

Planning Board Minutes 04/10/12

NEWMARKET PLANNING BOARD MEETING APRIL 10, 2012 MINUTES

Present: Val Shelton (Chairman), Peter Roy (Vice Chairman), Janice Rosa, Rick McMenimen, Elizabeth Dudley, Ed Carmichael (Town Council ex officio)

Absent: Justin Normand (excused), Adam Schroadter (Alternate)

Called to order: 7:10 p.m.

Adjourned: 8:15 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Public Comments

None.

Chairman Shelton stated Justin Normand was not able to attend the meeting. There were no Alternates in attendance to appoint to fill the position.

Agenda Item #3 – Review & approval of minutes: 03/20/12

Action

Motion: Rick McMenimen made a motion to approve the minutes of 03/20/12, as presented

Second: Janice Rosa

Peter Roy stated on page 4, line 43, the word “intent” should be “extent”.

Chairman Shelton stated, on page 6, line 22, the sentence should read “There was discussion of whether this would be a condition or a recommendation”.

Vote: All in favor

Agenda Item #4 – Regular Business

Milton Elm Street LLC – Preliminary Conceptual Consultation for a residential development. The lot is located at 2 Elm Drive, Tax Map U2, Lot 243, B-1 Zone.

Chairman Shelton read the regulations regarding Preliminary Conceptual Consultations for the benefit of those who may not be familiar with the procedure.

Bill Doucet, Doucet Survey, stated he was present with Gary Decker, owner of 2 Elm Drive. Mr. Doucet stated this lot is a vacant lot located in the B-1 zone. He stated Mr. Decker desires to do a residential development with a combination of duplexes and quadraplexes on the property. He referred to an aerial view of the neighborhood and indicated there are several duplexes and an eleven unit building at the end of Lincoln Street. The proposal is to mirror the character of the neighborhood, using the same shape and scale of the houses currently along Lincoln Street, with a yield of somewhere between twelve and fifteen units. Residential use is not allowed in the B-1 zone and the density is more than the R-3 zone allows, but is significantly less than the actual density of the neighborhood in which it is located. The B-1 Zone is a business zone. He stated this lot is not a viable business location. They would like to hear feedback from the Board and he has already had very preliminary discussions with the Planner. They would like to hear what the Board envisions in this area and what their thoughts are.

Gary Decker gave the history of his family's purchase of this lot. His family also owns the brick building across from the library and they purchased the duplex adjacent to Elm Street, 1-3 Elm Drive. His family is involved in very small scale real estate investments. They would like to develop the lot. The lot is full of 4-5 foot weeds and debris. They can't mow the lot, because of the debris. It is very unsightly and they would like to do something about that. Whatever they build, it will be in keeping with the abutting neighborhood. They have no desire to make glamorous, high-rise buildings or anything of that sort. They wish to be good neighbors and have everything they do be extremely nice and in keeping with the neighborhood. They would like to have duplexes that mirror the size and shape of the duplexes on the west side of Lincoln Avenue.

They also own 2 Elm Street, a historic building. They are going to remove the fence, which is not repairable and custom build a split picket fence, keeping the original fence posts. They will have it look exactly the way it was when it was originally built around 1850. He described other improvements to the inside and outside of the building, including landscaping. They hope they will have a building that will look very nice on the hill overlooking the mill buildings. This is representative of what they will do with this development.

Chairman Shelton asked why they are before the Planning Board, at this time, where the Board cannot act until a variance to allow residential development in the B-1 zone is approved. Mr. Doucet stated they are in the very early stages of this. They have not gone to any design level, beyond some sketches. They thought it was important, before getting too far into the process, to get as much feedback as possible from the community. Where the Planning Board works on the Master Plan, and zoning modifications, this seemed to be the right body from which to seek advice. This lot, in the B-1 Zone, is somewhat isolated. It is surrounded by the R-3 Zone. Chairman Shelton explained the lots along Elm Street, up to Nichols Ave., as well as the parking lots across Elm Street, also fall into the B-1 Zone.

Mr. Doucet stated they wanted the opportunity to talk and listen. Chairman Shelton stated they should discuss potential modifications of properties in the B-1 Zone in this area. Does this isolated B-1 fall more in line with land uses it abuts, rather than those along Route 108?

