

# ***SITE PLAN REVIEW MEMORANDUM***

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Date: April 16, 2012, ***Revised May 15, 2012***

To: Madbury Planning Board

From: Jack Mettee, AICP  
Mettee Planning Consultants

***Note:*** This memorandum is a revision to the original April 16, 2012 memorandum. I have kept the original memo text and where the applicant has made plan revisions, revised text has been added. This revised text will be in ***bold italics*** for easy reference.

Project Name: Nadeau Assisted Living Residence Site Plan

Project Background:

Type of Application: Site Plan Review

Property Owner(s): Jason Bernerdston  
123 Dover Road  
Durham, NH 03824

Applicant: Albert R. and Sara Nadeau  
PO Box 7079  
Gonic, NH 03839

Property Address: 304 Knox Marsh Road  
Madbury, New Hampshire 03820

Tax Map & Lot Number(s): Map 9, Lot 8A  
***Map 9, Lot 8***

***Lot Areas:*** ***2.1 Acres; 92,001 SF & 1.9 acres; 83,027 SF***  
***Parcel Size:*** ***4.0 acres; 175,028 SF***

Zoning District: General Residential/Agricultural and the Aquifer and Wellhead Protection District

Minimum Lot Area: 80,000 SF  
Frontage Required: 200 feet (less with Planning Board Approval)

## Proposed Project

The applicant is seeking a Site Plan Review approval for a change of use for one lot that currently contains two (2) attached structures—a 1-story wood barn and a 2 ½ story barn. The proposed building and associated lot improvements is for a 1-story Assisted Living Residence and associated barn that will have eleven (11) staff, although only 6 will be in residence at any given time.

*The revised proposal now includes two abutting lots—the original Lot 8A and the new lot, Lot 8, both on Map 9. The existing Lot 8 contains a 2-story residence that will be removed and a garage that will be incorporated into the proposed development.*

*The propose Assisted Living Residence will continue to be one story, but with an expanded footprint of 13, 500 SF and 26 rooms of which 21 will be singles, 3 will be doubles and 3 will be singles or doubles.*

## Information Provided

As part of the review of this proposed project, the following information was provided:

- Site Plan Application and Abutter List *(These will need to be revised.)*
- Site Plans—2 sheets @ 11” x 17”—C-1, Existing Features Plan and C-2, Conceptual Site Plan 2.

*Revised sheets at 24”x 36” include:*

*C1—Existing Features Plan*

*C2—Site Plan*

*C3—Grading, Drainage & Erosion Control Plan*

*C4—Landscape Plan*

*C5—Utility Plan*

*C6/7—Detail Sheets*

- Letter narrative of explanation of Site Plan and proposed use, dated March 27, 2012
- Building Elevation Plan, @ 11” x 17”, dated 3/12/2012

## Type of Review

This Site Plan Review is limited to review of consistency of the subject application with Madbury’s Zoning Ordinance and Site Plan Regulations and general clarity and accuracy of the information provided. It is not an engineering review of the technical aspects of the proposed project.

## Consistency with the Town of Madbury Zoning Ordinance

According to the applicant, the current use of this site is a storage business and residence. The proposed use is an assisted living residence, although there is no indication on the plans or in the attached letter of the number of living units proposed. During the preliminary consultation the applicant indicated that there would be 14 rooms. ***The applicant now proposes 26 rooms.***

It would appear that this property had been in a commercial activity prior to the establishment of Zoning in Madbury and therefore is a grandfathered, non-conforming activity. Any such change or expansion of use is subject to review by the Zoning Board of Adjustment as per Article XIII, Section 1, C, and Nonconforming Uses.

With respect to consistency with Article IX-A, Aquifer and Wellhead Protection District, the applicant has not provided any specific information, although the plans indicate in the "NOTES" section the 20% impervious cover standard. It would be helpful if the applicant documented how the proposed development meets the design and development requirements of Article IX-A, Section 6 and the Performance Standards of Section 7 of this article. It would be particularly helpful to note the amount of proposed impervious cover and how it compares to the existing condition.

***The applicant has provided this information: the impervious cover in the existing condition is 34.6% and in the proposed condition it is 28.9% or 50, 544 SF.***

Even though this is an expansion/change of a non-conforming use in the General Residential/Agricultural (Uses allowed in underlying zone are permitted in the Aquifer and Wellhead Protection District.), this activity should be consistent with the standards of the Aquifer District. These would include heating oil storage, nitrate loading, etc.

***It would be helpful to the Board if the applicant provided documentation of its consistency with the standards of Article IX-A, Aquifer and Wellhead Protection District, especially with respect to stormwater management.***

## Consistency with Site Plan Review Regulations

### Article V. Submission Requirements

With respect to adherence to the Submission Requirements for Site Plan Review, the applicant has provided some, but not all of the information to allow a full plan review. The applicant has not requested any waivers to these requirements.

