

Planning Board Minutes 05/08/12

NEWMARKET PLANNING BOARD MEETING
MAY 8, 2012
MINUTES

Present: Val Shelton (Chairman), Peter Roy (Vice Chairman), Rick McMenimen, Ed Carmichael (Town Council ex officio), Justin Normand, Diane Hardy (Town Planner)

Absent: Elizabeth Dudley, Janice Rosa (both excused), Adam Schroadter

Called to order: 7:01 p.m.

Adjourned: 9:09 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Public Comments

Chairman Shelton mentioned that no Alternates were present and she could not appoint anyone to fill in for the absent Board members.

Chairman Shelton congratulated Justin Normand on becoming a new father.

There were no public comments

Agenda Item #3 – Review & approval of minutes: 04/10/12

Chairman Shelton stated the draft minutes are posted, but the Town Planner had not had a chance to review them prior to forwarding them to the Board, so they will place this item on the June agenda.

Action

Motion: Rick McMenimen made a motion to postpone the review and approval of the April minutes to the June agenda

Second: Peter Roy

Vote: Justin Norman abstained due to absence

All in favor

Agenda Item #4 – Regular Business

CRC Future Corp. - Public hearing for an application for a modification of a final subdivision and site plan approved on 02/24/87, at Durell Woods, Tax Map R5, Lot 132, R2 Zone. The request is to allow the reconfiguration of Lot 132, an 8.9 acre lot, from thirteen 4-unit buildings and one 2-unit building, a total of 54 units, to twenty-six duplex units, a total of 52 units.

Chairman Shelton stated she would like to modify the wording of the notice for this item. This is not an application for a modification of a final subdivision and site plan. It is actually a public hearing for a Design Review for a modification of a final subdivision and site plan. She read the notice with the modified wording.

She explained the Design Review process, reading from the regulations. She stated they are not here to review or accept an application. It is only a Design Review.

Walter Cheney, Jr., presented the material. He is President of CRC Future Corp. He handed out some plans to the Board. The plan was a cleaned up copy of the existing plan, which the Board had received as part of the application. He stated it was easier to see the layout. He also posted a copy on the corkboard for the audience to view. He introduced the team, who had been working with him for the last year, on this revision. He introduced Hillary Gaynor, from the Bean Group, specializing in green development; Wes Tator, a commercial realtor with Keller-Williams, who is a specialist with LEED and green building and development; Timothy Golde, the owner of Golde Planning & Design, he is a civil engineer from Concord; Robert Woodburn, with the Woodburn Company, a landscape architect; and Shannon Alther, a principle at TMS Architects, in Portsmouth. They have teamed up with a company called Bruss Construction Inc., within which they formed a company called Evo Homes, to produce a more energy efficient, LEED certified house for the Seacoast area. He also introduced Clay Mitchell, from Revolution Energy, who is his primary resource for green technology, which they are hoping to implement into this development.

He explained where the property was located. He described the approved site plan, which shows four-unit buildings on the lot. There is a driveway that rambles its way along and connects multiple parking spaces and parking lots. The buildings are pushed to the outer boundaries and there is no steady orientation to the buildings or the road, it fluctuates as you go through the site. There is little or no vegetation shown or planned for when it is built out. His goal is to amend the site plan to create more of a community and neighborhood type of feel. To achieve that they would have a real street, with sidewalks and aesthetics that would bring that feel into play.

Currently, at the top of Bennett Way, there are multiple four-unit building projects on both sides of Hersey Lane. In looking at the makeup of the current housing market up there, there are apartment buildings, single family homes, mobile homes, and four-unit townhouses. They tried to find a way to make that area more diverse in its product for the consumer. They did this by designing a layout with two-unit housing, which would allow the owner much more privacy, a lot more natural light, and allow them to make the site greener and more energy efficient. More exterior walls in each unit adds more natural light, so there is less energy used for electricity.

He stated, on the new site plan, the road has been straightened out and pulled a little bit uphill to provide better distances to the abutting property lines. It pulls the buildings away from the north and east property lines, giving a better buffer. By going to a two-unit building, they have been able to make a 40% reduction in the physical footprint of the building. It also allowed them to decrease the amount of pavement and parking by almost 20%. By eliminating two of those units, they were able to create a much nicer feel and create a green area toward the easterly side of the road.

