

20 January, 2017

Mr Frederick Green, Chair
Madbury Planning Board
Town of Madbury
13 Town Hall Rd.
Madbury NH 03823

Supporting Documentation:

1. MPB Approved-Recorded Subdiv Plan (PDF). Final subdivision plan, submitted to Madbury PB in 2014.
2. Revised site plan - Lot #2 corrections (PDF). Revised subdivision plan, created in Oct. 2016. Reflects corrections (identified in explanatory statement to MPB, below).
3. 42 Cherry Ln Test Pit Info Rev. Jan 2017 (JPG). Rough sketch of test pit locations and 4000ft² Reference Areas within Lots 2&3. The sketch was revised in Jan 2017 as follows:
 - A. Embedded table showing pass/fail information for all pits was updated to correctly reflect applicable Town & State requirements for test pits.
 - B. 4000ft² Reference Area in Lot 2 was relocated to include two intended (and allowable) test pits.
4. Hand-delivered tabletop-sized version of #2 (above).

Dear Fritz,

In 2014 the Madbury Planning Board approved my application for a 4 lot subdivision at 42 Cherry Lane. Two of the four lots (the 60+ acre lot to the Town, and the 12 acre lot to the Higginsons) have since been sold.

The remaining two lots (identified as Lot 2 & Lot 3 in the subdivision plan) are 2+ acre house lots. As part of my preparation to offer those two house lots for sale, I discovered an error related to the creation of the 4000ft² Reference Area (hereafter 4Kft² RA) within Lot 2. Lot 2 is bounded by Cherry Lane, by Lot 3 of the plan, and by Town property (Lot 4).

The error in the plan is the incorrect inclusion within the 4Kft² RA of Lot 2 of a test pit (Pit #3 in the subdivision plan) which did not (and does not) meet Town and State requirements. I discussed the error with Adam Fogg (then of Durham, now of Dover), the surveyor who created my original subdivision plan which we submitted to the Madbury Planning Board. Adam & I both believe that the error was a simple "clerical" error,

where test pit #3 was mistakenly included in the 4Kft² RA instead of the intended test pit #8 (which met - and - meets Town and State requirements). To support this assumption, we relocated the 4Kft² RA to encompass adjacent pits #1 and #8, and relocated the well radius to avoid encroachment into the 4Kft² RA and to avoid contact with one boundary line. Those two simple software-generated changes create a subdivision plan which is fully compliant with Town & State requirements.

I had asked my attorney (Scott Hogan) to determine what (if anything) NH Department of Environmental Services would require regarding the clerical error in the filed plan. He spoke to Robert Tardif at NHDES. Mr Tardif works in the Water Systems Division, Subsurface Systems Bureau. He is a Civil Engineer and Administrator III. Mr Tardif stated that NHDES would not require any action on my part, as NHDES only requires one satisfactory test pit in each subdivision lot, and test pits are not technically required to be located in the 4Kft² RA. Scott reported that Mr. Tardif's comment was "...you don't need to resubmit for that."

I am approaching you with the hope that the Planning Board will view this as do Scott, Adam, and I: a simple production error which was quickly and easily corrected when Adam moved the erroneously located 4Kft² RA and slightly relocated the well radius to better fit within nearby boundaries.

It is also my fervent hope that the Planning Board will accept the revised plan and record the revision with the Strafford County Registry of Deeds without requiring the expense and delay of a complete reapplication process. If that is acceptable to you, please be assured that I would expect to pay any deed recording cost, and any other administrative or miscellaneous costs of which you make me aware.

The revised plan is complete; it requires no ancillary remedial action and can be submitted without NHDES involvement. Its existence as a recorded plan will preclude future confusion and prevent any unforeseen repercussions related to the error.

Thank you for your consideration.

Respectfully,

Kurt Schreiber

191 Long Pond Rd.
Northwood, NH 03261
C. 603-848-9488