineer’s design, though that is not the case.

- In response to Jones & Beach’s filing, the Town’s Assistant Engineer sent an email to JBE, cc’ing several Town Officials and Attorney Hilliard, which states in part that “DPW has no other comments on the proposed road layout” and that “[t]hese plans are acceptable for final approval.” All of this occurred without the knowledge or consent of the Applicant. Further, Mr. Carlisle still has not satisfied the express language of Condition 2 of his Subdivision Approval which requires the *Planning Board* to review and approve the design of the Ray Farmstead Road extension over the Applicant’s Property, which review would obviously require the authorization of the Applicant, who is the property owner, in the first instance. Further, as pointed out above, to the Applicant’s knowledge, there has been no local review or State permitting for the extension of Ray Farmstead Road over the Carlisle’s Private Access.
- In 2021, the Applicant decided to relocate Building D of the Project which required a use variance from the Zoning Board of Adjustment (the “ZBA”), among other Planning Board relief. In the spirit of collaboration, the Applicant reached out to Mr. Carlisle to discuss the proposal and even shared a conceptual plan depicting an alternative to the Private Access/Ray Farmstead Road extension to access the Carlisle Property from Commerce Way. The Applicant received a unanimous approval from the ZBA for the use variance. No appeal was taken from that decision.
- Also in 2021, the Applicant began hearing rumors in Town that the Town Counsel and/or Mr. Carlisle believed that the Town could use TIF funds to extend Ray Farmstead Road over Carlisle’s Private Access to the Carlisle Property over the Applicant’s objection. In an effort to understand the Town’s position, the Applicant reached out to counsel for Mr. Carlisle as well as the Town Counsel and solicited the Town’s perspective in early 2022. After a brief phone call with Town Counsel, the Applicant wrote a letter to the Town expressing an objection to the extension of Ray Farmstead Road over Carlisle’s Private Access, but proposing an alternative access to the Carlisle Property over other land

¹⁹ See Enclosure 13.

Langdon Plumer, Chair
Exeter Planning Board
July 6, 2022
Page 7

owned by the Applicant, and requesting a meeting with the Town to discuss.²⁰ The Town never responded to this letter. Rather, shortly after filing its request for a preliminary consultation with the Planning Board in March of 2022, the Town filed a lawsuit seeking, among other things, to enjoin proceedings on this application.

We appreciate your time and review of this information as we work to ensure the record includes the documents which the Applicant's perspective is based on.

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay
JLP/sac
Enclosures

cc: Jonathan Shafmaster
Denis Hamel, GM2
Brendan Quigley, Gove Environmental

²⁰ See Enclosure 14.

WAIVER FOR PARKING

The Applicant requests a waiver from the parking requirements in accordance with Article 5.6.5 of the Zoning Ordinance to allow 58 parking spaces where 72 spaces are required. A similar waiver was granted by the Planning Board for other buildings within the Project via the original Conditional Approval from July of 2017.

Article 5.6.5 of the Zoning Ordinance states that the “Planning Board may grant reductions in the number and size of required off-street parking spaces in conjunction with its site plan review” when such reductions “promote better utilization of parking areas, including shared parking, or a reduction in impervious surface, and conservation of open space lands and buffers.” In accordance with Article 5.6.3.B and C and 5.6.5 of the Zoning Ordinance, the Applicant requests a reduction in the parking requirements because:

1. The nature of the Project, where residents will be over 55, and the Applicant’s research re: similar properties, indicates that the required parking is not necessary to support the use, which analysis has been confirmed by the full occupation of Buildings A and B within the Project.

2. Reducing the amount of parking and impervious surface will benefit and advance the goals of the Wetlands Conservation Overlay District Ordinance and the Shoreland Protection District Ordinance; and

SITE PLAN REVIEW REGULATIONS WAIVER REQUIREMENTS:

13.7.1. The granting of the waiver will not be detrimental to the public safety, health and welfare or injurious to other property.

The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property. In fact, the reduction in parking will allow the development to proceed with less impervious surface thereby creating additional protection for nearby wetlands which is a benefit for the public. Further, the Applicant’s experience with the fully occupied Buildings A and B constitutes proof positive that its parking proposal satisfies the needs of Project residents.

13.7.2 The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

The uplands upon which the relocated Building D will be sited are in close proximity to sensitive wetlands and shoreland areas. This area is further challenged by steep topography and collectively, these conditions constitute unique circumstances. The Applicant requests the waiver in order mitigate the Project’s Conservation District and Shoreland District impacts, which is reasonable under the circumstances and consistent with relief provided by the Planning Board to this Project in the past.

13.7.3 Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

If the Applicant was required to provide the full parking amount, it would be required to cause addition impacts the Wetlands Conservation District or the Shoreland District, or would infringe on the Private Access Way on the property. Given these unique circumstances, in addition to the existing topography, granting this waiver offers greater protection to allow more of the site to remain in its nature state and further protects the wetlands.

13.7.4 The granting of the waiver will not be contrary to the spirit and intent of the regulations.

The spirit and intent of the regulations includes promoting reasonable development and minimizing impacts to sensitive wetland or wetland buffer or shoreland areas. Granting this waiver would secure the objectives, as well as the standards and requirements of the Town's regulations by reducing impervious surface on the site.

13.7.5 The waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance or Master Plan.

The Zoning Ordinance specifically allows the Planning Board, in its discretion, to reduce the required parking under circumstances that warrant such a reduction. Given the above, granting this waiver would be consistent with the Zoning Ordinance and the Town's Master Plan because it will promote the reduction of impervious surface area and the protection of shoreland area in accordance with Article 5.6.5.B and C of the Zoning ordinance.

WAIVER FOR PARKING LOT SETBACKS FROM BUILDING

The Applicant requests a waiver from the requirements of Section 11.3.1.2.a of the Site Plan Review and Subdivision Regulations (the "Regulations") to allow a 15-foot distance between the proposed building and its corresponding front parking lot where the minimum distance required is 25 feet. A similar waiver was granted by the Planning Board for other buildings within the Project via the original Conditional Approval from July of 2017.

SITE PLAN REVIEW REGULATIONS WAIVER REQUIREMENTS:

13.7.1. The granting of the waiver will not be detrimental to the public safety, health and welfare or injurious to other property.

The site has been designed to allow for safe pedestrian and vehicular traffic and has been designed to minimize impacts to the Wetland Conservation District and Shoreland Protection District. Allowing the reduced building/parking setback allows less impact to the wetland and corresponding buffers on the site which benefits the public health, safety and welfare. Further, the architecture and parking configuration will be consistent with Buildings A, B and C which are already constructed and will, therefore, maintain a uniform aesthetic within the Project. Finally, there is a substantial amount of landscaping proposed for the areas between the building and the parking which will achieve the objective of the regulation.

13.7.2 The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

Given the site's existing topography and wetlands, granting this waiver offers greater protection to allow more of the site to remain in its nature state and further protects the wetlands. Additionally, this request is consistent with identical relief already provided to this Project.

13.7.3 Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

Again, given the site's existing topography and wetlands, granting this waiver offers greater protection to allow more of the site to remain in its nature state and further protects the wetlands and shoreland area.

13.7.4 The granting of the waiver will not be contrary to the spirit and intent of the regulations.

Granting this waiver for this relatively minor deviation would secure the objectives, standards and requirements of the Town's regulation by reducing impacts on the wetland buffer

without impacting public safety or the aesthetics of the Project which will be thoroughly landscaped and consistent with what is already built.

13.7.5 The waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance or Master Plan.

Allowing the reduced setback will not violate the spirit of the Zoning Ordinance or Exeter Master Plan and will allow less impact in the wetland buffer.

WAIVER FOR ROADWAY LENGTH

The Applicant requests a waiver from the dead-end streets and cul-de-sacs stated in Section 9.17.2 of the Site and Subdivision Regulations, to allow a road length of 1656.2 feet where the maximum allowed is 1,200 feet.

In preparation for the filing of its Planning Board applications, the Applicant and Denis Hamel, from GM2 Associates, Inc. ("GM2"), sat down with Assistant Fire Chief Justin Pizon to review the plan for the relocation of Building D and to discuss, among other things, roadway length. The result of that meeting was input provided by Assistant Chief Pizon regarding the proposed internal roadway connecting Building C with Building D which was incorporated into the Plan by GM2. The Assistant Fire Chief expressed no concerns over the proposed length of the roadway. Further, under the circumstances, the Applicant's proposed access from Building C constitutes the least impactful means of providing access to the underlying upland area where Building D will be relocated and the purpose of the underlying regulation, which is rooted in providing fire safety, is satisfied by the project because Building D will be sprinkled like Buildings A, B and C.

SITE PLAN REVIEW REGULATIONS WAIVER REQUIREMENTS:

13.7.1. The granting of the waiver will not be detrimental to the public safety, health and welfare or injurious to other property.

As detailed in the Applicant's Conditional Use Permit filings, which filings are incorporated herein by reference, the extension of the access road from Building C to Building D is the least environmentally impactful means of providing access to the underlying uplands that exists. For this reason, the Applicant's proposal advances the public health, safety and welfare. Further, the occupants of Building D will be protected from a life safety and fire perspective, by a sprinkled building and the Assistant Fire Chief did not express concern over the length of the roadway. Under the circumstances, not only will granting the waiver not be detrimental to the public health, safety and welfare or injurious to other property, but it will advance all those things.

13.7.2 The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

As described in other application filings, the Property is unique by virtue of its topography and the distinct and separated upland areas which, in this case, are surrounded by Wetland Conservation District and/or the Shoreland Protection District. As a result of these unique circumstances, the proposed access from Building C is the least impactful means of providing access to the upland area. These conditions are unique to the Property and not applicable generally to other properties.

13.7.3 Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

As described above, given the nature of the development, the site limitations including topography and proximity to the Wetlands Conservation and Shoreland Protection Districts, the proposed access from Building C is the most reasonable course of action as any other means would cause far more environmental impacts than what the Applicant proposes as detailed in the Applicant's Conditional Use Permit filings. Requiring the Applicant to provide access to the underlying upland area via a means that will cause more environmental impact is a particular hardship.

13.7.4 The granting of the waiver will not be contrary to the spirit and intent of the regulations.

The spirit and intent of the underlying regulation, as referenced above, is to provide fire protection. Here, the Applicant has consulted with the Assistant Fire Chief, incorporated recommendations into the plan, and received no objection about road length. Further, Building D will be sprinkled like Buildings A, B and C and so the spirit and intent of the regulation is satisfied. Beyond this, the spirit and intent of the regulations incorporates the notion of avoidance and minimization of wetland impacts, which the Applicant's proposal accomplishes.

13.7.5 The waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance or Master Plan.

The provisions of the Zoning Ordinance and Master Plan will be protected because the Project contemplates the reasonable provision of fire safety to Building D via its sprinkler system, and because the proposed extension of the internal access road is the least impactful means of providing access to the underlying upland area.

MEMORANDUM

Ref: 2218A

To: Bill Blackett
Ray Farm Condominiums

From: Stephen G. Pernaw, P.E., PTOE

Subject: Proposed Residential Development
Exeter, New Hampshire

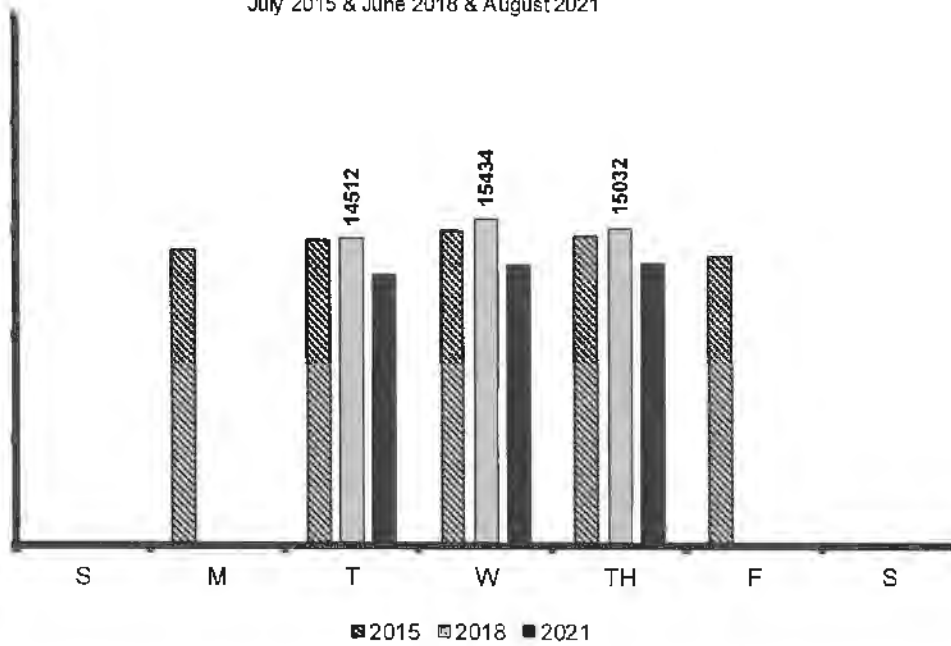
Date: May 27, 2022

Background – On June 26, 2017 our office prepared a “*Traffic Impact Assessment*” report for Willey Creek Company, LLC, for the proposed Active Adult Community (55+) with 116 dwelling units on a site located on the east side of NH Route 27 in Exeter, New Hampshire. The current development proposal calls for +12 additional dwelling units, bringing the total to 128 dwelling units. The purpose of this memorandum is to update the trip generation analysis, and to update our previous research of available traffic count data. This memorandum also addresses the fact that the ITE Trip Generation Manual has undergone two revisions since the publication of the original study. To summarize:

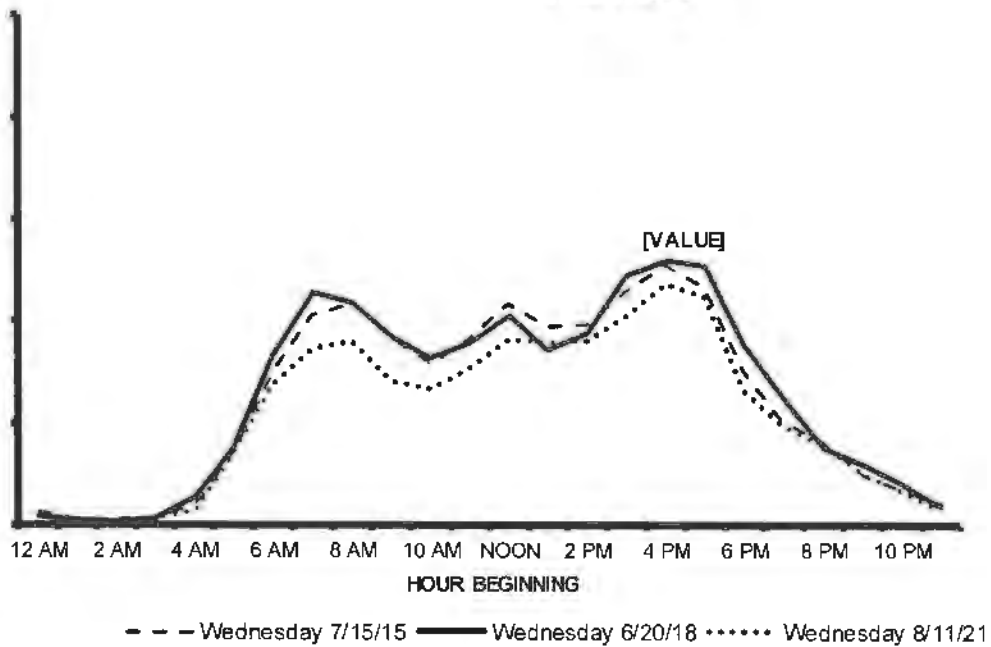
Proposed Development – According to the plan entitled “*Overall Site Plan*,” prepared by GM2 (see Attachment 1), the proposed development project involves the construction of one new building that increases the dwelling unit count to 128 units. Access to the proposed building will be provided via a continuation of the existing full-access site driveway, also known as Ray Farmstead Road.

Existing Traffic Volumes - Research at the NHDOT revealed that the closest short-term Automatic Traffic Recorder count station to the site is located on NH27, south of NH101 Exit 9, approximately 0.25-miles north of Ray Farmstead Road. According to the NHDOT reports, this section of NH27 carried an Annual Average Daily Traffic (AADT) volume of approximately 11,302 vehicles per day (vpd) in 2021, down from a high of 13,128 vpd in 2019 (see Attachment 2). This data clearly shows the effects of the ongoing pandemic. The most recent data demonstrates that weekday traffic volumes typically reach peak levels from 8:00 to 9:00 AM and from 4:00 to 5:00 PM, thus corresponding to the typical commuter periods (see Attachments 3 & 4). The diagrams on Page 2 summarize the daily and hourly variations in traffic demand along NH27.

DAILY TRAFFIC VARIATIONS
 NH 27 (Epping Road) South of NH101 Exit 9
 July 2015 & June 2018 & August 2021



HOURLY TRAFFIC VARIATIONS



Trip Generation - To estimate the quantity of vehicle-trips that will be produced by the +12 additional dwelling units, Pemaw & Company, Inc. considered the standard trip generation rates and equations published by the Institute of Transportation Engineers¹ (ITE). The most applicable ITE Land Use Code (LUC) for this type of development is LUC 252 (Senior Adult Housing).

Table 1 summarizes the results of the trip generation analyses for the three cases below: using the previous traffic study (ITE 9th Edition), and for this 2022 Update (ITE 11th Edition) using 116 units and 128 units. In all cases, the number of dwelling units was used as the independent variable (see Attachments 5 – 10).

Table 1	Trip Generation Summary / Comparison Ray Farm Condominium, Exeter, New Hampshire				
	2017 TIA ¹	2022 UPDATE ²		Net Change ³	Change ⁴ (with respect to 2017 Study)
	116 Units (ITE 9th Edition)	116 Units (ITE 11th Edition)	128 Units (ITE 11th Edition)		
Weekday (24 hours)					
Entering	184 veh	180 veh	198 trips	18 veh	14 trips
Exiting	<u>184 veh</u>	<u>180 veh</u>	<u>198 trips</u>	<u>18 veh</u>	<u>14 trips</u>
Total	368 trips	360 trips	396 trips	36 trips	28 trips
AM Street Peak Hour					
Entering	8 veh	8 veh	8 trips	0 veh	0 trips
Exiting	<u>15 veh</u>	<u>15 veh</u>	<u>17 trips</u>	<u>2 veh</u>	<u>2 trips</u>
Total	23 trips	23 trips	25 trips	<u>2 trips</u>	2 trips
PM Street Peak Hour					
Entering	16 veh	16 veh	18 trips	2 veh	2 trips
Exiting	<u>13 veh</u>	<u>13 veh</u>	<u>14 trips</u>	<u>1 veh</u>	<u>1 trips</u>
Total	29 trips	29 trips	32 trips	3 trips	3 trips

¹ "Traffic Impact Assessment - Proposed Active Adult Community" dated 6/25/17 by Pemaw & Company, Inc.

² ITE Land Use Code 252 - Senior Adult Housing (Trip Equation Method)

³ Column 3 minus Column 2

⁴ Column 3 minus Column 1

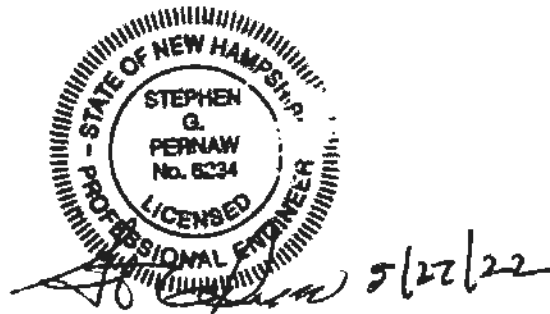
This table shows that the overall development will generate its highest traffic flow rate during the weekday PM commuter peak hour, with an increase of approximately +3 vehicle-trips (2 arrivals, 1 departure) due to the 12 additional units. An increase of +3 vehicles that will be split between points north and south on NH27, is de minimis from an overall impact standpoint.

¹ Institute of Transportation Engineers, *Trip Generation Manual*, Eleventh Edition (Washington, D.C., 2021)

Findings & Conclusions:

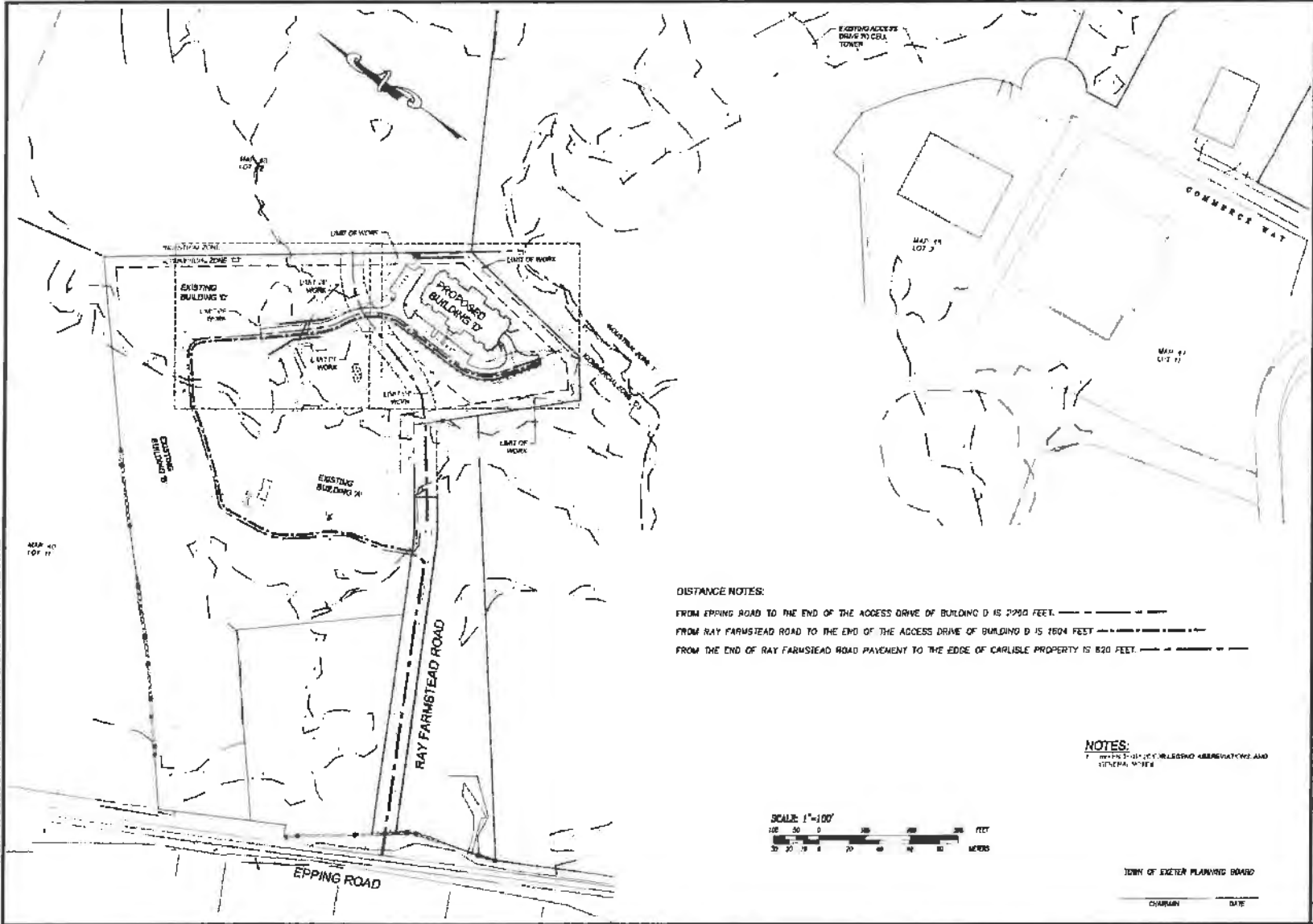
1. According to the NHDOT reports, this section of NH27 north of Ray Farmstead Road carried an Annual Average Daily Traffic (AADT) volume of approximately 11,302 vehicles per day (vpd) in 2021, down from a high of 13,128 vpd in 2019. These volumes clearly show the effects of the ongoing pandemic.
2. As a result of the +12 additional condominium units, the amount of site traffic during the worst-case PM peak hour period will increase from approximately 29 vehicle-trips to 32 vehicle-trips (+3 trips). Traffic changes of this order of magnitude, when spread out over a one-hour period, are de minimis from a transportation impact and traffic operations standpoint.
3. The prevailing Levels of Service at the NH27 / Ray Farmstead Road intersection will not change as a result of the +12 additional condominium units.

Attachments





ATTACHMENTS



C:\PROJ\CONV\2020\16-0012\BAGG\315\315-SHEET FILES\16-012-D-SP-DWG-DRAWING-5-13-2023-9-59-AM

DISTANCE NOTES:

FROM EPPING ROAD TO THE END OF THE ACCESS DRIVE OF BUILDING D IS 2950 FEET. -----

FROM RAY FARMSTEAD ROAD TO THE END OF THE ACCESS DRIVE OF BUILDING D IS 1604 FEET. -----

FROM THE END OF RAY FARMSTEAD ROAD PAVEMENT TO THE EDGE OF CARLISLE PROPERTY IS 820 FEET. -----

NOTES:
 1. SEE SHEET 16-012-C FOR RELATED ABBREVIATIONS AND GENERAL NOTES.



TOWN OF EXETER PLANNING BOARD
 CHAIRMAN _____ DATE _____



6 CHESTNUT STREET, AMESBURY, MA
 Phone: (978) 385-2137
 CONSTRUCTION ENGINEERING &
 LAND SURVEYORS SINCE 1988
 www.gm2.com

Site No
OVERALL SITE PLAN
 Description
Ray Farm Condominium
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Prepared by:
Ray Farm, LLC
 150 Shelburne Way
 Newington, NH 03851

REVISION BLOCK

NO	DATE	DESC	BY
1	3/10/22	TRC COMMENTS	DM

PROJ MGR: _____
 FIELD J. SULLIVAN, P. SMITH
 DESIGN: J. HALL
 DESIGN: J. HALL
 CHECKED: P. SULLIVAN
 DATE: 4/10/23
 TOWN OF EXETER PLANNING BOARD
 SHEET C1.10



Transportation Data Management System

List View All DIRs

Record	1	of 71	Go to Record	go
Location ID	82153064	MPO ID		
Type	SPOT	HPMS ID		
On NHS	No	On HPMS	Yes	
LRS ID	Y1530001	LRS Loc Pt.		
SF Group	04	Route Type		
AF Group	04	Route		
GF Group	E	Active	Yes	
Class Dist Grp	Default	Category	3	
Seas Class Grp	Default			
WIM Group	Default			
QC Group	Default			
Funct'l Class	Other Principal Arterial	Milepost		
Located On	Epping Rd			
Loc On Alias	NH 27 (EPPING RD) SOUTH OF NH 101 EXIT 9			
More Detail				
STATION DATA				

Directions: 2-WAY EB WB

AADT

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2021	11,302	1,165	10	60	10,273 (91%)	1,029 (8%)	
2020	11,080 ³		10	60	10,083 (91%)	997 (9%)	Grown from 2019
2019	13,128 ³		10	60	12,025 (92%)	1,103 (8%)	Grown from 2018
2018	12,972	1,303	10	60	11,959 (92%)	1,013 (8%)	
2017	12,485 ³						Grown from 2016

> >> 1-5 of 14

Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV
------------	------------	--------	--------	--------	--------	--------	--------	--------	--------

VOLUME COUNT			
Date	Int	Total	
Thu 8/12/2021	60	13,390	
Wed 8/11/2021	60	13,241	
Tue 8/10/2021	60	12,862	
Thu 6/21/2018	60	15,032	
Wed 6/20/2018	60	15,434	
Tue 6/19/2018	60	14,512	
Fri 7/17/2015	60	13,695	
Thu 7/16/2015	60	14,647	
Wed 7/15/2015	60	14,934	

VOLUME TREND	
Year	Annual Growth
2021	2%
2020	-16%
2019	1%
2018	4%
2017	2%
2016	2%
2015	0%
2012	0%

STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION - BUREAU OF TRAFFIC
 IN COOPERATION WITH U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION
 AUTOMATIC TRAFFIC RECORDER DATA FOR THE MONTH OF JULY 2015

2/22/2016

82 153064 EXETER- NH 27 (EPPING RD) SOUTH OF NH 101 EXIT 9

M O N T H	D A Y	D A Y																							Total		
			12 AM	1 AM	2 AM	3 AM	4 AM	5 AM	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM		10 PM	11 PM
7	13	2	44	18	13	25	86	367	700	1030	984	806	867	796	990	779	905	1045	1137	1154	755	509	422	303	153	100	13991
7	14	3	61	33	35	34	91	379	751	1024	1084	846	740	841	983	863	919	1162	1255	1136	772	490	410	282	167	107	14465
7	15	4	70	25	29	34	92	367	760	1027	1085	918	787	921	1092	979	982	1157	1272	1168	749	502	400	246	169	103	14934
7	16	5	66	32	32	37	115	397	727	988	1037	844	749	851	938	836	918	1163	1298	1175	774	567	451	290	206	156	14647
7	17	6	56	31	30	40	76	344	659	881	877	858	734	801	976	901	883	1069	1086	1000	767	519	401	341	210	155	13695



TYPE	STATION	YEAR	MONTH	NO. DAYS	AVERAGE SUNDAY	AVERAGE WEEKDAY	AVERAGE SATURDAY	AVERAGE DAILY	COMPUTED VOLUME	PERCENT GAIN	PERCENT LOSS
82	153064	2015	July	5	0	14348	0	*	*		

PEAK HOUR VOLUMES:

	AVERAGE AM:	AVERAGE MIDDAY:	AVERAGE PM:	
SUNDAY	*	*	*	AM - 6 AM TO 10 AM
WEEKDAY	1023	996	1213	MIDDAY - 10 AM TO 2 PM
SATURDAY	*	*	*	PM - 2 PM TO 8 PM



Excel Version

Weekly Volume Report			
Location ID:	B2153064	Type:	SPOT
Located On:	Epping Rd		
Direction:	2-WAY		
Community:	EXETER	Period:	Mon 6/18/2018 - Sun 6/24/2018
AAVT:	12972		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM		39	48	58				48	0.3%
1:00 AM		29	28	22				26	0.2%
2:00 AM		24	16	20				20	0.1%
3:00 AM		49	35	57				47	0.3%
4:00 AM		133	139	131				134	0.9%
5:00 AM		400	379	392				390	2.6%
6:00 AM		783	827	817				802	5.4%
7:00 AM		1056	1135	1097				1,096	7.3%
8:00 AM		1034	1093	1077				1,068	7.1%
9:00 AM		808	919	867				865	5.8%
10:00 AM		851	817	804				824	5.5%
11:00 AM		854	893	956				858	5.8%
12:00 PM		1010	1026	934				990	6.6%
1:00 PM		855	859	905				873	5.8%
2:00 PM		900	942	979				940	6.3%
3:00 PM		1152	1227	1205				1,195	8.0%
4:00 PM		1229	1303	1270				1,267	8.5%
5:00 PM		1228	1275	1205				1,236	8.2%
6:00 PM		741	884	808				811	5.4%
7:00 PM		476	617	503				532	3.5%
8:00 PM		374	382	451				402	2.7%
9:00 PM		295	300	271				285	1.9%
10:00 PM		132	199	211				181	1.2%
11:00 PM		90	93	92				92	0.6%
Total	0	14,512	15,434	15,032	0	0	0		
24hr Total		14512	15434	15032				14,993	
AM Pk Hr		7:00	7:00	7:00					
AM Peak		1056	1135	1097				1,096	
PM Pk Hr		4:00	4:00	4:00					
PM Peak		1229	1303	1270				1,267	
% Pk Hr		8.47%	8.44%	8.45%				8.45%	



Excel Version

Weekly Volume Report			
Location ID:	B2153064	Type:	SPOT
Located On:	Epping Rd		
Direction:	2-WAY		
Community:	EXETER	Period:	Mon 8/9/2021 - Sun 8/15/2021
AAVT:	11302		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM		35	45	58				46	0.3%
1:00 AM		18	26	18				21	0.2%
2:00 AM		8	17	14				13	0.1%
3:00 AM		19	35	29				28	0.2%
4:00 AM		76	75	86				80	0.6%
5:00 AM		393	348	390				377	2.9%
6:00 AM		708	687	659				687	5.2%
7:00 AM		906	868	888				887	6.7%
8:00 AM		934	906	911				917	7.0%
9:00 AM		731	710	717				719	5.5%
10:00 AM		694	875	812				727	5.5%
11:00 AM		738	769	798				768	5.8%
12:00 PM		915	916	930				920	7.0%
1:00 PM		832	896	855				861	6.5%
2:00 PM		864	904	916				895	6.8%
3:00 PM		995	1030	1032				1,019	7.7%
4:00 PM		1162	1189	1158				1,170	8.9%
5:00 PM		892	1121	1080				1,064	8.1%
6:00 PM		688	680	638				645	4.9%
7:00 PM		418	484	480				460	3.5%
8:00 PM		350	392	352				365	2.8%
9:00 PM		217	252	285				251	1.9%
10:00 PM		153	167	185				168	1.3%
11:00 PM		72	71	87				77	0.6%
Total	0	12,862	13,241	13,390	0	0	0		
24hr Total		12862	13241	13390				13,164	
AM Pk Hr		8:00	8:00	8:00					
AM Peak		934	906	911				917	
PM Pk Hr		4:00	4:00	4:00					
PM Peak		1162	1189	1158				1,170	
% Pk Hr		9.03%	8.98%	8.65%				8.89%	

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

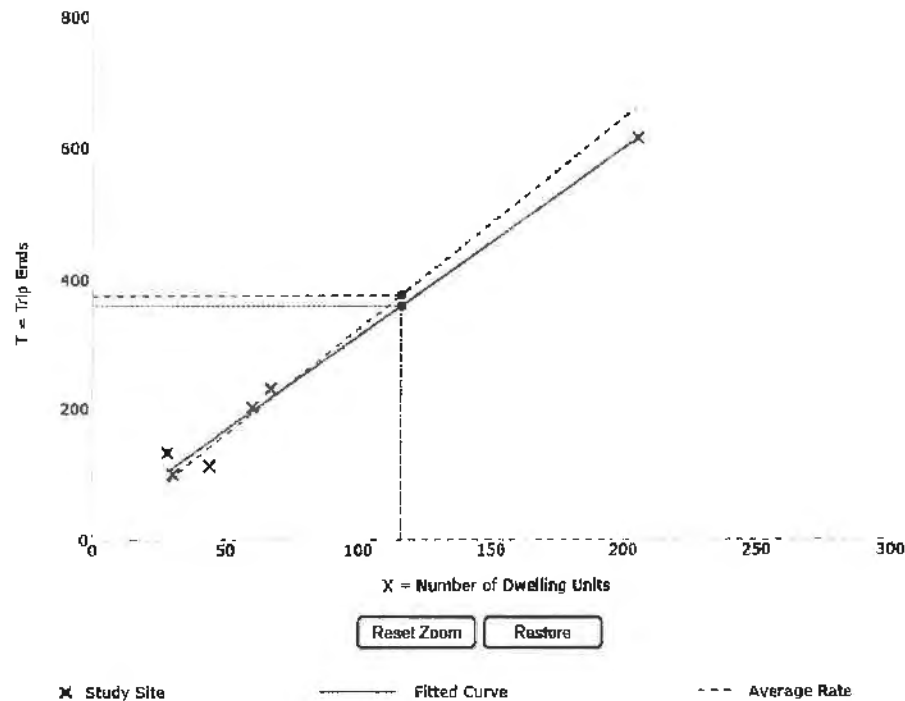
INDEPENDENT VARIABLE (IV):
 Dwelling Units

TIME PERIOD:
 Weekday

TRIP TYPE:
 Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
 116

Data Plot and Equation



DATA STATISTICS

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

Independent Variable:
 Dwelling Units

Time Period:
 Weekday

Setting/Location:
 General Urban/Suburban

Trip Type:
 Vehicle

Number of Studies:
 8

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: 376 (Total), 188 (Entry), 188 (Exit)
 Fitted Curve: 350 (Total), 180 (Entry), 180 (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

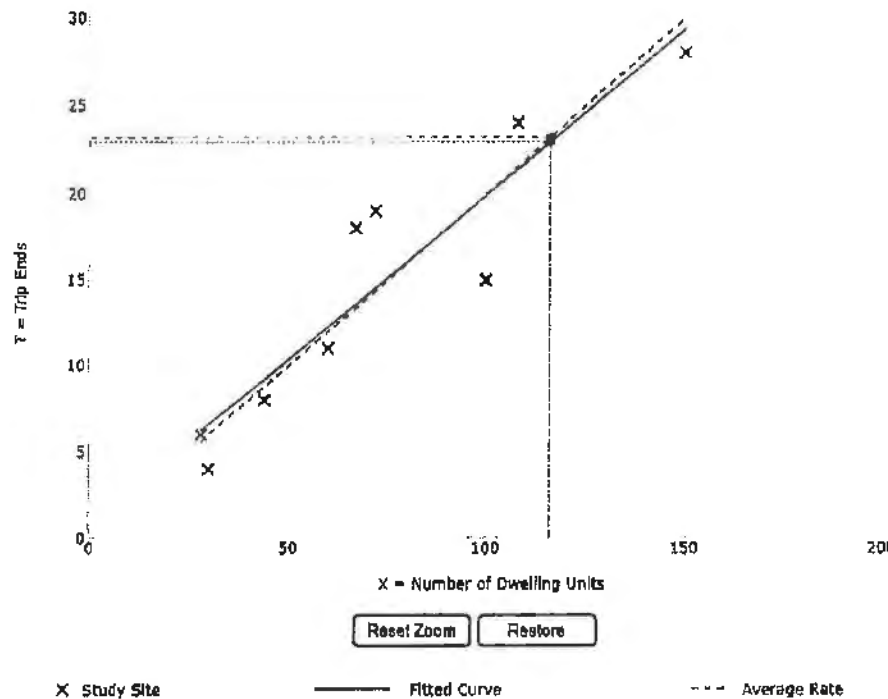
TRIP TYPE:

Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

116 Calculate

Data Plot and Equation



DATA STATISTICS

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

Independent Variable:
Dwelling Units

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

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
9

Avg. Num. of Dwelling Units:
73

Average Rate:
0.20

Range of Rates:
0.13 - 0.27

Standard Deviation:
0.04

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

r^2 :
0.85

Directional Distribution:
34% entering, 66% exiting

Calculated Trip Ends:
Average Rate: 23 (Total, 8 (Entry), 15 (Exit))
Fitted Curve: 23 (Total, 8 (Entry), 15 (Exit))

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

Graph Look Up

Query

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

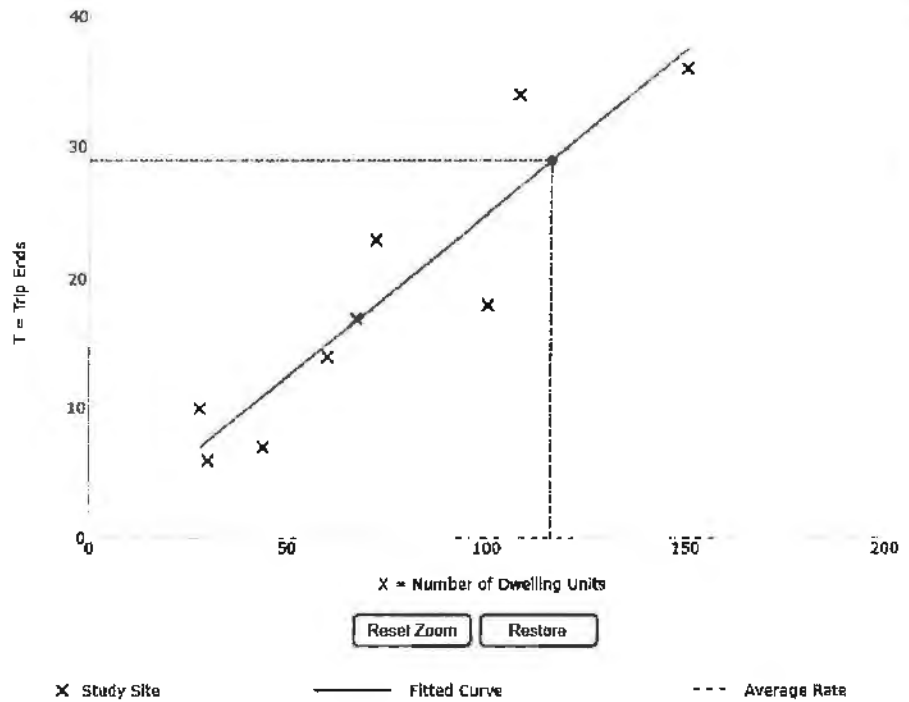
INDEPENDENT VARIABLE (IV):
 Dwelling Units

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 File](#)

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: 29 (Total), 16 (Entry), 13 (Exit)
 Fitted Curve: 29 (Total), 16 (Entry), 13 (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

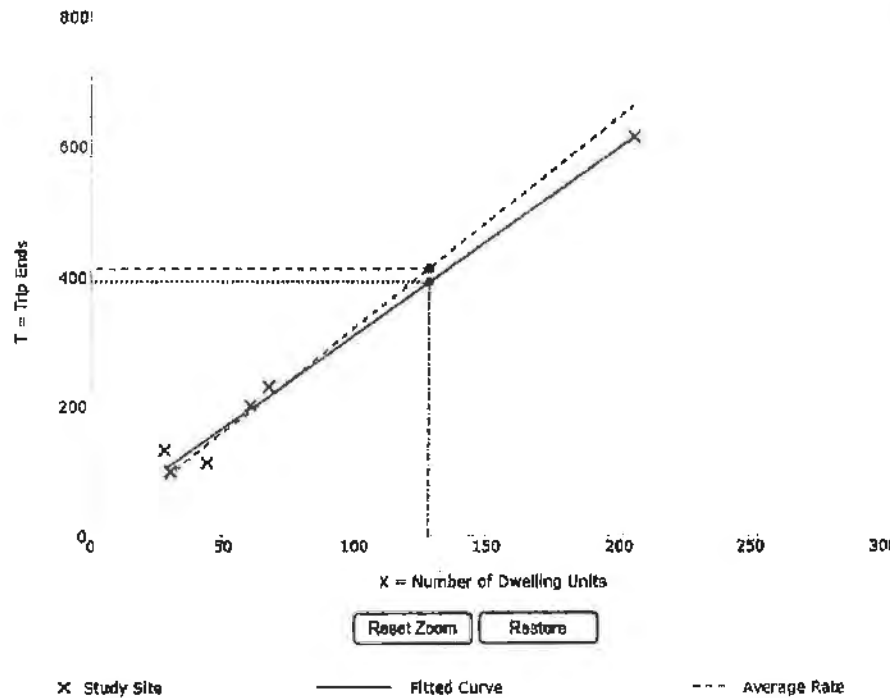
TRIP TYPE:

Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

128 Calculate

Data Plot and Equation



DATA STATISTICS

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

Independent Variable:
Dwelling Units

Time Period:
Weekday

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
6

Avg. Num. of Dwelling Units:
72

Average Rate:
3.24

Range of Rates:
2.59 - 4.79

Standard Deviation:
0.53

Fitted Curve Equation:
 $T = 2.69(X) + 24.82$

R^2 :
0.89

Directional Distribution:
50% entering, 50% exiting

Calculated Trip Ends:
Average Rates: 415 (Total), 207 (Entry), 208 (Exit)
Fitted Curve: 395 (Total), 197 (Entry), 198 (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

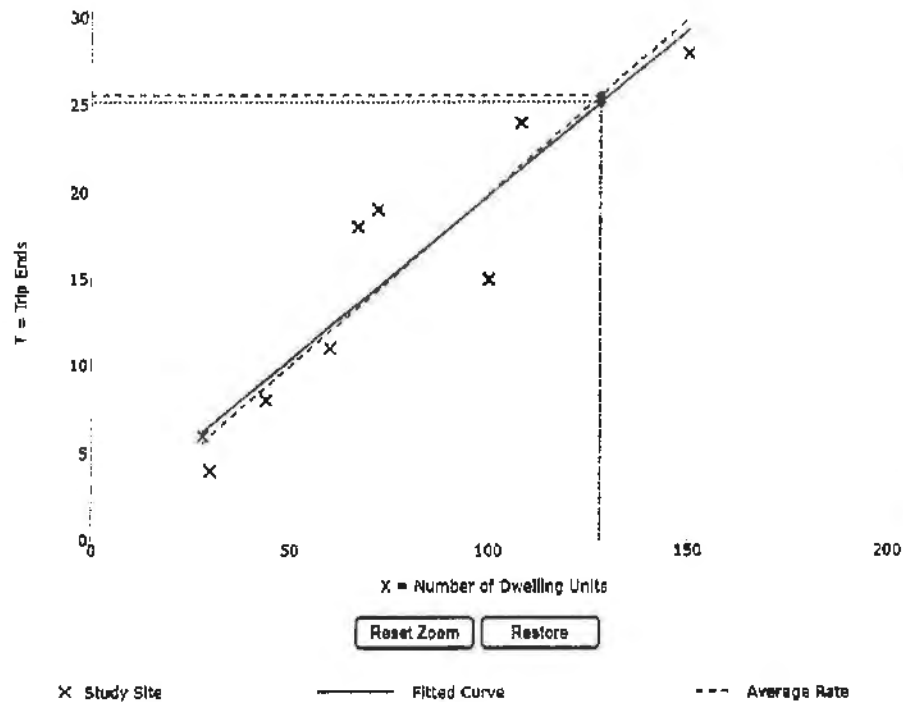
INDEPENDENT VARIABLE (IV):
 Dwelling Units

TIME PERIOD:
 Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
 Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
 128

Data Plot and Equation



DATA STATISTICS

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

Independent Variable:
 Dwelling Units

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

Setting/Location:
 General Urban/Suburban

Trip Type:
 Vehicle

Number of Studies:
 9

Avg. Num. of Dwelling Units:
 73

Average Rate:
 0.20

Range of Rates:
 0.13 - 0.27

Standard Deviation:
 0.04

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

R^2 :
 0.85

Directional Distribution:
 34% entering, 66% exiting

Calculated Trip Ends:
 Average Rate, 26 (Total), 9 (Entry), 17 (Exit)
 Fitted Curve, 25 (Total), 8 (Entry), 17 (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

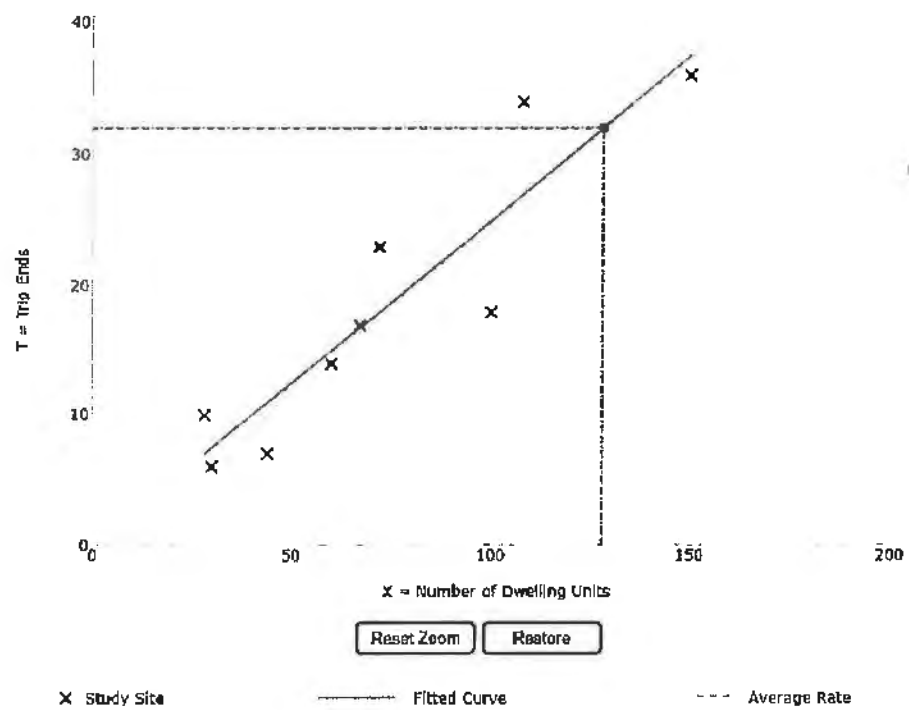
INDEPENDENT VARIABLE (IV):
 Dwelling Units

TIME PERIOD:
 Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
 Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
 120

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 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: 32 (Total), 18 (Entry), 14 (Exit)
 Fitted Curve: 32 (Total), 18 (Entry), 14 (Exit)

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



TOWN OF EXETER

Planning and Building Department

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

www.exeternh.gov

Date: July 7, 2022
To: Planning Board
From: Dave Sharples, Town Planner
Re: Willey Creek Company PB Case #22-3

The Applicant has submitted applications and plans for site plan review, a lot line adjustment and Wetlands and Shoreland Conditional Use Permits along with supporting documents, dated 3/29/22, for the proposed relocation of Building D of the Ray Farm Condominium development on Willey Creek Road (off of Ray Farmstead Road). The subject properties are located in the C-3, Epping Road Highway Commercial zoning district and are identified as Tax Map Parcel #47-8-1 and #47-9.

The Applicant is proposing to consolidate approximately 4.29-acres of upland area of the CKT property (Tax Map Parcel #47-8-1) and combine it with the Ray Farm property (Tax Map Parcel #47-8) to create the site for the proposed relocation of Building D. Building D will be constructed in the identical manner as Buildings A, B and C, inclusive of 32 units instead of the 20 units Building D was approved for in 2017.

The Applicant was originally scheduled to appear before the Planning Board at the May 26th, 2022 meeting, however was not prepared to present and requested to be continued to the June 9th, 2022 meeting. In discussion with the Applicant's counsel prior to the June 9th, 2022 meeting, the issue of whether the application was complete for the Board to accept jurisdiction was discussed, noting the outstanding items that had not yet been received. Applicant's counsel acknowledged they would not be prepared to submit those items for the June 9th meeting and again requested a continuance. The Board convened on June 9th, to act on this request and continued the application to the July 14th, 2022 meeting.

The Applicant submitted a supplemental filing yesterday that includes a letter from Attorney Pasay along with three waiver requests and other materials in response to the TRC comment letter. These documents are enclosed for your review.

The Applicant presented their applications for Shoreland and Wetland Conditional Use Permits to the Conservation Commission at their June 14th, 2022 meeting. The Commission recommended denial of the Shoreland Conditional Use Permit and approval

of the Wetland Conditional Use Permit. Attached is a memorandum from Conservation Commission Chairman Andrew Koff, dated June 15, 2022, for your review.

Subsequently, we have received correspondence from Attorney Pasay, dated July 1, 2022, requesting that the Conservation Commission reconsider their vote on their recommendation to the Planning Board regarding the Shoreland Conditional Use Permit. I have advised Kristen Murphy, our Conservation & Sustainability Planner that determination would rest with the Commission, and although not technically a land use board like the Planning Board or ZBA, I agree that they can reconsider their decision should they choose to do so. This request will be considered by the Conservation Commission at their July 12th meeting. Should the Commission decide to reconsider, then the matter will be placed on the next available agenda which I assume will be the August meeting. A copy of this request is enclosed for your review. I will be prepared to update the Board on their decision at the meeting.

