



**Town of Newmarket, New Hampshire
Town Council Workshop
February 20, 2013
Town Council Chambers**

**6. Town Council to Consider Reports from Council Rep
Committees:**

- a. Councilor Ed Carmichael: Planning Board
- b. Councilor Philip Nazzaro: Highway Safety
- c. Councilor Dan Wright: Conservation Commission
- d. Councilor Mike LaBranche: CIP/Efficiency Committee
- e. Councilor Gary Levy: Budget Committee
- f. Councilor Al Zink: Advisory Heritage Commission
- g. Councilor John Bentley:



**Town of Newmarket, New Hampshire
Town Council Workshop
February 20, 2013
Town Council Chambers**

7. Discussions/Presentations

- a. Discussions on Amendments to Zoning Ordinance #2012/2013-02

- b. Update on Sky Bridge



18 Constitution Drive, Suite 8
 Bedford, NH 03110
 Tele: (603) 637-1043
 Fax: (866) 783-7101

Scott M. Bourcier, P.E.
 Project Manager

ENGINEERING • PLANNING • MANAGEMENT • DEVELOPMENT

MEMORANDUM

TO: Town of Newmarket Sky Pedestrian Bridge Committee

RE: Sky Pedestrian Bridge (NHDOT Project No. 16048 / FHWA Project No. X-A001(108)
 Revised Design – Elimination of Stair Tower
 Conceptual Engineer’s Opinion of Probable Construction Cost (Alternative No. 4)

DATE: January 14, 2013

The following memorandum is a result of DuBois & King and DeStefano Architects’ effort to prepare a revised conceptual Sky Pedestrian Bridge design. The revised design was per the direction of the Newmarket Sky Pedestrian Bridge Committee at the recent November 18, 2012 meeting.

In an effort to reduce project costs to meet budget constraints, the Committee recently provided direction to eliminate the proposed Stair Tower; extend the proposed Sky Bridge accordingly to meet the off-street parking lot; and, develop accessibility ramp and stairs as required to compensate the elevation difference of the off-street parking lot and pedestrian bridge. Attached to this memorandum are two architectural renderings plans illustrating the revised design.

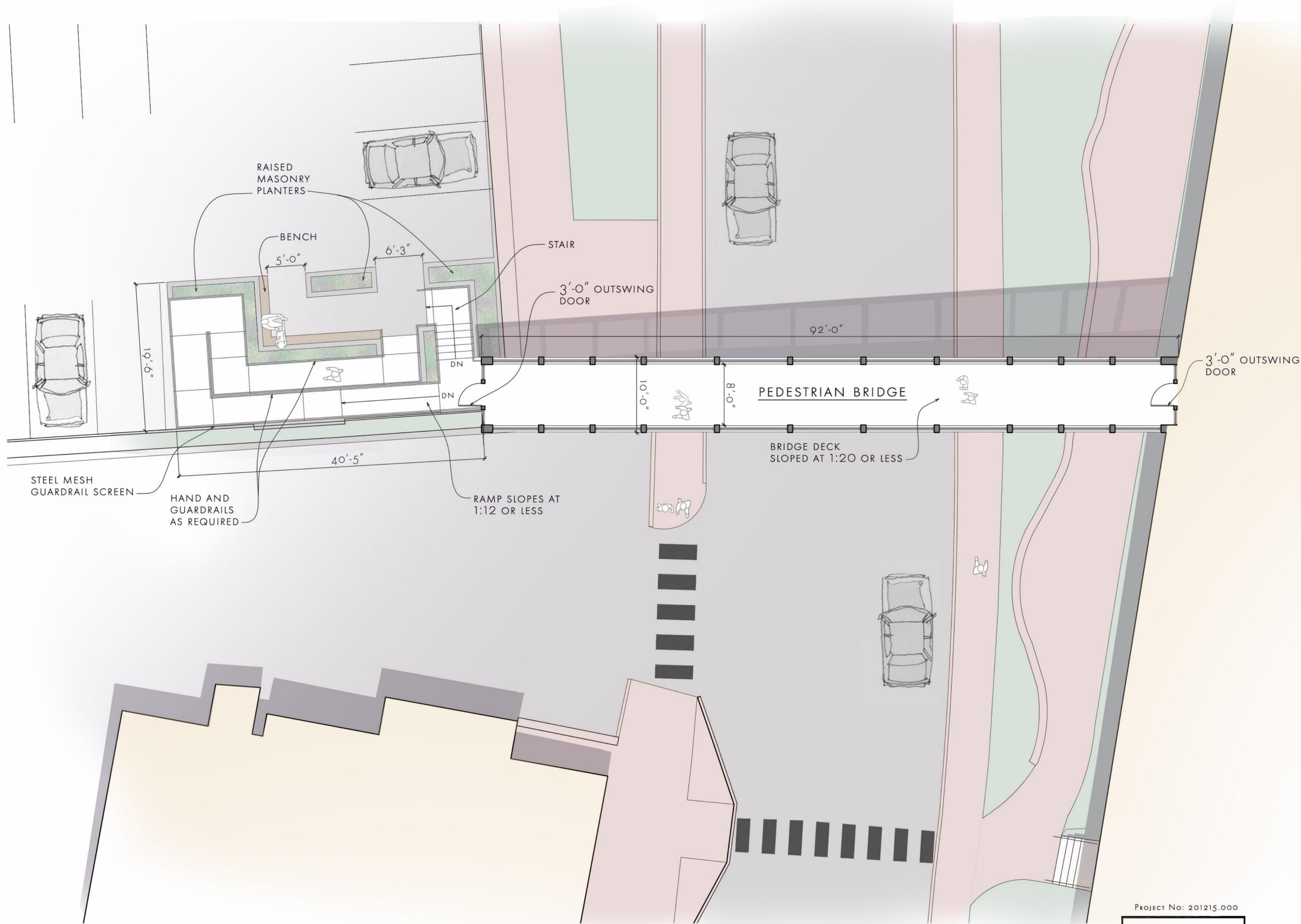
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The second architectural sheet provides an Elevation View of the Sky Pedestrian Bridge and associated accessibility ramps, along with Section View of the bridge structure and a Detail of the bridge glass-front.

A conceptual Engineer’s Opinion of Probable Construction Cost (EOPCC) was prepared based on the current conceptual design alternative. The following conceptual EOPP summarizes the total probable architectural/engineering (A/E) and construction costs.

Town of Newmarket Sky Pedestrian Bridge over Route 108 Conceptual EOPCC – Alternative 4	
Item	Cost
Construction	\$ 578,900
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Design A/E Fee (8%)**	\$ 46,310
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Total	\$ 729,400

**Note: Design and Construction A/E Fees are assumed.



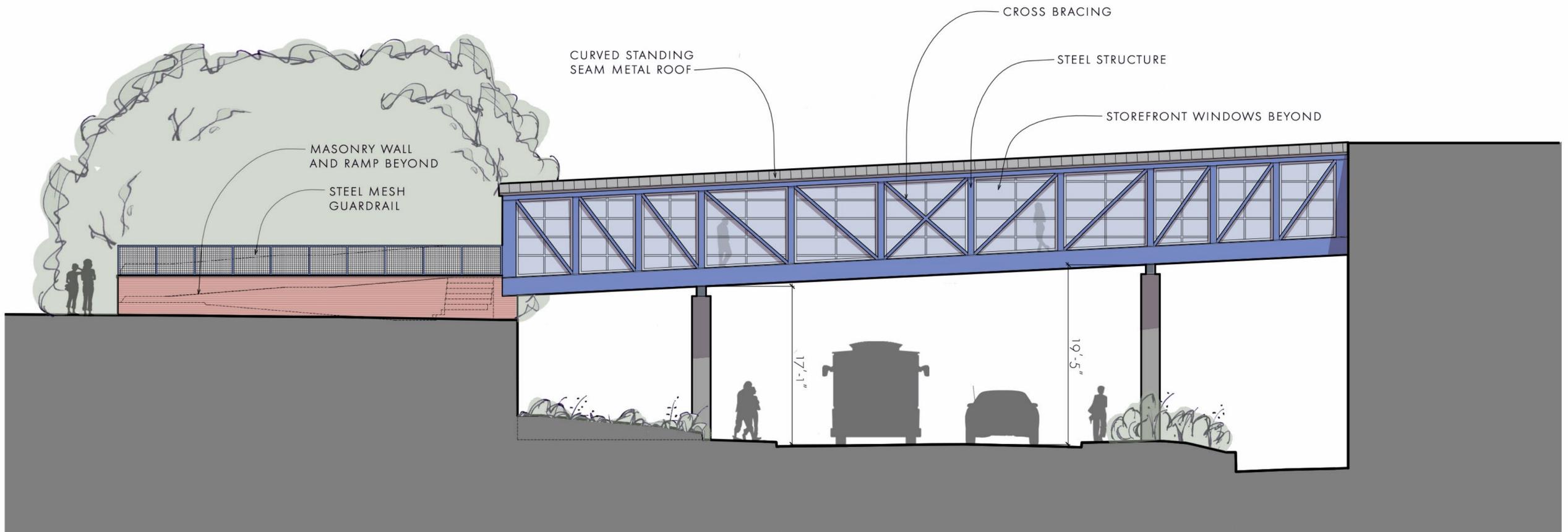
NEWMARKET SKY BRIDGE
 MAIN STREET, NEWMARKET, NEW HAMPSHIRE

SITE PLAN
 1/8" = 1'-0"

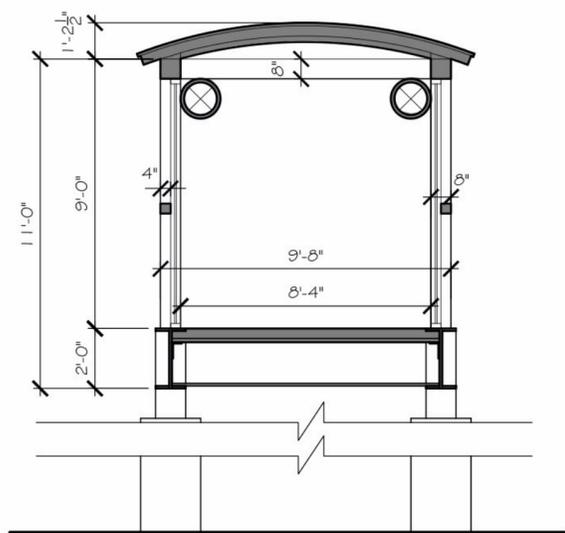
18 DECEMBER 2012

PROJECT No: 201215.000

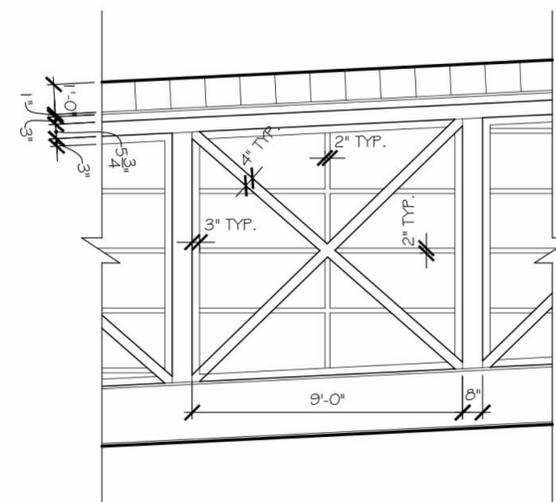




ELEVATION
1/8" = 1'-0"



