

# MADBURY PLANNING BOARD

13 Town Hall Road Madbury, NH 03823

Tel: (603) 742-5131 Fax: (603) 742-2502

**DRAFT**

## OFFICIAL BUSINESS

**Minutes of:** July 20, 2022

**Meeting Convened:** 7:00 pm

### **Members in Attendance:**

Marcia Goodnow - Chair  
Doug Hoff - Vice Chair  
Mark Avery - Ex Officio  
Tom Burbank  
Casey Jordan  
Bevie Ketel

### **Support Staff:**

Liz Durfee, AIPC - Town Planner/Consultant  
Eric Fiegenbaum - Town Administrator

### **Meeting Attendees:**

Jase Gregoire – Civilworks New England  
Steve Haight – Civilworks New England  
Andrew Losee – 16 Huckins Rd.  
Zeland Schwartz – 14 Huckins Rd.  
Autumn Scott, (SRPC) – 616 Union St., Manchester, NH  
Bill Taylor – 242 Littleworth Rd.  
Lisa Wise, (NHSG/UNH CE) – 13 Spinney Creek Rd., Eliot, ME

### **1. Seating of Alternatives**

None seated.

### **2. Approval of Minutes**

The minutes from June 1, 2022, were reviewed. **Motion** made by member Burbank to accept the minutes with corrections none of which were material. **Seconded** by member Jordan. All Aye. **Motion approved.**

### **3. Correspondence**

Chair Goodnow presented *NH Town and City - July/August* quarterly magazine. Also available online via <https://www.nhmunicipal.org/town-city-magazine>

~ City of Portsmouth, dated July 20, 2022

~ Madbury Conservation Commission (MCC), dated July 8, 2022

~ Water Resources Board (WRB), dated July 17, 2022

### **4. Intro to SRPC Seacoast Floodsmart Project/Floodplain Ordinance Update**

#### **Speakers:**

Lisa Wise, NH Sea Grant & UNH Extension Program Manager (NHSG/UNH CE)

Autumn Scott, regional planner, Strafford Regional Planning Commission (SRPC)

(A few years ago, they helped us with a climate impact study.)

The main goal of this project is to reduce risks associated with future flooding events from seasonal or extreme weather events. Wise and Scott's intent is three-fold. First, to strengthen Madbury's existing regulations by using NH Model Floodplain Management Ordinance. Second, to identify any higher floodplain management standards that Madbury wishes to implement. Third, to make sure that the regulations and standards are consistent with existing flood lines and to review them for consistency with State Building Code Regulations for Special Flood Hazard Area (last updated in 2018-19). They will also assist with revisions needed to the Madbury Master Plan, Hazard Mitigation Plan, and C-RiSe Vulnerability Assessment that relate to this work. A planning board subcommittee will also be established to work with Wise and Scott in directing updates to our zoning regulations.

There will be a public awareness educational piece that will aid the public in awareness and preparedness. A timeline was handed out, listing the steps to be taken, between now and March 2023, to complete this project. Chair Goodnow asked for planning board volunteers. Member Jordan volunteered and asked if this program includes any river or aquifer flooding or if it is limited only to coastal waters. Ms. Scott said both bodies of water can be included. Consultant Durfee suggested to keep the building inspector in the loop because he has to administer the ordinance for any building proposed in a flood zone. Member Jordan and others subcommittee members will draft a Memorandum of Understanding to illustrate the scope of the committee tasks. In wrapping up the discussion, Ms. Scott gave Chair Goodnow copies of the NH Coastal Flood Risk Summary Guidance Report, which will be a helpful resource to this project.

### **5. Public Hearing - Subdivision and CUP 14 Huckins Rd. (Tax Map 1, Lot 16), cont'd from June 1st, 2022**

Proposal to subdivide the existing 20.89-acre lot into four (4) lots, creating three (3) new lots.

