



TOWN OF NEWMARKET NEW HAMPSHIRE

PLANNING BOARD

Tuesday, June 10, 2025 at 7:00 PM

Town Hall, Downstairs Auditorium

DRAFT MEETING MINUTES

Present: Val Shelton (Chair), Zachary Shollar (Vice Chair), Scott Blackstone (Town Council – Ex officio), Jane Ford, Jeff Goldknopf, Michael Scully, Jamie Bruton, Bill Arcieri (Alternate), Eric Botterman (Alternate), Bart McDonough (Director of Planning & Community Development)

The Chair opened the regular meeting at 7:03 PM.

The voting members this evening will be: **Val Shelton, Zachary Shollar, Scott Blackstone, Jeff Goldknopf, Michael Scully, Jamie Bruton, and Jane Ford.**

1. Pledge of Allegiance

2. Public Comments

(None)

3. Review & Approval of Minutes

a. May 13, 2025

Corrections to include:

- Line 34; correct spelling of “**sightline**.”

Discussion also ensued regarding conversation at line 240, with clarification that it is a maximum parking requirement, not a minimum. **Bart** clarified that the state tells municipalities that they cannot require more than 1 parking spot; the comment was to inform on what the state law is. **Jeff** suggested adding a clarification that it is a maximum requirement to the minutes.

Action

Motion: **Zach Shollar** motioned to approve the May 13, 2025, minutes as amended.

Second: **Michael Scully**

Discussion: Amendments to include the correction at line 34, and clarification at line 240.

Vote: **Approved 7-0-0**

4. Regular Business

a. Public Hearing: Pursuant to RSA 676:4 32-9 *Special use permit* and 32-155 *Wetland protection overlay district* of the Municipal Code of the Town of Newmarket, New Hampshire, notice is hereby given that a public hearing for an application for special use permit, requested by applicant Jim Phelps, will be held to disturbed 79+- square feet of hydric B soil buffer for the purpose of connecting a new force main sewer line into an existing force main. Properties involved in this application are located at 4 ½ and 8 North Main Street, Tax Map U2, Lots 273 & 275, within the B-1 zoning district and wetland protecting overlay district.

The Chair read the above into the record.

Bart confirmed that the application is substantially complete and recommended acceptance.

Action

Motion: **Zach Shollar** motioned to accept the application as substantially complete.

Second: **Jane Ford**

Discussion: None

Vote: **Approved 7-0-0**

Mr. James Phelps introduced himself as the applicant and owner of both 4 ½ and 8 North Main Street. **Mr. Phelps** continued to explain the proposal and reason for the special use permit. The leech field is overstressed at 8 North Main Street, so to facilitate the septic, they are proposing to create a pump station at the rear of 8 North Main Street where the current septic tank is, and have an outlet/force main cross the property line to tie into existing force main at 4 ½ North Main Street property. As a result, the property will then tie into the sewer main without disturbing Route 108.

Bart highlighted connection of yellow and green lines as colored on the plan provided with the application. **Mr. Phelps** added that the goal is to be outside of buffer as much as possible, and that the existing main is already in the buffer as seen on the plan.

The Chair asked why they are not tying directly into the sewer main from the property instead of the proposal to tie into the other property's line as proposed. **Mr. Phelps** clarified the three reasons as NHDOT does not want the road to be disturbed, that the proposal is the more cost effective option, and that the current proposal has less disturbance to the buffer than if they tied in under Route 108, which would be 90' of disturbance. It was also confirmed that there was not a previous tie in to the property when lines were updated in the past.

Michael asked how long he has owned the properties involved. **Mr. Phelps** confirmed that he has owned 4 ½ N. Main St. for 24 years, and 8 N. Main St. for 19 years. It was also added that if the lot were to be tied in directly instead of connecting to the other property, the wetland would most likely need to be disturbed as opposed to just the buffer in the current proposal.

Eric asked if the area where the line will go is already disturbed; **Mr. Phelps** confirmed it is currently mostly all grass.

Mr. Phelps confirmed that he received a permit by notification from the State for the shoreline, and clarified that system is not currently in a state of failure but that it is stressed.

Zach asked if there was any concern for capacity on the existing sewer line that is proposed to be tied in to. **Mr. Phelps** confirmed that the PE did not express concern; **Bart** also confirmed that the Director of Environmental Services, **Mr. Greig**, had confirmed the calculations provided in the application materials.

Jeff agreed that the proposal appears to be a good solution, but expressed concern for repercussions in the future with having a shared sewer line. **Bart** highlighted the condition requested by **Mr. Greig** that if the properties are under different ownership in the future, it is his recommendation that the property would be required to install its own separate sewer service at that time.

Bart continued to refer to the staff report and reviewed the conditions of approval, highlighting the request for an erosion control plan for the trenching/construction plan for the excavated soil.

Discussion ensued on if the condition for establishing the property's own sewer line in the future if the two properties were to be under different ownership would be enforced by a deed restriction, and how that may become a burden for a future buyer.

