



Office of the Planning Board

Incorporated December 15, 1727

**NEWMARKET PLANNING BOARD  
TUESDAY, SEPTEMBER 13, 2022  
TOWN COUNCIL CHAMBERS  
7:00 P.M.**

**AGENDA**

**Agenda Item #1 - Pledge of Allegiance**

**Agenda Item #2 – Public Comments**

**Agenda Item #3 - Review & Approval of Minutes**

1. August 9, 2022

**Agenda Item #4 – Regular Business**

1. Pursuant to Appendix B - *Site Plans* of the Municipal Code of the Town Newmarket, New Hampshire, notice is hereby given that there is a request to amend the conditions of approval for a major site plan by **11 Chapel Street LLC**, seeking not to be compelled to record the approved site plan at the Rockingham County Registry of Deeds. The property is located on real property with an address of 11 Chapel Street, Tax Map U2, Lot 3, within M-2 zoning district.
2. Pursuant to Appendix B - *Subdivisions* of the Municipal Code of the Town Newmarket, New Hampshire, notice is hereby given that there is a request to modify an approved open space site plan by **Chinburg Properties Inc.**, seeking approval to expand the footprint of two (2) retaining walls in order to provide structural support for the footings and foundation of the lot's buildings. The proposed modifications are located on real property with an address of 77 Hersey Lane, Tax Map R4, Lot 3-10 & Lot 3-11 within R-2 zoning district.
3. Pursuant RSA 676:4, RSA 675:7 and Appendix A – *Subdivisions* of the Municipal Code of the Town of Newmarket, New Hampshire, notice is hereby given that there will be a public hearing for an application for Boundary Line Adjustment, requested by **Tina Russell** of 19 Packers Falls Road, (Tax Map U1 - Lot 3), **Nancy Sunders & Peter B. Williams** of 9 Packers Falls Road, (Tax Map U1- Lot 2), and **Philip & Laura Lavoie** of 21 Packers Falls Road (Tax Map U1- Lot 4) all located within the R-2 zoning district. The proposed application seeks to adjust the lot line between the three properties by Tax Map



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U1 - Lot 3 respectively conveying 8,532-sf of land to Tax Map U1- Lot 2 and 5,834-sf of land to Tax Map U1 - Lot 4.

4. Pursuant to §24-1 *Zoning ordinance amendment procedures*, of the Municipal Code of the Town of Newmarket, New Hampshire, notice is hereby given that the Planning Board shall hold 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.
5. Pursuant to RSA 675:7, the Planning Board shall hold 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 Plan Review*, 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**

*All meetings are scheduled to end by 10:00 p.m. If an agenda item is not completed by that time, it may be continued to the following month's regular meeting date. The Board reserves the right to reschedule agenda items within their noticed time frames. The Board also reserves the right to extend the meeting time beyond 10:00 p.m., if they deem it appropriate.*



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**NEWMARKET PLANNING BOARD  
TUESDAY, SEPTEMBER 13, 2022  
TOWN COUNCIL CHAMBERS  
7:00 P.M.**

**AGENDA**



**NEWMARKET PLANNING BOARD**  
TUESDAY AUGUST 9, 2022  
TOWN COUNCIL CHAMBERS  
7:00 PM

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

Chair **Eric Botterman** opened the meeting at 7:00 PM. [time on DCAT 7:03]

The Chair appointed **Michal Zahorik** as a voting member this evening.  
Voting members this evening will be: **Eric Botterman, Val Shelton, Jane Ford, Jeff Goldknopf, Patrick Reynolds, Scott Blackstone, and Michal Zahorik.**

**1. Pledge of Allegiance**

**2. Public Comments**

[time on DCAT 7:27]

Public comments were opened at 7:01PM. There were no members of the public wishing to speak this evening on anything not already on the agenda. Public comments were closed at 7:02 PM.

**3. Review and Approval of Minutes- July 12, 2022**

[time on DCAT 7:40]

**Motion:** Val Shelton moved to approve the minutes of July 12, 2022 as drafted.

**Second:** Patrick Reynolds

**Discussion:** Val Shelton had corrections to pages 4 line 11, 5 line 25, and 6 line 35.

**Vote:** Approved 7-0-0 as amended

**4. Regular Business**

Read by the Chair:

[time on DCAT 10:26]

**a. Pursuant RSA 676:4I(d) and Appendix B - Site Plans of the Municipal Code of the Town**

1 **Newmarket, New Hampshire, there will be a continuation of a public hearing for an**  
2 **application for minor site plan review, requested by 11 Chapel Street LLC, requesting**  
3 **approval for the conversion of approved retail space on the first floor of a new barn (bike**  
4 **shop) to an apartment. The property is located on real property with an address of 11**  
5 **Chapel Street, Tax Map U2, Lot 3, within M-2 zoning district.**

6  
7 Present this evening are Mr. Keper Connell, owner of 11 Chapel Street, and Mr. Eric Weinrieb,  
8 PE, Consulting Engineer, Altus Engineering, Inc. Mr. Weinrieb gave an update of what changes  
9 have been made to the minor site plan for the property at 11 Chapel Street from the letter  
10 submitted to the ZBA dated July 25, 2022, addressing the previous concerns of the Board. The  
11 members agreed that the sixth parking spot which is on grass may serve as parking space making  
12 the total parking spaces six (as required).

13  
14 The Chair read the applicant's **Waiver Request** into the record: [time on DCAT 14:33]  
15 **11 Chapel Street, LLC requests a waiver from Section 3.02 (B) Parking Lot Design (1) (a)**  
16 **[1] Parking stall shall be large enough to fully contain a rectangle 9' wide by 18-ft long.**  
17 **(a) Shall not be detrimental to the public health, safety or general welfare.**  
18 *by allowing undersized stalls, the applicant will be able to provide more on-site parking, which*  
19 *will reduce the potential for the development to utilize nearby public parking stalls. It will reduce*  
20 *congestion and overcrowding of the Town street.*  
21 **(b) Shall not be injurious to other parties, and**  
22 *Providing additional on-site parking will not be injurious to other parties. In fact, it will benefit*  
23 *nearby property owners by eliminating usage of public parking spaces.*  
24 **(c) Shall be consistent with the purpose and intent of this Regulation.**  
25 *9' x18' parking stalls are generally intended for public access where there is a high rate of*  
26 *vehicular turnover during the day. Residential parking has limited turnover, thus there is less*  
27 *potential for conflicts with access to the vehicles.*

28 [time on DCAT 15:53]  
29 **Motion #1:** Val Shelton made a motion to grant the Waiver Request from the applicant from  
30 Section 3.02 (B) Parking Lot and Parking Design Sizes to reduce said spaces as shown on the  
31 plan including the number six parking space based upon the reasoning provided by the applicant.  
32 **Second:** Jane Ford  
33 **Discussion:** None  
34 **Vote:** Approved 7-0-0

35  
36 

The Chair closed the public hearing at 7:12 PM.	[time on DCAT 16:42]
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37  
38 **Jeff Goldknopf** asked if a bollard would be required between the parking stall and the propane  
39 tanks. Mr. Weinrieb agreed that the provider may well require that from the owner. The Chair  
40 would like to see the sixth parking space added to the plan in note five. The Planner  
41 recommendations included a Board discussion the sixth parking space, discussion of conditions  
42 to the site plan which should be updated and then recorded, if approved, and the applicant shall

1 pay all applicable Impact Fees in accordance with §32-239 Impact Fees of the Municipal Code  
2 of the Town of Newmarket, New Hampshire.

3  
4 **Motion #2:** Val Shelton made a motion to approved the Major Site Plan for 11 Chapel Street,  
5 LLC for the conversion of the approved retail space in the first floor of a new barn to an  
6 apartment on real property located at 11 Chapel Street (Tax Map U2 Lot 3) within the M-2  
7 zoning district subject to the following conditions: 1) note five on the major site plan be changed  
8 to six parking spaces instead of five, 2) the title on the plan be changed to “Major” from  
9 “Minor” Site Plan, 3) that parking space number six be color coded to be designated as such  
10 consistent with the other parking spaces, 4) that two bollards be shown on the plan and be  
11 installed in front of the propane tanks by the existing three bedroom residence, and 5) continue  
12 subject to the general conditions outlined in the Town Staff Report memo of Tuesday, August 9,  
13 2022.

14 **Second:** Jane Ford

15 **Discussion:** None

16 **Vote:** Approved 7-0-0  
17  
18

19 Read by the Chair:

[time on DCAT 21:22]

20 **b. Pursuant RSA 676:4I(d) and Appendix B - Site Plan of the Municipal Code of the Town**  
21 **of Newmarket, New Hampshire, there will be a continuation of a public hearing for an**  
22 **application for site plan review and special use permit requested by CC Railroad Street**  
23 **Newmarket LLC, located on real property with an address of 3 Railroad Street, Tax Map**  
24 **U3, Lot 138A, within the M2A Zone. The proposed application seeks to demolish existing**  
25 **nonconforming buildings and construct a new 8-unit residential building within the current**  
26 **footprint with appurtenant infrastructure.**

27  
28 

The Chair opened the public hearing for the Special Use Permit at 7:15 PM. [time on DCAT 22:06]
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[time on DCAT 22:07-47:19]

31 Mr. Ben Stebbins, the principal owner of the property at 3 Railroad Street, Mr. Michael Sievert  
32 P.E., Horizons Engineering, and Mr. Henry B. Stebbins Esq., from Stebbins, Lazos, and Van Der  
33 Beken P.A., Attorneys at Law in Manchester, were present this evening. Mr. Sievert gave an  
34 update of the project to the Board since the last meeting. He spoke about the engineering review  
35 by Underwood Engineers and the denial of the request for relief from the boundary survey. Mr.  
36 Sievert made all the changes requested except one on the sewer (brought by the Planner) to be  
37 discussed later. Mr. Sievert also submitted a waiver for curbing. He briefly described changes  
38 with Board questions. The roof slopes toward the back, so the architect recommended a stone  
39 path for accommodate the drip and avoid erosion rather than a pedestrian walkway. One of the  
40 plans submitted needs to be updated to remove the walkway and it must be added to the Site  
41 Plan. The Board discussed the need for a fence along the back lot line between the building the  
42 foliage. The Board discussed the need for a stamped boundary survey and the Planner read from

1 the ordinance “...the survey information shall be certified as to the accuracy of the plan shall be  
2 stamped and signed by a NH licensed land surveyor.” Mr. Sievert will get a copy of the recorded  
3 sheet and include it in the package. All notations must be on plan C101 which will be recorded.  
4 They will not record the plan without the survey boundary stamped on the plan. The Planner  
5 asked for turn-around time for the updated plan to be returned to him. Mr. Sievert believes it  
6 should be within 1-2 weeks. The easement memo to be drafted will include utilities, snow  
7 storage, and all off-site improvements.

8  
9 **The Chair read the Planner Review of the Special Use Permit Standards:** [time on DCAT 48:17]

10 a. The Planning Board shall require a Fiscal Impact Study be completed by a consultant selected  
11 by the town, paid for by the applicant, that shows the multi-family residential or mixed use  
12 project with 3 units or more residential units will not have a negative fiscal impact on the town.

13 *1) The applicant has provided a fiscal impact study. The Board needs to determine if the*  
14 *documents provided are adequate to satisfy this requirements or if a new study should be*  
15 *prepared by a consultant of the Board’s selection.*

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

19 *1) The applicant has provided a fiscal impact study. The Board needs to determine if the*  
20 *documents provided are adequate to satisfy this requirement or if a new study should be*  
21 *prepared by a consultant of the Board’s selection.*

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

23 *1) The applicant received a variance from this standard at the June 27, 2022 Zoning Board of*  
24 *Adjustment meeting.*

25 d. Multi-family residential use, with no commercial use within the building, shall be limited to  
26 no greater than four residential units within a single building.

27 *1) The applicant received a variance from this standard at the June 27, 2022 Zoning Board of*  
28 *Adjustment meeting.*

29 e. No residential units shall be located in the street level space if the building has frontage on  
30 North Main Street, Main Street, South Main or Exeter Road.

31 *1) It appears this standard has been met.*

32  
33 **The Chair closed the public hearing for the Special Use Permit at 7:45 PM.** [time on DCAT 51:23]

34  
35 **The Chair closed the public hearing for the Site Plan Appl. at 7:46 PM.** [time on DCAT 51:49]

36  
37 **Request for Special Use Permit**

[time on DCAT 52:07]

38 **Motion #1:** Jeff Goldknopf moved to approve the Special Use Permit requested by CC  
39 Railroad Street Newmarket LLC, located on real property with an address of 3 Railroad Street,  
40 Tax Map U3, Lot 138A, within the M2A Zone, having satisfied all the standards as outlined in  
41 the Planner’s report.

1 **Second:** Val Shelton  
2 **Discussion:** None  
3 **Vote:** Approved 7-0-0  
4

5 There are three **Waiver Requests**, but the Planner believes that one is not applicable.  
6

7 **Motion #2:** Val Shelton made a motion that site plan regulation standard §3.02(B)4 Curbing  
8 does not apply to this application.

9 **Second:** Jeff Goldknopf

10 **Discussion:** None

11 **Vote:** Approved 7-0-0

12 [time on DCAT 54:31]

13 Mr. Sievert was asked to go through the applicant's reasoning for the other two requests  
14 §3.01(E) and §4.08:

15 §3.01(E) The reason for this request is that cape cod bituminous curbing already exists along  
16 Railroad Street, so keeping that type of curb and defining the radius of the entrance makes sense  
17 without changing to granite curb.  
18

19 **Motion #3:** Val Shelton made a motion that the **Waiver** from site plan regulation standard  
20 §3.01(E) be granted and to permit the use of cape cod bituminous curbing to be consistent with  
21 the existing curbing along Railroad Street as supported by the applicant's request for waiver.

22 **Second:** Jeff Goldknopf

23 **Discussion:** None

24 **Vote:** Approved 7-0-0  
25

26 No justification by the Board was required from the applicant.

27 **Motion #4:** Val Shelton made a motion to grant the **Waiver** from §4.08 regarding the scale.

28 **Second:** Jane Ford

29 **Discussion:** None

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

32 **Bart McDonough** read into the record the **Conditions Precedent:**

33 The following items shall be completed prior to the issuance of a building permit.

34 **1) Plan Modifications:** Submit revised site plan and architectural elevations plans to the  
35 Planning Department to review for compliance, which shall include:

36 a) add all applicable variances, special use permits, waivers granted onto the plan.

37 b) delineate all areas where easements permitting residents from 3 Railroad Street (Tax Map  
38 U3 Lot 138A) to use land on 5 Railroad Street (Tax Map U4 Map 16). Also add reference to  
39 sheet C101 of the recorded parking/access easement and utilities as discussed.

40 c) add professional stamps to site plan and a plan sets;

41 d) note on sheet C101 stating all proposed and future lighting fixtures on the lot shall be dark



- 1 sky compliant;
- 2 **2)** Satisfy all comments from Underwood Engineers, Inc. on all issues identified during their  
3 review.
- 4 **3)** Submit all documentation of all applicable local, state, and federal approvals.
- 5 **4)** Submit revised site plan to the Planning Department for review for compliance with this  
6 decision prior to its recording at the Rockingham County Registry of Deeds.
- 7 **5)** Submit draft parking easement to Planning Department for review and approval prior to the  
8 recording of parking easement at the Rockingham County Registry of Deeds.
- 9 **6)** Applicant shall pay all reasonable fees, specifically related to the review of this application,  
10 engineering review services.

11 **Conditions Subsequent**

- 12 **7)** The following items shall be met prior to the commencement of any ground disturbance.
- 13 a) all the precedent conditions are met
- 14 b) applicant shall enter into a construction inspection agreement with the Town and its  
15 consultant engineer to ensure the site plan is built in accordance with the approved plan. The  
16 applicant shall reimburse the Town for all associated inspection/observation costs.
- 17 c) a construction schedule shall be submitted to the Planning Department and the Department  
18 of Public Works for the purpose of tracking the construction and informing the public of  
19 anticipated activities on the site
- 20 d) a preconstruction meeting between Town staff and its consultant engineers has occurred
- 21 e) limits of clearing have been established and approved by the Town
- 22 f) all construction activities shall be done in accordance with the conditions of all local, state,  
23 and federal permits
- 24 g) all appropriate erosion and sedimentation control structures are in place. All erosion and  
25 sedimentation control methods are to be in place prior to the preconstruction meeting.