Chairman Shelton asked if his goal was to do this as an amendment to the original approved site plan. Mr. Cheney stated they were looking for a site plan revision. They do not feel the changes are drastic enough, in that the layout is bringing the site into a more conforming standard and it is certainly better for the public and owners. They are solely looking for a revision to the existing site plan.

Chairman Shelton opened the public hearing.

Justin Normand stated he is the President of the Hillside Lane Condo Association, which abuts this property. He did not feel there was a conflict of interest for him. He is not strongly for or opposed to this project. He felt he could look at it objectively. No one raised an objection.

He did have a question about the reduction of pavement. He asked how the guest parking was structured. He could see individual spaces for each unit, but no guest spaces. Mr. Cheney stated from the edge of the pavement of the planned road to the edge of the sidewalk is close to eight feet. Their intention is to utilize that space as visitor parking. Instead of creating more paved area, they would put in concrete walks, fill in with loam and have grass grow in between. It would look like a lawn, but function as additional parking, if needed.

Mark McKinsey, Washington Street, asked if someone has a party, would there be a place where the guests could park. Mr. Cheney stated there was an area and he indicated on the plan where the parking was located.

Justin Normand asked if they were all two bedroom units. Mr. Cheney stated they would range from three to four bedrooms based on positioning, the site itself, and the topography.

Chairman Shelton asked if there were any engineering plans to determine the reduction in the impervious surface. Tim Goldie stated the percentage given by Mr. Cheney was accurate. Chairman Shelton stated she would like a letter for the file stating that.

Chairman Shelton asked if these will be publicly maintained roads. Mr. Cheney stated they will not be publicly maintained. This will remain a condominium site and all of its internal pieces would be maintained through the association.

Chairman Shelton asked if there were any drainage recalculations. Mr. Cheney stated they had not gotten that far. They wanted to see if this was something the Planning Board liked and may accept and approve, before getting into that.

Rick McMenimen asked if there would be a garage under each building. Mr. Cheney stated there will be garages, but he can't say whether every unit will have one, at this point. The intent is to have garages with all of them. Rick McMenimen stated he was concerned, because, if it is a three or four bedroom unit, there is a good chance there will be three or more cars at each unit. Mr. Cheney stated, under the new plan, there is parking within the garage and outside of it. The cars drawn on the plan are just to give a sense of what it will look like. There is additional space to park near those units that isn't shown on the plan. They were trying to keep the plan simple, at this point.

Chairman Shelton asked, compared to the approved site plan, was there more or less parking. Mr. Cheney stated the original site plan had 155 parking spaces. He does not want anywhere near that. He stated it would look like a big mall out there. They are looking for each unit to have a minimum of two parking spaces directly at their unit and there will be additional parking within a close distance to their unit, as well as the visitor parking along the road. He stated there would be one space in the garage. Some of the driveways could accommodate a couple of cars in the driveway. It is deceiving, but there is more parking available at the units than there would seem.

Diane Hardy asked what the width of the road would be. Mr. Cheney stated it would be 22 feet. He stated the original was 25 feet wide.

Justin Normand asked what the white square on the plan was across from Units 12 and 15. Mr. Cheney stated that is where they hope to put a gazebo or common area gathering spot.

They do not plan to have any swimming pools and tennis courts.

Chairman Shelton stated the original site plan had lighting requirements. She asked if there was any proposal to modify that. Mr. Cheney stated they haven't gotten that far. He stated they intended to light it without making it brighter than it should be. There are not a lot of lights in that area. It will not be obnoxious to the tenants, but adequate for safety.

He stated this will be on Town water and sewer. There will be no pumping station, it is all gravity fed. He stated all sewer

mains are currently in place. They would just have to tie the water in, which is on site both on Hillside Lane and Hersey Lane.

Rose-Anne Kwaks, Wadleigh Falls Road, asked when this was originally approved. Chairman Shelton stated it was 02/24/87.

Mrs. Kwaks asked if it was approved with Walter Cheney Sr. or Jr. at the time. Chairman Shelton stated the applicant was AWL Power, Inc. Mrs. Kwaks asked who was applying now. Chairman Shelton stated the applicant now is CRC Future Corp. Mrs. Kwaks asked if there was a transfer with the Registry of Deeds. Chairman Shelton stated the applicant is legally able to be before us.

