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

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

**Members Absent**: none

The Chair opened the meeting at 7:00 PM.

**1. Pledge of Allegiance

2. Public Comments**

The Chair opened public comment at 7:00 PM. Hearing none, he closed public comment at 7:01 PM.
 **3. Review and Approval of Minutes**

a. November 9, 2021
 **Motion:** **Valerie Shelton** made a motion to approve the draft minutes of
 November 9, 2021. **Second:** **Jane Ford
Discussion:**None  **Vote: Approved 4-0-4** (abstaining- E. Botterman, T. Rossignol, J. Goldknopf
 and M. Zahorik)
  **4. Regular Business**

 **a.** [**Seacoast Materials LLC/Chris & Chad Bennett - public hearing for an application for renewal of an excavation permit for the property located at 421 Wadleigh Falls Road, Tax Map R6, Lot 2, B 3 Zone.**](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1960&MeetingID=139)

The Chair asked the Town Planner for the status of the application. Ms. Hardy said that she has received all pertinent materials to make the application complete for review at this time.

**Motion #1:** **Valerie Shelton** made a motion to accept the application as complete for
 review this evening.
**Second:** **Tim Rossignol
Discussion:**None  **Vote: Approved Unanimously**Chris and Chad Bennett are both present this evening to address the Board. Chad Bennett said they purchased the property in 2018. He updated the Board on the small amount of materials taken annually from the property. Since 2018, they have been reorganizing the materials left behind by the previous owner. The Chair was concerned that they had taken the Reclamation Progress Plan, originally prepared by Doucet Survey prior to the purchase in 2018, and altered it by adding their name, Seacoast Materials LLC, which is not permitted. They are not required to have the property completely resurveyed, but they could ask that someone walk the property refer to the Doucet Plan, and indicate in a report what has been moved. **Bill Doucet** asked about materials that were brought onto the property. Chris Bennett reported that that they brought 5,000-6,000 yards of loam from the excavation for the new school building over several years ago. The property is grandfathered from the requirements of the Aquifer Protection Ordinance.

The Chair asked for questions from the public and there were none.

**Bill** **Doucet** asked about the deadline for total reclamation of the sand pit **Diane** **Hardy** said that approximately 75-80% of the land has already been reclaimed. Chris Bennett said that of the 25 acre parcel, they are currently only using 5 acres. The other 20 acres have been reclaimed. **Valerie** **Shelton** read the regulations into the record. “Any excavated area of 5 contiguous acres or more which is depleted of materials or any excavation from which earth materials of a substantial amount or volume to be commercially useful have not been removed for a 2 year period’ shall be reclaimed. Chris Bennett also mentioned that the Town holds a $27, 000 bond in case they abandon the property. The Town may then come onto the property to use those funds to reclaim the land.

**Waiver Requests:**

**Motion #2: Bill** **Doucet** made a motion that the renewal excavation permit for [Seacoast Materials LLC/ Chris & Chad Bennett be increased from three years to five years for the property located at 421 Wadleigh Falls Road, Tax Map R6, Lot 2, B3 Zone.](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1960&MeetingID=139)

**Second:** **Valerie Shelton**

 **Discussion:**None

  **Vote: Approved Unanimously

Motion #3: Valerie Shelton** made a motion that the Planning Board grant the request for renewal for the excavation permit for the 24.4 acre property located at 421 Wadleigh Falls Road, Tax Map R6, Lot 2, B3 Zone subject to the nine conditions as noted in the memo from the Town Planner dated December 7, 2021. In addition there to, condition ten (#10) shall require that the applicant provide the Board with a replacement plan for the renewal application which meets the requirements of regulation #3.01A within 120 days of the expiration of the current permit.
**Second: Tim Rossignol
Discussion:** None
**Vote: Approved Unanimously

