**NEWMARKET PLANNING BOARD MEETING**

**MAY 19, 2020**

**MINUTES**

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

Absent: Bill Doucet (excused)

Eric Botterman read a statement regarding the Right-To-Know law and electronic/virtual meetings per the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04.

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

**Agenda Item #2 – Public Comments**

None.

Eric Botterman appointed Michal Zahorik to fill in for Bill Doucet.

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

***02/11/20***

**Action**

**Motion: Val Shelton made a motion to approve the minutes**

**Second: Jamie Bruton**

**Vote: Eric Botterman, Christian Matthews abstained**

**Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Michal Zahorik in favor**

**Agenda Item #4 - Regular Business**

**Election of Chairman & Vice Chairman**

Eric Botterman nominated Val Shelton for Vice Chairman. Jane Ford seconded. Val Shelton and Christian Matthews abstained. All others in favor.

Val Shelton nominated Eric Botterman for Chairman. Jane Ford seconded. Eric Botterman and Christian Matthews abstained. All others in favor.

**Pelczar Realty LLC/Michael Pelczar - Public hearing for an application for Special Use Permit, to permit a wetland buffer disturbance for a utility crossing. The addition of a crematory building, located behind the existing funeral home building, at the rear of the lot, would involve installing underground utilities via previously disturbed ground within the wetland buffer. The lot is located at 77 Exeter Road, Tax Map U3, Lot 136, B1 Zone.**

Diane Hardy stated, in February, Mr. Pelczar came in with his engineer, John Lorden, from Tighe & Bond, and made a presentation for the site plan for the new crematorium. That was conditionally approved by the Planning Board. One condition was for them to come back and get a Special Use Permit, because there will be a minor wetlands buffer disturbance.

John Lorden, Tighe & Bond, stated the wetland buffer disturbance would be 234 sq. ft. for a utility crossing. That crossing is associated with the crematory building. Eversource could not come off of the existing pole on the south side of the site. They were proposing two utility poles and a series of overhead wires, one over Route 108 and one over the wetlands. The Planning Board requested a more aesthetically pleasing site. Mr. Pelczar worked very closely with an electrical contractor and verified the feed could come off of the existing building. For the least impactful route, they are proposing to run utilities through a previously disturbed crossing within a wetland buffer.

Diane Hardy stated they needed to accept the application as complete. She stated the application is complete and recommended acceptance for technical review.

**Action**

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

**Second: Jane Ford**

**Vote: Val Shelton, Jane Ford, Sarah Finch, Christian Matthews, Michal Zahorik, Eric Botterman in favor**

**None opposed**

Diane Hardy stated, given the size of the disturbance and the minimal impact on the wetlands and the fact they were able to eliminate the overhead wires, this can be approved under the criteria stated for the Special Use Permit requirements. She recommended a condition that it be subject to the applicant employing best management practices to minimize siltation and erosion. She has spoken to Mr. Lorden and Mr. Pelczar about that and they concurred.

Eric Botterman polled the Board for questions. There were none.

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

No comments.

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

**Action**

**Motion: Val Shelton made a motion to approve the application of Pelczar Realty LLC/Michael Pelczar for the application for Special Use Permit, to permit a wetland buffer disturbance for a utility crossing, with a lot located at 77 Exeter Road, Tax Map U3, Lot 136, B1 Zone, per the evidence submitted by Tighe & Bond with the condition the Town Planner has recommended**

**Second: Jane Ford**

**Vote: Val Shelton, Sarah Finch, Christian Matthews, Jamie Bruton, Jane Ford, Michal Zahorik, Eric Botterman in favor**

**No one opposed**

**Sharon E. Tucker - Public hearing for an application for Minor Subdivision to create a 2 acre lot out of an existing 16.7 acre lot. The property is located at 27 Neal Mill Road, Tax Map R4, Lot 50, R1 Zone.**

Diane Hardy stated the application is complete. There were a few modifications Mr. Sharkey agreed to make before the meeting to bring the project up to date. She recommended the Planning Board accept the application for technical review.

The Board members had no questions regarding completeness.

**Action**

**Motion: Jamie Bruton made a motion to accept the application**

**Second: Val Shelton**

**Vote: Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Michal Zahorik, Christian Matthews, Eric Botterman in favor**

**None opposed**

Diane Hardy stated there are two waiver requests. One is for the 2’ contours for the new proposed lot of 2.46 acres. Pat Sharkey, Doucet Survey, represented the applicant, and pointed out the existing and proposed lots. They are asking not to show contours on the remaining 14.3 acres. Diane Hardy recommended this be granted.

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

Diane Hardy stated there was also a waiver request for the delineation of wetlands on the remaining 14.3 acres. Given the size of the lot for a single family home, she did not feel this delineation was necessary.

**Action**

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

**Vote: Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Michal Zahorik, Christian Matthews, Eric Botterman in favor**

**None opposed**

There were no questions on the waivers.

Pat Sharkey stated the applicant wishes to create one additional lot. The total existing lot is 16.75 acres. The new lot will be 2.46 acres, with 240.29’ of frontage. The remaining land, with the existing house, will be 14.3 acres, with 550.65’ of frontage. Test pits, topography, and soils mapping are on the proposed lot. The subdivision conforms to zoning. The two waivers are for the remaining large lot.

Subdivision approval from NH DES and a driveway permit were requested conditions by the Town Planner in her review.

Val Shelton asked why the plan does not depict any monumentation at the corner of L13 and L14. Pat Sharkey stated this was from a previous subdivision involving the Town well. At that time, that corner was in a wetland. It was not able to be set. Val Shelton asked if they needed a waiver. Diane Hardy stated usually all corners had monumentation. Pat Sharkey stated it is a requirement. He can try to set a suitable monument. He can add it to the plan.