Mrs. Kwaks asked what was allowed in that area under the R2 zoning. Chairman Shelton reminded everyone that this was a Design Review for a revision to an approved plan under the zoning regulations in place at the time of that approval. Diane Hardy stated single family housing including manufactured housing was currently permitted. Mrs. Kwaks asked what the density was now. Diane Hardy stated it was two units per acre. Mrs. Kwaks asked what the minimum lot size was. Diane Hardy stated it was ½ acre. Mrs. Kwaks asked how large the site was. Diane Hardy stated this was 8.93 acres. Mrs. Kwaks asked if they had to go through the entire site plan review for sheet flow and so forth. Diane Hardy stated that had not been discussed or decided yet.

Mrs. Kwaks asked what they had to do in 1987 that would make them vested. Chairman Shelton stated a prior Planning Board had a legal opinion stating this property was vested. She stated this was also just reviewed by our current legal counsel. Mrs. Kwaks asked what the criteria were to determine that it was vested. Diane Hardy stated in October 1990 there were several subdivisions reviewed by the Planning Board to determine whether they were vested. Durell Woods was one of them. At the time, there was an update given by Diane Langlois, who was Walter Cheney Sr.'s representative. There were 35 lots that had been sold. Water, sewer, and drainage had been installed for the first section of the subdivision and there was another phase of it where there was an outstanding bond. The Planning Board reviewed the status of the project. At the subsequent Planning Board meeting, there was further discussion about a ten inch water main that had been installed. At that point, it was determined that the project was 75% completed. The test for vesting is substantial completion or investment. At that time, the Planning Board made a motion to consider Durell Woods as vested and there was a unanimous vote. There are also records later regarding impact fees that were waived for that project on the same basis, that it was considered vested. That was on February 12, 2002.

Mrs. Kwaks asked when the Durell Woods project came before the Planning Board, was each site approved separately or was it all one big project. Diane Hardy stated it was one project.

Barbara Briggs, Chapel Street, stated if 156 parking spaces was Walmart size, you get three cars in each of 52 units; you are back to 156 cars. She was not sure they were gaining anything. She stated if you park on it and it is grass, it doesn't stay grass very long.

There were no further comments and Chairman Shelton closed the public hearing.

Mr. Cheney stated what they were looking for, at this time, was a decision by the Planning Board whether this would fall as an amendment to the approved site plan. He would also like further input on what the Board would like to see from them, when they come in again. Chairman Shelton stated it would be important to have the calculations from the engineering firm of the existing improved plan for impervious surfaces vs. the approved plan. The drainage is critical. Department of Environment Services (DES) regulations have changed substantially from the 1980s. The Board would like to review the legal opinion received today to determine whether they can act on this as an amended plan. That decision needs to be made first, so the applicant can figure out which direction to go in. If it is ruled that this is not an amendment, it is substantially different, the applicant would need to do in a different direction, because the Board would have to go through all of the site plan regulations. She stated they could put it on their next agenda to have a formal decision.

Action

Motion: Peter Roy made a motion to continue the public hearing for Design Review for a modification of a final subdivision and site plan that was approved on February 23, 1987 as Durell Woods, Tax Map R5, Lot 132, R2 Zone in order to give the applicant an opportunity to study the legal letter that he has received and also so that we can do so

Second: Rick McMenimen

Vote: All in favor

Chairman Shelton stated if the applicant had any comments about the legal opinion, to send them to Diane. Mr. Cheney stated he has another plan, where the new proposal is superimposed on top of the existing approved site, so you can see what has changed more easily.

Russell C. Serbagi, Jr./Acadia Engineers & Constructors - Public hearing for an application for major site plan review, at 13 Water Street, Tax Map U3, Lot 4, M2 Zone. The proposal is for the razing of the existing structure and construction of a four-story building with mixed-use development to include retail, commercial (professional office) and residential condominiums.

Chairman Shelton asked Diane Hardy if the application was substantially complete. Diane Hardy stated she did go over the checklist and there a few items she would like review with the applicant. The Board could make the determination from there.

