



TOWN OF
NEWMARKET
NEW HAMPSHIRE

Planning Board Agenda

Tuesday, February 14, 2023, at 7:00 PM

Town Hall Council Chambers

Agenda Item #1 - Pledge of Allegiance

Agenda Item #2 – Public Comments

Agenda Item #3 - Review & Approval of Minutes

- a. November 8, 2022
- b. December 13, 2022
- c. January 10, 2023

Agenda Item #4 – Regular Business

- a. Pursuant RSA 674:35 and 676:4I(d) and Appendix B – Site Plan of the Municipal Code of the Town of Newmarket, New Hampshire, there will be a continuation of a public hearing for an application for Major Site Plan Review, requested by *SCG Management Corp/Second Bennett Way Limited Partnership*, for property located at 4 Bennett Way, Tax Map U4, Lot 4-11, within the B1 Zoning District. The proposed application seeks approval to develop the east-side of the parcel with a 2-story, 12-unit building with associated parking and amenities.
- b. Pursuant to RSA 674:39-a, and Appendix A – *Subdivisions* of the Municipal Code of the Town of Newmarket, New Hampshire, the Planning Board shall hear a request for a Notice of Merger from *Walter Cheney, Jr. of Cheney Management Corporation* who seeks approval to finalize the voluntary merger between 50-56 Exeter Road, Tax Maps (U3-11 and U4 -15) within the M2A Zoning District.
- c. Pursuant to §24-1 *Zoning ordinance amendment procedures*, of the Municipal Code of the Town of Newmarket, New Hampshire, the Planning Board shall review draft language proposed by the Newmarket Town Council to amend §32-161 *Historic overlay district* of the Municipal Town Code of Newmarket, New Hampshire, that seeks to add architectural design requirements within the historic overlay district, or take any other action relative thereto.

Agenda Item #5 - New/Old Business

Chairman's Report
Committee Reports
Planner's Report

Agenda Item #6 - Adjourn



TOWN OF
NEWMARKET
NEW HAMPSHIRE

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PLANNING BOARD
December 13, 2022 at 7:00 PM
DRAFT MEETING MINUTES

Members Present: Eric Botterman (Chair), Jane Ford, Bart McDonough (Director of Planning & Community Development) via zoom, Patrick Reynolds, and Scott Blackstone (Town Council Ex officio)

Members Absent: Val Shelton (Vice-Chair), Jeff Goldknopf, Timothy Rossignol, and Michal Zahorik (alternate)

Chair **Eric Botterman** opened the meeting at 7:02 PM [time on DCAT 6.:34]

A quorum was present for the meeting to proceed.

Agenda Item #1 - Pledge of Allegiance

Agenda Item #2 - Public Comments

The Chair opened the Public Comments for any non-agenda items at 7:01. Seeing no one wishing to speak, Public Comments were closed at 7:02.

Agenda Item #3 - Review & Approval of Minutes

Review and approval of the Draft Minutes of November 8, 2022 is postponed to the next meeting in January 2023.

Agenda Item #4 – Regular Business

Read by Chair: [time on DCAT 9:40]

a. Pursuant RSA 674:35 and 676:4I(d) and Appendix B – Site Plan of the Municipal Code of the Town of Newmarket, New Hampshire, there will be a public hearing for an application for Major Site Plan Review, requested by SCG Management Corp/Second Bennett Way Limited Partnership, for property located at 4 Bennett Way, Tax Map U4, Lot 4-11, within the B1 Zoning District. The proposed application seeks approval to develop the east-side of the parcel with a 2-story, 12-unit building with associated parking and amenities.

Bart spoke about the previous variances approved for this site in the B1 zone. He stated he considers the application complete for review at this time.

1 **Motion #1:** **Jane Ford** made a motion, that the application be accepted as
 2 complete, upon the recommendation of the Town Planner.

3 **Second:** **Patrick Reynolds**

4 **Discussion:** none

5 **Vote:** **Approved 4-0-0**

6

7 The Chair opened the public hearing at 7:35 PM. [time on DCAT 10:34]

8

9 Michael Sievert, of Horizons Engineering, is present this evening to present this
 10 proposal by SCG Management Corp/Second Bennett Way Limited Partnership for
 11 Phase Two of the Cliff Side at Cherry Hill plan. Scott Foster with SCG Management and
 12 Michael Keane, of Michael Keane Architects, where also present. The proposed
 13 applicant seeks approval to develop the east-side of the parcel at 4 Bennet Way with a
 14 2-story, 12-unit building with associated parking and amenities. After Mr. Sievert
 15 completed his description of the old and new projects, Mr. Foster rose to describe the
 16 plan approved around 2002. Plan sheet #101 shows the complete site with two
 17 buildings and club house. A robust drainage system was put in in 2006 and they plan to
 18 inspect and tie into that system. The general site location is flat with a slight slope
 19 eastwardly. There will be a new water line and he also presented a landscape plan from
 20 Robbi Woodburn, of Woodburn and Company Landscape Architecture. Mr. Keane
 21 spoke to the architectural vision for the site. He described the garden-style apartments:
 22 2-bedroom units being between 1300-1400 sq feet, each having their own private
 23 entrance, and two parking spaces (one in a car port). This building will meet all new
 24 codes. They plan to use different colored sidings to break up the mass of the structure
 25 visually and place solar panels on the roof. Heating and cooling systems have not been
 26 determined yet. Scott Foster has been working with David Webb from ReVision Energy
 27 about this process. Right now they plan to have two EV stations located outside of the
 28 carports. **Bart** questioned whether they might need more in the future. Mr. Keane
 29 agreed to work with their Electrical Engineer about future capacity requirements.
 30 Although not the pervue of the PB, **Jane Ford** wanted to know if they have given
 31 thought to having a plan in place for the disposal of the lithium batteries and broken
 32 panels. She also suggested that they read two reports: the Traceability Report [Solar](#)
 33 [Supply Chain Traceability Protocol | SEIA Solar Supply Chain Traceability Protocol |](#)
 34 [SEIA](#) and the Bankability Report [The solar bankability project: Read the final report | 3E.](#)
 35 Mr. Sievert has not met with the Town about water, sewer, or stormwater drainage
 36 issues just yet. **Bart** mentioned that he will be meeting with the Town Engineer and
 37 Code Enforcement Officer this next week. They will discuss this application and
 38 determine if a TRC may be required or if the matter could be resolved inhouse.
 39 Mr. Sievert agreed to have everything ready for Bart by December 19 or 20, so that
 40 voting on this application may take place at the next meeting of the PB.

