



**Town of Newmarket, New Hampshire
Town Council Workshop
June 19, 2013 6:00 p.m.
Town Council Chambers**

AGENDA: STARTING AT 6:00 P.M.

- 1. Pledge of Allegiance**
- 2. Public Forum:** *(This is an opportunity for the public to address the Town Council)*
- 3. Town Council to Consider Acceptance of Minutes**
 - a. June 5, 2013 Business Meeting
 - b. June 5, 2013 Non-Public
- 4. Review of Department Reports:** *(This is an opportunity for Councilors to ask questions on any given Department Report)*
- 5. Town Council to Consider Reports from Council Rep Committees**
- 6. Discussions/Presentations**
 - a. Macallen Dam:
 - i. Presentation from Wright Pierce on Dam Breech Analysis
 - ii. Discussion on Resolution #2012/2013-63: Acceptance of a Grant from the Conservation Law Foundation and Authorization of the Town Administrator to Enter into an Engineering Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis
 - b. Review Mayberry Report on M2 Zoning Proposal
- 7. New Business**
 - a. Closing Comments by Town Councilors

8. Adjournment

This agenda is subject to change without notice. This location is handicapped accessible. This meeting is scheduled to be televised live on Channel 13.



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- 3. Town Council to Consider Acceptance of Minutes**
 - a. June 5, 2013 Business Meeting

DRAFT

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL BUSINESS MEETING
JUNE 5, 2013
COUNCIL CHAMBERS**

PRESENT:

Council Chairman Gary Levy, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Larry Pickering, Councilor Dale Pike, Councilor Ed Carmichael

Town Administrator Steve Fournier

Council Chairman Levy opened the meeting at 7:05 p.m., followed by the Pledge of Allegiance. He announced that they would begin with a motion from Councilor Pike to hire a legal firm.

MOTIONS:

Councilor Pike moved to enter into a legal services agreement with Donahue, Tucker & Ciandella and have Town Administrator Fournier enter into negotiations for the retainer fee. Council Vice Chairman Bentley seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed 5 – 1 – 1, with Councilor Nazzaro voting nay and Council Chairman Levy abstaining as he had used the firm in the past but will not do so regarding town business.

Council Vice Chairman Bentley moved to seal the minutes of the earlier non-public session. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

PUBLIC FORUM:

Council Chairman Levy opened the Public Forum at 7:08 p.m. Bert Allen of 56 Smith Garrison Road had previously sent emails to the Council and Charter Commission members concerning his ideas for the Charter Commission and taxes, in response to tax ideas expressed by Councilors Nazzaro and Pickering. He said he had read into record what he sent as in violate 91. He said he had looked up laws before writing the email. (However, let it be noted that the email was read with additional comments.)

“The issue of the school district being independent being settled, the Charter Commission has asked for public input for ideas of what can be accomplished with the charter. The charter administers the incorporation of the town of Newmarket and its governing rules and abilities. There has been discussion of changing from a seven member council to a Mayor and Ombudsman. Those are paid positions with less public influence. I and many others would be opposed to such an idea, on the grounds that it would radically change the way in which decisions would be made and be detrimental to the well being of the citizens of Newmarket.”

In opposition I believe to benefit the citizens of Newmarket we should add:

1. *Line item veto power for council members on all budget and town ordinances and fees.*
2. *Adopt a tax cap under the provisions of RSA 32:5*
3. *Moving from a seven member council to a larger 9 – 15 member council” let everyone else decide so that the Council can place itself on any boards that they feel comfortable with “as allowed by law.*
4. *Adopting a change of appointed boards to commissions with commission rules.”*
5. *Incorporation of emergency services with surrounding communities to save taxpayer dollars.*
6. *Written mutual aid agreements with all surrounding communities who may ask for services during any emergency including spelling out all legal liabilities during said emergencies.*
7. *Implementing oversight committee for all emergency services.*

In conclusion I believe these changes would go a long way in benefitting the taxpayers of Newmarket.

Bert John Allen III”

To those items, Mr. Allen made additional suggestions for the Charter Commission: 1. a trust commission to oversee the trust accounts of cemeteries, libraries and parks; 2. strategic transportation, a commission to oversee transportation all forms of transportation in general, such as roadways, parking, railways and waterways, including the dam; 3. a police commission to oversee the police department; 4. a fire commission to oversee the fire department; 5. a planning and strategic development commission for all commercial development and zoning; 6. strategic purchasing, an oversight commission to oversee all purchasing and procurement for accuracy and oversights for all items under \$10,000 which the Council does not see on a day-to-day basis; 7. budget and taxation efficiency commission to oversee budget expenditures for cost effectiveness and accuracy; 8. a non-profit commission to oversee all the non-profits existing in the town; and 9. a census commission to oversee all the residences and commercial buildings in town and determine type of residence by street and zoning and the number and ages of occupants.

Mr. Allen next proposed that the Recreation department be made independent and self-balancing. He asked for a response from Town Administrator Fournier to his email suggestions of instituting a crash tax. Town Administrator Fournier replied that he was looking into the legalities of what the town can get from the crash tax. He said it would not be just the auto clubs such as AAA, but also other auto insurance companies. He said if the fire trucks or ambulance had to go out, they could go after the person at fault first to recoup some costs, however that would first have to go before the Council as an ordinance. Although Mr. Allen thought this could become a part of the town charter, Town Administrator Fournier, said the Council had the authority to implement this as an ordinance. Mr. Allen said he would look into that.

Mr. Allen suggested that lids be put on trash cans to eliminate trash blowing onto roadsides, or consider eliminating curbside pickup. He asked that the taxpayer amount that the town gives away to non-profits be posted on the web site along with whether it is internationally, nationally, state or locally based. He reminded the Council of an agreement with Mr. Chinburg that there would be 30 parking spaces at the old gas station where he now is planning a restaurant. He felt this would hurt the library, and felt that the Charter Commission could institute a commission that could look into this. He said that in the past he had suggested the use of a 501C non-profit board to oversee the Macallen Dam. He said the Council could sit on the board as a founder with one vote in case of a tie along with 5 other individual directors. He felt Newmarket could raise money from other towns and receive grant money, both of which would save taxpayer money. He said the current Town Charter did not allow them to take donations or give tax deductions. He had also read an RSA that the Planning Board cannot change its vision on land use in the Master Plan unless it can be shown that the engineering was wrong. He asked to get the cost of getting rid of the electronics container at the transfer station, and Town

Administrator Fournier will email him the information. He had also asked for copies of information on Lot 13 on Cushing Road from the Planning Department, and Town Administrator Fournier said that there would be costs associated with making copies.

Clay Mitchell, Chairman of the Charter Commission, said that the Commission's first meeting was most important and read from the statute. The Commission has to hold a public meeting within 14 days of its organizational meeting to gather public input relevant to its function. He emphasized that this is an abbreviated process, and those wanting to get involved have to come at the beginning of the process. The Public Hearing will be Monday, June 10th at 7:00 p.m. in Council Chambers. Regular meetings will be the second and fourth Mondays of the month. Council Vice Chairman Bentley said there was still confusion as to the charge and parameters of the Commission, and he asked if there would be an explanation at the beginning of the public meeting. Mr. Mitchell said he would be consulting with commissioners and they were lucky to have some who had served on previous commissions. He said although he couldn't list everything that they could or couldn't do, he would focus on the large issues and explain what they intend to do. He said they were already receiving some public comment, and he would address what was within and what was outside the Commission's authority. He felt the most important charge was to assess what they were looking at and try to anticipate what the voters would want, as the Commission can only make recommendations to the voters.

The meetings will be posted on the town's web site along with meeting minutes, and either televised or taped. Also, the public can sit in at the meetings. Mr. Allen said the laws he referenced earlier came out of the RSAs. He said that the Commission could have more than one public meeting. He felt the public should have input on issues as they are brought up. Council Chairman Levy suggested that the appropriate place to bring up Charter Commission issues would be at its session for public input on June 10th. The Public Forum closed at 7:30 p.m.

Council Vice Chairman Bentley said he wanted to say, "Welcome home" to his Dad who had just arrived home after being in the Veterans' Hospital, and to say, "Happy Birthday" to Kathy.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES:

MAY 15, 2013 WORKSHOP

Council Vice Chairman Bentley moved to approve the minutes of the May 15, 2013 Workshop as written. Councilor Nazzaro seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

MAY 8, 2013 NON-PUBLIC MINUTES

Council Vice Chairman Bentley moved to approve the May 8, 2013 minutes of the non-public session as written. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed, 5 – 0 – 2, with Councilors Nazzaro and Pike abstaining as they had not attended the meeting.

REPORT OF THE TOWN ADMINISTRATOR:

Town Administrator Fournier said the Water/Wastewater Superintendent had sent out for qualification proposals from 46 engineering firms. The proposals are due June 10th, after which the review committee will choose 3 to interview and make a final recommendation to the Council. The IT Director had solicited bids for web site design to make simplify the site and make it more user- friendly. After consideration, Virtual Town Hall, which has done web sites for many municipalities in New England, has been selected for a cost of \$5,995 payable in installments over 3 years. The software allows departments to modify their own information. They expect to do the installation over the summer. The town has been awarded a grant through the NH Municipal

Association and Municipal Managers Association for 2/3 of the cost of having a UNH Masters of Public Administration intern for 20 hours per week for 5 months. The town's share of the cost will be about \$2,000. The intern, Donna Pohli, will start on Monday, June 10th, and among her other duties and projects will be research for the Charter Commission. The Council had received copies of Bruce Mayberry's report on M-2 zoning along with answers to questions from the Town Planner. He suggested scheduling a meeting with Mr. Mayberry in 2 weeks. The Finance Director has begun posting bids and proposals and their responses on line to help educate the public on the procurement process. This can be accessed by clicking on Departments, Finance and then Procurement. He thanked the Newmarket Business Association and a private person who donated 5 pole-style bike racks for the downtown. He said that Codes Enforcement Office Mike Hoffman had also helped with this. He publicly congratulated Town Clerk/Tax Collector Becky Benvenuti on her new position in Portsmouth. He said she had become a trusted advisor and friend and he appreciated her professionalism and honest advice. He said she was a great asset to the town and will be missed at town hall. Her last day will June 14th, but since the office is not open that day, her last day is June 13th.

Discussion and Questions: To Councilor Pickering's question, Town Administrator Fournier said they had extra funds to pay for Mr. Mayberry coming to meet with the Council. Council Vice Chairman Bentley said that some of the information was dated May 30th, but he had just received it that day. Town Administrator Fournier confirmed that he had just received the information that day. Council Vice Chairman Bentley said the Mayberry report was a large packet of information and a bit overwhelming. He said he had been the first one to say that they needed more information, but he felt the time had come to bring everything to closure and make a decision. He said he didn't want to lose any prospective business the town might acquire by waiting any longer. The M-2 Ordinance is still on the table. He thought they definitely should meet with Mr. Mayberry in 2 weeks to ask any further questions. Town Administrator Fournier will collect questions from the Councilors and give them to Mr. Mayberry before the meeting so he will have answers prepared. Councilor Nazzaro agreed that it was time to get this settled.

Councilor Nazzaro asked if Town Administrator Fournier meant that the meeting would cost over and above what they had paid Mr. Mayberry when he said they had funds to cover it. Town Administrator Fournier said he didn't think the meeting would cost more, but he would check with the Town Planner. Councilor Nazzaro said he could understand the reasons for having the report done, but questioned what else they could get from Mr. Mayberry that might have to pay for beyond what was contained in his rather thick report. He then asked, in the interest of transparency, when non-public minutes could be unsealed and made available to the public. Town Administrator Fournier said they should be reviewed every 6 months to see if the issue covered is now public. He said he would look to see what should be included in a policy, but generally, the Council looks at the minutes and makes decisions. Councilor Wright said he hoped that they could meet with Mr. Mayberry and vote on the M-2 zoning change at the next meeting. He said once the vote was taken any prospective developers still had to go through the Planning Board process, the architectural process and the financing process. Councilor Pickering said it seemed like there was a possibility that they would have to spend more money to have Mr. Mayberry attend the meeting. Town Administrator Fournier said he was 90% sure that the meeting was part of the original proposal, but he wanted to double check. Councilor Pickering said they had their questions, the report and his proposal, and he wasn't interested in spending more money to bring him back. Council Chairman Levy said he thought he had been told that the town had a credit with Mr. Mayberry from a previous project. Town Administrator Fournier said this was true, but he wanted to confirm that they were still within those hours.

Council Chairman Levy asked if the cost for the web-site update was based on an hourly or project charge. Town Administrator Fournier said this was a flat fee, and the company would be transferring current information and adding new information. Council Chairman Levy said he was looking at the schedule and interviews for engineering firms were scheduled for June 24th with the negotiations to start on June 26th and thought this was

fairly quick turn-around time. He asked how many engineering firms had responded so far to the RFQs. Town Administrator Fournier said he didn't know the exact numbers, but more than one firm had responded to each. He added that the engineering firms were used to the scheduled timetable. Council Vice Chairman Bentley said he also did not want to spend any more money for Mr. Mayberry, but he had several questions and he didn't know who else could answer them. In reference to Councilor's question about reviewing non-public minutes, he asked if legal counsel would be consulted on some. Town Administrator said he would and, in addition, they might have to get permission from a person mentioned in minutes before their release.

Councilor Pike said that when the M-2 zoning change was originally discussed, there was a question of the changes being in opposition to the Master Plan, and some felt the Plan should be changed before the zoning. He asked if the Master Plan would be completed by the next meeting, and Town Administrator Fournier said that the Planning Board was trying to update one chapter a year and he didn't believe the chapter in question had been updated yet. Councilor Nazzaro said that even though the next meeting was a workshop, he would like to see the Council vote. He added that the Town Planner had sent answers to Councilors' questions and one stated that it is not legally binding to follow the Master Plan in making zoning changes. Councilor Pike said this was something he had talked about with townspeople and some felt there was some legal exposure if zoning was changed in opposition to the Master Plan. Councilor Nazzaro said this would be a good question to ask of Mr. Mayberry.

Council Chairman Levy suggested that Councilors get their questions for Mr. Mayberry to Town Administrator Fournier by Friday, June 7th. He asked that Mr. Mayberry send his responses to them before the meeting. Town Administrator Fournier said he would ask for the responses by Friday, June 14th so that he could circulate them to the Council before the meeting.

OLD BUSINESS: ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Council Chairman Levy said he would entertain a motion to accept Resolution #2012/2013 – 56 Authorizing the Town Administrator to Enter into an Amendment to the Agreement with the State of NH Regarding Exempting Social Security and Medicare Coverage from Election Workers. Council Vice Chairman Bentley moved to accept Resolution #2012/2013-56 and Councilor Nazzaro seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

NEW BUSINESS:

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Council Vice Chairman Bentley moved to appoint Janice Rosa to the Strafford Regional Planning Commission as an Alternate Planning Board Representative. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0. It was noted that the term will expire in March, 2016.

Council Vice Chairman Bentley moved to appoint Brett Johnson as an Alternate to the Zoning Board of Adjustment, term to expire March, 2016. Councilor Nazzaro seconded. Councilor Nazzaro said he had worked with Mr. Johnson on the Town Administrator Search Committee and he appreciated his involvement in public service. Council Vice Chairman Bentley agreed and thanked both candidates. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

Council Chairman Levy announced the members who would serve on the Water/Wastewater Committee. In addition to Town Administrator Fournier and Water/Wastewater Superintendent Greig, Council Vice Chairman Bentley and Councilors Wright and Carmichael had agreed to serve. Representatives from Dover and Rochester

will participate in the wastewater review only. Council Chairman Levy thanked them for their willingness to serve.

ORDINANCES/RESOLUTIONS IN THE 1ST READING

Resolution #2012/2013-61 Approving the Codification of Town Ordinances, (TA request to suspend the rules)

Council Chairman Levy read the resolution in full. Councilor Nazzaro moved to suspend the rules and Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

Councilor Nazzaro moved to approve Resolution #2012/2013-61. Council Vice Chairman Bentley seconded.

Discussion: Town Clerk/Tax Collector Benvenuti said that municipal codification will combine all the ordinances with the town charter to create a municipal code. The town's municipal code had last been updated in 2006. She explained that very few companies do this and one of the reasons that Municipal Code Corporation (MuniCode) was chosen was their willingness to come on site and meet with the Town Administrator, Town Attorney and others. She had brought examples of municipal codes, 2 of which were done by MuniCode and 1 by General Code. The proposal had asked for 20 volumes to be done and the adding of subsequent updates. In addition, MuniCode will post the code on the town's web site and offer a free service for 3 years whereby the town will have access to codes from other municipalities and be able to cross reference their existing ordinances to help in writing new or updated ordinances. In addition, Ms. Benvenuti said that MuniCode had been in business for 60 years, came in with the lowest annual cost and had the highest percentage of attorneys on staff. She had sent each firm the existing code and ordinances and the bids that came back estimated the cost on anywhere from 300 to 1,000 pages. She said there was one price that was a not-to-exceed, based on 800 pages and she adjusted the bids using that as a basis for comparison. MuniCode also had the lowest annual costs for updating the hard copy and electronic copy and adding supplements.

Discussion and Questions: Councilor Pickering asked who the neighboring towns used for this service, as he noticed there were only about 4 New Hampshire towns listed. Ms. Benvenuti said that they had eliminated a small, west coast firm at the beginning and received references from 3 companies, but she had no record of Durham having a codifier. She had requested 5 references from each of the companies, and had contacted Claremont, Concord, Meredith, Keene and Old Orchard Beach, ME who all use MuniCode. Town Administrator Fournier said that only charter communities have to codify ordinances, and that was why there were very few New Hampshire municipalities on the list. Councilor Nazzaro commended Ms. Benvenuti on her analysis and the clarity of the spreadsheet she had prepared. Council Chairman Levy said there was quite a variation in the number of pages and costs for adjustments up and down. He asked if Ms. Benvenuti had an idea of how many pages would be required for the municipal code, and if there was any reason that the bid didn't ask for a quote based on a certain number of pages. She showed examples of the 3 codes that she had brought, and said that part of her analysis dealt with format: whether the code was presented with dual or single columns and the width of the margins applied. She said that a single column format uses more pages and that MuniCode uses the smallest margins.

Town Administrator Fournier said the page numbers were difficult to determine. He and Ms. Benvenuti had looked at all the resolutions and ordinances that had been passed over the last 20 years of the Council to see what had been made part of the code and what still existed as ordinances that had not

been added. In addition all the planning and zoning ordinances would have to added, and any obsolete ordinances removed. To Councilor Pickering's question, Ms. Benvenuti said that the money to pay for codification had been budgeted for FY2014, and the company had been asked to hold their price until then. Council Vice Chairman Bentley thanked Ms. Benvenuti saying she had been a joy to work with and he appreciated her professionalism. He said that Portsmouth's gain was Newmarket's loss and he wished her every success. Ms. Benvenuti thanked him and said it had been an honor and a privilege to serve the town, adding that they had a great Town Administrator and she looked forward to seeing the community get better and better. She added that she would miss seeing people come to her counter. On behalf of the Council, Council Chairman Levy thanked Ms. Benvenuti for her service and wished her the best of luck in her new position.

Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

Resolution #2012/2013-62 Year End Budget Transfer for FY2013 (TA request to suspend rules)

Council Chairman Levy read Resolution #2012/2013-62 in full. Councilor Nazzaro moved to suspend the rules, and Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

Councilor Nazzaro moved to accept Resolution #2012/2013-62 and Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

Discussion: Interim Finance Director Angell said it was normal in municipalities to move between line items, and under state statutes, the Council had authority to do this. He said they looked at line items that were anticipated to be under spent for the year, mainly payroll and expenditures that they knew of, to come up with an estimate of what could be moved. He had included a list of changes to be made with the packet. He pointed to the Finance Department as an example, and said that one person had retired resulting in a surplus of \$12,000. However, within the department, the full-time salaries would be overspent because one part-time person had been made full-time, and money had to be moved.

Council Chairman Levy asked if \$387,525 was a realistic figure for the budget surplus, and Mr. Angell said it was not, but represented the amount to be moved from one line to another. Council Chairman Levy then asked what the estimated surplus would be. Mr. Angell said that they were still within \$1,000 of the \$125,000 surplus estimate from appropriations and so far revenues were \$122,000 higher than what had been budgeted. If revenues keep coming in over the next month, and they bring in another \$270,000 his educated guess was that the surplus would be over \$300,000 on the revenue side alone. He reminded the Council that next year's budget was closer to actual revenues received, and the surplus would not be as high. Council Chairman Levy said that unless there was something unforeseen, that they should have about \$300,000 at the end, which was a very good year, to which Mr. Angell agreed. Mr. Angell attributed the increase in revenues to a general loosening in the economy and an upward trend in car registrations, etc. Councilor Nazzaro said that in raising the revenues in next year's budget, they could not expect a large surplus and this year's surplus was essentially a one-time occurrence. He said that what they had before them was information they should have seen in the past and represented all the moves necessary to balance the line items.

Mr. Angell pointed out that when they saw savings in expenditures, it was largely due to staffing vacancies that had not been filled. He said it not mean that those line items could be cut because the positions have now been filled. Councilor Nazzaro said it was clear that the largest savings were in payroll, but asked if Mr. Angell saw any other areas he felt could be tightened for the next budget. Mr. Angell said he would be spending a lot more time on personnel costs and benefits and expenses such as

insurance and Medicare to get a more accurate picture. Town Administrator Fournier said the adjustments were for the FY14 budget. The \$45,000 savings in Welfare was the other large reason for the surplus in expenditures, but the amount in next year's budget had been reduced to reflect actual trends in expenditures. Councilor Nazzaro commended the Town Administrator, Finance Director, Department Heads, Council and Budget Committee for producing a tight budget and keeping expenditure close to revenues.

Council Chairman Levy said that even though they had increased revenues for next year's budget, and couldn't expect as high a surplus, it didn't mean there wouldn't be a positive effect on the town's side of the tax rate if they kept spending tight. Town Administrator Fournier said they had to remember that they had adopted a Fund Balance Policy which changes the way fund balance is used for tax rate setting. He said they now budgeted this ahead of time. The fund balance extra does not go toward reducing the October tax rate, but toward the following year and they would know the tax rate ahead of time and they would budget for the tax rate or stabilization. Councilor Pickering wanted to make it clear that they were only talking about the municipal side of a potential tax rate drop.

Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

Resolution #2012/2013-57 Authorizing the Town Administrator to Enter into an Agreement for Asphalt

Council Chairman Levy read Resolution #2012/2013-57 in full. He said he wouldn't ordinarily ask a question at a first reading, but wanted to know if they knew the total amount of the contract before the next meeting. Town Administrator Fournier said they would not know the total amount until the projects came up.

Resolution #2012/2013-58 Authorizing the Town Administrator to Enter into an Agreement for Granite Curb Stone

Council Chairman Levy read Resolution #2012/2013-58 in full. Councilor Pickering said this was for furnishing and installing and only 2 bids came in. He thought in the past, the town had installed the curbs themselves. Town Administrator Fournier said that since these ordinances were in the first reading, he didn't have staff available to answer, but DPW Director Malasky would be at the next meeting for discussion. Council Chairman Levy asked that the backup information on ordinances and resolutions be carried forward to the packet when they vote, which the Town Administrator will do.

Resolution #2012/2013-60 Increase of Sewer Rates

Council Chairman Levy read Resolution #2012/2013-60 in full.

Resolution # 2012/2013-59 Transferring Funds for the Downtown TIF Capital Reserve Fund

Council Chairman Levy read Resolution #2012/2013-59 in full. Town Administrator Fournier said he would give background information before the vote. Councilor Pickering asked if the rate on the 20 year bond could be renegotiated. Town Administrator Fournier said that because this was a first reading, he did not have the staff available to answer questions, but Mr. Angell will look into this for the next meeting.

Councilor Nazzaro said the old Council had adopted rules for business meetings and workshops and he didn't believe they had spoken about this to the new Councilors. If a Councilor had a question he could ask that the item be placed on the workshop agenda for discussion. Council Chairman Levy said he did

not expect answers to the questions he asked, but wanted to ensure that the back- up information carried forward to the discussion time packet, so the Council didn't have to go back and find it during the meeting. He said he felt it was good to give the Town Administrator advance notice of some of the questions that might be asked. Town Administrator Fournier said that in the 2 weeks in between the meeting or during the month between the first and second readings, Councilors could email questions to him. Council Chairman Levy said Councilors could email questions to the Town Administrator before the first reading, so that he could make clarifications if necessary.

Resolution #2012/2013-63 Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis

Council Vice Chairman Bentley read Resolution #2012/2013-63 in full. The Resolution is a scheduled topic for the next workshop.

