 **NEWMARKET Planning Board**Tuesday July 12, 2022
TOWN COUNCIL CHAMBERS
7:00 PM

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

Chair **Eric Botterman** opened the meeting at 7:02 PM. **[time on DCAT 7:27]**
The Chair appointed **Michal** **Zahorik** as a voting member this evening.Voting members this evening will be: **Eric Botterman, Val Shelton, Jeff Goldknopf,
Patrick Reynolds, Timothy Rossignol, Scott Blackstone,** and **Michal Zahorik.**

**1. Pledge of Allegiance

2. Public Comments [time on DCAT 7:49]**
Public comments were opened at 7:03. There were no members of the public wishing to speak this evening on anything not already on the agenda. Public comments were closed at 7:04 PM.

**3. Review and Approval of Minutes- June 14, 2022**

**[time on DCAT 8:36]**
**Motion: Jeff Goldknopf** moved to approve the minutes of June 14, 2022 as drafted.
**Second: Patrick Reynolds**
**Discussion:** None **Vote:** **Approved Unanimously 7-0-0**

**4. Regular Business**
Read by the Chair: **[time on DCAT 9:24-40:59]**  **a. Pursuant to Section 24-1 *Zoning ordinance amendment procedures*, of the Municipal Town Code of Newmarket, New Hampshire, the Planning Board will hear a presentation from Environmental Director Sean Greig and Michael Curry of Wright Pierce Engineering on proposed amendments to Section 32-238 *Impact fees* to replace the water and sewer impact fees with a single system development charge (SDC) for both wastewater and water, and to make recommendations to the Town Council on the proposed amendments, or take any other action relative thereto.**Environmental Director Sean Greig and Michael Curry of Wright Pierce Engineering were present this evening to make a presentation on proposed amendments to Section 32-238 *Impact fees* to replace the water and sewer impact fees with a single system development charge (SDC) for both wastewater and water. They also seek any comments or recommendations from the PB to the Town Council. They gave this same presentation to the Town Council previously. Methodologies for Impact Fee Assessmentwere last completed by BCM Planning. Michael Curry presented the power point presentation which clearly described the current water and sewer fee structures. Wright Pierce Engineering and Director Sean Greig recommend:
 1. Wastewater and water typical usage rates identified in *Methodologies for Impact Fee Assessment* (BCM Planning, October 2000) to remain in-use
 2. Update Town ordinance to replace “tap” /“impact fees” with a single system development utility charge (SDC) for both wastewater and water per *Impact Fee Update Report* (BCM Planning, September 2011)
 3. Implement total recoverable SDC rates based on daily water/sewer use requirements:
 a. Water = $17.29/gpd “buy-in” fee
 b. Wastewater = $19.26/gpd “buy-in” fee

The members had several questions about Accessory Dwelling Units (ADUs) and how this might impact commercial property. **Scott** **Blackstone** mentioned that the TC liked this proposal as it will be easier to update with a simple calculation. Sean Greig mentioned that this recalculation should occur every few years (not every 10+ yrs). Some towns that were surveyed during this project, update their fee schedule every year. Sean did say that they would need to add some additional text to address situations not covered by this change and remain flexible.

**[time on DCAT 41:00]**
**Motion #1**: **Patrick Reynolds** moved that the Planning Board recommends to the Town Council the proposed amendment to Section 32-238 *Impact fees* to replace the water and sewer impact fees with a single system development charge (SDC) for both wastewater and water.
**Second:** **Tim Rossignol
Discussion:** None
**Vote: Approved Unanimously 7-0-0

--------------------------------------------------------------------------------------------------------------------**Read by the Chair:  **[time on DCAT 41:39]
b. Pursuant RSA 676:4I(d) and Appendix B - *Site Plans* of the Municipal Code of the Town of Newmarket, New Hampshire, there will be a public hearing for an application for site plan review requested by owner Town of Newmarket and applicant Qualtek Wireless requesting approval to place 3 antennas, 6 RRUs, 3 junction boxes and 3 power/hybrid cables at the 66 foot RAD. The applicant will require a 5x7 lease area for ground equipment. The property is located on real property with an address of 0 Great Hill (Water Tower), Tax Map U5, Lot 57T, within the R2 zoning district.**The Town Planner reported to the Board that the application was complete.
**Motion #1:** **Val Shelton** made a motion to accept the application as complete.
**Second:** **Patrick Reynolds**
**Discussion**: None
**Vote: Approved Unanimously 7-0-0**The Chair opened the public hearing at 7:39 PM. **[time on DCAT 43:30]**Ms. Meagan Beausoleil from Qualtec Wireless joined the meeting this evening via zoom. She summarized the application for the Board Members. Members had questions about proposed power lines on the plan as well as easements in the surrounding property. All questions were addressed by Meagan and the Town Planner.

