



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

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Approved

OFFICIAL BUSINESS

Minutes of: September 6, 2023

Meeting Convened: 7:00 pm

Members in Attendance:

Marcia Goodnow - Chair

Tim Burt -Ex Officio

Tom Burbank

Michael Card - Secretary

Andrew Losee

Casey Jordan

Bill Courtemanche - Alternate

Support Staff:

Elizabeth Durfee - Contract Planner

Daphne Chevalier - Recording Secretary

Meeting Attendees:

Susan Trahan, 115 Piscataqua Br. Rd

Lisa Beaudou, 117 Piscataqua Br. Rd

Jay Trahan, 115 Piscataqua Br. Rd

Scott Boudreau, 2 Beatrice Ln, Newmarket

John Dunkle, 12 Huckins Rd

Rebecca Matthews, 40 Province Rd, Strafford

Justin Corrow, 22 Nute Rd

Peggy Wolcott, 98 Old Stage Rd

Ryan McGuire, 10 Huckins Rd

Bill Taylor, 242 Littleworth

1. Call to Order

Chair Goodnow called the meeting to order at 7:03 pm.

2. Seating of Alternates

Member Courtemanche was seated this evening in Vice Chair Hoff's absence.

Chair Goodnow informed the public that the Board is in need of another alternate member of the board.

3. Approval of Minutes

Motion by Member Burt to accept the minutes for 16 August, 2023 as amended.

Seconded by Member Card. **Motion passed unanimously.**

4. Correspondence

No correspondence was entered into the record.

5. Lot Line Adjustment Public Hearing: 115 and 117 Piscataqua Bridge Road (Tax Map 11, Lots 9 and 9B)

Applicants: Lisa J. Beaudoin Revocable Trust

Jay R. and Susan Trahan

Proposal: to adjust the lot lines between the two parcels, reducing Lot 9 by 22,333 square feet and increasing Lot 9B by the same amount

Chair Goodnow read the public hearing procedure and the official public notice. Member Jordan walked the board through the checklist of materials required for a complete application.

Motion by Member Jordan to accept the application as complete. **Seconded** by Member Courtemanche. **Motion passed unanimously.**

Chair Goodnow opened the public hearing at 7:14 pm. Scott Boudreau presented the lot line adjustment plan, stating it meets setbacks and is not creating a new lot, only transferring property from one lot to the neighboring lot. He stated the State indicated the test pit report wasn't recent enough, so he submitted two new test pits. Test pits indicate that there is a suitable location for a replacement leach field down the road. Mr. Trahan explained the lot line adjustment is to preserve the backyard on his lot in case future neighbors want to develop the neighboring property.

No members of the public rose to speak and no written comments were read.

Ms. Durfee stated state law requires all abutting municipalities be notified. Mr. Boudreau said Durham Town Planner Michael Behrendt said he didn't need to see the project because both properties have Madbury addresses. Ms. Durfee recommended Mr. Boudreau ask Mr. Behrendt to provide that information in writing to the Madbury Planning Board.

Chair Goodnow closed the public hearing at 7:25 pm.

Motion by Member Jordan to approve the application for lot line adjustment pending receipt of a letter from Durham indicating their approval, or lack of need to approve, this adjustment, as well as the map updates to correctly reflect Durham setbacks on Durham land. **Seconded** by Member Card. Member Losee asked about the gravel area on the lot just north of the shop and why that is not on the plan. Mr. Trahan said it is part of the driveway. **Motion approved unanimously.**

6. Site Plan Review Public Hearing: 10 and 12 Huckins Road (Tax Map 1, Lot 16-1 and Tax Map 1, Lot 16-2)

Applicants: Ryan John and Samantha McGuire (10 Huckins Road)

John and Jaclyn Dunkle (12 Huckins Road)

Proposal: applicants seek a waiver from Subdivision Regulation Article V, Section 17, requesting approval to install above ground utility service in accordance with the approved lot line adjustment but in lieu of the required underground installation on the approved subdivision.

Ms. Durfee read the official notices of public hearing for both Tax Map 1, Lot 16-1 and Tax Map 1, Lot 16-2. Chair Goodnow read the procedures for public hearing. Member Losee recused himself as an abutter. The applicants are seeking relief from Article V, Section 17.

Chair Goodnow opened the public hearing at 7:35 pm. She clarified the applicants are seeking a waiver from the subdivision regulation. Becky Matthews explained she was hired by the homeowners to construct the homes on the properties. She had Eversource out to review the site who, given the wet areas in the front of the lots, didn't find it feasible to install the utilities underground. Eversource instead could install one pole on one lot and two on the other lot; once past the wet areas, the utilities would be underground the rest of the way to the house. Ms. Matthews further explained that Huckins Road was recently paved; installing underground utilities from the road would require two cuts be made in the road in order to be able to install utilities. Ms. Durfee read condition #8 from the Oct 2022 notice of decision that states any future development shall have no wetland impacts. She believes there was a note on the subdivision plan to this effect and this information is in the meeting minutes. Ms. Matthews didn't see a zoning ordinance that covers this requirement for utilities underground. Ms. Durfee explained it is a subdivision requirement that is triggered when a subdivision is created. She asked about the impact to the wetlands on the property. Ms. Matthews said all she could state was what the Eversource technician said: under driveway or beside driveway is not feasible. Chair Goodnow said this seems to be the least impact to the wetlands. Member Jordan said there isn't enough information in the application to indicate the level of impact to the wetlands.