The Chair opened the public hearing at 7:26 PM.

There were no public comments

Public comment closed 7:27 PM.

Discussion continued concerning the condition requiring the establishment of a separate line if the properties are under different ownership in the future.

Mr. Phelps reiterated how the state had previously told him that they do not want Route 108 (North Main Street) disturbed.

Jeff commented on the possible scenario of future different ownership contesting repairs if the force main were to fail in the future and neither property owner agreeing for fixing it, and the environmental impact of that. It was added that a shared maintenance agreement and/or easement would be needed to be recorded.

Mr. Phelps added that **Mr. Greig** had previously noted that they prefer to not have easements. It was confirmed that any property within 100' of sewer main must tie in to the sewer, which is a town requirement. If the two properties were sold together to one owner in future, then the requirement to have its own tie-in would be waived.

Mr. Phelps also added that if the proposed condition of approval were not to be included, that he would have a stringent and clear easement developed to address if the properties are under different ownership in the future.

Discussion also include the ability of the state restricting tie in to town sewer by not wanting the road disturbed.

Michael asked how long construction would take; **Mr. Phelps** confirmed it would only be a matter of days, and for example, one company had stated that 8 N. Main St. would only be without sewer for one day with the entire job completed in 2 days.

Eric reiterated the issue of having a condition requiring connection in the future if the state could still say deny the road from being impacted, and reiterated that there should be a maintenance agreement in place between the properties to address any possible future issues.

The Chair highlighted that this proposal is the option with the least impact to the wetland, which is the focus of the discussion and the special permit.

Jeff asked if the Conservation Commission needs to be asked for comment; **Bart** confirmed no with reference to and assessment of Sec. 32-155 language from the zoning ordinance.

Mr. Phelps asked regarding the pre-construction meeting; **Bart** confirmed he would organize that with Director of Environmental Services, the Code Enforcement Officer, and the contractor to go over the decision and the plan in order to ensure they are all on the same page. **Bart** also added that when installation begins, to contact **Mr. Greig** for inspection as referenced in his email. All details can be confirmed in the pre-construction meeting. **Mr. Phelps** asked if anything would be delayed per discussion at the pre-construction meeting; **Bart** said nothing should be if nothing changes.

Discussion continued regarding the erosion control measures and if they should be in place before the pre-construction meeting. **Mr. Phelps** asked if the RFP for contractors will be sufficient for an erosion control plan, or if it needs to be added to the site plan. **Eric** stated he believes that the RFP is not sufficient as the town is not party to it, but suggested that it could be a separate document detailing the erosion control measures without being an engineered plan or added to the site plan.

Bart asked if the wetlands have been flagged. **Mr. Phelps** confirmed a survey was done in 2019 by TFMoran, and Marc Jacobs then verified the wetland areas and buffers.

Bart added to make sure erosion control measures are in place for the wetlands by flagging them, also highlighting that this can be addressed in the preconstruction meeting to ensure that any soil migration can be addressed.

Mr. Phelps asked regarding what the erosion control plan would consist of; it was confirmed that there will need to be silt fence, and for the excavation of the trench, any material taken out needs to stay in place and not travel into the wetland with the very close proximity of this project. **Jeff** added that the material cannot be stored in the buffer either. **Eric** added that the plan could just be a text document that details and explains it.

Discussion returned to if the Conservation Commission needs to be consulted on the application and if comments from them are needed. The board reviewed and clarified the ordinance language with majority consensus that the application falls under Sec.32-155 (e), therefore not requiring comment from the Conservation Commission.

Mr. Phelps confirmed that the current tank is being pumped out every two weeks.

The Chair noted that Planning Board would not have to sign it since it is not a site plan. **Bart** confirmed that the requirement could be waived.

Action

Motion: **Zach Shollar** motioned to waive the requirement for the Planning Board chair to sign the site plan.

Second: **Michael Scully**

Discussion: None

Vote: **Approved 7-0-0**

Discussion ensued regarding amendments to the conditions of approval.

All conditions precedent, as enumerated below, must be met prior to final approval and the issuance of a building permit:

1. The applicant shall provide the following information satisfactory to the Director of Planning and Community Development: an updated construction schedule, construction sequence notes, erosion control notes and plan, landscaping replanting notes, and if applicable, all state and federal approvals

2. The site plan shall undergo a final review and receive approval from Director of Planning and Community Development, the Director of Environmental Services and Town Engineer as it relates to development's water, sewer and stormwater systems and compliance with the Planning Board's decision on June 10, 2025.

The follow conditions subsequent, as enumerated below, must be met prior to the commencement of construction:

1. Prior to construction, all erosion control measures must be installed along with flagging of the edge of the wetland buffer.

2. Applicant shall have a pre-construction meeting with Town staff and consultants.

The follow conditions subsequent, as enumerated below, must be met prior to the issuance of a certificate of occupancy:

1. An as-built plan shall be submitted for review and approval by the Town of Newmarket in order to determine compliance with the Planning Board's decision.

a. System Development Charges

i. Wastewater connection fee \$3,524.58 (subject to confirmation of anticipated gallons per day usage)

There was consensus to remove the condition relative to possible separate future ownership of the lots requiring installation of its own separate line, with determination that it is not in the Planning Board's purview to enforce that.

