NEWMARKET PLANNING BOARD
TUESDAY, October 12, 2021
**TOWN COUNCIL CHAMBERS**
7:00 PM

**Members Present:** Eric Botterman (Chair),Valerie Shelton (Vice Chair), Diane Hardy (Town Planner), Bill Doucet, Jane Ford, Jeff Goldknopf, Michal Zahorik (Alternate), and Scott Black-stone (Town Council ex officio.)
**Member Absent:** Timothy Rossignol was excused for this evening.

The Chair opened the meeting at 7:00 PM. With the absence of Timothy Rossignol,
Michal Zahorik was appointed a voting member this evening. \

**1. Pledge of Allegiance

2. Public Comments**There were no public comments this evening. Public comments closed at 7:01 PM.

**3. Review and Approval of Minutes**a. September 14, 2021
 **Motion:** **Valerie Shelton** made a motion to approve the draft minutes of September 14, 2021.  **Second:** **Jane** **Ford
Discussion:**None  **Vote:** Approved 6-0-1 (Bill Doucet abstained)
 **4. Regular Business**

**a. Public hearing for an application for subdivision, requested by Christine Erickson,**

**11-13 Cedar Street, Tax Map U2, Lot 202, R3 Zone. The proposal is to convert the existing apartment units into condominiums.**

 **Diane** **Hardy**, the Town Planner, reported to the members that she is now in possession of all necessary documents in order for the Planning Board to go forward with a Technical Review.

**Motion #1:** **Valerie** **Shelton** moved that the application for subdivision of the property for condominium conversion at 11-13 Cedar Street, Tax Map U2, Lot 202, R3 Zone be accepted as complete. **Second:** **Jane Ford
Discussion:** None **Vote:** Unanimously Approved

Peter Dobberstein, LLS, Ambit Engineering Inc., is here this evening representing the applicant, Christine Erickson Revocable Trust. Christine Erickson is present in the audience to answer any questions from the Board, if necessary. Mr. Dobberstein described the proposal to divide the current duplex in the New Village development on Cedar Street into two separate properties as condominiums and referred to the condominium site plan presented to the Board. The property currently has two separate sewer and water hookups. The question of the condominium documents was raised by **Diane** **Hardy**. Ms. Erickson was asked about the Condo Docs. She has them prepared and will sent an electronic copy to **Diane** **Hardy** so that the Planner may send them to the Town Legal Counsel for review. They are ready to set monuments for the two property boundaries. **Valerie** **Shelton** asked about electricity. Mr. Dobberstein will add them to the site plan. The electricity, like water and sewer, is already separate. He will update the plans to show the separate utilities. The Board had no further questions.

**Consideration of Waiver Requests from the Applicant:

Motion #2: Bill Doucet** made a motion to approve a waiver from Section 4.10(B)(1)(b) requiring an Existing Conditions Plan showing elevation contours at an interval of 2 feet.
**Second:**  **Valerie** **Shelton**
**Discussion:** None
**Vote:** Unanimously Approved

**Motion #3**: **Valerie Shelton** made a motion to approve a waiver from Section 4.10(B) (2) requiring a delineation of hydric soils by a NH Certified Soil Scientist.
**Second:** **Jeff Goldknopf
Discussion:** None

**Vote:** Unanimously Approved

**Motion #4**: **Jane** **Ford** made a motion to approve a waiver from Section 4.10 (F) generally relating to depiction of proposed conditions such as plans for transportation, drainage, landscaping, recreational amenities, and test pits and percolation test on the lot.

**Second:** **Bill Doucet
Discussion:** None

**Vote:** Unanimously Approved

The Chair opened the Public Hearing to comment from the audience. Hearing none, he closed the public hearing at 7:15 PM.

**Diane** **Hardy** asked for additional information on the common area and the footprint of the building (dimensions). The applicant has agreed to provide this information.
 **Motion #5**: **Bill** **Doucet** made a motion to approve the plans for condominium/minor subdivision, requested by Christine Erickson, 11-13 Cedar Street, Tax Map U2, Lot 202, R3 Zone subject to the conditions set forth by the Town Planner, including legal counsel review of condominium documents and showing water and sewer connections and building setback lines on the Condominium Site Plan.
**Second:** **Jane Ford
Discussion:** None
**Vote:** Unanimously Approved

**b. Walter Cheney Jr/Cheney Property Management Corp (CPMC)- Continuation of a 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 for 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.

