

# **CIVILWORKS NEW ENGLAND**

181 WATSON ROAD P.O. BOX 1166 DOVER, NH 03821-1166  
PHONE: 603.749.0443 FAX: 603.749.7348

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September 28, 2022

Town of Madbury  
13 Town Hall  
Madbury, NH 03823

Attn: Marcia Goodnow, Planning Board Chair

Re: Response to Liz Durfee Memorandum Dated: September 1, 2022

Ref: 4 Lot Frontage Subdivision  
Zeland Schwartz Revocable Trust  
14 Huckins Road  
Madbury, NH 03823  
Civilworks New England Reference No. 20052A

Dear Marcia Goodnow:

On behalf of the applicant Zeland Schwartz Revocable Trust, we are pleased to submit the response to the Memorandum dated September 1, 2022. For clarity the comments are in *italics* and the responses in **bold**.

## **Summary**

A subdivision is proposed for Map 1 Lot 16, which is located on the west side of Huckins Road. There is an existing home and on the east side of the lot near the Bellamy Reservoir. The applicant now proposes to subdivide the existing 20.89 acre lot into three lots. This memo is a review of the plan titled "3 Lot Residential Subdivision, Tax Map 1, Lot 16, 14 Huckins Road, Madbury, NH, May 3, 2022, Revised July 20, 2022 and August 29, 2022" prepared by McEaney Survey Associates and CivilWorks New England. Memo focuses on outstanding items and discussion items from the August 3, 2022 Planning Board Meeting Planner's Review

## **Outstanding items:**

- *Educational/informational Packet for Homeowner*
  - *Report Section 1.0 Introduction includes 'recommendations'. The energy dissipation system and drip edge/dry well (and maintenance) and paved driveway should be not considered optional recommendations. Suggest revising this language.*

**The packet was created for educational purposes. The homeowner is**

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**required to abide by the approved subdivision plan and any conditions set forth by the Town of Madbury's Planning Board. The language has been updated to "required".**

- *Contains some conflicting information about salt — ie a recommendation on page 4 Attachment A not to use salt, but then materials about salt application. Is this going to be confusing?*

**The packet was created for educational purposes and all information pertaining to salt use is in accordance with NHDES Green SnowPro program. The land owners will be subject to what is stated in the deed.**

- *Provides a lot of good resources for homeowners and addresses the range of concerns about development in proximity to wetlands and the reservoir.*  
**Acknowledged.**

- *Wetland scientist letter and CUP requirement*

- *A revised letter was submitted and should be reviewed by the Planning Board for conformance with Zoning Ordinance Article IX Section 8..*  
**Acknowledged.**

- *No-Cut or no deforestation Zone*

- *This is referenced in the educational packet*  
**This is referenced in the packet and on the plans.**
- *Placards will be placed at the 25ft no disturbance wetland buffer.*  
**Locations are shown on the subdivision plan.**
- *Woody debris will not be dumped/stored in wetlands. Note has been added to plan.*  
**The note was added to the plans.**

- *Coordinate with Selectmen on potential violations (shed location)*

- *Planning Board should seek and update from the applicant and Selectmen's representative on this matter.*  
**Acknowledged, the applicant has not received a response from the board of selectmen.**

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## **Other items from Memo, discussions at Board meetings, and review of latest submission material:**

- *Missing signature block.*  
**The plans have been updated accordingly.**
- *Missing signature on McEneaney's stamp*  
**The plans have been updated accordingly.**
- *Add front lot line setback to the plan*  
**The plans have been updated to show all setback lines.**
- *Add location of existing wellhead radii to plan.*  
**The plans have been updated accordingly.**
- *Confirm the area of the total wetland and total wetland buffer impacts.*  
**The impact areas are accurately shown on the plans.**
- *A note was going to be added to the recorded plan about the driveway locations. The locations are on Sheet 3 but there is not a note about the locations.*  
**A note has been added to sheet 3 and 4 of the plan set.**
- *Add a note to the plan stating that lots will be served by underground electric. Any impacts to wetlands or wetland buffers associated with utilities will require a CUP.*  
**A note has been added to sheet 3 and 4 of the plan set.**
- *Add detail about the double layer of the drip edge/maintenance. Suggest that this information is added to the maintenance table on page 21 of the educational/informational packet.*  
**The dripedge detail on sheet 7 of the plan set has been updated to include installation and maintenance notes. The stormwater Inspection and maintenance document in the "Homeowners Packet" has been updated to include additional information about the double layer filter fabric maintenance.**
- *There is no note about installing a dry well instead of a drip edge if gutters are installed. This should be on the plan and in the educational/informational packet.*  
**The drywell installation note can be found on sheet 6 and 7 of the plan set as note number 3 under the "Notes" paragraph. The "Homeowners Packet" has been updated to add language about drywell installation under "Attachment B: Stormwater Management".**
- *Planning Board should confirm that all the CUP criteria were reviewed. The CUP and letters from*