Action

Motion: Zach Shollar motioned to approve the special use permit subject to the conditions of approval as amended

Second: Michael Scully

Discussion: None

Vote: Approved 7-0-0

The Chair noted that there is a 30-day appeal period of Planning Board decisions.

Bart confirmed that the Notice of Decision will have the conditions of approval and findings of fact, and the explanation of that appeal period.

5. New/Old Business

a. Discussion relative to the Planning Board's rules of procedure.

Bart referred to the document.

The Chair confirmed that the board can go through it in more depth at the next meeting, and provide any comments, edits or recommended changes to **Bart** to compile for further discussion.

b. Discussion relative to prime wetlands and next steps to update maps.

Bart explained that Sec. 32-155 explains prime wetlands maps. The maps were last updated in 2004. The town received a grant that allowed **Mark West** to update the mapping to assess if any of the prime wetlands have changed, as detailed in report. The Planning Board makes a recommendation to Town Council for adoption of the updates, and the Planning Board can also have a separate public hearing or decide not to as the Town Council would have a public hearing for the adoption of the new map.

It was highlighted that there are 81.9 acres of newly identified areas, while some wetlands have contracted as well. It was also highlighted that LiDAR was utilized for the new mapping.

Bill commented that it would be helpful to see the comparison of how wetlands have changed throughout the document.

Bart added that **Mark West** can also be brought in to review the report and explain further, such as how he measures the changes and also to show a tutorial if he comes in to speak with the board.

It was noted that the report may be incorrect as there is information on Pelham.

The Chair recommended notifying abutters prior to a presentation by **Mark West**.

Jeff commented that the state law has also changed regarding what can and cannot be classified as a prime wetland, referring to RSA 482-2:15.

Bart confirmed that he will ask to add in the comparison of the previous versus new

delineations, as well as with the tax maps as an overlay, and to fix the Pelham references. It will also be confirmed if the report/maps need to go to the state at all. It was noted that since it is an amendment of existing conditions, does not believe it needs to go to the state, but that they might need to be notified.

c. Discussion relative to site plan amendments.
(Not discussed).

d. Committee Assignment

1. Energy and Environment

Zach was appointed as the representative to the Energy & Environment Advisory Committee.

e. Committee Reports/Planner's Report

Conservation Commission: **Jeff** noted that they will meet on Thursday.

Town Council: **Scott** reported that at their last meeting, they discussed how there was a misunderstanding on tax collection between the state and the town. The new tax bill will therefore have a supplemental tax to get back the money.

They also approved the library to be able to bring in an architect to determine more efficient use of the library space, which is to be funded from the use of capital reserve funds.

The zoning changes were also introduced with the first meeting as just a reading, with the first public hearing on June 18. They can adopt the amendments at the next meeting as they have the authority to choose to act on it then, or they could choose to hold an additional meeting/hearing to discuss it further.

Lastly, the process for how the town purchases vehicles through the state was discussed, as they cannot find a hybrid vehicle to purchase currently because dealers do not make commission on sales with the town. Discussion ensued further regarding the purchasing of cars for the town for police cars, and the interest in hybrid but the belief that an all-electric police vehicle would not be suitable for police use.

Planner's Report: **Bart** reported that CIP will start soon with budget season starting.

The focus groups were held for the InvestNH grant work, with attendance over 120 across all four workshops. There will be an online version to simulate the workshops shared soon.

For the Rosa-Folletts Brook project, they received a \$100,000 grant from LRAC, and are applying to LCHIP for \$75,000, with the Conservation Commission giving \$15,000 from their fund. There is also funding from GBRPP with some already received for the appraisal, and they are looking at funding from the Fields Pond Foundation, with the plan to also go to warrant for about \$140,000. This will be prepared for Town Council's consideration.

Next Wednesday, there will be a flood plain training course by the state in town hall auditorium.

The 200 New Road project use variance has been granted for 55+ development, and it will be coming to the Planning Board for next step. It was suggested to them to be looking at design review before site plan review, and that will hopefully at the July meeting. Abutters will be notified for the design review. The wetland density will also influence the plans and how many homes can be built on the lot.

Also, off of Hersey Lane, the ZBA approved a single-family residence on a Class VI road without improving it. It will also come before the Planning Board.

Bart suggested for next workshop in July be for the Riverfront chapter. It was confirmed that both a Word and PDF version would be sent out to members for editing/commenting.

6. Adjourn

Action

Motion: **Jane Ford** moved to adjourn the meeting at 8:52 PM.

Second: **Michael Scully**

Discussion: None

Vote: **Approved 7-0-0**

Respectfully submitted,
Bridgette Grotheer
Land Use Administrator

DCAT:

https://videoplayer.telvue.com/player/XSekdEeRsk0JHQVHAvKJVka7_5VjxKP/videos