The Chair closed the public hearing at 7:47 PM. **[time on DCAT 50:57]**
**Val Shelton** went through **Precedent** **Conditions** set out by the Town Planner. The following items shall be completed prior to the issuance of a building permit:
1. Applicant shall enter into a construction inspection agreement with the Town to ensure the site plan is built in accordance with the approved plan. The applicant shall reimburse the Town for all associated inspection/observation costs.
2. Following All Applicable Modifications to the Plan: a. Add all applicable variances and waivers granted onto the plan. b. Update site plan showing the existing height of the water tower and the proposed height to the structure. c. Update site plan showing decommission plan.
3. Obtain final sign-off from Underwood Engineers, Inc. on all issues identified during their review.
4. Submit all documentation of all relevant local, state and federal approvals. The PB adds to that a confirmation of all easements of work outside the front fenced area shown on Sheet A-1 have been obtained and recorded.

**Subsequent** **Conditions and General Terms** set out by the Town Planner.
1. The following items shall be met prior to the commencement of any ground disturbance: a. all the precedent conditions are met; b. a preconstruction meeting between Town staff and its consultant engineers has occurred; c. limits of clearing have been established and approved by the Town.

Meagan had no questions about these conditions and they plan to “check” all the boxes for an easy build.
 **[time on DCAT 53:45]
Motion #2: Val Shelton** made a motion to approve the site plan review requested by owner Town of Newmarket and applicant Qualtek Wireless requesting approval to place 3 antennas, 6 RRUs, 3 junction boxes and 3 power/hybrid cables at the 66 foot RAD. The applicant will require a 5x7 lease area for ground equipment. The property is located on real property with an address of 0 Great Hill (Water Tower), Tax Map U5, Lot 57T, within the R2 zoning district. Subject to the Conditions Precedent and Subsequent as discussed and recommended by the Town Planner. The Planning Board will also require confirmation of any easements, if necessary.
**Second: Tim Rossignol
Discussion:** None
**Vote:** **Approved Unanimously 7-0-0

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Read by the Chair:  **[time on DCAT 55:16]**
**c. Pursuant RSA 676:4I(d) and Appendix A – *Subdivisions* of the Municipal Code of the Town of Newmarket, New Hampshire, there will be a public hearing for an application for Boundary Line Adjustment, requested by Tina Russell of 19 Packers Falls Road, Tax Map U1, Lot 3 in the R-2 zoning district and Philip & Laura Lavoie of 21 Packers Falls Road, Tax Map U1, Lot 4 in the R-2 zoning district. The proposed application seeks to adjust the lot line between the two properties by conveying 5,834-sf from Map U1 Lot 3 to Map U1 Lot 4.**The applicants were all present this evening to discuss and answer any questions regarding the application. Ms. Tina Russell stepped to the podium.
 **Val Shelton** disclosed that her parents are a direct abutter to one of these properties, but she has no financial interest in their property or either of the properties in the application.

The Town Planner reported to the Board that the application was complete.
**[time on DCAT 56:52]**
**Motion #1:** **Patrick Reynolds** made a motion to accept the application as complete.
**Second:** **Val Shelton**
**Discussion**: None
**Vote: Approved Unanimously 7-0-0**

The Chair opened the public hearing at 7:52 PM. **[time on DCAT 57:08]**Ms. Tina Russell stepped to the podium. The Chair asked if the lots would become or stay conforming and Ms. Russell replied in the affirmative.

The Chair closed the public hearing at 7:53 PM. **[time on DCAT 57:53]

[time on DCAT 57:54]
Motion #2: Val Shelton** made a motion to waive Section 408 *Scale* from the site plan or subdivision requirements.
**Second: Jeff Goldknopf
Discussion:** None
**Vote:** **Approved Unanimously 7-0-0**The Town Planner Recommends:
1. Requiring a draft deed to determine that everything is written correctly and that the language and intention are met. The deed would come to the Planner’s office for preliminary approval and then go to the Chair for endorsement.
2. A Surveyor’s Certificate of the monuments showing placement and showing the boundaries must be submitted.
3. The deed would then be recorded by the Rockingham County Register-Deeds.

