**NEWMARKET PLANNING BOARD MEETING**

**JANUARY 28, 2020**

**MINUTES**

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

Absent: Sarah Finch, Zachary Dumont (Town Council ex officio Alternate) – both excused

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

**Agenda Item #2 – Public Comments**

None.

**Agenda Item #3 - Review & Approval of Minutes** 12/10/19

**Action**

**Motion: Val Shelton made a motion to approve the minutes of 12/10/19**

**Second: Jane Ford**

**Vote: All in favor**

Eric Botterman appointed Ted Seely to sit in for Sarah Finch.

**Agenda Item #4 - Regular Business**

***Pelczar Realty LLC/Michael Pelczar - Public hearing for an application for Site Plan Review, regarding adding a 40’x40’ accessory building to the existing funeral home at the rear of the lot, with additional parking and utilities. The building will be used for crematory services. The lot is located at 77 Exeter Road, Tax Map U3, Lot 136, B1 Zone.***

Bill Doucet recused himself. Eric Botterman appointed Michal Zahorik to sit in for him.

Eric Botterman stated they had notice from the Town Planner that the application was complete. Diane Hardy stated she went through the checklist and found a couple of minor items missing. She spoke with the applicant and he has addressed some of the items and will address others in the next iteration. There is a letter from Steve Badger, an abutter across the road, in support of the project. They have also received positive comments from the Public Works Director, the Code Enforcement Officer and the Police Chief. They were all in favor of the project and hope to see it go forward. A couple of minor items resulted in waiver requests. The application is substantially complete and she recommends acceptance for technical review.

**Action**

**Motion: Val Shelton made a motion to accept the application as substantially complete for Pelczar Realty LLC/Michael Pelczar for property located at 77 Exeter Road, Tax Map U3, Lot 136, B1 Zone for the addition of a crematory building with additional parking**

**Second: Jane Ford**

**Vote: All in favor**

Michael Pelczar stated he is a life-long resident of Newmarket and owns Kent & Pelczar Funeral Home. He joined the staff of the family-owned business in 1997 and, in December 1999, his father opened their current facility. He was here tonight with an application for a crematory. He is hoping to bring the second crematory to Newmarket. The first crematory is the pet crematory on Route 152. The plan is to build a 40’x 40’ building, with single retort inside. His family has been assisting families with cremation services since before he was born. The cremation rates have continued to increase greatly over the past years. Building a new crematory at their location will help them better assist the families, with state of the art equipment, eliminating some of the logistics, and keeping the chain of custody complete throughout the entire process. The crematory company he is working with has installed thousands of retorts in the US and many in NH.

John Lorden, Tighe & Bond, is the site design engineer for the project. He stated what was existing was an existing funeral home on a 1 acre lot. He showed, on an aerial photo, the back parking lot, which had been paved. To the west and north is all commercial use, with woods to the rear. There are some wetlands on site. They are proposing a crematorium. It will be a one story building with 1,600 sq. ft. They will not be changing anything up top by the existing building. They are proposing to add 7 parking spaces just for some overflow parking. There are no anticipated increases in traffic. In terms of utilities, they have been in close contact with Eversource, the power company. He indicated which pole they will tie into. They will bring in two more poles and then go underground. The existing pole that is there is maxed out for connections. They have to have two new poles to avoid the wetlands and the wetland buffers. There are two underground propane tanks right now sized at 1000 gallons in this point of the process. There will be bollards or granite to protect them. There is no proposed water or sewer connection. The area of disturbance is completely outside of the wetlands and buffer. They are below the threshold of 5000 sq. ft. of increased impervious, so they are not subject to full stormwater management requirements. There was some space not being used and they have tried to direct the runoff from the parking area to a treatment swale toward the side of the site. There is a check dam. They have reviewed the highway access with NH DOT and they are providing a letter saying they have no issues. There are no State approvals required for this project. They will be in compliance with NH DES air quality requirements. The drainage will be reviewed by Underwood Engineering.