SECTION
1/4" = 1'-0"



DETAIL
1/4" = 1'-0"

NEWMARKET SKY BRIDGE
MAIN STREET, NEWMARKET, NEW HAMPSHIRE

18 DECEMBER 2012

PROJECT No: 201215.000



	Elevator/Pedestrian Sky Bridge				
	Newmarket, NH				
			Detail		
1.0	General Conditions	\$	37,291		
2.1	Site work	\$	65,249		
2.2	Building Demolition	\$	750		
3.0	Concrete	\$	23,037		
4.0	Masonry	\$	2,500		
5.0	Metals	\$	247,111		
6.0	Carpentry	\$	950		
7.0	Thermal & Moisture Protection	\$	35,219		
8.0	Doors & Windows	\$	81,520		
9.0	Finishes	\$	2,976		
10.0	Specialties	\$	450		
11.0	Equipment	\$	-		
12.0	Furnishings	\$	-		
13.0	Special Construction	\$	-		
14.0	Conveying Systems	\$	-		
15.1	Mechanical	\$	11,108		
15.2	Sprinkler	\$	-		
16.0	Electrical	\$	10,300		
	Sub-total # 1	\$	518,461		
	GC mark-up at 10%	\$	51,846		
	Bond @ 1.5%	\$	8,555		
		\$	578,862		
	ADD FOR OWNER'S CONTINGENCY				
Excludes: 1 Lead paint, asbestos or other hazardous material testing or removal 2 Testing or probing costs 3 Permit costs					
Assumptions, Inclusions and Allowances See individual line items using this coloring system					
Allowance					
Assumption					

Elevator/Pedestrian Sky Bridge							
Newmarket, NH		-		check	\$ 518,461	\$ 518,461	\$ 518,461
		0	\$ -				
		Quantity	Unit	Cost	Unit Total	Section Total	Division Total
1.0 Contractor's General Conditions at 7% of construction cost					\$ 33,682	\$ 33,682	
1.1	General Liability Insurance at 0.75%				\$ 3,609	\$ 3,609	
1.2	Temporary heat/winter conditions - Assume no heat required	-	mos.	\$ -	\$ -	\$ -	
1.3	Security - Assume none required	-	ls	\$ -	\$ -	\$ -	\$ 37,291
2.1 Site work							
<u>Site Prep and Erosion Control</u>							
2.1.1	Erosion control	1	ls	\$ 2,500.00	\$ 2,500	\$ 2,500	
2.1.2	Site preparation - Pedestrian/Traffic control	1	ls	\$ 2,000	\$ 2,000	\$ 2,000	
2.1.3	Site demolition - Remove existing sidewalks and dispose of	300	sf	\$ 5.00	\$ 1,500	\$ 1,500	
<u>Building Excavation and Backfill</u>							
2.1.4	Ledge removal - Assume none	-	ea	\$ -	\$ -	\$ -	
2.1.5	Dewatering - Assume none required	-	ea	\$ -	\$ -	\$ -	
<u>Building Excavation and Backfill</u>							
2.1.6	Excavate for the column footings and piers	67	cyds	\$ 20.00	\$ 1,333		
2.1.7	Backfill the column footings and piers	50	cyds	\$ 40.00	\$ 2,015	\$ 3,348	
2.1.8	4 - 15' piles at the footing near the Mill Building end	4	ea	\$ 1,500.00	\$ 6,000	\$ 6,000	
<u>Site Concrete</u>							
2.1.9	Excavate for the ramp, planters and steps	118	cyds	\$ 15.00	\$ 1,767		
2.1.10	Ramp, planters and steps - Footings	8	cyds	\$ 325.00	\$ 2,552		
2.1.11	Ramp, planters and steps - Walls	31	cyds	\$ 350.00	\$ 10,993		
2.1.12	Add for brick shelf	106	lf	\$ 25.00	\$ 2,650		
2.1.13	Ramp, planters and steps - Stabilization fabric	860	sf	\$ 0.40	\$ 344		
2.1.14	Ramp, planters and steps - Underslab sub-base	32	cyds	\$ 35.00	\$ 1,115		

Elevator/Pedestrian Sky Bridge							
Newmarket, NH		-		check	\$ 518,461	\$ 518,461	\$ 518,461
		0	\$ -				
				Unit	Unit	Section	Division
		Quantity	Unit	Cost	Total	Total	Total
2.1.15	Backfill the ramp, planters and steps foundation	16	cyds	\$ 25.00	\$ 393	\$ 19,813	
2.1.16	Replace the sidewalks that were removed - Stabilization fabric - Assume 300 sf	300	sf	\$ 0.40	\$ 120		
2.1.17	Replace the sidewalks that were removed - Sub-base	17	cyds	\$ 25.00	\$ 417		
2.1.18	Replace the sidewalks that were removed - Concrete sidewalk	300	sf	\$ 6.00	\$ 1,800	\$ 2,337	
<u>Raised Masonry Planters</u>							
2.1.19	Masonry faces - Inside the planters - Assume 1' high	93	sf	\$ 18.00	\$ 1,674		
2.1.20	Masonry faces - Outside the planters - Assume 3' high	279	sf	\$ 18.00	\$ 5,022		
2.1.21	Coping stone	93	lf	\$ 65.00	\$ 6,045	\$ 12,741	
<u>Benches</u>							
2.1.22	Assume granite benches similar to others in town	25	lf	\$ 200.00	\$ 5,000	\$ 5,000	
<u>Landscaping</u>							
2.1.23	Landscaping Allowance	1	ls	\$ 1,500	\$ 1,500	\$ 1,500	
2.1.24	Newmarket sitework permits for working in the public ROW - Assume none	-	ls	\$ -	\$ -	\$ -	
2.1.25	Mobilization and site contractor mark-up etc.	1	ls	\$ 8,511	\$ 8,511	\$ 8,511	\$ 65,249
2.2 Building Demolition							
2.2.1	Assume the wall between the eparking lot and street does not require demo for the bridge to fit	-	ea	\$ -	\$ -	\$ -	
2.2.2	Remove a section of the Mill for the Bridge to fit	1	ls	\$ 750.00	\$ 750	\$ 750	\$ 750
3.0 Concrete							
3.1	Column Footings	16	cyds	\$ 350.00	\$ 5,704		
3.2	Column Piers - Full height - 20' +/- - Architectural finish - 4 required	27	cyds	\$ 650.00	\$ 17,333	\$ 23,037	\$ 23,037

Elevator/Pedestrian Sky Bridge							
Newmarket, NH		-	check	\$ 518,461	\$ 518,461	\$ 518,461	
		0 \$ -					
			Unit	Unit	Section	Division	
		Quantity	Unit	Cost	Total	Total	Total
4.0 Masonry							
4.1	Patch the masonry where the Bridge connects to the Mill Building	1	sf	\$ 2,500.00	\$ 2,500	\$ 2,500	\$ 2,500
5.0 Metals							
5.1	<u>Install the following Contech provided items</u>						
5.2	Contech - 2 section - Frame - Slab - Mesh panels - etc. - Material	1	ls	\$ 182,000	\$ 182,000	\$ 182,000	
5.3	Set the Contech frames - 2 sections	1	ls	\$ 6,240.00	\$ 6,240		
5.4	Set the 2" mesh partitions	1	ls	\$ 3,840.00	\$ 3,840		
5.5	Set the roof framing members	1	ls	\$ 3,840.00	\$ 3,840	\$ 13,920	
5.6	Bucket-lifts	1	ls	\$ 4,000.00	\$ 4,000	\$ 4,000	
5.7	Crane for setting the Contech items	1	ls	\$ 7,000.00	\$ 7,000	\$ 7,000	
<u>At the bridge - Furnish and install the following items excluded from Contech scope:</u>							
5.8	Handrails inside the bridge - Assume stainless steel	184	lf	\$ 110.00	\$ 20,240	\$ 20,240	
5.9	Metal deck roofing - Curved	1,104	sf	\$ 3.00	\$ 3,312	\$ 3,312	
5.10	Anchor bolts	1	ls	\$ 6,500.00	\$ 6,500	\$ 6,500	
5.11	Reinforced concrete deck slab - 6"	17	cyds	\$ 375.00	\$ 6,389		
5.12	Protect the adjacent surfaces during the slab pour	1	ls	\$ 750.00	\$ 750	\$ 7,139	
5.13	Provide 3rd party testing of the structure	1	ls	\$ 3,000	\$ 3,000	\$ 3,000	\$ 247,111
6.0 Carpentry							
6.1	Roof blocking at the flexible connection at the Mill end	1	ls	\$ 950.00	\$ 950	\$ 950	

Elevator/Pedestrian Sky Bridge							
Newmarket, NH		-		check	\$ 518,461	\$ 518,461	\$ 518,461
		0	\$ -				
				Unit	Unit	Section	Division
		Quantity	Unit	Cost	Total	Total	Total
6.2	Interior wood trim - Assume none	-	ea	\$ -	\$ -	\$ -	\$ 950
7.0 Thermal & Moisture Protection							
<u>Thermal Insulation</u>							
7.1	Roof insulation - Curved roof - Assume 6"	1,104	sf	\$ 4.80	\$ 5,299	\$ 5,299	
<u>Roofing</u>							
7.2	Curved roofing of the bridge	1,104	sf	\$ 15.00	\$ 16,560		
7.3	Eaves along the curved roof	184	lf	\$ 35.00	\$ 6,440	\$ 23,000	
7.4	Metal closure at the flexible connection on the Mill end	1	ls	\$ 1,500.00	\$ 1,500		
7.5	Expansion joint/flexible connection on the Mill end	42	lf	\$ 110.00	\$ 4,620	\$ 6,120	
<u>Sealants</u>							
7.6	Caulk at exterior windows	1	ls	\$ 350.00	\$ 350		
7.7	Caulk at exterior doors	1	ls	\$ 50.00	\$ 50		
7.8	Caulk between dissimilar materials - Exterior	1	ls	\$ 250.00	\$ 250		
7.9	Caulk between dissimilar materials - Interior	1	ls	\$ 100.00	\$ 100		
7.13	Misc. fire caulking	1	ls	\$ 50.00	\$ 50	\$ 800	\$ 35,219
8.0 Doors & Windows							
8.1	Exterior store front type aluminum entry - Single doors with side lights and hardware	2	ea	\$ 3,500	\$ 7,000	\$ 7,000	
8.2	Sidewall glazing of the bridge	1,656	sf	\$ 45.00	\$ 74,520	\$ 74,520	\$ 81,520
9.0 Finishes							
<u>Powder coat on steel</u>							
9.1	Steel frame - Touch-up	1	ls	\$ 750.00	\$ 750		
9.2	Underside of the bridge deck	920	sf	\$ 1.10	\$ 1,012		