Resolution # 2012/2013-64 Withdrawal of \$100,000 from the Municipal Transportation Fund for the Purpose of Road Maintenance

Council Vice Chairman Bentley read Resolution #2012/2013-64 in full.

Resolution #2012/2013-65 Authorizing Lot Line Adjustment and Access Easements for Heron Point Sanctuary (Wajda Family Trust)

Council Vice Chairman Bentley read Resolution #2012/2013-64 in full.

CLOSING COMMENTS BY TOWN COUNCILORS:

Councilor Nazzaro encouraged people to attend the Charter Commission Public Hearing on Monday, June 10th at 7:00 p.m. and give their input as to where they would like to see town government go and areas on which they think the Commission should focus.

To Council Vice Chairman Bentley's question, Councilor Nazzaro reported that there was a good turnout for the Veterans' memorial Golf Tournament, and they had raised about \$8,000. He thanked the participants and donors.

Council Chairman Levy thanked Councilor Nazzaro and all the sponsors of the Memorial Day Parade. He said he believed this was the first time that Councilors had marched, and he and Councilor Carmichael had participated. He said it was very moving and he considered it a privilege to participate.

ADJOURNMENT:

Next meeting will be June 19th, 2013, a workshop.

Council Vice Chairman Bentley moved to adjourn, and Councilor Carmichael seconded. Motion carried unanimously, and the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary



**Town of Newmarket, New Hampshire
Town Council Workshop
June 19, 2013 6:00 p.m.
Town Council Chambers**

- 3. Town Council to Consider Acceptance of Minutes**
 - b. June 5, 2013 Non-Public



**Town of Newmarket, New Hampshire
Town Council Workshop
June 19, 2013 6:00 p.m.
Town Council Chambers**

- 4. Review of Department Reports:** *(This is an opportunity for Councilors to ask questions on any given Department Report)*

STEPHEN R. FOURNIER
TOWN ADMINISTRATOR

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FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE *of the* TOWN ADMINISTRATOR

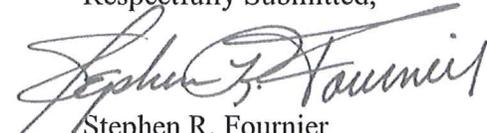
REPORT OF THE TOWN ADMINISTRATOR
June 19, 2013

Waste Water and Well Request for Qualification Process: We have received the Statement of Qualifications for the Waste Water Treatment Facility Upgrade and the Macintosh Well Development. We received two proposals for the Waste Water Treatment Facility project and four for the well project.

The next step is for the review committee to examine the documents and interview the possible firms.

Part-Time Finance Director: We have begun advertising for a part-time Finance Director. We have received some resumes and the closing date is June 28.

Respectfully Submitted,


Stephen R. Fournier
Town Administrator



Department Heads Monthly Reports to the Town Council and Town Administrator

Police Department

Activity:

As I have reported in previous months, call for service volume, arrests, reportable motor vehicle accidents and reported incidents of criminal activity are up over this period of time in 2012. We have continued to keep up with the increased volume of activity and our rate of resolving reported incidents, and our conviction rates continue to be high.

	<u>5/31/2012</u>	<u>5/31/2013</u>	<u>% Increase</u>
Dispatch Calls For Service	7411	9099	22%
Custodial Arrests	77	103	33%
Criminal Investigations	65	112	72%
Reportable M/V Accidents	34	40	17%

We have been very actively working with the Internet Crimes Against Children Task Force as we continue to investigate child exploitation on the internet occurring here in Newmarket.

Personnel:

There are no changes from last month to report and we are fully staffed.

Drug Task Force:

At the end of this month Detective Scott Kukesh will be returning to the Police Department on a full-time basis from his grant position on the Attorney General's Drug Task Force. At this time we will not be sending an officer to replace him, although we will continue to work very closely with the Drug Task Force on drug matters that effect Newmarket and the Seacoast. During his tenure at the Task Force, Scott gained a wealth of investigative knowledge, experience, and training which he can share with our officers here. His law enforcement contacts and experience will benefit the Town and its residents.

Newmarket Housing Authority:

Although we have enjoyed a long standing working relationship with the Newmarket Housing Authority’s Executive Director and his staff, recently we have been operatively exploring additional areas where we might improve safety and security for the residents of the Housing Authorities properties. We expect this new effort will improve the quality of life for the residents at Gordon Avenue and the safety of our officers who respond to calls for assistance at that location.

School Safety Grant:

Within the next couple of weeks the Police Department will be meeting with the Fire Department and the School SAU to examine a new round of grant funding becoming available to enhance school safety and security. I hope to be able to provide more information next month as to what programs we may be able to take advantage of.

E-911 Mapping:

Last month I was happy to report that the State of New Hampshire Department of Safety recently completed their multi-year project of GPS mapping and integrating it with the E-911 data base for the Town of Newmarket. This month I have received word that the State will be providing us with highly detailed maps of certain public buildings in Newmarket which emergency services can use for pre-incident planning and for major emergency response. These maps were completed for us as part of the grant and will be available to us within the next few weeks.

Current Year Budget:

As of the end of May we completed eleven months of the FY 2012-2013 budget. At the time of this writing we have expended approximately 85% of the appropriation and are on track to finish this year within budget. There are no line items currently over the budget expenditures that will negatively affect the bottom line of the Police Department Budget. I continue to anticipate that the operating budget, (non-personnel expenses), will be very close to the figure budgeted and I anticipate that personnel costs should be under budget at fiscal year’s end.

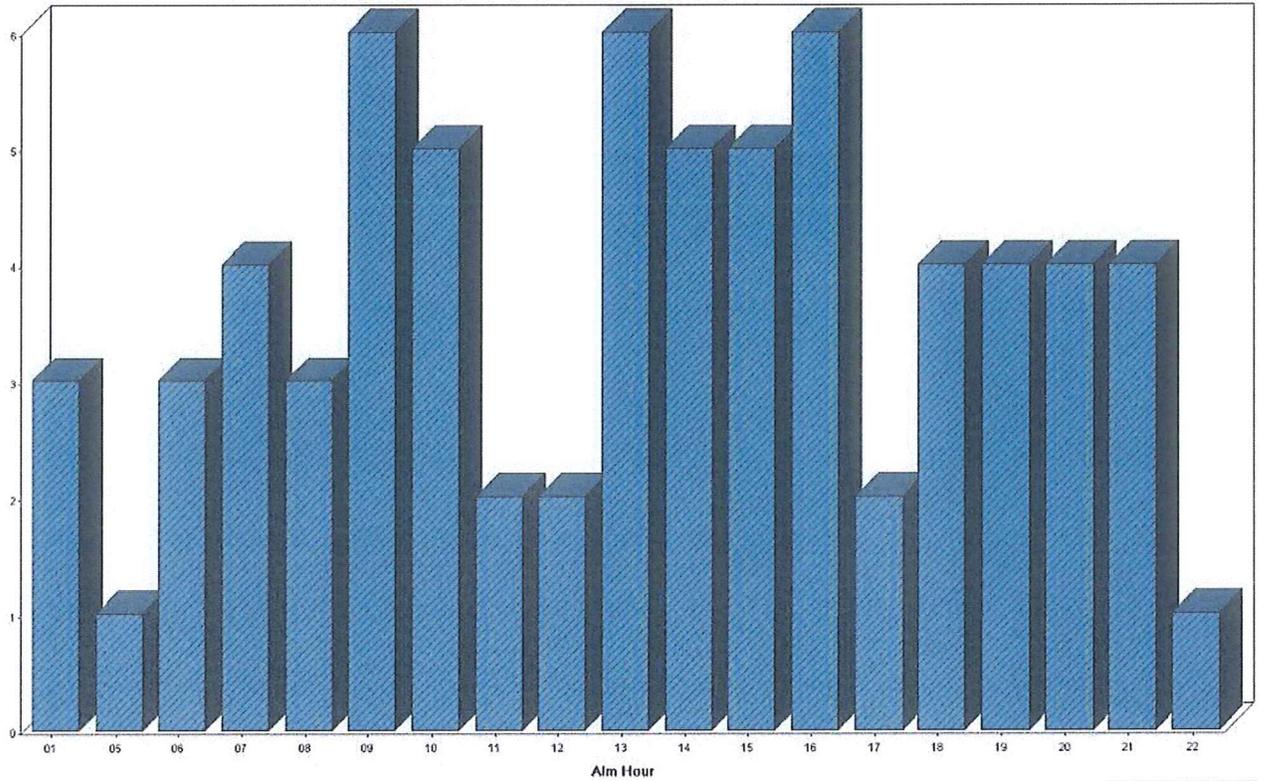
	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>Previous Year % Expended</u>
<i>Police Total</i>	1,251,496.98	131,045.01	1,053,472.49	198,024.49	84%	88%

Fire and Rescue Department

- For the month of May the department responded to 70 calls for service. Thirty-nine of those calls were medical calls, transporting 31 patients to area hospitals. The ambulance responded mutual aid to Newfields six times and Stratham three times. Engine 1 responded mutual aid to Durham for a structure fire and the ambulance was requested to Kensington for coverage while they were at a structure fire.
- I have attached charts with activity reports. The activity reports compare this year to last year and the activity for the month of May.
- The following individuals received letters of merit last week, along with lifesaving awards, for an incident involving an 8 month old that was found not conscious or breathing. The recipients were: Captain Doug Hamilton, Captain Bill Barr, Lieutenant Mark Pelczar, Firefighter/EMT Lenny Dube, and Firefighter/EMT Nick Gould. The crews quick response and actions saved this infants life on the early morning of March 27, 2013.
- On Saturday, May 25th crews were out on the Lamprey River conducting water rescue and boat training. This training was very beneficial to the department.
- No concerns at this point with my budget expenditures.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount</u> <u>Remaining</u>	<u>%</u> <u>Expended</u>	<u>Previous</u> <u>Year %</u> <u>Expended</u>
<i>Fire & Rescue Total</i>	304,590.20	24,874.91	261,999.21	42,590.99	86%	106%

Count of Incidents by Alarm Hour
Alarm Date Between (05/01/2013) And (05/31/2013)



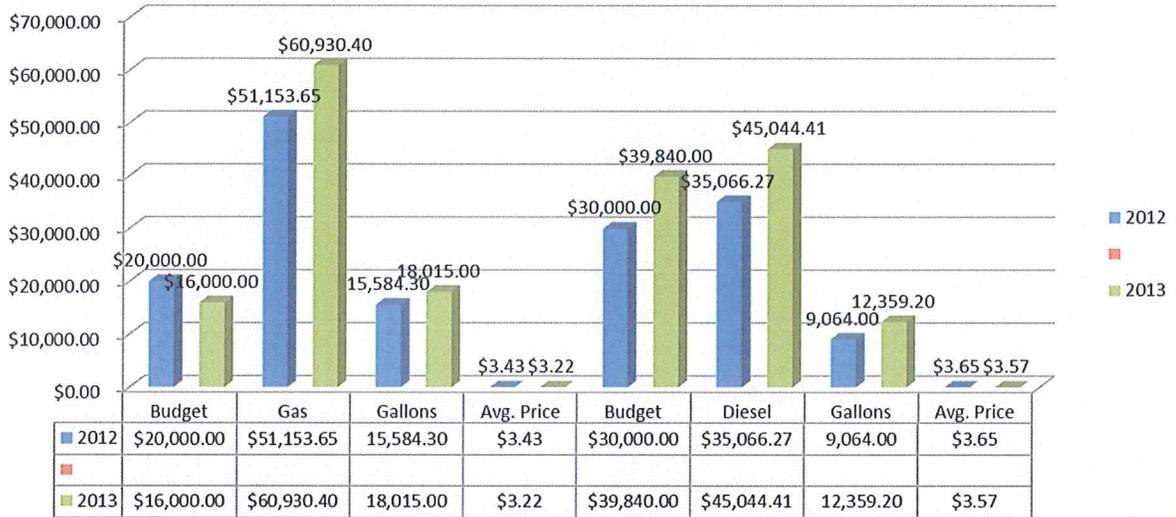
Public Works Department

- Crews started cleaning all the catch basins throughout town however, the weather has not been cooperating for the past few weeks and we are behind schedule a bit. Hopefully the weather will take a turn, for the dryer, soon. This has also hampered the painting of crosswalks and line striping throughout town. We are at 80% completion and this work is usually completed by Memorial Day.
- The request submitted to FEMA for \$36,489, from the February Snow Storm Nemo, has had final approval and the town should receive a payment for 75% of this request any day now.
- We have started some layout on Packers Fall Road for the upcoming sidewalk project that is scheduled to begin on July 1st. Crews will soon be out removing the existing asphalt sidewalk and replacing some old water service shutoff valves that need to be relocated for the new curbing.
- PSNH has started to install the new overhead power lines into the transfer station on Ash Swamp Road. This is being done for two reasons; PSNH is going through the process of increasing their rates for new installation, the increase pending approval from the PUC is 70%, and we currently have no power at the transfer station. Having no powers limits are options as to how we conduct business. With power we can look at other options that could be big cost savings for us in the future.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
Public Works Admin. Total	427,413.65	37,908.73	335,681.00	91,732.65	79%	70%
Roadways and Sidewalks Total	344,215.00	3,980.82	365,646.50	(21,431.50)	106%	89%
Street Lights Total	45,000.00	3,566.47	37,029.65	7,970.35	82%	81%
Bridges and Signs Total	500.00	0.00	0.00	500.00	0%	0%

Building and Grounds Total	445,727.80	45,238.87	378,240.38	67,487.42	85%	89%
Cemeteries Total	34,590.20	3,343.16	20,530.74	14,059.46	59%	65%
Vehicle Maintenance Total	192,540.00	18,326.88	160,925.39	31,614.61	84%	60%

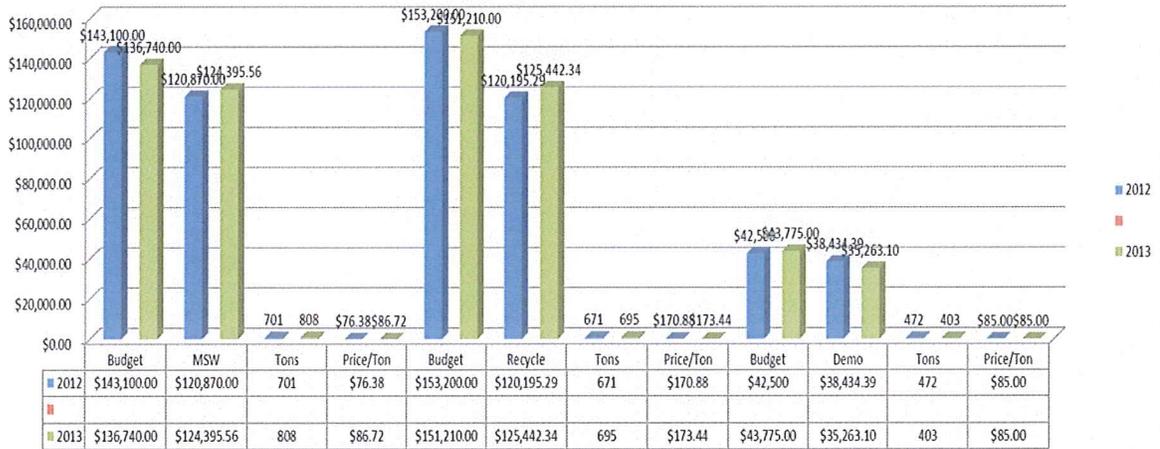
Public Works Department YTD Gas/Diesel



Public Works Department YTD Overtime/Contract Services



Public Works Department YTD Solid Waste



Public Works Department YTD Equipment/Vehicle Maintenance



Water System

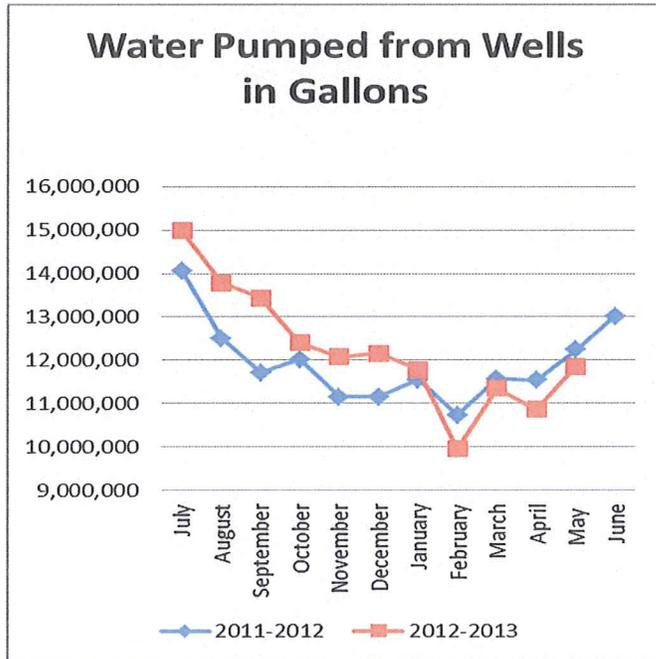
The Department direct mailed 46 engineering firms soliciting request for qualifications for the MacIntosh Well project. We received proposals from Hazen & Sawyer, Wright-Pierce, Weston & Sampson, and Hoyle & Tanner.

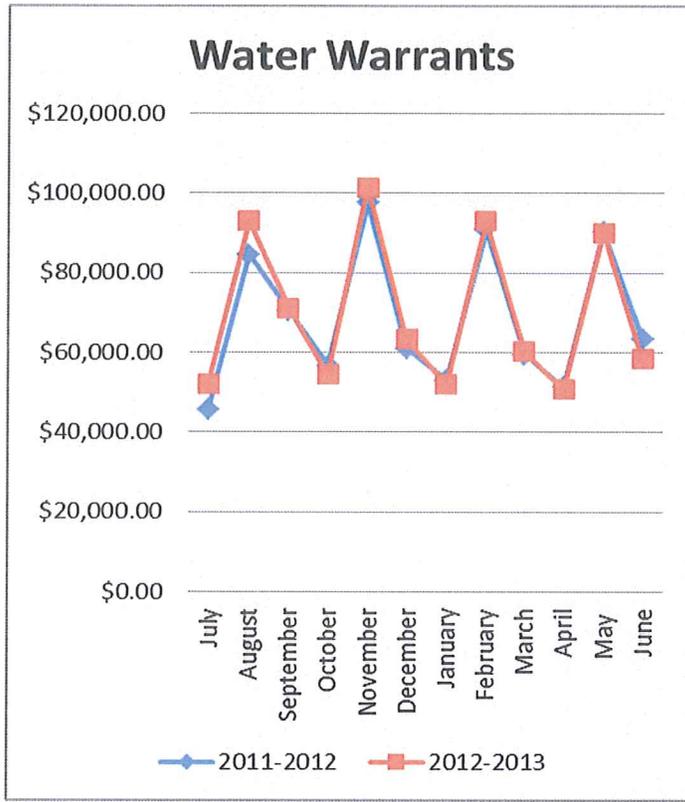
The Department will be meeting with the NHDES to discuss the soil contamination from the gas station at 35 North Main Street. We should be able to complete the North Main Street Water Main Replacement project specifications after the NHDES meeting.

The Department is working on replacing and repairing broken curb and valve boxes, valves, and hydrants.

May water loss: 4.67%

Water Loss Goal: 12.00%





	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
Water Total	843,230.15	19,365.37	731,213.35	112,016.80	87%	84%

Sewer System

The Wastewater Department violated its NPDES permit for the month of May.

1. Enterococci Max Day: Permit limit: 104 MPN

1.) May 3 - 122 MPN 2.) May 6 - 314 MPN

The Department has been having troubles with a secondary sludge pump that could be contributing to these permit issues. Parts are being ordered to rebuild the pump. We have replaced the ball checks on the primary pumps. This change has improved the effluent quality and reduced the Enterococci.

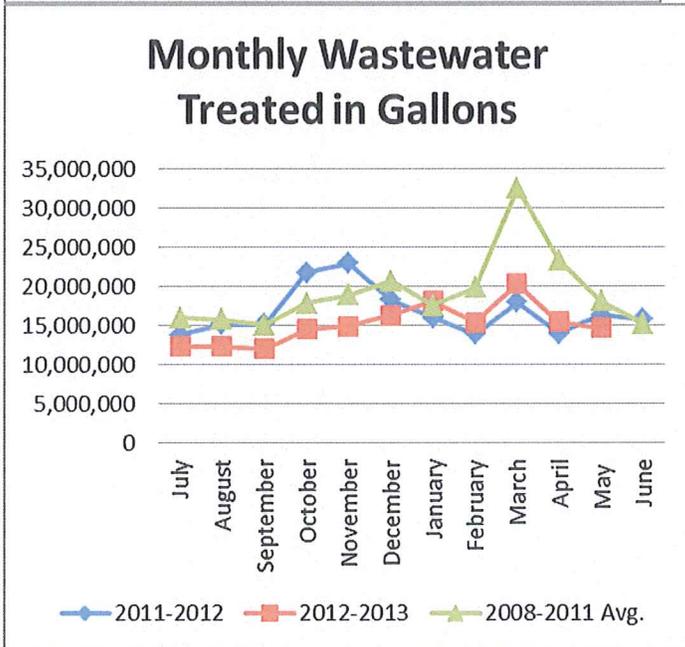
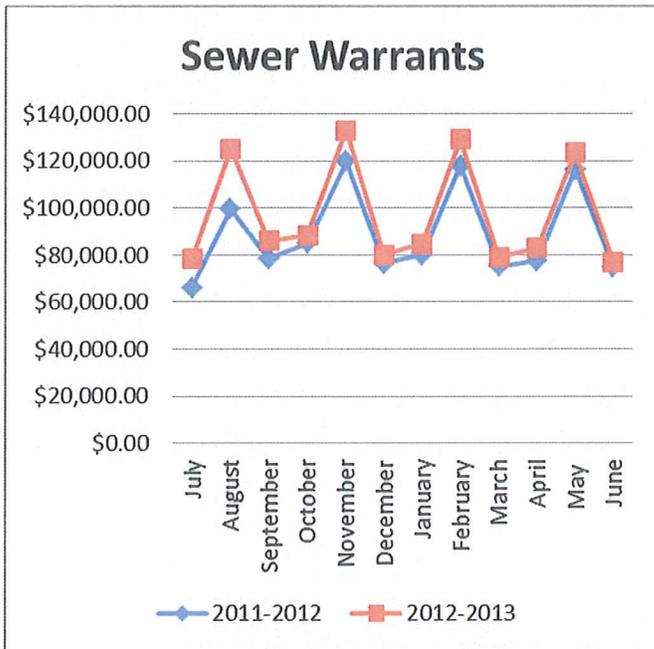
The Department direct mailed 46 engineering firms soliciting request for qualifications for the Wastewater Treatment facility project. The Town received proposals from Underwood and Wright-Pierce.

The Department has been working with Underwood Engineers to secure a funding package from Rural Development for the wastewater treatment facility. The application is complete and we are waiting for Rural Development's response. The response is expected on June 14, 2013.

The Department has advertised the Vac Truck Operator position opening. The Advertisement closes June 21.

The Department is working on a sewer system evaluation to meet its new NPDES Permit discharge requirements. The evaluation will be presented to the Council upon completion.

May Infiltration and Inflow (I/I): 170,555 Gallons/Day Year to date I/I: 148,850 Gallons/Day



	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
Waste Water Total	948,195.61	44,690.95	757,529.05	190,666.56	80%	86%

Information Technology

1. After having a bear of a time with a laptop used for training at the Police Dept, we decided to swap it out for a newer unit. The unit replaced was nine years old, so we definitely got our money's worth from it!
2. One person in Finance kept having little "power surges" and it was always messing up her computer. A little research determined that the battery backup under her desk was no longer functioning, so I was able to swap that out. This will allow her PC to live a longer calmer life
1. We had a main piece of equipment in the Channel 13 studio fail and for a few hours, we were completely offline. Some quick thinking by Chris Williams and our vendor, got us back up and going in a short time. We have the new equipment now and need to swap it in and return the loaner our vendor left with us.
2. We have begun the process of setting up a new webiste for the town using Virtual Town Hall, a popular choice among many local towns and cities. We will need to update a lot of content, menus, articles, and pictures. We are involving all Department Heads so we can get the most input as possible. I expect to see the new website rolling out somewhere in the early Fall.
3. Matt Angell has requested some remote access to Munismart so he can approve purchase orders when he is not in the Town Hall. I need to research this some more so we don't overly expose our network to all the hackers out there.
4. With the Schools having no technicians at all for a month, I have been offering what I can to stamp out the really big issues, and help keep things running as smoothly as possible.
5. I finished rewiring the Recrestitution Department, necessitated by the moving of Jim Hilton's office. A camera and controller needed to be moved, a phone and data jack also needed to be rerouted, and some of Jim's files on his PC were corrupt and needed to be rebuilt. The whole project took longer than we thought, but we wound up with a better solution.
6. I am working with one of our vendors so when the new fiscal year begins, I can start the process of replacing old equipment. This runs the whole gamut of items, from printers, telephones, PCs, cameras, and many other items. Some of this will go out to competitive bid and I am drawing that up as well.

