



TOWN OF NEWMARKET NEW HAMPSHIRE

PLANNING BOARD

Tuesday, May 13, 2025 at 7:00 PM

Town Hall, Council Chambers

APPROVED MEETING MINUTES

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

Absent: Jane Ford

The Chair opened the meeting at 7:00 PM.

[time on DCAT 02:35]

Bill Arcieri was appointed as voting member in Jane Ford's place.

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

1. Pledge of Allegiance

2. Public Comments

(None)

3. Review & Approval of Minutes

[time on DCAT 03:22]

a. March 18, 2025

The Chair noted amendments to the minutes from line 49 through 66, to be removed and replaced with: *"Extensive discussion ensued regarding the proposed dimensional table as it relates to potential subdivision and development of lots and redevelopment of existing buildings within the downtown corridor and building setbacks for pedestrian safety along the VC corridors. The consensus of the board for the VCC District was to reduce minimum lot size to 3,000; frontage to 40' and the front, sideline and rear setback to zero to be more consistent to existing downtown development. Within the VCS and VCN Districts the consensus was to keep minimum lot size as previously discussed at 5,000 sf; minimum road setback be 5' and sideline/rear setbacks to 10'. Discussion on corner lot setbacks and concerns for sightline distances was raised. Consensus on unique situations could be addressed through Special Use Permits. Re-affirmed structure heights would be 35' in the VCN District and 50' in the VCC and VCS Districts; no minimum structure height in any districts."*

Further corrections were to: move up line 86 to continue the paragraph preceding it; amend line 89 to read *"Scott discussed solar fields as a permitted use. This discussion was tabled to discuss the VC district uses;"* and at line 91, to add *"Val requested members review to discuss at the April meeting, with a target public hearing in May."*

Action

Motion: **Bill Arcieri** motioned to approve the March 18, 2025, as amended.

Second: **Zach Shollar**

Discussion: None

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

b. April 8, 2025

The Chair raised to amend line 89 to read: “*There was consensus to have the maximum front setback at 30’*,” and for line 118, to read “*...for single-family to multi-family conversion no greater than 4 units, commercial is not required.*”

Action

Motion: Zach Shollar motioned to approve the March 18, 2025, as amended.

Second: Jamie Bruton

Discussion: None

Vote: Approved 7-0-0

4. Regular Business

[time on DCAT 08:31]

a. Public Hearing: Pursuant RSA 675:2, 675:6 and 675:7, and Chapter 24 Planning and Development of the Municipal Code of the Town of Newmarket, New Hampshire, notice is hereby given that the Planning Board will hold a public hearing on proposed amendments to Chapter 32-Zoning of the Municipal Code of the Town of Newmarket, New Hampshire. The proposed amendments seek to: (1) modify the special use permit criteria for multi-family and mixed-use developments (§32-9); (2) modify definitions (§32-11); (3) modify (B-1, M-2, R-3) and dissolve (M-1 and M-2A) zoning districts and replace the affected areas with a new zoning district (Village Corridor “VC”) with accompanying standards (§32-45; §32-45A); (4) modify the permitted use and dimensional control tables (§32-56 and §32-89); (5) add new section related to permitted building typologies (§32-90); (6) transpose existing standards for proposed mill development projects into its own section (§32-241); and (7) add clarifying language and references to accommodate the new zoning district along with the removal of redundant language (§32-86; §32-88; §32-123; §32-124; §32-158; §32-160; §32-233, and §32-239), or take any other action relative thereto.

The Chair provided an overview of the public hearing process.

All draft language discussed can be found at this link:

- <https://newmarketnh.portal.civicclerk.com/event/1547/files/attachment/6214>.

Bart presented the information as prepared for the meeting tonight. The process begun in 2019 when exploring potential for housing and gateways. Three gateways were identified: at the Durham town line on North Main Street; Ash Swamp Road and Exeter Road; and Wadleigh Falls Road. In 2021, the Town was the recipient of a Housing Opportunity Planning, or HOP, grant. For that, consultants were hired, and they reached out to property owners to gain feedback regarding housing and zoning, and see how they would like to see neighborhoods evolve, to explore opportunities in the area to add both housing and economic activity. The current zoning in the area is B1. Focus groups were then held to meet with neighborhoods and gain feedback on what the residents in the area are comfortable with. Recommendations developed from that, which the Board has been working through to develop the proposed zoning changes. From there, the district extended in to Main Street and South Main Street/Gerry Avenue area as it was applicable to stimulate growth, as the major economic center of town. Abutting neighborhoods to Route 108 corridor are going to have zoning changes as well, but the goal was to address the Route 108 corridor first. The new zoning district to encompass the area is to be the Village Corridor, or VC, district, and from there, there are three sub-districts (Village Corridor North, Village Corridor Central, and Village Corridor South) to reflect the differences in the areas. The proposed changes also reflect a new approach to zoning by using form-based code; this focuses on regulating the building shell more so than the allowed uses, emphasizing the building type and placement on the lot.