26 **8)** The following items shall be met prior to the issuance of a certification of occupancy

- 27 a) the applicant shall submit a letter from the project engineer stating that the improvements  
28 constructed, as shown on the plan, substantially comply with this decision as endorse by the  
29 Planning Board
- 30 b) one (1) 24 x 36-inch copy and electronic PDF file of the as-built plans with appropriate  
31 professional stamps shall be submitted
- 32 c) auto CAD files of all as-built structures and infrastructure located on the lot
- 33 d) documentation demonstrating that all applicable residential impact fees have been paid.  
34 Payment of impact fee may occur prior to a respective dwelling unit's issuance of a certificate of  
35 occupancy. The following impact fee schedule has been calculated for this project:
- 36 9) Multi-family 5+ Units: Public Schools: \$743 | Recreation Facilities: \$279 | Water: \$791 |  
37 Wastewater: \$475 | Total: \$2,287 per unit | **Total Amount Owed**: \$2,287 x 8 Dwelling Units =  
38 **\$18,296.00**

39 **General Conditions**

- 40 1) The following conditions shall be adhered to prior to, during and post-construction of the  
41 development:
- 42 a) This site plan review approval shall be deemed to have lapsed twenty-four (24) months after

1 the date of approval, unless active and substantial development has commenced within said  
2 period as provided by RSA 674:39

3 b) the contractor shall contact Dig Safe prior to commencing any excavation. Damage to  
4 Town utilities, roadways, or infrastructure shall be repaired by the Project Owner at his own  
5 expense;

6 c) on-site materials storage shall be permitted during construction in accordance with all state  
7 and federal regulations. No fuel storage shall be permitted during construction, except as is  
8 reasonably required for construction and/or temporary heat;

9 d) any revisions shall be submitted to the Town Planner for review. If these revisions are  
10 deemed substantial or not consistent with the intent of this approval, the developer must submit  
11 revised plans to the Planning Board for approval;

12 e) any plants, trees or shrubs that have been incorporated into the landscaping plan approved in  
13 this decision that die within two (2) years from the date of planting shall be replaced by the  
14 applicant;

15 f) the applicant shall file site plan modification request to the Planning Board in the instance  
16 any of the depicted natural features on the approved plan are removed with no stormwater best  
17 management practices replacements. Not-with-standing, in the instance stormwater run-off were  
18 to increase, due to onsite modifications, the applicant shall file a site plan modification  
19 application to the Planning Board for review and approval.

20 g) the provisions of this conditional approval shall apply to and be binding upon the applicant,  
21 its employees and all successors and assigns in interest or control.

22 **Additional Conditions Precedent:**

23 **Val Shelton** read:

24 1) fencing shall be added in the area adjacent to the patio/recreation area

25 2) add the notation regarding the drip edge on plan C102

26 3) tax map and lot numbers noted on C101 be carried through from the existing conditions plan  
27 to all the plan sets which meet our regulation requirements and any adjacent lots for the  
28 encumbered parcel are also designated with the correct tax map and lot numbers.

29 4) the boundary survey is to be added to C101 and a note shall be added to C101 in regards to  
30 easements for access and maintenance of utilities, snow storage, and all off-site improvements  
31 and any encroachments.

32  
33 Mr. Adam Morrill, architect for the project, spoke via zoom, that the roof overhang would  
34 require an easement. Mr. Sievert confirmed that the overhang goes 1-foot beyond the property  
35 line. Mr. Stebbins confirmed that they would ask make a waiver request for the overhangs over  
36 the front doors. It will be part of the memo to the Planner for overall easements. The applicant  
37 did not have any questions.

38  
39 **Major Site Plan**

[time on DCAT 1:10:05 ]

40 **Motion #5:** **Val Shelton** made a motion to approve the Major Site Plan submitted by CC  
41 Railroad Street Newmarket LLC for property located at 3 Railroad Street, Tax Map U3, Lot  
42 138A, within the M2A Zone to demolish existing nonconforming buildings and construct a new

1 8-unit residential building within the current footprint with appurtenant infrastructure subject to  
2 the Staff report recommends dated August 9, 2022 relative to Conditions Precedent, Conditions  
3 Subsequent, and General Conditions and Conditions Precedent as modified by the Planning  
4 Board discussion with regards to those conditions.

5 **Second:** Jeff Goldknopf

6 **Discussion:** None

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

8 **Vesting Recommendations by the Planner:**

9 Pursuant to RSA 674:39 I, this site plan approval shall be deemed to have temporary vesting  
10 rights, exempting it from all subsequent changes in subdivision regulations, site plan review  
11 regulations, impact for ordinances and zoning regulations, except those regulations that expressly  
12 protect public health standards, for a period of five years after the date of final approval of the  
13 plans, provided active and substantial development of the improvements as shown on the  
14 approved site plan occurs within 24 months after the date of the approval; provided the plan is  
15 properly recorded in the Rockingham County Register of Deeds, and at the time of approval and  
16 recording, the site plan conforms with the regulations that are in effect.

17  
18 Mr. Stebbins was asked about his time frame for the project. He noted that, should he receive  
19 funding from the InvestNH project, he is required to have the project completed within 14  
20 months from September 1, 2022.

21  
22 **Motion #6:** Val Shelton made a motion that the Planning Board determine this site plan  
23 application and approval be deemed to have permanent vesting upon completion of building and  
24 site improvements as shown on the plan within a five-year period and active and substantial  
25 development or building shall occur after removal of the existing buildings, grading, installation  
26 of the infrastructure to include parking, water, sewer, drainage structures, and underground  
27 utilities and construction of the new foundation is completed.

28 **Second:** Patrick Reynolds

29 **Discussion:** None

30 **Vote:** Approved 7-0-0

31  
32 -----

33 Read by the Chair: [time on DCAT 1:17:01]

34 **c. Pursuant RSA 676:4I(d), §32-46A – M-2A district and Appendix B - Site Plan of the**  
35 **Municipal Code of the Town of Newmarket, New Hampshire, there will be a public hearing**  
36 **for an application for site plan review and special use permit requested by Walter Cheney,**  
37 **Jr. of Cheney Property Management Corp., located on real property with addresses of 50-**  
38 **56 Exeter Road, Tax Map U4, Lot(s) 11 and 15, within the M2A Zone. The proposed**  
39 **application seeks approval, under §32-46A(c) *Waivers to road setback, side/rear setback, and***  
40 ***structure height* to increase the permissible building height to a maximum of 41-feet,**  
41 **while proposing minor site amendments to the approved site plan regarding sidewalk**

1 **connections within the right-of-way.**

2

3 **Jeff Goldknopf** recused himself from this discussion.

4

5 Mr. Walter Cheney, Jr., property owner, and Mr. Michael Sievert P.E., Horizons Engineering,  
6 were present this evening to address the Board. Mr. Sievert reviewed the reasons that they were  
7 before the Board this evening: #1) the proposed building height exceeds the maximum allowable  
8 building height within the M2A district and #2) they are working with NHDOT to obtain an  
9 amended driveway permit required as one of the precedent conditions and after a site meeting,  
10 the DOT is requiring minor changes to the design of the pedestrian connection to the existing  
11 sidewalk along Route 108. With regards to #1, the building height was an oversight discovered  
12 during the structural design phase. The height to the mean roof height was 35'-11" and, in  
13 actuality, it is a total height of 40'-3". Under Section 32-46A (C) of the zoning ordinance, a  
14 waiver to structure height is allowed as a special use in this district, therefore we formally  
15 request a waiver to the structure height under this section. There are no other design changes  
16 being requested. With regards to #2, during the site meeting with DOT, they were requesting  
17 design changes within the State ROW. They do not want the sidewalk connections from the site  
18 to the existing sidewalk along Route 108. The plan now shows that those steps on the  
19 northeasterly side have been removed and will be graded and an alternative connection to the  
20 sidewalk along the easterly side of the Business Park road is included.

21

[time on DCAT 1:25:13]

22 **Val Shelton** asked Mr. Cheney to speak to the current activity on the property. Mr. Cheney has  
23 had to relocate some materials to this property. He will also be applying for InvestNH funds by  
24 September 2, 2022 to see if he can get the project underway sooner, The Chair pointed out that  
25 storage of materials from other properties is not part of the site plan and it may become a  
26 problem with code enforcement.

27 The Planner recommends approval of the minor amendment to the site plan and the Special Use  
28 Permit subject to the previous approval conditions i.e. that they be maintained.

29

30

[time on DCAT 1:30:11]

31 Hearing no comments from the audience, **the Chair closed the public hearings** on the Minor  
32 Site Plan Changes and the Waiver for a Special Use Permit for Structure Height at 8:23 PM.

33

34 The Planner read the standards into the record:

35 *Waivers to road setback, side/rear setback, and structure height.* Reduction in these  
36 dimensional controls may be permitted by Special Use Permit issued by the Planning Board.  
37 The granting of such permit shall require the Planning Board to find that the proposed use is  
38 consistent with the purpose of the district, is suitable for the location proposed, would not  
39 cause significant adverse impacts, and the proposed setback and structure height is consistent  
40 with the applicable setbacks and/or structure height of existing building(s) located on adjacent  
41 lots.

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**Special Use Permit**

[time on DCAT 1:31:06]

**Motion #1:** Val Shelton made a motion to grant the Special Use Permit requested by Walter Cheney, Jr. of Cheney Property Management Corp. for a property located at 50-56 Exeter Road Tax Map U4, Lot(s) 11 and 15, within the M2A Zone to waive the structure height in order to increase the permissible building height to a maximum of 41 feet based upon meeting the standards as outlined in the Planning Board granting waivers.

**Second:** Patrick Reynolds

**Discussion:** None

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

**Minor Site Modifications**

[time on DCAT 1:32:15]

**Motion #2:** Val Shelton made a motion to grant approval of the Minor Site Plan Amendment requested by Walter Cheney, Jr. of Cheney Property Management Corp. for a property located at 50-56 Exeter Road Tax Map U4, Lot(s) 11 and 15, within the M2A Zone to remove the sidewalk on the northeasterly side of Exeter Road and relocating the sidewalk along the easterly side of the Business Park road.

**Second:** Jane Ford

**Discussion:** None

**Vote:** Approved 6-0-0

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Jeff Goldknopf returned to the meeting.

Read by the Chair:

[time on DCAT 1:33:17-1:59]

**d. Pursuant to §24-1 Zoning ordinance amendment procedures, of the Municipal Code of the Town of Newmarket, New Hampshire, the Planning Board shall have a discussion and either consider setting a public hearing or make their recommendations to the Town Council on proposed amendments submitted by the Town of Newmarket 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, or take any other action relative thereto.**

The Board agreed to review the overall changes this evening and then set a public hearing followed by further discussion/deliberation once comments have been heard from the public. The Planner said that both the Town Council and the Planning Board have deemed the ADU ordinance a priority for some time. The revised ordinance would allow for a detached ADU to occur as well as two ADU's could be requested by Special Use Permit. This new ordinance will allow for a diversity of housing options to provide flexible, adequate, and affordable living accommodations, to support homeowners utilizing excess space, to offset the cost of home ownership and to foster the Town's community fabric by establishing space for multi-generational living and to promote the conservation of energy and land by the reuse of structures

1 and by the preservation of properties. The Planner provided a map of Newmarket which  
2 designates all the single-family housing in the Town. The Planner will have many more maps at  
3 the Public Hearing. **Val Shelton** has asked for aerial maps of the town. This new ordinance  
4 would redirect the permitting process from the ZBA to the Planning Board. The Chair and the  
5 Planner request that members review the proposed language and submit their comments at the  
6 next meeting. The Planner will be giving a presentation at the next meeting. The Public Hearing  
7 will be set for the next meeting on September 13, 2022. Deliberation will be held on October 11,  
8 2022.

9  
10 -----  
11 Read by the Chair

[time on DCAT 2:01:36]

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

16  
17 The Planner explained that the reason for this proposal is to increase the public noticing fees to  
18 reflect today’s real cost. The last time Sec. 2.06 was amended was 2011 and Sec. 2.05 was  
19 amended in 2003. **Val Shelton** thinks that we should look at all fees as staff costs have risen  
20 significantly. The Planner has agreed to put together a spread sheet comparing what other  
21 municipalities are charging in the area. The Planner will make a presentation at the Public  
22 Hearing at the next meeting followed by deliberation at the October meeting. Currently, the  
23 Planning Department is also looking at building permit fees.

24 -----  
25 **5. Old/New Business**

[time on DCAT 2:05:31]

26 The Planner wanted to give an update to the Board on the M-2 Zoning District. He is planning to  
27 seek funding from InvestNH to help with facilitation, design, and writing of the ordinance.

28  
29 **6. Chair’s Report**

30 No report from the Chair this evening.

31  
32 **7. Committee Reports**

[time on DCAT 2:06:31]

33 **Patrick Reynolds** reported that he was unable to secure a position on the Energy and  
34 Environment Advisory Committee as there were too many applicants already wanting to be on  
35 the Committee. He did report that they are wanting to ask for a new chapter in the Master Plan  
36 specifically dedicated to Energy. He believes that we should put together a sub-committee to  
37 begin work on an Energy Chapter. The Planner believes that the Planning Board needs to discuss  
38 this as he believes the EEAC would like to see this chapter in the Master Plan. With the CIP  
39 process coming up, should the Planning Board seek additional funding to prepare such a plan?  
40 Regardless, the Board needs to discuss this more fully as the Master Plan falls completely under  
41 the purview of the Planning Board. The Planner agreed to put a spread sheet together of all the  
42 current chapters for review by the Board...what chapters should be updated, eliminated, created,

1 merged, etc. **Jane Ford** brought up the question of ‘what is energy’? A definition needs to be  
2 discussed/determined.

3 **Town Council:** **Scott Blackstone** reported that the TC did discuss putting a member from the  
4 Planning Board and the Conservation Commission on the EEAC as it was originally constituted.  
5 Wildcat Transit will be terminating service after Spring '23 semester. The Town has hired a new  
6 Town Engineer, Lindsay Butler, who is currently Project Engineer for the town of Salem. The  
7 TC approved a contract to repair the leaking Library roof. The TC also approved a resolution that  
8 they would like to go ‘fossil free’ sometime in the future. He reported on the Tucker Well.  
9 Currently to access the well site, one must drive over a culvert on someone’s property. The Town  
10 needed access to put a new backup generator on site. The owner and the Town entered into  
11 lengthy negotiations and eventually agreed on \$20,000 for the easement.

12 **Conservation Commission:** **Jeff Goldknopf** no report this evening.

13

14 **8. Adjourn**

[time on DCAT 2:19:08]

15

16 **Motion:** **Jane Ford** moved to adjourn at 9:15 PM.

17 **Second:** **Patrick Reynolds**

18 **Discussion:** None

19 **Vote:** **Approved 7-0-0**

20

21

22 Respectfully submitted,

23

24 Sue Frick

25 Recording Secretary

26

27

28

29 **DCAT:**

30 [https://videoplayer.telvue.com/player/XSekkdEeRsk0JHqVHAvKJVka7\\_5VjxKP/videos](https://videoplayer.telvue.com/player/XSekkdEeRsk0JHqVHAvKJVka7_5VjxKP/videos)

31



**Civil  
Site Planning  
Environmental  
Engineering**

133 Court Street  
Portsmouth, NH  
03801-4413

August 29, 2022

Bart McDonough  
Director of Planning & Community Development  
Town of Newmarket  
186 Main Street  
Newmarket, NH 03857

**Re: 11 Chapel Street, LLC  
Newmarket, NH**

Transmitted via email to: [bmcdonough@newmarketnh.gov](mailto:bmcdonough@newmarketnh.gov)

Dear Bart;

On August 9, 2022, the Planning Board voted to approve the Site Plan Application for the development at 11 Chapel Street. Item 2 of the General Conditions requires that “prior to the issuance of a certificate of occupancy, the applicant shall record the approved site plan at the Rockingham County Registry of Deeds.”

On behalf of the Mr. Connell and 11 Chapel Street, LLC, Altus Engineering, Inc. (Altus) respectfully requests that this condition be removed.

The Registry of Deeds is no longer amenable to recording site plans as a filing tool for local communities. It is our understanding that the Registry generally prefers to record survey documents that memorialize lot line adjustments, easements, and subdivisions. The site plan for this project does not include any of those items. Additionally, the Registry requires that surveyors stamp the recording plans. The survey for the Site Plan was prepared by a licensed land surveyor. The site plan that was approved by the Planning Board was prepared by me, a professional engineer. Historically, the Registry did allow for site plans to be recorded. They continue to do so, but do not embrace it.