**[time on DCAT 1:00:58]
Motion #3: Val Shelton** made a motion to approve the Boundary Line Adjustment between Tina Russell of 19 Packers Falls Road, Tax Map U1, Lot 3 in the R-2 zoning district and Philip & Laura Lavoie of 21 Packers Falls Road, Tax Map U1, Lot 4 in the R-2 zoning district to adjust the lot between the two properties by conveying 5,834-sf from Map U1 Lot 3 to Map U1 Lot 4 subject to the recommendations of the Town Planner in regards to Conditions Precedent and Subsequent. These conditions include a Surveyor’s Certificate of Monumentation.
**Second: Michal Zahorik
Discussion:** None
**Vote:** **Approved Unanimously 7-0-0

--------------------------------------------------------------------------------------------------------------------**Read by the Chair:  **[time on DCAT 1:02:00]**   **d. Pursuant RSA 676:4I(d) and Appendix B - *Site Plan* of the Municipal Code of the Town of Newmarket, New Hampshire, there will be a public hearing for an application for site plan review requested by CC Railroad Street Newmarket LLC, located on real property with an address of 3 Railroad Street, Tax Map U3, Lot 138A, within the M2A Zone. The proposed application seeks to demolish existing nonconforming buildings and construct a new 8 unit residential building within the current footprint with appurtenant infrastructure.**The Town Planner reported to the Board that the application was substantially complete and should be accepted by the Planning Board.
**[time on DCAT 1:02:56]**
**Motion #1:** **Tim** **Rossignol** made a motion to accept the application as complete.
**Second:** **Patrick Reynolds**
**Discussion**: None
**Vote: Approved Unanimously 7-0-0**
The Chair opened the public hearing at 8:00 PM. **[time on DCAT 1:04:15]**Mr. Ben Stebbins, the principal owner of the property at 3 Railroad Street, and Mr. Michael Sievert P.E., Horizons Engineering (via zoom), were present this evening. Mr. Sievert shared his screen for review of the site plan. Mr. Stebbins reviewed the overall plan with the Board. He is requesting two waivers this evening.
Mr. Sievert and Mr. Stebbins seek a waiver for a new survey as a survey was done two years ago and he believes that it is currently accurate. Members had issues with a waiver of a current survey stamped on the C101 Proposed Site Plan. Currently (C101) does not include the boundary lines – they are only given on the Existing Site Plan (E101). Mr. Stebbins reported that they have looked at all the easements effecting the property and have cleared these all with a title insurance search.

**Waiver #1 Relief from a Boundary Survey**Mr. Sievert went through his reasoning for the Board.
**[time on DCAT 1:21:05]
Motion #2: Val Shelton** made a motion to grant the waiver from a full boundary survey requirement for the property at 3 Railroad Street.
**Second: Jeff Goldknopf
Discussion:** The Chair clarified that a vote to support the waiver would be “aye” and a vote to not approve the waiver would be “nay”. **Val** **Shelton** believes that a survey of the property should be required with site plan approval.
**Vote: Denied by Roll Call Vote: 1-0-6
 (Nay – P. Reynolds, J. Goldknopf, V. Shelton, E. Botterman,**
 **T. Rossignol** and **S. Blackstone. Aye – M. Zahorik)

Waiver #2 Relief from Section 3.10(a) Requiring Utilities to be Placed Underground**Mr. Stebbins answered questions and Mr. Sievert went through the reasoning for the waiver request for the Board. **[time on DCAT 1:26:23 ]
Motion #3: Val Shelton** made a motion to grant the waiver from Section 3.10(a) requiring utilities to be placed underground and allowing the applicant to leave utility wires overhead. Decision based on reasoning/information provided by the applicant.
**Second: Patrick Reynolds
Discussion:** None
**Vote: Approved Unanimously 7-0-0

[time on DCAT 1:27:54 to 1:49:30]**
Mr. Sievert described the design of the project to the Board. **Val Shelton** asked about off-site easements. The applicant has agreed to detail all proposed easements on the new site plan. Other members had questions for Mr. Sievert and Mr. Stebbins which they addressed.

