

**DRAFT**

**NEWMARKET PLANNING BOARD MEETING**

**AUGUST 11, 2020**

**MINUTES**

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

Absent: Jonathan Kiper (Town Council ex officio Alternate), Sarah Finch, Jamie Bruton - 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.

*There is a skip in the recording here, on the website recording and the DVD. It picks up after the first speaker begins talking.*

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

**Agenda Item #2 Public Comments**

*First speaker, named Roberta Branca of 30 Great Hill Drive, audio picks up here.* People think renters are going to be transient, but often, she used to rent, they end up being transient, because housing costs skyrocket. She wanted, as a fifteen year resident, to put forth her voice as supporting detached ADUs and other workforce housing.

Heather Snyde stated she recently graduated from UNH and has been living in Newmarket on Church Street for three years. She is a renter. Her parents in Pelham had an opportunity to install a detached ADU and her grandmother lived there for six years, before she passed. She would not have had the opportunity to live so close to her grandmother if they did not have the ability to have that detached ADU. She wondered if other people in Newmarket face similar needs. This provides an opportunity to have people you are related to live with you. Also, a lot of friends from college had to leave Newmarket, because it is difficult to afford housing right out of college. There should be greater opportunities to live in detached ADUs.

Ellen Read, 283 Lita Lane, where she has lived for eleven years. She is a State Representative for Newmarket and Newfields. She had the message ADUs would be on the agenda for a public hearing today and it is not. She would be happy to come back when it is. She had a constituent here in town who complained that, even though a state law was passed protecting ADUs, Newmarket had chosen to exclude detached ADUs in garages in his case. In this case, it did not impact rural character. It was within an existing garage. With the housing affordability in the Seacoast what it is, she asked how this could be turned down. It provides an option for additional rentals and for homeowners for extra income. You might rent an ADU as a student, you might build one for an aging parent, and you might move into it yourself. She stated she contacted a Newmarket staff person about this, thinking it was easily remedied. She stated the Town staff person stated there were other options for people in those situations with trailer parks and apartment buildings. Ms. Read stated she has rented for eleven years, works, and is a State Representative, so she found the idea that renters do not deserve consideration offensive. She would like the Board to reevaluate this and encouraged them to support detached ADUs.

There were no further comments.

**Agenda Item #3 Review & Approval of Minutes: 06/14/20**

**Action**

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

**Second: Ted Seely**

Val Shelton amended the minutes. Page 4 line 8 where Diane Hardy began to speak should be a new paragraph. Also on page 4, line 34, after “Cheney project” insert the word “discussed”.

**Vote: Val Shelton, Bill Doucet, Christian Matthews, Michal Zahorik, Ted Seely**

**Eric Botterman, Jane Ford abstained**

**Agenda Item #4 Regular Business**

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

Diane Hardy stated they have requested a continuance. They will have a Technical Review Committee (TRC) meeting soon.

**Action**

**Motion: Val Shelton made a motion to continue the application to September 8, 2020 at 7:00 p.m.**

**Second: Jane Ford**

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

**Bill Doucet abstained**

**Cheney Property Management Corp/Walter Cheney Jr. – Public hearing for a Design Review to amend the site plan design for a previously approved site plan at the subject parcel. The owner has purchased an additional adjacent lot and is proposing to add 15 residential units. The property is located at 50, 52, 54, 56 Exeter Road, Tax Map U3 & U4, Lots 12, 15, 138, M2A Zone.**

Mike Sievert, MJS Engineering, represented the applicant. Walter Cheney Jr was also present.

Mike Sievert showed a plan of the proposed development. They were in five years ago and have an existing approval for basically the same footprint except there are fewer units. That just got an extension for meeting the conditions on the approval. They are coming back in to the Planning Board for an amendment. The property to the north, parallel to the railroad, once owned by the Town, has been added to the project. He recently purchased a .76 acre parcel owned by the railroad. They propose to add an additional fifteen units, which is one more story. There will be two handicap units on the first floor. They will have 13,000 sq. ft. of commercial space. Originally, it was 11,000 sq. ft. They extended some of the parking lot and moved trash and recycling. The additional property gives them additional units, a lot of additional parking, snow storage, and surface drainage. The original plan has an underground drainage system. They need maintenance. When they are under a paved lot, it’s costly to repair. The construction of that system is also costly. He can now remove that system and it allows them to put in a rain garden or stormwater treatment system in. It is a better system. The footprint is the same, they are just adding a story. They would use the entrance the same as before. He showed the building footprint and explained what was being proposed. He showed the elevation.

Walter Cheney Jr stated they looked at the viability. He has been suffering financially, trying to get it built or sold. This is a good compromise in trying to make this a viable project. They tried to minimize the parking. They decreased some of the parking. They have 95 spaces on site. There are 65 downtown spaces supporting all the businesses for street parking. They went from 108 spaces to 95. They have the ability to add parking later if needed.

