

Planning Board Minutes 06/11/13

NEWMARKET PLANNING BOARD MEETING JUNE 11, 2013 MINUTES

Present: Eric Botterman (Chairman), Rick McMenimen (Vice Chairman), Diane Hardy (Planner), Janice Rosa, John Brackett, Elizabeth Dudley, Dan Wright (Town Council ex officio), Jane Ford (Alternate)

Absent: Val Shelton excused

Called to order: 7:01 p.m.

Adjourned: 8:38 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Public Comments

None.

Agenda Item #3 – Review & approval of minutes: 05/14/13

Action

Motion: Rick McMenimen made a motion to approve the Planning Board minutes necessary

Second: Janice Rosa

Rick McMenimen stated on page 7, line 24, change “4k” to 4,000 square feet”.

Chairman Botterman appointed Jane Ford to replace Val Shelton. Val Shelton may be in late.

Vote: All in favor

Agenda Item #5 – Regular Business

Consideration of Alternate Appointment – Gabriel Jerome

Chairman Botterman thanked Gabriel Jerome for applying. He has applied for the Alternate position expiring in March 2014. The Board received his application and resume. Gabriel Jerome answered general questions. He had attended Plymouth State University and had taken classes on how a Planning Board works, zoning ordinances, environmental planning and other aspects of planning. He had to do a project involving site plans for the Towns of Plymouth and Walpole and coming up with a development. They went through the process of pitching an idea and having a mock

Planning Board. He has looked at Newmarket's Zoning Ordinance and Master Plan.

Action

Motion: Janice Rosa made a motion to accept Gabriel Jerome for the

Alternate pos

Second: Rick McMenimen

Vote: All in favor

The Wajda Family Real Estate Trust/ Cathleen A. Zocchi & Karl M. Wajda Trustees and the Town of Newmarket – Continuation of a public hearing for an application for a lot line adjustment, at 18 Lamprey River Park & Heron Point, Tax Map R2, Lots 86-18 and 119, R2 Zone. The proposal involves the conveyance of a 50' x 100' lot to the Wajda Family Real Estate Trust and an easement across the land of

Wadja Family Real Estate Trust to the Town of Newmarket to provide the public access to the Heron Point conservation property.

Chairman Botterman stated that the proposal for the land swap has changed. They are going to do an easement over the property instead. Everyone had seen the letter from Attorney Richardson regarding this and Diane Hardy had provided a memo.

Bill Doucet, Doucet Survey Inc., represented the Wajda Family Real Estate Trust. He stated there was a meeting with the Town Attorney, Town Planner, the Wajdas' attorney, the Wajdas and himself. At that time, they discussed options and it was felt it was in the Town's best interest that, instead of a land swap, there be a lot line revision. He showed the changes on a plan. There will also be an access easement to the Heron Point conservation land.

Chairman Botterman stated Attorney Richardson put a package together with deeds. He went over Diane Hardy's memo.

Action

Motion: Janice Rosa made a motion to approve the revised plan with

the following

1. The approval of the warranty deed documents, revocable license and access easements by the Conservation Commission, Town Council and the Town's legal counsel.
2. Approval of the plans by the Charitable Trust Unit of the Attorney General.

Second: Rick McMenimen

Vote: All in favor

Newmarket Mills, LLC – Continuance of a public hearing for an application for Major Site Plan, at Main Street, Tax Map U2, Lots 60A and 61, B1 Zone (a proposed zoning amendment to change the zoning from B1 to M2 is under consideration by the Town Council at the time of this notice). The proposal is to construct a single story, 9,600 sq. ft. commercial building near Spring St at the west end of the Newmarket Mills parking lot. The structure will house various businesses, including a small grocery, restaurant, and retail shops.

Chairman Botterman stated Newmarket Mills, LLC, has requested a continuance until the next meeting on July 9, 2013.

Diane Hardy suggested the applicant give an update, at this time.

Matt Assia, Chinburg Properties, Inc., stated they are working on a revised rendering for the next meeting.

Jeff Clifford, Altus Engineering, spoke about the landscape plan that was submitted. He talked about an overview sheet of the project. Coming out of the Technical Review Committee (TRC), there were proposed changes to the library parking, changing it to diagonal parking with an island. There were some traffic flow changes and a four way stop intersection has been added. Some landscaping was added as part of that. There is a loss of two spaces to do this. Comparing supply to demand, they had an excess of 23 spaces. They moved the gas, the transformer, and the dumpsters. They will be adding an ADA accessible parking space back in. He spoke about the drainage plan. The area drains in two directions. He showed on the plan where the drainage goes. It is not much different than in the post-development condition. There will be green space added, so there is a decrease in the amount of impervious area. He showed where the rain garden will go. They provided traffic memos. 75% of the traffic will exit to Main Street. He explained how the turn radius of trucks would be affected by the proposed access drives. He explained the function of the rain garden.

