NEWMARKET PLANNING BOARD
TUESDAY, SEPTEMBER 14, 2021
**TOWN COUNCIL CHAMBERS**
7:00 PM

**Members Present:** Valerie Shelton (Vice Chair), Diane Hardy (Town Planner), Jane Ford,
Jeff Goldknopf, Timothy Rossignol, Michal Zahorik (Alternate), and Scott Blackstone (Town Council ex officio.)
**Member Absent:** Eric Botterman (Chair) and Bill Doucet

Vice Chair **Valerie** **Shelton** called the meeting to order at 7:04 PM. **Michal** **Zahorik** was appointed as a voting member this evening.

**1. Pledge of Allegiance

2. Public Comments**There were no public comments this evening. Public comments were closed at 7:05 PM.
**3. Review and Approval of Minutes** a. August 10, 2021
 **Motion:** **Jeff Goldknopf** made a motion to approve the draft minutes of August 10, 2021.  **Second:** **Jane Ford

Discussion:** **Valerie Shelton** asked for a change in a sentence on page 2, line 38 to read “…the Master Plan is supposed to drive the process: the vision drives the chapters and the chapters drive the zoning changes.” There were no other changes. **Vote:** Unanimously Approved
 **4. Regular Business** **a. Walter Cheney Jr/Cheney Property Management Corp (CPMC)- Continuation to a public hearing for an application for a Site Plan and Special Use Permit for a Mixed Use Development. The proposal is to amend the site plan for the previously approved site plan. The owner has purchased an additional adjacent lot and is proposing to add 17 residential units to the project, for a total of 28 units. The project involves the construction of two buildings. One building is a three (3) story mixed use structure with a 13,388 square footprint with commercial uses on the first floor and residential units on the second and third floors. The second building is a two story building with four (4) residential units with garages on the ground floor. The lot is located at 50-56 Exeter Rd, Tax Map U4, Lots 11 and 15, M2A Zone.

Jeff Goldknopf** recused himself from this discussion.

Mr. Walter Cheney, Jr, the applicant, is present this evening with Mr. Michael J. Sievert PE, Horizons Engineering.

The Chair stated that the Board does not have the Planner’s recommendations as yet in order to consider conditional approval of the Site Plan and the Planning Board still has some questions. She would like to move forward on the Special Use Permit and the two waiver requests. There was no objections from other Board Members. Further discussion of the application followed.

The Planner made a checklist to break down the ordinance to help expedite the process. For the Applicant to have multi-family residential housing in the M2-A zone, the following six criteria must be meet:

1) Fiscal Impact Analysis (dated May 3, 2021, prepared by Fougere Planning and Development Inc. of Milford, NH). No members had any concerns about this submission or the conclusions.

2) Market Analysis (dated May 3, 2021, prepared by Fougere Planning and Development Inc. of Milford, NH). The Chair mentioned that the report from May documented that there would be a $55,000 annual positive income to the Town. She pointed out that the current vacancy rate in Newmarket is 2%. Such a low vacancy rate and strong housing market, would not present a situation where the units would remain vacant for long, thus leading to abandonment and private disinvestment in the downtown .No members had any concerns about this submission or its conclusions.

3) Two Onsite Parking Spaces per Residential Unit. This has been demonstrated by the applicant. No members had any concerns about this submission.

4) Multi-Family Residential Shall Not Be More Than Four Units. The proposed residential unit has four units and, therefore, meets the requirements.No members had any concerns about meeting this condition.

5) No Residential Units Shall Be Located On The Street Level If The Building Has Frontage on Main Street, South Main Street, North Main Street or Exeter Road. The Chair believes that the proposed four (4) unit residential building does not have street frontage on any of above- mentioned streets. No members had any concerns about this submission.

