

MADBURY PLANNING BOARD

13 Town Hall Road Madbury, NH 03823

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DRAFT

OFFICIAL BUSINESS

Minutes of: August 3d, 2022

Meeting Convened: 7:00 pm

Members in Attendance:

Marcia Goodnow - Chair

Mark Avery-Ex Officio

Tom Burbank

Michael Card

Casey Jordan

Doug Hoff

Bevie Ketel

Support Staff:

Liz Durfee - AIPC - Town Planner

Meeting Attendees:

Anthony DiBerto - 101 Mill Rd. Durham

Andrew Losee - 16 Huckins Rd.

Eric Fiegenbaum - 6 Moharimet Dr.

Bill Taylor - 242 Littleworth Rd.

Jase Gregorie - Civilworks NE

Steve Haight - Civilworks NE

Zeland Schwartz - 14 Huckins Road

1. Seating of Alternates

None

2. Approval of Minutes

Chair Goodnow will review and summarize the draft minutes of July 20th, 2022. **Motion** made by member Hoff to accept the minutes as amended for July 21, 2022. **Seconded** by member Jordan. All Aye. **Motion approved.**

3. Correspondence

None

4. Inquiry about restoring Eversource power to a workshop space on the former Elliot Rose property

Anthony Diberto passed out a map of the property on which he would like to re-connect power to a prior workshop space. Mr. Diberto said that Eversource previously de-energized the workshop, and he would like power restored. He said that Eversource will not reenergize the lines already in place, and they will only supply new above ground lines. Member Burbank asked if Eversource will re-use the existing poles. Mr. Diberto said that there will be brand new poles and lines for the entire run. The existing lines come diagonally across the property, and these lines will be re-routed according to the map Mr. Diberto supplied. Chair Goodnow informed Mr. Diberto that if any use of this workshop changed from a residential use, he would need to re-visit the planning board. Member Jordan noted that the town does not have a grandfathered use policy. He added in the past we have had waivers for above ground lines. Member Avery noted that we cannot waive a requirement unless there is an application. He asked Mr. Diberto if he had considered using a generator. Mr. Diberto would like the past electric restored, as heat and lights in the winter are needed. Planner Durfee noted that there is nothing in our regulations since this is neither a site plan or a subdivision. Chair Goodnow asked how far this workshop is from the new solar panel array. Mr. Diberto noted that the workshop is several hundred yards.

Member Hoff noted that he will need an easement from his father. The easement will be a catalyst to ask for a waiver at that time. Planner Durfee asked the planning board what it is would waive, since no provision for underground lines applies to this property. Chair Goodnow asked if we could join this issue with the easement. Mr. Diberto said that he would like to apply for the easement and return to the board on September 7th. Member Avery and Planner Durfee noted the applicant should check out the past records and files to make sure there will be no issues going forward.

5. Subdivision and Conditional Use Permit Public Hearing continued from July 21st 2022: 14 Huckins Rd. (Tax Map 1, Lot 16)

Chair Goodnow read the public hearing announcement and rules. Jase Gregorie reviewed the past presentations. Chair Goodnow asked Mr. Gregorie to review the responses to planner Durfee's memo. Jase reviewed each issue and the responses. These responses included the lot size requirement, the 50' setback requirement, frontage requirements, qualifying area requirements, the change in wetland buffer impacts, the updating of an abutter, lot line setback, 25' wet area setback, pipe culvert locations, proposed driveway locations and requirements, septic design plans, well head radii locations, underground electric tails, driveway surface material, stormwater inspection and maintenance plan, and

stone line trenching plans.

Member Avery asked for clarification if the plans for lot 1 are eliminated as discussed at the site walk. Mr. Gregorie confirmed the first lot will be deleted in the plans. Chair Goodnow opened the public hearing for comments from abutters in favor at 7:30. Hearing none, Chair Goodnow opened the hearing to abutters opposed. Andrew Losee asked the board how we can we review inconsistent plans, and will there be Eversource trenching on the shared driveway, or Huckins Rd. Mr. Haight noted that Eversource decides on the location. At 7:35 Chair Goodnow closed the public comment portion of the hearing.

Chair Goodnow asked the applicant what issues would they like cleared up. Mr. Haight would like to codify the comments from Portsmouth, and have a final plan of what the board would like to see in terms of reduced salts, pesticides, and fertilizers. He would also like individual driveways, and to know what material the board would like the driveways composed of. Chair Goodnow asked Planner Durfee what significant issues she would like resolved. Planner Durfee noted that the board should think about how they would want the maintenance plan and regulations placed on these properties enforced. What would be a reasonable way to receive information from these properties. Planner Durfee also felt the board should be clear on whether the wetland scientist letter is sufficient or not. There should be guidance on if there will be a no-cut or no deforestation zone. She also noted that the board should decide on what stormwater management educational materials would be given to the future landowners.