Elevator/Pedestrian Sky Bridge							
Newmarket, NH		-		check	\$ 518,461	\$ 518,461	\$ 518,461
		0	\$ -				
				Unit	Unit	Section	Division
		Quantity	Unit	Cost	Total	Total	Total
9.3	Underside of the bridge roof	1,104	sf	\$ 1.10	\$ 1,214	\$ 2,976	
Flooring							
9.4	Bridge flooring - Assume a burnt steel trowel finish	-	sf	\$ -	\$ -	\$ -	
9.5	Base - Assume none	-	lf	\$ -	\$ -	\$ -	\$ 2,976
10.0 Specialties							
10.1	Fire extinguishers and cabinets (semi-recessed) - Assume 1	1	ea	\$ 450.00	\$ 450	\$ 450	\$ 450
11.0 Equipment - None							
		-	ea	\$ -	\$ -	\$ -	\$ -
12.0 Furnishings - None							
		-	ea	\$ -	\$ -	\$ -	\$ -
13.0 Special Construction - None							
		-	ea	\$ -	\$ -	\$ -	\$ -
14.0 Conveying Systems - None							
		-	ea	\$ -	\$ -	\$ -	\$ -
15.0 Mechanical							
15.1	HVAC - Heat in the winter - Ventilation in the summer - No AC - Locate unit on the Mill roof	1	ls	\$ 7,500.00	\$ 7,500		
15.2	Ductwork	184	lf	\$ 12.00	\$ 2,208		
15.3	Flexible connection at the Mill end	1	ls	\$ 950.00	\$ 950		
15.4	Controls	1	ls	\$ 250.00	\$ 250	\$ 10,908	
15.5	Testing	1	ls	\$ 100.00	\$ 100		
15.6	Balancing	1	ls	\$ 100.00	\$ 100	\$ 200	\$ 11,108

Elevator/Pedestrian Sky Bridge							
Newmarket, NH		-		check	\$ 518,461	\$ 518,461	\$ 518,461
		0 \$ -					
				Unit	Unit	Section	Division
		Quantity	Unit	Cost	Total	Total	Total
15.1 Sprinkler - None		-	sf	\$ -	\$ -	\$ -	\$ -
16.0 Electrical							
16.1	Power and light	920	sf	\$ 8.00	\$ 7,360		
16.2	Fire Alarm (Includes and annunciator panel and dialer)	920	sf	\$ 2.00	\$ 1,840		
16.3	Security cameras - Assume 2	2	ea	\$ 550.00	\$ 1,100	\$ 10,300	\$ 10,300



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 Project Manager



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MEMORANDUM

TO: File
RE: Newmarket Sky Pedestrian Bridge (Engineering Study) – Monthly Committee Meeting
DATE: January 29, 2013

The purpose of this memorandum is to document the above-referenced project's Monthly Committee Meeting held on January 17, 2013.

Attendees

Diane Hardy	Town of Newmarket	Town Planner
Michael Hoffman	Town of Newmarket	Building Official
John Badger	Town of Newmarket	Sky Bridge Committee Member
Geoff Spitzer	Newmarket Mill Project	Project Manager
Scott Bourcier	DuBois & King, Inc.	Project Manager

Minutes

1. Project Status

- A. Design Alternative No. 4 – Elimination of Stair Tower: Scott Bourcier summarized the design approach to eliminate the proposed stair tower; extend the pedestrian bridge; maintain the bridge to be enclosed; maintain the clear height over Main Street (aka US Route 108) as requested by the NHDOT, District 6 Office; and, provide handicap accessibility to/from the bridge structure. A detail description of the design alternative is further described in the Memorandum dated January 14, 2013; included herein these minutes. Scott provided full size hardcopies of the conceptual plans to the Newmarket Sky Bridge Committee for review; plans were emailed to the Committee on 01/14/13.
- B. Engineer's Opinion of Probable Construction Cost – Design Alternative No. 4: Scott summarized the updated conceptual project cost that included the anticipated construction cost, contingency, design architectural/engineering (A/E) fee and construction observation A/E fee. A detail breakdown was provided to the Committee (via email) on 01/14/13, while a summary has been included in the Memorandum dated January 14, 2013; included herein these minutes.

2. Project Direction

- A. The Committee reviewed Design Alternative No. 4 and acknowledged that the new design yielded many compromises from the original concept in an effort reduce project budget. However, the Committee agreed that the current plan meets the basic design requirements. The Committee agreed to accept the current conceptual design.
- B. The Committee reviewed the associated project cost of Design Alternative No. 4. John Badger expressed his concern that the project budget is approximately \$632,000 and the current project cost is estimated at \$729,000; approximately \$92,000 over. The remaining Committee members agreed with John's concern, but felt that no additional concessions could be made to project scope to reduce project costs. After much discussion, the Committee voted to accept the current project cost estimate, complete the Engineering Study and proceed with design of the project.

- C. Geoff Spitzer inquired the anticipated project schedule. Scot responded reporting that the next items to complete is a project review with the New Hampshire Department of Historical Resources (NHDHR), a meeting with stakeholders (Newmarket Business Association); Scott noted that he hopes to complete these items in parallel. Scott then reported that he anticipates a draft report submission to the Committee and Newmarket Town Council in March, followed by a Public Meeting two weeks later and the final study completed two weeks after the Public Meeting. Geoff then inquired how long it would take to advertise the project for construction. Scott reported that he would discuss this item with his team and report back. Geoff commented that it would be great if advertisement could be scheduled for August 2013, bid openings September 2013, commence construction soon after and potentially complete the project on/about January 2014.

(DuBois & King anticipates 2 months to complete Preliminary Design, 1 month for NHDOT to complete review, 2 months to complete Final Design and 1 month for NHDOT final review. However, in an effort to advance the project, D&K will proceed with Final Design while NHDOT is performing their review on Preliminary Design and will incorporate review comments into the Final Design. Based on the design schedule of 5 months, if Preliminary Design commenced in May 2013, advertisement could be posted in October 2013, bid opening in November 2013, and construction commencing in December 2013.)

- D. Diane Hardy reported to the group that she recently had a discussion with Robert Hudson (NHDOT – Bureau of Planning & Community Assistance) regarding the Newmarket Sky Pedestrian Bridge. Diane continued to report that according to Robert, since the project has eliminated the Stair Tower (and associated elevator) the project is required to be amended in the NHDOT Statewide Transportation Improvement Program (STIP). Currently the project is described as “Elevator and Sky Bridge Connection with Historic Mill Building” and since the elevator (and stair tower) is removed from the project this triggers an amendment due to the change in project scope of work. The amended is scheduled to be approved in July 2013. Diane stated that the impacts of this amendment is that the project’s current funding limit is \$100,000 and the balance will not be available until after the amendment is approved in July. Currently, Diane reported, there is not evidence that the amendment will not be approved. Geoff inquired how this will affect the project schedule. Scott reported that the current funding limit will allow the study and a large portion of the design to be completed; hence, there is no anticipated impact to schedule. Scott also reported to the Committee that as the project progresses, D&K will work with the Committee.
- E. The Committee then discussed the next tasks to be completed.
1. Scott and Geoff reported that they would collaborate to meet with NHDHR. Scott would forward the current conceptual plan to Geoff and would coordinate the project with Christine Beard of Tremont Preservation Services who provided historical support during the development of the Mill Building.
 2. The Committee selected a stakeholder meeting to be scheduled on Wednesday, February 13, 2013 at 5:00pm. Michael Hoffman will coordinate with the Newmarket Business Association (NBA) and the Newmarket Economic Development Committee (NECD).
 3. Diane requested Scott to make a project status presentation to the Newmarket Town Council at the next workshop scheduled for February 20th. Scott agreed to attend.

3. Next Meeting Date

- A. None scheduled at this time.



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MEMORANDUM

TO: Town of Newmarket Sky Pedestrian Bridge Committee

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ATTENDANCE SHEET
 January 17, 2013 / 10:00am

Town of Newmarket, NH – Sky Pedestrian Bridge D&K Project No.: 621764L			
Name	Company	Telephone No.	Email Address
Scott Pouzoer	DuBois - King	(603) 637-1043	SPOUZOER@ DUBOIS-KING.COM
Mike Hoffman	NEWMARKET	(603) 659-8501 x 1311	MHOFFMAN@ NEWMARKETNH.GOV
John Badger	NEWMARKET	603-292-5977	jbodger.1@comcast.net
Geoff Spitzer	CHANGING BELLS	603-234-1649	gspitzer@changingbells.com
Diane Hardy	NEWMARKET	603-659-8501 x1315	dhardy@newmarketnh.gov

Title III: Land Use Code and Regulations

Chapter IV: Zoning Ordinance

SECTION 1.04 ZONING MAPS. (SEE ATTACHED MAPS)

1. Amend the "Zoning Map for the Town of Newmarket" by changing a portion of the B-1 and R-2 Zoning Districts to a M-2 Zone classification as follows:
 - A. Starting at the southwesterly side of the bridge where Route 108 crosses the Lamprey River: Rezone from B-1 to M-2 the following parcels along Elm, Nichols Avenue, Washington Street, Lincoln Street, and Spring Street. Map U-2, Lots 249, 248, 247, 246, 245, 244, 243, 59, 60B, 57, 56C, 56B, 61, and 60A.
 - B. Starting at the intersection of Route 152 east of Railroad Ave: Rezone the following parcels from B-1 to M-2: Map U3, Lots 138, 138 -A, 138-1, 127, 128, 129, 130, 131, 132, 133, 134-1 and Map U4, Lots 15, 14, 13, 12, 11, 10, 9.
 - C. Starting at the intersection of New Road and Route 108 along the easterly side of Route 108: Rezone the following parcels from R-2 to M-2: Map U3, Lots 122, 123, 124, and 125.

1.09 SPECIAL 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 Use Permits are provided in the following sections: § 2.01(B)(2) for optional uses in the mills; § 2.01 (B) (2) (b) for multi-family residential uses as part of a Mixed Use Mill Redevelopment (Editorial note: Preceding ref. 2.01(B)(2)(b) amended 11/19/08); § 2.02 (B) (2) (a) for multi-family residential uses; § 2.02 (B) (2) (b) mixed-use development with three or greater residential units; § 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; § 5.07(B)(3) for siting telecommunications facilities; and § 7.01(B)(3) for permitting large home-based businesses. (editorial note-preceding section except as noted amended August 2, 2000),

2.02 M-2 DISTRICT.

- (A) Purpose. The purpose of this district shall be to protect, ~~and enhance, and expand~~ the commercial, social, civic and residential functions of the downtown village area. It is recognized that the village is an important place of business and of

social interaction. Controls are intended to enhance the village by providing for relatively high density, a mix of uses, public access to the Lamprey River, and design compatible with the pedestrian scale and historic nature of the area town.

(B) Permitted Uses.

- (1) Uses permitted by right are listed in the **Table of Permitted Uses**.
- (2) The following uses may be permitted by Special Use Permit issued by the Planning Board: ~~Exception, provided that they meet the accompanying standards:~~
 - (a) ~~(a) —~~ Multi-family residential.
 - (b) Mixed-use development with three or greater residential units.

