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PLANNING BOARD

November 14, 2023 at 7:00 PM

Town Hall Auditorium

DRAFT MEETING MINUTES

Members Present: Eric Botterman (Chair), Val Shelton (Vice-Chair), Bart McDonough (Director of Planning & Community Development), Abigail Bachman (Alternate), Scott Blackstone (Town Council- Ex officio), Jane Ford, Patrick Reynolds, and Timothy Rossignol.

Member Absent: Jeff Goldknopf and Michal Zahorik (Alternate)

The Chair opened the meeting at 7:00 PM. [time on DCAT 3:07]

The Chair appointed **Abigail Bachman** as a voting member this evening, The seven voting members this evening will be **Eric Botterman, Val Shelton, Abigail Bachman, Scott Blackstone, Jane Ford, Patrick Reynolds, and Tim Rossignol.**

1. Pledge of Allegiance

2. Public Comments

The Chair opened public comment at 7:00 PM. There were no public comments relevant to items not on the agenda this evening. The Chair closed public comment at 7:01 PM

3. Review & Approval of Minutes [time on DCAT 3:46]

a. September 12, 2023

Action

Motion: Val Shelton moved to approve the Draft Minutes of the September 12, 2023 meeting.

Second: Patrick Reynolds

Discussion: Val noted one change which was corrected

Vote: Approved 6-0-1 (Tim Rossignol abstained)

4. Regular Business

Read by the Chair: [time on DCAT 5:06]

a. Pursuant to RSA 676:4, and Appendix-A Subdivisions, Appendix-B Site Plans, and §32-236 Affordable elderly housing of the Municipal Code of the Town of Newmarket, New Hampshire, a continuation of a public hearing shall be held for an

1 application filed by DR Lemieux Builders LLC requesting Minor Subdivision, Major
 2 Site Plan, and Special Use Permit approval for a proposed development seeking to
 3 create a split lot subdivision with the original lot (0.54 acres) retaining an existing
 4 single-family housing unit and the new lot (7.22 acres) constructing a 32-unit, age
 5 restricted, multi-family development with associated utilities, parking, landscaping
 6 and stormwater mitigation infrastructure located on real property with an address
 7 of 242 South Main Street, Tax Map U4 – Lot 69 within the R2 zoning district.
 8

9 The Chair stated that the applicant has re-submitted amended site plans for review and
 10 discussion this evening. The discussion at the last meeting centered on the Special Use
 11 Permit.
 12

13 **Attorney F.X. Bruton**, Bruton & Berube PLLC of Dover, rose to represent the applicant.
 14 He introduced the applicant **Dave Lemieux**, Principal, and **Heather Droesch**, General
 15 Manager, of D.R. Lemieux Builders LLC.. Also present are members of the design team:
 16 **Christian Smith**, Principal at Beals Associates, PLLC, **Daniel LaCivita**, Vanasse &
 17 Associates, Inc., **Brian White**, White Appraisal, **Robbi Woodburn**, Woodburn & Co.,
 18 **Sarah Hourihane** and **Michal Kaleta**, Lassel Architects
 19 .

20 Attorney Bruton wanted to know if the Town had received two letters: 1) from him and 2)
 21 a letter of support from Barbara Hall from the Newmarket Housing Authority. **Bart** replied
 22 that the letters were received. Attorney Bruton met with **Bart** this afternoon to go over a
 23 few items and he hopes that the presentation this evening will address all the issues
 24 discussed at that meeting and the previous PB meetings with the abutters. He stated that
 25 the highest standards have been applied to this project which was a collaboration with the
 26 community (mostly abutters) and the Planning Board.

27 [time on DCAT 22:48]

28 Christian Smith, Principal at Beals Associates, PLLC, was introduced to address the
 29 specific issues: of the wetland buffer for the house lot and the snow storage on the larger
 30 parcel. The wetlands for the house lot does not include the buffers. That will be changed
 31 on the plans. Regarding the snow storage, there will be a maintenance agreement for
 32 snow removal from the site.