We trust the Board will support our request. I will be pleased to discuss this request at the next regularly scheduled meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric D. Weinrieb".

Eric D. Weinrieb, PE  
President

wde/5078 pb cvr ltr 6-16-22.docx

Ecopy: Keper Connell  
Chris Mulligan, Esq.



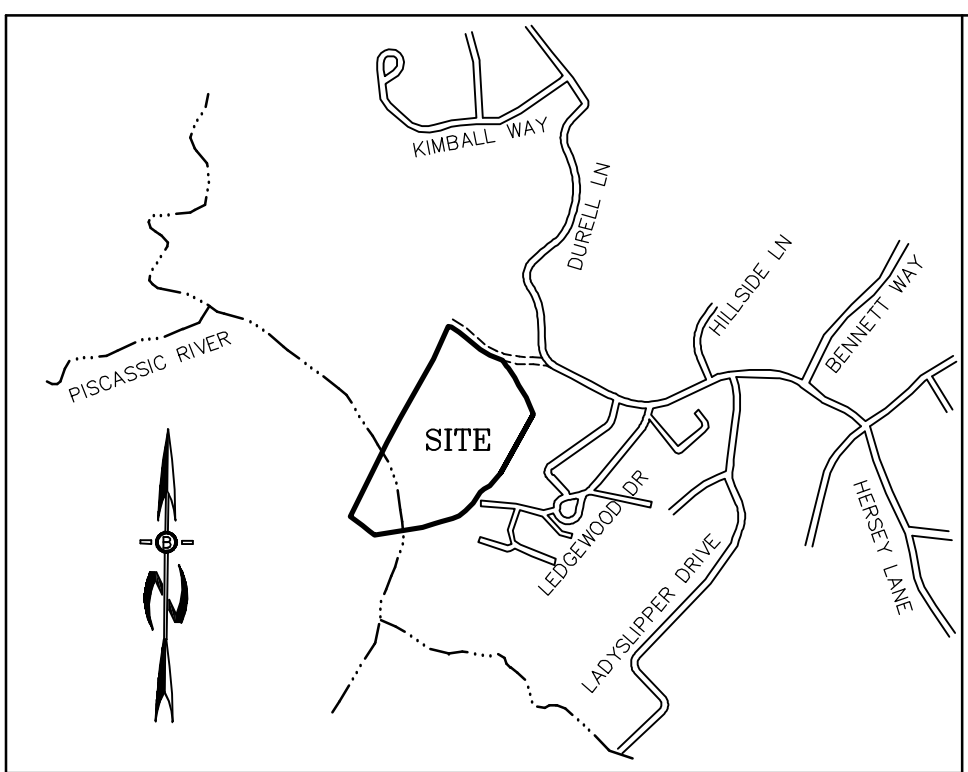


To Bart McDonough,

Chinburg Builders, Inc. is proposing to install two retaining walls for Lots 8/10 and 11 per the attached drawings. As a result of the steep slopes/grades, we propose installing retaining walls to provide structural protection for the footings and foundation walls, a safe walking path around each home, and to reduce the grading of the slopes. Lot 8/10 has a proposed retaining wall on the original approved drawings and with our new design, it is extended to provide further protection. Both retaining walls as proposed do not change the intent of the drainage analysis and water will continue to shed in the same direction. We appreciate your consideration in this matter.

Thank you,

Greg May  
Senior Project Manager  
603-953-3124



LOCATION MAP  
SCALE 1"=1000'

**OPEN SPACE NOTE**  
ALL OPEN SPACE LAND TO BE RESTRICTED SHALL INCLUDE A NOTATION ON THE RECORDED MYLAR INDICATING THAT "THIS LAND IS DESIGNATED AND RESTRICTED AS OPEN SPACE IN ACCORDANCE WITH RSA 674:21-A AND SHALL BE ENFORCEABLE BY THE TOWN OF NEWMARKET"

SLOPES GREATER THAN 25%

ZONE: R2-RESIDENTIAL

DIMENSIONAL REQUIREMENTS: OPEN SPACE

MIN. LOT AREA N/A  
MIN. FRONTAGE 25'  
MIN. FRONT SETBACK 25' FROM EP  
MIN. SIDE/REAR SETBACK 10' (30'SEPARATION)  
MAX. BUILDING HEIGHT 35 ft.  
MAX. DENSITY 2 UNITS/AC  
WETLAND SETBACKS:  
POORLY DRAINED 25 ft.  
VERY POORLY DRAINED 50 ft.  
PRIME WETLAND 100 ft. NO STRUCTURE  
125 ft. NO SEPTIC

PREPARED FOR:

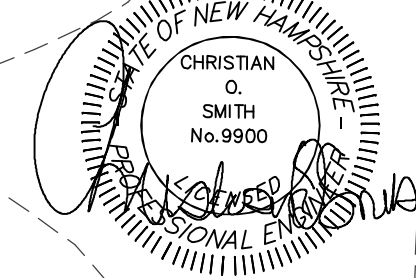
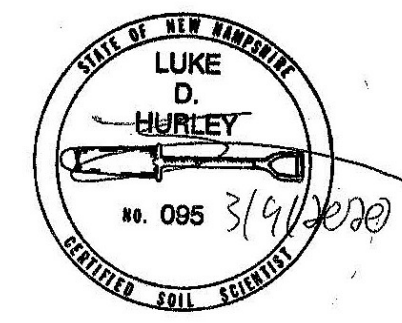
CHINBURG PROPERTIES INC  
3 PENSTOCK WAY  
NEWMARKET, NH 03857

**BEALS ASSOCIATES PLLC**

70 PORTSMOUTH AVE, STRATHAM, N.H. 03885  
PHONE: 603-583-4860, FAX: 603-583-4863

**NOTES**

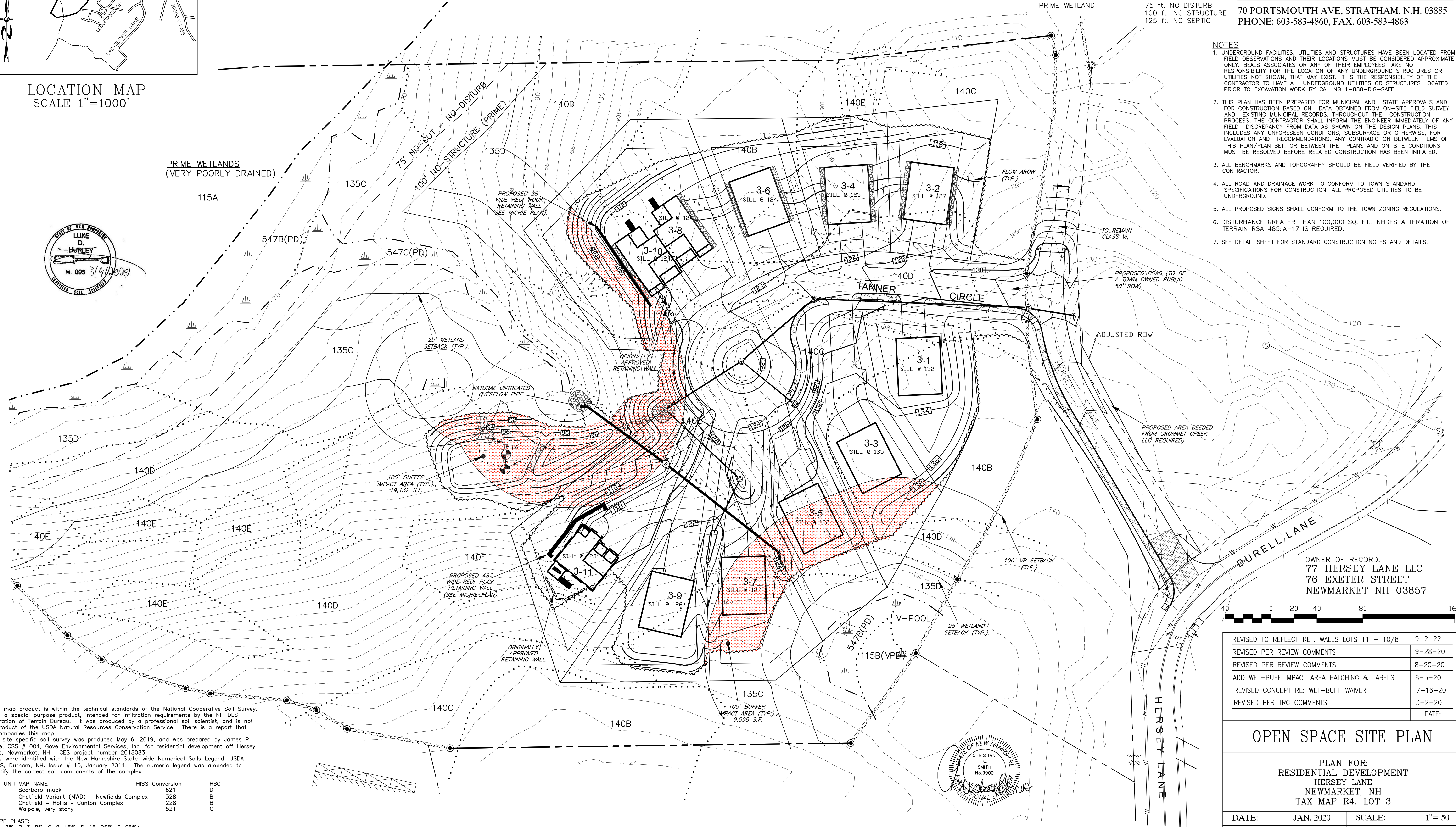
- UNDERGROUND FACILITIES, UTILITIES AND STRUCTURES HAVE BEEN LOCATED FROM FIELD OBSERVATIONS AND THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. BEALS ASSOCIATES OR ANY OF THEIR EMPLOYEES TAKE NO RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND STRUCTURES OR UTILITIES NOT SHOWN, THAT MAY EXIST. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL UNDERGROUND UTILITIES OR STRUCTURES LOCATED PRIOR TO EXCAVATION WORK BY CALLING 1-888-DIG-SAFE
- THIS PLAN HAS BEEN PREPARED FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS. THIS INCLUDES ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS OF THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED.
- ALL BENCHMARKS AND TOPOGRAPHY SHOULD BE FIELD VERIFIED BY THE CONTRACTOR.
- ALL ROAD AND DRAINAGE WORK TO CONFORM TO TOWN STANDARD SPECIFICATIONS FOR CONSTRUCTION. ALL PROPOSED UTILITIES TO BE UNDERGROUND.
- ALL PROPOSED SIGNS SHALL CONFORM TO THE TOWN ZONING REGULATIONS.
- DISTURBANCE GREATER THAN 100,000 SQ. FT., NHDES ALTERATION OF TERRAIN RSA 485:A-17 IS REQUIRED.
- SEE DETAIL SHEET FOR STANDARD CONSTRUCTION NOTES AND DETAILS.



This map product is within the technical standards of the National Cooperative Soil Survey. It is a special purpose product, intended for infiltration requirements by the NH DES Alteration of Terrain Bureau. It was produced by a professional soil scientist, and is not a product of the USDA Natural Resources Conservation Service. There is a report that accompanies this map.  
The site specific soil survey was produced May 6, 2019, and was prepared by James P. Gove, CSS # 004, Gove Environmental Services, Inc. for residential development off Hersey Lane, Newmarket, NH. GES project number 2019083.  
Soils were identified with the New Hampshire State-wide Numerical Soils Legend, USDA NRCS, Durham, NH, Issue # 10, January 2011. The numeric legend was amended to identify the correct soil components of the complex.

MAP UNIT	MAP NAME	HISS Conversion	HSG
115	Scarboro muck	621	D
135	Chatfield Variant (MWD) - Newfields Complex	328	B
140	Chatfield - Hollis - Canton Complex	228	B
547	Walpole, very stony	521	C

SLOPE PHASE:  
A=0-3%, B=3-8%, C=8-15%, D=15-25%, E=25%+



OWNER OF RECORD:  
77 HERSEY LANE LLC  
76 EXETER STREET  
NEWMARKET NH 03857



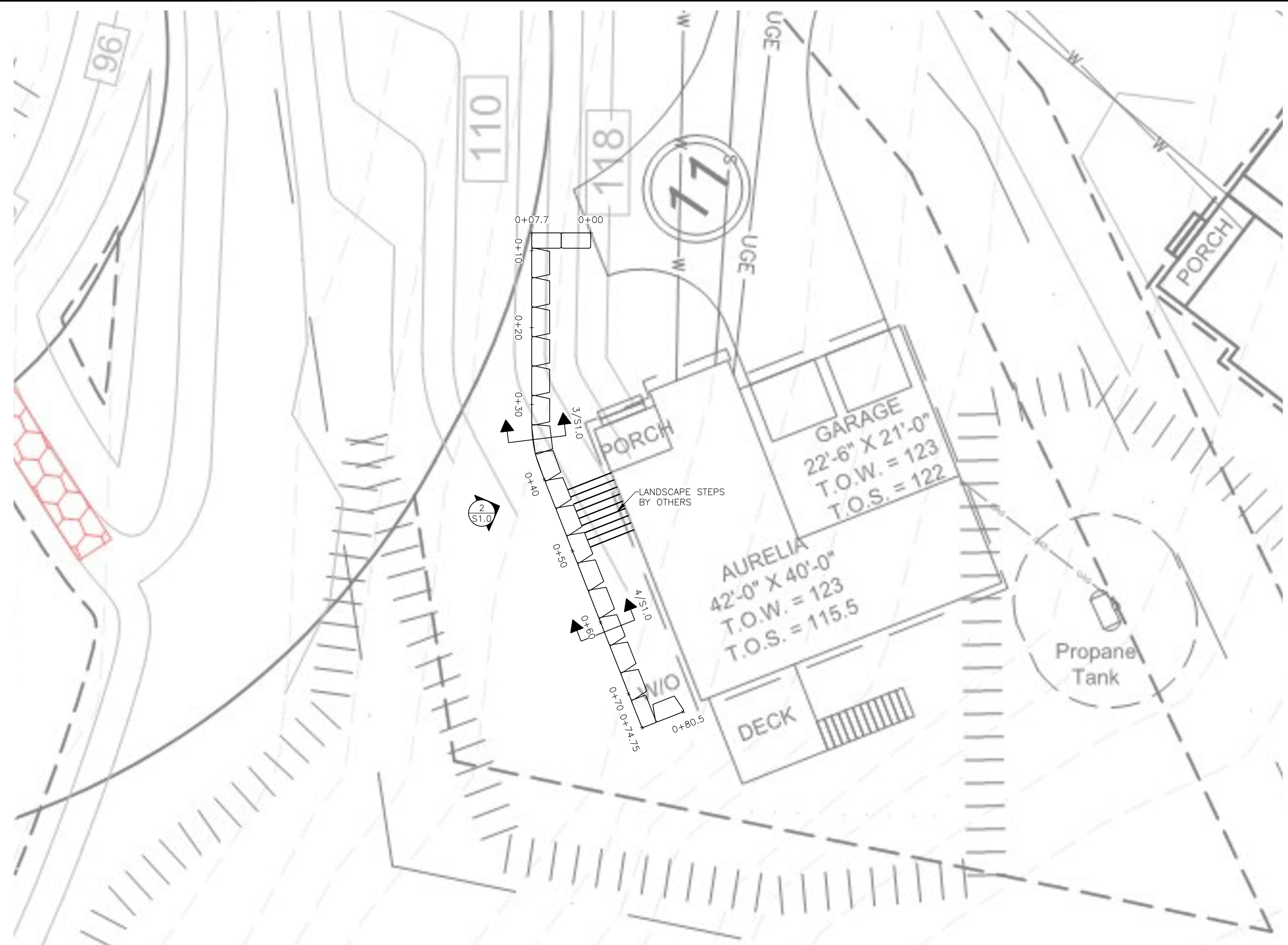
REVISED TO REFLECT RET. WALLS LOTS 11 - 10/8	9-2-22
REVISED PER REVIEW COMMENTS	9-28-20
REVISED PER REVIEW COMMENTS	8-20-20
ADD WET-BUFF IMPACT AREA HATCHING & LABELS	8-5-20
REVISED CONCEPT RE: WET-BUFF WAIVER	7-16-20
REVISED PER TRC COMMENTS	3-2-20
DATE:	