41

42 **Motion #2:** **Patrick Reynolds** made a motion to continue the public hearing until
 43 the next PB meeting on January 10, 2023.

44 **Second:** **Jane Ford**

45 **Discussion:** none

46 **Vote:** **Approved 4-0-0**

With member approval, the Chair took the next two agenda items out of order:

Read by Chair: [time on DCAT 36:59]

c. Pursuant to RSA 675:7, the Planning Board shall continue a public hearing to amend both the Site Plan and Subdivision Regulations of the Town of Newmarket, New Hampshire intending to modify Sec. 2.06 Fees of Appendix A. - Subdivision and Sec. 2.05 Fees of Appendix B. – Site Plans, or take any other action relative thereto.

The Chair re-opened the public hearing at 7:33 PM.

No audience members were present to comment and no board members had any questions or concerns about the proposed amendments regarding fees as presented by the Town Planner.

The Chair closed the public hearing at 7:35 PM. [time on DCAT 37:56]

Motion: Patrick Reynolds made a motion to approve the amended fees.
Second: Jane Ford
Discussion: none
Vote: Approved 4-0-0

Read by Chair: [time on DCAT 38:42]

b. Pursuant to §24-1 Zoning ordinance amendment procedures, of the Municipal Code of the Town of Newmarket, New Hampshire, Planning Board shall continue a public hearing on proposed amendments to §32-5 Nonconformities; §32-9 Special use permits; §32-11 Definitions; §32-155 Wetland protection overlay district and §32-234 Accessory apartments of the Municipal Town Code of Newmarket, New Hampshire, that seeks to expand the use of accessory dwelling units, or take any other action relative thereto.

The Chair re-opened the public hearing. [time on DCAT 39:62]

No members of the public were present to make comments. The PB Chair, members, and Town Planner agreed that approval and final discussions on the proposed zoning ordinance amendments be held at the next meeting when more members of the Board may be present. In the interim, **Bart** will reach out individually to members not present this evening for comments and concerns with the draft to this point.

Motion: Patrick Reynolds made a motion to continue the public hearing on the ADU ordinance to the next meeting on January 10, 2023.
Second: Jane Ford

1 **Discussion:** none
 2 **Vote:** Approved 4-0-0
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4 *****

5 **Agenda Item #5 - New/Old Business** [time on DCAT 41:38]

6 **Chairman's Report:** The Chair had nothing to report this evening.

7 **Committee Reports:**

8 *Energy and Environment Advisory Committee:* **Patrick Reynolds** reported that the
 9 committee did not meet this month due to illness and no meeting has been set for
 10 January. He did get an answer regarding **Val Shelton's** question regarding the default
 11 assignment to the Community Power Coalition. Everyone in Town will be sent a
 12 postcard offering them the option to op-out of the CPC to remain with another provider.
 13 Individual contract agreements may require input from the Town Attorney. **Bart** has
 14 agreed to get more information for the PB.

15 *Planner's Report:* **Bart** reported that he has been doing an online training course on
 16 stormwater management and how to build a community coalition. He has been working
 17 with Ellen Snyder, ConCom Chair, on planning new trails with some exciting projects on
 18 the horizon. He continues his work on grant funding for various projects with other
 19 department heads and agencies. He will have further updates at the next meeting. The
 20 Chair asked **Bart** if he knew about the new legislation passed in MA about new
 21 housing. **Bart** did not know if NH was proposing similar legislation, but will report back.
 22 **Scott Blackstone** wanted to know if there was an update on the short term parking on
 23 Central Street. **Bart** will follow-up with Rick and Karen at DPW and report back at the
 24 next meeting.

25 *Town Council:* **Scott Blackstone** reported on several items. The Police Dept. has
 26 decided to purchase an F150 truck as their next vehicle. Many Creighton Street
 27 neighbors are very upset with the number of trucks in the neighborhood dumping
 28 septage nearby. The Town has accepted Federal monies for work on our septic
 29 systems and are therefore required to take septage from other towns. There are plans
 30 to build a new \$1 million dollar facility to take care of the septage. We receive \$100,000-
 31 200,000 per month for these septage dumps, so the new building will be paid for very
 32 quickly. The Town Council is concerned with degradation at Moody Point and they plan
 33 to put an article on the warrant for \$100,000 to complete a study about this damage and
 34 how to ameliorate the problems. **Bart** will check with DPW about the issues that
 35 concern them at Moody Point. The Town has also signed a new contract with the
 36 company that currently collects our refuse to continue. **Scott** reported on discussions
 37 about forming an Historic District Commission or having the Planning Board enforce
 38 zoning regulations in the historic district overlay zone for conforming architecture to
 39 blend into the surroundings. The Town Attorney is drafting a letter to the Planning Board
 40 about setting some design guidelines which should help – especially for any new
 41 development plans which we anticipate along the Rt.108 corridor (gateway).

42
 43 **Agenda Item #6 – Adjourn** [time on DCAT 58:21]

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 45 **Motion:** **Jane Ford** moved to adjourn.

46 **Second:** **Patrick Reynolds**

47 **Discussion:** none

1 **Vote: Approved Unanimously 4-0-0**

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5 Respectfully submitted,

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7 Sue Frick

8 Recording Secretary

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12 **DCAT:**

13 https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7_5VjxKP/videos

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TOWN OF
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PLANNING BOARD

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January 10, 2023 at 7:00 PM

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DRAFT MEETING MINUTES

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6 **Members Present:** Eric Botterman (Chair) **via zoom**, Val Shelton (Vice-Chair),
 7 Scott Blackstone (Town Council Ex officio), Jane Ford, Jeff Goldknopf, Bart McDonough
 8 (Director of Planning & Community Development), Patrick Reynolds, and Michal Zahorik
 9 (alternate)

10 **Member Absent:** Timothy Rossignol

11

12 Chair **Eric Botterman** opened the meeting at 7:01 PM. [time on DCAT 4:06]

13

14 Roll call was taken. The Chair appointed **Michal Zahorik** as a voting member this
 15 evening.

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Agenda Item #1 - Pledge of Allegiance

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Agenda Item #2 - Public Comments

20 The Chair opened the Public Comments for any non-agenda items at 7:02 PM.

21 Seeing no one wishing to speak, Public Comments were closed at 7:03 PM.

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Agenda Item #3 - Review & Approval of Minutes

24 a. November 8, 2022

25 b. December 13, 2022

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27 **Motion:** **Valerie Shelton** made a motion to move the Review and Approval of
 28 Minutes for November 8 and December 13, 2022 until the next meeting on February 14,
 29 2023.

