



# MADBURY PLANNING BOARD

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## Approved

### OFFICIAL BUSINESS

**Minutes of:** June 17, 2020

**Meeting Convened:** 7:00 p.m.

#### **Members in Attendance:**

Mark Avery - Chair  
Tom Burbank  
Michael Card  
Marsha Goodnow - Vice Chair (Zoom)  
Casey Jordan (Zoom)

#### **Support Staff:**

Laurie Plantamuro - Recording Secretary (Zoom)  
Elizabeth Durfee - Contract Planner (Zoom)

### Agenda

#### **1. Seating of Alternates**

None

#### **2. COVID-19 Note**

Before beginning the discussion, Chair Avery announced that the Board will be using Zoom as allowed under COVID-19 Executive Orders to help conduct this meeting and that all votes will be taken one member at a time by roll call.

#### **3. Discussion-Minutes and Quorums**

Chair Avery summarized research regarding meeting minutes and quorum voting and the Board discussed. Based on the research, the Board agreed that a quorum for voting on minutes is not limited to only those present at the meeting for which the minutes were prepared and agreed to vote on the outstanding minutes. The Board also expressed interest in moving to a unanimous consent approach for the approval of minutes. Consultant Durfee suggested that this should be an explicit agenda item at a future meeting.

#### **4. Approval of Minutes:**

The minutes from March 14<sup>th</sup>, 2020 were reviewed. **Motion** made by Member Burbank to accept the minutes. **Seconded** by Member Card. Members Avery, Card, Goodnow and Burbank Aye. Member Jordan abstained. **Motion Approved.**

The minutes from March 18<sup>th</sup>, 2020 were reviewed. **Motion** made by Member Burbank to accept the minutes. **Seconded** by Member Card. All Aye. Members Avery, Card, Goodnow and Burbank Aye. Member Jordan abstained. **Motion Approved.**

The minutes from June 3rd, 2020 were reviewed. **Motion** made by Member Jordan to accept the minutes. **Seconded** by Member Card. All Aye. **Motion Approved.**

#### **5. Correspondence:**

New Town and City and Great Bay Matters are available.

#### **6. Preliminary Review - Gerrish Drive (Durham) Subdivision**

- Mike Sievert, Engineer

- Michael and Martha Mulhern, Owners

Chair Avery informed the Board that this was an informal hearing and introduced Mike Sievert.

Mr. Sievert explained that this proposed subdivision is mainly in Durham with only a small portion of it in Madbury. The parcel covers 16 acres with 2 acres being on the Madbury side of the town line. In total, approximately 2.5 of the 16 acres will be developed. The development is planned as a conservation subdivision that will be held in condominium without separate lots. The plan uses a Durham 55 and older density incentive for a total of 13 units. The Madbury portion is planned to include only conservation land, common areas, and part of a private road.

Mr. Sievert reviewed the subdivision layout. He explained the right of ways into the parcel off of Bagdad Road, Route 108, and Gerrish Drive and submitted that the Gerrish Drive right of way was the most suitable. He said there will be no physical buildings in Madbury; however, a private road severing several units would run for about 115 feet through Madbury. He explained that wetlands on the property flow into Madbury and that the water management concept is to bring all the water from the developed area into the center of the developed area for treatment before flowing into the wetlands and Madbury. He also mentioned Durham rules had been applied to the entire plan including Madbury sections.

Mr. Sievert finished his review and asked the Board if they had any questions.

Member Burbank asked Mr. Sievert if there was any amount of fill that will go into the section of road that will be in Madbury that might raise the roads elevation. Mr. Sievert said right now the contours tie into the road and at this time most of the low points will have minimal fill at grade.

Member Card asked why Mr. Sievert decided on the Gerrish Drive access over the other two rights of way. Mr. Sievert responded that the Route 108 access was not wide enough for a

town road or even a private road and that its grade was also too steep. He also explained that the. He also explained that both the Bagdad Road right of way is not owned by the subdivision's owner.