Bill Doucet** and **Jeff Goldknopf** recused themselves.

Mr. Michael J. Sievert PE, Horizons Engineering, representing Walter Cheney Jr/Cheney Property Management, addressed the Board this evening regarding the changes requested at the last meeting. Mr. Cheney is also present this evening.

Mr. Sievert gave the Board an update on the project. Two changes were made since the previous meeting when three waiver requests were granted. The first change in the plans this evening is to the dumpster pad and the second change involves the type of sewer pipe (from plastic) to be used to meet the Town’s guidelines; therefore not requiring another waiver request. He was asked if there were any changes to the drainage. He did not have any further changes from those described in the previous meeting, but he did describe the water flow patterns during storms. There were no further questions from the Board.

The Chair opened the Public Hearing for comment from the audience. Hearing none, he closed the Public Hearing at 7:22 PM.

**Valerie** **Shelton** asked Mr. Sievert if he had any question with regard to the Planner’s memo. He did have one request: to change the timeframe for defining “Substantial Development” to coincide with the installation of the foundation, parking, water and sewer facilities, drainage structures, and other utilities. With the current pricing and material availability, the Board was willing to consider a different time frame. Mr. Cheney spoke to the issue and requested as much time possible. The Board discussed a suitable time frame and decided 48 months would be appropriate.

**Diane** **Hardy** had one more request of the applicant. In order for vesting to apply to the project, the site plan must be signed and recorded at the Registry of Deeds for Rockingham County. Also, Mr. Cheney must also apply to merge lot 15 and 11 prior to plan signing.

**Motion #1: Valerie Shelton** made a motion to approve the application for amending the site plan from the previous site plan to add 17 residential units to the project, for a total of 28 residential units with the construction of two buildings. One building being 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 being a two story buildingwith four (4) residential units with garages on the ground floor in regards to the lot located at 50-56 Exeter Rd, Tax Map U4, Lots 11 and 15, M2A Zone subject to the conditions as outlined in the Planner’s memo to the applicant dated September 14, 2021, revised October 7, 2021, amended to read completion of substantial development shall be forty-eight (48) months not twenty-four (24), as stated in recommendation # 5.  **Second: Jane Ford
Discussion:** None **Vote:** Approved 5-0-0

**Bill Doucet** and **Jeff Goldknopf** rejoined the meeting.

**5. New/Old Business**None. **6. Chairman’s Report**None.

**7. Committee Reports**Conservation Commission: **Jeff** **Goldknopf** gave a review of the ‘Conservation Conversation’ held on October 2, 2021. The events were well attended and the Conservation Commission wants to thank the Newmarket Library and the Newmarket Recreation for helping to make this event possible. More information on the events held: https://newmarketlibrary.org/uploads/1/0/5/0/105085461/conservation\_connections2\_pamphlet.pdf You can also see some pictures at the Conservation Commission Facebook page.
Town Council: **Scott** **Blackstone** had no new information to report.
 **8. Planner’s Report**After the last meeting, **Diane** **Hardy** spoke with Steve Fournier about the annual joint meeting between the Planning Board and the Town Council. He suggested a date in the first week of November. She wanted to see if the members would be available on November 3. It will likely begin at 6:00 or 6:30 PM and be held in the Town Auditorium to provide space for both groups. Stuart Arnett will be present to give an update on his “Gateway” project. **Diane** has also been contacted by several people about new and old proposals. The 3 North Main Street project has popped up again. The project was pending in 2008 before the economy suffered a depression. Engineer Alex Ross and with architect Charles Hoyt, Charles Hoyt Design, Rye Beach, NH had worked on projects in Newmarket before, including the Rockingham Junction project railroad depot renovation project several years ago. The Rockingham Junction property is on the market again. **Diane** spoke with the owner and he would like to discuss the possibility of a zoning change so that residential use would be an allowed zone in the B-1 Zone at that location. The property has special issues as Newmarket and Newfields have different zoning regulations and the Town line cuts through the building.

**9. Adjourn

Motion:** **Jane** **Ford** made a motion to adjourn 7:35 PM **Second:** **Valerie** **Shelton

Discussion:** None **Vote**: Unanimously Approved

Respectfully submitted,

Sue Frick
Recording Secretary