



TOWN OF NEWMARKET NEW HAMPSHIRE

Zoning Board of Adjustment

May 12, 2025 7:00 PM

Town Council Chambers

APPROVED MEETING MINUTES

Present: Wayne Rosa (Vice-Chair), Al Zink, James Drago, Dylan Toooh,
David Evans (Zoning Administrator)

Absent: Bob Daigle (Chair)

The Vice-Chair called the meeting to order at 7:02 PM.

The voting members will be: **Wayne Rosa, Al Zink, James Drago, and Dylan Toooh.**

1. Pledge of Allegiance

3. Acceptance of Minutes

a. April 14, 2025

Action

Motion: Al Zink moved to approve the minutes of April 14, 2025, as written.

Second: James Drago

Discussion: None

Vote: Approved 4-0-0

4. Regular Business

- a. A Variance request by New Road Newmarket, LLC seeking relief from Town Code Section 32-56 Table of Permitted Uses to permit age restricted housing on real property with an address of 200 New Road (Tax Map R3, Lot 56) in the B2 zoning district.

Wayne first confirmed with the applicants that they are comfortable proceeding with a 4-member board

Attorney Kevin Baum introduced himself as well as **Rob Graham**, owner, **Joe Coronati**, engineer, and **Jim Gove**, wetland scientist.

Atty. Baum continued to provide an overview that the previous application a few months ago was for a larger development, with the previous request for both age-restricted housing and density relief, and that they have worked with abutters to address concerns and adjusted the plan accordingly.

Updated plans were presented to the members, highlighting that it does not affect the relief request, and the biggest different is the change in the driveway location to be further from the abutter to the northeast, as well as additional landscaping for additional buffering to abutters added to the plans.

Atty. Baum continued to present an overview of the property and the project. It was explained that it is currently undeveloped, in the B2 zoning district, surrounded by mostly residential use and residential zoning districts, and undeveloped town-owned property. Roughly 20 years ago, there was a proposal for a railroad crossing to connect New Road with Route 108, but that is highly unlikely to proceed today. Therefore, the only access to the property is on New Road. Access from Newfields is fairly restricted for commercial/industrial with only a 6-ton limit and narrow bridge. It is not practical for that use due to the surrounding neighborhood. The development is proposed at 55+, and although they are not seeking density relief, the ultimate density is not to go above 23, and will be less if it is unsupported by factors. A fiscal impact statement has also been submitted that shows an overall net positive tax benefit. A traffic analysis also shows lower overall trip generation than a reasonable industrial use would, also highlighting that it will be residential vehicles rather than larger commercial vehicles if an industrial use was placed on the property.

Dylan asked why it is 55+ age-restricted; **Atty. Baum** confirmed that the owner has done these developments in the past, and is what he is comfortable with. **Wayne** asked for confirmation if it will be a condominium and for sale, or rentals. **Atty. Baum** confirmed they will be for sale and condominium ownership, and explained that the age-restriction is in the condominium declaration. It could also be a condition of approval. If that restriction were to be changed in the future, it typically has to be approved by majority vote of the condominium owners and by the Planning Board too.

Atty. Baum continued to review the variance criteria as submitted in the application, highlighting: the wetlands creating additional buffer; residential use having lesser impact to wetlands and less traffic than industrial or commercial use; minimal municipal service cost; tax revenue benefits; no gain that outweighs the cost to applicant; that it will increase value of subject property and surrounding properties; special conditions of a large lot restricted by wetlands and by access due to railroad track and narrow bridge; avoiding incompatible uses; it is a reasonable use and consistent with neighborhood.

During the review the variance criteria, **Wayne** asked regarding septic systems. **Joe Coronati**, Jones & Beach Engineering, confirmed that the septic designed is not finalized but that all required setbacks will be met. It was also confirmed that the distance between homes in the proposal is at least 30' currently for most, with some at the end of the cul-de-sac between 20-25', but that it is not a full final design.

The public hearing was opened at 7:33 PM.

Sarah Tambling, 204 New Road, asked what the heights of the units will be, and if they are multi-unit or one residence per building. **Atty. Baum** confirmed they will be single-family per unit, and that height has not been designed yet but that it will be consistent with the ordinance. **Rob Graham** confirmed that, and that bedroom numbers may vary with a minimum of two. The current rough footprint is 44' x 60', with the finished square footage varying but typically around 2500 SF.

89
 90 **Claudia Vatcher**, 184 New Road, commented that she was before the board 30 years
 91 ago for a previous proposal. Then, this was first presented as 46 units a few months
 92 ago. Commented on the wetness of the land with concern to that, but thanked the
 93 applicant for moving driveway. It was added that the road cut in to the property currently
 94 is not actually a road. Understands there is a need for housing, but again concern for
 95 wetlands. When the road was constructed, water went into the cellar when it had never
 96 been wet before that. Concluded that 23 units seem reasonable, commending Rob
 97 Graham for keeping abutters informed on the project, with the only objection being the
 98 wetness of the property and concern to the water. Commented on the animals in the
 99 area as well due to the wetlands, and does not want to see the wildlife go away.