Conditions:

The granting of such permit shall require the Planning Board to find that the proposed use is consistent with the purpose of this district, is suitable for the location proposed, would not cause significant adverse impact, and meets the conditions as set forth below:

- [1] Preparation and acceptance by the ZBA-Planning Board of a fiscal impact statement¹ which, in addition to analyzing general impacts, assesses school impacts in particular, and demonstrates a positive fiscal impact on the town; and
- [2] Preparation and acceptance by the ZBA- Planning Board of a market analysis² which demonstrates the feasibility of adding ~~ed~~ multi-family housing in a community which already has an over-abundance of multi-family housing, sufficient to ensure reasonable expectation of ongoing occupancy of units to support maintenance and upkeep of the property.
- (3) The project shall have at least two (2) on-site parking spaces per residential unit.

¹ The Planning Board may waive the requirement that this study be submitted if, in its discretion, it determines that the study is not necessary for the Planning Board to make an informed decision.

² The Planning Board may waive the requirement that this study be submitted if, in its discretion, it determines that the study is not necessary for the Planning Board to make an informed decision.

~~(4) Multi-family residential use, with no commercial use within the building, shall be limited to no greater than four (4) residential units within a single building.~~

~~(5) No residential units shall be located in the street level space if the building has frontage on North Main Street, Main Street, South Main Street, or Exeter Road. (Moved from Section 5.08 (C) (1) and (2).)~~

~~(C) Design Standards. The following design standards shall apply in this district, and are intended to enhance the pedestrian environment and to protect and enhance overall character of the village: (Move entire section to Chapter VI: Site Review Regulations, to a new section 3.22, with the exception of Paragraph (5) Drive-Through Facilities which will be deleted in its entirety.)~~

~~(1) Building Orientation. To ensure that the village area retains its pedestrian orientation, all new buildings shall face the primary street on which the lots fronts. Further, the primary pedestrian access shall be located on the front of the building.~~

~~(2) Outdoor Seating. Restaurants, with or without lounge use, may have outdoor seating. Site Plan Review approval shall indicate the total number of seats permitted for the use, and shall designate the area in which seats can be located outdoors. This outdoor seating option is not available to lounge only uses or to social clubs.~~

~~(3) Outdoor Merchandise Display and Sales. Outdoor display and sales of merchandise is permitted in areas designated on an approved site plan.~~

~~(4) Awnings. Awnings over doors and windows along streets are encouraged to enhance the pedestrian environment. A minimum clearance of seven feet shall be required where the awning projects over a public sidewalk, and awnings shall not be subject to the setback requirements, and may have 10% of their area covered with a commercial message.~~

~~(5) Drive-Through Facilities. Drive-through facilities shall be prohibited in this district because the intent is to encourage pedestrian-oriented design in the village, and to encourage the vehicle-oriented businesses to locate in other districts.~~

~~(6) On-Site Parking. On-site parking shall not be allowed between the front of the primary structure and the street.~~

~~(C) Waivers to road setback, side/rear setback, and structure height. Reduction in these dimensional controls may be permitted by Special Use Permit issued by the Planning Board. The granting of such permit shall require the Planning Board to~~

find that the proposed use is consistent with the purpose of the district, is suitable for the location proposed, would not cause significant adverse impacts, and the proposed setback and structure height is consistent with the applicable setbacks and/or structure height of existing building(s) located on adjacent lots.

~~5.08 DOWNTOWN COMMERCIAL OVERLAY DISTRICT.~~

- ~~(A) Purpose. The purpose of this district shall be to protect and enhance the commercial, social, civic and residential functions of the downtown village area. It is recognized that the village is an important place of business and of social interaction. Controls are intended to enhance the village by recognizing the importance of street level commercial space, providing for relatively high density, a mix of uses, and design compatible with the pedestrian scale and historic nature of the area.~~
- ~~(B) Overlay District Boundaries. The Downtown Commercial Overlay District boundaries shall include all properties within the M-2 District and having frontage on Main Street or South Main Street.~~
- ~~(C) Requirements:~~
- ~~(1) All Permitted Uses allowed in the M-2 district shall be allowed, except "Single Family Residential, Excluding Manufactured Housing", "Duplex Residential", and "Age-Restricted Housing" shall be prohibited in any street level space.~~
- ~~(2) All uses permitted by Special Exception in the M-2 District shall follow the applicable requirements of Section 2.02(B)(2), except that "multi-family residential" shall be prohibited in any street level space.~~

7.02 MIXED USE DEVELOPMENT.

- (A) Non-residential Only. Mixing of multiple non-residential uses on a lot shall be permitted.
- (B) Residential Only. There shall be no more than one residential structure per lot.
- (B) Mix of residential and non-residential uses on one lot. In certain instances, it is appropriate to have a mix of permitted uses on a single lot. Residential use may be permitted in combination with non-residential uses on a single lot or in a single structure, provided the following conditions are met:
- (1) Permitted only in the M-1, M-2, M-3, and M-4 districts, and in other districts as specified elsewhere in this Ordinance.

Mixed Use Redevelopments within the M-1 District are subject to the Special Use Permit requirements as set forth in § 2.01 (B) (2) (b). (Editorial Note: Amended 11/18/09)

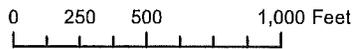
- (2) Site Plan Review approval shall be required for the entire property to ensure that the site is suitable for the proposed mix of uses.
- (3) ~~Residential density shall be one unit less than the maximum permitted residential density for the district when non-residential uses are included.~~

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Route 108 Corridor - Newmarket

Town of Newmarket
 Office of the Planning Board
 186 Main Street, Newmarket NH 03857
www.newmarketnh.gov
 603-659-8501



Dimensions Table

The following dimensional requirements shall apply.

Requirement	Measure	M-1	M-2	M-3	M-4	B-1	B-2	B-3	R-1	R-2	R-3	R-4
Minimum Road Frontage	feet	75	50	75	150	150	150	150	200	100	100	50
Minimum Lot Size	acres	¼	¼	½	1	½	1	2	2	½	½	¼
Maximum Residential Density	units/acre	20	6	2	1	2	1	-	½	2	2	4
Minimum Road Setback	feet	10	5	20	20	15	25	75	40	25	25	5
Maximum Road Setback	feet	n/a	10	50	n/a							
Minimum Side/Rear Setback	feet	10	10	20	25	25	30	20*	25	15	15	10
Maximum Structure Height	feet	50	50 ³⁵	35	35	35	35	35	35	35	35	35
Minimum Structure Height	feet	n/a	24	n/a								

Note: B-3 District additional Setbacks:

B-3 District Side/Rear Setbacks	Feet
To Residential District Boundaries	75
To Residential Uses	50

1. The Maximum Residential Density for multi-family residential housing in the M-1 District is as stated in § 2.01 (B) (2) (b) (6) (Editorial note: Amended 11/19/08)
2. The Planning Board may waive the road setbacks, side and rear setbacks and height restrictions within the M-2 District to match the conformity of adjacent buildings, through the issuance of a Special Use Permit pursuant to § 2.02 (D).

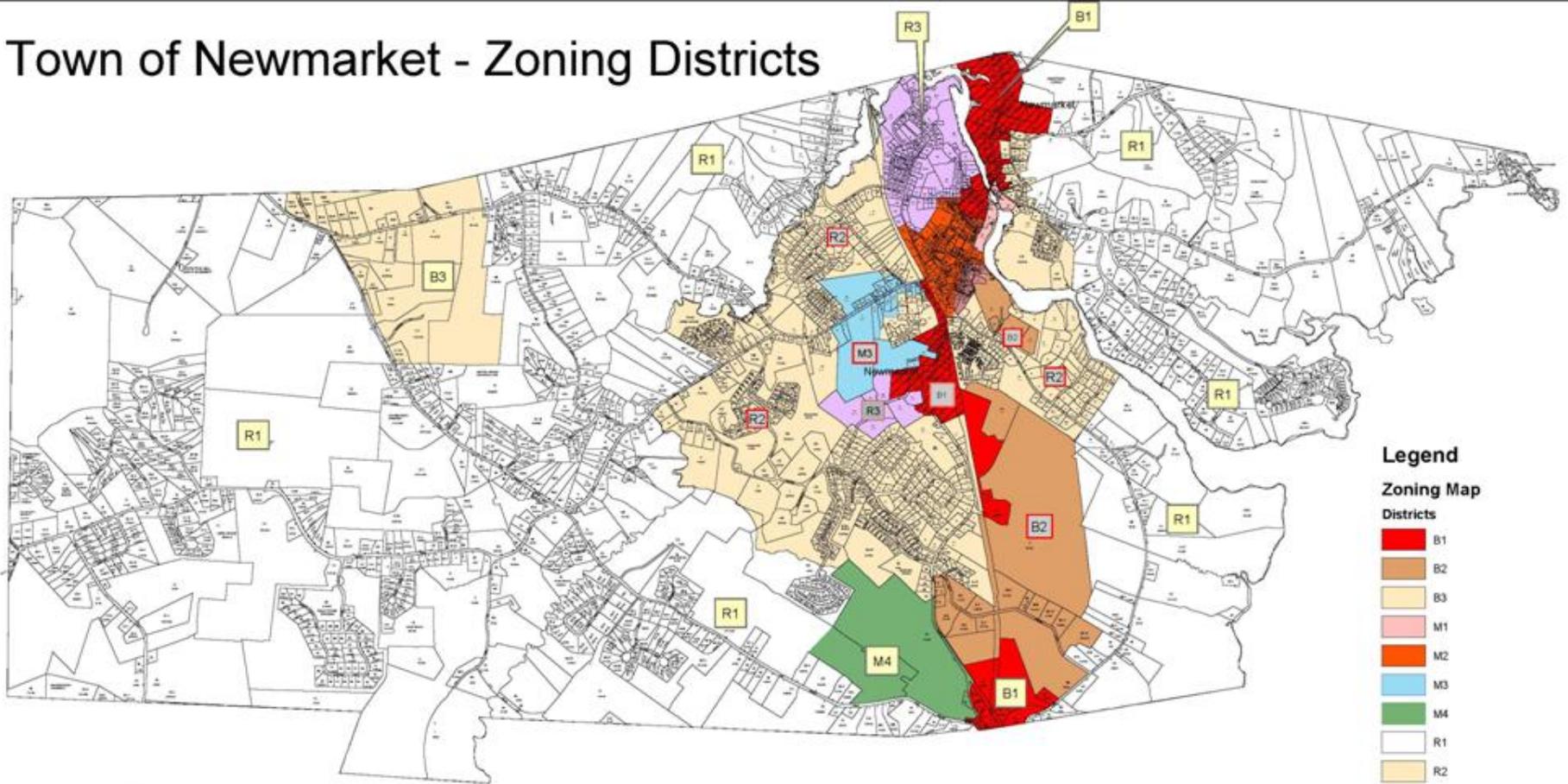


Zoning Changes

Partnering to Expand Newmarket's Urban Development
for a Positive Impact to our
Tax Base, Residents, Visitors and Image



Town of Newmarket - Zoning Districts



Legend

Zoning Map

Districts

	B1
	B2
	B3
	M1
	M2
	M3
	M4
	R1
	R2
	R3
	R4



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Area Proposed to be Changed from B1 to M2: 37 Parcels

