



TOWN OF
NEWMARKET
 NEW HAMPSHIRE

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PLANNING BOARD

3

October 10, 2023 at 7:00 PM

4

Town Council Chambers

5

DRAFT MEETING MINUTES

6

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

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Members Absent: Timothy Rossignol and Michal Zahorik (Alternate)

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The Chair opened the meeting at 7:00 PM.

[time on DCAT 3:01]

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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, Val Shelton,**

16

Abigail Bachman, Scott Blackstone, Jane Ford, Jeff Goldknopf, and

17

Patrick Reynolds.

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1. Pledge of Allegiance

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2. Public Comments

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The Chair opened public comment on issues unrelated to agenda items at 7:01 PM.

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Jon Kiper, 170 Main Street. Jon is the owner of Jonny Boston's. Understanding that the

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Board will be speaking about the efforts to keep the downtown corridor beautiful this

26

evening, he has a more serious item to address- just keeping businesses open. He

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spoke about the dire need for less expensive housing for the workforce in Newmarket.

28

He and other businesses in Newmarket are reaching a critical point for recruiting staff to

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work at their restaurants and have been cutting their hours of business because of it.

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His employees are commuting from greater distances to work, costing them more for

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transportation especially without public transportation, only to arrive in a town where

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there is no convenient parking. Rental costs in town are prohibitively high (~\$1600/mo

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for a single bedroom apartment) which leads to the necessity for him to pass as much of

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the increased costs on to his clientele. He hopes that the Planning Board will take any

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and all opportunities to increase workforce housing options in Newmarket before

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businesses suffer even more and close. We cannot be a community of rich and retired

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people only...zoning should be changed to encourage development of workforce

1 housing.

2
3 With no other members of the public wishing to speak, the Chair closed public comment
4 at 7:05 PM

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6 **3. Review & Approval of Minutes** [time on DCAT 7:57]

7 a. July 11, 2023

8 **Action**

9 **Motion:** Val Shelton moved to approve the Draft Minutes of the
10 July 11, 2023 meeting as drafted.

11 **Second:** Jane Ford

12 **Discussion:** none

13 **Vote:** Approved 7-0-0

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15 *****

16 **4. Regular Business**

17 Read by the Chair: [time on DCAT 9:15]

18 a. Pursuant to RSA 676:4, and Appendix-A Subdivisions, Appendix-B Site Plans,
19 and §32-236 Affordable elderly housing of the Municipal Code of the Town of
20 Newmarket, New Hampshire, a continuation of a public hearing shall be held for
21 an application filed by DR Lemieux Builders LLC requesting Minor Subdivision,
22 Major Site Plan, and Special Use Permit approval for a proposed development
23 seeking to create a split lot subdivision with the original lot (0.54 acres) retaining
24 the existing single- family housing unit and the new lot (7.22 acres) constructing
25 a 32-unit, age-restricted, multi-family development with associated utilities,
26 parking, landscaping and stormwater mitigation infrastructure located on real
27 property with an address of 242 South Main Street, Tax Map U4 – Lot 69 within the
28 R2 zoning district.

29
30 The Planning Board received a letter from Attorney F.X. Bruton requesting a
31 continuation of the public hearing until November 14, 2023. A copy of the letter is
32 available in the online packet.

33 **Action**

34 **Motion:** Val Shelton made a motion to continue the public hearing on this
35 application as requested by Attorney F.X. Bruton to the Planning Board
36 meeting on November 14, 2023.

37 **Second:** Jane Ford

38 **Discussion:** none

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

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41
42 *****

43 Read by the Chair: [time on DCAT 11:16]

44 b. Pursuant to RSA 675:2,3, & 7 and §24-1 Zoning ordinance amendment
45 procedures, of the Municipal Code of the Town of Newmarket, New Hampshire,

1 the Planning Board shall hold a public hearing on proposed amendments drafted
2 by the Planning Board to amend §32-160 *Downtown commercial overlay district*
3 and §1.03 *Definitions*; §1.05 *Applicability* and §3.21 *Architectural/aesthetic review*
4 of Appendix B – *Site Plans* of the Municipal Code of the Town of Newmarket, New
5 Hampshire, that seeks to add architectural design requirements and increase site
6 plan applicability thresholds within the Downtown commercial overlay district and
7 M2 zoning district, or take any other action relative thereto.

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9 The Chair opened the Public Hearing at 7:10 PM.

