



TOWN OF NEWMARKET NEW HAMPSHIRE

PLANNING BOARD

June 13, 2023 at 7:00 PM

DRAFT MEETING MINUTES

Members Present:, Scott Blackstone (Town Council Ex officio), Jane Ford, Jeff Goldknopf, Bart McDonough (Director of Planning & Community Development), Patrick Reynolds, and Michal Zahorik (Alternate)

Members Absent: Eric Botterman (Chair), Timothy Rossignol, and Val Shelton (Vice-Chair)

Patrick Reynolds agreed to serve as Chair *pro tem* this evening without objection.

He opened the meeting at 7:00 PM.

[time on DCAT 3:10]

The Chair appointed **Michal Zahorik** (Alternate) as a voting member tonight.

The voting members this evening will be **Scott Blackstone, Jane Ford, Jeff Goldknopf, Patrick Reynolds**, and **Michal Zahorik**.

1. Pledge of Allegiance

2. Public Comments

The Chair opened public comment at 7:01 PM. No one was present to speak during public comments. The Chair closed public comments at 7:01 PM.

3. Review & Approval of Minutes

[time on DCAT 4:02]

a. May 9, 2023

Action

Motion: **Jane Ford** moved the approval of the draft minutes of May 9, 2023 as written.

Second: **Jeff Goldknopf**

Discussion: none

Vote: **Approved 4-0-1** (Michal Zahorik abstained)

4. Regular Business

Read by the Chair:

[time on 5:02-1:22:26]

a. **Notice is hereby given that the Planning Board shall hold a discussion on**

1 **proposed language to amend §32-161 Downtown Overlay District and §3.21**
 2 **Architectural/aesthetic review of the Municipal Town Code of Newmarket, New**
 3 **Hampshire, that seeks to add architectural design requirements within the**
 4 **Downtown Overlay District, or take any other action relative thereto.**

5 **Bart** began the discussion by reviewing all the changes and edits he has made in the
 6 document since the last meeting. **Jane** asked for clarification of the district under
 7 discussion and **Bart** gave the members a description by using the map provided as
 8 Addendum page 1. The current Downtown Commercial Overlay District is noted in blue
 9 and the areas the Planning Board may wish to include in the Downtown Commercial
 10 Overlay District is noted in green. The members had a discussion about other
 11 building/homes which are historical, but are not included in the district right now.

12 **Bart** read the new sections one by one in the Draft. (Addendum pages 2-5).
 13 The members had a very good discussion about the proposed changes and thoroughly
 14 discussed edits. The members all agreed that the Sinclair Gas Station located at 44
 15 Main Street be excluded from the District. They would like to propose that the District
 16 include both the green and blue properties as indicated on the chart (Addendum page
 17 1), but exclude the Sinclair Gas Station. **Bart** will make all changes/edits from the
 18 discussion at the meeting for a 3rd Draft in July and, hopefully, the language changes
 19 will be ready for a Public Hearing in August. If the members do not feel comfortable
 20 with the public response, the Public Hearing will be continued. The members also
 21 discussed how to notify all the properties ahead of time so that we might have robust
 22 public comment regarding these changes – **Bart** may notice abutters twice. The
 23 Planning Board will continue this discussion/editing at the July 11, 2023 meeting.

24 *****

25 Read by the Chair:

[time on DCAT 1:22:52]

26 b. **Discussion relative to forming a consultant selection committee for proposed**
 27 **zoning amendments along North Main Street and a discussion on forming a**
 28 **Master Plan Subcommittee.**

29 **Bart** reported that there is a Request for Proposal (RFP) out right now to hire a
 30 consultant to help with the zoning amendments along North Main Street. The next step
 31 is to name a Selection Committee. **Bart** would like two members from the PB to serve
 32 along with members from the staff. **Jane** would like to serve. **Bart** pointed out that there
 33 is still time to form the Selection Committee and the Master Plan Subcommittee. It was
 34 agreed that the PB wait until the next meeting to finalize these committees.

35 *****

36 **5. New/Old Business**

[time on DCAT 1:25:11]

37 **Chairman's Report:** None this evening.

38 **Committee Reports:**

39 **Conservation Commission** - **Jeff** reported on the meeting of June 8. A great
 40 presentation on the invasive Japanese Knotweed was given by Doug Cygan,
 41 Invasive Species Coordinator, NH Dept. of Agriculture Markets and Food Plant Industry
 42 Division. It was a very informative talk and he recommends that everyone look at the
 43 beginning of the ConCom meeting on DCAT. Drew Kiefaber came to present the final
 44 SELT Management Plan for the Piscassic Greenway and **Jeff** recommends that

1 everyone look at that presentation as well. The Conservation Commission may be
 2 proposing a change in the percentage distribution of the Land Use Change Tax (LUCT).
 3 They would like to recommend that the ConCom receive 100% instead of 50%. A
 4 recommendation letter was sent to the Town Council to change a portion of Old Lee
 5 Road from a Class VI Road to a Class A Trail.

