

2817.00

January 26, 2024

Mr. Bart McDonough  
Director of Planning and Community Development  
Town Hall, Town of Newmarket  
186 Main Street  
Newmarket, NH 03857

**Re: Railroad Street Mixed-Use Development  
Design Review Engineering Services  
Newmarket, New Hampshire**

**Site Information:**

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Tax Map/Lot#:	Map U-3 Lot 138A and U-4 Lot 16
Address:	3 Railroad Street
Zoning District:	M2A
Applicant:	CC Railroad Street Newmarket, LLC
Design Engineer:	Horizons Engineering

Review No. 1

**Site Plan Drawings Received:**

- Site Plan Approval Drawings dated January 2023, prepared by Horizons Engineering

Dear Mr. McDonough:

Underwood Engineers (UE) has reviewed the above information with regard to the Town of Newmarket's regulations and standard engineering practices. We offer the following for consideration.

**General / Administrative**

1. The name of the Applicant listed on the application form does not match the name listed on the plans or the project narrative. **The plans and project narrative have been updated accordingly.**
2. The following information is missing from the plan set:
  - a. Survey plan with stamp by an LLS **Included. LLS certification pending.**
  - b. Lot merger plan **Draft plan included. LLS certification pending.**
  - c. Legend **Added to all plan sheets.**
  - d. Demolition /Site Preparation plan **Included.**
  - e. Truck turning movements for emergency vehicles, e.g. fire trucks  
**Included on details sheet, C502.**

- f. Existing drainage, water, and sewer information for the existing utilities in Railroad Street (pipes, sizes, materials, inverts, locations of the nearest water valves on each side of the proposed connection point) **All available information on the ex. utilities is shown on C101.**
- g. Sewer design calculations **Sewer design calculations are included on sheet C101.**
- h. Stormwater O&M Plan **An O&M Plan is included in the revised stormwater report.**
- i. Temporary easement lines or agreement documentation for grading work proposed on abutting properties. **No work is proposed off-site onto any abutting properties.**

### Cover Sheet

- 3. Required permits/approvals should be listed, such as NHDES Sewer Connection Permit and EPA CGP. **The required permits (DES Sewer Connection Permit & EPA CGP) is listed on the cover sheet.**

### Existing Conditions Plans

- 4. **Utilities:** Show and label the existing water main, sewer main and structures, as well as drainage pipes and structures.
- 5. **Encroachments:** Encroachments onto parcel U-4, Lot 16 from abutting lots are shown on the plan. The encroaching structures and fences should be noted/labeled.
- 6. **Legend:** Provide a legend.
- 7. **Labels:** Add a label to the rectangle shown at the northern end of the railroad tracks. **Sheet E101 has been updated accordingly.**

### Site Plan

- 8. **Site Entrance:** The entrance should be revised to a 90-degree angle, or as close as practicable, with Railroad Street **The entrance is intentionally angled to prevent headlight beams into the abutting lot. The current entrance configuration is the most mutually beneficial.**
- 9. **Curbing:** All curbing shall be granite per Town regulations. **Curbing is called out as granite on plan/detail**
- 10. **Sidewalk Tip-Down:** The sidewalk tip-down does not contain truncated dometop panels. **Included at Main St. connection**
- 11. **Aisle Widths:** Newmarket regulations require the parking aisles to be 25' in width. **Waiver requested.**
- 12. **Parking Layout:** It appears that improvements to the parking area/layout to improve pedestrian safety and traffic circulation are possible. Town regulations, referred to below, can be found in the Site Plan regulations, Section 3.02.
  - a. Backing/turning areas must be provided at the ends of aisle per Town regulations. **Included**
  - b. ADA parking spaces are required to be 20' in length. **Waiver requested.**
  - c. Will there be dedicated parking spaces for the office employees/visitors? If so, depict and label the signage. **There is no assigned parking.**
- 13. **Snow Storage:** The area for snow storage appears to be insufficient. Add a note that snow removal may be necessary once snow storage capacity is reached. **Snow storage note included on C101.**
- 14. **Truck Movements:** Provide a plan showing turning movements within the site of fire trucks, moving trucks, and delivery trucks. **Included on details sheet, C502.**
- 15. **Pads:** Show the location(s) of transformer, emergency generator, and HVAC pads, as applicable. **HVAC pads will be roof-mounted. No back-up generator. Assumed electrical utility layout is shown on the revised plans, with note on coordinating with utility provider.**



- 16. Bike Racks:** It is noted the racks are on a grassed/landscaped area, rather than concrete or pavement. **Revised to show concrete pad.**
- 17. Sign:** Show the location of the development sign, if applicable, including any UGE runs if the sign is to be illuminated. **No signs are proposed.**
- 18. Water and Sewer Services:** UE is deferring review of the services until information on the existing utilities is provided. **All available information on existing utilities is shown on the revised plans.**
- 19. Fire Hydrant:** Coordinate location of hydrant if required by the Newmarket Fire Chief and show on the plan. **The hydrant is not shown on the plans. The applicant is proposing that the Town will be notified during the street cut, should the Town decide to install a hydrant at that time.**
- 20. Other Utilities:** If the electrical service will be underground, depict on the plan. **UGE is shown.**
- 21. Railroad Tracks:** It is noted that only half of the railroad tracks run along or within the property line. The previous proposal for this site proposed removal of the tracks along with remediation of the soil. We see the note regarding the potential of the soil to be hazardous material, but do not see anything about removal of the ties and rails. Confirm the project intent and note the need for a temporary easement for the work. **The interior RR tracks will be removed, but the RR tracks along the eastern property line will remain since it's not necessary to remove them. The hazardous material note is included.**
- 22. General Notes:**
- As noted above, the name of the Applicant listed in Note 1 does not match the name on the application form. **Updated.**
  - Note 7 lists the sizes of the actual lots, not the minimum lot sizes required per the zoning ordinance. **Updated.**
  - Note 12 indicates an overall reduction of impervious area, which is contradicted by the drainage study. **Updated.**
  - Confirm General note 19 is still applicable to this application. **Updated.**
- 23. Construction Phasing Notes:** Phase 1 includes only building construction and earthwork in the vicinity of the new building. Address how the stormwater will be managed and treated during Phase 1 since the underground system will not yet be in place. If a temporary stormwater basin will be constructed, indicate the size and location. **A new standalone demo & erosion control plan is included a C103.**

### Grading and Drainage Plan

- 24. Erosion Control:**
- A note should be added to the plan indicating the erosion control is the minimum shown and additional BMPs may be added per the required SWPPP. **Included on sheet C103.**
  - Add a note directing the Contractor to refer to the Concrete Washout Area detail on the detail sheet. **Included on sheet C103.**
  - Show location(s) of a construction entrance(s). **Included on sheet C103.**
- 25. Dewatering:** A perched water table is indicated in the test pit logs. Add a note directing the Contractor how/where to discharge when dewatering during construction. **Included on sheet C103 & C503.**
- 26. Barriers:** Add a safety barrier to the southwest corner of the parking lot along the 2:1 slope. **Included.**
- 27. Drainage Pipes:**



The grading has been revised accordingly. The only off-site grading is within the Town ROW, and presumably acceptable given the necessity to construct the sidewalk.

- a. Label the proposed drainage pipes at the site entrance. Updated.
  - b. Label the invert out of the roof drain and the infiltration system overflow. Updated.
- 28. Offsite Grading:** Grading (and Rip-Rap) is proposed beyond the property lines in several locations. The grading along Railroad Street is required for construction of the sidewalk. Grading on the abutting property requires an agreement or easement with the abutting landowner, as noted above. Grading in the ROW of South Main Street is minor, however UE notes that the 42 contours behind and off the northeast building corner are not in agreement.
- 29. Discharge Locations:** It is noted drainage outlet pipes are directed offsite in three locations in three different directions.
- a. CB-03: No invert is provided for the discharge pipe exiting CB-03. Given the slope of the existing ground at the pipe outlet, grading will be necessary to construct the rip-rap outlet protection as shown. Invert data for the pipe has been added to the plan. The intent is for the rip-rap outlet to installed over existing grade.
  - b. No invert or grading information is provided for the rip-rap outlet protection off the northeast corner of the proposed building. UE notes that this outlet discharges into the railroad corridor to a low area in the railroad corridor. This discharge should be reviewed relative to the discharge currently generated from the existing building to the same area in the RR corridor. The requested information for this discharge location is shown on the revised plans and reflected in the updated stormwater report.

### Detail Sheets

- 30. Sidewalk Detail:** Revise to include granite curbing. Updated.
- 31. Remove** the cape cod berm detail. Updated.
- 32. Pavement Depth:** The project proposes 3” of total pavement, both in the proposed parking lot as well as the trench patches. UE recommends that the pavement thickness be increased to 4”, minimally the patches within the Town’s roadway should be 4” (2.5”/1.5”).  
The plans and details have been updated to depict a 4" pavement thickness for the street cut patching. The interior parking area will remain at 3" of pavement thickness given the future use as a private parking area.