One waiver request is for lighting. They would like to put lights on the Eversource poles. Because there will be communications to the building, they require 25’ height for lighting fixtures. They have to be above the communication line, so they cannot meet the 20’ requirement. The other waiver is for pedestrian bicycle amenities. It does not fit for a bike rack or sidewalk to be there. This is just for overflow parking and there are two garage doors that will provide access to the building.

Diane Hardy asked if Eversource had downward deflecting lamps that may not spill over onto adjacent properties. The abutter is adding some housing on his lot and she was thinking of light impact. They have not selected a fixture. They will take spillover into account.

Eric Botterman stated he was fine with this. He understands Underwood will look at drainage. He did not see the need for a Technical Review Committee (TRC) for this. He asked what the Board wished to do. Val Shelton stated the paved parking areas fall within the building setbacks. Diane Hardy stated she has not reviewed this for compliance with Town regulations at this point. She reviewed it for completion, as that is typically how they proceed. She would like to look at it with the engineer and they can evaluate the lighting and parking at the same time. Val Shelton stated she agreed they did not need a full blown TRC on this. Having the engineer review it and get his comments would be good. Eric Botterman asked if they could get a letter from Eversource stating they could not use the other pole. John Lorden stated they would. Diane Hardy asked if he could also get from Eversource the details of the lighting fixtures.

Eric Botterman stated the additional parking would be for the funeral home when there was a large gathering. Michael Pelczar stated it was now gravel and he did not want mud between the parking area and the new building.

**Action**

**Motion: Val Shelton made a motion to continue the application for Pelczar Realty LLC/Michael Pelczar at 77 Exeter Road, Tax Map U3, Lot 136, B1 Zone to the February 11, 2020, meeting Second: Jamie Bruton**

**Vote: All in favor**

***Public hearing for an application for Boundary Line Adjustment, requested by Lori Hawkins, at 14 New Road, Tax Map U3, Lot 114, and Chad Hill, at 16 New Road, Tax Map U3, Lot 113, both in the R2 Zone. 318 sq. ft. will be added to 14 New Road from 16 New Road near the front of the lots, where the garage at 14 New Road is located, and 318 sq. ft. will be added to 16 New Road from 14 New Road at the back of the lots. A portion of the garage at 14 New Road is situated on the 16 New Road property. The Boundary Line Adjustment will correct the encroachment.***

Scott Boudreau, Boudreau Land Surveying, represented the applicants. He stated Lori Hawkins inherited the house and had no idea, until the neighbor mentioned it, that the lot line might go through the garage. She was selling the house and it was under contract. She hired him to do the survey. Sure enough the line was through the garage. The original subdivision was done in 1955. Her lot is Lot 4 and shortly after subdivision that lot was conveyed in 1957 and then conveyed again. He guesses the house was built in 1957. There are no building records for the garage, so he did not know when it was built, but it has been around at least as long as Google Earth, around 1992. She received an Equitable Waiver from Dimensional Controls from the ZBA. They are trying to correct the lot line issue and give Chad Hill the minimum frontage they can get. It is about an equal exchange just to fix the boundary line.

Diane Hardy stated the application was complete and ready for acceptance.

**Action**

**Motion: Bill Doucet made a motion to accept the application as complete**

**Second: Jamie Bruton**

**Vote: All in favor**

Bill Doucet stated Mr. Boudreau could invert one area along the boundary to make a more regular shaped lot. He did not think it would negatively impact the application. Scott Boudreau stated she was in a rush, as the buyers are ready. The Board stated they would be okay with that, if they chose.

Val Shelton asked why the other lot was only half surveyed. Scott Boudreau stated they put the boundary line on it where they are exchanging equal areas. Bill Doucet suggested a waiver. He did not think either landowner would benefit from additional surveying. Waivers are typical in these cases. Eric Botterman and Diane Hardy felt the survey met the regulations. A full lot survey was not required. They are adjusting one line. This is an equal swap.