6) The Apartments Within This Development Shall Not Exceed 1,000 Square Feet In Size And Have No More Than Two Bedrooms. This has been demonstrated by the applicant. No members had any concerns about this submission.
 **Motion #1: Timothy** **Rossignol** made a motion to approve the Application for Special Use Permit as written. **Second: Jane Ford

Discussion:** None **Vote:** Approved 4-1-0 (**Michal** **Zahorik** voted in the minority)
Mr. Michael J. Sievert PE, Horizons Engineering, representing Walter Cheney Jr/Cheney Property Management, rose to address the Board regarding the two waiver requests.

**Waiver Request #1:** Waiver for minimum parking spaces required by Newmarket Site Plan Review Regulation Section 3.02(A) for commercial use from 125 to 96 spaces. The reason given was that the Town had asked the applicant to reduce the amount of impervious surface on the parcel. Another reason to seek reduced spaces is because of the different times of day when parking would be in demand i.e. evening times for tenants and daytime for commercial needs. He also indicated that there are additional parking spaces available in and around the area. Mr. Sievert clarified that there would not be specific designated parking spaces. Mr. Cheney spoke about an adjacent property that he owns which currently has 28 additional parking spaces, if needed, He has also agreed, that if there is ever a parking shortage due to the success of the occupancy, he would enter into negotiations to solve that dilemma of off-hour parking. There was a discussion among members and with Mr. Cheney about the parking use of the lot behind. If the 28 parking places are committed to this project, he would not be able to meet the requirement for the yet to be constructed building on that lot. The members decided to go with the waiver as requested.

**Motion #2:** **Jane** **Ford** made a motion to grant approval to the applicant’s waiver request from Newmarket Site Plan Review Regulation Section 3.02(A) requiring a defined number of parking spaces based on the intended commercial use. The applicant asks the Board to waive the requirement to provide a minimum 125 parking spaces based on the regulation and approve the proposal to provide a total of 96 spaces as requested in their letter of 3/23/2021.

**Second:** **Tim Rossignol

Discussion:** None

**Vote:** Unanimously Approved

**Waiver Request #2:**The Town Planner pointed out three reasons the Planning Board could grant a waiver from the ordinance criteria in Section 2.03(C):
1. if the plan for the location is suitable to justify the waiver
2. no adverse impact.
3. if it is consistent with adjacent lots in the community

The Chair asked Mr. Sievert to read his three reasons for his waiver request into the record.

1. The intent of the design is to keep the finished floor of the proposed building as low as possible to accommodate the appeal to pedestrians walking along Exeter Road. The site slopes up from Exeter Road and the proposed vehicle access to the site is at a higher elevation off of the Newmarket Business Park access drive to the building from the parking lot side and access from the Exeter Road sidewalk. The proposed access to the building is from the parking lot side and access from the Exeter Road sidewalk.
2. The building design incorporates a patio and/or outdoor display area at the front of the building. This area will appeal to pedestrians walking along Exeter Road to visit the businesses located within the building. There is a roof overhang that extends 6 feet beyond the building. This will give the appearance that the building is closer to the road and provide a minimum setback of 6.1 feet and a maximum setbacks of 9.1 feet which falls within the regulation requirements.
3. This project will replace three buildings with one building. The closest building to the north is the Evans Mart beyond the railroad tracks. The immediately adjacent building to the south is 13 feet off the property line which is in line with the proposed building.

Mr. Sievert answered member questions about his decisions to re-position the building and provide as much green area to the frontage.

**Motion #3: Tim Rossignol** made a motion to approve a waiver from Newmarket Site Plan Review Regulation Section 2.03(C) for Road Setback from a minimum of 5 feet and a maximum of 10 feet from the front property line. The applicant seeks a maximum of 13 feet in their letter of 3/23/2021.

**Second: Scott Blackstone

Discussion: Jane Ford** asked if this approval was in any way counter to staff recommendations and it was not. **Vote:** Unanimously Approved

**Further Discussion of the Site Plan:**The Chair asked for further discussion of outstanding questions about the proposal. The Board members had not seen the new plan presented this evening. The applicant needs a wider access for the dumpster area and the apartments behind. The applicant is looking into using a trash compactor instead a normal trash container. Mr. Sievert also described the construction of a special holding area under the upper parking lot for drainage. They have changed some of the outlet configurations for the water runoff in order to split the flow. The Chair asked for questions about the change in the drainage, the change in the location of the building, and the aisle access. The Planner asked about the new plans submitted including the building facades, the lighting and the landscape plan. He was asked if the lights met the dark sky compliant requirement and they do.