Bart continued to review the revised sections of the zoning ordinance.

In the special use permit section, redundancies were removed as well as non-applicable standards, and where the application is applicable in the code.

For the definitions section, changes included clarifying language to match the zoning changes, as well as updating the structure height definition to match building code to create consistency. The section previously titled as the M1 District was retitled to the Village Corridor District, and this is where the majority of the language for the new district is. In this section, it was clarified that: special use permits are for Planning Board review instead of Zoning Board of Adjustment; sidewalk standards include that any new sidewalks are to have a minimum of 5.5' in width for residential or 8' for commercial or mixed-use; parking requirements are to be 1 space per unit in VCN and VCS, with no requirement in VCC; different permitted building types are listed; if there is a proposal for more than 16 units, then there are additional criteria that has to be addressed (focus on common/social open space, must break up townhouse façade, and due diligence with fiscal and market analyses); highlighting the focus of the building placement on lot; additional criteria if single family is converted to multi-family to have commercial in certain circumstances with thresholds met; and confirmation that language regarding mill redevelopment to be moved to a different section of the code.

With these changes, the M2A district and corresponding section is to be removed.

The table of permitted uses is to mirror the previous districts that VC is replacing.

The dimensional table was cleaned up as well, with space added for the new VC and sub districts. In the table, it is displayed that: road frontage is to be 50' in VCN and VCS and 40' in VCC; maximum units per building is to be 12 in VCN, 8 in VCC, and 16 in VCS; road setback is to be a minimum of 5' in the VCN and VCS, with no minimum in VCC; road setbacks maximum is 20' for residential and 30' for commercial/mixed-use; side and rear setbacks are to be 10' for VCN and VCS, with no minimum in VCC; and structure height maximum is to be 35' in VCN, and 50' in VCC and VCS. The mill buildings have their own requirements, to remain the same as in the current zoning ordinance

A new section is to be added under 32-90 for building typologies to display the types that will be allowed and their specifics.

The remainder of the changes are to correctly reflect the new zoning district names and to eliminate references of the districts being eliminated/replaced.

Then, there is another new section specific to mill redevelopment as previously mentioned, with no changes to the language, just a new place in the zoning ordinance.

It was also highlighted that there are four properties off of Lincoln Avenue that will be changed to R-3 for now for consistency, as they were in M2A.

The new map was then presented to reflect the new district and sub district boundaries, as well as the corresponding update to the downtown commercial overlay district map.

The Chair opened the public comment opened at 7:31 PM

David Matos, 35 North Main Street, owner of the Grab N' Go, noted that in proposal there is no listed permitted use for gas stations specifically. **Bart** confirmed that it falls under the automotive services use, and that the intent is to carry over the uses currently there, as well as adding residential uses. **Mr. Matos** asked regarding the existing apartments above the gas station or the ability to expand; **Bart** confirmed that with these changes, he would be able to add new units (site plan review could be required), and it also brings the existing apartments into conformity.

Edward West, 4 Chapel St, asked how far away they would be for an applicant to submit a building permit under the new proposed changes. The Chair confirmed that the next step is to send the proposed ordinance to Town Council; they then post public notice and hold public hearings and adopt the changes. It also depends if the Planning Board decided if they have

additional changes to review or to hold an additional public hearing, but otherwise it would move forward to the Town Council. **Scott** added that once it is sent to Town Council, typically it is two meetings before adoption. **Mr. West** thanked the board.

Roger Essley, 30 North Main Street, commented that his property is next to Russell Pope, a blacksmith, and Kruczek's Garage is three properties down. Continued that he is not opposed to change in area, and that he had attended the workshop session, and found it confusing with the building types exercise, thinking of if there is consideration to preserving existing properties and historic structures, as it was not clear at the workshop. The theoretical approach was complicated and confusing for understanding, and recommended it to be more visual. There was also confusion in the neighborhood about what decisions are being made.

