**NEWMARKET PLANNING BOARD MEETING**

**MAY 14, 2019**

**MINUTES**

Present: Eric Botterman (Chairman), Val Shelton (Vice Chairman), Diane Hardy (Town Planner), Jane Ford, Jamie Bruton, Sarah Finch, Bill Doucet, Michal Zahorik (Alternate), Daniel Lewis (Alternate), Gretchen Kast (Town Council ex officio)

Absent: Zachary Dumont (Town Council ex officio Alternate) – excused

**Agenda Item #1 - Pledge of Allegiance**

**Agenda Item #2 – Public Comments**

None.

**Agenda Item #3 - Review & Approval of Minutes** 04/09/19 & 04/13/19

A motion was made by Val Shelton, second by Jane Ford to approve the minutes of the April 13, 2019 Planning Board meeting, as submitted. All in Favor.

**Agenda Item #4 - Regular Business**

***Robert & Phyllis Paige/William Benedetto – Continuation of a public hearing for an application for Major Site Plan Review, at 10 Norton Lane, Tax Map R5, Lot 11-1, B3 Zone. The proposal is to develop the property as a golf driving range and practice area. The site development will include a new driveway, parking, tee boxes, gravel walkways, putting greens, chipping areas, landscaping, and utilities.***

Diane Hardy stated, upon the request of the Technical Review Committee (TRC), she sent a letter to the applicant and his engineer indicating the plan, as submitted, would not be approvable under the Town’s Zoning Ordinance, because it did not meet the criteria for excavation that is incidental to development. It was the feeling of the TRC and herself, as Zoning Administrator, that what was being proposed was a gravel operation, which is not an allowed use in the Aquifer Overlay District. She advised them the decision could be appealed to the Zoning Board of Adjustment (ZBA). The engineer, Mike Sievert, stated last week that his client was still considering whether to pursue a variance or revise the project. No application has been received for the ZBA. She had recommended they submit a request for a continuance, which they did.

**Action**

**Motion: Val Shelton made a motion to continue the application of Robert & Phyllis Paige/William Benedetto, for Tax Map R5, Lot 11-1 in the B3 Zone to June 11, 2019 Planning Board meeting**

**Second: Jamie Bruton**

**Vote: Bill Doucet abstained. All others in favor**

***Town of Newmarket/New Cingular Wireless PCS, LLC - Continuation of a public hearing for an application for Minor Site Plan & Special Use Permit, at 4 Youngs Lane, Tax Map U3, Lots formerly 48 & 49 (lots recently merged into one lot), B2 Zone. The proposal is to construct a new tower-based personal wireless service facility, consisting of a 150’ monopole telecommunications tower and related equipment.***

Diane Hardy stated she provided her recommendation to the Board on 05/13/19. The Planning Board approved the Special Use Permit, at the March 19, 2019 to allow the cell tower at this location, subject to the applicant meeting all of the Site Plan review requirements and the performance standards. The Planning Board also accepted the application for Site Plan. There was a site walk on 04/13/19 and the Town Engineer raised concerns regarding grading and repair of the pavement, as well as relocation of easements interfering with work to be done for drainage improvements on Youngs Lane. The applicant worked with the Town Engineer and came up with some design solutions and revised the plan. The Town Engineer has provided a sign off on it. She recommends the Board approve the site plan subject to five conditions.

***Eric Botterman opened the public hearing.***

No comments.

***Eric Botterman closed the public hearing.***

Diane Hardy read the recommended conditions.

1. The Applicant shall comply with all provisions of Section 32-159 of the Zoning Ordinance and Appendix B – Site Plans pertaining to the on-going operation and maintenance of the telecommunications facility.

2. The owner of the tower shall provide an annual certification to the Code Enforcement Officer verifying compliance with building codes and safety standards. The certification shall verify that the structure is still needed for the operation of the owner’s network. Said certification shall be submitted to the Code Enforcement Officer prior to December 31 each year.

3. Given the potentially hazardous situation posed by abandoned and unmonitored towers, the Town Administrator shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event the tower is abandoned and the owner is incapable and unwilling to remove the tower, pursuant Section (f) of Section 32-159 of the Zoning Ordinance. Bonding and surety shall be consistent with the terms of the Newmarket Site Plan Review Requirements. In addition, The Town shall require the submission of adequate insurance for accident or damage.

4. The Lease Agreement between the Town and AT&T shall require AT&T to remove and restore the premises after the end of the term of the lease.

5. The Lease Agreement between the Town and AT&T shall provide for the ability to co-locate additional carriers on the Tower in the future.

Diane Hardy recommended approval.

***Eric Botterman opened the public hearing.***

No comments.

***Eric Botterman closed the public hearing.***

Bill Doucet stated they should record the easement plan and asked what the term of the lease was. Attorney Beth Kohler represented the applicant. She stated the lease was an initial five year lease, with 4 five year renewals. She did not have the lease at the meeting. It could be 5 five year renewals. Bill Doucet stated they may want to consider having the lease area monumented. The Board was comfortable with adding these two conditions.

**Action**

**Motion: Bill Doucet made a motion to approve the application**

**Second: Jane Ford**

**Vote: All in favor**

***Masaran Group, LLC - Public hearing for an application for Design Review, regarding two additions to an existing building (12,610 sq. ft. & 11,000 sq. ft.), with new parking and access drives. The lot is located at Forbes Road, Tax Map R3, Lot 9-3, B2 Zone.***

Jonathan Ring and Paige Libby, Jones & Beach Engineers, and Justin Gray, Promocentric and Masaran Group, presented the application.