- ~Zeland Schwartz Revocable Trust, applicant
- ~Stephen Haight, PE, Civilworks New England
- ~Jase Gregoire, Civilworks, New England

This discussion was continued from June 1, 2022. Chair Goodnow opened and read the public hearing notice, procedures and rules. Ms. Zeland, owner, was present and represented by Stephen Haight, PE, of Civilworks NE. Prior to this meeting the Board had the responsibility to read the following:

1. Project Narrative
2. Application to subdivide
3. Application for the Conditional Use Permit (CUP)
4. Wetland Impact Study by Fragile Rock Environment, submitted by applicant
5. Comments from Albert Pratt, P.E., City of Portsmouth Water Resource Manager (see letter dated May 31, 2022)
6. Notes about the application from Consultant Durfee

As of this meeting, two (2) additional letters of information were received, as follows:

1. Letter from Madbury's Conservation Commission (MCC) dated July 8, 2022
2. Letter from Madbury's Water Resources Board (WRB) dated July 17, 2022

Chair Goodnow read the particular concerns and suggestions provided at the last meeting on June 1, 2022, as follows:

1. a 25-foot road disturbance buffer
2. a prohibited-use list of materials (i.e. fertilizer, salt and sand) and applications not allowed on the wetlands
3. quantity of the number of driveways
4. all overlay districts be noted on the plan, including the Town of Madbury's overlay district and notations of flood hazards on this property
5. language to indicate location of easements
6. a stormwater plan

***Applicant will address the above.***

Mr. Haight of Civilworks NE stated that he touched based with Mr. Fiegenbaum regarding the CUP and met with MCC and WRB. He has also reached out to Mr. Pratt of the City of Portsmouth Public Works Department to obtain some recommended language regarding pesticides, etc. The common conversation among all groups was the recommendation of

shared driveways. The applicant would prefer to keep three (3) individual driveways because it would provide for individual access. From historical indicators, shared driveways tend to be a more problematic issue in terms of who will take care of it, what are the issues associated with it and whose fault is it when problems arise. They did look, however, at relocating the driveway for Lot #1. One of the original locations was further off the lot line, so as not to affect the 15-foot buffer, but locating it closer to the lot line would change the profile, which would minimize the impact to the wetland buffers.

One of the plans given to the board has been updated to show this. The plan in red fulfills the other concern to show the 15-, 25-, and 75-foot buffers. The typical plan for those overlapping, more restrictive buffers would be shown on the drawings. This is the reason the 50-foot would be shown with the 75-foot. The board has asked the drawings to be updated to reflect that as well. The applicant will be happy to install the tags for the 25-foot no-cut disturbance buffer along the road way.

The board has been given the Impact Statement, dated July 20, 2022, as referenced in the response letter. Mr. Haight discussed in general terms the positive and negative impacts these potential homes would have on tax revenue, town expenses and the school system. These would be four-bedroom homes with the same typical layout as other Madbury homes, with septic, wells and no new road to maintain. The net impact is positive. There will be one more revision to the plan based on tonight's meeting. The current chart will be expanded to add individual lots and exclusion areas.

On behalf of the applicants, Mr. Haight has filed for the CUP. The impacts on the lots are shown on the grading and the driveway permit plans. It's understood that the Road Agent would have to grant the driveway permits. Each individual home owner would be filing for their own driveway permit. The location will be dictated by the smallest access point over the wetland area. Since the plan shown in June, Mr. Haight has relocated driveway for Lot #1 closer to the property line, which reduces the buffer impacts by approximately 2,000 feet. The construction plan shows how to implement the erosion and sediment controls and what to do during construction.

Also provided to the board is an Inspection and Maintenance Stormwater Controls Plan Manual (I&M). Mr. Haight will reference in the deed that the homeowner(s) will be responsible for the I&M and the I&M will be reported with the deed. This is referenced on the drawing and the homeowner will have an I&M plan. The way to record this is with a cover sheet that the homeowner(s) would have to sign and to be recorded with the subdivision plan as well. This plan document will contain the information received from the City of Portsmouth and any specific verbiage from Madbury about the restrictions for fertilizers, pesticides, etc.