### Stormwater Modeling and Management

- 33. Pollutant Removals:** Provide more information regarding post-development pollutant removal, including removals per each BMP in each area. The SW report has been revised accordingly.
- 34. Pre- and Post-Plans:** Show Tc flowpaths within each subcatchment. Updated.
- 35. Cover Types:** Subcatchment 10 lists 900 SF of woods. Please confirm the location of the woods area. The woods are is on the southern portion of the property.
- 36. Precipitation:** Cite the source of the precipitation numbers used. Extreme precipitation numbers from Cornell online database.
- 37. Pipe Sizes:** Include pipe sizing calculations for the discharge pipes out of CB-3 and CB-4.
- 38. Modeling:** The outlet pipe for pond 1P has been modeled in hydroCAD. the functionality of the pipe is included in the drainage report. the outlet pipe for the roof is a typical gutter size of 4"
  - a. The project site’s soils are identified as Hydraulic Soil Groups B, however the designation as 699 Urban Fills, supported by test pits 1 & 2, bring the Soil Group B designation into question. Please reconcile the drainage report narrative and model as appropriate. Updated. Additional information has been provided in the stormwater narrative pertaining to the appropriate soil group designation used for analysis and design.



Test pit 3 was advanced within the footprint of the infiltration practice and had no observed SHWT. TP 1 and 2 have no relation to the infiltration practice.

- b. Add a Point of Analysis at the existing tie-in catch basin in Railroad Street. **Updated.**
- 39. Infiltration Practice.** Based on Test Pits 1 and 2, the native site material does not appear to be a good candidate for infiltration. Test Pit 3 is in fill material and appears considerably more favorable to the proposed infiltration practice. The depths and limits of the fill material should be evaluated further to ensure the proposed infiltration practice is sustainable.
- 40. Municipal Storm Connection:** A connection to the Town drainage system is proposed from CB-4. Some of the area flowing into the catch basin is on the site, and some is within the Town ROW. Per Town regulations, a waiver request is required, including a demonstration of why onsite management is not attainable/feasible. **The connection to the ex CB has been removed.**
- 41. PTAP Database: This project requires registration with the PTAP Database,** the Applicant is requested to enter project related stormwater tracking information contained in the site plan application documents using the Great Bay Pollution Tracking and Accounting Program (PTAP) database ([www.unh.edu/unhsc/ptapp](http://www.unh.edu/unhsc/ptapp)) and submit the information with the resubmitted response to comments. **Registration with the PTAP Database has been initiated and confirmation is included herein.**

A written response is required to facilitate future reviews. Please contact us if you have any questions.

Very truly yours,

UNDERWOOD ENGINEERS, INC.



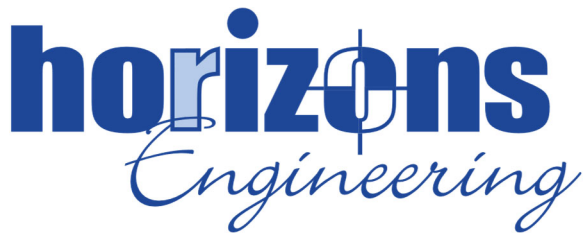
Allison Rees, P.E. (NH)  
Project Manager



Robert Saunders, P.E. (NH, ME, VT)  
Senior Project Engineer

cc: Rick Malasky, DPW Director/Fire Chief  
Sean Greig, Environmental Services Director  
Lyndsay Butler, P.E., Town Engineer





*Letter of Intent – Site Plan Review  
For  
CC Railroad Street Newmarket, LLC.  
Mixed-Use Development  
Tax Map U3 / Lot 138A  
Tax Map U4 / Lot 16*

February 23, 2024

**The Subject Property**

The subject property is located at 3 Railroad Street and is comprised of two parcels being Tax Map U3, Lot 138A, and Tax Map U4, Lot 16. The subject property is accessed from Railroad Street and is bordered by S. Main Street to the north, the railroad to the east, and mixed use residential and commercial to the south and west. Lot 138A is 0.18 acres and Lot 16 is 0.94 acres, resulting in a total project area of 1.12 acres. The subject property contains one existing historical brick building, one office building, historical railroad tracks, gravel area, and native vegetation. The property is serviced by municipal water, sewer and there is a closed drainage system within the Railroad St., but this lot does not drain to that system. Overhead utilities are also currently provided to the site from Railroad Street. The subject property has a gentle downgradient slope from west to east, and contains steeper slopes on the northern portion up to South Main Street.

**The Site Development Proposal**

The proposal is to construct a 3-story mixed used building with a 11,100+/- SF footprint comprised of 41 residential apartment units including a 2,276 SF office space on the first floor. The improvements also include the construction of a parking area containing 62 parking spaces including. The proposed building will connect to municipal water and sewer mains located on Railroad Street via a new 6" water service and 8" sewer service. The site will be accessed by a new 24' wide drive approach onto Railroad Street. Other improvements include green space and sidewalks, both internally and along the Railroad Street frontage. The site development details and architectural building plans are included herein. Additionally, a stormwater narrative and analysis has been provided, to demonstrate adequate stormwater management. All existing structures within the subject property will be demolished and removed as part of this development. It should be noted that a previously approved zoning variance allows the proposed uses and parking spaces. A copy of the approved variance is enclosed.

### Approvals Being Requested from the Planning Board

The Site Plan Review Regulations (S.P.R.R.) will require the following approvals based on the current proposed development scope of work.

1. Planning Board Approvals:
  - a. Site Plan Approval per Site Plan Review Regulations pursuant to Section 1.05 C and RSA 674:43.
  - b. Special Use Permits per the Zoning Ordinance pursuant to Section 32-46A (b) (2).

### Department Approvals

- a. Public Works & Water and Wastewater Department relative to water and sewer connections, drainage, and other design considerations.
- b. Fire & Police Departments relative to safety, fire protection, and other design considerations.
- c. Building department relative to building codes and ADA requirements.

Pursuant to the special use permit under section 32-46A (b)(2), we believe the permit should be granted for the multifamily residential units because the project meets the purpose of the district, and is a suitable location because the project is providing residential apartments within walking distance of the downtown area. The parcel is on the edge of the M2A and R2 district, so the proposal fits with the neighborhood. The approval of the special use permit will not cause any adverse impact because the parcel is setback from the road, and is adjacent to a residential neighborhood, including a multi-unit apartment building at the end of Railroad Street. In addition, the application meets the requirements of section (b)(2)a through f, as described below:

*(a) The Planning Board shall require a Fiscal Impact Study be completed by a consultant selected by the town, paid for by the applicant, that shows the multifamily residential or mixed use project with 3 units or more residential units will not have a negative fiscal impact on the town.*

A Fiscal Impact Study has been included herein, which demonstrates that the project will have a positive fiscal impact on the town.

*(b) The Planning Board shall require a Market Analysis be completed by a consultant selected by the town, paid for by the applicant, that demonstrates the or mixed use project with three units or more residential units will not have a negative impact on the town's housing market.*

A Market Analysis has been included herein, which demonstrates that the project will have a positive fiscal impact on the town's housing market.

*(c) The project shall have at least two (2) on-site parking spaces per residential unit.*

As outlined in the approved variance from August 2023, relief has been granted from Section 32-46A(b)(2)c M2A Permitted Uses of the Municipal Code of the Town of Newmarket to permit 62 on-site parking spaces instead of the required 2 on-site parking spaces per residential unit.

*(d) Multifamily residential use, with no commercial use within the building, shall be limited to no greater than four residential units within a single building.*

As outlined in the approved variance from August 2023, relief has been granted from Section 32-89 Dimensions Table of the Municipal Code of the Town of Newmarket to permit a total of 41 residential units with 35 residential units in the M2A Zoning District and 6 residential units in the R2 Zoning District.

*(e) No residential units shall be located in the street level space if the building has frontage on North Main Street, Main Street, South Main Street, or Exeter Road. (from Section 5.08 ( C ) (1) and (2).)*

No residential units are located on street level space that fronts the above-listed roads.

*f. Multifamily residential condominium unit in this zone shall not exceed 1,200 square feet and not have more than two bedrooms. Residential apartments in this zone shall not exceed 1,000 square feet and not have more than two bedrooms.*

As shown on the architectural plans, the residential apartments are all one-bedroom units with a maximum floor area of 679 square feet.

#### *Request for Site Plan Approval*

In accordance with the site plan review regulations, this submission package includes the site plan application and supporting documentation, site plan review regulations checklist for major review, and the following plans:

1. Cover Sheet
2. Existing Conditions Plan
3. Site & Utility Plan
4. Site Grading & Erosion Control Plan
5. Civil Details
6. Landscape Plan
7. Architectural Plans
8. Photometric Lighting Plan



HE Project No. 230750  
CC Capital – Newmarket, NH  
February 23, 2024

Page 4 of 4

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sievert". The signature is written in black ink and is positioned above a solid horizontal line.

---

Michael J. Sievert PE  
VP Structural Engineering



Please provide 12 copies of ALL materials in the application, including 11"x17" copies of all large scale plans, large scale elevations, etc>

AND

Please provide electronic copies of all materials.



Planning Board Comprehensive Application Form

TO: Applicants  
 FROM: Newmarket Planning Board  
 SUBJECT: Guidelines for Processing Applications

The Newmarket Planning Board wants to process applications as speedily as possible. We understand that the Zoning Ordinance and our Regulations are complex and often confusing. These requirements are designed to deal with different situations from single-issue waivers and permits to large-scale residential developments and commercial site plans. Therefore, not all requirements may be applicable to your application.

Although it is not required, it is recommended that before you file your application if you have any questions or concerns, you should discuss your proposal informally with the Town Planner. The Town Planner will review your project conformance with the Town's Ordinances and Regulations and can advise you on procedures for obtaining approval as well as other governmental permits that may be required. Call (603) 659-8501 ext 1315 for an appointment or email: [dhardy@newmarketnh.gov](mailto:dhardy@newmarketnh.gov). Town of Newmarket Regulations and Ordinances are available online at [www.newmarketnh.gov](http://www.newmarketnh.gov).

