



TOWN OF **NEWMARKET** NEW HAMPSHIRE

Conservation Commission

October 13, 2022 at 7:00 PM

Town Hall Auditorium

APPROVED MEETING MINUTES

Members Present: Ellen Snyder (Chair), Melissa Sharples (Vice-Chair), David Bell, Cris Blackstone, Jeffrey Goldknopf (Planning Board Rep.), Julianna Tyson, and Colin White (Town Council Rep. – *ex officio*)

Members Absent: Sam Kenney

The Chair called the meeting to order at 7:00 PM.

[time on DCAT 5:59]

1. Pledge of Allegiance

2. Roll Call

3. Public Comment

No members of the public were present this evening for comment.

4. Acceptance of Minutes, Sept 8, 2022

Acceptance of the September 8, 2022 minutes is postponed to the next meeting.

5. Finance Report; Approve NHACC annual dues [time on DCAT 7:22]

The Chair discussed the financial report in the meeting packet. The General Fund Balance is \$3,520.57. The Conservation Fund \$133,848.70 which includes the Schanda Fund of \$4,764.46. We received a remainder balance of \$443.84 from the Land Use Change Fund (LUCF) for the property at 17A Cushing Rd. We received the bulk of that LUCF in June or July. We have received the annual dues invoice for membership in the New Hampshire Association of Conservation Commissions (NHACC). Dues this year have increased to \$500. There is currently \$350 in the GF appropriated for dues and the remaining \$150 would need to be taken from the CF.

Action

Motion: Julianna Tyson moved expend funds of \$500 to pay for the annual NHACC dues with \$350 coming from the General Fund and \$150 coming from the Conservation Fund.

Second: Cris Blackstone

Discussion: None
Approved: **Approved Unanimously 6-0-0**

The 52nd Annual NHACC Conference is scheduled for November 5, 2022 at Pembroke Academy and will be held in person this year. We thank **Bart** very much as he is willing to cover the fee for members planning to attend the meeting. So far, **Ellen** and **Cris** will be attending. Members interested in attending may just register on line and take your receipt to **Bart** after the conference for reimbursement.

For more information and registration:

[Annual Meeting :: NHACC :: New Hampshire Association of Conservation Commissions](#)

Ellen also mentioned that we have received the second payment from LRAC for the Heron Point Project for \$639.12 which will go into the Conservation Fund for that grant.

6. Discussion and Input to Planning Board [time on DCAT 10:43-1:09:00]

a. Accessory Dwelling Units

Bart McDonough, the Planning Director, was present this evening to discuss with the members of the Conservation Commission the proposed ordinance changes under discussion now with the Planning Board. He provided members with Draft #6 of the proposal. The primary reason for this amendment is to allow for the opportunity for accessory dwelling units (ADUs) to exist in Newmarket to help improve the overall housing supply, social/community interactions, and ecology (by repurposing current buildings on the lot as an ADU). Currently, a special exception by the ZBA is required to approve an accessory apartment (as they are currently known). Part of the requirement is that they be requested only from single-family and conforming lots within the zoning district. The amendment would be redefined to require only a building permit on all single-family lots whether or not they are conforming. In addition, this amendment would allow for detached ADUs. A special use permit would allow for two ADUs through the PB. The idea would be to blend these units aesthetically with the existing dwelling. There are three types of classifications: 1) Internal Conversion ADU (i.e. basement), 2) Attached ADU (to the primary dwelling unit), and 3) Detached ADU (new or existing building). Parking requirement for an ADU would be a maximum of 2 spaces allowing for the greatest flexibility. No additional curb cuts would be allowed for driveways. The Building Inspector would enforce the ordinance as proposed. It is hoped that this proposal will add a diversity of options for property owners in Newmarket.

Jeff mentioned that the Planning Board has been working on this proposed amendment for several months. The following is a list of the Planning Board meetings available on DCAT when discussions have been held:

- Planning Board meeting, August 9, 2022 - time on DCAT 1:33:17-1:59:00
- Planning Board meeting, September 13, 2022 - time on DCAT 1:08:19-1:17:16
and 1:29:04- 2:32:00
- Planning Board meeting, October 11, 2022 - time on DCAT 37:59 to 2:29:03

Jeff mentioned that the Planning Board is likely to take another few meetings to go through the changes and discuss everything very carefully before passing the proposed changes on to the Town Council for their consideration. He estimates that there are

approximately 1,700 single family lots in Town. Currently, there are 40 known ADUs in Town which have been permitted since 2000. The current ADUs had to be attached or within the existing dwelling. The owner must live in one of the units on the property so they would never become a complete rental property. The PB have had many discussions about the impact to the town infrastructure (sewer, water, fire, police, roads).

