

Planning Board Minutes 01/08/13

NEWMARKET PLANNING BOARD MEETING JANUARY 8, 2013 MINUTES

Present: Ed Carmichael (Town Council ex officio), Janice Rosa (Vice Chairman),
(Chairman), Diane Hardy (Planner), Rick McMenimen, Eric Botterman

Elizabeth Dudley, Val She

Absent: Adam Schroadter (Alternate), Jane Ford (Alternate)

Called to order: 7:02 p.m.

Adjourned: 7:55 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Public Comments

None.

Agenda Item #3 – Regular Business

There will be a public hearing to amend Title III: Land Use Code and Regulations, Chapter IV: Zoning Ordinance, and Chapter VI: Site Plan Review Regulations in accordance with RSA 675:2, RSA 675:6 and RSA 675:7. The purpose of these amendments is to expand the mixed-use functions within the downtown village area and reinforce its pedestrian scale and historic character.

Chairman Shelton summarized the last meeting and explained the changes made, at that time. The north section of Route 108 was removed from the proposed properties affected by this amendment.

Diane Hardy went over the Route 108 north handout. She stated, at the last meeting, they had an analysis where they looked at all of the lots within the proposed rezoning area and they determined the number of lots that were large enough to be subdivided. There were eight or nine lots. Chairman Shelton stated two of those lots are where the railroad goes through. Even though they have the acreage, no one will get rid of the railroad and develop those lots. Diane Hardy stated concerns had been raised about the number of new dwelling units that could be built under the proposed zoning. The build out analysis that was done for the last meeting has been updated. There are 37 parcels in the revised proposed rezoning area totaling about 21 acres. Of those, we have identified the potential number of units that could be developed based on six units per acres, which is the maximum density allowed in the M-2 zone. She went through the tax records and identified those lots within existing units. This assumes complete rebuilding of the area, tearing down buildings and assuming that lots that are currently commercial would be taken over by apartments. She stated they came up with approximately 100 units that could conceivably be built. This does not take into consideration wetlands, other soils that are not suitable for development, and irregularly shaped lots that could not be laid out with dwelling units. Chairman Shelton stated some of these lots serve as parking for the mills. These lots cannot be redeveloped, because it is dedicated mill parking. This does not take into account wetlands and other factors. Making this more realistic would require looking at each individual lot and the existing conditions there. The cost to do for each and every lot, with time and engineering, would not make sense.

Chairman Shelton opened the public hearing.

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

Rick McMenimen stated he wanted to make sure people understood the existing uses are grandfathered.

Elizabeth Dudley asked why six units per acre was the chosen number of units. Diane Hardy stated that was the number of units allowed in M-2. Chairman Shelton stated the only change in M-2 was the height reduction from 50' to 35' and, through a Special Use Permit, dimensional requirements could be waived.

Janice Rosa stated she has been getting calls from people who do not want to see more apartments. People are telling her they are concerned about the tax problems we have had in town, about a new school being built or students being tuitioned out of town, about infrastructure that is not in place to support a new business, and the biggest concern is they do not want to see these older, fine homes along Route 108 torn down to become a commercial/residential building. They are concerned about the face of Newmarket. They do not want to see the old-time (small town) feel disappear. She understands where they are coming from. She has been driving up and down that area looking at lots that may be combined and houses that could be taken down. She stated we would be losing the feel of the community. She asked how they would guarantee the feel of the town would not be lost. Chairman Shelton stated someone could take houses down now, because it was B-1. Converting these areas to M-2 provides a greater opportunity for that not to happen, for something more like Great Bay Dental to happen, where you have an existing residential structure converted into mixed use. The alternative, if it remains just B-1, is to tear down the existing structure and put up commercial. If it is mixed use, you have the ability to renovate the existing building. Eric Botterman stated it makes it no easier for someone to develop a property; it just changes the ground rules. As it stands now, someone could go out there tomorrow, buy three lots, tear down three houses and put a strip mall in.

Diane Hardy stated there are two methods to prevent the demolition of buildings. This is not a popular one, but historic district zoning achieves that. There is also a demolition ordinance that some communities have used as a mechanism to preserve historic houses. Janice Rosa stated this town does not have those. She stated that, several years ago, the historic district was brought forward and everyone pooh-poohed the idea. Diane Hardy stated, it is not a popular subject, but those are the only two mechanisms, available to communities, prevent historic homes from being demolished. Chairman Shelton stated this proposed rezoning at least provides a landowner or developer with flexibility, so they don't have to tear homes down. There is an option and that is to encourage adaptive re-use of the existing buildings and the possibility for mixed-uses. There is more flexibility in that it allows for greater owner investment in the property.

She stated they understand from the demographics and future land use plan that there will be a population growth in Newmarket. The other basis for this mixed use concept is where we want that population to grow. Do we want more single family residential neighborhoods growing on the outskirts of town that cost the Town more money for services? The whole trend seems to be whether we can bring more population into the downtown, so the older residents of the town who may want one car or want to walk to where they can buy things can move closer to downtown. Then their original property goes up for sale. She stated anyone coming in with a proposal to add multi-family housing needs to do an impact and feasibility study, because they need to prove to the Board that (1) the market can support the additional housing and (2) the development under the Special Use Permit provides a net positive fiscal benefit to the town. If the Board is not comfortable with that, then the development should not be approved.

There was clarification that a single-family home or duplex could go on a lot without having a commercial component. A three unit or greater multi-family building would have to have commercial on the first floor, if located on Main Street, South Main Street, or Exeter Road.

