

PLANNING BOARD

October 10, 2023 at 7:00 PM
Town Council Chambers
 **APPROVED MEETING MINUTES**

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

The Chairopened the meeting at 7:00 PM. [time on DCAT 3:01]

The Chair appointed **Abilgail Bachman** as a voting member this evening.
The seven voting members this evening will be **Eric** **Botterman**, **Val Shelton,
Abigail Bachman, Scott** **Blackstone**, **Jane Ford**, **Jeff** **Goldknopf**, and
**Patrick** **Reynolds.**

**1. Pledge of Allegiance**

**2. Public Comments**The Chair opened public comment on issues unrelated to agenda items at 7:01 PM.

Jon Kiper, 170 Main Street. Jon is the owner of Jonny Boston’s. Understanding that the Board will be speaking about the efforts to keep the downtown corridor beautiful this evening, he has a more serious item to address- just keeping businesses open. He spoke about the dire need for less expensive housing for the workforce in Newmarket. He and other businesses in Newmarket are reaching a critical point for recruiting staff to work at their restaurants and have been cutting their hours of business because of it. His employees are commuting from greater distances to work, costing them more for transportation especially without public transportation, only to arrive in a town where there is no convenient parking. Rental costs in town are prohibitively high (~$1600/mo for a single bedroom apartment) which leads to the necessity for him to pass as much of the increased costs on to his clientele. He hopes that the Planning Board will take any and all opportunities to increase workforce housing options in Newmarket before businesses suffer even more and close. We cannot be a community of rich and retired people only…zoning should be changed to encourage development of workforce housing.

With no other members of the public wishing to speak, the Chair closed public comment at 7:05 PM

**3. Review & Approval of Minutes** [time on DCAT 7:57]

a. July 11, 2023
 **Action
Motion: Val Shelton** moved to approve the Draft Minutes of the
 July 11, 2023 meeting as drafted. **Second: Jane Ford
Discussion:** none **Vote: Approved 7-0-0**

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**4. Regular Business**

Read by the Chair: [time on DCAT 9:15] a. **Pursuant to RSA 676:4, and Appendix-A *Subdivisions,* Appendix-B *Site Plans,* and §32-236 *Affordable elderly housing* of the Municipal Code of the Town of Newmarket, New Hampshire, a continuation of a public hearing shall be held for an application filed by DR Lemieux Builders LLC requesting Minor Subdivision, Major Site Plan, and Special Use Permit approval for a proposed development seeking to create a split lot subdivision with the original lot (0.54 acres) retaining the existing single- family housing unit and the new lot (7.22 acres) constructing a 32-unit, age-restricted, multi-family development with associated utilities, parking, landscaping and stormwater mitigation infrastructure located on real property with an address of 242 South Main Street, Tax Map U4 – Lot 69 within the R2 zoning district.**
The Planning Board received a letter from Attorney F.X. Bruton requesting a continuation of the public hearing until November 14, 2023. A copy of the letter is available in the online packet.
 **Action
Motion: Val Shelton** made a motion to continue the public hearing on this
 application as requested by Attorney F.X. Bruton to the Planning Board
meeting on November 14, 2023.

**Second: Jane Ford
Discussion:** none **Vote: Approved 6-0-1** (**Jeff Goldknopf** abstained)

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b. **Pursuant to RSA 675:2,3, & 7 and §24-1 *Zoning ordinance amendment procedures*, of the Municipal Code of the Town of Newmarket, New Hampshire, the Planning Board shall hold a public hearing on proposed amendments drafted by the Planning Board to amend §32-160 *Downtown commercial overlay district* and §1.03 *Definitions;* §1.05 *Applicability* and §3.21 *Architectural/aesthetic review* of Appendix B – *Site Plans* of the Municipal Code of the Town of Newmarket, New Hampshire, that seeks to add architectural design requirements and increase site plan applicability thresholds within the Downtown commercial overlay district and M2 zoning district, or take any other action relative thereto.**

The Chair opened the Public Hearing at 7:10 PM.

