

Planning Board Minutes 12/13/11

NEWMARKET PLANNING BOARD MEETING DECEMBER 13, 2011 MINUTES

Present: John Badger (Chairman), Val Shelton (Vice Chairman), Peter Roy, Adam Schroadter (Alternate), Justin Normand, Janice Rosa, Elizabeth Dudley, Rick McMenimen, Diane Hardy (Town Planner)

Absent: Eric Botterman (Town Council ex officio)

Called to order: 7:03 p.m.

Adjourned: 9:04 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Public Comments

None.

Agenda Item #3 – Review and approval of minutes: 11/08/11

Adam Schroadter made a correction on Page 12, line 24, “Bruce Mayberry alluded to the fact there had been amendments to the enabling legislation that said you could go back assessed fees”. This should be “back to assessed fees”.

Action

Motion: Peter Roy made a motion to accept the meeting minutes, as amended, of the Newmarket Planning Board for November 8, 2011

Second: Adam Schroadter

Vote: Val Shelton abstained due to absence

All others in favor

Agenda Item #4 – Regular Business

Acadia Engineers & Constructors LLC - Design Review at 13 Water Street, Tax Map U3, Lot 4, M2 Zone. The proposal is to remove the existing building and construct a mixed use facility to include retail, restaurant, office and multi-family residential.

Tim Nichols, Acadia Engineers & Constructors, LLC, showed a 3D graphic of the building showing the size and orientation. They have met with all of the abutters and have ongoing dialogue. They are in the process of trying to address any issues. They would like to find out what the Planning Board's thoughts are before submitting a full application. He submitted a status summary of the project to date. He went over the details of the project. The building is roughly 19,000 square feet, four stories, mixed use; it is a sustainable high performance building, with a PV system on the roof, and, potentially, a geothermal system below. In the current concept there is retail/restaurant on the first floor, professional offices on the second and the third and fourth floors will be seven condominiums. Several things have constrained the design. There is a sewer easement running through the driveway of the parking lot. It is for a six inch forced main. We need to stay 10 feet on either side of the main. The existing building encroaches on the easement. This new building will be right up against it. The existing building will be razed. They did consider renovating the building, but it was not practical. The biggest issue is it is structurally deficient. It was not well-constructed. It has been added onto over the years. It had several different uses and is in a state of disrepair. They will reuse and recycle as much of the building as they can, including the granite block walls and some of the stone. If they can do anything with any of the structural timbers and barn board siding, they will try to reuse it. They expect 70-80% of the building materials to be reused either on this building or another project.

Tim Nichols stated some of the financial model (pro-forma) for this project requires grant money through the USDA. There is a small business incentive program to help fund renewable and energy efficiency projects. He stated they have been in communication with them and there are also other grants and rebates they will try to obtain from the NH Public Utility Commission and through the utility companies.

He stated, as far as the outside footprint, they will try to reduce the permeable surface. They are limited in parking. They will look at including tree wells, permeable paving sections, and a rain garden in the courtyard. Their goal is to infiltrate as much of the runoff as possible on-site. There are some erosion issues right now, where the current building meets the garage. Their plan will reduce the amount of runoff.

He showed the location of the retaining wall and excavation. It will help give them a flatter construction site and helps keep the building a little lower and more consistent with the other buildings.

They are trying to construct a building that looks like it has been there since the early 19th century and has been, perhaps, added onto over time. On the elevation, he showed where they incorporated the gable roof, woodwork, and stained window that will help tie it into the architecture of the church. Most of the building will be brick, like the mills.

He stated they will improve the pedestrian access. They will add a sidewalk that continues around the front of the building. There is a pedestrian access on the opposite side of the church. It is not frequently used, but it does serve some function. They have considered putting in a paver walkway, with granite steps.

The courtyard is on the west side of the building. They may have outdoor seating, if a restaurant goes in.

He stated they want to take advantage of the great views over the river. They have lots of windows and patios that extend out.

He showed the existing dock. It is onsite, but not in the water. This would be another way to provide access to the river. They would try to provide some access for canoes and kayaks.

One of the things they have discussed with Rivermoor was a way to restrict public access between the two properties. They have a lot of people who can't park on Main Street utilizing the parking lot. They will need to restrict that for the owners and tenants of the building.

They will try to incorporate a larger landscape strip between the parking garage and the parking lot and putting in a vegetated area that provides passive access for emergency vehicles. He indicated some other green space, which will be a continuation of the Riverwalk.

Knowing that parking is an issue, they are trying to think of other ways to park onsite. They have the Town parking lot across the street, which has about a dozen spaces, not including trailer parking. Combined, there are about 15-17 spaces onsite, plus the spaces in the public area across the street. The residential owners will have preferred parking. They do not expect much overnight parking.