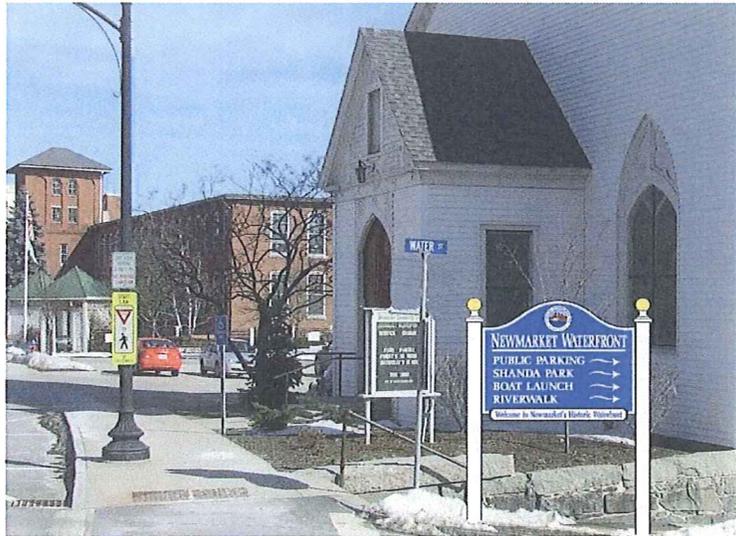
All in all another very busy month!

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
<i>IT Total</i>	128,244.16	7,989.28	103,269.68	24,974.48	81%	91%

Building Inspector/Code Enforcement Officer

Current Activity

- Current Activities
- A concerted effort has been made to close out long-standing open permits. We have 94 open permits, many are active, however some have been completed but have yet to receive a satisfactory final inspection.
- A downtown site walk was conducted with the Planning and Zoning Director and the Town Administrator. Numerous issues and opportunities for improvement were discussed. Positive outcomes are in the works.
- We have continued our efforts for improved Water Street signage. The Newmarket Business Association has contributed \$1600 towards this effort and a deposit has been made with a local sign vender. The Newmarket Community Development Corporation has pledged \$1200 towards the \$3200 project. No taxpayer general funds will be used for this initiative.



- Five post-style bicycle racks have been ordered. The Newmarket Business Association donated close to \$600 for this initiative. Matt Angell, on behalf of Angell and Company, LLC, also donated close to \$200 for a bike rack. The total acquisition cost of this initiative is \$888; the Town’s share is \$128. On the right is an image of the bike racks ordered, however our will be black, in context with the other downtown site furnishings.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
<i>Code Enforcement</i>	68,908.00	7,526.03	51,324.58	17,583.42	74%	94%
<i>Total</i>						

Report of the Town Clerk - Tax Collector

	CURRENT YEAR		PREVIOUS YEAR	
	2012-2013		2011-2012	
<u>PROPERTY TAXES</u>				
Total Amount Billed-1st Billing	8,725,668		9,483,369	
Uncollected* - As of May 31	8,385,380	96.10%	9,125,509	96.23%
Veteran Tax Credits	175,500		174,500	
Eld./Blind/Disable/Energy Exemptions	7,437,100		7,427,100	
Exemptions Resulting Tax Credit	176,036		187,980	
*Due Dates:	07/01/13		07/02/12	
<u>WATER & SEWER</u>				
Water Billed - 2013	348,060		346,065	
Sewer Billed - 2013	500,982		467,152	
Total Uncollected - As of May 31	248,598	29.28%	234,870	28.88%
<u>Liens - 2 years prior to Deeding</u>				
Property Tax Amount Liened	248,049		270,860	
W/S Amount Liened	81,699		58,651	
# Properties Liened	127		134	
Uncollected - As of May 31	293,256	88.93%	310,167	94.13%
<u>Liens- 1 year prior to Deeding</u>				
Property Tax Amount Liened	270,860		263,574	
W/S Amount Liened	58,651		57,409	
# Properties Liened	134		123	
Uncollected - As of May 31	162,227	49.23%	139,443	43.44%
<u>Motor Vehicle ("MV")</u>				
Revenue - As of May 31	1,024,318		983,738	4.13% Increase
<u>Other Town "Non-MV" Revenue</u>				
Revenue - As of May 31	1,135,530		1,088,696	4.30% Increase
<u>STATE NH Revenue (MV, Vitals, Boats, Dogs)</u>				
Revenue - As of May 31	442,348		527,692	-16.17% Decrease Decrease due to repeal of \$30 Surcharge

TAX COLLECTOR

- 2013 1st Issue Tax Bills Due 7/01/13
- Waiting software development to take 'VISA' payments at Counter & online for water/sewer.

- Pursuant to statute, audit to be completed of Tax Collector records (tax collector resignation)

TOWN CLERK

- Work ongoing for Municipal Codification
- Plans further delayed to be online with NH DMV for boat registrations
- Preparing for Civil Forfeitures for 2013 Dog Licenses
 - 1250 total dogs; 1005 registered to date

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
<i>Town Clerk - Tax Collector Total</i>	177,879.82	20,753.71	154,231.06	23,648.76	87%	86%

Welfare

- New Welfare Inquiries Not resulting in applications but in referrals 37
- Ongoing cases that are requiring case management 16
- Total new (first time to this office) applications received this month 11

Notes:

Evictions are increasing with the warmer weather- we have several homeless cases, which are labor intensive. Unfortunately once someone or a family has been evicted it is hard to find them suitable housing- many landlords will not rent to a tenant with an eviction on their record.

We have partnered again with evaluating the recreation camp scholarship financial applications at Jim Hilton’s request. I am meeting with the school personnel, Jim and clients to determine who is eligible for this type of assistance. It is my understanding that these scholarships are funded entirely from donations for this purpose to the recreation department. This year the number of applications for this scholarship far exceeds that of previous years. One challenge that has been coming up is that families are asking for scholarships for camps outside of the Town Recreation Department program. They hear that there is funds for camp scholarships and they want to attend another camp- the Y camp, or Seacoast Science Center etc. I am then forced to explain our camp scholarships are limited to the Town Recreation program. This request for outside Town rec-camp has been particularly notable in working families of limited socio-economic means. The rationale that I am hearing is that the hours of the Town Rec. Camp 8:30-4 does not allow for a working parent to work an 8 or 8.5 hour shift, nor does it allow for commuting time. The majority of other camps/recreation programs have before and after care to accommodate working parents or an 8 hour program with staggered drop-off/pickup times. This issue is not just impacting scholarship applications but parents who are seeking care for children during the summer and cannot utilize the recreation program because of the limited hours. Some parents who work minimum wage jobs or just above minimum wage jobs are taking the summer off and indicating that they will then be seeking town assistance with an electric bill because they cannot find affordable care for their child and the Town Recreation program does not work for them-(even with scholarship assistance) if for instance, they work at McDonalds in Portsmouth, or the Mall in Newington.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
<i>Direct Assistance</i>	113,200.00	1,967.35	31,445.55	81,754.45	28%	28%

Planning Department

Planning Board Activities

Re-zoning Proposal. This concerns the Planning Board's recommendations regarding a proposal to re-zone a portion of the B-1 and R-2 Zoning Districts to expand mixed-use functions within the downtown to promote positive economic development. The first reading of the ordinance was held on February 6, 2013 and a second reading and public hearing was held on February 20, 2013. The proposal was tabled at the March 6, 2013 Town Council meeting. Town Planner Diane Hardy has provided a memorandum to the Town Council in response to questions raised by the Town Council relative to the proposed M-2 Zoning. Bruce Mayberry has provided a review of demographic and fiscal impacts related to the proposed re-zoning. Both Ms. Hardy and Mr. Mayberry will be present at the Town Council workshop meeting on June 19 to review the results of this research and to address questions and concerns raised by the Town Council.

Landscaping Regulations. A draft of the landscaping regulations to be included in the Town's subdivision and site review regulations was circulated to interested developers, engineers, the Conservation Commission, the Tree Warden and others for comments and feedback. Nine (9) sets of responses were received. The committee, assigned to this project, is evaluating the comments and will recommend modifications to the ordinance, as appropriate. This will be taken up for discussion at a future Planning Board meeting.

Procedures and Policies. A subcommittee of the Planning Board has been set up to work with the Town Planner and staff on revised procedures and policies to streamline the development review process.

Applications. The following applications were considered at Planning Board meetings on May 14 and June 11, 2013:

Newmarket Mills, LLC - Application for Major Site Plan, at Main Street, Tax Map U2, Lots 60A and 61, B1 Zone. The proposal is to construct a single story, 9,600 sq. ft. commercial building near Spring St at the west end of the Newmarket Mills parking lot. The structure will house various businesses, including a small grocery, restaurant, and retail shops. The application is being reviewed by the Technical Review Committee. An update was provided at the June 11, 2013 meeting and the application was continued to the meeting of July 9, 2013.

Newmarket Mills, LLC - Public hearing for an application for a lot line adjustment at Main Street, Tax Map U2, Lots 56C, 57, and 61. The proposal is to decrease Lot 56C by a total of 944 sq. ft. by adding 338 sq. ft. to Lot 61 and 606 sq. ft. to Lot 57. Also, 1617 sq. ft. will be taken from Lot 61 and added to Lot 57. The zone is currently B1 (a proposed zoning amendment to change the zoning from B1 to M2 is under consideration by the Town Council at the time of this notice). The application was approved by the Planning Board at its meeting on May 14, 2013.

The Wajda Family Real Estate Trust/Cathleen A. Zocchi & Karl M. Wajda Trustees and the Town of Newmarket - Public hearing for an application for a lot line adjustment, at 18 Lamprey River Park & Heron Point, Tax Map R2, Lots 86-18 and 119, R2 Zone. The proposal is for the conveyance of a 50' x 100' lot to the Wajdas to address a mobile home encroachment issue and an easement to the Town to clarify public access rights to Heron Point. The application was conditionally approved by the Planning Board at its meeting on June 11, 2013. A resolution authorizing the lot line adjustment and access easement for the Heron Point Sanctuary has been placed on the Town Council agenda. It is anticipated that this will be considered at the July 10, 2013 Town Council meeting.

Bronstein & Stubendorff - Public hearing for an application for lot line adjustment and subdivision, requested by Arna B. Bronstein at 2 Gonet Drive, Tax Map R2, Lot 12, and James and Melvin Stubendorff Rev. Trust, 6 Gonet Drive, Tax Map R2, Lot 11-22, both lots located in the R-1 Zone. The proposal is to adjust the lot line such that 0.321 acres is transferred from Lot 11-22 to Lot 12, then Lot 12 will be subdivided into two residential lots. This application was approved at the Planning Board meeting on May 15, 2013.

Chinburg Builders, Inc. – The Planning Board had a design consultation session with the developer and his engineers regarding plans to develop a residential open space design subdivision, involving 52 housing lots, at the site of the “Rockingham County Club” at 200 Exeter Road at the June 11 meeting.

Master Plan Update

- The subcommittee, which has been working on this project, will continue its work and hopes to have a draft of the Future Land Use Chapter completed by June 30, 2013. The “Future Land Use Chapter will include a climate adaptation and resiliency focus. It will identify community vulnerabilities and establish goals to protect coastal infrastructure and resources from future flooding hazards. There is interest in conducting some kind of visioning session as part of this project to help define the community’s goals for future land use, possibly in conjunction with a similar effort being undertaken by the Town’s economic development committee.

Zoning Board of Adjustment

- The Zoning Board of Adjustment met on April 8, 2013 on the application of William Pothier for Special Exceptions and Variances to permit the expansion of a non-conforming boat house and accessory building. The ZBA granted a variance and special exception to allow the vertical expansion of the structures, but denied the special exception that would have allowed the horizontal expansion of the structures. The applicant requested a re-hearing of the application and the Zoning Board of Adjustment at its meeting on Monday, May 20, 2013 denied the request on the basis there was no new information presented. The applicant has until June 20, 2013 to appeal this matter to the Rockingham County Superior Court.

- An application has been filed by Joseph and Elizabeth Valinski for variances to permit the construction of a retaining wall in the front yard of their property at 32 Huckins Drive, Tax Map R5, Lot 107, R2 Zone in a wetland buffer. This will be taken up at the June 27, 2013 meeting.

Special Projects

Pedestrian Bridge. The Steering Committee met on March 28 to discuss possible alternatives to the project, following a meeting with representatives of NH DOT on March 6, who had concerns relating to the latest design concept, the budget shortfall and hours of operation. The committee decided to continue to seek alternative funding and to pursue the original design concept, which means the Town would have to raise and seek additional funding in the amount of \$600, 000 - \$720,000 as the project budget with federal funds is capped at \$631,950 dollars. The existing Transportation Enhancement (TE) funds for this project have a limited time frame due to the expiration of the TE program under MAP-21, the new federal transportation program. All TE funds must be under contract by September 2015. It is the expectation that Dubois-King will complete the feasibility study recommending the Stair Tower/Sky Bridge design alternative this summer. The committee voted at a meeting on March 28 to continue efforts to raise funds for the project. The staff will be meeting with the NH Department of Transportation within the next couple of weeks about the possibility of using federal Highway Safety Improvement Program (HSIP) funds to supplement existing funding. The Town will need to conduct a Road Safety Audit (RSA), which is a pre-requisite for acquiring HSIP funding. NH DOT needs to have a commitment by July 24, 2013 on whether the Town can raise the additional funds for the project as envisioned or risk losing the grant funds that have been earmarked for this project.

Macallen Dam

Repair of Dam and Letter of Deficiency. The Wright Pierce engineers have completed the Dam Breach Analysis. On March 5, 2013, the NH Department of Environmental Services approved the methodology that was used to determine the 100 year flood. It was established at 10,259 cfs. Wright Pierce engineers will present the results of their analysis and the potential cost implications at the June 19 Town Council workshop.

Dam Removal Feasibility Study. The Macallen Dam Removal Committee met on May 6, 2013 and concurred with the revised work scope and proposed cost proposal provided by Gomez and Sullivan. A resolution was presented at the June 5 Town Council business meeting for a first reading to authorize the Town Administrator to enter into a contract with Gomez and Sullivan of Henniker, NH in the amount of \$82,389. The Town Planner, members of the committee, and Gomez and Sullivan will attend the Town Council workshop on June 19, 2013 to give an overview of the project and answer any questions the Town Council may have. We hope to have a signed contract with the consultant by the first business meeting in July, so the work of the feasibility study can proceed, shortly thereafter. We have requested a one year extension from The Conservation Law Foundation on the \$40,000 NOAA grant to allow the dam feasibility study

to be completed by April 2014. At this time, there are \$85,000 in grant and local funds available to complete this project.

Tree City Program. The ‘Linked Together’ children have postponed the Arbor Day event until Fall 2013.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
Planning Total	119,168.60	19,570.97	102,895.78	16,272.82	86%	73%

Finance Department

Department's primary function:

- Process accounts payable, payroll, and accounts receivables not under the control of the Tax Collector.
- Monitor human resources, fiscal budget, and financial analysis and forecasting.
- Providing financial assistance and analysis to Town Departments.

Essentially, we are the “fiscal watchdog;” however, we are mindful that we are simply a service organization to other departments and the Town’s elected leaders.

Projects have been segregated into two groups, where “major” projects require most of our attention, while “minor” projects does not.

Major Projects

- Personnel manual update – Project has been moving forward, as the Town has hired an intern. We have begun to research the laws for each of the sections within the manual.
- Chart of account revision – I am in the middle of a quick rewrite to make the account structure smaller and use the “short code” within the software.
- Utility Assessment – We have begun a multi-year project to evaluate energy usage of Town owned property. To begin the project, we have begun to collect energy usage data that will be used to help guide us on selecting energy saving devises/equipment. Also, we have reached out to a committee of local governments that is dedicated to evaluating energy usage, suggest energy saving tips, and suggest funding sources.
- Purchasing Webpage – We have begun creating a page on the Town’s website that will contain all of the Town’s bidding information. Since it will mirror our internal files, it will become our main resource for notifying and monitoring the Town’s procurement process.

Minor Projects

- 2013 Audit – We have begun providing documentation for the 2013 financial statement audit.
- Accounts receivables (non-tax related A/R) – We continued our monthly receivable collections efforts. We have brought a small claims resolution to the Town Council for an unpaid A/R.
- Eviction – The Town took possession of the condo on June 4th. It has been cleaned of debris; however, we became aware of another person having possession of the garage associated with the condo. We have begun evicting the person in possession of the garage. Hopefully, the condo and its related garage will be free of tenants by July 10th.
- Electric rate analysis – The Town has issued an RFP for electric rates, which will close on June 28th.
- Planning for the end of FY 2013 – We have devoted a lot of effort towards projecting our year-end performance. We have spoken with key departments regarding their budget expectations, which include both revenues and expenditures. Also, we have devoted attention towards opening up FY 2014 in our accounting software.

- New Impact Fee Reporting – We are beginning to gear up for implementing new impact fee reporting. Annually, the Town must publish a report of impact fee collections, expenditures, and current balance by parcel with date of collection within 60-days after year-end. Although we provide this information to the Town Council and Departments monthly, we will be combining the monthly reports into an annual report for public consumption.

Financial Highlights:

- Motor vehicle permits for through April 2013 are \$1,024,089 or 99% of budgeted revenues. We continue to believe MV revenues will be strong through the remainder of the fiscal year.
- \$1,220 of building permits were collected in the month of May, which they have exceeded the annual revenue budget by \$10,951. We see this as a good sign that people are again investing in their homes. See Code Enforcement Department's report.
- State revenue has come in greater than projected. During the past several years, we have seen a reduction in our 4th quarter Highway Block Grant payment, which did not occur this year. As a result, the Town collected \$13,300 above our budgeted amount.
- Ambulance revenue came in at \$173,992, which is 151% of budgeted revenues. It appears that revenues have begun to flatten; however, we cannot accurately anticipate this need. Pursuant to the Town Meeting Article that created this fund, \$45,000 needs to be transferred into the fund, which the FY 2013 transfer actually occurred during FY 2012. As a result, no transfer will be required this year and any surplus revenue will ultimately increase the unreserved fund balance.
- Total Water revenues came in at \$888,181, which represents 101% of its budgeted revenues.
- Wastewater revenues came in at \$1,104,886, which represents 119% of our budget. The increase in revenue is a direct result of increasing the wastewater rates. This increase is expected and is the direct result of upgrading the wastewater plant.
- Expenditures are at expected levels with the following notations:

We continue on a planned turnback of appropriations for \$125,000; however, our positive outlook on this estimate is weakening.

Although we are taking every effort to project year-end, we cannot guarantee year-end performance.

Please note, that the Town Council voted in June to move budgeted funds from one line-item to another. Therefore, our discussion below is based upon the pre-movement of funds. Expenditures against appropriations continue to track at expected levels, except for the following:

- Human Resources – Workers compensation is above expected amounts, which is due to an increased rate that was not known during our budget setting process.
- Code Enforcement – Part-time salaries are below expected amounts, which is due to vacancies and a deferent pay rate than budgeted. We expect this department as a whole to be under budget.

- Direct Assistance – Direct Assistance is below expected amounts; however, we are seeing an increase in need, especially heating costs. This department is expected to come in under budget.
- Assessing – Part-time salaries are below expected amounts, which is due to vacancies. We are expecting this department to come in at or below their budget.
- Legal – Legal is over budget, which is expected. It is currently over by roughly \$18,000. However, we have endeavored to reduce our legal needs and minimize the budget impact.
- Roads and sidewalks – This department is over budget, which is expected and due to snow removal. We will be bringing a Resolution before the Town Council to adjust the budget among line-items, which will remove the over budget situation.
- Street Lights – Street lights are coming in under budget. We are looking closely at this situation, which we expect it to come in under budget.
- Water – Water is at expended spending levels, despite a high percentage of budget consumed. Water has several line-items that are spent early in the fiscal year, which skew ongoing analysis. Regardless, we are expecting water to come in at budget.
- Recreation – We have spent considerable effort with this department to determine its year-end performance. I expect this department to neither increase or decrease its fund balance, which is a positive comment. Essentially, it is currently operating like a revolving fund (generating enough revenues to cover its costs).

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Remaining</u>	<u>% Expended Previous Yr</u>
Finance Total	219,607.20	18,303.24	187,855.68	31,751.52	86%	91%
Human Resources Total	1,260,830.89	130,772.02	1,140,450.11	120,380.78	90%	82%

Recreation Department

Recreation Revenue for the 2012-13 fiscal year continues to run ahead of last year's monthly reports with 150,799.47 total revenue collected at the end of May 2013. This is a 28,836.86 dollar increase over the amount of revenue collected at the end of May 2012. In just 10 days into June 2013 the department has collected \$12,253.62 in revenue. The Recreation Department expenses are also running on schedule with 78% of the total budget expended to date.

The Recreation Department Wanna Iguana Day Camp program has been accepting campers since the beginning of March 2013. As of June 10th there are 177 campers enrolled for Day Camp. There is still three weeks left for sign ups before camp which begins on July 1, 2013. Numbers are up from last year at the same time period by about 30 campers. We are forecasting that the camp enrollment will be around 185 to 195 participants in 2013, up around 25 more campers than the 2012 numbers.

The 24th Annual Fishing Derby will be held this coming Saturday on June 15, 2013 from 7:00 AM-12:00 PM. It is expected that over 100 children from Newmarket will be registered this year. The event is tri-sponsored by the Recreation Department, the Conservation Commission, and Boy Scout Troop 200. The fundraiser drive for prizes has been very good this year and the event will be held as usual at Amanda DeBlauw's pond on 61 Langs Lane.

Spring sports are winding down at Newmarket Recreation in 2013. Preschool T-Ball for 3 and 4 year olds will be completed this week. The 5 and 6 year old Tee-Ball League for children has two more weeks because of rain cancellations. Lacrosse and spring flag football finishes next week. Hershey Track and Field had its local track meet on Monday, June 10th and the Hershey Track and Field Regional meet will take place at Dover High School on Saturday, June 22 with 15 participants. Loco Sport has purchased 15 new track uniforms for the team this year as a sponsor of the team.

On May 9th the 2nd Sunrise Sunset Center Special utilizing the recreation bus picked up and dropped off 10 riders. I would like to recommend to the Council that we continue the Recreation bus pick up on June 13th and then resume in September. The Recreation Bus will be used for day camp in July and August and Meals on Wheels is working with Lamprey Health care for possible coverage for those two months which looks very promising.

The Newmarket Recreation Department has been asked to take over Recreation Soccer from the Newmarket Youth Soccer Association who will focus on its ever expanding travel soccer program. This program will be run with volunteer coaches. Over the last 4 years the recreation soccer program has averaged around 160 participants which will be broken down into 16 teams. The teams will play on Saturdays for 8 weeks beginning the week after Labor Day. This new revenue source will bring in around \$6,000.00 and help balance the department's revenue sources over the course of the fiscal year instead of heavily relying on Day Camp at the end of each fiscal year. Registration will begin at the end of June 2013.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Used</u>	<u>% Expended</u> <u>Previous Yr</u>
Recreation	393,938.40	31,037.08	307,788.36	86,150.04	78%	80%



**Town of Newmarket, New Hampshire
Town Council Workshop
June 19, 2013 6:00 p.m.
Town Council Chambers**

- 5. Town Council to Consider Reports from Council Rep Committees**



**Town of Newmarket, New Hampshire
Town Council Workshop
June 19, 2013 6:00 p.m.
Town Council Chambers**

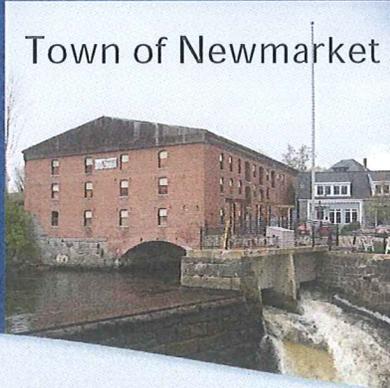
6. Discussions/Presentations

a. Macallen Dam:

- i. Presentation from Wright Pierce on Dam Breach Analysis
- ii. Discussion on Resolution #2012/2013-63: Acceptance of a Grant from the Conservation Law Foundation and Authorization of the Town Administrator to Enter into an Engineering Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis

Macallen Dam Final Report - Dam Breach Analysis

Town of Newmarket



Presented by:
Ryan T. Wingard, P.E.

