



FOUNDED DECEMBER 15, 1727

CHARTED JANUARY 1, 1991

NEWMARKET ZONING BOARD OF ADJUSTMENT

MONDAY, MAY 3, 2021

7:00 PM MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING IN PERSON AT THE TOWN HALL AUDITORIUM OR ATTEND REMOTELY USING ZOOM. IF ATTENDING IN PERSON, PLEASE WEAR A MASK AND MAINTAIN SOCIAL DISTANCE. IF ATTENDING BY TELEPHONE, THE BOARD WILL BE USING ZOOM. USE THE FOLLOWING INFORMATION TO JOIN THE MEETING: [HTTPS://ZOOM.US/J/95401334499](https://zoom.us/j/95401334499) CALL THIS NUMBER: 1 646 558 8656 MEETING ID CODE 954 0133 4499 ANY PROBLEMS CALL 603-659-3617 EXT 1321

7:00 PM

AGENDA

1. Pledge of Allegiance

2. Review and Approval of Minutes

a. 03/08/21

3. Regular Business

- a.** There will be a public hearing for an application for a Variance, reference Sec 32-234 (a) and (b) Special Exception, reference Section 32-234, Accessory Apartments, to permit the addition of an accessory dwelling unit above an attached garage in a single family home (to be constructed), requested by Leo Manseau. The property is located at 435 Wadleigh Falls Road, Tax Map R6, Lot 4-1, B3 Zone.
- b.** There will be a public hearing for an application for a Special Exception, reference Section 32-234, Accessory Apartments, to permit a one bedroom accessory apartment, with 525 sq. ft. of finished living space in the basement of the existing single family home, requested by Laurie C. Murray. The property is located at 32 Cedar Street, Tax Map U2, Lot 157, R3 Zone.
- c.** There will be a public hearing for an application for an Appeal from Administrative Decision, reference the decision cited by the Zoning Administrator in her letter of March 30, 2021, that a building proposed by Cheney Property Management Corp is contrary to Section 32-160(b)(2) and Section 32-46A(b)(2)(e) of the Newmarket Zoning Ordinance, in that no residential units shall be located in the street level space if the project has frontage on Exeter Road, which is inconsistent with the intent of the M2A zoning. This appeal is requested by Cheney Property Management. The property is located at Exeter Road, Tax Map U3/U4, Lots 11, 12, 15, 138-1, M2A Zone.

4. New/Old Business

5. Adjourn



Town Hall
186 Main Street
Newmarket, NH 03857

Tel: (603) 659-3617
Fax: (603) 659-8508

Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes	4/27/2021	Backup Material

1
2
3
4
5
6
7 DRAFT
8 NEWMARKET ZONING BOARD OF ADJUSTMENT
9

10 MARCH 8, 2021
11

12 MINUTES
13

14 Present: Bob Daigle (Chairman), Wayne Rosa (Vice Chairman), Diane Hardy (Zoning
15 Administrator), James Drago, Steven Minutelli, Jonathan Sack (Alternate), Al Zink
16 (Alternate)
17

- 18 1. Pledge of Allegiance
19 2. Review and Approval of Minutes

20 January 11, 2021 Edited Minutes (pushed to end of meeting)

21 Action

22 Motion: Wayne Rosa made a motion to approve the minutes of 01/11/21
23 Second: Al Zink
24 Vote: All in favor – Roll call vote
25

- 26 3. Regular Business

27 *Application of 11 Chapel Street, LLC for property at 11 Chapel Street, Map U2 Lot 3 Zone*
28 *M-2 Zone for a variance to allow the proposed conversion of 620 square feet of an*
29 *accessory barn structure for commercial/retail use pursuant to Sec 32-5 (1) and (3) to*
30 *permit the expansion of a non-conforming use and structure on a lot that does not meet*
31 *current dimensional and use requirements and a variance to Section 32-46 (6) © to allow*
32 *parking within the front side yard.*

33 Attorney Chris Mulligan, Bosen & Associates, represented the applicant. He stated they
34 are proposing a bike shop should this application be approved. The property had been in some
35 distress and the applicant has made many improvements. There are two single family dwellings
36 on the property. There was also a very dilapidated barn. That has been razed. The new structure
37 was moved from the footprint by 20'. They would like to have a retail use on the first floor of the
38 new structure. The property is nonconforming by lot area, density and front and side setbacks.
39 It is a unique property. It has a Chapel Street address. The only access is from Granite Street. It
40 is a corner lot. The main structure fronts Chapel Street. Along Granite Street in front of the 3
41 bedroom residence there has historically been stacked (parallel) parking, three cars in a row right

1 before the stop sign. They would like to formalize that parking arrangement. This parking
2 arrangement has existed for many years. They would like to square off the driveway.

3 They would like to convert the first story of the accessory structure into a bike shop. The
4 lot is just over 8,500 sq. ft. in the M2 Zone. The immediate abutter is the Stone School, not a
5 residential use, one door over is the Stone Church. This business is a daytime business primarily.

6 To the criteria, he stated that the spirit and intent and public interest criteria are usually
7 taken together. This proposal is consistent with the spirit and intent of the ordinance and is not
8 contrary to the public interest. The proposed use is complementary to the existing uses of the
9 property. The M-2 zone is to provide for high density and a mix of uses and this use does that.
10 The next is substantial justice. This requires the Board to balance the hardship to the applicant
11 against gain to the public. The gain to the public in this case outweighs the benefit to the
12 applicant. The exterior improvements will not significantly alter the structure or character of the
13 neighborhood. The site provides sufficient parking to accommodate the proposed use. They do
14 not feel the surrounding properties will be affected and no diminution will occur. In addition,
15 there is parking that is already existing along Granite Street. There are a number of
16 nonresidential uses in the M2 zone and it provides for mixed commercial uses. The exteriors will
17 not be altered except for signage. Planning Board site plan approval will be required. As to the
18 unnecessary hardship, previously this property was in significant need of upgrades.

19 Mr. Connell has spent substantial money for improvements. It is a corner lot that has a number
20 of nonconformities. It has a Chapel Street address but access is from Granite Street. Commercial
21 uses are contemplated within this zone. A very modest commercial use is being proposed. Parking
22 requirements should be minimal. The use is consistent with other uses in the zone. The immediate
23 abutting uses are compatible. The lot has very steep topography, it slopes downhill in the rear.

24 Mr. Connell stated he has owned the property since 2017. It was heavily distressed. He
25 wants to make the town better and has made a significant investment in the property.

26 ***Bob Daigle opened the public hearing.***

27 Karen Gorski, 19 Spring Street, commented on parking in the area and was afraid someone
28 would park in front of her garage. Attorney Mulligan did not think that would occur. It was not
29 their intent to use other parking in the neighborhood. There is parking onsite. The size of this
30 proposal will not accommodate a large influx of customers. Eric Weinrieb, of Altus Engineering
31 the applicant's engineer, stated the business use complements the two residential uses on the
32 site.

33 Wayne Rosa asked how many parking spaces are required. Diane Hardy stated there are
34 two residential units and they require two per unit. There is one parking space required for retail
35 per 200 square feet of gross floor area or 3 spaces. The M2 zone offers flexibility for shared
36 parking and can include credit for off- site parking that is available. The Planning Board will review
37 this. Attorney Mulligan stated there are enough spaces on site if the residential spaces are freed
38 up or they may request a waiver from the Planning Board. If the Zoning Board is concerned about
39 setting a precedent, they will withdraw the parking variance request. Bob Daigle stated when
40 people work during the day it opens up the spaces that can be used for retail use during the day.

Newmarket Zoning Board of Adjustment Meeting

March 8, 2021

Page 3

Wayne Rosa agreed. Diane Hardy stated there are items at the Planning Board level that need to be answered regarding the parking spaces.

Wayne Rosa stated he was there on Saturday and noticed a car parked across the driveway so there was no way to turn in. He asked that this not be blocked.

Penny Wood, 29 Raeder Drive, Stratham, made a comment by mistake.

Wayne Rosa has no problem with the concept.

Al Zink also agreed with the application meets the criteria. Steven Minutelli and James Drago agreed.

Bob Daigle closed the public hearing.

Action

Motion: Bob Daigle made a motion to grant the Variance to Sec 32-5 (1) and (3) to permit the expansion of a non-conforming use and structure on a lot that does not meet current dimensional and use requirements and that we use the findings herein as our Findings of Fact and as a special condition see what the owner can do to minimize the impact of parking on abutting properties.

Second: Al Zink

Vote: All in favor Roll call vote

(As stated above the request for the second variance regarding parking in front of the building on Granite Street was withdrawn at the request of the Applicant's Attorney.)

Application for an Appeal of an Administrative Decision from William Ouelette/Ouelette Family Trust concerning clarification of a 2005 Zoning Board Decision and Administrative Decision of Diane Hardy, Zoning Administrator dated January 27, 2021 regarding 5,000 square foot vacant lot at 21/23 Ham Street Extension, Map U2, Lot 310 in the R2 zone.

Attorney Brad Lown represented the applicant. After fifteen years, they are before the Zoning Board to clarify a decision from 2005. Diane Hardy's letter gives the history. He stated in 2005 this Board made a finding there were two separate lots. The 21/23 Ham Street Ext is a duplex and the adjacent lot is about 5,100 sq. ft. and is empty. The Board found they were two lots of record. That finding means that the empty lot is nonconforming and grandfathered. The Board found there were two separate lots. He stated Diane Hardy's letter stated in 2005 the applicant's representative clearly stated what they were looking for, but it wasn't clearly discussed by the Board. He went over Babcock vs. Rye court decision. Diane Hardy's letter states it was her opinion that the ZBA's earlier decision was inconclusive and should be clarified. His client does not intend to build at this time. He may sell both properties. There are a number of

nonconforming lots and structures in the area. It has water and sewer and is within walking distance of town. It could be affordable to build a small house on the lot.

Bob Daigle opened the public hearing.

No public comments.

Bob Daigle closed the public hearing.

Al Zink stated it was clear in the 2005 notice it was for two buildable lots. He went through the minutes. After reading the minutes and listening to Brad Lown, he thought this was clearly explained. He talked about the two buildable lots issue and Babcock vs. Rye. He did not conclude that it was not fully deliberated. We know notes are notes and are not comprehensive discussions. It is hard to see that there wasn't full discussion.

Bob Daigle stated they would not go through this unless they had intentions of doing something with the land, conveying the land as a buildable lot. Wayne Rosa stated he felt it was buildable according to the dimensions. It was clear in 2005 it was two lots.

Brad Lown stated there is a recently completed survey in the application packet.

Diane Hardy stated this meeting was to confirm that the intent of the application dated in 2005 was to determine whether this was a buildable lot of record. Under current zoning they were talking about a single family house not a multifamily building. The intent was it would be approved for a single family home. That is what was allowed in that zone at the time and currently.

Action

Motion: Al Zink made a motion that the intent of the decision of December 12, 2005 was to allow conveyance of this separate lot for construction of a single family home

Second: Steve Minutelli

Vote: All in favor – Roll call vote

James Drago – had technical issues with just this application, and therefore abstained from voting.

Application of Elliott and Donna Reed at 1 Oak Knoll Drive, Newmarket, NH, Tax Map U1, Lot 1-23 R2 Zone for a Special Exception for an Accessory Dwelling Unit (ADU) from Section 234 of the Newmarket Zoning Ordinance.

Donna Reed stated she and her husband would move into the new addition and their son and his family would move into the main house.

1 Elliott Reed stated their submittal was self-explanatory and referred to the submittal.

2
3 Bob Daigle reviewed the eight conditions.

4
5 Donna Reed stated they have those conditions covered, and feels they comply. They also
6 have a new roof and siding so they can easily match the exterior.

7
8 Bob Daigle stated the plans are very thorough.

9
10 ***Bob Daigle opened the public hearing.***

11
12 Lee Boardman, 5 Woods Road, an abutter, was in favor.

13
14 Paula Smart at 27 Riverbend Road, asked about the second driveway. The applicant
15 indicated that they are not building a second driveway, just expanding the existing one to
16 accommodate two more cars.

17
18 **Action**

19 **Motion:** Steven Minutelli made a motion to grant the Special Exception for
20 an accessory dwelling unit per Chapter 32, Section 234 of the
21 Newmarket Zoning Ordinance

22 **Second:** Wayne Rosa

23 **Vote:** All in favor – Roll call vote
24

25 **4. New/Old Business**

26 None.

27
28 **5. Adjourn**

29 **Action**

30 **Motion:** James Drago made a motion to adjourn at 8:15 p.m..

31 **Second:** Al Zink

32 **Vote:** All in favor – Roll call vote



Town Hall
186 Main Street
Newmarket, NH 03857

Tel: (603) 659-3617
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Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

ATTACHMENTS:

Description	Upload Date	Type
Legal Notice, Application, Responses to Criteria, Plans	4/9/2021	Backup Material
Abutter Letter Whitcomb	4/27/2021	Backup Material

FOUNDED DECEMBER 15, 1727



THIS NOTICE WAS POSTED ON 4/24/21 AT
TOWN HALL ☒ REC DEPT ☒
POST OFFICE ☒ LIBRARY ☒
WEBSITE ☒ NEWSPAPER ☒
SIGNED [Signature]

TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the ZONING BOARD OF ADJUSTMENT

LEGAL NOTICE

NEWMARKET ZONING BOARD OF ADJUSTMENT

**MONDAY, MAY 3, 2021
7:00 P.M.**

MEETING HELD IN TOWN HALL AUDITORIUM OR USING ZOOM (SEE BELOW)

There will be a public hearing for an application for a Variance, reference Sec 32-234 (a) and (b) Special Exception, reference Section 32-234, Accessory Apartments, to permit the addition of an accessory dwelling unit above an attached garage in a single family home (to be constructed), requested by Leo Manseau. The property is located at 435 Wadleigh Falls Road, Tax Map R6, Lot 4-1, B3 Zone.

Members of the public may attend the meeting in person at the Town Hall auditorium or attend remotely using Zoom. If attending in person, please wear a mask and maintain social distance. If attending by telephone/Zoom, use the following information to join the meeting:

Join Zoom Meeting

<https://zoom.us/j/95401334499>

Call this number: 1-646-558-8656 US

Meeting ID Code: 954 0133 4499

Any problems call: 603-659-3617 extension 1321

**APPLICATION – ZONING BOARD OF ADJUSTMENT
TOWN OF NEWMARKET, NH**

*pd \$205.00
14*

Applicant: LEO MANSEAU

Mailing Address: 33 KIMBALL WAY NEWMARKET NH

Property owner: LEO MANSEAU

Mailing Address: 33 KIMBALL WAY NEWMARKET NH 03857

Telephone: _____ Cell Phone: 603-502-5522

Email Address: skip.manseau@gmail.com

Location of property: 435 Wadleigh Falls Rd / Ash Swamp Rd Tax Map R6 Lot 4-1 Zone B-3

Description of property: 13.995 AC. LOT HAVING 175 FT FRONTAGE ON ASH SWAMP RD AND 43 FT FRONTAGE ON WADLEIGH FALLS RD.

Proposed use or existing use affected: CONSTRUCTION OF A SINGLE-FAMILY HOME WITH AN EFFICIENCY IN-LAW ACCESSORY APARTMENT ABOVE THE ATTACHED GARAGE. DRIVEWAY ENTRANCE AT 435 WADLEIGH FALLS RD.