I do recommend that the Board discuss Attorney Pasay's letter of July 6, 2022. I recommend that the Board take the opportunity to clarify the record, and specifically, the fact that Attorney Pasay is the one who continues to bring up the litigation between the town and the Applicant, not the TRC or staff. I would like to stress that the TRC and staff have been consistent not to mention the litigation or discuss it despite the fact that Attorney Pasay seems to mention it often. I would reiterate that the litigation should not be considered during this review of the application as it is a separate matter. It is simply irrelevant to the Board's consideration of the pending application. That being said, the Board cannot be required to ignore facts which may be relevant to the pending application, such as the existence of the right-of-way to access the Carlisle Property, the Board's prior approvals related to the Carlisle Property, or the fact that the Applicant's own engineer provided a design for the TIF Road extension. To the extent that the Board may consider these facts or other related facts relevant to the pending application, the Board may consider the facts. The Board's consideration of these facts is not analogous to consideration of the current litigation. This has been clearly articulated by the TRC and the Conservation Commission but the Applicant's attorney persists in mentioning the litigation in his correspondence.

I recommend that the Board at some point state for the record that the pending litigation is not relevant to its consideration of the pending application, nor will the Board take into consideration the pending litigation during its review, but equally, the same facts which may underly the pending litigation may be relevant to the Board's deliberations, and the existence of the litigation does not prohibit the Board from consideration of these same facts should the Board consider them relevant.

I will add that while people may refer to the right-of-way as the "TIF Road," that is merely common usage/phraseology at this point given the history of the right-of-way and should

not be understood as referring to the pending litigation. The Board may wish to clarify that point for the record as well.

The Applicant is requesting three waivers as outlined in Attorney Pasay's letter dated July 6, 2022. The first waiver is from Section 11.3.1.2.a. of the Board's Site Plan Review and Subdivision Regulations to allow less than a 25-foot setback between Building D and the driveway/parking area. A copy of the waiver request letter was provided with the application materials mailed for the 5/26/22 PB meeting and included in the July 6, 2022 letter as well.

The second waiver is from Section 9.13.1. to permit less off-street parking than required in accordance with Section 5.6.3.B and C and 5.6.5 of the Zoning Ordinance. A copy of the waiver request is provided in the enclosed July 6, 2022 letter. The third waiver is from Section 9.17.2 of the Site Plan Review and Subdivision Regulations regarding street length. It is important to provide additional context to this waiver request based on the filing.

The Applicant's written waiver request regarding the roadway length mentions a meeting that the Applicant had with Assistant Fire Chief Pizon at the Fire Department. Mr. Pasay did send a follow up email stating that it was Deputy Chief Fritz that they spoke with and not Mr. Pizon. In the letter, they appear to imply that Mr. Fritz did not take issue with the roadway length and it was a topic of discussion. The letter states "the Applicant and Denis Hamel, from GM2 Associates, Inc., sat down with Assistant Fire Chief Justin Pizon to review the plan for the relocation of Building D and to discuss, among other things, roadway length." Further in the written waiver response, Mr. Pasay writes "the Assistant Fire Chief did not express concern over the length of the roadway" and later "the Applicant has consulted with the Assistant Fire Chief, incorporated recommendations into the plan, and received no objection about road length." Mr. Pizon was aware of the meeting and both he and Mr. Fritz have a different view on this meeting than what Mr. Pasay describes. Neither were aware of what the roadway length was nor did they know, or were told by the Applicant, that the Applicant was seeking a waiver from the road length. In fact, upon speaking with Mr. Pizon, he stated that he understood the meeting to be about building construction and not roadway length. Mr. Pizon further stated to me that if he knew they were discussing a waiver regarding roadway length then he would've been present at the meeting to discuss his concerns.

Moreover, this meeting occurred on March 30, 2022 with Mr. Fritz, well before the TRC meeting on April 21, 2022. It was at the TRC meeting where I first mentioned the need for a waiver and the Applicant's representative Denis Hamel, questioned that a waiver was needed and specifically asked how a driveway could be considered a road. I advised the Applicant's representatives to review the pertinent section on roadway length and either submit a waiver request or articulate why you believe one isn't necessary and subsequently we received the enclosed request. Given these facts, I don't know how

any discussion about a roadway length waiver would have occurred on March 30, 2022 when the Applicant's engineer didn't know one was even needed until I informed him on April 21, 2022. That said, I have requested a memo from the Fire Department that will clarify their position on the roadway length. I will forward this memo along to the Board either before or at the meeting since I just got Mr. Pasay's submittal yesterday and Mr. Fritz needs time to prepare a response.

The waiver on roadway length appears to have a significant impact on the design. As such, I would request that the Planning Board at least discuss the waiver request at this meeting to get an understanding of where the Board may be headed regarding this waiver. The Board sometimes waits until the end of the meeting to discuss waivers but the vast majority of them can be remedied with a condition of approval regardless if they are approved. However, the outcome of this waiver could have a significant impact on the design that cannot be remedied with a condition and would likely warrant a revised plan set.

Finally, if the Board would like to hold a site walk then I would suggest scheduling it at this meeting.

Waiver Motions:

Parking waiver motion: After reviewing the criteria for granting waivers, I move that the request of Willey Creek Co. (PB Case #22-2) for a waiver from Section 11.3.1.2.a of the Site Plan Review and Subdivision Regulations to permit proposed parking within 15-feet of the existing/proposed building be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Parking space (number required) waiver motion: After reviewing the criteria for granting waivers, I move that the request of Willey Creek Co. (PB Case #22-2) for a waiver from Section 9.13.1. to permit less off-street parking than required in accordance with Section 5.6.3.B and C and 5.6.5 of the Zoning Ordinance be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Dead End Streets/Cul-de-sacs waiver motion: After reviewing the criteria for granting waivers, I move that the request of Willey Creek Co. (PB Case #22-2) for a waiver from Section 9.17.2 of the Site Plan Review and Subdivision Regulations regarding street length be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Planning Board Motions:

Lot Line Adjustment Motion: I move that the request of Willey Creek Co. (PB Case #22-2) for Lot Line Adjustment approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Multi-Family Site Plan Motion: I move that the request of Willey Creek Co. (PB Case#22-2) for Multi-Family Site Plan approval be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Conditional Use Permit (Wetlands) Motion: After reviewing the criteria for a Wetlands Conditional Use permit, I move that the request of Willey Creek Co. (PB Case #22-2) for a Conditional Use Permit be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Conditional Use Permit (Shoreland) Motion: After reviewing the criteria for a Shoreland Conditional Use permit, I move that the request of Willey Creek Co. (PB Case #22-2) for a Conditional Use Permit be APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS / TABLED / DENIED.

Thank You.

Enclosures

ATTACHMENTS TO TOWN PLANNER MEMO TO PLANNING BOARD

DATED JULY, 7, 2022



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

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July 6, 2022

Langdon Plumer, Chair
Exeter Planning Board
10 Front Street
Exeter, NH 03833

Re: Supplement for Planning Board Case #22-3

Dear Chair Plumer and Board Members:

This firm represents Jonathan Shafmaster, Willey Creek Company and Ray Farm LLC (the "Applicant") with regard to the Ray Farm Condominium which is a 55+ senior living development in Exeter located on property off of Ray Farmstead Road (the "Project" or the "Applicant's Property"). Enclosed herewith, please find an updated Traffic Memorandum from Stephen G. Pernaw, PE, PTOE, of Stephen G. Pernaw & Company, Inc., and three waiver requests to include: 1) a waiver request pursuant to Article 5.6.5 of the Zoning Ordinance to permit 58 parking spaces where 72 are required; 2) a waiver request from Section 9.17.2 of the Site Plan and Subdivision Regulations (the "Regulations") to permit a dead-end road that is 1,656.2 feet in length where the maximum length under the Regulations is 1,200 feet; and 3) a waiver request from Section 11.3.1.2.a of the Regulations to permit a 15-foot distance between the proposed building and the parking lot in front of the building.

We also take this opportunity to address the issue of the so-called "TIF Road extension" over a private access owned by Scott Carlisle, to Scott Carlisle's abutting property (the "Carlisle Property"), which we briefly addressed via our TRC comment response letter dated 17 May 2022. That letter summarized the Applicant's objection to the Planning Board's consideration of this issue by virtue of the ongoing litigation involving the Town of Exeter, the Applicant, and Mr. Carlisle, and requested a condition of approval stating that if the extension of Ray Farmstead Road over the existing private access on the Applicant's Property was ever reviewed, approved and permitted, the Applicant would be required to pursue amended site plan approval to ensure

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

compatibility with same. The Applicant maintains this request and suggests it is a reasonable way to resolve the underlying circumstances.

In the meantime, and in the context of the ongoing litigation, the Applicant has requested that: 1) the Town's lawsuit be withdrawn such that the Town's obligations to consult, cooperate and engage in the dispute resolution mechanisms required between the Town and the Applicant concerning Ray Farmstead Road (the "TIF Road Agreement") could be honored¹; 2) the comments concerning the TIF Road extension be withdrawn such as to preserve the juror standard applicable to this Board; and 3) Town Counsel direct the Planning Board and Conservation Commission to *not* consider the issue of the Ray Farmstead Road extension.² To the Applicant's knowledge, the Town has taken none of the foregoing steps as evidenced most recently by the Conservation Commission meeting on 14 June 2022 at which the Commission raised the issue again.

While the Applicant has no intention of discussing or debating the merits of the Town's legal claims in the ongoing litigation before the Planning Board, both the TRC and Mr. Carlisle, through his legal counsel, have inserted the issue of the Ray Farmstead Road extension into this case. As a result, the Applicant has an interest and an obligation in ensuring the record of these proceedings includes the documents which support the Applicant's perspective on the underlying matters. In that context, below please find a summary outline of foundational facts of this case from the Applicant's perspective.

- In 2001, the Rockingham County Superior Court issued an order interpreting the nature and scope of Mr. Carlisle's easement on the Applicant's Property. To summarize, Mr. Carlisle has a 50 ft *private* right of way over the Applicant's Property that runs with the Carlisle Property and benefits that property's owner (the "Carlisle Private Access")³ The Carlisle Private Access is not now, nor has it ever been, public in nature.
- In 2015, the Town Meeting approved Articles 10, 28 and 29 of the Town Warrant which established the Epping Road TIF District (the "TIF") and a TIF Development Plan which proposed to install new sewer and water improvements along Epping Road as well as a new industrial road, with sewer and water, over Carlisle's Private Access on the Applicant's Property to Mr. Carlisle's Property. The Town did not then, and has never

¹ See *infra*.

² The Town's lawsuit, which seeks to enjoy proceedings on this application, is a tacit acknowledgement that these matters are not appropriately considered by this Board because if the Planning Board had jurisdiction to consider and resolve same, the underlying lawsuit would be unnecessary.

³ See Enclosure 1, Order, W. Scott Carlisle, III v. CKT & Associates, 00-E-0072, pg. 18 (emphasis added).

since, acquired any agreement or commitment from the Applicant to convey to the Town the real property interests necessary to build a public road on the Applicant's Property.

- In July of 2017, the Applicant received Planning Board approvals for the Ray Farm 55+ Project.⁴ That review and approval did not include a local review of Ray Farmstead Road. Rather, the Conditional Approval required that the final design of the "TIF Road" that was to be built and serve the Project be completed prior to any site construction activities.⁵ Further, the Conditional Approval stated that before a Certificate of Occupancy would issue, full access must be provided from the proposed "TIF Road" to be constructed by the Town or its designee.⁶ The approved and recorded Site Plan depicts Ray Farm Stead Road terminating after access to the Ray Farm Project is provided.⁷
- On 24 August 2017, the Planning Board approved a minor subdivision of the Carlisle Property which proposed a cul-de-sac that would be accessed via "the future T.I.F. Roadway from Epping Road" (the "Carlisle Subdivision").⁸ The approved plan includes a reference that the "proposed TIF Road to be constructed within existing 50' wide right-of-way to Epping Road (RTE 27) BK 3794, PG 1963 (Plan Ref. 3)."⁹ Subdivision Note 6 states that "[u]pon approval by the Town, the proposed road will be conveyed to the Town."¹⁰ The conditional approval of the Planning Board states that "[t]his approval shall not be final until the applicant presents to the Board, and the Board and its engineers approve, a design for both the un-built portion of the so-called TIF road to the applicant's property, and the roadway and cul-de-sac within the property" ("Condition 2").¹¹ The Town and Mr. Carlisle maintain that this approval "dedicated" a public road over Carlisle's Private Access on the Applicant's Property but Carlisle's Subdivision Application did not include an authorization from the Applicant, the owner of the land upon which Mr. Carlisle was proposing improvements, which is required by Exeter regulations and New Hampshire law. Further, neither Mr. Carlisle nor the Town acquired consent from the Applicant to site the "TIF Road extension" directly over the Carlisle Private Access or a commitment from the Applicant to convey the fee interest in the roadway extension over the Applicant's Property to the Town, as required by Subdivision

⁴ See Enclosure 2, Conditional Approval dated 27 July 2017.

⁵ See *Id.* Condition 4.

⁶ *Id.*, Condition 15.

⁷ See Enclosure 3, Recorded Site Plan.

⁸ See Enclosure 4, Minor Subdivision Application.

⁹ See Enclosure 5, Approved Carlisle Subdivision Plan.

¹⁰ *Id.*

¹¹ See Enclosure 6, Planning Board Conditional Approval Letter dated 25 August 2017.

Note 6.

- On 8 November 2017, NHDES issued AoT Permit number 1335 which covered the Ray Farm Project itself.¹² In April of 2019, that permit was amended to include construction of Ray Farmstead Road to its current terminus.¹³ The existing AoT Permit only covers the built-portion of Ray Farmstead Road. To date, and to the Applicant's knowledge, the State has not reviewed or issued an AoT Permit for the extension of Ray Farmstead Road.
- A State Dredge and Fill Wetlands Permit (File #2017-01530) was issued for the Project on 16 August 2017 (the "State Wetland Permit"). On 1 February 2018, Gove Environmental Services, Inc., sought an amendment to the State Wetland Permit to cover an additional 368 square feet of impact caused by Ray Farmstead Road. The amendment request provides relevant context and states:

The need to amend the permit is related to timing. The full design and permitting of the TIF road was supposed to have been undertaken by the Town of Exeter such that this project, the first in the area to be served by the road, could proceed in a timely manner. The design and permitting of the public road has, however, lagged behind and is now preventing the start of work on the project since the road provides access to the site entrance drive. The applicant intends to enter into an agreement with the Town of Exeter to design and construct the section of roadway up to the entrance drive so work on the approved residential development can begin as soon as possible.¹⁴

- The Amended Wetland Permit was issued by NHDES on 14 February 2018.¹⁵ The State Wetland Permit, as amended, only covers the construction of Ray Farmstead Road to its current terminus. The Amended State Wetland Permit does not cover the extension of Ray Farmstead Road, which, to the Applicant's knowledge, has not been reviewed or approved by any local entity or the State.
- Towards the end of 2017 and into 2018, the Town and the Applicant negotiated the terms of the TIF Road Agreement whereby the Applicant was to construct Ray Farmstead Road

¹² See Enclosure 7.

¹³ See Enclosure 8.

¹⁴ See Enclosure 9.

¹⁵ See Enclosure 10.

over a portion of Carlisle's Private Access.¹⁶ The TIF Road Agreement required the Applicant to build Ray Farmstead Road to the Town's satisfaction and then deed the Town the underlying fee to the improved Ray Farmstead Road to its current terminus.¹⁷ The TIF Road Agreement does not require the Applicant to convey the fee title interest in the remaining area of Carlisle's Private Access to the Town. In fact, the Applicant expressly refused to do so during the negotiation of the TIF Road Agreement, which is why Section 8.2 of the Agreement states that "[t]he Parties recognize that there are other matters involving the [Project] where [the Applicant] has or will request further reasonable cooperation and future consideration from the Town or its Boards and staff, including but not limited to ... consultation and consideration regarding the location of the further extension of the TIF Road on the property of CKT Associates so as to preserve the development potential of CKT's remaining land."¹⁸

- During the negotiation of the TIF Road Agreement, the Town requested that in addition to the design for Ray Farmstead Road that would serve the Project, the Applicant provide design plans for Ray Farmstead Road's extension over Carlisle's Private Access. In good faith, the Applicant, through its civil engineers at the time, Cammett Engineering, provided engineered plans for a Ray Farmstead Road extension over Carlisle's Private Access (the "Cammett Extension Plans"), as it provided other plans to the Town for utility improvements along Epping Road. The Applicant did not authorize the Town or Mr. Carlisle to utilize these plans as the final design of the Ray Farmstead Road extension and made no representation that it agreed with the Cammett Extension Plans as the final plan for Ray Farmstead Road extension. As noted above, the TIF Road Agreement expressly contemplates the potential relocation of the extension to accommodate the development of the Applicant's remaining land.
- In June of 2019, acting on behalf of Mr. Carlisle, Jones & Beach Engineers, Inc. ("JBE") sent a letter to the Planning Board cc'ing Attorney Hilliard, but not the Applicant, which purports to satisfy Condition 2 of the Carlisle Conditional Subdivision Approval which states that the approval is not final "until the applicant presents to the Board, and the Board and its engineers approve, a design for both the un-built portion of the so-called TIF road to the applicant's property, and the roadway and cul-de-sac within the

¹⁶ See Enclosure 11, TIF Road Agreement.

¹⁷ The Applicant subsequently complied with the terms of the Planning Board approval and the TIF Road Agreement and provided as-built plans for Ray Farmstead Road to its current terminus to the Town and conveyed to the Town the existing built Ray Farmstead Road. See Enclosure 12, Recorded Road Deed.

¹⁸ See Enclosure 11, pg. 18. This reflects that the Town understood that it does not hold the necessary rights to forcibly extend Ray Farmstead Road through the Applicant's Property over the Carlisle Private Access over the Applicant's objection.

property.”¹⁹ Specifically, the JBE letter provided a set of plans for the cul-de-sac terminus of the “TIF Road”, produced by JBE, and a copy the Cammett Extension Plans provided to the Town pursuant to the TIF Agreement negotiation. No authorization from the Applicant was requested or obtained by JBE to advance those plans as the final plans for the extension. Further, the cover letter states Jones & Beach “assumes” that the stormwater flow from the proposed cul-de-sac on the Carlisle Property was included in Cammett Engineer’s design, though that is not the case.

- In response to Jones & Beach’s filing, the Town’s Assistant Engineer sent an email to JBE, cc’ing several Town Officials and Attorney Hilliard, which states in part that “DPW has no other comments on the proposed road layout” and that “[t]hese plans are acceptable for final approval.” All of this occurred without the knowledge or consent of the Applicant. Further, Mr. Carlisle still has not satisfied the express language of Condition 2 of his Subdivision Approval which requires the *Planning Board* to review and approve the design of the Ray Farmstead Road extension over the Applicant’s Property, which review would obviously require the authorization of the Applicant, who is the property owner, in the first instance. Further, as pointed out above, to the Applicant’s knowledge, there has been no local review or State permitting for the extension of Ray Farmstead Road over the Carlisle’s Private Access.
- In 2021, the Applicant decided to relocate Building D of the Project which required a use variance from the Zoning Board of Adjustment (the “ZBA”), among other Planning Board relief. In the spirit of collaboration, the Applicant reached out to Mr. Carlisle to discuss the proposal and even shared a conceptual plan depicting an alternative to the Private Access/Ray Farmstead Road extension to access the Carlisle Property from Commerce Way. The Applicant received a unanimous approval from the ZBA for the use variance. No appeal was taken from that decision.
- Also in 2021, the Applicant began hearing rumors in Town that the Town Counsel and/or Mr. Carlisle believed that the Town could use TIF funds to extend Ray Farmstead Road over Carlisle’s Private Access to the Carlisle Property over the Applicant’s objection. In an effort to understand the Town’s position, the Applicant reached out to counsel for Mr. Carlisle as well as the Town Counsel and solicited the Town’s perspective in early 2022. After a brief phone call with Town Counsel, the Applicant wrote a letter to the Town expressing an objection to the extension of Ray Farmstead Road over Carlisle’s Private Access, but proposing an alternative access to the Carlisle Property over other land

¹⁹ See Enclosure 13.

Langdon Plumer, Chair
Exeter Planning Board
July 6, 2022
Page 7

owned by the Applicant, and requesting a meeting with the Town to discuss.²⁰ The Town never responded to this letter. Rather, shortly after filing its request for a preliminary consultation with the Planning Board in March of 2022, the Town filed a lawsuit seeking, among other things, to enjoin proceedings on this application.

We appreciate your time and review of this information as we work to ensure the record includes the documents which the Applicant's perspective is based on.

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC

A handwritten signature in blue ink, appearing to be 'J. Pasay', written in a cursive style.

Justin L. Pasay
JLP/sac
Enclosures

cc: Jonathan Shafmaster
Denis Hamel, GM2
Brendan Quigley, Gove Environmental

²⁰ See Enclosure 14.

WAIVER FOR PARKING

The Applicant requests a waiver from the parking requirements in accordance with Article 5.6.5 of the Zoning Ordinance to allow 58 parking spaces where 72 spaces are required. A similar waiver was granted by the Planning Board for other buildings within the Project via the original Conditional Approval from July of 2017.

Article 5.6.5 of the Zoning Ordinance states that the “Planning Board may grant reductions in the number and size of required off-street parking spaces in conjunction with its site plan review” when such reductions “promote better utilization of parking areas, including shared parking, or a reduction in impervious surface, and conservation of open space lands and buffers.” In accordance with Article 5.6.3.B and C and 5.6.5 of the Zoning Ordinance, the Applicant requests a reduction in the parking requirements because:

1. The nature of the Project, where residents will be over 55, and the Applicant’s research re: similar properties, indicates that the required parking is not necessary to support the use, which analysis has been confirmed by the full occupation of Buildings A and B within the Project.

2. Reducing the amount of parking and impervious surface will benefit and advance the goals of the Wetlands Conservation Overlay District Ordinance and the Shoreland Protection District Ordinance; and

SITE PLAN REVIEW REGULATIONS WAIVER REQUIREMENTS:

13.7.1. The granting of the waiver will not be detrimental to the public safety, health and welfare or injurious to other property.

The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property. In fact, the reduction in parking will allow the development to proceed with less impervious surface thereby creating additional protection for nearby wetlands which is a benefit for the public. Further, the Applicant’s experience with the fully occupied Buildings A and B constitutes proof positive that its parking proposal satisfies the needs of Project residents.

13.7.2 The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

The uplands upon which the relocated Building D will be sited are in close proximity to sensitive wetlands and shoreland areas. This area is further challenged by steep topography and collectively, these conditions constitute unique circumstances. The Applicant requests the waiver in order mitigate the Project’s Conservation District and Shoreland District impacts, which is reasonable under the circumstances and consistent with relief provided by the Planning Board to this Project in the past.

13.7.3 Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

If the Applicant was required to provide the full parking amount, it would be required to cause addition impacts the Wetlands Conservation District or the Shoreland District, or would infringe on the Private Access Way on the property. Given these unique circumstances, in addition to the existing topography, granting this waiver offers greater protection to allow more of the site to remain in its nature state and further protects the wetlands.

13.7.4 The granting of the waiver will not be contrary to the spirit and intent of the regulations.

The spirit and intent of the regulations includes promoting reasonable development and minimizing impacts to sensitive wetland or wetland buffer or shoreland areas. Granting this waiver would secure the objectives, as well as the standards and requirements of the Town's regulations by reducing impervious surface on the site.

13.7.5 The waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance or Master Plan.

The Zoning Ordinance specifically allows the Planning Board, in its discretion, to reduce the required parking under circumstances that warrant such a reduction. Given the above, granting this waiver would be consistent with the Zoning Ordinance and the Town's Master Plan because it will promote the reduction of impervious surface area and the protection of shoreland area in accordance with Article 5.6.5.B and C of the Zoning ordinance.

WAIVER FOR PARKING LOT SETBACKS FROM BUILDING

The Applicant requests a waiver from the requirements of Section 11.3.1.2.a of the Site Plan Review and Subdivision Regulations (the "Regulations") to allow a 15-foot distance between the proposed building and its corresponding front parking lot where the minimum distance required is 25 feet. A similar waiver was granted by the Planning Board for other buildings within the Project via the original Conditional Approval from July of 2017.

SITE PLAN REVIEW REGULATIONS WAIVER REQUIREMENTS:

13.7.1. The granting of the waiver will not be detrimental to the public safety, health and welfare or injurious to other property.

The site has been designed to allow for safe pedestrian and vehicular traffic and has been designed to minimize impacts to the Wetland Conservation District and Shoreland Protection District. Allowing the reduced building/parking setback allows less impact to the wetland and corresponding buffers on the site which benefits the public health, safety and welfare. Further, the architecture and parking configuration will be consistent with Buildings A, B and C which are already constructed and will, therefore, maintain a uniform aesthetic within the Project. Finally, there is a substantial amount of landscaping proposed for the areas between the building and the parking which will achieve the objective of the regulation.

13.7.2 The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

Given the site's existing topography and wetlands, granting this waiver offers greater protection to allow more of the site to remain in its nature state and further protects the wetlands. Additionally, this request is consistent with identical relief already provided to this Project.

13.7.3 Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

Again, given the site's existing topography and wetlands, granting this waiver offers greater protection to allow more of the site to remain in its nature state and further protects the wetlands and shoreland area.

13.7.4 The granting of the waiver will not be contrary to the spirit and intent of the regulations.

Granting this waiver for this relatively minor deviation would secure the objectives, standards and requirements of the Town's regulation by reducing impacts on the wetland buffer

without impacting public safety or the aesthetics of the Project which will be thoroughly landscaped and consistent with what is already built.

13.7.5 The waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance or Master Plan.

Allowing the reduced setback will not violate the spirit of the Zoning Ordinance or Exeter Master Plan and will allow less impact in the wetland buffer.

WAIVER FOR ROADWAY LENGTH

The Applicant requests a waiver from the dead-end streets and cul-de-sacs stated in Section 9.17.2 of the Site and Subdivision Regulations, to allow a road length of 1656.2 feet where the maximum allowed is 1,200 feet.

In preparation for the filing of its Planning Board applications, the Applicant and Denis Hamel, from GM2 Associates, Inc. ("GM2"), sat down with Assistant Fire Chief Justin Pizon to review the plan for the relocation of Building D and to discuss, among other things, roadway length. The result of that meeting was input provided by Assistant Chief Pizon regarding the proposed internal roadway connecting Building C with Building D which was incorporated into the Plan by GM2. The Assistant Fire Chief expressed no concerns over the proposed length of the roadway. Further, under the circumstances, the Applicant's proposed access from Building C constitutes the least impactful means of providing access to the underlying upland area where Building D will be relocated and the purpose of the underlying regulation, which is rooted in providing fire safety, is satisfied by the project because Building D will be sprinkled like Buildings A, B and C.

SITE PLAN REVIEW REGULATIONS WAIVER REQUIREMENTS:

13.7.1. The granting of the waiver will not be detrimental to the public safety, health and welfare or injurious to other property.

As detailed in the Applicant's Conditional Use Permit filings, which filings are incorporated herein by reference, the extension of the access road from Building C to Building D is the least environmentally impactful means of providing access to the underlying uplands that exists. For this reason, the Applicant's proposal advances the public health, safety and welfare. Further, the occupants of Building D will be protected from a life safety and fire perspective, by a sprinkled building and the Assistant Fire Chief did not express concern over the length of the roadway. Under the circumstances, not only will granting the waiver not be detrimental to the public health, safety and welfare or injurious to other property, but it will advance all those things.

13.7.2 The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.

As described in other application filings, the Property is unique by virtue of its topography and the distinct and separated upland areas which, in this case, are surrounded by Wetland Conservation District and/or the Shoreland Protection District. As a result of these unique circumstances, the proposed access from Building C is the least impactful means of providing access to the upland area. These conditions are unique to the Property and not applicable generally to other properties.

13.7.3 Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

As described above, given the nature of the development, the site limitations including topography and proximity to the Wetlands Conservation and Shoreland Protection Districts, the proposed access from Building C is the most reasonable course of action as any other means would cause far more environmental impacts than what the Applicant proposes as detailed in the Applicant's Conditional Use Permit filings. Requiring the Applicant to provide access to the underlying upland area via a means that will cause more environmental impact is a particular hardship.

13.7.4 The granting of the waiver will not be contrary to the spirit and intent of the regulations.

The spirit and intent of the underlying regulation, as referenced above, is to provide fire protection. Here, the Applicant has consulted with the Assistant Fire Chief, incorporated recommendations into the plan, and received no objection about road length. Further, Building D will be sprinkled like Buildings A, B and C and so the spirit and intent of the regulation is satisfied. Beyond this, the spirit and intent of the regulations incorporates the notion of avoidance and minimization of wetland impacts, which the Applicant's proposal accomplishes.

13.7.5 The waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance or Master Plan.

The provisions of the Zoning Ordinance and Master Plan will be protected because the Project contemplates the reasonable provision of fire safety to Building D via its sprinkler system, and because the proposed extension of the internal access road is the least impactful means of providing access to the underlying upland area.

MEMORANDUM

Ref: 2218A

To: Bill Blackett
Ray Farm Condominiums

From: Stephen G. Pernaw, P.E., PTOE

Subject: Proposed Residential Development
Exeter, New Hampshire

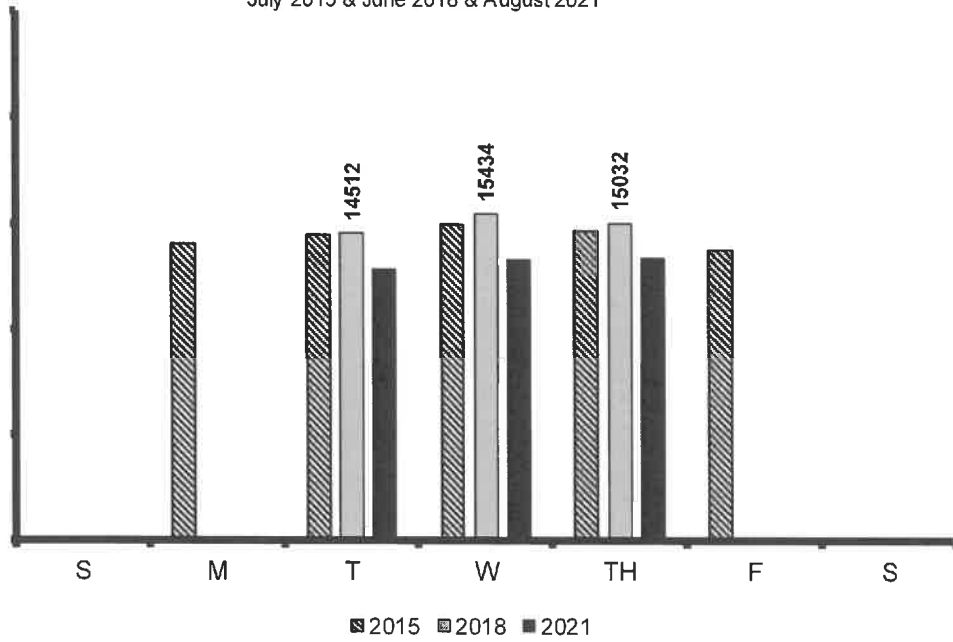
Date: May 27, 2022

Background – On June 26, 2017 our office prepared a “*Traffic Impact Assessment*” report for Willey Creek Company, LLC, for the proposed Active Adult Community (55+) with 116 dwelling units on a site located on the east side of NH Route 27 in Exeter, New Hampshire. The current development proposal calls for +12 additional dwelling units, bringing the total to 128 dwelling units. The purpose of this memorandum is to update the trip generation analysis, and to update our previous research of available traffic count data. This memorandum also addresses the fact that the ITE Trip Generation Manual has undergone two revisions since the publication of the original study. To summarize:

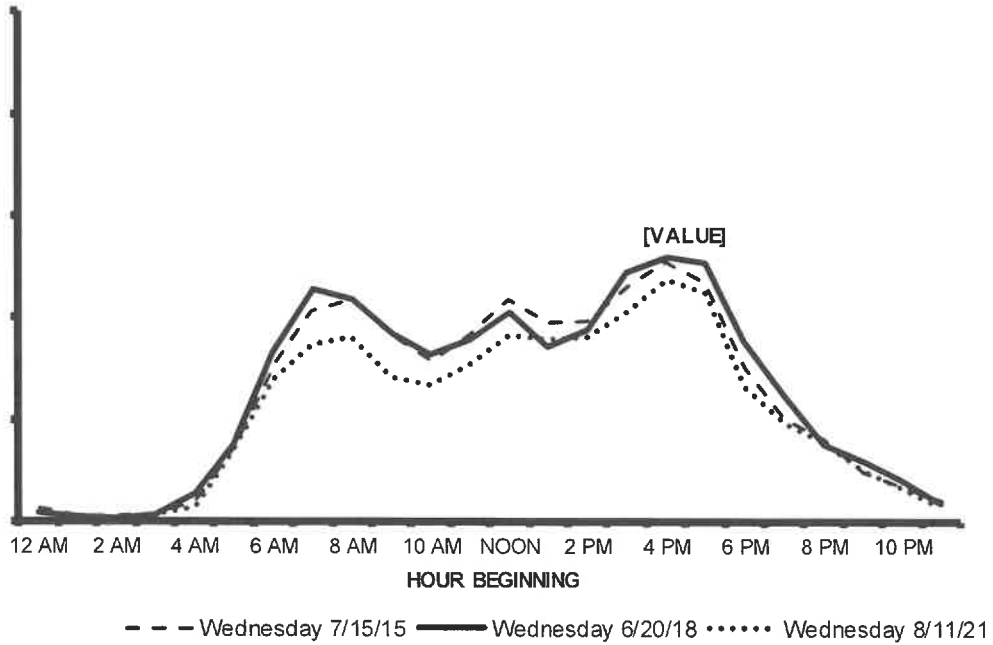
Proposed Development – According to the plan entitled “*Overall Site Plan*,” prepared by GM2 (see Attachment 1), the proposed development project involves the construction of one new building that increases the dwelling unit count to 128 units. Access to the proposed building will be provided via a continuation of the existing full-access site driveway, also known as Ray Farmstead Road.

Existing Traffic Volumes - Research at the NHDOT revealed that the closest short-term Automatic Traffic Recorder count station to the site is located on NH27, south of NH101 Exit 9, approximately 0.25-miles north of Ray Farmstead Road. According to the NHDOT reports, this section of NH27 carried an Annual Average Daily Traffic (AADT) volume of approximately 11,302 vehicles per day (vpd) in 2021, down from a high of 13,128 vpd in 2019 (see Attachment 2). This data clearly shows the effects of the ongoing pandemic. The most recent data demonstrates that weekday traffic volumes typically reach peak levels from 8:00 to 9:00 AM and from 4:00 to 5:00 PM, thus corresponding to the typical commuter periods (see Attachments 3 & 4). The diagrams on Page 2 summarize the daily and hourly variations in traffic demand along NH27.

DAILY TRAFFIC VARIATIONS
 NH 27 (Epping Road) South of NH101 Exit 9
 July 2015 & June 2018 & August 2021



HOURLY TRAFFIC VARIATIONS



Trip Generation - To estimate the quantity of vehicle-trips that will be produced by the +12 additional dwelling units, Pernaw & Company, Inc. considered the standard trip generation rates and equations published by the Institute of Transportation Engineers¹ (ITE). The most applicable ITE Land Use Code (LUC) for this type of development is LUC 252 (Senior Adult Housing).

Table 1 summarizes the results of the trip generation analyses for the three cases below: using the previous traffic study (ITE 9th Edition), and for this 2022 Update (ITE 11th Edition) using 116 units and 128 units. In all cases, the number of dwelling units was used as the independent variable (see Attachments 5 – 10).

Table 1	Trip Generation Summary / Comparison Ray Farm Condominium, Exeter, New Hampshire				
	2017 TIA ¹	2022 UPDATE ²		Net Change ³	Change ⁴ (with respect to 2017 Study)
	116 Units (ITE 9th Edition)	116 Units (ITE 11th Edition)	128 Units (ITE 11th Edition)		
Weekday (24 hours)					
Entering	184 veh	180 veh	198 trips	18 veh	14 trips
Exiting	<u>184 veh</u>	<u>180 veh</u>	<u>198 trips</u>	<u>18 veh</u>	<u>14 trips</u>
Total	368 trips	360 trips	396 trips	36 trips	28 trips
AM Street Peak Hour					
Entering	8 veh	8 veh	8 trips	0 veh	0 trips
Exiting	<u>15 veh</u>	<u>15 veh</u>	<u>17 trips</u>	<u>2 veh</u>	<u>2 trips</u>
Total	23 trips	23 trips	25 trips	2 trips	2 trips
PM Street Peak Hour					
Entering	16 veh	16 veh	18 trips	2 veh	2 trips
Exiting	<u>13 veh</u>	<u>13 veh</u>	<u>14 trips</u>	<u>1 veh</u>	<u>1 trips</u>
Total	29 trips	29 trips	32 trips	3 trips	3 trips

¹ "Traffic Impact Assessment - Proposed Active Adult Community " dated 6/26/17 by Pernaw & Company, Inc.

² ITE Land Use Code 252 - Senior Adult Housing (Trip Equation Method)

³ Column 3 minus Column 2

⁴ Column 3 minus Column 1

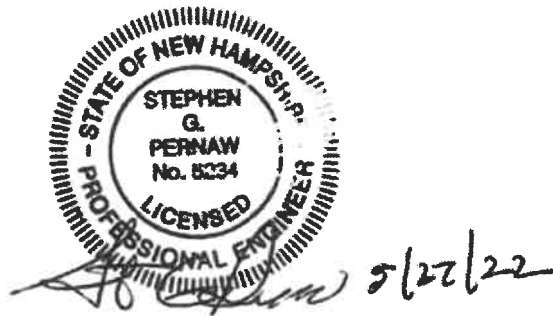
This table shows that the overall development will generate its highest traffic flow rate during the weekday PM commuter peak hour, with an increase of approximately +3 vehicle-trips (2 arrivals, 1 departure) due to the 12 additional units. An increase of +3 vehicles that will be split between points north and south on NH27, is de minimis from an overall impact standpoint.

¹ Institute of Transportation Engineers, *Trip Generation Manual*, Eleventh Edition (Washington, D.C., 2021)

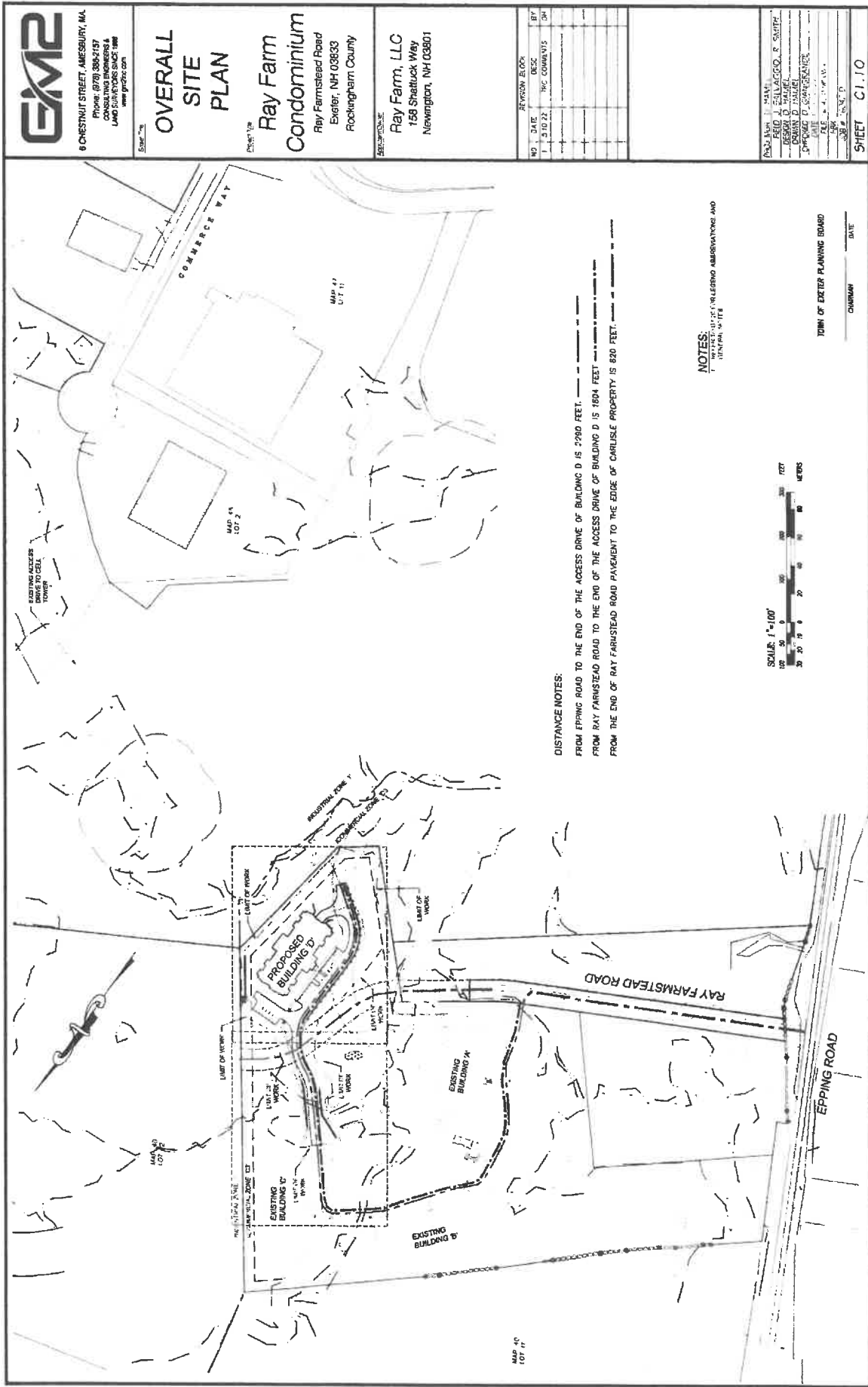
Findings & Conclusions:

1. According to the NHDOT reports, this section of NH27 north of Ray Farmstead Road carried an Annual Average Daily Traffic (AADT) volume of approximately 11,302 vehicles per day (vpd) in 2021, down from a high of 13,128 vpd in 2019. These volumes clearly show the effects of the ongoing pandemic.
2. As a result of the +12 additional condominium units, the amount of site traffic during the worst-case PM peak hour period will increase from approximately 29 vehicle-trips to 32 vehicle-trips (+3 trips). Traffic changes of this order of magnitude, when spread out over a one-hour period, are de minimis from a transportation impact and traffic operations standpoint.
3. The prevailing Levels of Service at the NH27 / Ray Farmstead Road intersection will not change as a result of the +12 additional condominium units.

Attachments



ATTACHMENTS



GMP
 6 CHESTNUT STREET, MESSISQUIY, MA
 Phone: (878) 389-1317
 Fax: (878) 389-1318
 WWW.GMPINC.COM

**OVERALL
 SITE
 PLAN**

**Ray Farm
 Condominium**
 Ray Farmstead Road
 Exeter, NH 03833
 Rockingham County

Ray Farm, LLC
 158 Shattuck Way
 Newington, NH 03801

NO.	DATE	DESC.	BY
1	5.10.22	INC COMMENTS	JH

DATE: 5.10.22
 DRAWN BY: J. S. FOSTER
 CHECKED BY: J. S. FOSTER
 SCALE: 1" = 100'
 JOB # 22-010

SHEET C1.10

DISTANCE NOTES:
 FROM EPPING ROAD TO THE END OF THE ACCESS DRIVE OF BUILDING D IS 2980 FEET
 FROM RAY FARMSTEAD ROAD TO THE END OF THE ACCESS DRIVE OF BUILDING D IS 1804 FEET
 FROM THE END OF RAY FARMSTEAD ROAD PAVEMENT TO THE EDGE OF CURBABLE PROPERTY IS 820 FEET

NOTES:
 1. VERIFY ALL FIELD OBSERVATIONS AND
 2. VERIFY ALL NOTES



TOWN OF EXETER PLANNING BOARD
 CHAIRMAN _____ DATE _____



Transportation Data Management System

List View

All DIRs

Record	1	of 1	Goto Record	go
Location ID	82153064	MPO ID		
Type	SPOT	HPMS ID		
On NHS	No	On HPMS	Yes	
LRS ID	Y1530001__	LRS Loc Pt.		
SF Group	04	Route Type		
AF Group	04	Route		
GF Group	E	Active	Yes	
Class Dist Grp	Default	Category	3	
Seas Class Grp	Default			
WIM Group	Default			
QC Group	Default			
Funct'l Class	Other Principal Arterial	Milepost		
Located On	Epping Rd			
Loc On Alias	NH 27 (EPPING RD) SOUTH OF NH 101 EXIT 9			
More Detail ▶				
STATION DATA				

Directions: 2-WAY EB WB ?