Member Jordan asked about the hydrological flow from this site into Gerrish Brook and if it impacts the Portsmouth water treatment plant wells. Mr. Sievert said this would be down stream of the Portsmouth water.

Member Jordan asked if the development runoff flowed into the water shed for Madbury. Mr. Sievert said yes, it flows through an unnamed tributary and then into Gerrish Brook. He also mentioned that he has an analysis of the water shed area. He also said that the plan would reroute and treat runoff before it reaches Gerrish Brook and that they will follow all NHDES requirements. Mr. Sievert also suggested that they could entertain restrictions on the use of fertilizers within the condominium agreement to further protect water quality.

Member Jordan expressed concern about the possible run off from the private road directly into Madbury. Mr. Sievert stated that the road would pitch away from Madbury and instead slant toward the developed area allowing water to flow into treatment areas before reaching Madbury. Member Jordan asked Mr. Sievert if they were committing to include this on the deeds of the property so it can never be changed. Mr. Sievert said he can't control what happened in the future, but he didn't believe that would happen and that any such changes to an approved plan would require new approvals.

Member Burbank asked if the water collection systems were essentially rain gardens. Mr. Sievert said they would be rain gardens or constructed wetlands. Member Burbank asked if the sizes of these systems are based on the amount of runoff. Mr. Sievert said yes and went on to discuss what the ideal plan was. Member Burbank asked if the equations for these are dictated by NHDES. Mr. Sievert said yes.

Mr. Sievert added that they are exploring connecting the subdivision to an existing sewer system instead of installing leach fields. The system would be a low pressure force main running down Gerrish Drive to which existing residences on Gerrish Drive could connect. This could help improve water quality in the area by removing failing leach fields from the drainage.

Chair Avery asked Member Jordan if he had any additional questions. He said not with this, but he was also concerned about the construction phase and possible disturbances.

Consultant Durfee recommended the Board read article RSA 647:53 regarding projects that cross town borders and that she would send them a copy to review.

Consultant Durfee told Mr. Sievert to make sure to include property information such as map and lot #, address, etc. and Madbury's regulations on the Madbury sections of the plan sets that he submits.

Consultant Durfee also mentioned that RSA 674:53 allows the Board to waive regulations regarding interior roads to provide better harmony with an adjoining municipality. She said that the applicant should include that request with the paperwork submitted to the Board.

Consultant Durfee also recommended that the Board receive the Road Agent's input.

Consultant Durfee emphasized that the Madbury Board would only be considering the Madbury side of the project. She wanted anyone from the public who wrote in to know they needed to contact Durham for the Durham side and Madbury for what was discussed tonight.

Chair Avery suggested that the condominium agreement include language reminding residents that they would have to receive Madbury's approval to add any structures/construction to the Madbury portion of the parcel. Mr. Sievert indicated that such language would be possible.

Chair Avery also asked for clarification on the outside reviews that have been proposed for this project. Mr. Sievert offered that reviews might include wetland delineation and various hydrological studies.

Chair Avery mentioned letters from the public that had been sent to the Durham and Madbury Planning Boards. Member Burbank asked Eric Fieganbaum, as a representative of the Water Board and Conservation Commission, if they had reviewed the citizen inputs and if there were any questions they might need answered. Mr. Fieganbaum said they had received the letters but had not reviewed them yet; however, the letters were more concerning the Durham side of the project.

Chair Avery closed the informal hearing at 7:55 pm.

**7. Other New Business:**

Chair Avery informed the Board that a party interested in possibly developing a workforce housing project would likely meet with the Board at the next meeting for a very preliminary discussion.

**8. Other Old Business:**

None

Meeting Adjourned 7:57pm

**Meeting Attendees:**

Eric Fieganbaum

Mike Sievert

Michael Mulhern

Fritz Green (Zoom)

Peggy Wolcott (Zoom)

Respectfully submitted by Laurie Plantamuro