The key to receiving a prompt decision is to have all the necessary information in the Planning Department before the Planning Board meeting. All applications **MUST** be submitted to the Planning's office **TWENTY ONE DAYS** prior to the Planning Board meeting at which it will formally be reviewed. The Town Planner will schedule you for a Public Meeting. In order to be scheduled, your application must be substantially complete.

**Type and Description of Project (this description will be used for notification purposes, please be detailed):**

<b>Application Type:</b>		<b>Description of project or application:</b>
Subdivision:	√	Site plan approval for a mixed-use 3-story building with 41 one-bedroom apartments, and 2,500sf of commercial space.
Site Plan:	X	
Impact Fee Waiver:		
Special (Conditional) Use Permit:	X	
Other:		



## TOWN OF NEWMARKET COMPREHENSIVE APPLICATION

Note: This form and all required information must be filed at least **21 days** before the date of the meeting at which it is to be submitted to the Board. Revised plans of any type must be in the office **7 days** prior to the hearing date. Filing is to be done at the **Planning Department, Newmarket Town Hall, 186 Main Street, Newmarket, NH 03857.**

\*\* Note regarding information requested: Name, mailing address, email, and telephone contacts must be supplied for an application to be scheduled for a hearing.

1. Name, mailing address, email, and telephone number of **owner of record**.

CC Railroad Street Newmarket, LLC (Ben Stebbins)  
P.O. Box 571 Greenland, NH 03840  
bstebbins@condorcapitalllc.com  
603-801-2101  
\_\_\_\_\_

2. Name, mailing address, telephone numbers (voice and fax) and email of **agent**. The agent is the entity with the legal authority to bring the application to the board on behalf of the landowner. If the owner is not the applicant, the 'Authorization to Act as Agent' section must be filed with the Board.

Horizons Engineering, Inc. (Michael Sievert)  
5 Railroad Street Newmarket, NH  
msievert@horizonsengineering.com  
603-659-4979  
\_\_\_\_\_



3. Name, mailing address, and telephone numbers (voice and fax) of **applicant**.  
An applicant is the entity with authority to represent an agent and/or landowner before the Board and will be responsible for dissemination of all information to the landowner and/or agent. An applicant is often (but not necessarily) a surveyor, engineer, attorney, or real estate professional.

CC Railroad Street Newmarket, LLC (Ben Stebbins)

P.O. Box 571 Greenland, NH 03840

bstebbins@condorcapitalllc.com

603-801-2101

\_\_\_\_\_

4. Street Location of Subject Parcel: 3 Railroad Street

5. Tax Map U3 Lot 138A  
U4 16

6. Zoning district property is located in M2A

7. Overlay Districts or other regulations affecting Subject Property:

State Highway Permit: \_\_\_\_\_

Wetlands Overlay: \_\_\_\_\_

Shoreland Protection: \_\_\_\_\_

Aquifer Protection: \_\_\_\_\_

Scenic Roadway: \_\_\_\_\_

State Subdivision: \_\_\_\_\_

Current Use Tax: \_\_\_\_\_

Others (specify) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



8. Special (Conditional) Use Permit:

**SPECIAL (CONDITIONAL) USE PERMITS.** Pursuant to RSA 674:21,I(i), a provision which permits flexible and discretionary zoning among other innovative land use controls, the Town offers certain discretionary authority to the Planning Board in limited cases where generally stated standards appear inappropriate.

(A) Special (Conditional) Use Permits are provided in the following sections: § 1.05 (A)(3) for expansions of non-conforming uses; § 2.01(B)(2) for optional uses in the mills; § 2.04(B)(2)(a) for self-storage facilities within existing buildings in the mills; § 2.04(B)(2) for optional uses related to the golf course or outdoor recreation; § 2.07 (C) for flexible use development within the B-3 District; 5.01 (C)(7)(a) for excavations in the Aquifer Protection District; § 5.03 for impacts in the Wetland Overlay District; § 5.07(B)(3) for siting telecommunications facilities; § 7.01(B)(3) for permitting large home-based businesses; and § 7.05 Affordable Elderly Housing.

a. Section of Zoning Ordinance authorizing permit:

Sec. 32-46A (b)(2)  
\_\_\_\_\_.

b. Information submitted must be sufficient for the Board to rule on the criteria found within the relevant section of ordinance authorizing the permit.



9. Name, mailing address, and telephone numbers (voice and fax) of additional professionals who are authorized to submit additional materials on behalf of the application. Additional professionals may include, but are not limited to: NH Certified Soil Scientist, Wetlands Scientist, Surveyor, Engineer, Attorney, or other Real Estate Professional. etc.

Horizons Engineering, Inc. (Michael Sievert)  
5 Railroad Street Newmarket, NH 03857  
603-659-4979

Woodburn & Co. Landscape  
Architecture, LLC  
103 Kent Place  
Newmarket, NH 03857  
603-659-5949

Henry Stebbins, Attorney  
Stebbins, Lazos & Van DerBeken, P.A.  
889 Elm Street, 6th Fl Manchester, NH 03101  
603-627-3700

Visible Light  
24 Stickney Terrace, Ste. 6  
Hampton, NH 03842  
603-926-6049

Adam Morrill  
c/o CC Railroad Street  
P.O. Box 571 Greenland, NH 03840

10. Abutters:

The Application must include a completed and executed copy of Town of Newmarket –Abutter Notification Form. Include Map and Lot numbers of all abutters adjacent to the property. The legal definition for an abutter can be found at NH RSA 672:3, as amended; for purposes of notification, all parties in RSA 6764(l)(d), as amended:



**APPLICATION FEES**

In accordance with RSA 676:4,I(g), the applicant shall pay the following fees to compensate the Town for its expenses in processing, noticing and reviewing each application, one or more may apply, however, only one notice fee is required:

**SUBDIVISION OF LAND**

- (A) Administration:
  - (1) Lot Line Adjustment: \$70
  - (2) Subdivision: \$500.00 plus \$175/lot
  - (3) Minor Subdivision: \$250.00 plus \$75/lot
- (B) Public Notice:
  - (1) \$75.00 per notice; plus
  - (2) \$7.00 per abutter or other party notified.
- (C) Other costs incurred by the Board in reviewing the application (such as engineering, legal, and planner review), as limited in RSA 676:4 and the Newmarket Subdivision Regulations, shall be passed through to the applicant by the Board unless specifically waived.
- (D) SEPARATE CHECK MADE OUT TO ROCKINGHAM COUNTY REGISTRY OF DEEDS - \$26.00 per sheet. Recording: *No sheets will be recorded until this and all other fees are paid.*
- (E) SEPARATE CHECK MADE OUT TO ROCKINGHAM COUNTY REGISTRY OF DEEDS - \$25 for State LCHIP (Land & Community Heritage Investment Program) surcharge.

Each Lot/Parcel or Dwelling Unit	_____
Public Notice Fee	_____
Abutter Notification [____(# of abutters) x \$7]	_____
Total	_____
	\$





SITE PLAN REVIEW

(A) Administration:

- (1) Minor Review: \$125.00
- (2) Major Review, one or more of the following shall apply:
  - (a) Residential Base Fee \$250 250.00  
Per Unit \$125 x 41 5,125.00
  - (b) Commercial Base Fee \$250  
Plus per square foot of floor space-  
0-1,000 \$0.12 per sq. ft.  
1,001-5,000 \$0.10 per sq. ft. x 2,276 227.60  
5,001-10,000 \$0.08 per sq. ft.  
10,001+ \$0.05 per sq. ft.
  - (c) Industrial Base Fee \$250  
Plus per square foot of floor space-  
0-1,000 \$0.06 per sq. ft.  
1,001-5,000 \$0.05 per sq. ft.  
5,001-10,000 \$0.04 per sq. ft.  
10,001+ \$0.03 per sq. ft.

(B) Public Notice:

- (1) \$75.00 per notice; plus 75.00
- (2) \$7.00 per abutter or other party notified. x 14 98.00

(C) Other costs incurred by the Board in reviewing the application (such as engineering, legal, and planner review), as limited in RSA 676:4 and the Newmarket Subdivision Regulations, shall be passed through to the applicant by the Board unless specifically waived.

(D) SEPARATE CHECK MADE OUT TO ROCKINGHAM COUNTY REGISTRY OF DEEDS - \$26.00 per sheet. Recording: *No sheets will be recorded until this and all other fees are paid.*

(E) SEPARATE CHECK MADE OUT TO ROCKINGHAM COUNTY REGISTRY OF DEEDS -- \$25 for State LCHIP (Land & Community Heritage Investment Program) surcharge.

Administration Fee	5,602.60
Public Notice Fee	75.00
Abutter Notification [ 14 (# of abutters) x \$7]	98.00
Total	\$ 5,775.60



IMPACT FEE WAIVER or SPECIAL USE PERMIT

- (A) Public Notice:
  - (1) \$75.00 per notice; plus
  - (2) \$7.00 per abutter or other party notified.
- (B) Other costs incurred by the Board in reviewing the application (such as engineering, legal, and planner review), as limited in RSA 676:4 and the Newmarket Subdivision Regulations, shall be passed through to the applicant by the Board unless specifically waived.
- (C) SEPARATE CHECK MADE OUT TO ROCKINGHAM COUNTY REGISTRY OF DEEDS - \$26.00 per sheet. Recording: *No sheets will be recorded until this and all other fees are paid.*

Public Notice Fee		_____
Abutter Notification [____(# of abutters) x \$7]		_____
Total	\$	_____



## Verification & Signature Pages

1. The applicant and/or owner and/or agent, certifies that this application is correctly completed with all required attachments and requirements and that any additional reasonable costs for engineering or professional services incurred by the Planning Board or the Town of Newmarket in the final subdivision process of this property shall be borne by the following party:

Applicant \_\_\_\_\_ Owner   X   Agent \_\_\_\_\_

\*\* Failure to indicate a responsible party for fees and associated costs will result in the denial of the application without a public hearing in accordance with RSA 676:4.