6 Capital Improvement Program (CIP) Committee – **Jane** was unable to attend due to an
 7 emergency, so **Bart** reported on the recent meeting. The Town Manager met with the
 8 CIP and the members had a very good conversation/exchange. The discussion about
 9 the CIP report becoming a “planning document following the Master Plan” and NOT a
 10 budgeting document (as it has been for years). The CIP would like to invite the PB Chair
 11 to the next meeting.

12 Energy and Environment Advisory Committee - **Patrick** reported that the Energy
 13 Aggregation Plan Community Power Coalition is moving forward. They have submitted
 14 paperwork to the Public Utilities Commission and they hope the Town of Newmarket will
 15 go online in the 2nd quarter of 2024.

16 Town Council - **Scott** reported on the sewer leak under the Lamprey River. Divers were
 17 used to verify the small leak. An estimate for the bypass might cost about \$200,000 not
 18 the \$1,000,000 originally thought. He also spoke about a software company called Civic
 19 Ready for receiving notifications of all kinds from the Town. The TC is asking everyone
 20 to sign up for Civic Ready. A link is in the Friday Town Newsletter. The Town is still
 21 going through the facilities assessment. Besides the walking bridge over the dam which
 22 requires repair, the Town Hall and the Police Station will require significant work. The
 23 TC would like everyone to take the government survey on the home page of the Town
 24 website. The water and sewer rate has been set. **Scott** spoke about the requirement in
 25 purchasing hybrid police cruisers through the State. There is frequently a very long
 26 delay in taking possession. He also discussed the change in procurement policies in
 27 Town...if the vehicle is in the budget...the Town Manager may place the order himself
 28 without seeking approval from the Town Council.

29 Lamprey River Advisory Committee - **Patrick** mentioned that LRAC used to test the
 30 water right up near the dam, but they have moved their testing site down toward
 31 Moonlight Brook which is showing signs of pollution entering the river.

32 Planner's Report:

33 **Bart** reported that in May the Planning Department applied to a Coastal Resilience
 34 Grant from NHDES. This money will be used to focus on the Riverfront portion of the
 35 Master Plan. **Val, Bart,** and Mike Hoffman have been attending the Housing Academy
 36 as part of the **InvestNH** Housing Opportunity Planning (HOP). They are learning
 37 strategies on how to listen, focus, facilitate and shepherd conversations about housing
 38 and how to build consensus.

39
 40 **Jeff** wanted to bring back the discussion about the requirement in the regulations that
 41 all site plans must be recorded at the Registry of Deeds. Since the Registry of Deeds
 42 will no longer perform this service, what do we do? **Bart** mentioned that he can bring
 43 some (troublesome) regulations to each meeting as they may require a “little
 44 housekeeping” and the PB can edit a few at a time.

6. Adjourn

[time on DCAT 1:52:37]

Action**Motion:** Jane Ford moved to adjourn the meeting at 8:50 PM.**Second:** Jeff Goldknopf**Discussion:** none**Vote:** Approved Unanimously

Respectfully submitted,

Sue Frick

Recording Secretary

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

1

2 **Addendum page 1**

3

4

1 Addendum page 2

Title: Downtown Commercial Overlay District Zoning Amendments
 Date: June 13, 2023
 To: Planning Board of the Town of Newmarket, New Hampshire
 From: Department of Planning and Community Development
 Addition: 1st Draft



Bold and Underlined = Proposed Language | Strikethrough = Proposed Language to be Removed

1 Chapter 32 Zoning

2 Sec. 32-160. Downtown commercial overlay district.

- 3 (a) Purpose. The purpose of the downtown commercial overlay district shall be to protect and enhance
 4 the commercial, social, civic and residential functions of the downtown village area. It is recognized
 5 that the village is an important place of business and of social interaction. Controls are intended to
 6 enhance the village by recognizing the importance of street level commercial space, providing for
 7 relatively high density, a mix of uses, and design compatible with the pedestrian scale and historic
 8 nature of the area.
- 9 (b) Overlay district boundaries. The downtown commercial overlay district boundaries shall include all
 10 properties within the M-2 district and having frontage on Main Street or South Main Street.
- 11 (c) Requirements.
- 12 (1) **Standards. Qualifying development activities on lots located within the Downtown**
 13 **commercial overlay district shall require site plan review, pursuant to Appendix-B Site**
 14 **Plans of the Municipal Code of the Town of Newmarket, New Hampshire.**
 15 **Notwithstanding, development activities exempt from site plan review shall adhere to**
 16 **the architectural design standards, pursuant to Sec. 3.21 Architectural and aesthetic**
 17 **review of Appendix-B Site Plans of the Municipal Code of the Town of Newmarket,**
 18 **New Hampshire.**
- 19 (2) All permitted uses allowed in the M-2 district shall be allowed, except single-family
 20 residential, excluding manufactured housing, duplex residential, and age-restricted housing
 21 shall be prohibited in any street level space.
- 22 (3) All uses permitted by special exception in the M-2 district shall follow the applicable
 23 requirements of section 32-46(b)(2), except that multifamily residential shall be prohibited in
 24 any street level space.