Melissa asked about parking conditions. **Bart** said that the parking requirement for an ADU would be a maximum of 2 spaces allowing for the greatest flexibility. No additional curb cuts would be allowed for driveways. There are also open space requirements and stormwater management standards be met by the applicant. **Bart** defined open space as a backyard garden, courtyard, greenways, walkways, garden terraces, pollinator fields, rain gardens, pocket parks, forested areas or any combination. The intension is to create a balance between socialization and personal space amongst the primary accessory dwelling units along with areas dedicated to passive green spaces.

[time on DCAT 16:55-29:52]

Ellen wanted to go through the section on the Wetland Protection Overlay District on page 2, line 45 of the draft. **Ellen, Bart, and Jeff** had a lengthy discussed under what circumstances an owner could build a DADU within a wetland buffer.

[time on DCAT 29:56-30:25]

Ellen asked **Bart** about the section on page 3, line 93 'Prohibitions: The following uses associated with ADUs are prohibited:', specifically "(6) The construction of a new ADU of DADU or conversion of an attached or detached accessory structure into an ADU that is located with the 100-year flood plain." **Ellen** suggests putting the overlays of prime wetlands and the 100-year flood plain together to determine what that looks like. Perhaps the prime wetlands might already be protected by the 100-year flood plain.

[time on DCAT 30:26-33:37]

Ellen also wanted to discuss open space requirements as referred to on page 4, line 195. **Bart** explained that the Code Enforcement Officer would enforce compliance to the open space requirement. He also discussed an annual recertification requirement discussed at the Planning Board meetings.

Colin asked a question about the term "affordability" on page 2, line 82. What defines affordability? **Bart** explained that this ordinance does not have any provisions mandating affordability, but that rent would be determined by size of the dwelling unit.

Discussion continued among members touching all aspects of this proposal.

Bart and **Jeff** are looking for a letter of support or non-support from the Conservation Commission. Members suggested specific points to include in a letter of general support to the Planning Board. **Colin** did mention that once the proposal is submitted to the Town Council language may be changed if they desire.

Cris Blackstone was excused at 8:02 PM.

Ellen has agreed to draft a letter together with **Melissa** with member's requests for clarification and concerns. All members were polled, and there is a mixed opinion for

one vs. two DADUs. The letter will be sent to **Bart** with a cc: to **Jeff** as the Representative from the Planning Board to the Conservation Commission.

7. Committee/Board Reports

[time on DCAT 1:09:01-1:16:45]

Planning Board: **Jeff** reported that there is a new owner for the old McDonald's at 75 Exeter Road. Mr. Christopher Alexandrou intends to operate a restaurant called Nick's Place. He has several other family-owned restaurants in MA and NH. The only requirement made by the Town Planner and the Planning Board is that they resurface the parking area and restripe the spaces. DOT had other requirements for the curb cut area. Also approved was a subdivision for a lot containing 3.533 acres from a parcel consisting of 89.073 acres at 161 New Road..

Ad hoc Riverfront Advisory Committee: **Bart** reported that the requests to the CIP were decided upon: 1) the Schanda Park proposal was recommended to the Town Manager for the warrant to approve a new CIP fund with a starting balance of \$75,000 and 2) it was recommended that the Riverfront Committee work with DPW to gather information about the replacement on Moonlight Brook culverts. The next committee meeting will be October 24, 2022.

Town Planner: **Bart** spoke about the design charrette that he is planning for the Riverfront. He is gathering letters of support from various committees to bring a group of specially qualified professionals to help guide the process. He expects this to be held in May or June. **Ellen** will draft of letter of support for Bart's application for funding.

Town Council: **Colin** mentioned that the last meeting lasted 14 minutes!

The Chair mentioned that the Town Council has revised the membership off the Energy and Environment Advisory Committee to include a representative from the Conservation Commission.