34 are non-conforming under B1

Parcels with conforming use:

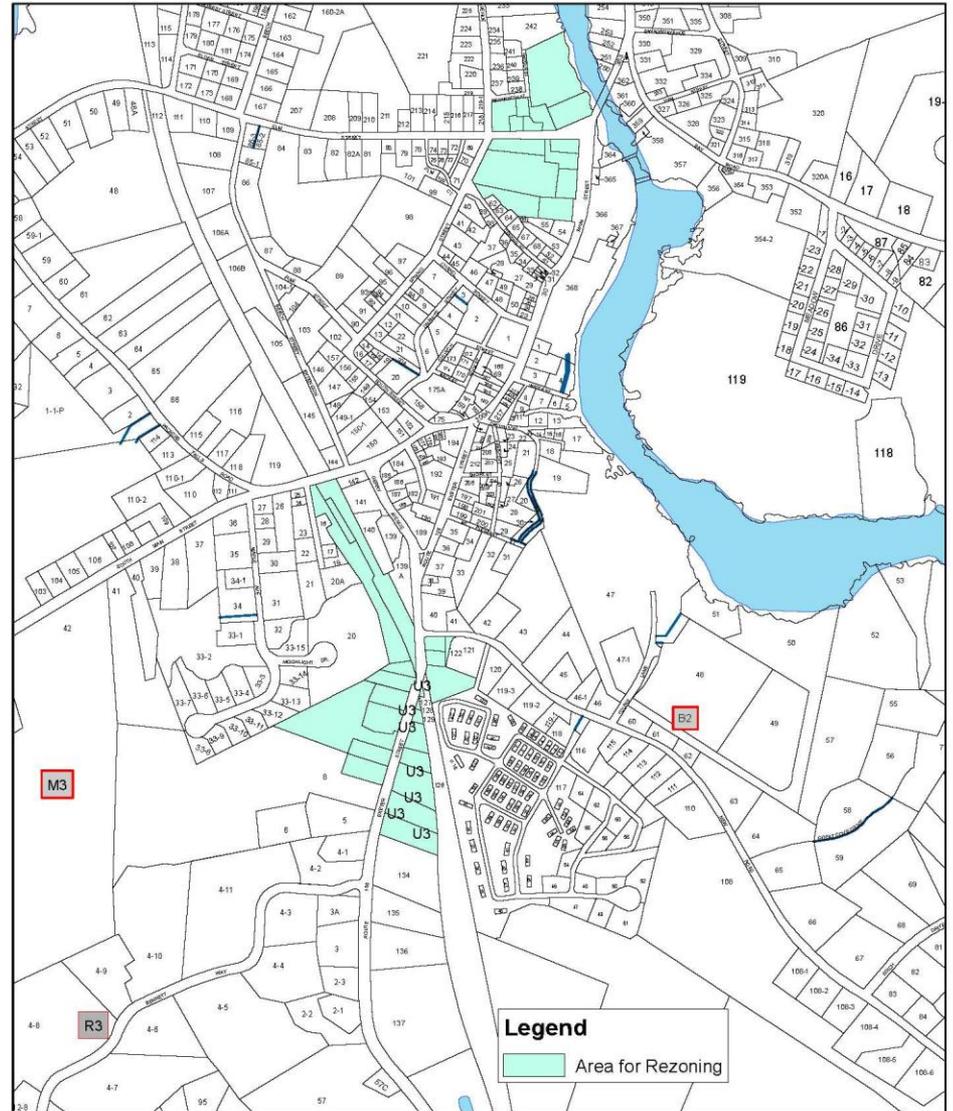
- Business Park (2 buildings)

- Riverdale – recently vacanted

- CPM – house used as office

Current Non-conforming uses:

- Single-family
- Duplex
- Multi-family
- Mixed-use
- Library
- Parking Lots



Route 108 Corridor - Newmarket

































Why Re-zone This Area?



- Limited commercial development has occurred in this section of the B-1 zone. Several conceptual designs have been presented to the Board. However, most would require variances due to current zoning regulations.

Why Re-zone This Area?



- The Zoning Board of Adjustment (ZBA) has commented on constraints in granting variances on projects which have come before them and which could potentially benefit the Town. The ZBA has recommended zoning ordinances be reviewed and modified accordingly.

Why Re-zone This Area?



- Chapter Six of the Master Plan (Economic Development) identifies Planning Board responsibility to:
 - Examine and update the Table of Permitted Uses in the Zoning Ordinance and consider providing more flexibility in the determination of permitted uses.
 - Assess the development review process and assure that it provides flexibility, fosters a “business-friendly” atmosphere, while encouraging quality development. Modify development regulations, as appropriate, to streamline the permitting process.

Why Re-zone This Area?



- Basis of understanding that Town Council members would support changes to zoning which would grant the Planning Board flexibility to move projects forward that would result in a positive fiscal impact for the town (candidate's night Q&A).

Proposed Changes

Diane Hardy – Town Planner

- Zoning Map
- Section 1.09 Special Use Permits
- Section 2.02 M-2 District Standards
- Table of Permitted Uses
- Table of Dimensional Controls
- Section 5.08 Downtown Commercial Overlay
- Section 7.02 Mixed Use Development

Title III: Land Use Code and Regulations
Chapter IV: Zoning Ordinance

SECTION 1.04 ZONING MAPS. (SEE ATTACHED MAPS)

1. Amend the "Zoning Map for the Town of Newmarket" by changing a portion of the B-1 and R-2 Zoning Districts to a M-2 Zone classification as follows:
 - A. Starting at the southwesterly side of the bridge where Route 108 crosses the Lamprey River: Rezone from B-1 to M-2 the following parcels along Elm, Nichols Avenue, Washington Street, Lincoln Street, and Spring Street. Map U-2, Lots 249, 248, 247, 246, 245, 244, 243, 59, 60B, 57, 56C, 56B, 61, and 60A.
 - B. Starting at the intersection of Route 152 east of Railroad Ave: Rezone the following parcels from B-1 to M-2: Map U3, Lots 138, 138-A, 138-1, 127, 128, 129, 130, 131, 132, 133, 134-1 and Map U4, Lots 15, 14, 13, 12, 11, 10, 9.
 - C. Starting at the intersection of New Road and Route 108 along the easterly side of Route 108: Rezone the following parcels from R-2 to M-2: Map U3, Lots 122, 123, 124, and 125.

1.09 SPECIAL 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.

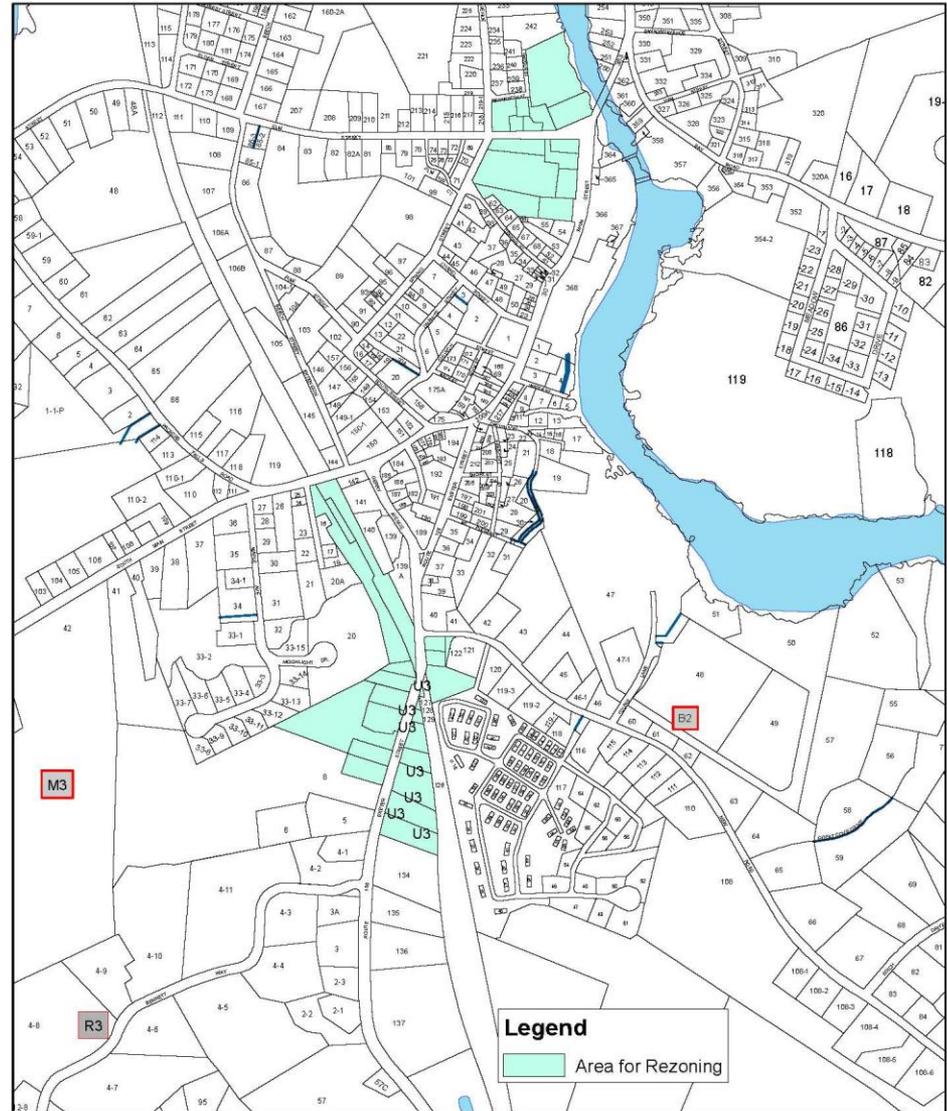
- (A) Special Use Permits are provided in the following sections: § 2.01(B)(2) for optional uses in the mills; § 2.01 (B) (2) (b) for multi-family residential uses as part of a Mixed Use Mill Redevelopment (Editorial note: Preceding ref. 2.01(B)(2)(b) amended 11/19/08); § 2.02 (B) (2) (a) for multi-family residential uses; § 2.02 (B) (2) (b) mixed-use development with three or greater residential units; § 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; § 5.07(B)(3) for siting telecommunications facilities; and § 7.01(B)(3) for permitting large home-based businesses. (editorial note-preceding section except as noted amended August 2, 2000).

2.02 M-2 DISTRICT.

- (A) Purpose. The purpose of this district shall be to protect, ~~and~~ enhance, and expand the commercial, social, civic and residential functions of the downtown village area. It is recognized that the village is an important place of business and of

Areas for Rezoning

- North side of Elm Street along Washington Street, Lincoln Street to Spring Street.
- South side of Elm and east of Spring Street in back of library
- South of Route 152 east of Railroad Ave along the railroad
- Right-of way
- From New Road south along Route 108 to the Police Station and Rite-Aid property



Route 108 Corridor - Newmarket

Title III: Land Use Code and Regulations
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~~(a) (a) — Multi-family residential.~~

~~(b) Mixed-use development with three or greater residential units.~~

~~Conditions:~~

~~The granting of such permit shall require the Planning Board to find that the proposed use is consistent with the purpose of this district, is suitable for the location proposed, would not cause significant adverse impact, and meets the conditions as set forth below:~~

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~~[2] Preparation and acceptance by the ZBA- Planning Board of a market analysis² which demonstrates the feasibility of adding ed—multi-family housing—in a community which already has an over-abundance of multi-family housing, sufficient to ensure reasonable expectation of ongoing occupancy of units to support maintenance and upkeep of the property.~~

~~(3) The project shall have at least two (2) on-site parking spaces per residential unit.~~

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(4) Multi-family residential use, with no commercial use within the building, shall be limited to no greater than four (4) residential units within a single building.