2. The owner/agent hereby authorizes the Newmarket Planning Board and its agents to access the subject land for the purpose of reviewing this subdivision plan, performing road inspections and any other inspections deemed necessary by the Board or its agents, to insure conformance of the on-site improvements with the approved plan and all Town of Newmarket ordinances and regulations.
3. The undersigned owner/agent hereby submits to the Newmarket Planning Board a Completed Application Package and respectfully requests its approval of said plat. In considerations for approval and the privileges occurring thereto, the owner hereby agrees, as applicable:
  - To carry out the improvements agreed upon and as shown and intended by said plat, including any work made necessary by unforeseen conditions which become apparent during construction.
  - To provide and install standard street signs as approved by the Town for all street intersections.
  - To give the Town on demand, proper deeds for land or rights of ways reserved on the plat for streets, drainage or other purposes as agreed upon.
  - To save the Town harmless from any obligation it may incur, or repairs it may make, because of my failure to carry out any of the foregoing provisions.
  - To make no changes whatsoever in the Final Plat as approved by the Board unless a revised plan or a plat or new application is submitted and approved by the Board.



- To construct improvements or post the Planning Board's Performance Guarantee to insure completion of the improvements shown on the plat and related drawings.
- There are no known violations of the Town of Newmarket Zoning Ordinance or Newmarket Planning Board Regulations present on the property that have not been disclosed as part of this application.
- To insure proper boundary monumentation at the project's completion in accordance with the Town of Newmarket Subdivision Regulations.

### Authorization to Act as Agent

Mr./Ms. Michael Sievert/Ryan Hudock of Horizons Engineering, Inc.

is hereby designated as the person whom is authorized to act as my agent in securing any and all permits necessary from the Newmarket Planning Board for the development of my property, all communications to the owner may be addressed to the agent or applicant on the agent's behalf.

Signed: 

Dated: 10/23/23

Witness: 

Owner Address: P.O. Box 571  
Greenland, NH 03840  
 \_\_\_\_\_  
 \_\_\_\_\_

By   
 Owner/President or Treasurer if a Corporation





## Office of the Zoning Board of Adjustment

### Notice of Decision

Pursuant to RSA 674:33 petitioner CC Railroad Street Newmarket LLC is hereby notified that the following requests concerning real property with an address of 1, 3, and 5 Railroad Street (Tax Map U3, Lot 138; Tax Map U3, Lot 138A; and Tax Map U4, Lot 16) in the M2A and R2 Zoning Districts were reviewed and voted on at the August 14, 2023 Zoning Board of Adjustment meeting:

1. Variance from Section 32-89 Dimensions Table of the Newmarket Zoning Ordinance to permit a total of 41 residential units with 35 residential units in the M2A Zoning District and 6 residential units in the R2 Zoning District.
2. Variance from Section 32-46A(b)(2)e M2A Permitted Uses of the Newmarket Zoning Ordinance to permit residential units on the first floor of a mixed-use building with frontage on South Main Street in the M2A Zoning District.

After testimony was given by the applicant and discussion by the Zoning Board of Adjustment, the following motion was made by the Zoning Board of Adjustment:

1. Move to grant a variance request from CC Railroad Street Newmarket LLC, petitioning the Zoning Board of Adjustment for relief from Section 32-89 *Dimensions Table* of the Municipal Code of the Town of Newmarket to permit a total of 41 residential units with 35 residential units in the M2A Zoning District and 6 residential units in the R2 Zoning District on real property with an address of 1, 3, and 5 Railroad Street (Tax Map U3, Lot 138, Tax Map U3, Lot 138A, and Tax Map U4, Lot 16) within the M2A and R2 Zoning Districts, as the petition satisfies the 5 part test of the variance statute, pursuant to RSA 674:33.

The motion passed on a vote 4-0-0, and the variance granted.

After testimony was given by the applicant and discussion by the Zoning Board of Adjustment, the following motion was made by the Zoning Board of Adjustment:

1. Move to grant a variance request from CC Railroad Street Newmarket LLC, petitioning the Zoning Board of Adjustment for relief from Section 32-46A(b)(2)c *M2A Permitted Uses* of the Municipal Code of the Town of Newmarket to permit 62 on-site parking spaces instead of the required 2 on-site parking spaces per residential unit on real property with an address of 1, 3, and 5 Railroad Street (Tax Map U3, Lot 138, Tax Map U3, Lot 138A, and Tax Map U4, Lot 16) within the M2A and R2 Zoning Districts, as the petition satisfies the 5 part test of the variance statute, pursuant to RSA 674:33.
  - a. An amendment to the above motion was made and passed on a vote of 4-0-0 in which the following conditions were attached:
    - i. The applicant is to complete a traffic study of the intersection of Railroad Street and South Main Street.

The motion passed on a vote 3-1-0, and the variance granted.



## Office of the Zoning Board of Adjustment

### Appeal of Decision

Pursuant to New Hampshire RSA Chapter 677, any person affected has the right to appeal this decision. If you wish to appeal, you must act within thirty calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all grounds upon which you will base your appeal.

### Expiration of Approval

Pursuant to New Hampshire Statutes RSA 674:33, variances and special exceptions shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon a variance.

Aug 15, 2023  
Date

A handwritten signature in blue ink, appearing to read "David Evans", written over a horizontal line.

David Evans  
Code Enforcement Officer and Zoning Administrator



## Office of the Zoning Board of Adjustment

### Notice of Decision

Pursuant to RSA 674:33 petitioner CC Railroad Street Newmarket LLC is hereby notified that the following requests concerning real property with an address of 1, 3, and 5 Railroad Street (Tax Map U3, Lot 138; Tax Map U3, Lot 138A; and Tax Map U4, Lot 16) in the M2A and R2 Zoning Districts were reviewed and voted on at the August 7, 2023 Zoning Board of Adjustment meeting:

1. Variance from Section 32-56 Table of Permitted Uses of the Newmarket Zoning Ordinance to permit a mixed-use development in the R2 Zoning District.
2. Variance from Section 32-46A(b)(2)e M2A Permitted Uses of the Newmarket Zoning Ordinance to permit residential units on the first floor of a mixed-use building with frontage on South Main Street in the M2A Zoning District.

After testimony was given by the applicant and discussion by the Zoning Board of Adjustment, the following motion was made by the Zoning Board of Adjustment:

1. Move to grant a variance request from CC Railroad Street Newmarket LLC, petitioning the Zoning Board of Adjustment for relief from Section 32-56 *Table of Permitted Uses* of the Municipal Code of the Town of Newmarket to permit a mixed-use development in the R2 Zoning District on real property with an address of 1, 3, and 5 Railroad Street (Tax Map U3, Lot 138, Tax Map U3, Lot 138A, and Tax Map U4, Lot 16) within the M2A and R2 Zoning Districts, as the petition satisfies the 5 part test of the variance statute, pursuant to RSA 674:33.

The motion passed on a vote 3-0-0, and the variance granted.

After testimony was given by the applicant and discussion by the Zoning Board of Adjustment, the following motion was made by the Zoning Board of Adjustment:

1. Move to grant a variance request from CC Railroad Street Newmarket LLC, petitioning the Zoning Board of Adjustment for relief from Section 32-46A(b)(2)e *M2A Permitted Uses* of the Municipal Code of the Town of Newmarket to permit residential units on the first floor of a mixed-use building with frontage on South Main Street in the M2A Zoning District on real property with an address of 1, 3, and 5 Railroad Street (Tax Map U3, Lot 138, Tax Map U3, Lot 138A, and Tax Map U4, Lot 16) within the M2A and R2 Zoning Districts, as the petition satisfies the 5 part test of the variance statute, pursuant to RSA 674:33.

The motion passed on a vote 3-0-0, and the variance granted.

### Appeal of Decision

Pursuant to New Hampshire RSA Chapter 677, any person affected has the right to appeal this decision. If you wish to appeal, you must act within thirty calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all grounds upon which you will base your appeal.





## Office of the Zoning Board of Adjustment

### Expiration of Approval

Pursuant to New Hampshire Statutes RSA 674:33, variances and special exceptions shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon a variance.

*Aug 8, 2023*

Date

A handwritten signature in blue ink, appearing to be "David Evans", written over a horizontal line.

David Evans

Code Enforcement Officer and Zoning Administrator



5 Railroad Street, Newmarket, NH 03857 • Ph 603-659-4979 • Fax 603-659-4627 • [www.horizonsengineering.com](http://www.horizonsengineering.com)

***Waiver Request #1 – Relaxation from Minimum Drive Aisle Widths***

*Site Plan Review*

*For*

*CC Railroad Street Newmarket, LLC.*

*Mixed-Use Development (Tax Map U3 / Lot 138A, and Tax Map U4 / Lot 16)*

January 16, 2024

**Approvals Being Requested from the Planning Board**

In addition to the previously requested department approval, the application is also requesting Planning Board Approval for a waiver request, as outlined below.

