

Memorandum

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

Type of Review:	Minor Subdivision
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 minor subdivision 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*.

*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:

Subdivision Standards:

Driveway Access:

N/A

Driveway Visibility:

N/A

Shared Driveways:

N/A

Stumps & Debris:

N/A

Continuation of Streets:

N/A

Setback from Existing Roads:

N/A

Access to Public Use Areas:

N/A

Required Off-Site Improvements:

N/A

Hazards:

N/A

Common Use Areas:

N/A

Street Names:

Address and street name should be confirmed with E-911.

Septic Systems and Water Supply:

Test pits must be witnessed per Subdivision Regulations Article III Section 5.

More Stringent Standards:

Proof of Compliance:

An existing easement over a portion of Elliot Rose Drive and a water line are shown on the plan. Applicant proposes to execute another easement over an additional portion of Elliot Rose Drive. Copies of existing easements have not been provided. Language for proposed easement has not been provided.

Were test pits observed?

Land Use Limitations:

N/A

Community Septic Systems:

N/A

Utility Installations:

A proposed underground utility line will run from Knox Marsh Road/NH RT 155 along Elliot Rose Drive, a private road. If the existing access easement on Elliot Rose Drive does not permit this, a new easement should be executed.

Stormwater Runoff:

Rain garden discharge is located right at the edge of the lot. Stormwater runoff should be contained on the lot. Per Article V Section 18, post-development run off peak rate of discharge at the perimeter of the subdivided property shall not be permitted to exceed the pre-development rate. Refer to Site Plan Review Memo for additional comments on stormwater.

Additional Conditions:

See suggested conditions below pertaining to easements.

NHDES subdivision approval is required.

Suggested Conditions of Approval for Planning Board to Consider:

Prior to consideration of approval:

- Provide copies of all existing easements for the Board to review. Easements must allow for the proposed uses (additional driveway, utility line, building, and theoretical septic and well if they infringe on the water line) or an amended or additional easement would be needed. It is recommended that the Town's attorney review the easements.
- Provide copy of new easement for access on an additional portion of Elliot Road Drive. This should be executed with all parties with an interest in Elliot Rose Drive.
- Address (street name and number) needs to be approved.

- Provide copy of maintenance agreement for road.
- Provide acknowledgement that the Town is not responsible for road maintenance.
- Plans must be stamped by the wetland scientist(s).
- Add a printed name below the signatures on the application (for the Town's records).
- Written approval from the Fire Department that access to the lot is sufficient.
- Confirm/correct Plan Note 13 on Sheet 4 on impervious surfaces. It does not appear that 18% of the lot is impervious.

Conditions of approval:

- A variance is required for a commercial use in the agricultural residential district.
- A variance is required for a driveway on a private road.
- Add the water line easement to Sheet 4.
- Add the following notes to the plan:
 - An additional easement has been executed to extend access along Elliot Road Drive to Tax Map 8 Lot 1G-1 (Add Book and Page) (prior to approval) – suggest adding to Plan Note 12 on Sheet 4.
- Elliot Rose is an existing private road. The design of the road has not been verified to be in conformance with the Town's road design standards. (This should be added if the Planning Board and/or Fire Chief does not require that Elliot Rose Drive it is built up to Town standards).