WRIGHT-PIERCE 
Engineering a Better Environment

Scope of Services

May 2008 Letter of Deficiency from NHDES

- Structural Investigation of Dam
- Preliminary Construction Cost Estimate
- Dam Breach Analysis
- Dam Classification
- Inundation Mapping
- Spillway Capacity Analysis

Macallen Dam - Newmarket, NH

WRIGHT-PIERCE 
Engineering a Better Environment

Analysis – Recent History

- 05/10 – Preliminary Dam Breach Analysis
- 06/10 – Reclassification Request (H-S)
- 09/10 – NHDES denies reclassification and 100-year flood flow (8,302 cfs)
- 07/12 – Revised flood flow (10,350 cfs)
- 09/12 – NHDES denies flood flow
- 02/13 – Revised flood flow (10,259 cfs)
- 02/13 – Final Report
- 03/13 – NHDES Approval

Macallen Dam – Newmarket, NH

WRIGHT-PIERCE 
Engineering a Better Environment

Structural Investigation

- Visual inspection **November 2009**
- Recommendations for repairs needed within 2 +/- years
- Repairs required for **maintenance of existing structure**
- Additional modifications will be required to pass the **design storm flows**

Macallen Dam – Newmarket, NH

WRIGHT-PIERCE 
Engineering a Better Environment

Estimated Construction Costs

- Phase I
 - Gate Structure
 - East Retaining Wall
 - \$234,000*
- Phase II
 - Dam Structure
 - West Retaining Wall
 - \$315,500*



*Adjusted to April 2013

Macallen Dam – Newmarket, NH

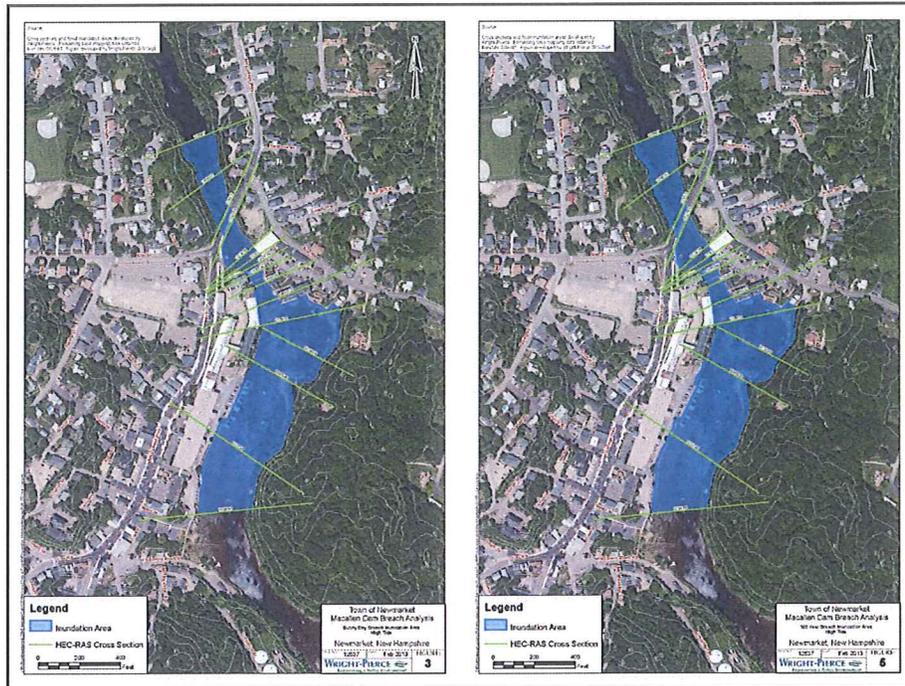
WRIGHT-PIERCE
Engineering a Better Environment

Breach Analysis

- Confirm NHDES Dam Classification
 - Remains High Hazard
 - Building foundation and dam abutment integral
- Updated Inundation Mapping
- **Verify Spillway Capacity**
 - Required to pass IDF (100-year = 10,259 cfs)
- Verify Impact of Route 108 Bridge

Macallen Dam – Newmarket, NH

WRIGHT-PIERCE
Engineering a Better Environment



Spillway Capacity Analysis

- Required to pass 100-year (10,259 cfs)
 - With 1 foot of freeboard without operations
- Existing conditions
 - Overtopped by 1.7 feet with gates open
- Requires spillway modifications to pass the 100-year flood flow with 1 foot of freeboard without gate operations

Macallen Dam – Newmarket, NH

WRIGHT-PIERCE 
Engineering a Better Environment

Alt	Description	Crest Elev.	Crest Length	Freeboard	Feasible	Cost
Ex.	Existing	22.18	70	-5.84	No	\$0
1	Increase Spillway Length	22.18	350	1	No	N/A
2	Lower Crest Elevation	12.59	70	1	Potential	\$1.1M
3	Increase Spillway Length and Lower Crest Elevation	17.30	140	1	Potential	\$2.9M
4	Raise West Abutment and Increase Spillway Length	22.18	265	1	No	N/A
5	Raise West Abutment and Lower Crest Elevation	14.39	70	1	Potential	\$1.3M
6	Raise West Abutment, Lower Crest Elevation and Increase Crest Length	19.10	140	1	Potential	\$3.0M
7	Raise West Abutment, Lower Crest Elevation, Increase Crest Length and add 3' Tall Crest Gate	22.18	140	1	Potential	\$4.6M

Spillway Alternative Notes

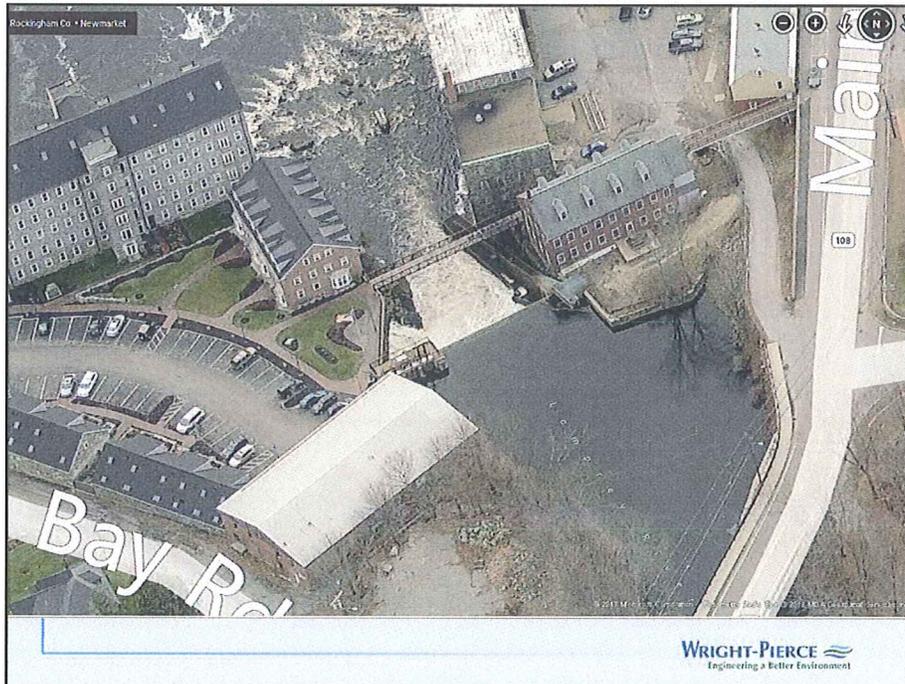
- Spillway length vs. site constraints
 - 70 feet to 350 feet
- Lower dam crest vs. partial dam removal
 - 22.2 feet to 12.6 feet (9.6 foot drop)
- Crest gate vs. "No Operations"
 - May not be in accordance with NHDES rules
- Costs include \$234k for recommended Phase I structural repairs

Another Alternative May Exist

- Overtopping
 - Allow water to flow around spillway
 - May need to armor overtopped area
 - Will require geotech and structural analysis
 - ♦ Impacts to existing paved area?
 - ♦ Impacts to existing buildings?
 - ♦ Analysis of weak points
 - ♦ Depends on depth, duration, and velocity
 - Depth = 2-3 feet
 - Duration = unknown
 - Velocity = 2 feet/sec

Macallen Dam – Newmarket, NH

WRIGHT-PIERCE
Engineering a Better Environment



The Take Home Message

- \$234k to address existing structural repairs (Phase I)
- Spillway modifications required to pass the 100-year flood flow (10,259 cfs)
- Alternatives range from \$1.1M to \$4.6M*
 - Consider site constrains
 - Potential dam removal
- Overtopping could be considered

*includes \$234k for structural repairs

Macallen Dam – Newmarket, NH

WRIGHT-PIERCE 
Engineering a Better Environment

Questions & Answers

WRIGHT-PIERCE 
Engineering a Better Environment

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution # 2012/2013-63

**Acceptance of a Grant from the Conservation Law Foundation and Authorization of the
Town Administrator to Enter into an Engineering Contract for the Lamprey River Macallen
Dam Removal Feasibility and Impact Analysis**

WHEREAS, the Town of Newmarket has owned the Macallen Dam since 2004 and the New Hampshire Department of Environmental Services, Dam Safety Bureau issued a Letter of Deficiency (LOD) in 2008 (revised in 2010) requesting the Town to correct deficiencies in the dam, with immediate costs to the Town of \$234,000 to address existing structural repairs and spillway modifications required to pass 100 year flood flows, with future costs ranging from \$1.1 to 4.6 million.

WHEREAS, the Town of Newmarket Town Meeting in 2011 voted to raise and appropriate the sum of \$45,000 through a special citizen petition warrant article for the purpose of evaluating the option of removal of the Macallen Dam, as a precedent to any proposed capital investment toward its repair, in order to, but not limited to, mitigating flooding in Newmarket from the Lamprey River.

WHEREAS, the feasibility study will provide pertinent information to enable the Town to make a well-informed decision on a preferred alternative at a future date.

WHEREAS, at that same Town Meeting, the Town was further authorized to apply for, obtain, and accept federal, state or other grants that may be available to subsidize the costs associated with this feasibility study.

WHEREAS, the Town Council established a Steering Committee, made up of three (3) citizens at large, a representative from the Conservation Commission, and the Lamprey River Watershed Association (LRWA) to work with the town staff and project partners from the National Oceanic and Atmospheric Administration (NOAA), New Hampshire Department of Environmental Services (NHDES), and the New Hampshire Fish and Game Department (NHFGD) to develop a Request for Proposals, select a consultant, and to secure additional funding for the study in January 2012.

WHEREAS, the Town of Newmarket has applied for and been awarded a grant from the Conservation Law Foundation (CLF) in the amount of \$40,000 towards this study, and

WHEREAS, the Town of Newmarket desires to enter into an Engineering Agreement to complete the feasibility study with Gomez Sullivan Engineers, P.C. who was selected through a qualifications-based Request for Proposals (RFQ/RFP) process in accordance with federal, state and local procurement requirements, and

WHEREAS, Gomez and Sullivan Engineers, P.C. has submitted their qualifications and a cost proposal to complete the feasibility study for the project (Attachment I) to include data

collection, field survey and mapping, hydrologic and hydraulic analysis, structural impacts, water supply impacts, sediment evaluation, recreational usage, cultural resources, fish passage, social issues, infrastructure, cultural resources, a review of modifications to the dam and removal alternatives, including cost estimates, visual renderings, participation in public meetings, and the drafting of a draft and final feasibility report.

WHEREAS, the Town staff has successfully negotiated a contract, and the Macallen Dam Steering Committee has endorsed the recommendation of the staff to enter into a contract with Gomez and Sullivan Engineers, P.C. in the amount of \$82, 389 to complete the study.

NOW, THEREFORE, BE IT RESOLVED, that

- 1) The Town Council hereby votes to accept the grant in the amount of \$40,000 from the Conservation Law Foundation.

- 2) The Newmarket Town Council does hereby approve the signing of a contract with Gomez and Sullivan in the amount of \$82,389 the funding to be from:

Town of Newmarket funds	\$ 42,389
Conservation Law Foundation	<u>\$ 40,000</u>
	\$ 82,389

First Reading Date: June 5, 2013
Second Reading Date:
Final Town Council Approval:

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Becky I. Benvenuti, Newmarket Town Clerk



GOMEZ AND SULLIVAN
Engineers, P.C.

41 Liberty Hill Road
PO Box 2179
Henniker, NH 03242
T (603) 428-4960
F (603) 428-3973

May 3, 2013

Diane Hardy, Town Planner
Town of Newmarket
186 Main St.
Newmarket, NH 03857

Re: Lamprey River Macallen Dam Removal Feasibility and Impact Analysis

Dear Ms. Hardy:

As discussed during our April 11, 2013 meeting and follow-up conference call on May 1 with the Town of Newmarket (Town) and other Project Partners¹, the Gomez and Sullivan Team has developed a revised scope, cost estimate and schedule to evaluate the feasibility of removing the Macallen Dam on the Lamprey River. Per your feedback, we modified the scope considerably relative to the original scope submitted in August 2012. Our revised scope, cost estimate and schedule were developed based on our understanding of the Project Partners' priorities and goals, new information available since our original scope was released (the Wright-Pierce Report and the NHDES response to the report) as well as our professional judgment.

We appreciate the opportunity to participate in this Project, and look forward to starting work. If you have any questions regarding our team or proposal, please do not hesitate to call me or Gary Lemay at 603-428-4960.

Sincerely,

Mark Wamser, PE
Water Resource Engineer

Gary Lemay
Water Resource Engineer

cc: Tom Sullivan, Gomez and Sullivan
Eric Hutchins, NOAA
Debbie Loiselle, NHDES
Kevin Lucey, NHDES
Cheri Patterson, NHFGD

¹ Project Partners include National Oceanic and Atmospheric Administration (NOAA), New Hampshire Department of Environmental Services (NHDES), and New Hampshire Fish and Game Department (NHFGD).

1.0 Scope of Services

This section describes the tasks that will be conducted as part of the study. The original proposal followed the tasks exactly as outlined in the RFP, and specified each task as a Phase I task, Phase II task, or Excluded. This document only includes the tasks identified by the Project Partners as Phase I tasks. Phase II tasks will be addressed by the Project Partners following completion of Phase I.

It is important that town government officials understand that regardless of the dam removal feasibility study results, major modifications to the dam are necessary to meet NHDES Dam Safety requirements. Based on Wright-Pierce's February 6, 2013 report, the dam does not pass the required design flood (100-year flood) for the dam's high hazard classification. Table 2² of the Wright Pierce lists alternatives to increase spillway capacity sufficient to pass the 100-year flood. Generally, the alternatives fell into the following categories a) lowering the spillway crest elevation, b) increasing the length of the spillway crest and c) some combination of a) and b). Per Table 2, to pass the 100-year flood and leave the spillway crest elevation as its current elevation would require lengthening the spillway crest from the current 70 feet to 350 feet. Based on the amount of infrastructure abutting the dam, lengthening the spillway is not feasible. Per the Wright Pierce report, lowering the spillway crest between 8 to 10 feet appears to be a "potential" feasible alternative³. Also note that in a March 5, 2013 letter from NHDES Dam Safety to the town, NHDES concurred with the finding of the Wright Pierce report relative to the magnitude of the 100-year flood.

Relative to this feasibility study, typically the "status-quo" alternative is considered as a basis of comparison. However, in this case, the "status quo" alternative has been eliminated because the dam does not meet NHDES Dam Safety criteria due to inadequate spillway capacity. Thus, for purposes of this study, the following two alternatives will be evaluated:

- Dam Removal Scenario: Remove the spillway, fish ladder and legacy timber-crib dam; leave gate structure and abutments in place, but wall off the arched entrance into the former intake.
- Dam Modification Scenario: Based on the Wright-Pierce report, it appears that the only feasible alternative to increase spillway capacity is to lower the dam's spillway crest on the order of 8 to 10 feet.

Again, it is important to understand that:

² Table 2 of the report lists various alternatives and associated costs. For purpose of this study, we will rely on the Wright-Pierce cost estimates to represent the dam modification alternative.

³ Given our understanding of the dam layout and surrounding structures, we considered any alternative that called for lengthening the spillway as infeasible (see Wright Pierce Report).

- a) either dam removal or dam modification will result in lowering the spillway crest elevation, and hence the size of the current impoundment will be directly impacted; and
- b) the town has a certain “sunk” cost relative to modifying the dam to meet dam safety criteria.

We highly recommend that town government officials conduct a public outreach effort early-on to educate townspeople (particularly abutters to the impoundment) that modifications to the dam are necessary to bring the dam into compliance with NHDES Dam Safety regulations. In addition, it should be explained that these modifications will directly impact the water levels behind the dam. Based on our on-water site visits, both the dam modification and dam removal alternatives will likely result in a reduction in the width and depth of the existing impoundment, which will directly impact property owners and recreation users.

As described below and in our April 11 meeting, we request that the town purposely lower the impoundment at some point in fall 2013 to facilitate data collection. The drawdown will also provide an excellent opportunity to visually document changes within the impoundment via photographs.

Existing Data Collection and Review

Task 10: Collect and Review Available Data

The reports and items referenced in the RFP have already been reviewed by the Project Manager, with the exception of item 1.1.12 (UNH research for studying land use and modeling flooding associated with climate change on the Lamprey River) in the RFP. We have secured other reports at the NHDES and NHDOT including:

- Corps of Engineers Phase I Dam Safety Inspection Report.
- Plan and profile drawings of the fish ladder.
- Drawings of the current Rte. 108 superstructure. NHDOT has no information on the old stone abutments. NHDOT also has not performed formal scour calculations, but their screening analysis showed it to be low risk.
- Other miscellaneous documents secured during the NHDES office visit.
- The town of Newmarket provided us with Wright-Pierce’s hydraulic model (HEC-RAS) at the April 11th meeting.
- We recently received the Newmarket town tax maps of the parcels bordering the impoundment and 250 feet below the dam in GIS format. This also included a listing of name/mailling addresses for property owners. We have also received similar GIS tax maps from Durham around their portion of the impoundment.

The following additional data is in the process of being obtained:

- We will contact UNH Granit to obtain LiDAR data of the project area in electronic format for us in mapping and hydraulic modeling.
- We will contact NHFGD to obtain any records of species, numbers, and timing of migratory fish utilizing the existing ladder.
- We will contact Newmarket and NHDES to determine if there is any past documentation (pictures) in the project area during previous water level drawdowns at the dam.

As noted by Rick Malasky (Newmarket Department of Public Works) during the pre-bid site visit and at the April 11th meeting, there are no town water supply withdrawals from the impoundment and no sewer/water lines crossing the impoundment within Newmarket. Rick also noted that dry hydrants, currently present in some locations along the impoundment, are not relied upon and that residents bordering the river are fed by public water (no wells). Given this, we are not seeking drawings of this infrastructure within the confines of Newmarket. However, residential wells flanking the impoundment in Durham will require further investigation as noted below.

Task 20: Technical Summary Memorandum

After reviewing the existing data, a technical summary memo will be prepared discussing major findings. The purpose of the memo is to notify Project Partners of any major issues discovered during the data research that could potentially result in modifying the approach or scope. The technical memo will include:

- aerial photographs;
- due diligence relative to the potential for contaminated sediments;
- estimated numbers (if available) of migratory fish using the ladder in the last decade;
- summary of available water quality data in the project area;
- summary of NHDOT information on the Route 108 Bridge;
- summary of dam inspection reports and findings;
- summary of any cultural resources completed at the time the memo is provided.

Deliverables will include an electronic (PDF) version of the technical memo.

Field Survey and Base Mapping

Task 30: Dam Structures and Topography Survey

We will complete a survey of the following, provided there are no safety-related issues.

- Plan and profile of the dam including abutments, gate openings, and spillway;
- Plan and profile of retaining walls on both river banks from the dam to the Rte. 108 Bridge;

- Plan of fish ladder (we obtained the plans of the ladder from the NHDES file search, we have assumed that these are as-built drawings);
- Plan of building foundations located in close proximity to the dam;
- Plan and profile of Rte. 108 Bridge opening;
- Plan and, if possible, profiles of the legacy dam;
- Planimetrics (overhead wires, etc.) in the vicinity of the dam or potential access routes;
- The LiDAR data will be used for the upland topographic survey;
- A few transects immediately below the dam, which are needed to simulate dam-out conditions in the hydraulic model.

Note that the survey will not include any underwater work, such as measuring the base of underwater foundation walls unless it can be readily obtained. Also, the survey will not include property lines; instead we will rely on the tax maps. We have assumed that existing floodplain boundaries for the 100-year flood (commonly called the “base flood”) will be obtained from FEMA and shown on the existing conditions plan map.

Task 40: River/Impoundment Bathymetric Survey

A detailed bathymetric survey is important to reasonably predict the river’s depth and width above the dam under the two alternatives. We reviewed the Wright-Pierce HEC-RAS hydraulic model, and while it appears most of bathymetry between the Route 108 Bridge and dam can be used, more accurate bed elevations are necessary to better understand the impoundment’s sub-surface structure and any hydraulic controls. In short, there were few transects located in the impoundment above the Route 108 Bridge. We already conducted a preliminary bathymetric survey of the impoundment; however, supplemental data collection is needed at particular locations of interest to fine-tune the bathymetric map. A follow-up survey will be conducted and additional longitudinal profiles and transects will be collected to develop a thorough bathymetric map. Surveys will be conducted using a boat-mounted echosounder ($\pm 1\%$ accuracy) to measure depths. A GIS and CAD version of the bathymetric map will be produced. This work will be conducted when the impoundment is full (at the spillway crest). This task includes time for data collection as well as post-processing (QAQC and integrating with other datasets).

Task 50: Sediment Mapping Survey

Cursory sediment composition mapping was conducted as part of the preliminary site investigation in preparing our proposal, but no sediment thickness mapping was obtained. Given the extensive length and area of the dam’s impoundment, it would be exceedingly expensive to obtain sediment thickness measurements at pre-determined transects. To focus the sediment thickness mapping effort, we propose to conduct the sediment thickness mapping at areas that the hydraulic model identifies as experiencing high shear stresses. By focusing on the areas with high shear stresses, the mapping effort will be substantially less than a full mapping effort.

We propose conducting the sediment thickness mapping when the impoundment is lowered in the fall of 2013 and water depths are shallower, making the probing easier (better footing and less water having to penetrate through before hitting sediment). We propose to manually drive a steel rod to refusal along transects identified by the hydraulic model results to estimate sediment composition and thickness. For cost estimating purposes we have assumed up to a total of 10 transects of sediment thickness mapping will be obtained within the Piscassic and Lamprey Rivers. The sediment thickness will be measured every 10 feet across each transect. The transect endpoints will be located with GPS and permanent fixtures will be set to benchmark the left and right transect ends. A description of the probing will be provided in the feasibility report including: the type of material penetrated (based on feel), if the sediment was uniform throughout the vertical column, and other notes to qualitatively describe the sediment. Our proposed method will not provide an estimate of the impoundment's entire sediment volume.

In addition to the 10 transects, sediment probing will be conducted along three other transects while the impoundment is drawn down, including immediately upstream of the dam, in the vicinity of the legacy dam, and beneath the Rte. 108 Bridge. The purpose of these transects is to locate the depth to bedrock, which will be used later in the hydraulic model. In addition to the three other transects, sediment probing will be conducted beneath the Railroad Bridge crossing the Piscassic River.

Task 60: Download and Map National Wetlands Inventory Boundaries

This task involves downloading a GIS version of the National Wetlands Inventory (NWI) wetlands boundaries for the area around the Macallen Dam impoundment. The wetland boundary will be used as part of the existing conditions plan and base map.

Task 70: Existing Conditions Plan and Base Map

Two existing conditions plans will be developed. One plan will include the dam and impoundment. The second plan will extend from the Rte. 108 Bridge to approximately 250 feet below the dam. The existing conditions plan will be supplemented with the survey described above, bathymetric mapping results, upland topography from LiDAR, the 100-year floodplain, and the NWI wetland boundaries.

Task 80: Drawdown Photo-Documentation

As discussed with the Project Partners on April 11th, the reservoir will be drawn down in September or October 2013. This will provide an excellent opportunity to understand changes in the impoundment and in the vicinity of the dam due to dam modification or removal. This task consists of the project manager and another staff member visiting the study area during the fall drawdown to photograph and videotape the site. Photos will be geo-referenced and field notes will be taken to record other important observations. Per our conference call on May 1, we discussed having a public meeting after Labor Day (September 3, 2013), which would provide an opportunity to notify the public of the impending fall drawdown. On the May 1 call, it was noted

that pending the magnitude of inflow, the drawdown may require a week to complete as water elevations must be lowered slowly to allow slow-moving aquatic organisms (such as mussels) ample time to move into wetted areas. After notifying the public, the drawdown could be initiated on Monday, September 9th. Gomez and Sullivan would require approximately 2-3 days to photo-document the partially dewatered impoundment, conduct the sediment probing (Task 50), conduct the infrastructure assessment (Task 150) and conduct the site visit associated with cultural resources investigation (Task 130).