100
 101 **Heather Berube**, 209 New Road, commented that she is glad the number of proposed
 102 houses was lowered, reiterating concern for the wetlands on the property. The stream
 103 has flooded a few times, therefore worried about water being displaced further.
 104 Reiterated wildlife impact as well and how animals will be displaced; they have a small
 105 farm on their property, concern for livestock. Also worried for more people living close to
 106 a working farm and making complaints regarding it. Added that her children play
 107 outside, concern for safety with traffic. Agrees that residential is preferred to a
 108 commercial use on the property, though.

109
 110 **Gary Levy**, 81 New Road, commented on the many proposals in the area, and that in
 111 2015, the Economic Development Committee had proposed to rezone the area to
 112 residential, but it did not go through at that point. Continued to note concerns for
 113 retaining character of the area, with a proper buffer from the road, and concern for it
 114 being repeated elsewhere on New Road where there is vacant land. Asked if there is
 115 town water. **Rob Graham** confirmed that municipal water is planned to be brought in
 116 from Forbes Road, or to install a community well system for the neighborhood. The
 117 water connection would need permission from the railroad to go underneath the track.
 118 **Mr. Levy** concluded that they would like to see the old road that was cut in mitigated
 119 somehow, how the applicants have made diligent efforts to speak with the abutters, and
 120 buffering for headlights from the increase in car traffic.

121
 122 **Dave Kenepp**, 10 Great Cove Drive, asked regarding traffic during prime hours as the
 123 proposal is a substantial increase in residences.

124 **Atty. Baum** added that they have not done a full traffic study, but did a trip generation
 125 analysis that confirmed it would be less than an industrial use of the property. A traffic
 126 study would be during the Planning Board review process. They have been working with
 127 the abutters to address concerns. For potential storm water runoff, it will require an AoT
 128 permit, having State review as it moves along in the process with additional scrutiny.
 129 The wetlands and land is preserved significantly in the plans as well.

130 **Wayne** asked regarding the construction vehicles, and if there would be bonding of the
 131 road. **Dave** confirmed that that topic is a Planning Board function to consider and
 132 discuss. **Atty. Baum** added that they would follow regulations and work to alleviate
 133 construction impacts.

134

Bob Downing, 89 New Road, spoke against it as it is out of character with only five new houses in the past 34 years on New Road, speaking to the car traffic that will be added.

Ellen Keefe, 10 Great Cove Drive, spoke to wishing to keep the character of the neighborhood, and asked what the next steps will be. **Dave** confirmed that if ZBA approval is received, it then proceeds to the Planning Board process, requiring traffic studies, storm water management, wetland analysis, and further details.

Mark Vatcher, 184 New Road, spoke regarding the wetlands next to their property, as well as noting the previous plan proposals in the area, and drainage issues on the road cut in front of the property.

Dave confirmed that there are two years for the approval to expire or to exercise it and initiate the process. **Rob Graham** added that it is not to exceed five years; substantial completion decided by the Planning Board. Concern with the timeline due to the bridge and heavy vehicles. **Atty. Baum** added that it would not be heavy active construction for the entire process and is limited, and will also be discussed in more detail at the Planning Board.

The public comment was closed at 8:07 PM.

James asked regarding blasting; it was confirmed as not relevant for this deliberation.

Al commented that he sees issue with the conflict to the character of the neighborhood as raised by abutters, and wants to think about it more and to receive more input.

Dylan commented that he is in favor of accepting the variance as the owner has the right to develop it and this fits better than an industrial or commercial use in the neighborhood.

James added that he is curious of it setting a precedent, and also questioned if it takes away from the intention of the area, so therefore is still weighing it.

Dave explained that the variance is for the residential use and not the number of units, as if it was zoning residential then they would not need a variance and could build the number of units that the property yield would allow, theoretically.

Wayne raised that he feels he needs more time to consider it, and questioned the septic systems as brought up and would like more information, asking regarding the ground water. **Jim Gove**, wetland scientist and soil scientist, confirmed that test pits will be needed as there are different water tables depending on the area of the site.

Wayne added that he would like **Bob's** (ZBA Chair) opinion and input to make a decision. Discussion ensued regarding the ability to have **Bob** give input, believing that typically a member not present at a first meeting would recuse themselves unless they

show and prove that they are informed on the application, and also that it is not grounds for continuing an application based solely on wanting another board member's opinion.

AI spoke to wishing for abutters to speak more as it has been a long process thus far and making sure that all abutters have had a chance to speak to the application.

Atty. Baum commented that there was delay due to them speaking with the neighbors, and asked for direction for what specific concerns they would like to see addressed. It was also noted that if the public comment is reopened for abutter comments, then the applicant has a chance to address the application again as well.

Action

Motion: **AI Zink** moved for a continuance of the New Road Newmarket, LLC, variance request seeking relief from Town Code Section 32-56 Table of Permitted Uses to permit age restricted housing on real property with an address of 200 New Road (Tax Map R3, Lot 56) in the B2 zoning district, to June 9, 2025.

Second: **Dylan Tooch**

Discussion: None

Vote: **Approved 4-0-0**

A five minute recess was taken at 8:22 PM.

5. New/Old Business

a. Zoning Administrator Items

None

6. Adjournment

Action

Motion: **James Drago** moved to adjourn the meeting at 8:27 PM.

Second: **AI Zink**

Discussion: None

Vote: **Approved 4-0-0**

Respectfully submitted,
Bridgette Grotheer
Land Use Administrator

DCAT:

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