b.**  [**Seacoast Pool Plastering LLC/Robert MacInnis - Public hearing for an application for Site Plan & Special Use Permit to permit the proposed construction of a 6,000 square foot building consisting of 1,000 sq. ft. of office space and 5,000 sq. ft. for an equipment/construction storage warehouse. Two existing lots will be combined and access will be from an existing paved driveway off Route 152 (Wadleigh Falls Road). The office/warehouse is expected to consist of three employees, proposed paved driveway extension and 8 paved parking spaces, a proposed septic system and leach field, well and water line, and approximately 78,000 sq. ft. of gravel parking for storage of trucks, trailers, containers and equipment. The applicant is requesting a Special Use Permit for a wetlands buffer disturbance for the proposed driveway extension for site access and minor grading near a small wetlands buffer area pursuant Section 32-155 (e) of the Zoning Ordinance. A. portion of the proposed building and site and drainage improvements, including a bioretention area (rain garden) fall within the Town’s Aquifer Protection Overlay District under Section 32-153 of the Zoning Ordinance. The lots are located at 446 & 450 Wadleigh Falls Road, Tax Map R6, Lots 50-7 & 50-8, B3 Zone.**](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1959&MeetingID=139) **Bill Doucet** and **Jeff Goldknopf** recused themselves and the Chair appointed **Michal** **Zahorik** as a voting member.

The Planner was asked about the completeness of the application. **Diane** **Hardy** stated that she had reviewed the application with the applicant and found that it is substantially complete. However, she stated that there are two items that are missing and would like to inquire about their status: 1) The application needs a wetlands stamp and certification on the plan that shows the wetlands along with a detailed description of how this project will impact the wetland buffer; and 2) a note be added to the plan that all site improvements will be ADA compliant as was previously discussed with the applicant. Being satisfied with the responses from the applicant, the Town Planner recommends that the application is substantially complete and ready to undergo technical review.

**Motion #1:** **Tim Rossignol** made a motion to accept the application made by Seacoast Pool
 Plastering LLC as complete and ready for technical review.
**Second:** **Jane Ford
Discussion:**None  **Vote: 6-0-0**Joining the meeting this evening is John Lorden, PE, Project Manager with Tighe & Bond, who is representing Robert MacInnis and his business partner, John Pacheco, who are both present as well. Mr. Lorden walked the Board through the project. They came before the Board last January for a concept design review. They continued with the plan to combine two vacant lots into a single 8.4 acre vacant lot for Seacoast Pool Plastering LLC/Robert MacInnis for proposed construction of a 6,000 square foot building consisting of 1,000 sq. ft. of office space and 5,000 sq. ft. for an equipment/construction storage warehouse. The two existing lots will be combined and access will be from an existing paved driveway off Route 152 (Wadleigh Falls Road). The office/warehouse is expected to house three employees, proposed paved driveway extension and 8 paved parking spaces, a proposed septic system and leach field, well and water line, and approximately 78,000 sq. ft. of gravel parking for storage of trucks, trailers, containers and equipment. The applicant is requesting a Special Use Permit for a wetlands buffer disturbance for the proposed driveway extension for site access and minor grading near a small wetlands buffer area pursuant Section 32-155 (e) of the Zoning Ordinance. A portion of the proposed building and site and drainage improvements, including a bioretention area (rain garden) fall within the Town’s Aquifer Protection Overlay District. They still need a DOT permit and are waiting for a reply. They have submitted an AOT permit from NHDES and have not heard back yet. They also need a septic permit from NHDES and have not heard back as yet. They propose preparing the gravel parking lot now to raise revenue by storing equipment. Mr. Lorden presented a check for the Technical Review fee. The Planner has already spoken with Underwood Engineers and they will be ready around January 15 to begin review.
**Tim** **Rossignol**, **Valerie** **Shelton**, and **Jane** **Ford** agreed to serve on the Technical Review Committee.

