

CIVILWORKS NEW ENGLAND

181 WATSON ROAD
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July 20, 2022

Madbury Planning Board
Madbury Town Hall
13 Town Hall Road
Madbury NH 03823

Ref: ZELAND SCHWARTZ REVOCABLE TRUST SUBDIVISION
Huckins Road - Madbury, NH
Tax Map 1, Lot 16

Re: Planning Board comments, Conservation Commission comments, Water resources Board comments

Dear Planning Board:

In response to the review comments referenced above we submit the following responses.

Contract Planner Comments

1. Minimum Qualifying Lot Area, ZO Article IV Section 7, Minimum qualifying lot area needs to be confirmed for all four proposed lots. Must be contiguous and consist of not more than 25% poorly drained soils and/or slopes greater than 15%. Cannot include very poorly drained soils or bodies of water. Percent of impervious improvements on a lot shall not exceed 25%. A note should be added to the plan stating this.
The lot calculations are located at the bottom of the proposed subdivision sheet (3).. These calculations show that each lot meets the zoning requirements. As discussed with the Board although all the requisite information is contained on the plan, for clarity the chart will be expanded to include the overall lot area, the qualifying lot area.
2. Conditional Use Permit, ZO Article IX Section 4(C)
A CUP is needed for impacts to wetlands and wetland buffer associated with proposed driveways.
The applicant has filed for the CUP
3. Total wetland impact of 1507 sf and 8,801 sf impact to wetland buffer.
These proposed impacts are shown on the plans.
4. A 50ft buffer is shown, but a 75ft is required for "all other non-tidal areas". 50ft applies to poorly drained soil.
The appropriate wetland buffers are shown on the plans.
5. The wetland buffer should be clarified on the plan. The 50 and 75 ft buffer should not be merged.
The updated plans will show both the 50' and the 75' buffer lines.
6. Article IX Section 8 requires comment from ConCom and Water Board.
The applicant has appeared before both the Conservation Commission and the Water Resources board. Each of their comments are addressed herein
7. Article IV Section 9 has additional conditions for CUPs that the applicant will need to demonstrate they meet.
These criteria were reviewed with the Planning Board at the June 1, 2022, meeting.
8. Erosion and sediment control should be discussed.
The proposed development plans show the erosion control for each of the proposed driveways and

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around each possible house location. The applicant has prepared a inspection and maintenance manual to address the installation and maintenance of the best management practices.

9. The 25 ft no disturbance buffer should be added to the plan.

The 25' buffer will be added to the subdivision plan and the project proponent will install tags a the 25' buffer line within the developed area.

Other Overlays

10. Board/applicant should confirm that there are no proposed changes to the area within the floodplain or the Shoreland Protection Overlay District.

As shown on the plans there are no proposed impacts within the floodplain of the shoreland protection overlay district a

11. The extent of the floodplain should be depicted on the plan.

The flood plan extents are shown on the existing conditions plan and the proposed subdivision plan

12. Add the Flood Hazard Area Overlay District to Sheet 3 Note 5 and elsewhere as pertinent.

The appropriate note is included on sheet 3 as note 6

Easements

13. Applicant should clarify what the conditions of the flowage easement are and provide a copy of the easement language.

Our research of the parcel in preparing the boundary plan shows the easement noted. The actual recorded easement language is shown on the reference plan. If there is additional recorded language, we will get copies and provide same to the town.

14. Applicant should clarify what the easement benefitting lot 1/15 reference plan 4 are and provide a copy of the easement language.

Our research of the parcel in preparing the boundary plan shows the easement noted. The actual recorded easement language is shown on the reference plan. If there is additional recorded language, we will get copies and provide same to the town.

Subdivision Submission Requirements and Standards to Review

15. Subdivision Article III Section 15 — Monuments to be determined by the Board. In the past the Board has required granite for monuments at frontage. Rebar may be appropriate for other locations. The plan should be updated to indicate the type of monument.

The plans indicate iron rods to be set.

Subdivision Standards Article IV

16. Section 8 — Culvert design for driveway crossings. The subdivision plan approval will be contingent on receipt of a state wetland permit and a local CUP. The wetland impacts are associated with the proposed driveways and therefore the culvert designs should be provided to the board and reviewed by the board.
A NHDES minimum expedited application was provided to the Conservation Commission for their review at their June 2, 2022. The Commission has not signed the application yet.

17. Section 12 — Impact statement needed. Recommend requesting a written impact statement, as typically required by the Board.

The impact statement was discussed with the Board at the June 1, 2002, meeting and is attached herewith.

18. Section 17— Utilities — underground utilities required.

Electric service to each house location will be underground.

19. Subdivision Special Flood Hazard Area Requirements Article VIII — should be reviewed during meeting. May not be applicable as it doesn't look like any changes are proposed at the back of the lot. But the applicant hasn't shown the location of the special flood hazard area / floodplain.