Eric Botterman asked for comments from Board members.

Val Shelton what size the apartments were. Mike Sievert stated about 1000 sq. ft. Walter Cheney Jr stated the footprint changed a little bit. They pulled the elevator corridor out of the building and they put it in the bump out. Val Shelton asked if there were any restrictions in the variance. Diane Hardy stated this came in under M2A. There are some waivers involved. Val Shelton asked how much this would increase the impervious surface. Mike Sievert stated he would get the information. Val Shelton stated she loved the concept and the fact they are improving that section of town. It is undertaxed. She fully supports this. She asked if they had given consideration of the volume of the building with another floor added. Walter Cheney Jr stated originally it was going to be a train station type of building. The top floor changed that. They can mitigate that.

Bill Doucet abstained from the application.

Christian Matthews asked if Walter Cheney Jr if he owned the parcels in back in the business park. Walter Cheney Jr. stated he sold a couple. He owns Unit A. Christian Matthews stated 95 sounds like a lot. It would be nice to have shared parking with the other businesses. He asked about pedestrian access. The sidewalk is on the other side of the street and anyone coming from downtown will have to go all the way to Bennett Way to cross and walk back up. At that point, he thought you would see a bunch of people trying to cross at his building, where there is not the proper sight distance. Walter Cheney Jr stated both building’s tenants have been allowed to use parking and shared parking may be possible. There is a lot of new technology to minimize impervious surface, such as porous pavement or detention areas. They will be able to mitigate a lot of it. Mike Sievert stated they could deal with drainage and are all for reducing the amount of impervious. They are all for a larger waiver if that is what the Board wants. They are reconstructing the sidewalk and there is a pedestrian patio. He did not think they would get a crosswalk, as it is not a great location. Christian Matthews asked if they envisioned restaurants in the building with outdoor area. Mike Sievert stated it was possible for a restaurant. There is green area and he will get measurements for other areas. Walter Cheney stated they intended for outdoor seating.

Michal Zahorik had no questions.

Ted Seely asked about the building height exceeding the requirements. Diane Hardy explained that under the M2-A, the Planning Board has the authority to waiver certain dimensional requirements including the 35 foot height limitation.

Jane Ford asked what the ramifications were for lighting on a taller building. Mike Sievert stated he will get that information for them.

Eric Botterman asked about sidewalks and why they could not extend it to Gerry Avenue. Walter Cheney Jr stated his property ends by the stone wall. Eric Botterman stated he would support a significant reduction of parking spaces and impervious surface.

Diane Hardy stated this was in M2A. She stated the reduction in parking spaces may have to go to the Zoning Board of Adjustment (ZBA) for a variance. There cannot be any residential units on the ground floor. Anything they can do to provide green space and outdoor seating is encouraged. We can call this an amendment, but it is really a new application. This means TRC. This is a substantial change. The conditions on the other plan have not been met, so it is not approved or vested yet.

Val Shelton asked if 52 spaces were required to meet the regulations. Diane Hardy stated yes. Val Shelton stated then the other portion then the Planning Board could waive parking for would be for the commercial. Diane Hardy stated there are some legal questions that are raised. When they framed this ordinance, the Planning Board had intended that it follow the requirements of M2 district which provides greater flexibility for parking. When it was adopted, it did not include the finer nuances of the M2 zoning, so that needs to be looked at.

There were questions about sidewalks and crosswalks. Mike Sievert stated crosswalks would be approved by NH DOT. Walter Cheney Jr stated the logistics of getting a sidewalk down to the gas station were almost impossible. You would have to work it out with landowners, the Town, the railroad and the State. Eric Botterman stated, if the Town wants that, it can pursue it. It will be a monumental effort.

Diane Hardy stated they will need an updated fiscal impact analysis and market analysis.

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

No comments.

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

Mike Sievert stated they will come back with a formal application.

**Kyle Pimental, SRPC – Water Resource Chapter Master Plan**

Kyle Pimental, SRPC, gave a PowerPoint presentation. The update is to the 2009 Water Resource Chapter. He gave a background of how this update came about. They started working on it last August. A major goal was to consolidate the existing chapter. The current chapter is 124 pages and very comprehensive, with a lot of redundancies and overlap. They tried to clean it up to make it more digestible. They included links and where to find information. There are four primary sections. They wanted to provide more guidance on policies, regulations, and actions. They wanted to make it more focused. The last goal had to do with the State recommendation that, if they were going to use drinking water funding to update this chapter, they really wanted to see a stronger focus on emerging contaminants. The Potential Threats chapter is a complete rewrite reflecting the State’s expectations. They kept sections on sedimentation and erosion control. DES gave them good feedback on what should be included, as well as Sean Greig, Environmental Services Director for Newmarket.