Diane Hardy stated they did not have authorization from the owner. Tim Nichols, Acadia Engineers & Constructors, stated he had thought the letter they provided for the variance was sufficient. He stated he would get that.

Diane Hardy stated she could not find the area on the existing conditions plan or the length of road frontage. Mr. Nichols stated that was left blank pending the resolution of the right-of-way.

Diane Hardy stated the existing conditions plan alluded to the 100-year floodplain. It was not delineated on the site plan. They would like to see that boldly identified.

She also stated she did not see landscaping details or a plan with specifications and details of the size and type of landscape materials that will be used. Mr. Nichols stated they did not go to that level of detail. They showed landscaped areas. They specified it would be all native and drought-tolerant species. Diane Hardy stated they do need to have a landscaping plan.

She asked if they would be securing a wetlands permit from DES, as part of the application. Mr. Nichols stated it was not required. Chairman Shelton asked if they were doing any excavation. Mr. Nichols stated they were. Chairman Shelton stated they were in the 100 foot setback. Diane Hardy stated that was related to the Historic Preservation Review. They did get some comments from the DHR regarding requiring further archeological data. They are looking for further information to determine whether the structure is contributing to the National Register Historic District. Mr. Nichols stated he had received a copy of that. When they were requesting federal funding, that would have required a Section 106, but USDA determined the project did not qualify, so they are no longer seeking federal funding. Diane Hardy stated if they have to get a wetlands permit that would require their review, as well. Chairman Shelton stated they could move forward without that, at this point. Diane Hardy stated, if they need a wetlands permit, they do have to comply with Historic Preservation's recommendations.

Diane Hardy stated she had questions pertaining to the applicability of this application to the new stormwater regulations. She asked Mr. Nichols if the overall disturbance of the site, including the site work and building footprint exceeds 20,000 sq. ft. Mr. Nichols stated it did not. She asked if they were adding 5,000 sq. ft. of impervious surface to the overall plan. Mr. Nichols stated they were reducing impervious area. Diane Hardy stated this does not require compliance with the new stormwater regulations. However, they are incorporating some of those design concepts in the plan.

She stated she was also interested in the status of the discontinuation of Water Street. Mr. Nichols stated it was not a simple process. There has been a lot of back and forth between the landowners and the Town in terms of who legally needs to do what first. The status is, he had sent information to the Town Administrator last week based on what Bill Doucet, Doucet Survey, had advised them to do. He was waiting for his response. Mr. Nichols stated there is nothing he can do at this point without direction from the Town.

Diane Hardy recommended if the issues she talked about could be addressed by the applicant in the next set of plans, before the Planning Board officially starts their technical review, she would be inclined to recommend the Board accept the plans as substantially complete. She stated, before they can start any official technical review, they need to have the authorization letter in hand.

Action

Motion: Rick McMenimen made a motion to accept the application of Russell C. Serbagi, Jr./Acadia Engineers & Constructors, regarding the 13 Water Street, Tax Map U3, Lot 4, M2 Zone, for the purpose of raising the existing structure and construction of a mixed-use development to include retail, commercial, and residential condominiums, as presented

Second: Peter Roy

Vote: All in favor

Tim Nichols gave a PowerPoint presentation. It covered the site history. The site used to be the Town dock. The first recorded structure is the Frankie Lane Blacksmith Shop, around 1840. The shop was razed and reconstructed in 1891 and it remained a blacksmith shop through the mid-1900s. The structure has not changed since then. It has been adapted for several uses, including commercial shop space, residential and Joyce's Kitchen restaurant. It has been neglected and abandoned for two years and is structurally unsound. It would require substantial improvements to get it up to code standards. He showed some photos of the area.

He stated the mixed use plan he is presenting is a four story building that includes retail and a restaurant on the first floor, commercial office space on the second floor, which will primarily be their own office space, and the third and fourth floors will be residential, with seven units.

The site design guidance they followed was the Newmarket Zoning Ordinance and the two approved variances for the site, one a use variance and the other an area variance. They were focused on improving pedestrian and bicycle access, maintaining community access to the existing Riverwalk, promoting community events that occur in Schanda Park, maximizing parking, which he stated he knew is a concern, maintaining emergency vehicle access through to the Rivermoor property, increasing the awareness of renewable energies through visibility, and improving stormwater quality from the existing conditions. He stated they were not regulated by the Newmarket Stormwater Regulations, but it was their goal to substantially comply with the requirements with the new development.