Diane Hardy stated she looked at the Master Plan. The Land Use chapter is a little bit out of date, created in 2001, but she was able to obtain some information that has relevance. She read from the Vision Statement of the Master Plan, which refers to maintaining a small-town, friendly atmosphere by encouraging certain uses within walking distances to the downtown. In Chapter 10, it talks about the Town's interest in continuing to provide a wide range of opportunities for housing and diversity. Duplexes are recognized as part of the desired diversity of the town, provided the integrity of existing neighborhoods is preserved.

Chairman Shelton stated, in the recent Chapter 6 rewrite, there is discussion of the B-1 Zone, but no discussion of this particular part of that zone.

Chairman Shelton stated she is in agreement with Diane Hardy, Chapter 10 and 5 of the Master Plan are long overdue for updating and the Board should discuss it as an upcoming project.

Mr. Doucet stated he looked at the permitted uses in the B-1 Zone and he thought about the type of uses he would like to

see on that lot or, if he was a resident of that neighborhood, whether he would like to see those uses there.

Chairman Shelton asked if any members of the public have any comments. She explained, at this stage, this whole discussion is non-binding.

Mark McKinsey, 6 Washington Street, stated he was very encouraged by the owner's statements tonight. He is also encouraged that someone wants to develop along the lines of what is already there; to continue to make Newmarket attractive; and have an architecturally consistent neighborhood.

Elizabeth Dudley stated it would be wonderful if this lot could carry some of 2 Elm Street's architecture.

Mr. Doucet stated there is no set time frame for this project. They do not want to force this design by regulations. They would rather find out what the community wants and try to work with that. The other avenue is to come up with a design and submit for a variance in the B-1 zone. That did not seem like a logical direction. He heard a lot of good ideas tonight. He stated it is all in line with what they have been discussing. They would like to meet again to chart out their course. He is aware the Board is currently looking at zoning rewrites and maybe this is an area that falls under that review. If not, maybe they will look in a different direction.

Chairman Shelton asked if, during the rezoning process, abutters were notified. Diane Hardy stated no formal notification of abutters is required at the Planning Board level for zoning changes. She stated, even though not required, it would behoove the Town to notify people within the district and abutters, so everyone has an opportunity to participate in those discussions. Chairman Shelton stated the owners in the B-1 zone and the abutters could be notified of a public hearing and present some feedback on how we should change the zoning for this area.

Planner's Report

Diane Hardy stated they received approval from NH DES on the subdivision plan of the Town property on Wadleigh Falls Road. Those plans are now ready to be signed. She had heard from the attorney handling the animal crematorium project and that will be coming in within the next couple of months for review.

She stated she is working with the Macallen Dam Removal Feasibility Study Committee and there is a meeting on April 19 with Deb Loiselle, from the New Hampshire Department of Environmental Services, and Eric Hutchins, from NOAA, to provide comments on the Request for Proposals the Town is preparing to hire a consultant for the feasibility study. They will also meet with Rob Cinq-Mars about the potential of the dam to generate hydroelectricity.

She also mentioned an attorney/land planner, who has an option on the golf course property. He presented to her a plan for a single-family open space development on the property. The open space would be the actual golf course, which would be retained and remain as a public golf course. They have plans to upgrade the facilities. She is encouraging them to come in for a Conceptual Design Review.

She also heard from Strafford Regional Planning Commission (SRPC) and they have received funding from the NH Coastal Program to assist Newmarket with updating the Land Use and Future Land Use Chapters of the Master Plan. The timing is impeccable, as we were discussing earlier this week that we need to go through and update those chapters, as they are critical for the Town. Cynthia Copeland will be coming back to us in June with an overview of the project. There will be an innovative component with the concept of climate change and resiliency to make sure we have adequate provisions in place to address flooding potential. There is a new model being developed through UNH on flooding and to look at the effects of climate change on flooding according to different land uses and zoning scenarios.

Chairman Shelton asked if this would cause the Board to have to revisit Water Resources. Cynthia Copeland, SRPC, was in the audience. She stated she did not think so. There would probably be more integration with the hazard mitigation plan that is currently being updated. The concepts of resiliency regarding flooding and storm surges is coming

more out of the hazard mitigation aspects and protecting properties from damage.