Pursuant to the Waivers or Substitutions under section 5.01, we believe a waiver should be granted for relaxation for the parking lot drive aisle minimum width requirements outlined in appendix B, section 3.02(B)(1)(b), which states *“or two-way traffic, all parking stalls shall be at right angles to the aisle, and aisle width shall be a minimum of 25 feet.”*

The proposed drive aisle widths are 22 feet wide and 24 feet wide for the southern parking area and western parking area respectively. We believe that this waiver requests meets the waiver criteria as outlined below.

*(a) Granting of the waiver shall not be detrimental to the public health, safety or general welfare;*

The slightly narrower drive aisles are adequate to support the proposed development in terms of both practical daily use and emergency vehicle access. From a [practical standpoint, the parking lots will only be used by the future tenants and is not a public parking area. The owner will be responsible for parking lot maintenance and it's in everyone's best interest to have a functional parking area. Furthermore, there are site constraints from the irregularly-shaped parcel, and we believe having adequate landscape buffers, snow storage would be more valuable than slightly wider drive aisles.

Lastly, the current parking lot configuration is adequate for emergency vehicle to access the building. The building is fronted by two public streets and emergency vehicles can also safely enter and exit the site via the main entrance.

The Waiver criteria is discussed below:

*(b) Granting of the waiver shall not, in the opinion of the Board, be injurious to other parties;*

The slightly narrower drive aisles would have no affect to other parties. It would only affect the owner and future tenants, but it is in everyone's best interest to have a functional parking area, as previously discussed. It would not affect the Town or any abutting property owner. In fact, it would be less desirable for other parties to have the 25'foot drive aisles because that would reduce the amount of landscape buffers, therefore increasing impacts to abutters.

*(c) Granting of the waiver shall not have the effect of nullifying the intent and purpose of this Regulation;*

Granting of the waiver will not be nullifying the intent and purpose of this Regulation. The need for 25-foot drive aisles is legitimate and not being disputed. We are only asking for a relaxation in this particular case because it's a private parking area on a site with significant constraints, with no anticipated negative impacts as a result of a slightly narrower drive aisle. We respect the Regulations as written, and are not attempting to negate them. It is also understood that this waiver has been granted for past projects of similar situations.

Thank you for your consideration of this waiver request and the opportunity to work with you on this important project for the community. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,



Ryan Hudock, PE



5 Railroad Street, Newmarket, NH 03857 • Ph 603-659-4979 • Fax 603-659-4627 • www.horizonsengineering.com

***Waiver Request #2 – Relaxation from Minimum Setback for Roof Overhang***

*Site Plan Review*

*For*

*CC Railroad Street Newmarket, LLC.*

*Mixed-Use Development (Tax Map U3 / Lot 138A, and Tax Map U4 / Lot 16)*

January 16, 2024

**Approvals Being Requested from the Planning Board**

In addition to the previously requested department approval, the application is also requesting Planning Board Approval for a waiver request, as outlined below.

Pursuant to the Waivers or Substitutions under section 5.01, we believe a waiver should be granted for relaxation for the minimum setback requirements outlined in the *Dimensions Table* section 32.89 **for only the roof overhangs on the doorway entrances**. While the roof overhangs are not explicitly addressed within the M2-A zoning district, this waiver request is nonetheless provided out of good faith and transparency.

There are two building entrance locations fronting the surrounding roadways, one facing Railroad Street and the other facing S. Main Street. The building roof eaves only extend 6 inches beyond the building footprint and are all well within the setback. The roof overhang for the two entrances is on the lowest floor and would extend approximately 5 feet from the building footprint.

The Waiver criteria is discussed below:

*(a) Granting of the waiver shall not be detrimental to the public health, safety or general welfare;*

The roof overhang on the two entrances locations is intended to improve public health, safety or general welfare by adding weather protection at the entrances. This would protect the future tenants from weather hazards and mitigate slipping and falling during by preventing ice buildup. Furthermore, these two roof overhangs are on the lowest floor and the adjacent streets are at a higher grade. As such, the visible impact is largely mitigated. The roof overhangs do not directly abut neighboring residences and would not have any adverse impacts to the surrounding area.

*(b) Granting of the waiver shall not, in the opinion of the Board, be injurious to other parties;*

The two overhang setback encroachments at the road -casing entrances would not be injurious to other parties. It would only affect the future tenants, and be of tangible benefit to them, as previously discussed. It would not affect the Town or any abutting property owner.

*(c) Granting of the waiver shall not have the effect of nullifying the intent and purpose of this Regulation;*

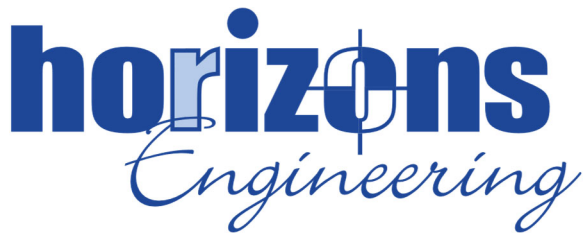
Granting of the waiver will not be nullifying the intent and purpose of this Regulation. The need for building setbacks for roof overhangs is legitimate and not being disputed. We are only asking for a relaxation in this particular case because it's only for two street-fronting building entrances, that are lower than the surrounding roadways, with no anticipated negative impacts. We respect the Regulations as written, and are not attempting to negate them, but only to allow a greater benefit to the future community members who will reside here.

Thank you for your consideration of this waiver request and the opportunity to work with you on this important project for the community. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,



Ryan Hudock, PE



5 Railroad Street, Newmarket, NH 03857 • Ph 603-659-4979 • Fax 603-659-4627 • www.horizonsengineering.com

***Waiver Request #3 – Relaxation from Minimum Dimensions - Handicap Parking Stall***

*Site Plan Review*

*For*

*CC Railroad Street Newmarket, LLC.*

*Mixed-Use Development (Tax Map U3 / Lot 138A, and Tax Map U4 / Lot 16)*

February 23, 2024

**Approvals Being Requested from the Planning Board**

In addition to the previously requested department approval, the application is also requesting Planning Board Approval for a waiver request, as outlined below.

Pursuant to the Waivers or Substitutions under section 5.01, we believe a waiver should be granted for relaxation for the handicap parking stall dimensional requirements outlined in Section 3.02(B)(1)(a)(2), which states *“Handicap parking stalls shall be large enough to fully contain a rectangle 8’ wide by 20’ long.”*

The proposed handicap parking stalls are all 18 feet deep by 9 feet wide. We believe that this waiver requests meets the waiver criteria as outlined below.

*(a) Granting of the waiver shall not be detrimental to the public health, safety or general welfare;*

The slightly shorter parking stalls are adequate to support the vehicle parking for handicap tenants for practical daily use. The proposed parking handicap parking stalls are the same dimensions as the typical parking stalls. Having an ADA parking space (8’x20’) adjacent to typical spaces (9’x18’) would result in an irregular layout, that is perhaps more detrimental to the public health, safety or general welfare. Consistent parking stall dimensions within the parking area are expected to increase overall safety or general welfare. Lastly, the handicap parking stalls still contain the adjacent parallel access aisles, as required.

*(b) Granting of the waiver shall not, in the opinion of the Board, be injurious to other parties;*

The slightly shorter drive aisles would have no affect to other parties. It would only affect the owner and future tenants, but it is in everyone’s best interest to have a functional parking area, as previously discussed. It would not affect the Town or any abutting property owner. In fact, it would be less desirable for to have inconsistently-shaped parking stalls within the common parking area.

*(c) Granting of the waiver shall not have the effect of nullifying the intent and purpose of this Regulation;*

Granting of the waiver will not be nullifying the intent and purpose of this Regulation. The need for adequate handicap parking areas and not being disputed. We are only asking for a relaxation in this particular case because uniform parking stall dimensions appear more beneficial, with no anticipated negative impacts. We respect the Regulations as written, and are not attempting to negate them. It is also understood that this waiver has been granted for past projects of similar situations.

Thank you for your consideration of this waiver request and the opportunity to work with you on this important project for the community. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,



Ryan Hudock, PE

**APPLICATION FOR WAIVER OF IMPACT FEE  
PLANNING BOARD  
TOWN OF NEWMARKET, NH**

**Applicant:** CC Railroad Street Newmarket LLC

**Mailing Address:** PO Box 571, Greenland, NH 03840

**Email Address:** bstebbins@condorcapitalllc.com

**Property owner:** CC Railroad Street Newmarket LLC

**Mailing Address:** PO Box 571, Greenland, NH 0384

**Phone:** 603-801-2101

**Email address:** bstebbins@condorcapitalllc.com

**Location of property:** 1,3, and 5 Railroad Street

U3 Lot 138 (land only) and 138A (building only), and 1&Map U4 Lot 16

**Waiver Being Requested from the Planning Board**

In addition to the previously requested site plan approval, the applicant is also requesting Planning Board approval of this waiver request regarding Public Schools Impact Fees under Chapter 32 Section 32-238 (f) (4) of the Zoning Ordinance for the reasons set forth below.

We believe a waiver should be granted for public school residential impact fees under Section 32-238 (f)(4), which states; "The planning board may waive an impact fee assessment where it finds that, due to conditions specific to a development agreement, or other written conditions or lawful restrictions applicable to the subject property, *the development will not increase the demand on the capacity of the public capital facility or system for which the impact fee is being assessed.*"

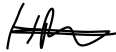
The small size of the proposed residential units (between 547 square feet and 680 square feet) are such that they are not suitable for families with children. Of the 217 one-bedroom apartments in the Applicant's portfolio not one has a family with school aged children (SAC). Thus, the granting of the requested waiver will not increase the demand on the capacity of the Town's school system for which the public-school residential impact fee is assessed. Furthermore, this project is removing a three-bedroom apartment from 5 railroad street. This apartment has previously had numerous tenants that had school aged tenants.

