

BERRY SURVEYING & ENGINEERING

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Town of Madbury Planning Board
13 Town Hall
Madbury, NH 03823

September 19, 2022

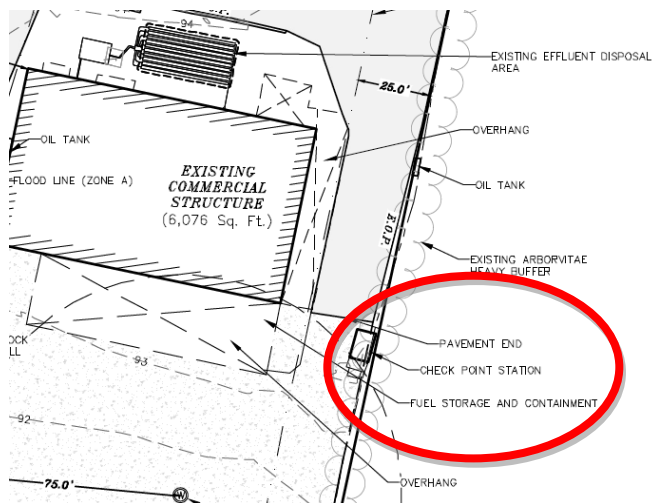
RE: Planning Board Response
LandCare Associates
282 & 284 Knox Marsh Road
Madbury, NH
Tax Map 9, Lots 3 & 4

Town of Madbury Planning Board,

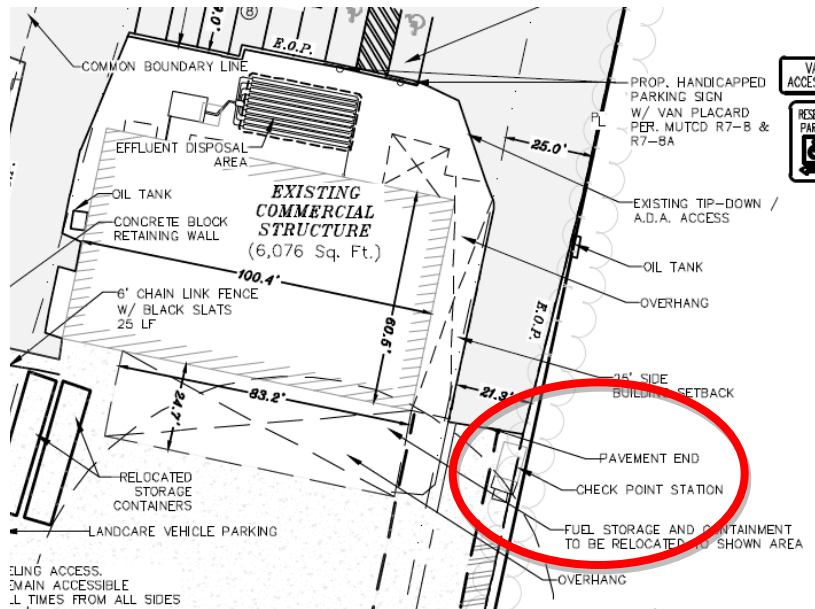
Based upon the memorandum received by Liz Durfee, AICP, dated September 14, 2022, Berry Surveying & Engineering (BS&E) offers the following responses and discussion in **bold**:

Lot Size, Setbacks, and Frontage:

- A safety review and appropriate permits for the shed and all utilities shall be obtained through the Madbury Building Inspector and Fire Department. This shed should be clearly labeled on the existing and proposed plan sheets.
Enclosed is the location of the requested information for both sheets.