30 **Second:** **Patrick Reynolds**

31 **Discussion:** none

32 **Vote:** **Approved Unanimously by Roll Call 7-0-0**

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Agenda Item #4 – Regular Business

35 Read by Chair:

[time on DCAT 7:23]

36 a. **Pursuant RSA 674:35 and 676:41(d) and Appendix B – Site Plan of the**
 37 **Municipal Code of the Town of Newmarket, New Hampshire, there will be a**

1 continuation of a public hearing for an application for Major Site Plan Review,
2 requested by SCG Management Corp/Second Bennett Way Limited Partnership,
3 for property located at 4 Bennett Way, Tax Map U4, Lot 4-11, within the B1 Zoning
4 District. The proposed application seeks approval to develop the east-side of the
5 parcel with a 2-story, 12-unit building with associated parking and amenities.

6 The Chair asked for an update from the Planner on this agenda item. **Bart** reported that
7 he and Lyndsay Butler, Town Engineer, met onsite with Mike Sievert to go over some
8 concerns regarding the Bennett Way site plan application. The main area of focus was
9 on stormwater and concerns staff had during their review. It was a productive meeting
10 and it was determined that more time will be needed to address those concerns and
11 provide a revised plan and stormwater analysis. Accordingly, all parties agreed that it
12 would be best to continue the application to the February meeting. The applicant has
13 formally requested a continuance of the public hearing.

14
15 **Motion:** **Valerie Shelton** made a motion to continue the application for a public
16 hearing for an application for Major Site Plan Review, requested by SCG Management
17 Corp/Second Bennett Way Limited Partnership, for property located at 4 Bennett Way,
18 Tax Map U4, Lot 4-11, within the B1 Zoning District to the next meeting of the Planning
19 Board on February 14, 2023.

20 **Second:** **Jane Ford**

21 **Discussion:** none

22 **Vote:** **Approved by Roll Call Vote 6-0-1 (Jeff Goldknopf recused himself)**

23 *****

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25 Read by Chair: [time on DCAT 9:58-1:16:52]

26 b. Pursuant to §24-1 Zoning ordinance amendment procedures, of the Municipal
27 Code of the Town of Newmarket, New Hampshire, there shall be a continuation of
28 a public hearing for proposed amendments to §32-5 Nonconformities; §32-9
29 Special use permits; §32-11 Definitions; §32-155 Wetland protection overlay
30 district and §32-234 Accessory apartments of the Municipal Town Code of
31 Newmarket, New Hampshire, that seeks to expand the use of accessory dwelling
32 units, or take any other action relative thereto.

33 There were three emails from members who commented on the draft proposal.
34 **Michal's** email said that he didn't have any additional comments or suggestions about
35 the ADU Ordinance Draft. **Val's** email mentioned several grammatical/editorial changes
36 she would like to suggest. She was asked to review her email suggestions with the
37 members. Changes in the draft were made after discussion and by consensus of the
38 members.

39 **Jane's** comments were more philosophical and she particularly wanted to know what
40 problem we were solving. She wrote that she "...remained deeply concerned about the
41 unintended consequences..." and whether or not they will have an effect and how does
42 changing the ordinance map back to "...the Master Plan, police, fire, rescue, water,
43 roads, and other." The members had a productive discussion of unintended vs. intended
44 consequences. The expense of building an ADU may mitigate the enthusiasm by
45 homeowners as well as those properties currently on septic systems. **Bart** reported that

1 there are currently ~ 40 ADUs permitted in Town. The Planner will give the PB an
 2 annual update on the permitted ADUs in Town and to help them determine the success
 3 of these ordinance changes. **Val** prepared a spreadsheet comparing several towns and
 4 it was distributed to the members. (The spreadsheet is attached as **Addendum #1.**)
 5 The members discussed the comparisons. [time on DCAT 57:54]
 6 The Chair polled each member if they like the changes offered by **Val**:
 7 **Eric** likes it with **Val's** changes.
 8 **Patrick** likes it with **Val's** changes and is looking forward to seeing the environmental
 9 benefits to the Town.
 10 **Jeff** likes it with **Val's** changes and is looking forward to seeing the impacts.
 11 **Jane** likes it with **Val's** changes and is happy with the change from two ADUs to one.
 12 **Val** would like to see a bedroom limit of two.
 13 **Michal** likes it with **Val's** changes and is glad to see increasing density, but not
 14 reducing the open space and thinking of the environmental benefits to the Town.
 15 **Scott** likes it with **Val's** changes.
 16 The members wish to re-evaluate in one year.
 17 **Val** asked for a poll for the determination of bedroom limits. The majority of the Board
 18 approved the limit of two bedrooms.

19
 20 The Chair opened Public Comments at 8:10 PM.

21
 22 Hearing none, the Chair closed Public Comments at 8:11 PM.

23 [time on DCAT 1:14:39]
 24 **Motion:** **Valerie Shelton** made a motion to recommend to the Town Council to
 25 adopt the proposed amendments to §32-5 *Nonconformities*; §32-9 *Special use permits*;
 26 §32-11 *Definitions*; §32-155 *Wetland protection overlay district* and §32-234 *Accessory*
 27 *apartments* of the Municipal Town Code of Newmarket, New Hampshire, that seeks to
 28 expand the use of accessory dwelling units as proposed and modified by the edits
 29 recommended by Valerie Shelton and amended comments by Jeff Goldknopf regarding
 30 DADUs and also with the addition that under the *Standards* (e) (2) that bedrooms be
 31 limited to two.

32 **Second:** **Jane Ford**

33 **Discussion:** none

34 **Vote:** **Approved Unanimously by Roll Call Vote 7-0-0**

35
 36 The Chair would like to thank **Bart** and all the members of the Board for all of their hard
 37 work on this project. He believes that this will be a real benefit to the Town. **Bart** also
 38 wanted to thank the members for their thoughtful comments and help in making this a
 39 more perfect document.

