**NEWMARKET PLANNING BOARD MEETING**

**JULY 9, 2019**

**MINUTES**

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

Absent: Gretchen Kast (Town Council ex officio) – excused

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

**Agenda Item #2 – Public Comments**

None.

**Agenda Item #3 - Review & Approval of Minutes**

 ***06/11/19***

 **Action**

 **Motion: Val Shelton made a motion to approve the minutes of 06/11/19**

 **Second: Jamie Bruton**

 **Vote: Eric Botterman abstained due to absence**

 **All others in favor**

**Agenda Item #4 - Regular Business**

 ***Alternate Board Member Appointment – Consideration of an application submitted by Edward (Ted) Seely, for the term ending in 2020.***

Ted Seely introduced himself. He recently moved to Newmarket. His background is in regional planning. He has experience in local city planning in New Jersey. He has also worked in development, primarily housing development for affordable and market rate housing. He currently works on development projects all over the northeast. He feels like he can bring a lot to this community.

**Action**

 **Motion: Bill Doucet made a motion to appoint Ted Seely as an Alternate with a term expiring in 2020**

 **Second: Jane Ford**

 **Vote: All in favor**

 ***Notice of Merger – Michael & Elaine Mangan, at 10-12 Nichols Avenue, Tax Map U2, Lot 237 to merge lots described in deed as Tract I and Tract II, Book 5132, Page 2393.***

 Diane Hardy recommended authorizing the Chairman to sign the document. Bill Doucet asked if this created zoning issues. Diane Hardy stated it did not.

 **Action**

 **Motion: Val Shelton made a motion to approve the merger by Michael & Elaine Mangan, at 10-12 Nichols Avenue, Tax Map U2, Lot 237 to merge lots described in deed as Tract I and Tract II, Book 5132, Page 2393 into a single lot**

**Second: Jane Ford**

 **Vote: All in favor**

 ***Jablonski Family Revocable Trust/Geoffrey K. Jablonski - Public hearing for an application for a Lot Line Adjustment, for lots owned by Jablonski Family Revocable Trust, at 30 Bay Road, Tax Map R2, Lot 82, and Geoffrey K. Jablonski, 34 Bay Road, Tax Map R2, Lot 82-2. The proposal is to adjust the property line by conveying 28,475 sq. ft. from Lot 82 to Lot 82-2.***

Ray Bisson, Stonewall Survey, presented the application. He stated the original tract was purchased by Antonio Jablonski, in 1919. It has been in the family ever since. In 1987, Chester and Lorraine Jablonski subdivided the property into three parcels. In 2005, Gary Jablonski purchased the three parcels and put it into a trust in 2014. In 2016, Lots 1 and 2 were merged. Geoffrey Jablonski purchased Lot 3 in 2016. Vivien and Geoffrey are planning to build a house on 82-2. The existing lot line between the two lots cuts across the field. They would like to adjust the lot line for better access for the proposed driveway. The adjustment would also remove the power line easement burden from Lot 82. The adjustment would transfer .65 acres from Lot 82 to 82-2. Both parcels would exceed the minimum lot size requirement of 2 acres. The proposed area for 82 would be 2.15 acres and 82-2 would be 2.68 acres. Wetlands have been delineated. They are asking for a waiver of plan scale.

 Diane Hardy stated the application is complete. She worked with the applicant after receipt of the application and it is now complete. She recommended granting the waiver request for the scale of the plan and acceptance and approval of the application.

 **Action**

 **Motion: Val Shelton made a motion to accept the application as substantially complete**

 **Second: Bill Doucet**

 **Vote: All in favor**

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

There were no comments.

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

**Action**

 **Motion: Bill Doucet made a motion to grant the request for waiver from the scale 1”=100’ to 1”=30’**

 **Second: Val Shelton**

 **Vote: All in favor**

 **Action**

 **Motion: Val Shelton made a motion to approve the application for a Lot Line Adjustment requested by Jablonski Family Revocable Trust, Bay Road, Tax Map R2, Lot 82-2 to adjust the property line by conveying 28,475 sq. ft. from Lot 82 to Lot 82-2**

 **Second: Jane Ford**

Bill Doucet suggested a correction in the title block of the plan and mentioned monumentation. He also suggested that the Planning Board consider changing this in the Subdivision Regulations, as 1”=100’ is not a reasonable scale requirement.

 **Vote: All in favor**

***77 Hersey Lane, LLC/Walter Cheney/Chinburg Builders, Inc. - Public hearing for an application for Special Use Review for an open space single family subdivision, on a twelve acre lot. The lot is located at Hersey Lane, Tax Map R4, Lot 3, R2 Zone.***

Bill Doucet recused himself. Eric Botterman appointed Michal Zahorik to take his place on the Board.

Alexx Monastiero, Cheney Companies, represented the applicants and gave an overview.

She stated this parcel is owned by Hersey Lane LLC. She came to the Planning Board last September and they talked conceptually about the subdivision. After leaving the meeting with the Board saying duplexes would be do-able on this lot, she went to the Zoning Board of Adjustment and was granted a variance to build duplexes. She showed a plan of what the subdivision would have looked like. She stated Walter Cheney and Eric Chinburg were discussing the project and Mr. Chinburg was interested in purchasing the property. The property is now under contract with Mr. Chinburg. Mr. Chinburg prefers to build single family houses and this application reflects that.

She stated there are some outstanding items needed for the Special Use Permit. The engineers will work with the Planning staff to get that done.

Eric Botterman stated he had not seen a boundary survey. Alexx Monastiero stated it is being worked on.

