 **NEWMARKET Planning Board**Tuesday, June 14, 2022
TOWN COUNCIL CHAMBERS
7:00 PM

**Members Present:** Eric Botterman (Chair), Val Shelton (Vice-Chair), Bart McDonough (Director of Planning & Community Development), Jane Ford , Jeff Goldknopf, Patrick Reynolds, Scott Blackstone (Town Council Ex officio), and Michal Zahorik (alternate).
**Members Absent**: Timothy Rossignol

Chair **Eric Botterman** opened the meeting at 7:00 PM. He appointed **Michal** **Zahorik** as a voting member this evening. **[time on DCAT 5:48]**Voting members this evening will be: **Eric Botterman, Val Shelton, Jane Ford, Jeff Goldknopf, Patrick Reynolds, Scott Blackstone,** and **Michal Zahorik.**

**1. Pledge of Allegiance

2. Public Comments [time on DCAT 6:20]**
There were no members of the public wishing to speak this evening. Public comments were closed at 7:01 PM.

**3. Review and Approval of Minutes**
a. May 10, 2022

**[time on DCAT 6:24]**
**Motion: Val Shelton** moved to approve the minutes of May 10, 2022 as drafted.
**Second: Jane Ford**
**Discussion:** None **Vote:** **Approved 7-0-0**

**4. Regular Business**
Read by the Chair: **[time on DCAT 7:08]**  **a. There will be a public hearing for an application for Plan Acceptance and Site Plan Review, requested by Shawn McGowen, to permit the renovation of the Rockingham Rail Depot to include the relocation of the existing 994 sq. ft. building onto a new foundation, moving the building further from the rail line, adding a 995 sq. ft. addition, all to be used as office space, and a 960 sq. ft. parking barn.  The lot is located at 3 Rockingham Junction, Tax Map R3 Lot 13A, B1 Zone.**

Mr. Shawn McGowen was present this evening to bring forward the Plan for Acceptance and the Site Plan Review for the property located at 3 Rockingham Junction. He was accompanied by Mr. Michael Graf, Architect & Builder, and Mr. Scott Boudreau, Boudreau Land Survey.

**[time on DCAT 8:05]**
**Motion #1**: **Val** **Shelton** moved that, upon the recommendation of the Planner, the Planning Board shall accept the application as substantially complete.
**Second:** **Jane** **Ford
Discussion:** None
**Vote: Approved Unanimously 7-0-0**The Chair opened the public hearing. **[time on DCAT 8:24]**
Mr. McGowen addressed the Board and thanked them for their input at the last meeting. He described the work that they have done so far on the property and gave a brief overview of the project.
**Three Waiver Requests:**

**[time on DCAT 14:13]
Waiver #1:
Motion #2** **Val** **Shelton** made a motion to grant the applicant’s waiver request from Sec. 3.02(B)(6) requiring parking lots and aisles to be paved based upon the justification that the existing conditions are currently gravel and the applicant per his testimony has agreed to also provide grading plan under the site plan review and it’s proposing to use some type of a crushed stone for that parking area and aisles.
**Second: Jeff Goldknopf
Discussion:** None **Vote:** **Approved Unanimously 7-0-0

Jeff Goldknopf** asked who plows the lot during the winter. Mr. McGowen stated that the Newfield’s Sno-Raiders have been doing this for a very long time and will continue to provide their members with access to the trails. [NEWFIELDS SNO-RAIDERS | WELCOME TO OUR WEBSITE (newfieldssnoraiders.org)](https://newfieldssnoraiders.org/) **[time on DCAT 17:55]
Waiver #2:
Motion #3** **Val** **Shelton** made a motion to approve a waiver from Sec. 3.02(C) which is requiring parking to comply within the setbacks to permit the parking within the front setbacks based upon the justification testimony provided by the applicant.
**Second: Jane Ford
Discussion:** None **Vote:** **Approved Unanimously 7-0-0**The Chair does not believe that Waiver #3 *Stormwater Management* is necessary.