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 41 *****

42 Read by Chair: [time on DCAT 1:16:53-1:49:05]
 43 c. Pursuant to §24-1 *Zoning ordinance amendment procedures*, of the **Municipal**
 44 **Code of the Town of Newmarket, New Hampshire**, the **Planning Board** shall review
 45 **draft language proposed by the Newmarket Town Council to amend §32-161**

1 **Historic overlay district of the Municipal Town Code of Newmarket, New**
2 **Hampshire, that seeks to add architectural design requirements within the**
3 **historic overlay district, or take any other action relative thereto.**

4 The Chair mentioned the letter received from the Town Manager, Steve Fournier, dated
5 January 3, 2023. (Attached to these minutes as **Amendment #2**). **Scott** reviewed the
6 discussions at the Town Council meetings and the background regarding the proposed
7 language which they felt needed to be modified. People have come before the TC with
8 their concerns about new construction in the Historic Overlay District and that any
9 construction should be architecturally compatible with the existing historic building or the
10 surrounding District buildings. Originally written by **Scott**, the language has been
11 modified by the Town Attorney. The TC would like to create an Historic District
12 Commission or let the Planning Board take over the process to initiate historic
13 conformity in the review process. The Chair has asked **Bart** to 1) research the 1980
14 Register to determine the delineation of the District and 2) create some appropriate
15 amendment language for the members to consider at the next meeting. **Val** would like
16 to review/compare both the Downtown District and the Historic Overlay District.
17

18 *****

19 **Agenda Item #5 – New/Old Business** [time on DCAT 1:49:11]

20 **Committee Reports:**

21 **Energy and Environment Advisory Committee:** **Patrick Reynolds** reported on the
22 recent letters from ReVision Energy and Amicus Cooperative (attached to the minutes
23 as **Amendment #3 and #4**) to discuss their sourcing of materials for solar panels. SCG
24 Management Corp is working with ReVision Energy on the Bennett Way project. **Jane**
25 was very thankful for the work that **Patrick** has done to get this information. Q Cells is
26 the company that she (in her professional life) uses the most. She does recommend
27 that the Town should ask for a Solar Supply Chain Traceability Report just to be on the
28 safe side for any Town purchases of solar panels.

29 **Town Council:** **Scott Blackstone** reported on that the TC approved the police collective
30 bargaining agreement that will now appear as a warrant article. Al Zink was reappointed
31 to the Zoning Board. The Town had a private contractor who was paid by the State to
32 monitor Town sewage for COVID levels. They used to give us the results of their
33 testing, but now the data is being kept by the State. There was concern about the
34 COVID tests because we take septage from unknown sources, but the State assured
35 the Town that the septage was such a small percent of our total waste that it wouldn't
36 matter. We are building the new facility just for the septage, so we will be able to
37 monitor that separately in the future. The Ad-hoc Art and Tourism Commission has
38 changed their name to the Art, Culture and Tourism Commission. There will be a
39 \$100,000 warrant article on the ballot for design and engineering at Moody Point for
40 stormwater mitigation with respect to the federal Clean Water Act. If approved and once
41 completed, the Town would then apply for additional grants for further work.

42 **Conservation Commission:** **Jeff Goldknopf** reported that the ConCom is very busy
43 completing the year-end monitoring, applying for grants, and setting priorities for the
44 coming year.

45 **Energy and Environment Advisory Committee:** **Patrick Reynolds** reported that the

1 committee will meet tomorrow and he will report back.
2 Planner's Report: **Bart** had nothing further to report this evening.

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4 **Agenda Item #6 – Adjourn** [time on DCAT 2:02:29]

- 5
- 6 **Motion:** **Jane Ford** moved to adjourn the meeting at 8:59 PM.
- 7 **Second:** **Jeff Goldknopf**
- 8 **Discussion:** none
- 9 **Vote:** **Approved Unanimously 7-0-0**

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13 Respectfully submitted,
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15 Sue Frick
16 Recording Secretary

<p>21 DCAT:</p> <p>22 https://videoplayer.telvue.com/player/XSekdEeRsk0JHQVHAvKJVka7_5VjxKP/videos</p> <p>23</p>
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1 ADDENDUM #1

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	NEWMARKET	STRATHAM	EPPING	N. HAMPTON	EXETER	ROCHESTER	DURHAM
Min	200	400	450	N/A	800	900	300
Max	1000	1000	750	800	800	800	850
Restriction by Primary	< 80% (need to add RSA 750)		33% (no less than 750)		33% (no less than 750)		
Bedroom Limit				2	2	2	2 Occ. Limit
Parking		2/unit	Adequate		Min. 4	1 Add'l	1 Add'l
Detached	Yes	50% of PD gross interior SF	> 10 yrs old	No	750 max.	Yes	Yes
		50' new structure SB					
		Prohibited in Open Space Dev.					

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1 **ADDENDUM #2**

STEPHEN R. FOURNIER
TOWN MANAGER



FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the TOWN MANAGER

January 3, 2023

Newmarket Planning Board
186 Main Street
Newmarket NH 03857

Honorable Members of the Newmarket Planning Board:

In accordance with Section 24-1 (1) of the Town of Newmarket Municipal Code, on behalf of Councilor Scott Blackstone, with consensus of the Town Council, I submit for your consideration the following amendment to Section 32-161 Historic District Overlay of the Municipal Code:

*Explanation: Matter added to current law appears in bold.
Matter removed from current law appears ~~struck through~~.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.*

Sec. 32-161. Historic overlay district.

- (a) *Purpose.* The purpose of the historic overlay district is to protect and preserve cultural resources, particularly structures, buildings, and places of historic, architectural, and community value in an effort to promote a vibrant downtown, support existing and new business, conserve property values, foster economic development and revitalization, strengthen and expand the local economy and business community, and instill an appreciation of the town's cultural heritage and civic beauty for the education, pleasure, and general welfare of the citizens of Newmarket.
- (b) *Overlay district boundaries.* The historic overlay district shall include all the property within the area delineated as the "Newmarket Industrial and Commercial Historic District" as listed on the National Register of Historic Places in December 1980. District boundaries may be amended and new districts may be proposed following the enactment procedures of RSA 675.
- (c) *Requirements: Any construction on a new or existing building in the Historic District shall be architecturally compatible with either this existing Historic District building, or the surrounding Historic*

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TEL: (603) 659-3617 • FAX: (603) 659-8508 • sfournier@newmarketnh.gov
www.newmarketnh.gov

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1 **ADDENDUM #2 continued**
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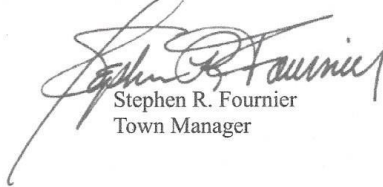
District buildings.

~~(d)~~ **(d) Enforcement.** The provisions of this section shall be enforced as provided in RSA 674:49 and section 32-8.