Easements are shown on the drawings, existing conditions plan and the subdivision plan. Mr. Haight confirmed with consultant Durfee that she requested documents of recording copies, if available, for the location and what the easements allow, to create a very clear trail on all plan documents, with all recordings to reference any and all previous documents in existence.

The overlay districts of the flood plain and the town's overlay district are shown on both existing editions. Consultant Durfee clarified that the overlay districts are listed in the notes section on the plans. The flood plain categories should be listed in the notes as well. She referred to note #5 of the list that Chair Goodnow read at the beginning of the hearing. It should include Madbury's local overlay regulation as well.

After the subdivision is approved, the planning board will get a letter of monumentation. Member Hoff stated that typically it is an iron rod set where at the road would require granite bounds. Member Avery said the exception would be the existence of a stonewall.

The NH Department of Environmental Services (DES) has to approve the subdivision plan. The minimum access is 15-inch culverts under the driveways. Mr. Haight asked for clarification. Does the need the drain analysis to indicate that the culverts are properly sized? Consultant Durfee stated that any information submitted to DES should also be submitted to the planning board. The board has started having a third-party review of certain aspects of plans, so these analyses are helpful to have in hand.

Mr. Haight indicated that the utilities would be installed underground on Huckins Road. He would supply the property locations to the Road Agent for review. The driveway locations would not be changing because they are already fixed at the smallest crossing permitted at each lot. The sight-distance profile is in the plan. The actual driveway permit application would be filed by owner. The board recommended that each driveway location be added to Sheet Three, the recordable subdivision plan. (It is not typical to add that type of information to the recordable plan. The information is usually shown on the subdivision's topographical plan and elsewhere in the plan package.) He stated he has to talk to Kevin McEneaney to find out if he has an issue with that. Consultant Durfee said it would help town level personnel but not necessarily any future home owners to know which locations for the driveways were reviewed and approved as part of the review process. Otherwise only the full plan set will have this documentation and not everyone will know to look there. Mr. Haight liked that idea. He can put the driveway locations on the plan per the NH DES permit approval.

Madbury Conservation Commission (MCC) and Water Resources Board (WRB) Comments

A shared driveway for Lot Nos. 1 and 2 is feasible but the historical preference - an individual driveway for each lot - is the much preferred scenario. Homeowners with individual house lots prefer an individual driveway in the frontage. The impacts are well within 1500 square feet. The best management practices have been incorporated into the I&M. Mr. Haight will record that in the subdivision plan so it is codified. The construction work is up near Huckins Road and not near the Bellamy Reservoir. Mr. Haight will incorporate language, provided by the City of Portsmouth and the Town of Madbury, for restrictions such as fertilizer use. Mr. Fiegenbaum gave Mr. Haight a copy of the City of Portsmouth's letter that arrived today, referencing such language, as well as the MCC document showing the standard language given by the state. The WRB, in its letter dated July 17, 2022, asked about the existing culvert. Mr. Haight was not planning on touching that culvert or anything existing because he will not be impacting it. He did not know what evaluation he could do to improve that existing culvert.

Mr. Haight discussed specific design items for each lot. In Lot #1 he would like to move the driveway closer to the shared lot line, but not within the 15-foot buffer. Consultant Durfee asked if the driveway location is different than on the previous plan. Mr. Haight stated the access to Huckins Road is the exact same location. Past the wetland crossing, the engineer moved the driveway closer to the lot line, to minimize the impact to the wetland buffer along that section. Mr. Gregoire of Civilworks, NE stated while illustrating on the demonstrative that the revision to Lot #1 driveway has the same access on Huckin's Road, across the wetland, then it actually veers towards Lot #2 and then runs parallel to Lot #2. It has a slight curve in it and limits the impact to the 50-foot setback. Mr. Haight stated that revised profiles on the sheet. Mr. Haight stated it has a little more filament added in that section. Mr. Gregoire stated it is closer to grade and less of a cut section. Mr. Haight gave additional information for the stormwater attenuation. Mr. Gregoire stated an anti-dispensation structure was added along the down-slope side of each proposed driveway, one-foot wide by one-foot deep, and typically D50. It helps with velocity coming off the driveway and also it can get some sediment trapping as well. (D50 is the rock size of riprap used in erosion control. Here, 50% of the riprap is at least 6 inches in diameter, plus/minus, which in turn has the capacity to handle flow and sediments that come off the driveway.) Maintenance of this structure is in the I&M manual; it is to be inspected and maintained every six months. Mr. Gregoire illustrated it is also shown in the typical cross section. Shown on the down slope side proposing 2% cross flow across each driveway and then into the anti-dispensation structure with again one-foot wide by one-foot deep with D50 with six-inches in size.

