**NEWMARKET PLANNNG BOARD**

**JUNE 8, 2021**

**MINUTES**

Present: Eric Botterman (Chair), Val Shelton (Vice Chair), Diane Hardy (Town Planner), Jane Ford, Bill Doucet, Tim Rossignol, Jeff Goldknopf, Michal Zahorik (Alternate), Scott Blackstone (Town Council ex officio)

1. **Pledge of Allegiance**
2. **Public Comments**

None.

1. **Review and Approval of Minutes**
   1. 05/11/21

**Action**

**Motion: Bill Doucet made a motion to approve the minutes of May 11, 2021**

**Second: Val Shelton**

**Vote: All in favor**

**Michal Zahorik abstained due to absence**

1. **Regular Business**
   1. ***Northpoint Realty Inc - Continuation of a public hearing for an application for subdivision, at 258 Wadleigh Falls Road A & B, Tax Map U4, Lot 68, R2 Zone. The proposal is to convert the existing apartment units into condominiums.***

Eric Botterman recused himself. Val Shelton took over as Chair.

Val Shelton appointed Michal Zahorik to fill in for Eric Botterman.

Paul Rabenius, Northpoint Realty, stated Brenda Kolbow, TFM, is representing their interests. He stated Brenda clarified the site plan has been revised based on questions from the last meeting. They resolved the driveway permit from NH DOT and it is just awaiting signature. They have a deck in the Shoreland Protection Zone and they have applied to the State NH DES for relief.

Diane Hardy stated the application is completed and can be accepted for technical review.

**Action**

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

**Second: Jane Ford**

**Vote: All in favor**

Brenda Kolbow gave a history of the last meeting and the June 2020 Zoning Board meeting, where they were granted a variance to allow for the duplex. She went over the site plan. They will be submitting the paperwork to the State regarding the Shoreland encroachments.

Bill Doucet asked if this property had septic or sewer. Ms. Kelbow stated sewer.

***Val Shelton opened the public hearing.***

No comments.

***Val Shelton closed the public hearing.***

Diane Hardy stated there is a question whether the information on the inset map is sufficient to identify floodplain Zones A and X. At the scale of 1”=200’, it is rather busy. There is a question of whether the Board would like to see that information on a larger plan. The existing conditions plan submitted to the ZBA last year showed the floodplain. Ms. Kolbow passed out copies of the most recent plan. The existing conditions plan should have the Flood Plain map, dated January 29, 2021, map information on it. Val Shelton was fine with the inset. Bill Doucet has no issue with the flood zone data as shown. He was used to seeing the basis for the jurisdictional lines drawn on the plan. A copy of the existing conditions plan, as found in the file, and updated with the 2021 Flood Plain map data, would work.

Diane Hardy recommended approval, with the following conditions:

1. Monumentation be provided on all corners of Tax Map U-4, Lot 68 as required by the Town’s Subdivision Regulation, NH Land Surveyor 503g9, and RSA 356 –B:20 Contents of the Site Plans and Floor Plans, prior to plan signing.
2. A Note 15 be added to the plan stating that the jurisdictional boundary along the Piscassic River was survey located.
3. The Certified Soil Scientist shall stamp the plan prior to the signing of the plan by the Chairman.
4. The Applicant file necessary paperwork with the New Hampshire Department of Environmental Services (NH DES) seeking “retroactive approval” of the permit for encroachments that have occurred during construction within the 250 foot Shoreland Protection zone, pursuant to RSA 483-B Shoreland Water Quality Protection Act, prior to plan signing.
5. The Applicant provide a copy of the “proposed conditions plan” with the National Flood Insurance Zone A and Zone X, updated with the new flood insurance map, dated January 29, 2021 to be filed with the Application file in the Planning Department.
6. The Town’s legal counsel shall review and approve the condominium documents, prior to plan signing and recording, the cost of which shall be paid by the applicant.
7. The Applicant shall consult with the Town’s Assessor and E-911 Coordinator regarding the correct protocols for tax map and unit numbers and street addresses.
8. Additional fees for recording condominium site plans and condo documents shall be paid at the Rockingham Register of Deeds at the time of recording by the applicant.

**Action**

**Motion: Bill Doucet made a motion to approve this application with the conditions as stated**

**Second: Jane Ford**

**Vote: All in favor**

* 1. ***Walter Cheney Jr./Cheney Property Management Corp (CPMC)- Public hearing for an application for a Site Plan and Special Use Permit for a Mixed Use Development. The proposal is to amend the site plan from the previously approved site plan. The owner has purchased an additional adjacent lot and is proposing to add 17 residential units to the project, for a total of 28 units. The project involves the construction of two buildings. One building is a three (3) story mixed use structure with a 13,388 square footprint with commercial uses on the first floor and residential units on the second and third floors. The second building is a two story building with four (4) residential units with garages on the ground floor. The lot is located at 50-56 Exeter Rd, Tax Map U4, Lots 11 and 15, M2A Zone***

Eric Botterman returned as Chair. Bill Doucet recused himself. Eric Botterman appointed Michal Zahorik to replace him.

Diane Hardy stated the applicant has met the requirements for site plan and special use permits and recommended the applications be accepted for technical review.

**Action**

**Motion: Tim Rossignol made a motion to accept the site plan application as submitted**

**Second: Val Shelton**

**Vote: All in favor**

**Action**

**Motion: Val Shelton made a motion to accept the Special Use Permit application**

**Second: Tim Rossignol**

**Vote: All in favor**

There was a break here to set up equipment. The Board did New/Old Business during the wait.