~~(e)~~ **(e) Penalties.** Any person who violates any of the provisions of this section shall be subject to fines and penalties pursuant to RSA 676:17.

In accordance with the Municipal Code, the Planning Board has 90 days act on this matter. Thank you.

Respectfully,



Stephen R. Fournier
Town Manager

cc: Town Council
Community Development Director

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1 **ADDENDUM #3**

January 9th, 2023

Chairman Eric Botterman
Town of Newmarket Planning Board

RE: Solar Industry Supply Chain Concerns

Chairman Botterman,

It has come to our attention that there were some concerns raised in a previous Newmarket Planning Board meeting regarding the usage of forced labor in areas of the renewable energy supply chain. I wanted to share some additional detail regarding our company, and our procurement approach to share why we are 100% confident that zero of the solar modules, or components in general, utilized in ReVision Energy systems are manufactured with forced labor.

ReVision Energy is an employee owned B-Corp celebrating 20 years of operation in 2023. A public benefit corporation is a for profit corporation that is intended to produce one or more public benefits and to operate in a responsible and sustainable manner. ReVision Energy's collective mission is to lead our community in solving the environmental problems caused by fossil fuels while alleviating economic and social injustice.

Solar modules are a global commodity, and the supply chain spans the entire planet. In 2022 the global market exceeded \$400 Billion in aggregate value. As with any global industry, there are both good and bad actors involved.

In June of 2022, the United States Government instituted the "Uyghur Forced Labor Protection Act". Since then, the US Customs office has seized and continues to hold over 1,000 shipments of solar modules coming in from overseas, primarily from the Xinjiang region of China. [US ports blocking shipments of solar components due to forced labor fears – pv magazine International \(pv-magazine.com\)](https://www.pv-magazine.com/2022/06/29/us-ports-blocking-shipments-of-solar-components-due-to-forced-labor-fears-pv-magazine-international-pv-magazine-com/)

This US policy impacts all manufacturers in that region, not just solar, and puts the burden on the companies' exporting products from that region to show proof that they are not using forced labor in their entire supply chain. While the Federal government has not formally announced the solar manufacturers involved in these seizures, industry knowledge is pegging the primary companies as Longi, Trina Solar and Jinko Solar. Historically those 3 companies have combined to make up about 1/3 of the solar panels used in the US. While these 3 manufacturers have denied utilizing forced labor in their supply chain, as of January 2023, they have been unable to provide the US Customs Departments sufficient documentation to allow their products to be imported into the US.

ReVision Energy does not use panels from those 3 companies who are impacted by this investigation. The manufacturers we do rely on (Q-Cell and REC) have successfully demonstrated to the Federal Government that they do not use forced labor of any type in their own facilities or in their upstream suppliers, and do much of their manufacturing outside of China.

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1 **ADDENDUM #3 continued**



ReVision Energy is also a member of the [Amicus Solar Cooperative](#), where we purchase 100% of our solar modules. We take supply chain very seriously at Amicus who, as another certified B-Corp cooperative has decided to not do any business with companies who have not been able to prove they use fair labor practices. A copy of the Vendor code of conduct ReVision has signed is attached for reference.

In summary, it is true there are handful of global solar module manufacturers who **may** rely on forced labor for some parts of their component supply chain. Those companies are being investigated by the Federal Government. It is also true that there are many more companies who do not rely on those same labor practices. ReVision Energy does business exclusively with companies who do not use illegal and immoral labor sources for their own work, or upstream supply chain.

I hope you find this information useful. I am happy to discuss in more detail if you have any questions. Please know we appreciate your interest and diligence in these questions. Demanding fair and equitable labor practices at every stage of the renewable energy supply chain is an important part of our energy transition.

Best Regards
James Hasselbeck
James Hasselbeck
Chief Operating Officer
[ReVision Energy](#), a [Certified B Corp](#)
603.244.6830
JamesH@ReVisionEnergy.com

Digitally signed by James Hasselbeck
DN: c=US, ou=ReVision Energy, o=ReVision Energy, cn=James Hasselbeck, email=JamesH@Revisionenergy.com
Reason: I am the author of this document
Location: Brentwood, NH
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1 ADDENDUM #4



Code of Conduct

Amicus Solar Cooperative considers all stakeholders in every facet of its business activities. Our cooperative holds the following requirements for ourselves and any stakeholder entity the cooperative engages:

- Amicus Solar Cooperative and all its stakeholders will operate in ways that meet fundamental responsibilities, values, and principles of human rights, labor, environmental protection and anti-corruption that are described in the Ten Principles of the United Nations Global Compact as well as The Guiding Principles on Business and Human Rights published by the United Nations Office of the High Commissioner on Human Rights; and
- Amicus Solar Cooperative and all its stakeholders will meet or exceed all labor laws applicable to their place(s) of operations, such as, but not limited to, those addressing discrimination; harassment; wages and pay; forced and child labor; and workplace safety and health.

Amicus Solar Cooperative may investigate stakeholders that have violated, or have been credibly accused of violating, these requirements or any of the principles set forth above.

Amicus Solar Cooperative requires itself and all its stakeholders to operate in accordance with the stricter and more stringent of (i) the requirements outlined above; and (ii) all applicable laws and regulations having jurisdiction over their place(s) of operation.



TOWN OF
NEWMARKET
 NEW HAMPSHIRE

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PLANNING BOARD

November 8, 2022 at 7:00 PM

DRAFT MEETING MINUTES

Members Present: Eric Botterman (Chair), Val Shelton (Vice-Chair), Bart McDonough (Director of Planning & Community Development), Jeff Goldknopf, Patrick Reynolds, Michal Zahorik (alternate), and Scott Blackstone (Town Council Ex officio)

Members Absent: Jane Ford and Timothy Rossignol

Chair **Eric Botterman** opened the meeting at 7:00PM. [time on DCAT 0:17]

Michal Zahorik was appointed as a voting member this evening.

Agenda Item #1 - Pledge of Allegiance

Agenda Item #2 - Public Comments

The Chair opened the Public Comments for any non-agenda items at 7:00. Seeing no one wishing to speak, Public Comments were closed at 7:01.

Agenda Item #3 - Review & Approval of Minutes

[time on DCAT 1:02]

a. October 11, 2022

Motion: Val Shelton moved to approve the draft minutes of 10-11-2022 as written.

