



# MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

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## DRAFT

### OFFICIAL BUSINESS

**Minutes of:** February 15<sup>th</sup>, 2023

**Meeting Convened:** 7:06 pm

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

Marcia Goodnow - Chair  
Douglas Hoff - Vice Chair  
Fritz Green -Ex Officio  
Michael Card - Secretary  
Tom Burbank  
Andrew Losee

#### **Support Staff:**

Elizabeth Durfee - Contract Planner  
Daphne Chevalier - Recording Secretary

#### **Meeting Attendees:**

Eric Fiegenbaum, Town Administrator  
James Petrovitsis, 10 Lee Rd  
John Chagnon, Ambit Engineering Inc.  
Tom Ballestero, 45 Evans Road

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

No alternates to seat this evening.

Chair Goodnow reports Bevie Ketel will return as an alternate in June.

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

**Motion** by Vice Chair Hoff to accept as amended the minutes for February 1<sup>st</sup>, 2023.

**Seconded** by Member Green. **Motion passes unanimously.**

#### **3. Correspondence**

No correspondence to enter into the record this evening.

#### **4. Proposed Housing Expansion for 10 Lee Road, LLC; Tax Map 8/Lot 9 10 Lee Rd**

*Review of Conditions of Approval, April 6, 2022 and request for Final Letter of Decision*

*Sean Peters and James Petrovitsis, owners, 10 Lee Road LLC*

*John R. Chagnon, Ambit Engineering*

Chair Goodnow introduces Mr. John Chagnon and Mr. James Petrovitsis who are present to represent the applicants' compliance review. Chair Goodnow shares that she received notice from Planner Durfee in a memorandum dated 15 Feb 2023 stating conditions 1, 4, and 7 are complete and ready for Board review.

Chair Goodnow invites Mr. Chagnon to present evidence to the Board. Mr. Chagnon reviews the items on Planner Durfee's memorandum dated 15 Feb, 2023. He states a special exception was granted by the zoning board and documentation is attached to the packet to meet the first condition. There are two driveway permits: one for emergency access on Lee Road and the other is for the Madbury Road access.

Planner Durfee shares her only comment is about the condition for the fire department to submit a letter if the waiver was granted. The waiver was for the Board to grant conditional approval on the plan prior to receiving the letter not final approval. She believes it would be clearer if the plan indicated that. In reviewing the minutes from the meeting when that decision was made, she advises amending the waiver note on sheet C2 to read "At the time of approval a waiver was granted from Article VII, Section 11 of the Madbury Site Plan Review Regulations to allow the site plan to be conditionally approved prior to receive of a letter from the Fire Chief indicating his approval of the site plan." Planner Durfee recommends putting the approval numbers on the plan as well. Vice Chair Hoff expresses concern with the property information listed on the Approval for Construction of Individual Sewage Disposal System (ISDS), as the property address listed is that of Ambit Engineering rather than the 10 Lee Road property. Mr. Chagnon says the updates are in progress.

Planner Durfee recommends the Board confirm that conditions 1, 4, and 7 have been met.

Chair Goodnow acknowledges receiving the driveway and septic permits. Mr. Chagnon states the State has looked at the plans and needs to approve the well for quality and quantity. Chair Goodnow asks if the well has been drilled. Mr. Chagnon confirms the well has been drilled. The well needs to be pump tested and nineteen abutters have requested their wells be monitored during that process. The State of NH will be the one to issue the Community Well permit. He said the only other place the well could have been drilled is on the other side of the wetland, which would have significant wetland impacts. Chair Goodnow asks if the test is only completed once. Mr. Chagnon says because it's a community well, it needs to be tested monthly.

Chair Goodnow asks Mr. Ballestero to walk the Board through his report. Mr. Ballestero shares his drainage analysis. The drainage report only focuses on peak flow reduction that is seen today. He believes that while this is a redevelopment project, what exists today is a developed site that doesn't have proper stormwater management. Now is the time to get proper stormwater management by bringing the site back to what it was like as an undeveloped site rather than returning to what it is today. He says it seems Mr. Chagnon's response addresses his concerns with the computer modeling system. Regarding the maintenance plan, he recommends using low to no salt strategies for winter maintenance.

Chair Goodnow asks about the safety of that intersection and if salt would be advisable for safety. She asks to whom the Board should address that concern. Mr. Chagnon says the applicants are not going to manage that road, as it is a State road. He shares that the state has a program for property owners who agree to use low-salt options; those property owners can receive some indemnity relief for insurance claims. Mr. Ballestero says someone from the town needs to contact the DOT district office. If the well gets contaminated with chloride, the State

does have a well replacement program. Mr. Chagnon asks if they test for chlorine. Mr. Ballestero is not sure, but they are likely to look at the wellhead area and what are the likely contaminants to test for. The current well radius is not only on the highway but in the parking lot.

Mr. Ballestero shares the recommendations from his report. Mr. Chagnon redid the entire drainage analysis based on his comments and came up with a new plan. Mr. Ballestero says he will review the materials.

Mr. Ballestero says regarding volume management, it looks like the applicants are now doing infiltration, so that may have been addressed. He again states he will need to review the documents. Mr. Chagnon states on page 6, the applicants are now showing the acre feet of runoff. The amount of runoff is decreasing in all the storms. More runoff is being infiltrated. It compares what's there now to the current condition. When the applicants develop the site, the applicants will reduce the peak flow. Mr. Chagnon states the applicants are meeting the intent of the language in the ordinance. Planner Durfee says the regulation language is not extremely stringent. She reviews the language for the standards. Pre-development isn't defined as either all development or as what is there today. She would interpret it to be what is there today, not open space. She understands the desire to improve the site, but the site is already developed and the impact is being mitigated to an extent so that there is not greater stormwater impact as a result of the development. She feels the plan is meeting the general intent of the regulations.