Mike Sievert, Horizons Engineering, showed the amended site plan. A third floor was added. The footprint did not change. There is a new four unit building out back. Walter Cheney had purchased a lot from the Town and one from the railroad to add to the original. It is about 4.9 acres now and that gets them up to 28 units. The proposal is for 28, twelve per floor in the original building’s second and third floor and four in the other building. Those have a garage under. The access road is the same and four curb cuts will go away. There is additional parking, the snow storage is improved. The drainage is different. Last time there was a large underground storage system, now there is a large stormwater pond in the woods. The remainder is unchanged. The sideline setback is 10’. The lots will be merged.

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

No comments.

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

**There was discussion one whether a TRC was needed. Mike Sievert stated the drainage would be more toward the brook rather than Route 108. Val Shelton wanted to look at drainage at the TRC. Mike Sievert stated the NH DOT permit needed to be updated. The previous approval expires July 14 and he will need an extension. He will make the request. He asked the Board to consider giving them longer than two years. They would like four years. Val Shelton requested color elevations. She also requested a 3 D drive by animation to get a sense of the scale of the project from the street.**

**Val Shelton and Eric Botterman will be on the TRC.**

**Action**

**Motion: Val Shelton made a motion to continue the application for the site plan and special use permit for the mixed use development at 50-56 Exeter Rd, Tax Map U4, Lots 11 and 15, M2A Zone to July 13, 2021 meeting.**

**Second: Jane Ford**

**Vote: All in favor**

* 1. ***Kenn Bevins - There will be a public hearing for an application for Subdivision, to permit a two lot subdivision consisting of one 3 acre lot and one 57.88 acre lot. The lot is located at 401 Wadleigh Falls Road, Tax Map R6, Lot 1, B3 Zone.***

Diane Hardy stated there were a few items needed on the plan. The application is substantially complete.

**Action**

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

**Second: Jane Ford**

**Vote: All in favor**

Scott Frankiewicz, NH Land Consultants, represented the applicant. He described the property. There is a 50+ conservation easement on the property. There was a survey done in 2019 of the conservation easement to the rear of the property. They are asking for a waiver from a full boundary survey. The property is in the aquifer and wellhead protection area. This requires them to do a 3 acre lot. There would be 180’ of frontage for the 3 acre lot. The test pit showed sand.

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

No comments.

Jeff Goldknopf asked about Notes 8 & 9. Residential use is not permitted. The Board asked that the note be removed.

The shed will be moved from the side setback line.

Diane Hardy asked about the tire cleanup.

Note 9 will be removed and the shed will be removed.

He requested a waiver of Section 4.10 A & B.

**Action**

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

**Second: Jane Ford**

**Vote: All in favor**

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

**Action**

**Motion: Val Shelton made a motion to permit a two lot subdivision consisting of one 3 acre lot and one 57.88 acre lot. The lot is located at 401 Wadleigh Falls Road, Tax Map, to permit a two lot subdivision consisting of one 3 acre lot and one 57.88 acre lot. The lot is located at 401 Wadleigh Falls Road, Tax Map R6, Lot 1, B3 Zone subject to the applicant removing Note 9 from the plan, adding a note that the shed on the boundary line will be removed and include the water line (and shutoff) at the street**

**Second: Jane Ford**

**Vote: All in favor**

***Crommet Creek LLC - Public hearing regarding for an application for a Lot Line Adjustment related to the 77 Hersey Lane/Chinburg Development LLC project to provide the requisite 50’ width for upgrading a portion the Class VI Hersey Lane to a Class V standard. Two small parcels will be conveyed to the Town of Newmarket: one (1) 464 square foot parcel and one (1) 292 square foot parcel. The upgraded road will provide access and frontage for a conditionally approved 11 lot open space subdivision with municipal water and sewer services. The Crommet Creek LLC property is located on Hersey Lane, adjacent to Durell Drive at Tax Map R5, Lot 134, R2 Zone.***

Bill Doucet and Jeff Goldknopf recused themselves.

Diane Hardy stated the application was complete. This was in the original 77 Hersey Lane packet and was overlooked at the time of approval.

**Action**

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

**Second: Tim Rossignol**

**Vote: All in favor**

Christian Smith, Beals Associates, represented the applicant. Mr. Cheney is bequeathing land to form a 50’ ROW. One change will have a flare on it. He went over the approvals. There is an AoT backlog and final approvals from the New Hampshire Fish and Game Department is still pending. NH Fish a

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

No comments.

**Action**

**Motion: Tim Rossignol made a motion to approve the packet for Lot Line Adjustment for 77 Hersey Lane as presented.**

**Second: Jane Ford**

**Vote: All in favor**

1. **New/Old Business**

**Appointment to SRPC**

Peter Nelson submitted a letter stating he would like to continue on the commission. Eric Botterman nominate him. This will be forwarded to the Town Council who will make the appointment at a future meeting.

**Committee Reports**

Scott Blackstone stated regarding Neal Mill Road Application for authorizing the construction of single family home and driveway on a Class VI road, the Conservation Commission strongly opposed allowing the home and driveway and they recommended the Class VI road be converted to a Class A Recreational Trail. The Town Attorneys are working with the applicant on this. The Council will vote at the July 2021 meeting.

**6. Adjourn**

**Action**

**Motion: Val Shelton made a motion to adjourn at 9:20 pm**

**Second: Jane Ford**

**Vote: All in favor**