AADT

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2021	11,302	1,165	10	60	10,273 (91%)	1,029 (9%)	
2020	11,080 ³		10	60	10,083 (91%)	997 (9%)	Grown from 2019
2019	13,128 ³		10	60	12,025 (92%)	1,103 (8%)	Grown from 2018
2018	12,972	1,303	10	60	11,959 (92%)	1,013 (8%)	
2017	12,485 ³						Grown from 2016

> >> 1-5 of 14

Travel Demand Model										
Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV	

VOLUME COUNT			
Date	Int	Total	
Thu 8/12/2021	60	13,390	
Wed 8/11/2021	60	13,241	
Tue 8/10/2021	60	12,862	
Thu 6/21/2018	60	15,032	
Wed 6/20/2018	60	15,434	
Tue 6/19/2018	60	14,512	
Fri 7/17/2015	60	13,695	
Thu 7/16/2015	60	14,647	
Wed 7/15/2015	60	14,934	

VOLUME TREND	
Year	Annual Growth
2021	2%
2020	-16%
2019	1%
2018	4%
2017	2%
2016	2%
2015	0%
2012	0%

STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION - BUREAU OF TRAFFIC
 IN COOPERATION WITH U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION
 AUTOMATIC TRAFFIC RECORDER DATA FOR THE MONTH OF JULY 2015
 82 153064 EXETER- NH 27 (EPPING RD) SOUTH OF NH 101 EXIT 9

2/22/2016

M O N D A Y	D A T E	12 AM 1 AM 2 AM 3 AM 4 AM 5 AM 6 AM 7 AM 8 AM 9 AM 10 AM 11 AM 12 PM 1 PM 2 PM 3 PM 4 PM 5 PM 6 PM 7 PM 8 PM 9 PM 10 PM 11 PM Total																																			
		44	19	13	25	34	91	379	751	1024	1084	846	740	841	983	990	779	905	1045	1137	1154	755	509	422	303	153	100	13991									
7	13	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	13991
7	14	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	14465	
7	15	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	14834		
7	16	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	14647			
7	17	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	13695				



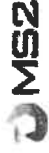
TYPE	STATION	YEAR	MONTH	NO. DAYS	AVERAGE SUNDAY	AVERAGE WEEKDAY	AVERAGE SATURDAY	AVERAGE DAILY	COMPUTED VOLUME	PERCENT GAIN	PERCENT LOSS
82	153064	2015	July	5	0	14346	0	*	*		
PEAK HOUR VOLUMES:											
					AVERAGE SUNDAY	AVERAGE WEEKDAY	AVERAGE SATURDAY	AVERAGE DAILY	AVERAGE MIDDAY:	AVERAGE PM:	
					1023	1023	996	1213	AM - 6 AM TO 10 AM	MIDDAY - 10 AM TO 2 PM	
									PM - 2 PM TO 8 PM		



Transportation Data Management System



Transportation Data Management System



Excel Version

Weekly Volume Report

Location ID: 82153064	Type: SPOT
Located On: Epping Rd	:
Direction: 2-WAY	
Community: EXETER	Period: Mon 6/18/2018 - Sun 6/24/2018
AAADT: 12872	

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM		39	46	58				48	0.3%
1:00 AM		29	28	22				26	0.2%
2:00 AM		24	16	20				20	0.1%
3:00 AM		49	35	57				47	0.3%
4:00 AM		133	138	131				134	0.9%
5:00 AM		400	379	392				390	2.6%
6:00 AM		763	827	817				802	5.4%
7:00 AM		1056	1135	1097				1,096	7.3%
8:00 AM		1034	1083	1077				1,068	7.1%
9:00 AM		808	919	867				865	5.8%
10:00 AM		851	817	804				824	5.5%
11:00 AM		854	893	856				868	5.8%
12:00 PM		1010	1026	934				990	6.6%
1:00 PM		855	859	905				873	5.8%
2:00 PM		900	942	979				940	6.3%
3:00 PM		1152	1227	1205				1,195	8.0%
4:00 PM		1229	1303	1270				1,267	8.5%
5:00 PM		1228	1275	1205				1,236	8.2%
6:00 PM		741	864	808				811	5.4%
7:00 PM		476	617	503				532	3.5%
8:00 PM		374	362	451				402	2.7%
9:00 PM		285	300	271				285	1.9%
10:00 PM		132	199	211				181	1.2%
11:00 PM		90	93	92				92	0.6%
Total	0	14,512	15,434	15,032	0	0	0	14,993	
24hr Total		14512	15434	15032				14993	
AM Pk Hr		7:00	7:00	7:00					
AM Peak		1056	1135	1097				1,096	
PM Pk Hr		4:00	4:00	4:00					
PM Peak		1229	1303	1270				1,267	
% Pk Hr		8.47%	8.44%	8.45%				8.45%	



Excel Version

Location ID: 82153064	Type: SPOT
Located On: Epping Rd	:
Direction: 2-WAY	
Community: EXETER	Period: Mon 8/9/2021 - Sun 8/15/2021
AAADT: 11302	

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM		35	45	58				46	0.3%
1:00 AM		18	26	18				21	0.2%
2:00 AM		8	17	14				13	0.1%
3:00 AM		19	35	29				28	0.2%
4:00 AM		76	75	88				80	0.6%
5:00 AM		393	348	390				377	2.9%
6:00 AM		706	687	689				687	5.2%
7:00 AM		906	866	888				887	6.7%
8:00 AM		934	906	911				917	7.0%
9:00 AM		731	710	717				719	5.5%
10:00 AM		694	675	812				727	5.5%
11:00 AM		736	769	798				788	5.8%
12:00 PM		915	916	930				920	7.0%
1:00 PM		832	896	855				861	6.5%
2:00 PM		864	904	916				895	6.8%
3:00 PM		995	1030	1032				1,019	7.7%
4:00 PM		1162	1189	1158				1,170	8.9%
5:00 PM		992	1121	1080				1,064	8.1%
6:00 PM		638	660	638				645	4.9%
7:00 PM		416	484	480				460	3.5%
8:00 PM		350	392	352				365	2.8%
9:00 PM		217	252	285				251	1.9%
10:00 PM		153	167	165				168	1.3%
11:00 PM		72	71	87				77	0.6%
Total	0	12,862	13,241	13,390	0	0	0	13,164	
24hr Total		12862	13241	13390				13164	
AM Pk Hr		8:00	8:00	8:00					
AM Peak		934	906	911				917	
PM Pk Hr		4:00	4:00	4:00					
PM Peak		1162	1189	1158				1,170	
% Pk Hr		9.03%	8.98%	8.65%				8.89%	

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

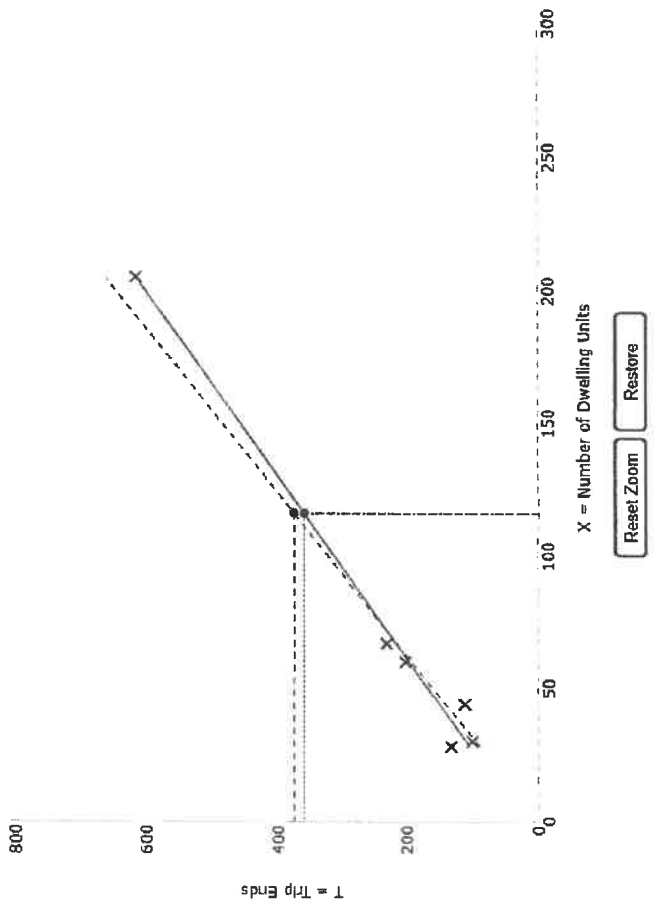
INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday

TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIPS: 116

Data Plot and Equation



DATA STATISTICS

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

Independent Variable: Dwelling Units

Time Period: Weekday

Setting/Location: General Urban/Suburban

Trip Type: Vehicle

Number of Studies: 8

Avg. Num. of Dwelling Units: 72

Average Rate: 3.24

Range of Rates: 2.59 - 4.79

Standard Deviation: 0.53

Fitted Curve Equation: $T = 2.89(X) + 21.82$

R^2 : 0.99

Directional Distribution: 50% entering, 50% exiting

Calculated Trip Ends: Average Rate: 376 (Total), 188 (Entry), 188 (Exit); Fitted Curve: 360 (Total), 180 (Entry), 180 (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

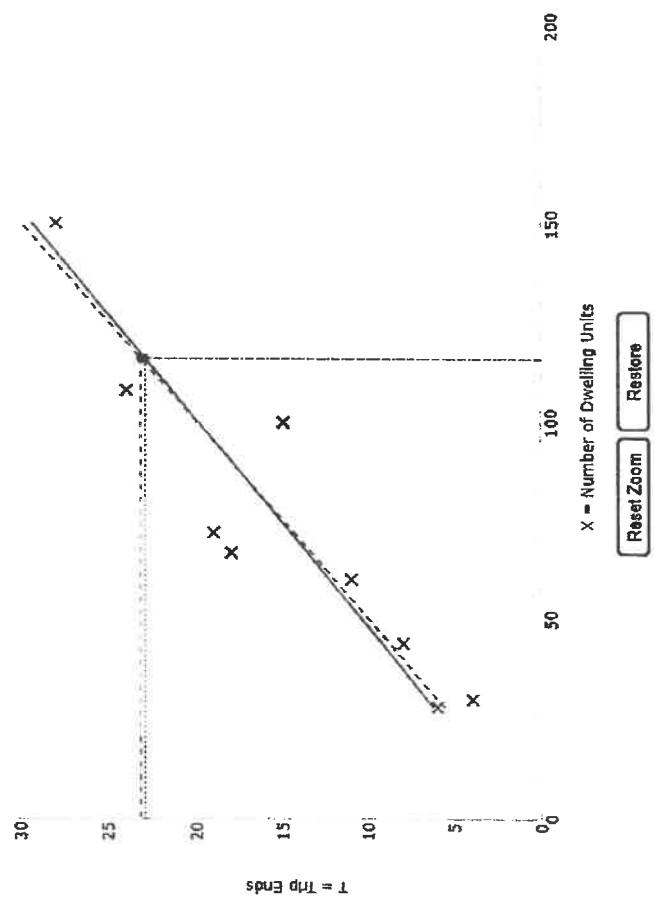
INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIPS: 116

Data Plot and Equation



DATA STATISTICS

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

Independent Variable: Dwelling Units

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

Setting/Location: General Urban/Suburban

Trip Type: Vehicle

Number of Studies: 9

Avg. Num. of Dwelling Units: 73

Average Rate: 0.20

Range of Rates: 0.13 - 0.27

Standard Deviation: 0.04

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

R^2 : 0.85

Directional Distribution: 34% entering, 66% exiting

Calculated Trip Ends: Average Rate: 23 (Total), 8 (Entry), 15 (Exit)
Fitted Curve: 23 (Total), 8 (Entry), 15 (Exit)

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

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

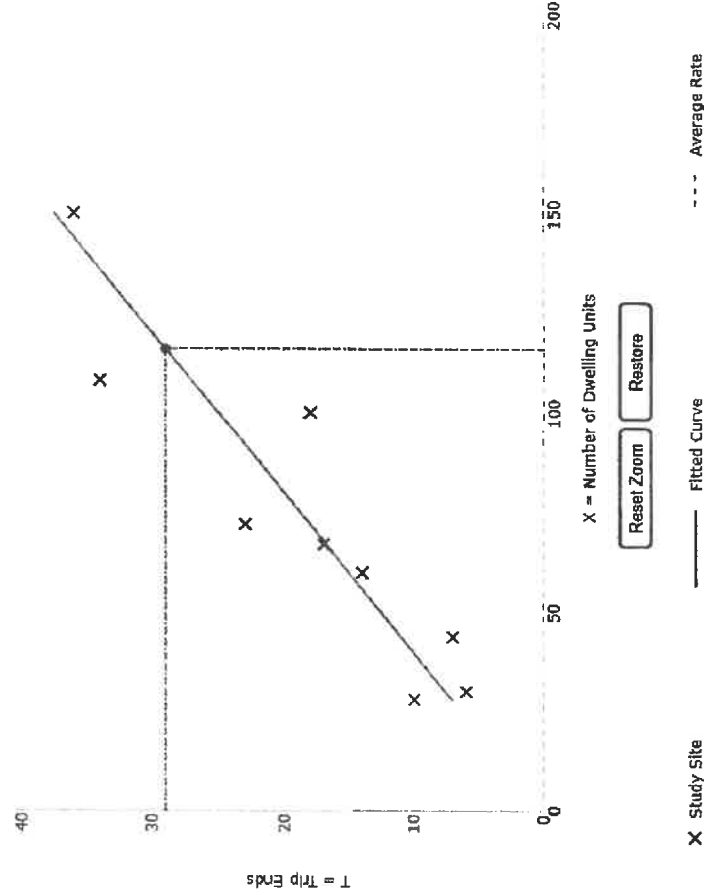
INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIPS: 116 Calculate

Data Plot and Equation



DATA STATISTICS

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

Independent Variable: Dwelling Units

Time Period: Weekday

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: 0.18 - 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: 29 (Total), 16 (Entry), 13 (Exit)

Fitted Curve: 29 (Total), 16 (Entry), 13 (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

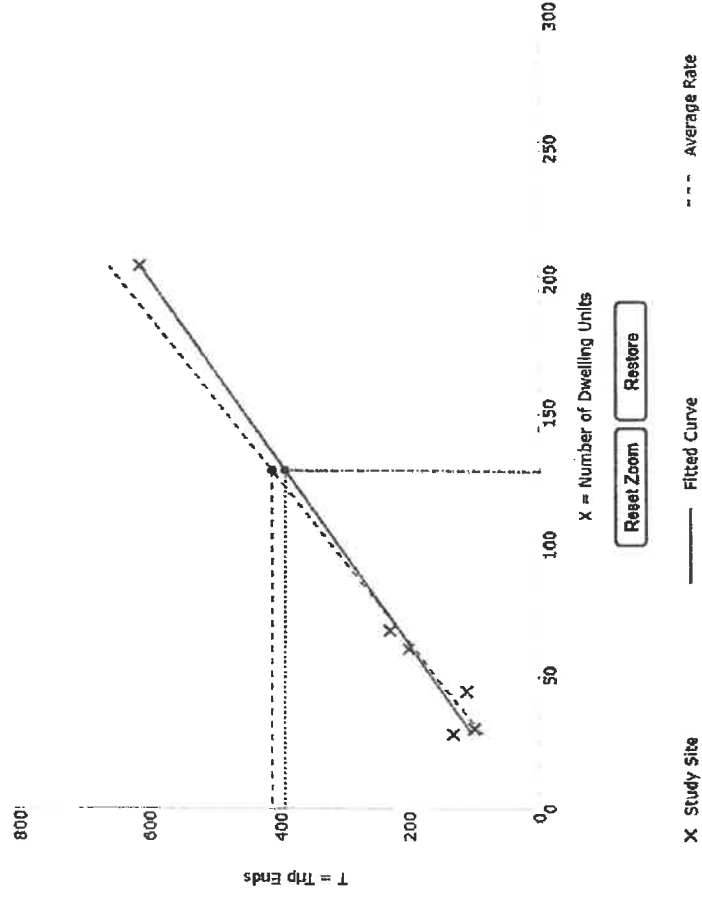
INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday

TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIPS: 128

Data Plot and Equation



DATA STATISTICS

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

Independent Variable: Dwelling Units

Time Period: Weekday

Setting/Location: General Urban/Suburban

Trip Type: Vehicle

Number of Studies: 6

Avg. Num. of Dwelling Units: 72

Average Rate: 3.24

Range of Rates: 2.59 - 4.79

Standard Deviation: 0.53

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

R^2 : 0.99

Directional Distribution: 50% entering, 50% exiting

Calculated Trip Ends: Average Rate: 415 (Total), 208 (Exit), Fitted Curve: 395 (Total), 197 (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

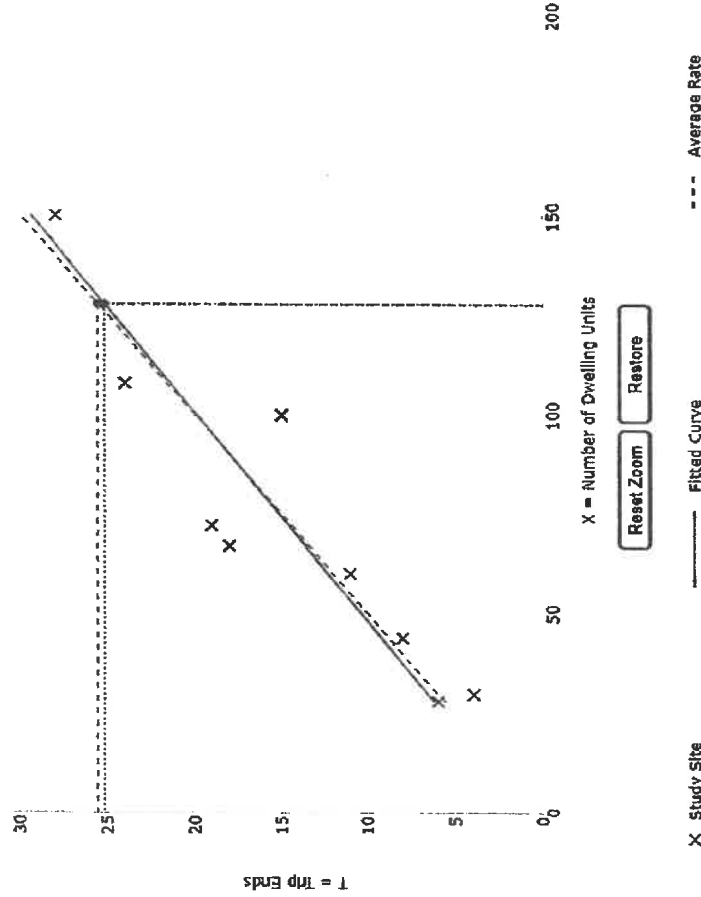
TIME PERIOD: Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIP: 128

Calculate

Data Plot and Equation



DATA STATISTICS

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

Independent Variable: Dwelling Units

Time Period: Weekday

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, 2.6 (Total), 9 (Entry), 17 (Exit)
Fitted Curve, 2.5 (Total), 8 (Entry), 17 (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

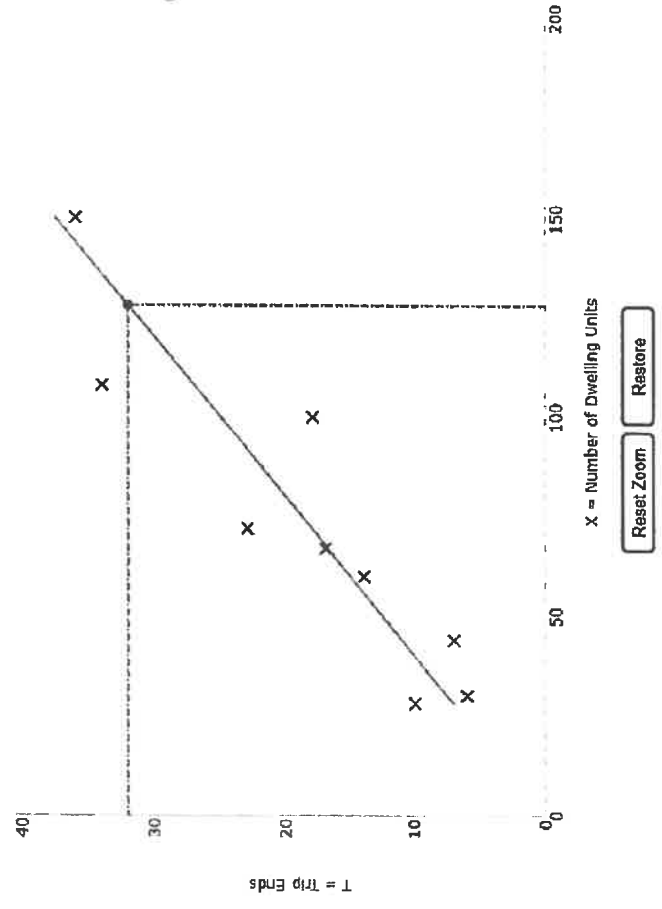
INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIPS: 128

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

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: 32 (Total, 18 Entry, 14 Exit)
Fitted Curve: 32 (Total, 18 Entry, 14 Exit)

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

DEC 26 2001

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

W. Scott Carlisle, III

v.

CKT & Associates

00-E-0072

ORDER

This order addresses the status, scope and location of an easement by which petitioner claims a right of way over respondent's property to Epping Road in Exeter, New Hampshire.

According to petitioner, the easement which is appurtenant to his property was first referenced in his chain of title in 1848. petitioner's property is located in an industrial development zone off of Epping Road in Exeter. Because the property is landlocked, petitioner cannot effectively use or develop it without the benefit of the disputed easement.

According to respondent, the deeded easement claimed by petitioner has long been extinguished by either abandonment or prescription. While respondent concedes that petitioner may be entitled to an easement by necessity, it contends that such an easement would properly be along a very different course than the one along which petitioner claims entitlement by deed. According to respondent, if petitioner got the easement along the course he claims, respondent's development plans would be ruined.

The court conducted a multi-day bench trial upon these issues and took a view of the disputed property. As a result of the

evidence presented at the hearing and the view, the court finds and rules as follows.

On the one hand, the petitioner's parcel of land is bordered on the west by a parcel of land owned by respondent and on the south by another parcel of land owned by respondent. Together, these three parcels comprise about 100 acres. Petitioner's property is bounded on the north by State Route 101, which is a limited access highway. On the other hand, respondent's parcels are bounded on the west by State Route 27, or Epping Road, to which respondent has direct access. Petitioner has no access to either that highway or any other roadway.

Respondent's two parcels mentioned above, which are hereafter referred to as lot #1 and lot #2, together form one "L" shaped 83 acre tract. Petitioner's parcel, which is hereafter referred to as lot #3, is an approximate 17 acre rectangular-shaped lot bounded on the south by respondent's lot #1, on the west by respondent's lot #2, and on the east by a lot formerly owned by Nicholas and Samuel Clark, which is hereafter referred to as lot #4.

State Route 101, which abuts petitioner's northerly boundary line, provides no direct access to any of the lots mentioned above. Route 27, or Epping Road, is one of the limited access points to Route 101. Governmental regulations applicable to Route 27 allow all properties abutting it to have one access point for every 600 feet of developed roadway. Respondent's plans are to utilize all of the access points it expects to have to Epping Road upon completing the development of its property. Petitioner's only means of ingress and

egress via Epping Road is through the disputed right-of-way over respondent's property.

All four lots identified above are derived from the same source which was property titled in the name of James R. Thing as of January 28, 1848. On that date, Mr. Thing subdivided his property by conveying lot #4 to the Clarks. Lot #4 is described as a seventeen acre woodland lot without access to any roadway. In making this conveyance, Thing granted the Clarks the following easement:

The said Clarks their heirs and assigns to have the unmolested privilege of passing from said road to and from said lot with teams loose cattle or otherwise in the path commonly used on condition of their closing all gates and bars which they have occasion to open.

(Pet'rs Ex. 5). It is not disputed that "said road" is Epping Road. (Pet'rs Ex. 2-4 & 7-8). At the time of this grant, the right-of-way in question passed from lot #4 through lot #3, and then along the boundary line between lots #2 and #1 to Epping Road.

On January 28, 1848, Mr. Thing also transferred lot #3 to John Gerrish and Silas Gould. Lot #3 is described as "a certain piece of wood and pasture land situated in said Exeter on the Easterly side of the road leading from Exeter to Epping containing seventeen acres and sixty rods more or less...." (Pet'rs Ex. 3). Since this lot also lacked access to Epping Road, Mr. Thing granted Messers. Gerrish and Gould the following easement to lot #3:

said Gerrish and Gould their heirs and assigns to have the privilege of passing and repassing from said road to said lot with teams loose cattle or otherwise in the path commonly used as often as occasion may require they closing all gates and bars which they open.

(Pet'rs Ex. 3). Mr. Thing fully warranted this transfer against adverse title claims, except for a "right of way which I this day

conveyed to Nicholas A. and Samuel B. Clark to pass and repass to their lot." Id. Gerrish eventually transferred his interest in this lot to Gould in 1854, granting the same interests described in the original deed. (Pet'rs Ex. 6). Gould then transferred title to George Watson in 1865. (Pet'rs Ex. 7).

By reference to the interest conveyed in the 1848 deed to Gerrish and Gould, the easement as described above passed in the chain of title to petitioner's father in 1956. (Pet'rs Ex. 9). Title to lot #3 then remained in petitioner's father until his death in 1986. Petitioner inherited lot #3 upon his father's death and has owned it ever since. In 1959, petitioner's father transferred a small portion of the northerly part of lot #3 to the State of New Hampshire for construction of State Route 101. (Def's Ex. A).

Mr. Thing retained exclusive title to lots #1 and #2 until August 17, 1866, when he transferred what are now respondent's two lots to John F. Moses. (Pet'rs Ex. 8). In this transfer, Mr. Thing reserved to himself and all persons claiming titles under him:

[A] right to pass and repass with servants and teams from said road over said premises to land of said George Watson in the usual travelled path in the pasture on the north side of same, the persons there passing to put up all gates and bars.

(Pet'rs Ex. 8). Respondent agrees that this easement is the same as those referenced in the lot #3 and lot #4 chains of title. Lots #1 and #2 then passed through a series of owners between 1866 and 1913, including a Deborah Ricker, Deborah French, George Carter, and Katherine Smith. At some point during this series of transfers, the language reserving the above easement was lost. However, when Ms.

Smith transferred her title to both lots to the Ray family in 1947, she reserved the following easement:

reserving a right of way to the three acre parcel situate at the northeasterly corner of the premises herein conveyed through the pasture which begins at Epping Road and runs along the Watson and Carlisle properties lying north of the granted premises.

(Deft's Ex. F). Subsequent deeds from the Ray family members to respondent's predecessor companies state that the transfer of the 83 acre parcel is subject to all easements of record. (Pet'rs Ex. 10-12). However, these deeds do not specifically describe the reservations and easements they reference.

Petitioner and respondent's predecessor in title, Richard Ray, both testified about what they knew as to the uses of lots #1, #2, and #3.¹ As evident in the foregoing title history, petitioner's family has owned lot #3 since 1956. Mr. Ray's family owned lots #1 and #2 from 1947 until 1986, when they transferred the lots to respondent's family of companies.

Mr. Ray, who now lives in Florida, was raised in the small house at the southwest corner of respondent's lot #2. Mr. Ray obtained title to these lots after his father's death in 1970. However, he has not lived on the land since sometime in the 1950's. Mr. Ray has no knowledge of petitioner's easement to Epping Road across the Ray family's former land. According to Mr. Ray, no member of petitioner's family ever used the easement since 1947.

Mr. Ray testified about some of the uses to which he and others have put respondent's land. Specifically, during his youth, Mr. Ray

¹ Petitioner testified at the hearing, and Mr. Ray testified by video deposition.

used all three lots at different times for hunting, trapping, hiking, and playing. He recalled that all of the lots were separated by fairly continuous barbed wire fences or stone walls. A former tenant of the Ray family knocked down a portion of one of the stone walls separating respondent's lots #1 and #2, so as to get better access to lot #1 for logging.

Mr. Ray further recalled a blueberry patch located in what is now the north-central to northeast portion of lot #1. He explained that the only rights of way that he did know of allowed the Rays' tenants and predecessors in title access from Epping Road to the blueberry patch. He stated that this was his only understanding of the easement reserved in his own deed. Mr. Ray knew that there was an old rutted woods road behind his family home extending east toward the Carlisle property and the blueberry patch, but he did not know when it was created. In fact, Mr. Ray thought that this woods road was used only for recent logging activities.

Petitioner testified that he too has no personal knowledge that his family ever used the claimed easement. However, he does know that his father often walked the perimeters of all of his properties in Exeter, and that he would not have been able to access lot #3 after 1959 when Route 101 was constructed, without using the easement. Petitioner's family owns several parcels of land north of Route 101 in addition to lot #3. Petitioner himself did not walk upon the easement until either 1987 or 1989, when he learned of respondent's proposed subdivision of lots #1 and #2.

Upon learning of respondent's proposed development, petitioner decided to survey his own property and explore potential development

uses. In 1987, petitioner retained Durgin Schofield & Associates (DSA) to survey his property and prepare a plan of the easement for access to Epping Road. Toward this end, DSA found evidence of barbed wire fencing, posts, and two barways on the south and west boundaries of petitioner's lot. Testimony from both sides confirmed that posts such as these are often evidence of "gates and bars" from former pasture land, and that barways generally indicated the presence of a road or passageway between pastures. However, this evidence existed along both boundaries of petitioner's lot, and DSA could not confirm in 1987 the precise location of the easement. While unable to delineate petitioner's easement in 1987, DSA did note its existence as granted to Gerrish and Gould as well as to the Clarks. (Pet'rs Ex. 13). In 1989, DSA returned to the property at petitioner's behest on account of a planning board dispute regarding respondent's subdivision of lots #1 and #2. DSA subsequently amended its 1987 plan to show new evidence presented at the planning board hearing.

In anticipation of subdivision, respondent had retained Holden Engineering and Surveying Company to conduct a survey of its lots and the surrounding areas. (Pet'rs Ex. 14 (A)-(C) & 17). Holden surveyors found the same evidence of fencing and barways as DSA. In addition, Holden confirmed the presence of an old woods road extending west from the southwest corner of petitioner's lot, following the boundary of respondent's lots #1 and #2 and ending just before Epping Road near the Ray homestead. (Pet'rs Ex. 14-B). Upon reviewing the Holden plan and comparing it with its original plan, DSA again returned to petitioner's lot and this time found evidence of the woods road. DSA promptly amended its plan to reflect this

woods road as the referenced easement to Gerrish and Gould in 1848. (Pet'rs Ex. 13). All 1987 and 1989 Holden and DSA plans and the later 1999 Civilworks plan as well as all surveys introduced into evidence note the various easements of record.

The Exeter Planning Board held a final hearing on respondent's subdivision application on November 2, 1989. The Planning Board found that petitioner had presented evidence as to the existence of an easement but declined to address its precise location or scope. According to the Planning Board, such issues were for the Superior Court to decide. The Planning Board approved respondent's subdivision application upon the condition that each plan clearly reflect the existence of a right of way in petitioner's favor. (Pet'rs Ex. 20 & 30). The Planning Board also declined to express an opinion about the potential wetlands impact that the subdivision and easement would create, but it required that any such impact be mitigated before development.

According to petitioner, since the easement is appurtenant and runs with his land, it cannot be extinguished by non-use or omission from a deed. Petitioner also asserts that the location of the easement is clearly delineated in his chain of title, in recorded town plans, and in the various property surveys and development plans. Finally, petitioner contends that the scope of the easement should be determined by the minimum scope allowed by law for private rights of way, thereby allowing access to his landlocked parcel from Epping Road consistent with all applicable Exeter zoning ordinances. According to respondent, any deeded easement relied upon by petitioner was either extinguished by prescription or abandoned by

non-use. Therefore, respondent argues, the court must be guided by the rule of reason in granting petitioner any easement by necessity and in determining the proper location and scope of any such easement. Respondent contends that the rule of reason requires the easement to be so limited in scope and location as to have the least detrimental impact upon respondent's land.

Whether an easement exists is always a question of law for the court. See Quality Disct. Mkt. Corp. v. Laconia Planning Bd., 132 N.H. 734, 739 (1990). Therefore, in view of the parties' positions, the court must determine the following issues: 1) Has petitioner abandoned its deeded easement? 2) Has the deeded easement been extinguished by adverse possession? 3) If the deeded easement is still effective, what is its proper location and scope? 4) If the deeded easement is ineffective, what is the proper location and scope of any easement by necessity? The court will now address the issues in dispute.

First, contrary to respondent's contention, where an express easement is granted by deed, it cannot be extinguished merely because the need for it no longer exists, it is not actually used, or it is omitted from a deed in a chain of title. See Titcomb v. Anthony, 126 N.H. 434, 437 (1985); Downing House Realty v. Hampe, 127 N.H. 92, 95 (1985); see also RSA 477:26. Moreover, such an easement is not terminable at the will of the owner of the servient estate.

To prove that an easement has been abandoned, there must be "clear, unequivocal and decisive acts by the owner of the dominant estate." Titcomb, 126 N.H. at 437 (quotation omitted). These affirmative acts must show a clear, "present intent to relinquish the

easement or a purpose inconsistent with its further existence." Id. (citation omitted). Even the dominant owner's acquiescence to a fence being maintained by the servient owner along a portion of the easement "is not sufficient to compel a finding of an 'unequivocal' act of abandonment." Downing House Realty, 127 N.H. at 95.

In this case, there are no acts to show that petitioner abandoned his right to the deeded easement. In fact, the only evidence presented at trial showed that petitioner's lot has never been used for any purpose other than pasturage or trapping. The fences that were maintained are consistent with the grant of the easement indicating the land was used as pasturage for cows. Neither petitioner nor his predecessors in title erected any immovable structures across the easement. Nor did petitioner's father transfer the deeded easement to the State during its construction of Route 101. The only affirmative acts which petitioner or his father ever took as to the property were those related to surveying and the plotting of the path of the easement. These acts are not consistent with any intent to abandon.

Accordingly, the court rules that neither petitioner nor his predecessors in title ever affirmatively abandoned the deeded easement granting access to Epping Road. Therefore, the easement has not been extinguished by either abandonment or non-use.

Second, respondent's claim of extinguishment by prescription or adverse possession is misplaced. Although both adverse possession and prescription require a possessory period of 20 years, there is a difference between acquiring title to an easement over another's property by adverse possession and extinguishing a deeded easement

over one's own land by prescription. To achieve title by adverse possession there must be 20 years of uninterrupted adverse use of another's property, and such use must be so adverse as to give the original owner a legal claim for damages. See Flanagan v. Prudhomme, 138 N.H. 561, 572 (1994).

However, for the servient owner to extinguish an easement by prescription, he must assert rights over a non-possessory interest on his own property rather than asserting rights against the title to property of another. Prescription requires a clearly adverse act against the owner of the easement to begin the twenty year prescriptive period. Titcomb, 126 N.H. at 437. This act must be so hostile and adverse that the owner of the dominant estate would be placed on notice that an adverse claim was being made against his right of use. Id. Moreover, the act must be completely incompatible with the right of use granted by the easement, although it may only be incompatible with a portion of such right. Id. at 438.

In this case, as Mr. Ray testified, there was nothing done on lot #1 or lot #2 that was clearly adverse to the owner of the right of way to Epping Road. Mr. Ray's family used these lots for hunting, trapping, hiking and playing. In addition, they allowed their tenants and others to do logging on the lots. Finally, the Ray family and their predecessor in title used the woods road and their lots to access a blueberry patch. These are not overtly hostile actions that would place petitioner or his predecessors in title on notice of an adverse claim to their easement. Nor are these actions incompatible with a right of way from lot #3 to Epping Road.

The only adverse act of any real significance challenging petitioner's easement rights occurred during the hearings on respondent's subdivision application before the Exeter Planning Board in 1989. At these hearings, respondent manifested a clear intention to obstruct petitioner's use of the easement through development and subdivision of lots #1 and #2. However, petitioner clearly challenged any curtailment of his easement rights by respondent during these hearings. For instance, petitioner retained a surveying firm to delineate the location of his easement and to determine potential uses for development of his lot #3. Therefore, neither respondent nor his predecessors in title have taken continuous, uninterrupted, adverse or hostile action to prevent petitioner or his predecessor in title from using the easement for the required twenty year period.

At the earliest, the prescriptive period began to run in 1989, but the evidence of logging, blueberry picking, and surveying all show that third parties have accessed and used the land at the same time. This third party use alone negates any adverse claim to the easement rights. See Seward v. Loranger, 130 N.H. 570, 576-77 (1988). Accordingly, petitioner's deeded easement has not been extinguished by adverse possession or prescription. Petitioner continues to have an effective deeded easement for access from lot #3 to Epping Road. The issue at hand then turns to the location and scope of the easement over lots #1 and #2.

The scope and location of an easement must be determined by the language of the deed and the actions of the parties affected by the easement. See Thurston Enterprises, 128 N.H. at 765-66. Of course,

the interpretation of deeds in any property dispute is an issue of law. Greenan v. Lobban, 143 N.H. 18, 21 (1998). The court will look first to the language contained in the deeds and then to the intentions of the parties when those deeds were given. See id. When the language of a deed is patently ambiguous, extrinsic evidence will be used to properly interpret the deed and determine the intentions of the parties. Id. at 22. Language contained in a deed is considered ambiguous when it could refer to two different subjects or if it unclearly references other documents. Flanagan v. Prudhomme, 138 N.H. at 566.

The language of petitioner's deeded easement clearly grants a right of way to access Epping Road by stating:

to have the privilege of passing and repassing from said road to said lot with teams loose cattle or otherwise in the path commonly used as often as occasion may require they closing all gates and bars which they open.

(Pet'rs Ex. 3). This language is unambiguous in the right it grants. Therefore, respondent's argument that an easement to Commerce Drive in Exeter is more economical, reasonable and beneficial as to its property is irrelevant. The servient estate to an easement has absolutely no right to insist on any alternative direction or means of access for the easement. See Downing House Realty, 127 N.H. at 96. This is true regardless of the convenience or expense to the dominant or servient estate. Id. The only time that alternative locations or uses should be given to an easement is when maintenance of the deeded course would unreasonably expand the rights that it was intended to create. Id. Accordingly, the court rules that the

easement extends from petitioner's property to Epping Road and not over any alternative path that may be available on Commerce Drive.

However, the language of the deed does not clearly designate the location of this right of way over respondent's lot # 1 or lot #2 to Epping Road. "In such a situation, a reasonably convenient and suitable way across the servient land is presumed to be intended." Barton's Motel, Inc. v. Saymore Trophy Co., Inc., 113 N.H. 333, 335 (1973). Accordingly, the court must look at all of the surrounding circumstances presented to find the most reasonable course. Id. This overriding principle is defined as "the rule of reason, which gives detailed definition to rights created by general words either actually used in the deed or whose existence is implied by law." Dumont v. Town of Wolfboro, 137 N.H. 1, 5-6 (1993) (internal quotation marks and citation omitted).

The parties presented evidence of three alternative paths for petitioner's easement. One of these paths led from petitioner's southern border to Commerce Drive, which the court has already ruled is not the easement intended by the deed. This path, proposed by respondent, takes an entirely different route than what the deeded easement describes. The other two paths (path 1 and path 2) run respectively from petitioner's northwest and southwest corners of lot #3, each heading due west to Epping Road.

Path 1 traverses significant wetlands and woods, and its course is not consistent with the physical evidence on the ground other than the fact that it begins at a boundary marker post with pieces of aged barbed wire indicative of a fence. All of the expert witnesses agreed that physical evidence of a right of way, even if minimal, can

always be found if the right of way in fact existed. Such evidence may consist of fence lines delineating borders, barways or openings in stone walls, posts indicating gates for access, ruts in the road, stream crossings, or changes in tree composition showing an area with significantly younger plant life than its surroundings. While Path 1 contained few of the foregoing types of physical evidence, Path 2 contained almost all of them.

Path 2 begins at a barway opening to Epping Road near the corner of the old Ray homestead. It has most recently been used by third parties for logging and blueberry picking, and it contains ruts clearly delineating its direction, which follows an old stone wall separating respondent's lot #1 and lot #2. Path 2 runs directly to lot #3, to a barway opening in the barbed wire fence, an opening which also has two old cedar posts indicating a gate. Moreover, if path 2 is followed further east, to the outer boundary of lot #3, it meets the old Clark property, or lot #4, at a point where there is also a barway and cedar posts. These are physical indications that Path 2 probably provided the "unmolested privilege of passing" granted to the Clarks, (Pet'rs Ex. 5), as well as the right of way reserved to petitioner, which is "molested" by the Clark easement running through it.

Path 2 is further identified in both the DSA and Holden plans of 1989 as an "old woods road," and in the 1999 Civilworks plan by a path marked with symbols. Moreover, Path 2 contains significant physical evidence including ruts indicating wagon or vehicle use, fencing, gate posts, and a stream crossing. This stream crossing is the only wetland Path 2 traverses. On the other hand, Path 1 crosses

at least 2 significant wetlands so that its impact would have to be mitigated if it were used as petitioner's right of way. Path 2 is also consistent with the Smith easement granting a right of way from Epping Road to a three-acre blueberry patch. As noted above, respondent's two lots form an "L" shape, which means that they technically possess two northeast corners to which this easement could run. One of these corners is the boundary of lot #3, which is reached if one directly follows Path 2.

The preponderance of the evidence clearly shows that Path 2 is either the intended easement referenced in the deeds or the most reasonable course for petitioner's easement. Since a road already exists to some extent for the use of Path 2, it would require less demolition than any other alternative. Moreover, the use of Path 2 would require significantly less mitigation of wetlands impact. Furthermore, the use of Path 2 would appear to be most consistent with the intentions of Mr. Thing in 1848 when he granted the rights of way to each of the properties. Accordingly, the court rules that the deeded easement is probably located upon Path 2 and that it runs as walked on the view and as shown in Mr. Gove's photographs and the Civilworks plan. (Pet'rs Ex. 25 & 26).

Finally, the court must determine the scope of this easement. The unambiguous language of the deeds refers to a right of way for "teams loose cattle or otherwise." (Pet'rs Ex. 3 & 5). Similarly, the later grant reserved by Mr. Thing to himself allows a right of way for "servants and teams." (Pet'rs Ex.8). Considering the needs associated with our modern times, the scope of the easement will necessarily be different than for the movement of servants, teams of

cattle, or blueberry pickers. To determine the scope of this easement, the court must examine the reasonableness of its uses, based upon the intentions of the parties when it was established. See Dumont v. Town of Wolfboro, 137 N.H. at 6-7.

When the easement was established, Mr. Thing plainly intended that servants and teams or loose cattle from three different pastures or farms would be passing and repassing over the "path commonly used." This language bespeaks a much greater use, presumably for commercial farming purposes of earlier times, than respondent's proposed driveway allowing access for one car at a time to an industrial lot. Petitioner contends that for paved access to Lot #3 he is entitled to a 50 foot private right of way. A 50 foot span is the width required for all private rights of way passing through approved subdivisions. See Exeter Planning Board Site Plan Review and Subdivision Regulations (2000) (Pet'rs Ex. 16). Respondent contends that a 50 foot paved right of way is too much of an interference with the use of its property and that petitioner is entitled to no more than a thirty foot width for a driveway in and out of lot #3.

The petitioner's position is more reasonable than respondent's. These lots are entirely located in the commercial and industrial zones of Exeter. Moreover, their past use was largely for commercial purposes related to logging and farming. Therefore, the most reasonable use consistent with past uses is one which is commercial and which must necessarily comply with local land use regulations. As petitioner correctly observes, the local regulations require a 50 foot width for any private right of way running through a

subdivision. See (Pet'rs Ex. 15 & 16). It is noteworthy that this right of way runs directly through respondent's approved subdivision which is expected to have various other streets devoted to commercial traffic.

In conclusion, so as to comply with local regulations and fit the character of respondent's own planned development, petitioner is entitled to develop its easement as a private right of way which is 50 feet wide and located along Path 2 as designated on the Civilworks plan. (Pet'rs Ex. 25 & 26). Petitioner shall be solely responsible for all costs involved in mitigating any wetlands impact resulting from the development and use of its easement, and for all costs in constructing, developing and maintaining the easement in conformity with all local land use regulations.

Each party has submitted requests for findings of fact and rulings of law. The court rules upon these requests as follows, with the qualification that the narrative part of this order controls over any conflict between the narrative portion and the ruling on any request.

Petitioner's Requests:


GRANTED: 1 (omit emphasis), 2-4, 5 (omit emphasis), 6-10, 12-13, 15-19, 21-24;
DENIED: 11, 14 (as worded), 20 (as worded).

Respondent's Requests:

GRANTED: 2 (but with gates and bars);
DENIED: 1, 3-10.

So ORDERED.

12/21/01
DATE


PHILIP S. HOLLMAN
Presiding Justice



TOWN OF EXETER, NEW HAMPSHIRE

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

July 28, 2017

Michael J. Donahue, Esquire
Donahue, Tucker & Ciandella PLLC
16 Windsor Lane
POB 630
Exeter, New Hampshire 03833

Re: PB Case #17-23 Willey Creek Co., LLC
Multi-Family Site Plan Review, Minor Subdivision and Shoreland Conditional Use
Permit for an "Active Adult Community" development – Epping Road, Exeter, N.H.
Tax Map Parcel #47-8

Dear Attorney Donahue:

Please be advised that at the meeting of July 27th, 2017, the Exeter Planning Board voted to **APPROVE** the above-captioned application(s) for the proposed construction of a minor subdivision of a 22.04 acre parcel (identified as Tax Map Parcel #47-8) into two parcels; and a multi-family residential site plan review for the proposed construction of an active adult community (with four buildings containing 116 units and a 2,000 s.f. clubhouse) and associated site improvements, as presented, subject to the following conditions:

Minor Subdivision Plan:

1. A dwg file of the site plan shall be provided to the Town Planner showing all property lines and monumentation prior to signing the final plans; and,
2. All monumentation shall conform to Section 9.25 of the Site Plan Review and Subdivision regulations and granite shall be shown on final plan consistent with this section. All monumentation shown on the final plan shall be installed by the applicant and verified by the Town Planner prior to Certificate of Occupancy for any residential building.

Multi-family Site Plan

1. An electronic As-Built Plan of the entire property with details acceptable to the Town shall be provided prior to the issuance of a Certificate of Occupancy (C/O). This plan must be in a dwg or dxf file format and in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;

2. A preconstruction meeting shall be arranged by the applicant and his contractor with the Town engineer prior to any site work commencing. The following must be submitted for review and approval prior to the preconstruction meeting.
 - i. The SWPPP (storm water pollution prevention plan), if applicable, be submitted to and reviewed for approval by DPW prior to preconstruction meeting.
 - ii. A project schedule and construction cost estimate.
3. All comments in the Underwood Engineer Inc. review letter dated July 26, 2017 and the comments from Jen Mates, the Town's Assistant Engineer, in a letter dated July 26, 2017 shall be addressed to the satisfaction of the Town Planner prior to signing the final plans;
4. As recommended in the July 26, 2017 review letter from UEI, the final design of the TIF road shall be completed prior to any site construction activities. However, construction activities may occur earlier if approved by the Town Planner and Town Engineer;
5. The entity(s) responsible for the design and construction of the TIF Road shall be determined prior to any construction activities;
6. All project improvements (utilities, access drive, fire protection, & drainage) will be shown to be fully compatible with TIF road design prior to the preconstruction meeting.
7. All appropriate fees to be paid including but not limited to: sewer/water connection fees, impact fees, and inspection fees prior to the issuance of a building permit;
8. A Maintenance Log and Inspection & Maintenance Checklist for all onsite stormwater management systems shall be provided to the satisfaction of the Town Planner prior to signing the final plans. A completed log and checklist shall be submitted to the Town Engineer annually on or before January 1st. This requirement shall be an ongoing condition of approval;
9. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and/or roadways;
10. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced, no later than the following growing season, as long as the site plan remains valid. This condition is not intended to circumvent the revocation procedures set forth in State statutes;
11. All applicable State permit approval numbers shall be noted on the final plans;
12. The relevant portions of the condominium documents as outlined in a document submitted by the applicant with a footer that reads: "P:\Shafmaster\Town of Exeter\2017 06 27 Planning Board Resubmittal\2017 06 26 town items to be addressed in condo docc.docx" shall be submitted to the Town Planner for review and approval prior to signing the final plans. In the event the Town Planner deems that review is needed by the Town attorney, this review shall be at the applicant's expense;

13. Easements to the Town shall be provided for the sewer pump station and any other public utilities that fall outside of the 50 foot ROW shown on the plan. The easements shall be recorded prior to a Certificate of Occupancy for any of the residential units. This condition may also be satisfied by the applicant deeding the land supporting any public utilities to the Town in fee simple;
14. Site Plan to be revised to incorporate minor change to Subdivision Plan (revised 7/20/2017) as presented so as to slightly reconfigure 11.6 +/- acre parcel prior to signing the final plans;
15. Prior to issuance of a Certificate of Occupancy, full access to be provided from proposed TIF Road to be constructed by the Town or its designee, as shown on the Plan with sidewalk to Epping Road to be constructed at Applicant's expense.
16. The applicant shall construct the project in self-contained phases as designated on the final plans;
17. The applicant shall have two years (until July 27, 2019) to complete active and substantial development (as defined in the Site Plan Review and Subdivision Regulations) on phase 1 and five years (until July 27, 2022) to complete active and substantial development on all remaining phases;
18. The limit of cut/disturbance shall be flagged in the field prior to any site work and these flags shall be maintained until Certificate of occupancy is issued;
19. The applicant shall submit proposed names of the private access drives to the E911 Committee for review in accordance with Town Ordinance Chapter 14; and,
20. This approval shall be valid until July 27, 2018. All precedent conditions (#'s 3, 10, 11, and 13 above) of this approval are to be completed within 180 days of this conditional approval.

The following waivers were **APPROVED** in conjunction with the multi-family site plan:

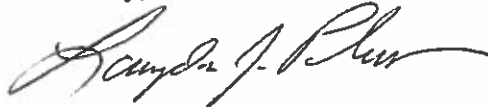
- Parking waiver from Section 5.6.3.B. and 5.6.5 of the Zoning Ordinance for reduction in the parking requirements
- Wetland Buffer Impacts waiver from Section 9.9.2 of the Site Plan Review and Subdivision Regulations regarding buffer impacts
- Parking Setbacks (from Building) waiver from Section 11.3.1.2 of the Site Plan and Subdivision Regulations to allow less than 25 feet between the buildings and driveway
- Grading within 5 feet of property line waiver from Section 9.5.1.4 of the Site Plan Review and Subdivision Regulations regarding grading within 5 feet of the property line.

- Recreational Space waiver from Section 11.3.4. of the Site Plan Review and Subdivision Regulations regarding the requirement to provide area for joint recreational space

Shoreland Conditional Use Permit was approved with no conditions.

Please feel free to contact the Planning Department at 773-6114 with any questions.

Sincerely,



Langdon J. Plumer
Chairman
Exeter Planning Board

cc: Jonathan S. Shafmaster, Willey Creek Co., LLC
CKT Associates, property owner
✓ Steve Leonard, Owner's Construction Representatives & Consultants, LLC
Jim Gove/Brendan Quigley, Gove Environmental Services
Denis Hamel, W.C. Cammett Engineering
Douglas Eastman, Building Inspector/Code Enforcement Officer
Janet Whitten, Assessing Office

LJP:bsm

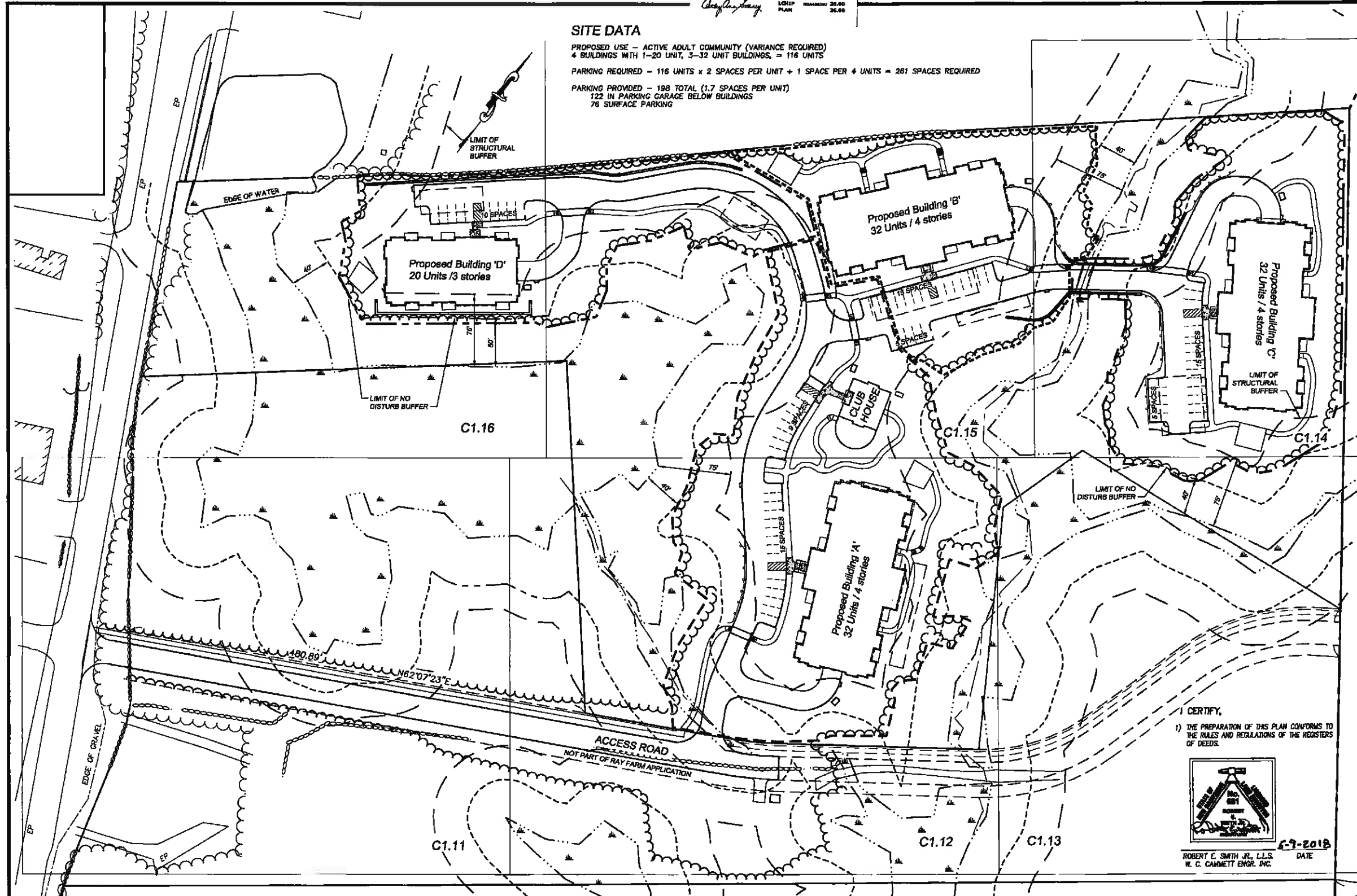
f:\town planner\planning\decision letters\pb #17-23 willey creek co. llc epping road m-f spr-let docx

Enclosure 3

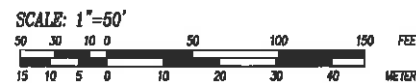
D-40822 05/09/2018 03:21:07 PM
 Register of Deeds, Rockingham County
 LCMIP PLAN ROADWAY 28.00 26.00

SITE DATA

PROPOSED USE - ACTIVE ADULT COMMUNITY (VARIANCE REQUIRED)
 4 BUILDINGS WITH 1-20 UNIT, 3-32 UNIT BUILDINGS, = 116 UNITS
 PARKING REQUIRED - 116 UNITS x 2 SPACES PER UNIT + 1 SPACE PER 4 UNITS = 261 SPACES REQUIRED
 PARKING PROVIDED - 198 TOTAL (1.7 SPACES PER UNIT)
 122 IN PARKING GARAGE BELDW BUILDINGS
 76 SURFACE PARKING



NOTES:
 1. REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.
 2. ACCESS ROAD SHOWN DEPICTS DESIGN INTENT ONLY. FINAL DESIGN TO BE COORDINATED WITH RESULTS OF THE TIF PROGRAM DESIGN.



I CERTIFY,
 1) THE PREPARATION OF THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



ROBERT E. SMITH JR., L.L.S. DATE 5-9-2018
 W. C. CAMMETT ENGR. INC.

TOWN OF EXETER PLANNING BOARD
 [Signature] 2/16/18
 CHAIRMAN DATE



297 ELM STREET, AMESBURY, MA.
 Phone: (978) 388-2157 Fax: (978) 388-0428
 CONSULTING ENGINEERS & LAND SURVEYORS SINCE 1975
 Visit us on the WEB at www.cammatt.com

Sheet Title:
Overall Site Plan
 Project Title:
"Ray Farm" Active Adult Community
 Epping Road
 Exeter, NH 03833
 Rockingham County

Applicant:
Willey Creek Company
 158 Shattuck Way
 Newington, NH 03801
 Owner:
CKT & Associates
 158 Shattuck Way
 Newington, NH 03801

REVISION			
NO.	DATE	DESCRIPTION	BY
A	5.8.2017	TO PLANNING BOARD	DH
B	6.27.2017	PEER REVIEW	DH
C	11.27.17	2nd PEER REVIEW	DH
D	02.07.18	3rd PEER REVIEW	DH

PROJ. MGR.: D. HAMEL
 FIELD: M. MICHAUD / J. SALVAGGIO
 DESIGN: D. HAMEL
 DRAWN: D. HAMEL
 CHECKED: W. CAMMETT/R. BLANCHETTE
 DATE: 3/23/2017
 FILE: 16042 SP-OVERALL 22X34.DWG
 FBK:
 JOB #: 16042

SHEET

D-40822

JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

July 11, 2017

Exeter Planning Board
Attn. David Sharples, Town Planner
10 Front Street
Exeter, NH 03833

**RE: Carlisle Subdivision Application
Off Epping Road, Exeter, NH
Tax Map 40, Lot 12
JBE Project No. 15098**

Dear Mr. Sharples,


On behalf of our client, W. Scott Carlisle, III, we respectfully submit a Subdivision Application for the Planning Board. The intent of this project is to create three (3) lot parcels for future commercial development.