[time on DCAT 12: 19 - 20:57]

#1 Michael Hoffman. 110, 112, 108, 106, 104 Main Street and 1 Exeter Road. He has owned property in Town for 20 years. He is a member of the Newmarket Business Association and the Newmarket Main Street Corporation. He is in full favor of the changes to the municipal codes, but wishes to express concern about unintended consequences. He believes that “time kills deals” if everything must come before Town Boards for consideration of change of use and the process costs so much in fees alone. He has drafted one letter, but will write another one regarding the discussion of the dimensional table and density. He mentioned that he receives many calls from non-local, large commercial developers who wish to make offers on his properties. He really wants to encourage local investors.

[time on DCAT 21:29]

#2 Greg Bird. 72, 98, 80 Main Street, and 8 Bay Road. He has owned property in Newmarket, both commercial and residential, for 7-8 years. These properties needed considerable work and he has been fixing them up ever since. The properties on Main Street needed new windows, new roofs, and commercial windows. He has invested a lot in these properties and intends to move up to 8 Bay Road in four years (from MA).
He is curious about what these changes would mean to him.

**Bart** explained the threshold which would trigger a site plan review and what kind of repair/replacement would require just a building permit. The changes will be concerned with the architectural character of the downtown. The members want to consider adding language about incremental changes. **Eric** asked if there should be an exemption for windows and doors. **Bart** said that discussions will be beginning very soon about the North Main Street zoning and the area could easily be extended to include the downtown.

#3 Jon Kiper, 170 Main Street. He had a hypothetical question about siding. **Bart** explained that he would follow the 3.2 regulation.

#4 Nick Paszek. 3 and 53 North Main Street. Nick wanted to know when the overlay zoning work will begin.

**Bart** explained that the TC will approve the contract for the use of the InvestNH funds ([Welcome - NH Economy](https://www.nheconomy.com/investnh-housing/all-programs/municipal-grant-program-planning-and-zoning)) and all property owners will be noticed shortly. The draft report deadline is 7/30/2024 for the SRPC working with the Town. A finalized draft should be ready for the Planning Board will before going before the Town Council. Work by the Master Plan Sub-Committee will begin in November.

#5 Michael Hoffman. 110, 112, 108, 106, 104 Main Street and 1 Exeter Road. He wanted to encourage the PC to move in incremental steps with regard to zoning so that, if a direction change is necessary, changes can be done without a whole sale redo. He also wanted to state that he does not feel that vinyl siding is appropriate for the first floor of buildings in the downtown…it is not sustainable. He believes that once you go up a story, vinyl would be fine.

**Bart** has a letter from Ben Stebbins, which all members received. and it is available in the online packet.

The Chair closed the Public Hearing at 7:40 PM.

The members entered a discussion session where members were able to correct/edit some of the language, **Bart** recorded the changes to the draft.
 [time on DCAT 42:06- 1:14:20]

The Chair asked for the proposed language of the word renovation from line 29:

**“Sec. 1.03.—Definitions**

***Renovation*: An alteration or restoration modifying the exterior portions of an existing structure.”**The members asked for a definition of ‘renovation’ from Miriam Webster: **Val** read it from the internet and it included the following: “…removing, modifying or repairing…”.
The members decided to strike **~~or restoration~~** from Sec. 1.03- Definitions.**Bart** said that two motions will be required: 1) on recommending the zoning changes to the TC for adoption and 2) voting on the changes to the site plan regulations.

 **Action** [time on DCAT 1:14:26] **Motion #1: Val Shelton** made a motion that the Planning Board recommend that the
 Town Council adopt the changes as proposed to **§32-160 *Downtown
 commercial overlay district*** including the deletion on line 21 regarding
 manufactured housing in the Planner’s report.

