

# Memorandum

TO: Members of the Planning Board  
FROM: Liz Durfee, AICP, Planner  
Date: July 27, 2021

Type of Review:	Site Plan Review
Property Owner:	Robert Diberto & Rose Realty
Agent:	Kenneth A. Berry & Christopher R. Berry, Berry Surveying and Engineering
Property Address:	326 Knox Marsh Road
Map and Lot #:	Map 8 Lot 1G
Zoning District:	General Residential and Agricultural District
Overlay:	Aquifer and Wellhead Protection Overlay District Wet Areas Conservation Overlay
Waivers Requested:	None
Additional Applications:	Site Plan Review, Conditional Use Permit*

## Summary

A Site Plan Review application was submitted for Map 8 Lot 1G, which is located on the south side of Knox Marsh Road adjacent to Elliot Rose Drive. There is an existing home on the lot. The applicant proposed to subdivide the existing 4.4 acre lot into two lots of 80,131 square feet and 113,277 square feet. This memo is a review of the plan titled "Subdivision & Site Plan Land of Robert Diberto 326 Knox Marsh Road, Madbury, N.H. Tax Map 8, Lot 1G" dated July 12, 2021.

The lot is in the General Residential and Agricultural District, Aquifer and Wellhead Protection Overlay District, and Wet Areas Conservation Overlay\*. The proposed use is not a prohibited or conditional use in the Aquifer and Wellhead Protection Overlay District.

\*If the wetland is an isolated wetland under 3,000 square feet it is exempt from the Wet Areas Conservation Overlay.

## Planner's Review

Proposed Use: The proposed use is a telecommunications facility. This is not a permitted use in the district and a variance has been requested.

### Lot Size, Setbacks, and Frontage:

The lot meets the dimensional standards of the General Residential and Agricultural District with the exception of the frontage requirement on a public road. A variance has been requested as the Town defines frontage as being on a public road.

Pertinent state law: Per NH RSA 674:41 building permits shall not be issued for erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

- (a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or
- (b) Corresponds in its location and lines with:
  - (1) A street shown on the official map; or
  - (2) A street on a subdivision plat approved by the planning board; or...

**Waivers Requested:**

None

**Required Exhibits:**

**Site Plan Review Standards:**

Off-Site Impacts

The rain garden should not discharge to a location at the edge of the lot.

Landscaping

Seven shade trees are proposed around the building site. The area will be reseeded after construction. A rain garden is proposed to manage stormwater runoff.

Parking:

Two 9x18' spaces are proposed. The standard is 9x19'

Loading:

N/A

Erosion and Sediment Control:

Applicant has proposed several types of possible erosion and sediment control and stormwater management measures and discusses different options in the Drainage Analysis & Erosion and Sediment Control Plan and should confirm which systems are proposed at the site. BMPs are proposed during construction.

Stormwater Runoff:

Applicant has demonstrated that the peak discharge rate to the wetland will not increase post-development. Stormwater will be managed with a rain garden. The raingarden should not discharge to the edge of the lot. Applicant will submit annual inspection and maintenance report.

Nuisances:

N/A

Highway Access:

Access to public highway that meets the standards set forth in the Madbury Subdivision Regulations is not provided. The applicant should request a waiver from the Planning Board.

Water and Sewage:

No water and sewage is proposed.

Utilities:

Proposed underground utility line. Confirm that this is permitted by the easement for Elliot Rose Drive access.

Emergency Services:

Written approval from the Fire Chief is required prior to approval. Police Chief should also sign off on plan to access the site and determine if a Knox Box is needed.

Hazardous Materials:

Applicant should confirm that hazardous materials will not be stored onsite.

**Planner's Comments:**

- Planner conducted a limited review of stormwater and erosion control and site engineering. Planning Board should determine whether third party (engineer's) review is warranted.
- Planning Board should review plan notes 18 and 19 on sheet 7 and amend accordingly if no letter of credit is requested and/or no third party engineering review is requested.
- Proposed snow storage location and lighting should be added to plan
- Clarify the purpose of the long awning on the south side of the building.

Please refer to suggested conditions of approval included in the Subdivision Application memo.