

PLANNING BOARD

October 11, 2022 at 7:00 PM

 **APPROVED MEETING MINUTES**

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

Vice-Chair **Val Shelton** opened the meeting at 7:00PM.
**Agenda Item #1 - Pledge of Allegiance**

**Agenda Item #2 - Public Comments**

The Vice-Chair opened the meeting for public comments at 7:01 PM. No one wished to speak about any issues not on the agenda. She then asked if anyone from the public wished to speak about the proposed ordinance changes regarding Accessory Dwelling Units (ADUs). No one came forward and public comments were closed at 7:02 PM.

**Agenda Item #3 - Review & Approval of Minutes [time on DCAT 8:10]**

a. September 13, 2022

**Motion: Patrick Reynolds** moved to approve the draft minutes of 9-13-2022 as written.  **Second: Jane Ford
Discussion:** none **Vote: Approved Unanimously 6-0-0

Agenda Item #4 - Regular Business**

Read by the Vice-Chair: [**time on DCAT 8:23]**

a. Site Plan and Special Use Permit for a Mixed Use Development – 30 day extension request of the conditional approval of October 7, 2021 and subsequent 6 month extension at the April 12, 2022 Planning Board meeting, requested by Walter Cheney Jr/Cheney Property Management Corp (CPMC). The lot is located at 50-56 Exeter Rd, Tax Map U4, Lots 11 and 15, M-2A Zoning District.

|**Jeff Goldknopf** recused himself from this agenda item.

Appearing for Mr. Cheney this evening is Michael Sievert, Horizons Engineering. Having just received the permit from the DOT, they were unable to get all the documents prepared in time to meet the 6 month extension approved at the April 12, 2022 Planning Board meeting. Mr. Sievert did consult with the Town Planner who recommended an approval of a 60 days just to be on the safe side.

The Chair opened the public hearing at 7:04 PM. **[time on DCAT 10:03]**
There were no comments from the public and the members had no questions.

**Motion: Tim Rossignol** moved to approve a 60 day extension on the conditional approval dated October 7, 2021 based upon the reasons provided by the applicant’s representative.  **Second: Jane Ford
Discussion:** none **Vote: Approved Unanimously 6-0-0

Jeff Goldknopf** returned to the meeting.
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Read by Vice-Chair: **[time on DCAT 10:43]**
b. Pursuant RSA 674:43 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 McDonald’s USA LLC/Christopher Alexandrou/Tina Abbott, for property located at 75 Exeter Road, Tax Map U3, Lot 135, within the B1 Zoning District. The applicant seeks to purchase the property as a restaurant, using the existing structure, with seating for 24-30 people, and existing parking space area, with the drive through window used for takeout.

The Planner confirmed that the application was complete as submitted and there are three waivers for consideration: 1) request for a boundary survey, 2) a site plan, and 3) a driveway permit.

Mr. Christopher Alexandrou came forward to speak to the Board. He is excited to purchase this property and open a restaurant called Nick’s Place. He has operated a family business for about 40 years.

**Motion #1: Patrick Reynolds** moved to accept the application as substantially complete.  **Second: Jane Ford
Discussion:** none **Vote: Approved Unanimously 6-0-0**
The Chair opened the public hearing at 7:06 PM. **[time on DCAT 12:34]**
Mr. Michael Pelczar, owner of Kent & Pelczar Funeral Home & Crematory, is a direct abutter (77 Exeter Road) and has no issues with the proposal and would like to welcome and support them as a new business in Newmarket.

The Chair closed the public hearing at 7:08 PM **[time on DCAT 13:38]**

**Bart** had updated information for the Board that DOT has re-issued the driveway permit on October 6, 2022 with some minor improvements requested including a Stop bar, Stop Sign, and pavement marking. A waiver is no longer necessary for the permit. **Bart** had a concern about the status of the parking lot and felt it should be resurfaced and restriped at some point. The waivers make sense as described in the application. Mr. Alexandrou is not making any other site improvements besides landscaping and signage for the restaurant. **Bart** is also concerned about snow storage in the winter as there is a wetland buffer to the back of the property.

Mr. Alexandrou responded that he would truck snow off site if necessary.

**Motion #2: Jeff Goldknopf** moved to approve the requests to waive §2.03 (A)(4), a copy of the boundary survey, and §2.03 (A)(5), three copies of a site sketch plan.  **Second: Jane Ford
Discussion:** none **Vote: Approved Unanimously 6-0-0**
The following conditions are recommended by staff:

General Conditions Terms

1. The Applicant shall resurface and restripe the parking lot to its originally approved configuration within one-year of this approval.