Mr. Gregoire is also proposing stone riprap around each house. It will take the roof run off and infiltrate it into the ground the best we can. He does show a detail of that to be the standard of 24 inches wide and your typical roof overhang of 6-12 inches which is enough

for water to run off the roof and drop into the stone drippage. Mr. Haight stated there would be very little tracking here because it is coming from a paved road to a paved driveway unless in the scenario that the homeowner sands the driveway. Member Avery asked if a paved driveway is required within the plan. Mr. Haight said it should be required to pave a driveway within any wetland buffer setback area. Mr. Haight confirmed member Avery's comment that he will stress that as a requirement. Consultant Durfee stated the 25-foot no-disturbance buffer is required by the zoning ordinance and should be shown on the plan as well, marked by small permanent placards. The placards are shown on the plan but only along the driveway and not on the entire site. The placards would be placed on the tree. Mr. Haight agreed with member Avery that the average homeowner will not look at the plan to know what the restrictions are.

Member Jordan charmingly referred to a typo, which he pointed out previously on the qualifying areas, that remains to be fixed. Mr. Haight returned the charm and indicated he will fix that.

Member Jordan revisited the concept that a shared driveway is not the desire. However shared driveways have less impact, weighing the risk to Portsmouth's water quality to the potential but likely minimal inconvenience three homeowners may experience. Mr. Haight commented that he understood and stated based on the market value above Madbury's average \$530,000 median-value home, these prospects will not want a shared driveway. Some towns do not allow homeowners to share driveways because of numerous complaints to the Road Agent. Member Jordan countered with the irreversible effects and expense that potential contamination could cause. Mr. Haight replied he understood and commented that it cannot come off the existing shared driveway because the Town of Madbury only allows two. So Lot #'s 1, 2, and 3 would have to share to make it work. In this case only Lot #1 and #2 would work. The smallest location is on Lot #1. The driveway would be located on Lot #1 and shared with Lot #2.

Member Jordan stated he does not speak for any of the board but that it could become a negotiation point, considering the PFOA-contamination problems all across Southern NH. Water sources becoming very thin for large municipalities, and Seacoast growth shows no signs of slowing down any time soon. The region's limited resources are already strained. Member Avery stated he is not stating an opinion, but offered instead that a Madbury Planning Board regulation, if authorized, can be waived by the board, if necessary.

Member Jordan suggested again a single shared driveway but with a new twist. One shared driveway could be successful if a very short run is used because it would be able to hit all three lots very easily and provides a wide variety of house locations for both within the appropriate setback areas. Mr. Haight commented the strategy may create a new town

road. Member Avery stated he personally would like to read the additional information given tonight in more detail before any decisions are reached. Chair Goodnow mentioned that if this is done, the homeowners may be required to create a homeowners association. Mr. Haight pointed out that although there are many models for HOAs, they often cause more problems than they solve, and it's advisable to avoid them if possible. The planning board agreed. Member Avery said regarding the Impact Statement, Item #1, that 66% of Madbury's real estate tax is allocated to the school district. Member Avery wanted to note that the entire tax revenue does not come directly to the town. Member Hoff mentioned that under the reference plans, there appears to be a typo: there are two (2) number fours. Member Hoff suggested changing one of the fours to a five.