**OPEN SPACE SITE PLAN**

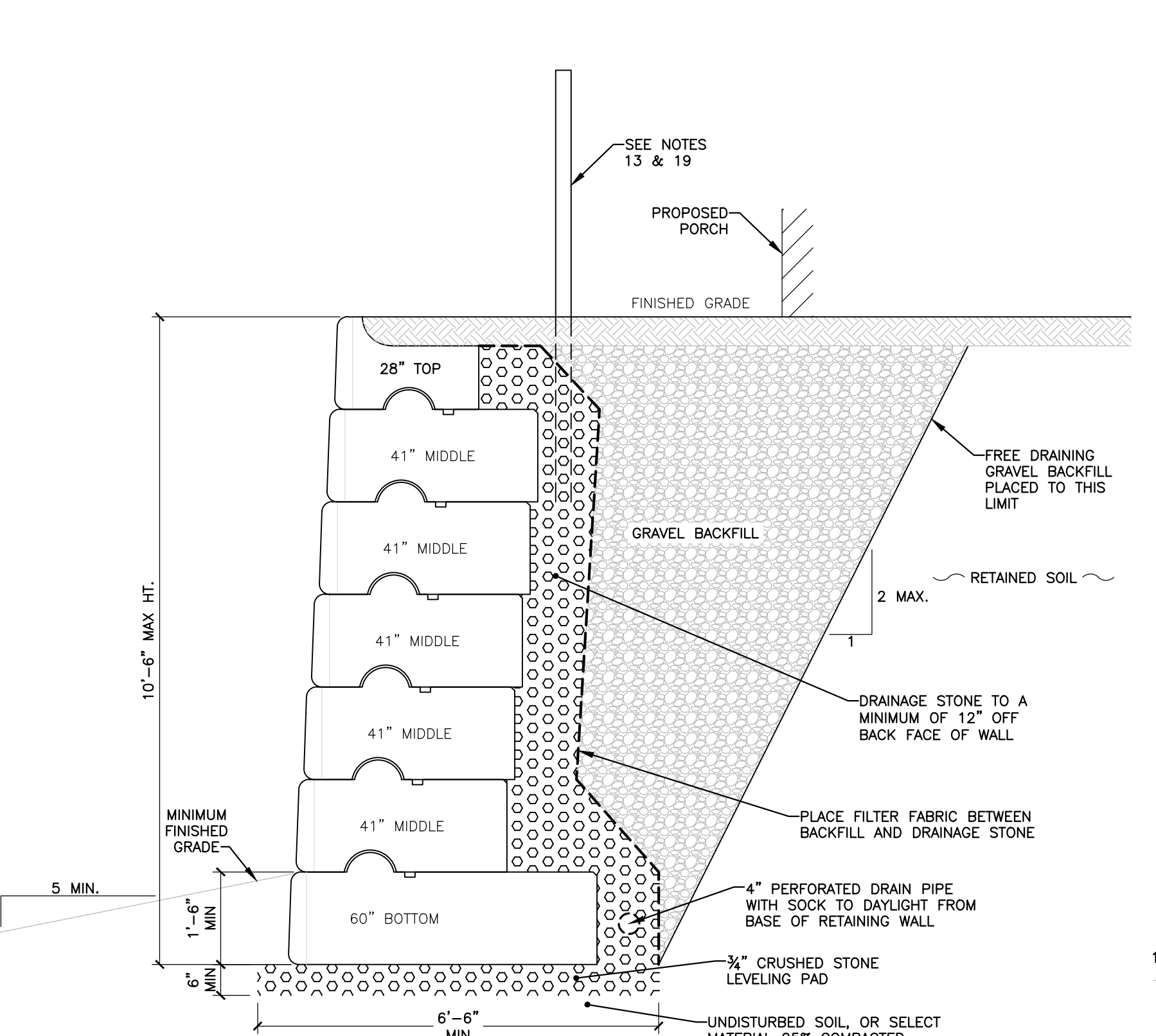
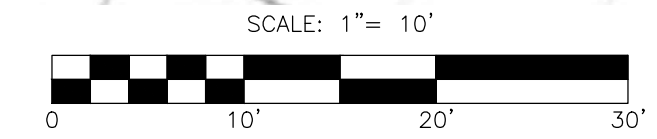
PLAN FOR:  
RESIDENTIAL DEVELOPMENT  
HERSEY LANE  
NEWMARKET, NH  
TAX MAP R4, LOT 3

DATE:	JAN, 2020	SCALE:	1"= 50'
PROJ. NO:	NH-1123	SHEET NO.	4 OF 10

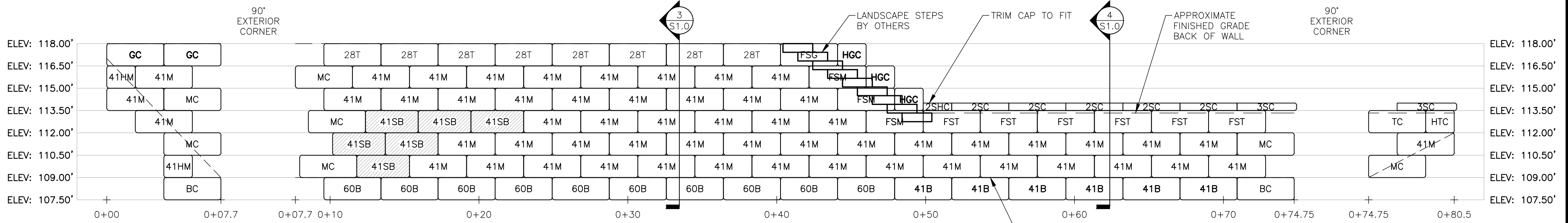




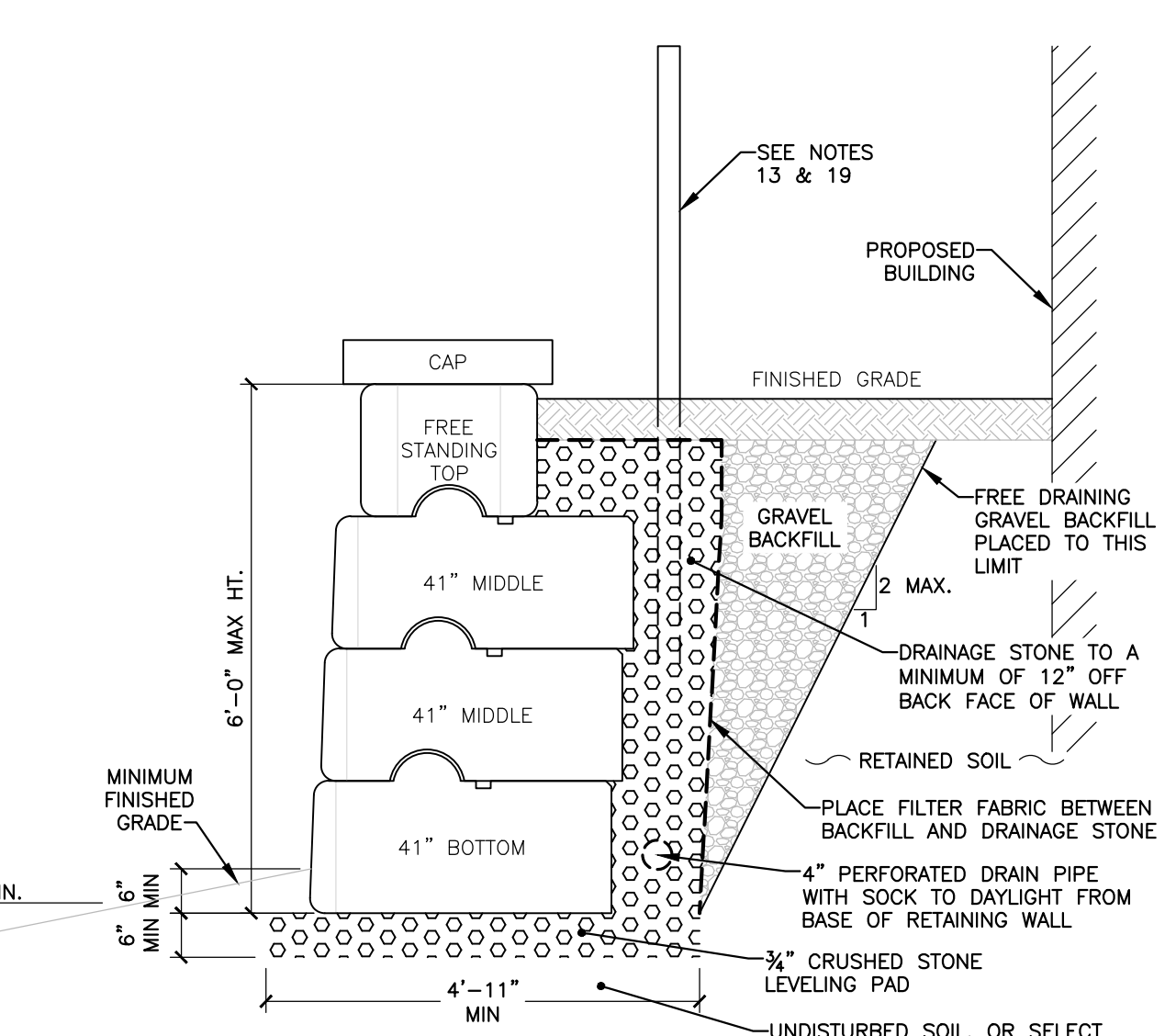
1 WALL LAYOUT PLAN  
1" = 10'



3 10'-6" GRAVITY WALL  
1/2" = 1'



2 WALL ELEVATION  
1" = 5'



4 6' GRAVITY WALL  
1/2" = 1'

**PLAN OF REFERENCE:**

"MILDTOWN GREEN SUBDIVISION, NEWMARKET, NH 03857". PREPARED BY CHINBURG PROPERTIES, DATED 3/14/2022 & MARKUP PROVIDED BY MICHE CORPORATION, INC.

DEVIATIONS FROM THE PLAN OF REFERENCE ARE AS FOLLOWS: ADJUSTED LAYOUT

**GEOTECHNICAL SOILS REFERENCE:**

SOILS INFORMATION FOR THE SITE WAS NOT PROVIDED TO SFC ENGINEERING. SOIL IS ASSUMED TO BE GRAVELLY FINE SANDY LOAM BASED ON THE NRCS DATABASE.

**DESIGN CRITERIA VALUES:**

THE VALUES OF CRITICAL CRITERIA USED TO DESIGN THIS WALL FOLLOW:

ALLOWABLE BEARING PRESSURE	4,600 PSF
MAXIMUM BEARING PRESSURE	1,500 PSF
ANGLE OF INTERNAL FRICTION	34
SOIL DENSITY	125 PCF
FOOTING LOAD	1000 PSF
SLOPE ABOVE THE WALL	NONE
FENCE LOAD	NO

PRIOR TO INSTALLATION THE SITE ENGINEER SHALL CONFIRM THAT DESIGN ASSUMPTIONS ARE CONSISTENT WITH ACTUAL FIELD CONDITIONS. DESIGN CALCULATION REPORT IS AVAILABLE UPON REQUEST.

**REDI-ROCK BLOCK RETAINING WALL NOTES:**

- THE PURPOSE OF THIS PLAN IS TO SHOW THE DESIGN OF A RETAINING WALL IN ACCORDANCE WITH THE LAYOUT DEPICTED ON THE PLAN OF REFERENCE.
- THIS RETAINING WALL SYSTEM MAY IMPACT OR BE IMPACTED BY OTHER SITE FEATURES, INCLUDING STORMWATER MANAGEMENT FACILITIES, UTILITIES, AND BUILDING SYSTEMS. THE APPROPRIATE RESPONSIBLE PROFESSIONALS SHALL REVIEW THESE PLANS TO INSURE PROPER COORDINATION.
- THIS DESIGN IS PREPARED IN ACCORDANCE WITH THE STATE BUILDING CODE AND APPLICABLE MANUFACTURERS GUIDELINES. SPECIFIC LOCAL REGULATIONS HAVE NOT BEEN INVESTIGATED.
- CONCRETE USED FOR WALL UNITS SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH OF 4,000 P.S.I. WALL UNITS SHALL COMPLY WITH REDI-ROCK INTERNATIONAL'S SPECIFICATIONS, ASTM C-1778 AND ACI-301-99, HAVE 4 1/2% - 7 1/2% ENTRAINED AIR, 4" - 6" SLUMP, AND MUST BE PLACED AT A MINIMUM AMBIENT TEMPERATURE OF 50°F.
- CONTRACTOR AND/OR SITE ENGINEER SHALL CONFIRM ALL ELEVATIONS AND INVERTS IN THESE PLANS PRIOR TO ORDERING MATERIAL.
- PROOF COMPACTION OF SUBGRADE SHALL BE COMPLETED PRIOR TO PLACEMENT OF LEVELING PAD AND RETAINING WALL BLOCKS. THE EXISTING SUBGRADE WITHIN THE STRESS ZONES OF THE RETAINING WALL BASE SHOULD BE FIRM NATURAL SOILS OR COMPETENT BEDROCK. IF EXISTING SUBGRADE IS NOT SUITABLE, IT SHOULD BE REMOVED WITHIN A 1:1 FROM THE RETAINING WALL BASE. ONCE SUITABLE SUBGRADE IS REACHED, BACKFILL WITH STRUCTURAL FILL OR CRUSHED STONE.
- LEVELING PAD SHALL BE 3/4" CRUSHED STONE WITH NO MORE THAN 5% PASSING A #200 SIEVE.
- ENSURE THAT THE FIRST COURSE OF WALL UNITS IS IN FULL CONTACT WITH LEVELING PAD. INSTALL SUBSEQUENT COURSES OF UNITS SUCH THAT THE VERTICAL SEAMS ARE STAGGERED BETWEEN ADJACENT COURSES. GAPS SHALL BE FILLED WITH DRAINAGE STONE PRIOR TO STARTING THE NEXT COURSE.
- BASE BLOCKS SHALL BE SET BACK 1-1/2" WHEN STEPPING UP AND SET FORWARD 1-1/2" WHEN STEPPING DOWN. WALL ANGLES SHALL BE SLIGHTLY ADJUSTED TO ACCOMMODATE PROPERTY LINES AND OBSTRUCTIONS.
- REDI-ROCK MANUFACTURER'S RECOMMENDATIONS SHALL BE CONSIDERED A MINIMUM REQUIREMENT FOR PROPER ASSEMBLY.
- DRAINAGE STONE SHALL BE 3/4" CRUSHED STONE PLACED DIRECTLY BEHIND WALL FOR THE DEPTHS SPECIFIED ON PLANS.
- MIRAFI 140N OR APPROVED EQUAL FILTER FABRIC SHALL BE PLACED BETWEEN ALL INTERFACES OF DRAINAGE STONE AND OTHER SOILS. EXPOSED DRAINAGE STONE SHALL BE PROTECTED FROM FINE SOIL MIGRATION THROUGHOUT CONSTRUCTION.
- CONTRACTOR SHALL TAKE CARE TO NOT DISTURB OR INTERFERE WITH THE EFFECTIVENESS OF THE FILTER FABRIC WHEN INSTALLING ANY FEATURES THAT REQUIRE PENETRATIONS THROUGH THE FABRIC.
- DRAINS SHALL BE PERFORATED, 4" DIAMETER HDPE PIPE, AND SHALL MEET THE REQUIREMENTS OF ASTM F405. DRAINS SHALL BE PITCHED FOR POSITIVE WATER FLOW. THE ELEVATION OF THE DRAIN SHALL ALLOW FOR INTERCEPTED FLOWS TO DISCHARGE AT OUTLET LOCATIONS. THE DRAIN SHALL PENETRATE THROUGH THE WALL FACE AT OUTLET LOCATIONS. OUTLET LOCATIONS SHALL BE NO GREATER THAN 60' APART. THE LOCATION OF THE DRAIN OUTLETS SHALL BE DETERMINED IN THE FIELD BY THE SITE ENGINEER. INSTALL RODENT SCREEN AT OUTLET.
- GRAVEL BACKFILL BEYOND DRAINAGE STONE SHALL BE WELL GRADED SAND/GRAVEL AND SHALL MEET THE FOLLOWING GRADATION:

SIEVE SIZE	PERCENT PASSING
3/8 IN.	100
NO. 4	70-100
NO. 40	40-90
NO. 100	10-50
NO. 200	0-10
- ALL GRAVEL BACKFILL SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR (ASTM D698). ONLY HAND-OPERATED COMPACTION EQUIPMENT SHALL BE ALLOWED WITHIN THREE FEET OF THE BACK OF THE WALL BLOCKS. CONTRACTOR SHALL COMPACT THE BACKFILL MATERIAL BEHIND THE WALL AS THE WALL IS INSTALLED. SPREAD BACKFILL IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES.
- FINISHED GRADE AT TOP OF WALL IS APPROXIMATE ONLY. FINISHED GRADE AT TOP OF WALL SHOULD CHANNEL DRAINAGE FLOW AWAY FROM THE RETAINING WALL SYSTEM. CONTRACTOR TO DRESS FINISHED GRADE TO CREATE SMOOTH TRANSITION TO BLOCK.
- CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT EXCAVATIONS ARE STABLE AND MEET OSHA REQUIREMENTS.
- FALL PROTECTION IS RECOMMENDED AT THE TOP OF WALLS. CROSS SECTIONS MAY SHOW FALL PROTECTION AS SCHEMATIC DESIGN. THIS IS NOT A FALL PROTECTION DESIGN AND IS INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.
- ANY FENCE ANCHORING SYSTEM SHALL BE INSTALLED PER RETAINING WALL MANUFACTURER'S RECOMMENDATION.
- THE WALL DESIGN ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF CONDITIONS ARE DIFFERENT THAN DESCRIBED ON THIS PLAN.
- UNLESS SFC ENGINEERING IS CONTRACTED TO OBSERVE CONSTRUCTION, SFC ENGINEERING WILL NOT CERTIFY THE CONSTRUCTION. PERIODIC SITE VISITS WILL BE NECESSARY IN ORDER FOR THE WALL DESIGN ENGINEER TO PREPARE A CERTIFICATION AT THE END OF CONSTRUCTION. THE OWNER SHALL COORDINATE THE FEES AND SCHEDULE FOR THESE SITE VISITS WITH THE WALL DESIGN ENGINEER PRIOR TO THE START OF CONSTRUCTION.

