



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

Tel: 603 742-5131 • Fax: 603 742-2502

Approved

OFFICIAL BUSINESS

Minutes of: September 20, 2023

Meeting Convened: 7:00 pm

Members in Attendance:

Marcia Goodnow - Chair

Tim Burt -Ex Officio

Michael Card - Secretary

Andrew Losee

Casey Jordan

Bill Courtemanche - Alternate

Support Staff:

Daphne Chevalier - Recording Secretary

Meeting Attendees:

Greg Merrell, 102 Hayes Road

Jeff Jackson, Eversource Energy

Rebecca Matthews, Strafford, NH

Justin Corrow, 22 Nute Road

Ryan McGuire, 10 Huckins Road

1. Call to Order

Chair Goodnow called the meeting to order at 7:10 pm.

2. Seating of Alternates

Bill Courtemanche was seated at 7:19 pm in Vice Chair Hoff's and Member Burbank's absence.

3. Approval of Minutes

Motion by Member Burt to accept the minutes for 6 September, 2023 as amended.

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

**4. Site Plan Review Public Hearing (continued from September 6, 2023
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 Jaelyn Dunkle (12 Huckins Road)

Purpose: 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

As an abutter, Member Losee recused himself from the board.

Chair Goodnow read the procedures of the public hearing and the notice of public hearing.

Chair Goodnow opened the public hearing at 7:19pm.

Ms. Matthews explained the applicants are seeking relief from the conditions on the property for underground utilities as the impact to the wetlands to install underground utilities was

significant. Member Jordan asked if the board would be considering just the single pole. Ms. Matthews said the applicants couldn't get the abutter to sign off on an easement. Member Jordan said the two plans submitted do not align. Ms. Matthews said she will focus on just one of the applications. Member Jordan said the problem is the board needs an updated plan that shows where the poles will be placed to ensure they are sited in a location not impacting the wetlands.

Mr. McGuire, 10 Huckins Road, stated the easement on the driveway is not possible because of the member of the board who is an abutter. Member Jordan suggested they follow up with the people who sold them the property; the previous owner should have made these issues clear to the builder. Mr. McGuire said the homes are almost complete; they can't go back. Member Jordan said that though it's unpleasant and would probably include lawyers, it can happen.

Member Courtemanche pointed out that the letter received from Eversource provides the Eversource documentation the board requested, but he doesn't see the updated plans. Chair Goodnow showed the board the plans that were resubmitted. Mr. Jackson, the Eversource representative present, explained that if the utilities went underground, there would be an impact to the wetlands. Installing the poles would allow them to avoid impacting the wetlands. He said it is considerably more expensive to do underground work. The road would need to be dug up. Member Courtemanche asked how disruptive the process is to install poles. Mr. Jackson said it's usually about a two hour process to set the pole and attach the lines.

Chair Goodnow asked about the green crossed lines on the plans for new home 10. Mr. Jackson said it is what their people determined to be wetlands.

Member Jordan asked about the cost to install underground utilities. Mr. Jackson said the colloquial term used to describe the cost is \$3M a mile. To install service is one thing, but if something goes wrong with underground wires, they'd have to pull up the road again, which adds time to restoration and cost to maintenance.

Member Burt stated the board asked at the last board meeting for the new plan to indicate wetlands, which has been done as a green x on the plan. He asked why the utilities cannot be brought down the driveway as an underground utility, aside from it involving cutting up the road. Mr. Jackson said he has only recently been brought into the project and unfortunately the project designer was not able to attend this evening's meeting. The project designer is the one who would be able to speak to Member Burt's question. Member Burt asks if Mr. Jackson has had experience with underground utilities in this town or any similar town. Mr. Jackson said he has not, but he's sure there are some plans in Eversource's project history. Member Burt asked about serving above ground utilities; Mr. Jackson said most of the line will be serviceable from the driveway and roadside. Mr. Jackson explained one concern is that a pole could tilt, sink, or rise when placed on wetlands, which he has seen in formerly not wetland areas that have become wetland areas. Member Burt asked if Eversource's environmental services team would look at this plan. Mr. Jackson said as he understands it, yes, they make sure that every step that can be taken will be taken. Member Jordan asked if Mr. Jackson sees Eversource engaged earlier

in a project when underground utilities are a potential. Mr. Jackson said Eversource can only be engaged as early as they are involved by the developer.

Chair Goodnow invited members of the public to speak in favor and in opposition to the proposal. No members of the public spoke.

Chair Goodnow invited any other member of the public to speak to the proposal.

