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## PLANNING BOARD

4

February 13, 2024 at 7:00 PM

5

Town Council Chambers

6

### DRAFT MEETING MINUTES

7

**Members Present:** Eric Botterman (Chair) *via zoom*, Bart McDonough (Director of Planning & Community Development), Abigail Bachman (Alternate),

8

Scott Blackstone (Town Council- Ex officio), Jane Ford, Jeff Goldknopf, Patrick Reynolds, Timothy Rossignol, and Michal Zahorik (Alternate)

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**Member Absent:** Val Shelton (Vice-Chair)

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The Chair opened the meeting at 7:04 PM.

[time on DCAT 5:11]

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The Chair appointed **Abigail Bachman** as a voting member this evening.

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The seven voting members this evening will be **Eric Botterman, Abigail Bachman, Scott Blackstone, Jeff Goldknopf, Jane Ford, Patrick Reynolds, and Tim Rossignol.**

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#### 1. Pledge of Allegiance

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#### 2. Public Comments

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The Chair opened public comment at 7:04 PM. There were no public comments relevant to items not on the agenda this evening. The Chair closed public comment at 7:05 PM.

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#### 3. Review & Approval of Minutes

[time on DCAT 6:56]

26

a. November 14, 2023

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##### Action

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**Motion:** Patrick Reynolds moved to approve the Draft Minutes of the November 14, 2023 meeting.

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**Second:** Jane Ford

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**Discussion:** none

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**Vote:** Approved 6-0-1 (Jeff Goldknopf abstained)

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#### 4. Regular Business

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Read by the Chair:

[time on DCAT 7:01]

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a. Pursuant to RSA 676:4, I(b) & I(d), and Appendix-A Subdivisions, Appendix-B

37

Site Plans, and Section 32-45A(b)(2) of the Municipal Code of the Town of

38

Newmarket, New Hampshire, a continuation of a public hearing shall be held for an

1 application filed by CC Railroad Street Newmarket LLC requesting a boundary line  
 2 adjustment, site plan review and special use permit approval for a 11,100 sf. mixed-  
 3 use, three-story building comprising 41 one-bedroom apartments and 2,500 sf. of  
 4 commercial space with associated utilities and parking facilities located on real  
 5 property with an address at 3 Railroad Street, Tax Map U3, Lot 138A and 5 Railroad  
 6 Street, Tax Map U4, Lot 16, M2A and R2 zoning districts.

7 The Chair confirmed with the Planner that the PB was in receipt of the GPI and  
 8 Underwood Engineering comments and these letters have been distributed to all  
 9 members and the applicant. No other letters have been received to date. The Chair  
 10 hoped that the applicant had had an opportunity to review and comment on these letters  
 11 prior to the meeting. He asked the applicant to come forward and give the PB a status  
 12 report on the project. Present this evening are Mr. Ben Stebbins, the applicant, Attorney  
 13 Henry Stebbins, Ryan Hudock (Horizons Engineering) , and Adam Morrill (lead architect).  
 14

15 Mr. Hudock, Horizons Engineering, rose to speak about the comments from GPI and  
 16 Underwood. Having just received the comments, they do not have their formal response  
 17 prepared for the PB this evening, but hope to do so shortly. They agree with all the  
 18 comments from Underwood and have many of the Underwood comments ready  
 19 addressed. However, the more nuanced issues still require some time to respond and will  
 20 be done prior to the March meeting. He asked the PB members if there were anymore  
 21 issues that they should respond to. The Chair stated that he had no additional issues and  
 22 asked the members to comment individually. **Jeff** asked a question about the infiltration  
 23 basin and exactly where does the overflow water go from the SW corner. Mr. Hudock  
 24 stated that, in the revised plans, the water will not flow onto any neighboring properties,  
 25 but will go directly into Moonlight Brook (in the event of a 100 yr flood). There were no  
 26 further questions.

27 **Bart** confirmed with the Chair that Mr. Stebbins had contacted him regarding a waiver  
 28 request regarding the impact fee schedule. Mr. Stebbins spoke and stated that he  
 29 planned to request a waiver for the school impact fee because of the nature of these one  
 30 bedroom apartments likely having no school age children.

31 Mr. Morrill, Senior Project Director of Design at PROCON Incorporated, rose to speak. He  
 32 asked if there were any comments/concerns about the design of the building or the  
 33 architectural layout. **Jeff** asked about the overhang into the ROW set back in the rear of  
 34 the property. Mr. Stebbins said that they will be asking for a waiver for the overhang.  
 35 There were no further comments.  
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37 **Bart** reviewed the Special Use Permit Criteria (sec. 32-46Q (b)(2) for compliance with the  
 38 members: 1) A Fiscal Impact Study is required. **Bart** wanted to know if the PB members  
 39 were satisfied with the 2023 Fiscal Survey submitted, Everyone was satisfied. 2) A Market  
 40 Analysis is required. There were no issues. 3) Parking has been granted with a waiver  
 41 from the ZBA on August 2023. The ZBA was satisfied with the proposed 62 parking  
 42 spaces as depicted. 4) Relief was granted in August 2023 from Section 32-89 Dimensions  
 43 Table to permit a total of 41 residential units with 35 residential units in the M2A Zoning  
 44 District and 6 residential units in the R1 Zoning District. 5) No residential units are located  
 45 on street level space that fronts on N. Main Street, Main Street, S. Main Street, or Exeter  
 46 Road. 6) All units on the architectural plan are one-bedroom units with a maximum floor

1 area of 670 sq ft each.  
2 The Chair asked for additional comments/questions/concerns. There were none.  
3 Upon agreement with the applicant, a motion for continuation was considered.