Jonathan Ring stated the Industrial Park was built between 1983 to 1985. They have a 24,000 sq. ft. building. He showed a plan of the existing building and parking lot. They have an existing leach field and municipal water. They would like to expand with two additions. They have additional parking and have moved existing parking. They also moved the loading docks. The additions are 15% office space and the rest is warehousing. They will add more septic and will have to relocate the tank and pump station. They will go from five to eight loading docks. Most deliveries are UPS and FedEx. The site is an old gravel pit, with well drained soils and a deep water table. Most stormwater disappears onsite. There will be no increase in drainage to the abutters. They will have some porous pavement on the left side and there will be a detention basin and rain garden on the right side. There are no wetlands.

They have three waivers they would like feedback on. The parking aisle width would be 20’ instead of 25’. They are squeezed, with the left side of the building being close to the abutter. They are trying to give 5’ to 6’ of green space on that side. They also have some of the parking within the 30’ side setback. There is an existing transformer they need to save, so they are trying to squeeze parking in. They are also requesting a waiver to a 1”=30’ scale plan to show the entire site on one sheet and have space to put notes.

Justin Gray spoke about the company. Masaran Group LLC is the owner of the building and Promocentric is the business that he owns that occupies the building. They have been there for about five years and business is going extremely well. There has been a 20% year over year growth. They are already squeezed in and they anticipate continued growth. They know they will be overbuilding at the beginning. Until they fill the building themselves, they would like to fill in with tenants that would be low impact, with a high warehouse usage and low employee count. He intends for it to have a low impact on traffic on the neighborhood, with Promocentric occupying the majority of the space.

Bill Doucet asked who owned the land. Justin Gray stated Promocentric owns it. Bill Doucet asked who the abutter to the left was. Justin Gray stated it was Paul White Tile. Paul White is aware of this and had given his “thumbs up” as far as making accommodations, as needed. Bill Doucet asked if he had thought about a lot line revision. Justin Gray stated he would defer to his engineers. Jonathan Ring stated the zoning is a setback item, but the regulation is a Planning Board regulation, which he understands they can waive. They also have a driveway there. With a lot line adjustment, there is not enough land. Bill Doucet stated a 20’ driving aisle is pretty narrow. Justin Gray stated it would be folks who use it every day for work who will be using it. They are used to the operation and, if they have a big pickup truck, they will park out front. Bill Doucet asked what town allowed 20’ aisles. Justin Gray stated they have gone down to 18’ in some cases. He would not do that for “off the street customers” coming by, who are unfamiliar with the terrain. The people parking on that side typically drive mid-size or smaller vehicles. Val Shelton asked if they would be using all of the parking. Jonathan Ring stated probably not, but they are showing the required amount of parking. Eric Botterman stated if they don’t believe they need that number of spaces, he would consider granting a waiver for the parking count. Jonathan Ring stated they would take that under advisement. Eric Botterman stated he would rather see less impervious area rather than see the whole thing paved just to meet a requirement.

Diane Hardy stated they could offer compact car parking. She agreed there was a lot of impervious surface. She asked what the depth was to the high seasonal water table and what the impact was of porous pavement in the vicinity. Paige Libby stated they did not encounter any seasonal high water table. Jonathan Ring stated they would not do pervious pavement unless they were four feet above the water table. They have not done test pits. He showed on the plan where the proposed leach field would be located, as well as the tank. He guessed the water table was 6’ down. They will verify the seasonal high.

Eric Botterman stated they now have 114 parking spaces. He would like to know what they would be comfortable with. He did not disagree about the width of the aisle. He did not have an issue with the setback. He asked if they considered waiving the parking spaces, what number of spaces they would be asking for. With the 20’ aisle width, if they could eliminate spaces on that side, the issue goes away. Jonathan Ring stated they will talk it over. They could shift the aisle toward the building and get rid of spaces on the left. They cannot move the transformer. They could eliminate fifteen spaces and still have a hundred and that is more than enough. Bill Doucet suggested a phased plan on parking. Eric Botterman stated the applicant could figure out how to phase it. Jonathan Ring stated they could do that. Jonathan Ring stated the Town regulation say the setbacks are 25’, but they observed the existing parking based on the 1983 plans with 9’x18’ spaces, with a 24’ aisle. Eric Botterman stated he did not have a huge problem with 20’. He would rather see 24’, if they can do it. Jonathan Ring stated they would take that under advisement.

Melinda Libby, 13 Stanorm Drive, stated currently there are trucks loading at 3 or 4 in the morning, at another business, and it is very annoying. She asked how much truck traffic they anticipate before or after waking hours. Justin Gray stated he did not anticipate any change in their trucking schedule. They have UPS twice a day, morning and afternoon, and that will not change. There will be a random 18 wheeler, as it is now, twice a month. They do not have a second shift.

Jane Ford asked about future tenants. Justin Gray stated he planned on having low impact tenants, because his own business is there. That was why he had 85% warehouse and 15% office space. He did not want to have a lot of cars. At the same time, he can’t predict what the future may be in terms of trucks. What he sees next door is rare with the trucks coming in at early hours.

Val Shelton asked if they would be proposing full stormwater management on the site. Paige Libby stated they would. They have not designed it yet.

Eric Botterman stated the next step would be a full submittal for site plan review.

**Agenda Item #5 - New/Old Business**

***Committee Reports***

Eric Botterman asked for volunteers for CIP. Eric Botterman volunteered and Jane Ford will be the Alternate.

Gretchen Kast stated the Town Council approved the Lot 13 at Moody Point removal of lot restrictions and approving the new covenants for The Nature Conservancy for their full ownership.

**Agenda Item #6 - Adjourn**

**Action**

**Motion: Jane Ford made a motion to adjourn at 7:48 pm.**

**Second: Sarah Finch**

**Vote: All In favor**