John Badger asked if these were going to be condominiums. Tim Nichols stated they intend to sell the units as opposed to renting them. There will be seven units. The Zoning Board approved variances for those units.

Peter Roy asked about parking on site. Tim Nichols stated the residential owners would have the preferred parking.

John Badger asked when they anticipated taking the building down. Tim Nichols stated they were hoping to have it down by now. Ideally, if everything fell into place, they would be looking at late February or March, weather dependent. He has not spoken with the current owner yet. They hope to do it over the wintertime.

Janice Rosa asked about the passageway between his site and Rivermoor Landing. She asked, if a gate went up, would pedestrian access still be allowed. Tim Nichols stated it would. They want to control casual vehicle traffic.

Janice Rosa asked about the building height. Tim Nichols stated it would be a mansard roof on the main building and would be lower than the church building. He thought it was about 10 feet below the main gable on the church. They are lowering the site six feet, so they are starting almost a floor lower. The total height will be around 43 feet.

Janice Rosa asked, in relation to the church, would there be enough air circulation. Tim Nichols stated the west tower, closest to the church, comes to within about 5 feet of the property line at the closest corner, then runs about 20-22 feet and steps back in. He stated they are as close to the river as they can be based on the sewer and Riverwalk easements. There will be a walkway along the retaining wall, if they can get an access agreement with the church. It would help provide access for people as a shortcut to downtown. The two buildings would not be closer than 22 feet. Fire code allows within 10 feet.

Elizabeth Dudley stated they have one of the few opportunities in the area to have riverside dining. She asked, if they were not preserving the building, were they married to the current footprint. They might want to consider the dining area, with a view of the river. Tim Nichols stated this was conceptual and they were going through the design review, in order to consider that. They are really constrained, but there probably is a way to relocate the courtyard. One of the reasons was they did not want a full building looming up against the church.

Rick McMenimen asked if anyone consulted with fire and police about accessibility. Tim Nichols stated he met with Rick Malasky, Fire Chief. Chief Malasky did not have any concerns, as long as they comply with code standards. He has access from the garage with fire equipment and from Water Street and the parking area. Diane Hardy stated there is a letter from the Fire Chief in support of what Tim Nichols just stated. They will also be involved in more detail on the site plan.

Peter Roy stated Elizabeth Dudley made an excellent point about the river view dining. He asked if the patio and delivery truck area are pavers. Tim Nichols stated they were. Peter Roy stated there seems to be a lot of impervious surface. He asked if they addressed the perviousness of the surface. Tim Nichols stated those would be pervious pavers. Peter Roy asked about rooftop gardens. Tim Nichols stated they have considered it, but they need space for the PV panels.

Justin Normand asked if the PV system would have any glare on the road surface. Tim Nichols stated there will no be glare on the roadway. He indicated on a plan how that would not be a problem.

Peter Roy stated Rivermoor had a certain amount of instability in their right-of-way between the buildings and water. He stated one of the things they should check when they check the soils is the stability of that area. Tim Nichols stated a structural engineer would be involved with the retaining wall and foundation. They would have to take a hard look at the soils.

Justin Normand stated, with the retail use, there would be waste removal and access issues to be addressed. Tim Nichols stated there would be a dumpster on the corner of the property. It would be enclosed.

Val Shelton stated parking will be a key issue. She asked about his investigations into the feasibility of underground parking. Tim Nichols stated, if they did not have the sewer pipe there, it would be more feasible. They have not put together any design. It may be possible to put limited parking under the building, but it may require them to raise the height of the building. It is more costly to install underground parking. They could not lower the grade too much due to the river. It would be a challenge.

Janice Rosa asked if they had looked at the tax card to see if there are any taxes coming in on that property now versus taxes that will be coming in should this project go in. This will bring in jobs and it will take an old unsafe building down and make this more positive for the community. The Planning Board is trying to encourage businesses to come to town. There are probably hardly any taxes coming in on this property right now. Tim Nichols stated he looked at the tax card a while back. He thought it was around \$9,000.00 a year. Diane Hardy stated he had done a fiscal impact study for the Zoning Board. Tim Nichols stated they had not looked at the tax side of the equation. He stated they will be requesting relief through RSA 79-E. That would be for a pretty short duration for the type of development they are doing.

Chairman Badger opened up a public comment period.