The following items are provided in support of this Application:

1. Fee check in the amount of \$ 355.00.
2. Complete Subdivision Application.
3. Waiver Request Letter.
4. Letter of Authorization.
5. Current Deed.
6. Abutters List and three (3) sets of mailing labels.
7. Tax Map.
8. Seven (7) full-size (24" x 36") plans.
9. Fifteen (15) reduced size (11" x 17") plans (pending).

Thank you very much for your time.

Very truly yours,
JONES & BEACH ENGINEERS, INC.


Jonathan S. Ring, PE
President

cc: W. Scott Carlisle, III, applicant (application and plans via email)
Russ Hilliard, Upton Hatfield (application and plans via email)

**TOWN OF EXETER PLANNING DEPARTMENT
 PLANNING AND ZONING FEE SCHEDULE
 EFFECTIVE JANUARY 1, 2008**

(changes adopted by the Board of Selectmen 12/17/07)

*Effective
3/2017*

PUBLICATIONS

ZONING ORDINANCE	\$ 15.00
MASTER PLAN	\$ 35.00
CAPITAL IMPROVEMENTS PROGRAM	\$ 15.00
SUBDIVISION & SITE PLAN REVIEW REGS	\$ 15.00
PUBLIC WORKS SPECIFICATIONS (at DPW)	\$ 20.00
HDC PRESERVATION GUIDELINES	\$ 10.00
POSTAGE	\$ 5.00 (per publication)

BOARD OF ADJUSTMENT

VARIANCE APPLICATION	\$ 100.00
SPECIAL EXCEPTION APPLICATION	\$ 100.00
APPEAL FROM ADMINISTRATIVE DECISION	\$ 100.00
ABUTTER NOTICE	\$ 10.00 (per abutter)
LEGAL NOTICE FEE	Applicant billed for actual cost

PLANNING BOARD

LOT LINE ADJUSTMENT	\$ 60.00
SUBDIVISION	
• APPLICATION (includes Open Space Dev.)	\$ 125.00
• PER LOT OR OPEN SPACE UNIT FEE	\$ 50.00 per lot (up to 3 new lots) <i>50 x 3 = \$ 150.00</i>
	\$ 100.00 per lot (for 4 or more new lots)
NON-RESIDENTIAL SITE PLAN REVIEW	
• APPLICATION	Minor - \$100.00 Major - \$ 250.00
• PLAN REVIEW	\$ 60.00/1,000 s.f. of total building floor area (Example: 30,000 SF building = \$ 1,800. review fee)
MULTI-FAMILY SITE PLAN REVIEW	Same as N/R Site Plan Review
LEGAL NOTICE	Applicant billed for actual cost
ABUTTER NOTICE	\$ 10.00 (per abutter) <i>8 x \$10 = \$ 80.00</i>

SITE INSPECTION SERVICE – Fee to be based upon a reasonable estimate of the cost of anticipated site inspections (typically 1-3% of the estimated construction costs for the project). Additional funds to be collected as needed; any unexpended fees to be returned to the Applicant upon completion of all site improvements.

HISTORIC DISTRICT COMMISSION

APPLICATION & PLAN REVIEW	No fees
ABUTTER NOTICE	\$ 10.00 (if applicable)

Total = \$ 355.00

MISCELLANEOUS

• SIGN PERMITS	\$ 25.00 (per sign)
• HOME OCCUPATION USE PERMITS	\$ 25.00
• FLOOD INSURANCE CERTIFICATES	\$ 15.00
• COPIES	\$.50 (per page)
• TRAIL MAPS	\$ 2.50
• WETLAND MARKERS	\$ 1.00/each

<p>SUBDIVISION APPLICATION CHECKLIST</p>

A COMPLETED APPLICATION FOR SUBDIVISION MUST CONTAIN THE FOLLOWING:

- | | |
|---|-----------|
| 1. Application for Hearing | (x) |
| 2. Abutter's List Keyed to the Tax Map
(including the name and business address of every engineer,
architect, land surveyor, or soil scientist whose professional
seal appears on any plan submitted to the Board) | (x) |
| 3. Checklist for Subdivision plan requirements | (x) |
| 4. Letter of Explanation | (x) |
| 5. Written Request and justification for Waiver(s) from Site Plan Review
and Subdivision Regulations" (if applicable) | (x) |
| 6. Application to Connect and/or Discharge to Town of Exeter Sewer, Water
or Storm Water Drainage System(s) (if applicable) | () N/A |
| 7. Request for Review by the Rockingham County Conservation
District (RCCD) (if applicable) | () N/A |
| 8. Planning Board Fees | (x) |
| 9. Seven (7) copies of Subdivision Plan | (x) |
| 10. Fifteen (15) 11"x 17" copies of the final plan to be submitted TEN DAYS
PRIOR to the public hearing date. | (pending) |
| 11. Three (3) pre-printed 1"x 2 5/8" labels for each abutter, the applicant and
all consultants. | (x) |

NOTES: All required submittals must be presented to the Planning Department Office for distribution to other Town departments. Any material submitted directly to other departments will not be considered.

**TOWN OF EXETER
SUBDIVISION APPLICATION**

OFFICE USE ONLY

THIS IS AN APPLICATION FOR:

OPEN SPACE DEVELOPMENT

STANDARD SUBDIVISION

NUMBER OF LOTS 3

_____	APPLICATION
_____	DATE RECEIVED
_____	APPLICATION FEE
_____	PLAN REVIEW FEE
_____	ABUTTER FEE
_____	LEGAL NOTICE FEE
_____	INSPECTION FEE
_____	TOTAL FEES
_____	AMOUNT REFUNDED

1. NAME OF LEGAL OWNER OF RECORD: W. Scott Carlisle III

ADDRESS: 14 Cass Street, Exeter, NH 03833

TELEPHONE: (603) 772-2086

2. NAME OF APPLICANT: Same

ADDRESS: _____

TELEPHONE: ()

3. RELATIONSHIP OF APPLICANT TO PROPERTY IF OTHER THAN OWNER: _____

Same

(Written permission from Owner is required, please attach.)

4. DESCRIPTION OF PROPERTY:

ADDRESS: Off Epping Road, Exeter, NH

TAX MAP: 40 PARCEL #: 12 ZONING DISTRICT: Industrial

AREA OF ENTIRE TRACT: 18.55 Acres PORTION BEING DEVELOPED: 10 +/- Acres

5. **EXPLANATION OF PROPOSAL:** Subdivide Map 40 Lot 12 into three (3) lot parcels for future commercial development. Access will be via the future T.I.F. Roadway from Epping Road.

6. **ARE MUNICIPAL SERVICES AVAILABLE? (YES/NO)** Yes, via T.I.F. Road.
IF YES, WATER AND SEWER SUPERINTENDENT MUST GRANT WRITTEN APPROVAL FOR CONNECTION. IF NO, SEPTIC SYSTEM MUST COMPLY WITH W.S.P.C.C. REQUIREMENTS.

7. **LIST ALL MAPS, PLANS AND OTHER ACCOMPANYING MATERIAL SUBMITTED WITH THIS APPLICATION:**

<u>ITEM:</u>	<u>NUMBER OF COPIES</u>
A. SEE COVER LETTER	
B.	
C.	
D.	
E.	
F.	

8. **ANY DEED RESTRICTIONS AND COVENANTS THAT APPLY OR ARE CONTEMPLATED (YES/NO)** No IF YES, ATTACH COPY.

9. **NAME AND PROFESSION OF PERSON DESIGNING PLAN:**

NAME: Jonathan S. Ring, P.E., Jones & Beach Engineers, Inc.
ADDRESS: 85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
PROFESSION: Engineer **TELEPHONE** (603) 772-4746

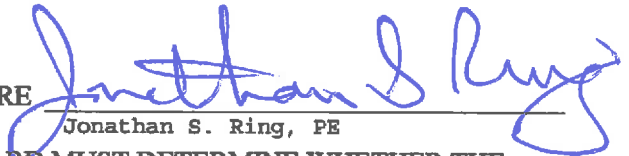
10. **LIST ALL IMPROVEMENTS AND UTILITIES TO BE INSTALLED:** Subdivision of land only.
No lot development at this time.

11. HAVE ANY SPECIAL EXCEPTIONS OR VARIANCES BEEN GRANTED BY THE ZONING BOARD OF ADJUSTMENT TO THIS PROPERTY PREVIOUSLY? (Please check with the Planning Department Office to verify) (YES/NO) No IF YES, LIST BELOW AND NOTE ON PLAN.

NOTICE: I CERTIFY THAT THIS APPLICATION AND THE ACCOMPANYING PLANS AND SUPPORTING INFORMATION HAVE BEEN PREPARED IN CONFORMANCE WITH ALL APPLICABLE TOWN REGULATIONS, INCLUDING BUT NOT LIMITED TO THE "SITE PLAN REVIEW AND SUBDIVISION REGULATION" AND THE ZONING ORDINANCE. FURTHERMORE, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 15 OF THE "SITE PLAN REVIEW AND SUBDIVISION REGULATIONS", I AGREE TO PAY ALL COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

DATE July 11, 2017

APPLICANT'S SIGNATURE



Jonathan S. Ring, PE

ACCORDING TO RSA 676.4.I (c), THE PLANNING BOARD MUST DETERMINE WHETHER THE APPLICATION IS COMPLETE WITHIN 30 DAYS OF SUBMISSION. THE PLANNING BOARD MUST ACT TO EITHER APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION WITHIN SIXTY FIVE (65) DAYS OF ITS ACCEPTANCE BY THE BOARD AS A COMPLETE APPLICATION. A SEPARATE FORM ALLOWING AN EXTENSION OR WAIVER TO THIS REQUIREMENT MAY BE SUBMITTED BY THE APPLICANT.

ABUTTERS: PLEASE LIST ALL PERSONS WHOSE PROPERTY IS LOCATED IN NEW HAMPSHIRE AND ADJOINS OR IS DIRECTLY ACROSS THE STREET OR STREAM FROM THE LAND UNDER CONSIDERATION BY THE BOARD. THIS LIST SHALL BE COMPILED FROM THE EXETER TAX ASSESSOR'S RECORDS.

TAX MAP SEE ATTACHED LIST
NAME _____
ADDRESS _____

TAX MAP _____
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PLEASE ATTACH ADDITIONAL SHEETS, IF NEEDED.

CHECKLIST FOR SUBDIVISION - PLAN PREPARATION

The checklist on the following page has been prepared to assist you in the preparation of your subdivision plan. The checklist items listed correspond to the subdivision plan requirements set forth in Section 7 of the "Site Plan Review and Subdivision Regulations". Unless otherwise indicated, all section references within this Checklist, refer to these regulations. Each of the items listed on this checklist must be addressed prior to the technical review of subdivision plans by the Technical Review Committee (TRC). See Section 6.5 of the "Site Plan Review and Subdivision Regulations". This checklist **DOES NOT** include all of the detailed information required for subdivision plans and therefore should not be the sole basis for the preparation of these plans. For a complete listing of subdivision plan requirements, please refer to Section 7 of the "Site Plan Review and Subdivision Regulations". In addition to these required plan items, the Planning Board will review subdivision plans based upon the standards set forth in Sections 8 and 9 of the "Site Plan Review and Subdivision regulations". As the applicant, it is **YOUR RESPONSIBILITY** to become familiarized with these standards and to prepare your plans in conformance with them.

Please complete this checklist by marking each item listed in the column labeled "Applicant" with one of the following: "X" (information provided); "NA" (note applicable); "W" (waiver requested). For all checklist items marked "NA", a final determination regarding applicability will be made by the TRC. For all items marked "W", please refer to Section 11 of the "Site Plan Review and Subdivision Regulations" for the proper waiver request procedure. All waiver requests will be acted upon by the Planning Board at a public hearing. Please contact the Planning Department office if you have any questions concerning the proper completion of this checklist.

All of the required information for the plans listed in the checklist must be provided on separate sheets, unless otherwise approved by the TRC.

NOTE: AN INCOMPLETE CHECKLIST WILL BE GROUNDS FOR REJECTION OF YOUR APPLICATION.

SUBDIVISION PLAN REQUIREMENTS

7.4. Existing Site Conditions Plan

Submission of this plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. The purpose of this plan is to provide general information on the site, its existing conditions, and to provide the base data from which the site plan or subdivision will be designed. The plan shall show the following:

APPLICANT	TRC	REQUIRED EXHIBITS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.2. Location of the site under consideration, together with the current names and addresses of owners of record, of abutting properties and their existing land use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.3. Title, date, north arrow, scale, and Planning Board Case Number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.4. Tax map reference for the site under consideration, together with those of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.5. Zoning (including overlay) district references.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.6. A vicinity sketch or aerial photo showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 2,000-feet, or larger area if deemed necessary by the Town Planner.
<input type="checkbox"/> Waiver	<input type="checkbox"/>	7.4.7. Natural features including watercourses and water bodies, tree lines, significant trees (16-inches diameter (caliber) or greater measured 12-inches above ground), and other significant vegetative cover, topographic features, and any other environmental features that are important to the site design process.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.8. Man-made features such as, but not limited to, existing roads, structures, and stone walls. The plan shall also indicate which features are to be retained and which are to be removed or altered.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.9. Existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
<input type="checkbox"/> Waiver	<input type="checkbox"/>	7.4.10. A High Intensity Soil Survey (HISS) of the entire site, or appropriate portion thereof. Such soil surveys shall be prepared by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.11. State and Federally designated wetlands, setback

		information, total wetlands proposed to be filled, other pertinent information and the following wetlands note: "The landowner is responsible for complying with all applicable local, state, and federal wetlands regulations, including any permitting and setback requirements required under these regulations."
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.12. Surveyed property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in New Hampshire must attest to said plan.
<input type="checkbox"/> N/A	<input type="checkbox"/>	7.4.13. The lines of existing abutting streets and driveway locations within 200-feet of the site.
<input type="checkbox"/> N/A	<input type="checkbox"/>	7.4.14. The location, elevation, and layout of existing catch basins and other surface drainage features.
<input type="checkbox"/> N/A	<input type="checkbox"/>	7.4.15. The shape, size, height, location, and use of all existing structures on the site and approximate location of structures within 200-feet of the site.
<input type="checkbox"/> N/A	<input type="checkbox"/>	7.4.16. The size and location of all existing public and private utilities, including off-site utilities to which connection is planned.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.17. The location of all existing easements, rights-of-way, and other encumbrances.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.18. All floodplain information, including the contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.19. All other features which would fully explain the existing conditions of the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.4.20. Name of the site plan or subdivision.

7.5. Subdivision Layout Plan (Pertains to Subdivisions Only)

The purpose of this plan is to illustrate the layout of the subdivision lots, rights-of-way, easements, and other uses of land within the subdivision. It shall be prepared on reproducible mylar and be suitable for filing with the Rockingham County Registry of Deeds. The plan shall depict the following:

APPLICANT	TRC	REQUIRED EXHIBITS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.1. Names, addresses, and telephone numbers of: the owner, applicant, and person(s) or firm(s) preparing the plan (including engineer, architect, or land surveyor).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.2. Name of the subdivision.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.3. Location of the land/site together with the names and address of all owners of record of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.4. Title, date, north arrow, scale, and Planning Board Case Number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.5. Tax map reference for land/site under consideration with those of abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.6. Zoning (including overlay) district references.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.7. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.8. The location and width of all existing and proposed streets, street rights-of-way, sidewalks, easements, alleys, and other public ways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.9. The locations, dimensions, and areas of all proposed lots.
<input type="checkbox"/> N/A	<input type="checkbox"/>	7.5.10. The location of all test pits and the 4,000-square-foot septic reserve areas for each newly created lot, if applicable.
<input type="checkbox"/> Waiver	<input type="checkbox"/>	7.5.11. High Intensity Soil Survey (HISS) information for the site, including the total area of wetlands proposed to be filled.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.12. State and Federally designated wetlands, setback information, total wetlands proposed to be filled, other pertinent information and the following wetlands note: "The landowner is responsible for complying with all applicable local, state, and federal wetlands regulations, including any permitting and setback requirements required under these regulations."
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.13. All floodplain information, including contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.5.14. Sufficient data acceptable to the Board to determine the location, bearing, and length of all lines; sufficient data to be able to reproduce such lines upon the ground; and the location of all

		proposed monuments.
<input type="checkbox"/> N/A	<input type="checkbox"/>	7.5.15. The location and dimensions of all property proposed to be set aside for green space, parks, playgrounds, or other public or private reservations. The plan shall describe the purpose of the dedications or reservations, and the accompanying conditions thereof (if any).
<input checked="" type="checkbox"/> X	<input type="checkbox"/>	7.5.16. A notation shall be included which explains the intended purpose of the subdivision. Indication and location of all parcels of land proposed to be dedicated to public use and the conditions of such dedications, and a copy of such private deed restriction as are intended to cover part or all of the tract.
<input checked="" type="checkbox"/> X	<input type="checkbox"/>	7.5.17. Newly created lots shall be consecutively numbered or lettered in alphabetical order. Street address numbers shall be assigned in accordance with <u>Section 9.17 Streets</u> of these regulations.
<input checked="" type="checkbox"/> X	<input type="checkbox"/>	7.5.18. The following notations shall also be shown: Explanation of proposed drainage easements, Explanation of proposed utility easement, Explanation of proposed site easement, Explanation of proposed reservations Signature block for Board approval
<input checked="" type="checkbox"/> X	<input type="checkbox"/>	7.6.19 A note indicating that: "All water, sewer, road (including parking lot), and drainage work shall be constructed in accordance with Section 9.5 Grading, Drainage, and Erosion & Sediment Control and the Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire". See Section 9.14 Roadways, Access Points and Fire Lanes and Section 9.13 Parking Areas for exceptions.

OTHER REQUIRED PLANS (SEE SECTION INDICATED)

- N/A 7.7 Construction plan
- N/A 7.8 Utilities plan
- N/A 7.9 Grading, drainage and erosion & sediment control plan
- N/A 7.10 Landscape plan
- N/A 7.11 Drainage Improvements and Storm Water Management Plan
- N/A 7.12 Natural Resources Plan
- N/A 7.13 Yield Plan

JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

July 11, 2017

Town of Exeter Planning Board
10 Front Street
Exeter, NH 03833

**RE: Waiver Request Letter (Carlisle Subdivision)
Off Epping Road, Exeter, NH
Tax Map 40 Lot 12
JBE Project No. 15098**

Dear Board:

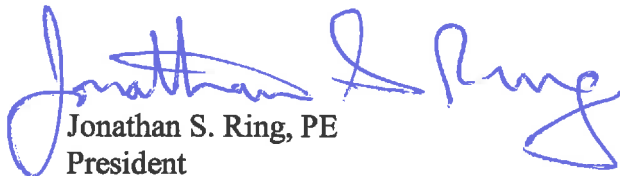
We respectfully request waivers from the following sections featured in the Site Plan Review and Subdivision Regulations for the Town of Exeter, New Hampshire.

1. Section 7.4.7 – “Natural Features.” This section requires survey location of all trees over 16” diameter, and we feel that this expense is unwarranted given the size of the parcel. Other natural features, such as all wetlands, trails, stone walls, topography, and boulder/ledge outcrops are shown on the plan.

2. Sections 7.4.10 & 7.5.11 -- HISS Map. This project will be on Municipal water and sewer, so the HISS map related to on-site septic system lot size is unwarranted.

We look forward to discussing of these waivers at the Planning Board Hearing scheduled for August 10, 2017. Thank you very much for your time.

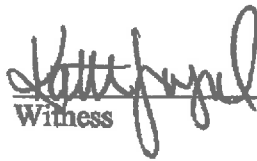
Very Truly Yours,
JONES & BEACH ENGINEERS, INC.


Jonathan S. Ring, PE
President

Letter of Authorization

I, W. Scott Carlisle, III, 14 Cass Street, Exeter, NH 03833, owner of property located in Exeter, NH, known as Tax Map 40, Lot 12, do hereby authorize Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH, to act on my behalf concerning the Town of Exeter Planning Board review process for the previously-mentioned property. The parcel is accessed by right of way running east from Epping Road, and is bounded to its north by NH Route 101.

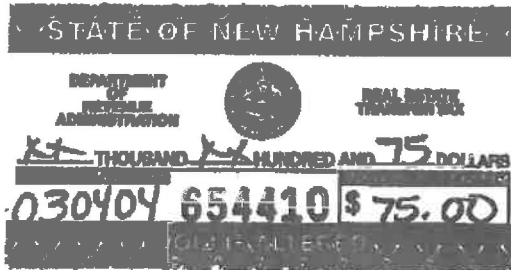
I hereby appoint Jones & Beach Engineers, Inc., as my agent to act on my behalf in the review process.


Witness


W. Scott Carlisle, III


Date

BK4244PG1653



0016500

RELEASE DEED

KNOW ALL MEN BY THESE PRESENTS, that JOHN GILMAN SAWYER of 35 Pelham Lane, New Haven, Connecticut 06511, for consideration paid, grants to W. SCOTT CARLISLE III of 14 Cass Street, Exeter, Rockingham County, New Hampshire 03833, WITHOUT COVENANTS, his interest, if any, to the following described premises:

A certain piece of wood land situated in Exeter, County of Rockingham, State of New Hampshire, on the Easterly side of the road leading from said Exeter to Epping containing seventeen acres and sixty rods more or less bounded thus.

Beginning on the Northerly side of said lot by land formerly of John Watson at a stake and stone at the Northerly corner of other land formerly of James R. Thyng seventy-four rods and fourteen links from the Easterly side of said road. Thence North fifty-nine degrees East fifty-one rods and three and three-fourths links to stake and stone by land which was conveyed to N.A. and S.B. Clarks. Thence by said Clarks land South twenty-three degrees East about fifty rods to other land formerly of said Thyng at a stake and stone; thence South seventy and one-half degrees West fifty-one rods three and three-fourths links to stake and stone; thence North twenty-three degrees West by other land formerly of said Thyng about forty-nine rods to the bounds first mentioned.

The Grantee, his heirs and assigns, to have the privilege of passing and repassing from said road to said lot with teams loose cattle or otherwise in the path commonly used as often as occasion may require they closing all gates and bars which they open.

Meaning and intending to be the same premises described in the Estate of George Watson, Rockingham County Probate Court #27140, being the share inherited by Arthur G. Sawyer (father of the Grantor; Grantor was the sole heir of Arthur G. Sawyer). See Estate of Arthur G. Sawyer, Town of Hamden, Connecticut, Probate File # None.

2004 MAR -4 AM 11:21

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK4244PG1654

This is not the homestead property of the Grantor.

EXECUTED this 11th day of FEBRUARY, 2004.

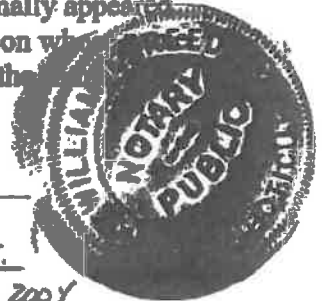
W. Reed
Witness

John Gilman Sawyer
John Gilman Sawyer

STATE OF CONNECTICUT
COUNTY OF Fairfield, ss Stafford

On this 11 day of February, 2004, before me, personally appeared John Gilman Sawyer, known to me or satisfactorily proven to be the person who is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

W. Reed
Notary Public
Printed Name: William Reed Jr.
My Commission expires: March 31, 2007



**ABUTTERS LIST (DIRECT)
CARLISLE SITE PLAN
OFF EPPING ROAD, EXETER, NH
JBE PROJECT No. 15098
MAY 2, 2017
REVISED JUNE 29, 2017**

OWNER OF RECORD/APPLICANT:

TAX MAP 40/ LOT 12 (ROUTE 101) SUBJECT PROPERTY
TAX MAP 40/ LOT 15 (WATSON RD.) ABUTTING PROPERTY
W. SCOTT CARLISLE III
14 CASS ST.
EXETER, NH 03833
BK 4244 / PG 1653

ABUTTERS:

40/8 (1 WATSON RD.) & 14 (0 ROUTE 101)
STATE OF NEW HAMPSHIRE
PO BOX 483
CONCORD, NH 03302
2992/896 – LOT 8
2368/1332 – LOT 14

40/11 (191 EPPING RD.)
NET LEASE REALTY I INC.
ATTN. INGRID IRVIN
450 S ORANGE AVE., SUITE 900
ORLANDO, FL 32801
5731/1874 (06/24/16)

40/13 (0 ROUTE 101)
TOWN OF EXETER
CONSERVATION COMMISSION
10 FRONT ST.
EXETER, NH 03833
3667/2469 (11/02/01)

47/4 (164 EPPING RD.)
164 EPPING RD., LLC
3 BROOKHAVEN RD.
KINGSTON, NH 03848
3775/0784 (05/23/02)

47/8 (183 EPPING RD.) & 9 (159 EPPING RD.)
CKT ASSOCIATES
158 SHATTUCK WAY
NEWINGTON, NH 03801
3231/2722 (08/14/97)

ENGINEERS/SURVEYORS:

JONES & BEACH ENGINEERS, INC.
ATTN: JONATHAN S. RING, PE
PO BOX 219
STRATHAM, NH 03885

WETLAND CONSULTANT:

GOVE ENVIRONMENTAL SERVICES, INC.
ATTN. JAMES GOVE
8 CONTINENTAL DRIVE, UNIT H
EXETER, NH 03833-7507

W. SCOTT CARLISLE III
14 CASS ST.
EXETER, NH 03833

W. SCOTT CARLISLE III
14 CASS ST.
EXETER, NH 03833

W. SCOTT CARLISLE III
14 CASS ST.
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STATE OF NEW HAMPSHIRE
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TOWN OF EXETER
CONSERVATION COMMISSION
10 FRONT ST.
EXETER, NH 03833

164 EPPING RD., LLC
3 BROOKHAVEN RD.
KINGSTON, NH 03848

164 EPPING RD., LLC
3 BROOKHAVEN RD.
KINGSTON, NH 03848

164 EPPING RD., LLC
3 BROOKHAVEN RD.
KINGSTON, NH 03848

CKT ASSOCIATES
158 SHATTUCK WAY
NEWINGTON, NH 03801

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NEWINGTON, NH 03801

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PO BOX 219
STRATHAM, NH 03885

GOVE ENVIRONMENTAL SERVICES,
INC.
ATTN. JAMES GOVE
8 CONTINENTAL DRIVE, UNIT H
EXETER, NH 03833-7507

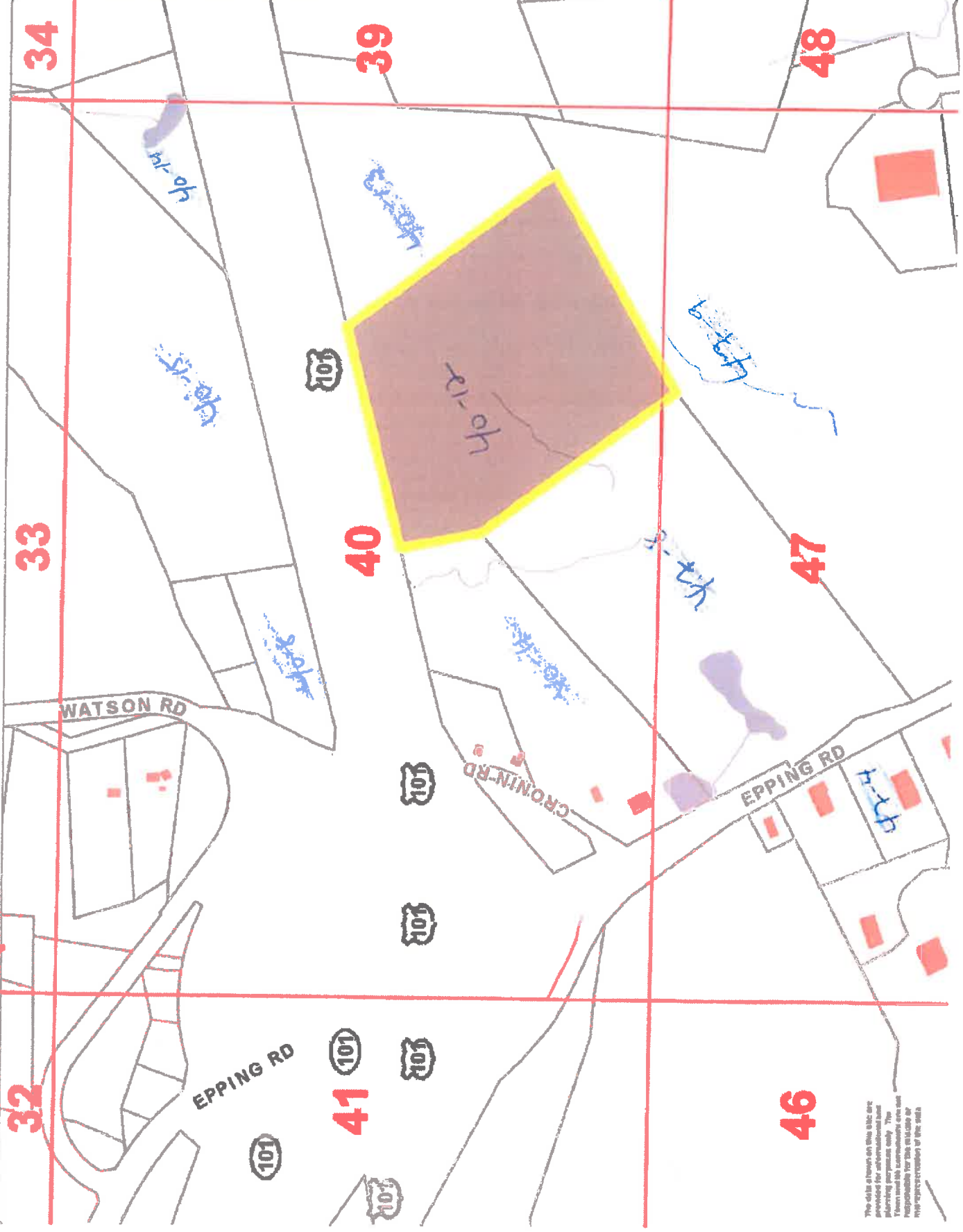
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INC.
ATTN. JAMES GOVE
8 CONTINENTAL DRIVE, UNIT H
EXETER, NH 03833-7507

GOVE ENVIRONMENTAL SERVICES,
INC.
ATTN. JAMES GOVE
8 CONTINENTAL DRIVE, UNIT H
EXETER, NH 03833-7507





Parcel Map Index
 Property
 Wetlands
 Easements
 US Highway
 State Highway
 Town Boundary
 Abutting Towns
 Streets (Unpaved Roadways)
 Mill Stream
 Pond Stream
 Open Water
 Building



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

800 1200 ft

Printed on 05/04/2017 at 11:30 AM

Enclosure 5

PLAN REFERENCES

- "PLAT OF LAND EXETER, N.H. FOR W. SCOTT CARLISLE, III," BY DURGIN-SCHOFIELD ASSOCIATES, DATED FEBRUARY 23, 1989, RECORDED AT RCRD AS PLAN D-19078.
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ABUTTERS

TAX MAP 40 LOT 13
TOWN OF EXETER CONSERVATION COMMISSION
10 FRONT STREET
EXETER, NH 03833
BK: 3667 PG: 2469

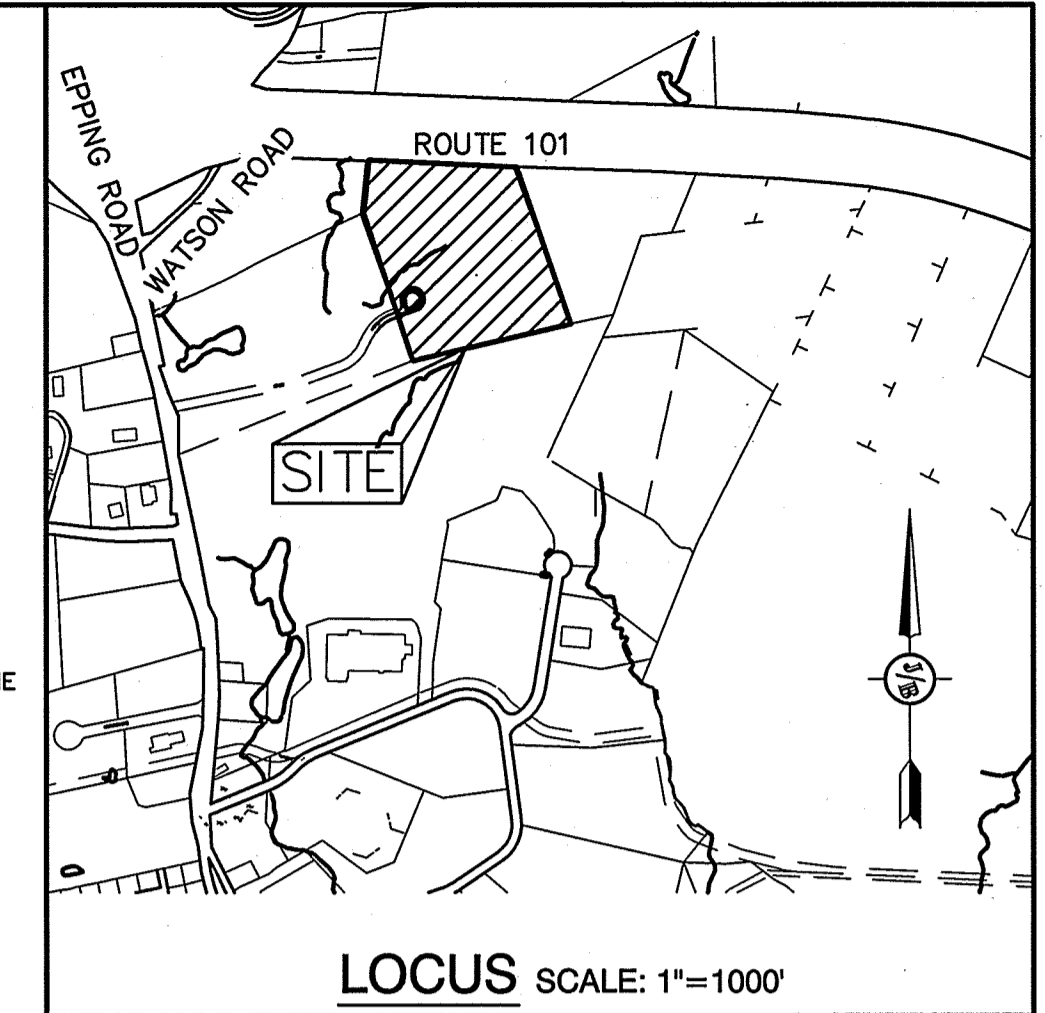
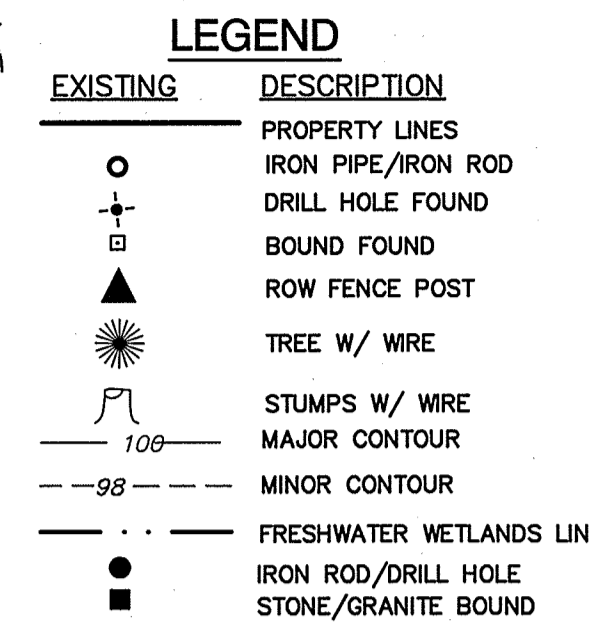
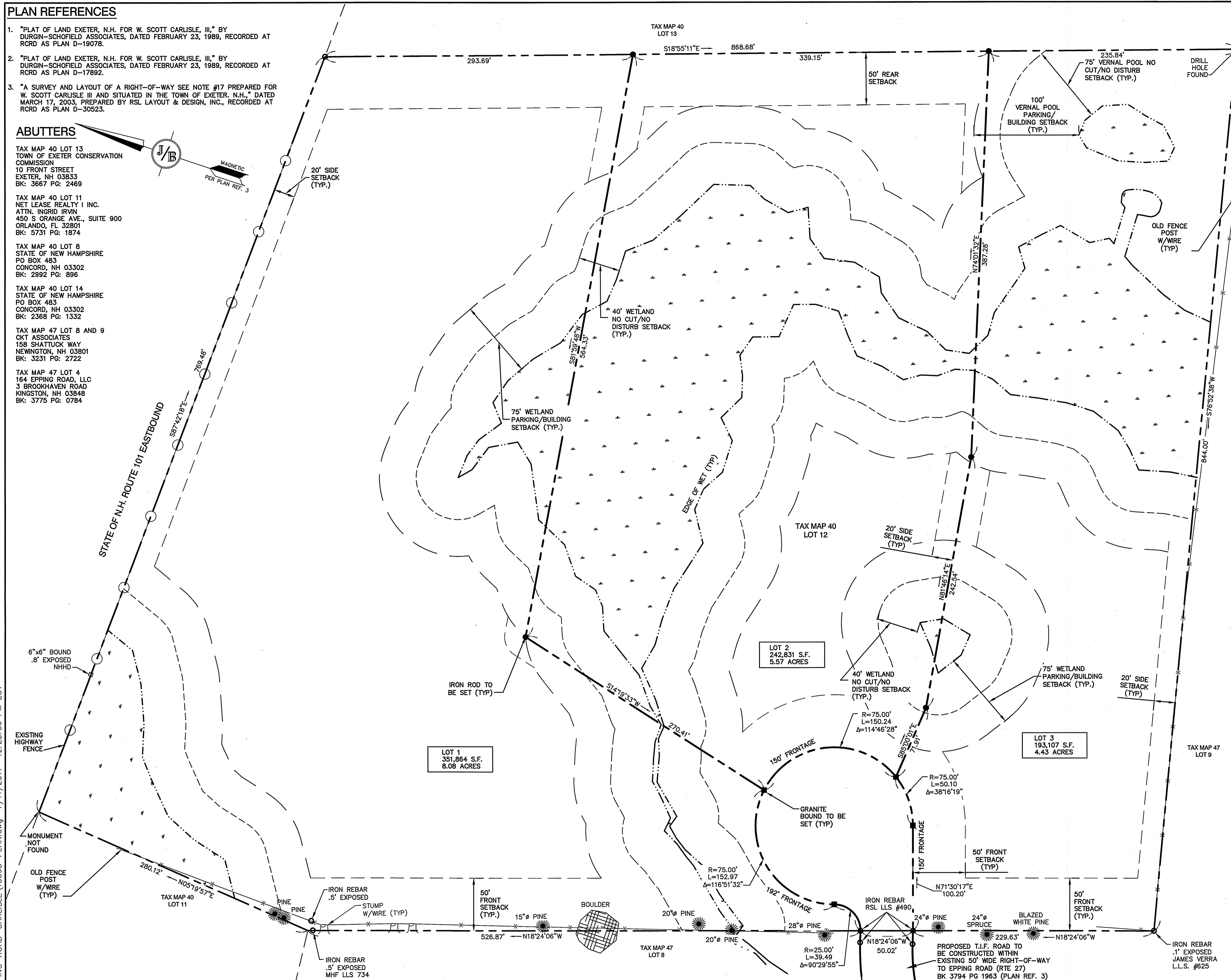
TAX MAP 40 LOT 11
NET LEASE REALTY I INC.
ATTN: INGRID IRVIN
450 S ORANGE AVE., SUITE 900
ORLANDO, FL 32801
BK: 5731 PG: 1874

TAX MAP 40 LOT 8
STATE OF NEW HAMPSHIRE
PO BOX 483
CONCORD, NH 03302
BK: 2992 PG: 896

TAX MAP 40 LOT 14
STATE OF NEW HAMPSHIRE
PO BOX 483
CONCORD, NH 03302
BK: 2368 PG: 1332

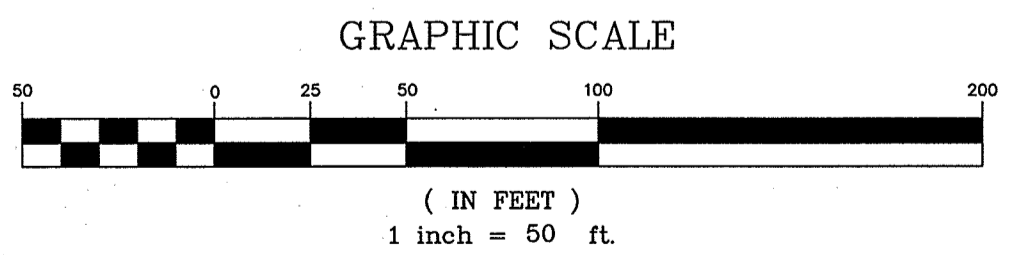
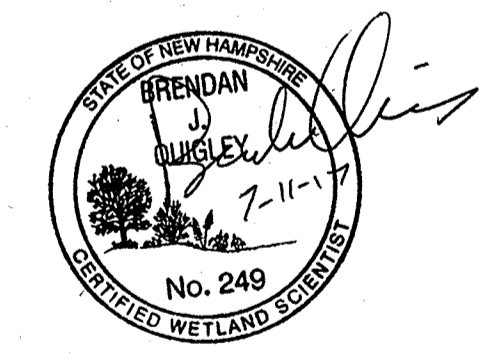
TAX MAP 47 LOT 8 AND 9
OXT ASSOCIATES
158 SHATTUCK WAY
NEWINGTON, NH 03801
BK: 3231 PG: 2722

TAX MAP 47 LOT 4
164 EPPING ROAD, LLC
3 BROOKHAVEN ROAD
KINGSTON, NH 03848
BK: 3775 PG: 0784



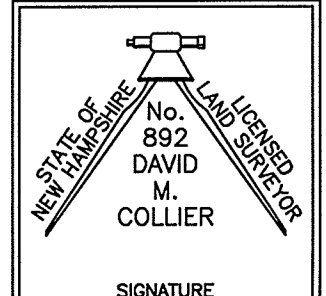
SUBDIVISION NOTES:

- THE INTENT OF THIS PLAN IS TO SUBDIVIDE MAP 40, LOT 12 INTO THREE (3) LOTS FOR COMMERCIAL DEVELOPMENT PURPOSES, TO BE SERVICED BY MUNICIPAL WATER AND SEWER WITH ACCESS VIA THE PROPOSED T.I.F. ROAD.
- ZONING DISTRICT: INDUSTRIAL
LOT AREA MINIMUM = 40,000 SF
LOT FRONTAGE MINIMUM = 150' (GRANDFATHERED)
BUILDING SETBACKS (MINIMUM):
FRONT SETBACK = 50'
SIDE SETBACK = 20'
REAR SETBACK = 50'
WETLAND SETBACK = 50'
WETLAND NO CUT/NO DISTURB SETBACK = 40'
WETLAND PARKING/BUILDING SETBACK = 75'
MAX. BUILDING HEIGHT = 50'
MAX. BUILDING COVERAGE = 40%
OPEN SPACE MINIMUM = 25%
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NUMBERS: 33015C0238E, 33015C0401E, 33015C0239E, AND 33015C0402E, DATED MAY 17, 2005.
- GRANITE BOUNDS TO BE SET AT ALL ROADWAY POINTS OF CURVATURE AND TANGENCY. IRON RODS WITH SURVEY CAPS TO BE SET AT ALL PROPERTY CORNERS AND ANGLE POINTS, UNLESS OTHERWISE INDICATED. ALL MONUMENTS SET ARE 5/8" IRON RODS WITH ALUMINUM CAPS MARKED "JONES & BEACH ENGINEERS BOUNDARY, DO NOT DISTURB, STRATHAM, N.H." AS SHOWN.
- WETLANDS WERE DELINEATED BY GOVE ENVIRONMENTAL SERVICES, INC. DURING SUMMER, 2015, AND LOCATED BY JONES & BEACH ENGINEERS, INC.
- LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
- UPON APPROVAL BY THE TOWN, THE PROPOSED ROAD WILL BE CONVEYED TO THE TOWN.
- ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
- ALL BOOK AND PAGE NUMBERS REFER TO THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- THE TAX MAP AND LOT NUMBERS AND ABUTTING OWNERS ARE BASED ON THE TOWN OF EXETER TAX RECORDS AND ARE SUBJECT TO CHANGE.
- ADDITIONAL RESEARCH WILL BE PERFORMED AT THE TOWN OF EXETER ASSESSOR'S OFFICE AND THE ROCKINGHAM COUNTY REGISTRY OF DEEDS PRIOR TO RECORDING.
- THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO RETRACE THE BOUNDARY LINES OF DEEDS REFERENCED HEREON. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES EXPRESSED, IMPLIED OR PRESCRIPTIVE.
- ANY USE OF THIS PLAN AND OR ACCOMPANYING DESCRIPTIONS SHOULD BE DONE WITH LEGAL COUNSEL TO BE CERTAIN THAT TITLES ARE CLEAR, THAT INFORMATION IS CURRENT, AND THAT ANY NECESSARY CERTIFICATES ARE IN PLACE FOR A PARTICULAR CONVEYANCE, OR OTHER USES.
- ALL BOUNDARY SURVEY AND DATA TAKEN FROM PLAN REF. 1, RCRD PLAN D-19078.



PROJECT PARCEL TOWN OF EXETER TAX MAP 40, LOT 12
APPLICANT/OWNER W. SCOTT CARLISLE, III 14 CASS STREET EXETER, NH 03833 BK 4244, PG 1653
TOTAL LOT AREA 808,074 SQ. FT. 18.55 ACRES

Design: JSR	Draft: PLB	Date: 8/1/16
Checked: JSR	Scale: 1"=50'	Project No.: 15098
Drawing Name: 15098-CONCEPT.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
1	7/11/17	ISSUED FOR PLANNING BOARD	PLB
0	5/9/17	ISSUED FOR REVIEW	PLB
		REVISION	BY

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

85 Portsmouth Ave. Civil Engineering Services 603-772-4746
PO Box 219 Stratham, NH 03885 FAX: 603-772-0227
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	SUBDIVISION PLAN
Project:	CARLISLE SUBDIVISION OFF EPPING ROAD, EXETER, NH
Owner of Record:	W. SCOTT CARLISLE, III 14 CASS STREET, EXETER, NH 03833
TOWN OF EXETER PLANNING BOARD	CASE NO. XXXXX
CHAIRPERSON	DATE:

DRAWING No.