2. The Applicant shall truck off all excess snow from the property in the instance the property reached its capacity for its storage.

3. Applicant shall meet all applicable state conditions of approval prior to the issuance of a certificate of occupancy.
 **Motion #3: Tim Rossignol** moved to approve the Minor Site Plan requested by McDonald’s USA LLC/Christopher Alexandrou/Tina Abbott, for property located at 75 Exeter Road, Tax Map U3, Lot 135, within the B1 Zoning District subject to the conditions outlined in the October 11, 2022 Planner’s Report. **Second: Jane Ford
Discussion:** none **Vote: Approved Unanimously 6-0-0

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Read by Vice-Chair: **[time on DCAT 20:12]**

c. Pursuant RSA 674:35 and 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 Minor Subdivision, requested by Littlefield Family Trust of 2020/Denise Littlefield, for property located at 161 New Road, Tax Map R3, Lot 44, within the R1 Zoning District. The proposed application seeks to subdivide a lot containing 3.533 acres from a parcel consisting of 89.073 acres.

Mr. Robert Stowell, President, TriTech Engineering of Dover, is present this evening to represent the owners who are also present and, if required, would answer questions regarding this proposal. Mr. Stowell explained that this is a subdivision is to facilitate the transfer of the existing residence to a family member. The family looked at doing this several years ago, but it is now coming to fruition. The wetlands were mapped in 2015 and the same soil scientist, Mike Mariano of Highland Soil Services in Somersworth, who dug the test pit to determine the very poorly drained soils just recently. They are requesting one waiver from a full boundary survey of the remaining 89.073 acres because of the expense and that so much information is available by GIS.

The Planner confirmed that the application was complete as submitted and there is one waiver for consideration: 1) request for a boundary survey for the 89.073 acre parcel.
 **Motion #1: Patrick Reynolds** moved to accept the application as substantially complete.  **Second: Jane Ford
Discussion:** none **Vote: Approved Unanimously 6-0-0**
The Chair opened the public hearing at 7:16 PM. **[time on DCAT 24:10]**
Seeing no one from the public wishing to speak, the public hearing was closed at 7:17 PM.

Mr. Stowell was asked by **Jeff** about the power poles going to the home. Mr. Stowell stated that Eversource does have an easement and that the poles begin on the parent parcel.The deed to lot 44-1 will be encumbered by the blanket easement to go to Eversource and would show up in the draft deed as it come through. **Bart** mentioned that we need a statement from the land surveyor who did the testing. There is a stamp, but there’s a phrase that needs to added to the plans. The members and Mr. Stowell had a discussion about the difficulty to place a granite bound marker at the front corner as there is a significant tree present. They will put rebar down as close as possible and that will be done before the plans are recorded. **Val** asked about the lot numbers because she does not want this action to trigger impact fees. She recommends that the motion contain language that the newly created lot not be subject to impact fees. The following conditions are recommended by staff:

Conditions Precedent

All conditions precedent as enumerated below must be met prior to the endorsement of the boundary line adjustment plan:

1. The applicant shall submit a draft deed that completes the conveyance of the affected parcels to the Planning Department for review and approval prior to recording at the Rockingham County Registry of Deeds.

~~2. Applicant shall submit all state approvals prior to the endorsement of the approved plan.~~

3. Update the plan set reflecting the comments made at the October 11, 2022 Planning Board meeting and the staff notes, dated October 11, 2022.

4. The surveyor shall provide a certificate of monument installation to the Planning Department, pursuant to §3.05(C) *Certificate of Monument Installation*.

5. Tax Map and Lot numbers for the individual lots within the subdivision plan shall be reviewed and approved by Town’s Assessor’s office prior to plan signing and recording.
Conditions Subsequent and General Terms

1. All the precedent conditions are met;

2. Street name and numbering shall be assigned by the Town’s 911 Coordinator prior to the issuance of the building permits for dwelling units within the development.

3. Pursuant to RSA 676:3(III), the final notice of decision, the plat, and new deed shall be recorded at the Rockingham Country Registry of Deeds.

 **Waiver Requests:
Motion #2: Tim Rossignol** moved to approve the waiver requests for Section 4.10(b) Existing Conditions Survey for the remainder lot and §3.05(C) Certificate of Monument Installation on thesouthwest corner by the road as discussed with the Board with an appropriate marker on lot 44-1 and marking final placement on the plans.