Diane Hardy stated it was suggested to her there be some kind of pedestrian connection between Main Street, the Riverdale lot, and the retail building. There could be some kind of pathway or sidewalk along the interior of one of the islands. She asked if it would be possible to have some kind of pervious pavers that could provide this connection. Jeff Clifford stated he has not spoken to Chinburg Properties about it. He pointed out that this would affect the rain garden and its purpose. The rain garden provides superior water quality treatment over porous pavers. If they made that area wider for a pedestrian connection, they would lose 18 parking spaces. Diane Hardy stated the Brickyard Square development in Epping has a meandering walkway through the island that includes pavers and pockets of greenery. She wondered if they could work this out for this location to serve the pedestrian access needs. Jeff Clifford stated it is not wide enough to incorporate it. Eric Botterman stated he is familiar with the Epping location and people do not use it. They do not even plow it in the winter time. It's a place to store snow. It would be a great idea here if there was room for an island, but there is not. Everyone in town says we need to have as much parking as we can. There is concern about the parking situation downtown. He stated we cannot afford to lose any parking spaces.

Chairman Botterman opened the public hearing.

Sandy Allen, Chairman of the Library Trustees, stated they had a presentation at their meeting a month ago talking about how this would affect parking at the library. She described the current parking. They stand to lose two parking spaces with the proposed layout. They have a lot of mothers with children and older people who use the library and need to park close by.

Joan DeYoreo, Bay Road, stated the explanation for the diagonal parking is it would make it safer. They have to be careful pulling in and backing out the way it is now. The diagonal parking causes them to lose a staff parking space and a handicap space. The main concern is safety with cars going in and out. The reconfiguration has a four way stop intersection. There will be no need for diagonal parking, if the four way stop system is going to be installed. They would prefer the parking be kept the way it is now, with straight in parking. Jeff Clifford they will still lose one parking spot with the island added. Diane Hardy stated the island is critical to defining the traffic-way and slowing cars down.

Chairman Botterman asked Jeff Clifford to make an updated parking plan and then they can meet with TRC and the Library Trustees.

Diane Hardy stated it appears that Elm Street's sidewalks are wide. A question was asked of her whether the sidewalks could be made a little narrower and they could provide some parallel parking along Elm Street, which would provide five or six more parking spaces. Chairman Botterman asked if the Town really wanted that. The Town just spent millions widening sidewalks on Main Street. He felt this was outside the scope of this project and, if it was something the Town wanted to do on their own, they could. They could look at it conceptually, but he would not support forcing them to do that as part of this project. Jeff Clifford stated it would be expensive to narrow that sidewalk.

There was a discussion about the location of the book drop-off.

Action

Motion: Rick McMenimen made a motion to continue the public hearing for an application for Major Site Plan, at Main Street, Tax Map U2, Lots 60A and 61, B1 Zone (a proposed zoning amendment to change the zoning from B1 to M2 is under consideration by the Town Council at the time of this notice). The proposal is to construct a single story, 9,600 sq. ft. commercial building near Spring St at the west end of the Newmarket Mills parking lot. The structure will house various businesses, including a small grocery, restaurant, and retail shops to the July 9, 2013 Planning Board meeting.

Second: Janice Rosa

Vote: All in favor

There will be a public hearing for an application for Design Review requested by Chinburg Builders, Inc, at 200 Exeter Road, Tax Map R3, Lot 23, M4 Zone. The proposal is for the creation of 52 house lots and supporting infrastructure on 12.5 acres and the preservation of approximately 91.5 acres for perpetual use as a golf course or open space.

Eric Chinburg, Chinburg Builders, stated they are working with the owners of the Rockingham Golf Course and they have it under agreement. They would like to take advantage of the Open Space Development zoning to create small lots and conserve larger portions of land. Eric Weinreb, Altus Engineering, and Matt Assia, Chinburg Builders, Inc., were present. They have worked hard to create the 52 house lots in such a way that they do not impact the golf course. Over 90 acres of the 105 acre tract are preserved. The golf course would remain as a golf course on a single lot. It would be deeded with conservation restrictions and would have language that the lot would be retained as a golf course or open space conservation land. The property that houses the pro shop, the barn, and home would be on a separate lot.

Chairman Botterman asked if the golf course would remain Town property or would it belong to the homeowners association. Eric Chinburg stated that is to be determined. Their idea is to create a separate lot of record that is the golf course, so they could lease it for a dollar a year for 99 years to someone who knows how to run golf courses. If the Town wanted to run it, that would be a conversation they could have. They do not look to the golf course as part of the economic engine that drives this project. To them, it is open space land for the development and they do not know how to run golf courses.