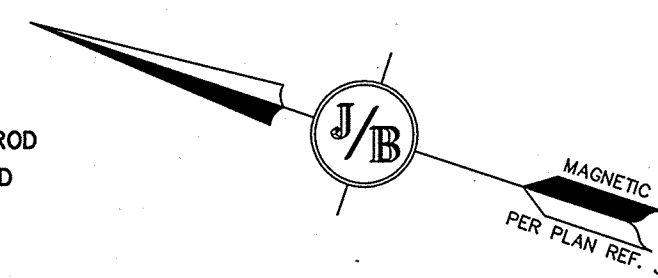
A1

SHEET 1 OF 2
JBE PROJECT NO. 15098

F:\15098-EXETER-EPPING-ROAD-CARLISLE\15098-PLAN.dwg 7/11/2017 12:25:50 PM EST

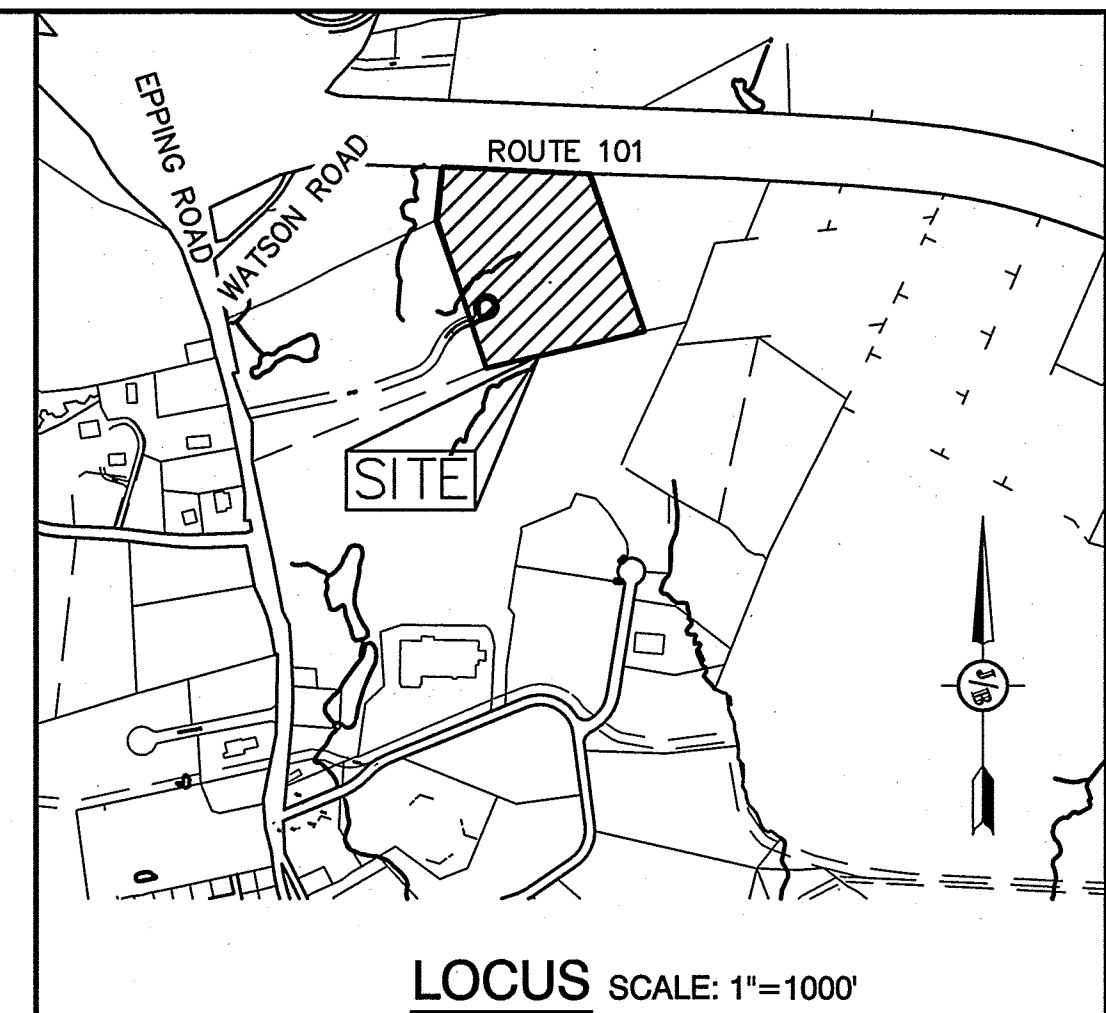
LEGEND

EXISTING	DESCRIPTION
○	PROPERTY LINES
+	IRON PIPE/IRON ROD
□	DRILL HOLE FOUND
■	BOUND FOUND
▲	ROW FENCE POST
●	TREE W/ WIRE
⊕	STUMPS W/ WIRE
— 100 —	MAJOR CONTOUR
— 98 —	MINOR CONTOUR
- - - - -	FRESHWATER WETLANDS LINE



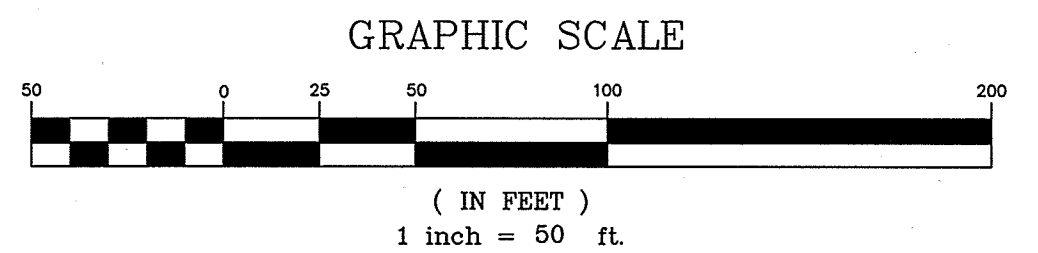
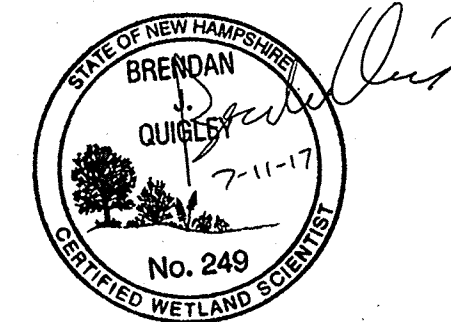
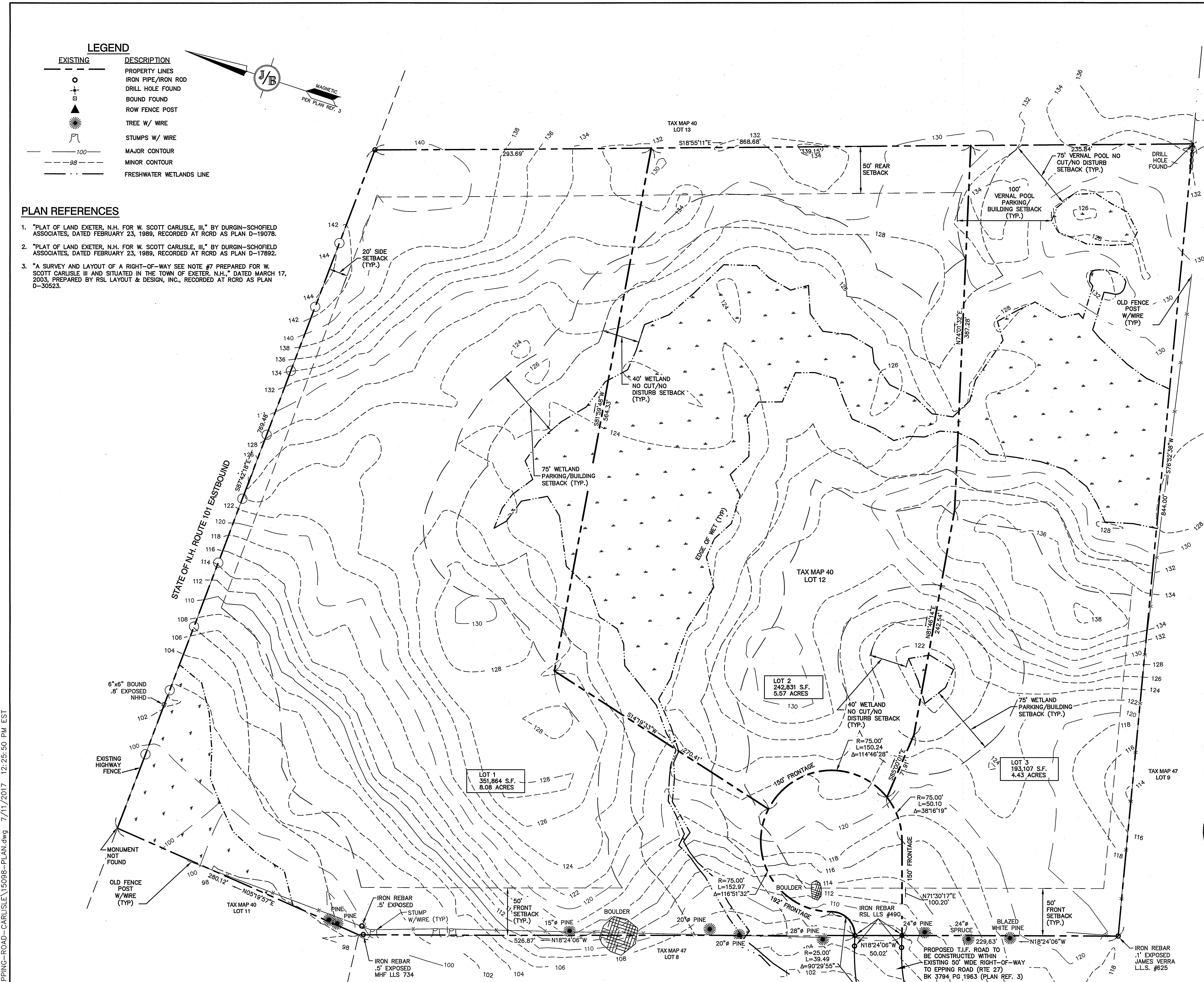
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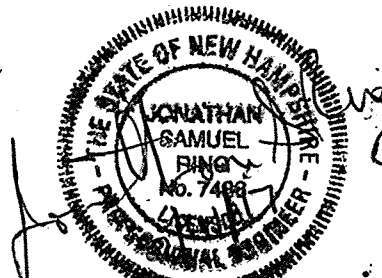
EXISTING CONDITIONS NOTES:

- UNDERGROUND FACILITIES, UTILITIES AND STRUCTURES HAVE BEEN PLOTTED FROM FIELD OBSERVATION AND THEIR LOCATION MUST BE CONSIDERED APPROXIMATE ONLY. NEITHER JONES & BEACH ENGINEERS, INC., NOR ANY OF THEIR EMPLOYEES TAKE RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND STRUCTURES OR UTILITIES NOT SHOWN THAT MAY EXIST. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL UNDERGROUND STRUCTURES AND/OR UTILITIES LOCATED PRIOR TO EXCAVATION WORK BY CALLING 1-888-DIG-SAFE (1-888-344-7233).
- VERTICAL DATUM: ASSUMED. HORIZONTAL DATUM: ASSUMED.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NUMBERS: 33015C0238E, 33015C0401E, 33015C0239E, AND 33015C0402E, DATED MAY 17, 2005.
- THE LIMITS OF JURISDICTIONAL WETLANDS WERE DELINEATED BY JAMES GOVE, OF GOVE ENVIRONMENTAL SERVICES, INC. DURING SUMMER, 2015 IN ACCORDANCE WITH THE FOLLOWING GUIDANCE DOCUMENTS:
 - THE CORPS OF ENGINEERS FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS.
 - THE NORTH CENTRAL & NORTHEAST REGIONAL SUPPLEMENT TO THE FEDERAL MANUAL.
 - THE CURRENT VERSION OF THE FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, AS PUBLISHED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION AND/OR THE CURRENT VERSION OF THE FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, AS PUBLISHED BY THE USDA, NRCS, AS APPROPRIATE.
 - THE CURRENT NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS, AS PUBLISHED BY THE US FISH AND WILDLIFE SERVICE.
- WETLAND IMPACTS SHALL NOT OCCUR UNTIL ALL PERMITS HAVE BEEN ACQUIRED AND IMPACT MITIGATION REQUIREMENTS HAVE BEEN SATISFIED.
- WETLAND BOUNDARIES AND CONSTRUCTION LIMITS ARE TO BE CLEARLY MARKED PRIOR TO THE START OF CONSTRUCTION.
- ALL WATER, SEWER, ROAD (INCLUDING PARKING LOTS), AND DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 9.5 GRADING, DRAINAGE, AND EROSION & SEDIMENT CONTROL, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC UTILITIES IN EXETER, NH.
- VERY POORLY DRAINED SOILS 10 OR MORE FEET INSIDE CENTRAL EDGE OF WETLAND LINE.



PROJECT PARCEL TOWN OF EXETER TAX MAP 40, LOT 12
APPLICANT/OWNER W. SCOTT CARLISLE, III 14 CASS STREET EXETER, NH 03833 BK 4244, PG 1653
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Design: JSR	Draft: PLB	Date: 8/1/16
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REV.	DATE	REVISION	BY
1	7/11/17	ISSUED FOR PLANNING BOARD	PLB
0	5/9/17	ISSUED FOR REVIEW	PLB
		REVISION	

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885

Civil Engineering Services

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

Plan Name:	EXISTING CONDITIONS PLAN
Project:	CARLISLE SUBDIVISION OFF EPPING ROAD, EXETER, NH
Owner of Record:	W. SCOTT CARLISLE, III 14 CASS STREET, EXETER, NH 03833

DRAWING No.	C1
SHEET 2 OF 2	
JBE PROJECT NO. 15098	

F:\15098-EXETER-EPPING-ROAD-CARLISLE\15098-PLAN.dwg 7/11/2017 12:25:50 PM EST



TOWN OF EXETER, NEW HAMPSHIRE

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

www.exeternh.gov

August 25, 2017

W. Scott Carlisle, III
14 Cass Street
Exeter, New Hampshire 03833

Re: PB Case #17-26 W. Scott Carlisle, III
Minor Subdivision - Property off of Epping Road, Exeter, N.H.
Tax Map Parcel #40-12

Dear Mr. Carlisle:

Please be advised that at the meeting of August 24th, 2017, the Exeter Planning Board voted to **APPROVE** the above-captioned application for a minor subdivision, as presented, subject to the following conditions:

1. A dwg file of the subdivision plan shall be provided to the Town Planner showing all property lines and monumentation prior to signing the final plans;
2. This approval shall not be final until the applicant presents to the Board, and the Board and its engineers approve, a design for both the un-built portion of the so-called TIF road to the applicant's property, and the roadway and cul-de-sac within the property;
3. The potential discrepancy regarding the location of the common boundary line between the subject parcel and the abutting parcel (Tax Map 47 Lot 8) shall be resolved between the property owners; and,
4. These conditions shall be met prior to recording the subdivision plan.

The Board also approved the following waivers from the Site Plan Review and Subdivision Regulations in conjunction with the minor subdivision plan:

- Section 7.4.7 – Natural Features for significant trees - 16" diameter (caliper) or greater
- Section 7.5.4 – High Intensity Soil Survey (HISS) information

Both of the above waivers shall be specific to this subdivision application and shall not apply to any subsequent application submitted for the property.

Please feel free to contact the Planning Department at 773-6114 with any questions.

Sincerely,

Langdon J. Plumer
Chairman
Exeter Planning Board

cc: ✓ Jonathan S. Ring, P.E., President, Jones & Beach Engineers, Inc.
Douglas Eastman, Building Inspector/Code Enforcement Officer

LJP:bsm



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



November 8, 2017

Mr. Jonathan S. Shaftmaster
 CKT & Associates
 158 Shattuck Way
 Newington, NH 03801

Permit: AoT-1335

Re: Ray Farm Active Adult Community, Epping Road
 Tax Map 47, Lot 8 – Exeter, NH

Dear Mr. Shaftmaster:

Based upon the plans and application, approved on November 8, 2017, we are hereby issuing RSA 485-A:17 Alteration of Terrain Permit AoT-1335. This is an administratively revised copy of the permit, which corrects a typographical error in Condition 1 under Project Specific Conditions. The permit is subject to the following conditions:

PROJECT SPECIFIC CONDITIONS:

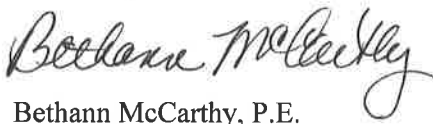
1. The plans in the file, last revision date October 26, 2017 with exception of one sheet last revised November 9, 2017, are a part of this approval.
2. The area of disturbance shall not exceed 5 acres at any time.
3. **This permit expires on November 8, 2022.** No earth moving activities shall occur on the project after this expiration date unless the permit has been extended by the Department. If an extension is required, the request must be received by the department before the permit expires. The Amendment Request form is available at: <http://des.nh.gov/organization/divisions/water/aot/categories/forms.htm>

GENERAL CONDITIONS:

1. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
2. You must submit revised plans for permit amendment prior to any changes in construction details or sequences. You must notify the Department in writing within ten days of a change in ownership.
3. You must notify the Department in writing prior to the start of construction and upon completion of construction. Forms can be submitted electronically at: <https://forms.nh.gov/onlineforms/>. Paper forms are available at that same web page or at: <http://des.nh.gov/organization/divisions/water/aot/categories/forms.htm>.
4. All stormwater practices shall be inspected and maintained in accordance with Env-Wq 1507.07 and the project Inspection and Maintenance (I&M) Manual. All record keeping required by the I&M Manual shall be maintained by the identified responsible party, and be made available to the department upon request.
5. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required (e.g., from US EPA, US Army Corps of Engineers, etc.). Projects disturbing over 1 acre may require a federal stormwater permit from EPA. Information regarding this permitting process can be obtained at: <http://des.nh.gov/organization/divisions/water/stormwater/construction.htm>.

6. No activity shall occur in wetland areas until a Wetlands Permit is obtained from the Department. Issuance of this permit does not obligate the Department to approve a Wetlands Permit for this project.
7. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have not been surveyed in detail, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.

Sincerely,



Bethann McCarthy, P.E.
Alteration of Terrain Bureau

cc: Exeter Planning Board
Denis Hamel, W.C. Cammett Engineering, Inc. (via email)



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

April 19, 2019

Mr. Jonathan S. Shaftmaster
 Ray Farm LLC
 158 Shattuck Way
 Newington, NH 03801

Permit: AoT-1335B

Original permit issuance: November 8, 2017

Re: Ray Farm Active Adult Community, Epping Road
 Tax Map 47, Lot 8 – Exeter, NH

Dear Mr. Shaftmaster:

Based upon a recent request, we are hereby amending RSA 485-A:17 Alteration of Terrain Permit AoT-1335. **The amendment consists of a plan change, adding the TIF road and an infiltration basin, as shown on plans by Cammett Engineering, last revision date November 26, 2018.** As part of the processing of this application, DES waived specific requirements of Env-Wq 1507.05 relative to Channel Protection Requirements. Granting this waiver will not have an adverse impact on the environment, public health, public safety, or abutting properties, and granting the request is consistent with the intent and purpose of the rules waived. Additional documentation relative to the waiver is contained within the file. The amended permit number is AoT-1335A and is subject to the following conditions:

PROJECT SPECIFIC CONDITIONS:

1. The plans in the file, last revision date November 26, 2018 are a part of this approval.
2. The area of disturbance shall not exceed 5 acres at any time.
3. Infiltration testing shall be performed on Basin G, as described on Sheet C 1.22 of the approved plans. Infiltration test results shall be submitted to DES within 7 days of testing.
4. **This permit expires on November 8, 2022.** No earth moving activities shall occur on the project after this expiration date unless the permit has been extended by the Department. If an extension is required, the request must be received by the department before the permit expires. The Amendment Request form is available at: <http://des.nh.gov/organization/divisions/water/aot/categories/forms.htm>

GENERAL CONDITIONS:

1. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
2. You must submit revised plans for permit amendment prior to any changes in construction details or sequences. You must notify the Department in writing within ten days of a change in ownership.
3. You must notify the Department in writing prior to the start of construction and upon completion of construction. Forms can be submitted electronically at: <https://forms.nh.gov/onlineforms/>. Paper forms are available at that same web page or at: <http://des.nh.gov/organization/divisions/water/aot/categories/forms.htm>.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
 (603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

4. All stormwater practices shall be inspected and maintained in accordance with Env-Wq 1507.07 and the project Inspection and Maintenance (I&M) Manual. All record keeping required by the I&M Manual shall be maintained by the identified responsible party, and be made available to the department upon request.
5. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required (e.g., from US EPA, US Army Corps of Engineers, etc.). Projects disturbing over 1 acre may require a federal stormwater permit from EPA. Information regarding this permitting process can be obtained at: <http://des.nh.gov/organization/divisions/water/stormwater/construction.htm>.
6. No activity shall occur in wetland areas until a Wetlands Permit is obtained from the Department. Issuance of this permit does not obligate the Department to approve a Wetlands Permit for this project.
7. In accordance with Env-Wq 1503.21 (c)(1), a written notice signed by the permit holder and a qualified engineer shall be submitted to DES stating that the project was completed in accordance with the approved plans and specifications. If deviations were made, the permit holder shall review the requirements in Env-Wq 1503.21(c)(2).
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have not been surveyed in detail, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.

Sincerely,



Bethann McCarthy, P.E.
Alteration of Terrain Bureau

cc: Exeter Planning Board
Denis Hamel, W.C. Cammett Engineering, Inc. (via email)



February 1, 2018

Eben Lewis
NH DES Wetlands Bureau
Pease Field Office
222 International Dr., Ste. 175
Portsmouth, NH 03801

**Re: Request for Amendment
NHDES File # 2017-01530
Willey Creek Company, LLC
Exeter, NH**

Dear Mr. Lewis:

As authorized agent for the applicant I would like to request an amendment to the above referenced permit issued on 8/16/2017. No work has been done at the site. The requested amendment consists of an additional 368 square feet of wetland impact directly adjacent to the approved impact in the vicinity of the site entrance drive as depicted on the attached plan. The work for which this impact is needed is in fact shown on the original permit plans but lies outside the project site within a right-of-way on the applicant property. A public road is planned by the Town of Exeter in this location as part of their their Tax Increment Finance district (TIF road).

The need to amend the permit is related to timing. The full design and permitting of the TIF road was supposed to have been undertaken by the Town of Exeter such that this project, the first in the area to be served by the road, could proceed in a timely manner. The design and permitting of the public road has, however, lagged behind and is now preventing the start of work on the project since the road provides access to the site entrance drive. The applicant intends to enter into an agreement with the Town of Exeter to design and construct the section of roadway up to entrance drive so work on the approved residential development project can begin as soon as possible.

Due to extensive effort to avoid and minimize impacts on this project, the requested 368 square feet of additional impact represents approximately 26% of the originally permitted impact. However, the additional impact is not related to expansion of the project or changes to the approved site design but rather to the separate public road project that is largely outside the applicant's control. The additional impact area is the remaining portion of a narrow wetland finger that is already being impacted. The relevant responses to Env-Wt 302.04 (a) therefore apply to this additional impact area.

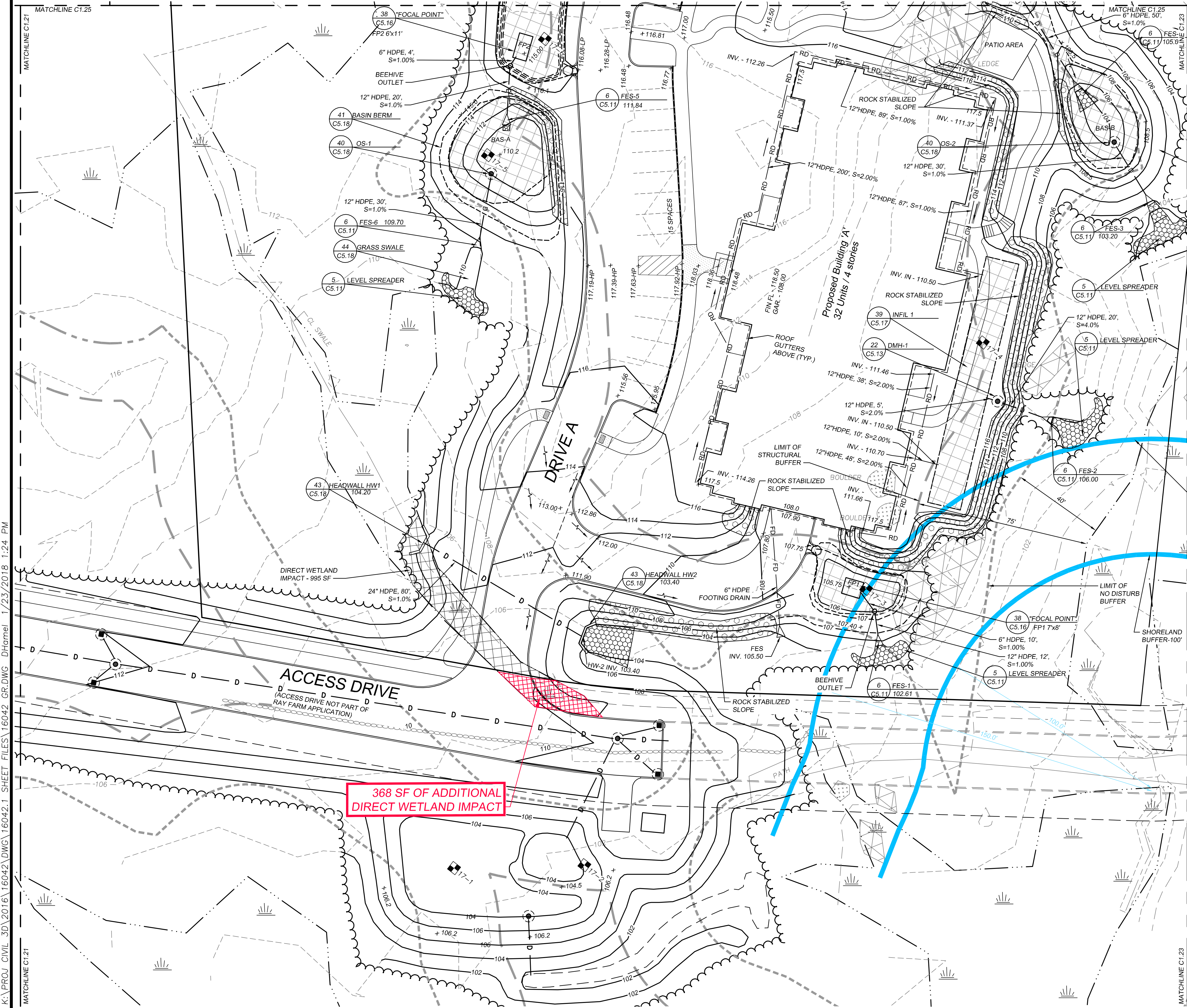
If you have any questions please don't hesitate to contact me.

Sincerely,

Brendan Quigley, NHCWS, CESSWI
Gove Environmental Services, Inc

Attachment: Revised Plan Sheet C1.22
Additional Filing Fee Check

CC: Exeter Conservation Commission

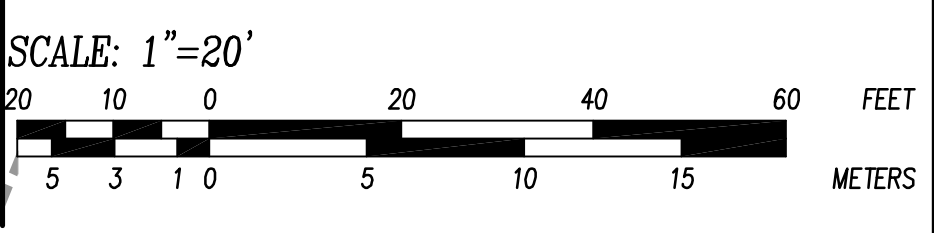


- NOTES:**
- REFER TO G1.20 FOR LEGEND, ABBREVIATIONS, AND GENERAL NOTES.
 - ALL TEMPORARY BENCHMARKS (TBM) BEYOND LIMIT OF WORK SHALL BE PROTECTED DURING CONSTRUCTION. IF ADDITIONAL TBMS ARE NEEDED, A LICENSED LAND SURVEYOR WILL SET NEW TBMS USING THE EXISTING TBM DATUM.
 - ACCESS ROAD AS SHOWN DEPICTS DESIGN INTENT ONLY. FINAL DESIGN TO BE COORDINATED WITH RESULTS OF TIF PROGRAM DESIGN.

INVERT DATA

DMH-1
RIM - 116.50
12" HDPE IN - 110.15
12" HDPE OUT - 106.80

- TESTS PITS LOGGED BY D. HAMEL
LICENSED DESIGNER # 670 ON
APRIL 14, 2017
- TEST PIT 17-1
0-6" FINE SANDY LOAM
6"-12" SANDY LOAM
12"-60" LOAMY SAND 7.5YR 6/6
ESHWT - 26"
NO LEDGE
- TEST PIT 17-2
0-6" FINE SANDY LOAM
6"-12" SANDY LOAM
12"-42" LOAMY SAND 7.5YR 5/4
ESHWT - 18"
LARGE ROCKS, POSSIBLE LEDGE @ 42"
- TEST PIT 17-3
0-5" FINE SANDY LOAM
5"-22" SANDY LOAM
22"-60" LOAMY SAND 7.5YR 5/8
ESHWT - 24"
POSSIBLE LEDGE @ 60"
- TEST PIT 17-4
0-5" FINE SANDY LOAM
5"-17" LOAMY AND
17"-36" SAND 7.5YR 6/4
36"-56" SILT LOAM 7.5YR 5/4
ESHWT - 24"
POSSIBLE LEDGE @ 56"
- TEST PIT 17-5
0-5" FINE SANDY LOAM
5"-14" SANDY LOAM
14"-38" SAND
38"-60" SILT LOAM 7.5YR 5/6
ESHWT - 20"
NO LEDGE
- TEST PIT 17-6
0-4" FINE SANDY LOAM
4"-16" LOAMY SAND
16"-28" SAND
28"-33" LOAMY SAND
33"-52" SAND 10YR 5/6
ESHWT - 36"
NO LEDGE



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CONSULTING ENGINEERS &
LAND SURVEYORS SINCE 1975
Visit us on the WEB at www.cammett.com

Sheet Title:
**Grading and
Drainage Plan**

Project Title:
**"Ray Farm"
Active Adult
Community**

Epping Road
Exeter, NH 03833
Rockingham County

Applicant:
Willey Creek Company
158 Shattuck Way
Newington, NH 03801

Owner:
CKT & Associates
158 Shattuck Way
Newington, NH 03801

REVISION			
NO.	DATE	DESCRIPTION	BY
A	5.8.2017	TO PLANNING BOARD	DH
B	6.27.2017	PEER REVIEW	DH
C	11.27.17	2nd PEER REVIEW	DH
D	1.15.18	3rd PEER REVIEW	DH

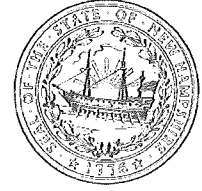
PROJ. MGR.: D. HAMEL
FIELD: M. MICHAUD / A. BICK
DESIGN: D. HAMEL
DRAWN: D. HAMEL
CHECKED: W. CAMMETT/R. BLANCHETTE
DATE: 05/08/2017
FILE: 16042 GR.DWG
FBK:
JOB #: 16042

K:\PROJ CIVIL 3D\2016\16042\DWG\16042.1 SHEET FILES\16042 GR.DWG D:\Home 1\23\2018 1:24 PM



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



February 14, 2018

Jonathan Shaftmaster
 Willey Creek Co. LLC
 158 Shattuck Way
 Newington, NH 03801

RE: NHDES Wetlands Bureau File 2017-01530, Epping Road, Exeter Tax Map 47 Lot 8

Dear Mr. Shaftmaster:

Attached please find Amended Wetlands Permit 2017-01530 to impact a total of 1,763 square feet (sq. ft.) to include 1,363 sq. ft. of forested wetland and 400 sq. ft. along 36 linear feet within the bed and banks of an intermittent stream (Tier 1) contiguous with Watson Brook for the construction of a roadway as part of Exeter's Tax Increment Finance district and an accessway to a residential active adult community on 11.59 acres.

The decision to approve this application was based on the following findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The crossing impacting the intermittent stream, a tier 1 stream pursuant to Env-Wt 904.02(a), has been designed to meet Env-Wt 904.02(b).
6. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB16-3679 identifying two (2) plant species in the vicinity of the proposed project: sharp-flowered manna grass (*Glyceria acutiflora*) (E) and slender blue iris (*Iris prismatica*) (E).
7. Based on the results of the survey performed by the agent and in response to these species, NHB stated via email, "NHB has no further concerns about this project."
8. The NH Division of Historical Resources has reviewed the project and found "No Historic Properties Affected."
9. In a letter dated 6/13/17, the Exeter Conservation Commission stated, "We have investigated this application and have no objection to the issuance of this permit."

Any person aggrieved by this decision may appeal to the New Hampshire Wetlands Council (the Council) by filing an appeal that meets the requirements specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Council, Env-WtC 100-200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council. Information about the Council, including a link to the Council's rules, is available at <http://nhwc.nh.gov/> (or more directly at <http://nhwc.nh.gov/wetlands/index.htm>.) Copies of the rules also are available from the New Hampshire Department of Environmental Services (NHDES) Public Information Center at (603) 271-2975.

Your permit must be signed, and a copy must be posted in a prominent location on site during construction. If you have any questions, please contact our office at (603) 271-2147.

Sincerely,

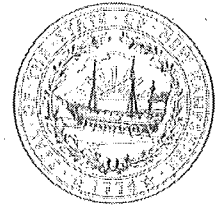
Eben M. Lewis
 Wetlands Inspector, Southeast Region Supervisor
 NHDES Wetlands Bureau

cc: Brendan Quigley, GES, Inc.
 Exeter Conservation Commission



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



**NOTICE TO RECIPIENTS OF
MINOR IMPACT NH WETLANDS PERMITS**

Your permit was approved by the New Hampshire Wetlands Bureau as a minor impact project. Your project will be reviewed by the US Army Corps of Engineers for possible approval under the Army Corps New Hampshire State Programmatic General Permit – SPGP. The Army Corps will notify you within thirty (30) days if they will require additional information, or an individual federal permit application.

If you do not hear from the Army Corps within thirty (30) days, and your project meets the conditions of the SPGP (attached), your project will automatically be approved under the SPGP. You should contact the Army Corps, at 1-978-318-8335 (ME, NH, VT, CT, RI), 1-800-362-4367 (MA), if your project does not meet the conditions of the SPGP.

NO WORK SHOULD BE DONE WITHOUT AUTHORIZATION FROM THE ARMY CORPS UNLESS THIRTY (30) DAYS HAVE PASSED AFTER NH WETLANDS BUREAU APPROVAL AND ALL CONDITIONS OF THE SPGP ARE MET.

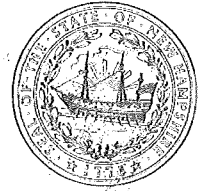
THESE APPROVALS DO NOT RELIEVE YOU FROM OBTAINING ANY NECESSARY LOCAL PERMITS THAT MAY BE REQUIRED BY YOUR TOWN.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO GIVE US A CALL AT 603-271-2147.

cc: US Army Corps of Engineers



Department of Environmental Services



Robert R. Scott, Commissioner

WETLANDS AND NON-SITE SPECIFIC PERMIT 2017-01530 PAGE 1 OF 2

Permittee: WILLEY CREEK CO LLC **NOTE CONDITIONS**
 158 SHATTUCK WAY
 NEWINGTON NH 03801

Project Location: EPPING ROAD, EXETER
 TAX MAP 47 LOT 8

Waterbody: WATSON BROOK

APPROVAL DATE: FEBRUARY 14, 2018 **EXPIRATION DATE:** AUGUST 16, 2022

Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

****AMENDEDED****

PERMIT DESCRIPTION: Impact a total of 1,763 square feet (sq. ft.) to include 1,363 sq. ft. of forested wetland and 400 sq. ft. along 36 linear feet within the bed and banks of an intermittent stream (Tier 1) contiguous with Watson Brook for the construction of a roadway as part of Exeter's Tax Increment Finance district and an accessway to a residential active adult community on 11.59 acres.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

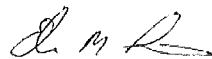
1. All work shall be in accordance with the following plans by Cammett Engineering dated 5/8/17:
 - a. Plans received by the NH Department of Environmental Services (NHDES) on June 1, 2017; and,
 - b. The 'Grading and Drainage Plan' revised through 1.15.18 as received by NHDES on February 5, 2018.
2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require further permitting.
4. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
5. Work shall be done during low flow and in the dry only.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction.
10. Prior to commencing work on a substructure located within the intermittent stream, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the intermittent stream.

11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
12. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.
13. The channel at the recreated stream channel bed and box culvert must maintain the natural and a consistent streambed elevation and not impede stream flow.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
16. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

GENERAL CONDITIONS THAT APPLY TO ALL NHDES WETLANDS PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES-Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by NHDES;
6. This project has been screened for potential impacts to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have only received cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.
7. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED:



Eben M. Lewis
NHDES Wetlands Bureau

BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.

OWNER'S SIGNATURE (required)

CONTRACTOR'S SIGNATURE (required)

AGREEMENT

BETWEEN

**THE TOWN OF EXETER, NEW HAMPSHIRE
AND
WILLEY CREEK CO., LLC**

THIS AGREEMENT, made and entered into this 13th day of April, 2018, by and between the **Town of Exeter**, a New Hampshire municipal corporation (hereinafter referred to as the "Town"), with a place of business and mailing address, at 10 Front Street, Exeter, New Hampshire, 03833 and **Willey Creek Co., LLC**, a New Hampshire limited liability company, (hereinafter referred to as "WCC") with a place of business and mailing address, at 158 Shattuck Way, Newington, NH 03801 (the entities referred to in this paragraph are sometimes hereinafter collectively referred to as the "Parties"), as follows:

RECITALS:

WHEREAS, the Town of Exeter voters adopted a Tax Increment Financing District known as the Epping Road TIF District (hereinafter referred to as "TIF" or the "District") by vote at town meeting in March of 2015, all in accordance with New Hampshire RSA 162-K, including the adoption of a development plan for the District which reflected certain public improvements which are in part the subject of this Agreement;

WHEREAS, WCC received conditional site plan approval from the Town's Planning Board in July of 2017 for a 116-unit Active Adult Community (hereinafter referred to as "AAC") that would be accessed by and receive utility service through the construction of a portion of the public improvements proposed in the TIF, which as of this date have not been constructed by the Town or WCC;

WHEREAS, it is a condition of the approval of WCC’s AAC that the entity constructing the so called TIF road providing access to the project premises be identified and that adequate provisions be in place to assure that the infrastructure of improvements proposed for the AAC project would be compatible with the public improvements in the TIF Road;

WHEREAS, the Town and WCC are both desirous of entering into a mutual beneficial agreement whereby a portion of the TIF District public improvements (the “TIF Road Work”) can be completed on an expedited basis by WCC subject to reimbursement by the Town upon the issuance of a TIF Bond, all as provided herein;

WHEREAS, WCC, conditioned on being able to commence its site work for the AAC is prepared to undertake and initially front the cost of the Town’s TIF Road work, at an all-in fixed price of \$1,945,022.00, subject to the allowances and qualifications and exceptions stated herein, so that the public improvements will be available to its AAC project and projects proposed by others in the TIF District; and

WHEREAS, WCC can undertake the TIF Road Work now on the property of CKT Associates, an affiliated entity, with a qualified site contractor at an advantageous price which can be obtained because of a combination of the economy of scale and the timing of the work beginning as an off season (“ early spring”) project.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. **Public Infrastructure Improvements**

1.1 The term “Public Infrastructure Improvements” as used in this agreement includes the construction of the TIF Road Work, in the location shown on **Exhibit A** in green with a

design but no construction of Public Improvements for a future extension of the TIF road to reach the Carlisle Property at Map 40, Lot 12 as shown in yellow on **Exhibit A**. The design is attached as **Exhibit B**.

1.2 The Town alone will be responsible for the design and construction of the portion of the Public Infrastructure Improvements on Epping Road, inclusive of the extension of public water and sewer, as shown in orange (Phase I) and red (Phase II) on Exhibit A and shall use its best efforts to prioritize and complete the extension of public water and sewer in the green area from the Continental Drive intersection to the TIF Road being constructed by WCC, (the “Phase I Water and Sewer extension”) on or before September 30, 2018, so as to enable the timely connection of WCC’s AAC project for unit sales and occupancy.

1.3 All of the TIF Road Work will be constructed upon the land of CKT Associates, Inc., (hereinafter referred to as “CKT”), an affiliated entity of WCC. CKT shall join in and execute a copy of this agreement solely for the purpose of confirming that CKT agrees to convey fee title to the 50 foot right-of-way roadway area to the Town upon the Town’s acceptance of the TIF Road Work and will convey an easement to the Town associated with the roadway fee for the area of the pump station and any associated drainage improvements required for the road (the “Deeds”). CKT’s obligation to do so is without compensation, provided the Town cooperates with CKT in CKT’s valuing of its gift to the Town of its rights in this property and the location of any drainage easements as per Section 8.2.2.

1.4 The Deeds shall be prepared by counsel for CKT and reviewed by counsel for the Town for form and substance. They shall be executed by CKT and held in escrow by counsel for CKT to be released to the Town at the time the Town acts to accept the TIF Road as a public road.

1.5 The Parties hereto understand and agree that the total amount of TIF Bonding for the Public Infrastructure Improvements contemplated under this Agreement to be carried out by WCC shall be no less than \$1,945,022.00.

2. **WCC's Obligations.**

2.1 In proceeding with the AAC Project, WCC will insure that the design of its site improvements will be fully compatible with the design WCC is completing (subject to the review of the Town and its consultants) of the TIF Road Work which WCC will be constructing under this Agreement.

2.2 To perform the TIF Road Work, WCC will engage a qualified site work contractor, S.U.R, with substantial experience in the construction of similar improvements which contractor has the approval of the Town.

2.3 WCC agrees to construct the TIF Road Work for an aggregate price of \$1,900,022.00 plus \$45,000.00 in approved reimbursable costs, all

as detailed on **Exhibit C**, subject to adjustment of allowances and adjustments as provided by Paragraph 3.4 of this Agreement which shall be documented by written change order(s) executed by the parties.

2.4 **Exhibit E** is an updated Development Schedule for the TIF Road Work and the Phase I Water and Sewer Extension in Epping Road which shall be completed by the Parties within 14 days of the execution of this Agreement. Notwithstanding the forgoing, the Parties recognize that the time for the Performance of the work shall be extended by a period equal to: (a) any delay caused by or resulting from a delay by the Town in implementing and approving the TIF Bond Financing herein contemplated; (b) an act of God, war, civil commotion, fire or other casualty, shortages of energy, materials or equipment, government regulations, or other

causes beyond WCC's control such that WCC's time for performance shall be extended for a reasonable time taking into account the effect and duration of the above; (c) delays which may be caused by Town mandated engineering, site or inspection requirements.

2.5 Except for the Town's TIF Financing contemplated herein, WCC shall be responsible for securing any financing, if any, required for its AAC project to go forward simultaneously with the completion of the TIF Road Work and the Phase I Water and Sewer Extension in Epping Road. The Town will reasonably cooperate with WCC to the extent documentation is requested from WCC's lender with respect to the obligations of each party under this agreement, but in no event shall the Town become a party or guarantor of the financing or WCC's performance thereunder.

2.6 The design of the TIF Improvements attached as Exhibit B which the Town received on or about February 26, 2018 has been reviewed by the Town. The Parties agree that the Hoyle Tanner six page estimate of January 5, 2015 with their letter of January 7, 2015 and the Underwood Engineering Water and Sewer Utility Build Out Evaluation dated February 26, 2018 attached hereto and incorporated herein as Exhibits F-1 and F-2 may be referenced in connection with the design.

2.7 All documents relating to the design, engineering and construction of the TIF Road Work shall be provided to the Town electronically in appropriate digital format.

2.8 WCC will cause its contractor to provide the Town with a one year warranty from the date of completion of the workmanship of its construction of the TIF Road Work.

3. Town of Exeter Obligations

3.1 As used in this Agreement the term “TIF Bond(s)” shall mean a bond(s) utilized by the Town, the proceeds of which shall be used for the purposes of paying Town costs and/or expenses associated with the Public Infrastructure Improvements and reimbursing WCC for the design and construction of the TIF Road Work. The Town shall issue Tax Increment Financing Bond(s) “TIF Bond(s)” on or before July 1, 2018 for the purposes of generating the funds to reimburse WCC for the TIF Road Work WCC shall construct under this Agreement. Nothing herein shall limit the Town’s discretion in determining the amount of the TIF Bond(s) or any other aspect of the Bond(s) so long as the Bond(s) generates proceeds equal to or greater than the obligations to reimburse WCC undertaken by The Town under this Agreement. The Town shall keep WCC reasonably informed of its actions in causing the TIF Bond(s) to issue. The payments on the “TIF Bond(s)” shall be made from the funds now held by the Town in the Epping Road Tax Increment Financing District account and as they accrue going forward, all in accordance with RSA Chapter 162-K. For the purposes of this Agreement, the term “TIF Bond(s)” shall include expenses paid at any time by the Town (or such expenses which the Town becomes obligated to pay), with respect to the Public Infrastructure Improvements.

3.2 WCC with the cooperation of the Town and at its expense included in the agreed price on Schedule C is responsible for any required State or Federal approvals for the TIF Road Work. The Town shall be responsible for paying any further permits and approvals fees, if any, required for the remainder of the Public Infrastructure Improvements at its sole expense

3.3 The Town will reimburse WCC for the Public Infrastructure Improvements as they are completed and after satisfactory inspection by the Town throughout the construction process pursuant to requisitions submitted by WCC in accordance with the Schedule of Values to be approved by the Parties and attached hereto as **Exhibit D** within fourteen (14) days of the execution of this Agreement. Further, the Parties agree that they will share equally any value engineering savings, initiated by WCC and approved by the Town, in the design of the TIF Improvements or otherwise.

3.4 The Town's obligation to reimburse WCC shall not exceed the aggregate price subject only to adjustment for allowance items inclusive of ledge and the pump station; any other adjustable items requested by the Town, that, the Parties agree in written change order(s) are allowance/adjustable items; and any hidden unsuitable conditions which cannot be reasonably determined until the work is commenced. The Schedule of Values shall be appropriately adjusted for any changes in allowances/adjustable items or hidden unsuitable conditions.

3.4.1 Potentially adjustable items include, but are not limited to, the:

- a. details of the pump station for which an allowance of \$350,000.00 is included in the aggregate price. If the Parties do not agree on the details of the pump station, the Town with the cooperation of WCC, shall be obligated to undertake its construction, at its expense, and the aggregate price shall be reduced by \$350,000.00; and
- b. ledge removal in excess of the allowance of \$44,000.00

The Parties agree in considering such adjustments to use best efforts to avoid any additional site costs for WCC's AAC project as currently approved and if such costs are unavoidable they shall be included in the adjustment. All adjustments shall be documented by written change order(s) executed by the Parties and the site contractor.

3.4.2 Reimbursement shall be made within twenty (20) days of the submission of a requisition with a late payment charge of 5%. Notwithstanding the forgoing until such date as the bond proceeds are available, or July 1, 2018, whichever date comes first, WCC agrees to a delay in reimbursement payments provided that any reimbursement payment submitted in proper form shall accrue interest at 0.33% monthly which shall be payable when the Bond(s) proceeds become available, but no later than July 1, 2018. The Town's obligation to make reimbursement payments shall be conditioned upon WCC not being in material default of its obligations under this Agreement.

3.5 Upon the completion of the TIF Road Work, after satisfactory inspection by the Town, the Town shall undertake the obligation to maintain and provide winter maintenance of the TIF Roadway, provided WCC has caused CKT to convey fee and easement ownership to the Town as hereinabove provided and provided the Town with an as built plan(s).

3.6 If for any reason, other than the Town's payment default hereunder, after commencement of construction, the TIF Roadway (a/k/a Ray Farm Road) is not able to be completed under this Agreement, WCC and CKT agree to convey the completed improvements and the road and drainage easements to the Town notwithstanding Section 1.2 of this Agreement.

4. Development Schedule.

4.1 The Parties acknowledge that accomplishment of the updated Development Schedule (**Exhibit E**) and the issuance of the TIF Bond(s) require the coordinated efforts of multiple parties and is dependent in many instances on the actions or approvals of third parties. The Parties agree to use diligent efforts and to cooperate with each other in undertaking their respective responsibilities under this Agreement, including, but not limited to, those events listed on the Development Schedule and TIF Bond(s) issuance. It is further understood by the Parties that the Development Schedule (**Exhibit E**) may require adjustment based upon the discovery of previously unknown site constraints, hidden unsuitable conditions, actions of third parties, and circumstances beyond the control of WCC or the Town. Any such adjustment(s) shall be reviewed and agreed upon by the Parties hereto. Consent to such Development Schedule adjustment shall not be unreasonably withheld.

4.2 For the purposes of this Agreement, Parties shall not be considered in breach or default of its/their respective obligations hereunder in the event of unavoidable delay in the performance of such obligations due to causes beyond its control and without its fault or negligence, including but not restricted to, acts of God, or of the public enemy, acts of the other party, fires, floods or other casualties, epidemics, quarantine restrictions, litigation commenced by others, freight embargoes, and unusually severe weather or delays of contractors and subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of such party shall be extended for the period of the enforced delay, provided, that the party seeking the benefit of the provisions of this section shall, within fifteen (15) days after the beginning of any such enforced delay, have first notified the other party thereof in writing

stating the cause or causes thereof and requested an extension for the period of the enforced delay. In calculating the length of the delay, the Town and WCC shall consider not only actual work stoppages, but also any consequential delays resulting from such stoppage as well.

5. Representations and Warranties.

5.1 Representations and Warranties of Town. The Town hereby represents and warrants that:

- 5.1.1 The execution and delivery of this Agreement and the performance of the Town's obligations hereunder have been duly authorized by such municipal action as necessary, and this Agreement constitutes the legal, valid and binding agreement of the Town, enforceable against the Town in accordance with its terms subject only to the conditions set out in this Agreement.
- 5.1.2 There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or governmental authority, pending or to the best of the Town's knowledge threatened against the Town, wherein an unfavorable decision, ruling or finding would materially adversely affect the performance by the Town of the obligations hereunder or the performance by the Town of its obligations under the transactions contemplated hereby, or which, in any way, questions or may adversely affect the validity or enforceability of this Agreement, or any other agreement or instrument entered into by the Town in connection with the transactions contemplated hereby.

5.1.3 The Town has complied, and will continue to comply where and to the extent necessary, with the provisions of RSA Chapter 162-K.

5.1.4 If required by WCC or its lender(s), the Town shall provide WCC with a reasonable legal counsel's opinion, in a customary form for transactions of this nature, with respect to the matters described in this section.

5.2 **Representations and Warranties of WCC.** WCC hereby represents and warrants to the best of its knowledge and belief that:

5.2.1 WCC is a limited liability company, duly organized, validly existing and in good standing under the laws of the New Hampshire, the state of its formation, with all requisite authority to own its property and assets and to conduct its business as presently conducted or proposed to be conducted, and is duly qualified or authorized to transact business and in good standing under the laws of the State of New Hampshire.

5.2.2 WCC has the power and authority to execute, deliver and carry out the terms and provisions of this Agreement and all necessary action has been taken to authorize the execution, delivery and performance of this Agreement. This Agreement will, upon execution and delivery thereof by WCC, constitute valid, legal and binding obligations of WCC enforceable in accordance with the respective terms thereof.

5.2.3 Neither the execution or delivery by WCC of this Agreement, the performance by WCC of its obligations in connection with the transactions contemplated hereby, nor the fulfillment by WCC of the terms or conditions hereof conflicts with, violates or results in a breach of any

constitution, law or governmental regulation applicable by WCC, or conflicts with, violates or result in a breach of any term or condition of any judgment or decree, to which WCC is a party or by which WCC or any of its properties or assets are bound, or constitutes a default thereunder.

- 5.2.4 There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or governmental authority, pending or to the best of WCC's knowledge threatened against WCC, its principal(s), affiliate(s), or entities controlled by its principal(s), wherein an unfavorable decision, ruling or finding would materially adversely affect the performance by WCC of its obligations hereunder on the performance by WCC of its obligations under the transactions contemplated hereby, or which, in any way, questions or may adversely materially affect the validity or enforceability of this Agreement or any other agreement or instrument entered into by WCC in connection with the transactions contemplated hereby.
- 5.2.5 WCC will upon request provide a certificate from its corporate secretary or manager, as the case may be, indicating that the signatory to the within Agreement has obtained all necessary corporate authority to execute and perform the terms of the within Agreement.
- 5.2.6 If required by the Town, WCC shall provide the Town with a reasonable legal counsel's opinion, in customary form for transactions of this nature,

acceptable to the Town, with respect to the matters described in this section.

6. Defaults and Remedies.

6.1 **Events of Default by Town.** Any one or more of the following shall constitute an “Event of Default” of the Town.

- 6.1.1 Any representation or warranty in this Agreement made by the Town shall prove incorrect or untrue in any material respect when made and have a material adverse effect on WCC or its rights under this Agreement;
- 6.1.2 The Town shall fail or refuse to fulfill any of its material obligations under this Agreement, (unless such failure or refusal is caused by the acts or omissions of WCC, or its servants or agents) including, without limitation, the failure by the Town to undertake or complete the TIF Bond(s) issuance or to complete any of its obligations within the timeframes established by this Agreement, unless such timeframes have been extended and mutually agreed upon by the Town and WCC pursuant to this Agreement;
Provided, however, that no such failure shall constitute an Event of Default unless and until:
- 6.1.3 WCC has given written notice to the Town stating that in its opinion a particular default exists that will, unless corrected, constitute a material breach of this Agreement or any related agreement on the part of the Town and that such default will, in the opinion of WCC, give WCC a right to

exercise its remedies pursuant to this Agreement, unless such default is corrected within a reasonable period of time not to exceed thirty (30) days;

6.2 Events of Default by WCC. Any one or more of the following shall constitute an “Event of Default” of WCC:

6.2.1 WCC shall fail to pay any amount required to complete the Public Infrastructure Improvements, a/k/a Ray Farm Road and associated utilities, to be constructed by it as contemplated in this Agreement and such failure is not otherwise excused or extended under this Agreement;

6.2.2 Any representation or warranty made herein by WCC shall prove to be incorrect or untrue in any material respect when made and has a material adverse effect on the Town or its rights under this Agreement; or

6.2.3 WCC fails or refuses to fulfill any of its material obligations under this Agreement (unless such failure or refusal is caused by the acts or omissions of the Town, or its servants or agents) including, without limitation, the failure by WCC to complete any of its obligations within the timeframes provided by this Agreement as such timeframes may be extended pursuant to this Agreement; or

6.2.4 WCC (through the date of the completion of the Public Infrastructure Improvements and compliance with the terms of this Agreement, shall suffer the following:

6.2.4.1 commencement by WCC (or any of such term’s component entities) of a voluntary case under Title 11 of the United States Code as from time to time in effect, or by its authorizing, by

appropriate proceedings of its members, or other governing body,
the commencement of such a voluntary case;

6.2.4.2 by its seeking relief as debtor under any applicable law, other than said Title 11 of any jurisdiction relating to the liquidation or reorganization of debtors or to the modification or alteration of the rights of creditors, or by its consenting to or acquiescing in such relief;

6.2.4.3 by the entry of an order by a court of competent jurisdiction (a) finding it to be bankrupt or insolvent, (b) ordering or approving its liquidation, reorganization or any modification or alteration of the rights of its creditors, or (c) assuming custody of, or appointing a receiver or other custodian for all or a substantial part of its property;

6.2.4.4 by an assignment for the benefit of its creditors, or admission in writing of its inability to pay its debts generally as they become due, or consent to the appointment of a receiver or liquidator or trustee or assignee is bankruptcy or insolvency of it or of a major part of its property.