Second: Patrick Reynolds

Discussion: none

Vote: Approved 4-0-2 (abstaining were Michal Zahorick and Eric Botterman)

Agenda Item #4 – Regular Business

Read by Chair:

[time on DCAT 1:44]

a. Pursuant RSA 676:4I(d) and Appendix A – Subdivisions of the Municipal Code of the Town of Newmarket, New Hampshire, there will be a public hearing for an application for Boundary Line Adjustment, requested by James & Holly Geekie of 27 Great Hill Drive, Tax Map U5, Lot 66, R2 Zone & Gregory & Catherine Brashear of 29 Great Hill Drive, Tax Map U5, Lot 67, R2 Zone. The proposal is to adjust the boundary to decrease Lot 66 and increase Lot 67 by .05 acres.

The Planner stated that the application is substantially complete.

1 **Motion #1:** Val Shelton moved to approve the application as substantially
2 complete.

3 **Second:** Jeff Goldknopf

4 **Discussion:** none

5 **Vote:** Approved Unanimously 6-0-0

6

7 The Chair opened the public hearing at 7:03 PM. [time on DCAT 3:27]

8

9 Jim and Holly Geekie were present at the meeting tonight. Jim Geekie rose to speak
10 about the application for a boundary line adjustment to solve an encroachment issue.
11 He described the situation which has been present for some time. In particular, the lot
12 next door (Lot 67) is elevated and, for privacy to both parties as neighbors, they have
13 agreed to adjust the boundary to decrease Lot 66 and increase Lot 67 by .05 acres at
14 this time.

15

16 With no comments from the audience, the Chair closed the public hearing at 7:04 PM

17

18 The Vice-Chair asked **Bart** if he had any recommendations. He does and those
19 conditions are described in the staff report and are listed below:

20

21 1. The Applicants, James W. & Holly J. Geekie and Gregory R. & Catherine E. Brashear
22 have requested approval to convey from Tax Map U5-Lot 66 to Tax Map U5 67 2,238
23 square feet of land. Both parcels are located within the R-2 zoning district. No new
24 development at the time of this application is proposed on either lot, and the lots, as a
25 result of the boundary line adjustment, are not becoming more nonconforming.

26

27 2. The Planning Board accepted this application for subdivision as being complete at
28 the November 8, 2022 Planning Board meeting. And subsequently determined at the
29 meeting the application did not require a technical review.

30

31 3. At the meeting of November 8, 2022, the Planning Board reviewed the application for
32 minor subdivision against the standards as enumerated in Appendix-A *Subdivisions* and
33 Chapter 32 *Zoning* of the Municipal Code of the Town of Newmarket, New Hampshire
34 ("Municipal Code") and it was determined through a vote November 8, 2022 that the
35 application met all the requirements.

36

37 4. At the time of the Planning Board's decision, the Town Engineer, Chief of Police,
38 Public Works Director and Fire Chief did not have any comments on the application.

39

40 **Conditions Precedent:**

41 All conditions precedent as enumerated below must be met prior to the endorsement of
42 the boundary line adjustment plan:

43

44 1. The applicant shall submit a draft deed that completes the conveyance of the affected
45 parcels to the Planning Department for review and approval prior to recording at the
46 Rockingham County Registry of Deeds.

2. Update the plan set reflecting the comments made at the November 8, 2022 Planning Board meeting and the staff notes, dated November 8, 2022.

3. ~~The surveyor shall provide a certificate of monument installation to the Planning Department, pursuant to §3.05(C) Certificate of Monument Installation.~~ The Planning Board does not require a Certificate of Monumentation, but the pin set must be indicated on the updated plan when submitted.

Conditions Subsequent and General Terms:

- 1. All the precedent conditions are met;
- 2. Pursuant to RSA 676:3(III), the final notice of decision, the plat, and new deed shall be recorded at the Rockingham Country Registry of Deeds.

Motion #2: Val Shelton moved to approve the application for Boundary Line Adjustment, requested by James & Holly Geekie of 27 Great Hill Drive, Tax Map U5, Lot 66, R2 Zone and Gregory & Catherine Brashear of 29 Great Hill Drive, Tax Map U5, Lot 67, R2 Zone to adjust the boundary to decrease Lot 66 and increase Lot 67 by .05 acres being subject to the recommended conditions of approval by the Town Planner with the addition that monumentation be set and the plan be updated according to the monument set prior to the Chair signing the plan.

Second: Patrick Reynolds
Discussion: none
Vote: Approved Unanimously 6-0-0

Jeff Goldknopf recused himself from the next discussion at 7:09 PM.

Read by Chair: [time on DCAT 8:23]
b. Pursuant RSA 674:35 and 676:4I(d) and Appendix A – Subdivisions of the Municipal Code of the Town of Newmarket, New Hampshire, there will be a public hearing for an application for Minor Subdivision, requested by Chinburg Development LLC, for property located at Tanner Circle, Tax Map R4, Lot 3-8 & 10, within the R2 Zoning District. The proposed application seeks approval for the duplex to become a condominium in ownership.

The Planner stated that the application is substantially complete.

Motion #1: Val Shelton moved to approve the application as substantially complete.
Second: Patrick Reynolds
Discussion: none
Vote: Approved Unanimously 5-0-0

The Chair opened the public hearing at 7:09 PM. [time on DCAT 8:27]

1 Present this evening is Alexx Monastiero, The Gove Group Real Estate LLC,
 2 representing Chinburg Development LLC. The proposed development application seeks
 3 approval to create a condominium association on a lot hosting a duplex. No new
 4 development is proposed in this application, rather only the legal establishment of a new
 5 association to govern the parcel. The Condominium Association is located within the
 6 Mill Town Open Space Subdivision with a former address of 77 Hersey Lane (now
 7 known as Tanner Circle). The proposed condominium association will also be a part of
 8 the Milltown Green Homeowners Association, which governs all the responsibilities of
 9 the properties as it relates to common elements amongst other requirements.

10
 11 With no comments from the audience, the Chair closed the public hearing at 7:10 PM.