***Chairman Goodnow offered the floor to abutters to speak in favor.***

Bill Taylor of 242 Littleworth Road stated he had no problem with it. He is okay with the plan but was disappointed that the City of Portsmouth was not represented here. Mr. Pratt had a lot to say to the abutters after the last meeting.

Member Jordan said the board had received a letter from the City of Portsmouth with a more current set of comments. Member Jordan handed a copy to Mr. Taylor. Chair Goodnow read the letter dated today, July 20, 2022. She stated that there is a condition, which states that no approval will be granted until the final deed has been recorded with these restrictions in place. Mr. Taylor had no further questions. Mr. Taylor reiterated his disappointment that the City of Portsmouth was not here. There were no other abutters present in support.

***Chairman Goodnow offered the floor to abutters to speak in opposition.***

Andrew Losee of 16 Huckins Road indicated he has a shared driveway with Ms. Zeland. He said he is not against development in Madbury, but as his residence is right next door, there is no better forum to talk about this subdivision plan proposal.

They are as follows:

1. Did not see much about a demolition plan to the landscape, concerns about erosion and aggressive tree-cutting, and specifically access points during construction of these three (3) houses.
2. His shared driveway receives wear and tear. Can limits be placed on the access available to the construction vehicles? Can it be specified that if his driveway is damaged by construction traffic that it will be repaired by the contractors, with specifics of responsibilities included in the plan? Can it be put in the plan that access will not be allowed via his shared-access resource?



3. Identify the cut buffer showing which trees would remain and which would be removed. Have a “cut buffer” specifically stating which will be cut.  
Mr. Losee also reported a subdivision in Dover owned by the applicant, at which wetland violations had occurred due to cutting. Once land is cleared it takes a long time to restore. Will the plan show clear intent to mitigate any violation of the cut buffer?
4. The existing easement for the shared driveway may be affected by the subdivision construction or thereafter. For example, if an electrician touches an electrical box on Lot #4 then everything has to be brought up to code. Would the I&M apply to a shared driveway for this example and for such things as salt-use limitations?
5. Do we need to look at the existing culvert design? Mr. Losee stated he moved here in 2014 and was surprised to see two culverts so close together. When winter came he understood the reason. When one fills up and freezes, the water flows to the second culvert. Maybe this should be considered for the other driveways where he only sees one culvert. It is wet in a lot of places. He went on to say that what you see today may not be the same thing in three months or in the winter. Mr. Losee also wonders if the plan needs drainage analysis.
6. In Lot #2, if that culvert dams up, he believes the slope goes towards Huckins Road. He suspects if that culvert ices up, the flow could go over to Huckins Road. He believes the current watershed is working, but he’s concerned that it could be disrupted if an adequate plan is not put in place.
7. He questioned if there will be a shared electrical transformer for the three (3) new houses? The concern is the routing of that utility. If there needs to be a utility path for the transformer, should it be in the plan?
8. Does the plan state that these are single homes? Mr. Losee has an accessory dwelling. Some tenants have two cars. His has one. If these houses follow along the same path, would the driveways need more square footage to accommodate parking for accessory dwellings?
9. Do these properties need a cistern? The Abbot division few years ago was originally going to install a fire system. The builder did not want to.
10. The smell of the egg farm during the summer and at certain times of the year is an odor nuisance. Mr. Losee reviewed Ms. Zeland’s plans from Dover, which noted the noise from the Dover High School bands. The City of Dover discussed that this could be considered a noise nuisance, and should be added to the plan so potential buyers are notified before purchase. Should the nuisance of the egg-farm odor be added to the plan?
11. On Lot #3, can a well be dug in the 25-foot no-cut disturbance buffer setback? As a Madbury citizen who looks at the reservoir everyday, Article V §13 states more stringent standards may be required by the Madbury Planning Board. We need to respect the public water supply.