26 Appendix B – Site Plans

27 Sec. 1.03.—Definitions

28 **Renovation: An alteration or restoration modifying the exterior portions of an existing structure.**

29 Sec. 1.05.— Applicability

30 There are three possible applications of this Regulation to the development or change of a non-residential
 31 or multi-family site. The following criteria specify the level of review necessary:

- 32 (A) *Not Applicable.* Upon receipt of a written letter of acknowledgment from the Code Enforcement
 33 Officer, this Regulation is not applicable for the following:
- 34 (1) Temporary Events which require no permanent alterations to the site and which function safely
 35 within the approved configuration of the site, as determined by the Code Enforcement Officer;
 36 (2) Special Events approved by the Town Council;
 37 (3) Home Occupations;
 38 (4) Within the M-2 district, change of use, from one non-residential use to another non-residential
 39 use, which involves no more than ~~500~~ **1000** square feet of gross floor space.

1 Addendum page 3

Title: Downtown Commercial Overlay District Zoning Amendments
 Date: June 13, 2023
 To: Planning Board of the Town of Newmarket, New Hampshire
 From: Department of Planning and Community Development
 Addition: 1st Draft



Bold and Underlined = Proposed Language | Strikethrough = Proposed Language to be Removed

40 **(5) A renovation under 50-percent of the total area of a primary structure's exterior façade**
 41 **for lots located within the Downtown commercial overlay district.**

42 (B) *Minor Review.* A Minor Review by the Planning Board shall be required for the following:

43 (1) Change of use of a non-residential site, for which no change in floor area is proposed, and
 44 which either maintains or decreases the intensity of use on the site with respect to parking
 45 demand and traffic generation or for a site with 2,000 square feet or less of gross floor area;
 46

47 (2) Expansion of non-residential floor space by 500 square feet or less, with no change of use;
 48

49 (3) Within the M-2 district, any change of use of an existing non-residential building which will
 50 be accompanied by a renovation of the facade of the building which, in the opinion of the
 51 Planning Board, will enhance its aesthetic contribution to the heritage and visual qualities of
 52 the village;
 53

54 **(4) A renovation greater than 50-percent of the total area of a primary structure's exterior**
 55 **façade, excluding roof work, located on a lot within the Downtown commercial overlay**
 56 **district.**
 57

58 **(5) Waiver requests, pursuant to Sec. 5.01 Waivers and Substitutions, from Sec. 3.21**
 59 **Architectural and aesthetic review, for renovations within the Downtown commercial**
 60 **overlay district.**
 61

62 ~~(4)~~**(6)** Site improvement alterations without new development, re-development, expansion or
 63 change of use; or

64 ~~(5)~~**(7)** Establishment of a bed and breakfast.

65 (C) *Major Review.* A Major Review by the Planning Board shall be required for the following:

66 (1) Establishment of non-residential uses where no non-residential use currently exists;

67 (2) Establishment of multi-family use where no multi-family use currently exists;

68 **(3) Development or redevelopment of a lot located within the Downtown commercial**
 69 **overlay district.**

70 ~~(3)~~**(4)** Any other development, re-development, change of use or expansion of a multi-family or
 71 non-residential site, and not addressed in the § 1.05(A) or (B).

72 **Sec. 3.21. Architectural and aesthetic review.**

73 It is important to the economic success of Newmarket that the appearance of the Town be perceived as
 74 an attractive commercial environment, which reflects and compliments its heritage. The architecture of
 75 Newmarket spans several periods of design in New England, including some 18th century, 19th century,
 76 and early 20th century structures. It is important to continue to allow diversity of building designs and
 77 architectural styles, which blend well with the buildings from these periods.