Existing Conditions Plan, Sheet #2 – Included in 8-29-22 submission



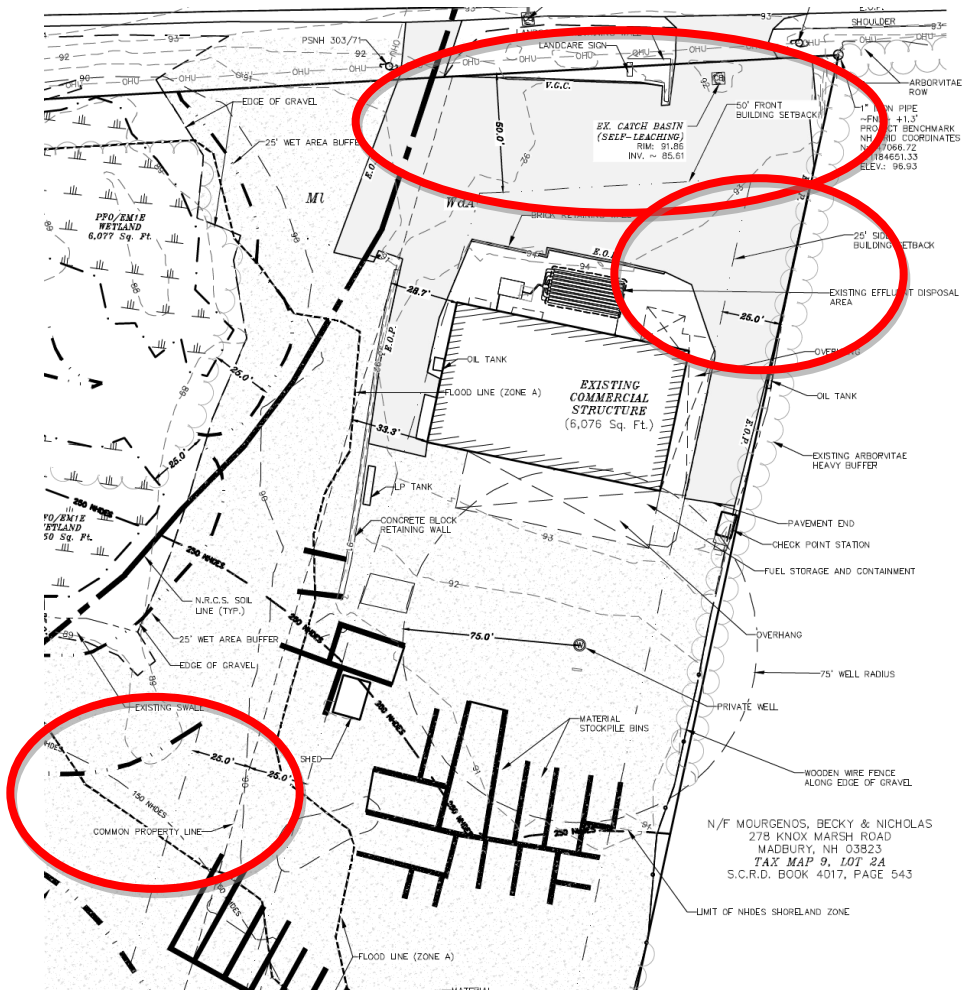
Site Plan, Sheet #6 – Included in 8-29-22 submission.

- The Zoning Ordinance states that the minimum frontage requirement is 25 feet, however this is assumed to be a typo as the side setback requirement is 25 feet. It is assumed that the requirement is 125 feet. The Board should confirm this. It does not appear that Lot 3 has 125 of frontage. The frontage and setbacks need to be shown on both lots.

All applicable building setbacks are shown on both lots. Enclosed is the location of the requested information for both sheets.