12. For the record, Mr. Losee stated that his first notification about this subdivision was through a letter. He was never approached about mitigating wetland crossings. He did read the draft permit to the DES. He noticed and read the bulletin that says there is no practical alternative that would reduce the adverse impact of the wet area or environments in the jurisdiction. The applicant checked that. Mr. Losee does not necessarily agree with that. This is not the first time it has been brought up, altering the ways the driveways come in. As an abutter, he knows there has never been a discussion.
13. Mr. Losee requested a site walk. This is a dynamic piece of property. The plan looks like it fits but it may look quite different on the ground, and something unexpected or new may come to light. It's worth a look on site.
14. The house on Lot #3 looks like about 4-6 feet cuts into the hillside. When the driveway becomes paved and water runs off in the winter, is that addressed or will it be a potential problem?
15. Mr. Losee is curious if the I&M plan needs to address the salt application on the shared driveway?
16. Mr. Losee is curious how an I&M plan is enforced. The reality is maintenance, and how is that enforced if the residents do not cooperate?

Member Avery explained the action needs to come from the resident. The building inspector plays a role during construction however thereafter any issue needs to be initiated and reported by a resident. The Madbury Select Board would be the enforcer, if necessary.

Member Avery asked Mr. Losee how his shared driveway works. Does he have a driveway maintenance agreement with his neighbor? Mr. Losee said their driveway maintenance agreement was created by prior owners.

Mr. Taylor commented that you can put anything on paper but enforcement becomes the issue.

Mr. Fiengenbaum gave Mr. Losee a copy of the letter from the City of Portsmouth, which references the state rules.

***Chair Goodnow opened hearing to others wishing to speak and/or written comments.***  
There were no written comments received.

Mr. Fiengenbaum states he wears several hats. He is the MCC chair, a WRB member, and handles some administrative duties dealing with the building inspector and the selectmen. Mr. Fiengenbaum asked or stated the following:

1. The impacts to the wetland by the driveway crossings could be minimized more.
2. The driveways have three (3) impervious areas going to those houses that need to be accounted for.
3. Shared driveways would reduce this impact.
4. Can someone clarify the stormwater items going in the I&M (i.e. riprap, herbicides, pesticides, and drip edges around the houses)? What are the stormwater practices that will be required of the new owners?

Mr. Fiegenbaum was disappointed in the statement provided by the wetland scientist. The rule states a wetland scientist has provided written evidence that there is no adverse impact to the wet area. The scientist had not provided a statement that there was no adverse wetland setback delineation. There are functions and values exercises that the wetland scientist could do to discover what the impacts would be. They exist but this scientist does not discuss it at all. This is a concern.

The placard "tags" will be nice around the wetland buffer. It would be an enforcement issue for the building inspector. The building inspector can enforce as the house goes in. There will be impact as they clear the lots for construction. In the past it was more than the driveway area that was tagged. Mr. Fiegenbaum asks the engineer to consider which areas to tag. It would most likely be the area of the house and lawn area. Lawns may fall into an impervious category, too. There are models of when someone has to provide a stormwater management plan based on the impervious area they are going to develop. Perhaps this will be a help to the planning board. He would like to know what stormwater management issues are being offered? For example, if someone wants to cut down a large forest area for that lot, there may be an impervious limit that then triggers a stormwater management plan like we have in the aquifer district requiring a civil engineer may need to come in and provide a plan. Mr. Fiegenbaum realizes the plan will dictate the location of the driveway crossings and will dictate length and location of the driveways. What happens if the homes are sold in one, two or five years from now? There remains an ability to increase the impervious areas of each of those driveways if the plan does not specifically require that the driveways are located where illustrated on the plan. The only thing that is there is for the buyer to have the crossing located as indicated by the plan. After that, Mr. Fiegenbaum is curious if the driveways are restricted to the location shown on the plan or not.