33 [time on DCAT 29:01]

34 Sarah Hourihane and Michal Kaleta, Lassel Architects, discussed that architectural
 35 changes made to the design. Mr. Kaleta did extensive historical research on the
 36 'farmhouse' concept in New England colonial-style homes with a connector and barn
 37 attached. He show photos of many examples in Newmarket and surrounding areas.
 38 Ms. Hourihane then displayed the artist rendering of the new design for the front, street-
 39 facing building with the trees and fence. **Val** asked about the stone wall on the plan, but
 40 not on the rendering. The stone wall is within the Town ROW and, therefore, any decision
 41 about the wall would need to be discussed with DPW Director Rick Malasky.

42 [time on DCAT 42:07]

43 Robbi Woodburn, Woodburn & Co., showed the landscape design changes she hopes
 44 will improve the buffer to the abutters. She mentioned that the trees will take 4-5 years to
 45 reach maturity and are fully grown in the rendering. She spoke about the addition of a
 46 2½ ' berm for the buffer trees consisting of Green Giant Western Spruce trees planted on
 47 top. They will be using 39 Green Giant trees. Ms. Woodburn showed two different

1 concepts: 1) the design shown by Ms. Hourihan with the more solid buffer across the
 2 entire building and 2) the plan to brake the buffer at the electrical box which shows a
 3 white fence in front of the building and the addition of another sugar maple to mirror the
 4 other end of the parking area. She mentioned other places in the area which were
 5 examples of the proposed trees and also provided the members with pictures.

7 The Chair opened the continuation of the public hearing. [time on DCAT 50:33]

9 Public Comment:

10 #1 Linda Doshier, 249 South Main Street. She asked about the replacement of any
 11 damaged trees or landscaping. The Chair said that, if the site plan is approved, the
 12 applicant would be required to replace any damaged trees or landscaping. Ms. Doshier
 13 still believes that the parking is an issue. She also asked whether or not the dedicated
 14 elderly apartments could ever revert to non-elderly. The Chair said that they could not.
 15 She would like to see the 'farm house' effect used on the entire building and it would be
 16 great if the design were reduced to two stories. She asked if the dumpster will be
 17 screened. Ms. Woodburn said that the dumpster will be screened with a fence and
 18 evergreen trees.

19 #2 Liz Dowst, 255 Wadleigh Falls Road. Ms. Dowst said that she really likes the
 20 farmhouse look. She still has concerns about the 55+ age and its impact on parking and
 21 number of cars traveling in and out of the facility -residents, living care assistants,
 22 families, other helpers – like cleaners etc. Where will they park? Public parking is way
 23 down the street at Railroad Street. Ms. Dowst did not like the attorney for the team saying
 24 that the neighbors are somehow lucky that they are not developing to the full extent of the
 25 ordinance. She also wanted to mention that, from her driveway, the building to the rear,
 26 will be clearly visible given the planned three stories.

27 #3 Steve Suraci, 240 South Main Street. Mr. Steve Suraci has concerns about the
 28 property comps which were used -he showed slides of all the comps used by Mr. White
 29 for this project and how they were very different from this project location. He has 4
 30 affidavits from real estate professionals and he will submit them to **Bart**.

31 #4 Ed Suraci, 240 South Main Street. Mr. Ed Suraci just wanted to say that this proposal
 32 is a vast improvement over the previous iterations and both the PB and applicant team
 33 have come a long way.

35 [time on DCAT 1:14:31]

36 The Chair turned to questions/concerns from the members about the criteria for a
 37 variance approval:

38 * That the public interest will be served generally if the proposal were to establish
 39 affordable elderly housing on the site and the establishment of an affordable elderly
 40 housing complex on the site would not cause a diminution in the property values of
 41 surrounding parcels.

42 **Jane** said that the street-facing design has improved a great deal. She asked about the
 43 possibility of planting larger trees given that it may take 4-5 years for the trees to get
 44 established in grow to full height. Ms. Woodburn said that is possible, however, the larger
 45 trees take longer to get established and grow quickly.

46 From his own experience when purchasing his home in Newmarket across from a
 47 condominium complex, **Tim** asked his real estate agent if there would be any decrease in

1 value because of the condos and the agent said no.