The Planner discussed the required paving overlay for the Newmarket Business Park which was to have been completed in 2004. She mentioned that one of her recommendations on this project will be to address the paving the access road. Mr. Sievert said he still was waiting for NH DOT to approve the updated driveway permit. The request has been submitted, they have received comments back, and are now awaiting final approval. The Planner said that they still need a sewer discharge permit from NH DES and the water permit as well. The Planner wants to formalize the approval comments from Rick Malasky, Robert Sanders, and Sean Grieg and include their recommendations, in writing, as conditions of approval.

The Chair hopes that everything will be in order for a decision to be made at the next meeting.

**Motion #4: Jane Ford** made a motion to continue the Public Hearing on the Application for Site Plan for a Mixed Use Development by Walter Cheney Jr/Cheney Property Management Corporation to the next Planning Board meeting on October 12, 2021.

**Second:** **Tim Rossignol

Discussion:** None

**Vote:** Unanimously Approved
 **Jeff Goldknopf** rejoined the meeting.

**5. New/Old Business**The Chair asked for an update from the Planner on the infrastructure upgrades on sewer, stormwater and water projects. The Planner said everyone is busy with the ongoing construction projects and getting the department heads to respond requires much more time than usual. Once these projects wind down she will ask them to provide information on new projects, their locations and increases in capacity related to future growth and development for future land uses studies related to density.
 **6. Chairman’s Report**The Chair had no report.

**7. Committee Reports**Capital Improvement Program: **Jane** **Ford** said that after 5+ years serving on the CIP that this year the process was seamless and very professional. The documentation provided was very well done and the Department Heads were very professional in their presentations. She wanted to compliment Diane on her very hard work to facilitate the entire process and her documentation. The Planner met her deadline for the CIP recommendations to be presented to the Town Manager. There will be one more meeting of the CIP on Tuesday, September 21, 2021 4-6 PM in the Town Hall Auditorium. The CIP has some questions for the Town Manager and the Town Finance Director who have agreed to attend to talk about lease/purchase agreements and the impact on the CIP. The CIP will be presented to the Town Council on Saturday, October 23, at 9:00 AM.
Conservation Commission: **Jeff Goldknopf** reportedthatthe ConCom met last week. On October 2nd they are planning the ‘**Conservation Connections’** event. More info: <https://newmarketlibrary.org/uploads/1/0/5/0/105085461/conservation_connections2_pamphlet.pdf> You have many options: to visit Schoppmeyer Park, the new Neal Mill Road property (75 Neal Mill Road), Piscassic-Loiselle, and there will be a volunteer event at Heron Point Sanctuary. September is also nation-wide library card month, so if you don’t have one…get to the library! The Conservation Commission, with the approval of the Town Council, spent $75,000 from the Conservation Fund to help the Southeast Land Trust (SELT) purchase 75 Neal Mill Road.
Town Council: **Scott** **Blackstone** noted that the Council has approved the expenditure of $75,000 from the Conservation Fund to assist SELT in purchasing the property at 75 Neal Mill Road. There was a discussion about a joint parking facility with SELT and a solution has been made to find designated parking spots.

**8. Planner’s Report**The Planner and the Town Manager had a meeting this week with Stuart Arnett, the planning consultant, about the southerly gateway to Newmarket near Rockingham Junction on Rt.108. They hope to have a Joint Planning Board meeting with the Town Council and have Stu come in and give a report. He has some great ideas to share with us.

**9. Adjourn

Motion:** **Jeff Goldknopf** made a motion to adjourn 8:16 p.m. **Second:** **Jane Ford

Discussion:** None **Vote**: Unanimously Approved
Respectfully submitted,

Sue Frick
Recording Secretary