Provided however, that the foregoing shall not be deemed to constitute an Event of Default with respect to WCC if the debtor in possession, trustee, receiver, custodian, liquidator, agent or other party exercising control over the assets of the Party, affirms this Agreement without modification and within a reasonable period of time and provides evidence satisfactory to

the Town, in the Town's sole discretion, of the capacity to continue the performance of WCC's obligations under this Agreement and to cure, in a timely manner, all breaches thereunder.

6.2.5 Once the site work has commenced, WCC has ceased active and substantial construction of the TIF Road Work for a period of sixty (60) days except as provided by the Development Schedule attached hereto as Exhibit E, unless such timeframes have been extended and mutually agreed upon by the Town and WCC pursuant to this Agreement.

6.2.6 None of 6.2.1 through 6.2.5 shall constitute an Event of Default unless and until:

6.2.6.1 The Town has given written notice to WCC states that, in its opinion, a particular default or defaults exist that it will, unless corrected, constitute a material breach of this Agreement on the part of WCC and that such default or defaults will, in the opinion of the Town, give the Town a right to exercise its remedies pursuant to this Agreement unless such default is corrected within a reasonable period of one not to exceed thirty (30) days from the receipt of such notice.

7. Consequences of Defaults.

7.1 **Consequences of Events of Default by the Town.** Upon the occurrence of an Event of Default by the Town, WCC may proceed by appropriate proceedings, judicial, or administrative, or otherwise, in law or in equity or otherwise to protect and enforce its rights to recover damages to which it may be entitled, and to enforce performance by the Town. Said proceeding is to be brought in the Rockingham County Superior Court, and WCC may take any action and incur any expense necessary to cure or avoid any default and WCC may recover from

the Town, and the Town shall pay to reimburse WCC, for all expenses so incurred or that must be paid by WCC as ordered by that Court.

7.1.2 In the event the cure by the Town delays work by WCC, WCC's obligations under this Agreement may be extended for the period of delay taking into account weather conditions (if applicable).

7.2 **Consequences of Events of Default by WCC.** In the event of an event of default by WCC, the Town may proceed by appropriate proceedings, judicial, administrative or otherwise in law or in equity to protect and enforce its rights to recover any damages to which it may be entitled, and to enforce performance by WCC. Said proceedings to be brought in the Rockingham County Superior Court and the Town may take any action and incur any expense necessary to cure or avoid any default and the Town may recover from WCC, and WCC shall pay to reimburse the Town for all expenses so incurred or that must be paid by the Town as ordered by that Court.

7.2.2 In the event the cure by the WCC delays work by the Town, the Town's obligations under this Agreement may be extended for the period of delay.

8. **Further Assurances/Cooperation.**

8.1 The Parties recognize that this Agreement should be interpreted in light of the Parties overall intent which is to: (a) take advantage of an opportunity to fulfill the potential of the TIF District by constructing Public Infrastructure Improvements at a favorable price and expeditiously so as to effectuate the purpose of the TIF to encourage development which will generate additional tax revenue.

8.2 The Parties recognize that there are other related matters involving the AAC where WCC has or will request further reasonable cooperation and future consideration from the Town or its Boards and staff, including but not limited to:

1. Support by the Board of Selectmen for:
 - a. Reasonable extensions to the AAC project approvals as filed;
 - b. Waivers or other relief from the school and recreational impact fees given the nature of the AAC project consistent with the Towns' treatment of the comparable 55+ Sterling Hill project;
 - c. Interpretation of conditions of approval and surety requirements so AAC site work can now commence at WCC's risk.
2. Consultation and consideration regarding the location of the further extension of the TIF Road on the property of CKT Associates so as to preserve the development potential of CKT's remaining land. Similarly, the Town and WCC agree to cooperate and consult should the Town wish to undertake the construction of the remainder of the TIF Road subsequent to the execution of this Agreement.
3. Consultation and cooperation in the assessment and timing of any applicable LUCT penalty associated with the AAC and TIF work, and abatement thereof for the TIF Road land area, including easements for drainage and pump station areas, to be deeded to the Town.

9. General Provisions.

9.1 This Agreement shall be governed and construed in accordance with the laws of the State of New Hampshire.

9.2 If any term or provision of this Agreement is held for invalid or unenforceable, to any extent, the remainder of this Agreement shall continue to be fully valid and enforceable.

9.3 Notices, demands, consents, approvals or other instruments required or permitted by this Agreement shall be in writing and shall be executed by the party or an officer, agent, attorney of the party, and shall be deemed to have been effective as to the date of actual delivery, if delivered personally, or as of the third day from and including the date on which it is mailed by registered or certified mail, return receipt requested with postage prepaid as follows:

To: Willey Creek Co., LLC
158 Shattuck Way
Newington, NH 03801

With a copy to: Michael J. Donahue, Esquire
DTC Lawyers
111 Maplewood Ave, Suite D
Portsmouth, NH 03801-3749

To Town of Exeter: Russell Dean, Town Manager
10 Front Street
Exeter, NH 03833

With a copy to: Walter Mitchell, Esquire
Mitchell Municipal Group, PA
25 Beacon Street East
Laconia, NH 03246

9.4 Time is of the essence with regard to this Agreement.

9.5 This Agreement shall be binding upon and inure to the benefit of the Parties hereto, and their respective successors and assigns. This Agreement may be assigned by WCC

to an entity that is a subsidiary or affiliate of WCC in which Jonathan Shafmaster maintains a controlling interest. Except as permitted above, neither this Agreement nor any of the rights, interests or obligations of this Agreement may be assigned or delegated by any party without the prior written consent of the other parties.


9.6 WCC shall not pledge or assign this Agreement or any documents relating thereto as security for any financing without the prior written consent of the Town, except that WCC may finance and secure the construction of the building(s) or other improvements of the AAC Project Premises and may if required by its Lender pledge or assign this Agreement and any documents relating thereto in connection with such financing, but may not otherwise pledge or assign this Agreement or any documents relating thereto as security for any financing without the prior written consent of the Town, which consent may not be unreasonably withheld or delayed; provided, however, in the event of any financing pledge and/or assignment, the obligations of WCC shall not be relieved or diminished.

9.7 The Parties anticipate that the obligations set forth herein will be further described in other agreements and/or deeds as agreed to by the Parties. The Parties agree to cooperate in good faith with regard to each and every aspect required for the completion of construction, operation and TIF financing contemplated by this Agreement. The Parties recognize, however, that the regulatory authorities of the State may perform their responsibilities in accordance with the law governing that performance and consequently are not obligated in any way by this Agreement. The Parties agree to further negotiate in good faith and to enter into such other and further agreements as may be necessary to implement any aspect of design, engineering, or construction contemplated under this Agreement.


9.8 Unless expressly stated otherwise in this Agreement, whenever a party's consent or approval is required under this Agreement, or whenever a party shall have the right to give an instruction or request another party to act or to refrain from acting under this Agreement, or whenever a party must act or perform before another party may act or perform under this Agreement, such consent, approval, or instruction, request, act or performance shall be reasonably made or done, or shall not be unreasonably withheld, delayed, or conditioned, as the case may be.

9.9 In the event that any of the terms or provisions of this Agreement are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Agreement, the remaining terms and provisions that are not effected thereby shall remain in full force and effect.


IN WITNESS WHEREOF, the Parties hereto have set their hands this 13th day of April, 2018.




Witness




Witness



Witness

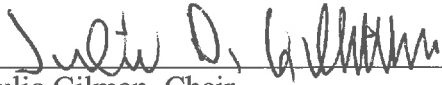


Witness




Witness

**TOWN OF EXETER
BOARD OF SELECTMEN**

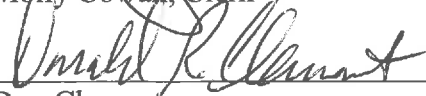


Julie Gilman, Chair


Kathy Corson, Vice Chair



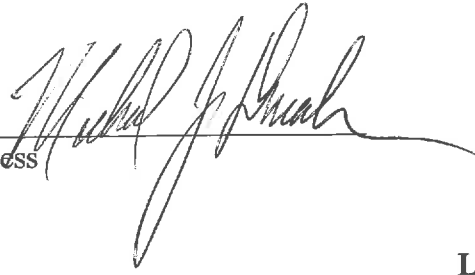
Molly Cowan, Clerk

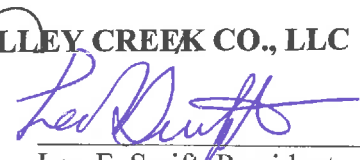


Don Clement



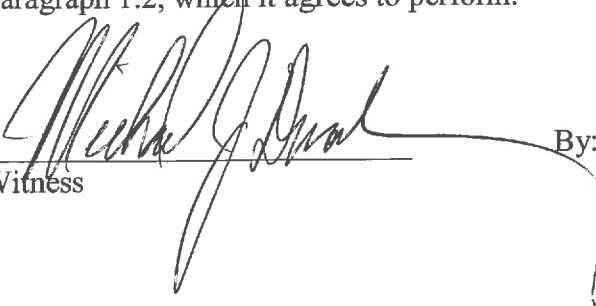
Anne Surman

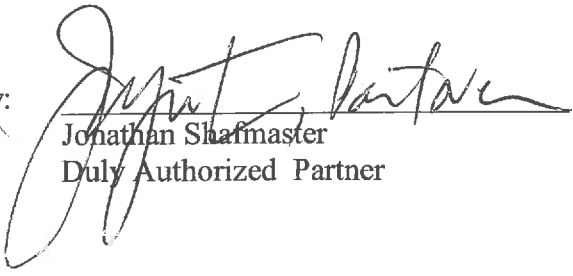

Witness

By: 
WILLEY CREEK CO., LLC
Leo F. Swift, President
Duly authorized

LIMITED JOINDER

NOW COMES CKT Associates, a New Hampshire General Partnership with a principal place of business at 158 Shattuck Way, Newington, NH 03801 and by Jonathan Shafmaster, its Partner, duly authorized, and joins in this Agreement regarding only its obligations detailed at Paragraph 1.2, which it agrees to perform.


Witness

By: 
CKT Associates
Jonathan Shafmaster
Duly Authorized Partner

LIST OF EXHIBITS

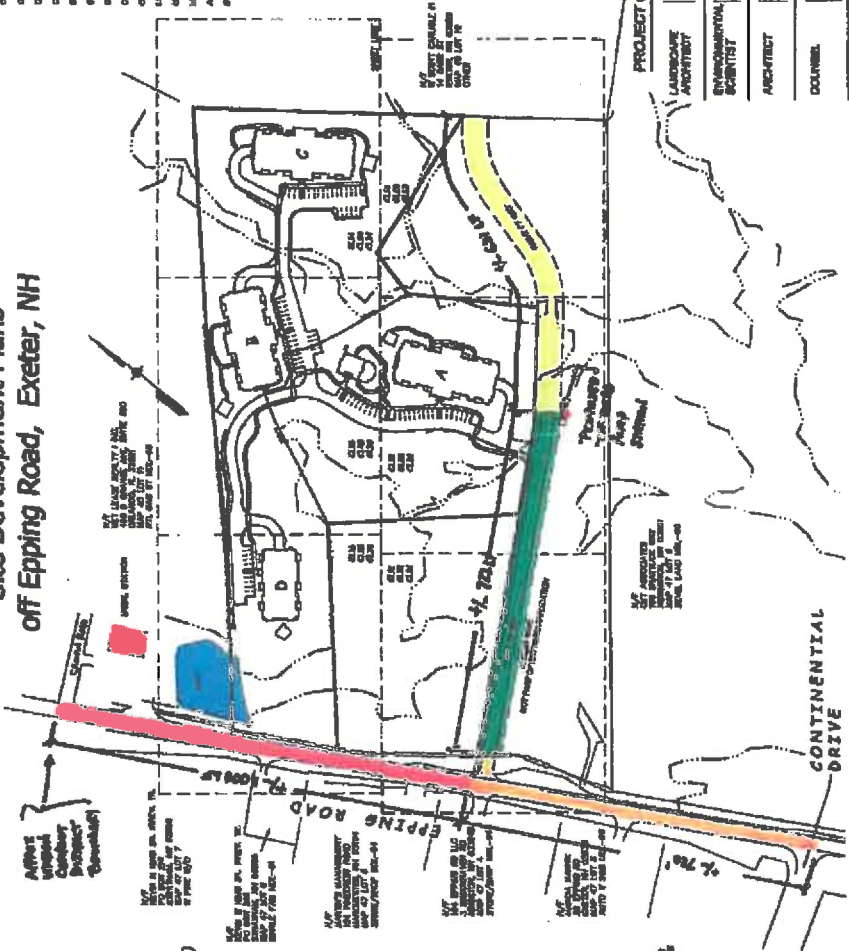
- Exhibit A Plan Colored Up
- Exhibit B TIF RD Plans
- Exhibit C Detail of Aggregate Price
- Exhibit D Schedule of Values (to be completed by Parties within 14 days of execution)
- Exhibit E Updated Development Schedule (to be completed by Parties within 14 days of Execution)
- Exhibit F-1 Hoyle Tanner Estimate of January 5, 2015 With Letter Dated January 7, 2018
- Exhibit F-2 Underwood Engineers Water and Sewer District Build Out Evaluation Dated February 26, 2018

EXHIBIT A

PLAN COLORED UP

Exhibit A

Ray Farm Active Adult Community Site Development Plans off Epping Road, Exeter, NH



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10-58	PROPOSED
10-59	PROPOSED
10-60	PROPOSED

PROJECT CONSULTANTS

ARCHITECT	WILLEY CREEK COMPANY
LANDSCAPE ARCHITECT	WILLEY CREEK COMPANY
ENGINEER	WILLEY CREEK COMPANY
PLANNING	WILLEY CREEK COMPANY
TRAFFIC ENGINEER	WILLEY CREEK COMPANY
ENVIRONMENTAL SCIENTIST	WILLEY CREEK COMPANY
ARCHITECT	WILLEY CREEK COMPANY
PLANNING	WILLEY CREEK COMPANY
TRAFFIC ENGINEER	WILLEY CREEK COMPANY
ENVIRONMENTAL SCIENTIST	WILLEY CREEK COMPANY
ARCHITECT	WILLEY CREEK COMPANY
PLANNING	WILLEY CREEK COMPANY
TRAFFIC ENGINEER	WILLEY CREEK COMPANY
ENVIRONMENTAL SCIENTIST	WILLEY CREEK COMPANY

ADULT COMMUNITY
ADULT HOUSING

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DIMENSIONAL REQUIREMENTS (AS DISTRICTED)

MINIMUM SETBACK	10 FEET
MINIMUM FRONT YARD SETBACK	10 FEET
MINIMUM SIDE YARD SETBACK	5 FEET
MINIMUM REAR YARD SETBACK	5 FEET
MINIMUM FRONT SETBACK	10 FEET
MINIMUM SIDE SETBACK	5 FEET
MINIMUM REAR SETBACK	5 FEET
MINIMUM FRONT SETBACK	10 FEET
MINIMUM SIDE SETBACK	5 FEET
MINIMUM REAR SETBACK	5 FEET
MINIMUM FRONT SETBACK	10 FEET
MINIMUM SIDE SETBACK	5 FEET
MINIMUM REAR SETBACK	5 FEET

LOCUS PARCEL
100' x 100' PARCEL
100' x 100' PARCEL

DENSITY
10 UNITS PER ACRE
10 UNITS PER ACRE

SITE DATA
100' x 100' PARCEL
100' x 100' PARCEL

WARRANTS
100' x 100' PARCEL
100' x 100' PARCEL

PERMITS
100' x 100' PARCEL
100' x 100' PARCEL

Title Sheet

'Ray Farm' Active Adult Community
Exeter, NH 03828
Rockingham County

Willey Creek Company
100 Epping Road
Newington, NH 03871

CKT & Associates
100 Epping Road
Newington, NH 03871

CE
100 Epping Road
Newington, NH 03871

PROJECT CONSULTANTS

ARCHITECT	WILLEY CREEK COMPANY
LANDSCAPE ARCHITECT	WILLEY CREEK COMPANY
ENGINEER	WILLEY CREEK COMPANY
PLANNING	WILLEY CREEK COMPANY
TRAFFIC ENGINEER	WILLEY CREEK COMPANY
ENVIRONMENTAL SCIENTIST	WILLEY CREEK COMPANY
ARCHITECT	WILLEY CREEK COMPANY
PLANNING	WILLEY CREEK COMPANY
TRAFFIC ENGINEER	WILLEY CREEK COMPANY
ENVIRONMENTAL SCIENTIST	WILLEY CREEK COMPANY

Vicinity/Key Map
Scale: 1" = 100'

EXHIBIT B

CONCEPTUAL TIF RD PLANS ON FILE WITH TOWN PLANNING BOARD FOR AAC PROJECT AUGMENTED BY TIF DESIGN PLANS PROVIDED TO TOWN ON OR ABOUT FEBRUARY 26, 2018 WITH THE FOLLOWING ADJUSTMENTS:

TWENTY EIGHT FOOT ROAD WIDTH

ONE HUNDRED TWENTY FOOT TURN LANE WITH ONE HUNDRED TWENTY FOOT TRANSITION

EIGHT INCHES CRUSHED GRAVEL ON ROADWAY

TWELVE INCH WATER MAIN

EXHIBIT C

DETAIL OF AGGREGATE PRICE FOR TIF ROAD

1. TIF Road @ 28 ft. width with right turn lane

\$1,900,022	4/11/18 Agreed Price	
	\$893,797.00	SUR
	\$350,000.00	Pump Station
	\$202,000.00	Design
	\$ 86,000.00	CA and RPR
	\$222,715.00	Project Contingency
	\$ 73,500.00	Private utilities (elec)
	\$ 72,010.00	Non-SUR road widening
\$ 20,000	Cammett Design Work	
\$ 25,000	WCC Project/Construction Management	
\$1,945,022	TOTAL AMOUNT SUBJECT TO REIMBURSEMENT	

2. Allowances Included In Above:

\$350,000	Pump Station
\$ 44,000	TIF Road Ledge

EXHIBIT D
SCHEDULE OF VALUES
(TO BE COMPLETED BY PARTIES WITHIN 14 DAYS OF EXECUTION)

Schedule of Values
TIF Road Work
Epping Road TIF
Exeter, NH

April 26, 2018

Schedule of Values	\$ Amt:
Design	\$202,000.00
Construction Admin	86,000.00
Cammett Design Work	20,000.00
WCC Project/Construction Management	25,000.00
Pump Station Allowance	350,000.00
TIF Road Ledge Allowance	44,000.00
Private Utilities (elec)	73,500.00
Non-SUR Road Widening	72,010.00
Fuel & Asphalt Surcharge	15,000.00
Project Contingency	222,715.00
SUR Items:	
Erosion Ctrl, Clearing, Loam & Earthwork	137,430.00
Water, Swr & Drainage	247,332.00
Gravels, Grading, Curb & Paving	145,430.00
Loam & Seed	35,255.00
Pavement Markings	550.00
Mobilization/Supervision/Layout	99,390.00
SUR Road Widening	81,000.00
Turn Lane	10,410.00
8 inches of Gravel in Lieu of 6	37,000.00
12 inch Water Main in Lieu of 8 inch	28,000.00
Construction Bond	13,000.00
Total w/o Change Orders:	\$1,945,022.00

UPDATED

EXHIBIT E

DEVELOPMENT SCHEDULE

(TO BE COMPLETED BY PARTIES WITHIN 14 DAYS OF EXECUTION)

EXHIBIT F

**EXHIBIT F -1 HOYLE TANNER ESTIMATE OF JANUARY 5, 2015
WITH LETTER DATED JANUARY 7, 2018**

**EXHIBIT F-2 UNDERWOOD ENGINEERS WATER AND SEWER DISTRICT
BUILD OUT EVALUATION DATED FEBRUARY 26, 2018**

EXHIBIT
-7



Project: Exeter 27 - Industrial Road
 HTA Project #: TBD NHDOT Project #: N/A
 Location: Exeter, NH
 Task: Conceptual Estimate
 Calculated By: SBH, ML, MT Date: 1/5/2015
 Checked By: ciz

SHEET 1 OF 6

CONCEPTUAL ESTIMATE

Epping Road Utility Corridor Infrastructure Expansion

New Industrial Roadway

	COST
New Roadway Construction	\$ 553,000
Stream Crossing	\$ 300,000
Stormwater BMP	\$ 75,000
New Water Line	\$ 311,643
New Sewer Line - Incl pump station	\$ 703,428
Land Acquisition - pump station and stormwater BMP's	\$ 75,000
Contingencies (25%)	\$ 504,018
Subtotal	\$ 2,520,088
Design Engineering & Permitting (15%)	\$ 378,013
Construction Engineering (10%)	\$ 252,009
	\$ 3,150,109

Epping Road Utility Extensions

Water Main Extension (incl crossing Route 101)	\$ 913,428
Sewer Main Extension (incl crossing Route 101)	\$ 1,451,245
Contingencies (25%)	\$ 591,168
Subtotal	\$ 2,955,841
Design Engineering & Permitting (15%)	\$ 443,376
Construction Engineering (10%)	\$ 295,584
	\$ 3,694,801

Salem/Summer Street Sewer Repair/Replacement

Sewer Repair/Replace (incl fee for RR inspection)	\$ 312,173
Contingencies (25%)	\$ 78,043
Subtotal	\$ 390,216
Design Engineering & Permitting (15%)	\$ 58,532
Construction Engineering (10%)	\$ 39,022
	\$ 487,770

ROUNDED PROJECT TOTAL: \$ 7,332,680



Project: Exeter 27 - Industrial Road
 HTA Project #: TBD
 Location: Exeter, NH
 Task: Conceptual Estimate
 Calculated By: SBH
 Checked By:

SHEET 2 OF 6

NHDOT Project #: N/A

Date: 1/5/2015
 Drawn:

CONCEPTUAL ESTIMATE

Exeter Road Utility Corridor Infrastructure Extension

SECTION A - MAJOR ITEMS

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
203.1	CLEARING AND GRUBBING (F)	A	2.5	\$ 18,000.00	\$ 25,000.00
203.1	COMMON EXCAVATION	CY	9300	\$ 18.00	\$ 43,020.00
203.2	ROCK EXCAVATION	CY	430	\$ 50.00	\$ 21,500.00
203.6	EMBANKMENT-IN-PLACE (F)	CY	350	\$ 30.00	\$ 3,500.00
304.2	GRAVEL (F)	CY	3250	\$ 20.00	\$ 65,000.00
304.3	CRUSHED GRAVEL (F)	CY	1300	\$ 25.00	\$ 32,500.00
402.11	HOT BITUMINOUS PAVEMENT, MACHINE METHOD	TON	1350	\$ 85.00	\$ 114,750.00
585.3	STONE FILL, CLASS C	CY	155	\$ 40.00	\$ 6,200.00
606.10001	31" W-BEAM GR. W/8" BLOCKOUTS (STEEL POSTS)	LF	200	\$ 20.00	\$ 4,000.00
606.1455	BEAM GUARDRAIL (TERM. UNIT EAGRT 25 FT.)	EA	4.00	\$ 2,000.00	\$ 8,000.00
	MISCELLANEOUS ROADWAY				
				10% OF ABOVE TOTAL	\$ 32,345.00
				SUBTOTAL A	\$ 358,795.00

SECTION B - MISCELLANEOUS ITEMS

SIGNS, MARKINGS, LOAMPANES, ETC.	10%	\$ 35,579.50
	SUBTOTAL B	\$ 35,579.50

SECTION C - DRAINAGE ITEMS

PIPES, UNDERDRAIN, CO's, M's, ETC.	20%	\$ 78,279.90
	SUBTOTAL C	\$ 78,279.90

SECTION D - TRAFFIC CONTROL

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
606.417	PORTABLE CONCRETE BARRIER FOR TRAFFIC CONTROL	LF			\$
618.61	UNIFORMED OFFICERS WITH VEHICLE	\$	1	\$1,000.00	\$ 1,000.00
618.7	FLAGGERS	HR	40	\$25.00	\$ 1,000.00
619.1	MAINTENANCE OF TRAFFIC	UNIT	1	\$5,000.00	\$ 5,000.00
	MISCELLANEOUS TRAFFIC CONTROL				
				10% OF ABOVE TOTAL	\$ 700.00
				SUBTOTAL D	\$ 477,319.40

SECTION E - EROSION AND SEDIMENT CONTROL

EROSION, SEDIMENT, AND POLLUTION CONTROL (HAY BALES, SILT FENCE, SWMP, TEMP. WATER POLL. CONTROL, ETC.)	30%	\$ 23,482.47
	SUBTOTAL E	\$ 23,482.47

SECTION F - MOBILIZATION AND CONTINGENCIES

ROADWAY MOBILIZATION	10%	\$ 50,083.10
ROADWAY CONTINGENCIES (Carried in Master Estimate)	0%	\$
	SUBTOTAL F	\$ 50,083.10

SECTION G - ADDITIONAL ITEMS

SMP's		\$ 75,000.00
	SUBTOTAL G	\$ 75,000.00

ROUNDED ROADWAY TOTAL \$ 626,000.00

SEE NEXT SHEET FOR ASSUMPTIONS MADE WHILE COMPILING THIS ESTIMATE.



100 Danielson, Manchester, NH 03102
Phone: (603) 271-2222 Fax: (603) 271-2222
Web: www.htaassoc.com

Project: Essex 27 - Industrial Road
HTA Project #: TBD
Location: Essex, NH
Task: Conceptual Estimate
Calculated By: SDH
Checked By: 0

SHEET 3 OF 6
NHDOT Project #: N/A
Date: 42009
Date: 0

CONCEPTUAL ESTIMATE - ASSUMPTIONS

This Conceptual Engineer's Estimate of Probable Construction Costs is based on the anticipated scope of work, as well as Hoyle, Tanner's experience with similar projects and understanding of current industry trends. The estimate has not been based on a final design for this project, and as such, it is intended to be preliminary in nature. It should be noted that changes in material or labor costs in the construction industry could impact the project cost in either direction. Assumptions used for this estimate are listed below.

- 1.
- 2.
- 3.
- 4.
- 6.
- 7.
- 8.
- 9.
- 10.

Hoyle, Tanner
Associates, Inc.

180 Dryden Street, Andover, Mass. 01810
 Phone: (978) 476-1980 Fax: (978) 476-1981
 Email: www.hoyletanner.com

Project: Exeter 27 - Industrial Road
 HTA Project #: TBD
 Location: Exeter, NH
 Task: Conceptual Estimate
 Calculated By: SBH
 Checked By:

SHEET 4 OF 6
 NHDOT Project #: N/A
 Date: 1/5/2015
 Date:

COLDPLANE & OVERLAY ESTIMATE
PROJECT TITLE

SECTION A - MAJOR ITEMS

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
403.11	HOT BITUMINOUS PAVEMENT, MACHINE METHOD	TON	550	\$ 85.00	\$ 46,750.00
417	COLD PLANING BITUMINOUS SURFACES	SY	-4000	\$ 5.00	\$ 20,000.00
TOTAL					\$ 66,750.00

Assumes 1.5" Coldplane and 1.5" Hot Bit. Overlay from northside of continental drive to Urban Compact Lane



Project: Exeter 27 - Industrial Road
 HTA Project #: TBD
 Location: Exeter, NH
 Task: Conceptual Estimate
 Calculated By:
 Checked By:

SHEET 5 OF 6
 NHDOT Project #: N/A
 Date: 1/6/2015
 Date:

CONCEPTUAL ESTIMATE

Epping Road Utility Corridor Infrastructure Expansion

SECTION A - Epping Road Sewer Extension

DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
Mobilization/Demobilization	LS	1	\$ 45,395	\$ 45,395
Site Preparation and Restoration	LS	1	\$ 64,850	\$ 64,850
Pump Station (needed??)	LS	1	\$ 350,000	\$ 350,000
6" Force Main	LF	200	\$ 80	\$ 16,000
Air Release Manhole	EACH	1	\$ 3,500	\$ 3,500
6-inch Air Release Valve	EACH	1	\$ 1,500	\$ 1,500
15-inch Dia. PVC Sewer Pipe	LF	2500	\$ 220	\$ 550,000
15-inch Sewer - Route 101 Sleeve	LF	150	\$ 400	\$ 60,000
4' Dia. Sewer Manholes w/Inverts	EACH	10	\$ 3,500	\$ 35,000
6-inch Sewer Service Laterals	LF	500	\$ 50	\$ 25,000
Pavement Repair	LF	2600	\$ 90	\$ 234,000
Trench Rock Excavation	CY	200	\$ 110	\$ 22,000
Traffic Control	LS	1	\$ 30,000	\$ 30,000
Entry/Access Pits for Route 101 Sleeve	EACH	2	\$ 2,000	\$ 4,000
			SUBTOTAL CONSTRUCTION	\$ 1,411,248
Contingencies	LS	0	\$ 960,311	\$
Engineering	LS	0	\$ 288,249	\$
NHDOT Inspection/Coordination	LS		\$ 10,000	\$ 10,000
			SUBTOTAL A	\$ 1,451,248

SECTION B - New Industrial Park Road Sewer

Mobilization/Demobilization	LS	1	\$ 2,853	\$ 2,853
Site Preparation and Restoration	LS	1	\$ 4,075	\$ 4,075
Pump Station	LS	1	\$ 350,000	\$ 350,000
Force Main	LF	1000	\$ 80	\$ 80,000
Air Release Manhole	EACH	1	\$ 3,500	\$ 3,500
Air Release Valve	EACH	1	\$ 1,500	\$ 1,500
10-inch Dia. PVC Sewer Pipe	LF	900	\$ 200	\$ 180,000
4' Dia. Sewer Manholes w/Inverts	EACH	5	\$ 3,500	\$ 17,500
6-inch Dia. Sewer Service Laterals	LF	300	\$ 50	\$ 15,000
Pavement Repair (NOT APPLICABLE)	LF	0	\$	\$
Trench Rock Excavation	CY	400	\$ 110	\$ 44,000
Traffic Control	LS	1	\$ 5,000	\$ 5,000
			SUBTOTAL CONSTRUCTION	\$ 703,428
Contingencies	LS	0	\$ 175,857	\$
Engineering	LS	0	\$ 140,686	\$
			SUBTOTAL B	\$ 703,428

SECTION C - Salem/Summer Street Sewer Repair Replacement

Mobilization/Demobilization	LS	1	\$ 9,748	\$ 9,748
Site Preparation and Restoration	LS	1	\$ 13,925	\$ 13,925
15-inch Dia. Sewer Replacement	LF	600	\$ 200	\$ 120,000
15-inch R.L. Xing Sewer Replacement	LF	100	\$ 500	\$ 50,000
Sewer Manholes w/Inverts	EACH	6	\$ 4,000	\$ 24,000
6-inch Dia. Sewer Service Laterals	LF	300	\$ 50	\$ 15,000
Pavement Repair	LF	600	\$ 90	\$ 54,000
Trench Rock Excavation	CY	50	\$ 110	\$ 5,500
Traffic Control	LS	1	\$ 10,000	\$ 10,000
			SUBTOTAL CONSTRUCTION	\$ 302,172
Contingencies	LS	0	\$ 75,543	\$
Engineering	LS	0	\$ 80,435	\$
Railroad Inspection Fees	LS	1	\$ 10,000	\$ 10,000
			SUBTOTAL A	\$ 312,172

SECTION D - ROUNDED TOTALS

Total Construction (Excl. Eng. & Conting.)

ROUNDED SEWER TOTAL: 2,467,000.00



Project: Exeter 27 - Industrial Road
 HTA Project #: TBD
 Location: Exeter, NH
 Task: Conceptual Estimate
 Calculated By:
 Checked By:

SHEET 6 OF 6
 NHDOT Project #: N/A
 Date: 1/6/2015
 Date:

CONCEPTUAL ESTIMATE

Epping Road Utility Corridor Infrastructure Expansion

SECTION A - Epping Road Water Main Extension

DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
Mobilization/Demobilization	LS	1	\$ 29,740	\$ 29,739.50
Site Preparation and Restoration	LS	1	\$ 33,988	\$ 33,988.00
12-inch D.I. Water Pipe	LF	2500	\$ 150	\$ 375,000.00
12-inch Water Line Across Route 101 Bridge	LF	250	\$ 320	\$ 80,000.00
Hyd/ w 6" Gate Valve	LS	5	\$ 7,500	\$ 45,000.00
12" Gate Valves	LS	4	\$ 4,000	\$ 16,000.00
6" Gate Valves	LS	6	\$ 2,000	\$ 12,000.00
12"x8" Tee	LS	8	\$ 2,000	\$ 16,000.00
6" DI Pipe	LF	600	\$ 52	\$ 31,200.00
Testing and Chlorination	LS	1	\$ 2,500	\$ 2,500.00
Trench Rock Excavation	CY	200	\$ 110	\$ 22,000.00
Pavement Repair	LF	2500	\$ 90	\$ 225,000.00
Traffic Control	LS	1	\$ 25,000	\$ 25,000.00

SUBTOTAL CONSTRUCTION	\$	913,428
Contingencies	\$	0
Engineering	\$	182,666
SUBTOTAL A	\$	913,428

SECTION B - New Industrial Park Road Water Main Extension

Mobilization/Demobilization	LS	1	\$ 10,147	\$ 10,147
Site Preparation and Restoration	LS	1	\$ 11,596	\$ 11,596
12-inch D.I. Water Pipe	LF	1500	\$ 150	\$ 225,000
Hyd/ w 6" Gate Valve	LS	2	\$ 7,500	\$ 15,000
12" Gate Valves	LS	2	\$ 4,000	\$ 8,000
6" Gate Valve	LS	3	\$ 2,000	\$ 6,000
12"x8" Tee	LS	4	\$ 2,000	\$ 8,000
6" DI Pipe	LF	200	\$ 52	\$ 10,400
Testing and Chlorination	LS	1	\$ 1,500	\$ 1,500
Trench Rock Excavation	CY	100	\$ 110	\$ 11,000
Pavement Repair (NOT APPLICABLE)	LF	0	\$	\$
Traffic Control	LS	1	\$ 5,000	\$ 5,000

SUBTOTAL CONSTRUCTION	\$	311,643
Contingencies	\$	0
Engineering	\$	77,911
SUBTOTAL B	\$	62,329
SUBTOTAL E	\$	311,643

SECTION D - ROUNDED TOTALS

Total Construction (Excl. Eng. & Conting.)	ROUNDED SEWER TOTAL:	\$ 1,225,000
--	-----------------------------	---------------------

January 7, 2015

Mr. Darren Winham
Economic Development Director
Town of Exeter
10 Front Street
Exeter, NH 03833

Hoyle, Tanner
Associates, Inc.

150 Dow Street
Manchester, New Hampshire 03101
603-669-5535
603-669-4168 fax
www.hoyletanner.com

Re: Expedited Estimate for Epping Road
Development Corridor Infrastructure Improvements

Dear Darren:

Pursuant to our proposal dated January 2, 2015, Hoyle, Tanner & Associates, Inc. (Hoyle, Tanner) is pleased to submit this preliminary estimate of costs associated with planned improvements to the Epping Road Development Corridor. As you are aware, the timeframe for the development of this initial estimate was limited, therefore, we have incorporated a 25% contingency on our estimate to cover aspects of the project which cannot be identified or anticipated in detail at this time. We have separated the estimate into three basic tasks and presented rough costs for each. As previously discussed, we anticipate providing additional detail prior to the upcoming Public Hearing. We provide the following information on assumptions that have been made by Hoyle, Tanner in the preparation of this estimate:

New Industrial Road and Utilities

It is assumed that sewer will only be required on the new industrial roadway from the east end of the roadway extending to a new pump station, a distance of approximately 800 feet. An estimated 5 new manholes were assumed. It is assumed that sewer will not be required on the industrial park access road between the pump station and Epping Road. One wastewater pump station will be required along the new industrial park access roadway due to the topography and is included in the opinion of cost. The cost also includes approximately 1,000 linear feet of new force main to convey the flow from the pump station to the sewer on Epping Road.

We estimated approximately 1,500 linear feet of new 12-inch diameter water main on the new industrial park access roadway. The cost includes allowances for valves, hydrants, laterals, testing, chlorination, ledge excavation and traffic control.

The new roadway is assumed to be approximately 1,350 ft in length and a 30' paved surface with 2-12' travel lanes and 3' shoulders in accordance with the 2/7/03 plans prepared by RG Moynihan & RSL Layout & Design. The estimate assumes the structural box will consist of 5" of Hot Bituminous Pavement, 8" of crushed gravel, and 18" of gravel. Earthwork quantities are based on the proposed profile in the 2/7/03 plans and assume 10% rock excavation. Drainage is expected to be open channel flow in ditch lines with limited closed drainage as required to convey stormwater to a potential BMP. Costs have been included for a typical BMP which is likely to be required to meet Alteration of Terrain (AoT) requirements. Granite curbing and sidewalk are not anticipated to be part of this roadway. Although they may be required to meet the traffic and operational needs of the future development, intersection improvements at NH Route 27 including turn lanes (on NH Route 27 and the new roadway); shoulder widening; and traffic signals are not

included. Water and sewer line infrastructure costs for the new roadway are calculated separately. Due to the limited ROW width, private utilities will either need to be located in the roadway clear zone or underground. Private utility infrastructure costs for electrical, telephone, gas, etc. including manholes and conduit are not part of this estimate.

Epping Road Utility Extensions

The extension of sewer lines includes approximately 2,700 linear feet of new 15-inch diameter sewer on Epping Road and approximately 500 linear feet of new 10-inch diameter sewer on the new industrial park access roadway. The new sewer on Epping Road includes approximately 150 linear feet of sewer installation through an existing sleeve beneath the NH Route 101 and approximately 2500 feet of new sewer installed via open-cut trench excavation. It is assumed that a new pump station will also be required on Epping Road though this needs to be confirmed. The estimate includes 10 new manholes on Epping Road at an average depth of 10 feet. The cost of pavement repair is included for the sewer extension along Epping Road. Costs are included for service wyes, service laterals within the right-of-way, ledge removal and traffic control.

The extension of water lines includes approximately 2,700 linear feet of new 12-inch diameter water main on Epping Road. A 12 inch diameter waterline is proposed to be installed on and carried across the bridge that carries Epping Road over NH Route 101. This is a steel girder bridge supported on cantilever concrete abutments. A 24 inch diameter sleeve, according to available documentation, was installed under the bridge approach slabs and blockouts were installed in the abutment backwalls. It is assumed that the necessary utility supports between girders were also installed during the original construction, as would be NHDOT standard practice when installing a sleeve and blockouts for a future utility. The estimate assumes that a pre-insulated waterline, rollers, spacers, air release valves etc. are installed as part of this project. Trenching would be required at the end of each approach slab, however, the waterline would then be thread through the sleeves and pushed out over the bridge towards the other abutment. Traffic control coordination would be required with NHDOT to install the waterline over NH Route 101 traffic. The costs for rolling roadblocks, temporary lane closures, night work or some combination of the above are included in the estimate. The cost of pavement repair is included for the water main extension along Epping Road. The cost includes allowances for valves, hydrants, laterals, testing, chlorination, ledge excavation and traffic control.

The new roadway crosses an apparent delineated wetland area near Station 9+50 on the new roadway. The estimate assumes that the crossing will consist of twin-cell precast concrete box culvert with dimensions of 12 foot span and 6 foot rise. The bottom 2 feet of the box culvert will be buried to create a natural stream bottom which is preferred by the New Hampshire Department of Environmental Services (NHDES). Precast concrete wingwalls will be required at all four quadrants of the bridge to retain the earth fill required for the roadway construction while minimizing wetland impacts. The precast concrete box culverts will have a length equal to the width of the roadway (30 feet) plus raised brush curbs on each side for mounted bridge rails. The overall length of the box culverts is assumed to be 33 feet.

Sewer Line Replacement on Salem/Summer Street

We have included an opinion of cost for replacement of approximately 700 linear feet of existing 15-inch diameter old vitrified clay pipe (VCP) sewer along Summer Street that is known to have structural deficiencies. This includes approximately 100 feet of crossing beneath the commuter railroad to be installed using trenchless technology and 600 feet of open-cut pipe replacement along Summer Street. The opinion of cost assumes replacement of 6 existing sewer manholes. The cost opinion includes allowances for replacement/reconnection of service laterals within the right-of-way, pavement repair and traffic control. An allowance for coordination with and inspection by the railroad is also included in the opinion of cost.

We have attempted to be conservative, yet reasonable, with this estimate. We anticipate that over the next couple of weeks we could refine this estimate. A refined estimate would be expected to carry a lower contingency percentage, and possibly a lower overall cost. As mentioned above, we have not done any detailed sizing evaluations of the utilities. We have not included anything for the cost of private utility extensions into the new industrial road.

Also, as I have mentioned previously, Hoyle, Tanner does not feel that a fall 2015 construction schedule can be accomplished if the Town waits until April to begin the design and permitting effort. We anticipate a significant permitting and approval process with the regulatory agencies. We would be happy to work with you to develop a scope and fee to complete the design work that has been identified in this estimate so that an earlier start date could be achieved. We would begin with conceptual meetings with NHDES, NHDOT and applicable resource agencies which would assist in guiding our design efforts and help define a more refined understanding of the overall project.

Should you have any questions or additional input with regard to the initial estimate, please do not hesitate to contact me. We appreciate the opportunity to assist you with this very exciting initiative for the Town of Exeter.

Very Truly Yours
Hoyle, Tanner & Associates, Inc.



Michael A. Trainque, P.E.
Vice President



Carl L. Quiram, P.E.
Municipal Business Development Manager

Enclosure

Hoyle, Tanner Associates, Inc.

200 Bay Street, Manchester, New Hampshire 03101
 Phone: 603-281-2122 Fax: 603-281-2123
 www.hoyletanner.com

Project: Exeter 27 - Industrial Road
 HTA Project #: TBD NHDOT Project #: N/A
 Location: Exeter, NH
 Task: Conceptual Estimate
 Calculated By: SBH, ML, MT Date: 1/5/2011
 Checked By: clj

SHEET 1 OF 6

CONCEPTUAL ESTIMATE

Epping Road Utility Corridor Infrastructure Expansion

New Industrial Roadway

	COST
New Roadway Construction	\$ 551,000
Stream Crossing	\$ 300,000
Stormwater BMP	\$ 75,000
New Water Line	\$ 312,000
New Sewer Line - Incl pump station	\$ 704,000
Land Acquisition - pump station and stormwater BMP's	\$ 75,000
Contingencies (25%)	\$ 504,250
Subtotal	\$ 2,521,250
Design Engineering & Permitting (15%)	\$ 378,188
Construction Engineering (10%)	\$ 252,125
	\$ 3,151,563

Epping Road Utility Extensions

Water Main Extension (incl crossing Route 101)	\$ 914,000
Sewer Main Extension (incl crossing Route 101)	\$ 1,450,000
Contingencies (25%)	\$ 593,000
Subtotal	\$ 2,957,000
Design Engineering & Permitting (15%)	\$ 443,250
Construction Engineering (10%)	\$ 295,500
	\$ 3,695,750

Salem/Summer Street Sewer Repair/Replacement

Sewer Repair/Replace (incl fee for RR inspection)	\$ 313,000
Contingencies (25%)	\$ 78,250
Subtotal	\$ 391,250
Design Engineering & Permitting (15%)	\$ 58,688
Construction Engineering (10%)	\$ 39,125
	\$ 489,063

ROUNDED PROJECT TOTAL: \$ 7,334,375

civil &
environmental
engineering



2266.00

February 26, 2018

Paul Vlasich, P.E., Town Engineer
Public Works Department, Town of Exeter, NH
13 Newfields Road
Exeter, NH 03833

Re: *Water and Sewer Utility Buildout Evaluation
Exeter TIF District
Exeter, New Hampshire*

Dear Mr. Vlasich:

In accordance with Engineering Services Request ESR EX-126 (dated January 9, 2018) we are pleased to provide our findings from the Water and Sewer Buildout Evaluation within the Town's TIF District. The purpose of this evaluation is to provide the Town with suggested water and sewer main sizes based on expected future developments/connections identified by the Town along Epping Road and other buildout areas.

TIF District/Buildout Area with Estimated Water Demands and Sewer Flows
The Town's TIF District was established to promote economic expansion along the Epping Road Corridor. A portion of the tax increment is used for capital investment in infrastructure improvements including water and sewer main extensions, roadway improvements and a new commercial road off of Epping Road (aka TIF Road). With anticipated developments planned within the TIF District, the Town has requested assistance from Underwood Engineers to determine the size requirements for both a water main and sewer main extension. The extensions will serve Epping Road, the TIF Road and possible buildout areas identified in Figure 1 (attached).

The Town's Hydraulic Water Model was used to simulate the effects of future buildout on the existing water system and what the available fire flows would be for different size water mains. The model inputs are based on planning information provided by the Town, zoning regulations, and proposed site plans. The estimated future water demands and sewage flows within the TIF District/Buildout Area as calculated by UE are summarized in Table 1 below:

Table 1. Assumed TIF/Resident Uses

Potential Future Construction	Anticipated Potential Uses	Average Day Water Demands (gpd)	Max Day Water Demands (gpd)	Peak Hour Sewer Flows (gpd)
High School	School	18,000	45,000	108,000
Residential Development	100 3-Bdr units	18,000	45,000	108,000
Mixed Use Commercial Development	11 lots - 1 Hotel, 3 Offices, 1 Med Office, 5 Retail Stores, 1 Kennel	32,820	82,050	196,920
Lots 32-2, 3, 4	1 Assisted Living, 1 Child Daycare, 1 Office	2,500	6,250	15,600
Lots 40-9 to Gas Station	2 Retail Spaces Gas Station	720 120	1,800 320	4,320 760
Ray Farm Residential Development	116 2-Bdr Units	14,000	35,000	84,000
Catliste	1 Conference Center, 1 Micro Brewery, 1 Hotel	18,000	45,000	108,000
King Lot 47-9	116 2-Bdr Units 1 Hotel, 2 Retail buildings, 1 Restaurant, 1 S... Rec Area	14,000 38,200	35,000 70,500	84,000 169,200
Lot 47-3, 5, 6	1 Residential Unit, 2 Office Buildings	330	825	1,980
	TOTAL	146,850	366,745	900,390
	Rounded	148,000	370,000	900,000

NEDES ENV-1028-1 values were used to determine base day water demands for each user type. Average day sewer flows were estimated to be approximately 2.5 times less than Max Day water demands. A peaking factor of 6 was then applied to the average day sewer flows based on TR-16.

Assumed Fire Flow Requirements

Exeter DPW references Insurance Services Office (ISO) guidelines for fire flow requirements. For the purpose of this evaluation, Underwood Engineers has provided Needed Fire Flow requirements which are based on typical ISO requirements for residential and commercial evaluations performed in the past.

Table 2. Estimate of Needed Fire Flows

Building Type	Needed Fire Flow
High School	3,000 gpm
100 Residential	750 gpm
Mixed Commercial	1,500 gpm
Lots 32-2 3 4	1,500 gpm
Lots 40-9 10	1,500 gpm
Gas Station	1,500 gpm
Ra Farm	1,500 gpm
Carlisle	1,500 gpm
K...	1,500 gpm
Lot 47-9	1,500 gpm
Lot 47-3 5 6	1,500 gpm

* Needed Fire Flows (NFF) are assumed based on typical needed fire flows for commercial and residential uses. Actual NFFs are based on factors not available at this time (building materials, square footages, etc.) and developing each site's NFF is not included within this scope. It is the Developer's responsibility to provide NFF's to the Town during the site plan approval process. Typical NFFs range from 500 gpm Min to 3,000 gpm Max.

Water Model Simulation

The Exeter water system model was used to simulate the impact of the TIF Buildout on the existing water system. The hydraulic analysis was conducted using the H2OMap Water model originally set up by Underwood Engineers (2010) and later updated by Weston and Sampson (2017). For the purposes of this evaluation, the model was updated to reflect the buildout conditions in the TIF District and areas identified by the Town for this evaluation (Figure 1):

- A water main extension was added to the existing system on Epping Road from Continental Drive to Exeter High School (~12,000').
- A spur line was included on the water main extension to represent the TIF Road (~1,300').
- Nodes representing the expected water users identified in Table 1 were added.
- Pipe lengths, node locations and elevations were based on record drawings, proposed site plans, information provided by the Town, and Google Earth.

Other general conditions in the model include the following:

- Average day demands at 0.954 MGD.
- Maximum day demands at 1.8 MGD.
- Cross Road Tank level at 71' (15' drawdown).
- Epping Road Tank level at 30' (10' drawdown).
- Hampton Road Tank level at 70' (15' drawdown).
- Surface Water treatment plant pumps on at 409 gpm.
- Ground Water treatment plant pumps on at 265 gpm.



The following model runs were performed:

- Evaluate the available fire flows within the TIF District and Bulldozer Area under max day conditions (per AWWA standards) with three different water main diameter scenarios:
 - 8" DI Pipe
 - 12" DI Pipe
 - 12" and 16" DI Pipe Combination
- Monitor change in system pressure (if any) caused by addition of demand at proposed locations during maximum and average day demand conditions.
- Predict the fire flow conditions.

Water Model Findings

A summary of the modeling results for each scenario are summarized in the tables below:

Table 3. Scenario 1: 8" DI Pipe Throughout the Entire TIF/Bulldozer Area

Description	Location	Diameter Pipe (in)	Available Fire Flow (gpm)	Needed Fire Flow (gpm)
Ray Farm	TIF Road	8	1,100	1,500
Carlisle	End of TIF Road	8	825	1,500
King	Epping Road	8	820	1,500
Lot 40-09	Epping Road South of 101	8	770	1,500
100 Residential Lots	Watson Road	8	470	750
Mixed Commercial	Epping Road and Watson Road	8	580	1,500
Lot 32-02	Epping Road and Beech Hill Road	8	585	1,500
Brester HS School	Blue Hawk Drive	8	285	3,000

The results in Table 3 show that the available flows predicted by the Town's water model would not meet the assumed needed fire flows. The next scenario increases the proposed water main size from 8" to 12" on both Epping Road and the new TIF Road. Scenario 2 results are provided in Table 4 below:

Table 4. Scenario 2: 12" DI Pipe Throughout the Entire TIF/Buildout Area

Description	Location	Required Fire Flow (gpm)	Available Fire Flow (gpm)	Needed Fire Flow (gpm)
Ray Farm	TIF Road	12	1,900	1,500
Carlisle	End of TIF Road	12	1,600	1,500
King	Epping Road	12	1,700	1,500
Lot 40-09	Epping Road (South of 101)	12	1,600	1,500
100 Residential Lots	Watson Road	12	1,150	750
Mixed Commercial	Epping Road and Watson Road	12	1,150	1,500
Lot 32-02	Epping Road and Beech Hill Road	12	1,450	1,500
Exeter High School	Blue Hawk Drive	12	800	3,000

The available fire flows predicted for Scenario 2 nearly meet all of the needed fire flows assumed for the future buildout with the exception of the high school and Lot 32-02. It should be noted that Lot 32-02's Needed Fire Flows are nearly met, and would most likely be adequate depending on future development. A third scenario was performed to try and increase the available fire flows at these areas by enlarging the proposed water main on Epping Road from 12" to 16"

Table 5. 16" Pipe on Epping Road and 12" Pipe on TIF Road

Description	Location	Required Fire Flow (gpm)	Available Fire Flow (gpm)	Needed Fire Flow (gpm)
Ray Farm	TIF Road	12	1,900	1,500
Carlisle	End of TIF Road	12	1,700	1,500
King	Epping Road	12	1,900	1,500
Lot 40-09	Epping Road (South of 101)	16	1,900	1,500
100 Residential Lots	Watson Road	12	1,500	750
Mixed Commercial	Epping Road and Watson Road	16	1,500	1,500
Lot 32-02	Epping Road and Beech Hill Road	16	2,000	1,500
Exeter High School	Blue Hawk Drive	16	1,400	3,000

By increasing the proposed water main on Epping Road from 12" to 16", the increase in Lot 32-02's available fire flow was enough to meet the assumed needed fire flow. However, the available fire flow for the High School (which is at the far end of the proposed water main extension) was still significantly lower than needed. An onsite tank and/or fire pump may be needed in order to meet the school's needed fire flows. However, that would require further study beyond the scope of this evaluation.