Rob Phillips, President of Rivermoor Landing Condominium Association, stated they had met with Tim Nichols on several occasions. They have done site walks. They had no issue with the setbacks to their parking garage. They did have concerns about traffic, parking and circulation. They know this is just the beginning of discussions. They would like to participate in the technical review process. There are details surrounding this to which they can speak. There are possibilities for mutual interest that can work out for all of them. They like the idea of more residential, at the expense of commercial and retail. He stated Tim Nichols is aware of their philosophy. If they had three floors of residential, they would be happy. They believe traffic and parking is minimized with more residential. They look forward to the site plan review process.

Skip Manseau, representing the Newmarket Community Church, stated the Trustees have asked him to follow these meetings. He asked what the allowed square footage of a building was in this zone. Diane Hardy stated the Town does not have a building coverage regulation. Coverage is defined by the setback requirements and what is available for parking to meet the requirements of the various uses that are going in. There is a height restriction of 50 feet. Mr. Nichols' project is well within that. Skip Manseau stated the only issue the church has at the moment is the size of the building and its proximity to the pastor's office. It does overshadow that part of the building.

Mark McKinsey, 6 Washington Street, stated he has lived here for ten years. He was attracted by the Main street and riverfront. He stated that is something special about Newmarket. He stated the Board is now in a position to negotiate with a developer. He asked how many dedicated parking spaces there will be on the property. Tim Nichols stated fifteen to seventeen. Mark McKinsey asked how many residential units there will be. Tim Nichols stated seven. Mark McKinsey stated these were two and three bedrooms, kind of upscale. He stated those residents would have two cars each. So, that is fourteen spaces. That leaves maybe three extra spaces. He is concerned, because there is a business moving in and a restaurant and other commercial interests. He noticed there are trees on the property. He asked if those would be preserved. Tim Nichols stated, unfortunately, no. Mark McKinsey stated the property as it is now is not flat and there is granite. He asked if there would be any blasting. Tim Nichols stated he did not expect to blast. Mark McKinsey stated there are new regulations for setbacks to the river. He asked if that applied in this instance. He was referring to the State Shoreland Protection Zone. Diane Hardy stated that area is an urban exemption area that has been designated by the State, so those setback regulations do not apply. State wetlands permitting does apply. There are new local regulations for stormwater, with different techniques to deal with that. Mr. Nichols would be required to comply with those. Mark McKinsey asked if this plan would be reviewed by the Heritage Advisory Commission. Diane Hardy stated it has been the Planning Board's practice in the past to forward plans to them for review and comment. Chairman Badger stated this is just a conceptual review tonight. There will be other opportunities for public input. Mark McKinsey asked about the balconies. He said they do not seem in keeping with the waterfront as we have it now. This is a building visible from Main Street. It will have an impact on the profile on Main Street, as well as the waterfront. This is not the same zone as the mill buildings. If you look at the building while facing toward the park, the buildings beyond it are mainly two stories with

peaked roofs. This building will be four stories in contrast. Saying it fits with the mill buildings is taking a one-sided view of it. He was concerned about the height. There will be more shadow on the park and Riverwalk. He was concerned with the Zoning Board granting a variance for residential density and setting a precedent.

Chairman Badger closed the public comment period.

There were no further questions or comments from the Board.

Presentation by Strafford Regional Planning Commission for Landscaping Regulations.

Cynthia Copeland, Strafford Regional Planning Commission, stated she recently had people ask why Newmarket is a part of Strafford Regional Planning Commission. She stated they have thirteen communities in Strafford County, Brookfield and Wakefield in Carroll County, and Newmarket, Nottingham, and Northwood in Rockingham County. It encompasses the coastal watershed and communities that have geographic, cultural, and economic ties. This is their forty-first year.

She will be talking about landscape design standards. She is not here as a resident of Newmarket, tonight she is representing Strafford Regional Planning Commission. They have some money they received through the NH Coastal Program Grant. Newmarket is in Zone A flood area, which means it is within a tidal influence area. She stated she asked Diane Hardy if she was interested in having some landscape regulations to match up with the Water Resources chapter of the Master Plan and the new stormwater regulations. Diane Hardy and Elizabeth Dudley have worked with her to put these landscaping design standards together. She stated she does a lot of walking and the photos in her presentation were taken from her home and from her walks. She did not want people to think she felt this was the only nice part of Newmarket. This is just from her perspective as a walker in the area.

She had copies of the draft regulations with her for the Board to look at.

She stated landscaping is a tool and it adds value to the town of Newmarket. It does this with environmental contributions. It protects water quality. It reduces soil erosion and lowers summer temperatures through the use of shade trees and woods. She also had photos of other urban areas in her presentation. She showed a park near South Station in Boston. It stands up to our waterfront in terms of how things look. Landscaping screens busy streets, the tree leaves reduce glare, and it provides privacy for businesses and primarily for residences. It provides habitat for wildlife and birds and improves air quality. One tree removes twenty six pounds of carbon dioxide a year, which equals 11,000 miles of car emissions. There are also economic development contributions. It is a help in renewing business districts. The downtown has shown that quite well. How an area looks is a factor in deciding where you are going to live or put your business. It increases tourism. It increases community appeal.