**[time on DCAT 1: 49:42]
Motion #4: Val Shelton** made a motion to continue the application requested by CC Railroad Street Newmarket LLC, Tax Map U3, Lot 138A, within the M2A Zone to the next meeting of the Planning Board meeting on August 9, 2022.
**Second: Tim Rossignol
Discussion:** None
**Vote: Approved Unanimously 7-0-0**There was some misunderstanding about whether the public hearing had been previously opened, so the Town Planner recommended a motion to reconsider. **[time on DCAT 1: 50:48]
Motion #5: Val Shelton** made a motion to reconsider the continuation of the application to August 9, 2022.
**Second: Tim Rossignol
Discussion:** None
**Vote: Approved Unanimously 7-0-0

The Chair had opened the public hearing at 8:00 PM.**   **[time in DCAT 1:04:15]

[time on DCAT 1: 51:22]
Motion #6: Val Shelton** made a motion continue the public hearing for an application for site plan review requested by CC Railroad Street Newmarket LLC to the next meeting of the Planning Board meeting on August 9, 2022.
**Second: Tim Rossignol
Discussion:** None
**Vote: Approved Unanimously 7-0-0**The Chair established the TRC through discussion among the members. The TRC will be **Eric** **Botterman**, **Val Shelton,** and **Jeff Goldknopf.** The Town Planner will get the meeting scheduled as quickly as possible with all the relevant parties. Mr. Stebbins stated that all approvals and the building permit must be in hand before August 31 in order to take advantage of funds from InvestNH Housing Incentive Fund [investnh.pdf](https://www.governor.nh.gov/sites/g/files/ehbemt336/files/2022-02/investnh.pdf).
**---------------------------------------------------------------------------------------------------------------------**Read by the Chair  **[time on DCAT 1:55:23]**   **e. Pursuant RSA 676:4I(d) and Appendix B - *Site Plans* of the Municipal Code of the Town of Newmarket, New Hampshire, there will be a public hearing for an application for minor site plan review, requested by 11 Chapel Street LLC, requesting approval for the conversion of approved retail space on the first floor of a new barn (bike shop) to an apartment. The property is located on real property with an address of 11 Chapel Street, Tax Map U2, Lot 3, within M-2 zoning district.**The Town Planner said that this application is a Major Site Plan Review and that the application was complete. The Town Planner reviewed the actions taken by the ZBA having to do with this property.
**[time on DCAT 1:57:35]**
**Motion #1:** **Val Shelton** made a motion to accept the application as complete.
**Second:** **Jeff Goldknopf**
**Discussion**: None
**Vote: Approved Unanimously 7-0-0**

The Chair opened the public hearing at 8:53 PM. **[time on DCAT 1:57:55]**
**[time on DCAT 1:57:56 to 2:17:09]**
Present this evening are Mr. Keper Connell, owner of 11 Chapel Street, and Mr. Eric Weinrieb, PE, Consulting Engineer, Altus Engineering, Inc. Mr. Weinrieb reviewed the history of the property development- moving the barn, making it a retail facility which did not come to fruition, and asking now to change the barn to an apartment. The only site improvement they anticipate is moving the stair case which is over parking space #3. Mr. Weinrieb thought this was a minor site review and would not need a waiver for parking. The Town Planner went through the various conditions for reduced parking, but this proposal will need 6 parking spaces. Discussion continued about parking spaces and snow removal space between the members and engineer. Alternatives were suggested by the Board for creating the extra parking spaces. **Tim Rossignol** was excused from the meeting at 9:12 PM. **[time on DCAT 2:16:49]**There were no comments from the public.

Members want as many parking spaces on site since parking on the street is an issue in this area.
If the applicant uses ‘compact’ car spaces, they would need to seek a waiver for Dimensional reduction or zoning relief. In discussions with the applicant, the Town Planner will confirm the path.
 **[time on DCAT 2:24:30]
Motion #1: Val Shelton** made a motion to continue the major site plan review application to the next Planning Board meeting on August 9, 2022 requesting a conversion of a retail building into a single-family dwelling unit on real property located at 11 Chapel Street (Tax Map U2 Lot 3) within M-2 zoning district with the expectation that the applicant will add more parking spaces to the plan (ideally 6).
**Second: Jeff Goldknopf
Discussion:** None
**Vote: Approved Unanimously 6-0-0**As this is a re-submittal application, the deadline for submission would be 14 days (July 26).