NH RSA 674:21 V (a) is clear: "***Upgrading of existing facilities and infrastructure, the need for which is not created by the new development, shall not be paid by impact fees.***"



Respectfully Submitted,  
Applicant & Owner:

**CC Railroad Street Newmarket LLC**

By:  \_\_\_\_\_

H. Benjamin Stebbins, Manager

Date 2/26/2024 \_\_\_\_\_



**Fiscal Impact Analysis Railroad St Development**

Tax revenue	\$ 155,992.20	Valuation	Tax rate
		\$ 5,460,000.00	\$ 28.57
Registration Revenue	\$ 9,828.00	Cars (1.3 per unit)	Avg Registration
		54.6	\$ 180.00
<b>Total Project Rev</b>	<b>\$ 165,820.20</b>		

Expenses

Fire	\$ 2,273.29	Avg call per unit	Total calls	2021 cost per call
		0.097	4.074	\$ 558.00
Police	\$ 5,851.44	Avg Call per unit	Total Calls	2021 cost per call
		0.36	15.12	\$ 387.00
<b>Postive fiscal impact</b>	<b>\$ 157,695.47</b>			

Current Tax           \$ 14,179.00  
 Increase                1000%

# **FOUGERE PLANNING & DEVELOPMENT Inc.**

## **Mark J. Fougere, AICP**

253 Jennison Road Milford, New Hampshire 03055  
phone: 603-315-1288 email: Fougereplanning@comcast.net

### **Fiscal Impact Analysis**

**March 17, 2022**

**1 Railroad Street**

CC Railroad Street Newmarket, LLC is proposing renovating and expanding the property located at 1 & 3 Railroad Street into an eight unit apartment building. The proposed building will be three stories, with all units being two bedroom. This site encompasses .19 acres. The project will privately maintained including the disposal of all refuse. This fiscal report will estimate municipal revenues and expenses related to this new use.

#### **Local Trends**

The NH Office of Strategic Initiatives (OSI) reports that from 2010 to 2020 Newmarket's population increased from 8,936 to 9,430, showing a 5.5% growth rate over the 10 year Census period.

#### **Budgets**

Town Department budgets categories are detailed in Table One. In reviewing all municipal departments, the police and fire departments most often see measurable impacts as the result of residential changes to land uses and along with schools. These departments are the most sensitive as growth occurs in a community. As a result, particular attention to these departments will be addressed in this Report.

Table One  
2021 Budget

Departments	
General	\$4,021,589
Police	\$1,764,146
Fire	\$503,432
Public Safety	\$84,957
Highway & Streets	\$1,218,062
Sanitation	\$747,443
Welfare	\$88,430
Culture/Recreation/Cons.	\$1,021,216
Capital Outlay & Debt	\$270,332
Schools	\$23,137,482

### Local Revenues from Development

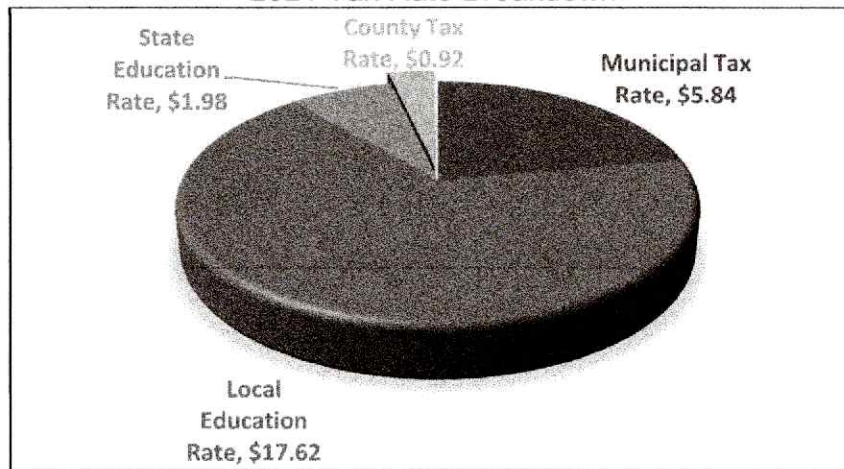
#### A) Property Taxes

Local property taxes provide the bulk of municipal revenues for New Hampshire communities. The 2021 Tax Rate for Newmarket is \$26.36 as outlined in Figure One. For this analysis a local tax rate of \$25.44 will be used, removing the County tax rate.

2023 29.49  
~~28~~

28.57

Figure One  
2021 Tax Rate Breakdown



Based upon a review of the local assessment for apartment units, as well local market conditions for renovated properties, we estimate that the proposed project will have an assessed value of \$105,000 a unit, for a total value of \$840,000. This estimated value will generate local property tax revenue of \$21,269 annually. Existing taxes on the property total \$5,253; the proposed site improvements will increase tax payments to the community by 306%.

100% }  
 5 Rail Road 11,286  
 3 Rail Road 2,893  
 14,179

B) Miscellaneous Yearly Revenues

Another major revenue source for the community is from motor vehicle permit fees. In fiscal year 2020 the Town of Newmarket received a total of \$1,647,698<sup>1</sup> from this revenue source. Based on an average registration cost of \$180 and assuming twelve new registrations<sup>2</sup>, \$2,160 in revenue can be anticipated.

C) Total Project Revenues

The proposed new development is expected to generate \$23,429 in gross revenue to the community as outlined in Table Two.

Table Two  
 Projected Gross Revenues

	Est. Revenue
Estimated Tax Revenue	\$21,269
Estimated Automotive Permit Fees	\$2,160
Estimated Project Tax Revenue	\$23,429

<sup>1</sup> 2020 Town Report.

<sup>2</sup> 1.5 vehicles per unit

## Municipal Costs

Given the minimal nature of the proposed development project few impacts will be felt by Town Departments. Solid waste generated by the project will be removed by a private hauler. Any sewer and water expenses will be offset through user fees. In addition, impact fees will be collected for each new unit: school \$743, recreation \$279, wastewater \$791 and water supply \$475 (\$2,287 per unit); offsetting municipal capital costs that have been expended for these facilities. Impacts fee for the project will total \$18,296. This is not to infer that no costs will occur as a result of this project. There is a potential for a small degree of measurable impact that may be felt by a few Town departments.

## Police & Fire Departments

For the most part, increased demands on public safety departments can be measured by reviewing call data. To gain a firm understanding of degree of impact this proposed project could have on these services, Fougere Planning's 2,400 apartment<sup>3</sup> unit data base of emergency calls was reviewed. This call data is reflected in ratios of calls per housing unit for all emergency services, for the Police Department the ratio is .360 calls per unit and for the Fire Department (fire/ambulance) the ratio is .097. Applying these calls ratios to the proposed eight apartments generates three calls a year to the Police Department and one call to the Fire Department. Calculating a cost per call for both the Police and Fire Departments and applying that cost to the eight apartments, generates an estimated cost of **\$945** as outlined in Table Three.

Table Three  
Emergency Service Costs

Dept.	2021 Budget	2021 Calls	Cost/call	Est. Calls	Est. Cost
Police <sup>4</sup>	\$1,764,146	13,685	\$129	3	\$387
Fire	\$503,432	1,075	\$558	1	\$558
				<b>Total</b>	<b>\$945</b>

<sup>3</sup> Calls from the Mead Hill Road apartment complex are included in this database.

<sup>4</sup> 2021 total police calls 19,549 discounted by 30% to remove minor calls to department.

## Other Departments and Schools

Limited impacts to other departments are anticipated. Given the walk-up nature of these units, tenant demographics are expected to be younger adults. To account for some potential other town costs related to these new units, we will carry an **\$800 expense<sup>5</sup>**.

### Schools

As previously noted, the complex will have 8 two bedroom units. To gain an understanding of the projects potential fiscal impact, anticipated school children that may be generated by the proposed project was analyzed.

### School Enrollment

Over the past five years, enrollments had declined slightly in the elementary and middle school grades and remained steady in the high school as detailed in Table Four.

Table Four  
Enrollment History 2017 - 2021

	2017	2018	2019	2020	2021
Elementary	528	537	546	486	482
Middle	251	230	255	243	237
High School	267	267	287	310	270
	1,046	1,034	1,088	1,039	989

In 2011, Applied Economic Research completed an updated report on Demographics and School Enrollment Trends. The Reports findings, which analyzed statewide data, reported that for buildings containing five or more units an enrollment of .17 school age children (SAC) per unit was found. Applying this ratio to the proposed development translates into an impact of 2 (1.36) school age children (SAC) from this proposed development. To further validate this figure, local apartment complexes were reviewed. Table Five outlines findings from the School Department which tracked school age

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<sup>5</sup> \$100 per unit.



children in select apartment complexes in the community. This analysis shows a local per units SAC ratio of .181 child per apartment. Using either ratio results in a projection of 2 school children.

Table Five  
Local School Enrollment

Project Name	Total Units	Total SAC	Avg. SAC Per Unit
Cherry Hill	278	42	0.151
Mead Hill	96	23	0.240
River Street	72	8	0.111
Piscassic Street	36	16	0.444
Pulaski Drive	32	3	0.094
Salmon Street	56	11	0.196
	570	103	<b>0.181</b>

As outlined above in Table Four, both elementary and middle school enrollments have decreased over the last five years, indicating that the addition of two new school age children should have minimal cost implications. To be conservative, we will carry a cost of \$10,000 to cover potential school related impacts<sup>6</sup>.

