**NEWMARKET PLANNING BOARD MEETING**

**SEPTEMBER 10, 2019**

**MINUTES**

Present: Eric Botterman (Chairman), Val Shelton (Vice Chairman), Jane Ford, Jamie Bruton, Bill Doucet, Sarah Finch, Ted Seely (Alternate), Gretchen Kast (Town Council ex officio)

Absent: Michal Zahorik (Alternate), Zachary Dumont (Town Council ex officio Alternate)

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

**Agenda Item #2 – Public Comments**

None.

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

***07/09/19***

**Action**

**Motion: Val Shelton made a motion to approve the 07/09/19 minutes**

**Second: Gretchen Kast**

**Vote: Gretchen Kast abstained due to absence**

**All others in favor**

***08/13/19***

**Action**

**Motion: Val Shelton made a motion to approve the 08/13/19 minutes**

**Second: Jamie Bruton**

**Vote: Eric Botterman, Jane Ford, Bill Doucet abstained due to absence**

**All others in favor**

**Agenda Item #4 - Regular Business**

***Consideration of appointment to Alternate – Thomas Howard for a term to expire 2021.***

This item will be taken up at the October meeting.

***77 Hersey Lane, LLC/Walter Cheney/Chinburg Builders, Inc. – Continuation of a 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, R-2 Zone.***

Eric Botterman stated the applicant requested a continuance.

**Action**

**Motion: Val Shelton made a motion to continue to the October 8, 2019, meeting**

**Second: Gretchen Kast**

**Vote: All in favor**

***Masaran Group, LLC - Public******hearing for an application for Major Site Plan 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 5 Forbes Road, Tax Map R3, Lot 9- 3, B2 Zone.***

Eric Botterman stated the applicant requested a continuance.

**Action**

**Motion: Val Shelton made a motion to continue to the October 8, 2019, meeting**

**Second: Gretchen Kast**

**Vote: All in favor**

***Skyfall LLC/Erik Potts - Public hearing for an application for Site Plan, regarding a 32’x12’ addition of one garage bay to the right side of the current building. The lot is located at 82 Exeter Road, Tax Map U4, Lot 2-2, B1 Zone.***

Eric Botterman stated the applicant requested a continuance.

**Action**

**Motion: Val Shelton made a motion to continue to October 8, 2019**

**Second: Gretchen Kast**

**Vote: All in favor**

**James Mastin - Public hearing for an application for subdivision, at 6-8 Elder Street, Tax Map U2, Lot 170, R3 Zone. The proposal is to convert the existing duplex apartment units into condominiums.**

Diane Hardy stated the application is substantially complete and recommended acceptance.

**Action**

**Motion: Val Shelton made a motion to accept the application for technical review**

**Second: Jane Ford**

**Vote: All in favor**

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

Attorney FX Bruton, Bruton & Berube, represented James Mastin. He stated this is a straightforward application. In Dover and Portsmouth, they do not review condo conversions, but a lot of towns do. It is an existing duplex and the property is about 9,000 sq. ft. The duplex has been owned by Mr. Mastin for about 21 years. The utilities have been separated. Each condo will consist of a unit and limited common areas. The plan will be an exhibit for a Declaration of Condominium. By laws will be created for a condominium association. They will submit those documents to the Town Attorney for review.

Val Shelton asked about encroachment on the western side of the lot. It was a shed on the abutter’s property. James Mastin stated it was his neighbor’s shed and it is outside the fence and on his neighbor’s property. There are no plans to move it. Attorney Bruton suggested to have the property owner submit a letter of permission allowing the shed to be there.

Val Shelton questioned the other shed belonging to Mr. Mastin that was located in the setback along the southerly rear property line. James Mastin stated he was planning to remove it. Val Shelton suggested a note be placed on the plan and Attorney Bruton and Mr. Mastin agreed.

Bill Doucet asked about the fence location in relation to the boundary of the Coles property. Mr. Mastin stated Jim Coles put that fence up. Bill Doucet stated it was on the Mastin property by a few feet. Mr. Mastin stated that was fine. Bill Doucet stated the new owners needed to understand that fence is not the property line. Mr. Mastin stated it was mutually agreed upon to put it there. Bill Doucet stated there are three fences along boundaries and everybody should be aware that those are not along the lot lines. Attorney Bruton stated the plan will be on record and be part of the purchase and sale agreements.

Bill Doucet asked how the unit boundaries were defined. Attorney Bruton stated in the Declaration by the exterior walls. The excess area to the rear of the building is limited common area. They will add notes and dimensions to clarify this. They will show the unit boundaries. There will be a tie between the unit boundary and the perimeter boundary so they can be located in the future.

**Action**

**Motion: Bill Doucet made a motion to approve the application as submitted subject to the comments made above.**

**Second: Val Shelton**

**Vote: All in favor**

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

***Discussion: Impact Fees***

This will be discussed at the October meeting.

**Committee Reports**

Gretchen Kast stated the joint meeting with the Town Council will be after work with the economic development consultant is completed.

**Planner’s Report**

Diane Hardy reported at the last meeting that the SRPC has received some funding through a NH Source Water Protection Grant from DES to update Newmarket’s Water Resource Chapter of the Master Plan. Kyle Pimental of the SRPC has heard back from the NH DES representative who has indicated that the State is in support of this proposal. The State wants to be sure that the SRPC covers development trends and emerging threats to long term drinking water supplies within the context of the chapter update. SRPC assured them they would put that into their scope of work and MOU (Memorandum of Understanding), which will be agreed to by all the parties. The Newmarket Planning Board expressed their support for the chapter update and the need to address development trends and emerging contaminants to the Town’s drinking water supply and appreciates the State’s assistance with this project.

**Action**

**Motion: Val Shelton made a motion that the Newmarket Planning Board pursue working with SRPC on the update to the Water Resource Chapter of the Master Plan and to include the Scope of Work outline in Andrew Madison’s August 13, 2019 memo with the addition of the inclusion of development trends and emerging threats and contaminants to drinking water supplies.**  **Second: Jane Ford**

**Vote: All in favor**

Diane Hardy stated the Planning conference is on October 5, 2019.

**Agenda Item #6 - Adjourn**

**Action**

**Motion: Jane Ford made a motion to adjourn at 7:23 pm.**

**Second: Val Shelton**

**Vote: All in favor**