Sediment Evaluation

Task 90: Review Existing and Historical Information

Prior to conducting any sediment sampling, due diligence work will be conducted to identify potential historic and known current sources of contamination in the area that would inform the sediment sampling plan. We will search websites (NHDES One-Stop, EPA Superfund, Remediation Sites, Hazardous Waste Generators, NPDES outfalls, etc.) to determine what, if any spills, or sources of contamination may be present in the project area. A preliminary analysis of the 303(d) lists shows that PAHs and other chemical impairments are present immediately below the dam (see Table 1 for a list of impairments).

Table 1: Constituents on 303(d) List

NH DES Assessment Unit ID	Assessment Unit Name	Use Description	Impairment Name
NH EST 600030709-01-01	Lamprey River North	Aquatic Life	2-Methylnaphthalene, Acenaphthylene, Aluminum, Anthracene, Arsenic, Benzo(a)pyrene (PAHs), Benzo(a)pyrene (PAHs), Benzo[a]anthracene, Benzo[a]anthracene, Cadmium, Chlorophyll-a, Chrysene (C1-C4), Chrysene (C1-C4), Copper, DDD, DDE, DDT, Dibenz[a,h]anthracene, Dibenz[a,h]anthracene, Dissolved oxygen saturation, Fluoranthene, Fluoranthene, Fluorene, Lead, Mercury, Naphthalene, Nickel, Nitrogen (Total), Dissolved Oxygen, Phenanthrene, Pyrene, pH, trans-Nonachlor
NH EST 600030709-01-01	Lamprey River North	Fish Consumption	Polychlorinated biphenyls
NH EST 600030709-01-01	Lamprey River North	Primary Contact Recreation	Chlorophyll-a, Nitrogen (Total)
NH EST 600030709-01-01	Lamprey River North	Shellfishing	Dioxin (including 2,3,7,8-TCDD), Polychlorinated biphenyls
NH EST 600030709-01-02	Lamprey River South	Aquatic Life	Chlorophyll-a, Estuarine Bioassessments, Light Attenuation Coefficient, Nitrogen (Total)
NH EST 600030709-01-02	Lamprey River South	Fish Consumption	Polychlorinated biphenyls
NH EST 600030709-01-02	Lamprey River South	Primary Contact Recreation	Chlorophyll-a, Nitrogen (Total)
NH EST 600030709-01-02	Lamprey River South	Shellfishing	Dioxin (including 2,3,7,8-TCDD), Polychlorinated biphenyls
NH IMP 60030708-03	Piscassic River	Aquatic Life	Dissolved oxygen, Dissolved oxygen saturation, pH
NH IMP 60030709-03	Lamprey River - Macallen Dam Impoundment	Aquatic Life	pH
NH RIV 60030708-07	Piscassic River, PWS, CLS-A	Aquatic Life	Dissolved Oxygen, pH
NH RIV 60030709-09	Lamprey River	Aquatic Life	pH

Hydrology and Hydraulics

Task 100: Hydrologic Analysis

We already conducted a hydrologic analysis to develop annual and monthly flow duration curves representing flows at the dam (mean and median flows shown in Table 2). Since no flow data are available at the dam, flows were estimated from a combination of the Lamprey River gaged flows (USGS Gage 01073500) and the Oyster River gaged flows (USGS Gage 0107300). The Oyster River flows were prorated by a ratio of the drainage area of the Oyster River gage to the drainage area of the Piscassic River at the confluence with the Lamprey River. Similarly the Lamprey River flows were prorated by a ratio of the drainage at the Lamprey River gage to the drainage area at the dam (excluding the Piscassic River drainage area). Both rivers’ estimated flows were then summed to estimate the total flow at the dam.

Table 2: Estimated Median and Mean Annual and Monthly Flows at Dam

Statistic	Annual	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Median	199	244	253	545	622	325	139	64	43	37	87	221	293
Average	340	334	363	732	817	431	239	113	87	83	164	320	399

We will evaluate three different 100-year flood flows as follows. First, the Federal Emergency Management Agency (FEMA) published the 100-year flood flow for this section of the river as part of its Flood Insurance Study (FIS). Second, as part of the February 2013 Wright Pierce study, a revised 100-year flood flow was developed. Finally, previous studies have been conducted to estimate the 100-year flood due to climate changes. We have reviewed a recent report titled “Assessing Flood Risk in the Lamprey River Watershed” (Wake, 2013, http://100yearfloods.org/resources/pdf/Lamprey_100YearFloods_FINALReport.pdf). This report includes estimates for future 100-year flood flows based on climate change and future development through the year 2100. Estimates included conventional development and low impact development. This study will use the year 2100 with conventional development to estimate the future 100-year flood flow, listed as 17,609 cfs in Table 6 of the final report.

For hydraulic modeling purposes the following flows will be simulated in the model:

- median September flow – reflecting low flow conditions;
- median April 1-June 30 flow to represent the river herring upstream passage season (to be confirmed with NHFGD);
- 100-year flood flows (FEMA’s 100-year flood flow, Wright-Pierce’s 100-year flood flow, climate change flood flow)

We have included time in this task to research the FEMA and Wright-Pierce 100-year flood flows, as well as develop an understanding on the impact of the dam on the Lamprey-Oyster “flow split” near Route 108.

Task 110: Hydraulic Analysis

A hydraulic model (HEC-RAS) will be developed; the basis for this model will that developed by Wright-Pierce. The hydraulic model will be a key element of this study, as it will help Project

Partners and townspeople to evaluate the changes in the wetted perimeter of the impoundment under the dam removal and dam modification alternatives. We will supplement the model's cross-sections with the bathymetry and dam survey data and add new cross-sections where appropriate. Additionally, it appears the existing model is not geo-referenced, so the inundation areas cannot be mapped currently. The new model will be geo-referenced, so inundation maps for various simulation flows can be generated.

The hydraulic model requires an upstream and downstream "boundary" condition which sets the water surface elevation at the uppermost and lowermost transects. In the case of the upstream boundary condition on the Lamprey River, we will assume a normal depth of water entering the plunge pool at the upstream extent of the impoundment. The model results will be used to compare the inundation area and water surface elevations (WSEs) throughout the impoundment. If our WSEs do not reasonably match the FEMA FIS results, adjustments to Mannings "n" values will be conducted to calibrate the model. Once the model is calibrated, the following alternatives will be evaluated for the five flow scenarios listed in Task 100:

- Dam Removal Alternative: Remove the spillway, fish ladder and legacy timber-crib dam; leave gate structure and abutments in place, but wall off the arched entrance into the former intake.
- Dam Modification Alternative: Lower the spillway crest 10 feet.

For each of these model runs, the following will be graphically displayed relative to existing conditions:

- For a given flow, the water surface profile along the impoundment will be shown.
- For a given flow, an orthophoto map will be developed to visually depict the change in river width and inundation area.

To simulate the dam removal alternative, a "new" transect representing the native river bed beneath the dam is needed in the hydraulic model. The transect selected to represent the channel bed elevation beneath the dam is critically important, as it could directly impact upstream water levels and velocities. No quantitative information is available on the height or extent of the bedrock at or immediately upstream of Macallen Dam. Historical records, however, reference this area between Macallen Dam and the Rt. 108 Bridge as the "First Falls", indicating there likely are extensive bedrock formations beneath or immediately upstream of the dam. To estimate the bedrock elevation and extent in the area of the dam, we will rely on the sediment probing transects conducted immediately behind the dam, in the area of the legacy dam, and beneath the Rte. 108 Bridge.

Deliverables will include longitudinal profiles and inundation maps (plan-view) of the study area for each of the five flow scenarios (low flow, spring seasonal flow, three 100-yr flow estimates) for each alternative outlined above.

Task 120: Water Supply Impacts

Municipal water and sewer is provided to all Newmarket residents along the impoundment. Additionally, as indicated at the pre-bid meeting Newmarket is no longer considering the river or river-bank filtration as a potential water supply source. Given this, we have assumed that no further assessment of the impacts on water supply withdrawals in Newmarket is needed. However, Durham residents may have private wells located in the general vicinity of the impoundment. For Durham residents bordering the impoundment, we will send them a well survey and request the following: whether they have a private well; approximate distance from the well to the river, type of well (dug well, bedrock well), and the well depth. The premise is that if the well depth is an appreciable distance below the streambed elevation, there should be no impact on water yield. We will use the results of this survey combined with the model-predicted drop in normal water surface elevation to predict whether water levels in any private well may be adversely impacted. The findings will be summarized in the feasibility report.

The town also has existing fire supply standpipes that withdraw from the impoundment (we observed two and up to three or four may exist), but the Town has indicated that they are not used or necessary at this time. We will contact the Town of Durham to determine if they have any fire supply pipes that withdraw water from the impoundment created by the dam.

Cultural Resources

Task 130: Preliminary Area of Potential Effect (APE) Delineation and New Hampshire Department of Historic Resources (NHDHR) Request for Project Review (RPR) Submittal

As part of the APE delineation, PAL's archaeologist and architectural/industrial historian will conduct a pedestrian survey of the project area to become familiar with the dam structure and adjacent properties where work may occur including dam removal, bank restoration, access routes, and staging areas. The architectural review will include notes and digital photographs of the appearance and dimensions of the dam structure and upstream and downstream river banks. The review will also verify the location of historic properties within the APE identified in the National Register-listed Newmarket Commercial and Industrial District, and identify any potentially significant properties that have not been documented and that appear to be at least 50 years of age, the minimum criteria for listing in the National Register. The archaeological site visit will include a preliminary examination of those areas identified as subject to direct ground-disturbing activities associated with the dam removal, and photographic documentation of the existing conditions of those locations including any evidence of previous ground disturbing activities. The architectural and archeological survey will occur during the impoundment drawdown scheduled to occur in September 2013.

Following the pedestrian survey, PAL will prepare and submit a RPR form for the Macallen Dam Removal Feasibility Project in compliance with NHDHR guidelines. The RPR will include information regarding the project location and proposed undertaking; state and federal agency involvement; the recommended APE for the project; results of the NHDHR site file review

including already-identified historic properties within or adjacent to the recommended APE; and the results of a site visit including photographic documentation of existing conditions and National Register-listed or potentially eligible historic properties. As part of this task, PAL will summarily note any information in the literature discussing migratory fish being present upstream before a dam was located at the “First Falls.”

Task 140: Fish Passage

Absent the dam, the ability for fish to move upstream is a function of the bedrock geometry beneath the dam, which could serve as a barrier to some or all migratory species. As noted above, the sediment depth will be probed to refusal along the upstream face of the dam. This transect will represent the transect geometry beneath the dam. We will compare this transect with the transect surveyed just below the dam to determine the approximate vertical rise fish would need to negotiate. We will determine if there are any vertical or velocity barriers that could preclude certain migratory fish from moving into the Lamprey River. We will compare swimming speeds and/or jumping abilities of eel, river herring, lamprey, salmon and shad to determine whether fish may be able to negotiate the “First Falls” absent the dam. We will assume no modification or removal of the bedrock beneath the dam to facilitate passage.

Task 150: Evaluate Structural Impacts to the Veteran’s Bridge and Other Infrastructure

Hoyle, Tanner & Associates, Inc. (HTA) will conduct work relative to the potential effects of dam removal on adjacent and upstream infrastructure features, namely:

- The Rte. 108 Bridge;
- Retaining Walls and Foundations. There are several retaining walls and building foundations within close proximity to the Route 108 Bridge. Access to the lower portions of adjacent buildings will be requested in addition to river side evaluations. Plans or other documentation are not expected to be available for most of these foundations. Therefore, limited assumptions will have to be made with regard to the dam removal on these features.

The effort will consist of a one-day inspection by a structural engineer of above-ground structures during the September 2013 drawdown. Upon completion of the site visit, HTA will provide a brief memo summarizing their findings along with photographs. The memo will include HTA’s professional judgment of what potential structural issues could occur if the spillway crest is lowered 10 feet or removed entirely. The memo will not include alternatives to protect the bridge, building and retaining wall foundations. Assumptions include:

- HTA does not propose underwater inspections and it is anticipated all access will be by ladder, and inspections can be performed using waders or a small boat or kayak.
- No field measurements will be taken.

- Inspections of building foundations will be from the exterior only unless the town can assist with coordinating access to buildings within the study area.

Task 160: Recreational Usage

Based on our weekend preliminary work, the impoundment appears to be heavily used on summer weekends and there are numerous docks along the impoundment. We will rely on the hydraulic model to estimate the reduction of river width and depth under the dam modification and dam removal alternatives. This information will help inform the impact on current recreation. For example, based on our preliminary analysis, it appears that many of the docks and the existing boat ramp would be directly impacted if the spillway crest is removed or lowered. We will summarize the following in the feasibility report: a) anecdotally document current summer recreation use based on our previous on-water survey, b) evaluate the potential impact on recreation due to dam modification and dam removal; and c) identify potential new recreational opportunities due to dam modification and dam removal. Note that the recreation “assessment” will not be quantitative; it will be based on field observation, anecdotal information and hydraulic modeling results (changes in river width and depth above the dam).

Task 170: Social Issues

This task entails identifying what social issues may arise as part of the dam modification and dam removal process. These may include items such as property value impacts, socio-economic or political issues. This task does not include assessing the costs or impacts of these issues. Gomez and Sullivan will simply make the Town and Project Partners aware of them.

Dam Modification and Dam Removal Alternatives and Impact Analysis

Task 180: Develop Cost Estimate for Dam Removal

An order of magnitude cost estimate will be developed for the dam removal alternative. The cost estimate will not include detailed quantity take-offs, but will include costs associated with: additional feasibility study work if deemed necessary, permitting, engineering, design, technical specifications and bid documents. The cost estimate will not include costs associated with structural stabilization measures that may be required if the spillway crest is lowered 10 feet or entirely removed. We have assumed that the cost of dam modification will be obtained from the Wright Pierce report.

Task 190: Visual Rendering

We will develop one photographic rendering with the dam removed (replaced with some type of bedrock) from the viewpoint of standing on the footbridge and looking upstream.

Outreach and Coordination Meetings

Task 200: Progress Report Meetings (6)

We will coordinate with Project Partners throughout the project and have budgeted for six progress report meetings in Newmarket. We have included time to prepare agendas, attend, and develop minutes. The Project Manager will attend all six progress report meetings, while the Project Director will attend three progress report meetings.

Task 210: Public Meetings (3)

Our public outreach plan consists of holding a public meeting at the onset of the project to describe the goals, approach, and tasks via a PowerPoint presentation. The presentation will be at a level understandable to the layperson, yet technical enough to convey the intent and end product of the feasibility study. We will solicit public input on our approach and listen to concerns or issues. It is important to convey the message that Project Partners and the consultant are open to communications and are available to answer questions throughout the study. It is critical to stress at this meeting that only a feasibility study is being conducted and that no decisions have been made relative to the dam's fate. The town has made it clear they are just seeking the facts, such that the town can make an informed decision. As noted at the beginning of the scope, it is also extremely important that the findings of the Wright Pierce report be conveyed to the Town Council, other government bodies in Newmarket as well as interested Newmarket residents.

Prior to the first public meeting, a contact list will be developed including names, addresses, and email addresses (if available) of all property owners abutting the project area, Project Partners, Newmarket's Conservation Commission, Public Works, Planning, Parks and Recreation, Historical Society, and others. Additionally, we will make a concerted effort to reach out to the town and residents of Durham, who abut the impoundment. We recommend the following protocol prior to each of the three public meetings:

- Send letters to all parties on the contact list notifying them of the meeting purpose, date, and location.
- Place a notice on the town's website and submit press releases in Seacoastonline and the Portsmouth Herald (we will develop the press release, but have assumed the town will submit it to newspaper outlets and pay for associated fees).

PowerPoint presentations will be prepared for each meeting, circulated in advance of the meeting to Project Partners, and updated as requested. Deliverables include: a) following the outreach protocols listed above, b) developing agendas, c) preparing PowerPoint Presentations, and d) attending the meetings.

Feasibility and Impact Analysis Report Preparation

Task 220: Draft Feasibility Report and Matrix Identifying Dam Removal Consequences

A draft feasibility report will be developed summarizing the findings and recommendations for the project. Electronic copies of the draft report will be sent to Project Partners for review and comment. This report will be written as a factual document and is not intended to sway the audience into seeking a particular alternative (dam modification, dam removal).

As part of the report, a matrix will be developed for the dam modification and dam removal alternatives. The matrix will identify the impact associated with each alternative (dam modification, dam removal) on ecological resources (water quality, fish passage, fish habitat, wetlands/wildlife), recreation, and infrastructure (wells, bridge scour, flooding, sediment). Note that relative to structural impacts, the feasibility report will reference the summary memo in Task 150.

Task 230: Final Feasibility Report

We will review the comments on the Draft Feasibility Report and incorporate changes, where appropriate, into a Final Feasibility Report. Six paper copies and up to 10 CDs of the final report will be developed. An electronic PDF version will also be generated for the town to post on its website.

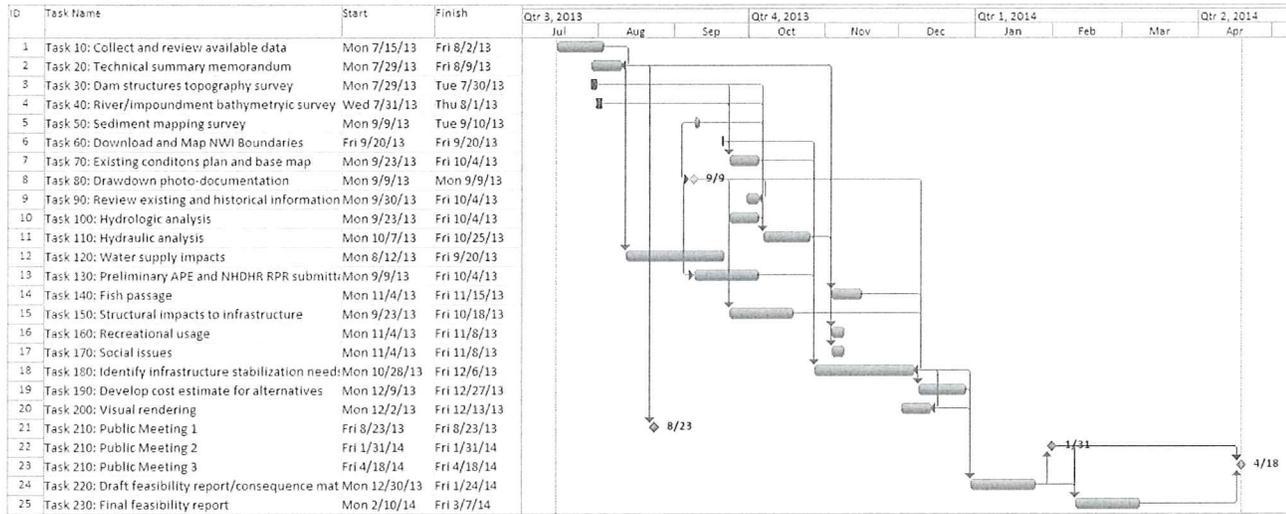
Project Management & Communication

Task 700: Project Management & Communication

Coordination with Project Partners will occur on a regular basis. In addition to communicating with Project Partners, we have budgeted for periodic updates (via email) to summarize the status of the project. Other administration costs include reviewing invoices, and managing the budget, scope and schedule.

2.0 Schedule

Based on our discussions with Project Partners, we have assumed a start date of July 15. Ideally, we would like to conduct field work (sediment thickness measurements, foundation/building inspections, and survey) when the impoundment is drawn down following Labor Day, with a preliminary drawdown begin date of 9/9/2013. Our proposed schedule is shown below.



3.0 Cost Estimate

As discussed in the April 11 meeting, the Town is expected to have a working budget of approximately \$80,000 to \$85,000. This is less than our original proposal estimated for a total cost. We have adjusted our scope and cost estimate based on our April 11 and May 1 discussions.

Task No.	Task Description	Engineer V	Engineer IV	Engineer III	Scientist III	Engineer II	Regulatory Specialist	Scientist I	Admin Asst	Payroll Related Fee	Direct Expenses	Subconsultants		Total Estimated Base Fee
		\$161.00	\$147.00	\$135.00	\$106.00	\$95.00	\$94.00	\$63.00	\$63.00			PAL	Hoyle, Tanner & Associates	
	Existing Data Collection and Review													
10	Collect and review available data		2			4		2		\$800	\$50			\$850
20	Technical summary memorandum		4			12				\$1,728	\$50			\$1,778
	Field Survey and Base Mapping													
30	Dam structures topography survey					28	24			\$4,916	\$200			\$5,116
40	River/impoundment bathymetric survey					28		20		\$3,920	\$1,000			\$4,920
50	Sediment mapping survey						12	18		\$2,262	\$200			\$2,462
60	Download and Map NWI Boundaries				2	4				\$212	\$0			\$212
70	Existing conditions plan and base map		2				16			\$2,178	\$50			\$2,228
80	Drawdown photo-documentation					8				\$760	\$100			\$860
	Sediment Evaluation													
90	Review existing and historical information				4			8		\$928	\$0			\$928
	Hydrology and Hydraulic Analysis													
100	Hydrologic analysis					2				\$190	\$0			\$190
110	Hydraulic analysis		4			40				\$4,388	\$100			\$4,488
120	Water supply impacts		1			2		8		\$841	\$100			\$941
	Cultural Resources													
130	Preliminary APE and NHDHR RPR submittal					1				\$95	\$0	\$6,092		\$6,187
	Other Issues of Importance													
140	Fish passage				2	4		4		\$844	\$0		\$5,060	\$844
150	Structural impacts to infrastructure					2				\$190	\$0			\$5,250
160	Recreational usage					2				\$190	\$0			\$190
170	Social issues					2				\$190	\$0			\$190
	Dam Deconstruction Alternatives and Impact Analysis													
180	Develop cost estimate for alternatives	8	4	32		16	2			\$7,904	\$50			\$7,954
190	Visual rendering						16			\$1,504	\$100			\$1,604
	Outreach and Coordination Meetings													
200	Progress report meetings (6)		20			48			4	\$7,752	\$400			\$8,152
210	Public meetings (3)		24			24			8	\$6,312	\$300			\$6,612
	Feasibility and Impact Analysis Report Preparation													
220	Draft feasibility report/consequence matrix	4	12	8	4	64		2	1	\$10,181	\$125			\$10,306
230	Final feasibility report	2	4	4	1	20		1	1	\$3,582	\$125			\$3,707
	Project Management & Communication													
700	Project management and communication		12			40			12	\$6,320	\$100			\$6,420
	Total Project Cost Estimate	14	89	44	13	351	70	63	26	\$68,187	\$3,050	\$6,092	\$5,060	\$82,389

4.0 Terms and Conditions and Hourly Rate Sheet

Gomez and Sullivan Engineers, P.C. proposes to undertake the proposed services on the basis of hourly billing rates plus direct costs, for tasks authorized by the Town of Newmarket. Hourly billing rates include actual direct salary payments to all personnel for the time directly engaged on the project; plus payroll charges including vacation, sick leave and holiday pay, unemployment and payroll taxes, social security contributions, workman's compensation insurance, retirement benefits, medical insurance, group insurance benefits, general overhead and profit. The hourly billing rates are included on the following page.

Direct costs include costs which are directly applicable to the work, such as transportation and subsistence expense on travel in the interest of work, long distance telephone, reproductions, topographic maps, special insurance, model and laboratory testing, aerial and ground surveying, subsurface exploration, and subcontractors billed through Gomez and Sullivan. Direct costs will be assessed a 10% service charge when handled by Gomez and Sullivan.

Invoices will be submitted to the Town of Newmarket monthly. Payment will be due within thirty days of the invoice date. Payments not received within thirty days will be subject to an interest charge of 1.5 percent per month.

It should be noted that estimates for fieldwork assume that scientifically useful data can be collected in a safe and efficient manner. The estimate does not include any contingencies for factors beyond Gomez and Sullivan's control, such as unanticipated foul weather, high river flows, etc. Any costs that Gomez and Sullivan incurs because of unanticipated/uncontrollable conditions will be billed to the Town of Newmarket.