Member Avery asked Mr. Fiegenbaum if he was speaking to the building process or subsequently, should the buyer decide to modify their driveway. Mr. Fiegenbaum gave an example: A buyer purchases the property and knows that a wetland permit has been issued by the state for the property. From the state's perspective, the buyer can ask for permission to install another driveway wetland crossing. Mr. Fiegenbaum believes that the planning board will require adherence to the approved plan, that is the wetland crossing location for

that lot, unless someone comes back and speaks about where the crossing would be; if someone wants to put in a snaky driveway; or one in another location that is not on the plan. Is the applicant proposing that is where the driveway will be? Or is the buyer free to put the driveway in wherever he wants? Member Avery clarified that Mr. Fiegenbaum is really talking at the point of build, not ten years down the line when the buyer may want to install a circular driveway.

Mr. Fiegenbaum questions the culvert on the existing lot just after the turn off the shared driveway. He stated that Consultant Durfee often wants all things represented. So is the applicant representing that there is no culvert there or does the existing culvert need to be shown? He goes on to ask if there is an improvement that could be made to the wetlands and their function, values, and flow by putting in a culvert or taking one out?

Lastly, the plans show a shed and an addition to the existing house that are not on the tax card, for which the applicant does not have permits. They are in the City of Portsmouth's easement and in the shoreline setbacks. Mr. Fiegenbaum is curious to know when they went in and why they were not permitted.

***Chair Goodnow gave the applicant an opportunity for a Rebuttal.***

Mr. Haight of Civilworks NE responded to Mr. Fiegenbaum as follows:

1. The subdivision **cell** up by the road **(Bev: unsure if "cell" is the right word)** does not flow down to either one of the existing houses. The divide goes from south to north. Therefore, there is no need for another culvert at that location. Leach fields need to go where they need to go. House locations can go anywhere in these lots as long as they are in the upland areas outside the wetland buffers. These house locations are dictated on the plan. The question about enhancing the drainage over at the existing lot just after the turn off to the share driveway. There is no culvert there. We would not want to do that. We will not want to touch it in any way.
2. In the CUP, we are asking for specific impacts to the wetland buffers. A buyer is limited to the grading plans on the drawings. Yes, a driveway can meander here or there on the upland, but if it impacts a wetland buffer, then it cannot be allowed. The planning board takes care of that.
3. Is the function and values the most appropriate location? **(Bev: This sentence makes no sense.)** Mr. Haight stated he did not come up with it. It was thought out with both Damon Burt from Fragile Rock Environment and Luke Hurley from Gove Environment Services. They provided this solution.
4. There are no issues with the tags. They should go along the 25-foot buffer that encroaches into the lot.

Mr. Fiengenbaum, MCC chair, stated he is agreeable to tag more than the driveway but should not be the whole lot. He continued by stating there is an I&M and talked about stormwater best management practices. What are those items?

Mr. Haight said for individual house lots there is a silt fence and/or silt sock as shown on the drawings. Those are standard erosion control devices. I&M identifies all the permanent controls. There are controls done during the construction and the permanent controls are indicated in the I&M. The I&M explains what they do, what their function is, how to maintain them, and how to fix them if they break.

Mr. Fiengenbaum asked about the two structures that look like a shed and an addition to the existing house. They are in areas prohibited for construction or disturbance and they were not permitted through the building inspector. Mr. Haight apologized but had no comment.

Mr. Haight directed member Jordan to revisit the earlier conversation shared tonight by Mr. Losee, the abutter, with his experiences of having a shared driveway.

Member Jordan stated he had a shared driveway but it doesn't change the proverbial greater good. Mr. Haight does not disagree but tried to mitigate all the negatives about shared driveways upfront. A new house could be put up against a shared driveway. A new owner with setbacks will decide where to put the house as well as a septic system design.

Mr. Haight has not heard of grass being impervious.

It is a frontage-lot subdivision. No new roads are being created. Driveways, yes, but that happens in any subdivision.

Chair Goodnow closed the public hearing at 8:52 pm.

***Chair Goodnow opened the floor to the board for discussion.***

Member Avery reviewed the town's enforcement policy by the building inspector to longer term strategies. He addressed Mr. Losee's concern about the Abbott issue by stating they built it without a fire suppression system and sprinkler. The building inspector missed it. Therefore, the default was a cistern. Everyone thought it was not the preferred route.