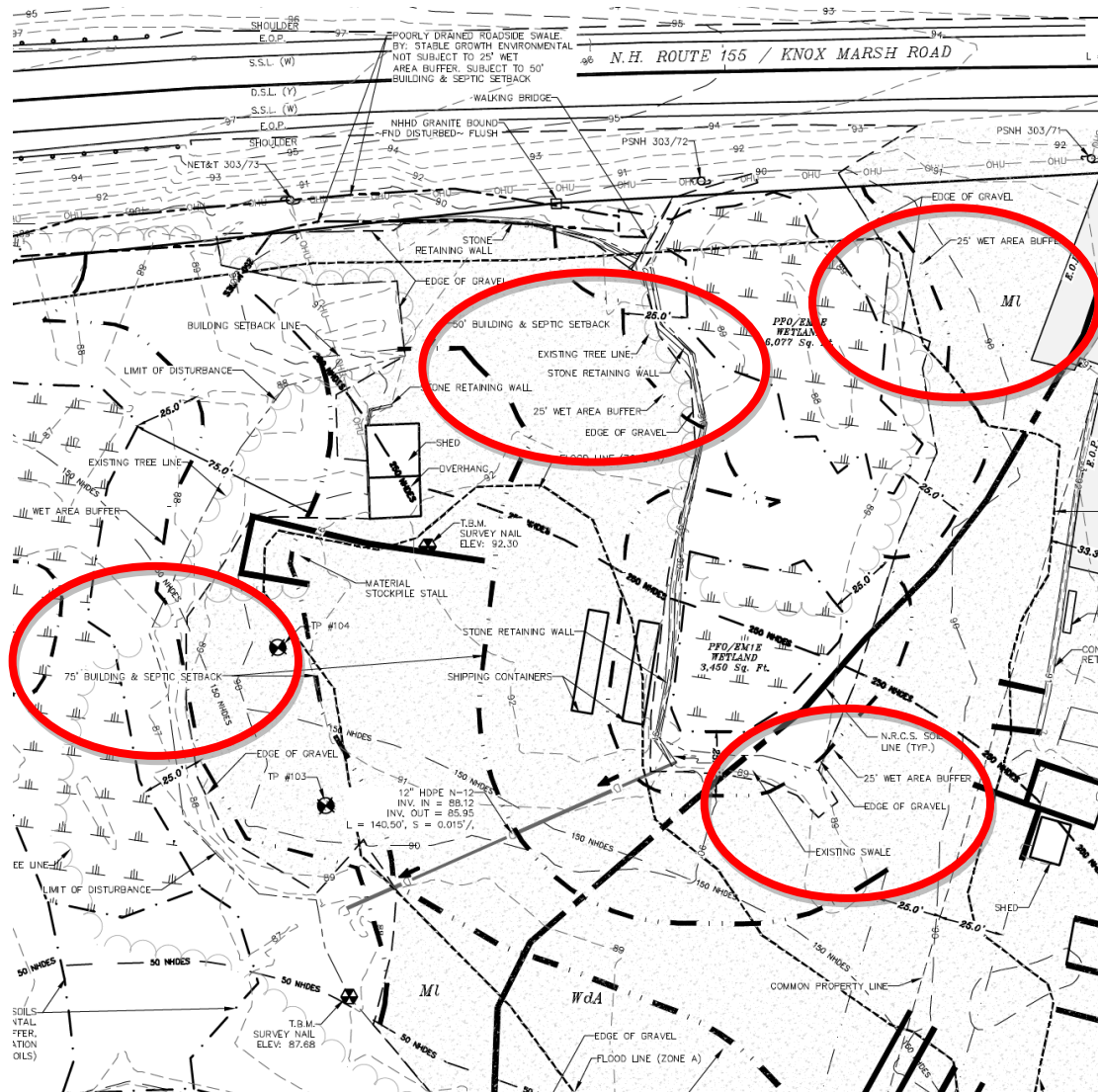
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Existing Conditions Plan, Sheet #2 – Included in 8-29-22 submission



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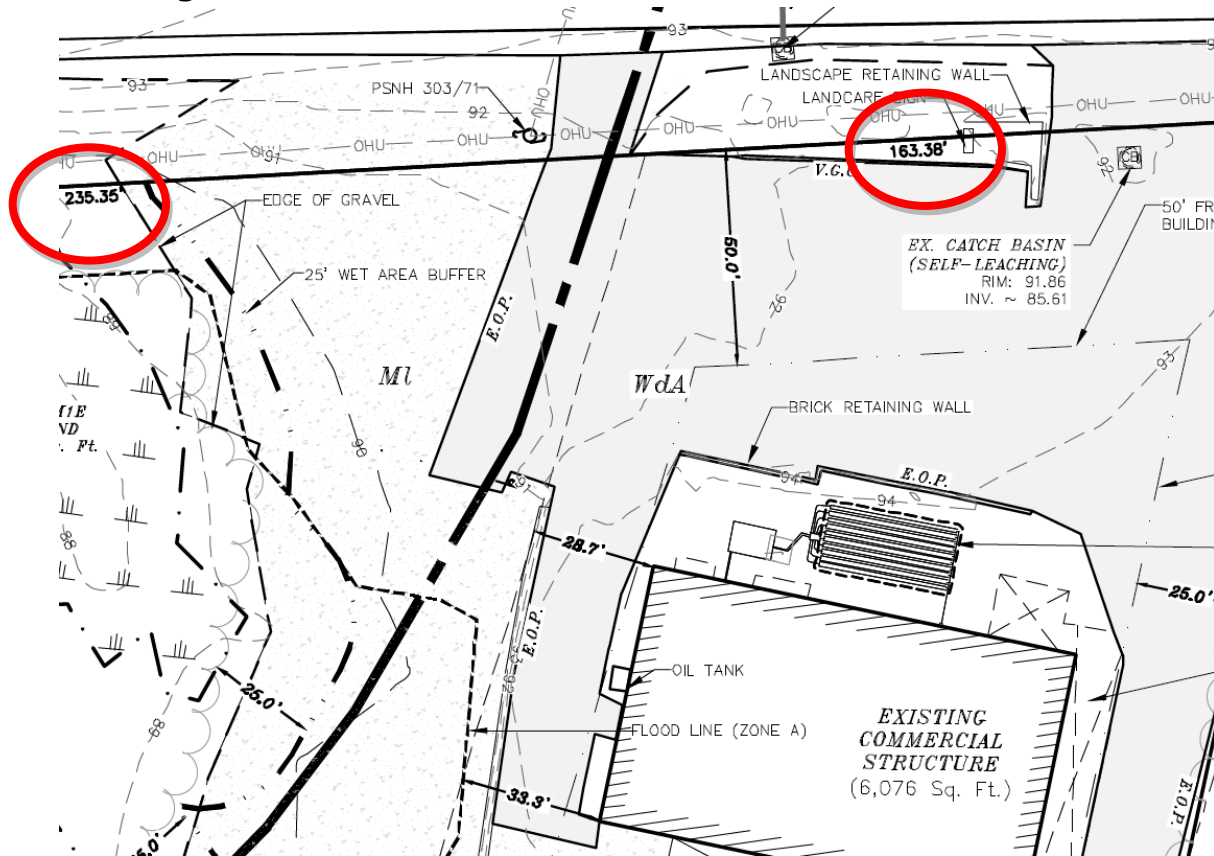