**[time on DCAT 19:49]
Waiver #3:
Motion #4** **Val** **Shelton** made a motion that the applicant’s waiver request from Sec. 3.07 *Stormwater Management* does not apply to this application.
**Second: Jane Ford
Discussion:** None **Vote:** **Approved Unanimously 7-0-0

[time on DCAT 12:15]
Regional Impact:**The Chair mentioned that property on the Town line can trigger regional impact because of the sizing or location or any combination thereof. He does not believe that this plan triggers regional impact. The Board members concurred.
**Motion #5** **Val** **Shelton** made a motion that this project does not trigger consideration of regional impact.
**Second: Jane Ford
Vote:** **Approved Unanimously 7-0-0

Site Plan Review**: **[time on DCAT 22.26]**Several issues were discussed by the Board:
Mr. McGowen was asked if the septic system has been approved. It has not been approved by the State as yet, but the test pits have been dug.
Mr. McGowen was asked about the access and the deeded easement. The existing easement is a deeded easement to the Railroad. He plans to restore the driveway to its original location which has been moved slightly over the years. Mr. McGowen will provide the State with an easement across his land when and if they build the proposed parking area.Under the road, they plan to use insulated PVC pipe.
Elements missing from the plan set are as follows:
1. Landscaping plan; **Three nice trees as noted on the plan.**
2. Grading plan; **Existing grading noted on the plan.**
3. Stormwater management; **Reviewed in the Waivers.**
4. Sedimentation and erosion controls; **There is no plan for erosion control.**
5. Soils; **Not mentioned.**
6. Signage; **Not applicable to this project.**
7. Lighting plan; **No exterior flood lighting except decorative lighting on the building pointing downward.**
8. General construction sequencing notes; **To be noted on the Plan.

Val** **Shelton** noted that they need to go through the regulations and ask for waivers for the things they do not plan to do.

The Town water hook-up to the property is very close. There is no hook-up to the existing property. No water will run to the barn. The walkways will be surfaced with natural stone pavers with grass in between the stones. The “cafeteria” will be a small kitchen area and it will have a small refrigerator and a single burner stove (to allow for the possibility of future sale of the property). The dumpster on the plan will be removed from the site plan (they won’t be using it).
Parking spaces are adequate for the proposed use. They have not taken this plan to the Town of Newfields yet. They propose to begin the project in early fall and complete the project in 12-14 months.

The Chair moved to close the public hearing.
 **[time on DCAT 53:09]
Motion #6: Val Shelton** made a motion to approve the site plan requested by Shawn McGowen to permit the renovation of the Rockingham Rail Depot to include the relocation of the existing 994 sq. ft. building onto a new foundation, moving the building further from the rail line, adding a 995 sq. ft. addition, all to be used as office space, and a 960 sq. ft. parking barn.  The lot is located at 3 Rockingham Junction, Tax Map R3 Lot 13A, B1 Zone. Approval subject to the following conditions: 1) the applicant provide a sedimentation and erosion control plan, 2) a lighting plan, and 3) general construction sequencing notes on the plan as-well-as correct plan errors such as adding note #7 regarding the existing right of way and said plans to be satisfactory to the Town of Newmarket’s Planner. This site plan would also be subject to impact fees and we would define vesting as completion of the site plan as approved within a two year period.
**Second: Jane Ford
Discussion:** None
**Vote:** **Approved Unanimously 7-0-0

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 The Chair has moved to item (d.) in the agenda.
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Read by the Chair:  **[time on DCAT 55:29 ]
d. Pursuant to RSA 675:7, the Planning Board shall hold a public hearing to amend both the Site Plan and Subdivision Regulations of the Town of Newmarket intending to modify Sec. 3.03 Stormwater Management of Appendix A. - Subdivision and Sec. 3.07 Stormwater Management of Appendix B. – Site Plan Review, and create a new section titled Appendix – C. Stormwater Management Regulations”, or take any other action relative thereto.**The Chair opened the public hearing at 7:50 PM. **[time on DCAT 55:29]**Bill Arcieri, Senior Water Resource Specialist from VHB Consultants, was present this evening to review the changes to the Site Plan and Subdivision Regulations of the Town of Newmarket which modify Sec. 3.03 *Stormwater Management.* There was some reformatting, adding new sections, and streamlining the Site Plan Regulations and the Subdivision Regulations into one section- Appendix C. He answered questions from the Board and the members found some typographical errors requiring correction.