Some of the Best Management Practices are reducing the impervious area from the amount currently there, using permeable pavers and pavement, increasing the vegetated areas with native species, landscaping, installing scupper drains on the roof which will drain to cisterns to be reused for irrigation and toilet and urinal flushing in the building, using tree wells, and adding a green vegetated rooftop. He did not expect there will be any significant stormwater runoff from the site, with the measures they have incorporated.

Regarding renewable energy systems, they are considering a roof mounted photo voltaic system, vertical wind turbines, and geothermal heating and cooling. Final selection of what they will use depends on grant funding and program incentives.

He showed an overlay of the existing and proposed building. He stated, visually, they are not changing sight lines from

Main Street.

Joe Pereschino, from Appledore/Tighe & Bond, went over the site plan and stormwater measures they have taken.

He described the parking for the building. He described a front patio walk at the front of the building and the north side. There will be a garden on the back side. The access to the abutter's property will be over a small walkway. Along the Riverwalk, there would be no impact. Along the existing drive, they will extend the brick walkway along the river side. Along the Riverwalk, on the back side, there will be two wind turbines to power the building and promote energy efficiency and renewable energy sources to the public.

Regarding the stormwater management system, they have created a pervious barrier between the river and the impervious areas. The parking spaces along the river will be constructed out of porous pavement and the walkway will be porous pavers. The existing impervious area of the site is approximately 17,000 sq. ft. That is 88% of the site. They are proposing less impervious area on the site, approximately 81% of the site, including the porous pavement and pervious pavers.

He stated the roof will be constructed in two segments, one is the green roof or rooftop garden and the second will be where water will be collected in scuppers going to the rain cistern to be used for gray water uses in the building.

77% of new impervious coverage would be treated as clean water runoff. The only areas that would not be are areas near the property line along Water Street, as they would not be directing water from Water Street onto their property.

Mr. Pereschino went on to state there are twelve existing parking spaces for use along the Lamprey River, six proposed spaces underneath the building for the residents, and there are ongoing discussions with a neighboring property owner for ten more spaces for use during the day. The requirement for parking in this zone is zero; there is no required parking for the building.

The utilities for the site are sewer and water, which already serve the existing building. There is a connection on the front of the existing building and an alternate connection on Water Street. They are working with DPW on their preferred location. There is adequate capacity. There are two water stubs installed for use on this site when they reconstructed Water Street a few years ago. That would be water and fire suppression for the building. There is also electricity and cable to the site. No new utilities are proposed.

The landscaping will be very simple, with native, drought-resistant species. Irrigation will be very limited. If there was irrigation, it would be from the rain cistern. The main areas would be the garden behind the five spaces nearest the parking garage with potential to continue it into the neighboring parcel, with their cooperation, to remove some pavement and create a garden space. That would be an additional impervious reduction.

It is a small, tight site and, as far as snow storage, they do not want to be doing any storage along the Riverwalk area. Snow storage will be on the upper portion of the site behind the dumpster and recycling pad area, with potential storage over the garden. When it goes to melt and runoff, it will be treated by the porous pavers and pervious pavement, and prevented from running into the river. If there is a major blizzard or a major storm right after another major storm, there will be some offsite snow removal required.

Chairman Shelton opened the public hearing.

Rose-Anne Kwaks, Wadleigh Falls Road, asked if they planned on using the docks that Russell Serbago installed. Tim Nichols stated yes. Mrs. Kwaks asked if the building would be brick veneer or solid brick. Tim Nichols stated it would be a thin brick. Mrs. Kwaks asked, again, if it would be brick veneer or solid brick. Tim Nichols stated thin brick is real brick, it's just thinner. It is real clay brick, but it goes on a structural metal system.

Mrs. Kwaks asked where the wind turbine will be located. Joseph Pereschino stated there are two locations, one on the corner of the parking area and the other at the two walkways. He indicated the location on the plan. Mrs. Kwaks asked how tall they were. Tim Nichols stated the masts are about 23'-26', depending on which manufacturer they use. Mrs. Kwaks expressed concern about birds being hurt by the wind turbines. She also commented that this is the most gorgeous site in the downtown area and they are going to put two wind turbines there.