Since the proposed activity is more than a mere change of use in the same building, it would seem appropriate for the Board to request additional information. All of these items would address Article V of the Site Plan Regulations.

- K. *Easements.* It would appear that the proposed use will incorporate a portion of the adjacent lot (driveway, turning area). Does the applicant propose to provide

a use easement for that area? In the original concept plan (12/1/2011), the adjacent property (Map 9, Lot 8) was included. It might be helpful to have a plan showing both lots in order to better understand the context of the proposed activity to the adjacent lot, especially since both lots will be included in the proposed activity.

***No longer relevant since the two lots will be incorporated into the development.***

- L. *Landscaping.* The applicant provides general information about the location of landscaping. More detail would be helpful such as thorough a landscape plan, e.g., plant type (trees, shrubs, perennials), location, etc. Can the applicant provide more information on the “Future Garden”?

***Applicant has provided a generalized landscape plan (Sheet C4). While this plan provides more information than the original submission, more specific information would be helpful. For example, is the applicant going to use native or non-invasive landscape species? I also note that a number of existing trees are to be removed and that three(3) deciduous trees will be planted near the main facility and none in the lawn area in front of, or to the west side of the proposed facility. Although indicated in the legend and detailed on Detail Sheet C7, there are no evergreens or specific shrubs called out on the Plan. I would recommend that the Board condition any approval on receiving a final landscape plan.***

- M. *Buildings.* With respect to the proposed buildings: the sizes of the main building and the proposed barn are not indicated. Since the applicant is now proposing to demolish the existing buildings, do the elevations provided in the 3/14/2012 architectural drawings still apply? Can a floor plan be provided? Is there any further information about the proposed 2-story barn?

***The building footprint has expanded and the existing garage on Lot 8 will be incorporated into the proposed development. A floor plan and revised building elevations have been provided.***

- N. *Access/egress ways.* The applicant will be accessing NH Route 155. It would seem that there will be no site distance issues, but the applicant might state this fact or show it on the plan. Will an access permit be required from NH DOT?

***An NH DOT driveway permit is pending. The permit application would likely have addressed site distance, but having that information on the plan would be helpful. The permit may also address additional site access mitigation.***

- O. *Streets within site.* There is a gravel drive indicated on the plan. Is that proposed for access by fire equipment and emergency vehicles or is it part of the general circulation. If not, signs should be posted to prevent use of this drive except by fire vehicles and perhaps a fire gate installed. Also, the regulations are very specific about roadway standards. Should there be construction

standards for parking areas. Or, at least, have the applicant address the type and quality of construction. Something similar could be required for long commercial driveways.

*With the change in building orientation, the roadway configuration within the site has also changed. The primary access will be along a paved access road that goes in front of the main building and ends in a paved parking area on the east side of the building. A gravel roadway provides access to the other side of the main building providing access to the refurbished barn and the west side of the building for deliveries. The gravel drive continues around the back of the building and connects to the parking area on the east side of the building.*

*The applicant has provided cross-sectional details of the gravel drive (Sheet C6), paved roadway, sidewalk and concrete dumpster pad. I would recommend that the Board ask the applicant about the long-term durability of the gravel drive and if there will be any special marking or pad for the area designated as the "Proposed Loading Space".*

- P. *Water supply and sewage disposal.* The applicant has not provided any meaningful information on either water supply or wastewater treatment. This information should be provided.

*The proposed Utility Plan, Sheet C5 indicates the location of both the water and waste disposal facilities as well as the location of the other site utilities.*

- Q. *Solid Waste.* The applicant should indicate where the solid waste disposal area is and how it will be screened. Further, this assisted living facility may be handling medical/hazard waste. The applicant should indicate how this material will be handled.

*The applicant has added a note with respect to handling medical/hazardous waste. I suggest the Board verify the type of screening/enclosure for the dumpster.*

- R. *Surface Drainage.* The applicant needs to provide additional information on stormwater, drainage and erosion control both during and after construction, especially since there will be additional impervious cover including a long driveway and paved parking area.

*The applicant has prepared a Grading, Drainage & Erosion Control Plan (Sheet C3) that indicates how the additional site stormwater will be managed. Two rain gardens are proposed as a means to retain stormwater on-site. I would suggest that the Board ask the applicant to explain how the stormwater plan deals with both peak storm discharge and volume of runoff. It would also be helpful to understand how the applicant calculated the size of the rain garden. Either with respect to this Plan or the Landscape Plan, it would be helpful to know the composition of the rain garden—base material and vegetation. A*

*minor point—it would be helpful to have the term FES (flared end section) identified in the legend.*

- S. *Utilities.* In addition to lack of information on water and wastewater, there does not appear to be information on other utilities including electrical, etc.