GOMEZ AND SULLIVAN ENGINEERS, P.C.
May 1, 2012 through June 30, 2014
Hourly Billing Rate Schedule

<u>Classification</u>	<u>Hourly Billing Rates</u> ⁽¹⁾
Principal	\$185.00/hour
Senior Engineer (V)	\$161.00/hour
Engineer (IV)	\$147.00/hour
Engineer (III)	\$135.00/hour
Engineer (IIIB)	\$113.00/hour
Project Engineer (II)	\$95.00/hour
Junior Engineer (I)	\$89.00/hour
Senior Scientist (IV)	\$158.00/hour
Scientist (III)	\$106.00/hour
Scientist (II)	\$90.00/hour
Junior Scientist (I)*	\$63.00/hour
GIS/Program Manager	\$158.00/hour
Regulatory Specialist	\$94.00/hour
GIS Analyst (II)*	\$81.00/hour
GIS Analyst (I)*	\$63.00/hour
Licensing Coordinator	\$83.00/hour
Project Assistant*	\$73.00/hour
Administrative Assistant*	\$63.00/hour
Senior Technician (III)*	\$96.00/hour
Technician (II)*	\$75.00/hour
Junior Technician (I)*	\$55.00/hour
Field Technician*	\$47.00/hour
Word Processor/Secretarial*	\$56.00/hour

Notes:

- (1) Hourly Billing Rates include labor, general and administrative overhead and profit.
- (2) Overtime for non-exempt employees (classifications identified with an asterisk*) will be billed at 1.25 times rates listed. All other employees billed at listed rates for overtime.
- (3) Direct expenses, including Subconsultants, billed at Cost plus 10%.
- (4) These billing rates will remain in effect through June 30, 2014, at which time they may be adjusted to reflect changing business conditions.

Confidential: The information contained on this page is confidential and proprietary. It shall not be released or otherwise made available to any third party without the express written consent of Gomez and Sullivan Engineers, P.C.



**Town of Newmarket, New Hampshire
Town Council Workshop
June 19, 2013 6:00 p.m.
Town Council Chambers**

6. Discussions/Presentations

b. Review Mayberry Report on M2 Zoning Proposal



49 Pineland Drive – Suite 202B - New Gloucester, ME 04260
(207) 688-8433 bcmplanning@securespeed.us

May 14, 2013

Diane F. Hardy, Town Planner
Town of Newmarket
186 Main Street
Newmarket, NH 03857

Re: Impact Review M-2 Zoning Change (Housing)

Dear Diane:

This letter and attachments summarize my review of demographic and fiscal impacts of housing by structure type, in response to information requests by the Town Council for its review of the M-2 rezoning proposal. Much of the discussion of the M-2 proposal has centered on the relative impacts of multifamily versus single family dwellings. Therefore this analysis centers on a comparison of the differences in the average impacts of single family, duplex and multifamily housing. Wherever possible, the demographic and school enrollment impact estimates in this review have been based on local (Newmarket) data.

Part of this review includes an estimate of the “break even” assessed valuation required per dwelling unit necessary to generate enough property tax revenue to meet school and municipal tax costs. The review also comments on the composition of Newmarket’s housing stock in comparison with other urban centers of the region, and the Town’s position within the region with respect to the provision of “fair share” or workforce housing opportunities.

Proposed Zoning Change

The Town of Newmarket is considering a rezoning proposal (M-2 district) that would permit somewhat higher residential densities within a given area as an incentive to infill development and redevelopment to support economic development near the downtown. The application of higher density standards would be conditional on proposed uses that are capable of demonstrating a positive fiscal impact. New uses in the M-2 district could include housing and/or mixed use development that includes multifamily housing.

Housing Development Potential

BCM Planning reviewed a detailed, parcel-specific analysis of the parcels in the proposed M-2 district that was compiled by Valerie Shelton when she served as Chair of the Newmarket Planning Board. That analysis considered the maximum potential density permitted under the proposed M-2 provisions, the number of existing units in place, and the practical capability of each parcel to absorb additional development under the proposed M-2 provisions. Her analysis showed that it is unlikely that more than

47 dwelling units could be added within the M-2 district as a result of the proposed zoning changes. The affected parcels lie within areas covered by Tax Maps U2, U3 and U4.

For comparison of potential impacts from multifamily housing, the BCM Planning review compares the potential impacts of 47 units if developed as single family homes, duplex units, or as multifamily housing. This analysis considers “multifamily” to include townhouse units and other housing in three or more unit structures.

Demographics and Service Demand

Table 1 is a summary of the projected demographic, vehicular, and public safety impacts resulting from 47 units if developed as single family homes, duplex, and multifamily housing using a range of factors for household size and school enrollment per unit defined by:

Scenario A: 2000 Census demographics; 2000 actual enrollment per unit in Newmarket

Scenario B: 2011 American Community Survey (ACS) data for Newmarket

Scenario C: 2011 ACS household size; 2005-2009 Statewide data for single family units; duplex and multifamily units based on 2-bedroom units

The three sets of assumptions are used to project population, school enrollment, vehicle ownership, PM peak trip generation and annual public safety calls for service.

Table 1: Demographic and Service Impact of 47 Dwelling Units

Type of Structure and Scenario	New Units	Population	Public School Enrollment	Resident Vehicles	PM Peak Trips	Fire Dept Calls Per Year	Police Dept Calls Per Year	Housing Unit Assumptions
Single Family								
A	47	132	24	96	48	11	31	Avg SF Unit
B	47	129	19	97	48	11	31	Avg SF Unit
C	47	132	22	97	48	11	31	Avg SF Unit - 3 BR
Duplex								
A	47	118	18	76	29	11	30	Avg Duplex Unit
B	47	115	14	68	29	11	30	Avg Duplex Unit
C	47	108	10	68	29	11	30	2 BR Duplex Unit
Multifamily								
A	47	99	10	76	22	6	27	Avg MF Unit
B	47	97	8	68	22	6	27	Avg MF Unit
C	47	85	6	68	22	6	27	2 BR MF Unit

Since these impacts would take place at scattered infill locations over a period of years, it is unlikely that the impacts would occur all at once, nor be overly concentrated at a single location. The projections indicate that multifamily units will have lower impacts than single family homes in nearly all respects, but that there would be minimal differences with respect to Police Department calls for service.

Multifamily Impact as % of Single Family Impact

- Population: 75%
- Enrollment: 42% - 50%; (27% if multifamily are 2-bedrooms)
- Vehicles: 70% - 79%
- Peak Trips: 46%
- Fire Calls: 55%
- Police Calls: 87%

Relative Fiscal Impact

In 2012, total taxes raised for school district functions in Newmarket averaged \$11,559 per pupil. Total taxes raised for Town services averaged \$505 per resident.¹ Since Town services are also provided to non-residential property, BCM Planning has assumed that 80% of municipal services are to residential property (or about \$404 per capita). These amounts represent the property tax portion of revenues needed to adequately fund Town and School District costs. It is assumed that other non-property tax revenue sources would remain at 2012 levels to fund those respective services. The combined tax rates for Town and School functions was \$24.36 per thousand assessed valuation (excludes revenues raised for County services).

The relative demographic and demand impacts shown in Table 1 are translated to a relative fiscal impact analysis in Table 2. This chart compares the amount of property taxes per dwelling unit required to fund average School District and Town operating costs based on the demographic assumptions. In addition, Table 2 estimates the minimum assessed valuation needed per unit for the property to produce "break even" tax revenues that equal average costs supported by the property tax.

Table 2: Property Taxes Required Per Unit & "Break Even" Values

Type of Unit and Scenario	Annual Property Taxes Needed Per Dwelling Unit - Town and School			"Break-Even" Assessed Value Per Unit	Housing Unit Assumptions
	Public Schools	Town Services	Total Per Unit		
Single Family					
A	\$5,902	\$1,418	\$7,321	\$323,355	Avg SF Unit
B	\$4,673	\$1,386	\$6,059	\$267,617	Avg SF Unit
C	\$5,411	\$1,418	\$6,829	\$301,630	Avg SF Unit - 3 BR
Duplex					
A	\$4,427	\$1,268	\$5,695	\$251,534	Avg Duplex Unit
B	\$3,443	\$1,236	\$4,679	\$206,658	Avg Duplex Unit
C	\$2,459	\$1,160	\$3,620	\$159,885	2 BR Duplex Unit
Multifamily					
A	\$2,459	\$1,064	\$3,523	\$155,613	Avg MF Unit
B	\$1,967	\$1,042	\$3,010	\$132,938	Avg MF Unit
C	\$1,476	\$913	\$2,389	\$105,517	2 BR MF Unit

The comparison shows that an average single family unit would need to have a minimum assessed valuation of \$268,000 and \$323,000 to produce sufficient tax revenue. This compares to minimum valuations of \$160,000 to \$250,000 per unit² for duplex structures, and \$106,000 to \$156,000 for multifamily units. The break-even values for multifamily (particularly 2-bedroom units) are much lower. The primary reason for this is the significantly lower school enrollment ratios in multifamily housing, particularly in units having two bedrooms or less.

In reviewing any fiscal impact study, it is essential to recognize that property taxes are proportionate to property valuation, which is not necessarily proportionate service demand. Some properties generate higher tax revenue than the cost of services they require, and others do not. This imbalance is inherent in the tax system and is accepted as essential to supporting a diverse community; there should be no expectation that every use will "pay for itself".

¹ Total school taxes raised in Newmarket = \$12,299,108 / 1,064 pupils = \$11,559 per pupil tax cost. Total town taxes raised = \$4,517,119 / 8,936 (2010 population) = \$505 per capita. Combined Town and School tax rates = \$22.34 per thousand valuation (excludes County taxes).

² References here are cited "per dwelling unit". A structure containing two units would need twice the revenue shown the amount per dwelling unit.

How do these estimated break-even values compare to actual assessed values in the affected area? Average assessed values per unit were estimated by BCM Planning using the Town's assessment data base:

Table 3: Estimates of Average Assessed Valuation per Unit - Newmarket

Townwide	Avg Assessed Value Per Unit	Avg Living Area in Sq. Feet
<u>Single Family</u>	\$265,000	1,670
Built 2000 or Later	\$350,000	2,220
<u>Duplex Units</u>	\$112,000	1,260
Built 2000 or Later	One case only – insufficient for averages	
<u>Multifamily</u>		
MF Condo Units	\$153,000	1,280
Built 2000 or Later	\$141,000	1,250
MF Rental Units	\$ 68,000	820
Built 2000 or Later	\$ 75,000	930

Maps U2,U3, U4:		
<u>Single Family</u>	\$201,000	1,410
Built 2000 or Later:	\$234,000	1,670
<u>Duplex Units</u>		
Average per unit	\$113,000	1,250
<u>Multifamily Units</u>		
MF Condo Units	\$138,000	1,190
Built 2000 or Later	\$113,000	1,230
MF Rental Units	\$ 69,000	800
Built 2000 Or Later	\$ 82,000	970

Source: Tabulations and estimates by BCM Planning, LLC based on a property assessment data file provided by the Town Assessor.

At existing neighborhood averages, the typical single family home or duplex unit would not be likely to reach the projected break even valuations. Newer large single family homes on larger rural lots may achieve those break even values, but this is not as likely on small infill lots.

Multifamily units, if built as condominium units, reach or exceed break even values in Scenario B and in Scenario C (specific to two bedroom units). For example, the multifamily condominiums at Rivermoor Landing have an average valuation of \$152,000 for units averaging 1,230 square feet of living area. The newer condo units at 6 Bay Street (Bryant Rock) have average per unit assessments of \$268,000 and an average living area of 1,352 square feet. Both are examples of likely positive fiscal impacts relative to service demand; the School District reports no school children in residence at either location in the current academic year.

If valued as rental income property, multifamily units may not carry valuations high enough to achieve the average “break-even” values. A development that includes duplex or multifamily rental units (valued as income property) within the M-2 district would probably need to incorporate commercial development within the parcel to produce a positive fiscal impact.

Housing Inventory and Fair Share

With respect to the portion of the housing stock in attached and two or more family structures, Newmarket’s profile is more similar to that of Portsmouth and Dover than it is to the more suburban and rural communities of the SRPC region. (See Table 4.)

Table 4: Comparison of Housing Stock

PERCENT OF TOTAL HOUSING UNITS IN STRUCTURAL GROUPINGS			
Town or City	Attached (TH) and 2+ Family Structures	2+ Family Structures	3+ Family Structures
Newmarket	58.2%	48.4%	42.9%
Portsmouth	56.1%	48.2%	41.0%
Dover	51.8%	44.3%	36.4%
Somersworth	40.2%	38.0%	26.3%
Durham	42.4%	38.2%	35.3%
Exeter	39.3%	34.5%	28.4%
Rochester *	32.1%	28.6%	22.6%
<i>Source: Estimated from 2011 ACS 5-Year Sample Data</i>			
<i>* Rochester percentages lowered by its high concentration of manufactured housing</i>			

In the Regional Housing Needs Assessment developed by BCM Planning, LLC for the Strafford Regional Planning Commission (2009) Newmarket was classified as one of four urban centers of the region (Dover, Rochester, Somersworth and Newmarket). These communities have higher housing densities, and the presence of public water and sewer systems. Together these urban centers supported 83% of the multifamily housing production of the SRPC region from 1970-2007, but only about 44% of the area’s single family housing development.

The needs assessment also reviewed the fair share distribution of housing among the communities of the SRPC region using various proportionate measures including local jobs, commercial valuation, total households, labor force population, and aggregate personal income. The models clearly showed that Newmarket contains more than its proportionate share of attached and multifamily units based on several allocation measures, as do the other urban centers. However, that finding does not mean that Newmarket and the other urban centers should not support multifamily housing development in the future. While a long term goal would be to have more affordable workforce housing created in the suburban and rural communities, it remains likely that the urban centers will continue to be attractive as the primary locations for production of these units.

One of the differences between Newmarket and the larger nearby urban communities is its small land area and its relatively low concentration of jobs relative to its resident population (see Table 5).

Table 5: Jobs-Housing Balance and Relative Density

City or Town	2010 Jobs	2010 Population	Ratio Jobs to Population	Land Area Sq. Miles	Jobs Per Sq. Mile	Population Per Sq. Mile
Portsmouth	27,842	21,233	1.31	15.67	1,777	1,355
Dover	16,402	29,987	0.55	26.73	614	1,122
Rochester	11,079	29,732	0.37	44.82	247	663
Durham	6,115	14,638	0.42	22.40	273	653
Somersworth	4,951	11,766	0.42	9.81	505	1,199
Newmarket	1,237	8,936	0.14	12.56	98	711

(2010 jobs = public and private sector employment located within the municipality)

With its relatively small land area, the Town faces a greater challenge in capturing development that creates new jobs and commercial valuation than some of its more land-extensive neighbors such as Dover and Rochester. Infill incentives represent a means for Newmarket to encourage economic development within a limited land area, and improve the overall tax yield per acre

Summary of Principal Findings

1. The assumption that multifamily units generate higher service demands than single family homes is not supported by this analysis.
2. Multifamily and attached units, although they have lower service costs, can be expected to generate lower property tax revenues per unit than single family homes. However, the “break even” assessed valuation needed to cover service costs is much lower for multifamily units than for single family homes.
3. Multifamily units developed as condominiums, particularly those with two bedrooms or less, in townhouses or flats, are likely to generate tax revenues that exceed their service cost impact. Multifamily units that are held as income properties (rental units) are less likely to have values per unit that will match service cost impacts.
4. A relatively small number of units would be created as a direct result of the M-2 changes in relation to Newmarket’s population and housing stock. Even if infill residential development were to occur all at once, the maximum estimated population generated by 47 multifamily units is likely to be 85-97 persons, including 6 to 10 school age children. These effects would occur across scattered sites and within existing built-up neighborhoods. Demographic impacts would be greater if the same number of duplex or single family units were created.
5. Long-term demographic changes, including declining average household size and average school age children per unit may offset the impacts generated by new units in the M-2 district over the years.
6. Average service cost impacts of infill development should be lower than the cost to service development well outside the town center. The M-2 properties are already in a serviced neighborhood, and no new roads need be created to support the additional units.
7. Creating commercial infill and related valuation could support a better balance between commercial vs. residential property valuation. Infill incentives, particularly for mixed uses, help increase overall tax yields per acre. Infill and redevelopment policies may have higher priority to communities with smaller land areas such as Newmarket.

Limitations of Fiscal Impact Studies

Fiscal impact analysis originated as a means of evaluating the effects of large scale developments. The studies assess the overall balance of costs and revenues generated by different development patterns, and are best used to promote a balanced mix of housing and commercial development across the entire municipality. Fiscal impact analysis on a community-wide level is likely to demonstrate that a mix of housing alternatives, balanced with some commercial development, will keep tax rates to a reasonable level.

This study presents a simplified means to estimate relative impacts using a few variables. But there are no standardized approaches to fiscal impact analysis, and results are rarely comparable. Requiring individual fiscal impact studies at the micro-level for small developments may represent a high expense for small projects. Study assumptions can be tailored toward positive outcomes.

For these reasons, BCM Planning recommends that the Town develop its own internal template for staff review of fiscal impacts based on average per unit cost assumptions and project information provided by each applicant such as: living area of proposed housing units, number of bedrooms, probable configuration as condominium vs. rental ownership, and floor area of commercial space. Using standardized cost assumptions and estimates of the range of likely taxable valuation, municipal staff could create simple yet comparable fiscal impact reviews of development proposals in the M-2 district.

I hope that the above analysis and the attached materials will help in the Council's review of the M-2 zoning changes and will provide a perspective for comparing the probable relative impacts of various types of residential development.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bruce C. Mayberry". The signature is fluid and cursive, with a large initial "B" and "M".

Bruce C. Mayberry, Principal
BCM Planning, LLC

**DEMOGRAPHIC-BASED IMPACT SCENARIOS
47 HOUSING UNITS - SINGLE FAMILY VS. DUPLEX VS. MULTIFAMILY HOUSING**

SCENARIO A

Structure Type	Average Impact Per Dwelling Unit						Average Impact Of New Units						
	Persons Per Unit (1)	Enrollment Per Unit (2)	Autos Per Household (3)	PM Peak Trips (4)	Annual Fire Dept Incidents Per Unit @ Newmarket Ratios (5)	Annual Police Dept Calls for Service @ Dover Rate (6)	New Units	Population	Public School Enrollment	Resident Vehicles Owned	PM Peak Trips	Fire Dept Calls Per Year	Police Dept Calls Per Year
Single Family Detached	2.81	0.509	2.04	1.02	0.24	0.65	47	132	24	96	48	11	31
Two Unit Structure	2.50	0.381	1.61	0.62	0.24	0.64	47	118	18	76	29	11	30
Multifamily (Attached and 3-4 Unit)*	2.10	0.218	1.61	0.47	0.13	0.57	47	99	10	76	22	6	27

* M-2 would limit infill residential to maximum 4 units per building

(1) U. S. Census 2000, 100% count for Newmarket

(2) BCM Planning, LLC tabulation of address-matched enrollment to assessment data on housing characteristics (impact fee study, 2000)

(3) U. S. Census, 2000 SF3 sample data for Newmarket

(4) ITE Trip Generation, 7th Edition (2003) - weekday, peak hour of adjacent street traffic, one hour between 4pm to 6pm.

Rate for two unit structure based on "low rise apartment". Rate for multifamily is average for low rise apartment (0.62) and townhouse (0.32)

(5) Annual rate based on incidents in Newmarket Fire Department NIFRS report by property classification and BCM Planning estimate of units by structure type.

(6) Per unit calls for service based in Dover by structure type, from 2008 public safety impact fee study, BCM Planning, LLC. Multifamily rate based on market rate multifamily units and condos.

SCENARIO B

DEMOGRAPHIC BASIS: CENSUS AND ENROLLMENT ADJUSTED TO 2010

Structure Type	Average Impact Per Dwelling Unit					Average Impact Of New Units							
	Persons Per Unit (1)	Enrollment Per Unit (2)	Autos Per Household (3)	PM Peak Trips (4)	Annual Fire Dept Incidents Per Unit @ Newmarket Ratios (5)	Annual Police Dept Calls for Service @ Dover Rate (6)	New Units	Population	Public School Enrollment	Resident Vehicles Owned	PM Peak Trips	Fire Dept Calls Per Year	Police Dept Calls Per Year
Single Family Detached	2.75	0.411	2.07	1.02	0.24	0.65	47	129	19	97	48	11	31
Two Unit Structure	2.45	0.307	1.44	0.62	0.24	0.64	47	115	14	29	29	11	30
Multifamily (Attached and 3-4 Unit)*	2.06	0.176	1.44	0.47	0.13	0.57	47	97	8	22	22	6	27

*M-2 would limit infill residential to maximum 4 units per building
 (1) Proportionate adjustment of 2000 Census sample data to 2010 based on change in average household size
 (2) Proportionate adjustment of 2000 Newmarket enrollment per unit to 2010 based on change in average school age population per household
 (3) American Community Survey 2011 5-year sample for Newmarket. "Owner occupied" rate used for single family; "renter occupied" rate for duplex and multifamily
 (4) ITE Trip Generation, 7th Edition (2003) - weekday, peak hour of adjacent street traffic, one hour between 4pm to 6pm.
 Rate for two unit structure based on "low rise apartment". Rate for multifamily is average for low rise apartment (0.62) and townhouse (0.32)
 (5) Annual rate based on incidents in Newmarket Fire Department NFIRS report by property classification and BCM Planning estimate of units by structure type.
 (6) Per unit calls for service based in Dover by structure type, from 2008 public safety impact fee study, BCM Planning, LLC. Multifamily rate based on market rate, multifamily units and condos.

SCENARIO C

DEMOGRAPHICS BASED ON ACS WITH MULTIFAMILY SCHOOL RATIO AT NEWMARKET MULTIFAMILY SAMPLE AVERAGE (Representative of 2-BR Units)

Structure Type	Average Impact Per Dwelling Unit					Average Impact Of New Units							
	Persons Per Unit (1)	Enrollment Per Unit (2)	Autos Per Household (3)	PM Peak Trips (4)	Annual Fire Dept Incidents Per Unit @ Newmarket Ratios (5)	Annual Police Dept Calls for Service @ Dover Rate (6)	New Units	Population	Public School Enrollment	Resident Vehicles Owned	PM Peak Trips	Fire Dept Calls Per Year	Police Dept Calls Per Year
Single Family Detached - 3 BR	2.81	0.462	2.07	1.02	0.24	0.65	47	132	22	97	48	11	31
Two Unit Structure - 2 BR Units	2.30	0.219	1.44	0.62	0.24	0.64	47	108	10	29	29	11	30
Multifamily (Attached or 3+ Unit) w/ 2-BR*	2.30	0.130	1.44	0.47	0.13	0.57	47	108	6	22	22	6	27

*M-2 would limit infill residential to maximum 4 units per building
 (1) Average for all units (not bedroom specific) ACS data combines single family detached and townhouse, and combines data for 2-4 unit structures
 (2) NH Housing Finance Authority tabulation data from 2009 ACS 5-year sample for NH - by number of bedrooms for SFD and DPX; Newmarket sample for 2012 MF mixed unit types mostly with 2 bedrooms
 (3) American Community Survey 2011 5-year sample for Newmarket. "Owner occupied" rate used for single family; "renter occupied" rate for duplex and multifamily
 (4) ITE Trip Generation, 7th Edition (2003) - weekday, peak hour of adjacent street traffic, one hour between 4pm to 6pm.
 Rate for two unit structure based on "low rise apartment". Rate for multifamily is average for low rise apartment (0.62) and townhouse (0.32)
 (5) Annual rate based on incidents in Newmarket Fire Department NFIRS report by property classification and BCM Planning estimate of units by structure type.
 (6) Per unit calls for service based in Dover by structure type, from 2008 public safety impact fee study, BCM Planning, LLC. Multifamily rate based on market rate, multifamily units and condos.

APPENDIX

1. General Demographic Trend 1980-2010

As of 2010, 54.4% of the households in Newmarket were homeowners, and 45.6% were renters. This is primarily the result of the aging of the population, which is expected to continue for some time. This means that any short-term impacts that could occur from new development on school enrollment may be offset by long-term demographic trends.