There is a lot of information at the Town level and the Steering Committee helped him with that and ensured it made its way into the chapter.

He felt this update was cleaner than the old one. It is more user friendly. There are additional photos, maps, and graphs to insert, as well as the results of the visioning process.

They looked at increased precipitation, flooding, runoff, sea level rise, groundwater rise, and saltwater intrusion. The Town has done a number of climate related projects.

Actions will be laid out in a matrix, which should be easier to follow.

They are now updating five or six maps now.

He would like to set a deadline for email to Diane Hardy with comments she could forward to him. In September they can pull together a final draft for adoption in October.

Val Shelton stated she would send comments to him directly.

Christian Matthews had emailed him about the buffer conditions. He is looking at it for what the Town Council could implement from this chapter. Kyle Pimental gave some stream crossing information.

Michal Zahorik stated he sent him an email. He will go over the Chapter and share his thoughts with him.

Ted Seely asked when the matrix would be complete. Kyle Pimental stated in September.

Eric Botterman stated he knows FEMA has new flood maps for January. He asked whether that would be a significant change in Newmarket. Kyle Pimental stated the maps should show the changes. Diane Hardy stated they have the maps and they are online on the FEMA site. They will be getting recommendations from the NH Office of Strategic Initiative for changes that should be made to the Town’s Flood Plain regulations.

Eric Botterman stated they should have until a week from Friday (August 21) to get comments to Diane Hardy. The Board agreed.

Eric Botterman stated Planning Board members will comment on this up to the Potential Threats section by next Friday, let the Steering Committee comment on the final chapter.

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

**Planner's Report**

Diane Hardy stated CIP process would be starting soon. They have a short time frame this year. She will be sending information to the CIP members by the end of this week.

**New Business**

Bill Doucet asked about a project on Railroad Avenue. Diane Hardy stated she had a discussion with the developer and he was asking about low income housing. There is nothing solid yet for this proposal.

Eric Botterman appointed Jane Ford to be an Alternate to the CIP Committee.

**Old Business**

Christian Matthews asked about procedure to change zoning ordinances. There is a section in the Municipal Code regarding the process. Diane Hardy stated the Planning Board is part of the process. There have been joint meetings in the past within which the Town Council and Planning Board to discuss areas of mutual concern. There is an ordinance for procedure. Typically, the process is initiated by the Planning Board, there are work sessions, and then they have public hearings. After it is vetted, then it goes to Town Council and they have their own process including a first and second reading and public hearing. Christian Matthews asked how the Board felt about changing the ordinance to allow detached ADUs.

Val Shelton stated the Board should have their priorities on where to direct their resources. There is a lot of updating that needs to be done in the regulations.

Eric Botterman agreed. What he didn’t want to do was spend a lot of time to get a proposal together and have the Council summarily reject it. He polled the Board to see what kind of priority this was for them. If they wanted to go forward, he could speak to the Town Manager and see if that was a priority for them.

Bill Doucet asked what the community thought about it. It is worth asking if this was important for the Board to invest energy in.

Jane Ford agreed.

Michal Zahorik stated it would be good to get input.

Ted Seeley had a question on the Board’s priorities. He asked if there was a list of priorities. Val Shelton stated they review and take the Board’s input on the Master Plan with respect to priorities on chapter updates every year. They could revisit this. Meanwhile, the Board should look at the housing and demographic chapters and see what it says about this. They have voted to get Council direction in the past to see if there was support for specific proposals. Diane Hardy stated that the Town Council goes through a priority setting process at the beginning of the year. She asked if there was report on that yet.

Diane Hardy stated there are legal mandates they have to deal with. The Water Resource plans needs to be adopted. That will take until November. They talked about the floodplain management and that will take at least until December. The Council’s priority is the Gateway initiative and there has been a consultant working on this for eighteen months. The never ending issue is the MS4 program, which isn’t going away. They need to update the stormwater regulations by next June. This is a heavy agenda. Some of this is mandatory. We are a small community and we are overloaded. We do not have the financial resources to hire staff to be able to do some of the things that larger cities do. These initiatives and resources to implement them should be coming from the Town Council or Town Manager with input from the Board. We just don’t have the money and resources to do all the things we’d love to do. She mentioned that she also works for the Zoning Board and the Town Administration on special projects and federal and state grants.

Christian Matthews stated he understood that there were priorities. The ADUs were brought up by a former counselor about a year ago. This is a priority for a number of people. He will get a firmer grasp of the Council’s opinion of this.

The Board was comfortable with Eric Botterman meeting with the Town Manager to discuss priorities.

**Agenda Item #6 Adjourn**

**Action**

**Motion: Ted Seely made a motion to adjourn at 8:58 pm**

**Second: Val Shelton**

**Vote: Eric Botterman polled the Board – All in favor.**