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11 [time on DCAT 12: 19 - 20:57]

12 #1 Michael Hoffman. 110, 112, 108, 106, 104 Main Street and 1 Exeter Road. He has
13 owned property in Town for 20 years. He is a member of the Newmarket Business
14 Association and the Newmarket Main Street Corporation. He is in full favor of the
15 changes to the municipal codes, but wishes to express concern about unintended
16 consequences. He believes that “time kills deals” if everything must come before Town
17 Boards for consideration of change of use and the process costs so much in fees alone.
18 He has drafted one letter, but will write another one regarding the discussion of the
19 dimensional table and density. He mentioned that he receives many calls from non-
20 local, large commercial developers who wish to make offers on his properties. He really
21 wants to encourage local investors.

22
23 [time on DCAT 21:29]

24 #2 Greg Bird. 72, 98, 80 Main Street, and 8 Bay Road. He has owned property in
25 Newmarket, both commercial and residential, for 7-8 years. These properties needed
26 considerable work and he has been fixing them up ever since. The properties on Main
27 Street needed new windows, new roofs, and commercial windows. He has invested a
28 lot in these properties and intends to move up to 8 Bay Road in four years (from MA).
29 He is curious about what these changes would mean to him.

30
31 **Bart** explained the threshold which would trigger a site plan review and what kind of
32 repair/replacement would require just a building permit. The changes will be concerned
33 with the architectural character of the downtown. The members want to consider adding
34 language about incremental changes. **Eric** asked if there should be an exemption for
35 windows and doors. **Bart** said that discussions will be beginning very soon about the
36 North Main Street zoning and the area could easily be extended to include the
37 downtown.

38
39 #3 Jon Kiper, 170 Main Street. He had a hypothetical question about siding. **Bart**
40 explained that he would follow the 3.2 regulation.

41
42 #4 Nick Paszek. 3 and 53 North Main Street. Nick wanted to know when the overlay
43 zoning work will begin.

1 **Bart** explained that the TC will approve the contract for the use of the InvestNH funds
 2 ([Welcome - NH Economy](#)) and all property owners will be noticed shortly. The draft
 3 report deadline is 7/30/2024 for the SRPC working with the Town. A finalized draft
 4 should be ready for the Planning Board will before going before the Town Council. Work
 5 by the Master Plan Sub-Committee will begin in November.

6
 7 #5 Michael Hoffman. 110, 112, 108, 106, 104 Main Street and 1 Exeter Road. He
 8 wanted to encourage the PC to move in incremental steps with regard to zoning so that,
 9 if a direction change is necessary, changes can be done without a whole sale redo. He
 10 also wanted to state that he does not feel that vinyl siding is appropriate for the first floor
 11 of buildings in the downtown...it is not sustainable. He believes that once you go up a
 12 story, vinyl would be fine.

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 14 **Bart** has a letter from Ben Stebbins, which all members received. and it is available in
 15 the online packet.

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 17 The Chair closed the Public Hearing at 7:40 PM.

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 19 The members entered a discussion session where members were able to correct/edit
 20 some of the language, **Bart** recorded the changes to the draft.

21 [time on DCAT 42:06- 1:14:20]

22 The Chair asked for the proposed language of the word renovation from line 29:

23
 24 “**Sec. 1.03.—Definitions**

25 ***Renovation: An alteration or restoration modifying the exterior portions of an existing structure.”***
 26

27 The members asked for a definition of ‘renovation’ from Miriam Webster: **Val** read it
 28 from the internet and it included the following: “...removing, modifying or repairing...”.
 29 The members decided to strike ~~or restoration~~ from Sec. 1.03- Definitions.

30
 31 **Bart** said that two motions will be required: 1) on recommending the zoning changes to
 32 the TC for adoption and 2) voting on the changes to the site plan regulations.

33
 34 **Action**

[time on DCAT 1:14:26]

35 **Motion #1:** **Val Shelton** made a motion that the Planning Board recommend that the
 36 Town Council adopt the changes as proposed to **§32-160 Downtown**
 37 **commercial overlay district** including the deletion on line 21 regarding
 38 manufactured housing in the Planner’s report.

39 **Second:** **Jane Ford**

40 **Discussion:** Members had a brief discussion with **Bart** regarding boundaries.

41 **Vote:** **Approved 7-0-0**

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 43 **Action**

[time on DCAT 1:15:53]

44 **Motion #1:** **Val Shelton** made a motion that the Planning Board adopt the amended
 45 proposed with the following changes: 1) line 29 - Renovation: remove the words ‘or

1 restoration', 2) Line 41- #5 – read “re-roofing of a building.”, 3) add #6 – ‘replacement of
2 windows and doors esthetically in-kind.”, 4) add #7 as a continuation of line 41 –
3 “renovating” etc., 5) add the following language on line 88 under design criteria it shall
4 read “new buildings or material changes to an existing building’s facade shall be
5 evaluated, and 6) line 94 will be changed to read “styling of visible facades”.