Drawing Title: 8/15/2022 8:00 AM Jeffrey M. Benway, P.E. License No. 12623  
 Project No.: 664203  
 Date: 8/16/2022  
 Drawn by: JMB  
 Checked by: JMB  
 Designed by: JMB  
 Scale: AS SHOWN  
 Project: 77 Hersey Lane Lot 11 Newmarket, NH  
 Redi-Rock Wall Design Drawings  
 DWG NO. S1.0  
 © SFC ENGINEERING PARTNERSHIP INC. 2022  
 MICHE HERSEY LN NEWMARKET NH 0384203

	By: _____
	Date: _____
	No. _____
	Revision: _____

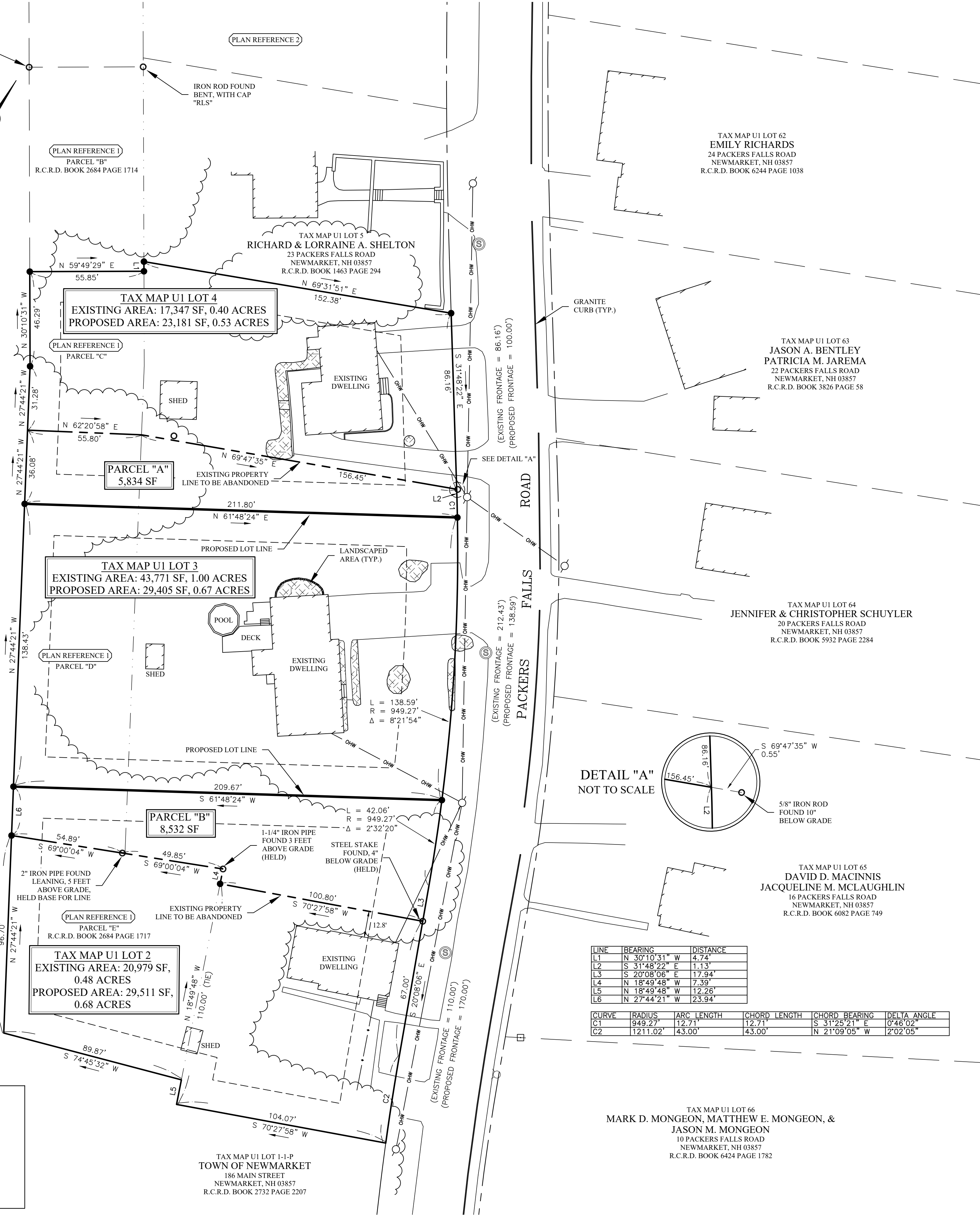
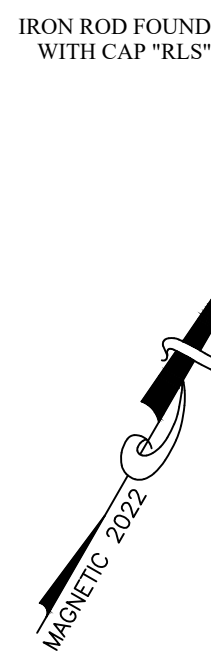
**SFC ENGINEERING**  
 183 ROCKINGHAM RD UNIT 3 EAST  
 WINDHAM, NH 03087  
 (603) 647-8700  
 www.sfceng.com

**MICHE CORPORATION, INC.**  
 MICHE CORPORATION, INC.  
 173 BUXTON INDUSTRIAL DRIVE-PO BOX 870  
 WINDHAM, NH 03093  
 PHONE: 603-428-3215  
 FAX: 603-428-7426

**Milltown Green Subdivision**  
 77 Hersey Lane Lot 11  
 Newmarket, NH  
 Redi-Rock Wall Design Drawings

Project No. 664203  
 Date: 8/16/2022  
 Drawn by: JMB  
 Checked by: JMB  
 Designed by: JMB  
 Scale: AS SHOWN

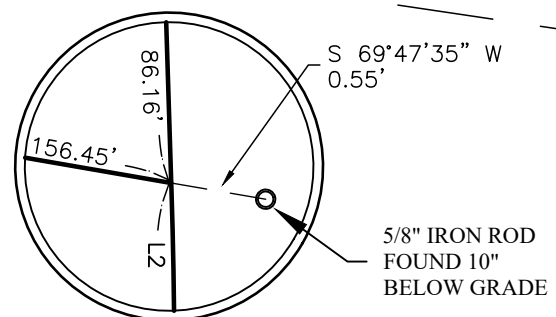
DWG NO. S1.0



LINE	BEARING	DISTANCE
L1	N 30°10'31" W	4.74'
L2	S 31°48'22" E	1.13'
L3	S 20°08'06" E	17.94'
L4	N 18°49'48" W	7.39'
L5	N 18°49'48" W	12.26'
L6	N 27°44'21" W	23.94'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	949.27'	12.71'	12.71'	S 31°25'21" E	0°46'02"
C2	1211.02'	43.00'	43.00'	N 21°09'05" W	2°02'05"

DETAIL "A"  
NOT TO SCALE

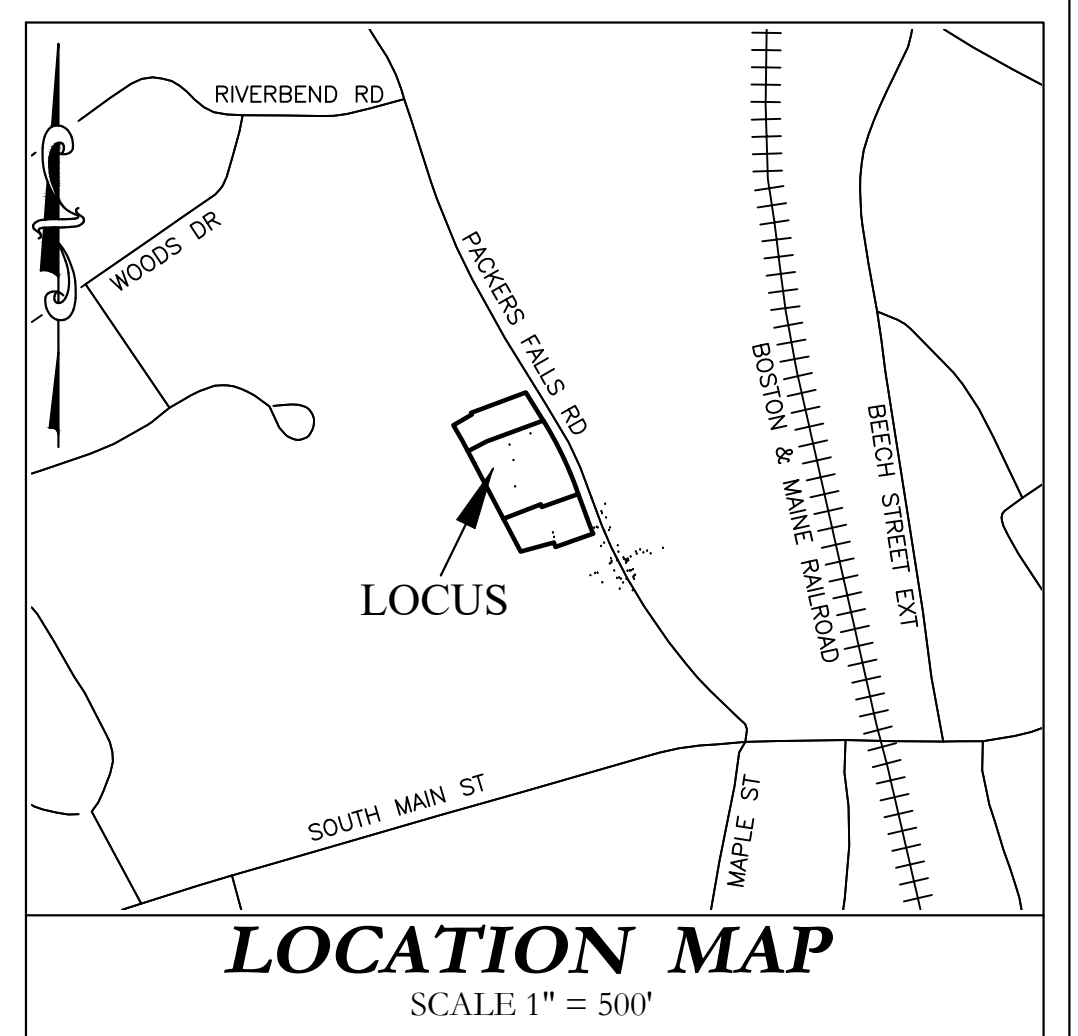


### LEGEND

- — IRON PIPE/ROD FOUND
- — IRON ROD TO BE SET WITH IDENTIFICATION CAP "LLS 961" UNLESS OTHERWISE NOTED ON PLAN
- — UTILITY POLE
- — HYDRANT
- ⊙ — SEWER MANHOLE
- — BOUNDARY LINE
- — ABUTTER LINE
- — OVERHEAD WIRES
- — RIGHT-OF-WAY
- — EDGE OF PAVEMENT
- — BUILDING SETBACK LINE
- — PLAN LINES
- — TREE LINE
- — DECORATIVE FENCE

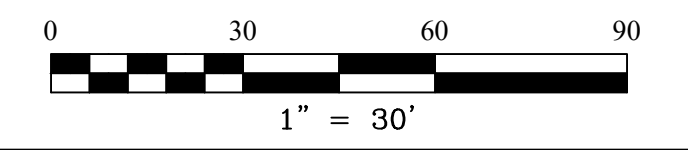
### NOTES:

- REFERENCE:
  - TAX MAP U1 LOT 2 R.C.R.D. BOOK 2553 PAGE 85 R.C.R.D. BOOK 2684 PAGE 1717
  - TAX MAP U1 LOT 3 R.C.R.D. BOOK 5623 PAGE 2965
  - TAX MAP U1 LOT 4 R.C.R.D. BOOK 5127 PAGE 2497
- PARCEL AREAS:
  - TAX MAP U1 LOT 2 EXISTING AREA: 20,979 SF OR 0.48 AC. PROPOSED AREA: 29,511 OR 0.68 AC.
  - TAX MAP U1 LOT 3 EXISTING AREA: 43,771 SF OR 1.00 AC. PROPOSED AREA: 29,405 SF OR 0.67 AC.
  - TAX MAP U1 LOT 4 EXISTING AREA: 17,347 SF OR 0.40 AC. PROPOSED AREA: 23,181 SF OR 0.53 AC.
- OWNERS OF RECORD:
  - TAX MAP U1 LOT 2 PETER B. WILLIAMS, NANCY SAUNDERS, 9 PACKERS FALLS ROAD, NEWMARKET, NH 03857
  - TAX MAP U1 LOT 3 TINA M. RUSSELL, 19 PACKERS FALLS ROAD, NEWMARKET, NH 03857
  - TAX MAP U1 LOT 4 PHILIP K. LAVOIE, JR. & LAURA LAVOIE, 21 PACKERS FALLS ROAD, NEWMARKET, NH 03857
- ZONES: ZONE R2  
DIMENSIONAL REQUIREMENTS:
  - RURAL RESIDENTIAL
  - MINIMUM LOT AREA 1/2 ACR
  - MINIMUM FRONTAGE 100 FT.
  - MINIMUM FRONT SETBACK 25 FT.
  - MINIMUM SIDE SETBACK 15 FT.
  - MINIMUM REAR SETBACK 15 FT.
  - MAXIMUM HEIGHT 35 FT.
- FIELD SURVEY PERFORMED BY SDB ON 6/7/2022 & 7/26/2022 USING A SPECTRA PRECISION FOCUS ROBOTIC TOTAL STATION WITH A DATA COLLECTOR.
- HORIZONTAL DATUM IS MAGNETIC (JUNE 2022) BASED ON COMPASS OBSERVATION.
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTION AND TO ADJUST THE BOUNDARY LINE BETWEEN LOTS 2, 3, AND 4. PARCEL "A" IS TO BECOME PART OF TAX MAP U1 LOT 4. PARCEL "B" IS TO BECOME PART OF TAX MAP U1 LOT 2.
- LOTS SERVICED BY TOWN SEWER AND WATER.
- ABUTTER LINES ARE FOR REFERENCE ONLY AND ARE NOT TO BE USED FOR PROPERTY LINE DETERMINATION.
- THE SURVEYED PREMISES FALLS WITHIN ZONE "X" AS SHOWN ON FEMA F.I.R.M. PANEL3301SC0230F, HAVING AN EFFECTIVE DATE OF 1/29/2021.