Mrs. Kwaks stated when Russell Serbagi came before the Board, there were to be catch basins and smart sponges used, so no runoff at all would go into the river. She asked if they will be getting federal funding. Tim Nichols stated he did not know yet.

She asked if they are looking for any concessions from the Town. Tim Nichols stated they are requesting tax relief through RSA 79E. Mrs. Kwaks stated 79E was involved only if they were doing something to a historic building and keeping the value of it. She stated Chinburg got it for the mill restoration. Chairman Shelton stated that is going to be a Town Council issue. Mrs. Kwaks stated she was bringing it out to the public.

Chairman Shelton stated, at this point in time, she would like to limit the public to any questions they have of the applicant pertaining to the Planning Board's application. Mrs. Kwaks stated she had questions and Mr. Nichols answered them.

Mrs. Kwaks asked if they will be looking for a waiver of impact fees. Tim Nichols stated they would not.

Mrs. Kwaks asked if people would be able to view the solar panels from anywhere in the area, from Bryant Rock and Schanda Park. Tim Nichols stated it would depend on the elevation you were at.

Mrs. Kwaks asked how close to the church the new building would be. Tim Nichols stated they are within the setback and they had received a variance through the Town.

Mrs. Kwaks stated she was not happy with this, especially the tax relief request through RSA 79E.

Richard Partridge, 1 Colonial Drive, stated he was here because he received a letter in the mail (he did not say from whom) stating, "...developer's plan to insert space and four stories worth of brick substitutes eclipse the generous legacy of the past." He did not know if anyone else got this in the mail, but the sender is saying he/she doesn't want anything put in this area. Chairman Shelton stated she was not familiar with the letter.

Mr. Partridge asked if a particular walkway would remain. Mr. Nichols stated there would be a sidewalk. There are balconies that would overhang on the third and fourth floors by about 10'. He looked at the plans and overlay and asked some general questions regarding the placement of the building. Tim Nichols showed him the plan and explained how it was situated.

Rob Phillips, Rivermoor Landing, stated he expected there will be several meetings, where they would see some things to start and then further items will be added. He recalled that this might go to a technical review committee and the public could attend those. He wanted people to know, over the series of meetings, the public will be able to ask additional questions. Chairman Shelton stated that was true and explained the process of applications and public hearings.

Mr. Phillips stated they have gone before the ZBA and Planning Board. He stated his concern was for parking and traffic circulation. He stated Tim Nichols was aware of this and he has been very good to work with. They look forward to working with Mr. Nichols on some things that will improve his plan and improve their parcel, as well. When they get into issues of retail, commercial and residential, he will have questions whether a restaurant falls under retail, whether there is a difference between a doctor's office and an attorney's office and the effect on traffic. He said everything they have seen from Mr. Nichols is "top shelf."

Bert Allen, Smith Garrison Road, stated he is a member of the Community Church. He pointed to the drawing of the new

building as it will face the church. He stated there is probably less than 18' between them. He stated the elevation design being presented tonight is completely different from the elevation design shown at the Zoning Board meeting. The Board had said if anything was changed, they had to start all over again.

Mr. Allen commented on the retaining wall and drainage. The land slopes to the river, so any water coming down around the church building will be going through a dam. He asked if there were any provisions made for that drainage.

Mark McKinsey, 6 Washington Street, stated this is posted as a public hearing and asked if a public hearing was the format to ask questions. He asked if the garages will have automatic doors. Mr. Nichols stated yes. Mr. McKinsey asked if there would be a sidewalk. Mr. Nichols stated yes.

Mr. McKinsey stated it had been stated there were no parking requirements for this area. He stated there was another variance granted by the Zoning Board that had not been mentioned, which was to change the limit of 2 ½ units to 7 units. With that change, to refer back to the Zoning Ordinance was disingenuous. Parking is a concern with this small space. He stated, because this is a public area, he was concerned about the foot traffic. He asked at what point in the process the question of character of the neighborhood would come up. Chairman Shelton stated the aesthetics are taken into account in site plan regulations.