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<sup>6</sup> Yearly teacher salary cost, \$90,000; 18 school children per class - \$5,000 per student.

## Conclusion

The proposed addition of eight apartment units is estimated to increase the property's value by \$633,500 and along with automotive permit fees, increasing annual municipal revenues from \$5,252 to \$21,269. Municipal expenses are anticipated to be minimal totaling \$11,745 annually, resulting in a positive fiscal impact of \$11,692 as outlined in Table Six. In addition, the addition of these apartments will increase the population in the downtown area, creating economic opportunities for area businesses.

Table Six  
Fiscal Summary

Estimated Annual Revenues	+\$23,429
Police Cost	-\$387
Fire Cost	-\$550
Other Costs	-\$800
School Costs	-\$10,000
Total Estimated Costs	-\$11,737
<b>Positive Fiscal Impact</b>	<b>+\$11,692</b>

# FOUGERE PLANNING & DEVELOPMENT Inc.

## Mark J. Fougere, AICP

253 Jennison Road Milford, New Hampshire 03055  
phone: 603-315-1288 email: Fougereplanning@comcast.net

### Fiscal Impact Analysis

86 Main Street

3/29/2021

CC 86 Main LLC is proposing renovating the upper two floors of the existing Main Street building into 4 one-bedroom units and 2 studio units. This existing 3,980 square foot area is presently occupied by office space and a rental hall. The first floor contains a coffee shop which will remain. This site is privately maintained including the disposal of all refuse. This fiscal report will estimate municipal revenues and expenses related to this new use.

#### Local Trends

The NH Office of Strategic Initiatives (OSI) reports that from 2010 to 2019 Newmarket's population increased from 8,936 to 9,460, showing a 5.8% growth rate over the 9 year period.

#### Budgets

Town Department budgets categories are detailed in Table One. In reviewing all municipal departments, the police and fire departments most often see measurable impacts as the result of residential changes to land uses and along with schools. These departments are the most sensitive as growth occurs in a community. As a result, particular attention to these departments will be addressed in this Report.

Table One  
2021 Budget

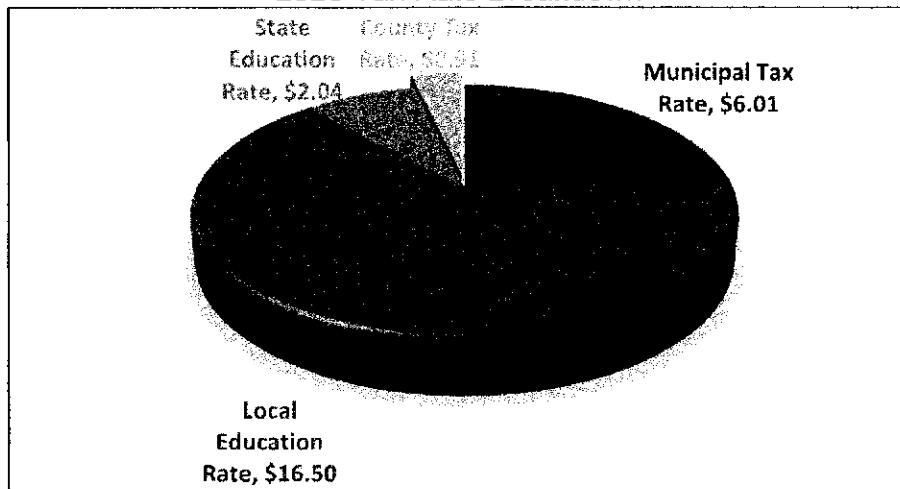
Departments	
General	\$4,021,589
Police	\$1,764,146
Fire	\$503,432
Public Safety	\$84,957
Highway & Streets	\$1,218,062
Sanitation	\$747,443
Welfare	\$88,430
Culture/Recreation/Cons.	\$1,021,216
Capital Outlay & Debt	\$270,332
Schools	\$23,137,482

### Local Revenues from Development

#### A) Property Taxes

Local property taxes provide the bulk of municipal revenues for New Hampshire communities. The 2020 Tax Rate for Newmarket is \$25.46 as outlined in Figure One. For this analysis a local tax rate of \$24.55 will be used, removing the County tax rate.

Figure One  
2020 Tax Rate Breakdown



Based upon a review of the property’s existing building assessment, occupied building space is assessed at \$82.96 per square feet. Analyzing existing mixed use sites in the area, as detailed in Table Two, demonstrates an average value of \$115.89 per square foot. Applying this value to the 86 Main Street site generates a value of \$688,366 and local property tax revenue of \$16,899. Existing taxes on the property total \$12,098; the proposed changes will increase tax payments to the community by 28.4%.

Table Two  
Estimated Future Value

	Use	Assessment	Area	Assess./Sq. Ft.
72 Main Street	Mix	\$521,400	5,210	\$100.08
96 Main Street	Mix	\$402,900	3,264	\$123.44
98 Main Street	Mix	\$277,100	1,752	\$158.16
141-143 Main Street	Mix	\$551,500	4,900	\$112.55
<b>Average</b>		\$1,752,900	15,126	<b>\$115.89</b>
86 Main Street	Mix	<b>\$688,366</b>	5,940	
Estimated Taxes		<b>\$16,899</b>		

B) Miscellaneous Yearly Revenues

Another major revenue source for the community is from motor vehicle permit fees. In fiscal year 2020 the Town of Newmarket received a total of \$1,647,698<sup>1</sup> from this revenue source. Based on an average registration cost of \$180 and assuming six new registrations, **\$1,080** in revenue can be anticipated.

C) Total Project Revenues

The proposed new development is expected to generate \$17,979 in gross tax revenue to the community as outlined in Table Three.

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<sup>1</sup> 2020 Town Report.

Table Three  
Projected Gross Revenue

	Est. Revenue
Estimated Tax Revenue	\$16,899
Estimated Automotive Permit Fees	\$1,080
Estimated Project Tax Revenue	\$17,979

### **Municipal Costs**

Given the minimal nature of the proposed development project few impacts will be felt by Town Departments. Solid waste generated by the project will be removed by a private hauler. Any sewer and water expenses will be offset through user fees. In addition, impact fees will be collected for each new unit: school \$743, recreation \$279, wastewater \$791 and water supply \$475 (\$2,287 per unit); offsetting municipal capital costs that have been expended for these facilities. This is not to infer that no costs will occur as a result of this project. There is a potential for a small degree of measurable impact that may be felt by a few Town departments.

### **Police & Fire Departments**

For the most part, increased demands on public safety departments can be measured by reviewing call data. To gain a firm understanding of degree of impact this proposed project could have on these services, Fougere Planning's 2,400 apartment<sup>2</sup> unit data base of emergency calls was reviewed. This call data is reflected in ratios of calls per housing unit for all emergency services, for the Police Department the ratio is .360 calls per unit and for the Fire Department (fire/ambulance) the ratio is .097. Applying these calls ratios to the proposed six apartments generates two calls a year to the Police Department and one call to the Fire Department. Calculating a cost per call for both the Police and Fire Departments and applying that cost to the six apartments, generates an estimated cost of **\$736** as outlined in Table Four.

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<sup>2</sup> Calls from the Mead Hill Road apartment complex are included in this database.

Table Four  
Emergency Service Costs

Dept.	2021 Budget	2020 Calls	Cost/call	Est. Calls	Est. Cost
Police	\$1,764,146	19,841	\$89	2	\$178
Fire	\$503,432	903	\$558	1	\$558
<b>Total</b>					<b>\$736</b>

**Other Departments and Schools**

Limited impacts to other departments are anticipated. Given the location of the proposed apartment units, in the upper floors of a three story building, tenant demographics are expected to be younger adults. Given the mixed use nature of the building and that the units will be one bedroom and studios, it is anticipated that no school children will reside within the six apartments. To account for some potential other costs related to these new units, we will carry a **\$600 expense**<sup>3</sup>.

**Conclusion**

The proposed addition of six apartment units is estimated to increase the property's value by \$195,566 and along with automotive permit fees, increasing annual municipal revenues from \$12,098 to \$17,979. Municipal expenses are anticipated to be minimal totaling \$1,336 annually, resulting in a positive fiscal impact of \$16,643 as outlined in Table Five. In addition, the addition of these apartments will increase the population in the downtown area, creating economic opportunities for area businesses.

Table Five  
Fiscal Summary

Estimated Annual Revenues	\$17,979
Estimated Costs	-\$1,336
<b>Positive Fiscal Impact</b>	<b>+\$16,643</b>

<sup>3</sup> \$100 per unit.

# FOUGERE PLANNING & DEVELOPMENT, Inc.

## Mark J. Fougere, AICP

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### One Railroad Street Market Analysis

March 17, 2022

#### Introduction

CC Railroad Street Newmarket, LLC is proposing renovating an existing underutilized building into an eight unit apartment building, three stories in height. Fougere Planning and Development has been engaged by the proponent to undertake this Market Analysis to outline the Newmarket housing market relative to the proposal to redevelop the subject site by adding eight apartment units.

The requirements of a Market Analysis are outlined in the Zoning Ordinance, Section 32-46, M-2-District (b) Permitted Uses, (2) 2. ***Preparation and acceptance by the zoning board of adjustment of a market analysis which demonstrates the feasibility of added multifamily housing in a community which already has an overabundance of multifamily housing, sufficient to ensure reasonable expectation of ongoing occupancy of units to support maintenance and upkeep of the property.*** Relative to the proposed project's impact on the town's multi-family housing market, I offer the following:

#### Local Trends

Census figures report that from 2010 to 2020 Newmarket's population increased from 8,936 to 9,430, showing a 5.5% growth rate over the 10 year period. This growth rate is in the middle range compared to area communities, with Exeter have the highest growth rate in the region as detailed in Table One.