Matt Van Buren, 7 North Main Street, commented that his property is the single-family home near the community thrift shop and the vacant lot at 3 North Main Street. Wondering how developments will affect the existing homes in regard to the noise ordinance for construction noise. **Bart** replied that the Planning Board can modify conditions including construction times when a development is approved.

Roger Essley asked regarding the historic structures and the mix of uses that currently blend in and are cohesive, and if the goal is for structures to be removed with more intensive structures put in their place, or what the vision and final goal is. The Chair replied that the goal is a more vibrant downtown area, and a place where people in town can have services and social activities. The mill redevelopment helped revitalize the town in that way; before that, town did not have that vibrancy. It was made clear in public sessions that people wanted to see more expansion of what the current downtown offers. At the south corridor, there were projects that economically did not work out, and therefore there has been little development to south. To the north, it has only allowed commercial development, therefore driving little development there as well. Therefore, the intent is to build on the success of downtown, while not duplicating it, thus proposing height restrictions, and respecting the architectural styling as currently exists with many different generations of styles, and preserve the historic, New England character in the town, and there is the intention to keep that. The form based zoning idea is to be able to have types of buildings that blend in to neighborhoods where they are being built. It may have been out of character if past proposals had went through, such as large commercial building. These changes are intended to be mindful of character and balance property owner rights, as well as for renters and to address the housing need. The intention is to keep the character of Newmarket and not drastically change it. **Bart** added that another goal is to allow for adaptive reuse of structures so that units can be added to existing structures to accommodate needs; small scale development; for vacant lots, options to blend in to neighborhood.

Roger Essley also added regarding the area being on the river with fear that commercial development in area would conflict with the historic character of neighborhood, highlighting the importance of preservation of old buildings.

Jeff added that the changes being proposed are a good compromise as it will urge mixed use rather than fully commercial development in the area. Also, it will increase residential use, with many people as proponents for density for walking distance to the downtown.

Zach agreed regarding the draw of walking to downtown, and the need for housing and being able to share the downtown area. Continued to ask regarding architectural standards; **Bart** confirmed that there are architectural standards that are in the site plan review section that addresses that and maintaining existing character.

The Chair confirmed that mixed-use development proposals will come to site plan, as well as commercial, and residential proposals over four units come to site plan.

Eric agreed with **Jeff**, with the intention to keep the New England architecture and character with these changes.

Betsey Wolf, 125 Main St, asked if a developer comes forward with a proposal, if there will be guidelines to enhance walkability, pointing to crossing Bay Road as an example, so hoping that improvements to crosswalks and sidewalks would be included.

Bill reiterated that the previous zoning was not working for the area for developments coming forward, therefore being the impetus to update it. Additionally, does understand that it is a lot of information to digest, and if there are suggestions they can be sent in, with additional public hearings at the Town Council stage where any changes can be proposed as well.

Zach asked regarding the walkability enhancements; **Bart** explained how there are existing sidewalks in the area, but it comes into play with building placement and urging more of a public realm for commercial to enhance. If new street is created, then it would need to be accommodated with a sidewalk to the standards outlined.

Ms. Wolf asked regarding where the sidewalk ends on Bay Road, as drivers do not pay mind to pedestrians, therefore asking for consideration of safety of pedestrians.

Scott added also that they are state roads so they are not able to make changes without their approval, but the town is trying to change them to town roads, and they are in active discussion for those changes where more safety standards can be put in place such as flashing lights at crosswalks.

Zach asked further regarding impacts of developments on sidewalks. **Bart** explained that it depends on the scale of the development and if it triggers the need for public safety, and that must be demonstrated.

The Chair also added regarding public access easement at Bay Road and Route 108, with the stairway, so that pedestrians aren't crossing at the end of Bay Road.

The public comment was closed at 8:03 PM.

The Chair asked how the board would like to proceed and if they would like to see if there is more input or to move it forward to Town Council.

Zach noted that he does not see any immediate changes to make.

Jeff commented it is hard to know if people will redevelop properties completely or leave properties as-is, as raised as a concern by the members of the public that spoke.