6 **Second:** Jane Ford

7 **Discussion:** Jeff Goldknopf wanted to ask if they wanted the language of 6) to say
8 “styling of visible facades” or “styling of the portion of the exterior of the building visible
9 from the street”. Members discussed this further.

10 Val Shelton made a change to her motion to read on line 94 “styling of exterior
11 portions of the building visible from the street”.

12 **Second:** Jane Ford

13 **Discussion:** none

14 **Vote:** Approved 7-0-0

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16 *****

17 **5. New/Old Business** [time on DCAT 1:24:38]

18 **Chair’s Report:** The Chair did not have a report this evening.

19 **Committee Reports:**

20 **Town Council:** Scott reported that the Town has fixed the sewer line under the River
21 and they have commissioned an engineering firm to consider four options for
22 replacement of the line which will all be above the ground. Most of the options cross the
23 pedestrian bridge which is currently under evaluation because of maintenance needs.
24 The TC has approved the alternative energy supply with the Community Power
25 Coalition in April 2024. If a homeowner is using a solar installation for their power, they
26 cannot join the program for at least another year or so due to a few complications. The
27 Town has instituted a new Flag Approval Committee. A new application form has been
28 created to seek permission to fly a special flag over the memorial downtown. The first
29 approval by the committee was to grant the flying of the Polish flag as October is
30 National Polish American month. The Town has submitted a proposal for a Trackless
31 MT7 Municipal Sidewalk Tractor to plow the sidewalks. Only one company replied and
32 the cost is \$250,000...only one company makes them. The TC did not discuss
33 Moonlight Brook. Patrick (LRAC Rep) reported that Prof. Jones from UNH has been
34 able to survey additional sites upstream behind the High School and Elementary
35 School. They found contamination at these sites and will continue to test even further
36 upstream this month and next. Then they will perform the DNA lab testing for specific
37 bacteria (human, dog, cow, and bird). The final report will go to LRAC and they will
38 share the report. The Town of Rye had a similar problem and they have shared their
39 language for a warning sign. Bart and Ellen Snyder, Chair of ConCom, are working on
40 slightly different language for a sign for Newmarket.

41 **Energy and Environment Advisory Committee:** Patrick said that they are continuing to
42 work on their proposal for the Energy Chapter of the Master Plan to submit to the PB by
43 the end of the year.

44 **Conservation Commission:** Jeff reported that the Town of Newfields scheduled some

1 work on Halls Mill Road and managed to badly damage the Neal Mill Road portion in
 2 doing so. Repair is being considered by the ConCom. The ConCom is still interested in
 3 working on a warrant article to change the LUCT from 50% to 100%. The extra money
 4 would help with the future repairs of conservation properties.

5 **Planner's Report:** **Bart** reported that he and two SRPC members will be visiting the
 6 ConCom meeting to discuss the Open Space Plan for the Master Plan. After this initial
 7 meeting, the Master Plan Sub-Committee will begin to schedule meetings and get
 8 started. The re-zoning efforts of North Main Street will begin in November or early
 9 December. On November 6, **Bart** and Lyndsay Butler will be giving a pop-up tour for the
 10 Northern New England Chapter of the American Planning Association (NNEAPA)
 11 conference to showcase Newmarket. [APA Northern New England Chapter](http://APA Northern New England Chapter (planning.org))
 12 [\(planning.org\)](http://planning.org) . They will focus the tour on the downtown area improvements and the
 13 new plans for future improvements. **Bart** also mentioned that he and a few other
 14 Planners from around the area will be meeting with Kennebunk Savings Bank at the end
 15 of the month to discuss special ADU financing opportunities.

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 17 **6. Adjourn**

[time on DCAT 1:47:13]

18 **Action**

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 20 **Motion:** **Jane Ford** moved to adjourn the meeting at 8:44 PM.

21 **Second:** **Abigail Bachman**

22 **Discussion:** none

23 **Vote:** **Approved 7-0-0**

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 25
 26 Respectfully submitted,

27
 28 Sue Frick

29 Recording Secretary

30
 31 **DCAT:**

32 https://videoplayer.telvue.com/player/XSekdEeRsk0JHQVHAvKJVka7_5VjxKP/vi