**Second: Jane Ford
Discussion:** none **Vote: Approved Unanimously 6-0-0**There was concern about the well placement. Mr. Stowell explained that they have shown the plan to NHDES and expressed a willingness to replace the well if necessary. **Motion #3: Jeff Goldknopf** moved to approve the application for a Minor Subdivision, requested by Littlefield Family Trust of 2020/Denise Littlefield, for property located at 161 New Road, Tax Map R3, Lot 44, within the R1 Zoning District subject to Conditions Precedent, Conditions Subsequent, and General Terms as modified outlined in the Planner’s Report dated October 11, 2022 with the exception of Condition Precedent #2 which has been deleted and including in Precedent #1 that the utility easement be noted in the proposed deed.
**Second: Tim Rossignol
Discussion:** none **Vote: Approved Unanimously 6-0-0

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Read by the Vice-Chair: **[time on DCAT 37:59 to 2:29:03]**
d. Pursuant to §24-1 *Zoning ordinance amendment procedures*, of the Municipal Code of the Town of Newmarket, New Hampshire, Planning Board shall continue a public hearing on proposed amendments to §32-5 *Nonconformities;* §32-9 *Special use permits*; §32-11 *Definitions*; §*32-*155 *Wetland protection overlay district* and §32-234 *Accessory apartments* of the Municipal Town Code of Newmarket, New Hampshire, that seeks to expand the use of accessory dwelling units, or take any other action relative thereto.

The Board continued the public hearing on the proposed amendments to §32-5 *Nonconformities;* §32-9 *Special use permits*; §32-11 *Definitions*; §*32-*155 *Wetland protection overlay district* and §32-234 *Accessory apartments* of the Municipal Town Code of Newmarket, New Hampshire. At the last meeting, **Bart** described the primary reason for this amendment. It will allow for the opportunity for accessory dwelling units (ADUs) to exist in Newmarket. Currently, as special exception by the ZBA is required to approve an accessory apartment (as they are currently known). Part of the requirement is that they be requested only from single-family and conforming lots within the zoning district. The amendment would be redefined to require only a building permit on all single-family lots whether or not they are conforming. In addition, this amendment would allow for detached ADUs. A special use permit would allow for two ADUs through the PB. The idea would be to blend in these units aesthetically with the existing dwelling. There are three types of classifications: 1) Internal Conversion ADU (i.e. basement), 2) Attached ADU (to the primary dwelling unit), and 3) Detached ADU (new or existing building). Parking requirement for an ADU would be a maximum of 2 spaces allowing for the greatest flexibility. No additional curb cuts would be allowed for driveways. The Building Inspector would enforce the ordinance. The Board began on page 3, line 116 of Draft #7 dated October 11, 2022, at (d) *Limitations: ADUs are limited as follows* where discussions stopped on September 13 and the motion to continue the public hearing was approved. The members continued to discuss and offer changes to each section until they reached page 4, line 172. They asked questions of **Bart** and he has offered to draft new sections and rewrite others. The Board paused after offering suggestions for (iii) *Lot Setbacks.*

The Vice-Chair opened the public hearing to the public for comment. **[time on DCAT 2:22:22)**

Mr. Thomas Morris, 5A South Street, stood to speak. This is his second time living in the area. He is a teacher and can only afford to continue to live in Newmarket in an ADU. He considers this issue very important for people who cannot afford to purchase a home. His entire statement may be heard on **DCAT from 2:22:22 to 2:27:08**. He also asked that members look at his Facebook page for additional comments. The Vice-Chair thanked Mr. Morris for attending the meeting this evening.
 **Bart** received a letter from Nick Taylor, Executive Director of Workforce Housing Coalition of the Greater Seacoast dated September 13, 2022. He read it into the record and it is attached as an Addendum at the end of these minutes.

The members discussed the date of the next meeting scheduled for November 8. Although this is Election Day, the members had no issue with holding the meeting at 7:00 pm after the polls have closed.

**Motion: Tim Rossignol** moved to continue the public hearing on §24-1 *Zoning ordinance amendment procedures*, of the Municipal Code of the Town of Newmarket, New Hampshire to the next meeting on November 8, 2022.  **Second: Patrick Reynolds
Discussion:** none **Vote: Approved Unanimously 6-0-0**

**-------------------------------------------------------------------------------------------------------------------------**e. **Pursuant to RSA 675:7, the Planning Board shall continue a public hearing to amend both the Site Plan and Subdivision Regulations of the Town of Newmarket, New Hampshire intending to modify Sec. 2.06 *Fees* of Appendix A. - Subdivision and Sec. 2.05 *Fees* of Appendix B. – *Site Plan Review*, or take any other action relative thereto.**

The Vice-Chair asked for a motion to continue the public hearing to the next meeting.