Chairman Shelton stated it would be helpful to make a list of Master Plan chapters that need updating, so they could form a plan of action on that. The recommendation is to update the Master Plan every ten years, so if a chapter could be updated every year, the Board could stay on top of the ten year period. Where there is funding to do this, this is a great opportunity. She stated she would like the Town Planner to be able to work on the Planning Board's behalf on the administrative end of the recommendations and updating of the Master Plan. Then the Board can go to the Town Administrator and let him know this is where we want the Planner to be focusing her work.

Landscaping Regulations

Chairman Shelton stated she would like to have a subcommittee go through the information and she hopes Elizabeth Dudley would chair it. She would like the subcommittee to go through the proposed regulations, edit as they see fit, and then bring it back to the Board. Elizabeth Dudley stated she would chair the subcommittee. Janice Rosa stated she would join the subcommittee. Chairman Shelton explained the regulations only affect commercial developments, subdivisions of land for residential and commercial and multi-family units. She explained these do not apply to single-family lots or duplexes, just so no one thinks these are regulations of the sort that say you have to mow your lawn every Thursday. She stated, if any members of the public were interested in joining this committee, please contact Diane Hardy at the Planning Office or Elizabeth Dudley at 292-5140.

Committee Appointments

Black Bear TIF Committee – Chairman Badger had previously been on this committee. Chairman Shelton stated she attended the last meeting. She stated she would continue to attend these meetings. She does have background from when she was on the NCDC. She can bring some history.

Downtown TIF is on hold, as it is possibly being dissolved. Chairman Shelton stated they would off with that appointment.

Capital Improvement Plan needs a regular member and Alternate. Chairman Shelton stated Rick McMenimen had expressed interest and she appointed him to that position.

For Advisory Heritage Commission Chairman Shelton asked Elizabeth Dudley if she would be interested. Janice Rosa was currently serving as a Town Council appointee. Elizabeth Dudley stated she would like to join the commission.

Chairman Shelton had been serving on the Conservation Commission since being on the Planning Board. She talked to Janice Rosa about taking over that representation and Janice Rosa stated she would do that.

Chairman Shelton stated there would be a new committee, a Technical Review Committee. This has been done in the past for individual applications, but it would now be a standing committee. She asked Peter Roy to serve as the Chairman and he stated he would. He will bring people onto the committee for applications, as the applications come in.

Chairman Shelton stated the Planning Board nominates people to serve on the Strafford Regional Planning Commission. The Town Council appoints the representative. Rick McMenimen has been on it in the past. There are two openings at this time. Rick McMenimen gave an overview of the position. He stated there are certain laws being proposed that have to do with activities in various towns. We want to make sure Newmarket gets some benefit from the rules and regulations coming forward. Members of the public are welcome to serve on this commission. Chairman Shelton asked if anyone on the Board had an interest in serving. Elizabeth Dudley stated she would consider it.

Chairman Shelton stated they needed Planning Board Alternates. She would like the Board members to think about members of the community who may be interested and, if there was anyone in the public listening to the meeting, to please apply if you have an interest in serving. There are two Alternate positions open. Peter Roy stated it was a good step toward becoming a full Board member.

Discussion of Rules of Procedure

Chairman Shelton stated they last visited this in 2009. She did not want to get into a discussion of it tonight. She asked if everyone would bring it home and read it and bring in any suggestions to the next meeting.

Diane Hardy stated they made some changes regarding Alternates being able to sit with the Board for discussion to the Zoning Board's Rules of Procedure and she thought they should make that change to the Planning Board's Rules. She will draft a revision for a future meeting for discussion.

Chairman Shelton stated she would like to have Diane look into the application regulations regarding submittal of materials. She suggested the applicants provide the number of copies required for distribution to the Board members and Department Heads to save on copying costs. Diane will review the applications for completeness and report to the Board before they make a motion to accept and she will also provide her planning comments relative to the application if it was complete.

Committee Reports

The Rezoning Committee had a brief, but productive, meeting recently. Janice Rosa stated there will be a color-coded map depicting the rezoning and she felt the community will be happy with the results of the rezoning. She stated it was important for the community to participate now, not after it is all done. The meetings are posted; the materials are in draft form at the Planning Office for anyone to pick up. They have had meetings on weeknights and on a Saturday to try to accommodate people's schedules.

Action

Motion: Janice Rosa made a motion to adjourn at 8:15 p.m.

Second: Peter Roy

Vote: All in favor

