

Planning Board Minutes 02/14/12

NEWMARKET PLANNING BOARD
TOWN COUNCIL CHAMBERS
FEBRUARY 14, 2012
7:00 P.M.

Present: John Badger(Chairman), Diane Hardy (Town Planner), Elizabeth Dudley, Eric Botterman (Town Council Representative), Janice Rosa, Rick McMenimen (Alternate), and Val Shelton (Vice Chairman).

Absent: Peter Roy, Justin Normand and Adam Schroadter (Alternate) were excused.

Called to order: 7:04 p.m.

Adjourned: 7:41 p.m.

Agenda Item #1 - Pledge of Allegiance

Agenda Item #2 - Public Comments

No comments.

Chairman Badger appointed Rick McMenimen to sit in as a voting member for this meeting.

Agenda Item #3 - Review and Approval of Minutes:

There were no minutes to approve.

Agenda Item #4 - Regular Business

Kyle Pimental, of the Strafford Regional Planning Commission (SRPC), gave a Powerpoint presentation on the Proposed Mills Scenic Byway Program. This is a project they have been working on for over a year. He provided an overview of the program, the process for nomination, information about funding opportunities, and next steps moving forward.

The National Scenic Byways Program was established in 1991, under the Federal Intermodal Surface Transportation Efficiency Act. The vision of program is to create a distinctive collection of American roads, which offer unique travel experiences. To date, 150 roads have been designated in 46 states throughout the country. The roads are designated based on their scenic, natural, cultural, recreational, and archeological qualities. The program is managed at the State level by the NH Department of Transportation (DOT) in concert with the NH Scenic & Cultural By-ways Council.

There are three levels of designation: All-American Roads (31 nationally), National Scenic Byways (120 nationally/3 in NH including the Connecticut River Byway, the Kancamagus Scenic Byway, and White Mountain Trail, and the State Scenic Byways). There are 1,000 miles of designated scenic byways in New Hampshire, including 14 state scenic byways. In the Lake and Seacoast region, there are three state scenic byways: the Independence, Coastal, and Branch Valley.

The proposed mills scenic byway route will extend for 16.3 miles from Newmarket, along Route 108 through Durham and Madbury, to Dover and Rollinsford (along Route 4) to the Maine border. The long-term goal is to connect the byways with the other byways in the region and those in southern Maine to create a one-two day scenic loop.

The nomination process involves documentation of the resources. In order to be eligible for the program there needs to be planning and organizational support from the communities involved. The program is about recognition of a community's strengths and management of those assets. There are no regulations, other than restrictions on bill boards which all the communities already have in place in their local zoning regulations.

Since 1992, national competitive grants in the amount of \$560,000 per year have been available in New Hampshire. Between 1992 and 2011, a total of \$11.2 million has gone to New Hampshire, including a 1.1 million dollar grant for Route 302 in the north country for a rest/parking area at a scenic viewing point of Mount Washington. Grants can be used for management plans, safety improvements, byway facilities, interpretative programs, access to recreation, resource protection, and marketing. The program funding has been cut back in recent years. There is some uncertainty about future funding.

There will be joint meeting with the other communities along the byway in the near future to begin work on the corridor management plan. A regional corridor advisory committee will be established. The corridor management plan will include strategies for managing resources, promoting tourism, economic development and community involvement. The next steps will be to file the paperwork for designation, finish the management plan, and then apply for funds. A corridor management plan must be in place in order to receive scenic byway funding. The grants would provide for promotional materials, such as brochures and tour maps, and improvements, such as signage and interpretative plaques to enhance the visitor experience.

Mr. Pimental provided examples of scenic, natural, recreational, historic and cultural resources for Newmarket. This is what the town has to offer visitors once they are here: the historic graveyards, a fishing weir, the engine house, Heron Point Sanctuary, the downtown mills, views to and from the River, the Arbor Park, Riverwalk, Schanda Park, Macallen Dam, the Rockingham Golf Course, the public library, Stone Church, and Stone School museum. The Heritage Festival and Olde Home Days are notable events, which draw visitors to Newmarket.

The SRPC also studied the physical condition of the traffic corridor. Traffic volumes were counted last summer in three places, at the Veteran's Bridge (13,000 vehicles), Packer's Falls Road near the Town Hall, (7,000 vehicles) and the golf course (16,000 vehicles). They also looked at speed and accident data that is tallied by the Newmarket Police Department. The data is slightly skewed, because it was taken during the summer when the majority of UNH students are gone.

Between 2007 and 2011, there were 557 speeding citations. The number of collisions was 168, with one fatality (Hersey Lane). The most problematic areas for excessive speeds are around the Durham/Newmarket town line at Simons Lane and the golf course area. Most of the accidents have occurred in the bowl area (68), near the Newfields/Newmarket town line (59) and at North Main Street near the library (31). According to the Newmarket Police Department, most of these accidents were due to weather and driver inattention and not excessive speeds. They have also completed a sign inventory by geo-coding all regulatory, warning, and directional signs in the town with GPS.

The SRPC also did an inventory of pedestrian and bike traffic, looking at variables along the roadway such as road and shoulder width, sidewalks, traffic volumes and classifications, speed limit, pavement conditions. They ran a model to determine the level of service (LOS) of the roadway for pedestrian and bicycles. This is based on the Sustainable Cities Institute LOS calculator, which should be used as a guide as it doesn't take all factors into account. They have found most downtown areas had a high level of service due to bike lanes, signage, and parking and the level of service decreases as you get further away from the concentrated areas of development.