Diane Hardy explained this originally was advertised as an application for a Special Use Permit, but in looking over the materials and speaking with the engineer, it was decided to handle this application as a Design Review at this point because there some items outstanding.

Alexx Monastiero stated the subdivision is the same footprint as last year’s presentation, with 70% of the open space preserved.

Eric Botterman asked about steep slopes within the roadway. Alexx Monastiero stated the engineers believe they can work with those slopes.

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

Glen Wilkinson, 66 Magnolia Lane, asked how big the houses would be. Alexx Monastiero stated between 1500 and 2000 sq. ft. Mr. Wilkinson mentioned the sharp corner at the access location and asked how they would make that safe for access and egress. Eric Botterman stated, at this point, there is nothing on the plan showing that. Mr. Wilkinson expressed concern about possible blasting or rock pounding, as well as privacy for his home.

Phyllis VanDeusen, 17 Lilac Lane, expressed concern about the sharp curve there. She stated people walk back there and asked what would happen to the trails. It is also swampy. She asked if blasting would affect groundwater and expressed concerns because of the close proximity of the site to the MacIntosh Well.

Glen Wilkinson expressed concern about trash trucks and large vehicles getting out of there.

Steven Kessinger, 42 Dogwood Lane, expressed concern about wear and tear on the road from additional traffic. He was also concerned about blasting and pile driving and the impact on the new well. He was concerned the Sewall Farm lift station would be used to support the new development. Eric Botterman stated, if they own it, they don’t have to let anyone tie into it.

 Eric Botterman stated regarding the concern about the well, it is quite a bit away from this property, down the hill in back. He did not believe blasting will have an impact on it. Those types of questions will have to be addressed by the applicant going forward. Regarding the roadway, it will be the Town’s responsibility to maintain it once it is formally accepted by the Town. As this goes to the Technical Review Committee for site plan review, the DPW Director, Chief of Police, Town Engineer, and Fire Chief will have an opportunity to weigh in on it. Alexx Monastiero stated regarding trails, there are no public trails on this property. You could still walk on the Town-owned Class VI roadway portion of Hersey Lane as you can today.

Diane Hardy stated there is a section of Hersey Lane that is a Class VI road. That is a Town road that has not been maintained for a period of at least five years. There are very specific guidelines in the NH State Statutes and the Town’s regulations that require approval from the Planning Board and Town Council for building on and upgrading a Class VI road. In order to have an open space development, there needs to be at least 50’ of frontage on an approved Class V roadway. This means they would have to upgrade a portion of Class VI roadway in order to have this subdivision. The upgraded road would have to meet current Town standards.

 Diane Hardy stated she wanted to mention a couple deficiencies in the plan as submitted. They cannot have a hammerhead turnaround at the terminus of the roadway in an open space subdivision if the road serves greater than six (6) lots Also, with open space subdivisions, in addition to the standard buffer requirements for Hydric A and B soils, there is also a 100’ upland buffer requirement.

 **Action**

 **Motion: Val Shelton made a motion to continue the hearing for 77 Hersey Lane, LLC/Walter Cheney/Chinburg Builders, Inc. for Design Review for an open space single family subdivision, on a acre lot located at Hersey Lane, Tax Map R4, Lot 3, R2 Zone to the August 13 meeting**

 **Second: Jane Ford**

 **Vote: All in favor**

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

 ***Discussion: Impact Fees***

 Eric Botterman stated the Planning Board makes recommendations to the Town Council for any changes to impact fees. There have been discussions over the years on whether to have impact fees or not. He would like to have a general discussion on that. After that, they can discuss Bruce Mayberry’s memo.

 Val Shelton spoke about water and sewer tie in fees. She also stated, if they are looking at the capital needs for the school and recreation, the last time these fees were put in place was when they were adopted twenty years ago. They should be updated or make a recommendation not to have fees anymore.

 Jane Ford asked about the recreation fees and whether they applied to seniors. Diane Hardy stated the senior center does fall under the Recreation category of fees.

 Diane Hardy stated there have been instances where they brought Bruce Mayberry back to do some additional work. She can make those reports available. The fee structures do need updating.

 Diane Hardy stated every time a Department Head requests to use impact fees, she is consulted on whether it is consistent with the Capital Improvements Program and whether it is a use of the funds related to growth in the community. There is a review process and, since 2011, everything is documented in a Town Council resolution. She would be happy to pull together a list of the expenditures and make the resolutions available, if the Planning Board would like to review them.

 Zachary Dumont asked what the reasons were when people requested waivers. Diane Hardy stated they have received waiver requests for almost every accessory dwelling unit. They do not have a category for those on the schedule. She mentioned other communities charge a lot more for impact fees. Newmarket’s fees are on the low side. There has never been a legal challenge to them.

 Eric Botterman asked Diane Hardy to gather some information for the Board. Diane Hardy stated the Town Administrator stated the Planning Board could bring this up at the joint meeting with the Town Council, so everyone is on the same page. She stated Bruce Mayberry could meet with the Board, too. The Board could ask him for an updated cost proposal.

 Bill Doucet wanted to see arguments for pros and cons of impact fees. Val Shelton stated she may have a seminar handout with that information.

 ***Planner’s Report***

Diane Hardy stated the Stormwater Management Plan (SWP), as required by the MS4 program is on the Town’s website for public viewing.

**Agenda Item #6 – Adjourn**

 **Action**

 **Motion: Val Shelton made a motion to adjourn at 8:05 pm.**

 **Second: Jane Ford**

 **Vote: All in favor**