Sewer Extension Capacity

Using Town record drawings of the existing sewer system, UE evaluated the sizing of a new gravity sewer on Epping Road from the existing sewer stub at Continental Drive to Route 101 (~2,000'). A second sewer main was also evaluated for the proposed TIF Road (~1,300'). In addition to minimum pipe slopes, the Town asked UE to determine the size of the Epping Road sewer extension using a pipe slope of 1% and 0.5%.

For the Epping Road sewer extension, the peak hour sewer flows (~900,000 gpd) identified in Table 1 were used to evaluate the following pipe sizes:

Table 6. Epping Road Sewer Extension Capacity Estimates

Slope	Peak Hour Flow (gpd)	12" Sewer Capacity (gpd)	Reserve Capacity (gpd)
0.22% (12" Min. Slope)	900,000	1,400,000	500,000
0.5%	900,000	2,117,000	1,217,000
1.0%	900,000	994,000	2,094,000

It is understood that a pumping station will be required in the future on the north side of Route 101 to pump sewage flows from the North to the gravity sewer extension on Epping Road. The pumping station would be sized based on the Peak Hour Flow (+/-). Even if the pumping station pump rates were 20% higher than the peak hour flow, a 12" gravity sewer pipe would still be able to accommodate the estimated future flows (gravity and pumped).

The gravity sewer main for the proposed TIF Road was also evaluated. The peak hour flows for the Ray Farm and Carlisle properties (~192,000 gpd) were used for the pipe capacity calculations used in Table 7 below:

Table 7. TIF Road Sewer Capacity Estimates

Slope	Peak Hour Flow (gpd)	12" Sewer Capacity (gpd)	Reserve Capacity (gpd)
0.4% (8" Min. Slope)	192,000	642,000	450,000
1.2%	192,000	1,088,000	896,000

It should be noted that the sewer main used for the TIF Road evaluation was based on a continuous gravity pipe from the Carlisle Property to Epping Road. However, due to the topography and elevations between Epping Road and the Carlisle property, a combination of gravity sewer and pressure sewer with a pumping station will be needed to connect into the Epping Road sewer. As noted with the Route 101 pumping station above, the TIF Road pumping station would be sized based on the estimated Peak Hour Flows. If the TIF Road pumping station

pumped at a 20% higher pumping rate than the Peak Hour Flows, the 8" gravity sewer pipe would still be able to accommodate the estimated gravity and pumped sewer flows.

This evaluation only considered the sizing needs of the TIF/Buildout area sewer extension. An evaluation on the impact of increasing sewer flows within the Town's existing system downstream of this area was not performed.

Conclusions

The following conclusions are made based on the results described above:

Water Main Extension

- The TIF/Buildout water extensions will increase demand on the Town's water system by approximately 370,000 gpd on Max Day.
- An 8" DI water main extension would not provide the assumed needed fire flows.
- A 12" DI water main extension would provide nearly all of the assumed needed fire flows throughout the TIF/Buildout Areas with the exceptions of Lot 32-02 (which is nearly met) and the High School.
- The installation of a 16" water main on Epping Road would provide the assumed needed fire flows at all locations except for the Exeter High School.
- An onsite water storage tank and/or fire pump is needed to meet fire flows at the High School. Further study will be needed for the High School.

Sewer Main Extension

- The sewer main extension would increase potential connections and flows to the Town's WWTF.
- The impact to the Town's existing sewer system was not evaluated.
- A 12" sewer main on Epping would accommodate the projected TIF/Buildout Flows.
- A combination of gravity sewer and pressure sewer is expected for the TIF Road extension.
- An 8" sewer main would accommodate the TIF Road Flows.
- Further review is necessary once the TIF Road Sewer system is designed, including the following:
 - Gravity Sewer Design Review
 - Pumping Station Capacity Review
 - Force Main Design Review

Recommendations

Underwood Engineers recommends the following:

- Design the TIF/Buildout Water main extension with a 12" DI Pipe on Epping Road and the new TIF Road.

Page 8 of 8
Paul Plasick, P.E.
2/26/2018

- Design a 12" sewer main on Epping Road.
- Design the gravity portion of the TIF Road sewer extension with an 8" pipe.
- Develop a sewer model of the Town's Sewage Collection System to evaluate the impacts of sewer buildout flows to the existing system.
- Provide gravity and pressure sewer designs of the Epping Road and TIF Road sewers for review.
- Provide water main designs for the Epping Road and TIF Road extensions for review.

Please call if you have any questions.

Very truly yours,

BRUNNEN ENGINEERS, INC


Benjamin T. Dreyer, P.E.
Project Manager


Erik B. Nichols, E.I.T.
Project Engineer

BTD/EBN

Encl

CC: Jen Mates, Town of Exeter w/ Encl.
Dave Shaples, Town of Exeter w/ Encl.



RECORDING 26.00
SURCHARGE 2.00



(m)
Mitchell Municipal
Group PA
25 Beacon Street East
Laconia, NH 03246

THIS CONVEYANCE IS EXEMPT FROM TRANSFER TAX AND L-CHIP FEES
PURSUANT TO RSA 78-B:2,I AND RSA 478:17-g, II(a)

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, **CKT & ASSOCIATES**, a New Hampshire partnership, with a mailing address of 158 Shattuck Way, Newington, New Hampshire 03801, for consideration paid, grants to the **TOWN OF EXETER**, a New Hampshire municipal corporation, with a mailing address of 10 Front Street, Exeter, New Hampshire 03833 with **WARRANTY COVENANTS**, the following described premises:

A certain tract or parcel of land off of Epping Road in the Town of Exeter, County of Rockingham and State of New Hampshire depicted as the "TIF Road" on a plan of land entitled "TIF Road Right-of-Way Plan Over a Portion of Tax Map 47 - Lot 8, Owner: CKT & Associates off Epping Road, Town of Exeter, County of Rockingham, State of New Hampshire" prepared by Ambit Engineering, Inc. dated June 2019 with revision "0" dated June 12, 2019 and recorded at the Rockingham County Registry of Deeds as Plan No. D-_____ (hereinafter "Plan"); said parcel being more particularly bounded and described as follows:

Being a part of a right-of-way located on the easterly side of Epping Road, so called, said road also being known as New Hampshire Route 27 and beginning at a granite bound on the easterly side of said Epping Road, said granite bound being at the northwesterly corner of the area herein described; thence

running N 62°07'23" E a distance of 629.38 feet to a granite bound; thence running on a curve to the left to a granite bound, said curve having a length of 54.51 feet, a radius of 375.00 feet, with a chord bearing of N 57°57'31" E, and a chord length of 54.46 feet; thence running N 53°47'39" E a distance of 69.26 feet to an iron rod; thence turning and running over and across said right-of-way S 36°12'21" E a distance of 50.00 feet to a granite bound; thence turning and running S 53°47'39" W a distance of 69.26 feet to a granite bound; thence running on a curve to the right to an iron rod, said curve having a length of 61.78 feet, a radius of 425.00 feet, a chord bearing of S 57°57'31" W, and a chord length of 61.73 feet; thence running S 62°07'23" W a distance of 619.49 feet to a granite bound on the easterly side of said Epping Road; thence turning and running along the easterly side of said Epping Road N 39°04'02" W a distance of 50.97 feet to a granite bound and the point of beginning. The above described right-of-way containing 37,592 square feet, more or less.

TOGETHER WITH a Drainage Easement as shown and noted on said Plan and more particularly bounded and described as follows:

Beginning at a point on the southerly side of TIF Road, so called, said point being S 53°47'39" W a distance of 9.90 feet from a granite bound located on the southerly side of said TIF Road and 25 feet from and perpendicular to Station 7+50; thence running over and across land of the Grantor S 21°58'19" E a distance of 98.04 feet to a point at other land of the Grantor; thence continuing over and across other land of the Grantor S 21°58'19" E a distance of 15.63 feet; thence turning and continuing over and across other land of the Grantor S 51°44'49" W a distance of 139.28 feet; thence turning and continuing over and across other land of the Grantor N 60°16'04" W a distance of 16.18 feet to a point at land of the Grantor; thence continuing over and across land of the Grantor N 60°16'04" W a distance of 131.93 feet to the southerly side of said TIF Road; thence turning and running along the southerly side of said road N 62°07'23" E a distance of 107.74 feet to an iron rod; thence still along said road and a curve to the left to a granite bound, said curve having a length of 61.78 feet, a radius of 425.00 feet, a chord bearing of N 57°57'31" E, and a chord length of 61.73 feet; thence continuing along said road N 53°47'39" E a distance of 59.36 feet to the point of beginning. The above described easement containing 21,492 square feet, more or less.

The Drainage Easement conveyed by this deed and shown on the Plan is conveyed for the purpose of providing proper drainage of the roadway.

The Town of Exeter and its agents shall be allowed to enter upon all of the easement area described above with such personnel and equipment as reasonably necessary to maintain, repair and replace any and all improvements located within the easement area related to the road and drainage.

The Grantor, its successors and assigns, shall not construct, install, place, plant or store anything whatsoever in the above described easement area, other than the planting of grass.

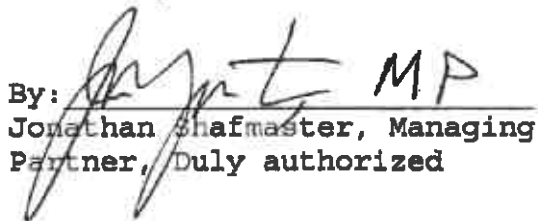
Said easement is perpetual and shall run with the land.

Meaning and intending to describe and convey a portion of the premises conveyed to CKT & Associates by Warranty Deed of EWH & Associates dated January 1, 1997 and recorded in the Rockingham County Registry of Deeds at Book 3231 Page 2722.

EXECUTED this 18th day of July, 2019.


Witness

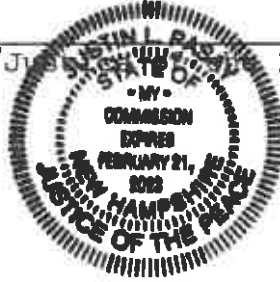
CKT & ASSOCIATES

By:  MP
Jonathan Shafmaster, Managing
Partner, Duly authorized

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, ss

On this 18 day of July, 2019, before me,
personally appeared Jonathan Shafmaster, Managing Partner of CKT
& Associates, known to me or satisfactorily proven to be the
person whose name is subscribed to the within instrument and
acknowledged that he executed the same for the purposes therein
contained on behalf of the partnership.

Notary Public/Justice of the Peace



Accepted by the Town of Exeter by vote of the Board of Selectmen on September 9, 2019.

TOWN OF EXETER
BY ITS BOARD OF SELECTMEN

Kathy Corson
Kathy Corson, Chairman

Niko Papakonstantis
Niko Papakonstantis, Selectman

Molly Cowan
Molly Cowan, Selectman

Julie D. Gilman
Julie D. Gilman, Selectman

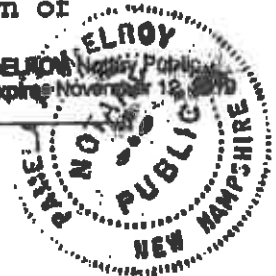
Anne L. Surman
Anne L. Surman, Selectman

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, ss

On this 16th day of September, 2019, before me, personally appeared Kathy Corson, Niko Papakonstantis, Molly Cowan, Julie D. Gilman ~~and Anne L. Surman~~, duly authorized Selectmen of the Town of Exeter, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained on behalf of the Town of Exeter.

Pamela A. McElroy
Notary Public/Justice of the Peace

PAMELA A. McELROY, Notary Public
My Commission Expires November 12, 2020



JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

June 28, 2019

Exeter Planning Board
Attn: Mr. Dave Sharples, Planner
10 Front Street
Exeter, NH 03822

RE: Planning Board Case No. 17-26
Carlisle Subdivision T.I.F. Road Extension
Off Epping Road, Exeter
Tax Map 40, Lot 12
JBE Project No. 15098

Dear Dave,

This Minor Subdivision was approved with Conditions on August 24, 2017. In accordance with approval Condition 2, we herewith submit a set of plans for the cul-de-sac terminus of the T.I.F. Road, which passes from Epping Road along a R.O.W. through land of CKT & Associates.

We ask that you send these plans for review and approval to Exeter Public Works, and perhaps Underwood Engineers. It is our understanding that Cammett Engineering (designers of the first 1,300 feet of the T.I.F. Road) has performed utility and drainage design for that road as part of their permitting and approval process for the Ray Farm Project.

Our cul-de-sac terminus of the T.I.F. Road design includes about 400 feet of roadway to be constructed as an extension of the Cammett design, and using reference to their plans and construction details. We assume that one contractor will build this road, and one set of details (Cammett) should control, as those have already been reviewed and approved by the Town. See "Plan Reference No. 1" on JBE plan Sheet P1 "Plan and Profile", as well as Note 17 on Sheet P1.

Our cul-de-sac is super-elevated to the outside, so that drainage can flow out to a granite curb line, then down slope from the high point at Station 15+00 to Cammett catch basins located at Station 11+62. We assume that this small amount of stormwater flow has been included in their calculations.

Because the impervious road surface of this cul-de-sac on Carlisle property is included in the T.I.F. Road design system, there will be less flow toward the existing intermittent stream that

crosses Carlisle Lot 1. We collect the small surface drainage flow from the cut slope of the cul-de-sac into a shallow grassed swale, and route that around the outside of the cul-de-sac R.O.W.


As you are aware, this Minor Subdivision Case No. 17-26, creates three (3) lots for future development. At such time as users of these lots are determined, the driveways and utility connections to the cul-de-sac will be designed for subsequent review and approval during the Site Plan Review process.

Enclosed with this letter are five (5) sets of the following items:

1. Exeter Planning Board approval letter dated August 25, 2017 -- see Condition 2.
2. Cammett Engineering design "Plan / Profile" Sheets C1.41 and C1.42 showing the first 1,300 feet of the T.I.F. Road, last revised 7-16-18.
3. JBE Plan Sheets A1, C1, P1, and E1, for review and approval.

Please forward these plans to the appropriate parties, and let me know if you have any questions. Thank you very much for your time.

Very truly yours,
JONES & BEACH ENGINEERS, INC.



Jonathan S. Ring, PE
President

cc: W. Scott Carlisle, III
Russ Hilliard, Upton & Hatfield

JONES & BEACH
ENGINEERS INC.



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
BRENDAN A. O'DONNELL
ELAINA L. HOEPPNER
WILLIAM K. WARREN

22 February 2022

Via Electronic Mail to: walter@mitchellmunigroup.com

Walter Mitchell, Esq.
Mitchell Municipal Group, P.A.
25 Beacon St. E #2
Laconia, NH 03246

Re: Exeter TIF Road

Dear Walter:

This follows our recent email and phone conversation regarding property owned by our client, Jonathan Shafmaster, located off Epping Road in Exeter, which property is identified as Town Tax Map 47, Lot 8 (“Shafmaster’s Property”). We write to memorialize Mr. Shafmaster’s position as it pertains to the potential extension of the public portion of Ray Farmstead Road (the so-called “TIF Road”) over Shafmaster’s Property to serve potential private development on abutting property owned by Scott Carlisle which is identified as Town Tax Map 40, Lot 12 (“Carlisle’s Property”), and to propose an alternative which we feel may accommodate the interests of all parties. We ask that you provide this letter to the Board of Selectmen and Planning Departments and that we convene a meeting in the near future to discuss.

Executive Summary

Mr. Shafmaster is not inclined to convey a fee title or public easement interest in the Remaining Private Right of Way area to the Town of Exeter to accommodate a public road to Carlisle’s Property over Shafmaster’s Property, and the Town of Exeter is without authority to expend TIF funds to build said public road because the underlying easement interest is private and appurtenant, and because to do so would violate the defined nature and scope of the easement interest as established by the Rockingham County Superior Court. Further, the Town is without authority under New Hampshire law to exercise its eminent domain power to condemn the Remaining Private Right of Way area to accommodate a public road.

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

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

However, Mr. Shafmaster would like to discuss and pursue an alternative to the development of the Remaining Private Right of Way as a public road in a manner that would accommodate the interests of all parties and Mr. Shafmaster requests an audience with you and the Town as soon as possible to discuss same.

Factual Context

By way of brief background, and as you will recall, in April of 2018 the Town signed an Agreement with Mr. Shafmaster for the construction of the public TIF Road over a portion of a private right-of-way on Shafmaster's Property that benefits Carlisle's Property (the "Private Right of Way") (the "TIF Road Agreement"). The TIF Road Agreement required Mr. Shafmaster to build the TIF Road to the Town's satisfaction and then convey the fee title interest of the same to the Town. For your convenience, please see Enclosure 1 attached, which is Exhibit A to the TIF Road Agreement and which depicts: 1) the limit of the TIF Road (Ray Farmstead Road) in green and 2) the remaining portion of the Private Right of Way after Mr. Shafmaster's conveyance of the TIF Road to the Town, in yellow (the "Remaining Private Right of Way"). We note that before executing the TIF Road Agreement, the Town asked Mr. Shafmaster to convey the fee interest in the Remaining Private Right of Way to the Town and Mr. Shafmaster declined to do so. The TIF Road Agreement was nevertheless executed by the parties.

After the TIF Road Agreement was executed, Mr. Shafmaster built the TIF Road and conveyed the fee interest in same to the Town.¹ To this day, Mr. Shafmaster owns the fee title interest in the Remaining Private Right of Way which is depicted in yellow on Enclosure 1.

The scope of the Remaining Private Right of Way was defined by the Rockingham County Superior Court in December of 2001 in the case of W. Scott Carlisle, III v. CKT & Associates, Docket No: 00-E-0072, which is discussed below.² To summarize, the Court determined that the Remaining Private Right of Way was a private appurtenant easement that runs with the Carlisle Property.

Notwithstanding the nature and scope of the Remaining Private Way as determined by the Court, in August of 2017, Mr. Carlisle obtained a conditional subdivision approval which purports to divide the Carlisle Property into three distinct lots. As depicted on the conditionally approved plan, which is provided herewith as Enclosure 4, Mr. Carlisle's subdivision is contingent upon: 1) the extension of the public TIF Road (Ray Farmstead Road) over the Remaining Private Right of Way on Shafmaster's Property, and 2) the conveyance of the Remaining Private Right of Way to the Town.³

Recently, Mr. Shafmaster has heard rumors that the Town has concluded that TIF funds may be expended to extend the public TIF Road over Shafmaster's Property to reach Carlisle's Property. Further, my discussion with you and Russ Hilliard suggest that you may hold the opinion that Mr. Carlisle's subdivision approval constitutes a dedication of a public right of way

¹ See Recorded Deed, Rockingham County Registry of Deeds, Book 6040, Page 1027 ("Enclosure 2").

² See Court Order (the "Court Order" or "Enclosure 3").

³ See Enclosure 4, Note 7.

over Shafmaster's Property that the Town could accept, and that the Town of Exeter may use TIF funds to improve the Remaining Private Right of Way into a public road. This letter registers our disagreement with these conclusions, for the reasons outlined below.

Analysis

First, by the clear terms of the Court Order, the Remaining Private Right of Way is private, not public. As evidenced in the Court Order, at the time of the litigation, Mr. Carlisle urged the Court to define the scope of the easement area in a manner aligned with "the minimum scope allowed by law for **private** rights of way ..." (emphasis added).⁴ Further, Mr. Carlisle's position was that the underlying easement is appurtenant and runs with the Carlisle Property.⁵ In other words, Mr. Carlisle's view was that the Remaining Private Right of Way exists for the benefit of the owner of Carlisle's Property, not the general public.

After a trial, the Superior Court agreed with Mr. Carlisle's interpretation regarding the nature of the underlying easement.⁶ Specifically, the Court determined that "[Mr. Carlisle] is entitled to develop [his] easement as a **private** right of way which is 50 feet wide ..." (emphasis added).⁷ Further, the Court held that "[Mr. Carlisle] is solely responsible for all costs involved in mitigating any wetlands impact resulting from the development and use of the easement, and for all costs in constructing, developing and maintaining the easement in conformity with all local land use regulations."⁸

On this analysis and the Court's holding, the nature of the Remaining Private Right of Way is private, not public. As such, neither the Town nor the owner of Carlisle's Property may impermissibly expand the nature and scope of the Remaining Private Right of Way to make it public, which expansion would contravene the clear holding in *Carlisle v. CKT & Associates*.

Second, notwithstanding Mr. Carlisle's conditional subdivision approval from the Planning Board, we are aware of no New Hampshire law or precedence that would permit Mr. Carlisle to dedicate a public right of way on land he does not own or for the Town of Exeter to accept such a dedication. Similarly, we are not aware of any New Hampshire law or precedence that would permit Mr. Carlisle to convey or assign the Remaining Private Right of Way, an appurtenant easement, to the Town of Exeter. Rather, and as recognized by the Planning Board in its conditional approval, development of the Remaining Private Right of Way as a public road would require either Mr. Shafmaster's conveyance to the Town of the fee title interest in the road area, which Mr. Shafmaster already declined to do at the time the TIF Road Agreement was executed, or, Mr. Shafmaster's conveyance to the Town of a public right-of-way/easement

⁴ Enclosure 3, pg. 8.

⁵ *Id.*

⁶ The actual easement language conveyed by Mr. Shafmaster's predecessor in title to Mr. Carlisle's predecessor in title granted an a right of way to access Epping Road by stating: "To have the privilege of passing and repassing from said road to said lot with teams loose cattle or otherwise in the path commonly used as often as occasion may require they closing all gates and bars which they open." Court Order, pg. 13. The easement language does not reference utilization of the Private Right of Way area by the general public.

⁷ Enclosure 3, pg. 18.

⁸ *Id.*

interest. As we have discussed, Mr. Shafmaster is not inclined to pursue either of these courses of action at this time.

Third, without a fee title or public easement conveyance from Mr. Shafmaster to the Town of Exeter as described above, the Town is without authority to expend TIF funds for the improvement of the Remaining Private Right of Way because TIF funds may only be expended for public facilities, and the development of a private appurtenant easement is not a “public use” as that term is defined in RSA 162-K:2.

Finally, under the circumstances of this case, the Town of Exeter is not permitted to take the Remaining Private Right of Way via exercise of its eminent domain authority because to do so would only serve to facilitate private economic development on the Carlisle Property in contravention of State statute and the New Hampshire Constitution. More specifically, eminent domain can only be exercised to condemn private property for “public uses” and while a public use may include the “possession, occupation, and enjoyment of real property by the general public or governmental entities[,]” it expressly does not include the taking of real property “solely for the purpose of facilitating” an incidental private use.⁹ Further, “public use” does not include “public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities.”¹⁰ These conclusions align with the history and context behind the 2006 amendment to the State Constitution in the wake of Kelo v. City of New London, 545 US 469 (2005), which added Article 12-a.¹¹

Here, the Town’s potential use of eminent domain would conflict with the statutory definition of “public use” and the State Constitution’s prohibition on condemning private property to benefit private economic and private commercial enterprise because the Town’s condemnation of the Remaining Private Right of Way would only facilitate the creation of a public road to Carlisle’s Property to serve a private commercial development.

Recommendation

While Mr. Shafmaster is not interested in conveying a fee title or public easement interest in the Remaining Private Right of Way to the Town at this time, he is interested in discussing the viability of certain alternatives to that course of action which could serve the collective interests of all parties involved. For example, Mr. Shafmaster is willing to entertain the conveyance of a public easement interest to accommodate a public road from the existing Commerce Way terminus to the Carlisle Property.¹² While longer than the Remaining Private Right of Way on Shafmaster’s Property, this concept would avoid a costly wetland crossing that would be necessary to extend Ray Farmstead Road, and would otherwise facilitate access to Carlisle’s

⁹ See RSA 498-A:1; RSA 498-A:2, VII.

¹⁰ RSA 498-A:2, VII(b).

¹¹ Article 12-a to the New Hampshire Constitution states “No part of a person’s property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property.”

¹² See Concept Plan provided as Enclosure 5.

Property, which is zoned industrial, through other industrially zoned properties, instead of accessing the same through a residential neighborhood.

Conclusion

I look forward to hearing back from you at your convenience to discuss the above.
Thank you for your time.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay, Esq.
jpasay@dtclawyers.com

JLP/jlh

Enclosures

cc: Jonathan Shafmaster

Enclosure 14(a)

Ray Farm Active Adult Community Site Development Plans off Epping Road, Exeter, NH

SHEET INDEX

G1.10	TITLE SHEET
G1.20	GENERAL NOTES, LEGEND, & ABBREVIATIONS
V1.10	MINOR SUBDIVISION PLAN
V1.20	EXISTING CONDITIONS
V1.30	NATURAL RESOURCES
C1.10	OVERALL SITE PLAN
C1.11-C1.16	SITE PLANS
C1.21-C1.28	GRADING PLANS
C1.201	OVERALL PHASING PLAN
C1.222, C1.332	PHASE I END PLANS
C1.225, C1.335	PHASE II END PLANS
C1.31-1.36	UTILITY PLANS
C1.41-1.46	PLAN & PROFILES
C1.51-1.54	EROSION AND SEDIMENT CONTROL PLANS
C5.11-5.18	DETAILS
L1.00	OVERALL LANDSCAPE PLAN
L2.00-2.30	PLANTING PLAN PER BUILDING
L3.00-3.10	PLANTING DETAILS
A1.00-1.10	ARCHITECTURAL PLANS
E-1.00	LIGHTING PLAN

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Sheet Title:
Title Sheet


Project Title:
"Ray Farm" Active Adult Community
Epping Road
Exeter, NH 03833
Rockingham County

Applicant:
Wiley Creek Company
158 Shattuck Way
Newington, NH 03801

Designer:
CKT & Associates
158 Shattuck Way
Newington, NH 03801

REVISION

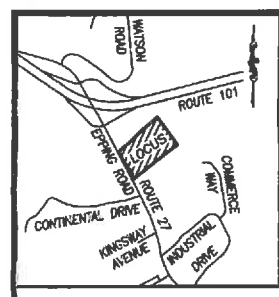
NO.	DATE	DESCRIPTION	BY
A	5.8.2017	TO PLANNING BOARD	DH
B	6.27.2017	PEER REVIEW	DH
C	11.27.17	2nd PEER REVIEW	DH



Robert Blanchette
11 DEC 2017

PROJ. MGR.: D. HAMEL
FIELD: M. MICHAUD / A. BICK
DESIGN: D. HAMEL
DRAWN: D. HAMEL
CHECKED: W. CAMMETT / R. BLANCHETTE
DATE: 5/8/2017
FILE: 16042 TL.DWG
JOB #: 16042

SHEET G1.10



LOCUS MAP
SCALE: 1" = 3000'

DIMENSIONAL REQUIREMENTS (C-3 DISTRICT)

	REQUIRED	PROPOSED
MINIMUM LOT AREA	40,000 SF	504,755 SQUARE FEET
MINIMUM LOT WIDTH	175 FEET	197 FEET
MINIMUM LOT DEPTH	225 FEET	1216 FEET
MINIMUM YARD SETBACKS		
FRONT	50 FEET	210 FEET
SIDE	30 FEET	30 FEET
REAR	25 FEET	27 FEET
MAXIMUM BUILDING COVERAGE	40 %	10.40 %
MINIMUM OPEN SPACE	20 %	77.4%
MAXIMUM HEIGHT	50 FEET	<50 FEET

LOCUS PARCEL

CKT ASSOCIATES
MAP 47, PARCEL 8
(SEE MINOR SUBDIVISION PLAN V1.10)

DENSITY

TOTAL PARCEL AREA
11.62 Acres (504755 SF)
TOTAL NUMBER OF UNITS - 116
DENSITY = 4,351.4 SF PER UNIT

SITE DATA

PROPOSED USE - ACTIVE ADULT COMMUNITY (VARIANCE GRANTED)
4 BUILDINGS WITH 1-20 UNIT, 3-32 UNIT BUILDINGS, = 116 UNITS

PARKING REQUIRED - 116 UNITS x 2 SPACES PER UNIT +
1 SPACE PER 4 UNITS = 261 SPACES REQUIRED

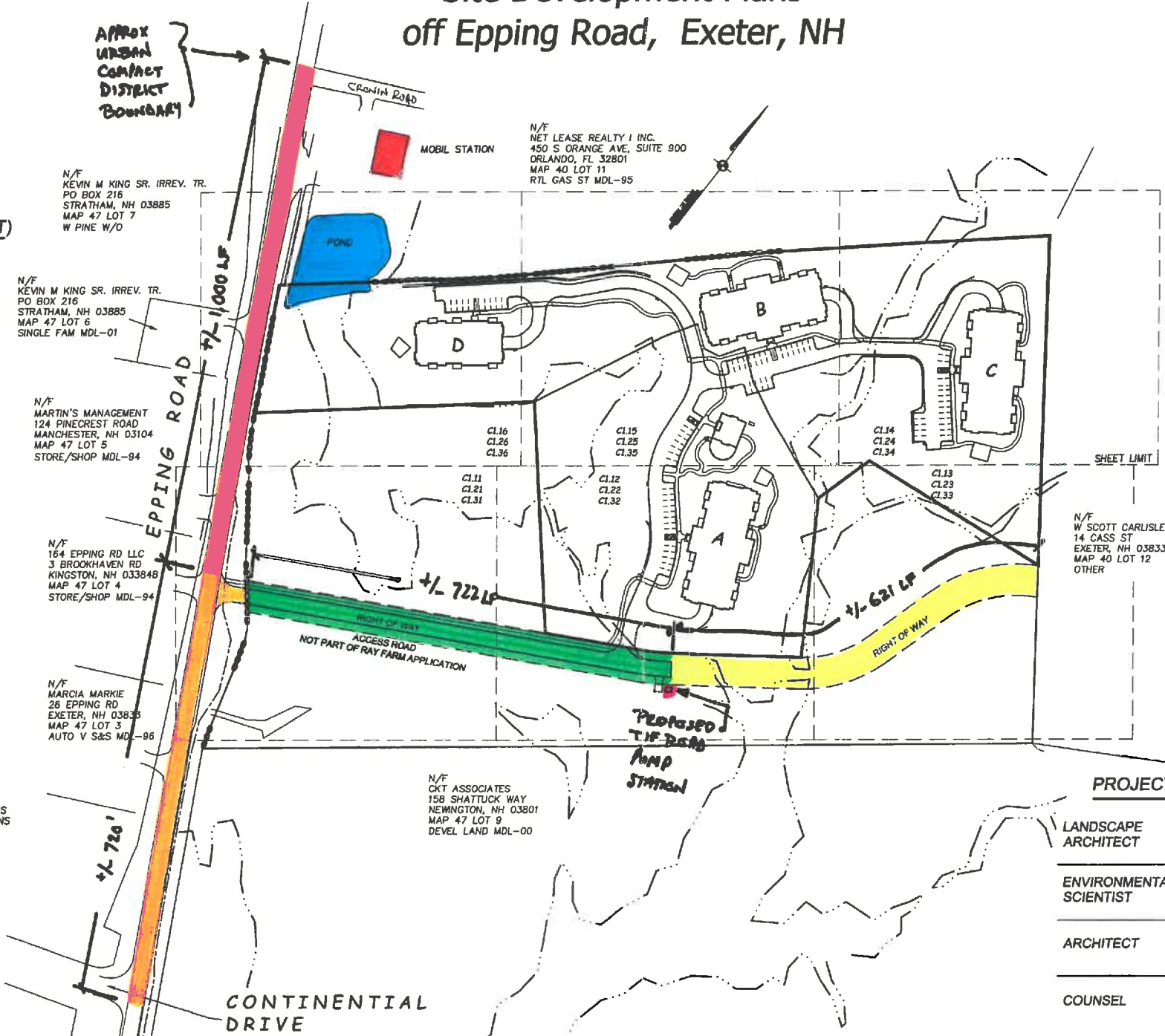
PARKING PROVIDED - 198 TOTAL (1.7 SPACES/UNIT) (WAIVER REQUESTED)
124 IN PARKING GARAGE BELOW BUILDINGS
74 SURFACE PARKING

WAIVERS

1. WAIVER FOR WETLAND IMPACTS - 9.9.2 SITE PLAN REVIEW REGULATIONS
2. WAIVER FOR PARKING - 5.6.5 ZONING ORDINANCE
3. WAIVER FOR ROADWAY DESIGN PLANS - 7.5.7 AND 7.7 SITE PLAN REVIEW REGULATIONS
4. WAIVER FOR PARKING SETBACKS - 11.3.1.2 SITE PLAN REVIEW REGULATIONS
5. WAIVER FOR RECREATIONAL AREAS - 11.3.4 SITE PLAN REVIEW REGULATIONS

PERMITS

ALTERATION OF TERRAIN - AOT 1335
DREDGE AND FILL - FILE NO. 2017-01530



N/F KEVIN M KING SR. IRREV. TR.
PO BOX 216
STRATHAM, NH 03885
MAP 47 LOT 7
W PINE W/O

N/F MARTIN'S MANAGEMENT
124 PINECREST ROAD
MANCHESTER, NH 03104
MAP 47 LOT 5
STORE/SHOP MDL-94

N/F EPPING RD LLC
3 BROOKHAVEN RD
KINGSTON, NH 03384B
MAP 47 LOT 4
STORE/SHOP MDL-94

N/F MARCIA MARKIE
26 EPPING RD
EXETER, NH 03833
MAP 47 LOT 3
AUTO V S&S MDL-86

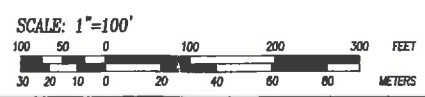
N/F CKT ASSOCIATES
158 SHATTUCK WAY
NEWINGTON, NH 03801
MAP 47 LOT 9
DEVEL LAND MDL-00

N/F NET LEASE REALTY I INC.
450 S ORANGE AVE, SUITE 900
ORLANDO, FL 32801
MAP 40 LOT 11
RTL GAS ST MDL-95

PROJECT CONSULTANTS

LANDSCAPE ARCHITECT	G2+1 LLC 70 NEW ROAD SALISBURY, NH 03268
ENVIRONMENTAL SCIENTIST	GOVE ENVIRONMENTAL SERVICES, INC. 8 CONTINENTAL DR., BLDG 2, UNIT H EXETER, NH 03833-7507
ARCHITECT	CJ ARCHITECTS 233 VAUGHAN STREET, SUITE 101 PORTSMOUTH, NH 03801
COUNSEL	DTC LAWYERS DONAHUE, TUCKER & CIANELLA, PLLC 111 MAPLEWOOD AVENUE, SUITE D PORTSMOUTH, NH 03801
ELECTRICAL ENGINEER	ENGINEERED BUILDING SYSTEMS, INC. 22 MANCHESTER ROAD, SUITE 8A DERRY, NH 03038
TRAFFIC ENGINEER	STEPHEN G. PERNAW & COMPANY, INC. PO BOX 1721 CONCORD, NH 03302

Vicinity/Key Map



K:\PROJ\CIVIL_3D\2016\16042\DWG\16042.2 MODEL FILES\16042.CSP CONNECT TO INDUSTRIAL WAY 10-1-2021.DWG Dhamel 10/1/2021 12:40 PM



NEIGHBORHOOD PLAN
SCALE" 1"=150'



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Sheet Title:
Neighborhood Plan
Project Title:
"Ray Farm" Active Adult Community
Epping Road
Exeter, NH 03833
Rockingham County

Applicant:
Willey Creek Company
158 Shattuck Way
Newington, NH 03801
Owner:
CKT & Associates
158 Shattuck Way
Newington, NH 03801

REVISION			
NO.	DATE	DESCRIPTION	BY

PROJ. MGR.: D. HAMEL
FIELD: J. SALVAGGIO / R. SMITH
DESIGN: D. HAMEL
DRAWN: D. HAMEL
CHECKED:
DATE: 10-1-2021
FILE: 16042 CSP CONNECT TO INDUSTRIAL WAY 10-1-2021.DWG
JOB #: 16042

**TOWN OF EXETER
CONSERVATION COMMISSION MEMORANDUM**

Date: June 15, 2022
To: Planning Board
From: Andrew Koff, Chair, Exeter Conservation Commission
Subject: Ray Farm Building D Relocation - Wetland and Shoreland CUP

Project Information:

Project Location: Ray Farm
Map/Lot: Map 47, Lot 8.1
CC Review Date: June 14, 2022
PB CASE: #22-03

Following a site walk, an evaluation of the application materials, a presentation by the applicant's representatives and review of the conditional use permit criteria for both Wetland and Shoreland, the Exeter Conservation Commission voted unanimously as follows:

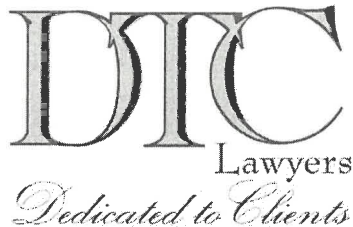
To recommend denial of the Shoreland Conditional Use Permit over concerns that the location of the proposed development and extent of shoreland buffer impacts will detrimentally affect the surface water quality of Watson Brook, and therefore fails to meet criteria 9.3.4 (G)(2)(a). Additional design modifications could be made to limit the site impacts to the upland outside of the shoreland zone.

To recommend approval of the Wetland Conditional Use Permit with the condition that the wetland crossing structure between Building C and Building D be redesigned to include an open bottom box culvert.

Should design changes occur in a way that alters impacts to the buffers, we would request an opportunity for additional review.



Andrew Koff
Chair, Exeter Conservation Commission



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PLEASE RESPOND TO PORTSMOUTH OFFICE

1 July 2022

Kristen Murphy
Exeter Natural Resource Planner
10 Front Street
Exeter, NH 03833

Re: Shoreland Protection District Conditional Use Permit Supplement and Request
Ray Farm – Building D Relocation (the “Project”)

Dear Kristen and Conservation Commission Members:

As you know, we represent Jonathan Shafmaster and his various business entities with regard to the Ray Farm Condominium which is a 55+ senior living development in Exeter located on property off of Ray Farmstead Road (the “Project”). This letter follows our recent appearance on 14 June 2022 before the Exeter Conservation Commission (the “Commission”) regarding two Conditional Use Permit applications which will facilitate the relocation of Building D of the Project. That evening, the Commission recommended that the Planning Board approve the Applicant’s Wetlands Conservation Overlay District Conditional Use Permit but recommended, by a 4 – 0 vote, that the Planning Board deny the Applicant’s Shoreland Protection District Conditional Use Permit Application (the “Shoreland Permit”).

For the reasons outlined below, the Commission’s decision to recommend denial of the Applicant’s Shoreland Permit constituted legal error and was based on the misapplication of the applicable law and the relevant criteria within the Town’s Zoning Ordinance. The Applicant therefore provides the clarifying information below and enclosed herewith, and requests to appear before the Commission at its 12 July 2022 meeting so that the Commission has an opportunity to review and correct its error, which process is consistent with New Hampshire land use law that favors the resolution of such disputes at the earliest possible time so to avoid unnecessary appeals.¹

Executive Summary

The Commission’s recommendation to deny the Applicant’s Shoreland Permit for failure to comply with Article 9.3.4(G)(2)(a) of the Zoning Ordinance constitutes legal error because the

¹ See generally, 15 Loughlin, New Hampshire Practice, Land Use Planning and Zoning, §21.19 (4th Ed.).

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

Commission ignored uncontradicted expert testimony, made a recommendation unsupported by the evidence before it, and misinterpreted and/or misconstrued the legal standard contained within Article 9.3.4(G)(2)(a). Indeed, pursuant to the Commission's interpretation, no improvements within the Shoreland District should be permitted, which is not the correct standard of review and not an accurate reflection of the Legislative Body's intent when it adopted the Shoreland Protection District Ordinance. In the spirit of resolving disputes at the lowest level possible, the Applicant respectfully requests that the Commission revisit and reverse its recommendation to the Planning Board regarding the Applicant's Shoreland Permit application.

Factual Context²

The Exeter Shoreland Protection District (the "Shoreland District") is associated with the three major rivers in Town to include the Exeter River, the Fresh River, and the Squamscott River, as well as those three rivers' major tributaries and other specifically defined waters within the watersheds of these three rivers. The lateral extent of the Shoreland District and the associated use restrictions imposed by the Zoning Ordinance differ depending on the nature and value of the waterbody involved.

In this case, the proposed work falls within the watershed of the Squamscott River but *is not adjacent* to the Squamscott River, its tidal marshes, or any of its major tributaries which include Norris Brook, Wheelwright Creek, Parkman Brook, Rocky Hill Brook, Dearborn Brook and Water Works Pond. Rather, the applicable Shoreland District in this case is associated with the perennial portion of Watson Brook to specifically include the area of land within 150 feet horizontal distance of the mean high-water level.³ Of the surface water resources the Zoning Ordinance endeavors to protect through the Shoreland Protection District regulations, this area is of the lowest value.

On 14 June 2022, the Applicant's team of consultants appeared before the Commission. For approximately one hour and 20 minutes, the Applicant's consultants summarized the basis for the two requested Conditional Use Permits.⁴ Thereafter, the Applicant's consultants engaged a lengthy presentation analyzing the Shoreland Permit criteria found in Article 9.3.4.G(2)(a) – (e) within the context of the unique facts and circumstances of the underlying property and the

² The below factual context and analysis sections draw considerably from the work product of Brendan Quigley, NHCWS of Gove Environmental Services, Inc., the Wetland Scientist on the Project, and Denis M. Hamel, PE of GM2 Associates, Inc., the civil engineer on the Project.

³ See Zoning Ordinance, Article 9.3.3(C)(2). We note that pursuant to Article 9.3.2(E) of the Zoning Ordinance, the term "mean high water" applies to saltwater resources, as determined according to the published tables and standards of the National Ocean Survey, adjusted to the locality from such tables, which begs the question whether a Shoreland Permit is even required for impacts within 150 ft of Watson Brook, which does not contain salt water, and is not tidal. For this reason alone, no Shoreland Permit is required in this case.

⁴ See Conservation Commission Hearing Video, 14 June 2022 (the "Hearing Video") (<https://www.youtube.com/watch?v=BTZ59BPVAho>) at 0:07:00 – 1:28:30.

proposed Project. To summarize, the Applicant’s expert consultants offered the following testimony which corroborated the voluminous written materials and analyses provided to the Commission to include the Wetland Report filed by Brendan Quigley:

- First, undersigned counsel provided a legal analysis of the Shoreland Permit Criteria which incorporated to a large extent the express findings of Brendan Quigley’s Wetland Report.⁵
- Thereafter, Brendan Quigley characterized the specific nature of the “lower end” value of the Shoreland area implicated by the Project and took pains to emphasize that the Shoreland area in question was not a wetland buffer, that the Project’s proposed impacts should not be viewed as impacts to a wetland buffer, and that the Zoning Ordinance permits by conditional use permit more intensive uses within the District than the grading, paving and stormwater management infrastructure proposed by the Project, like industrial, commercial and multi-family residential development.⁶
- Deny Hamel then testified at length regarding the state-of-the-art stormwater management infrastructure that will serve Building D and be partially located within the Shoreland District, as well as the best management practices (“BMPs”) which will be employed by the Project.⁷ Mr. Hamel’s testimony included details regarding how the Project’s stormwater infrastructure far exceeds all applicable State and local regulations, and is designed to handle flows that far exceed the 100-year stormwater event.⁸
- Finally, Brendan Quigley provided additional information focusing on the specific issue of Project-impact to the surface water quality of Watson Brook and testified unequivocally that based on all the factors presented, the Project will not have any negative impact on the surface water of Watson Brook, which is the core consideration of Article 9.3.4(G)(2)(a).⁹

Thereafter, the Commission’s deliberation on the Shoreland Permit began.¹⁰ Without any review, discussion, or analysis of the expert testimony regarding the application of the Town’s Shoreland Protection District Ordinance to the Project, which had just been presented to the Commission for approximately 20 minutes, the Commission Chairman made a motion two (2) minutes later which stated in relevant part:

⁵ See Hearing Video at 1:28:30 – 1:33:30.

⁶ See Hearing Video at 1:33:30 – 1:36:20. See also Zoning Ordinance, Article 9.3.4(G)(1) and additional analysis below.

⁷ See Hearing Video at 1:36:20 – 1:44:00. See also additional analysis below.

⁸ Id.

⁹ See Hearing Video at 1:45:00.

¹⁰ See Hearing Video at 1:47:00.

I'll make a motion to deny the Shoreland Conditional Use Permit because the alternative design ... would be less impactful.¹¹

Thereafter, undersigned counsel advised the Chair of the Commission that an alternatives analysis, which was the sole basis of the Chair's motion to recommend denial of the Shoreland Permit, was not an appropriate consideration pursuant to Article 9.3.4(G)(2) of the Zoning Ordinance. In response, the Chairman of the Commission stated:

In terms of ... maybe it needs to be in terms of ... yeah, I understand what your saying Justin but at the same time ... that it does seem that this will have impacts to surface water quality to the adjacent river or tributary. I mean, you're putting a large ... your taking a natural forested hillside and turning it into a large building ... and that's directly above this Watson Brook area that is considered part of the Shoreland criteria. So, I understand the concern that, I guess the way I phrased it in terms of the other design did not have that, but, I am concerned about the impact of all of the grading and the building on this Watson Brook because it parallels ... that whole thing parallels ... the whole structure parallels the brook.¹²

The Chairman continued his analysis through his motion to deny the Shoreland Permit:

Either way, [Building D is] close to this priority resource that, that we've protected for a reason. So I would recommend that we deny it based on this. There is potentially other alternatives that could shore up the building ... and move it, potentially move the building, or move it out ... I don't know the exact configurations and why this configuration was chosen, I know it's convenient that it's the same exact configuration as three other buildings, but that doesn't necessarily, that's not what, I'm not approving here tonight ... I think there could be other engineered designs for an apartment structure with 32 buildings [sic] that has a smaller footprint and doesn't impact the shoreland in the same way. So just because your other three look this way doesn't mean we here need to approve that same design. So, I would motion, again, that because of these impacts, and the first criteria of the shoreland conditional use permit that we just recommend ... we're not denying this, we're recommending to the Planning Board ... that they deny this ... shoreland conditional use permit due to the extent of impact to the buffer and potential water quality issues .. and wildlife issues that could come from that.¹³

There was virtually no relevant participation by other members of the Commission in the deliberation and on this analysis alone, which was singularly focused on the criteria listed in

¹¹ See Hearing Video at 1:49:35.

¹² See Hearing Video at 1:50:50.

¹³ See Hearing Video at 1:55:27.

Article 9.3.4(G)(2)(a), pertaining to impact to surface water quality, the Chairman's motion carried by a vote of 4 – 0.

Analysis¹⁴

The Commission's recommendation to deny the Shoreland Permit was in error because 1) the Commission ignored uncontradicted expert testimony and made a recommendation unsupported by the evidence before it; and 2) the Commission misconstrued and/or misinterpreted the legal standard contained in Article 9.3.4(G)(2)(a) of the Zoning Ordinance. We address each error below.

1. The Commission erred by ignoring uncontradicted expert testimony and making a recommendation unsupported by the evidence before it.

In arriving at a quasi-judicial decision, land use board members in New Hampshire are permitted to consider their own knowledge and may base their conclusions upon their own experience and observations in addition to expert testimony. Board members may not simply choose to ignore expert advice, however, especially if that expert evidence is uncontradicted.¹⁵

In this case, the only evidence in the record regarding the impact the Project will have on the surface water quality of Watson Brook is expert evidence offered by Brendan Quigley and Deny Hamel. That expert analysis unequivocally maintains that there will be no detrimental impact to the surface water quality of Watson Brook. There is no evidence to the contrary within the record upon which the Conservation Commission could have reasonably based its recommendation.

¹⁴ The 14 June 2022 Hearing before the Commission included a considerable discussion, initiated by the Commission, about the so-called "TIF Road extension" issue and corresponding lawsuit which the Town has inserted into the record of the Planning Board's proceedings in this matter over the objection of the Applicant. The Applicant has responded in kind, and will continue to respond to comments made by Town Staff, members of land use boards, or third parties regarding this issue in the interest of preserving an accurate and full record, but the issue of the TIF Road is primarily one of a private real estate and title dispute which is not the appropriate consideration of the Planning Board or Conservation Commission. To that end, the Applicant reminds all involved that the TIF Road was never a proper topic of consideration for the Planning Board nor the Conservation Commission, and the Conservation Commission needs to ignore this issue lest it run afoul the juror standard. The Applicant reserves all rights with regard to same: the Commission's consideration of this issue, which evidently continued into the Commission's deliberation, constitute legal error on its own.

¹⁵ 15 Loughlin §28.10 (citations and quotations omitted). See also Condos East Corp. v. Town of Conway, 132 N.H. 431, 438 (1989) (planning board decisions "must be based on more than the mere personal opinion of its members"); Continental Paving, Inc. v. Town of Litchfield, 158 N.H. 570, 574 (2009) (upholding the determinations of the trial court which found the lay opinions of certain ZBA members, based upon general information not specifically addressed to the subject site, to be *insufficient* to counter the uncontroverted expert opinions presented by the applicant).

To summarize the evidence that has been provided to the Commission through the Applicant's filings, and through Brendan Quigley and Deny Hamel's testimony, based on the unobtrusive nature of the proposed impacts which include, state-of-the-art stormwater management infrastructure, grading, and limited paving, the water quality in Watson Brook will not be detrimentally affected. On the contrary, both the surface water quality of Watson Brook and the surrounding and related wildlife habitat will be protected.¹⁶

For example, in addition to adhering to BMPs for erosion control during construction, the Project will adhere to the applicable 100 ft building setback, will maintain an undisturbed 50 ft. buffer along the waterway, and will include revegetation of graded slopes within the Shoreland Protection District using a native seed mix.

Further, the Project will employ structural stormwater management infrastructure which utilizes state-of-the-art the BMPs to treat all stormwater runoff from the project. More specifically, all runoff from pavement around Building D will be collected in Deep Sump Catch Basins for pretreatment, removing up to 15% of Total Suspended Solids ("TSS"), 5% of Total Nitrogen ("TN") and 5% of Total Phosphorous ("TP").¹⁷ After this pretreatment, all stormwater runoff from the pavement will be directed through a closed pipe system to two bio-retention areas which utilize the Focal Point System for primary treatment.¹⁸ This BMP resembles a small open basin but employs several layers of closely specified media over an underdrain, which together act as a filter.¹⁹ The Focal Point system has a demonstrated performance of 90% TSS removal and 65% removal of TN and TP.²⁰ Following this phase of treatment, treated stormwater is infiltrated in either an open basin or underground infiltration system which provide additional treatment. These infiltration basins also have demonstrated performance of 90% TSS removal, 10% TN removal, and 60% TP removal.

Clean runoff from the roof of the building is captured separately and infiltrated in an under-pavement infiltration system with the same redundancy and efficiency.

To ensure the absolute resilience and redundancy of the system, and as elaborated upon by Brendan Quigley and Deny Hamel at the 14 June 2022 hearing before the Commission, the Project's stormwater management has been designed using volumes from the Northeast Regional Climate Center's Extreme Precipitation Tables which have also been increased by 15%. Overall, the stormwater management system will far exceed State of NH Alteration of Terrain and Town of Exeter standards for treatment and detention of stormwater.