### PLAN REFERENCES:

- PLAN TITLED "SUBDIVISION PLAN FOR AMERICAN LAND DEVELOPMENT INC., WOOD HAVEN PHASE II IN NEWMARKET, NH" DATED 11/2/1981, PREPARED BY KIMBALL CHASE COMPANY, INC., R.C.R.D. PLAN D-10912.
- PLAN TITLED "SURVEY AND PLAT OF PROPERTY PREPARED FOR PAUL O'NEAL, SITUATED IN THE TOWN OF NEWMARKET, NEW HAMPSHIRE" DATED DECEMBER 1, 1995, PREPARED BY R.S.L. LAYOUT & DESIGN, INC., R.C.R.D. PLAN D-24365.
- PLAN TITLED "SUBDIVISION OF LAND OF JOHN CARPENTER IN NEWMARKET, NH" DATED 11/5/76, PREPARED BY MOULTON ENGINEERING CO., R.C.R.D. PLAN D-6451.
- PLAN TITLED "BOUNDARY LINE ADJUSTMENT PLAN BETWEEN JENNIFER M. & CHRISTOPHER R. SCHUYLER AND MICHAEL E. ANDERSON & KRISTIN BLUE, LOCATED AT TAX MAP U1 LOTS 64 & 65, PACKERS FALLS ROAD, NEWMARKET, NH" DATED NOV. 2019, PREPARED BY ATLANTIC SURVEY CO., LLC, R.C.R.D. PLAN D-41956.
- PLAN TITLED "PLAN OF LAND OF ESTATE OF JOHN P. SKLARSKI, NEWMARKET, NH" DATED OCT. 1986, PREPARED BY DAVID W. SIDMORE, R.C.R.D. PLAN C-15623.

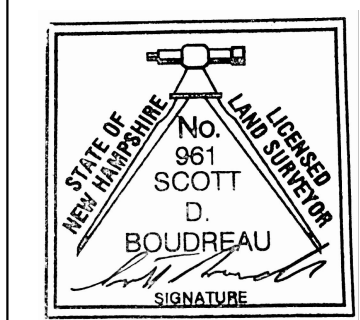


### PLAN SHOWING BOUNDARY LINE ADJUSTMENT

BETWEEN  
 TINA M. RUSSELL  
 (TAX MAP U1 LOT 3)  
 19 PACKERS FALLS ROAD  
 NEWMARKET, NH

PETER B. WILLIAMS & PHILIP K. LAVOIE,  
 NANCY SAUNDERS JR. & LAURA  
 (TAX MAP U1 LOT 2) LAVOIE  
 9 PACKERS FALLS ROAD (TAX MAP U1 LOT 4)  
 NEWMARKET, NH 21 PACKERS FALLS ROAD  
 NEWMARKET, NH

DRAWN BY: SDB DATE: AUGUST 13, 2022  
 CHECKED BY: ARB DRAWING NAME: 22026B  
 JOB NAME: 22026 SHEET: C1




**Boudreau**  
 Land  
 Surveying P.L.L.C.  
 SCOTT D. BOUDREAU, L.L.S. #961  
 2 BEATRICE LANE  
 NEWMARKET, NH 03857  
 (603) 659-3468

PURSUANT TO RSA 676:18, III

"I CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

"I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND FALLS UNDER THE URBAN SURVEY CLASSIFICATION OF THE NH CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I CERTIFY THAT THIS SURVEY IS THE RESULT OF AN ACTUAL FIELD SURVEY USING A TOTAL STATION, HAVING A RELATIVE ERROR OF CLOSURE OF LESS THAN 1 FOOT IN 15,000 FEET, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF."

  
 L.L.S. #961  
 AUGUST 13, 2022 DATE

TAX MAP U1 LOT 66  
 MARK D. MONGEON, MATTHEW E. MONGEON, &  
 JASON M. MONGEON  
 10 PACKERS FALLS ROAD  
 NEWMARKET, NH 03857  
 R.C.R.D. BOOK 6424 PAGE 1782

TAX MAP U1 LOT 1-1-P  
 TOWN OF NEWMARKET  
 186 MAIN STREET  
 NEWMARKET, NH 03857  
 R.C.R.D. BOOK 2732 PAGE 2207

TOWN OF NEWMARKET PLANNING BOARD APPROVAL

CHAIRMAN OF THE BOARD \_\_\_\_\_ DATE \_\_\_\_\_



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>	<input checked="" type="checkbox"/>	<b>Description of project or application:</b>
Subdivision:	<input type="checkbox"/>	The intent of this project is to adjust the boundary line between Tax Map U1 Lots 2 & 3, shown as “Parcel B” on the attached plan. The boundary line adjustment for “Parcel A” was approved at the July 2022 meeting.
Site Plan:	<input type="checkbox"/>	
Impact Fee Waiver:	<input type="checkbox"/>	
Special (Conditional) Use Permit:	<input type="checkbox"/>	
Other:	<input checked="" type="checkbox"/>	



## TOWN OF NEWMARKET COMPREHENSIVE APPLICATION

Note: This form and all required information must be filed at least **15 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**.

Tax Map U1 Lot 3  
Tina M. Russell  
19 Packers Falls Road  
Newmarket, NH 03857  
[tinaatgbac@gmail.com](mailto:tinaatgbac@gmail.com)  
603-300-0022

Tax Map U1 Lot 2  
Nancy Saunders & Peter B. Williams  
9 Packers Falls Road  
Newmarket, NH 03857  
Nancy.Saunders@comcast.net  
603-512-1340

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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.

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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.

Scott Boudreau  
Boudreau Land Surveying  
2 Beatrice Lane  
Newmarket, NH 03857  
[scott@boudreauls.net](mailto:scott@boudreauls.net)  
603-659-3468

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4. Street Location of Subject Parcel: 9 & 19 Packers Falls Road

5. Tax Map U1 Lots 2 & 3

6. Zoning district property is located in R2

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:

\_\_\_\_\_.

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.

Scott Boudreau  
Boudreau Land Surveying  
2 Beatrice Lane  
Newmarket, NH 03857  
[scott@boudreauls.net](mailto:scott@boudreauls.net)  
603-659-3468

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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(I)(d), as amended:



**APPLICATION FEES**

In accordance with RSA 676:4,1(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	<u>70.00</u>
Public Notice Fee	<u>75.00</u>
Abutter Notification [ <u>7</u> (# of abutters) x \$7]	<u>\$49.00</u>
Total	<u>194.00</u>

\$



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  
Per Unit \$125
  - (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.
    - 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
- (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.

Administration Fee \_\_\_\_\_

Public Notice Fee \_\_\_\_\_

Abutter Notification [\_\_\_\_(# of abutters) x \$7] \_\_\_\_\_

Total \$ \_\_\_\_\_



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

[Signature]

Owner (U1 Lot 2)

[Signature]

\* Owner (U1 Lot 3)

[Signature]

\*\* 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. \_\_\_\_\_ of \_\_\_\_\_

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: \_\_\_\_\_

Witness: \_\_\_\_\_

Owner Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By \_\_\_\_\_  
Owner/President or Treasurer if a Corporation





**Surveyor**

Scott Boudreau  
Boudreau Land Surveying  
2 Beatrice Lane  
Newmarket, NH 03857

**Map U1 Lot 2**

Peter B. Williams  
Nancy Saunders  
9 Packers Falls Road  
Newmarket, NH 03857

**Map U1 Lot 3**

Tina M. Russell  
19 Packers Falls Road  
Newmarket, NH 03857

**Map U1 Lot 4**

Philip K. Lavoie, Jr.  
Laura Lavoie  
21 Packers Falls Road  
Newmarket, NH 03857

**Map U1 Lot 64**

Jennifer & Christopher Schuyler  
20 Packers Falls Road  
Newmarket, NH 03857

**Map U1 Lot 65**

David D. MacInnis  
Jacqueline M. McLaughlin  
16 Packers Falls Road  
Newmarket, NH 03857

**Map U1 Lot 66**

Mark D. Mongeon  
Matthew E. Mongeon  
Jason M. Mongeon  
10 Packers Falls Road  
Newmarket, NH 03857

**Map U1 Lot 1-1-P**

Town of Newmarket  
186 Main Street  
Newmarket, NH 03857



TOWN OF NEWMARKET, NEW HAMPSHIRE  
PLANNING OFFICE

## MEMORANDUM

Date: August 9, 2022  
 To: Planning Board  
 From: Department of Planning and Community Development  
 Subject: Proposed Amendments to the Zoning Code Related to Accessory Dwelling Units

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### Introduction

The proposed zoning amendments before the Planning Board (“Board”) originated from a discussion that occurred at the Board’s May 10, 2022 meeting. The Board identified—along with Town Council (“Council”) at their November 3, 2021 meeting—as a high priority amending the accessory apartment zoning regulations under §32-234 *Accessory apartments* of the Municipal Code of the Town of Newmarket, New Hampshire. The primary issues the Board and Council intended to solve were: (1) to permit detached accessory apartments on qualifying single-family lots, and (2) to look into regulatory avenues to streamline the approval process for accessory apartments.

Provided with that guidance and afforded other documentation by Board members of past discussions on accessory apartments, the Department of Planning and Community Development sought out to research the exiting literature on accessory dwelling units (“ADUs”); understand regional housing and market trends; examine state statutes and other municipalities’ regulations of ADUs; and listen to challenges other communities in the region are encountering and learn from those experiences in order to design a zoning ordinance that meets the needs of Newmarket. The product of those efforts resulted in a draft amendment proposal to the zoning code that attempts to resolve those issues identified by the Board and Council, while providing additional standards recommended to be considered to make the ordinance more complete and predictable.

### Process

Pursuant to §24-1 *Zoning ordinance amendment procedures*, the Board is to provide their recommendations to the Council on zoning amendment proposals. The Board, at its discretion, may hold a public hearing to allow for the opportunity for the public to comment on the proposed amendments. This avenue is recommended by staff after the Board’s initial discussion on the proposed amendments. A public hearing date is recommended be set for September 13, 2022. One further note: staff has made edits since the publication of the original document which will be shared with the Board at the public hearing.

### Proposed Amendments

To facilitate discussion during the Board’s review, below are brief descriptions of the intent of each section’s proposed amendment:

1. Sec. 32-5 *Nonconformity*
  - a. §32-5(1)(b): The proposed language in this section seeks to permit ADUs to be built on nonconforming lots and structures that are used exclusively for and by single-family residence. This provision is key for providing space for ADUs to exist in a nonconforming environment.
2. Sec. 32-9 *Special use permits*
  - a. §32-9(a): The proposed language authorizes the Planning Board to permit two (2) accessory dwelling units on a single-family lot and alternative parking standards associated with ADUs. This language is necessary in order for the Planning Board to be allowed to review such a development under the special use permit mechanism.
3. Sec. 32-11 *Definitions*
  - a. Accessory Dwelling Unit: The proposed language removes standards therefrom and aligns the definition with the states, pursuant to RSA674:71
  - b. Residence, duplex, multifamily & single-family: The proposed language seeks to change ‘accessory apartments’ to ‘accessory dwelling unit’ so as to provide constancy in the terms and throughout the town code.
  - c. Gross floor area: The proposed language establishes the metric by which the area of an ADU is calculated. This definition derives from the International Residential Code’s (“IRC”) definition. After discussion with the Code Enforcement Officer, it was determine this definition would be the most consistent, enforceable, widely understood metric for calculating area for an ADU.



TOWN OF NEWMARKET, NEW HAMPSHIRE  
PLANNING OFFICE

- d. Short-term rental: The proposed language defines the constitution of a short-term rental. This language is necessary in order prohibit the short-term renting of both an ADU and its corresponding primary dwelling unit. To be clear, this definition is specifically for single-family lots with an ADU thereon and does not apply to other housing types.
4. Sec. 32-155 *Wetland protection overlay district*
- a. §32-155(d)(4): The proposed language would allow an attached ADU to be built within a wetland buffer. A notion to keep in mind throughout this amendment process is that attached or internal conversion accessory dwelling units cannot have stricter dimensional standards than that of a single-family dwelling unit, pursuant RSA: 674:72(iv). This does not apply to detached dwelling units, as the state statute allows a municipality discretionary authority over detached ADUs.
5. Sec. 32-234 *Accessory apartments*
- a. §32-234: The original language for this section will be deleted and replaced with new regulations governing ADUs. Also, the title for Sec. 32-234 will be renamed '*Accessory Dwelling Units*' in order to bring consistency throughout the zoning code with respects to ADUs.
- b. §32-234(a): The proposed language establishes the reasoning for the town to allow for ADUs to exist and why it is in the Town's interest to permit and regulate them. The goal of ADUs is to be a flexible housing option within the spectrum that are permitted by Newmarket, intending to help a variety of people who are at different stages of their life, while encouraging the repurposing of the existing structures into an ADU.
- c. §32-234(b): The proposed language permits existing single-family lots, regardless of their conformity status, to construct ADUs. This clause also establishes the type of ADUs that are permitted to be built within the confines of the regulations. The intent of this clause is to be flexible and equitable as possible to all single-family lots. This clause also aligns with §32-5(1)(b), if amended as proposed.
- d. §32-234(c): The proposed language establishes proscriptions for ADUs. The rationale behind the prohibitions derives from finding a balance between the essence of a single-family lot while providing an appropriate amount a density thereto (more than 2 ADUs on a lot would add more complexities to a site that contravene the intent of both the zoning ordinance and the proposed amendments before the Board). Further, the mantra of the proposed ordinance change is to provide long-term housing solutions for various stakeholders while expanding property rights without unnaturally altering existing neighborhoods to their detriment. For this reason, the prohibition of short-terming renting of all units on a lot with an ADU is proposed, while having these structures (AADU and DADU) constructed in a safe environment by barring there location be within a floodplain.
- e. §32-234(d): The proposed language authorizes ADUs to be built without going through the subdivision or site plan review process, unless there are elements, such as adding two (2) ADUs on a lot (special use permit), that necessitate a review by the Board.
- f. §32-234(e): The proposed language establishes the amount of ADUs permitted to be built on a single-family lot and directs their respective approval process. As stated herein, one (1) ADU is permitted by-right (building permit) on all single-family lots within town, regardless of the lot's conformity status. Whereas two (2) ADUs on a single-family lot must undergo Planning Board review via a special use permit. The Zoning Board of Adjustment ("ZBA") is removed from the approval process for ADUs, unless qualifying elements elsewhere in the zoning code necessitates their review (e.g., §32-5(2)(a): expansion of a nonconforming structure's footprint). The reason for the ZBAs removal from the ADU process is because their primary function as a board is adjudicative, i.e., ruling on issues of law, unlike the Planning Board, where their principal function is development review, which is the appropriate venue for this type of land use.
- g. §32-234(f): The proposed language ensures that all regulations at different regulatory levels are followed.
- h. §32-234(g)(1): The purpose of the proposed language is to protect neighborhoods by preventing absentee landownership, promoting accountability and encouraging long-term investment into the community. The underlying premise of this standard is that if the property owner lives on the lot, the likelihood that the upkeep of the property will be maintained increases.
- i. §32-234(g)(2)(i): The proposed language establishes living area thresholds for different types of ADUs under different contexts. To wit: the goal of this standard is to provide flexibility for the property owner in order to facilitate ADU construction. State law, under RSA 674:72VII, prohibits a municipality to compel a property owner to build an AADU or ICADU under 750-sf; however, an area range may be established, permitting smaller ADUs to be built, if desired. More restrictive standards can be applied to DADUs, as they are discretionary under RSA 674:72, which allows for more space to calculate dimensional controls differently.