Action

Motion: **Ellen Snyder** moved to nominate **Julianna Tyson** as the representative of the Conservation Commission to the Energy and Environment Advisory Committee.

Second: **Melissa Sharples**

Discussion: None

Approved: **Approved 5-0-0**

The Chair will email Wendy to let her know that **Julianna Tyson** will be our representative to the EEAC and ask if any further action is required.

8. Conservation Easement Monitoring

[time on DCAT 1:16:54]

The Chair mentioned the great training workshop at the last meeting and that late October and November were the best times, once the leaves are mostly down, to begin monitoring the easements. **Ellen** has more supplies for anyone that needs them and she particularly wanted to thank Doucet Survey for the rolls of flagging. The Chair is waiting to hear from the State as they monitor the Wiggin Farm and Dearborn as well as SELT which monitors the Hilton easement. The Chair expressed an interest in accompanying them on their monitoring walks.

9. Land Stewardship

[time on DCAT 1:18:38]

a. Heron Point Sanctuary – new kiosk panels, LRAC grant complete:

The grant projects are complete and the new kiosk panels are up.

b. Piscassic River-Loiselle Work Day - Oct 15th Conservation Connections:

The Conservation Connections event has been scaled back this year as there were too many conflicting events happening in the area. It will now be a work day at Piscassic River-Loiselle. There a few people signed up through Nature Groupie. Start time is 9:00 AM. The plans include: cleaning out the bluebird nest boxes, install one 4x4 trail sign posts, brush out trails as needed, and clear away some old fencing. The plan is to hold off the foot bridge repair for a later date.

c. Sliding Rock Conservation Area

Encouraged by Patrick Reynolds, Newmarket's Rep to LRAC, we plan to apply for some funds from LRAC again for proposed work on Sliding Rock. The hazard trees found previously have been evaluated by Orion Tree Service. The Chair has also spoken with a trail consultant on the possibility of an "accessible" trail. The kiosk is very old and needs new signage. Aimee Gigandet from the Rec Dept would like another kayak rack.

The application for Sliding Rock may include:

- Removal of hazard trees by Orion tree Service
- Interpretive kiosk panels – design and printing
- Trail assessment by trails consultant Lew Shelley
- Kayak rack and cables

Hold for a later application?

- Assessment of boat launch, beach, parking

d. Presentation to LRAC – October 18th

Ellen and **Bart** are going to attend the LRAC meeting on October 18 and plan to thank them for their support for Heron Point. They will also speak about the grant application for Sliding Rock. They are also going to ask about ideas that LRAC members might have for ways to improve the boat launch, eroding beach area, and parking issues. Do they recommend an engineering assessment for stormwater run-off and other affiliated issues? **Ellen** would also like to do a natural resource inventory of the Follette's Brook region where we hold easements. **Bart** is going to discuss with them his thoughts on possible trail connectivity between Newmarket, Lee, and Durham. He will also be asking them for a supportive letter for the design charrette about Schanda Park for his application.

e. Update on the Piscassic River-Loiselle sign on Wadleigh Falls Road (Rt. 152).

Melissa reported that the State is a hard NO on putting a new sign in the ROW for PR-L. She and **Ellen** are looking at other possibilities. **Melissa** is going to continue to price out signage. She has agreed to speak with Mr. Loiselle to see if he has room – most likely he doesn't. Someone suggested putting a sign up the road that could say "Piscassic River-Loiselle 500 ft Ahead...". More investigation is needed.

At the next meeting on November 10, we will have a presentation by the Nature Conservancy on the Oyster Reef Restoration in Great Bay.

[Oyster Reef Restoration in New Hampshire's Great Bay \(nature.org\)](https://www.nature.org/en-us/about-us/where-we-work/new-hampshire)

10. Adjourn

[time on DCAT 1:37:37]

Action**Motion:** **Melissa Sharples** moved to adjourn the meeting at 8:32 PM.**Second:** **Julianna Tyson****Discussion:** None**Approved:** **Approved 5-0-0**

The next meeting will be held on November 10, 2022 at 7:00 PM
in the Town Hall Auditorium

Respectfully submitted,

Sue Frick, Recording Secretary

DCAT:

https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAyKJVka7_5VjxKP/videos