Do not write in this space
Date filed <u>4/6/21</u>
Initials <u>SM</u>

~~~~~

**The following pages contain forms for Appeal from Administrative Decision, Special Exception, Variance, & Equitable Waiver. Please fill out appropriate request sheet. All applications will need completed abutters list.**

\*\*\*\*\*

## **SECTION 2 APPLICATION FOR SPECIAL EXCEPTION**

The undersigned hereby requests a Special Exception as provided in Section 32-234 (b) **Conditions 1-8**, of the Newmarket Zoning Ordinance.

Explain how the proposal meets the special exception criteria as specified (list responses to all criteria from the ordinance. For example "Criterion 1: then your response", etc.) Use a separate sheet if necessary:

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

**Response:** The accessory apartment would be 728 SQ FT

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

**Response:** It is an efficiency apartment.

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

**Response:** The main house will be owner occupied.

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

**Response:** Two parking spaces located in the attached garage and two exterior spaces in the driveway.

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

**Response:** No exterior changes to the proposed plan are necessary.

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

**Response:** On site well to be drilled and onsite septic as approved by the DES approval number: #eCA2021032613

(CRITERON 7) Granting of the special exception would be consistent with [section 32-5\(1\)b](#).

**Response:** As I now have a variance on Lot 4-1 in the B3 Zone to build a single-family home and pursuant to RSA 674-21 Innovative Land Use Control, where a Special Exception for a ADU is and whereas the B3 does not allow for Accessory Dwelling Units, I come before the Zoning Board to gain approval for an ADU to be permitted in the soon to be built structure.

I base my request on the following fact. The Purpose of the B3 District created under Ordinance of 2-14-1996 & Ord. of -7-2003, under (a) Purpose: has not been met, in fact only two uses in these past 20+ years.

Moving on to (c) 6, the intent of the Master Plan has not materialized.

The vision of the Master Plan: to support quality, thoughtful development that preserves our natural resources, and enhances the aesthetics of Newmarket while creating a long-term tax base.

Looking back at the B3 Zone in 2010, the Zoning Board approved a Special Exception for an Accessory Dwelling Unit at 443 Wadleigh Falls Road in the B3 (R6) Zone.

The Zoning Board in 2018 granted a variance for property under-utilized in the B3 Zone located 366 Ash Swamp Road for a single-family residence to add to the long-term tax base as reflected in the Master Plan.

In November 2020 the Board approved a Variance on Lot 4-1 for a residential use. To grant approval by Special Exception to add an ADU to the residential use, yet to be built structure, is well within the intent of keeping with the Newmarket Master Plan.

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

**Response:** Interior door between the principle dwelling unit and the accessory unit will be provided as shown on attached plans.



**TOWN OF NEWMARKET, NH**

Applicant: Leo Manseau

Mailing Address: 33 Kimball Way, Newmarket, NH 03857

Email Address: skip.manseau@gmail.com

Mailing Address: 33 Kimball Way, Newmarket, NH 03857

Cell Phone: 502-5522

Email Address: skip.manseau@gmail.com

Location of property: 435 Wadleigh Falls Road/Ash Swamp Road Tax Map: R6 Lot 4-1  
Zone B-3

Description of property: 13.995 acre tract having 175 feet of frontage on Ash Swamp Road  
and 43 feet of frontage on Wadleigh Falls Road.

Proposed use or existing use affected: Construction of an Accessory Dwelling Unit (ADU)  
above the attached garage of a new single family home to be built with driveway access  
off of 435 Wadleigh Falls Road/Ash Swamp Road, Newmarket, NH.

Do not write in  
this space

Date filed

Initials

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The following pages contain forms for Appeal from Administrative Decision, Special Exception, Variance, & Equitable Waiver. Please fill out appropriate request sheet. All applications will need completed abutters list.

SECTION 3 VARIANCE

A variance is requested from Section ____ Sec 32-234 (a) the Newmarket Zoning Ordinance to permit: ____ An accessory apartment in a single family home in the B-3 Zoning District which do not allow single-family residential uses.

VARIANCE CRITERIA

The local ordinance cannot limit or increase the powers of the Board to grant variances under this authority, but this power must be exercised within bounds. In several decisions from 1952 to the present, the Supreme Court has declared that each of the following criteria must be found in order for a variance to be legally granted:

CRITERION 1. Granting the Variance would not be contrary to the public interest.

The public would have to be adversely affected in order for this application to be contrary to the public interest. By allowing an accessory apartment (ADU) within the proposed single family home which was allowed by a variance granted on November 16, 2020, it would enhance the Town's tax base. Building an accessory dwelling unit would help to increase and stabilize tax revenue to the Town. It would not negatively affect the general public and property owners of adjacent properties.

CRITERION 2. If the variance were granted, the spirit of the ordinance would be observed because:

The B-3 zoning ordinance was written in 1996 to promote commercial development in what is known as the "Newmarket Plains" area of town along Route 152. Only two commercial uses have been developed in this zoning district in 24 years. As stated in the Master Plan, "Commercial areas promote and maintain an extended tax base. The proposed ADU will do the same by increasing the value of the property, thus generating tax revenue for the Town. By granting this variance, this project would support the spirit of the Zoning Ordinance and not alter the character of the neighborhood."

CRITERION 3. Granting the variance would do substantial justice because:

Granting this variance would provide substantial justice to the property owner and resident of the ADU by creating a secure and affordable housing arrangement in a tight market where reasonably priced housing is in high demand. Any loss to an individual as a result of the granting of this variance is far outweighed by the benefit to the public at large.

CRITERION 4. If the variance were granted, the values of the surrounding properties would not be diminished.

This proposed accessory apartment in a single family home is consistent with the character of the neighborhood. A variance was granted to allow a single family house on this lot in November 2020. Three of the existing abutting properties are residential; two are pre-existing non-conforming residential uses, and the third was allowed by variance. If the variance is granted for this ADU, the values of surrounding properties would not be adversely affected in any way. Granting the variance would add value to adjacent properties and favorably affect the tax base.

CRITERION 5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

1. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The purpose of the B-3 Zoning district was to provide an opportunity for commercial enterprises and businesses to thrive, prosper and grow. However over the years, the type of development which has occurred on this section of Ash Swamp Road has been exclusively residential and bears no reasonable relationship between what was envisioned when the zoning was enacted. Due the absence of public water and sewer utilities, the availability of more accessible and suitable commercial sites elsewhere, and limitations placed on truck traffic on Ash Swamp Road, the full development potential of this area has not been realized, which has placed an unnecessary hardship on existing property owners who own land in the vicinity and have paid high taxes on the property at commercial rates.

AND

2. The proposed use is a reasonable one because:

The proposed use is a reasonable one as it affords the homeowners of this lot to have the same opportunity to have an ADU in their homes as others in Newmarket who own properties which are located in residential zoning districts as a way to more efficiently utilize excess space in their homes, and to help to offset the cost of homeownership.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable

This property has special conditions that distinguishes it from others in the B-3 zone, because it is entirely surrounded by other single family residential uses which detracts from its attractiveness as a commercial site. The unique shape of the lot does not particularly lend itself to a large scale commercial development for which the zone intended, therefore the property cannot be used in strict conformance of the ordinance. While the lot does have 175 feet of frontage, it cannot be utilized for access due to current restrictions on Ash Swamp Road which significantly reduce the viability and marketability of this lot for any type of commercial use, therefore a variance is needed to enable reasonable use of the land.

Please sign below for all applications:

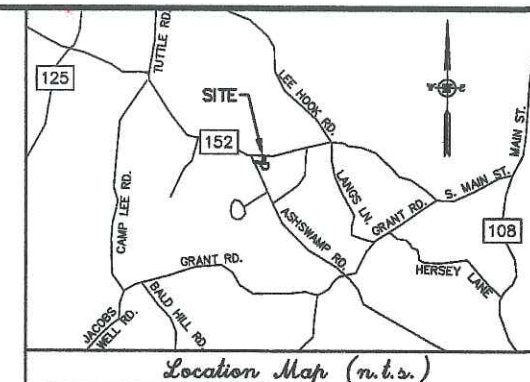
Applicant Leo Manseau
Signature

Applicant LEO MANSEAU
Please Print

Owner Leo Manseau
Signature

Owner LEO MANSEAU
Please Print

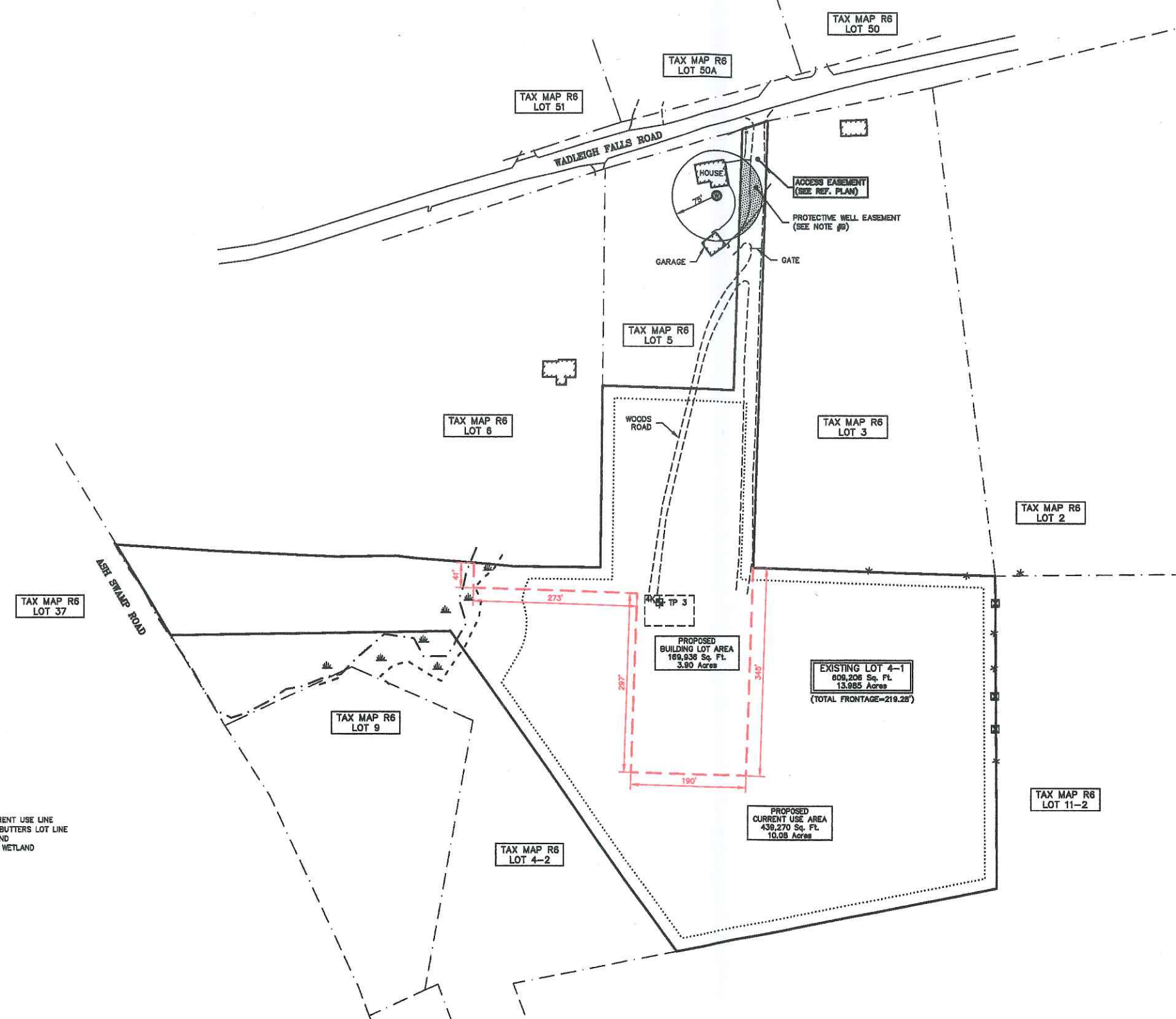
Date _____



NOTES:

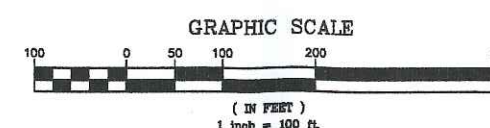
1. REFERENCE: TAX MAP R6, LOT 4-1
2. TOTAL PARCEL AREA: LOT 4-1: 808,206 SQ. FT. OR 13.985 AC.
3. OWNER OF RECORD: TAX MAP R6, LOT 4-1
LEO MANSEAU, JR.
33 KIMBALL WAY
NEWMARKET, NH 03857
R.C.R.D. BOOK 5925, PAGE 2010
4. ZONE: B3
DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA 2 AC.
MIN. FRONTAGE 180 ft.
MIN. FRONT SETBACK 75 ft.
MIN. SIDE/REAR SETBACK 20 ft.
MAX. BUILDING HEIGHT 35 ft.
WETLAND SETBACKS
25 ft. (POORLY DRAINED)
50 ft. (VERY POORLY DRAINED)
100 ft. (PRIME WETLAND)
5. FIELD SURVEY PERFORMED BY E.J.S. & W.D.C. DURING 12/15 USING A TRIMBLE S6 TOTAL STATION WITH A TRIMBLE TSC3 DATA COLLECTOR AND A SOKKIA B21 AUTO LEVEL. TRAVERSE ADJUSTMENT BASED ON LEAST SQUARE ANALYSIS.
6. JURISDICTIONAL WETLANDS DELINEATED BY (NH)SC, INC., A GZA COMPANY DURING 12/15 IN ACCORDANCE WITH 1987 CORPS OF ENGINEERS WETLANDS DELINEATIONS MANUAL, TECHNICAL REPORT Y-67-1.
7. FLOOD HAZARD ZONE: "X", PER FIRM MAP #3301500230E, DATED 05/17/05.
8. HORIZONTAL DATUM BASED ON MAGNETIC OBSERVATION.
9. NO DEVELOPMENT IS PROPOSED WITHIN THE 75' PROTECTIVE WELL EASEMENT. SEE PROTECTIVE WELL EASEMENT TO BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.

- LEGEND
- PROPERTY LINE
 - PROPOSED CURRENT USE LINE
 - APPROXIMATE ADJUTERS LOT LINE
 - EDGE OF WETLAND
 - EDGE OF PRIME WETLAND
 - WELL
 - WETLAND AREA



NO.	DATE	DESCRIPTION	BY

NOTE:
ALL ELECTRIC, GAS, TEL, WATER, SEWER AND DRAIN SERVICES ARE SHOWN IN SCHEMATIC FASHION. THEIR LOCATIONS ARE NOT PRECISE OR NECESSARILY ACCURATE. NO WORK WHATSOEVER SHALL BE UNDERTAKEN ON THIS SITE USING THIS PLAN TO LOCATE THE ABOVE SERVICES. CONSULT WITH THE PROPER AUTHORITIES CONCERNED WITH THE SUBJECT SERVICE LOCATIONS FOR INFORMATION REGARDING SUCH. CALL DIG-SAFE AT 1-888-DIG-SAFE.



CURRENT USE SKETCH PLAN
FOR
LEO MANSEAU, JR.
(TAX MAP R6, LOT 4-1)
WADLEIGH FALLS ROAD & ASH SWAMP ROAD
NEWMARKET, NEW HAMPSHIRE

DRAWN BY:	M.W.F.	DATE:	MARCH 17, 2020
CHECKED BY:	W.J.D.	DRAWING NO.:	4378B
JOB NO.:	4378	SHEET	1 OF 1





FRONT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

ELEVATION GRADES AND FOUNDATION DROPS SHOWN
ARE CONCEPTUAL. FOUNDATION DROPS AND GRADE
WILL BE DETERMINED ON SITE BY CONTRACTOR

GENERAL NOTES:

1. THE GENERAL CONTRACTOR SHALL REVIEW BUILDING PLANS PRIOR TO CONSTRUCTION AND VERIFY THAT ALL BUILDINGS AND STRUCTURES AND ALL PARTS THEREOF SHALL BE CONSTRUCTED TO SAFELY SUPPORT ALL LOADS, INCLUDING DEAD LOADS, LIVE LOADS, ROOF LOADS, FLOOD LOADS, SNOW LOADS, WIND LOADS AND SEISMIC LOADS AS PRESCRIBED BY 2018 IRC.
2. THE GENERAL CONTRACTOR SHALL SECURE ALL REQUIRED PERMITS PRIOR TO PROCEEDING WITH CONSTRUCTION.
3. PLANS AND SPECIFICATIONS HAVE NOT BEEN PREPARED BY A REGISTERED ARCHITECT OR STRUCTURAL ENGINEER. ALL FOUNDATIONS AND STRUCTURAL MEMBERS SHOULD BE VERIFIED AND STAMPED BY AN ENGINEER IN THE STATE WHERE CONSTRUCTION IS OCCURRING. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ADJUSTING AND VERIFYING ALL STRUCTURAL DETAILS AND CONDITIONS TO MEET ALL LOCAL CODES, AND TO INSURE A QUALITY AND SAFE STRUCTURE.
4. ALL INSTALLATION OF MECHANICAL, HEATING, VENTILATION AND ELECTRICAL COMPONENTS SHALL BE IN CONFORMANCE WITH STATE AND LOCAL BUILDING CODES. ALL WORK SHALL BE PERFORMED BY PERSONS QUALIFIED IN THEIR TRADE AND LICENSED TO PRACTICE SUCH TRADE IN THE STATE IN WHICH THE WORK IS PERFORMED.
5. ALL CONTRACTORS SHALL TAKE ALL PRECAUTIONS AND PROVIDE ADEQUATE GUARDS AND BARRIERS TO PREVENT INJURY TO PERSONS AND PROPERTY.
6. THE GENERAL CONTRACTOR SHALL COORDINATE ALL UTILITY INSTALLATIONS WITH THE APPROPRIATE COMPANY.
7. DO NOT SCALE DRAWINGS. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE. ALL CONTRACTORS SHALL REVIEW ALL DRAWINGS BEFORE PROCEEDING. REQUEST CLARIFICATION FOR ANY DIMENSIONS REQUIRED. ALL DIMENSIONS, ELEVATIONS, AND CONDITIONS SHALL BE VERIFIED IN THE FIELD BY THE GENERAL CONTRACTOR.
8. REFER TO SECTION R314, 2018 IRC FOR SMOKE ALARM REQUIREMENTS. REFER TO SECTION R313, 2018 IRC FOR CARBON MONOXIDE ALARM REQUIREMENTS.

MEMBER
A I
B D
AMERICAN INSTITUTE of
BUILDING DESIGN

NEUMARKET PLANS, LLC.
HOME DESIGN SERVICE

NEUMARKETPLANSLLC@COMCAST.NET
WWW.NEUMARKETPLANSLLC.COM
603-655-0985

DATE	DESCRIPTION
1/17/21	DRAFT PLANS
1/19/21	REVISED PLANS
1/24/21	REVISED PLANS
2/1/21	CONSTRUCTION PLANS
3/16/21	REVISED PLANS

RANDY MENARD
GABBY BROWN
LOT 4-1 WADLEIGH FALLS ROAD
NEUMARKET, NH 03857

SHEET NUMBER

A1

PLAN NUMBER

1202



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

ELEVATION GRADES AND FOUNDATION DROPS SHOWN
ARE CONCEPTUAL. FOUNDATION DROPS AND GRADE
WILL BE DETERMINED ON SITE BY CONTRACTOR

DATE	DESCRIPTION
1/17/21	DRAFT PLANS
1/19/21	REVISED PLANS
1/24/21	REVISED PLANS
2/1/21	CONSTRUCTION PLANS
3/18/21	REVISED PLANS

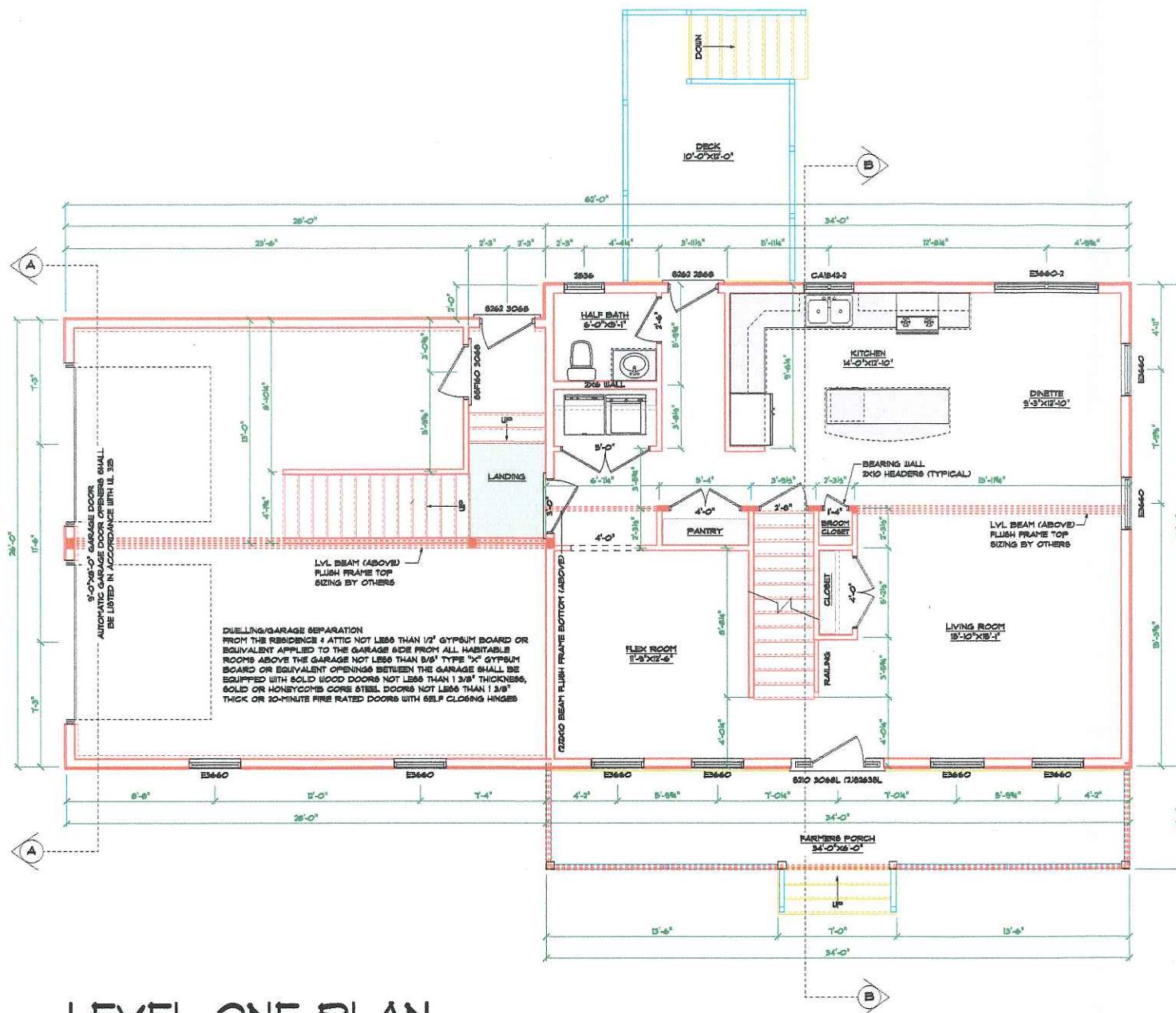
RANDY MENARD
GABBY BROWN
LOT 4-1 WADLEIGH FALLS ROAD
NEUMARKET, NH 03857

SHEET NUMBER

A2

PLAN NUMBER

1202



LEVEL ONE PLAN

952 SQUARE FEET PRIMARY RESIDENCE
SCALE: 1/4" = 1'-0"

EXTERIOR DOOR/WINDOW SCHEDULE

PRODUCT CODE	COUNT	MANUFACTURER	R.O. SIZE	NOTES
2836	6	Manufacturer\Mathews Brothers	R.O. 2'-4" x 3'-0"	(3) Tempered Glazing
CA1842-2	2	Manufacturer\Mathews Brothers	R.O. 2'-11 5/16" x 3'-6"	
E3660-2	2	Manufacturer\Mathews Brothers	R.O. By Manufacturer	
E3660	18	Manufacturer\Mathews Brothers	R.O. 3'-0 1/2" x 5'-0 1/2"	
8310 3068L (2)832638L	1	Manufacturer\Therma-Tru	R.O. 65 1/2" x 82 1/2"	Left Inswing
8362 2868	1	Manufacturer\Therma-Tru	R.O. 34 1/2" x 82 1/2"	Left Inswing
8362 3068	1	Manufacturer\Therma-Tru	R.O. 38 1/2" x 82 1/2"	Left Inswing
8310 3068	1	Manufacturer\Therma-Tru	R.O. 38 1/2" x 82 1/2"	Left Inswing at bottom bulkhead
88F60 3068	1	Manufacturer\Therma-Tru	R.O. 38 1/2" x 81 1/4"	Right Outswing

THE BUILDER SHALL VERIFY ALL WINDOW SIZES AND COUNT PRIOR TO START OF CONSTRUCTION

WINDOW SIZES AND MANUFACTURER SUBJECT TO CHANGE PER BUILDER'S SPECS.

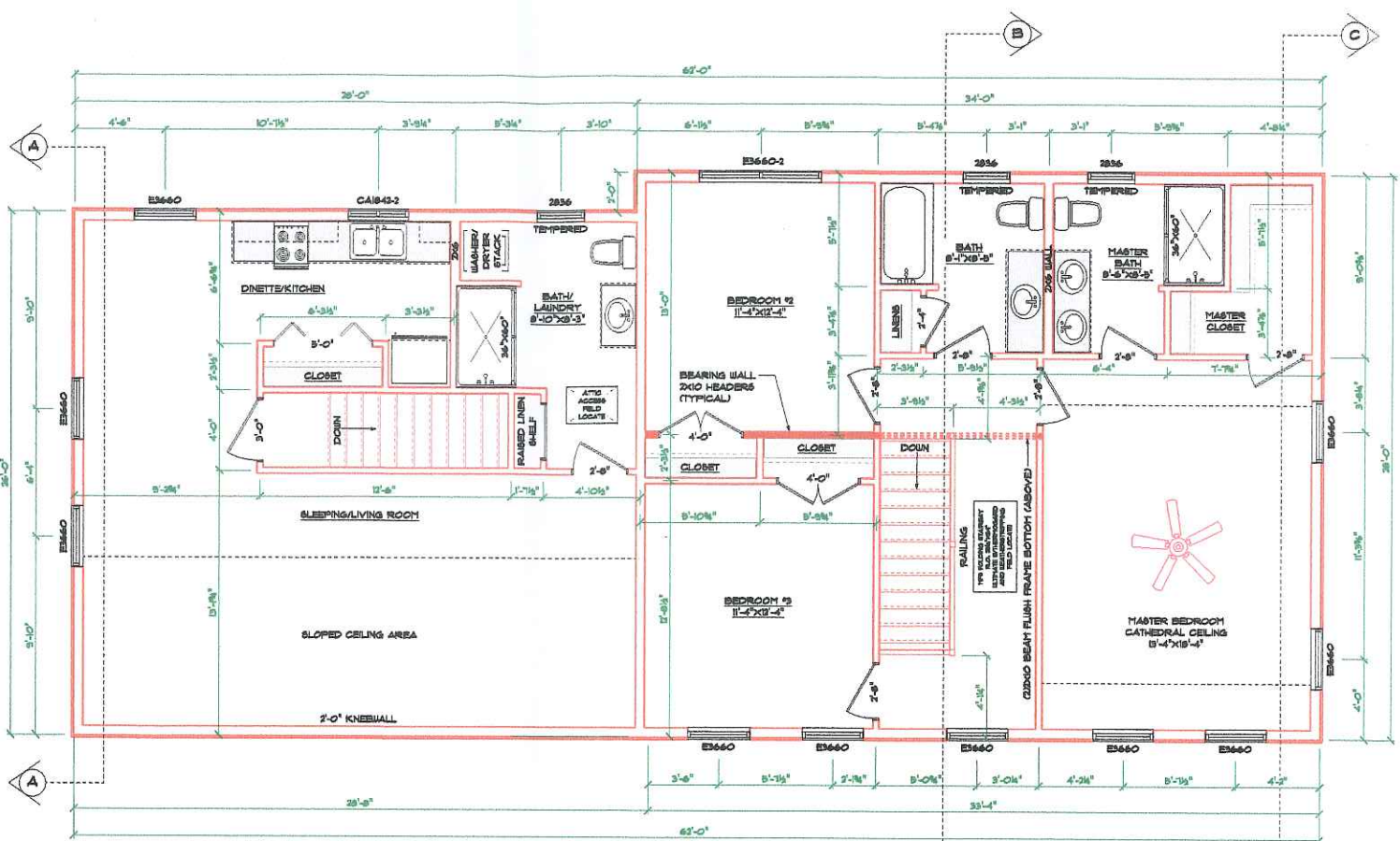
*THESE UNITS MEET OR EXCEED THE FOLLOWING DIMENSIONS:
CLEAR OPENABLE AREA OF 5.1 SQ. FT.
CLEAR OPENABLE WIDTH OF 20"
CLEAR OPENABLE HEIGHT OF 34"

DATE	DESCRIPTION
1/17/21	DRAFT PLANS
1/19/21	REVISED PLANS
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RANDY MENARD
GABBY BROWN
LOT 4-1 WADLEIGH FALLS ROAD
NEUMARKET, NH 03857

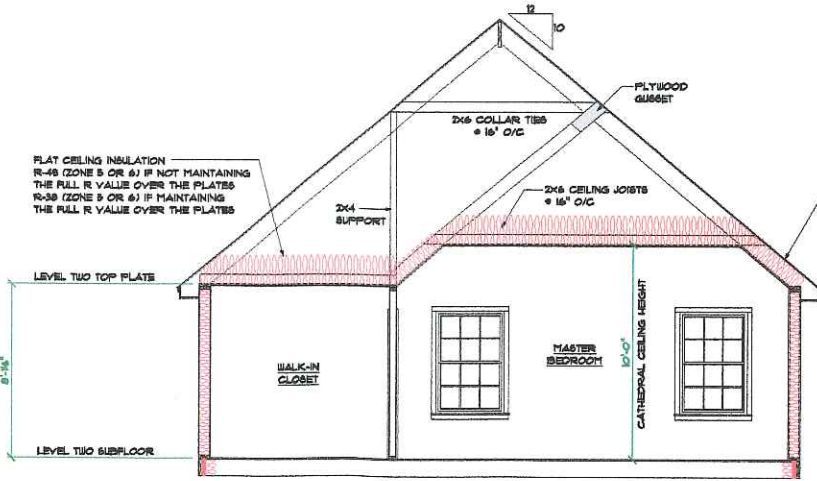
NH 2015 ENERGY CODE SUMMARY

1. THE FOLLOWING LIST IS INTENDED AS A GENERAL SUMMARY OF ENERGY RELATED REQUIREMENTS. PLEASE CONSULT THE 2015 IRC CHAPTER 11 FOR COMPLETE REQUIREMENTS.
2. ZONE 9 INCLUDES CHESTER, HILLSBOROUGH, ROCKINGHAM, AND STRAFFORD COUNTIES. ZONE 6 INCLUDES ALL OTHER NH COUNTIES AND THE TOWN OF DURHAM.
3. WINDOW U-FACTOR (LOWER U FACTOR IS BETTER): U-32 (MAXIMUM) U-32 (IF LOG WALLS IN ZONE 9), U-30 (IF LOG WALLS IN ZONE 6), U-30 (THERMALLY ISOLATED BATHROOMS ONLY). SKYLIGHTS ARE U-30 OR LESS.
4. DOOR U-FACTOR (LOWER U FACTOR IS BETTER): U-32 MAXIMUM.
5. AIR LEAKAGE - THE BUILDING THERMAL ENVELOPE SHALL BE CONSTRUCTED TO LIMIT AIR LEAKAGE IN ACCORDANCE WITH THE REQUIREMENTS OF IRC SECTIONS R102.4.1 THROUGH R102.4.4. THE BUILDING THERMAL ENVELOPE MUST BE DURABLY SEALED TO LIMIT INFILTRATION. SEE TABLE N102.4.1 FOR A LIST OF THERMAL ENVELOPE ELEMENTS AND INSTALLATION CRITERIA.
- BUILDING ENVELOPE AIR TIGHTNESS SHALL BE VERIFIED BY SLOWER DOOR TESTING TO NOT EXCEED AIR LEAKAGE OF 1 AIR CHANGES PER HOUR (ACH) AT 50 PASCALS PRESSURE. THE LOCAL BUILDING OFFICIAL MAY REQUIRE AN INDEPENDENT 3RD PARTY TO CONDUCT THE TEST.
6. FIREPLACES - NEW WOOD-BURNING FIREPLACES SHALL HAVE TIGHT-FITTING FLUE DAMPERS OR DOORS AND OUTDOOR COMBUSTION AIR.
7. RECESSED LIGHTING - RECESSED LIGHTS IN THE THERMAL ENVELOPE MUST BE TYPE IC RATED AND LABELED AS MEETING ASTM E 265 AND SEALED WITH A GASKET OR CAULK BETWEEN THE HOUSING AND THE INTERIOR WALL OR CEILING COVERING.