Table One  
Region Census 2010 – 2020

	<b>2010</b>	<b>2020</b>	<b>% change 2010 - 2020</b>
<b>Newmarket</b>	<b>8,936</b>	<b>9,430</b>	<b>5.53%</b>
Durham	14,638	15,490	5.82%
Epping	6,411	7,125	11.14%
Exeter	14,306	16,049	12.18%
Lee	4,330	4,520	4.39%
Newfields	1,680	1,769	5.30%
Stratham	7,225	7,669	6.15%

With the Covid pandemic under control and the vaccine initiative limiting the spread of virus, the New Hampshire economy remains very robust. Newmarket, located in the seacoast area, has been able to withstand these recent headwinds and benefits from a diversified local economy including UNH and Pease. The unemployment rate for New Hampshire remains low at 2.9%<sup>1</sup> for the month of January; the local unemployment rate is equally strong in the Dover-Durham area reporting 1.9% and the Portsmouth area at 1.9%. The Nation’s unemployment rate is 4% which highlights the strength of not only New Hampshire’s, but the local economy as well. Table Two highlights the latest unemployment statistics, along with noting the improving economy over the last year.

Table Two  
Unemployment Rate

<b>Unemployment Rate</b>	<b>Jan. 2022</b>	<b>Feb. 2021</b>
U.S.	4.0%	6.2%
New Hampshire	2.9%	3.3%
Dover-Durham	1.9%	3.8%
Portsmouth	1.9%	3.7%

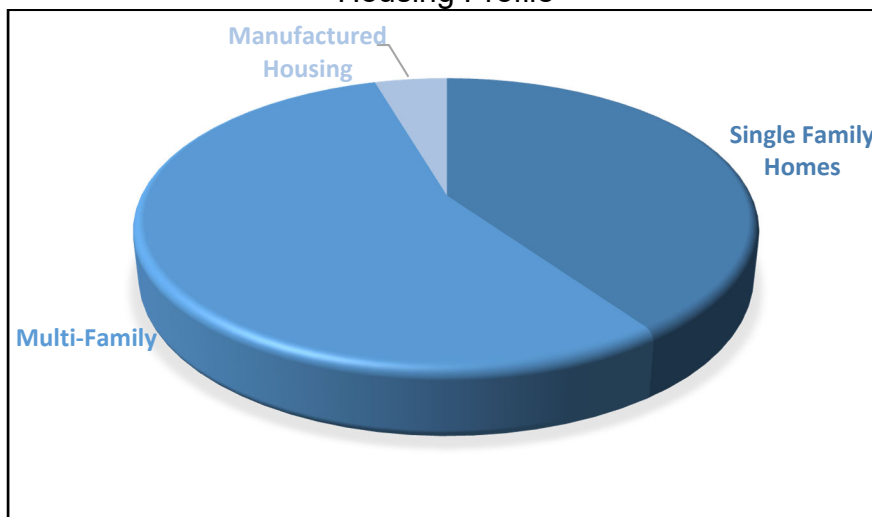
## Local Housing Market

A majority of Newmarket’s housing stock consists of multi-family housing units, with the most recent data from the New Hampshire Office of Energy and Planning (OEP) reporting that out of a total housing stock of 4,446 units, 2,444 are multi-family. (Figure One)

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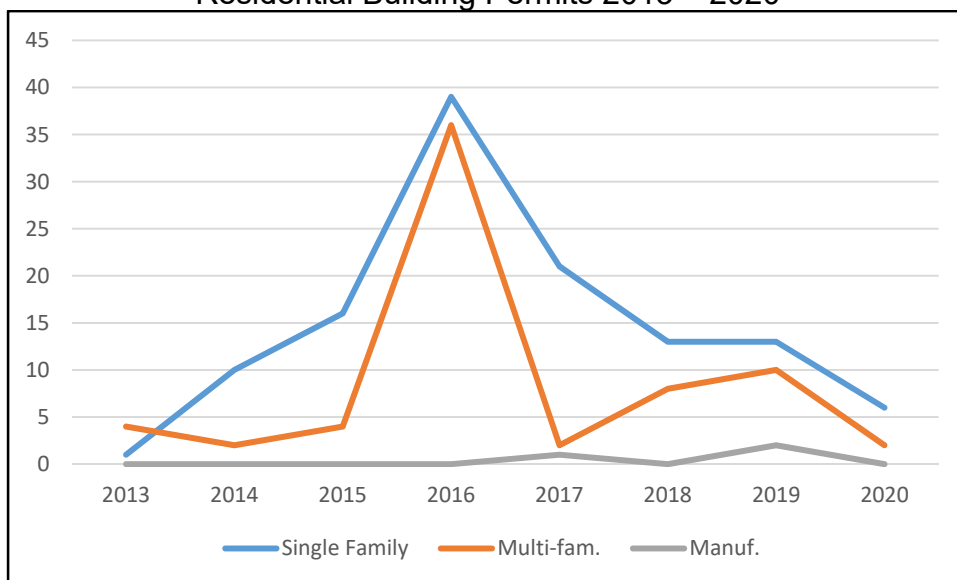
<sup>1</sup> New Hampshire Employment Securities

Figure One  
Housing Profile



Since 2013, single family home construction has been modest, with 122 homes constructed over the last eight years. Building activity peaked recently in 2016 and has generally declined since then as outlined in Figure Two.

Figure Two  
Residential Building Permits 2013 – 2020



Newmarket's multi-family market consists both large complexes and smaller projects including older homes containing 3 -4 units. A majority of the larger apartment complexes were constructed in the 70's and 80's, with Mead Hill constructed within the last 10-15 years. The Newmarket Mills is one of the newest apartment complex in the community and consists of a wide range of unit types located in the old downtown mill.

The New Hampshire Housing Finance Authority (NHHFA) tracks apartment rental rates in larger markets throughout the State. Attached is the Median Gross Rental Cost<sup>2</sup> since 2001 for Newmarket. The 2021 median rent for all units is \$1,556. In addition, NHHFA data reports that current vacancy rates are .0% (attached) for all units, indicating that the local rental housing market remains robust.

### **Conclusion:**

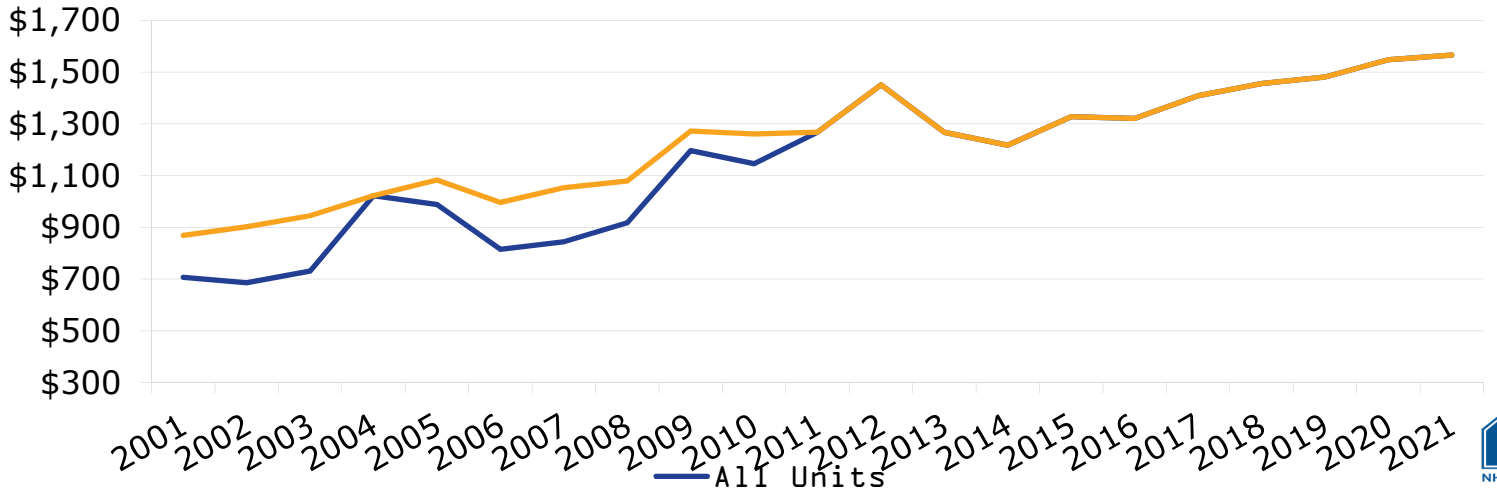
- The local economy is strong, with low unemployment rates both locally and regionally. The seacoast area of New Hampshire is the strongest regional economy in the state, with Pease continuing to add jobs to the area. The subject site's location in the seacoast area and its numerous amenities creates a high quality of life for those who reside in the region.
- The community's population has been increasing since 2010.
- The local apartment vacancy rate is well under 1%, with limited turnover and waiting lists occurring at some complexes.
- The proposed project will increase the rental housing supply fractionally (.003%).
- The proposed new housing units will enhance site value and strengthen the economic conditions of the property, as well as provide additional positive influences in the community.

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<sup>2</sup> Rent cost includes a provision for utilities.

- Home values in the region have increased over the past year.
- Given these factors it is my professional opinion that that the proposed apartment rental project Will Not have a negative impact on the town's housing market.

## Median Gross Rental Cost



## Vacancy Rate of Rental Housing Units