TOWN OF NEWMARKET, NEW HAMPSHIRE  
PLANNING OFFICE

- j. §32-234(g)(2)(ii): The proposed language establishes a building setback between newly constructed DADUs and the principal dwelling unit. The purpose of this standard is to create space in order to provide a clear separation between the buildings, which can be used for open space, parking or other permitted uses for a single-family lot.
- k. §32-234(g)(2)(iii): The proposed language strives to provide a regulatory environment that maintains an equilibrium between new construction, reuse of existing structures, and building placement by allowing the following to occur: (1) to ensure newly constructed ADUs are to be built within a zoning district's setbacks, (2) to allow for legally nonconforming accessory structures to be converted into an ADU, and (3) to permit ADUs to be built in front of the primary dwelling unit on properties with excess amount of space located within the front yard.
- l. §32-234(g)(2)(iv): The proposed language establishes the permitted height for an AADU and DADU. Again, pursuant to RSA 674:72, municipally is prohibited from requiring a higher dimensional threshold for AADUs than that of a single-family dwelling unit. This clause is to provide clarity on building height standards for ADUs.
- m. §32-234(g)(2)(v): The purpose is to clarify the number of ADUs permitted to be built on a lot. The standard also provides the permitting process and regulations for the construction of two (2) ADUs on a single-family lot. Considering the limitations from state statute and being mindful of not overburdening a property that originally was intended to be used for single-family residential use, a scaled approach was elected to control the gross floor area of each ADU by establishing a 'primary' and 'secondary' accessory dwelling unit. The PADU is permitted to be built under the normal standards, pursuant to §32-234(g)(2), while the SADU has a maximum gross floor area of 750-sf. This attempts to achieve both flexibility and growth management on the lot by blending a slight density increase while establishing a recognizable, 'scaled-down' difference between the dwelling units. The clause also dictates where the two ADUs can be built, their permitted locations if excess front yard space is provided, and the number of parking spots required.
- n. §32-234(g)(2)(vi): This section intends to ensure that enough green space is provided on a lot proposing a newly constructed AADU or DADU in order to achieve the following objective: to provide private, socialization and natural spaces. Moreover, this standard works in conjunction with §32-234(g)(2)(vii) in order to ensure that low impact development stormwater improvements are located on the lot in the event not enough open space can be afforded. ICADUs, or an existing accessory structure to be converted into a DADU, proposing not to expand their respective building's footprint—while encouraged to provide such open space—do not qualify under this section, as no increase in structure imperviousness is proposed. The concept is to off-set the effects of a lot's increase in impervious coverage (expansion of building footprint), while not to overburden those projects not proposing any structural expansion.
- o. §32-234(g)(2)(vii): The proposed language seeks to ensure that a stormwater management plan is established for those qualifying lots unable to meet the open space requirement. This is to protect those properties and natural resources located in areas of town having more impervious cover (urban areas).
- p. §32-234(g)(2)(viii): The proposed language demonstrates the type of open space variations/combinations that can be deployed as it relates to ADU site planning. As mentioned above, the idea is to provide private, social and natural spaces for its residence to use and enjoy.
- q. §32-234(g)(2)(ix): The proposed language ensures that the open space will be kept on the lot for the duration of the ADU's existence.
- r. §32-234(g)(2)(x): The proposed language prohibits the addition of curb cuts in order to sustain the aesthetic quality of the single-family lot and as an additional safety measure in those instances limited right-of-way frontage is present.
- s. §32-234(g)(2)(xi): The proposed language seeks to promote sustainable energy production/usage by offering an incentive to increase in gross living area for an ADU if a solar energy system is built.
- t. §32-234(g)(3): The proposed language permits only DADUs on a single-family lot with a manufacture home. The zoning code defines manufacture housing as follows:

*Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. This shall not include pre-site built housing as defined in RSA 674:31-a.*



TOWN OF NEWMARKET, NEW HAMPSHIRE  
PLANNING OFFICE

The reason for permitting DADUs exclusively is because there are two different standards for stick-built and manufacture homes (IRC and HUD). After consulting with the CEO, from a safety; practicality; permitting; and equity standpoint, the best solution was to allow for only DADUs to be built on such lots. As a clarification, modular homes under Newmarket's ordinance are not classified as manufacture housing.

- u. §32-234(g)(4): The proposed language establishes a set of design criteria ensuring that the structural emphasis is not on the ADUs, rather the primary dwelling unit. Flexibility is granted to those accessory structures that are preexisting, however, any newly constructed ADU cannot be designed in a manner that makes it appear as the lot's primary structure.
- v. §32-234(g)(5): The proposed language provides the framework for which parking will be provided and located on a lot. The intent of the clause is to provide those lots with nonconforming onsite parking areas, or limited areas to establish new spaces, more flexibility to accommodate additional parking. Further, the proposed language lets the homeowner decide the amount of spaces needed for the ADU, but establishing a cap of two spaces to ensure that the lot would not be filled with an abundance of motor vehicles.
- w. §32-234(g)(5): The proposed language ensures adequate water and sewage disposal to and from the ADU is furnished. If a lot cannot met this standard, an ADU is prohibited, unless expressed relief is granted.

Recommendations

As stated above, it is recommended that the Board discuss the proposed amendments, suggest and agree upon changes to the proposal where they see appropriate, and set a public hearing date for the September meeting (9-13-22). The idea is get public comment and create a more perfect set of zoning amendments for Town Council to consider.

**Bold and underlined** = **proposed language** and ~~Strikethrough~~ = ~~proposed language to be removed~~.

**Title:** Accessory Dwelling Unit Zoning Amendments  
**Date:** [August 9, 2022]  
**To:** Planning Board of the Town of Newmarket, New Hampshire  
**From:** Department of Planning and Community Development  
**Addition:** Draft #6

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## PROPOSED AMENDMENTS

### Sec. 32-5 Nonconformity

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*Amended section related to read as follows:*

§32-5(1)(b): Certain districts prohibit single-family residential use, and in such districts, the pre-existing single-family use is nonconforming. To prevent this chapter from being unduly burdensome on a nonconforming single-family residential use, such single-family houses shall be permitted to be physically expanded, and accessory structures added or expanded. All other requirements of this chapter shall apply. There shall be no increase in the number of residential units on the lot, **and excluding accessory dwelling units.** ~~accessory apartments shall be prohibited.~~

### Sec. 32-9 Special use permits

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*Amended section related to read as follows:*

§32-9(a): 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. Special use permits are provided in the following sections: section 32-45(b)(2) for optional uses in the mills; section 32-45(b)(2)(A) for multifamily residential uses as part of a mixed-use mill redevelopment; section 32-46-A(b)(1) for mixed-use development with three or greater residential units; section 32-45(b)(2)a for self-storage facilities within existing buildings in the mills; section 32-48(b)(2) for optional uses related to the golf course or outdoor recreation; section 32-159(b)(3) for siting telecommunications facilities; ~~and section 32-232(2)~~ for permitting large home-based businesses; **and section 32-234(g)(2)(v) for more than two (2) accessory dwelling units on a single-family lot and section 32-234(g)(5) for optional parking uses related to accessory dwelling units.**

### Sec. 32-11 Definitions

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*Amended and add definitions related to accessory dwelling units to read as follows:*

*Accessory Dwelling Unit* means a residential living unit that is **subordinate to the primary dwelling unit of a single-family lot within or attached to**, which ~~as a single-family dwelling, and that~~ provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation. ~~on the same parcel of land as the principal dwelling it accompanies. Its use is subordinate to the principal dwelling and can be either a studio, a one or two bedroom apartment.~~

*Residence, duplex*, means a single structure containing two residential units, neither of which is an accessory **dwelling unit apartment.**

*Residence, multifamily*, means a single structure containing three or more residential units, none of which is an-accessory **dwelling unit apartment.**

*Residence, single-family*, means a detached structure containing one residential unit, with or without permitted accessory **dwelling unit apartments.**

**Gross floor area, means the floor area within the perimeter of the exterior walls of the building without deductions for corridors, stairways, ramps, closets, thickness of interior walls, columns, or other features. Gross floor area is calculated by taking into account all stories of the building exclusive of basements and attic spaces.**

**Short-term rental, means the use, control, management or operation of a dwelling unit or accessory dwelling unit, in whole or in part, for dwelling, sleeping, or lodging purposed for periods of 30 consecutive days or less; for compensation, directly or indirectly.**

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45 Sec. 32-155 Wetland protection overlay district

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46 *Amended section to read as follows:*

47 32-155(d)(4): Notwithstanding other provisions of this chapter, the construction of additions and extensions to single-  
48 family dwellings, **including construction associated with an attached accessory dwelling unit**, shall be permitted within  
49 wetland buffers provided that the dwelling lawfully existed prior to the delineation of the wetland area and that the proposed  
50 construction conforms to all other applicable codes of the town.

51 Sec. 32-234. – ~~Accessory apartments~~ **Accessory dwelling units.** (*Delete and replace whole section*)

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52  
53 ~~(a) Purpose. Accessory apartments are permitted in all zoning districts that permit single-family residential uses to ensure~~  
54 ~~adequate provision of small, affordable residential units for various segments of the population, to help homeowners~~  
55 ~~utilize excess space to generate revenue to help offset the costs of home ownership, and to encourage the adaptive reuse~~  
56 ~~of historic homes.~~

57 ~~(b) One accessory apartment shall be permitted per detached single-family residence if granted a special exception by the~~  
58 ~~zoning board of adjustment. The accessory apartment shall be contained entirely within or attached to the detached~~  
59 ~~single-family residence. The zoning board of adjustment shall grant the special exception if the following conditions~~  
60 ~~are met:~~

61 ~~(1) The accessory apartment shall be a minimum of 300 square feet and a maximum of 1,000 square feet of finished~~  
62 ~~living area.~~

63 ~~(2) The accessory apartment shall either be an efficiency apartment (without a separate bedroom), or a one-bedroom~~  
64 ~~or two-bedroom apartment.~~

65 ~~(3) One of the dwelling units must be owner-occupied.~~

66 ~~(4) There shall be a minimum of two parking spaces for each dwelling unit. A parking space shall be defined as a~~  
67 ~~rectangular space nine feet by 18 feet. Parking spaces shall be permitted within the setbacks if the location is~~  
68 ~~over 50 feet from abutting dwelling units.~~

69 ~~(5) No exterior changes shall be made unless they maintain the aesthetic continuity of the accessory dwelling unit~~  
70 ~~with the principal dwelling unit as a single-family dwelling.~~

71 ~~(6) Adequate water supply and sewage disposal shall be provided. If town water and sewer services the site, tie-in~~  
72 ~~fees shall be paid.~~

73 ~~(7) Granting of the special exception would be consistent with section 32-5(1)b.~~

74 ~~(8) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit; however,~~  
75 ~~it shall not be required to remain unlocked.~~

76 ~~(c) Subdivision and site plan review approval are not required.~~

77  
78 (a) **Purpose: It has been deemed to be in the public interest to permit accessory dwelling units (“ADUs”) in all zoning**  
79 **districts where single-family residential use exists, so as to:**

80  
81 (1) **maintain a diverse supply of housing options;**

82 (2) **to provide flexible, adequate and affordable living accommodations;**

83 (3) **to support homeowners utilizing excess space to offset the cost of home ownership;**

84 (4) **to foster the Town’s community fabric by establishing spaces for multigenerational living; and**

85 (5) **to promote the conservation of energy and land by the reuse of structures and the preservation of properties.**

86  
87 (b) **Applicability: ADUs are permitted by-right in all zoning districts on lots and structures exclusively used as single-**  
88 **family residence. This includes pre-existing, legally nonconforming single-family lots and structures. An ADU may**  
89 **be located entirely within a single-family residence (internal conversion accessory dwelling unit, or “ICADU”),**  
90 **attached thereto (attached accessory dwelling unit, or “AADU”), or located within an existing or proposed**  
91 **detached building (detached accessory dwelling unit, or “DADU”) on the lot, subject to the provisions herein.**  
92



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Title: Accessory Dwelling Unit Zoning Amendments

Date: [August 9, 2022]

To: Planning Board of the Town of Newmarket, New Hampshire

From: Department of Planning and Community Development

Addition: Draft #6

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93 (c) **Prohibitions: The following uses associated with ADUs are prohibited:**

94 (1) **More than two (2) ADUs on a single-family lot without a manufacture home.**

95 (2) **More than one (1) ADU on a single-family lot with a manufacture home.**

96 (3) **The leasing of either the principal residence, ADU(s) or both for short-term rental.**

97 (4) **The conversion of an ADU into a condominium or any other form of legal ownership distinct from the**  
98 **ownership of the single-family dwelling.**

99 (5) **The conversion of an ADU into a primary dwelling unit, unless it were to become the only dwelling unit on**  
100 **the lot.**

101 (6) **The construction of a new AADU or DADU or conversion of an attached or detached accessory structure**  
102 **into an ADU that is located within the 100-year flood plain.**

103 (d) **Exemptions: Subdivision and site plan review approval are not required for an ADU unless otherwise required**  
104 **within §32-234 Accessory Dwelling Units or elsewhere within the Municipal Code of the Town of Newmarket, New**  
105 **Hampshire, as a result of qualifying elements of the proposed development.**

106 (e) **Permitting Process: Except otherwise require by state statue or the Municipal Code of the Town of Newmarket,**  
107 **New Hampshire, one (1) ADU requires only a building permit application. In the event two (2) ADUs are sought**  
108 **for development, a special use permit application, pursuant to §32-234(g)(2)(v)[1], is required in addition to a**  
109 **building permit application.**

110 (f) **Retirement of ADUs: In the event an ADU is abandoned or converted into a primary dwelling unit, the property**  
111 **owner shall comply with all applicable federal, state and local regulations.**

112 (g) **Standards: The follow standards shall apply to all ADUs:**

113 (1) **Occupancy and ownership: The property owner, as reflected in the deed, shall occupy and establish as their**  
114 **primary residence either the principal dwelling unit or the ADU. Residency shall be demonstrated by**  
115 **evidence of voter or vehicle registration with the Town of Newmarket, New Hampshire. When the property**  
116 **is owned by one or more trusts, limited liability company (“LLC”), or other unnatural person, one of the**  
117 **dwelling units shall be the principal place of residence of the beneficiary(ies) of the trust(s) or LLC.**

118 (2) **Dimensions: The following dimensional controls shall be observed unless expressed relief is granted:**

119 (i) **Living area: All newly constructed ADUs shall be of a size between 300 and 1,000 square feet as**  
120 **measured by gross floor area, except under the following circumstances:**

121 [1] **For principal dwelling units under 1,000 square feet of gross floor area, a newly constructed**  
122 **AADU’s gross floor area shall be no greater than 750 square feet.**

123 [2] **For principal dwelling units under 1,000 square feet of gross floor area, a newly constructed**  
124 **DADU’s area shall be no greater than 80% of the size of the principal dwelling unit, but no less**  
125 **than 300 square feet, as measured in gross floor area.**

126 [3] **In the event an ICADU is proposed within the principal dwelling unit, or a pre-existing attached**  
127 **garage, a maximum of 1,000 square feet of gross floor area is permitted.**

128 [4] **The conversion of an existing, detached accessory structure, excluding accessory sheds, into a**  
129 **DADU having a gross floor area greater than 1,000 square feet, built prior to (insert date of**  
130 **enactment), such as a carriage house or garage, is permitted regardless of the size of the gross**  
131 **floor area of the primary dwelling unit. Future expansion of the converted DADU’s gross floor**  
132 **area is prohibited.**

133 (ii) **Structure setbacks: A minimum of 10 feet separation between the principal dwelling unit and a newly**  
134 **constructed DADU is required.**

135 (iii) **Lot setbacks: All ADUs shall adhere to applicable setback requirements, pursuant to §32-89**  
136 **Dimensional table, unless expressed relief has been granted, or a legally nonconforming accessory**  
137 **structure is proposed to be converted into an ADU. In the instance a newly constructed DADU is**  
138

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157 proposed to be closer to the front property line than the principal dwelling unit, the following standard  
158 shall apply:

160 [1] The principal dwelling unit shall be setback 100 feet from the front property line, while the  
161 proposed DADU shall be no closer than 80 feet from the front property line.

163 (iv) Building height: A proposed AADU and DADU shall adhere to the building height standards, pursuant  
164 to §32-89 Dimensional table. In the instance that an existing detached accessory structure proposed to  
165 be converted into a DADU is of a height in violation of §32-89 Dimensional table, then that structure  
166 cannot exceed its preexisting height. See section §32-234(g)(3)(ii) for detached ADU building height  
167 standards for manufacture homes.

169 (v) Density: A single-family lot proposing an ADU is exempt from the Maximum Residential Density  
170 requirements, pursuant to §32-89 Dimensional table. Notwithstanding the foregoing, a maximum of one  
171 (1) ADU shall be permitted on a single-family lot, except under the following scenario:

173 [1] The Planning Board may grant a special use permit to allow for two (2) ADUs on a single-family  
174 lot, provided the applicant demonstrates conformity with the following additional standards:

176 [a] Designation: The applicant shall designate a primary (“PADU”) and secondary (“SADU”)  
177 accessory dwelling unit.

178 [b] Size: A PADU shall adhere to the gross floor area standards, pursuant to §32-234(g)(2)(i),  
179 while the SADU shall have gross floor area no greater than 750 square feet.

180 [c] Building separation: A minimum separation of 10 feet is required between AADUs and  
181 DADUs. In no case may a PADU have a SADU built within.