Bill Doucet stated they may want to add a note to the plan that they had an Equitable Waiver.

**Action**

**Motion: Bill Doucet made a motion to approve the Boundary Line Adjustment as presented with the condition of a note on the plan there is an Equitable Waiver granted by the ZBA and a note that identifies whether the lots are serviced by municipal sewer**

**Second: Jane Ford**

**Vote: All in favor**

***77 Hersey Lane, LLC-Walter Cheney/Chinburg Builders, Inc. - Public hearing for an application for an 11-lot Open Space single family subdivision, with municipal water and sewer services, on a twelve acre lot. The lot is located at 77 Hersey Lane, Tax Map R4, Lot 3, R2 Zone.***

Bill Doucet recused himself. Michal Zahorik was appointed to fill in, by Eric Botterman.

Diane Hardy stated the application was complete. She stated the Code Enforcement Officer, Public Works Director, Fire Chief, Conservation Commission, and Police Chief, however, need to be notified.

**Action**

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

**Second: Jane Ford**

**Vote: All in favor**

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

Alexx Monastiero represented the applicants. She stated the parcel is expected about 8.95 acres of open space. The parcel is 11.81 acres. It will be accessed by a Town road and have water and sewer. The entrance is off the Class VI portion of Hersey Lane, which will be upgraded to full Town standards. They will do a review with Underwood Engineering and have the TRC meeting. There are waiver requests. The first is for scale of plans. The second is a wetlands buffer waiver. The back portion is prime wetlands and then there is a finger of wetlands that comes down. This is connected to a prime wetland. Zoning requires the 100’ wetlands buffer. These are poorly drained soils, so they are requesting the 25’ buffer. The third is for the 50’ right-of-way of the road coming in from the Class V portion of Hersey Lane. There is not 50’ owned by the Town on Hersey Lane by the Town. That waiver is duplicative, because the abutter has agreed to work with them and will be working with them to secure the 50’ needed for the right of way, so she did not think they would need the waiver. The last is to reduce the travel portion of pavement from 12’ to 11’ on each side.

Eric Botterman stated on the plan it states “front setback 25’ from paved roadway”. Alexx Monastiero thought that was a misprint. She believes it is 25’ from the right of way. Eric Botterman stated Gove did an analysis stating that the functionality of the finger of wetlands was not valued as a prime wetland. Alexx Monastiero stated the Zoning Ordinance requires if any portion of a wetland is connected to a prime wetland then it also has a 100’ buffer. They are requesting a waiver, because the function is not a prime wetland, it is just poorly drained soils.

Diane Hardy stated they can set up a TRC meeting. Eric Botterman stated Jim Gove, the wetlands scientist, should be at the next meeting.

Val Shelton stated they could deal with some of the general waivers. Alexx Monastiero stated she did intend to withdraw the waiver regarding the 50’ right of way. Diane Hardy stated the Town would rather see the fee simple ownership of a full 50’ right of way. A boundary adjustment would be a more prudent way to go than with an easement. Alexx Monastiero stated that is their intention.

**Action**

**Motion: Val Shelton made a motion to grant the request for waiver for the site plan regulations Section 4.08 with regards to the plan scale**

**Second: Jane Ford**

**Vote: All in favor**

**Action**

**Motion: Val Shelton made a motion to grant the waiver for Section 3.02(B)(4) to reduce the travel lane from 12’ to 11’**

**Second: Jane Ford**

**Vote: All in favor**

**Action**

**‘ Motion: Val Shelton made a motion to continue the hearing on the application of 77 Hersey Lane LLC/Walter Cheney/Chinburg Builders Inc. regarding a proposed open space subdivision at 77 Hersey Lane, Tax Map R4, Lot 3, R2 Zone, to the March 17 meeting**

**Second: Ted Seely**

**Vote: All in favor**

Eric Botterman and Val Shelton will be on the TRC.