78 ~~It is also important to avoid economic hardship and impose unreasonable standards on existing building~~
 79 ~~owners who wish to make modifications to their structures. The purpose of this section is to strike a~~
 80 **balance between architectural designs complimenting the town's urban core and fostering**

2
3
4
5
6

1 Addendum page 4

Title: Downtown Commercial Overlay District Zoning Amendments
 Date: June 13, 2023
 To: Planning Board of the Town of Newmarket, New Hampshire
 From: Department of Planning and Community Development
 Addition: 1st Draft



TOWN OF
NEWMARKET
 NEW HAMPSHIRE

Bold and Underlined = Proposed Language | Strikethrough = Proposed Language to be Removed

- 81 **economic development opportunities in a manner that does not overburden property owners.**
 82 **Accordingly,** this regulation applies only to structures located along Route 108 **and within the**
 83 **downtown commercial overlay district.**
- 84 (A) Design Criteria. New building designs will be evaluated using the following factors. Design
 85 criteria are also provided here to assist in this evaluation.
- 86 (1) Scale, proportion, height and area of a building;
 87 (2) Type, shape, and pitch of roof;
 88 (3) Size and spacing of windows, doors and other openings;
 89 (4) Exterior materials and colors;
 90 (5) Styling of front facade;
 91 (6) Architectural details and features.
- 92 (B) The following criteria are to be followed not to specifically dictate one particular architectural
 93 style, but rather to provide guidance to allow structures, which are consistent with one of several
 94 New England styles present in town.
- 95 (1) Avoid unbroken expanses of walls. Architectural treatment ~~shall~~ be provided for blank building
 96 faces, which are exposed to public view. Such treatments may consist of varying wall
 97 setbacks, changing materials or material colors and textures, or other architectural detailing.
 98 (2) Avoid long unbroken expanses of rooflines through the use of dormers, skylights, chimneys,
 99 brick firebreaks, and changes in ridgeline.
- 100 (3) Use architectural features and details, such as cornices, pediments, columns, pilasters, corner
 101 boards, cupolas, skylights and arches to create interesting buildings.
 102 (4) Door and window openings shall be proportional to the facade length and height. Transom
 103 lights are encouraged where appropriate to style.
 104 (5) All rooftop mechanical equipment shall be screened from public view. This may be
 105 accomplished by a peaked, semi-peaked, or mansard roof.
 106 (6) Structures shall be compatible with the height, depth, and window proportions of surrounding
 107 buildings.
 108 (7) Roof design shall be consistent with the overall design of the building. For example, a
 109 clapboard or brick building of the late 18th century or early 19th century design shall have a
 110 peaked roof, while a brick or stone building representing late 19th century architecture may
 111 have either a peaked, flat or mansard roof.
- 112 (C) All exterior surfaces visible to the public shall be covered with high quality material that is
 113 durable and easy to maintain. No unclad, plain masonry block construction or corrugated metal
 114 may be used when visible from any public space, adjacent residential area or roadway. The
 115 following design features are acceptable when their use is consistent with the overall
 116 architectural style of the project. Other materials may be considered acceptable if the board
 117 determines they contribute to the overall aesthetics of the project.
- 118 (1) Roofs.
- 119 (a) Metal, copper, or colored standing seam;
 120 (b) Shingles of asphalt, fiberglass or fire-treated wood;
 121 (c) Slate or composite material of slate appearance.
- 122 (2) Walls.

2
 3
 4
 5
 6
 7
 8
 9

1 Addendum page 5

Title: Downtown Commercial Overlay District Zoning Amendments
 Date: June 13, 2023
 To: Planning Board of the Town of Newmarket, New Hampshire
 From: Department of Planning and Community Development
 Addition: 1st Draft



Bold and Underlined = Proposed Language | ~~Strikethrough = Proposed Language to be Removed~~

- 123 (a) Wood clapboards (painted or stained), or vinyl;
- 124 (b) Red brick;
- 125 (c) Granite, marble, or stone (natural or finished).
- 126 (3) Windows.
- 127 (a) Multi-paned windows or groupings (removable mullions are acceptable);
- 128 (b) Large paned windows, consistent with late 1800s or early 1900s architecture are
- 129 acceptable on the ground floor;
- 130 (c) Etched, beveled, sandblasted or stained glass;
- 131 (d) Other window types as architecturally appropriate or application specific.
- 132 (4) Trim.
- 133 (a) Wood (painted or stained);
- 134 (b) Anodized aluminum or vinyl.
- 135 (5) Color.
- 136 (a) No specific color requirements are mandated; however, the use of day glow colors or
- 137 garish corporate logos masquerading as painting are discouraged.
- 138 (6) Fencing.
- 139 (a) All fencing installed in the B-1 and ~~M-2 District along Route 108~~ **the Downtown**
- 140 **commercial overlay district** shall be of natural (wood) or architectural materials such as
- 141 ornamental metal fencing.
- 142 (b) The installation of chain link fencing in these areas shall be prohibited.
- 143

2