Eric Botterman stated, regarding the first waiver regarding contours, he was in favor of granting it. It is a very large parcel, it does not benefit from having contours on it.

**Action**

**Motion: Val Shelton made a motion to grant the waiver regarding contours**

**Second: Jane Ford**

**Vote: Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Michal Zahorik, Christian Matthews, Eric Botterman in favor**

**None opposed**

For the waiver regarding wetlands, Eric Botterman recommended approval.

**Action**

**Motion: Val Shelton made a motion to grant the waiver regarding wetlands delineation**

**Second: Jane Ford**

**Vote: Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Christian Matthews, Eric Botterman in favor**

**Michal Zahorik opposed**

Eric Botterman asked if there were further questions from the Board. There were none.

**Action**

**Motion: Val Shelton made a motion to approve the subdivision for Sharon E. Tucker for property located at 27 Neal Mill Road, Tax Map R4, Lot 50, R1 Zone to subdivide an existing 16.7 acre parcel into one 14.3 acre parcel, the second parcel being 2.46 acres, subject to the conditions outlined by the Town Planner with the addition of setting monumentation at the corner of L13 and L14 and the comments relative to traffic control on Neal Mill Road during construction**

**Second: Jane Ford**

**Vote: Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Christian Matthews, Eric Botterman in favor**

**Michal Zahorik opposed**

**Lucille A. LeGault Revocable Trust of 2010/Doucet Survey, LLC - Public hearing for an application for Subdivision, to permit the creation of three 2+ acre lots in Newmarket out of an existing 9.59 acre lot. The lot is located at 49 Ash Swamp Road, Tax Map R3, Lot 19, R1 Zone.**

Diane Hardy stated the application was complete and recommended acceptance for technical review.

**Action**

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

**Second: Jane Ford**

**Vote: Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Michal Zahorik, Christian Matthews, Eric Botterman in favor**

**None opposed**

Pat Sharkey, Doucet Survey, represented the applicant. The Trustees wish to create two additional lots. The total parcel is 9.59 acres and the new lots will be 2.03 acres, with 200’ frontage. The remaining lot, with the existing house, will be 5.5 acres, with 277.34 frontage. Test pits, topography and soils are shown on the proposed lots. The subdivision conforms to zoning.

There is one waiver request for Section 4.10(B)(2) to show wetlands for the entire property. They did not delineate wetlands just to the south of the stream, being far away from the proposed subdivided area.

The Town Officials requested travel not be impeded during construction and there was a request for a site distance easement to be created on Lot 19-1 to the easterly side of the proposed driveway.

The Planner’s review requested three items. One that the subdivision approval by NH DES be done prior to plan signing, two was that driveway permits be issued by DPW, and three was the site distance easement document be provided and recorded. There were no issues with these requests.

Val Shelton asked why a site distance easement vs. a deed restriction that the area be kept cleared. Mr. Sharkey stated the easement was recommended by the Planner and Engineer. It was thought the easement would expedite things. Mr. Sharkey stated it would be held by the property owner. Val Shelton stated it would then be a deed restriction. The Town would enforce that, if the owner does not. It is hard to understand the Town’s responsibility, if any. Diane Hardy stated that could be written into the legal agreement. The document would be reviewed by the Town Attorney. Val Shelton asked if the owner would maintain that area. Diane Hardy stated that was correct. DPW can clear, if it does not meet the requirements. She deferred to the Town Attorney for putting a legal document together.

Michal Zahorik stated it looked like the wetland area was 50%. Diane Hardy stated it was 24%. There is a table on the plan. The requirement is you can’t have more than 25% of the lot area as poorly drained soils.

Eric Botterman stated he supported the waiver request.

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

No comments.

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

No other Board members had comments on the waiver.

**Action**

**Motion: Val Shelton made a motion to grant the waiver**

**Second: Jane Ford**

**Vote: Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Michal Zahorik, Christian Matthews, Eric Botterman in favor**

**No one opposed**

**Action**

**Motion: Val Shelton made a motion to approve the subdivision of the Lucille A. LeGault Revocable Trust of 2010 9.59 acre lot to three lots as shown on the Doucet Survey plan, Tax Map R3, Lot 19, R1 Zone subject to the recommendation of conditions by the Town Planner on May 19, 2020, in addition that a covenant be placed on the parcel proposed Lot 19-1 when the parcel is developed that the owner is responsible for clearing the line of sight area and that the easement document be drafted by legal counsel provides for the Town to be able to clear that at the owner’s expense if they don’t abide by the deed restriction and easement and a note be placed on the plan, as such**

**Second: Jane Ford**

**Vote: Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Michal Zahorik, Christian Matthews, Eric Botterman in favor**

**No one opposed**

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

***Appointments to Subcommittees***

Eric Botterman stated he sent a letter drafted by Diane Hardy to the Town Council recommending eliminating impact fees. The Town Council wants to set up a subcommittee to look into this more. Christian Matthews and Jon Kiper is on it. Val Shelton volunteered.

The rest of the appointments were postponed. Emails will be sent to everyone regarding this by Diane Hardy.;

Jane Ford commented on how wonderful it was to see the banners downtown with photos and names of the Class of 2020 from NHS.

Val Shelton stated she has been hearing phenomenal comments about the town from newer residents.

**Agenda Item #6 – Adjourn**

**Action**

**Motion: Val Shelton made a motion**

**Second: Jane Ford**

**Vote: Val Shelton, Jane Ford, Jamie Bruton, Sarah Finch, Christian Matthews, Eric Botterman in favor**

**No one opposed**