



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823

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Approved

OFFICIAL BUSINESS

Minutes of: December 1st, 2021

Meeting Convened: 7:00 p.m.

Members in Attendance:

Mark Avery - Chair

Tom Burbank

Michael Card

Marcia Goodnow

Fritz Green - Ex Officio

Doug Hoff

Support Staff:

Elizabeth Durfee - Contract Planner

1. Seating of Alternates:

None Seated.

2. Approval of Minutes:

The minutes from November 17th, 2021 were reviewed. **Motion** made by Member Green to accept the meeting notes as amended. **Seconded** by Member Burbank. All Aye. **Motion Approved.**

3. Correspondence:

None.

4. Site Plan Public Hearing: 10 Lee Rd. Apartments (Tax Map 8, Lot 9)

- John Chagnon, *Ambit Engineering (Owner's Agent)*

- Derek Durbin, *Durbin Law (Owner's Agent)*

- James Petrovitsis and Sean Peters, *(Owners)*

Chair Avery read the public hearing rules and then the public notice. He explained that applicant proposes to expand one of three buildings in size and in the number of occupants in a preexisting non-conforming apartment complex.

The Board then discussed if this proposal is a development of regional impact.

Motion made by Member Card that this is not a development of regional impact. **Seconded** by Member Goodnow. All Aye. **Motion Approved.**

The board then reviewed whether this application is complete for consideration using Site Plan

Regulations Article VI as a requirements checklist. John Chagnon of Ambit Engineering reviewed each requirement. Chair Avery asked if easements were shown on the plan. Mr. Chagnon noted that the easements are not in the development area, and are thus not shown.

Motion made by Member Green to accept the application for consideration. **Seconded** by Member Burbank. All Aye. **Motion Approved.**

Mr. Chagnon explained the plan to remove the existing structure and construct a new 11 unit building. He noted the access from Lee road will be removed (except for emergency vehicles) and Madbury Road will be the main entrance to the property. They are working with NHDOT for a driveway permit. Mr. Chagnon then reviewed parking, the leach field, grading plan, drainage, public water supply, and well radii. He then reviewed the septic, electrical, building facade, and lighting.

The Board then discussed access to the apartment complex from Madbury Road over town owned land. The board agreed that this is the best entrance location. The Board indicated that it supports the Select Board reaching an agreement with the applicants to use this entrance should this project be approved.

Member Green asked if there will be a sprinkler system. Mr. Chagnon noted that it is not required, but the building will be built to code.

Consultant Durfee then reviewed her memo with the applicant. She noted that the non-conforming structures and lot lines should be shown on the plan. The statement of offsite impacts should be included since there will be a possible increase in annoyance to abutters. She also noted that the offsite impacts should include a traffic analysis.

Mr. Chagnon submitted that the DOT will be in charge of site access.

Member Green asked how the additional units or bedrooms would impact the DOT calculations. Mr. Chagnon replied 200 or more trip generations is the next level of DOT interest. Chair Avery noted that since this is a non-conforming use, and access is through town land, this is a topic to be discussed by the Board not just the DOT. Consultant Durfee noted that a traffic analysis should be made available for the board to review.

Planner Durfee resumed reviewing her memo including landscaping detail, erosion and sediment control, lighting, lot loading calculations, underground utilities, emergency services, hazardous materials, overlay districts, total bedroom clarification, proposed well radii, easement lines, ADA compliance, total building height, and accessing the property over town land. Mr. Chagnon clarified some of these issues, and noted potential changes.

Chair Avery noted that while Consultant Durfee's memo walked through Site Plan Review Regulations Article VII, applicants usually provide the board with narrative answers of Article VII and that such a narrative would be useful.

Chair Avery asked if these apartments will be leased by the bedroom or by the unit. Mr. Chagnon noted

they will be rented by the unit.

Chair Avery then read Member Jordan's memo concerning affordable housing. Mr. Chagnon noted these will be relatively lower income housing, but they will not be focusing on work force standards.

Chair Avery then noted that the Board will need a letter from the Fire Department signing off on the project and he encouraged early discussion with the Fire Department especially regarding sprinkles, fire apparatus access, and other fire protection standards.

At 8:05 Chair Avery opened the discussion for the public comment.

Tom Burke noted he is generally in favor but feels clarity is needed between unit change and bedroom change and number of residences. He also felt the utilities should be underground and that the change in driveway access from 2 to 1 entrances may affect the DOT calculations.

Venkaz Onkar noted that the current renters blast music and he is unable to sleep. He feels more residents will mean more noise.

Audrey Maher noted the problems she has had with apartment residents contributing to underage drinking and trespassing on Tasker Lane property and with mistaking her address for the apartment's address.

Peggy Wolcott voiced her concern of an intensification of a non-conforming use and asked why this application is not going to the Zoning Board (ZBA). Chair Avery noted that the PB will be discussing that later in the meeting.

Chair Avery then read into the record the two emails in favor of the project from 90 Hayes Road and 72 Perkins Road.

At 8:17 Chair Avery closed public comment.

The board discussed the need for a Special Exemption from the Zoning Board since this is an expansion and intensification of a preexisting nonconforming use. Chair Avery told the applicants that the Zoning Board has agreed to hear this application concurrently and that they should contact the Zoning Board.

Member Green noted the possible need for a site walk. The Board agreed.

Chair Avery noted that the overhead utilities may require a waiver.

Chair Avery also stated that elevations showing views from the roads and abutters would be helpful.

Member Card asked if it would be possible to get a more robust noise mitigation plan. Chair Avery asked if these units will be air conditioned and if that might mitigate noise. Mr. Petrovitsis indicated they will be air conditioned.

Consultant Durfee asked if the owner has other properties, and how they have decreased issues at those properties. An answer was not provided.

Consultant Durfee also noted the possible need for fencing to help control apartment residents' access to abutters' properties. Mr. Chagnon then asked about the public access to the town land between this property and the abutters. Chair Avery indicated that the Town doesn't usually restrict public access to Town owned land but that he would have to check on this particular parcel.

The Board then reviewed some items expected from the applicant including: changes to plan details per consultant's memo; abutter noise and foot traffic abatement; Fire Department approval of access driveway and general fire safety; a narrative of Article VII; and clarity on number of occupants, bedrooms, and units.

Motion made by Member Hoff to continue this hearing to a Site Walk at 10 Lee Road on December 11th, at 9am. **Seconded** by Member Green. All Aye. **Motion Approved.**

5. Other Old Business:

Chair Avery noted the Mulhern Subdivision completion.

6. Other New Business:

None.

Meeting Adjourned at 8:50 pm

Meeting Attendees:

Tom Burke - Madbury Rd
John Chagnon - Ambit Engineering
Jim Davis - Mill Hill Rd.
Devek Durbin – Durbin Law
Jen Fradillada - Tasker Ln.
Dave Garvey - Box 935, Durham
Audrey Maher - Tasker Ln.
Venkaz Onkar - Lee Rd.
James Petrovitsis, Owners
Peggy Wolcott - Old Stage Rd.

Respectfully submitted by Michael Card