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

~~(C) Design Standards. The following design standards shall apply in this district, and are intended to enhance the pedestrian environment and to protect and enhance overall character of the village: (Move entire section to Chapter VI: Site Review Regulations, to a new section 3.22, with the exception of Paragraph (5) Drive-Through Facilities which will be deleted in its entirety.)~~

~~(1) Building Orientation. To ensure that the village area retains its pedestrian orientation, all new buildings shall face the primary street on which the lots fronts. Further, the primary pedestrian access shall be located on the front of the building.~~

~~(2) Outdoor Seating. Restaurants, with or without lounge use, may have outdoor seating. Site Plan Review approval shall indicate the total number of seats permitted for the use, and shall designate the area in which seats can be located outdoors. This outdoor seating option is not available to lounge-only uses or to social clubs.~~

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~~(5) Drive-Through Facilities. Drive-through facilities shall be prohibited in this district because the intent is to encourage pedestrian-oriented design in the village, and to encourage the vehicle-oriented businesses to locate in other districts.~~

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(C) Waivers to road setback, side/rear setback, and structure height. Reduction in these dimensional controls may be permitted by Special Use Permit issued by the Planning Board. The granting of such permit shall require the Planning Board to

TABLE OF PERMITTED USES – Uses checked are permitted by right

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USE	M1	M2	M3	M4	B1	B2	B3	R1	R2	R3	R4
Single family res. including manufactured housing								X	X	X	X
Single family residential excluding manufactured housing		X	X	X							
Duplex residential		X								X	X
Multi-family residential	X 3	X 6								X	
▼ Delete entire line											
Age-restricted housing (elderly)	X	X	X					1	1	1	
Residential home care facility			X								
Nursing home		X							X	X	
Day care (any size)	X	X	X	X	X						
Family group child day care								X			
Family child day care									X	X	
Bed & breakfast		X	X	X				X	X	X	X
Hotel	X	X		X	X	X	X				
Conference center	X			X	X	X	X				
Indoor and/or outdoor recreation facility		X		X	X	X	X	X			
Golf course				X				X			
Country club				X		X		X			
Health club	X	X			X	X	X				
Marina	X	X									
Retail	X	X			X	X	X				
Office	X	X			X	X					
Studio	X	X	X	X	X						
Service	X	X			X						
Restaurant	X 4	X		X	X						
Lounge	X	X		X	X						
Wholesale	X	X			X	X	X				
Warehouse	X					X	X	X			
Light manufacturing	X 5	X			X	X	X				
Manufacturing						X	X				
Research & development	X 5	X			X	X	X				
Automotive repair		X			X						
Commercial amusement		X			X						
Civic use	X	X			X						
Cultural use	X	X			X						
Place of assembly	X	X			X						
Education facility	X	X			X		X				
Commercial excavation						X		X	X	X	
Forestry & agriculture, including animal husbandry								X	X		
Forestry & agriculture, excluding animal husbandry			X	X	X					X	
Fraternal organization		X			X		X				
Flexible use development							2				
Office complex		X			X		X				
<u>Mixed Use Development</u>	X 7	X 6, 7	X 7	X 7							

1. See § 7.05 Affordable Elderly Housing for individual district limitations and requirements.

2. See B3 District for Requirements for Condition Use Permit.
(Amended: March 3, 2004).
3. See M-1 District for Requirements for Special Use Permit allowing multi-family residential use only as part of a Mixed Use Mill Redevelopment, Section 2.01 (B) (2).
4. No drive-through restaurants are allowed.
5. Only light manufacturing and research and development uses, limiting the hours of operation to between 7 a.m. and 7 p.m.
6. See M-2 District requirements for Special Use Permit allowing multi-family residential and mixed use development involving three or greater residential units in Section 2.02 M-2 District (B) (2).
7. See Section 7.02 for requirements for Mixed Use Developments.

(Editorial note: Amended 11/19/08 – Added multi-family use to M1 & Footnote 3
Removed student housing use from M1
Removed nursing home from M1
Removed commercial amusement from M1
Added Footnote 4
Added Footnote 5

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(4) Multi-family residential use, with no commercial use within the building, shall be limited to no greater than four (4) residential units within a single building.

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

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Maximum Structure Height	feet	50	<u>5035</u>	35	35	35	35	35	35	35	35	35
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Note: B-3 District additional Setbacks:

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~~(C) Design Standards. The following design standards shall apply in this district, and are intended to enhance the pedestrian environment and to protect and enhance overall character of the village: (Move entire section to Chapter VI: Site Review Regulations, to a new section 3.22, with the exception of Paragraph (5) Drive-Through Facilities which will be deleted in its entirety.)~~

~~(1) Building Orientation. To ensure that the village area retains its pedestrian orientation, all new buildings shall face the primary street on which the lots fronts. Further, the primary pedestrian access shall be located on the front of the building.~~

~~(2) Outdoor Seating. Restaurants, with or without lounge use, may have outdoor seating. Site Plan Review approval shall indicate the total number of seats permitted for the use, and shall designate the area in which seats can be located outdoors. This outdoor seating option is not available to lounge-only uses or to social clubs.~~

~~(3) Outdoor Merchandise Display and Sales. Outdoor display and sales of merchandise is permitted in areas designated on an approved site plan.~~

~~(4) Awnings. Awnings over doors and windows along streets are encouraged to enhance the pedestrian environment. A minimum clearance of seven feet shall be required where the awning projects over a public sidewalk, and awnings shall not be subject to the setback requirements, and may have 10% of their area covered with a commercial message.~~

~~(5) Drive-Through Facilities. Drive-through facilities shall be prohibited in this district because the intent is to encourage pedestrian-oriented design in the village, and to encourage the vehicle-oriented businesses to locate in other districts.~~

~~(6) On Site Parking. On site parking shall not be allowed between the front of the primary structure and the street.~~

(C) Waivers to road setback, side/rear setback, and structure height. Reduction in these dimensional controls may be permitted by Special Use Permit issued by the Planning Board. The granting of such permit shall require the Planning Board to

find that the proposed use is consistent with the purpose of the district, is suitable for the location proposed, would not cause significant adverse impacts, and the proposed setback and structure height is consistent with the applicable setbacks and/or structure height of existing building(s) located on adjacent lots.

5.08 — DOWNTOWN COMMERCIAL OVERLAY DISTRICT.

- ~~(A) Purpose. The purpose of this district shall be to protect and enhance the commercial, social, civic and residential functions of the downtown village area. It is recognized that the village is an important place of business and of social interaction. Controls are intended to enhance the village by recognizing the importance of street level commercial space, providing for relatively high density, a mix of uses, and design compatible with the pedestrian scale and historic nature of the area.~~
- ~~(B) Overlay District Boundaries. The Downtown Commercial Overlay District boundaries shall include all properties within the M-2 District and having frontage on Main Street or South Main Street.~~
- ~~(C) Requirements.~~
- ~~(1) All Permitted Uses allowed in the M-2 district shall be allowed, except “Single Family Residential, Excluding Manufactured Housing”, “Duplex Residential”, and “Age-Restricted Housing” shall be prohibited in any street level space.~~
- ~~(2) All uses permitted by Special Exception in the M-2 District shall follow the applicable requirements of Section 2.02(B)(2), except that “multi family residential” shall be prohibited in any street level space.~~

7.02 MIXED USE DEVELOPMENT.

- (A) Non-residential Only. Mixing of multiple non-residential uses on a lot shall be permitted.
- ~~(B) Residential Only. There shall be no more than one residential structure per lot.~~
- ~~(B)E~~ Mix of residential and non-residential uses on one lot. In certain instances, it is appropriate to have a mix of permitted uses on a single lot. Residential use may be permitted in combination with non-residential uses on a single lot or in a single structure, provided the following conditions are met:
- (1) Permitted only in the M-1, M-2, M-3, and M-4 districts, and in other districts as specified elsewhere in this Ordinance.

Mixed Use Redevelopments within the M-1 District are subject to the Special Use Permit requirements as set forth in § 2.01 (B) (2) (b). (Editorial Note: Amended 11/18/09)

(2) Site Plan Review approval shall be required for the entire property to ensure that the site is suitable for the proposed mix of uses.

~~(3) Residential density shall be one unit less than the maximum permitted residential density for the district when non-residential uses are included.~~

DRAFT

Special Use Permit: Win-Win Development



- Key to insuring any new development with 3 or more residential components or providing waivers to applicants for commercial projects is the requirement for the applicant to demonstrate the proposed project is consistent with the purpose of the district, is suitable for the location proposed, would not cause significant adverse environmental and traffic impact and creates a positive fiscal impact on the town. This is consistent with the zoning changes adopted in order to facilitate the redevelopment of the mills.

Expansion of Multi-Family?

- 80 units is not reality:
Existing use issues:
 - Parking for other projects
 - Railway
 - Parking requirements
 - Land constraints
 - Access
- Condominiums vs. Apartments:
Can not regulate
Financial incentive for condos
- Good Urban Planning:
Live-Work-Play
Reduce Sprawl
Public Transportation
Support Local Businesses
- Impact Studies Required For Any
Projects greater than 3 residential
units.
- No residential on 1st Level along
Main Street and Exeter Road

	Acreage	SQ FT2	MAP	Tax Map/Parcel	Frontage	Allowed		Potential New Units
						Units by Lot Size	Existing Units	
1	0.636	27688.1	U2	U2-56-B	100	3	0	3
2	1.549	67455.4	U3	U3-138-1	107	9	0	9
3	1.612	70201.5	U3	U3-138	193	9	0	9
4	0.174	7582.4	U3	U3-123	108	1	1	0
5	0.177	7718.7	U3	U3-124	78	1	1	0
6	0.212	9233.6	U4	U4-15	0	1	0	1
7	0.725	31559.8	U3	U3-125	34	4	2	2
8	0.374	16277.3	U4	U4-14	92	2	1	1
9	2.398	104460.0	U4	U4-11	94	14	0	14
10	0.022	964.9	U3	U3-127	0	0	1	0
11	0.570	24844.4	U4	U4-12	0	3	0	3
12	0.023	985.3	U3	U3-128	0	0	1	0
13	0.074	3206.9	U3	U3-129	67	0	2	0
14	0.315	13722.9	U3	U3-130	136	1	1	0
15	0.406	17664.2	U4	U4-10	84	2	1	1
16	0.304	13237.7	U3	U3-131	81	1	2	0
17	0.517	22525.4	U4	U4-9	100	3	1	2
18	0.767	33425.4	U3	U3-132	145	4	5	0
19	0.681	29649.2	U3	U3-133	111	4	3	1
20	0.748	32590.2	U3	U3-134-1	115	4	0	4
21	0.409	17813.4	U4	U4-13	97	2	2	0
22	0.266	11579.3	U2	U2-248	70	1	2	0
23	0.139	6058.5	U2	U2-244	0	0	1	0
24	0.394	17167.6	U2	U2-245	154	2	1	1
25	0.123	5359.4	U2	U2-246	68	0	3	0
26	0.128	5591.3	U2	U2-247	97	0	2	0
27	0.457	19901.3	U2	U2-60-A	267	2	0	2
28	1.778	77471.0	U2	U2-61	182	11	0	11
29	1.728	75251.3	U2	U2-243	243	10	0	10
30	0.601	26172.0	U2	U2-249	216	3	8	0
31	0.313	13622.5	U2	U2-60-B	78	1	0	1
32	0.228	9922.4	U2	U2-59	66	1	0	1
33	0.346	15087.3	U2	U2-57	150	2	0	2
34	0.452	19676.3	U2	U2-56-C	119	2	0	2
35	0.174	7582.4	U3	U3-123	108	1	1	0
36	0.177	7718.7	U3	U3-124	78	1	1	0
37	0.725	31559.8	U3	U3-125	34	4	4	0
	20.719					109	47	80

Note: M-2 Density allows 6 units/acre.