¹⁶ See Wetland Report.

¹⁷ See Enclosure 1 which includes select sections of the New Hampshire Stormwater Manual.

¹⁸ See Enclosure 2 which includes photographs from other Focal Point systems utilized in the Project.

¹⁹ Id. See also Enclosure 3 which includes the specifications for the Focal Point Biofiltration Systems.

²⁰ See Enclosure 1.

Based on this evidence, the uncontroverted expert testimony before the Commission is that the Project will not detriment the surface water quality of Watson Brook.²¹

Despite this evidence, and without reviewing, discussing, or analyzing same, the stated bases for the Commission's recommendation to deny the Shoreland Permit included the following assertions and conclusions:

- The Commission stated that it “*seem[s]*” like the Project will have impacts to surface water quality because the Applicant is converting a “natural forested hillside and turning it into a large building” that is “directly above [Watson Brook] that is considered part of the Shoreland criteria”;²²
- The Commission had “concern[] about the impact of all of the grading and building on this Watson Brook because ... the whole structure parallels the brook”²³;
- The Commission stated that Building D is “close to this priority resource ... that we’ve protected for a reason”²⁴; and
- The Commission stated that the Shoreland Permit should be denied “due to the extent of impact to the buffer and *potential* water quality issues ... and wildlife issues that could come from that.”²⁵

These assertions constitute unsubstantiated speculation about unidentified “potential” impacts to surface water quality and wildlife which have no basis in facts or evidence before the Commission and did not, therefore, form a reasonable basis for the Commission's recommendation to deny the Shoreland Permit.²⁶ The threat to resources protected by the Shoreland Protection District Ordinance is stormwater runoff. The runoff from this Project is being treated by state-of-the-art stormwater management infrastructure and BMPs which far exceed all applicable local and State regulations. If these types of improvements within the Shoreland District are not the type the Legislative Body envisioned would be permitted by conditional use permit, it is difficult to imagine under what circumstances any improvements would be permitted within the District, let alone industrial development, commercial development, or multi-family residential development, all of which are permitted by conditional use permit in the District pursuant to the express terms of the Zoning Ordinance.²⁷ This cannot be the status of the law in Exeter with regard to proposed impacts within the Shoreland District.

²¹ See also Wetland Report.

²² See Hearing Video at 1:50:50 (emphasis added).

²³ Id.

²⁴ See Hearing Video at 1:55:27.

²⁵ Id. (emphasis added).

²⁶ See Wetland Report and below argument regarding the Commissions' misapplication of the legal standard contained within Article 9.3.4(G)(2)(a).

²⁷ See Zoning Ordinance, Article 9.3.4(G)(1).

More importantly, the Commission's assertions and conclusions conflict with the weight of the uncontradicted expert evidence presented to the Commission which maintains unequivocally that the Project will not have a detrimental impact to the surface water quality of Watson Brook. In fact, there simply is no evidence before the Commission that the permitted conditional uses proposed to be sited within the Shoreland District will have any detrimental impact on the surface water quality of Watson Brook.

Under the circumstances, the Commission's recommendation constitutes mere personal opinion which ignored the uncontroverted expert evidence within the record in contravention of New Hampshire law. Further, the Commission's findings are unsupported by the evidence and record before it. Accordingly, the Applicant respectfully requests that the Commission review the Shoreland Permit Application and supporting materials again and find, consistent with the body of evidence before it, that the Project will not cause a detrimental impact to the surface water quality of Watson Brook.

2. The Commission erred by misconstruing and/or misinterpreting the legal standard contained in Article 9.3.4(G)(2)(a) of the Zoning Ordinance.

Article 9.3.4(G)(2)(a) of the Zoning Ordinance, upon which the Commission's recommendation exclusively hinged, requires the Commission to determine whether the proposed use will "detrimentally affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions." The Commission erred by misconstruing and/or misinterpreting the legal standard contained within this regulation.

More specifically, the first motion entertained by the Commission was to deny the Shoreland Permit because there was an alternative design that would, in the Commission's opinion, be less impactful than what the Applicant is proposing.²⁸ Despite being informed that such an alternatives analysis was not appropriate within the context of a Shoreland Permit, the Commission nevertheless voted on a motion which expressly incorporated and relied on an alternatives analysis. Specifically, the motion to recommend denial of the Shoreland Permit that carried unanimously was as follows:

Either way, [Building D is] close to this priority resource that, that we've protected for a reason. So I would recommend that we deny it based on this. *There is potentially other alternatives that could shore up the building ... and move it, potentially move the building, or move it out ... I don't know the exact configurations and why this configuration was chosen, I know it's convenient that it's the same exact configuration as three other buildings, but that doesn't necessarily, that's not what, I'm not approving here tonight ... I think there*

²⁸ See Hearing Video at 1:49:35.

could be other engineered designs for an apartment structure with 32 buildings [sic] that has a smaller footprint and doesn't impact the shoreland in the same way. So just because your other three look this way doesn't mean we here need to approve that same design. So, I would motion, again, that because of these impacts, and the first criteria of the shoreland conditional use permit that we just recommend ... we're not denying this, we're recommending to the Planning Board ... that they deny this ... shoreland conditional use permit due to the extent of impact to the buffer and potential water quality issues .. and wildlife issues that could come from that.²⁹

The analysis regarding whether Building D could be designed in way with a smaller footprint or sited further away from the Shoreland District is an alternatives analysis. An alternatives analysis is not a relevant consideration within the context of the Shoreland Permit criteria outlined within Article 9.3.4(G)(2) of the Zoning Ordinance. The Commission's incorporation of an alternatives analysis in its recommendation was therefore error.

Beyond this, the Commission's limited deliberation suggests that their recommendation to deny the Shoreland Permit was rooted in part by the mere fact that there would be *any* impacts within the District. This perspective constitutes a misinterpretation of the regulation. In New Hampshire, the fact that an applicant requires relief from the provisions of a Zoning Ordinance is not a valid reason for denying such relief.³⁰

In this case, part of the stated basis for the Commission's recommendation to deny the Shoreland Permit was the following analyses:

In terms of ... maybe it needs to be in terms of ... yeah, I understand what your saying Justin but at the same time ... that it does seem that this will have impacts to surface water quality to the adjacent river or tributary. *I mean, you're putting a large ... your taking a natural forested hillside and turning it into a large building ... and that's directly above this Watson Brook area that is considered part of the Shoreland criteria.* So, I understand the concern that, I guess the way I phrased it in terms of the other design did not have that, *but, I am concerned about the impact of all of the grading and the building on this Watson Brook because it parallels ... that whole thing parallels ... the whole structure parallels the brook.*³¹

²⁹ See Hearing Video at 1:55:27 (emphasis added).

³⁰ See Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007); see also Harborside Associates L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011) ("mere conflict with the terms of the ordinance is insufficient").

³¹ See Hearing Video at 1:50:50.

*Either way, [Building D is] close to this priority resource that, that we've protected for a reason. So I would recommend that we deny it based on this.*³²

The mere presence of conditional uses like stormwater infrastructure, grading, and paving within the Shoreland District is not sufficient, as a matter of law, to substantiate a finding of detrimental impact to surface water quality pursuant to Article 9.3.4(G)(2)(a) and the Commission's finding to the contrary was error. There is a reason why the Town's Legislative Body permits industrial and commercial uses, multi-family residential development, transmission lines, driveways, parking lots, roadways, detention ponds, treatment swales and other drainage structures to be located within the Shoreland District under certain circumstances: because it is possible to appropriately site these types of development, many of which are far more intense than the Applicant's proposal in this case, within the Shoreland District *without* detrimentally effecting the surface water of the adjacent river or tributary.³³

Similarly, Building D's proximity to the Shoreland District, its orientation vis-à-vis the Shoreland District, and the Applicant's proposal to convert a naturally vegetated hillside do not, by themselves, without some nexus to evidence tending to prove that such considerations actually contribute to a detrimental impact to the surface water quality of Watson Brook, reasonably substantiate the Commission's recommendation in this case. That evidentiary nexus simply does not exist here. To find otherwise would convert the Town's Shoreland Protection District Ordinance into a prohibition on *any* improvements within the District.

Conclusion

Pursuant to the evidence in the record, and that additional information and evidence contained herewith³⁴, the Applicant respectfully requests that the Commission revisit and reverse its recommendation to the Planning Board regarding the Shoreland Permit.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC



Justin L. Pasay
JLP/lh
Enclosures
cc: Exeter Planning Board

³² See Hearing Video at 1:55:27.

³³ See Zoning Ordinance, Article 9.3.4(G)(1).

³⁴ See Supplemental Shoreland Permit criteria analysis from Gove Environmental, Inc., enclosed herewith as Enclosure 3.

Kristen Murphy

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1 July 2022

Jonathan Shafmaster

Denis Hamel, PE GM2 Associates, Inc.

Brendan Quigley, NHCWS Gove Environmental

tabbies
EXHIBIT
1

NEW HAMPSHIRE STORMWATER MANUAL



VOLUME 1
STORMWATER AND ANTIDEGRADATION
DECEMBER 2008



Appendix E. BMP Pollutant Removal Efficiency

Pollutant Removal Efficiencies for Best Management Practices for Use in Pollutant Loading Analysis

Best Management Practice (BMP) removal efficiencies for pollutant loading analysis for total suspended solids (TSS), total nitrogen (TN), and total phosphorus (TP) are presented in the table below. These removal efficiencies were developed by reviewing various literature sources and using best professional judgment based on literature values and general expectation of how values for different BMPs should relate to one another. The intent is to update this information and add BMPs and removal efficiencies for other parameters as more information/data becomes available in the future.

NHDES will consider other BMP removal efficiencies if sufficient documentation is provided.

Please note that all BMPs must be designed in accordance with the specifications in the Alteration of Terrain (AoT) Program Administrative Rules (Env-Wq 1500). If BMPs are not designed in accordance with the AoT Rules, NHDES may require lower removal efficiencies to be used in the analysis.

BMP in Series: When BMPs are placed in series, the BMP with the highest removal efficiency shall be the efficiency used in the model for computing annual loadings. Adding efficiencies together is generally not allowed because removals typically decrease rapidly with decreasing influent concentration and, in the case of primary BMPs (i.e., stormwater ponds, infiltration and filtering practices), pre-treatment is usually part of the design and is therefore, most likely already accounted for in the efficiencies cited for these BMPs.

Pollutant Removal Efficiencies for Best Management Practices for Use in Pollutant Loading Analysis				Values Accepted for Loading Analyses		
BMP Type	BMP	Notes	Lit. Ref.	TSS	TN	TP
Stormwater Ponds	Wet Pond		B, F	70%	35%	45%
	Wet Extended Detention Pond		A, B	80%	55%	68%
	Micropool Extended Detention Pond	TBA				
	Multiple Pond System	TBA				
	Pocket Pond	TBA				
Stormwater Wetlands	Shallow Wetland		A, B, F, I	80%	55%	45%
	Extended Detention Wetland		A, B, F, I	80%	55%	45%
	Pond/Wetland System	TBA				
	Gravel Wetland		H	95%	85%	64%
Infiltration Practices	Infiltration Trench (≥ 75 ft from surface water)		B, D, I	90%	55%	60%
	Infiltration Trench (< 75 ft from surface water)		B, D, I	90%	10%	60%
	Infiltration Basin (≥ 75 ft from surface water)		A, F, B, D, I	90%	60%	65%
	Infiltration Basin (< 75 ft from surface water)		A, F, B, D, I	90%	10%	65%
	Dry Wells			90%	55%	60%
	Drip Edges			90%	55%	60%
Filtering Practices	Aboveground or Underground Sand Filter that infiltrates WQV (≥ 75 ft from surface water)		A, F, B, D, I	90%	60%	65%
	Aboveground or Underground Sand Filter that infiltrates WQV (< 75 ft from surface water)		A, F, B, D, I	90%	10%	65%
	Aboveground or Underground Sand Filter with underdrain		A, I, F, G, H	85%	10%	45%
	Tree Box Filter	TBA				
	Bioretention System		I, G, H	90%	65%	65%
	Permeable Pavement that infiltrates WQV (≥ 75 ft from surface water)		A, F, B, D, I	90%	60%	65%
	Permeable Pavement that infiltrates WQV (< 75 ft from surface water)		A, F, B, D, I	90%	10%	65%
	Permeable Pavement with underdrain		Use TN and TP values for sand filter w/ underdrain and outlet pipe	90%	10%	45%

Focal Point



Pollutant Removal Efficiencies for Best Management Practices for Use in Pollutant Loading Analysis				Values Accepted for Loading Analyses		
BMP Type	BMP	Notes	Lit. Ref.	TSS	TN	TP
Treatment Swales	Flow Through Treatment Swale	TBA				
Vegetated Buffers	Vegetated Buffers		A, B, I	73%	40%	45%
Pre-Treatment Practices	Sediment Forebay	TBA				
	Vegetated Filter Strip		A, B, I	73%	40%	45%
	Vegetated Swale		A, B, C, F, H, I	65%	20%	25%
	Flow-Through Device - Hydrodynamic Separator		A, B, G, H	35%	10%	5%
	Flow-Through Device - ADS Underground Multichamber Water Quality Unit (WQU)		G, H	72%	10%	9%
	Other Flow-Through Devices	TBA				
	Off-line Deep Sump Catch Basin		J, K, L, M	15%	5%	5%





SPECIFICATION

HIGH PERFORMANCE MODULAR BIOFILTRATION SYSTEM (HPMBS)

Material, Performance and Installation Specification

I. Summary

The following general specifications describe the components and installation requirements for a volume based High Performance Modular Biofiltration System (HPMBS) that utilizes physical, chemical and biological mechanisms of a soil, plant and microbe complex to remove pollutants typically found in urban storm water runoff. The modular treatment system in which the biologically active biofiltration media is used shall be a complete, integrated system designed to be placed in Square Foot or Linear Foot increments per the approved drawings to treat contaminated runoff from impervious surfaces.

The High Performance Modular Biofiltration System (HPMBS) is comprised of the following components:

A. Plant Component

1. Supplier shall provide a regionalized list of acceptable plants.
2. Plants, as specified in the approved drawings/supplier's plant list, shall be installed at the time the HPMBS is commissioned for use.
3. Plants and planting are typically included in landscape contract.

B. Biofilter Component

1. This component employs a high performance cross-section in which each element is highly dependent on the others to meet the performance specification for the complete system. It is important that this entire cross-section be provided as a complete system, and installed as such.
2. As indicated in the approved drawings, the elements of the Biofilter include:
 - A. *A mulch protective layer (if specified).*
 - B. *An advanced high infiltration rate biofiltration planting media bed which utilizes physical, chemical and biological mechanisms of the soil, plant, and microbe complex, to remove pollutants found in storm water runoff.*
 - C. *A separation layer which utilizes the concept of 'bridging' to separate the biofiltration media from the underdrain without the use of geotextile fabrics.*

comparable size and quality.

A. Plants

1. Plants must be compatible with the HPMBS media and the associated highly variable hydrologic regime. Plants are typically facultative with fibrous roots systems such a native grasses and shrubs.
2. Supplier shall provide a regionalized list of acceptable plants.
3. All plant material shall comply with the type and size required by the approved drawings and shall be alive and free of obvious signs of disease.

B. Mulch

1. Mulch, typically double shredded hardwood (non-floatable), shall comply with the type and size required by the approved drawings, and shall be screened to minimize fines.

C. Biofiltration Media

1. Biologically active biofiltration media shall be visually inspected to ensure appropriate volume, texture and consistency with the approved drawings, and must bear a batch number marking from the supplier which certifies performance testing of the batch to meet or exceed the required infiltration rate (100 in/hr). A third party laboratory test must be provided to certify the 100 in/hr rate.
2. Within 90 days after project completion, the infiltration rate shall be confirmed at the supplier's expense, by a wetted condition hydraulic conductivity test.
 - a. *Failure to pass this test will result in removal and replacement of all media in the system at no cost to the project owner/operator.*
 - b. *Test must utilize the equipment and follow the standard operating procedures found in the Harris County Texas manual entitled, Low Impact Development & Green Infrastructure Design Criteria for Storm Water Management (2011).*
 - c. *Replacement media, if required, must be taken from a different batch than the original.*
3. Supplier shall provide, at no additional cost to the project owner/operator, maintenance of the biofiltration system for a period of one year.
4. Pollutant Removal performance, composition and characteristics of the Biofiltration Media must meet or exceed the following minimum standards as

E. Separation Mesh

1. Separation Mesh shall be composed of high-tenacity monofilament polypropylene yarns that are woven together to produce an open mesh geotextile which shall be inert to biological degradation and resistant to naturally encountered chemicals, alkalis and acids. The mesh shall meet or exceed the following characteristics:

Properties	Test Method	Unit	Min Ave Roll Value	
			MD	CD
Tensile Strength	ASTM D4595	kN/m (lbs/ft)	21 (1440)	25.3 (1733)
Creep Reduced Strength	ASTM D5262	kN/m (lbs/ft)	6.9 (471)	8.3 (566)
Long Term Allowable Design Load	GRI GG-4	kN/m (lbs/ft)	5.9 (407)	7.2 (490)
UV Resistance (at 500 hours)	-	% strength retained	90	
Aperture Size (machine direction)	-	mm (in)	2 (0.08)	
Aperture Size (cross machine direction)	-	mm (in)	2 (0.08)	
Mass/Unit Area	ASTM D5261	g/m ² (oz/yd ²)	197 (5.8)	

F. Bridging Stone

1. Bridging Stone shall be 3/8" pea gravel, or other diameter sized to prevent migration of filter media, as specified by supplier.
2. Stone must be washed and free from sediment, soil and contaminants.

III. Delivery, Storage and Handling

- A.** Protect all materials from damage during delivery and store UV sensitive materials under tarp to protect from sunlight including all plastics, when time from delivery to installation exceeds one week. Storage should occur on smooth surfaces, free from dirt, mud and debris.
- B.** Biofiltration media shall be segregated from any other aggregate materials and shall be protected against contamination, including contamination from any stormwater runoff from areas of the site which are not stabilized.

V. Project Conditions

- A.** Review supplier's recommended installation procedures and coordinate installation with other work affected, such as grading, excavation, utilities, construction access and erosion control to prevent all non- installation related construction traffic over the completed HPMBS.

- B. Cold Weather**
 - 1. Do not use frozen materials or materials mixed or coated with ice or frost.
 - 2. Do not build on frozen ground or wet, saturated or muddy subgrade.
 - 3. Care must be taken when handling plastics when air temperature is at 40 degrees or below as plastic becomes brittle.

- C.** Protect partially completed installation against damage from other construction traffic when work is in progress and following completion of backfill by establishing a perimeter with highly visible construction tape, fencing, or other means until construction is complete.

- D.** Soil stabilization of the surrounding site must be complete before the Biofiltration System can be brought online. Soil stabilization occurs when 90% of the site has been paved or vegetated. Temporary erosion control and/or sedimentation prevention measures shall be implemented to reduce the possibility of sediments being transported into the Biofiltration System prior to full stabilization of the site. Significant sediment loads can damage the HPBMS and lead to failure if not prevented or remediated promptly.

VI. PRODUCTS

- A. Acceptable HPBMS**

FocalPoint High Performance Biofiltration System

- B. Acceptable Beehive Overflow Grate Structure (Optional)**

Beehive Overflow Grate Structure with removable StormSack

- C. Acceptable System Supplier**

Convergent Water Technologies, Inc.
(800) 711-5428
www.convergentwater.com

B. Inspection

1. Examine prepared excavation for smoothness, compaction and level. Check for presence of high water table, which must be kept at levels below the bottom of the under drain structure at all times. If the base is pumping or appears excessively soft, a geotechnical engineer should be consulted for advice.
2. Installation commencement constitutes acceptance of existing conditions and responsibility for satisfactory performance. If existing conditions are found to be unsatisfactory, contact Project Manager or Engineer for resolution prior to installation.

IX. Cleanup and Protection during Ongoing Construction Activity

- A. Perform cleaning during the installation and upon completion of the work.
- B. Remove from site all excess materials, debris, and equipment. Repair any damage to adjacent materials and surfaces resulting from installation.
- C. If surrounding drainage area is not fully stabilized, a protective covering of geotextile fabric should be securely placed to protect the Biofiltration Media.
- D. Construction phase erosion and sedimentation controls shall be placed to protect the inlet(s) to the Biofiltration System. Excessive sedimentation, particularly prior to establishment of plants may damage the HPMBs.
- E. Strictly follow supplier's guidelines with respect to protection of the HPMBs between Installation and Commissioning phases.

X. Commissioning

- A. Commissioning should only be carried out once the contributing drainage area is fully stabilized. If Commissioning must be carried out sooner, it is imperative that appropriate erosion and sediment controls be placed to prevent the entry of excessive sediment/pollutant loads into the system.
- B. Commissioning entails removing the protective covering from the Biofiltration Media, planting the plant material in accordance with the approved drawings, and placing mulch if specified.
 1. Dig planting holes the depth of the root ball and two to three times as wide as the root ball. Wide holes encourage horizontal root growth that plants naturally produce.
 2. With trees, you must ensure you are not planting too deep. Don't dig holes deeper than root balls. The media should be placed at the root collar, not above the root collar. Otherwise the stem will be vulnerable to disease.

water into the Observation/Maintenance Port or adjacent overflow structure, allowing the turbulent flows through the underdrain to re-suspend the fine sediments. If multiple Observation/Maintenance Ports have been installed, water should be pumped into each port to maximize flushing efficiency.

Sediment-laden water can be pumped out and either captured for disposal or filtered through a Dirtbag filter bag, if permitted by the locality.

XII. Measurement and Payment

Given the integrated nature of the HPMBS, measurement and payment will be based not on the individual component prices, but on the size of the Biofiltration Media bed. The external dimension as indicated in the approved plans and executed in the installation will be measured in Square Feet and payment will be made per HPMBS system.

Measurement and payment of beehive overflow grate structure with removable filter insert will be based on per unit price.



Shoreland Protection District Conditional Use Permit Supplemental Analysis under Article 9.3.4.G.2

a. The proposed use will not detrimentally affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions.

The water quality in Watson Brook will be protected in a number of ways. In addition to construction term best management practices for erosion control, the project will adhere to the 100 foot building setback, will maintain an undisturbed 50-foot buffer along the waterway, and will include revegetation of graded slopes within the SPD using a native seed mix. One of the most significant but less obvious measure being employed is the proposed structural stormwater management which utilizes state of the best management practices (BMPs) treat all stormwater runoff from the project.

All runoff from pavement will be collected in deep sump catch basins for pretreatment, removing up to 10% of Total Suspended Solids (TSS) and 5% nitrogen and phosphorus. Stormwater will then be directed through a closed pipe system to two bio-retention areas which utilize the Focal Point system for primary treatment. This BMP resembles a small open basin but employs several layers of closely specified media over an underdrain, which together act as a filter. The Focal Point system has a demonstrated performance of 90% TSS removal and 65% removal of phosphorus and nitrogen. Following this phase of treatment, treated stormwater is infiltrated in either an open basin or underground infiltration system which provide additional treatment. Clean runoff from the roof of the building is captured separately and infiltrated in an under-pavement infiltration system.

To ensure resilience of the system, it has been designed using volumes from the Northeast Regional Climate Center's Extreme Precipitation Tables which have also been increased by 15%. Overall, the stormwater management system will exceed State of NH Alteration of Terrain and Town of Exeter standards for treatment and detention of stormwater.

b. The proposed use will discharge no wastewater on site other than that normally discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of hazardous or toxic wastes as herein defined.

There will be no discharge of wastewater on site as the Project will utilize sewer. There are no other hazardous discharges.

c. The proposed use will not result in undue damage to spawning grounds and other wildlife habitat.

The wildlife habitat associated with Watson Brook is concentrated in the stream and the associated wetland areas. This habitat will be preserved intact by avoiding any impacts to the stream, associated wetlands, or 50-foot wetland buffer. The habitat along the stream corridor will not be segmented in any way. Watson Brook is unlikely to provide spawning habitat due to a number of downstream barriers to fish passage. Potential spawning habitat will, however, be protected by maintaining an undisturbed 50-foot buffer along the waterway and avoiding any impacts to the stream or associated wetland. The comprehensive treatment and infiltration of stormwater will also protect water quality, prevent temperature impacts, and maintain flows.

d. The proposed use complies with the use regulations identified in Article 9.3.4 Exeter Shoreland Protection District Ordinance – Use Regulations and all other applicable sections of this article.

9.3.4(A)—Minimum Lot Size: The lot exceeds the minimum lot requirements of the underlying zoning district. The regulation is met.

9.3.4(B)— Maximum Lot Coverage: A total of 9.76% of the total SPD on the lot is proposed (6,927 SF of 71,000 SF). The regulation is met.

9.3.4(C)— Building Setbacks: Watson Brook is subject to a 100-foot building setback. The proposed building is located outside the setback. The regulation is met.

9.3.4(D)—Surface Alterations: This regulation applies to the SPD associated with the Exeter River, Squamscott River and their major tributaries. The regulation does not apply to Watson Brook at this location.

9.3.4(E)— Vegetative Buffer: This regulation applies to the SPD associated with the Exeter River, Squamscott River and their major tributaries. The regulation does not apply to Watson Brook at this location. (It may be noted that the proposed project will in fact maintain a 50-foot undisturbed buffer, two thirds of the 75-feet cited in the regulation).

9.3.4(F)— Prohibited Uses: The proposed use will not involve any of the uses prohibited in the regulation (disposal of solid waste, handling of hazardous or toxic materials, disposal of liquid or leachable wastes, buried storage of petroleum fuel and other refined petroleum products, uncovered storage of road salt and other de-icing chemicals, commercial animal feedlots, automotive service and repair shops, junk and salvage yards, dry cleaning establishments Laundry and car wash establishments not served by a central municipal sewer system, sand gravel excavation). Snow storage is located outside the SPD as depicted on the Site Plan. Operation of the site will comply with the restrictions on use of fertilizer in the SPD

e. The design and construction of the proposed use will be consistent with the intent of the purposes set forth in Article 9.3.1 Exeter Shoreland Protection District Ordinance – Authority and Purpose.

As described in our responses to CUP criteria a through d, the project has been designed consistent with the intent and purpose of the Exeter Shoreland Protection District. The project includes multiple elements intended to protect the water quality of the Squamscott River by protecting the water quality in Watson Brook which lies in its watershed. Aquatic and terrestrial habitat will be protected by minimizing impacts within the SPD to the maximum extent practicable and avoiding those impacts with the greatest potential harm such as segmentation of the stream corridor or buffer areas. Although Watson Brook is not associated with traditional waterway recreation, the aesthetic value of the stream will be preserved by maintaining a continuous vegetated buffer. Protection of water quality in the watershed will also serve to protect and advance the recreation and aesthetic values supported in waterways downstream of Watson Brook, including the Swampscott.

The design and operation commitments of the project address and satisfy the applicable use regulations and permit criteria, all of which support the stated intent and purpose of the Exeter SPD. Furthermore, the proposed multifamily residential development, a use which is allowed by grating of a CUP, is located largely outside the SPD. The majority of the proposed SPD impacts are incurred for the construction of stormwater management, which is a separate use allowed by CUP and, most

importantly, is directly related the protection of water quality. It is therefore clear that the proposed project is consistent with the purpose of the SPD ordinance and its construction in this area of the SPD is appropriate.

Exeter Conservation Commission
July 12, 2022
Novak Room
Exeter Town Offices
10 Front Street
Approved Minutes

Call to Order

1. Introduction of Members Present (by Roll Call)

Present at tonight's meeting were by roll call, Chair Andrew Koff, Vice-Chair Trevor Mattera, Nick
Campion, Conor Madison, Don Clement, Alternate, Kyle Welch, Alternate and Bill Campbell, Alternate.

Staff Present: Kristen Murphy, Conservation & Sustainability Planner

Mr. Koff called the meeting to order at 7:00 PM and indicated Alternates Bill Campbell, Don Clement
and Kyle Welch would be active.

2. Public Comment (7:00 PM)

Mr. Koff asked if there were any questions or comments from the public related to non-agenda matters
and there were none.

Action Items

1. Wetland Conditional Use Permit application for the relocation for Unitil to remove an above-ground
meter station and decommission a section of buried natural gas pipe between Kingston Road and
Heritage Way. Construction vehicle access to the work will require temporary impact to wetlands
within the natural gas pipeline corridor
Tax Map Parcels #74-81 and #81-56

Mr. Koff read out loud the Public Hearing Notice.

Steve Herzog of Wood Environment & Infrastructure Solutions, Inc. presented the application on behalf
of Unitil Granite State Gas Transmission (Unitil). Wetland Scientist Chuck Lyman was at the Site walk
attended by several of the Conservation Commission members. Mr. Herzog referenced a lateral short
segment of transmission pipeline between Kingston Road and Heritage Way, accessed by crossing three
wetlands along their easement with temporary impacts to wetlands and work to begin around August.
Tadpoles were observed in a vernal pool and were estimated to be Green Frog or Pickerel rather than
Wood.

43 Mr. Campbell asked the timing of this work, whether it would be in early Spring and Mr. Herzog noted
44 that work would not begin before August, when the tadpoles would have already matured.

45
46 Mr. Clement asked how long the project would take to be completed and Mr. Herzog responded a few
47 weeks and Unitil will continue to maintain the easement area and do periodic mowing after
48 decommissioning. There is possibly a future project that would access the pipeline in a few years which
49 will include a drivable road. Mr. Clement advised the Commission would deal with that when it comes
50 up as there are no plans to be presented.

51
52 Mr. Mattera asked about the areas across Kingston Road and Mr. Herzog noted there would be removal
53 of asphalt and revegetating. The Meter and Regulating Station would be removed.

54
55 Mr. Koff asked if there would be any digging and Mr. Herzog responded that the pipe will be filled with
56 grout at both ends but not dug up.

57
58 **Mr. Campbell motioned that the Conservation Commission have no objection to the Conditional Use**
59 **Permit application, as presented. Mr. Clement seconded the motion.**

60
61 Mr. Koff noted he was satisfied the use was permitted in the district and questioned if there should be a
62 condition that the work be done in August or specify the dry season and Mr. Campbell recommended
63 the end of the year. It was decided the project was presented as occurring “during the dry season” so
64 no condition was needed.

65
66 **A vote was taken, all were in favor, the motion passed 7-0-0.**

67
68 Mr. Koff noted he would draft a letter to the Planning Board.

69
70 2. Wetland Conditional Use Permit application and Standard Dredge and Fill Wetland Permit
71 Application for the construction of a 95,000 SF industrial warehouse building located at 19
72 Continental Drive
73 Tax Map 47-7-2

74
75 Mr. Koff read out loud the Public Hearing Notice and noted there was a Site Walk at 5 PM tonight and
76 several members were present.

77
78 Mr. Clement recommended doing the Wetlands Dredge and Fill Application first.

79
80 Brendan Quigley, a certified wetlands specialist with Gove Environmental, presented the application on
81 behalf of the applicant, Glerups, Inc. Mr. Quigley noted the project is to construct a 95,116 SF
82 warehouse facility with office. He referenced the location on the plan, at the end of Continental Drive.
83 He showed the locus of the project referencing Epping Road and Exit 9 of Route 101. He showed the
84 location of a cell tower lease and of the Garrison Glen subdivision which is surrounded by the Little River
85 Conservation area.

86

87 Mr. Quigley referenced the buffer impacts shown on the plan in orange and the direct wetland impacts
88 shown on the plan in blue, totaling 9,548 SF which he noted were reduced from 9,900 SF proposed
89 originally. He described the wetlands being impacted as finger wetlands. Wetlands surround the entire
90 property. He described the access area and swale like crossing easement area for access and associated
91 parking and stormwater management features in the uplands. He showed on the plan where tractor
92 trailer delivery trucks would pull up to the loading docks and then exit around the building. He noted
93 the road width and radius requiring for the drivers of those trucks to have visibility and the clearance
94 needed for the cargo to round the corners on both sides of the facility and for fire safety acces . He
95 described the parking area for the office workers. He noted they are seeking a favorable
96 recommendation to NH DES. He added that to minimize impacts there would be several retaining walls
97 and steep grading where possible.

98
99 Mr. Clement asked about any connecting wetlands and Mr. Quigley responded that all the wetlands are
100 connected eventually, showing on plan and wrap around the property and extend down to Little River a
101 few thousand feet from the property.

102
103 Mr. Clement expressed concerns with the filling of wetlands directly and the impact on the rest of the
104 wetlands, indirectly. Mr. Quigley responded that they are required to maintain hydrological connections
105 and are not severing anything. The impacts are limited to the edge of a few of these finger wetlands
106 which do not function as a habitat and the least detrimental impact.

107
108 Mr. Campbell asked what was north of the vernal pool and Mr. Quigley pointed to the road. Mr.
109 Campbell stated that 80,000 SF of buffer impact is almost two acres and buffers are set up for a reason.
110 In his opinion, Mr. Campbell stated, the building is too big and there is just under 10,000 SF of fill
111 proposed.

112
113 Mr. Clement noted that if the wetland is filled it doesn't exist anymore and therefore the buffer isn't
114 needed anymore. Mr. Quigley expanded why the plan proposed was the least detrimental compared to
115 the effect the above area would have had.

116
117 Mr. Eric Weinried from Altus Engineering discussed the vegetative bioretention (sandy loam and grass
118 with C-8 Conservation Seed Mix) and infiltration areas and buffer impacts to construct those. He noted
119 all drainage would be closed curbed to catch basins with sumps and hoods discharging to bioretention
120 areas. He discussed the lighting plan which he described as dark off pavement and showed the
121 proposed retaining walls and proposed snow storage.

122
123 Mr. Koff asked about the parking needs and if they could be reduced. There are several more spaces
124 than required and a waiver could be obtained by the Planning Board. This would reduce the impervious
125 surfaces.

126
127 Mr. Weinried showed the planting area he described to serve to break up the heat island affect and
128 noted they could bring the road which goes around the building in closer if they needed to. Ms. Murphy
129 noted she had no response to her comments to TRC, including the circulation and potential elimination

130 of the top road. However it was explained that the turning area would not be large enough. Parking is
131 83 spaces, about eight spaces over minimum requirements.

132

133 Mr. Campbell asked if porous pavement had been considered anywhere and Mr. Weinried noted it
134 would be the same criteria met by bioretention. Mr. Quigley added that the planted bioretention area
135 does provide the buffer and water quality and functions would be restored over time.

136

137 Mr. Mattera asked Mr. Quigley to describe the wetlands being impacted and Mr. Quigley described
138 them as forested wetlands, mostly Red Maple, last logged in 2014-15 with poorly drained soils and
139 relatively flat; draining to the Little River, but with no major streams or ponds aside from the vernal pool
140 which was helped to be formed by the old Garrison Lane road with wetlands in the lower areas of the
141 road. It is seasonally flooded/saturated.

142

143 Mr. Koff noted the wetlands were not particularly notable but there were a significant amount.

144

145 Mr. Koff opened the hearing to the public for comments and questions at 8:14 PM.

146

147 Laura Smailey of 15 Garrison Lane stated she was a neighbor on Garrison Lane and asked how much of
148 the woods would be taken away and how many trucks will go in and out each day. Ms. Murphy noted
149 that question is more relevant to the Planning Board and could be addressed at their August 25th
150 meeting. Mr. Koff referenced the large Little River Conservation area surrounding the parcel and
151 commented that there are other trails that avoid this parcel.

152

153 Mr. Koff noted the size and scale of the impact and uncertainty of design and potential changes. He
154 would like design considerations to minimize pavement which could be worked out with the Planning
155 Board. He noted the deadline with DES expired yesterday but Ms. Murphy called Eben Lewis and asked
156 to delay action.

157

158 Mr. Clement noted he is never comfortable with filling in wetlands but supports minimization of direct
159 impacts on protected resources; and noted the Wetlands Bureau will set conditions.

160

161 Mr. Campbell recommended reducing the size of the building, which is a three-four story significant
162 building.

163

164 Mr. Mattera asked about the NHB Assessment and Mr. Quigley confirmed here were no plants, no
165 habitats and identified species of concern were Black Racer (snake) and Wood Turtle. Fish & Game
166 would require a wildlife study as part of AoT and that drainage designs do not entrap snakes or turtles.

167

168 **Mr. Mattera recommended approval of the State Dredge and Fill Wetlands Permit as presented. Mr.**
169 **Clement seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.**

170

171 Mr. Mattera noted the finger wetlands are not hugely valuable wetlands and the buffer becomes null
172 and void once those fingers go away.

173

174 Mr. Koff went over the criteria for the CUP answered in Gove Environmental’s letter. Mr. Koff noted the
175 applicant discussed the constraints of the parcel and presented there is no alternative design with less
176 impact that is feasible. Mr. Koff noted he would like to see impervious surface minimized via parking
177 and impervious surfaces around building in select locations.

178

179 Mr. Koff continued reading the criteria including functions and values impact not being detrimental to
180 the hydrological system which Mr. Quigley described. Mr. Clement added that the hydrology of Little
181 River would not be impacted.

182

183 Mr. Campbell noted the design could be minimized to lessen effect of impact to wetland or buffer with a
184 smaller building, but he did not know how much or where. He noted he was struck by the amount of SF
185 of buffer impact and filling of wetlands.

186

187 Mr. Clement asked about other building sizes in the area. Mr. Koff noted Unitil had a large building and
188 Gourmet Gift Basket was even bigger and has a driveway all around, but parking is limited to one side.
189 He noted stormwater treatment and the bioretention system seems adequate although gravel wetlands
190 would be better in his opinion. He talked about minimizing the flow around the building already.

191

192 Mr. Koff noted the use would not cause a hazard due to loss of wetland and did not see an issue there.
193 Mr. Mattera agreed. Restoration proposals were discussed as well as retaining walls, grading and seed
194 mix. The surrounding 200 Acres were received for protection by Conservation as part of the Garrison
195 Glen subdivision. The applicant is obtaining all other local and state permits. Mr. Quigley noted as
196 referenced in the Altus Engineering letter the use is permitted in the zone.

197

198 ***Mr. Campbell motioned that the Commission has reviewed the application criteria and recommends***
199 ***the CUP application be approved with the condition that the parking and roadway be reduced to the***
200 ***extent feasible with the goal to strategically reduce buffer impacts on the peripheral part of the***
201 ***development in order to reduce the extent of impact. Mr. Maddison seconded the motion. A vote was***
202 ***taken, all were in favor, the motion passed 7-0-0.***

203

204 Mr. Koff noted he will draft a letter recommended approval with the suggested conditions.

205

206 Mr. Madison asked the due date of TRC deadline because he felt there were good comments that didn’t
207 seem to be addressed and Ms. Murphy noted she would get that deadline to him.

208

209 3. Correspondence

210

211 DTC Lawyers – Request for Rehearing on the recommendation to the Planning Board at the June 14,
212 2022 Conservation Commission Meeting. Application to be heard at the July 14, 2022 Planning Board
213 Meeting.

214

215 Ms. Murphy provided the Board with a hyperlink to the recoding of the June 14, 2022 meeting, the
216 memo from the Conservation Commission to the Planning Board, the email from Town Planner Dave
217 Sharples to Attorney Justin Pasay at DTC and the 7-1-22 submission from DTC.

218

219 Ms. Murphy summarized that the Commission had four votes and one abstention to recommend
220 approval of the CUP application and recommended denial of the Shoreland criteria citing water quality
221 impacts. Typically rehearing requests are reserved for Land Use Boards such as ZBA and the Planning
222 Board, but the Commission could reconsider its recommendation. Ms. Murphy explained how a new
223 hearing would work, if granted, they would begin from scratch as if hearing it for the first time and the
224 Planning Board would be notified.

225

226 Mr. Koff noted he strongly disagreed with the content of the DTC letter stating some comments were
227 exaggerations and taking tone of the discussion out of context.

228

229 Mr. Clement recused himself on the basis of not being present at that meeting.

230

231 Mr. Mattera noted he was not at the meeting but went back and watched the tape. He felt that
232 Attorney Pasay may be misinterpreting or misconstruing the role and authority of this Commission. He
233 noted the Planning Board has the authority to make decisions and the Commission is giving
234 recommendations to that Board. He noted the question before him is not whether he agrees with the
235 outcome of the vote but whether he feels the process held during that meeting was incorrect and
236 should be re-done. It is not about his feelings on whether the vote was correct or how he would have
237 voted. He responded that there is no hierarchy of shoreland protection zones. The presence of a
238 perennial wetland is not a 'catch all' as represented by Brendan but gives the Commission a very specific
239 way of encompassing this under the jurisdiction that they can look at and they don't have value them
240 any higher or lower than anything that is specifically called out in the regulations. Mr. Mattera
241 questioned how DTC stated there was no "relevant participation by other members." He pointed out
242 that there is nothing inherently wrong with that. There is no requirement that everyone needs to
243 participate in any discussion and, there is no need for a 'robust discussion'. Their decision could have
244 been based on their own knowledge, experience and observations. Each member of the Commission
245 had the opportunity to participate to the extent they desired. He saw nothing wrong with how this
246 process was carried out knowing that their concerns, opinions and recommendations are a part of the
247 evidence going to the deciding body.

248

249 Mr. Madison expressed agreement and questioned the benefit to rehearing the application.

250

251 Mr. Mattera suggested they not re-hear this application on the basis of process. He expressed a concern
252 that they should not be bound to rehear an application every time there is an unfavorable
253 recommendation, until the applicant is satisfied. This is not how this Commission is structured or the
254 level of decision making in the Town is structured.

255

256 Mr. Campbell noted that unless there was some new information to consider he agreed with what was
257 said already.

258

259 Mr. Koff addressed the claim that the Commission "ignored uncontradictory expert testimony" and felt
260 that phrase is not fair. He went out for a site walk and reviewed the project in 2017, went out for a site
261 walk for an hour and reviewed it last month and spent the better part of 2 hours discussing it. He does

262 not feel he ignored uncontradicted expert testimony. He stated he disagreed with the testimony
263 provided, that was clearly in favor of the application. He stated perhaps he could have contradicted
264 what was said by the applicant more clearly or concisely, but that does not mean he ignored what they
265 said, but rather he disagreed with what they said and decided to have a different conclusion than what
266 their experts provided. He noted the only way they could have 'expert testimony' that could contradict
267 with the applicant's testimony, would be for the commission to hire a 3rd party wetland scientist or
268 consultant to review these projects and present an alternate case before them. He state the phrase
269 repeated throughout the document that Commission erred by ignoring uncontradicted expert
270 testimony, he feels is a misrepresentation of the process. Mr. Campbell pointed out that some of the
271 Commission members have sat on the Commission for 30 years or are in the business and have a
272 background in wetland science and doesn't believe they are uneducated. He said, we disagreed and he
273 thinks with a good background.

274
275 **Mr. Campbell motioned to deny the request for reconsideration of the Commission's recommendation.**

276
277 Mr. Mattera added his observation after watching the video of the meeting was whenever the applicant
278 benefitted from raising the alternative design of Building D, they did so freely but when the Commission
279 considered any alternative designs it was frowned upon by the applicant because the standard doesn't
280 take into account alternative designs.

281
282 **Mr. Mattera seconded the motion. With Mr. Clement recused and Mr. Campion abstaining, the**
283 **motion passed 5-0-1**

284
285 Mr. Koff noted he would like to attend the Planning Board meeting himself to answer any questions that
286 come up about the Commission's letter. Mr. Campbell agreed that was an excellent idea. Mr. Madison
287 also agreed.

288
289 **Mr. Koff motioned for the Commission to authorize him to attend the Planning Board meeting to**
290 **represent the views they discussed here and at the last meeting. Mr. Campbell seconded the motion.**
291 **A vote was taken, with Mr. Campion and Mr. Mattera abstaining, the motion passed 4-0-2.**

292
293 Mr. Mattera explained his reason for abstaining was it was the 4 other members who were present for
294 the discussion at the prior meeting. Mr. Clement rejoined the meeting at 9:24 PM.

295
296 Ms. Murphy continued to report on correspondence received.

297
298 She noted the AoT and wetland permit was received for Rose Farm and the AOT permit for the PEA
299 Facility on High Street and a request for more information for the shoreland permit. There were two
300 violation letters from DES to investigate: on Hobart Street and Cornwall Way. Ms. Murphy looked at
301 the sites, no action is required. Photos of Hobart Street were sent to the State.

302
303 4. Committee Reports

304
305 a. Property Management

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i. Garrison Lane

Mr. Murphy noted winter/spring ATV/snow mobile use complaints were received throughout the winter coming from Garrison Lane heading into the Little River and she inspected but found no evidence of tracks. After phone calls DPW tried installing boulders which were moved and then Jersey Barriers which was removed after a complaint by a property owner. She sent a letter to all residents on Garrison Lane outlining the restrictions on the property. There may have been confusion over who owned what property as someone stated they had been given permission by a property owner. She noted you cannot access Garrison without crossing Town property and Lane Road was discontinued at 2015 or 2016 Town Meeting and provided a property ownership map to the person who indicated they had permission. Signs will be put up, although the kiosk already says no motorized vehicles.

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ii. Raynes – Haying

Ms. Murphy noted no Bobolink re-nesting behavior was observed at Raynes yet likely due to the hay being too short. There was a request from Kathy Norton to fund David O’Hearn mowing behind the stone wall to the north corner of the property.

Mr. Clement motioned to approve the request by Kathy Norton to have Dave O’Hearn mow behind the stone wall to the north of the property. Mr. Campbell seconded the motion. A vote was taken, the motion passed 7-0-0.

b. Trails

Ms. Murphy received notice from Unitil for the powerline work within the Watson Road corridor. The Captains Way portion will have trail network impacts. The work is expected to start by July 25th, the trail network will be rerouted, and will post on Facebook. She will send the date to Bill and Kyle. Kyle suggested signage be placed at the trailheads. Bill added the Morrisette signs had been taken down. Kyle indicated the permittees for the trail race did a great job of cleaning up.

c. Outreach Events

i. Geocaching Event Planning – July 16, 2022 – 9 AM to 10 AM

Mr. Welch discussed the Geocaching Event planned for Saturday morning. He described the route as a ¾ mile course through Henderson Swasey which will pass by the climbing rock. There are three geocaches to find and participants should bring athletic footwear and bug spray and be sure to set up the app. The event should be about one hour. 23 people clicked interested on Facebook.

ii. Raynes – “Raptors of New England” sponsored with the Word Barn

Ms. Murphy reported on the Raptors event proposed by Ben Anderson of the Word Barn for July 23rd from 10:30 to 11:30. On the Wing will display live birds. There will be a fee to attend with a portion of the proceeds to the Commission. Parking will be head in at the stone wall.

Mr. Koff motioned to approve the event seconded by Mr. Mattera. A vote was taken, and the motion passed 7-0-0.

5. Approval of Minutes:

i. June 14, 2022 Meeting - Tabled

6. Other Business

365

366 7. Next Meeting: Date Scheduled (8/9/22), Submission Deadline (7/29/22)

367

368 Mr. Koff noted concerns with attendance for the next meeting and proposed a survey or poll. Mr.
369 Campbell and Mr. Clement will also be away.

370

371 Adjournment

372

373 MOTION: Mr. Koff moved to adjourn the meeting at 9:44 PM seconded by Mr. Mattera. A vote was
374 taken, all were in favor, the motion passed unanimously.

375

376 Respectfully submitted,

377

378 Daniel Hoijer, Recording Secretary

379 Via Exeter TV

380

381 This meeting was also offered via Zoom 838 7536 1756

Pre Construction Meeting

On Mar 30, 2022 I had a pre-construction meeting with Mr. Shaftmaster and Mr. Hamel regarding the construction of a 4th multifamily building at the Ray Farm property, per the request of Mr. Shaftmaster.

During the meeting we discussed building construction and the applicable fire code requirements. We also discussed fire department access based on the building plans that Mr. Hamel provided. We discussed the road requirements to allow fire apparatus access to and from the building. Based on the fact this was the 4th building in the project, Assistant Chief Justin Pizon did not attend the meeting.

At no time was it made clear that there would be a request to seek a waiver based on the road length. Further, there was no discussion that the TIF road was no longer being built as planned. This office was under the assumption that the TIF road would be built as previously planned. This connection would allow access to the property from two separate entryways.

The Exeter Fire Department is not agreeable to the approval of a road length waiver in the event the TIF road is not built as previously planned. Due to the design of the private roadway it would inhibit an appropriate response and access to the building in the event of an emergency.

Jason Fritz
Deputy Fire Chief
Fire Prevention Inspections & Investigations
20 Court St
Exeter, NH 03833
603-773-6133

OTHER BUSINESS



Civil Engineers
 Structural Engineers
 Traffic Engineers
 Land Surveyors
 Landscape Architects
 Scientists



September 4, 2024

Dave Sharples, Town Planner
 Planning & Sustainability Department
 10 Front Street
 Exeter, NH 03833

**Re: PB Case #23-13 TF Moran, Inc. (for C3I)
 Site Plan Review and Wetlands & Shoreland Conditional Use Permits - First Extensions Request
 8 Commerce Way, Exeter, N.H. - Tax Map Parcel #48-3**

Dear Dave:

On behalf of our client, C-Marine Dynamics Realty, LLC., we respectfully request a one-year extension of the Planning Board approval for Planning Board Case #23-13. This was approved last year at the October 12th Planning Board meeting and this is the first extension request for the project.

Feel free to contact us with any questions. Thank you.

Sincerely,
TFMoran, Inc.



Jack McTigue, PE, CPECS
 Project Manager

cc: C-Marines Dynamic Realty, LLC.
 Ricci Construction, LLC.



September 4th, 2024

Mr. Langdon Plumer, Chair
Planning Board
Town of Exeter
10 Front Street
Exeter, NH 03833

Exonian Properties, LLC, Request for Extension
Former First Baptist Church, 43 Front Street, Map 72, Lot 198
Planning Board Case #22-6

Dear Chair Plumer and Board Members:

Exonian Properties, LLC, (Applicant) has inadvertently failed to request an active extension of approvals as were granted by the Board on or about May 26, 2022. Accordingly, the Applicant hereby respectfully requests a retroactive two-year extension of the approvals granted, which if approved, would be valid through May 26, 2026. The Board previously approved a minor site plan review of the proposed multi-family condominium with 11 residential units converted from the former Church building, which is a change in use. Board approvals included a waiver from Section 9.13.1 of the Site Plan Review and Subdivision Regulations for off-street parking, as was also granted by the Zoning Board of Adjustment. The Demolition Review Committee had initially met with the Applicant and determined the structure to be significant. The Historic District Commission subsequently granted a Certificate of Appropriateness on February 17, 2022.

As we hope you can appreciate, the renovations of this 150-year-old building have proven complex and time consuming. Along the way the Applicant has continued to challenge its team of architects and engineers to preserve as many key interior features as possible, such as the original wooden floors, posts and beams, along with the ornate cast iron columns. This goal has required starting over again with alternative approaches, and at certain points even changing out team members, which in turn has cost additional time and incurred lengthy delays.

The first full set of construction drawings necessary for preliminary budgeting were received late this Spring. The next set of drawings necessary for a decision on contractor selections are expected early this Fall. From issuance of a Building Permit, the Applicant's currently projected time frame to complete the planned renovations has been revised to 15 to 18 months.

We ask that you please place this matter on the Board's upcoming agenda for Thursday, 09/26/2024.

Sincerely,


Florence Ruffner, Owner

RECEIVED

SEP 6 2024

EXETER PLANNING OFFICE