Chair Goodnow then asked each board member what issues each would like resolved. Member Ketel felt the paved driveway issue should be decided. Member Burbank added that the square footage of the driveways seems below 15%. Member Jordan noted the importance of notifying the buyers of all the restrictions on these lots. Member Avery added that site plan details and homeowner education are important if there was ever a need for enforcement. Member Avery also felt that the drip edge feature is nice, but if the homeowner adds gutters, this feature would be not useful. Finally, Member Avery was looking for guidelines limiting tree removal. Member Jordan concurred, and added that logs could be kept to assure compliance with the stormwater management plan. He felt like adding these regulations to a homeowner package and site plan eliminates the issue of complaints in the future. Member Hoff noted that applicant Zeland has some issues to clear up before the subdivision is approved. Member Burbank suggested the educational and regulatory material be something the new homeowners sign as part of the deed.

Chair Goodnow clarified that the plan is now a 3 lot subdivision, and that the 4 lot subdivision is retracted. Mr. Haight suggested that they make a package of restrictions including salts, pesticides, and I and M. Member Burbank suggested that this be presented before the sale of the lot. Mr. Haight said they will work on the proposed language with effort to keep the document generic and specific. Member Hoff noted that some of this

should be incumbent on Portsmouth since this impacts their water supply. Member Jordan suggested that Portsmouth could monitor the water if they chose, and could take additional steps at that time.

Chair Goodnow directed the board and applicant to discuss the driveway material. Member Avery asked Mr. Haight his professional opinion on whether gravel or pavement is preferential. Mr. Haight felt pavement is the right thing to do. He added that the culvert would be matched and sized between 12" and 24" for drainage. Chair Goodnow asked whose job it is to make sure the watershed crossings are appropriate. Mr. Haight noted this is typically done by the road agent. Member Jordan noted that the top of the lot is fine, but the bottom lot line area is an issue. The concern is that there is not enough area at its narrowest point, and flooding could be an issue. The entire area in the wet season would be an issue. Member Jordan still has an issue with single driveways and suggests a shared driveway. Mr. Haight said that he is not interested in introducing a third party to this subdivision. Member Jordan noted that he is not interested in impacting water quality. Mr. Haight said that while he understands that they are impacting some wetland, they are guided by best practices. Member Jordan asked if a driveway spur from Mr. Losee's driveway would be possible. Mr. Losee was not sure that his wife would be amenable to this idea.

Chair Goodnow directed the board to what inspection and maintenance would look like for these properties. She noted that the expectations on the homeowner should be clear. Member Avery brought up the issue of enforcement. Member Hoff noted that the package would be more proactive instead of reactive. Member Burbank asked if there was an infraction, would Portsmouth have any responsibility in enforcement. Member Hoff noted that enforcement would likely fall on the shoulders of the select board. Member Avery noted the importance of adding that the select board would have the right to take a look.

Chair Goodnow directed the board to discuss Eversource trenching. It was noted that it is unlikely that Eversource would come down the driveway. She then directed the board to focus on tree cutting. Planner Durfee noted the provision in the subdivision regulations that stumps and debris. Mr. Haight said that there will be placards on trees to note where the no-cut line will be. Member Jordan noted that wetlands should not be filled in with tree debris. Mr. Haight said that they will have this noted on the site plan.

Chair Goodnow asked the board to clear up drip edge language, as we have already discussed educational material. Member Avery said that the owners should know if they decide to install gutters, they should drain into a drain well. Mr. Haight said that he will include this in the house BMP, and notes in the housing package. Chair Goodnow asked the board to focus on the extras on the existing house lot. Opening up the subdivision approval brings forward the current issues on the lot. Applicant Zeland said that she is currently

working on relocating the shed. She said she is waiting on a permit from the town. Member Hoff noted that this could be a condition of approval.

Chair Goodnow directed the board to the CUP approval, and whether the wetland scientist's letter meets the criteria in Article IX Section 8A. Planner Durfee read the section, and noted that a wetland scientist should say there is no adverse impact. Member Avery read the letter from Fraggie Rock. Mr. Haight said that they would be impacting the wetland crossing. The board noted the need for the letter to say no adverse impact. Eric Fiegenbaum added that defining the functions and values of the impact is important. Mr. Haight said that he will be able to explain this to the scientist and get that letter. Chair Goodnow asked Mr. Haight if he would be willing to extend the public hearing. He agreed to this. **Motion** made by Member Jordan to continue the public hearing to 7pm, September 7th, at Madbury Town Hall. **Seconded** by Member Card. All Aye. **Motion approved.**

6. BH 1661: changes to RSA 272

Chair Goodnow asked Planner Durfee if the Board could have an introduction to what we will need on September 7th, as we may have a new scribe, and we may have new guidelines. Consultant Durfee agreed, and said that the guidance comes out when the new law comes into effect. She noted the importance of having a template available to ensure the details of our decision are kept in the minutes. Chair Goodnow noted the importance of clear verbiage and Member Avery noted the importance of a clear decision.

7. Old and New Business

Member Avery noted an upcoming case of Philibricks Generator on route 155. The possibly of a DPW reserve fund and the absence of hearing from Landcare.

Respectfully submitted by Michael Card