Table A-1

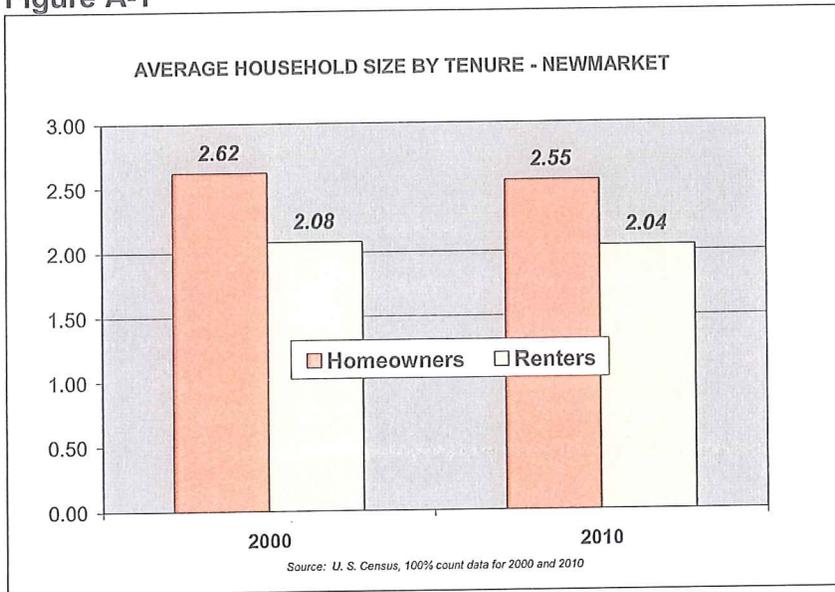
NEWMARKET, NH	Decennial Census Data				Change by Decade		
	1980	1990	2000	2010	1980-90	1990-2000	2000-10
Total Population	4,290	7,157	8,027	8,936	2,867	870	909
In Group Quarters	11	0	34	4	(11)	34	(30)
In Households	4,279	7,157	7,993	8,932	2,878	836	939
Population < 5 (Pre-School)	232	639	499	583	407	(140)	84
Population Age 5-17 (School Age)	667	1,037	1,278	1,175	370	241	(103)
Total Housing Units	1,859	3,285	3,457	4,139	1,426	172	682
% of Units Occupied	93.8%	88.2%	97.7%	93.2%			
Occupied Housing Units	1,743	2,898	3,379	3,857	1,155	481	478
Owner occupied	862	1,493	1,779	2,100	631	286	321
Renter occupied	881	1,405	1,600	1,757	524	195	157
% Owner Occupied	49.5%	51.5%	52.6%	54.4%			
% Renter Occupied	50.5%	48.5%	47.4%	45.6%			
Average Household Size	2.45	2.47	2.37	2.32	0.01	(0.10)	(0.05)
Pre-School Age Per Household	0.133	0.220	0.148	0.151	0.09	(0.07)	0.00
School Age Per Household	0.383	0.358	0.378	0.305	(0.02)	0.02	(0.07)

Source: U. S. Census, 100% count data

2. Average Household Size by Structure Type

The average household size of renters in Newmarket in 2010 was 2.04, compared to an average of 2.55 for homeowners. Renters occupy most of the local multifamily housing, and single family homes are owner occupied. For the average occupancy and relative per capita demand on services based on population will be lower for the multifamily unit than for the single family unit.

Figure A-1



The other significant trend indicated by the data is that nearly all of the growth in total households and among renter households over the past 20 years has taken place in one and two person household configurations. The number of large households of four or more persons has tended to be stable or declining.

Figure A-2

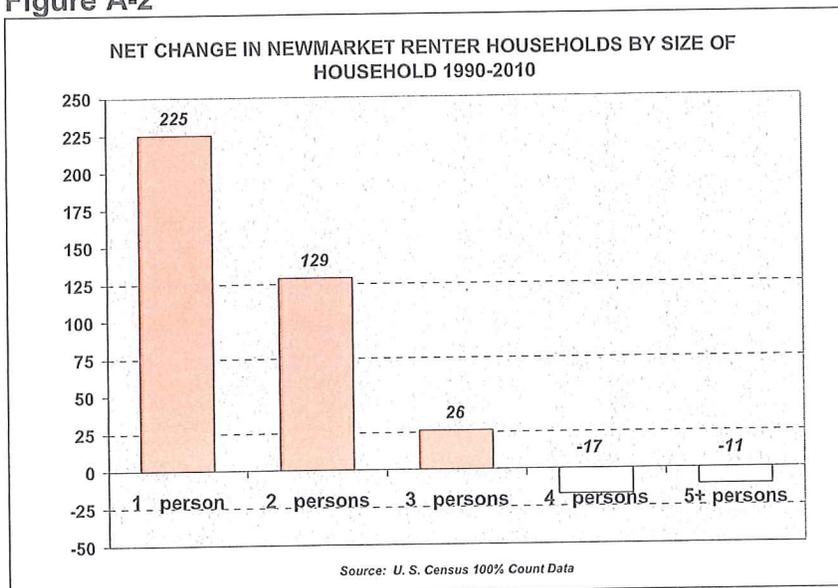


Figure A-3

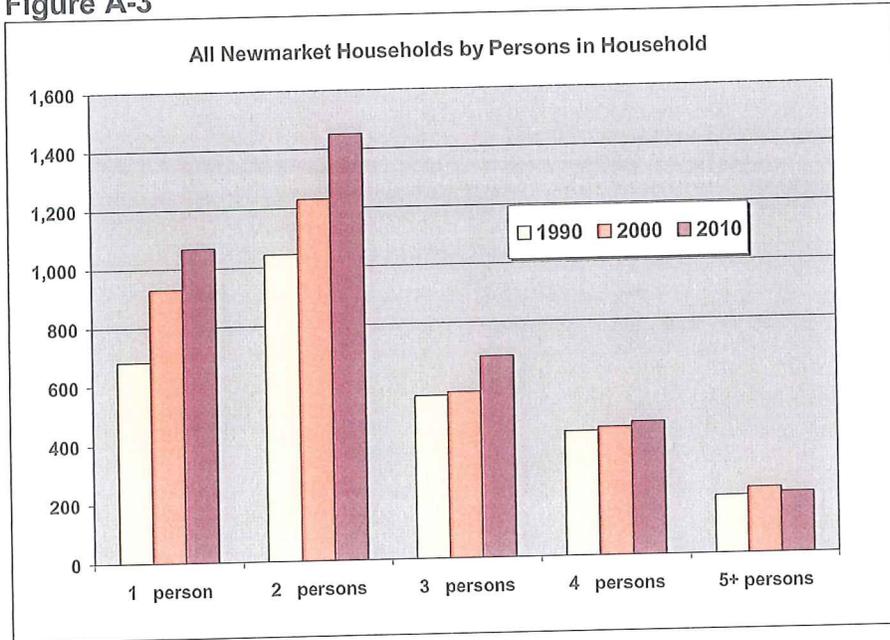


Figure A-4

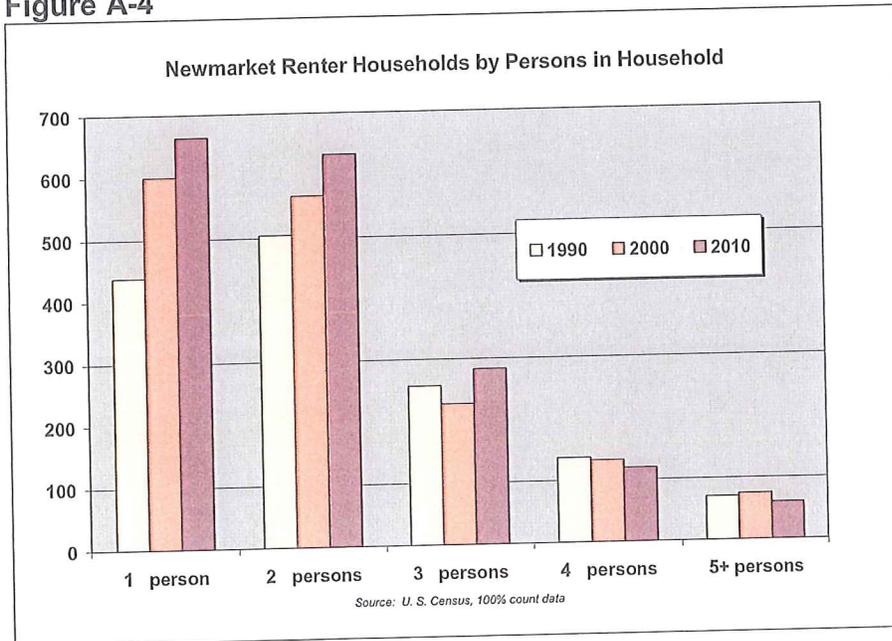
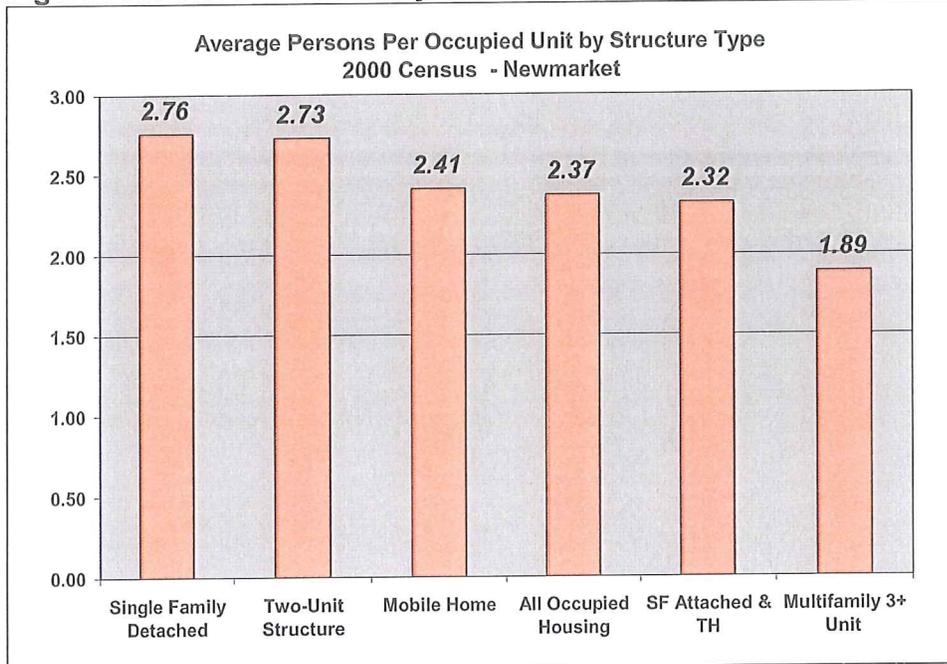
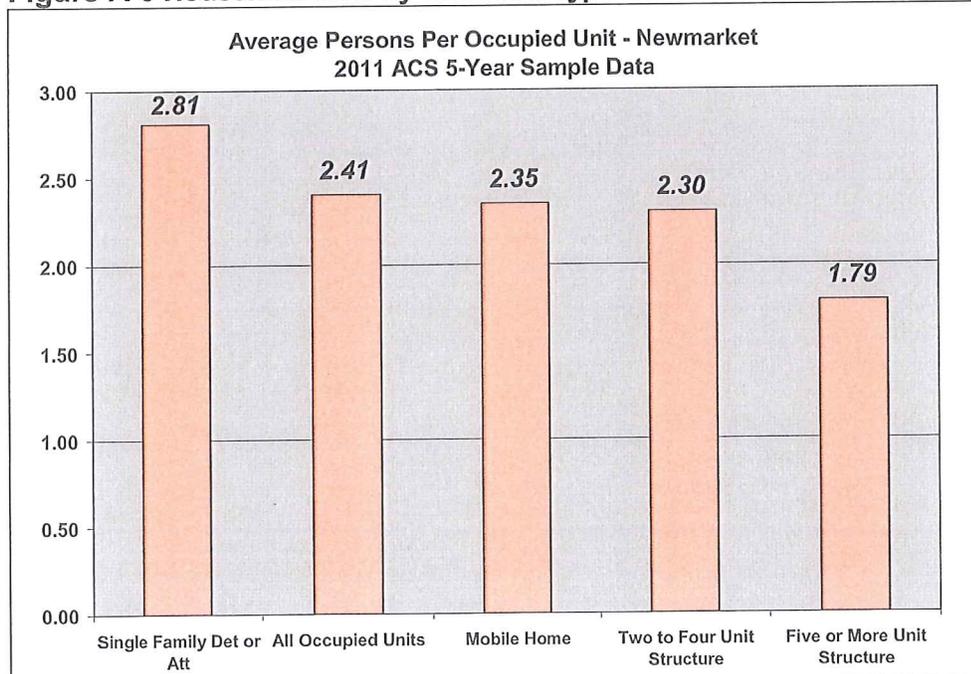


Figure A-5: Household Size By Structure Type - Newmarket – 2000 Census



Source: 2000 Census, SF3 sample data

Figure A-6 Household Size By Structure Type Newmarket – 2011 Estimates



Source: American Community Survey – 5-yr sample data 2007-2011
 (ACS now combines SF and TH together, and 2-4 unit structures as a combined category)

Figure A-7
Vehicles Per Household By Owner-Rental Tenure In Newmarket

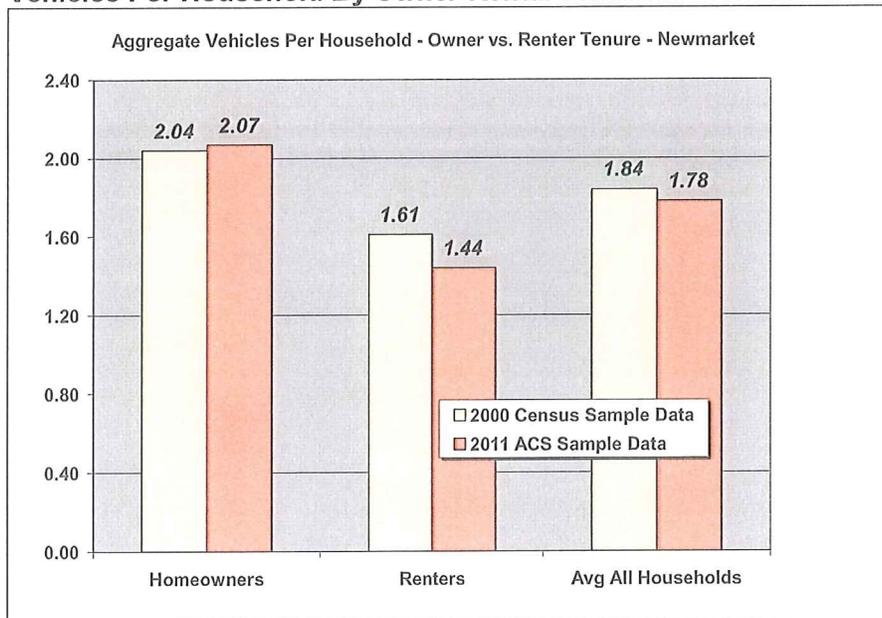


Table A-2
Estimated Household Size By Structure Type And Bedrooms – NH and Newmarket

NH Average Household Size 2000 by Structure Type and Bedrooms					Averages by Structure Type - Newmarket 2011 ACS 5-Yr Sample	
Type of Structure	Average Occupied Unit - NH 2000	New Hampshire Averages - 2000 Census Public Use Sample				
		1 BR	2 BR	3 BR		
Single Family Detached	2.81	1.63	2.14	2.83	2.81	ACS data combines statistics for detached and attached units
Single Family Attached (TH)	2.23	1.65	1.96	2.64		
Two Family Structure	2.37	1.50	2.15	2.85	2.30	ACS data for 2-4 family structures
Multifamily Structure 3+ Units	1.89	1.30	2.06	3.10	1.79	ACS data for 5+ family structures
All Occupied Units	2.53	1.39	2.08	2.84	2.41	2010 Census (100% count) average is 2.32

3. School Enrollment per Unit

Similarly, the demand on schools has been consistently lower for multifamily and attached housing than it is for single family housing as measured by statistical indicators over the last 30 years. Detailed data collected in the year 2000 by BCM Planning for the town's impact fee study showed the average Newmarket housing unit had 0.347 pupils per unit. This compared to 0.509 pupils per unit in single family homes, 0.218 per unit in three to four family structures, and only 0.137 persons per unit in multifamily buildings with five or more dwellings.

Figure A-8

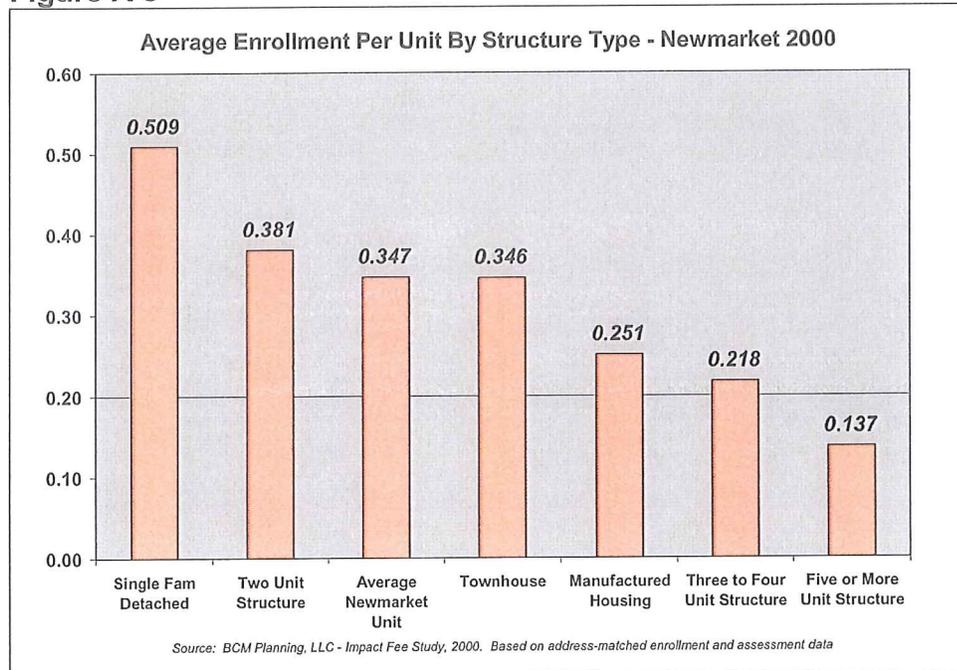


Table A-3

Type of Structure	Pupils	Housing Units	Pupils Per Unit	% of Pupils	% of Units
Single Family Detached	706	1,403	0.503	62.3%	41.7%
SF Attached (Townhouse)	107	316	0.339	9.4%	9.4%
Two Unit Structure	103	278	0.371	9.1%	8.3%
3-4 Unit Structure	43	202	0.213	3.8%	6.0%
5+ Unit Structure	125	962	0.130	11.0%	28.6%
Mobile Homes	50	205	0.244	4.4%	6.1%
Total	1,134	3,366	0.337	100.0%	100.0%
Attached and 3+ Unit Structures	275	1480	0.186	24.3%	44.0%
3+ Unit Structures Only	168	1164	0.144	14.8%	34.6%

Source: BCM Planning, LLC, 2000 impact fee study for Newmarket. Data tabulated from matching resident enrollment counts by address to property assessment characteristics.

A more recent analysis, supported by data from the Newmarket School District, shows that an average of 0.13 enrolled pupils per dwelling unit in the locations where much of the multifamily and rental housing of the town is located. This is in a combination of townhouse, attached apartments and condominiums. The highest enrollment ratio was found at the public housing Great Hill Terrace at 0.44 per unit; however, this housing has a significant number of three and even four bedroom units, where higher enrollment ratios would be expected.

Table A-4

ESTIMATE OF ENROLLMENT PER HOUSING UNIT IN MULTIFAMILY HOUSING - NEWMARKET					
Street	Highest of District Enrollment Counts (1)	Estimated MF Units (2)	Enrollment Per Unit	Type of Unit (2)	Typical Living Area Per Unit (2)
Bass	7	46	0.15	2 BR Townhouse Condo	1,200
Bennett	31	360	0.09	2 BR Apartments	919
Great Hill Terrace	22	50	0.44	Public Housing - 12 1-BR, 16 2-BR, 20 3-BR, 2 4-BR Apts	1,016
Lita	16	120	0.13	3-Story Garden Apts	728
Piscassic	20	132	0.15	2 BR TH Condos, Gdn Apts	1200-1400 sq. ft. condos, 878 sq. ft. apts.
Pulaski	6	32	0.19	2 BR Row Apartments	717
River	5	72	0.07	3-story Gdn Apts	799
Rivermoor Landing	1	73	0.01	1-2 BR one-level condos in downtown mill redevelopment	900-1400
Salmon	17	84	0.20	1-2 BR Garden Apts	653
Total	125	969	0.13		

(1) Based on available School District estimates for multifamily properties for academic years 2005-06, 2006-07; 2007-08; 2012-13. (The data were not collected for all years at every site - the column shows the highest number from the series)

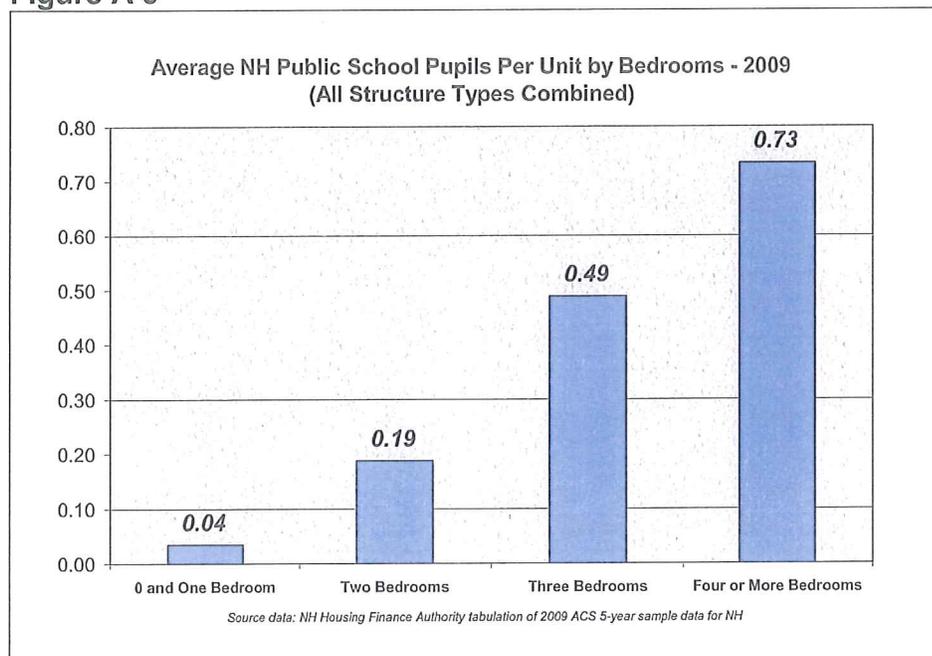
(2) BCM Planning review of Newmarket tax assessment data; unit count is estimated number of condominium and/or multifamily units at these street locations.

At Rivermoor Landing in downtown Newmarket (73 condominiums of 1 and 2 bedrooms) the maximum enrollment reported by the school district was 1 child (none in the current year).

In general, higher enrollment ratios will be found in housing with three bedrooms or more in all structure types, particularly in larger single family and duplex structures.

Figure A-9 shows the differences between enrollment impacts of housing units (all structure types) based on the number of bedrooms. Average enrollment in New Hampshire averages 0.19 for a 2-bedroom unit, but the average rises to 0.49 per unit for a 3-bedroom dwelling. A four or more bedroom housing unit typically has 0.73 pupils per housing unit.

Figure A-9



BCM Planning has conducted enrollment ratio studies in dozens of New Hampshire communities since 1990. In the urban centers, the average enrollment per dwelling unit, even in single family homes, tends to be lower than in the suburban or rural towns.

For example, detailed breakdowns performed by the City of Dover in 2001 showed that the combined enrollment in 2-3 family, 4+ family and townhouse units averaged 0.167 pupils per dwelling unit. The same study found an average of 0.374 for Dover single family homes. Thus the average enrollment ratio for attached and 2+ family apartments and townhouses was less than half that of a single family home.

The enrollment ratio study prepared in 2000 by BCM Planning for the Town of Newmarket showed results similar to those in Dover. In Newmarket, the average single family home had 0.509 pupils per dwelling compared to 0.186 for the combined average of attached (townhouse) and three or more family structures. The Newmarket combined average for attached (townhouse) and all two or more family housing was 0.215 per unit.

In more rural communities where the multifamily housing stock may be composed of mostly older duplex or three to four family housing, multifamily units tend to be larger with more bedrooms, with somewhat higher enrollment per unit.

Enrollment ratios found in all types of housing will vary principally with the living area of the unit involved and particularly with the number of bedrooms that it contains.

4. Public Safety Services Demand

Over a three year period for calendar years 2010 to 2012, the Newmarket Fire Department reports indicate that about 69% of fire department responses were to various types of residential property. Averaging the response rates over the housing stock, it appears that single family and duplex units had an average annual rate of about 0.21 incidents per unit compared to multifamily, if defined as townhouse, and three or more unit structures as 0.12 responses per unit.