12
 13 **Bart** had several recommendations for the minor subdivision application which are
 14 described in the staff report and detailed below:

15
 16 Findings of Fact

- 17 1. The Applicant, Chinburg Development LLC has requested approval to establish on
 18 Tax Map R4-Lots 3-8 and 3-10 a distinct condominium association. Both dwelling units
 19 (duplex) are located within the R-4 zoning district and wetland protection overlay district
 20 on a lot with an area totaling 0.569 acres. No new development other than what was
 21 previously approved (December 22, 2020 & September 13, 2022) is proposed on the
 22 lot.
- 23 2. The Planning Board has accepted this application for subdivision as being complete.
 24 The application does not require a technical review.
- 25 3. At the meeting of November 8, 2022, the Planning Board reviewed the application for
 26 minor subdivision against the standards as enumerated in Appendix-A *Subdivisions* and
 27 Chapter 32 *Zoning* of the Municipal Code of the Town of Newmarket, New Hampshire
 28 ("Municipal Code") and it was determined through a vote November 8, 2022 that the
 29 application met all the requirements.
- 30 4. The applicant did not request waivers from Appendix - A *Subdivisions*. Further the
 31 Planning Board, based on the information presented for review, determined that no
 32 additional permits were required to move forward with a final determination.
- 33 5. At the time of the Planning Board's decision, the Town Engineer, Chief of Police,
 34 Public Works Director and Fire Chief did not have any comments on the application.

35
 36 Conditions Precedent

37 All conditions precedent as enumerated below must be met prior to the endorsement of
 38 the boundary line adjustment plan:

- 39 1. The draft condominium association declaration shall be reviewed and approved by
 40 the Town's Legal Counsel prior to recording at the Rockingham County Registry of
 41 Deeds.
- 42 2. Applicant shall submit all state approvals prior to the endorsement of the approved
 43 plan, if any.
- 44 3. Update the plan set reflecting the comments made at the November 8, 2022 Planning
 45 Board meeting and the staff notes, dated November 8, 2022 recommending an updated
 46 plan set after approvals were granted at the September 13, 2022 meeting.

1 Conditions Subsequent and General Terms

- 2 1. All the precedent conditions are met;
 3 2. Pursuant to RSA 676:3(III), the final notice of decision, the plat, and new deed shall
 4 be recorded at the Rockingham Country Registry of Deeds.

5
 6 Vesting of Minor Subdivision

7 The recommended vesting period for this project:

- 8 1. The minor subdivision approval shall be deemed to have permanent vesting rights,
 9 exempting it from all subsequent changes in subdivision regulations and zoning
 10 regulations, excepting impact fees and those regulations that expressly protect public
 11 health standards, after the date of final approval of the plans, provided the plan is
 12 properly recorded in the Rockingham County Registry of Deeds within 24 months after
 13 the Conditions Precedent have been met.

14
 15 **Motion #2:** Val Shelton moved to approve the application for the Minor Subdivision
 16 for the property located at Tanner Circle, Tax Map R4, Lot 3-8 & 10, within the R2
 17 Zoning District to approve the duplex to become a condominium in ownership subject to
 18 the Town Planner's recommended conditions of approval and that the properties remain
 19 subject to impact fees.

20 **Second:** Patrick Reynolds

21 **Discussion:** none

22 **Vote:** Approved Unanimously 5-0-0

23
 24 -----
 25 **Jeff Goldknopf** returned to the meeting at 7:14 PM.
 26 -----

27 Read by Chair:

[time on DCAT 13:35]

28 c. Pursuant to §24-1 Zoning ordinance amendment procedures, of the Municipal
 29 Code of the Town of Newmarket, New Hampshire, Planning Board shall continue
 30 a public hearing on proposed amendments to §32-5 Nonconformities; §32-9
 31 Special use permits; §32-11 Definitions; §32-155 Wetland protection overlay
 32 district and §32-234 Accessory apartments of the Municipal Town Code of
 33 Newmarket, New Hampshire, that seeks to expand the use of accessory dwelling
 34 units, or take any other action relative thereto.
 35

36 The Chair opened the public hearing at 7:15 PM.

[time on DCAT 14:10]

37
 38 Jon Kiper, 170 Main Street, rose to speak at the podium. He discussed his past history
 39 of service to the town beginning with the ZBA and moving to the Town Council. He
 40 spoke about the need for changes to the ordinance to permit DADUs to allow families to
 41 help parents and children remain near to one another. Many people he spoke with
 42 commented that that was their hope. He also noted that 50% of the properties in
 43 Newmarket are rental units and many people are finding rental prices more challenging.
 44 He also mentioned that in the past, he was able to hire employees from Newmarket for
 45 his restaurant, but now too many cannot afford the increased rents and he has been
 46 hiring people from places like Rochester or Somersworth. In order to make that situation
 47 work, he has to compensate in salary and travel costs and that additional cost is passed

1 on to his customers. It appears to be a vicious circle and the economics which allow
 2 restaurants in Newmarket to remain open and thrive is becoming more difficult.
 3 Restaurants are not the only businesses in Town having issues with hiring and retaining
 4 employees because of housing. He looks forward to seeing the ordinance change.

5
 6 No one else asked to speak this evening.

7 [time on DCAT 22:35]

8 **Bart** began by going through the marked copy of the ordinance with the changes made
 9 to date and reviewed the format changes. On page 3 line 129, changes were made after
 10 discussion with the Board in regard to (e) Recertification and Retirement of ADU. The
 11 entire draft ordinance may be seen at:

12 [proposed zoning and planning board regulation amendments updated 11-4-
 13 2022.pdf \(newmarketnh.gov\)](https://www.newmarketnh.gov/files/2022/04/proposed_zoning_and_planning_board_regulation_amendments_updated_11-4-2022.pdf) .

14
 15 The members discussed how the staff would deal with any violations. The violation
 16 would be in the form of a Chapter 32 Zoning Violation where the owner would have 30
 17 days to appeal the administrative decision.

18
 19 Page 3 line 143 was discussed next with regard to changes to (2) Dimensions
 20 The members discussed the 1,000 sq ft upper limit and any applicant could seek a
 21 variance for a larger unit in an existing structure.

22
 23 The Chair asked for a consensus for two units per lot. The members were mostly in
 24 favor of one ADU or DADU per lot.

25 [time on DCAT 51:54]

26 The discussion moved to page 5 line 232 the *(vi) Open space* requirements chart. The
 27 members thought that '*Pervious surface*' would be a better descriptor.

28
 29 **Bart** will be making changes to this section based on Board discussions from page 5
 30 line 232 through page 7 line 341.

31
 32 **Bart** and **Eric** will be contacting DPW on the regulations for additional curb cuts and
 33 report back.

34
 35 The members had differing opinions on the number of allowable bedrooms. The
 36 ordinance currently allows two. Some felt that market demand should dictate the
 37 number allowed. This will be addressed further at a later date.

38
 39 **Val** would like **Bart** to reconsider the language in the sections on fire escapes and
 40 external stairways. In particular, that fire escapes and external stairways would not be
 41 allowed to be visible from the street. He agreed to do that for the next meeting.