Janice Rosa stated the Town Council had brought up the parking issues in downtown Newmarket because people were complaining about the parking. Chairman Shelton stated there would be two parking spaces per residential unit and the businesses would fall under site plan requirements pertaining to parking. She stated there will be an impact. Any increase in population has an impact. The question is whether we want to see an expansion of the tax base and how do we want to see that expand. That was the premise of why the Board went down this road in the first place. It was recommended in Chapter Six, titled Economic Development, of the Master Plan. She stated the Board could continue to do nothing or move forward and try to get some expansion of the tax base in a positive direction that is fiscally positive for the town. The Board started with a very broad net and, through many meetings and a lot of research and analysis,

they have honed in on a specific area. The Board has to decide if they start it here and this is the area best suited to do some urban revitalization as an expansion of what is happening downtown.

Janice Rosa stated she went to a workshop in Concord, where a demolition ordinance was discussed. She wants to see the tax base grow in Newmarket; she wants people who have older homes to be able to renovate them to put another unit in. On the other hand, she does not want to see the old character of Newmarket go away. She realized that could happen the way it is now. She stated she would feel a lot better if there was a mechanism in place to help preserve some of the older buildings. Chairman Shelton stated that discussion went on for several years through several Councils. It was voted to not have a Historic District Commission. If the current Council wants to revisit that, that is a project for them. Janice Rosa stated the Town could do a Demolition Ordinance instead. Diane Hardy stated Concord has this ordinance. It does not say outright you can't demolish, but it kicks in a time frame within which the city can do evaluations to determine whether it is cost effective to rehab a building as opposed to tearing it down. Often, because of that process the developer would have to go through, it may lead to a situation like we saw at 13 Water Street (the old Joyce's Kitchen building), where a developer decides they do want to rehab a building, because they can get historic preservation tax credits and other benefits. If that is something the Planning Board and Town Council feels is an important mechanism to have, then it can be considered. She stated there is another concept called Neighborhood Heritage Districts, which is an overlay district. It is not as stringent as a Historic District Ordinance, but it provides the Planning Board the option to review plans to assure they are appropriate for the historic character of the area. Chairman Shelton stated, in this ordinance they are working on now, the flexibility is built in to be able to accommodate dimensional controls, so things are consistent with abutting properties, which is getting into the whole concept of form-based zoning.

Janice Rosa stated she is receiving phone calls about parking. People are asking why we are thinking of allowing all these units, when we have the water situation and we don't know what is going on with the school. Chairman Shelton stated the job of the Planning Board is to determine how Newmarket should develop. The Board has done the Master Plan and is updating components. They have decided now to move a portion of the town forward. The Board knows there are infill projects that should move forward and have moved forward. The Board needs to plan for growth in population and in the tax base. She felt this proposed Ordinance would do that.

Chairman Shelton mentioned the Town has just won an award for the mills, which is mixed use development. Elizabeth Dudley stated she did not feel that was related to this proposed rezoning. Chairman Shelton stated it was much related to it. It is saying this is a very successful concept, so how can the Planning Board expand it beyond the two mill buildings. Elizabeth Dudley stated conceptually it was related, but not physically. The mill was a unique building. Janice Rosa stated there are no families moving into the mills, because the apartments are very small. There is no impact on the school system. She was all for this zoning change and worked on this amendment, but people are bringing up concerns and she has to have it worked out in her own mind to be clear that she is voting for what is good for the town. She knows the time Val, Diane, Justin and herself put into this with meetings and workshops where only two people would show up to comment and now people are calling her about it.

Chairman Shelton stated, whenever there is change, we will always have people calling Board members. Her approach has always been, if you have a comment, you come to a meeting, in public, and make the comment. The Board members do not act individually here. We act as a Board. We should not even be talking to any constituents about any applications before us. She stated if you have a comment you should come to a meeting and speak to the Board. She stated you always will hear negative comments.

Janice Rosa stated she had a question from someone on the Conservation Commission, who is a Town Councilor. He asked if this ordinance had been passed before the Economic Development Committee for review. Chairman Shelton stated the Economic Committee just had its first meeting. She stated when the Zoning Update Committee first met and they were looking at all areas of town, then they decided specifically to deal with large land masses. That is what the Economic Development Committee needs to focus on. That committee should not be involved with small redevelopment parcels. It makes no sense, especially tying back to the recommendations of Chapter Six of the Master Plan. That committee should be focused on large, undeveloped tracts in B-3 zone for example, the whole southern gateway and what used to be the Black Bear TIF District. Those are the strategic areas for the town.

Action

Motion: Rick McMenimen made a motion to recommend to the Town
Code and Regulation Chapter IV, Zoning Ordinance. The purpose of
function with the downtown village area and reinforce its pedestrian scale

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Second: Eric Botterman

Vote: All in favor

Chairman Shelton read the amendments to Site Plan Review. She stated the Board would want to adopt these, before the Town Council adopts the proposed amendments to the Zoning Ordinance.

Action

Motion: Eric Botterman made a motion to amend the Site Plan

Review Regul

Second: Rick McMenimen

Vote: All in favor

Chairman Shelton stated the next part of this is to make sure the buildout density table is updated and confirmed. That will be a handout for the Council. Diane Hardy stated the discussion of the rezoning proposal will be on the Town Council agenda on January 16. She will work on a packet of information for the Council.

Chairman Shelton asked if anyone had any new business. There was none.

Agenda Item #4 – Adjourn

Action

Motion: Eric Botterman made a motion to adjourn at 7:55 p.m.

Second: Rick McMenimen

Vote: All in favor