The Chair closed the public hearing at 8:03 PM. **[time on DCAT 1:08:43]

[time on DCAT 1:08:59]
Motion #1: Patrick Reynolds** made a motion to approve both the amended Site Plan and Subdivision Regulations of the Town of Newmarket intending to modify Sec. 3.03 Stormwater Management of Appendix A. - Subdivision and Sec. 3.07 Stormwater Management of Appendix B. – Site Plan Review, and create a new section titled Appendix – C. Stormwater Management Regulations.
**Second: Val Shelton
Discussion:** None
**Vote:** **Approved Unanimously 7-0-0

----------------------------------------------------------------------------------------------------------------** The Chair returned the meeting to the regular order of the agenda.
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Read by the Chair:  **[time on DCAT 1:10:21]**
**b. There will be a public hearing for an application for Design Review for the proposed redevelopment of 3 Railroad Street, requested by CC 5 Railroad Street. The proposal is to construct an 8-unit residential building.  The lots are located at 3 Railroad Street, Tax Map U3, Lot 138A, M2A Zone.**
Mr. H.Benjamin Stebbins, owner of the property located at 3 Railroad Street, was present this evening to present a Design Review and begin the conversation on the redevelopment of this property. He reviewed the plan with the Board. They are four spots short on parking spaces but they own the Horizon Engineering building and can use spaces there for tenant parking. **Bart** **McDonough** mentioned the applicant will have to return to the ZBA for further relief from Sec. 32-46A(b)(2)(c) and Sec. 32-46A(b)(2)(d) as the applicant is proposing only eight (8) parking spaces, where 16 would be required, and intends to have all eight (8) units within a single building, where two (2) are required. It was recommended by the Chair that Mr. Stebbins meet with the Town Planner to get the proposal prepared and the Planner can then update the Board on his progress. Mr. Stebbins would like to get the Site Plan Review before the PB in July. They recommend that Mike Sievert, Horizon Engineering, prepare detailed waivers with explanations to help in the deliberations at the next meeting. Items to include are the impact fees, snow storage, erosion control plan, landscape/lighting plan, the State of NH easement, and hardening of the RR boundary line. They should also indicate the off-site parking options. Mr. Stebbins would like to speed the process to take advantage of the InvestNH Program. [investnh.pdf](https://www.governor.nh.gov/sites/g/files/ehbemt336/files/2022-02/investnh.pdf)Next step is the application for Site Plan Review. **--------------------------------------------------------------------------------------------------------------------**Read by the Chair  **[time on DCAT 1:32:02]**   **c. Pursuant to 32-238(f) Waivers of the Municipal Code of the Town of Newmarket, New Hampshire, petitioner CC 86 Main Street, LLC is requesting the Planning Board to waive the impact fees totaling $25,728 for a redevelopment that converted a fraternal organization (Mason Lodge) into 6 dwelling units located on real property with an address of 86 Main Street, Tax Map U2-53.**Mr. Henry B. Stebbins Esq., from Stebbins, Lazos, and Van Der Beken P.A., Attorneys at Law in Manchester, was present this evening representing Mr. H. Benjamin Stebbins, the principal owner of the property at 86 Main Street.

