



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823
Tel: 603 742-5131 • Fax: 603 742-2502

Approved

OFFICIAL BUSINESS

Minutes of: May 19th, 2021

Meeting Convened: 7:00 p.m.

Members in Attendance:

Mark Avery – Chair
Tom Burbank (Zoom)
Michael Card
Fritz Green – Ex Officio
Marcia Goodnow
Doug Hoff (Zoom)
Casey Jordan (Zoom)

Support Staff in Attendance:

Elizabeth Durfee - Contract Planner (Zoom)
Eric Fiegenbaum - Town Administrator

AGENDA

1. Seating of Alternates

None seated.

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. Approval of Minutes

The minutes from May 5th, 2021 were reviewed. **Motion** made by member Green to accept the minutes as amended. **Seconded** by member Goodnow. **Member Vote:** Jordan - Abstain, Hoff - Abstain, Burbank - Y, Goodnow - Y, Green - Y, Card - Y, Avery - Y. Motion Approved.

4. Correspondence

Chair Avery presented Town and City and Unitil's Safety with Gas Lines.

5. Change of Pre-existing Nonconforming Use - 181 Littleworth Rd. (Tax Map 3, Lot 2)

Kevin Stanley, the perspective buyer of 181 Littleworth Rd, met with the Board to determine if a Special Exception would be required for a change in a non-conforming use. He presented his intention to turn the previous small engine repair shop into a glass repair shop.

His glass business is primarily retail and small commercial. He will be open M-F 8-5, and Saturday 8-12. He will have no pollution and run a clean operation. He plans to update the exterior and interior of the building, install new windows and doors, and clean up the parking lot. He plans to have about 4 car windshields to repair a day, and make trips installing glass.

Member Green asked if the trash will be going in a dumpster? Mr. Stanley confirmed this and assured

there would be no outside storage of glass or trash.

Chair Avery asked how many customers and trips would be expected? Mr. Stanley noted there could be about 15 trips a day and about 4 customer repairs are expected per day.

Consultant Durfee asked for information about the previous business. Mr. Stanley noted it was a snowmobile sale and repair shop, and then a small engine repair business.

Member Green asked how many employees are expected? Mr. Stanley expects 5-6 employees.

Chair Avery asked the board for their opinion of whether or not this business matches the pre-existing general service and repair shop type of business? Members Jordan and Card felt this business was close enough in functionality to the prior business. Chair Avery noted the board seems to feel there is not enough of a change to need a Special Exemption.

Chair Avery also confirmed with Mr. Stanley that the footprint of the building will not change and therefore a Special Exemption would not be needed for enlarging the business.

A **Motion** was made by member Card that this proposed business change does not need a Special Exemption. **Seconded** by member Jordan. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Goodnow - Y, Green - Y, Card - Y, Avery - Y. Motion Approved.

Chair Avery asked the board to consider if a conditional use permit (CUP) is required for this business as this property is in the Wellhead and Aquifer District. Consultant Durfee noted Article IX-A, Section 4 would apply.

Member Green asked what happens to the previous owner's chemicals? Mr. Stanley was assured that all chemicals and trash are to be removed before purchase. Member Burbank asked if there is testing for ground contamination? Mr. Stanley said the state monitors the well.

Member Green noted that he believes there is no need for a CUP. Member Goodnow indicated that the business that required CUPs under Article IX-A, Section 5 are those that could endanger ground water but this business would not.

The Board agreed that this particular business did not fit the Wellhead and Aquifer District criteria and a CUP is not required.

6. Site Plan Preliminary Consultation (#2) 10 Lee Rd. Apartments (Tax Map 8, Lot 9)

Chair Avery noted that, per RSAs, this consultation is for general comments and not engineering details.

John Chagnon of Ambit Engineering reviewed the current site plan with the board. He focused on showing the board the proposed septic and well, the electrical service changes, the runoff and grade/elevation changes, and the elevation of the buildings and its "New England" design style.

Member Green asked what will be the change in bedrooms? Mr. Chagnon noted there will be an increase of 30 or 31 bedrooms.

Member Green noted that blocking the existing entrance to the property on Route 155 may be an issue for the Fire Department. Chair Avery added his conversation with the Fire chief suggested the same issue. Mr. Chagnon and James Petrovitis said the entrance from Lee road was deleted due to the board's concern with the safety with the dangerous intersection. Chair Avery concurred that Madbury Road is safer but

noted that they should discuss emergency access from 155 with the Chief.

Member Green asked if the utilities would be above ground or below? Mr. Chagnon noted the lines would be underground.

Peggy Wolcott, a member of the public, noted her disappointment that these apartments would be for student housing and not faculty and staff, as they had been in the past. Planner Durfee said that this is not a public hearing. Chair Avery agreed but said we could allow the public to comment.

Member Green asked what the timeline is on when to expect an application? Mr. Chagnon said the coordination with the Selectmen over access from Madbury road over town owned land is the hold up. He noted that they are currently working with the DOT on all season sight distance for the entrance. Chair Avery and consultant Durfee noted the need for an easement through town property. Mr. Chagnon said they will be looking for an easement and Mr. Petrovitis said that they would be happy to maintain the access with the plowing and mowing.

Member Burbank asked about the existing parking spots and condition. Mr. Chagnon noted that all of the parking will be shifted to on-site parking.

Member Jordan asked what is the target price for renting? Are these apartments market rate or luxury? Mr. Petrovitis said these will be market rate, not luxury.

Planner Durfee asked the applicants to make sure they show the overlays and setbacks on the site plan application. She also noted the water runoff potential and the need for a stormwater management plan. Chair Avery suggested an address change would be needed if the Lee Road access is no longer used.

Chair Avery then asked what the plans are for updating the remaining buildings in the future? Mr. Petrovitis said there are no current plans for these buildings.

Chair Avery asked Tom Burke, a member of the public, if he had any questions. Mr. Burke asked if the December consultation had brought up any specific issues? Chair Avery replied some site specific and ordinance issues were discussed.

Mr. Chagnon summarized his issues, and asked the board if they will still need a special exemption, and do they need a site plan approval first? Chair Avery noted that traditionally yes and that the Zoning board needs the same information anyway.

Planner Durfee noted that our updated aquifer regulations should be reviewed as they are not published in the Town's Land Use Book yet but are available on the Town's website.

Mr. Chagnon asked if there are any issues with the proposed elevation? The Board did not indicate any problems with the building architectural designs. Member Burbank asked if the height is about the same as the other existing buildings? Mr. Petrovitis said that they conformed to the 38 foot maximal height, but he will check on the height of that other buildings.

7. OSI Spring 2021 Planning and Zoning Conference - Legal Update

Chair Avery presented this update to the planning board. He reviewed that board decisions should be objective and clearly stated in the minutes.

8. Other New Business

Chair Avery noted that COVID Emergency Orders may be over soon and no longer permit Zoom. He also

noted that Johnson Creek may be re-visiting the board in the future.

9. Other Old Business

Chair Avery asked the board to consider volunteering for the water improvement committee. He also updated the board with the progress at LandCare.

Meeting Adjourned: 8:25

Meeting Attendees:

Peggy Wolcott, Old Stage Road

Tom Burke, Madbury Road

John Chagnon, Ambit Engineering (Zoom)

Kevin Stanley, Glass Routes CO, Inc, Dover NH

James Petrovitis (Zoom) 10 Lee Road Apartments

Respectfully Submitted by Michael Card