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*Water Board and Conservation Commission were discussed at the July 20, 2022, PB meeting but the Planner does not recall the Board walking through the specific items in ZO Article IV Section 9.*

**Acknowledged.**

### **Recommended conditions:**

- *Coordinate with Town on taking land out of current use and submitting land use change tax*  
**Acknowledged.**
- *Provide educational/informational material to future property owners*  
**Acknowledged.**
- *Install no cut/no disturbance placards at 25 ft wetland buffer prior to construction of driveways or homes*  
**Acknowledged.**
- *Any changes to proposed driveway locations require review and approval by the Planning Board*  
**A note has been added to sheet 3 and 4 of the plan set.**
- *Receipt of all necessary state and local permits*  
**Acknowledged.**

### **Suggested Findings of Fact:**

*\*These items are included to assist the Planning Board with adhering to HB 1661 changes to RSA 676:3, 1 that require that the Board include specific written findings of fact that support the decision. The Planning Board should confirm/amend these statements as needed and then include them in the NOD.\**

### **Subdivision Application:**

- *The proposed subdivision meet the provisions of the Town of Madbury's Zoning Ordinance. The proposed use (single family homes) is permitted in the General Residential and Agricultural District and consistent with the development and character in the surrounding neighborhood. The proposed lots meet the dimensional standards of the General Residential and Agricultural District. The proposed subdivision is subject to the provisions of the following overlay districts: Wet Areas Conservation Overlay, Shoreland Protection Overlay, and Flood Hazard Overlay Districts. The applicant has submitted the required Conditional Use Permit associated with infringement of the Wet Areas Conservation Overlay District.*  
**Acknowledged.**

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- *The proposed subdivision meets the requirements of Madbury's Subdivision Regulations, including the Subdivision Standards of Article V, Sections 1 through 19, as reviewed and discussed by the Planning Board at their meetings of June 1, 2022, July 20, 2022, August 3, 2022, (and September 7, 2022).*

**Acknowledged.**

- *The proposed driveways cross wetlands and the applicant has submitted the required Conditional Use Permit application and State Wetland application. The applicant has minimized potential impacts to wetlands through crossing at the narrowest point, and reducing the number of lots thus the number of driveway crossings. Potential impacts to wetlands and nearby water bodies, including the Bellamy Reservoir, will be minimized through several methods including: assembling and distributing an educational packet to homeowners to inform them of the proximity to surface water and educate about methods to avoid or reduce the impacts of development and activity on the surrounding water resources; preparation and implementation of a Stormwater management System Inspection & Maintenance Plan that includes components such as drip edge or dry well, energy dissipation trench along driveways, and minimization of salt usage.*

**Acknowledged.**

### Conditional Use Permit Application:

- *The proposed subdivision driveways will impact 1,176 square feet of wetland. Driveways are considered a limited and regulated use in the Wet Areas Conservation Overlay District. The proposed project is consistent with Zoning Ordinance Article IX, Section 5 Design and Development Standards and Section 6 Performance Standards. According to Section 8, Conditional Use Permit Criteria and Procedures, a certified wetland scientist has provided written evidence verifying that there will be no adverse impacts to the wet area. The Planning Board received and considered comments submitted by the Water Resources Board and Conservation Commission. The requirements of Zoning Ordinance Article IV Section 9 Conditional Use Permits, Section D were reviewed and found to be met.*

**Acknowledged.**

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**Acknowledged.**

Sincerely,

**CIVILWORKS NEW ENGLAND**

A handwritten signature in black ink, appearing to read "S. Haight", with a horizontal line extending to the right.

Stephen J Haight PE