*The applicant has prepared a Utility Plan, Sheet C5 that depicts the location of water, wastewater, propane gas and electrical facilities. Any site plan approval should have a condition requiring a NH DES subsurface permit. A minor point on the legend for Sheet C5—the term PUGU should be for underground utilities, not overhead.*

- T. *Lighting.* Information on lighting should be provided including type, size and location.

*The applicant has provided the required information on lighting and I note that all the fixtures are dark-sky compliant. It would be helpful to know if the single light pole/fixture in the parking area will provide sufficient light to cover the whole area. Also there do not appear to be any light poles/fixtures at the entrance or along the access road. I suggest the Board ask the applicant to discuss this.*

- U. *Survey Standards.* There is no survey certification data or documentation. An engineer's/surveyor's seal/certification attesting to the accuracy/validity of the topography and property line boundaries of the Existing Features Plan, Sheet C-1 should be provided.

*This requirement still needs to be addressed.*

## Article VI. Standards

While much of what the applicant should provide is contained in Article V, Submission Requirements, it would be helpful to address the relevant standards in Article VI. I have noted several of these below.

2. *Landscaping.* Addressed in Section L. above.

*No further comment.*

3. and 4. *Parking/Loading*—the applicant proposes 16 parking spaces. Since there are no standards in the ZO or Site Plan Regulations with respect to this activity, it would appear that the proposed number seems reasonable. The applicant may also want to address loading. There will be supplies delivered to this facility—maybe a statement about how often and where such activity will take place. Should the applicant indicate a location for snow storage?

*The applicant now proposes 18 parking spaces to accommodate the larger facility size and number of residents. As noted above, this number appears to be*

*reasonable, but it would be helpful if the applicant provided a basis for this number based on similar facilities. The other items noted above have been addressed.*

5. and 6. *Erosion and Stormwater Management*—these items are addressed above in Section R, but two (2) items for consideration by the Board are further discussed below under **Other Observations**.

*No further comment.*

7. *Nuisances*—this development may not generate much in the way of nuisances, but it would be helpful to have the applicant address this item.

*Applicant could cover this in the hearing.*

Standards 8 (Highway Access), 9 (Water and Sewage), and 10 (Utilities) are discussed above.

11. *Emergency Services*—addressed by the Fire Chief’s e-mail letter of 4/3/2012.

*The Fire Chief’s letter was based on a previous conceptual site plan. I would suggest that the Chief be contacted to review the current plan to confirm the findings in the 4/3/12 letter.*

12. *Hazardous Materials*—although there may be medical wastes, it is not clear that hazardous wastes are associated with the proposed use. Is there any possibility that there were hazardous or petroleum products in use at this site associated with a past activity?

*Can the applicant address this question at the hearing?*

#### Article VII: Compliance with Other Laws

The Board should inquire as to any other state or federal laws that may be applicable I would also recommend a letter of review from both the Madbury Conservation Commission and the Madbury Water Board prior to site plan approval.

#### Article VIII: Traffic Impact Analysis

I don’t believe a Traffic Impact Analysis is warranted.

#### Article IX. Special Studies

I don’t believe any Special Studies are warranted assuming the applicant provides the requested information.

#### **Other Observations for Board Consideration**

1. This site plan points up the issue of parking spaces based on proposed uses. Since no standards now exist, the Board may want to consider proposing future language in the regulations with respect to the number of parking spaces based on the type of use.
2. At present, there are no specific lighting standards. The Board may want to consider a standard for light whereby a development shall not allow any measurable (in foot candles) light beyond the boundary of the property.
3. The terminology for a stormwater standard in Article VI, Section 6, “velocity” is probably not correct. The language recently added in Subdivision replaced this term, but should also be added to the Site Plan Regulations.

*“In no case shall post-development run-off peak rate of discharge at the perimeter of the property be permitted to exceed the pre-development rate.”*

4. As you all probably know, there has been much discussion about the increased level of nitrogen loading to Great Bay and the causes for this situation—in part the result of added impervious cover (in addition to septic systems, atmospheric deposition, etc.) . The Aquifer Overlay District addresses the nitrogen standard for septic systems. It is now being recommended that towns and cities begin to do more to address stormwater management, particularly with respect to recommending management measures ( e.g. rain gardens, tree box filters, porous pavement, etc.) to achieve Low Impact Development (LID). While it is not necessary to have specific standards in Madbury’s regulations, a reference to these technologies and to a particular document might be useful. In addition to minimizing discharge of pollutants through surface water, these techniques encourage direct infiltration of stormwater on-site.

## **Conclusion**

The proposed activity is an expansion or change to a nonconforming use and the applicant would appear to require a Special Exception from the Zoning Board of Adjustment (BOA). In order to obtain a conditional approval from the Planning Board prior to BOA consideration, the applicant will need to satisfy questions raised by the Planning Board and in this memo relating to standards in the Aquifer and Wellhead Protection District and Site Plan Review Regulations.

This concludes the review of the proposed Stormwater Improvement Project. Please let me know if you have any questions or require additional information.