The Chair reported that the ZBA granted relief to the applicant of the impact fees, but not the hook-up fees. Attorney Stebbins believes that the impact fees includes the hook-up fees and they are not separate. The Chair and Vice-Chair would like input from the Town Attorney before consideration of this request as do other members. Attorney Stebbins pointed out that they have a deadline for appeal of this decision before taking this matter to the Superior Court (if necessary) in early July. He proposes a possible solution: grant a conditional waiver subject to receiving the letter from the Town Attorney on this matter of what constitutes “impact fees” sent to the Town Planner. Mr. Stebbins detailed the capital facility capacity improvements that they made in bringing the water line 20 ft up Central along with a new sewer line. They replaced the older, corroded Town pipes. This was a significantly higher cost to the applicant than the hook-up fees would be (approximately 5x more). They have pictures and detailed cost information to provide to the Planner. Other buildings tapped into the new line on Central. **[time on DCAT 1:53:32]
Motion #1: Val Shelton** made a motion to grant the waiver from the petitioner at CC 86 Main Street LLC for the Planning Board to waive the water and sewer tie-in fees associated with the Masonic Lodge at 86 Main Street, Tax Map U2-53 on the basis that the applicant has stated that they have constructed capital facility capacity improvements equivalent to or in excess of the dollar amount of these fees being waived and further subject to the Town Counsel’s opinion that the Planning Board has the legal authority to waive the water and sewer tie-in fees.
**Second: Jeff Goldknopf
Discussion:** None
**Vote: Approved Unanimously 7-0-0
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5. Old/New Business [time on DCAT 1:56:00]
*Committee Appointments for 2022-23***Capital Improvement Program – Full Member – **Jane Ford** volunteered
Capital Improvement Program – Alternate Member – TBD
Conservation Commission – Ex-officio Member – **Jeff Goldknopf** volunteered
***6.* Chairman’s Report [time on DCAT 1:57:11]**No report.***7. Committee Reports* [time on DCAT 1:57:37]
*Town Council:*** **Scott Blackstone** reported that Environmental Director Sean Greig and Michael Curry from Wright Pierce Engineering presented a PowerPoint presentation on Water & Sewer System Development Charge (SDC). The proposed recommendation is to update the town ordinance to replace impact fees with a single system development utility charge (SDC) for both wastewater and water per impact fee called the Betterment Program. They plan to come before the Planning Board also. The Town Council has invited the New Market Historical Society to a workshop meeting in July to speak with them about their concerns with regard to the downtown area. The Town has refinanced some debt. The Town has formed a new **Advisory Committee on Racial Equity, Inclusion, and Human Rights. The Town is having trouble hiring employees, so they have engaged** Municipal Resources, Inc. (MRI) to conduct a Salary Survey and Compensation Study. ***Conservation Commission:*** **Jeff Goldknopf** reported on recent developments with conservation properties purchased with the help of the New Hampshire Land and Community Heritage Investment Program (LCHIP). They are an independent state authority that makes matching grants to NH communities and non-profits to conserve and preserve New Hampshire's most important natural, cultural and historic resources. Some deeds may need to be changed and approved by the Town Council. They are no longer allowed to monitor some properties and the Conservation Commission had a discussion with Duane Hyde from the Southeast Land Trust (SELT).
Amy Benson, the Scout who was working with Ellen Snyder on her Eagle Scout project at Heron Point, attended our recent meeting. She raised money for her project and presented the ConCom with the unspent funds - $1,077.60! Thank you Amy!
The ConCom is drafting a letter to send to the TC to request that Old Lee Road, Class IV, be reclassified to a Class A Trail to connect both ends of Neal Mill Road.
Matt Larkin, District Conservationist for Rockingham and Strafford Counties with the Natural Resources Conservation Service (USDA) gave a great talk at the beginning of the meeting on understanding water quality and soil health, and opportunities to promote both throughout the Town of Newmarket.
 ***8.*****Planner’s Report [time on DCAT 2:07:49]
Bart** **McDonough** reported that he is working on an analysis of Accessory Dwelling Units (ADUs) for presentation to the Board by August. **9. Adjourn [time on DCAT 2:09:04]

Motion: Jane Ford** moved to adjourn at 9:04 PM **Second: Val Shelton
Discussion:**  None **Vote: Approved Unanimously 7-0-0**Respectfully submitted,

Sue Frick
Recording Secretary

**DCAT:**

[**https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7\_5VjxKP/videos**](https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7_5VjxKP/videos)