4 **Action**

5 **Motion:** Jeff Goldknopf moved to continue this discussion to March 19, 2024 at  
6 7:00 PM in the Town Council Chamber.

7 **Second:** Jane Ford

8 **Discussion:** none

9 **Vote:** Approved 7-0-0

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11 Read by the Chair: [time on DCAT 25:18]

12 b. **Continue review of proposed amendments to Site Plan Review Regulations.**

13 The Chair asked if any members had comments/suggestions/modifications on the  
14 changes to the Site Plan Review Regulations as proposed and previously discussed.  
15 With no further comments, the Site Plan is ready to move on to a Public Hearing. **Bart**  
16 mentioned that minor changes could certainly be proposed at the Public Hearing and  
17 other comments can be forwarded to him at any time. **Jeff** had one comment. He would  
18 like to see a member of the ConCom serve on the Technical Review Committee as a  
19 required member not just suggested. The members agreed and **Bart** will add that to the  
20 document.

21 **Action**

22 **Motion:** Tim Rossignol moved to send the proposed amendments of the Site Plan  
23 Review Regulations be prepared for a Public Hearing on March 19, 2024  
24 at 7:00 PM in the Town Council Chambers.

25 **Second:** Abigail Bachman

26 **Discussion:** none

27 **Vote:** Approved 7-0-0

28 \*\*\*\*\*

29 **5. New/Old Business** [time on DCAT 25:21]

30 **Chairman’s Report:** No report this evening.

31 **Committee Reports:**

32 **Energy and Environment Advisory Committee:** **Patrick** reported that everyone who is an  
33 electric rate payer in Newmarket should have received their notice in the mail of the  
34 switch over to NH Community Power Coalition. The current default rate once the switch  
35 over occurs will be \$.08 per kw. If you are with another provider other than Eversource,  
36 you will stay with them unless you decide to change. Any customers with a net metering  
37 program (i.e. solar panels), should not convert at this time...it will perhaps change at a  
38 later date and they should check with NH Community Power Coalition [Contact |](#)  
39 [Community Power Coal \(cpcnh.org\)](#) to be sure. There was a public hearing and you may  
40 view that meeting at: [CloudCast v3 \(telvue.com\)](#)

41 **Patrick** also wanted to mention a recent article at Seacoast Online entitled “How New  
42 Hampshire’s ‘Silver Wave’ is straining emergency services.” It may be something of  
43 interest and worthy of consideration during the Master Plan process. A 911 call to a 55+  
44 facility requires both the fire department and the ambulance service to respond – causing  
45 an increased work load to the fire department. Communities in the seacoast area are  
46 ‘upside down’ budget-wise right now.

1 Conservation Commission: **Jeff** reported that the recent meeting primarily concerned the  
2 Master Plan Update. They reviewed the checklist for how lands are assessed to  
3 conserve. The ConCom members suggested that the PB might consider asked a  
4 ConCom member to attend all site visits – a fresh set of eyes toward conservation and  
5 general information.

6 CIP: **Jane** had no updates.

7 Town Council: **Scott** reported that the Town has an issue with bacteria growth in the  
8 sewer system clarifiers (the final effluent flows into the river from this point). They have  
9 agreed to purchase covers which costs \$180,000. These Launder Covers will provide  
10 protection from the sunlight and will decrease the growth of bacteria significantly. The  
11 Town Council is reviewing the tax break program for the elderly and will establish levels to  
12 qualify soon. The Town of Newfields has asked to bring re-cycling to the transfer station  
13 for a fee of \$5 per blue bucket (a contract negotiated by the Town manager and approved  
14 by the Council).

15 **Tim** reported that he will not be seeking another term on the Planning Board and his  
16 position is ending after the next meeting in March. He has enjoyed his time on the Board  
17 and will look for some other way to support the Town in the future. The entire Board  
18 warmly thanked **Tim** for his dedicated service to the Town!

19 Planner’s Report: **Bart** mentioned that planning for the Visioning Session for the  
20 Housing and Open Space Chapters is going forward. The session will be on Saturday,  
21 March 16, 2024 from 8:30 to ~ 2:00 PM. A venue is TBD. More information coming!  
22 The rezoning effort will be ramping up after the visioning workshop. Ivy Vann is the  
23 consultant to this project and is in the process of developing some structure for this work.  
24 Ivy is collecting data and getting ready to listen to the concerns of the neighbors in the N.  
25 Main Street and points east areas. She will be reaching out to the PB soon for a  
26 discussion about the ordinances. The Housing Survey has received 406 responses!

27 **Bart** will be sending a letter out to members about State legislation which is being  
28 considered during this session - one is allowing for two ADU’s and another is allowing a  
29 duplex by rite. There are a few more and members may wish to write to our  
30 representatives.

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32 **6. Adjourn**

[time on DCAT 38:55]

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**Action**

34 **Motion:** **Jane Ford** moved to adjourn the meeting at 7:39 PM.

35 **Second:** **Abigail Bachman**

36 **Discussion:** none

37 **Vote:** **Approved 7-0-0**

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39 Respectfully submitted,

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41 Sue Frick

42 Recording Secretary

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**DCAT:**

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[https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7\\_5VjxKP/videos](https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7_5VjxKP/videos)

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