Further discussion ensued regarding downtown parking concerns. **Bill** raised concerns of the current proposal having no parking requirements in the VCC, with the worry that it may create issues in the future. **Bart** commented that there is still the applicable state law for maximum parking requirements, where municipalities cannot require more than 1 parking spot, but that an alternative parking plan is also an option to be submitted with a development proposal. There is also currently a bill is to reduce maximum requested to one space per unit. **Zach** commented that most developers will still be compelled to have parking in their proposals, as tenants will want parking and developers know that. **Bart** also added that there may be more opportunity for on-street parking, and extra parking opportunities that may arise. **Jeff** raised the possibility of losing residential units by requiring onsite parking. The question was raised that if existing lots are redeveloped that do not have space for parking, how they could then be redeveloped. **Eric**

noted that the market will drive it, and that there is the option to lease parking spaces from town and park in town lots. **Bill** concurred that renters will have to do their due diligence. **Eric** also asked if the Police Chief/DPW Director have commented regarding the parking specifics. **Bart** confirmed that they were concerned when the entire VC had no parking requirements, but that they agreed with the compromise of just the VCC area to have no requirement.

Zach added that it could be addressed in the future if it becomes a greater issue.

Jeff asked regarding intention of the town parking lots, with it noted that it is a mix of both residential and for visitors to utilize. **Jamie** commented that she is not worried regarding it.

The Chair closed public hearing at 8:24 PM.

Action

Motion: **Zach Shollar** moved to send the proposed zoning amendments to the Town Council as proposed.

Second: **Jeff Goldknopf**

Discussion: None

Vote: **Approved 6-0-1** (*Val Shelton abstained as a landowner in the district*)

5. New/Old Business

[time on DCAT 1:27:03]

a. Committee Assignment

- Conservation Commission

Jeff was appointed as the representative to the Conservation Commission.

- Energy and Environment

It was decided to postpone this appointment until next month, with **Zach** considering it.

- Capital Improvement Program

Jane was appointed as the representative to the Capital Improvement Program, with **Bill** appointed as an alternate.

b. Committee Reports/Planner's Report

Conservation Commission: **Jeff** asked regarding Land Use change tax received that was mentioned at the last Conservation Commission meeting; **Bart** noted that he will check regarding that, but that the tax is 50% to the Conservation Commission, and 50% to the general fund. **Jeff** and **Bart** continued to report that the property budget is still on the table for the Rosa property and that they are applying for an LCHIP grant. The property is part in Durham part in Newmarket, and it abuts land owned already by the Town, and will help create further connection to other protected land. Turtlefest was also successful, and the prime wetland report update by Mark West will come before the board soon.

Town Council: **Scott** reported that their last meeting was short, and included discussion regarding recent incident in town and how there was a hiccup with notification system as many people did not get the notice, therefore having follow-up tests to rectify.

Planner's Report: **Bart** commented on Turtlefest, with a great turn out for the morning, field trips and Stone Church, thanking everyone who participated. The parking study was conducted last Thursday, Friday, and Saturday, and the Public Transportation Advisory Committee will look at the results for next steps, and will likely have a presentation at Town Council in the future. Focus groups are occurring for the other town districts, with relatively good turnout, and there will be an online replication of the in-person workshops. The most popular comments have been regarding sidewalks. The format of the workshops has been changed since the previous ones

as well as it is an evolving process. There will be a second focus group in the neighborhoods as well. It is a lengthy but steady process, and noted that they are not jumping to conclusions yet based on the current turnout and feedback. Additionally, the Hazard Mitigation Plan is being worked on. The Master Plan Subcommittee will be reviewing the Energy and Economic Development chapters at their next meeting.

Discussion ensued regarding the summer availability of members to schedule workshop meetings for reviewing the Master Plan chapters. There was board consensus to start meetings at 6 PM beginning in June to use the time between 6 PM – 7 PM to workshop on the chapters, before the regular meeting at 7 PM. The first chapter will be the Riverfront chapter. During the workshop, there will not be public comment, as it is just for the board to work through the text. It was noted that it is important for the board members to be prepared and read the chapters prior to the meeting.

Chair's Report: The Chair noted that she would like the board to circle back on updating policy and procedures, and recommended that board members take some time to review the seminars available through OPD for training and resources.

6. Adjourn

[time on DCAT 1:52:15]

Action

Motion: Zach Shollar moved to adjourn the meeting at 8:50 PM.

Second: Bill Arcieri

Discussion: None

Vote: Approved 7-0-0

Respectfully submitted,
Bridgette Grotheer
Land Use Administrator

DCAT:

https://videoplayer.telvue.com/player/XSekdEeRsk0JHqVHAvKJVka7_5VixKP/videos