 **[time on DCAT 2:31:04)**
**Motion: Jeff Goldknopf** moved to continue the public hearing to amend both the Site Plan and Subdivision Regulations of the Town of Newmarket, New Hampshire intending to modify Sec. 2.06 *Fees* of Appendix A. - Subdivision and Sec. 2.05 *Fees* of Appendix B. – *Site Plan Review*  to the next meeting on November 8, 2022.  **Second: Tim Rossignol
Discussion:** none **Vote: Approved Unanimously 6-0-0

------------------------------------------------------------------------------------------------------------------------Agenda Item #5 - New/Old Business [time on DCAT 2:30:52]
*Chairman’s Report***: The Chair had not submitted a report to the Vice-Chair for this evening.

The Town Council has asked the Planning Board to appoint a member to serve on the Energy and Environment Advisory Committee. **Patrick** **Reynolds** is willing to serve.

**Motion: Jeff Goldknopf** nominated **Patrick Reynolds** to serve as the Planning Board representative to the Energy and Environment Advisory Committee. **Second: Jane Ford
Discussion:** The Chair asked if there were other nominations. There were none and nominations were closed. **Vote: Approved Unanimously 6-0-0**
***Committee Reports:
Energy and Environment Advisory Committee:*** **Patrick Reynolds** attended the meeting on September 28 where the committee was working on their Energy Aggregation Plan. They also hoped to suggest changes to the Master Plan. **Patrick** suggested that, as the Master Plan is the purview of the Planning Board, they should consider first working to complete their Energy Aggregation Plan for submission to the Town Council. They hope to have a public meeting/hearing on November 9 about the Energy Aggregation Plan.
***Conservation Commission***: **Jeff Goldknopf** reported that the ConCom will be meeting this next Thursday and will be discussing §24-1 *Zoning ordinance amendment procedures*, of the Municipal Code of the Town of Newmarket, New Hampshire from a ConCom perspective.
***CIP:*****Jane Ford** missed the last meeting, so **Bart** recapped the last meeting. The CIP has voted on all Department/Commission requests for the Town and Bart has submitted them to the to the Town Administrator. The CIP will be having a meeting shortly regarding the school requests. The CIP will continue meeting during the year to work on a better process and to meet with Department Heads to gather information on their needs.
***Town Council:* Scott Blackstone** reported on the last meeting of the Town Council where they approved the conditions for applying for money from the American Rescue Plan Funds (ARPA) for the Sewer Department grant and Sean Grieg came to make a brief presentation on the grant application. ***Planner’s Report:* Bart** reported that he has completed three grant applications: 1) to Invest NH for $100,000 for rezoning efforts, 2) he is also targeting $25,000 for the Master Plan budget, and 3) he is seeking funds for a design charrette for the downtown area. He requires supporting letters from the Planning Board to move forward and submit as part of the packages.

**Motion: Val Shelton** made a motion to authorize the Chair of the Planning Board to write letters of support for the Town Planner to apply for grants. **Second: Jeff Goldknopf
Discussion:** none
**Vote: Approved Unanimously 6-0-0**The Planner also reported that he will be moderating a panel at the Newmarket Library as part of the Oyster River Community Read program (ORCRead.org):
**“Communities and Consequences: How Housing Decisions Impact Community Life”**

Monday, October 17th at 6:30pm

Newmarket Town Planner Bart McDonough will moderate a discussion between Nick Taylor, Executive Director of the Workforce Housing Coalition and Senator Rebecca Perkins Kwoka.

Place: Newmarket Public Library, 1 Elm Street, Newmarket

Participants are encouraged to view [Communities and Consequences II (nhpbs.org)](https://nhpbs.org/communitiesandconsequences/) prior to the program. You can come in person, watch on DCAT, or zoom. You may register at: [Communities and Consequences: How Housing Decisions Impact Community Life (google.com)](https://docs.google.com/forms/d/e/1FAIpQLSf-QheFz0bKh9583yKGm2gJcGwh5w766vv-OXRR1QJBW8U2rA/viewform).

**Agenda Item #6 – Adjourn**  **[time on DCAT 2:39:08]**

 **Motion: Tim Rossignol** moved to adjourn at 9:32 PM. **Second: Jane Ford
Discussion:** none **Vote: Approved 6-0-0**Respectfully submitted,

Sue Frick

Recording Secretary

**DCAT:
https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7\_5VjxKP/videos**

 **bn00000000000000Addendum**