Chair Goodnow called on member of the public who wish to speak in favor of the application.

Bill Taylor, of 1 Huckins Road and 242 Littleworth Road, stated he was on the planning board when the elimination of the overhead lines in cluster divisions were implemented. He said the key word that came up was that it was for aesthetics. He stated everyone else on Huckins Road has overhead utilities.

Justin Corrow, of 22 New Road and the town building inspector, stated wetland crossings for driveways and permits were in place. It makes sense to do what Eversource is proposing, as there will be less impact on the wetlands. There was a similar situation at 8 Jenkins Road about a year ago, which was ultimately approved. You still get the aesthetics by going underground once past the wetlands.

No one spoke in opposition.

Chair Goodnow called any other member of the public who wished to speak on the issue.

Andrew Losee, of 16 Huckins Road, stated that 16 has had underground utilities since it went up in 2003 or 2004. It's a trade between what is easier. He wonders about the implementation of the concrete pipes that were to be installed, as today there are plastic pipes there instead, which doesn't seem to be following the plan. He asked if there is documentation that Eversource says the original plan is not a good idea. He asked if, with 12 Huckins Road, the utilities could go

underground at the first pole instead of the second pole. With the plan presented tonight, there is an incorrect pole shown. He asked the board to request very accurate plans. It seems that the recently dug well is where the proposed location for one of the poles is.

Ms. Matthews addressed the issue with the culvert pipes. She said it was built per the subdivision plan, the 15' cts is what was installed and what was on the plan, and the well was drilled within the proposed radius of the well on the plan. She said she would be happy to put the build locations of the utilities and wells on record once they have been built.

Chair Goodnow closed the public hearing at 7:58 pm.

Member Jordan stated he isn't outright against the waiver, but he said the Board needs to have some attestation that isn't just verbal that this is the plan which has the least impact on the wetlands. He suggested following up with the people who committed to having the utilities underground. He suggested continuing the public hearing.

Member Courtemanche isn't necessarily opposed, but he is concerned with the inconsistency of what is being proposed by Eversource and how they will work around the wetlands. He would like to see some information provided to indicate what type of mitigation would be in place with the pole mitigation.

Member Card asked about whether chemicals from the pressure treated poles go into the water supply. Building Inspector Corrow said the poles won't be placed in the wetland; they'll be used to jump the wetland, going from one side of the road to the other. No one in the meeting knew the answer to Member Card's question. There was some discussion between Mr. Corrow and Member Jordan about a previous case on Huckins Rd; Member Jordan explained there are significant differences between the two cases. The earlier case doesn't set precedence because there were commitments made for the subdivision lots in question, and these lots of record were created with specific conditions. Member Jordan stated that perhaps the process will need to be amended to include write off from Eversource.

Member Burt is concerned with the lack of documentation from Eversource on what an attempt on underground lines would look like. He is also not comfortable approving plans that have errors on it. There is no information here about how Eversource will create these poles without impacting the wetlands.

Ms. Matthews stated there is an area where 12 Huckins can go underground, and the abutter said they could go off that wire. She didn't pursue that because the plans said the wire should go down the center of the driveway. She could fulfill the underground requirement through 12 Huckins.

Ms. Durfee said if the proposed location is different from what was approved on the plans, the applicants will still need to go before the Board. She stated the town would reopen the subdivision and the applicants will need to submit a written request for the waiver. Ms. Matthews said she submitted an application and gave that to Mr. Feigenbaum.

Member Burbank asked if Eversource is concerned about water getting into underground utilities, which is why they don't want to install them underground, given the wetlands.

Chair Goodnow shared the application information that the Board received and confirmed she has what Ms. Matthews submitted. She explained that if any change to the driveway is going to happen, that needs to come back before the board. The Eversource plan doesn't indicate wetland crossings on 10 Huckins, though they are indicated on 12 Huckins.

Member Jordan stated the Board needs a letter from Eversource attesting that the method Eversource is proposing would have the least impact to the wetlands. Member Burt asked that Eversource indicate they will not be impacting the wetlands when they put the poles in.

Motion by Member Jordan to continue this public hearing to September 20th at 7pm at the Madbury Town Hall. **Seconded** by Member Card. **Motion passed unanimously.**

Member Jordan stressed that if the applicants aren't able to provide documentation by that time, to please let the Board know.

7. Other Business

- a. *Madbury Day Planning Board table:* Marcia will run the booth at Madbury Day. She asked if anyone else on the board can cover any time. Ms. Durfee will provide instructions for what to do at the table.
- b. *Board representative to the Strafford Regional Planning Commission to replace Mark Avery.* This involves one Friday a month meeting in the morning in Rochester. Chair Goodnow is not certain, but believes the meetings run from 9 am - noon. The SRPC meetings conflict with the Board of Selectmen meetings, which is why a replacement is needed. The Planning Board would like someone to step up to replace him. Chair Goodnow volunteers to cover the first meeting.
- c. *Alternate Members:* Chair Goodnow will reach out to Ms. Ketel to determine what her status as an alternate is. She also encouraged the board to reach out to neighbors who may be interested in serving as an alternate.

8. Adjournment

Motion to adjourn by Member Card. **Seconded** by Member Jordan. **Motion passed unanimously.**

Meeting adjourned: 8:38 p.m.

Respectfully submitted by Daphne Chevalier.