The Flood Hazard area is shown on the subdivision plan

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Driveway Locations

20. Road agent will need to approve a driveway permit prior to construction. Recommend that the road agent review the proposed driveway locations.

The applicant will provide the Road Agent with the driveway plans for his review. Permits will be sought by the individual lot owners.

21. Recommend that the driveway locations be added to sheet 3.

Sheet 3 is the recordable subdivision plan and information such as driveways is not typically shown. The driveway locations are shown on the topographic plans that is provided to the NHDES as part of their review.

State Approvals

22. NHDES approval will be required for lots <5 acres. This would be a condition of approval for the Planning Board if/when the Board approves the subdivision application

23. NHDES approval of minimum impact wetland permit for the wetland impacts. Similarly, this would be a condition of approval for the Planning Board if/when the Board approves the subdivision application.

Conservation Commission Comments

1. Consider shared driveways. This would reduce the direct wetland impacts and reduce impervious area which increases stormwater runoff, sediment yields and pollutant load. Shared driveways between two abutting properties are allowed in Madbury's ordinances. Additionally, a potential shared driveway between Lot 1 and lot 2, could for example be placed outside the wetland setback area, if the 15 foot driveway setback from the common property line is relaxed.

The project proponent has evaluated the possibility of the lots sharing the driveway and has opted to provide individual driveways to maintain the rural character of the area, provide access on the frontage of each lot and to minimize potential neighbor conflicts regarding the maintenance of the shared portion of the driveway. Of note is that the location of the driveway location is at the narrowest point of the wetland on the lot frontage. Reducing the sideway setback would not be in keeping with providing the rural character of the area.

2. . The discussion on promises to require and or institute best management practices seem vague and unenforceable. The area is currently forested, the most advantageous natural land protection for water quality protection. Impervious

The project proponent has prepared a stormwater inspection and maintenance manual that will be provided to each lot owner. As discussed at the planning board the project proponent will add language in each of the deeds to codify the best management practices suggested.

3. area limitation with a trigger to require a stormwater plan, such as called for in the town's Aquifer and Wellhead Protection Overlay should be considered.

The project proponent has prepared a stormwater inspection and maintenance manual that will be provided to each lot owner

4. Due to the close proximity and characteristics of the wetland complex (intermittent stream) there should be a restriction on fertilizer and pesticide use, such as those found in the State's Shoreland Water Quality Protection Act. The use could be restricted in the wetland setbacks. No chemicals, including organic pesticides, should be applied except by a professional licensed for pesticide application by the State of New Hampshire. Only slow or controlled release fertilizer may be used. Slow or controlled release

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fertilizer means fertilizer that is guaranteed, as indicated on the package label, to contain: at most 2% phosphorous, and a nitrogen component which contains at least 50% slow release nitrogen.

As discussed with the Planning Board the project proponent has agreed to add language in each of the deeds to codify the best management practices suggested.

5. Consider using tags to mark the 25 foot natural vegetation buffer and or the wetland setback delineations. This precaution may remove inadvertent incursions in the short term and guide use on fertilizer and pesticide as recommended in item 3.

The project proponent has agreed to install tags as provided by the Town at the 25' wetland buffer line

6. The treatment of the driveway's using salt is of concern because no stormwater treatment systems treat salt contamination. Salting practices should be consistent with practices consistent with State's Green-Pro Snow Plowing guidelines.

The project proponent has prepared a stormwater inspection and maintenance manual that will be provided to each lot owner. As discussed at the planning board the project proponent will add language in each of the deeds to codify the best management practices suggested

7. Rip rap along driveways could be required to mitigate storm water velocities.

The plans have been updated to reflect the stormwater mitigation measures suggested.

8. The Commission also notes that the required review by a wetland scientist seems to only recite the facts addressing the minimization of wetland impact area. It does not offer the statement that the impacts not have an adverse impact on the wet area as determined by the wetland scientist.

9. **The Wetland scientist has provided his report to the Planning Board and the Commission.**

Water Resources Board (7/17/22)

1. Consider using shared driveways

The project proponent has evaluated the possibility of the lots sharing the driveway and has opted to provide individual driveways to maintain the rural character of the area, provide access on the frontage of each lot and to minimize potential neighbor conflicts regarding the maintenance of the shared portion of the driveway.

2. The provided plans do not show a culver for the existing driveway where I appears there is a wet are on both sides of the driveway. The crossing should be evaluated and ay improvement that would increase the functional and value of the wetlands and/or protection for the Bellamy Reservoir should be considered.

The culvert is shown on the existing conditions plan in the plan set and is under the existing driveway within the access easement that provides access to the abutting parcel. This proposal would have no impact on that area. We would suggest that the homeowner that maintains that culvert consult with the Water Resources Board.

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Sincerely,

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