8. HIGH-EFFICIENCY LIGHTING - NOT LESS THAN 75 PERCENT OF THE LAMPS IN PERMANENTLY INSTALLED LIGHT FIXTURES SHALL BE HIGH-EFFICIENCY LAMPS OR NOT LESS THAN 75 PERCENT OF THE PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL CONTAIN ONLY HIGH-EFFICIENCY LAMPS.
9. MATERIALS AND INSULATION IDENTIFICATION - MATERIALS, SYSTEMS AND EQUIPMENT SHALL BE IDENTIFIED IN A MANNER THAT WILL ALLOW A DETERMINATION OF CODE COMPLIANCE. MANUFACTURER MANUALS FOR ALL INSTALLED HEATING, COOLING, AND SERVICE WATER HEATING EQUIPMENT MUST BE PROVIDED. INSULATION R-VALUES, GLAZING AND DOOR U-VALUES AND HEATING AND COOLING EQUIPMENT EFFICIENCY MUST BE CLEARLY MARKED ON THE BUILDING PLANS, DRAWINGS OR SPECIFICATIONS.
10. FULL-DOWN ATTIC STAIRS, ATTIC HATCH, AND KNEE WALL DOORS - SHOULD BE INSULATED TO A LEVEL EQUAL TO THE SURROUNDING SURFACES AND TIGHTLY SEALED AND WEATHER-STRIPPED AT THE OPENING.
11. FULL SIZE ATTIC OR BASEMENT ENTRY DOORS - ALL DOORS LEADING FROM A CONDITIONED SPACE INTO AN UNCONDITIONED ATTIC OR ENCLOSED ATTIC OR BASEMENT STAIRWELL SHOULD BE INSULATED AND WEATHER-STRIPPED EXTERIOR RATED DOOR UNITS MEETING THE U-FACTOR REQUIREMENT. ONE DOOR IS EXEMPT.
12. DUCT INSULATION - SUPPLY AND RETURN DUCTS IN ATTICS MUST BE INSULATED TO A LEAST R-6 WHERE A 3" DIAMETER OR GREATER. ALL OTHER DUCTS MUST BE INSULATED TO A LEAST R-4. EXCEPTION: DUCTS OR PORTIONS THERE OF LOCATED COMPLETELY INSIDE THE BUILDING THERMAL ENVELOPE.
13. DUCT CONSTRUCTION - DUCTS, AIR HANDLERS AND FILTER BOXES SHALL BE SEALED. JOINTS AND SEAMS MUST COMPLY WITH THE INT. MECH. CODE OR SECTION M102.4.1 OF IRC 2015. BUILDING FRAMING CAVITIES SHALL NOT BE USED AS DUCTS OR PLUMBING (NEITHER SUPPLY NOR RETURN).
14. DUCT TESTING - DUCTS SHALL BE PRESSURE TESTED TO DETERMINE AIR LEAKAGE BY EITHER (1) ROUGH-IN TEST OR (2) POST-CONSTRUCTION TEST. SEE CODE SECTION I09.3.3 FOR REQUIREMENT DETAILS.
15. TEMPERATURE CONTROLS - AT LEAST ONE THERMOSTAT MUST BE PROVIDED FOR EACH SEPARATE HEATING AND COOLING SYSTEM. THE THERMOSTAT CONTROLLING THE PRIMARY SYSTEM MUST BE EQUIPPED WITH A PROGRAMMABLE THERMOSTAT.
- HEAT PUMPS HAVING SUPPLEMENTARY ELECTRIC-RESISTANCE HEAT MUST HAVE CONTROLS THAT, EXCEPT DURING DEFROST, PREVENT SUPPLEMENTAL HEAT OPERATION WHEN THE HEAT PUMP COMPRESSOR CAN MEET THE HEATING LOAD.
16. MECHANICAL SYSTEM PIPING INSULATION - MECHANICAL SYSTEM PIPING CAPABLE OF CONVEYING FLUIDS AT TEMPERATURES ABOVE 100 DEGREES FAHRENHEIT OR BELOW 55 DEGREES FAHRENHEIT MUST BE INSULATED TO R-4.
17. CIRCULATION HOT WATER SYSTEMS - CIRCULATING SERVICE WATER SYSTEMS MUST INCLUDE AN AUTOMATIC OR MANUALLY ACCESSIBLE MANUAL SWITCH THAT CAN TURN OFF THE HOT WATER CIRCULATING PUMP WHEN THE SYSTEM IS NOT IN USE. CIRCULATING DOMESTIC HOT WATER SYSTEM PIPING SHALL BE INSULATED TO R-4.
18. MECHANICAL VENTILATION - OUTDOOR AIR INTAKES AND EXHAUSTS MUST HAVE AUTOMATIC OR GRAVITY DAMPERS THAT CLOSE WHEN THE VENTILATION SYSTEM IS NOT OPERATING.
19. EQUIPMENT SIZING - HEATING AND COOLING EQUIPMENT SHALL BE SIZED IN ACCORDANCE WITH ACCA MANUAL J OR OTHER APPROVED HEATING AND COOLING CALCULATION METHODOLOGIES. EQUIPMENT SHALL HAVE AN EFFICIENCY RATING EQUAL TO OR GREATER THAN APPLICABLE FEDERAL STANDARDS.
20. CERTIFICATE - A PERMANENT CERTIFICATE, COMPLETED BY THE BUILDER, MUST BE POSTED ON OR IN THE ELECTRICAL DISTRIBUTION PANEL. IT MUST LIST THE R-VALUES OF INSULATION INSTALLED IN OR ON THE CEILING, WALLS, FLOORING, AND DUCTS OUTSIDE THE CONDITIONED SPACES; U-FACTORS AND SAGG FOR PENETRATION; THE CERTIFICATE MUST ALSO LIST THE TYPE AND EFFICIENCY OF HEATING, COOLING AND WATER SERVICE EQUIPMENT.
21. EXISTING BUILDINGS AND STRUCTURES - THE PURPOSE OF THESE PROVISIONS IS TO ENCOURAGE CONTINUED USE OF EXISTING BUILDING AND STRUCTURES. WORK IN EXISTING BUILDINGS SHALL BE CATEGORIZED IN CATEGORIES OF REPAIR, RENOVATION, ALTERATION AND RECONSTRUCTION. CONSULT APPENDIX J OF IRC 2015 FOR SPECIFIC REQUIREMENTS RELATED TO WORK IN EXISTING BUILDINGS.



LEVEL TWO PLAN

952 SQUARE FEET PRIMARY RESIDENCE
728 +/- SQUARE FEET ACCESSORY DWELLING UNIT
SCALE: 1/4" = 1'-0"



CROSS SECTION C-C

SCALE: 1/4" = 1'-0"

INTERIOR WALL/CEILING FINISH SHALL BE 1/2" GYPSUM BOARD (UNLESS OTHERWISE NOTED). ALL GYPSUM BOARD MATERIALS AND ACCESSORIES SHALL CONFORM TO SECTION R102.3.1 2015 IRC. SCREWS FOR ATTACHING GYPSUM BOARD TO WOOD FRAMING SHALL BE TYPE W OR TYPE S IN ACCORDANCE WITH ASTM C 1002 AND SHALL PENETRATE THE WOOD NOT LESS THAN 5/8". REFER TO TABLE R102.3.5 2015 FOR SPACING OF FASTENERS.

EXTERIOR WALL NOTE
2x6 STUDS @ 16" O/C
DOUBLE TOP PLATE AND JOINTS OFFSET 24" MINIMUM, SINGLE BOTTOM PLATE
DRILLING AND NOTCHING OF STUDS SHALL BE IN ACCORDANCE WITH SECTION R602.6 2015 IRC.
VINYL SIDING SHALL BE CERTIFIED & LABELED AS CONFORMING TO THE REQUIREMENTS OF ASTM D 3679.
ZIP SYSTEM WALL SHEATHING PER MANUFACTURER'S SPECIFICATIONS
EXTERIOR TRIM/MILLWORK PER BUILDER'S SPECIFICATIONS

DATE	DESCRIPTION
1/17/21	DRAFT PLANS
1/19/21	REVISED PLANS
1/24/21	REVISED PLANS
2/1/21	CONSTRUCTION PLANS
3/19/21	REVISED PLANS

RANDY MENARD
GABBY BROWN
LOT 41 WADLEIGH FALLS ROAD
NEWMARKET, NH 03051

SHEET NUMBER
A4
PLAN NUMBER
1202

FOUNDATION NOTES:

1. THE GENERAL CONTRACTOR/CONCRETE CONTRACTOR SHALL VERIFY PRIOR TO CONSTRUCTION THAT FOUNDATION CONSTRUCTION SHALL BE CAPABLE OF ACCOMMODATING ALL LOADS ACCORDING TO SECTION R301 AND SECTION R401, 2018 IRC AND OF TRANSMITTING THE RESULTING LOADS TO THE SUPPORTING SOIL. FOUNDATION DROPS, BULKHEAD LOCATION, FOUNDATION VENTS, AND BASEMENT SASH SHALL BE DETERMINED ON SITE PER CONDITIONS.

2. SURFACE DRAINAGE SHALL BE DIVERTED TO A STORM SEWER CONVEYANCE OR OTHER APPROVED POINT OF COLLECTION THAT DOES NOT CREATE A HAZARD. LOTS SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM FOUNDATION WALLS. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET. SEE SECTION R401.5, 2018 IRC FOR EXCEPTIONS.

3. DRAINS SHALL BE PROVIDED AROUND ALL CONCRETE OR MASONRY FOUNDATIONS THAT RETAIN EARTH AND ENCLOSE HABITABLE OR USABLE SPACES LOCATED BELOW GRADE. DRAINAGE TILES, GRAVEL OR CRUSHED STONE DRAINS, PERFORATED PIPE OR OTHER APPROVED SYSTEMS OR MATERIALS SHALL BE INSTALLED AT OR BELOW THE AREA TO BE PROTECTED AND SHALL DISCHARGE BY GRAVITY OR MECHANICAL MEANS INTO AN APPROVED DRAINAGE SYSTEM. GRAVEL OR CRUSHED STONE DRAINS SHALL EXTEND AT LEAST 1 FOOT BEYOND THE OUTSIDE EDGE OF THE FOOTING AND 6 INCHES ABOVE THE TOP OF THE FOOTING AND BE COVERED WITH AN APPROVED FILTER MEMBRANE MATERIAL. THE TOP OF OPEN JOINTS OF DRAIN TILES SHALL BE PROTECTED WITH STRIPS OF BUILDING PAPER AND THE DRAINAGE TILES OR PERFORATED PIPE SHALL BE PLACED ON A MINIMUM OF 2 INCHES OF WASHED GRAVEL OR CRUSHED ROCK AT LEAST ONE SIEVE SIZE LARGER THAN THE TILE JOINT OPENINGS OR PERFORATION AND COVERED WITH NOT LESS THAN 6 INCHES OF THE SAME MATERIAL. SEE SECTION R401.5, 2018 IRC FOR EXCEPTIONS.

4. CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH PER TABLE R402.2, 2018 IRC. CONCRETE SUBJECT TO MODERATE OR SEVERE WEATHERING AS INDICATED IN TABLE R402.2 SHALL BE AIR ENTRAINED AS SPECIFIED IN TABLE R402.2, 2018 IRC. THE MAXIMUM WEIGHT OF FLY ASH, OTHER POZZOLANS, SILICA FUME, SLAG OR BLENDING CEMENTS THAT IS INCLUDED IN CONCRETE MIXTURES FOR GARAGE FLOOR SLABS AND FOR EXTERIOR PORCHES, CARPORT SLABS AND STEPS THAT WILL BE EXPOSED TO DEICING CHEMICALS SHALL NOT EXCEED THE PERCENTAGES OF THE TOTAL WEIGHT OF CEMENTITIOUS MATERIALS SPECIFIED IN SECTION 4.2.3 OF ACI 318. MATERIALS USED TO PRODUCE CONCRETE AND TESTING THEREOF SHALL COMPLY WITH THE APPLICABLE STANDARDS LISTED IN CHAPTER 3 OF ACI 318 OR ACI 332.

5. ALL EXTERIOR WALLS SHALL BE SUPPORTED ON CONTINUOUS SOLID OR FULLY GROUTED MASONRY OR CONCRETE FOOTINGS, CRUSHED STONE FOOTINGS, WOOD FOUNDATIONS, OR OTHER APPROVED STRUCTURAL SYSTEMS WHICH SHALL BE OF SUFFICIENT DESIGN TO ACCOMMODATE ALL LOADS ACCORDING TO SECTION R301, 2018 IRC AND TO TRANSMIT THE RESULTING LOADS TO THE SOIL WITHIN THE LIMITATIONS AS DETERMINED FROM THE CHARACTER OF THE SOIL. FOOTINGS SHALL BE SUPPORTED ON UNDISTURBED NATURAL SOILS OR ENGINEERED FILL. CONCRETE FOOTING SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION R403, 2018 IRC OR IN ACCORDANCE WITH ACI 332.

6. EXCEPT WHERE OTHERWISE PROTECTED FROM FROST, FOUNDATION WALLS, PIERS AND OTHER PERMANENT SUPPORTS OF BUILDINGS AND STRUCTURES SHALL BE PROTECTED FROM FROST BY ONE OR MORE OF THE FOLLOWING METHODS:

- A. EXTENDED BELOW THE FROST LINE SPECIFIED IN TABLE R301.2(1), 2018 IRC.
 - B. CONSTRUCTING IN ACCORDANCE WITH SECTION R403.3, 2018 IRC.
 - C. CONSTRUCTING IN ACCORDANCE WITH ASCE 31.
 - D. ERECTED ON SOLID ROCK.
- SEE SECTION R403.1.4, 2018 IRC FOR EXCEPTIONS.