Leo "Skip" Manseau, Kimball Way, asked how the Board felt about the zero parking requirements. Diane Hardy stated she be commenting on that in a little while. He also asked whether the increase from 2 ½ to 7 units brings a parking requirement into the equation. He asked how many parking spaces there were. Mr. Nichols stated there were 18 on site. The residential units will take up 14 of those.

Diane Hardy stated there are parking requirements in the M1 and M2 zones. They are not calculated the same way as they are in other zones in town. She read the language for the parking requirements. She recommended that there be a parking study to look at the specific uses being proposed. There are different formulas and references that traffic engineers use to determine parking need. That information should be provided to the Technical Review Committee.

Mr. Manseau stated the height of the building along the common boundary with the church is 45'. He asked if that included the PV panels. Mr. Nichols stated it did not. The panel height would be about 2' in profile raised up. Their coverage on the building would be 100%. He stated a variance and special exception were received.

Mr. Manseau stated the building being shown tonight is completely different than what was shown to the ZBA to get the variance and special exception. They have a 45' building about 12' away from the rear of the church. The top of the PV panels will be above the height of the church's attic window on the rear gable. The original plan used to get the variance and special exception had a courtyard on the church side of the building, which allowed a lot of light to continue to get in there, because the church has very good light at present and those are educational and office areas, as well as a nursery area on the back of the church. If the configuration being shown tonight is approved, the church is going to suffer considerably from loss of light. That is a major concern for them.

Mr. Manseau stated at a meeting in September Tim Nichols came before the congregation in an informal presentation with the previous plan. The courtyard was shown on that plan and then the variance was granted for them to be closer to that side's setback. The building being proposed at that time was only about 20' long along the church side. The daylight was not a concern at that time. At that meeting, some members of the congregation did voice an opinion that they did not like the courtyard, because there was potential for evening entertainment. This plan certainly changes it totally, because the courtyard went from the church side to the river side of the building.

All year round, it is going to be a very dark area there, with the current design being shown. One of their major concerns is this building being shown is taller than the habitable areas in the church building. You could reach out and touch your neighbor. There is a real concern in terms of fire protection and fire access. They understand it is a sprinkled building with a thin brick exterior. The church is an 1824 wood frame vintage building and fire is a real concern.

Marilyn Allen, Smith Garrison Road, stated she is a member of the church. She stated a variance was granted and it's okay to come into the church's space. She commented about quality of life in Newmarket and how the Board makes these decisions. She stated she is trying to be a Christian and she is having trouble. The Town owned places for people

to park when they wanted to launch their boats at the ramp and now those will be used by this building. She asked what about the fisherman. There won't be any parking there for them anymore. They don't have enough parking downtown as it is.

Mrs. Allen stated there was talk about a possible tax credit. She asked what about the tax credit for citizens paying taxes. She stated she was trying to get a handle on what the Town's goals were in making all of these concessions and variances to Mr. Nichols. Somehow historical preservation has been eliminated. There is nothing more valid than our Newmarket Community Church that used to be the town center. That is why the Town helped pay for the Town Clock. The church is an integral part of this town. She feels like the Town took the church and said it is of no value.

She asked if the Town was willing to take the liability, with that building as close to the church as it is, to tell the church their building is safe. She stated it was not a safe situation. She asked at what point the Town stops giving variances and starts answering to something that says this is a consideration to us. She did not feel that the church had been considered. She stated the Community Church gives to this town. She felt that it is "variances this and variances that" that causes buildings to go from two residential units to seven. She asked if the Town's goal was to make more money there.

She did not see it as a balance for the quality of Newmarket, when you are taking away spaces from fishermen. There will not be any place to put a boat in and leave your car there. Those simple things are why we love Newmarket.

She stated they have nothing that is going to give any quality to the church. She did not know where anyone was going to park on Sundays, let alone at other times. There are tons of questions and it sounds like, no matter what is asked, the Town will just go ahead and give it.

Jim Wibel, Rivermoor Landing, stated he just heard of the change in the legal status of Water Street that may occur. He asked what the relevance was to this proposal, how does it affect traffic flow, snow removal, and maintenance of the street. He stated they use Water Street as a secondary entrance, particularly when Main Street is closed for festivals.

