

Memorandum

To: Members of the Planning Board
From: Liz Durfee, AICP, Planner
Date: September 13, 2021

Type of Review: Amended Site Plan

Property Owner: Coldstream Properties, LLC
Applicant/Agent: Sarah Greenshields
Property Address: 314 Route 108
Map and Lot #: Map 10 Lot 7
Zoning District: General Residential and Agricultural District
Overlay: Aquifer Protection Overlay District
Waivers Requested: Multiple, see below

Summary

The applicant proposes to amend an approved site plan for a childcare facility known as Little Tree Education. The site is located on NH Route 108 at the Dover border. A portion of the lot is located in Dover. Both the lot size and exiting use are non-conforming. The proposal includes construction of a remodeled and replacement deck, addition of an ADA ramp, and conversion of the existing office into a classroom. Non-essential office staff will be relocated to an off-site location. The enrollment will increase by 12-14 children. The applicant anticipates that traffic to and from the site will decrease because 12 staff members will no longer work onsite but only 8 new families will be enrolled. The applicant is currently licensed for 75 children and proposes to increase the license to 85-80 children.

On October 3, 2012, the Planning Board conditionally approved a site plan for a change of pre-existing non-conforming use to a preschool and day care. The approved site plan is for 50 children ages 0-3 and 12 employees with 10 adults in after hours for events. Conditions included additional lighting in the parking area and revisions to landscape plan to provide additional screening around parking spaces. The minutes indicate that the hours of operation were 7am-6pm with extended hours 6pm-8pm and weekends 9am-4pm on a limited basis.

On November 4, 2015, the Planning Board approved a Site Plan for an expansion of the pre-existing non-conforming use as a preschool and day care. The 16 x 40 foot expansion was to add an office addition to the building with 2 stories including a garage/storage and offices. The expansion was an increase in office space not number of children. According to minutes from the November 4, 2015 joint Planning Board and ZBA hearing, there are 30 parking spaces and previous numbers were not accurate.

There is a public water supply well located on the lot that serves the business (ID#1458010).

A portion of the lot is located in Dover and therefore the City of Dover will be notified per NH RSA 674:53 of the application for an amended site plan.

The lot is located within the Aquifer and Wellhead Protection Overlay District.

Planner's Review

The following were reviewed:

- Amended Site Plan with Deck Remodel & Addition Prepared by Sarah Greenshields, August 19, 2021. This is based on the Plan of Land prepared for Coldstream Properties, LLC dated September 6, 2016.
- Application for Site Plan Review
- Site Plan Application Waiver Request & Additional Information
- Site Plan and Proposed Addition at Land of Madbury Associates, Route 108, Madbury, NH Dated October 2, 1985
- Little Tree Education Building Layout
- Deck & Office Layout

Lot Size, Setbacks, and Frontage:

Map 10 Lot 7 is an existing nonconforming lot of 1.7 acres in Madbury. The lot has approximately 249 feet of frontage on NH Route 108. The setbacks (required 50 foot front and 15 foot side and rear) are not shown on the site plan. According to minutes, engineering drawings were waived in 2012 and 2015.

Per Zoning Ordinance Article XII Section 3(A), a Special Exception by the Zoning Board of Adjustment is required for "expansion of a structure which intensifies its use on a nonconforming lot." "Intensification" is defined in this section as "any use that increases the demand on the designed septic system or that increases interior living spaces a) by more than ten (10) percent of the original structure or b) to more than 1,152 square feet total, whichever is greater.

- The capacity of the septic system needs to be confirmed in order for the Planning Board to determine whether or not a Special Exception is needed for the non-conforming lot size.

Use:

The existing use is a childcare facility. This is an existing non-conforming use in the General Residential and Agricultural District.

Per Zoning Ordinance Article XII Section 1(C), a Special Exception by the Board of Adjustment is required to enlarge or change a non-conforming use. "Enlarge" or "Change" are not defined in this section.

- The Planning Board should make a determination on whether the proposed site plan amendments constitute an "enlargement" or "change".

The applicant should provide copy of NH DHHS license/permit for childcare for the file.

Overlay District:

The lot is located within the Aquifer and Wellhead Protection Overlay District ([Zoning Ordinance Article IX-A](#)). Per Section 4(B) of this article, additions and modifications to a site or structure, and development requiring subdivision plan, or site plan approval, or building permits are subject to the site design and development requirements and performance standards (Section 7) of the article.

- Are there underground storage facilities, regulated substances in a container of 5 gallons or more, outdoor storage of regulated substances, inactive wells on the property?
- Is the area of impervious surfaces 15% or greater than the area of the lot?

Per Section 6, the sanitary wellhead protective radii must be maintained in its natural state as required by NHDES. The Town does not enforce the state's regulations but does review compliance with other laws.

- Is the current well in compliance with NHDES rules? Is the well at least 50 feet from the edge of driveways and parking areas to minimize contamination from de-icing salts (Env-Dw 406.12)? If not, are there measures in place that have been approved by NHDES to minimize the impacts of salts on the water supply?

Waivers Requested:

The applicant has requested a waiver of technical requirements of the submitted plans. This should be clarified during the application review and the applicant and Planning Board should identify specifically which waivers are requested. It appears that Submission Requirements were previously waived and that no engineering plans have been submitted in the past.

The applicant may also need to request a waiver from specific standards of Article VII.

Site Plan Review Article VII Standards

Section 1. Off-Site Impacts

The applicant has provided information that indicates that the vehicular traffic to the site will be reduced under the proposed change.

With regard to potential increase in noise: Are outdoor spaces currently used for childcare? Will there be any difference in the number of children or duration of time children are outside? Have there been any previous complaints from neighbors about noise? Is there any buffer (fencing or landscape) to minimize any potential noise that travels off site?

No information is known about surface water drainage.

Section 2. Landscaping

There are no proposed changes to the existing landscaping. Previously, landscaping plans were reviewed. Planner has not reviewed the existing landscaping.

Section 3. Parking

There are no proposed changes to the existing parking.

Section 4. Loading

No information provided.

Section 5. Erosion and Sediment Control

Even for a small project, erosion and sediment control measures should be in place during construction, particularly with the heavy rainfall and proximity of the well. Silt fence, silt sock, straw bale or similar erosion control barriers may be appropriate, depending on the topography. Disturbed soil should be stabilized.

Section 6. Stormwater Runoff

Low Impact Development is encouraged to reduce stormwater runoff for both new development and redevelopment. Where does stormwater flow on the site? Are there stormwater runoff control measures in place? If not, is there an opportunity to improve stormwater management?

Depending on what information is provided by the applicant during the Planning Board's review, a waiver may be required.

If the area of impervious surfaces is 15% or greater of the area of the lot, a Stormwater Management Plan is required under the performance standards of the Aquifer and Wellhead Protection Overlay District.

Section 7. Nuisances

Is any change to exterior lighting proposed?

Section 8. Highway Access

Confirm existing NHDOT driveway permit.

Section 9. Water and Sewage

The applicant has not provided information about water and sewage.

What is the design capacity of the existing septic system?

Are there any capacity limitations of the approved public water supply permit?

Section 10. Utilities

Are there any underground utilities?

Section 11. Emergency Services

In 2012, the Fire Chief reviewed the proposed day care site.

Development of Regional Impact:

- To be determined by Planning Board.