Elizabeth Dudley had told her landscaping adds up to 15% in a home's value. This is pretty significant.

Cynthia Copeland stated she had gone to Bryant Park in New York City and she showed photos of it and also of San Francisco showing landscaping involving trees. She showed the newly planted trees in Newmarket.

She went on to fences and stone walls and showed examples in town. She talked about sidewalks, curbs and paving and spoke about how it helps people find their way around a community. She showed examples of pavers and the ones going into the new mill yard. This is called "hardscape" and this is part of the landscaping.

Another aspect is benches and shelters. They provide protection from elements and they connect people to transit services and provide an opportunity to socialize.

She showed the pocket park in Newmarket. It helps connect us to the community's roots. She showed the Riverwalk and

the fencing that will lead to a future marina.

She stated another part of landscaping is lighting. She showed some examples of lighting. She showed the historic lighting going down to the river on Water Street.

She stated landscaping as a whole can act as a gateway. She showed a photo of the library and stone wall. She showed examples of art in the landscape. She showed Central Park with an art exhibit from Mother's Day weekend. She showed examples in Newmarket of art that private individuals have put out.

She showed containers and planters in Rockefeller Center and how it invited people to socialize. She then showed The Riverworks with the decorating they have done outside of their restaurant.

She pointed out texture, color, and mass and how it adds to the visual landscape. She showed little gardens done at Rivermoor Landing. She showed ground cover in Dallas. She stated they use more ground cover than mulch in Dallas.

She stated there is a science of soils. She showed the mill yard and told about how they clipped off the poison ivy and did slope work and blasting to widen the driveway. It is very much improved and much safer to use.

She spoke about parking. She showed the on-street parking downtown with the street trees.

She stated landscaping is a transformation. She showed the Eagles building site before anything was done to it and how it looks now with a retaining wall with plantings and shrubs and places to walk and view.

She stated what they do in the big communities is being done here already. People all over Newmarket, the Town and commercial developers have participated. People love the natural environment here, as well as the built environment.

She stated the mention of landscaping in the subdivision regulations is brief. All they look at are street trees that are in larger subdivisions, the need for a buffer on the edge of the property and whether there are sidewalks and a cul-de-sac.

Looking at site plan regulations, they address commercial and multi-family developments.

She read some of the proposed landscape regulations. She stated it was now time for the Planning Board to look these over and see what they think.

Janice Rosa asked the Board to keep in mind the cost this will be put upon development. She wanted to make sure this did not put an extra large financial burden on new site developments for businesses trying to come in. She did not want to see this creep onto private home property. Cynthia Copeland stated that was why she geared it more about street trees and shared common areas, so it is very limited. Diane Hardy stated this would apply to projects coming in for site plan and subdivision review. Cynthia Copeland stated these look at more of a minimum and leaves the rest to the creativity of the person coming in before the Board.

Report of the Zoning Review Committee.

Val Shelton, Chairman of the Committee, handed out draft printouts to the Board. She stated they have met six times since September and have had ongoing communications between meetings. The goal has been to develop recommended changes to the existing zoning ordinance, which would facilitate positive economic development to bring needed services to residents and provide tax relief. After an initial review of options, it was clear the focus should be the

Route 108 corridor, specifically M4 and B1 zones. If the processes involved are too costly, the development will go to neighboring communities. Development occurs where it is cost effective for a developer to invest. To increase our tax base, we need to ensure the land value is not diminished due to the regulatory process. The committee recognizes that mixed use developments are often required to make development feasible.

She stated they are issuing their first public draft for input. They recommend employing the Special Use process.

She gave an overview of the dimensional changes and permitted uses changes.

She stated the next phase is to gather public input. The proposed regulations will be on the website, as well as in the Planning Office to be distributed. They plan to have two public meetings starting in January. They would like to have final committee regulations ready in March.

Chairman Badger stated these will help, in that it shortens the approval process for applicants. Val Shelton stated it still does allow a lot of public input with the Special Use Permit and Site Plan Review processes.

Diane Hardy stated a Gateway Overlay District draft will be ready before Christmas for review. The draft regulations will be put on the Town's web site for public review.

Agenda Item #5 – Adjourn

Action

Motion: Janice Rosa made a motion to adjourn at 9:04 p.m.

Second: Peter Roy

Vote: All in favor