Lots with excess units over allowed are grandfathered (18 units).

Buildout assumes that there are no current encumbrances on the lot and lot would be totally developable to support the permitted residential density. Lot configuration, dimensional controls, access, parking requirements, restrictions on 1st floor residential, etc. would actually prohibit an increase of 80 additional units within the expanded district.

Summary



Partnering to Expand Newmarket's Urban Development for a Positive Impact to our Tax Base, Residents, Visitors and Image













Questions?



THANK YOU

Your own footer

Your Logo



Office of the Planning Board

Incorporated
December 15, 1727
Charter January 1, 1991

DATE: February 12, 2013
TO: Newmarket Town Council
FROM: Valerie Shelton, Chair of Newmarket Planning Board
SUBJECT: Request to adopt Zoning Ordinance Changes

Dear Councilors,

In follow-up to my presentation on January 16, 2013, further analysis has been conducted on the impacts of the proposed zoning changes. I also met with Scott Marsh on February 5, 2013 to discuss tax revenue implications on redevelopment of properties into mixed-use projects. Enclosed please find the following:

1. **Updated Buildout Analysis Spreadsheet.** Identifies the thirty-six (36) parcels proposed to be changed from B-1 to M-2 with revised projection of the maximum number of potential additional residential units if these parcels were converted from their existing use to permitted residential or mixed-use under the proposed zoning. A more in-depth analysis shows a total of forty-seven (47) additional residential units could potentially be constructed. Overview of data presented:
 - a. Three (3) parcels are currently vacant undeveloped lots (8%).
 - b. Twenty-two (22) parcels are non-conforming (residential or mixed use) uses (61%).
 - c. Eleven (11) parcels have conforming uses (31%). These include the parking lots, Riverdale automotive, library, medical/office buildings and the railroad.
 - d. Nineteen (19) units would be grandfathered under the proposed change. Redevelopment of any of these parcels would require a variance to retain excess grandfathered units.
 - e. Fourteen (14) properties technically would qualify to be redeveloped to allow multi-family or mixed-use with 3 or greater residential units provided the developer can meet the conditions of the Special Use Permit process.
 - f. One (1) parcel does not front Rt. 108 and could be redeveloped with 10 residential units. This is a vacant lot in a high-density residential neighborhood. Abutters are in support of this area being rezoned to promote residential development vs. commercial use.
 - g. Three (3) parcels do not front Rt. 108, but are used to support parking requirements for adjoining parcel uses (mill, town parking and Polish Club). Fifteen (15) residential units could be built under the proposed zoning change provided the developer could also address the existing use parking requirements (i.e. a potential parking garage).

- h. Ten (10) parcels could feasibly be redeveloped into mixed-use with street level commercial/retail/etc and residential upper above.
 - i. Six (6) parcels have sufficient acreage to support an additional eight (8) units without going through the Special Use permit process. These would be new single family homes or new duplexes.
- 2. **Assessed Valuations Spreadsheet.** Identifies the thirty-six parcels (36) proposed to be changed from B-1 to M-2 with corresponding tax assessment valuations and total taxes paid in 2012. Items of note:
 - a. Most parcels have highly under-valued land assessments due to the existing uses being single-family, duplexes or multi-family. Taking two (2) examples and making a code change from the residential use to mixed-use, Mr. Marsh was able to show an increase in the valuation of just the land by more than three (3) times its current valuation. The resulting net impact on the tax revenue would an additional \$30,000 in tax revenue for each of the two properties examined.
 - b. Over 55% of the parcels have residential housing 100+ years old. The condition and depreciation of these buildings results in very low assessed valuations as compared to newer construction values. The impact of this will be shown on the next two exhibits.
- 3. **Kent Place Redevelopment Analysis.** This handout shows the property tax impact on the 2004 redevelopment of the old Filion Lumber on Beech Street Extension into a mixed-use commercial/residential project. The resulting net gain in property taxes to the Town in 2012 was approximately \$42,000. The developer has reported no children have ever resided in any of the residential units.
- 4. **13 Water Street Redevelopment Analysis.** This handout shows the projected property tax impact on the proposed 2013 redevelopment of the old Joyce's Kitchen property into a mixed-use commercial/residential project. The resulting net gain in property taxes to the Town based on 2012 assessed valuation and tax rates would be approximately \$64,000. We understand that part of this project is being funded with 79-E tax program, therefore, the increased revenues will not provide an immediate impact to the general fund. The developer has spent over 20 months going through permitting and approvals process with both the ZBA and Planning Board. The Special Use Permit process as proposed would reduce this time and expense significantly and encourage more projects like these to come forward.
- 5. **Requirements for Granting a Variance.** This chart from the Municipal Lecture Series depicts the requirements for an applicant to obtain variances from a Zoning Board of Adjustment. It applies to granting relief from any Dimensional Controls (setbacks, height, frontage, area and density), Permitted Uses and Zoning Ordinance regulations. Under the proposed ordinance, the Planning Board would only have the authority to grant relief from Dimensional Controls for setbacks and height restrictions through the Special Use Permit process.

I look forward to presenting the above at the February 20, 2013 meeting and answering any further questions. Over nineteenth (19) months and many hundreds of hours have been invested in bringing this proposed zoning change to the Council. On behalf of the Planning Board and taxpayers of Newmarket, we appreciate your support in adopting this very important ordinance intended to facilitate more positive economic growth in our community and continued enhancement of our vibrant downtown.

2/5/2013	Residential Build-Out Density Under M-2 Zoning																			
Tax Map - Parcel	Current Use of Lot	Assmnt. Acreage	Tax Map Frontage	Allowed Units by M2 Lot Size (6 units/acre)	Existing Units	Potential New Units by M2 Standards	Maximum Potential New Units by Lot Analysis	Reasons / Comments												
U2-243	Undev.	1.75	243	10	0	10	10	Lot could feasably support 20 units at 39% coverage												
U2-244	SF	0.07	?	0	1	0														
U2-245	NonProf	0.35	154	2	1	1	0	Lamprey Health Care - restrictions												
U2-246	3 Units	0.10	68	0	3	0														
U2-247	2 Units	0.10	97	0	2	0														
U2-248	2 Units	0.13	70	0	2	0														
U2-249	8 Units	0.60	216	3	8	0														
U2-56-B	NP-Parkg	0.64	100	3	0	3	3	Polish Club would need to meet parking reqts. (build a garage?)												
U2-56-C	M-Parkg	0.45	119	2	0	2	2	Would also need to meet mill parking reqts. (build a garage?)												
U2-57	Garage	0.38	150	2	0	2	2	Mixed use, single-family or duplex												
U2-59	Library	0.24	66	1	0	1	0	Would need to sell library												
U2-60-A	M-Parkg	0.54	267	3	0	3	3	Would also need to meet mill parking reqts. (build a garage?)												
U2-60-B	T-Parkg	0.35	78	2	0	2	0	Would need to address library parking												
U2-61	M-Parkg	1.60	182	9	0	9	9	Would also need to meet mill parking reqts. (build a garage?)												
U3-123	SF	0.16	108	0	1	0														
U3-124	SF	0.16	78	0	1	0														
U3-125	2 Units	0.65	34	3	2	1	1	Req's Mixed-Use redevelopment project												
U3-127	SF	0.03	0	0	1	0														
U3-128	SF	0.05	0	0	1	0														
U3-129	2 Units	0.07	67	0	2	0														
U3-130	SF	0.34	136	2	1	1	1	Mixed use, single-family or duplex												
U3-131	2 Units	0.34	81	2	2	0														
U3-132	5 Units	0.86	145	5	5	0														
U3-133	3 Units	0.69	111	4	3	1	1	Req's Mixed-Use redevelopment project												
U3-134-1	Undev.	0.75	115	4	0	4	4	Req's Mixed-Use redevelopment project												
U3-138	RR	1.19	193	7	0	7	0	Remove RR tracks?!												
U3-138-1	RR	1.00	107	6	0	6	0	Remove RR tracks?!												
U4-10	SF	0.39	84	2	1	1	1	Mixed use, single-family or duplex												
U4-11-1	Med Off	0.77		4	0	4	0	Would need to redevelop building												
U4-11-2	Undev.	0.81	0	4	0	4	4	Lot could feasably support 11 units at 39% coverage												
U4-11-3	Med Off	0.86	0	5	0	5	0	Would need to redevelop building												
U4-12	SF	0.54	0	3	1	2	2	Req's Mixed-Use redevelopment project												
U4-13	2 Units	0.38	97	2	2	0														
U4-14	SF	0.38	92	2	1	1	1	Mixed use, single-family or duplex												
U4-15	T-undev	0.43	0	2	0	2	2	Mixed use, single-family or duplex												
U4-9	SF	0.46	100	2	1	1	1	Mixed use, single-family or duplex												
		18.61		96	42	73	47													

Lots with excess units over allowed are grandfathered (19 units).

Redevelopment would require addressing parking for offsite lot use.

Properties with redevelopment potential which could feasably add additional multi-family residential units with no mixed-use component.

Properties with redevelopment potential which could feasably add additional single family or duplex residential units OR mixed-use development.

Properties with redevelopment potential which could feasably add additional residential units as part of a mixed-use development.

Buildout assumes that there are no current encumbrances on the lot and lot would be totally developable to support the permitted residential density. Lot configuration, dimensional controls, access, parking requirements, restrictions on 1st floor residential, etc. would actually prohibit an increase of 80 additional units within the expanded district.