Table A-5 – Newmarket Fire Department Incidents

Fire Department Incidents Reported for Residential Property Codes	3-Yr total for Calendar Years 2010-2012	Avg Annual
1-2 Family	1,233	411
Multifamily	756	252
Other	109	36
Board & Care, Dorms	29	10
Total	2,127	709
Total Incidents Reported		
	3,094	1,031
% Residential		
	68.7%	68.7%
Estimated Housing Stock 2010		
Single Family, Duplex, and Mobile Home Units		1,959
Multifamily Units (Townhouse and 3+ Family)		2,180
All Residential Units		4,139
2010 Population		
		8,936
Estimated Average Incidents Per Housing Unit Per Year		
Single Family, Duplex and Mobile Home Units		0.21
Multifamily Units (Townhouse and 3+ Family)		0.12
All Housing Units		0.17
Residential Per Capita		
		0.08

The residential ratio in Newmarket (69%) is similar to that in Dover, where BCM Planning found an average of 63% of fire department responses were associated with residential property.

Table A-6

Public Safety Est. Demand by Sector	Newmarket	Dover
Police Department Calls		
Residential	46%	52%
Non-Residential	54%	48%
Fire Department Responses		
Residential	69%	63%
Non-Residential	31%	37%

It is not unusual to find that in urban centers about half of police department calls are associated with non-residential uses rather than associated with housing. Urban centers tend to have more commercial

activity as well as higher traffic flow, along with higher residential density. While we tend to associate development impacts with residential growth, commercial uses are a significant source of demand on public safety services particularly in more urban locations

Information provided by the Newmarket Police Department on calls for service did not contain detailed information by residential structure type, but the department estimates that about 46% of its calls in the past year were associated with residential property, and 54% to nonresidential uses.

This is very similar to the ratios in nearby Dover. In the 2008 impact fee study for Dover by BCM Planning, about 52% of police department activity was related to residential property and 48% associated with nonresidential uses.

BCM Planning's 2008 analysis of Dover police department call ratios was based on matching actual numbers of calls, where reported for a street address to the property characteristics of that location. In Dover the average ratio of calls per unit for multifamily apartments and condominiums averaged about 0.13 per unit for the fire department and 0.59 per unit for market rate multifamily housing.

Police department call rates per unit were much higher for subsidized, low income housing than they were for market rate units. Single family ratios were 0.65 for the police department and 0.21 for the fire department. Thus the police department call rates for multifamily market rate housing were very much the same as that of single family homes, while fire department calls per unit were lower for market rate multifamily housing than for single family homes.

Town of Newmarket, New Hampshire
By the Newmarket Town Council
Ordinance 2012-2013-02

Amendments to **Sections 1.04 Zoning Map, Sections 1.09 Special Use Permits, Section 2.02 M-2 District, Section 5.08 Downtown Commercial Overlay District, and Section 7.02 Mixed use Development** of the Town of Newmarket Zoning Ordinance, adopted 02/14/1996, as amended through August 4, 2010.

The Town of Newmarket ordains that:

WHEREAS, the Town of Newmarket has adopted a Zoning Ordinance to guide the character of growth, development, and change in order to provide for the public health, safety and general welfare; and

WHEREAS, the Economic Development Chapter of the Newmarket Master Plan was adopted by the Planning Board on August 9, 2011 and recommended a number of actions including an examination of the current zoning to include more flexibility in the determination of permitted use, to foster a more “business-friendly, atmosphere, streamline the development process, and promote projects which would result in a positive fiscal impact to the Town; and

WHEREAS, the Planning Board formed a sub-committee to evaluate current business zoning and mixed-use development districts, their corresponding dimensional controls, and permitted use to identify barriers to commercial development; and come forward with some specific recommendations for changes to the Town’s development regulations; and

WHEREAS, over the course of seventeen (17) months, several public informational meetings, workshops, and three formal public hearings were conducted to solicit citizen input and modifications were made to draft zoning amendments in response to those comments.

WHEREAS, the Planning Board voted on January 9, 2013 to bring this proposed amendment to the Town Council for adoption.

WHEREAS, this proposed amendment is intended to expand the existing downtown M-2 zoning district; to facilitate positive economic development, encourage in-fill development and the conversion and adaptive re-use of underdeveloped properties, through innovative zoning techniques, as authorized under RSA 674:21 within a target area adjacent to the downtown connecting along Route 108 and Elm Street.

NOW THEREFORE BE IT RESOLVED that **Title III. Land Use Code and Regulations Chapter IV: Zoning Ordinance** is amended as follows:

SECTION 1.04 ZONING MAPS.

1. Amend the “Zoning Map for the Town of Newmarket” (See Attachment 1) by changing a portion of the B-1 Zone and of the 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, 134, 135, 136, and 137. Map U4, Lots 15, 14, 13, 12, 11, 10, and 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.

SECTION 1.09 SPECIAL USE PERMITS.

1. Amend SECTION 1.09 SPECIAL USE PERMITS, Paragraph (A), by inserting “§ 2.02 M-2 District, (B) (2) (a) for Multi-family residential use and (b) for Mixed-use development with three or greater residential units.”

SECTION 2.02 M-2 DISTRICT.

1. Modify paragraph (A) Purpose of M-2 District to recognize the need to “expand” the commercial, social, civic and residential functions of the downtown and the historic nature of the “town” as opposed to just the area.
2. Modify paragraph (B) by allowing Multi-family residential and Mixed-use developments with three or greater residential units by a Special Use Permit granted by the Planning Board.
3. Add three (3) new conditions pertaining to on-site parking, limits on the number of residential units per single building, and restrictions on residential units on the street level on North Main, Main Street, South Main Street, and Exeter Road.
4. Delete existing Paragraph (C) and move to Section 3.00 Chapter VI Site Plan Review Regulations by creating a new Section 3.22 titled “ Design Standards for M-2 District.”, with the exception of restrictions on “drive-through facilities”, which will be removed in its entirety.
5. Provide a new paragraph (C) which allows waivers to road setbacks, side/rear setback and structure height by Special Use Permit issued by the Planning Board.

Changes to the TABLE OF PERMITTED USES (See Attachment 2)

Make the following changes to the Table of Permitted Uses.

1. *Make “research and development” an allowed use in the M-2 Zoning District.*
2. *Allow “civic use” in the B-1 District.*
3. *Allow “fraternal organization” in the M-2 and B-1 Districts.*
4. *Allow “office complex” in the M-2 and B-1 District.*
5. *Make “Multi-family residential” a use permitted by Special Use Permit in the M-2 Zoning District, pursuant to Section 2.02 (B) (2).*
6. *Delete “Student Housing” from the Table.*
7. *Add “Commercial Amusement” to the B-1 District.*
8. *Make “Automotive Repair” a permitted use in the M-2 District.*
9. *Add Mixed Use Development to the Table, which are permitted in the M-1, M-2, M-3, and M-4 District and a new Footnote 7.*
10. *Add a new Footnote 6. that states “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)”*
11. *Add a new Footnote 7 for Mixed Use Development that states “See Section 7.02 for requirements”.*

Changes to the Dimensions Table (See Attachment 3)

1. *Change the Maximum Structure Height in the M-2 Zone from “50” to “35” feet.*
2. Add a Footnote 2. to **Dimensions Table** that states “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 Section 2.02 (D).

SECTION 5.08 DOWNTOWN COMMERCIAL OVERLAY DISTRICT.

1. Delete Paragraphs (A), (B) and (C) in their entirety.
2. *Remaining text to be re-numbered, accordingly.*

SECTION 7.02 MIXED USE DEVELOPMENT.

1. *Paragraph (A) to remain as is.*
2. *Delete Paragraph (B) which states Residential Only. There shall be no more than one residential structure per lot.*
3. *Section (C) (1) and (2) remain as is. Section (C)Paragraph (3) which states “Residential Density shall be one unit less than the maximum permitted residential density for the district when non-residential uses are included shall be deleted.*
4. *Remaining text to be re-numbered accordingly.*

This Ordinance shall become effective upon its passage.

Introduction Date: February 6, 2013

Public Hearing: February 20, 2013

Action by Council: March 6, 2013 (Was Tabled)

Final Action by Council:

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Town Clerk

Town of Newmarket
Office of Town Planner
186 Main Street
Newmarket, NH 03857



MEMORANDUM

DATE: May 30, 2013
TO: Stephen Fournier, Town Administrator and Members of Newmarket Town Council
FROM: Diane Hardy, Town Planner *Diane Hardy*
SUBJECT: In Response to Questions raised by the Newmarket Town Council relative to the Proposed M-2 Zoning

1) *What is the definition of multifamily housing?*

A. The definition can be found in Section 1.11 of the Newmarket Zoning Ordinance:

Residence, Multi-Family. A single structure containing three or more residential units, none of which is an accessory apartment. A multi-family housing development can be rental housing or condominium ownership.

Under the current M-2 zoning multi-family housing can be part of a mixed-use development, subject to Site Plan Approval by the Planning Board, a residential density of one unit less than the maximum permitted density (or five units per acre), or a stand-alone development.. "Multi-family residential" is prohibited in any street level space on lots having frontage on Main Street, or South Main Street. So, a stand-alone multi-family development is not allowed in those locations. Any multi-family housing is subject to a Special Exception granted by the Zoning Board of Adjustment upon acceptance of a satisfactory fiscal impact statement and market analysis.

Under the proposed M-2 zoning, multi-family housing can be part of a mixed-use development, subject to Site Plan Approval by the Planning Board, a residential density of (six units per acre) or a stand-alone development. "Multi-family residential" housing is prohibited in any street level space on lots having frontage on North Main, Main Street, South Main Street, and Exeter Road. So, a stand alone multi-family development is not allowed in those locations. Any multi-family housing is subject to a Special Use Permit granted by the Planning Board upon the acceptance of a satisfactory fiscal impact statement and market analysis. Each project shall have at least (2) on-site parking spaces per residential unit. Multi-family residential use, with no commercial use, shall be limited to no more than four (4) residential units per building. The proposed regulations are more stringent than

the existing regulations; however, they do provide more flexibility on setbacks, height and setback requirements and design standards.

2) *How many multi-family units does the Town currently have?*

The number of multi-family housing units for townhouses and multi-family units of three or greater is estimated at 2,180 units, 52.6% of the units (2010 U.S. Census Bureau) Page 18 of the attached report shows figures related to the estimated housing stock for 2010.

3) *What are the fiscal impacts of multi-family housing on Town services?*

The Town has hired Bruce Mayberry of BCM Planning LLC to review the fiscal impacts associated with multi-family housing and the proposed M-2 zoning ordinance. See his attached report, dated May 14, 2013.

- a) Number of police calls: See pages 18 and 19.
- b) Number of fire and ambulance calls: See pages 18 and 19.
- c) What is the impact on the schools? See pages 15-17.
- d) Number of cars registered from multifamily units? An estimate of number of vehicle residential units is provided on pages 8 and 9.
- e) What is the percentage of the Town's collected taxes come from multifamily housing verses single-family units.

The Town does not have a break-out of the percentage of taxes collected by dwelling unit, but does have data on various land use categories of properties for assessment purposes. This doesn't match the actual percentage of taxes collected due to exemptions and adjustments but it is very close. Bruce Mayberry has provided this information in the attached table titled "Newmarket Estimated Distribution of Assessed Values by Land Use". According to this data, 61% of the valuation comes from single family housing and 27% come from multi-family housing.

4) *Do we have building design standards in Town?*

- A. *Building and Fire Codes:* The Newmarket Office of Building Safety administers several building and fire codes, including:
 - International Building Code
 - International Mechanical Code
 - International Plumbing Code
 - International Energy Code
 - International Fuel Gas Code
 - National Electrical Code

National Fire Protection Association (NFPA) 101 Life Safety Code, as amended.

B. Zoning Ordinance contain requirements pertaining to dimensional requirements-height, lot size, frontage, side, front and rear setbacks, density, permitted uses, signage, environmental overlay zoning for aquifers, shore lands, wetlands, floodplains, steep slopes, telecommunication towers, open space developments, home occupations, mixed use development, accessory apartments, affordable elderly housing, lighting, accessory sheds, impact fees and sexually oriented businesses.

C. Site Plan Review for non-residential new development, the conversion of uses and multi-family residential development (three or greater units) are subject to review by the Planning Board under the Town's Site Review regulations. These design regulations govern traffic, parking, off-street loading, pedestrian, bicycle and transit amenities, snow removal, landscaping, storm water management, water supply, sewage disposal, utilities, ADA compliance, outdoor lighting, solid waste disposal and recycling, safety, construction practices and aesthetics.

In addition, Section 3.21 titled "Aesthetic and Architectural Review" provide design criteria for the Planning Board to use for the review of new building design, exterior elements such as roofs, walls, windows, trim, color, and fencing. This section recognizes that the architecture of Newmarket spans several periods of design and serve to promote compatibility along the Route 108 corridor to reflect and complement the historic and architectural heritage and integrity of the Town.

D. Historic Preservation: The Town does not have a historic district ordinance, however site plans are frequently forwarded by the Planning Board to the Local Advisory Heritage Commission for review and comment for properties of historic and architectural significance. The Advisory Heritage Commission has developed guidelines for new construction, new additions, roofs, relocation of buildings, architectural features, ironwork, signs, awnings, marquees, landscaping, fences and walls, and paint.

5) *What is the process a developer must go through to develop a project in Town?*

The process a developer must go through to develop a project in Town varies depending on a number of variables, such as the complexity of the project, zoning requirements, the sophistication and experience of the developer in completing similar projects, the staff capacity and the level of cooperation and willingness of the developer and his team to comply with the Town's regulations and to work in a cooperative fashion.

A. How much time does this take?

A simple non-residential site plan involving the conversion of an existing building with minimal site impacts and infrastructure may only take one meeting of the Planning Board to review (for ex, the Riverdale that was recently approved), whereas a large scale project involving impacts to wetlands, groundwater historic resources, zoning changes and variance, state permitting, traffic studies, special financing (like tax relief under RSA 9E), major citizen opposition may take several months. The Planning Board is subject to certain legal timeframes for putting applications

on the agenda and for taking action on applications. It is basically a 65 day time frame which can be extended through mutual agreement between the Planning Board and the developer.

B. Is it more or less than other communities?

This also depends. Other larger communities have larger staff and greater resources than we have and, perhaps, can complete plan reviews in a more timely fashion. I have heard of some communities taking upwards to two years to approve commercial site plans. Some communities have a very detailed review process, including a historic district commission and architectural review board which further extend the time to process applications. In another community that I heard of, before an applicant can even go to the Planning Board, the developers need to get firm approvals from all town departments and go through a very detailed technical review process a staff level. I personally think Newmarket has a very fair and reasonable process. We all work very hard to work with applicants to move things along expeditiously, but sometimes that is difficult depending upon the circumstances and extent of local opposition.

That is really a difficult question to answer. The Town would have to do some kind of a survey to really get a handle on whether the process is more time consuming in one community verses another. It may be helpful if an independent person complete a survey of several communities to assure the results are non-biased. Otherwise, it is very subjective based on the experience of the personal developer. Perhaps, some antidotal information from developers who work in more than one community would help to better answer this question.

6) *How do we determine the assessed value (taxable property) of multifamily units?*

This very same question was asked by the Planning Board of John McSorley, the Town Assessor in January 2012. This was his response:

“Except for Low Income Housing, as defined in RSA 751-a, apartment buildings (4 units and above) are assessed using the standard method of mass appraisal which is a hybrid of the cost approach and market comparison approach. The buildings are measured and listed to verify the square footage, quality grade, current condition and other attributes to establish a “Replacement Cost New Less Depreciation (RCNLD) of the improvements. Then a sales analysis is done of all qualified sales of apartment buildings in town that have sold within a specified period of time. (This is typically the two year period prior to the date of the Town’s reassessment.) The goal of this analysis is to establish land values so the RCNLD is subtracted from the total sales price which theoretically leaves the value that can be attributed to the land, as the remainder. These remainders are further analyzed for locational factors, relative lot size, topographical features and other factors that affect the market value. Once established for the sales properties, these values are applied to the subject apartment building.

- 7) *If the zoning amendment, as proposed, were to pass, what is the maximum number of units that could be built?*

A “build-out analysis” (See letter to Newmarket Town Council dated 2/12/2013) was prepared by Val Shelton, the former Chairman of the Planning Board and Diane Hardy, Town Planner. They estimated that the proposed rezoning, under a worse case scenario¹, could result in 47 additional units.

- 8) *What is the maximum number of people who could live in those units?*

Mr. Mayberry’s has provided an analysis in his report. He estimates the maximum number of people who could live in those units based on three difference scenarios, for single family, duplex, and multi-family housing, ranging from 85 to 132 persons. (See Pages 2, 8, and 9)

The Town of Newmarket, unlike some other communities, does not regulate the number of occupants per unit. It has been suggested that the lower end of the spectrum could be realized by an amendment to the proposed zoning ordinance by restricting housing in the M-2 zoning district by not allowing single family and duplex units at all or by limiting the number of bedrooms in multi-family housing.

- 9) *If impact fees were eliminated, as proposed, how could these projects pay for their impacts on the town services?*

If the impact fee program that we have is eliminated, the Town could not charge impact fees to recoup the costs associated with increased demands placed on municipal infrastructure and services (for schools and recreation) associated with development. (It should be noted The Planning Board is not recommending eliminating water and sewer impact fees, but that they be replaced with system development charges. Also, for new mixed-use or multi-family development to be realized under the proposed M-2 zoning amendment, the Planning Board will not approve the project unless there is a “net positive impact.” The burden of proof would be placed on the applicant to prove there will not be additional costs associated with the development. If the impact fee program were eliminated, the Planning Board would still have the ability to negotiate with a developer to pay the cost of “off-site improvements” necessitated by a development as part of its review authorities, pursuant to RSA 674:21 V (j).

¹ This assumed that there are no current encumbrances on the lot and the lot would be totally developed to support the permitted density. The lot configuration, dimensional requirements, access, parking requirements, and restrictions on first floor residential use, and environmental and physical constraints, would practically result in a much lower figure.

10) *Does the Town have to statutorily follow the Master Plan?*

No. The Master Plan is a “guide” for the Town to follow. There are no statutory requirements that the Master Plan must be adhered to. It does not have the weight of law, as an ordinance or regulation does. However, the Zoning Ordinance should be based in concept upon the goals, precepts, and purposes as set forth in Master Plan. It is intended to be a statement of land use and development principals that aid the Planning Board in designing ordinances and to guide them in the performance of their duties

11) *What is the reasoning for the zoning board being taken out of the process?*

The proposed ordinance does not take the Zoning Board of Adjustment out of the process. There will still be instances in which use variances, special exceptions, and appeals to administrative decisions will be necessary as they relate to other provisions in the Zoning Ordinance. Under the RSA's, either the Zoning Board or the Planning Board can be given authority to grant special exceptions. Given the role the Planning Board plays in reviewing projects under its site plan review authority, it was felt this is more appropriate function for the Planning Board than the Zoning Board of Adjustment given its interest in promoting mixed-use and infill development in areas adjacent to the downtown. It was also felt that having one instead of two Boards rendering those decisions would help to simplify and streamline the process, so an applicant wouldn't have to bounce back and forth between two Boards.

12) *In the proposed ordinance, the phrase “in a community which already has an overabundance of multi-family housing” was taken out. Why? Is this accurate?*

The Planning Board is recommending that phrase be taken out of the ordinance because it could be viewed as being discriminatory against a certain type of housing and segment of the population. It was felt that it didn't really add to the substance of the ordinance, which is why it was suggested for deletion.

Bruce Mayberry does state in his report that “Newmarket contains more than its proporate share of attached and multi-family housing, as do other urban centers in the region. However, that finding does not mean that Newmarket and other urban centers should not support multi-family housing.” According to the New Hampshire Workforce Housing Council, the Town's economic well-being requires that we have an adequate and balanced supply of housing to support a diverse and growing workforce. Economists have estimated for every 1,000 jobs created, approximately 700 new housing units need to be created. Unless we have adequate housing opportunities, economic growth and recovery will be slowed. (Source: “Homes for New Hampshire's Future, Housing for a Healthy Economy and Strong Communities”, New Hampshire Workforce Housing Council.)

- 13) *The ordinance states that each development will have two parking spaces per unit. Is this enough for customers and up to six units or rental spaces above?*

As part of the site plan review process, the Planning Board will determine whether there is adequate parking for both the commercial and residential uses. There are other provisions in the site review regulations (See Section 3.02 Parking) for determining the parking needs associated with non-residential uses. Language is recommended to be added to the zoning ordinance to clarify that there must be at least two parking spaces per unit for residential uses. Currently, within the M-2 zoning district there are no prescribed parking standards for residential uses. The intent of the amendment is to make the ordinance stricter with respect to parking requirement for residential uses.

- 14) *How does Newmarket compare to other area communities (Portsmouth, Dover, Stratham, Exeter Greenland, Durham etc.) for the number of multifamily dwellings?*

Please see Page 5 of Mr. Mayberry's report for a comparison of housing stock among area communities. In Table 4 he compares Newmarket to Portsmouth, Dover, Somersworth, Durham, Exeter, and Rochester.

- 15) *On page five of the housing section of the town's master plan it recommends "to broaden our tax base the town must slow residential growth and increase the value of its residential tax base. With the possible exception of elderly housing or retirement communities, the Town should discourage additional multi-family complexes so that the town's mix of housing is more similar to regional distribution with about 60% single-family detached units. It then states "single family units typically will provide more property tax revenues per unit than duplex or multi-family units and demand less in community services". Why are the above conclusions not correct? Why were they correct in 2001 and not in 2013?*

The housing chapter of the Newmarket Master Plan is grossly out-of-date. It was last updated in 2001. There is very recent 2010 census data now available and several new studies that point to multi-family housing having less of a demand on municipal services than was previously projected. The recent housing and demographic analysis completed by Mr. Mayberry shows the fiscal costs of multi-family housing are actually less than for single family detached housing.

A report was issued in June 2012 titled "Housing and School Enrollment in New Hampshire: A Decade of Dramatic Change" by Applied Economic Research of Laconia, NH for the New Hampshire Housing Finance Authority (NHHFA). It talks about trends of declining school enrollments and suggests that New Hampshire communities need to re-think policies in place to discourage new family housing because of preconceived notions about the impact of new housing on local education costs. There are also several other reports that draw similar conclusions regarding the impacts of multi-family housing, published by the Urban Land Institute, Rutgers

University, and the National Multi Housing Council. I believe copies of these reports have been made available to the Town Council.

Periodically, the Planning Board should re-evaluate the policy objectives of the Master Plan to determine if they are still relevant. RSA: 674:3 recommends that revisions to the Master Plan are made every 5 to 10 years. Each year, the Newmarket Planning Board tries to update at least one chapter of the Master Plan at a time. Typically, the Board relies on federal and state grants to accomplish this task. In recent years, there have been cut backs in some of these grant programs and local funding, which has provided the match for these grants, has been cut from the Planning Department budget. The Housing chapter of the Master Plan, indeed, should be updated, as you can see from the reports cited above. In addition, the demographic analyses and conclusions of Mr. Mayberry's report should be incorporated in the Housing chapter of the Master Plan, so that the Master Plan will have more current and updated information.

Table 1 Newmarket Estimated Distribution of Assessed Values by Land Use

BCM Planning Classification	Assessed Value 2013	Est. Dwelling Units
Residential with Buildings		
Single Family Det	\$430,663,857	1,625
SF with Accessory	\$9,025,232	52
Duplex Units	\$27,873,352	249
Townhouse & Multifam		
Condominium	\$119,970,700	782
Other Multifamily	\$83,690,600	1,273
Manufactured Housing	\$15,787,458	187
Total Residential Devel.	\$687,011,199	4,168

Source: Town of Newmarket
Assessment Data
Table prepared by
BCM Planning LLC

Residential Summary - Developed		
Single Family & Manufactured	\$455,476,547	1,864
Duplex & 2-Unit	\$27,873,352	249
Multifamily	\$203,661,300	2,055
Total Residential Developed	\$687,011,199	4,168

Compare count to 2010 Census @ 4,139 housing units

includes SF units with accessory apt

Non-Residential Commercial & Mixed Use		
Mixed Res-Comm	\$12,871,452	
Retail	\$6,255,400	
Commercial Svc	\$13,309,045	
Office	\$8,306,500	
Industrial & Whse	\$18,577,784	
Utilities	\$5,213,100	
Institutional Excluding Gov't	\$9,020,000	
Total Non-Res & Mixed - Developed	\$73,553,281	
Vacant Land/Undeveloped/Other	\$13,837,072	
Total Non-Government	\$774,401,552	

Housing Type	Valuation	% of Total
Single	\$455,476,547	61%
Duplex	27,873,352	4%
Multi-Family	203,661,300	27%
Total	\$744,401,552.00	92%

2012 Tax Rates Based on NLAV of:
\$743,157,083

The above values will not necessarily reflect exemptions and other adjustments used to arrive at net local assessed valuation



**Town of Newmarket, New Hampshire
Town Council Workshop
June 19, 2013 6:00 p.m.
Town Council Chambers**

7. New Business

- a. Closing Comments by Town Councilors

8. Adjournment