Member Hoff said it is good include and ask the fire chief about the subdivision plan.

Member Avery revisited the question posed by Mr. Losee by stating yes, a well is allowed on Lot #3. It is a permitted use.

Consultant Durfee commented that we should go to the subdivision regulations and proceed with additional discussion, if need be.

Chair Goodnow said the following two things: 1) Have the fire chief review the site itself, and 2) have the board review the need of a site walk.

Chair Goodnow asked Mr. Haight and Ms. Zeland when they may want to come back. The docket is full on August 3, 2022, but there may be an opening.

Mr. Haight inquired about what additional items he may need for the next meeting. Consultant Durfee and Chair Goodnow stated they needed a workshop meeting. After August 3, 2022, Consultant Durfee is scheduled not to be here. Mr. Haight was concerned on the timing. He stated it had been a couple months with no review. Consultant Durfee indicated she conducts a review when asked and did not receive all the information until tonight. Member Hoff explained our "bandwidth" as volunteers. Chair Goodnow indicated we have homework to do. She asked Consultant Durfee, based on the completion of a site walk if she should be directed to set one up tonight, could she affirm she would have enough time to complete the review before the next meeting. Consultant Durfee affirmed.

Member Hoff advised to continue the meeting to August 3, 2022. If another group confirms its attendance, then an alternative date can be determined. He also suggested to write them in ink for the planning board's next meeting on September 7, 2022. Chair Goodnow will send the ZBA an inquiry and will contact the fire chief. Mr. Haight may contact the fire chief thereafter.

Consultant Durfee expressed to Mr. Haight that she will send him her review next week. A site walk is scheduled for Friday, July 21, 2022. A **Motion** was made by member Hoff to continue the public hearing at 4:30 pm on Friday, July 21, 2022, at the proposed Lots 1-3 near 14 Huckins Road. **Seconded** by member Avery. All Aye. **Motion approved.**

Consultant Durfee analyzed the expected deadline date for the application decision. The application was accepted on June 1, 2022. The end of the 65-day processing time would be August 3, 2022.

Member Avery requested that Ms. Zeland meet with Mr. Fiegenbaum, the town administrator, to discuss the property tax card.

Member Hoff welcomed Mr. Losee to the site walk. He stated it is a public meeting and the public is welcome to attend. Member Avery discussed the difference between public meetings and public hearings. Mr. Losee was concerned not all the information was

available Monday on the town's website. Member Avery expressed it is common for some information to come to the board the day of the public meeting and/or hearing. Member Jordan provided Mr. Losee with a copy of the updated plans.

Member Hoff suggested that after the site walk tomorrow for Chair Goodnow to seek an extension.

**6. New Business - Discussion of Chapter 272, HB 1661: changes to RSA 272**

Chair Goodnow asked consultant Durfee to update the board in brief about these revisions which become effective on August 23, 2022. Consultant Durfee provided printouts of RSA 676:3, which requires that findings of fact that support approval or denial of an application be explicitly stated in notices of decisions and minutes. There are a couple other land use related changes as well. They are identified in Chapter 272 /House Bill 1661. There is a webinar on August 10, 2022. Please reach out to member Avery, if interested.

**7. Old Business - updates to current applications**

Consultant Durfee shared that Tom Ballestero emailed his review today; and if need be, would be available for the planning board's meeting with Landcare on August 3, 2022. She will forward his report via email to all board members and the applicant. On another note, Tom Ballestero will not be able to do a review of 10 Lee Road until the end of August-September. This was a timing issue based on when the request was made. Member Avery stated the easement application between the town and 10 Lee Road, LLC. is completed and recorded.

**8. Meeting Adjourned** at 9:15 pm. **Motion** made by member Hoff to adjourn the meeting. **Seconded** by member Burbank. All Aye. **Motion approved.**

Respectfully submitted by Bevie Ketel