7. WOOD SOLE PLATES AT ALL EXTERIOR WALLS ON MONOLITHIC SLABS, WOOD SOLE PLATES OF BRACED WALL PANELS AT BUILDING INTERIORS ON MONOLITHIC SLABS AND ALL WOOD SILL PLATES SHALL BE ANCHORED TO THE FOUNDATION WITH ANCHOR BOLTS SPACED A MAXIMUM OF 6 FEET ON CENTER. BOLTS SHALL BE AT LEAST 1/4 INCH IN DIAMETER AND SHALL EXTEND A MINIMUM OF 1 INCH INTO CONCRETE OR GROUTED CELLS OF CONCRETE MASONRY UNITS. A NUT AND WASHER SHALL BE TIGHTENED ON EACH ANCHOR BOLT. THERE SHALL BE A MINIMUM OF TWO BOLTS PER PLATE SECTION WITH ONE BOLT LOCATED NOT MORE THAN 12 INCHES OR LESS THAN SEVEN BOLT DIAMETERS FROM EACH END OF THE PLATE SECTION. INTERIOR BEARING WALL SOLE PLATES ON MONOLITHIC SLAB FOUNDATION THAT ARE NOT PART OF A BRACED WALL PANEL SHALL BE POSITIVELY ANCHORED WITH APPROVED FASTENERS. SILL PLATES AND SOLE PLATES SHALL BE PROTECTED AGAINST DECAY AND TERMITES WHERE REQUIRED BY SECTIONS R311 AND R318, 2018 IRC. SEE SECTION R403.1.6, 2018 IRC FOR EXCEPTIONS. WOOD SILL PLATES SHALL BE A MINIMUM OF 3-INCH BY 4-INCH NOMINAL LUMBER.

8. CONCRETE AND MASONRY FOUNDATION WALLS SHALL BE SELECTED AND CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION R404, 2018 IRC.

9. EXCEPT WHERE REQUIRED BY SECTION R404.2, 2018 IRC TO BE WATERPROOFED, FOUNDATION WALLS THAT RETAIN EARTH AND ENCLOSE INTERIOR SPACES AND FLOORS BELOW GRADE SHALL BE DAMPPROOFED FROM THE TOP OF THE FOOTING TO THE FINISHED GRADE. REFER TO SECTION R404.1, 2018 IRC FOR APPROVED MATERIALS.

10. WOOD COLUMNS SHALL BE PROTECTED AGAINST DECAY AS SET FORTH IN SECTION R311, 2018 IRC. ALL SURFACES (INSIDE AND OUTSIDE) OF STEEL COLUMNS SHALL BE GIVEN A SHOP COAT OF RUST-INHIBITIVE PAINT, EXCEPT FOR CORROSION-RESISTANT STEEL AND STEEL TREATED WITH COATINGS TO PROVIDE CORROSION RESISTANCE. THE COLUMNS SHALL BE RESTRAINED TO PREVENT LATERAL DISPLACEMENT AT THE BOTTOM END. WOOD COLUMNS SHALL NOT BE LESS IN NOMINAL SIZE THAN 4-INCHES BY 4-INCHES. STEEL COLUMNS SHALL NOT BE LESS THAN 3-INCH DIAMETER SCHEDULE 40 PIPE MANUFACTURED IN ACCORDANCE WITH ASTM A 53 GRADE B OR APPROVED EQUIVALENT.

11. THE UNDER-FLOOR SPACE BETWEEN THE BOTTOM OF FLOOR JOISTS AND THE EARTH UNDER ANY BUILDING (EXCEPT SPACE OCCUPIED BY A BASEMENT) SHALL HAVE VENTILATION OPENINGS THROUGH FOUNDATION WALLS OR EXTERIOR WALLS. MINIMUM NET AREA OF VENTILATION PER SECTION R408.1, 2018 IRC.

12. ACCESS SHALL BE PROVIDED TO ALL UNDER-FLOOR SPACES. ACCESS OPENINGS THROUGH THE FLOOR SHALL BE A MINIMUM OF 18 INCHES BY 24 INCHES. OPENINGS THROUGH A PERIMETER WALL SHALL BE NOT LESS THAN 18 INCHES BY 24 INCHES. WHEN ANY PORTION OF THE THROUGH-WALL ACCESS IS BELOW GRADE, AN AREAWAY NOT LESS THAN 18 INCHES BY 24 INCHES SHALL BE PROVIDED.

13. FOR BUILDINGS LOCATED IN AREAS PRONE TO FLOODING AS ESTABLISHED IN TABLE R301.2(1), 2018 IRC, WALLS ENCLOSE THE UNDER-FLOOR SPACE SHALL BE PROVIDED WITH FLOOD OPENINGS IN ACCORDANCE WITH SECTION R322.2, 2018 IRC. THE FINISHED GROUND LEVEL OF THE UNDER-FLOOR SPACE SHALL BE EQUAL TO OR HIGHER THAN THE OUTSIDE FINISHED GROUND LEVEL ON AT LEAST ONE SIDE. SEE SECTION R408.7, 2018 IRC FOR EXCEPTIONS.

CONCRETE FLOOR NOTES:

1. CONCRETE SLAB-ON-GROUND FLOORS SHALL BE A MINIMUM OF 3.5 INCHES THICK (FOR EXPANSIVE SOILS, SEE SECTION R403.1.8, 2018 IRC). THE SPECIFIED COMPRESSIVE STRENGTH OF CONCRETE SHALL BE AS SET FORTH IN SECTION R402.2, 2018 IRC.

2. THE AREA WITHIN THE FOUNDATION WALLS SHALL HAVE ALL VEGETATION, TOP SOIL AND FOREIGN MATERIAL REMOVED.

3. FILL MATERIAL SHALL BE FREE OF VEGETATION AND FOREIGN MATERIAL. THE FILL SHALL BE COMPACTED TO ASSURE UNIFORM SUPPORT OF THE SLAB, AND EXCEPT WHERE APPROVED, THE FILL DEPTHS SHALL NOT EXCEED 24 INCHES FOR CLEAN SAND OR GRAVEL, AND 8 INCHES FOR EARTH.

4. A 4-INCH THICK BASE COURSE CONSISTING OF CLEAN GRADED SAND, GRAVEL, CRUSHED STONE OR CRUSHED BLAST-FURNACE SLAG PASSING A 3-INCH SIEVE SHALL BE PLACED ON THE PREPARED SUBGRADE WHEN THE SLAB IS BELOW GRADE.

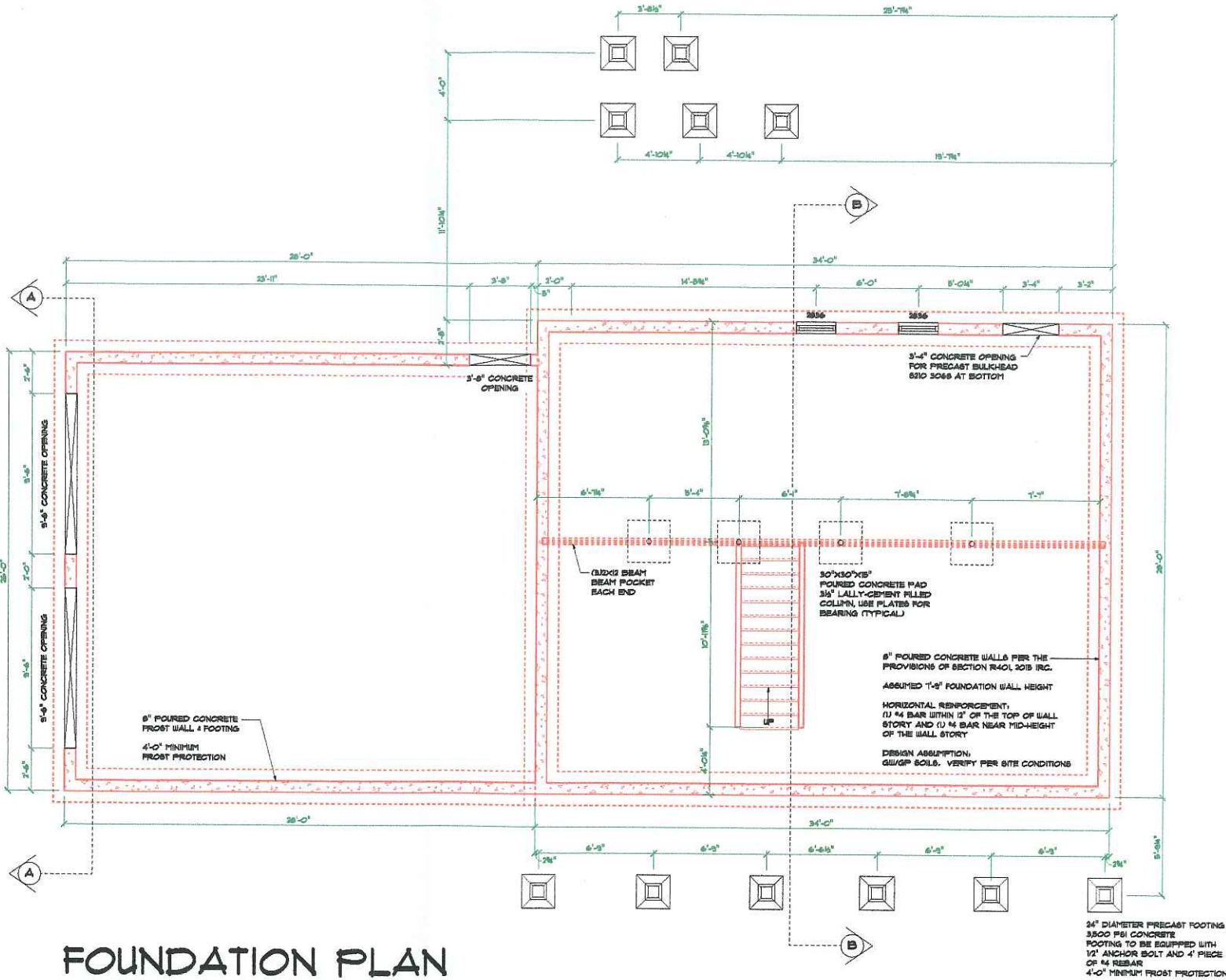
5. A 6 MIL POLYETHYLENE OR APPROVED VAPOR RETARDER WITH JOINTS LAPPED NOT LESS THAN 6 INCHES SHALL BE PLACED BETWEEN THE CONCRETE FLOOR SLAB AND THE BASE COURSE OR THE PREPARED SUBGRADE WHERE NO BASE COURSE EXISTS.

6. WHERE PROVIDED IN SLABS ON GROUND, REINFORCEMENT SHALL BE SUPPORTED TO REMAIN IN PLACE FROM THE CENTER TO UPPER ONE THIRD OF THE SLAB FOR THE DURATION OF THE CONCRETE PLACEMENT.

1. SEE SECTION R506, 2018 IRC FOR EXCEPTIONS.

8. GARAGE FLOOR SURFACES SHALL BE OF APPROVED NONCOMBUSTIBLE MATERIAL.

9. THE AREA OF THE FLOOR USED FOR PARKING OF AUTOMOBILES OR OTHER VEHICLES SHALL BE SLOPED (1/4" PER 1'-0") TO FACILITATE THE MOVEMENT OF LIQUIDS TO A DRAIN OR TOWARD THE MAIN VEHICLE ENTRY DOORWAY.



FOUNDATION PLAN

SCALE: 1/8" = 1'-0"

ADJUST FOUNDATION DROPS AND LOCATE BASEMENT SASH ON SITE PER CONDITIONS

NEUMARKET PLAINS, LLC.
HOME DESIGN SERVICE

NEUMARKETPLAINSLLC@COMCAST.NET
WWW.NEUMARKETPLAINSLLC.COM
603-659-0985

DATE	DESCRIPTION
1/1/21	DRAFT PLANS
1/15/21	REVISED PLANS
1/24/21	REVISED PLANS
2/1/21	CONSTRUCTION PLANS
3/1/21	REVISED PLANS

RANDY MENARD
GABBY BROWN
LOT 4-1 WADLEIGH FALLS ROAD
NEUMARKET, NH 03857

SHEET NUMBER

A5

PLAN NUMBER

1202

Michelle & Greg Whitcomb
366 Ash Swamp Rd.
Newmarket, NH 03857

RECEIVED

APR 26 2021

April 23, 2021

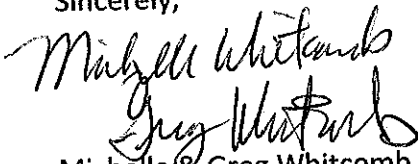
NEWMARKET, NH
PLANNING BOARD

Town of Newmarket
Zoning Board of Adjustment
186 Main Street
Newmarket, NH 03857

We are in receipt of a public hearing notice for May 3, 2021. We will be unable to attend the meeting in person.

We are in favor of granting a variance to permit an accessory apartment within a residential use for property located at 435 Wadleigh Falls Rd. owned by Leo Manseau. An accessory apartment is allowed in a residential use with the granting of a special exception in other areas of town. Given the property has already received a variance to allow a residential use on this property in the B-3 Zone, it is reasonable that the property would be afforded the same rights as other residential uses in town. There are many other residences in the area of this property, including ours as a direct abutter. We are in favor of granting the variance and the special exception to allow an accessory apartment within the residential use that will be constructed on this property.

Sincerely,


Michelle & Greg Whitcomb



Town Hall
186 Main Street
Newmarket, NH 03857

Tel: (603) 659-3617
Fax: (603) 659-8508

Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

ATTACHMENTS:

Description	Upload Date	Type
Public Notice & Application, Responses to Criteria, Floorplans	4/15/2021	Backup Material

FOUNDED DECEMBER 15, 1727

CHARTERED JANUARY 1, 1991



TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE *of the* ZONING BOARD OF ADJUSTMENT

LEGAL NOTICE

NEWMARKET ZONING BOARD OF ADJUSTMENT

**MONDAY, MAY 3, 2021
7:00 P.M.**

MEETING HELD IN TOWN HALL AUDITORIUM OR USING ZOOM (SEE BELOW)

There will be a public hearing for an application for a Special Exception, reference Section 32-234, Accessory Apartments, to permit a one bedroom accessory apartment, with 525 sq. ft. of finished living space in the basement of the existing single family home, requested by Laurie C. Murray. The property is located at 32 Cedar Street, Tax Map U2, Lot 157, R3 Zone.

Members of the public may attend the meeting in person at the Town Hall auditorium or attend remotely using Zoom. If attending in person, please wear a mask and maintain social distance. If attending by telephone/Zoom, use the following information to join the meeting:

Join Zoom Meeting

<https://zoom.us/j/95401334499>

Call this number: 1-646-558-8656 US

Meeting ID Code: 954 0133 4499

Any problems call: 603-659-3617 extension 1321

APPLICATION - ZONING BOARD OF ADJUSTMENT
TOWN OF NEWMARKET, NH

ph 214/22

Applicant: Laurie C. Murray

Mailing Address: 32 Cedar Street NmKT NH 03857

Property owner: Laurie C. Murray

Mailing Address: 32 Cedar Street Newmarket NH 03857

Home Phone: N/A Cell Phone: 603-834-0860

Location of property: 32 Cedar Street Map 42 Lot 157 Zone

Description of property: house, outbuilding, Land

Proposed use or existing use affected: add basement apartment

Do not write in
this space

Date filed

4/9/21

Initials SM

The following pages contain forms for Appeal from Administrative Decision, Special Exception, Variance, & Equitable Waiver. Please fill out appropriate request sheet. All applications will need completed abutters list.

Sec. 32-234. - Accessory apartments.

- (a) *Purpose.* Accessory apartments are permitted in all zoning districts that permit single-family residential uses to ensure adequate provision of small, affordable residential units for various segments of the population, to help homeowners utilize excess space to generate revenue to help offset the costs of home ownership, and to encourage the adaptive reuse of historic homes.
- (b) One accessory apartment shall be permitted per detached single-family residence if granted a special exception by the zoning board of adjustment. The accessory apartment shall be contained entirely within or attached to the detached single-family residence. The zoning board of adjustment shall grant the special exception if the following conditions are met:
 - (1) The accessory apartment shall be a minimum of 300 square feet and a maximum of 1,000 square feet of finished living area.
 - (2) The accessory apartment shall either be an efficiency apartment (without a separate bedroom), or a one-bedroom or two bedroom apartment.
 - (3) One of the dwelling units must be owner-occupied.
 - (4) There shall be a minimum of two parking spaces for each dwelling unit. A parking space shall be defined as a rectangular space nine feet by 18 feet. Parking spaces shall be permitted within the setbacks if the location is over 50 feet from abutting dwelling units.
 - (5) No exterior changes shall be made unless they maintain the aesthetic continuity of the accessory dwelling unit with the principal dwelling unit as a single-family dwelling.
 - (6) Adequate water supply and sewage disposal shall be provided. If town water and sewer services the site, tie-in fees shall be paid.
 - (7) Granting of the special exception would be consistent with section 32-5(1)b.
 - (8) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit; however, it shall not be required to remain unlocked.
- (c) Subdivision and site plan review approval are not required.

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

SECTION 2 APPLICATION FOR SPECIAL EXCEPTION

✓ The undersigned hereby requests a Special Exception as provided in Section of the Newmarket Zoning Ordinance.

Explain how the proposal meets the special exception criteria as specified (list responses to all criteria from the ordinance. For example "Criterion 1: then your response", etc.) Use a separate sheet if necessary:

Criterion A: The apartment will be put in extra space in the basement of this single family residential home.

Criterion B(1) The apartment ^(will be) is ≈ 525 square feet of finished living area.

(2) This is a one bedroom apartment

(3) The owner will reside in the home's primary living space

(4) There is ample parking space for > 4 vehicles

(5) There will be no exterior changes to the dwelling

(6) Water + sewage disposal will be provided

(7) —

(8) there will be a min. of one interior door between the principal dwelling unit and the accessory apartment.

Please sign below for all applications:

Applicant Laurie C Murray
Signature

Applicant Laurie C Murray
Please Print

Owner Laurie C Murray
Signature

Owner Laurie C Murray
Please Print

Date 3-29-2021

ABUTTERS LIST

1. List the tax map, lot number, name(s) and mailing address of the **property owner(s), applicant (if different from property owners) and all abutters and any others requiring notification**, as shown in Town records, not more than five days prior to submittal per RSA 676:4,I(b). This may be done on a separate sheet. Please indicate the date of preparation and sign your name on each sheet.
2. As applicable, list the name, mailing address, daytime phone number, and email address of the Applicant's Authorized Representative and any surveyor, engineer, architect or soil scientist whose stamp and signature appear in the application materials. Use a separate piece of paper if needed.
3. **Fill out two adhesive mailing labels for EVERY entry on the list. Labels must not exceed 1" tall by 2.75" long in order to fit on the certified mail tags.**
4. **The determination of abutters is the responsibility of the applicant.** This list will not be reviewed for compliance with statutory requirements. Use abutters information available at Town Hall Assessing Office. Do not use information from any other source to determine abutters (online, website, memory, etc.)

Map	Lot	Owner	Mailing Address
-----	-----	-------	-----------------

		<u>PROPERTY OWNER-MUST BE INCLUDED PER STATE LAW</u>	
--	--	---	--

		<u>APPLICANT, IF DIFFERENT FROM PROPERTY OWNER</u>	
--	--	---	--

		<u>AUTHORIZED AGENT, IF APPLICABLE-PER STATE LAW</u>	
--	--	---	--

All abutters (use separate sheet, if necessary):

Date of preparation: _____

I hereby certify that all information presented on this form is, to the best of my knowledge, correct. _____

Signature of preparer

CHECKLIST

Go over the list and make sure that you have included everything on it **BEFORE** submitting your application.

1. Letter of Violation/Denial - From the Administrative Officer. _____
2. Plot map – As close to scale as possible showing
 - a. boundaries _____
 - b. setbacks _____
 - c. streets _____
 - d. existing or proposed structures _____
 - e. access roads _____
 - f. abutters _____
3. List of abutters – Every owner of every property, the owner of the property involved in the request, the applicant if different from the property owner, any authorized agent representing the owner or applicant at the meeting, with correct mailing addresses (see instruction sheet for full details). _____
4. **Two adhesive mailing labels per everyone on the list, not to exceed 1" tall by 2.75" long.**
5. Section number of the ordinance involved. _____
6. Fees. _____
7. Letter of permission from property owner(s) if someone is representing them at the meeting. _____

42

42/195

Michael C McDonough
Sandra J. McDonough
391 Packers Falls Rd
Lee, N.H. 03861-6512

42/158

Meghan Averill
Eric Rathburn
36 Cedar St.
Newmarket, N.H. 03857

42/145

Kilner W Cary Trust
Kilner W Cary Trust
7 Salmon St
Newmarket, N.H. 03857

42/146

Michael Andry
9 Salmon St
Newmarket, NH 03857-1114

42/147

Ling Yang
Lin Changxing
11 Salmon St
Newmarket, N.H. 03857

42/157

Laurie C Murray *owner
32 Cedar St
Newmarket, NH 03857-1118

42/148 Jay Ferreira
Karen Ferreira
13 Salmon ST
Newmarket, NH 03857

42/149 Nicholas E Lawrence
15 Salmon ST
Newmarket, N.H. 03857

42/151 Matthew John Eckaid
Kayla Kae Eckaid
8 Piscassic ST
Newmarket, N.H. 03857

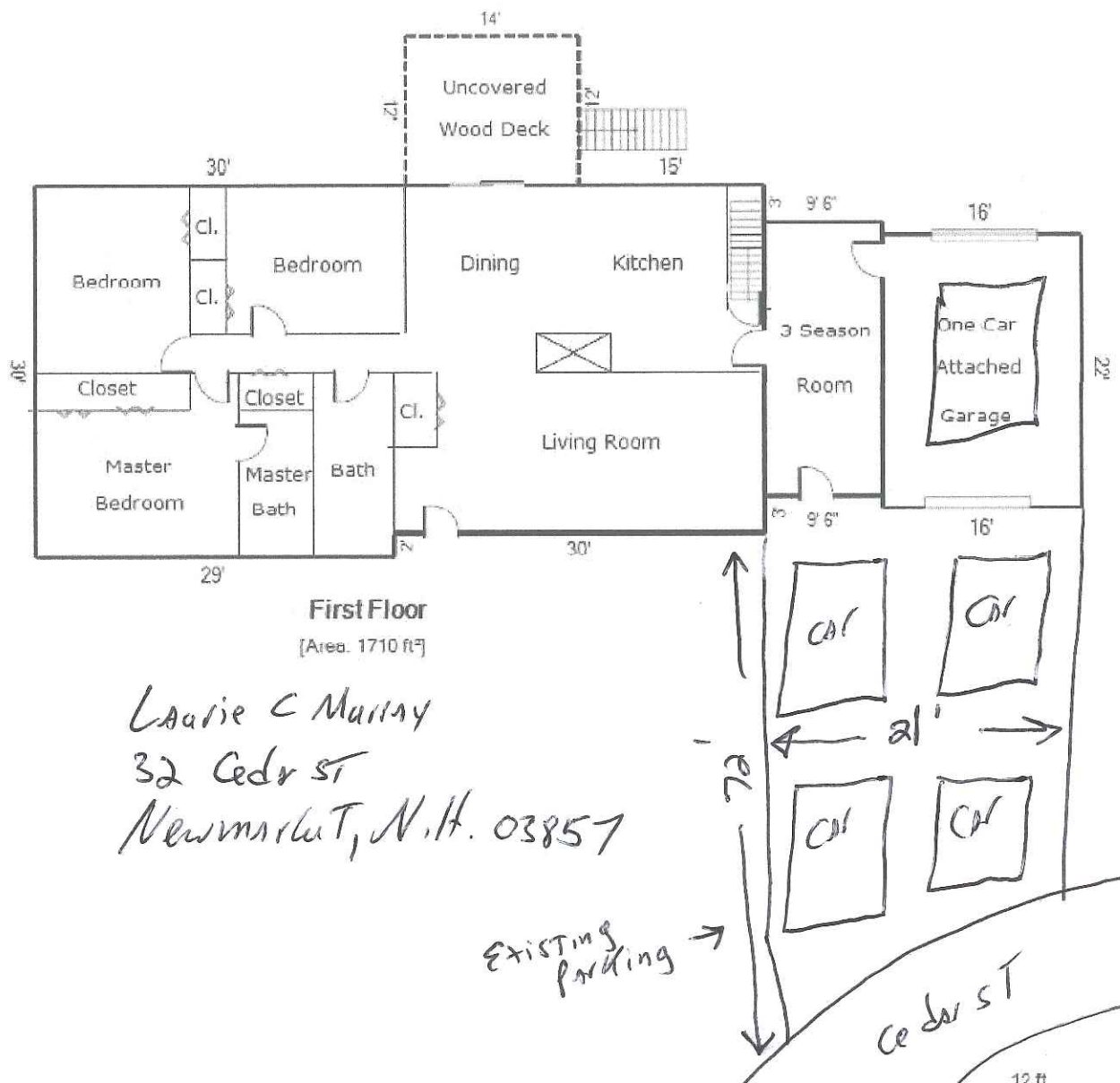
42/152 David J Stinson
Kaye E Stinson
6 Piscassic ST
Newmarket, N.H. 03857-1111

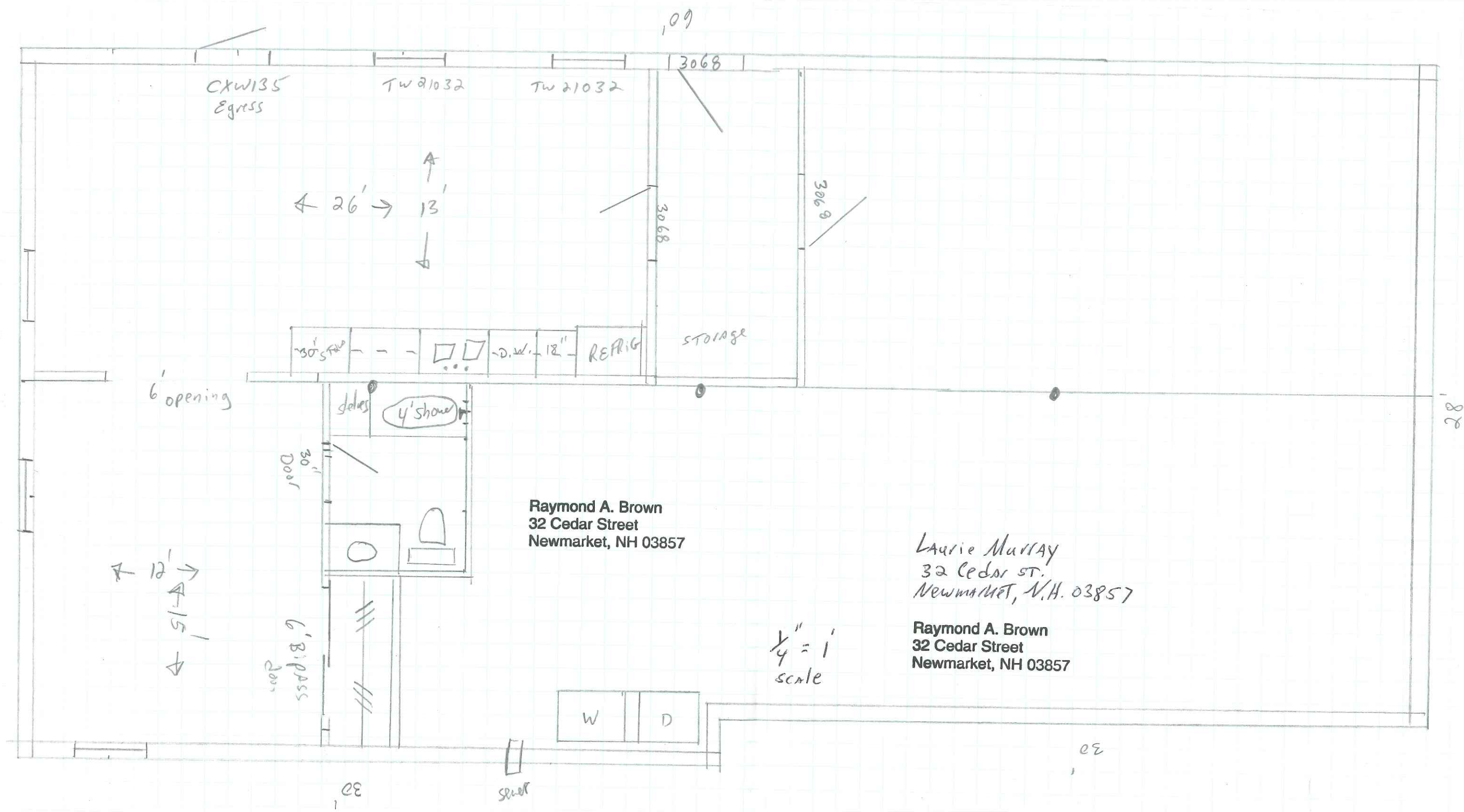
42/153 Kham Khanh Chantapho
Bouabay Phong Phila
4 Piscassic ST
Newmarket, N.H. 03857-1111

42/156 Clifford Hunkler
Pamela Hunkler
30 Cedar ST
Newmarket, N.H. 03857-1118

42/LOT 157

Interior walls, doors and fixture locations are approximate





Raymond A. Brown
32 Cedar Street
Newmarket, NH 03857

Laurie Murray
32 Cedar St.
Newmarket, N.H. 03857

Raymond A. Brown
32 Cedar Street
Newmarket, NH 03857

$\frac{1}{4}'' = 1'$
scale



Town Hall
186 Main Street
Newmarket, NH 03857

Tel: (603) 659-3617
Fax: (603) 659-8508

Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

ATTACHMENTS:

Description	Upload Date	Type
Legal Notice, Application, Zoning Administrator Letter, Appeal, Site Plan, Boundary Adjustment Plan	4/22/2021	Backup Material

FOUNDED DECEMBER 15, 1727

CHARTERED JANUARY 1, 1991



TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the ZONING BOARD OF ADJUSTMENT

LEGAL NOTICE

NEWMARKET ZONING BOARD OF ADJUSTMENT

**MONDAY, MAY 3, 2021
7:00 P.M.**

MEETING HELD IN TOWN HALL AUDITORIUM OR USING ZOOM (SEE BELOW)

There will be a public hearing for an application for an Appeal from Administrative Decision, reference the decision cited by the Zoning Administrator in her letter of March 30, 2021, that a building proposed by Cheney Property Management Corp is contrary to Section 32-160(b)(2) and Section 32-46A(b)(2)(e) of the Newmarket Zoning Ordinance, in that no residential units shall be located in the street level space if the project has frontage on Exeter Road, which is inconsistent with the intent of the M2A zoning. This appeal is requested by Cheney Property Management. The property is located at Exeter Road, Tax Map U3/U4, Lots 11, 12, 15, 138-1, M2A Zone.

Members of the public may attend the meeting in person at the Town Hall auditorium or attend remotely using Zoom. If attending in person, please wear a mask and maintain social distance. If attending by telephone/Zoom, use the following information to join the meeting:

Join Zoom Meeting

<https://zoom.us/j/95401334499>

Call this number: 1-646-558-8656 US

Meeting ID Code: 954 0133 4499

Any problems call: 603-659-3617 extension 1321

APPLICATION – ZONING BOARD OF ADJUSTMENT
TOWN OF NEWMARKET, NH



303,60
59

Applicant: Cheney Property Management Corp.

Mailing Address: 74 Exeter Road, Suite A-1, Newmarket, NH 03857

Property owner: Cheney Property Management Corp.

Mailing Address: 74 Exeter Road, Suite A-1, Newmarket, NH 03857

Telephone: _____ Cell Phone: 603-817- 7123

Email Address: walter@cheneyne.com mbeliveau@pierceatwood.com

Location of property: _____ Tax Map: U4/U3 Lot 11, 12, 15 138-1
Zone: M-2A

Description of property: _____

Proposed use or existing use affected: Mixed Use Development