Chair Goodnow thinks it might be good to have Mr. Ballestero speak to the Board to educate them on his stance on the ordinance, what it means, and what it means to the developers. She wants to ensure people are being treated equally, and if expectations are going to change, that those changes are clear to applicants. Mr. Ballestero reads from the State manual regarding pre-development language and why he believes the intent is prior to any development at all on the site, not just the preexisting development. The State document shapes his posture on this issue: to get closer to the undeveloped site. The New England Region has site redevelopment stormwater guidance.

Member Card shares his concerns about how to return to a predeveloped site given soils will be different even between a forest and a developed field. He asks what is the burden on the developer to fulfill this requirement. How much more would the Board be asking of the applicants in this case? Mr. Ballestero provides an example from a site in Dover where simply changing the type of pipe that was used met the requirement. He says there are simple things that could be done. Member Green asks if it would be a requirement or a request. Mr. Ballestero says it's up to the Board. Chair Goodnow says this is a topic that the Board will need to explore further if they want to make this a requirement.

Chair Goodnow asks about the detention pond recommendation. Mr. Chagnon says they've redesigned the plan to include a detention infiltration pond. The most important thing the applicants are protecting is the wetland source. There is a significant buffer area, which the applicants reviewed to ensure the area was functioning appropriately. He says the applicants can look at some other methods to provide more stormwater quality management; they're not opposed to that. Mr. Chagnon says they received Mr. Ballestero's report two days ago and put

together their response quickly to get the materials to the Board tonight. Mr. Chagnon says there is a difference with what Mr. Ballestero is requesting in his report and what the ordinance states. Mr. Ballestero says it is a recommendation.

Member Card says the applicants did a great job getting information to the Board in the timeframe they had. He'd like to hear Mr. Ballestero's thoughts after Mr. Ballestero reviews the applicants' response.

Member Green asks what Mr. Chagnon would like to see happen tonight. Mr. Chagnon says he'd like to see a timeline for Mr. Ballestero to review the documents and then give them adequate time to review the response.

Chair Goodnow asks for clarification as to what the applicants and Mr. Ballestero are going to do moving forward. Mr. Ballestero is going to digest Mr. Chagnon's response. He needs any new hydro cad models and any new storm water management facets. He can turn that around in a week. Mr. Chagnon would like a week to think about other improvements they could make. Chair Goodnow asks if the Board could have the materials by March 1<sup>st</sup>. Mr Chagnon believes they can meet that deadline, but there may be some back and forth that requires a little more time. Chair Goodnow says March 1<sup>st</sup> will be the planned deadline, with an absolute deadline of March 8<sup>th</sup> for the materials. The applicants can appear at the March 15<sup>th</sup> Board meeting.

Planner Durfee asks if the Board would like to check off any of the other conditions for which the applicants have provided evidence of conditions met. The Board moves through the conditions and determines condition 1 has been met. Regarding condition 2, the applicants should receive the only missing permit this Friday. Planner Durfee asks if the applicants can send any updated information to the Board to demonstrate that the conditions are being met. She believes it would be good to know which abutters are opting in and to include that information as part of the package. The applicant is missing the well permit. Vice Chair Hoff wants to know who was asked if they want to opt in to the well monitoring. Condition 3 is still open. This is the work that will be completed for the March 15<sup>th</sup> meeting. It would be helpful to review what is proposed and whether or not it meets what the ordinances are now, that the applicants have met the Board's requirements as written. If there are recommendations, he'd like to see what the applicants' decisions are regarding those recommendations. The 4<sup>th</sup> condition has been met. Regarding the 5<sup>th</sup> condition, the applicants are waiting for a certificate of occupancy, so this won't be met for a while. The Board determines conditions 1, 4, 6, and 7 have been completed.

All parties agree that email is the best way to communicate and Mr. Chagnon, Planner Durfee, Chair Goodnow, and Vice Chair Hoff will be copied on all email communications.

## **5. Other Business**

### **A. Housing Academy Update**

Chair Goodnow reports she and Planner Durfee had a one-on-one session with the Housing Academy folks. She says they were very helpful and wants the Board to believe they are on call should the Board need help with the master plan. Planner Durfee says they had some good ideas for how to branch out and how to ask people if they would be

interested in getting involved with the project. Molly Donovan suggested conducting informal interviews before doing a survey to test out the questions with some people in the community before sending out a survey. The next Housing Academy meeting is an in-person meeting on 22 February. Planner Durfee shares that one thing that came up was potentially putting together a flier for town offices or the town meeting. She would like to know what process the Board would like to go through for reviewing such a flier. Vice Chair Hoff thinks someone could stand up at Town Meeting during the Other Business part of Town Meeting to make a small announcement about what is being done and to invite people to participate. Planner Durfee says she can put together a draft flier that the Board could read from. Vice Chair Hoff requests something along the lines of an “elevator speech.”

**Motion** to adjourn by Member Green. **Seconded** by Member Card. **Motion passes unanimously.**

**Meeting adjourned:** 8:40 p.m.

Respectfully submitted by Daphne Chevalier.