Justin Corrow, 22 Nute Road, asked Member Jordan when the site walk of the property was done. Chair Goodnow said it was the first week in December, 2022. Mr. Corrow asked if Member Jordan has seen where Eversource has put their stakes for the proposed poles; Member Jordan stated he has not. Mr. Corrow said Mr. Jackson has been doing some inspections. Mr. Jackson said at 10 Huckins, the utilities completely jump over the wetlands. At 12 Huckins, the proposed pole location is strategically placed so it doesn't impact the wetlands. There is some wetness in the area, but the culverts seem to be working fine. Mr. Corrow thinks the proposed above ground utilities are doable. Member Jordan doesn't think it's not possible, but he expected to be reviewing 10 Huckins this evening, as of the last board meeting his understanding was that 12 Huckins is no longer an issue. Mr. Jackson said it could be a condition of approval.

Andrew Losee, 16 Huckins Road, said he's hazy about the plan Eversource has presented. Mr. Jackson provided Mr. Losee with an updated pole location plan. Mr. Losee said he empathizes with the applicants, but as an abutter, he's seen what has gone on with these properties over time. He points to the June 1, 2022 minutes, where the board asked if the utilities would be underground or not and the response was that they would run along the driveway. The other concern he has is about the wetness of the property, which results in ice dams in the winter. His culvert even ices up. He wants to make sure there's enough throughput for these culverts. He points out that the culverts were revised to 18", which was captured in the minutes and the permit. His wish is that there be a solid plan and that the plan is followed. There was also a note in the minutes that the culverts should be reinforced concrete to protect the turtles. There are discrepancies on the plans, but that was brought up in the minutes and the response in the Oct 5, 2022 minutes indicates Mr. Gregoir said this was a Scribner error. Mr. Losee believes the 18" pipes are very important. He said that while placing above ground poles and hopping the road is probably not a bad approach, as someone who is keen on plans, he wants to ensure the poles go in the right places. He also stated that the original line at 16 Huckins Road went in when the subdivision requirement was in place. The plan always stated underground utilities would be required for 10 and 12 Huckins, which brought him relief as he's had issues with sharing power off his driveway.

Mr. Corrow said the plan is that the poles will jump the wetland area; then the power goes underground at least 150' to the house. He says Eversource has thought about this and doesn't want to disturb the wetland when they can just jump the wetland.

Chair Goodnow closed the public hearing at 7:52 pm.

Chair Goodnow said in looking at the conditions on the original subdivision plan, going up the driveway is not part of the listed conditions. The applicants are taking the correct remedy by seeking a waiver.

Member Courtemanche wants to know if there are any other conditions, changes, or modifications that the applicants are anticipating on the completion of the dwellings at these properties. Ms. Matthews responded they do not anticipate any further waiver requests.

Member Card said he understands what Mr. Losee is saying, but he thinks there needs to be some understanding that things change as projects move along and the board does its best. He believes the plans should match and stated it is a shame the submitted plans don't match the other plans on record. If the board could make that a condition of approval, he'd be in favor of that.

Chair Goodnow said the wetlands were the number one concern when the board reviewed the subdivision application, and it seems that the Eversource plan would have less of an impact on the wetlands. Member Jordan said the issue isn't that it's not possible to put the lines underground; it's just more expensive. Chair Goodnow said the driveway would cross the wetland. If the understanding is the utilities would follow the driveway, Eversource is vetoing that and saying that's a bad plan. Member Jordan said they probably built the driveway before considering this. He feels comfortable opining on 10 Huckins, but he doesn't have a solid idea of where the poles will be set at 12 Huckins, which has the much bigger wetland area.

Ms. Matthews said Eversource was there before the driveway was put in. Chair Goodnow said one of the conditions was the placement of the driveway; any changes to the placement of the driveway would require a waiver.

Member Courtemanche asked if Eversource was out there before construction of the building. Ms. Matthews explained she had to do a wetlands crossing first. They did the wetlands crossing and then people could step on the lot. Member Courtemanche asked if this was before construction of the buildings began. Ms. Matthews said yes. Member Courtemanche asked if Ms. Matthews knew that going overhead was the preferred course of action before this came before the board. Ms. Matthews stated not necessarily; many times the driveway is installed separately from the utilities. Even with that, she said the applicants have to go with Eversource's recommendation. She can't go with something that Eversource doesn't approve.

Ms. Matthews stated the abutter will be receiving a cease and desist order tomorrow as it's becoming an uncomfortable situation. There is concern that the member of the board has been going on the property, and as he recuses himself from the board for these public hearings, he is not entitled to be on the property. Chair Goodnow said that member of the board now knows and understands that he is not allowed on the property.

Member Burt said after reviewing the conditions, condition #8 states there should be no additional wetland impact. Member Burt believes the waiver request for 10 Huckins Road meets that condition. Ms. Matthews asked if it makes sense to provide as built plans. Chair Goodnow

said if it is made a condition, the board will need those plans asap. Member Burt pointed out that the Eversource letter speaks specifically 10 Huckins Road.