Chairman Botterman opened the public hearing.

Mike McNeill, 10 Ash Swamp Road, stated he lived right on the golf course. His concern is how this will impact his

property. He has golf balls bombarding him all the time. He lives right on the first hole. It is a dog leg. There is an inadequate fence there now. The balls destroy his property. He understands accidents happen and he lives on a golf course. A big problem is the dog leg and that people try to shoot over it, which is right at his house. That is not an accident. He requests proper fencing be put up to protect his home and allow him to use his yard like anyone else. The traffic on the corner is also a concern. He asked if a deceleration lane could go in at the entrance. Chairman Botterman stated that Route 108 is a State highway and it would be up to the State to decide when they look at their highway access permit application.

Ed Portyrata, 177 Exeter Road, stated the sewer comes up to the top of the hill on Route 108 near the golf course. He did not know where they would hook into water and sewer. Chairman Botterman stated he did not know if they have figured it all out yet, but he assumes they would come down Route 108 with it and extend what is there. If they have to increase capacity, they will do that. They will have to put in fire hydrants. They have to meet insurance requirements for fire flows. Ed Portyrata asked if these were single family houses. Chairman Botterman stated they were single family. Ed Portyrata asked how many rooms they would have. Chairman Botterman stated he did not know if that had been determined. Ed Portyrata stated that curve on Route 108 near the golf course is dangerous. Chairman Botterman stated they would have to meet requirements for site distance. The State Department of Transportation (DOT) would make sure they meet the requirements for safe exiting and entering. Ed Portyrata stated it was bumper to bumper in the golf course area in the morning and evening commuting times. He thought the road might have to be widened. He stated the sewer line is new, but the water line is where the problem is. He would think they would have to put a bigger water line in. Chairman Botterman stated the engineer would have to determine that. Ed Portyrata stated the traffic will be bad coming out of that new road onto Route 108. From Hersey Lane up, cars speed up to the corner. Chairman Botterman stated there will be a lot of discussion on this.

Sonke Dornblut, 351 Wadleigh Falls Road, asked about the public use of the open space. He would love for the space to be used in a significant and designed way for recreational uses.

Eric Chinburg gave a review of things they have already done. They have met with Sean Grieg, Water & Wastewater Superintendent at Public Works, and determined there is adequate sewer within reach, by the Industrial Park. The water is far away and there is an inadequate line running there. They assume they would be upgrading the line to this site, which would benefit a couple of other users who are downstream of that. There are three waivers required. Two of them have to do with road design. They spoke with Rick Malasky, Director of Public Works and Fire Chief, and they would need a waiver for the cul-de-sac length and the roadway width. They would like 22 feet in width instead of 24 feet, to make it more rural. Rick Malasky had no concerns with those. The third waiver is because there are two different bits of information in site plan vs. zoning on the open space wetland buffer. They are requesting some relief from the setback. Since this is within subdivision regulations, it can be waived. If that setback could not be waived, they would have to do a conventional subdivision. It would not work out for an open space subdivision. He stated he believed in creating the proper easements across the golf course, so that in winter time it could be used by the public in a recreational manner.

Ed Portyrata stated the speed limit in that area is 40 miles per hour. Cars typically go 50 miles per hour. The speed limit would have to be changed. Chairman Botterman stated the State would be in charge of that.

Chairman Botterman stated he has no issue with the waivers. Diane Hardy stated the Board has waived the road width requirement in the past for other subdivisions.

Elizabeth Dudley asked about the houses near the road. Elizabeth wanted the architect to consider how the houses will look from the road. Rick McMenimen stated there is a 75 foot buffer there.

John Brackett stated he liked the plan.

Dan Wright stated the length of the cul-de-sac was a concern. He stated this road is close to a half mile in length. He felt that was a lot. He stated it should be connected to Ladyslipper Drive. Chairman Botterman stated there are wetlands there that he did not think the State would let them fill. Eric Weinreb, Altus Engineering, stated they looked at that. It required wetlands impacts that would go into prime wetlands. One of the nice things with this proposed subdivision is there are no wetland impacts in this project. They are also honoring the privacy of the people on Ladyslipper Drive in not having cars cutting through their subdivision. It is a better neighborhood feeling by not giving cars the ability to cut through an existing development in order to get to other places. If the Town were to allow that, it would fragment the wetland system and take away value from the open space.

Dan Wright stated there was an issue with plowing. He asked why there was no hammerhead in one area for plows to turn around. Chairman Botterman stated they will stop plowing at the hammerhead that is shown on the plan and will not be plowing the area Dan Wright was asking about.

Dan Wright stated these will be three bedroom houses. He asked what the price range would be. He was concerned about the impact on the school system. Eric Weinreb stated most fiscal impact studies show 0.4 children per household in a new development. He stated these houses might be listed in the high 200s.