2 **Patrick** pointed out that this will be a facility-scale building placed into a residential area.
3 This project can only be built by special permit not by right, as Attorney Bruton stated. He
4 does not believe that the public interest is being serving by placing this large facility on
5 this particular site.

6 **Abigail** believes that the **Patrick** has made a very good case, but she does not believe
7 that this project will cause a diminution of value to the surrounding properties.

8 **Scott** is uncertain.

9 **Val** believes there would be no diminution of value as stated by the Town assessor.

10 **Eric** believes there would be no diminution of value.

11 **Patrick** had questions for the Newmarket Public Housing Director. He would like to have
12 had an opportunity to ask her questions. He has not heard from anyone in the Town who
13 was sure that the public interest is being served.

14

15 * That any conflicts with the character of the adjacent properties will be minimal in terms
16 of the size and bulk of the visible buildings, through the use of buffers, landscaping or
17 location of the buildings on site. This provision is meant to assure that facilities are
18 reasonably consistent either with residential style buildings or sufficiently secluded so as
19 to minimize negative impacts to abutting property.

20 **Patrick** believes that the scale of the building is just too large and the height should be
21 reduced.

22 **Scott** agrees with **Patrick** about the scale in the residential zone.

23 **Jane** struggles with the size of the footprint and not so much the height.

24 **Abigail** believes that the buffering as proposed is great.

25 **Val** and **Tim** agree with **Abigail** that the proposed buffering is better.

26

27 * The design and site layout of the development shall emphasize the rural character of the
28 town maximize the privacy of the dwelling units, preserve the natural character of land,
29 provide for the separation of parking and neighboring residential uses, and consider such
30 factors as orientation, energy usage, views, etc.

31 Based on the new designed presented tonight:

32 **Scott** believes that they have made a significant effort to achieve the rural character of
33 the town, but have not done so completely. They are doing the best they can do to
34 achieve privacy, but the natural character of the land will be gone. He is okay on the
35 parking.

36 **Abigail** agrees with **Scott** on the significant progress so far. The plan is okay for privacy,
37 natural character, and parking.

38 **Patrick** believes that the screening of the building is extreme. He believes that every
39 effort to preserve the stonewall should be made and they should maintain the wall.

40 **Jane** believes that the stonewall should be kept. The plan is okay for privacy, natural
41 character, and parking.

42 **Tim** believes that the redesign is key to preserving the rural character. He is okay with
43 privacy. **Tim** also is glad that the majority of the lot (the major wetlands) will be
44 maintained. He is okay with the parking.

45 **Val** and **Eric** are okay with all the changes in Plan II.

46

1 The Chair gave the applicant a chance to respond. Ms. Woodburn rose to answer
 2 questions from **Tim** about the Green Giants. Green Giants are a US Western native..
 3 She addressed the stonewall issue: 1) it is located in the Town ROW (and the
 4 responsibility of the DPW), 2) it is not a boundary wall for the property, and 3) the current
 5 condition of the wall can be described as a pile of rocks which could be rebuilt. The Chair
 6 asked Attorney Bruton if he had a response: he spoke about the size and height being
 7 permitted by the zoning ordinance. He believes that they exceed the required parking and
 8 handicapped parking. He emphasized that this is a really good project and meets all the
 9 criteria.

10 **[time on DCAT 1:56:50]**

11 #1 Liz Dowst, 255 Wadleigh Falls Road. She wanted to emphasize that the development
 12 of this particular lot is not a right, but would be only permitted by special use. She
 13 believes that the applicant knew about the special conditions of this property i.e. exactly
 14 where the wetlands were located and what kind of DES approvals would be required to
 15 seclude this building into the back of property so as not to make the abutters object. She
 16 believes that the attorney is being disingenuous when speaking about ways that they
 17 could have put more units in the building. She also spoke about what she perceives as
 18 the Planning Board's concern that this might end up in court and ways in which they cover
 19 all their bases. She also pointed out the lack of buffer in the line-of-sight for the building in
 20 the rear. She is concerned about the parking and the disruption by the garbage removal.
 21 It would be probably be more palatable to the abutters if the building was one story. She
 22 would like the automobile accident record for this intersection of Grant Road and South
 23 Main Street be considered since this lot situated right at that intersection.