 **Motion #2: Valerie Shelton** made a motion tocontinue this public hearing until the next
 Planning Board meeting on January 25, 2022 thereby giving the Technical
 Review Committee an opportunity to review the plan and waiver requests.
**Second: Jane Ford
Discussion:** None **Vote: Unanimously Approved

Bill Doucet** and **Jeff Goldknopf** rejoined the meeting.
 **5. New/Old Business**[**a. Updating Stormwater Regulations (under Site Plan and Subdivision Regulations) Worksession with Bill Arcieri, VHB Consultants**](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1974&MeetingID=139)**.**The Board welcomed Bill Arcieri, Senior Water Resource Specialist from VHB Consultants, and Town resident. Stormwater management is his specialization. Bill gave a brief overall description of the updated Stormwater Regulations under site plan and subdivision regulations. The MS-4 Permit came out in 2017 and regulates municipalities and urbanized areas. Communities must update their regulations to meet the 2012 model of the Southeast Watershed Alliance. Their mission is to establish a regional framework for Piscataqua coastal watershed communities, regional planning commissions, the state and other stakeholders, to collaborate on planning, and implementation measures to improve and protect water quality and more effectively address the challenges of meeting clean water standards. Bill explained the EPA Municipal Separate Storm Sewer System (MS-4) Program. More information may be found at: [Stormwater Discharges from Municipal Sources-Resources | US EPA](https://www.epa.gov/npdes/stormwater-discharges-municipal-sources-resources) . There are at least 60 some communities in MA and NH that were targeted in the scope of the MS-4 program. This is a 5 year permit and will expire in 2023. **Diane** **Hardy** wanted to direct the viewers to the Town website where additional information on the MS-4 plan is posted: [MS4 Stormwater Program | Newmarket NH](https://www.newmarketnh.gov/home/news/ms4-stormwater-program) .

**Diane** **Hardy** said that the map of all outfalls in the Town was completed last June. Bill said that the [Seacoast Stormwater Coalition – NH-MS4 Municipalities (state.nh.us)](https://www4.des.state.nh.us/nh-ms4/?page_id=51) ) is developing a guidance booklet on long-term operation and maintenance of stormwater systems. A subcommittee (TRC) of the Planning Board was set up to work on the Stormwater Regulations Update. The subcommittee is made up of **Eric** **Botterman**, **Valerie** **Shelton**, and **Jeff** **Goldknopf**.

The Board thanked Bill Arcieri for his generous help with the update!
[**b. Follow-up on November 8, 2021 correspondence from Town Council requesting Planning Board to review current Accessory Dwelling Unit regulations.**](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1975&MeetingID=139)

 **Valerie** **Shelton** and **Diane** **Hardy** will work together to put together a spreadsheet showing a comparison of communities in the area and how they address Accessory Dwelling Units and to initiate the discussion of permitting detached ADU’s. They plan to present their spreadsheet for discussion at the February meeting.
[**c. Discussion of Planning Board’s review of Housing and Land Use Chapters of the Master Plan and possible zoning changes to permitted uses and density regulations in the Residential Districts and changes to current B-1 Zoning along North Main Street corridor in order to allow opportunities for mixed-use (commercial/residential) development.**](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1976&MeetingID=139)

 **Valerie** **Shelton** recommends that the Planning Board hold off on addressing the broader housing issues until the SRPC completes its regional housing assessment. The Board agreed that rezoning of the northern Route 108 corridor from downtown to the Durham Town line initially should be evaluated for zoning changes from B-1 to M2-A zoning. Also, some of the requirements within the M2-A zone need to be re-visited. **Diane** **Hardy** will put together some draft language for the Planning Board to consider.

**6. Chairman’s Report**No report this meeting.

**7. Committee Reports**No reports this meeting.

**8. Planner’s Report**No report this meeting.

**9. Adjourn

Motion:** **Jane** **Ford** made a motion to adjourn 8:45 PM **Second:** **Tim Rossignol
Discussion:** None **Vote**: **Unanimously** **Approved**Respectfully submitted,

Sue Frick
Recording Secretary