Chair Goodnow pointed out that both properties were noticed separately, so the board could vote on one and not the other. They do not need to be severed as they were submitted and noticed separately. Member Jordan said he doesn't feel comfortable voting to approve 12 Huckins without an updated plan. The building plan doesn't delineate where the poles will be placed.

Motion by Member Jordan to approve the waiver for 10 Huckins Road of subdivision regulation Article V, Section 17 for underground utilities. This waiver allows the use of overhead utilities as shown in Eversource's plan dated 9.7.2023. **Seconded** by Member Card. **Motion passed unanimously.**

Chair Goodnow explained that the plans submitted for 12 Huckins Road are not legal, as the applicant doesn't have permission from the surveyor of the original plans to submit them. Ms. Matthews said the board just used those same plans to approve the waiver for 10 Huckins. Chair Goodnow stated there are two problems: the plan doesn't match the pole designations of the description from Eversource of what will happen on 12 Huckins and since the Board has brought up the use of the plan, it is not a legal submission. Ms. Matthews said identifying locations on the plans would not be a big ask. They're following suit with what was done with 10 Huckins. Member Jordan clarified that there is not enough documentation to approve 12 Huckins. There is no letter from Eversource speaking to 12 Huckins Road. Member Jordan explained he's trying to make sure the approval and installation are done correctly so the applicants don't get sued by the City of Portsmouth, as that area feeds the water supply for the City of Portsmouth. Member Jordan said the board is asking for an updated plan that is accurate to what is being proposed.

Mr. Jackson said as he understood it, 12 Huckins was already a sorted matter. If he were to draft a letter, it would be virtually the same as it is for 10 Huckins. He said changes to the design may be made through the process.

The board briefly discussed what their options are for moving forward. Member Card said if the plans are accurate and depict the pole placement, what else is there to complain about. If Ms. Matthews' plan reflected Eversource's plan and Eversource would say the same thing, it seems the board has what it needs to proceed. Member Burt said the biggest discrepancy is the poles on the plans show a completely different trajectory than what is shown on Eversource's plans. Ms. Matthews said she could have the engineer draw the poles on the plans.

Member Courtemanche said the plans are required as part of the application. He asked if the application gets recorded. Chair Goodnow said the elements are reflected in the minutes, but short of a list of conditions, nothing is submitted to the registrar. The conditions would be spelled out, and the project wouldn't be considered complete until those conditions are met.

Motion by Member Burt to grant a waiver of subdivision regulation Article V, Section 17 for underground utilities for 12 Huckins Road to allow the use of overhead utilities as shown

according to the PSNH Pole Location Plan dated 7.27.23, and that the site plan submitted with the application be disregarded. **Seconded** by Member Card.

Member Card asked if it is ok to grant a waiver without the site plan. Chair Goodnow said the applicant is correct that the board made a decision on 10 Huckins using the same site plan, so it would be disingenuous to reject the application for 12 Huckins based on those same plans. Member Jordan said the board should make an update a condition of approval.

Member Burt withdrew his previous motion.

Motion by Member Burt to grant a waiver of subdivision regulation Article V, Section 17 for underground utilities for 12 Huckins Road to allow the use of overhead utilities as shown according to the PSNH Pole Location Plan dated 7.27.23 with the condition that a site plan be submitted showing accurate placement of the poles. **Seconded** by Member Card. **Motion passed 4-0-1 (member Jordan abstained).**

Member Losee rejoined the Board.

5. Other Business

- a. **Madbury Day** - Chair Goodnow thanked Members Jordan and Burt for coming to help her at Madbury Day. She stated Ms. Durfee reported she has received over 100 survey responses so far.
- b. **Review of current forms: language, fees, and clarity of instructions** - Chair Goodnow postponed discussion on this item and stated the board needs to discuss changing fees and clarity of instructions.
- c. **Discussion of Planning Board contributions to an official Madbury town website** - The selectmen are talking about an official town website. Mr. Green's information is dated. Member Burt said the select board is still waiting for input from all the town's boards. He doesn't think the right way to go is to simply copy information over from Mr. Green's website, as they are not sure what information they want to keep and what to leave behind. Chair Goodnow said the historical information contained on Mr. Green's website is valuable, as it includes not just minutes but applications as well. Member Burt said the planning board needs to go through the website and determine what they want to keep and what they don't want to keep. Member Burt asked why there are still errors on that page - why they aren't being fixed. Chair Goodnow explained it is a lot of work to maintain a website. Member Burt explained maintenance of the new website wouldn't involve building the site but uploading documents as needed. Member Jordan said the archival information on Mr. Green's website is invaluable, and he goes there frequently to review older documents. He stated it could be helpful to have a flow chart for the public to help identify what application is required.

6. Adjournment

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

Meeting adjourned: 8:56 p.m.

Respectfully submitted by Daphne Chevalier.