~~~~~

The following pages contain forms for Appeal from Administrative Decision, Special Exception, Variance, & Equitable Waiver. Please fill out appropriate request sheet. All applications will need completed abutters list.

Do not write in  
this space

Date filed

4/26/11

Initials *scj*

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**SECTION 1 APPEAL FROM ADMINISTRATIVE DECISION**

Relating to the interpretation and enforcement of the provision of the zoning ordinance.

Decision of the Building Official to be reviewed:

Letter of Diane F. Hardy, dated March 30, 2021, Paragraph 2

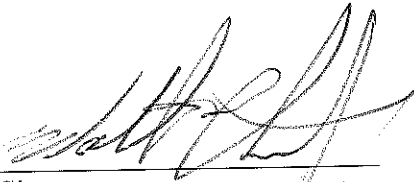
Section \_\_\_\_\_ of the Newmarket Zoning Ordinance in question: \_\_\_\_\_

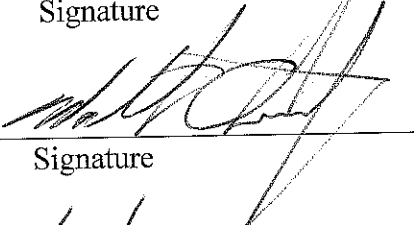
\_\_\_\_\_ See attached Appeal from Administrative Decision

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Please sign below for all applications:

Applicant   
Signature

Owner   
Signature

Date 4/19/21

Applicant Walter Cheney  
Please Print

Owner Walter Cheney  
Please Print

**LIST OF OWNERS OF ABUTTING PROPERTY**

(This includes property directly across the street or streams from the land under consideration. List must also include any and all preparers of plans, studies, etc...)

**PLEASE PROVIDE NAME & MAILING ADDRESS**

|                                                                                                                                                                                  |                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PROPERTY OWNER:</b> 60-2 Exeter Road #200<br>MAP U4/LOTS 11-2, 12, 15 50 Exeter Road<br><br>CHENEY PROPERTY MANAGEMENT CORP.<br>74 EXETER ROAD SUITE 1<br>NEWMARKET, NH 03857 | <b>AGENT/APPLICANT:</b><br><br>MARK BELIVEAU<br>PIERCE ATWOOD LLP<br>ONE NEW HAMPSHIRE AVE, SUITE 350<br>PORTSMOUTH, NH 03801                                                      |
| MAP U4/LOT 11 56A Exeter Road<br><br>ASSOCIATION NBP<br>NEWMARKET BUSINESS PARK<br>56 EXETER ROAD<br>NEWMARKET, NH 03857                                                         | <b>LAND SURVEYORS:</b><br><br>DOUCET SURVEY, INC.<br>102 KENT PLACE<br>NEWMARKET, NH 03857<br><br>NORWAY PLAINS ASSOCIATES, INC.<br>2 CONTINENTAL BOULEVARD<br>ROCHESTER, NH 03867 |
| MAP U3/LOTS 126 Land of Railroad<br><br>BOSTON & MAINE RAILROAD<br>C/O GUILFORD TRANS INDUST<br>IRON HORSE PARK<br>HIGH STREET<br>NO. BILLERICA, MA 01862-1698                   | <b>ENGINEER:</b><br><br>HORIZONS ENGINEERING, INC.<br>5 RAILROAD STREET<br>NEWMARKET, NH 03857                                                                                     |
| MAP U3/LOT 127 53 Exeter Road<br><br>MARIE K. McKENNEY<br>53 EXETER ROAD<br>NEWMARKET, NH 03857-1907                                                                             |                                                                                                                                                                                    |
| MAP U3/LOT 128 55 Exeter Road<br><br>PHILLIP A. & MARIE T. WIGHTMAN<br>55 EXETER ROAD<br>NEWMARKET, NH 03857-1907                                                                | MAP U3/LOT 130 59 Exeter Road<br><br>JESSE COBB<br>MAURA R. MacDONALD<br>59 EXETER ROAD<br>NEWMARKET, NH 03857-1907                                                                |
| MAP U3/LOT 129 57 Exeter Road<br><br>BOREN ENTERPRISES, LLC<br>41 STAYSAIL WAY<br>PORTSMOUTH, NH 03841                                                                           | MAP U4/LOT 20 1 Moonlight Drive<br><br>ASSOCIATION MOONLIGHT<br>1 MOONLIGHT DRIVE<br>NEWMARKET, NH 03857-1824                                                                      |
| MAP U3/LOT 125 51 Exeter Road<br><br>LISA SACK PARKER<br>MATTHEW R. PARKER<br>PARKER FAMILY REVOC TRUST 1/21/15<br>28 ACADEMY AVE.<br>HAMPTON, NH 03842-2200                     | MAP U3/LOT 124 49 Exeter Road<br><br>NANCY E. LEAHY<br>49 EXETER ROAD<br>NEWMARKET, NH 03857-1907                                                                                  |

Date of Preparation: 04/19/21

I hereby certify that all information presented on this form is, to the best of my knowledge, correct.

Signature of preparer: \_\_\_\_\_

*Mark Beliveau*

**LIST OF OWNERS OF ABUTTING PROPERTY**

(This includes property directly across the street or streams from the land under consideration. **List must also include any and all preparers of plans, studies, etc...**)

**PLEASE PROVIDE NAME & MAILING ADDRESS**

|                                                                                                                                                    |                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| MAP U4/LOT 10<br>62 Exeter Road<br><br>GREGORY DAVIS<br>62 EXETER ROAD<br>NEWMARKET, NH 03857                                                      | U3/LOT 132<br>67 Exeter Road<br><br>LORRAINE WILSON<br>67 EXETER ROAD<br>NEWMARKET, NH 03857-1907                   |
| U4/LOT 33-12<br>21 Maple Street<br><br>WILLIAM JAMES, JR. & MARCIA LANCASTER<br>21 MAPLE STREET<br>NEWMARKET, NH 03857                             | U4/LOT 20-1<br>1 Moonlight Drive<br><br>PREMIUM MANAGEMENT CORPORATION<br>76 EXETER ROAD<br>NEWMARKET, NH 03857     |
| U4/LOT 33-13<br>19 Maple Street<br><br>DAVID C. & JODI L. GOODMAN<br>19 MAPLE STREET<br>NEWMARKET, NH 03857-1823                                   | U4/11-1<br>60-1 Exeter Road #100<br><br>WRIGHT OFFICE MANAGEMENT, LLC<br>5 MOODY POINT DRIVE<br>NEWMARKET, NH 03857 |
| U4/LOT 8<br>66 Exeter Road<br><br>NEWMARKET HOUSING AUTHORITY<br>GREAT HILL TERRACE<br>NEWMARKET, NH 03857                                         | U4/11-3<br>60-3 Exeter Road #300<br><br>WENTWORTH DOUGLASS HOSPITAL<br>P.O. BOX 9127<br>CHARLESTOWN, MA 02129       |
| U4/LOT 9<br>64 Exeter Road<br><br>JOHN & CONSTANCE HOYT<br>64 EXETER ROAD<br>NEWMARKET, NH 03857-1906                                              |                                                                                                                     |
| U3/LOT 131<br>63 Exeter Road<br><br>JUDY ARCHAMBEAULT, TRUSTEE<br>JUDY ARCHAMBEAULT LIVING REVOC TR<br>40 LADYSLIPPER DRIVE<br>NEWMARKET, NH 03857 |                                                                                                                     |

Date of Preparation: 04/19/21

I hereby certify that all information presented on this form is, to the best of my knowledge, correct.

Signature of preparer: \_\_\_\_\_

*Marg Beliveau*

April 19, 2021

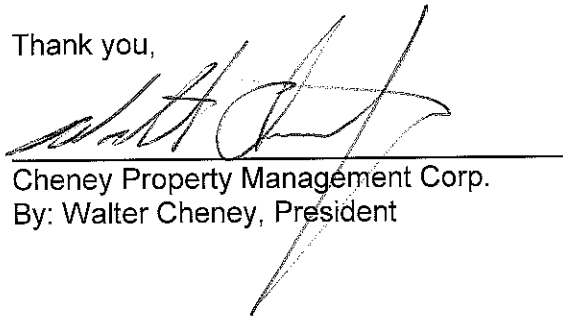
Bob Daigle, Chairman  
Newmarket Zoning Board of Adjustment  
186 Main Street  
Newmarket, NH 03857

Re: Appeal of Administrative Decision

Dear Chair Daigle and Members of the Zoning Board:

Attorney Mark Beliveau, Pierce Atwood, LLP, is representing Cheney Property Management Corp. in my Appeal of Administrative Decision and will speak on my behalf at the public hearing.

Thank you,

A handwritten signature in black ink, appearing to be 'W. Cheney', is written over a horizontal line. The signature is stylized and cursive.

---

Cheney Property Management Corp.  
By: Walter Cheney, President

THE STATE OF NEW HAMPSHIRE

Town of Newmarket, New Hampshire

Newmarket Zoning Board of Adjustment

**Appeal from Administrative Decision Pursuant to NH RSA 674:33**

Now comes Cheney Property Management Corp. (“CPMC”) by and through its attorneys, Pierce Atwood, LLP, and appeals the decision of Zoning Administrator, Diane F. Hardy, as set forth in her letter of March 30, 2021, addressed to Walter Cheney, Jr. and Cheney Property Management Corp. In support thereof, CPMC states as follows:

**I. Appealing Party**

1. CPMC is a New Hampshire corporation with a principal place of business at 74 Exeter Road, Suite A-1, Newmarket, NH. On or about March 23, 2021, MJS Engineering, P.C., on behalf of CPMC, submitted applications to the Newmarket Planning Board for Site Plan Review and a Special Use Permit for a Mixed Use Development to be located at Tax Map U3 & U4, Lots 11-2, 15 & 138-1 (the “Property”).

2. By letter dated March 30, 2021, Diane F. Hardy, Zoning Administrator, determined that the proposed Mixed Use Development did not comply with certain provisions of the Newmarket Zoning Ordinance (the “Zoning Ordinance”) and that variances would be needed before proceeding with the Mixed Use Development. CPMC believes the decision of the Zoning Administrator is unlawful and in error. As a result, CPMC is a “person aggrieved” pursuant to NH RSA 676:5 I and, has standing to bring this appeal.

**II. Zoning Board Jurisdiction**

3. This Board has jurisdiction over the subject matter of this appeal pursuant to NH RSA 674:33 and NH RSA 676:5.

NH RSA 674:33, I. (a)(1), states as follows:

The zoning board of adjustment shall have the power to: (a) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance....

NH RSA 676:5, I, states, in part, as follows:

Appeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by any person aggrieved... by any decision of the administrative officer.

"Administrative officer" is defined in NH RSA 676:5, II. (a) as follows:

any official or board who, in that municipality, has responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance, and may include a building inspector, board of selectmen, or other official or board with such responsibility.

"Decision of the administrative officer" is defined in NH RSA 676:5, II. (b) to include:

any decision involving construction, interpretation or application of the terms of the ordinance.

4. Diane F. Hardy, Zoning Administrator, functions and holds herself out to the public as an "administrative officer" for the Town of Newmarket. Ms. Hardy's letter of March 30, 2021 addressed to Walter Cheney, Jr. and Cheney Property Management Corp. is, therefore, a "decision of the administrative officer" as those terms are defined in NH RSA 676:5, II. A copy of Ms. Hardy's letter is attached hereto as **Exhibit A** (the "Zoning Decision").

5. NH RSA 676:5, I provides that an appeal of a decision of the administrative officer "shall be taken within a reasonable time, as provided by the rules of the board." The Board of Adjustment Town of Newmarket Rules of Procedure for the Zoning Board state that "Appeals from an administrative decision taken under RSA 676:5 shall be filed within 21 days of the decision."

6. This appeal is timely as it has been brought within twenty-one (21) days of the Zoning Decision.

### **III. Standard of Review by Zoning Board**

7. When considering an appeal from an administrative decision under RSA 674:33, II,

[T]he zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken. (underline added)

In other words, the Zoning Board must decide, based on its own “*de novo*” review of the Zoning Ordinance, whether the proposed Mixed Use Development needs relief from the sections of the Zoning Ordinance cited in the Zoning Decision: Section 32-160 (b), Section 32-46A (b)(2)(e), Section 32-46A or Section 32-233 (b). “*De novo*” review means that the Zoning Board is to decide this matter new, neither restricted by nor giving deference to the decision of the Zoning Administrator. See, *Town of Hinsdale v. Town of Chesterfield*, 153 N.H. 70, 73 (2005).

### **IV. Statement of the Facts**

8. CPMC is the owner of the Property. On or about March 23, 2021, MJS Engineering, P.C., on behalf of CPMC, submitted applications and plans to the Newmarket Planning Board for Site Plan Review and a Special Use Permit for a Mixed Use Development to be located at the Property. A copy of the site plan for the Mixed Use Development entitled “Site Plan prepared for Cheney Property Management Corporation Tax Map U-4 Lots 11 & 15, 50-56 Exeter Road, Newmarket, NH” dated 2/23/21, last revised 3/23/21, Sheet C1, prepared by MJS Engineering, P.C. (the “Site Plan”), is attached hereto as **Exhibit B**.

9. The proposed Mixed Use Development includes two buildings. Both proposed buildings are shown on the Site Plan. One building is a three story mixed use building with a 13,885 SF footprint and frontage on Exeter Road. This building will have commercial uses on the first floor and residential units on the second and third floors.

10. The second building is a two story building with parking on the ground level and four residential units on the second level (the “Four Unit Building”). This building will not have frontage on any road. It will front and be adjacent to Tax Map U-3, Lot 138-1, owned by the Boston and Maine Corporation.

11. The Four Unit Building is proposed to be located on land purchased by CPMC from the Boston and Maine Corporation. (Rockingham County Registry of Deeds Book 6095, Page 1299, March 24, 2020). This land is shown on the Site Plan. This land is also shown on the plan entitled “Boundary Line Adjustment Plan” dated January 2020, approved by the Newmarket Planning Board on February 27, 2020, and recorded at the Rockingham County Registry of Deeds as D-42027 (the “Boundary Line Adjustment Plan”).

12. The Boundary Line Adjustment Plan is attached hereto as **Exhibit C**. Sketched on this plan is the approximate proposed location of the Four Unit Building.

13. CPMC requested that its applications and plans for Site Plan Review and a Special Use Permit for a Mixed Use Development be placed on the April 13, 2021, Newmarket Planning Board agenda.

14. The Zoning Administrator refused to place the application on the Planning Board agenda for the reasons set forth in paragraphs numbered 1 and 2 of the Zoning Decision and informed CPMC that it would need to secure variances if it wished to proceed with the Mixed Use Development.

15. Paragraph 1 of the Zoning Decision states that the application for a Special Use Permit is incomplete and must include a Fiscal Impact Study and a Market Analysis. CPMC does not object to these requirements and intends to submit these reports to the Planning Board for review.

16. Paragraph 2 of the Zoning Decision states that the Four Unit Building as proposed is “contrary to Section 32-160 (b)(2) and Section 32-46 Paragraph (b) which is prohibited in subparagraph e. in that no residential units shall be located in the street level space if the project has frontage on Exeter Road.” Also in paragraph 2 of the Zoning Decision, it is stated that the Four Unit Building “is inconsistent [with] the intent of the M2-A zoning and Sec. 32-233 (b)....”

**V. Paragraph 2 of the Zoning Decision is Contrary to the terms of the Zoning Ordinance, Unlawful and in Error**

**a. Section 32-160 (b)(2) of the Zoning Ordinance**

17. The Zoning Decision states that the proposed Four Unit Building is contrary to Section 32-160 (b)(2) of the Zoning Ordinance “in that no residential units shall be located in the street level space if the project has frontage on Exeter Road.”