182 [d] Internal conversion ADUs: The primary dwelling unit may host both PADU and SADU.

183 [e] Building location: Newly constructed DADUs may be closer to the front property line than  
184 the principal dwelling unit, provided that the principal dwelling unit is setback 200 feet from  
185 the front property line. Under this circumstance, the DADUs shall be setback no less than  
186 100 feet from the front property line.

187 [f] Parking: A minimum of two (2) parking spaces are required to accommodate both ADUs.  
188 All other parking standards, pursuant to §32-234(g)(5), shall apply.

189 (vi) Open space: The following scheduled under Table 1. Open Space Requirements shall be observed for all  
190 proposed newly constructed AADUs and DADUs:

	Table 1. Open Space Requirements			
Lot size (square feet)	< 10,000	10,000 - 20,000	20,000 - 50,000	50,000+
Preservation Required (%)	35	25	15	10

198 (vii) Stormwater management: In the event the open space requirement, pursuant to §32-234(g)(2)(vi),  
199 cannot be met, compliance with Sec. F, Part A. of Appendix C. Stormwater Management Regulation, at  
200 a minimum, is mandatory for all proposed newly constructed AADUs or DADUs.

201 (viii) Open space design: A lot proposing an ADU subject to the requirements of §32-234(g)(2)(vi) shall  
202 incorporate an open space design to be used both actively and passively. Such designs shall include, but  
203 not be limited to backyard garden courtyards; greenway walkways; garden terraces; pollinator  
204 fields/walkways; raingardens; pocket parks; forested areas, or a combination thereof, arranged to  
205 promote a balance between socialization and personal spaces amongst the primary and accessory  
206 dwelling units along with areas dedicated to natural or passive green space. Access to open space areas  
207 shall be no further than 20 feet from the respective ADUs unless demonstrated by the applicant that  
208 there is no practical location for the open space other than the proposed location as a result of the lot’s  
209 physical characteristics.

210 (ix) Maintenance of open space: The preservation of dedicated open space subject to §32-234(g)(2)(vi) shall  
211 be maintained in perpetuity by the property owner until the retirement of all ADUs.

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- 214 (x) Lot access: A property proposing an ADU shall not increase the existing number of driveways entrances  
215 (i.e. curb cuts) front the right-of-way onto the lot.
- 216 (xi) Renewable energy systems: If a rooftop solar energy system is proposed for installation onto an AADU  
217 or DADU, a 100 square foot gross floor area bonus may be applied to the maximum allowable gross  
218 floor area of the impacted ADU, but in no case may the height of the impacted ADU be expanded unless  
219 done so in conformance with §32-234(g)(2)(iv). For the purposes of this subsection section, the rooftop  
220 solar energy system is exempt from building height standards.
- 221 (3) Manufacture homes with an ADU: In addition to the standards herein not modified by this clause, the  
222 following standards for ADUs on lots with manufacture homes as the primary dwelling unit shall apply:  
223
- 224 (i) Attached ADU: An AADU affixed to a manufacture home is prohibited.  
225
- 226 (ii) Detached ADU: A newly constructed or accessory structure conversion DADU is permitted on a single-  
227 family lot with a manufacture home designated as the primary dwelling unit. A newly constructed  
228 DADU shall not deviate from a gross floor area between 300 - 750 square feet and shall have a building  
229 height not to exceed the height of the manufacture home. The aforementioned standards  
230 notwithstanding, the conversion of a pre-existing detached structure, excluding accessory sheds or  
231 structures below 300-sf, is permitted to be converted into a DADU. In the instance a pre-existing  
232 structure converted into a DADU has an area greater than 750 square feet, a height greater than that  
233 of the manufacture home, or both, future expansions for those respective dimensions of the building  
234 are prohibited.  
235
- 236 (iii) Internal conversion ADU: An ICADU within a manufacture home is prohibited.  
237
- 238 (4) Building Design: An ADU shall be clearly subordinate to the primary dwelling unit, as demonstrated in the  
239 building design and placement. Building design for purpose of this section shall include the following:  
240
- 241 (i) Attached and conversion ADUs shall be designed as follows:  
242
- 243 [1] Aesthetics, integration and entrance: Proposed AADUs and ICADUs shall have a roof pitch,  
244 windows, and eaves that maintain the aesthetic continuity of the principal dwelling unit. To wit:  
245 the development's design shall achieve an appearance in all parts as a continuation, or an  
246 accompaniment to the single-family residence, while designs giving the appearance of a duplex or  
247 multi-family building are prohibited. A separate entrance into the ADU structure, in view from  
248 public right-of-way, is allowed, provided the entrance is designed to harmonize with the primary  
249 dwelling unit in a manner not indicative of an entrance into a separate dwelling unit.  
250
- 251 [2] Building materials: AADUs and ICADUs shall use similar exterior materials (roof, siding, and  
252 trim) and a color that complements the primary residence.  
253
- 254 [3] Building safety: Proposed ADUs with fire escapes or exterior stairs for access to an upper-level  
255 shall not be located on a side(s) of the principal dwelling unit facing a street(s).  
256
- 257 [4] Building access: An interior door shall be provided between the principal dwelling unit and the  
258 respective ADU; however, it shall not be required to remain unlocked.  
259
- 260 (ii) Detached ADUs shall be designed as follows:  
261
- 262 [1] Building location, aesthetics and materials: a newly constructed DADU shall be located in a  
263 position on the lot that presents a less dominant focus than the primary dwelling unit, while its  
264 design shall present the general impression that it is clearly an accessory building to the primary  
265 dwelling unit, yet maintains an aesthetic continuity with the primary dwelling unit. For  
266 conversion DADUs, all improvements made thereto shall complement the architectural style of  
267 the primary dwelling unit while maintaining the emphasis of the primary dwelling unit as the  
268 lot's central structure.  
269
- 270 [2] Building safety: Fire escapes or exterior stairs for access to an upper-level ADU shall not be  
271 located on a side(s) of the ADU facing a street(s).  
272  
273

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**Title:** Accessory Dwelling Unit Zoning Amendments

**Date:** [August 9, 2022]

**To:** Planning Board of the Town of Newmarket, New Hampshire

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**Addition:** Draft #6

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- (5) **Parking: All ADUs shall conform with the following parking standards, exclusive of contexts where relief is expressly granted or ADUs subject to §32-234(g)(2)(v)[1]:**
    - (i) **A lot proposing to establish one (1) ADU shall require a maximum of two (2) off-street parking spaces.**
    - (ii) **Tandem parking with a maximum stacking limit of two (2) spaces to accommodate ADUs or both the primary dwelling unit and an ADU(s) are permitted on-site.**
    - (iii) **Outdoor parking spaces accommodating ADUs exclusively, or in part, are authorized to encroach into a lot's setbacks, provided that the location of the new parking spaces are at minimum 20 feet from an abutting property's dwelling unit, or maintain the setback of pre-existing parking spaces that are closer than 20 feet to an abutting property's dwelling unit. The Planning Board may grant a special use permit to reduce the minimum distance from an abutting property's dwelling unit to 10 feet for proposed new parking spaces accommodating an ADU full, or in-part, provided the following standard is met:**
      - [3] **A proposed or exiting landscaping buffer, or neighbor-friendly fencing shall screen adequately the parking space(s) from the abutting property and shall be maintained in perpetuity by the property owner so long as the ADU exists. In the event new landscaping is proposed to meet this standard, native vegetation shall be used exclusively. Modifications made to an approved landscaping buffer or neighbor-friendly fencing that reduce the efficacy of their screening capabilities shall require prior Planning Board approval.**
  - (6) **Water supply and sewage disposal: Adequate water supply and sewage disposal shall be provided. If town water and sewer services the site, all applicable fees shall be assessed prior to the issuance of a building permit, pursuant to (add in section) and paid prior to the issuance of the ADU's certificate of occupancy. When town sewer is not provided, the proposed septic system servicing the ADU shall meet NH Department of Environment Services, Water Division requirements for the combined system demand for total occupancy of the premises.**

302 (Ord. of 2-14-1996, § 7.03; Ord. of 9-1-2004; Ord. No. 2016/2017-01, 3-1-2017; Ord. of 06-21-2017)

303

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**Title:** Site Plan and Subdivision Regulation Amendments  
**Date:** September 13, 2022  
**To:** Planning Board of the Town of Newmarket, New Hampshire  
**From:** Department of Planning and Community Development  
**Addition:** Draft #2

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1 **Sec. 2.06. Fees.**

2 In accordance with RSA 676:4,I(g), the applicant shall pay the following fees to compensate the Town for its  
3 expenses in processing, noticing and reviewing each application:

4 (A) Administration:

5 (1) Lot Line Adjustment: \$ **100.00** ~~50.00~~.

6 (2) Major Subdivision:

7 **(i) Base Fee: \$400.00; and**

8 **(ii) plus \$160.00 per lot, ~~\$0.10 /lot~~ or \$0.10 of building floor area per lot, whichever is greater.**

9 (3) Minor Subdivision:

10 **(i) Base Fee: \$200.00; and**

11 **(ii) plus ~~50.00 /lot~~ \$120.00 per lot, or \$0.10 per square foot of a lot's building floor area,**  
12 **whichever is greater.**

13 (B) Public Notice:

14 (1) ~~\$75.00~~ **250.00** per newspaper notice; plus

15 (2) \$7.00 per abutter or other party notified.

16 (C) Recording: The applicant shall reimburse the Town the cost of recording at the Rockingham County  
17 Registry of Deeds, with specific amounts as set by the Register of Deeds.

18 (D) Other costs incurred by the Board in reviewing the application, as limited in § 5.02, may be passed  
19 through to the applicant by the Board.

20 (Amd. of 10-12-1999; Amd. of 10-11-2011)

21 **Sec. 2.05. Fees.**

22 In accordance with RSA 676:4,I.(g) and RSA 674:44,V., the applicant shall pay the following fees to compensate  
23 the Town for its expenses in processing, noticing and reviewing each application:

24 (A) Administration:

25 (1) Minor Review: \$ **200.00** ~~125.00~~

26 (2) Major Review, one or more of the following shall apply:

27 (a) Residential **Development:**

28 **(1) Base Fee \$ 300.00** ~~250.00~~;

29 **(2) Per-unit ~~125.00~~ square foot of building floor area: \$ 0.10**

30 (b) Commercial **or Industrial Development:**

31 **(1) Base Fee \$ 300.00; and** ~~250.00~~

**Bold and underlined** = proposed language and ~~Strikethrough~~ = proposed language to be removed.

**Title:** Site Plan and Subdivision Regulation Amendments  
**Date:** September 13, 2022  
**To:** Planning Board of the Town of Newmarket, New Hampshire  
**From:** Department of Planning and Community Development  
**Addition:** Draft #2

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- 32                                   **(2)** Per square foot of floor space:
- 33                                   **(i)** 0—10,000 sq. ft.: ~~\$ 0.05~~**12**
- 34                                   ~~1,001—5,000 0.10~~
- 35                                   ~~5,001—10,000 0.08~~
- 36                                   **(ii)** 10,001+ sq. ft.: **\$0.10**
- 37                                   **(c) Mixed-Use Residential Development:**
- 38                                   **(1) Base Fee: \$300.00;**
- 39                                   **(2) Per square foot of building floor area: \$ 0.15.**
- 40                                   **(d) Development Without Buildings:**
- 41                                   **(1) Base Fee: \$300.00; and**
- 42                                   **(2) Per square foot of land disturbance: \$0.02.**
- 43                                   ~~(e) Industrial Base Fee: \$250.00~~
- 44                                   ~~Plus per square foot of floor space:~~
- 45                                   ~~0—1,000 ....0.06~~
- 46                                   ~~1,001—5,000..... 0.05~~
- 47                                   ~~5,001—10,000..... \$0.04~~
- 48                                   ~~10,001+ .....0.03~~
- 49                                   (B) Public Notice:
- 50                                   (1) Per newspaper notice ~~75.00~~ **\$250.00**
- 51                                   (2) ~~Plus, p~~**P**er abutter or other party notified **\$7.00**
- 52                                   (C) Recording. The applicant shall reimburse the Town the cost of recording at the Rockingham County
- 53                                   Registry of Deeds, with specific amounts as set by the Register of Deeds.
- 54                                   (D) Other costs incurred by the Board in reviewing the application, as limited in § 5.02, shall be passed
- 55                                   through to the applicant by the Board unless specifically waived.
- 56                                   (Amd. of 10-1999; Amd. of 12-2003)

57

**SITE PLAN SUBDIVISION FEES  
SURROUNDING TOWNS**

TOWN	SITE PLAN	FEE	SUBDIVISION	FEE
<b>Greenland</b>	<b>Preliminary Conceptual</b>		<b>Subdivision</b>	
	Administration	\$35.00	First two lots, including existing	\$150.00
	<b>Site Plan Review</b>		Each additional lot	\$75.00
	Review/Filing Fee-First \$100,000 of construction costs	\$150.00	<b>Lot Line Adjustment</b>	\$100.00
	Review/Filing fee-Per additional \$1,000; maximum fee \$200	\$5.00	<b>Voluntary Merger</b>	\$75.00
<b>Madbury</b>	<b>Site Plan Review</b>		<b>Subdivision</b>	
	Application	\$200.00	Application	\$200.00
	Special Study	\$200.00		
<b>Lee</b>	<b>Site Plan Review</b>		<b>Subdivision</b>	
	First acre	\$300.00	Residential	\$300.00
	Each additional acre	\$20.00	Per lot	\$40.00
			Non-Residential	\$300.00
			Per lot	\$60.00
		<b>Lot Line Adjustment</b>	\$300.00	
<b>Stratham</b>	<b>Site Plan Review</b>		<b>Subdivision</b>	
	Filing Fee		Major Subdivision	
	Each 1,000 sq. ft. of building construction-minimum \$100	\$100.00	First Lot	\$250.00
	Preliminary Conceptual Consultation	\$75.00	Each Additional Lot	\$100.00
			Minor Subdivision	
			First Lot	\$150.00
			Each Additional Lot	\$100.00
		<b>Lot Line Adjustment</b>	\$150.00	
<b>Exeter</b>	<b>Site Plan Review</b>		<b>Subdivision</b>	
	Major Review	\$250.00	Application Fee	\$125.00
	Minor Review	\$100.00	+\$50 per lot up to 3 new lots	
	Review Fee		+\$100 per lot 4 or more new lots	
	Per 1,000 sq. ft. of total building floor area	\$60.00	<b>Lot Line Adjustment</b>	\$60.00
Per \$1,000 on cost of site improvements if NO building	\$5.00			
<b>North Hampton</b>	<b>Site Plan Review</b>		<b>Subdivision</b>	
	Application Fee	\$100.00	Application Fee	\$100.00
	Review Fee	\$100.00	Review Fee	\$100.00
	\$ per 1,000 sq. ft.	\$50.00	\$ per lot	\$50.00
			Streets	\$200.00
			<b>Lot Line Adjustment</b>	
		Application Fee	\$100.00	
		Review Fee	\$100.00	
<b>Durham</b>	<b>Conceptual Consultation</b>	\$100.00	<b>Subdivision</b>	
	<b>Design Review</b>	\$100.00	Without a new street	
	<b>Site Plan Review</b>	\$200.00	Base Fee	\$200.00
	Multi-Unit Residential		Per lot	\$150.00
	Base Fee		With a new street	
	+ \$100 per dwelling unit (or \$50 per resident, whichever is greater). Not to exceed a total of \$5,000		Base fee	\$600.00
			Per lot	\$100.00
	Non-Residential Project		Condo conversion	\$100.00
	Per 1,000 gross sq. ft. (or portion) of disturbed land		<b>Lot Line Adjustment</b>	\$150.00
	+ \$25 each additional 1,000 sq. ft. (or portion) of disturbed land. Not to exceed \$2,000			
	Site Work Without Any Building			
	\$200 for first 1,000 sq. ft. (or portion) of disturbed land + \$25 for each additional 1,000 sq. ft. (or portion) of disturbed land. Not to exceed \$2,000			
	New buildings, additions or alterations affecting less than 1,000 sq. ft. of gross area; change of use without other significant changes			
<b>Epping</b>			<b>Subdivision</b>	
	Minor Review	\$150.00	Application Fee	\$300.00
	Full Review	\$200.00	+\$150 per lot	
	Per 1,000 feet of total building floor area	\$50.00	<b>Lot Line Adjustment</b>	\$175.00