24 #2 Jen Palasciano, 2 Pond Street. She had a specific question about the assessor
 25 ...aren't they really for determining property tax not sale price? She also wanted everyone
 26 to remember exactly how high in the air the ballons were on the site walk...this project
 27 does not fit the property.

28 #3 Steve Suraci, 240 South Main Street. He continued his discussion about the
 29 diminution of property values.

30 #4 Liz Dowst, 255 Wadleigh Falls Road. She mentioned that the building will surely look
 31 institutional and not rural in character. It looks like a Motel 6 in the back and she would
 32 like to see more revisions in the design.

33 **[time on DCAT 2:14:05]**

34 The Chair asked Attorney Bruton if his expectation is that the PB will vote on the special
 35 permit this evening or whether or not they wished to postpone to a future meeting in order
 36 to make additional changes to the plan. Attorney Bruton asked for a brief 5 minute recess
 37 to confer with his client.

38
 39 The Chair called a brief recess at 9:18 PM.

[time on DCAT 2:20:52]

40 The Chair called the meeting back to order at 9:30 PM.

[time on DCAT 2:32:56]

41
 42 Attorney Bruton met with his team and an abutter to confer on changes which could be
 43 'described' in detail in order to go forward with the variance request this evening. They
 44 would like not to have to come back. Ms. Hourihane was asked to describe the changes:
 45 1) the shed dormers on the back building would be changed to four step-back doghouse
 46 dormers on both sides of the building, 2) the windows would be changed to all 6/6 glass
 47 detail, 3) the door in the back will be more like the front of the house with less ornate

1 detail and no-awning, 4) the siding will be like the front.

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3 #5 Steve Suraci, 240 South Main Street. Although not representing everyone in the
4 neighborhood, Mr. Suraci is pleased with the suggested changes mentioned above.

5
6 Attorney Bruton confirmed that he is asking the board to accept these changes as
7 outlined and vote this evening. **Bart** asked is the site plan and subdivision could be voted
8 on this evening and then the PB could look at the planned changes in the documents next
9 time. Attorney Bruton does not want to come back as the cost is considerable.

10 The Chair began to ask for comments from the members:

11 **Patrick** wanted to see the changes in a set of plans.

12 **Tim** was encouraged by the changes, but would abstain from voting this evening.

13
14 #5 Steve Suraci, 240 South Main Street. He wanted to make sure that the 2 different
15 landscape designs were discussed before final approval. He likes the fence in front rather
16 than the complete buffer of trees along the building. The Chair also expressed his like for
17 the fence.

18
19 The Chair closed the public hearing at 9:41 PM.

20
21 Attorney Bruton said that the team would be happy to come back with new renderings
22 showing all the proposed changes.

23
24 **Val** asked that Mr. Beal confirm the .55 acre parcel as discussed in previous testimony.

25
26 **Action**

27 **Motion:** **Val Shelton** moved to continue Agenda Item #4 to December 12, 2023
28 at 7:00 PM.

29 **Second:** **Jane Ford**

30 **Discussion:** none

31 **Vote:** **Approved 7-0-0**

32
33 *****

34 **5. New/Old Business**

[time on DCAT 2:48:39]

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

36
37 **Committee Reports:**

38 **Energy and Environment Advisory Committee:** No report this evening.

39 **Conservation Commission:** No report this evening.

40 **CIP:** No report this evening.

41 **Town Council:** No report this evening.

42
43 **Planner’s Report:** **Bart** asked the members to consider some minor changes regarding
44 TRC’s, specifically codifying the timing. The members agreed and will review proposed
45 changes at the next meeting.

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6. Adjourn

[time on DCAT 2:51:15]

Action

Motion: Jane Ford moved to adjourn the meeting at 9:49 PM.

Second: Tim Rossignol

Discussion: none

Vote: Approved 7-0-0

Respectfully submitted,

Sue Frick
Recording Secretary

DCAT:

https://videoplayer.telvue.com/player/XSekdEeRsk0JHQVHAvKJVka7_5VjxKP/videos