18. Section 32-160 is entitled “Downtown commercial overlay district.” Section 32-160 (b) states that the “downtown commercial overlay district boundaries shall include all properties within the M-2 district and having frontage on Main Street and South Main Street.”

19. The Property, including the Four Unit Building, is located in the M2-A district. In addition, it does not have frontage on Main Street or South Main Street. Accordingly, Section 32-160 does not apply to the Four Unit Building.

20. The application of Section 32-160 to the Four Unit Building by the Zoning Administrator is contrary to the terms of the Zoning Ordinance, unlawful and in error.

**b. Section 32-46A (b)(2) e. of the Zoning Ordinance**

21. The Zoning Decision states that the proposed Four Unit Building is contrary to Section 32-46A (b)(2) e. of the Zoning Ordinance “in that no residential units shall be located in the street level space if the project has frontage on Exeter Road.”

22. Section 32-46A of the Zoning Ordinance is entitled “M-2A district.” Section 32-46A (b)(2) provides that “multi-family residential and mixed use development with three or greater units” may be permitted by Special Use Permit. Before granting a Special Use Permit the Planning Board is required to find (i) the proposed use is consistent with the purpose of the M-2A district, (ii) is suitable for the location proposed, (iii) would not cause significant adverse impact and, (iv) meets the conditions in Section 32-46A (b)(2) a. – f.

23. The Zoning Decision states that the Four Unit Building is prohibited by Section 32-46A (b)(2) e. Subparagraph e. provides:

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

24. As a threshold matter, Subparagraph e. is one of several criteria that govern the issuance of a Special Use Permit by the Planning Board. Only the Planning Board can decide if an application for a Special Use Permit satisfies its criteria. Accordingly, it was unlawful and error for the Zoning Administrator to reject CPMC’s application for a Special Use Permit based on alleged non-compliance with applicable criteria.

25. Even if the Zoning Administrator could lawfully reject CPMC’s application for a Special Use Permit based on her determination of whether specific criteria are met, her decision would be unlawful and in error for two reasons.

26. First, in the Zoning Decision, the Zoning Administrator misstates the words of the Zoning Ordinance. Section 32-46A (b)(2) e. states: “No residential units shall be located in the street level space if the building has frontage on North Main Street, South Main Street, or Exeter Road.” The Zoning Decision states: “no residential units shall be located in the street level space if the project has frontage on Exeter Road.” (underline added) Such a dramatic rewriting of the Zoning Ordinance is unlawful and in error.

27. As is plain from **Exhibits B and C**, the Four Unit Building does not have frontage on North Main Street, South Main Street or Exeter Road. Indeed, there is no direct access to the Four Unit Building from any street or road as it borders land of Boston and Maine Corporation. The Boston and Maine land has an active rail line on it. See, **Exhibit C**.

28. Second, the Four Unit Building is a two story building with parking on the ground level and four residential units on the second level. So, even if the Four Unit Building had “frontage on ...Exeter Road” (it does not), there are no residential units on the ground or street level. As a result, Section 32-46A (b)(2) e. is satisfied and the Zoning Administrator’s finding to the contrary is unlawful and in error.

**c. Intent of M-2A Zoning**

29. The Zoning Decision states that the Four Unit Building “is inconsistent [with] the intent” of the M-2A zoning district. As noted above, one of the criteria for a Special Use Permit is a finding by the Planning Board that the proposed use is consistent with the purpose of the M-2A district.

30. Like Section 32-46A (b)(2) e. of the Zoning Ordinance discussed in paragraph 24 above, the intent or purpose of the M-2A district is a specific criteria for a Special Use Permit and only the Planning Board can decide if the criteria has been satisfied. Accordingly, it was

unlawful and in error for the Zoning Administrator to reject CPMC's application for a Special Use Permit based on alleged non-compliance with applicable criteria. The Zoning Administrator has no authority to determine if Special Use Permit criteria have been satisfied.

31. Even if the Zoning Administrator could lawfully reject CPMC's application for a Special Use Permit based on her determination of whether specific criteria were met, her decision would be unlawful and in error because the Four Unit Building is consistent with the purpose of the M-2A district as set forth in Section 32-46A (a), *Purpose*.

32. Section 32-46A (a), *Purpose*, provides:

The purpose of this district shall be to protect, enhance, and expand the commercial, social, civic and residential functions of the downtown village area. It is recognized that the village is an important place of business and social interaction. Controls are intended to enhance the village by providing for relatively high density, a mix of uses, public access to the Lamprey River, and design compatible with the pedestrian scale and historic nature of the town.

33. In addition, Section 32-46A (b)(2) d. states that "multi-family residential use, with no commercial use within the building, shall be limited to no greater than four residential units within a single building." The Four Unit Building meets this limitation.

34. Accordingly, because the Four Unit Building meets both the general purpose of the M-2A district, as described in Section 32-46A (a), *Purpose*, and the specific limitation set forth in Section 32-46A (b)(2) d., the Zoning Administrator's finding to the contrary is unlawful and in error.

**d. Intent of Section 32-233 (b) of the Zoning Ordinance**

35. The Zoning Decision states that the Four Unit Building "is inconsistent [with] the intent" of Section 32-233 (b). As noted above, one of the criteria for a Special Use Permit is a

finding by the Planning Board that the proposed use is consistent with the purpose of the M-2A district.

36. Like the intent of the M-2A district as discussed in paragraph 30 above, the intent of Section 32-233 (b) follows the same analysis. This section of the Zoning Ordinance states that “residential use may be permitted in combination with nonresidential uses on a single lot or in a single structure... in the M-2A... district.” So, to the extent this is an expression of intent for what is consistent with the purpose of the M-2A district, it is a specific criteria for a Special Use Permit and only the Planning Board can decide if the criteria has been satisfied. Accordingly, it was unlawful and error for the Zoning Administrator to reject CPMC’s application for a Special Use Permit based on alleged non-compliance with applicable criteria.

37. Even if the Zoning Administrator could lawfully reject CPMC’s application for a Special Use Permit based on her determination of whether specific criteria were met, her decision would be in error because the Four Unit Building and the Mixed Use Development as a whole are expressly contemplated and allowed by Section 32-233 (b).

38. Accordingly, the Mixed Use Development, including the Four Unit Building, is consistent with the intent of Section 32-233 (b), and the Zoning Administrator’s finding to the contrary is unlawful and in error.

For the foregoing reasons, CPMC respectfully requests that the decisions set forth in Paragraph 2 of the Zoning Decision be reversed and that the CPMC applications and plans for Site Plan Review and a Special Use Permit for a Mixed Use Development be placed on the next Newmarket Planning Board agenda.

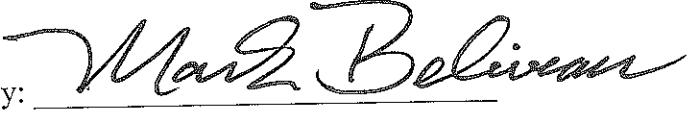
Respectfully submitted,

Cheney Property Management Corp.

By its attorneys,

Pierce Atwood LLP

Date: April 19, 2021

By: 

Mark E. Beliveau  
N.H. Bar No. 301  
One New Hampshire Avenue  
Suite 350  
Portsmouth, NH 03801  
(603) 373-2002

OFFICE OF THE  
PLANNING BOARD



INCORPORATED  
DECEMBER 15, 1727  
CHARTER JANUARY 1, 1991

March 30, 2021

Walter Cheney, Jr.  
Cheney Property Management Corp.  
74 Exeter Road  
Suite A-1  
Newmarket, NH 03857

Dear Walter,

The Planning Office received two (2) applications from you on March 23, 2021 for the Planning Board's consideration. I regret to inform you that we will not be placing these applications on the April 13, 2021 agenda for the following reasons:

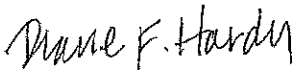
1. The Application for the Special Use Permit for "multi-family residential and mixed-use development with greater than three residential units" is incomplete. You are increasing the number of residential units by 17 units. Pursuant to Sec. 32-46 A M-2A District, Paragraph (b) Permitted Uses, Subparagraph (2) a. and b. you are required to submit with your application a Fiscal Impact Study to show this mixed-use development will not have a negative fiscal impact on the town. Also, you are required to provide a Market Analysis to show the additional units will not have a negative impact on the town's housing market.
2. Your revised Proposed Site Plan C-1, dated March 23, 2021, shows that you are proposing a new building with four (4) residential units on the street level which is contrary to Section 32-160 (b) (2) and Section 32-46 Paragraph (b) which is prohibited in Subparagraph e. in that no residential units shall be located in the street level space if the project has frontage on Exeter Road. In your application, your mixed-used development has more than 400 feet of frontage on Exeter Road. What you are proposing for this new residential building is inconsistent the intent of the M2-A zoning and Sec. 32-233 (b) which is to provide for opportunities for a mix of residential and non-residential uses on one lot with commercial use on the ground floor and residential on the upper stories within the downtown village area. Therefore, you will need to secure variances from the Zoning Board of Adjustment if you wish to proceed with the application, as proposed.

Page Two of Two  
Letter to Walter Cheney, Jr.  
March 30, 2021

Meanwhile, we can hold your applications until you are able to secure the necessary variances, or return them to you until you have all the pieces in hand to move forward to the Planning Board with a completed application with the necessary variances.

Please contact Sue Jordan, our Administrative Assistant, if you need assistance with your applications and to schedule a hearing before the Zoning Board of Adjustment. Also, please feel free to contact me, if you have any questions regarding this letter.

Sincerely,

  
Diane F. Hardy, AICP  
Zoning Administrator

cc. Eric Botterman, Chairman of the Newmarket Planning Board  
Val Shelton, Vice Chairman of the Newmarket Planning Board  
Steve Fournier, Town Manager  
John Ratigan, Town Attorney  
Michael J. Selvert, P.E, Horizons Engineering

**GENERAL NOTES**

1. REFERENCE: TAX MAP U4, LOTS 11 & 15

2. TOTAL COMBINED PARCEL AREA: 211,045 SQ. FT. OR 4.85 AC.

3. OWNER OF RECORD: CHENEY PROPERTY MANAGEMENT CORP.  
74 EXETER ROAD, UNIT 1A  
NEWMARKET, NH 03857  
R.C.R.D. BOOK 4496 PAGE 130,  
BOOK 3919 PAGE 1820, BOOK 5560 PAGE 2305,  
BOOK 5978 PAGE 220, AND BOOK 6095 PAGE 1299

**GENERAL NOTES CONTINUED**

4. ZONE: M-2A  
DIMENSIONAL REQUIREMENTS:

|                          |                            |
|--------------------------|----------------------------|
| MIN. LOT AREA            | 10,890 SQ. FT. OR 1/4 AC.  |
| MIN. FRONTAGE            | 50 FT.                     |
| MIN. ROAD SETBACK        | 5 FT.                      |
| MAX. ROAD SETBACK        | 10 FT.                     |
| MIN. SIDE/REAR SETBACK   | 10 FT.                     |
| MAX. BUILDING HEIGHT     | 35 FT.                     |
| MAX. RESIDENTIAL DENSITY | 6 UNITS/ACRE (SEE NOTE 12) |

ZONING INFORMATION IS BASED ON THE TOWN OF NEWMARKET ZONING ORDINANCE DATED 8/7/13.

5. FIELD SURVEY PERFORMED BY DOUCET SURVEY, INC. AT VARIOUS TIMES BETWEEN 2003 AND 2015.

6. FLOOD HAZARD ZONE: "X". PER FIRM MAP #33015C0230E, DATED 5/17/05.

7. HORIZONTAL DATUM BASED ON REFERENCE PLAN #1.

8. VERTICAL DATUM BASED ON NGVD 29.

9. THE PARCELS ARE SUBJECT TO AND/OR IN BENEFIT OF ALL EASEMENTS OF RECORD.

**GENERAL NOTES CONTINUED**

10. IF THE FUTURE USE OF THE BUILDING WARRANTS A RAILROAD CROSSING, THE FENCE SHALL BE A BLACK METAL ORNAMENTAL RAILING AND REQUIREMENTS.

11. THE PROPOSED FENCE AT THE TOP OF THE LEDGE OR ORNAMENTAL METAL FENCING. THE FENCE SHALL BE A BLACK METAL ORNAMENTAL RAILING AND REQUIREMENTS.

12. LOT 15 WHICH NOW INCLUDES THE NEWLY PURCHASED INCORPORATED INTO THE NEWMARKET BUSINESS PARK IS 4.85 ACRES. THE REST STAYS THE SAME EXCEPT IT CHANGES TO 28' PER M-2A ZONING REGULATIONS. 6 ARE ALLOWED. THEREFORE, 29 UNITS ARE ALLOWED IF UNITS ARE PROPOSED.

13. OFFSITE SNOW REMOVAL SHALL BE PROVIDED, IF NEEDED.

14. THE SITE LAYOUT WILL ACCOMMODATE DELIVERIES FROM VEHICLES.

15. WEARING COURSE OVERLAY SHALL BE COMPLETED FOR BUSINESS PARK PRIOR TO BUILDING OCCUPANCY. THIS AND PARKING AREAS. PAVEMENT MARKINGS SHALL BE COMPLETED PRIOR TO BUILDING OCCUPANCY.

16. THERE ARE NO HYDRIC SOILS PRESENT ON THE SITE.

**GRAPHIC SCALE**

1 inch = 30 ft.

**UTILITIES NOTE**

ALL ELECTRIC, GAS, TELEPHONE, WATER, SEWER AND DRAIN SERVICES ARE SHOWN IN SCHEMATIC FASHION. THEIR LOCATIONS ARE NOT PRECISE OR NECESSARILY ACCURATE. NO WORK WHATSOEVER SHALL BE UNDERTAKEN ON THIS SITE USING THIS PLAN TO LOCATE THE ABOVE SERVICES. CONSULT WITH THE PROPER AUTHORITIES CONCERNED WITH THE SUBJECT SERVICE LOCATION FOR INFORMATION REGARDING SUCH. CALL DIG-SAFE: 1-888-DIG-SAFE (1-888-344-7233)

APPROVED BY THE NEWMARKET PLANNING  
BOARD ON \_\_\_\_\_ CERTIFIED BY  
\_\_\_\_\_ CHAIRPERSON, AND/OR  
SECRETARY OR OTHER MEMBERS ON \_\_\_\_\_

REFERENCE PLANS.

1. "EXISTING CONDITIONS PLAN FOR CHENEY PROPERTY MANAGEMENT", BY DOUCET SURVEY, INC., DATED SEPTEMBER 4, 2015.

2. "EXETER ROAD (ROUTE 108) MAIN STREET RECONST. - PHASE 1, TOWN OF NEWMARKET, NH. BY UNDERWOOD ENGINEERS, INC. RECORD DRAWING DATED 10/05.

| <u>PARKING CALCULATIONS</u>                                                                                                         |                              |                                |                 |
|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------------------|-----------------|
| <u>USE</u>                                                                                                                          | <u>TOTAL UNITS/<br/>AREA</u> | <u>REQUIRED</u>                | <u>PROVIDED</u> |
| RESIDENTIAL                                                                                                                         | 28                           | 2 SPACES/UNIT<br>= 56 SPACES   | 52              |
| RETAIL                                                                                                                              | 13,885 SF                    | 1 SPACES/200 SF<br>= 69 SPACES | 44              |
| TOTAL = 125 SPACES                                                                                                                  |                              |                                | 96 SPACES       |
| *3 SPACES ARE SHARED BETWEEN THE<br>RESIDENTIAL AND COMMERCIAL USE OF<br>THE BUILDING WHICH HAVE DEMANDS<br>DURING THE SAME PERIODS |                              |                                |                 |

YALE ST

Location Map ( $1'' = 500'$ )