The SRPC also looked at land use along the 1/2 mile corridor of the byway: 46% of the land area is forested or agricultural. The next highest category was residential at 28% of the land area. As expected, there are high concentrations of commercial land use in the downtowns. They also evaluated conservation activities. Throughout the seacoast, conservation is a community priority and there are very active conservation commissions. In Newmarket, the conservation activities include having pontoon boat tours during the Heritage Festival, acquisition of conservation lands, monitoring of easements, commenting on wetlands permits, and educational programs. Kyle extended much thanks to Michael Ploski, Phil LePage, Bob LeGault, Mike Provost and Diane Hardy, who provided much of the information for the study thus far.

Elizabeth Dudley asked how the byway would be marked. Kyle explained that there would be markers and he wasn't sure

how many signs there would be per town and if you would have to apply for funding through the program for signage. He spoke of the interpretative plaques that have been installed in downtown Dover providing historical information about various resources, such as the dam and mills. Elizabeth also asked if people are interested in travelling along scenic routes, can they go to a web-site and find out about the route and the features. Kyle explained there is a webpage at the NH DOT website with a map of all the byways in New Hampshire. It will give you the tour map, the highlights of the tour, the museums and whether there are organized tours. If this project is approved, there would be a similar webpage for our byway. When asked about the type of projects that could be funded, he mentioned minor sidewalk improvements, signage, bicycle lockers, shoulder widening, promotional brochures for visitors, planning, education and outreach. The larger construction projects, such as visitor centers and scenic overlook pull-off areas, are usually completed for roads designated under the National Byway Program. Eric Botterman asked if there were any constraints placed on the property owners along the byway. Kyle responded there are no regulations; however, there is an RSA that says no billboards are allowed within an area designated as a scenic byway. The NH DOT website has listing of projects that have been funded over the years in New Hampshire. Diane Hardy can make Kyle's powerpoint presentation available to the Planning Board members who are interested in the traffic count data.

Request for Reduction of Performance Guarantee Newmarket Mills, LLC (Chinburg Builders) Tax Map U2, Lot 366A – M-1 zone.

Diane Hardy explained, as part of our process on the approval of the site plan for this project, the Planning Board required an agreement between the developer and the Town to assure that certain things would get done in accordance with the approved plan and within a certain time. The Planning Board also asked the developer to post a performance guarantee as a condition of approval. Newmarket Mills, LLC. has provided a letter of credit in the amount of \$240,000 from the Kennebunk Savings Bank for off-site improvements within the public right-of-way and for the parking lot across Main Street in back of the library. Mr. Chinburg had complied with the Planning Board's expectations, at this time, so we were able to reduce the bond.

At this time, 95% of the site work is completed. We have received a letter from Eric Chinburg requesting a reduction in the performance guarantee to \$16,500. There are only few remaining items, including: the completion of final site clean-up, the wearing course on the parking lot and the submission of record drawings. He is looking for a vote, from the Planning Board, to reduce the Letter of Credit in the amount of \$240,000 to \$16,500. She explained, in the original construction estimate (which was used as the basis for the performance guarantee), approximately \$34,000 was estimated for paving the top coat on the parking lot. Our regulations allow the Planning Board to hold 50% of the cost of the improvements, which is where the dollar amount for \$16,500 comes from. This dollar amount has been deemed reasonable and sufficient by our engineer, Bob Daigle of Underwood Engineers, who is overseeing the construction and did the cost estimate and inspections for the Town. The remaining work includes final site clean-up, the top coat on the parking lot in back of the library and the record drawings. Typically, developers like to wait at least a year before doing the top coat to allow for settling. This reduction is contingent upon the bank issuing a new letter of credit in the reduced amount of \$16,500 and extending the letter of credit for another year to April 28, 2013. Diane Hardy recommends the reduction and will take care of the necessary paperwork.

Action

Motion: A motion was made by Eric Botterman to reduce the performance guarantee (letter of credit) from \$240,000 to \$16,500, as requested by Chinburg Builders, for the Newmarket mills renovation project, at Tax Map U2, Lot 366 A in the M-1 District.

Second: Janice Rosa

Vote: All in favor

Agenda Item # 5 – New/Old Business

Update from the Zoning Subcommittee

Val Shelton presented the report on behalf of the committee. The committee held two public informational meetings on

January 23 and February 4. Six citizens attended one meeting and 7 citizens attended the other. We did receive some great input from those present, although we were disappointed there wasn't a larger turnout. There were some important questions asked which will be followed up on as our next step. The committee feels that it should move ahead with the proposed B-1 zoning, taking the public input into consideration. There will be some fine tuning of the draft ordinance to deal with density and to eliminate some of the flexibility and have better defined criteria. We would recommend tabling expansion of the B-1 zoning district, at this time, in the area on Route 108 between Hersey Lane and the Rockingham Golf Course. There is a need to do more long-range planning in the gateway corridor, especially in the southern end of town, with respect to the current M-4 district. The committee would like to consider a larger platform and expand the zoning evaluation to include the Black Bear TIF District. Traffic is a major concern in this area and there are concerns about how it will interplay with any new development. If anyone has changes on the B-1 zoning, please sent them to the Planning Department.

Other Business

Rick McMenimen thanked John Badger for his years of service to the Planning Board, and for the last three years, as Chairman. This is his last meeting. John has been a hard-working leader. He has done many wonderful things and an outstanding job. Rick wants to offer congratulations and good luck to him in the future. This was followed by a round of applause. The committee also commended and thanked Eric Botterman for his service as the Town Council's representative.

Agenda Item #6 - Adjourn

Action

Motion: Eric Botterman made a motion to adjourn at 7:41 p.m.

Seconded: Janice Rosa

Vote: All in favor