**Second: Jane Ford
Discussion:** Members had a brief discussion with **Bart** regardingboundaries.  **Vote: Approved 7-0-0

 Action** [time on DCAT 1:15:53] **Motion #1: Val Shelton** made a motion that the Planning Board adopt the amended proposed with the following changes***:*** 1) line 29 -Renovation**:** remove the words ‘or restoration’, 2) Line 41- #5 – read “re-roofing of a building.”, 3) add #6 – ‘replacement of windows and doors esthetically in-kind.”, 4) add #7 as a continuation of line 41 – “renovating” etc., 5) add the following language on line 88 under design criteria it shall read “new buildings or material changes to an existing building’s facade shall be evaluated, and 6) line 94 will be changed to read “styling of visible facades”.
**Second: Jane Ford
Discussion: Jeff Goldknopf** wanted to ask if they wanted the language of 6) to say “styling of visible facades” or “styling of the portion of the exterior of the building visible from the street”. Members discussed this further. **Val Shelton** made a **change to her motion** to read on line 94 “styling of exterior portions of the building visible from the street”.
**Second: Jane Ford**

**Discussion:** none **Vote: Approved 7-0-0**

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5. New/Old Business** [time on DCAT 1:24:38] ***Chair’s Report:*** The Chair did not have a report this evening.  ***Committee Reports:***
*Town Council:* **Scott** reportedthat the Town has fixed the sewer line under the River and they have commissioned an engineering firm to consider four options for replacement of the line which will all be above the ground. Most of the options cross the pedestrian bridge which is currently under evaluation because of maintenance needs. The TC has approved the alternative energy supply with the Community Power Coalition in April 2024. If a homeowner is using a solar installation for their power, they cannot join the program for at least another year or so due to a few complications. The Town has instituted a new Flag Approval Committee. A new application form has been created to seek permission to fly a special flag over the memorial downtown. The first approval by the committee was to grant the flying of the Polish flag as October is National Polish American month. The Town has submitted a proposal for a Trackless MT7 Municipal Sidewalk Tractor to plow the sidewalks. Only one company replied and the cost is $250,000…only one company makes them. The TC did not discuss Moonlight Brook. **Patrick** (LRAC Rep)reported that Prof. Jones from UNH has been able to survey additional sites upstream behind the High School and Elementary School. They found contamination at these sites and will continue to test even further upstream this month and next. Then they will perform the DNA lab testing for specific bacteria (human, dog, cow, and bird). The final report will go to LRAC and they will share the report. The Town of Rye had a similar problem and they have shared their language for a warning sign. **Bart** and Ellen Snyder, Chair of ConCom, are working on slightly different language for a sign for Newmarket.
*Energy and Environment Advisory Committee:* **Patrick** said that they are continuing to work on their proposal for the Energy Chapter of the Master Plan to submit to the PB by the end of the year.
*Conservation Commission:* **Jeff** reported that the Town of Newfields scheduled some work on Halls Mill Road and managed to badly damage the Neal Mill Road portion in doing so. Repair is being considered by the ConCom. The ConCom is still interested in working on a warrant article to change the LUCT from 50% to 100%. The extra money would help with the future repairs of conservation properties.
***Planner’s Report:*****Bart** reported that he and two SRPC members will be visiting the ConCom meeting to discuss the Open Space Plan for the Master Plan. After this initial meeting, the Master Plan Sub-Committee will begin to schedule meetings and get started. The re-zoning efforts of North Main Street will begin in November or early December. On November 6, **Bart** and Lyndsay Butler will be giving a pop-up tour for the **Northern New England**Chapter of the American Planning Association (NNEAPA) conference to showcase Newmarket. [APA Northern New England Chapter (planning.org)](https://nne.planning.org/meetings/2023-nnecapa-planning-conference/) . They will focus the tour on the downtown area improvements and the new plans for future improvements. **Bart** also mentioned that he and a few other Planners from around the area will be meeting with Kennebunk Savings Bank at the end of the month to discuss special ADU financing opportunities.

**6. Adjourn** [time on DCAT 1:47:13]
 **Action**
  **Motion: Jane Ford** moved to adjourn the meeting at 8:44 PM. **Second: Abigail Bachman
Discussion:** none **Vote: Approved 7-0-0**Respectfully submitted,

Sue Frick
Recording Secretary

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