Diane Hardy stated the status of Water Street was a Town Council issue. She did not know the background. Mr. Nichols stated when a recent survey was done of the property, it was found there was a Town right-of-way deeded in 1807 that moved the property line and it cuts through the church and through the existing 13 Water Street property to the riverfront. They have been working with the Town and its legal counsel to take that ancient right-of-way and relocate it to where the presumed property line has been for decades. The end result is the road as we know it.

Rose-Anne Kwaks, Wadleigh Falls Road, asked if there would be a sidewalk, where the garages are on Water Street and asked if the sidewalk was public or private. Mr. Nichols stated it would be located on his property. She asked how far the two balconies extend. Mr. Nichols stated ten feet. Mrs. Kwaks asked if the edge of the balcony would be over the sidewalk and if it was a safety hazard. She stated she would think so. Mrs. Kwaks asked where the access was for fire apparatus. Mr. Nichols stated there was access from the top of the parking garage and from Water Street. He stated that was a concern discussed at the Zoning Board meetings and has been addressed by the Fire Department.

Chairman Shelton stated she was not closing the public hearing, but would like to move to questions from the Planning Board.

Peter Roy stated it was mentioned there was a sidewalk in front of the garages. On the plan, it shows paving. Mr. Nichols stated it may not be a defined walkway. He stated there will be granite curb there.

Justin Normand asked what the distance was between the street and building. He asked if a car could fit there. Mr. Nichols stated it would not really be possible to fit a car in there.

Chairman Shelton stated, at this point, she would like to get this to a Technical Review Committee (TRC), so they can start reviewing the plan for compliance and the public hearing could be continued to the next Planning Board meeting.

She asked for volunteers for the TRC. Peter Roy is the Chairman. Rick McMenimen and Elizabeth Dudley volunteered to be on the committee. Chairman Shelton officially appointed all of them.

Action

Motion: Rick McMenimen made a motion to move the Russell Serbagi, Jr./Acadia Engineering hearing application to June 12 as a continuation

Second: Peter Roy

Vote: All in favor

Agenda Item #5 – Other Business

Planner's Report

Diane Hardy stated the applicant is moving forward with the animal crematorium plans for Wadleigh Falls Road. A Zoning Board meeting has been scheduled with them for May 21. She expects they will come to the Planning Board in June or July.

She also heard back from the land planner working on purchasing the golf course land and they are looking to come in for a conceptual review at the June meeting.

She stated the Board has received an invitation to attend the Strafford Regional Planning Commission annual meeting on May 31. The speaker will talk about small town politics. SRPC is also looking for representatives from Newmarket to serve on the Commission.

She stated the Town Council voted to authorize the Town to enter into an agreement with Dubois King to be the design consultant for the sky bridge. They received additional funding from DOT of \$61,000.

Rezoning Committee

Chairman Shelton stated they will be stepping up the rezoning efforts again shortly.

Black Bear TIF

Chairman Shelton, the Planning Board's representative on this committee, stated there were some questions asked of that committee to be taken to the Town Council. They will be looking for direction from them.

Election of Alternate

Chairman Shelton stated they have received an application from Jane Ford for an Alternate position.

Peter Roy nominated Jane Ford to the Alternate position. Rick McMenimen seconded.

Chairman Shelton stated Jane had written 2014/15 on her application, so it was unclear which term she was applying for. Chairman Shelton stated they would nominate her to the 2015 term.

Chairman Shelton asked for a vote on the nomination. All were in favor.

Other

Chairman Shelton stated she had received a memo from the Town Administrator regarding the Fox Hollow and Grant Road intersection. She will get some general comments out and to see what the next step is.

Chairman Shelton stated they still have the landscaping regulations on their to-do list. They will wait until Elizabeth Dudley gets back to review that.

She also mentioned they need to update the Future Land Use chapter of the Master Plan and update the Rules of Procedure. Also, the Board needs to update the application requirements to try to relieve the workload in the Planning Office, as there is enough to do in there already.

Agenda Item #6 – Adjourn

Action

Motion: Peter Roy made a motion to adjourn at 9:09 p.m.

Second: Rick McMenimen

Vote: All in favor