42
 43 The letter from the Conservation Commission commenting on the proposed ordinance
 44 changes was entered into the record by **Bart** and is attached to the minutes as
 45 Addendum #1 . The members addressed the concerns of the Conservation
 46 Commission.

1
2
3 **Patrick Reynolds** needed to leave the meeting at 9:00 PM this evening, but wanted
4 everyone to know about a community forum, organized by the **Energy and**
5 **Environment Advisory Committee**, which will be held on Wednesday, November 9 at
6 7:00 PM in the Town Hall Auditorium. They will be hosting a guest speaker, Henry
7 Herndon, the administrator for the Community Power Coalition, who will be making a
8 presentation followed by a question and answer period. The meeting will air on DCAT
9 and livestream on Facebook. For more information go to: [Members | Community Power](#)
10 [Coalition of New Hampshire \(cpcnh.org\)](#).

11
12
13 **Motion:** **Val Shelton** moved to continue the public hearing on §24-1 *Zoning*
14 *ordinance amendment procedures*, of the Municipal Code of the Town of Newmarket,
15 New Hampshire to the next meeting on December 13, 2022.

16 **Second:** **Jeff Goldknopf**

17 **Discussion:** none

18 **Vote:** **Approved Unanimously 5-0-0**

19
20 Read by Chair:

[time on DCAT 2:00:47]

21 d. **Pursuant to RSA 675:7, the Planning Board shall continue a public hearing to**
22 **amend both the Site Plan and Subdivision Regulations of the Town of Newmarket,**
23 **New Hampshire intending to modify Sec. 2.06 Fees of Appendix A. - Subdivision**
24 **and Sec. 2.05 Fees of Appendix B. – Site Plans, or take any other action relative**
25 **thereto.**

26
27 The Chair asked for a motion to continue the public hearing to the next meeting.

28
29 **Motion:** **Val Shelton** moved to continue the public hearing to amend both the Site
30 Plan and Subdivision Regulations of the Town of Newmarket, New Hampshire intending
31 to modify Sec. 2.06 Fees of Appendix A. - Subdivision and Sec. 2.05 Fees of Appendix
32 B. – *Site Plan Review* to the next meeting on December 13, 2022.

33 **Second:** **Jeff Goldknopf**

34 **Discussion:** none

35 **Vote:** **Approved Unanimously 5-0-0**

36
37
38 **Agenda Item #5 - New/Old Business**

[time on DCAT 2:01:19]

39 **Chairman's Report:** The Chair had nothing to report this evening.

40 **Committee Reports:**

41 **Conservation Commission:** **Jeff** had nothing to report beyond the letter sent.

42 **Planner's Report:** **Bart** attended the ZBA meeting to review the proposed ordinance
43 amendments on Oct. 24, 2022. Members of the ZBA were pleased with the changes
44 being proposed as-well-as being removed from the ADU approval process.

45
46 The Chair said that he would be pleased to be removed in any future Planning Board
47 jurisdiction over condominium conversions and asked **Bart** to draft something to

1 address this request. **Bart** will look at other communities and report at the next meeting
2 as to how to streamline the process.

3
4 **Val** would like the Town Planner to sign plans once conditions are met which would
5 expedite the process. In addition, she would like to see a reduction in unnecessary
6 paper provided at each meeting – applications, list of abutters, etc. **Bart** asked the
7 members if they are comfortable with an 11x17” plan in the packet with the applicant
8 providing a few copies of full-size plans for the meeting. **Bart** plans to make significant
9 changes to the application process which would reduce paper and make more sense.
10 **Bart** will also be creating a tab at the Planning Board page to provide information on
11 current site plans – including both review and approval status which will help the public
12 find this information quickly.

13
14 **Agenda Item #6 – Adjourn**

[time on DCAT 2:08:50]

- 15
- 16 **Motion:** **Jeff Goldknopf** moved to adjourn at 9:10 PM.
- 17 **Second:** **Val Shelton**
- 18 **Discussion:** none
- 19 **Vote:** **Approved Unanimously 5-0-0**

20
21
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23 Respectfully submitted,
24
25 Sue Frick
26 Recording Secretary
27

28
29
30 **DCAT:**
31 https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7_5VjxKP/videos
32

1 **ADDENDUM #1:**

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TOWN OF NEWMARKET, NH
CONSERVATION
COMMISSION

Date: 17 October 2022

To: Bart McDonough, Director of Planning and Community Development
Jeff Goldknopf, Planning Board Rep to the Conservation Commission

From: Newmarket Conservation Commission

Re: Accessible Dwelling Unit draft zoning changes

The Conservation Commission appreciates the opportunity to provide our input on the proposed amendments to the Zoning Code related to Accessible Dwelling Units.

The Commission supports the goal of a vibrant community with a healthy environment and access to affordable housing. Conserving natural areas to protect drinking water, habitat, forestry, farming, and recreation is compatible with seeking creative ways to offer more housing options. We support continued efforts to minimize the impacts of impervious services through maximizing green spaces and by ensuring adequate and sustainable stormwater management. With these objectives in mind, we offer the following comments to the draft ADU zoning changes.

Sec. 32-155 Wetland Protection Overlay District

Newmarket mapped and designated Prime Wetlands – those of highest value due to size, unspoiled character, important ecological services, and/or presence of rare species. These are a subset of all the wetlands in town. Due to their ecological significance and provisioning of important ecosystem services (e.g., flood control, storm water retention, groundwater recharge), we believe that the integrity of the Prime Wetlands and associated wetland buffers should be protected without intrusion of any housing or storage structures. **Therefore, we recommend that this section be modified to NOT allow the construction of ADUs within the wetland buffer of a Prime Wetland.**

Sec. 32-234 Accessible Dwelling Unit Standards: Density and Open Space

Density

The majority of the Commission members support the provision allowing one to two ADUs per the standards outlined. However, we had a lengthy discussion about this issue and one Commission member was not in favor of allowing two units. Our discussion related to maintaining sufficient open/green space and stormwater management capacity as well as the concern about increased density throughout Town into areas that provide significant benefits as larger open space.

Open Space/Stormwater Management

The Commission concurs that the open space/stormwater management are critical components of these proposed changes. We discussed the ability to ensure that these features are maintained over time and how would this be enforced. **We support the idea of requiring an annual assessment or recertification to ensure that these features are maintained. We also recommend that applicants submit a drawing to the Building Inspector/Code Enforcement Officer showing the location of the open space and/or stormwater management features when they apply for a permit to build an ADU.**

3