***Public hearing for an application for Boundary Line Adjustment, requested by Five Railroad Street, LLC, for 5 Railroad Street, Tax Map U4, Lot 16, R2 Zone; Cheney Property Management Corp., 50 Exeter Road, Tax Map U4, Lot 15, M2A Zone; Boston & Maine Railroad, Tax Map U3, Lot 138-1, M2A Zone. The three landowners are seeking to reconfigure the existing parcel boundaries between the adjacent parcels. No new lots are being created. 0.79 acres is being conveyed to Cheney Property Management Corp from Lot 138 and 0.72 acres is being conveyed to Five Railroad Street LLC from Lot 138.***

Diane Hardy stated the application is complete.

**Action**

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

**Second: Jane Ford**

**Vote: All in favor**

Mike Sievert, MJS Engineering, represented the applicants. There are three parcels on one application. New England Barricade (Innovations), according to the tax map, owns Lot 138-A. The Skidmore Trusts own the land at 138. The tax maps are not correct, B&M Railroad owns 138-1. He indicated the affected areas on a plan. It is a simple lot line revision combining these into R2 lots. The railroad does not utilize this property anymore. There is a spur that ends almost in the MJS parking lot. It is unused. They are making the land available to abutters. There are no new lots. The affected lots are getting bigger by ¾ of an acre. Nothing else changes.

There was a discussion of abutters and who had been notified. Bill Doucet mentioned monumentation needed to be done at all lot corners.

Diane Hardy stated they did receive correspondence from an attorney representing Lot 138A. She was not sure of the context of why he sent the letter. Her understanding was New England Innovations own the building, but the land is owned by two trustees. Mike Sievert stated that was why the tax maps are not correct. Sidmores, as owners of New England Innovations own the building and the lot, but the tax maps are not correct. The attorney talked to him about the access and there is some kind of tax consequence, but that is not relevant to this application. They did send a letter saying they have no objection to this boundary adjustment application.

***Eric Botterman closed the public comment.***

**Action**

**Motion: Bill Doucet made a motion to approve the boundary line adjustment as submitted with the one condition that all lot corners are marked with proper monumentation**

**Second: Val Shelton**

**Vote: All in favor**

***Jonathan Kiper - Public hearing for an application for a waiver of full requirements for a Major Site Plan Review pursuant to Section 1.05(C)(1) to establish a nonresidential use of 700 sq. ft. where no non-residential use currently exists. If a waiver is granted, the application will be reviewed under Minor Site Plan review. The application is for a change of use for the second floor from residential to commercial to allow for a lounge to be added above the existing restaurant. The proposal also includes a 10 seat outdoor patio in the back of the building to be used in summer as a “beer garden”. The applicant also requests a waiver from the requirement of on-site parking, as described in Site Plan Appendix B (Section 3.02 Parking (A)(3), (4) and (5). The lot is located at 170 Main Street, Tax Map U3, Lot 175, M2 Zone.***

This item will be heard at the February 11, 2020, meeting as there was a notice error.

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

Eric Botterman asked about the parking and direction of traffic changes by the library. Gretchen Kast stated the Town Administrator did that. Diane Hardy, it was her understanding that the Town Administrator, the Public Works Director, and Eric Chinburg all agreed to it. Eric Botterman stated it was part of a DOT access permit and site plan. You can’t just change it. The access was messed up bigtime. Val Shelton stated the whole issue is parking. The snow is not getting removed from the spaces. It is taking up a lot of spaces there. Parking is an issue throughout the downtown.

**Committee Reports**

***Water Resources Master Plan Update***

Diane Hardy stated Kyle Pimental, of the Strafford Regional Planning Commission (SRPC) is making modifications. It was a productive meeting.

**Agenda Item #6 – Adjourn**

**Action**

**Motion: Val Shelton made a motion to adjourn at 8:10 pm**

**Second: Jane Ford**

**Vote: All in favor**