**---------------------------------------------------------------------------------------------------------------------**Read by the Chair  **[time on DCAT 2:24:49 ]**   **f. Pursuant to RSA 676:4 II(b),(c) and §2.02 *Design Review* of Appendix B – Site Plans of the Municipal Code of the Town of Newmarket, New Hampshire, there will be a public hearing for an application for Design Review requested by Spenser Montgomery located on real property with an address of 25 Beech St Ext, Tax Map U3, Lots 148 & 149-1 within the M2 zoning district. The proposal is for a small scale winery, tasting room and restaurant space.**

 **[time on DCAT 2:25:20 to 2:45:32]**Mr. Spencer Montgomery and his wife, Amanda Parks, were present this evening to present a Design Review to the Planning Board. They introduced themselves to the Board as first time home owners in Newmarket. They both work in the food industry and have considerable experience in wine making and dining operations. They will need all proper permitting as well as both a Federal Alcoholic Beverages Control License (2 mo process) and a NH State Liquor License. They propose to turn their two bay garage (approximately 1500 sq ft) into two separate LLCs: one for the wine making and one for the small-scale restaurant (500 sq ft). They propose operations hours from 5:00 PM to close and perhaps weekends. They do not have a parking plan and they have no on-site parking. They also need an ADA bathroom and a small, ventless kitchen behind the bar.
The Town Planner spoke to the parking issues – perhaps co-using the Town parking lot behind Town Hall (the Town Manager is open to lot sharing). **Bart** believes that this is more impactful and may require a Major Site Plan Review. **Bart** recommends keeping the Design Review open so that, as plans develop, Spencer and Amanda can meet with him to determine if they are going in the right direction, then the Board can give advice. When everyone is happy, then the Board could close design review and go to site plan review whether that may be major or minor.

The Chair asked for comments from the public.

Nancy Kathan, a property owner at Kent Place, has concerns about the parking on the HOA property. She has legal concerns, repair and maintenance concerns, snow plowing concerns, and encroachment on the HOA resident parking spaces. She is not representing the HOA, but is just raising these concerns as a property owner.

The Planner wanted to know when they might have plans ready. The applicants won’t be ready with wine production until 2023 and then the bar and restaurant construction might be ready in 2024. Spencer does not really have a firm timeline on the architectural plan. The Planner now recommends that the Board close design review and the applicant work with his office until it is ready for site review.

**[time on DCAT 22:45:27]**The Chair closed Design Review on real property with an address of 25 Beech St Ext, Tax Map U3, Lots 148 & 149-1 within the M2 zoning district.  **-------------------------------------------------------------------------------------------------------------------

5. Old/New Business [time on DCAT 2:45:38]
Bart** anticipates having a presentation ready for the Board on language on ADU amendments or accessory apartment amendments. He has been working on this for the past few months. It should be ready for PB review and comments so that we can start the process. This is a zoning ordinance, so it will need to go to the Town Council for final approval. He would also like to update the site plan review and subdivision regulations with regard to the fee scheduling. We need to update the noticing fees to be relevant – they are outdated.
**6.Chairman’s Report [time on DCAT 2:49:57]**The Chair had nothing to report. **Patrick** **Reynolds** sent an email to the Chair about the Energy and Environment Advisory Committee. **Patrick** spoke about when this Advisory Committee was set up, there were representatives from the Planning Board and Conservation Commission. They then amended that to have just 6 members from the public. **Patrick** believes that there should be other Board/Commission input. After watching their meetings on DCAT, the work that they are doing right now will have a great impact on the Town. The Town (thru the E&EAC) is getting together with other communities (CPC) [Learning Center | Community Power Coalition of New Hampshire (cpcnh.org)](https://www.cpcnh.org/learning-center) to seek lower prices for energy and set a renewable energy base for choosing a supplier. The Coalition is a partnership between the cities of Dover, Lebanon, Portsmouth and Nashua, the towns of Durham, Enfield, Exeter, Hanover, Harrisville, Hudson, Pembroke, Plainfield, New London, Newmarket, Rye, Walpole, Warner and Webster, and Cheshire County. **Patrick** is willing to complete an application to serve as a regular member, but hopes that the E&EAC will add other Town Board and Commission members to their Advisory Committee.

The Chair mentioned the re-zoning of N. Main Street M2A. **Jeff** asked to see the old plan.
**Stuart Arnett, Economy Developer from Arnett Development Group LLC,** was hired by the Town to look at zoning in the gateways to Newmarket. The joint meeting with Mr. Arnett between the PC and TC from several years ago is available to review on DCAT.
**7.Committee Reports [time on DCAT 3:00:10]
*Town Council:*** **Scott Blackstone** nothing to report.
***Conservation Commission:*** **Jeff Goldknopf** reported that the next guest speaker will be Natch Greyes, an expert on carnivorous plants and bogs in New England.
**8. Adjourn [time on DCAT 3:00:59]

Motion: Val Shelton** moved to adjourn at 9:56 PM. **Second: Jeff Goldknopf
Discussion:**  None **Vote: Approved Unanimously 6-0-0**Respectfully submitted,

Sue Frick
Recording Secretary

**DCAT:**

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