2/12/2013	Tax Assessment Analysis of Proposed Parcels to be changed to M-2 zoning																
Tax Map - Parcel	Current Use of Lot	Assmnt. Acreage	Tax Map Frontage	Allowed Units by M2 Lot Size (6 units/acre)	Existing Units	Current Land AV	Current Bldg AV	Total Parcel AV	2012 Tax Revenue	Age of Building	Land Valuation If Developed as Mixed Use (Per Assessor)	Building Valuation if Developed as Mixed Use (30% lot coverage)	Potential Tax Revenue	Net Increase in Tax Revenue			
U2-243	Undev.	1.75	243	10	0	\$ 244,300	\$ -	\$ 244,300	\$ 5,783								
U2-244	SF	0.07		0	1	\$ 56,600	\$ 94,200	\$ 150,800	\$ 3,569	1910							
U2-245	NonProf	0.35	154	2	1	\$ 123,500	\$ 133,500	\$ 257,000	\$ -	1910							
U2-246	3 Units	0.10	68	0	3	\$ 73,500	\$ 195,500	\$ 269,000	\$ 6,367	1918							
U2-247	2 Units	0.10	97	0	2	\$ 64,700	\$ 172,600	\$ 237,300	\$ 5,617	1914							
U2-248	2 Units	0.13	70	0	2	\$ 65,500	\$ 161,300	\$ 226,800	\$ 5,368	1914							
U2-249	8 Units	0.60	216	3	8	\$ 252,900	\$ 263,100	\$ 516,000	\$ 12,214	1827							
U2-56-B	NP-Parkg	0.64	100	3	0	\$ 106,900	\$ -	\$ 106,900	\$ 2,530								
U2-56-C	M-Parkg	0.45	119	2	0	\$ 209,300	\$ -	\$ 209,300	\$ 4,954								
U2-57	Garage	0.38	150	2	0	\$ 113,000	\$ 98,700	\$ 211,700	\$ 5,011	1957							
U2-59	Library	0.24	66	1	0	\$ 218,600	\$ 619,000	\$ 837,600	\$ -								
U2-60-A	M-Parkg	0.54	267	3	0	\$ 117,200	\$ -	\$ 117,200	\$ 2,774								
U2-60-B	T-Parkg	0.35	78	2	0	\$ 112,400	\$ -	\$ 112,400	\$ -								
U2-61	M-Parkg	1.60	182	9	0	\$ 174,000	\$ -	\$ 174,000	\$ 4,119								
U3-123	SF	0.16	108	0	1	\$ 54,300	\$ 65,900	\$ 120,200	\$ 2,845	1890							
U3-124	SF	0.16	78	0	1	\$ 54,300	\$ 70,300	\$ 124,600	\$ 2,949	2003							
U3-125	2 Units	0.65	34	3	2	\$ 68,200	\$ 117,500	\$ 185,700	\$ 4,396	1890	\$ 360,000	\$ 1,106,528	\$ 34,713	\$ 30,317			
U3-127	SF	0.03	0	0	1	\$ 35,300	\$ 53,000	\$ 88,300	\$ 2,090	1900							
U3-128	SF	0.05	0	0	1	\$ 49,000	\$ 73,100	\$ 122,100	\$ 2,890	1880							
U3-129	2 Units	0.07	67	0	2	\$ 55,600	\$ 211,500	\$ 267,100	\$ 6,322	1900							
U3-130	SF	0.34	136	2	1	\$ 57,600	\$ 130,300	\$ 187,900	\$ 4,448	1850							
U3-131	2 Units	0.34	81	2	2	\$ 63,400	\$ 99,900	\$ 163,300	\$ 3,865	1856							
U3-132	5 Units	0.86	145	5	5	\$ 125,900	\$ 223,400	\$ 349,300	\$ 8,268	1890							
U3-133	3 Units	0.69	111	4	3	\$ 78,100	\$ 110,300	\$ 188,400	\$ 4,459	1900	\$ 365,000	\$ 1,174,622	\$ 36,443	\$ 31,983			
U3-134-1	Undev.	0.75	115	4	0	\$ 182,800	\$ -	\$ 182,800	\$ 4,327								
U3-138	RR	1.19	193	7	0	\$ 181,500	\$ -	\$ 181,500	\$ 4,296								
U3-138-1	RR	1.00	107	6	0	\$ 47,500	\$ -	\$ 47,500	\$ 1,124								
U4-10	SF	0.39	84	2	1	\$ 58,300	\$ 79,100	\$ 137,400	\$ 3,252	1900							
U4-11-1	Med Off	0.77		4	0	\$ 296,400	\$ 723,800	\$ 1,020,200	\$ 24,148	2007							
U4-11-2	Undev.	0.81	0	4	0	\$ 277,600	\$ -	\$ 277,600	\$ 6,571	2007							
U4-11-3	Med Off	0.86	0	5	0	\$ 323,400	\$ 1,336,000	\$ 1,659,400	\$ 39,278	2007							
U4-12	SF	0.54	0	3	1	\$ 117,400	\$ 126,100	\$ 243,500	\$ 5,764	1954							
U4-13	2 Units	0.38	97	2	2	\$ 112,800	\$ 122,600	\$ 235,400	\$ 5,572	1920							
U4-14	SF	0.38	92	2	1	\$ 58,100	\$ 88,300	\$ 146,400	\$ 3,465	1900							
U4-15	T-undev	0.43	0	2	0	\$ 97,200	\$ -	\$ 97,200	\$ -								
U4-9	SF	0.46	100	2	1	\$ 59,100	\$ 199,900	\$ 259,000	\$ 6,131	1900							
		18.61		96	42	\$ 4,386,200	\$ 5,568,900	\$ 9,955,100	\$ 204,767								

Kent Place. The data below shows an example of the change in property valuation and tax revenues generated before and after re-development into a mixed use project with 14 office condos and 5 residential condos in 2004 encompassing a total building lot coverage of 39%. Information was obtained from the tax assessment files and meeting with the tax assessor.

Pre-Development:	Acreage	2003 Valuation	Equalized Valuation*
Lot 145	1.015	\$ 258,800	331,795
Lot 147	0.448	\$ 48,500	62,179
Total	1.463	\$ 307,300	\$ 393,974
	2003 Tax Rate:	\$ 22.94	
	Tax Revenues:	\$ 7,049	

Projected 2012 Assessed Valuation: \$ 413,673

2012 Taxes if no redevelopment: \$ 9,792

Post Re-development:

	Total SF	2012 Valuation	Equalized Valuation	\$/S.F.
Basement Office	285	\$ 18,600	17,714	\$ 62.16
1st Floor Offices	10,382	\$ 732,900	698,000	\$ 67.23
2nd Floor Offices	8,158	\$ 536,600	511,048	\$ 62.64
3rd Floor Residential Condos	5,775	\$ 899,000	856,190	\$ 148.26
	24,600	\$ 2,187,100	\$ 2,082,952	
	2012 Tax Rate:	\$ 23.67		
	Tax Revenues:	\$ 51,769		

Increase from re-development: \$ 41,977 \$ 1,688,978

Notes:

1. Equalized valuation ratio in 2003 was 78% which means the assessed value was approximately 78% of market value in 2003. The 2012 ratio is 105%. Applying the equalization ratio allows you to look at the approximate market value of the property at that point in time. The market has fluctuated dramatically between 2003 and 2012, however, real estate economists have reported that on average 2012 prices are back to 2003 values, therefore, no other market adjustments have been made. Subsequently, the 2003 equalized valuation adjusted by the 2012 equalization ratio can be used to calculate what the 2012 taxes would have been if no redevelopment of the property occurred.

2. Developer/Owner has stated no children have ever resided in any residential units. No inquiries were made to the town as to any negative cost impacts on water and sewer usage or fire/police related cost issues.

3. This property is zoned M-2 and would support a total of 8 residential units under the current zoning.

4. Planning Board heard testimony regarding the difficulty in leasing or selling 2nd floor office space. One prime example: NHSC could not lease or sell their two 2nd floor condos (total 5,558 S.F.) and they subsequently were sold at foreclosure auction in December 2012 for \$120,000. The units were originally purchased in 2004 for \$478,533 and the current assessed valuation is \$335,900. Partial conversion of the 2nd floor into 3 additional residential units would further increase the assessed valuation of the property when comparing the square foot value of residential (\$148.26) vs. office use (\$62.64)

13 Water Street. The data below shows the projected change in property valuation and tax revenues which will be generated before and after re-development into a LEED certified mixed use project. The redevelopment will include 4 high-end residential condominiums in a newly constructed building plus conversion of "Joyce's Kitchen" to 5,200 s.f. of commercial office. Total lot coverage with buildings will be 33.7%. Information was obtained from the tax assessment files, Zoning Board and Planning Board records and discussions with the developer.

Existing:		Current Valuation
Land	0.34 acres	\$ 426,500
Improvements	5,599 s.f.	\$ 26,600
Total Valuation:		\$ 453,100
	2012 Tax Rate:	\$ 23.67
Tax Revenues:		\$ 10,725

Re-development Impact:		Projected Valuation*
Land Value	0.34 acres	\$ 426,500
Condominiums	5,580 s.f.	\$ 1,523,810
Offices	5,200 s.f.	\$ 1,219,048
		- \$ 3,169,357
	2012 Tax Rate:	\$ 23.67
Tax Revenues:		\$ 75,019

Tax Revenue Increase: \$ 64,294

Notes:

1. Projected valuation of buildings was derived from developer's proposed sales of residential condominium units at \$400,000. Office square footage valuation was calculated by using the developer's stated value of \$1.7m redevelopment cost of the existing building and infrastructure less the land acquisition cost which is accounted for in the land valuation. The projected condo and office valuations were then adjusted by the 2012 equalization ratio of 105% to derive the projected assessed valuation.

2. This property is currently zoned M-2 and based on acreage would technically be permitted to have 2 residential units under the current zoning. The developer has obtained from the ZBA three (3) Area Variances, one (1) Use Variance and (1) Special Exception. These were required before the application could be acted upon by the Planning Board. The developer has undergone a 20-month permitting and approvals process with the Town.

Requirements for Granting a Variance: A Suggested Approach

THE APPLICANT MUST ESTABLISH **ALL** OF THE FOLLOWING.

Requirement	Explanation
1. The variance is not contrary to the public interest.	The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
2. The spirit of the ordinance is observed.	
3. Substantial justice is done.	The benefit to the applicant should not be outweighed by harm to the general public or to other individuals.
4. The values of surrounding properties are not diminished.	Expert testimony on this question is not conclusive, but cannot be ignored. The board may also consider other evidence of the effect on property values, including personal knowledge of the members themselves.
<p>5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:</p> <p><i>Because of</i> special conditions of the property that distinguish it from other properties in the area:</p> <p>(a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property; <i>and</i></p> <p>(b) The proposed use is a reasonable one.</p> <p><i>Alternatively</i>, unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.</p>	<p>The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other similarly situated property.</p> <p>(a) Determine the purpose of the zoning restriction in question. The applicant must establish that, because of the special conditions of the property, the restriction as applied to the property does not serve that purpose in a "fair and substantial" way.</p> <p>(b) The applicant must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood.</p> <p>As an alternative to (a) and (b) above, the applicant can satisfy the unnecessary hardship requirement by establishing that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.</p>

Supreme court merged the criteria... if you meet one, you meet both.



**Town of Newmarket, New Hampshire
Town Council Workshop
February 20, 2013
Town Council Chambers**

8. New Business

a. Closing Comments by Town Councilors

9. Adjournment