Jane Ford stated she had the same concerns about the number of units and density.

Janice Rosa stated she wished the request was coming in after the water and sewer issues and school issues were resolved. She shared the same concerns about infrastructure and the school impact. She hoped the golf course can stay. She hoped if it did go to open space, it did not go into conservation land. Conservation land would not be mowed or taken care of. The golf course as you now enter town is mowed and cared for. Conservation land is not.

Rick McMenimen was concerned about the access onto Route 108. There will be two close entrances onto the highway, one from Ash Swamp Road and one from the new development. Chairman Botterman stated NH DOT will resolve that.

Diane Hardy stated this project will be subject to impact fees. This will address any potential fiscal impacts to the Town.

Eric Chinburg he would like to get a good sense now of whether they are going to get stymied by the cul-de-sac length a month from now, so they do not waste a lot more engineering money. His understanding of the open space zoning is that the yield plan that they produced indicates the number of houses they could put in by right, on the golf course with 1 acre lots with septic and well without burdening the public sewer and water system and there would be no open space land conserved at all. In order to come up with this density, they had to do a yield plan and prove how many lots they could create, if they did a conventional subdivision. There is a trade off there. They do not see a way to do this with open space without this waiver for the cul-de-sac being granted. To go through and fight a battle about connecting Ladyslipper Drive to this subdivision is not something he wants to be involved in nor does he want to be involved in crossing that wetland. He would like to get a sense from the Board whether that is something they could overcome. He knows this is non-binding. Chairman Botterman stated NH DES would never give them a permit to go through those wetlands. He also stated, if they proposed to tie into Ladyslipper Drive, there would be a hundred people here from Ladyslipper Drive complaining that the road will be used as a shortcut and that they do not want the connection. He understood the concern about the cul-de-sac length. Typically, towns have cul-de-sac length maximums, because the Fire Department wants them. This subdivision will be on Town water and there will be fire hydrants, so getting there to fight a fire will not be a concern. With the Fire Chief/ DPW Director saying he is okay with the waivers, he is also okay with that. Elizabeth Dudley, Janice Rosa, and John Brackett stated they were okay with the cul-de-sac length. Jane Ford remained on the fence. Dan Wright stated he would not want them to go through to Ladyslipper, but he is concerned about the length of the roadway. He stated it was not a show stopper, but he is concerned.

Rick McMenimen asked if they could have the access on Ash Swamp Road. Eric Chinburg stated the golf course runs right along the route you would need to use to get to Ash Swamp Road. You would be affecting five or six holes.

Eric Chinburg stated there could be something stated in the deed that, if the golf course falls through, the Town could take it over as a municipal golf course.

Chairman Botterman stated where they are showing the access point, is probably the only place they can put it.

Agenda Item #6 – New/Old Business

Discussion - Landscape Regulations

Diane Hardy stated she and Elizabeth Dudley have a meeting on June 27 to discuss the comments received on the proposed regulations. They will modify the ordinance, as needed, and present the revised regulations to the Board, at a future meeting.

Chairman's Report

Chairman Botterman did not have anything new to report.

Committee Reports

Dan Wright stated on June 19, the Town Council will have Bruce Mayberry present for discussions on the M-2 zoning proposal and the Town Council hopes to vote on it. Chairman Botterman stated any Board members are welcome to attend.

CIP Committee

Rick McMenimen nominated Jane Ford as an Alternate Planning Board representative on the CIP Committee. She stated she was willing to do that.

Action

Motion: Rick McMenimen made a motion to appoint Jane Ford as an Alternate to the

Second: Janice Rosa

Vote: All in favor

Planner's Report

Diane Hardy stated she and Val Shelton will be meeting with the Town Council for the discussion on the M-2 zoning change.

Janice Rosa asked about the dam removal. Diane Hardy stated there is a work session with the Town Council and there will be a presentation by Wright Pierce Engineering regarding the dam breach analysis and cost estimates for repair. There will be a recommendation from the Dam Steering Committee to hire a consultant to work with the Town on the dam removal feasibility study.

Janice Rosa stated people are asking her about the pedestrian overpass. Diane Hardy stated they are looking into

alternative funding sources. They have been asked by DOT to provide them with a funding plan to come up with the shortfall of \$600,000 to complete the project as envisioned. There is a potential source of funding, under the FHWA Highway Safety Improvement Program (HSIP) that the Town is considering for additional funding... Chairman Botterman stated although the Town has come up with an alternative design that is closer to the budget available, the State NH DOT will not approve the alternative because they feel it doesn't meet the requirements for public access.

Agenda Item #7 – Adjourn

Action

Motion: Janice Rosa made a motion to adjourn at 8:38 p.m.

Second: Rick McMenimen

Vote: All in favor