Existing Conditions Plan, Sheet #2 – Included in 8-29-22 submission



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The frontage for both lots has been added to the revised Existing Conditions Plan, per plan reference #2. Minimum frontage requirement is met with 163.38' for Lot 3. Both Lot 3 and 4 have greater than 125' frontage.



Revised Existing Conditions Plan, Sheet #2 – Included in 9-19-22 revision. Frontage call outs for the remainder of Lot 4’s frontage not shown in screenshot.

Proposed Use:

- According to the narrative/cover letter submitted April 26, 2022, and information in the plan set, there are two offices within the existing building that are leased to third parties: one is for landscaping/lawncare business and one is for guitar repair business. The Town’s files contain no record for these businesses. These types of uses are permitted uses within the Commercial and Light Industrial District.

This is the purpose of including these additional businesses in this application.



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Note 32 on Sheet 7 of the plan set includes the nature and hours of these businesses:

- Allegro Lawn Corporation, operating M-F 6am-6pm, Sat-Sun 7am-3pm, with 30 employees, 15 of which leave the site each day after loading materials.
- Guitar repair service shop, operating 3pm-12am, with 3 employees.

This note has been referenced incorrectly from the 8-29-22 submission. LandCare Associates consists of 30 employees. This note states that Allegro Lawn Corroboration and a small guitar repair shop each have 3 employees. The following screenshot is the note from the prior Site Plan. While reviewer is correct to note that the hours have changed from prior submission, there are not 63 employees on Site as referenced in Section 3. Parking. There would be a total of 36 at different times of day.

32.) LANDCARE IS A WHOLESALE AND RETAIL DISTRIBUTOR OF LANDSCAPE PRODUCTS. THE HOURS OF OPERATION ARE M-F 6A.M.-4:30P.M. SATURDAY AND SUNDAY 7A.M.- 3P.M. DURING THE WINTER MONTHS NOVEMBER 1 TO APRIL 15TH, DURING SNOW STORMS THE APPLICANT LOADS AND SELLS SALT PRODUCTS FROM 4A.M.-6P.M. THERE ARE 30 EMPLOYEES THAT UTILIZE THIS SITE FOR THIS BUSINESS. 15 OF WHICH COME TO THE SITE AND ENTER A COMPANY VEHICLE AND THEN LEAVE THE SITE ON A DAILY BASIS.

ALLEGRO LAWN CORROBORATION LEASES SPACE ON THE SUBJECT PARCEL TO OPERATE AND STORE MATERIALS. THE HOURS OF OPERATION ARE M-F 6A.M.-6P.M. SATURDAY AND SUNDAY 7A.M.- 3P.M.. THE OWNER MAINTAINS 3 EMPLOYEES WHICH COME TO THE SITE TO LOAD MATERIALS AND THEN LEAVE FOR THE DAY.

A SMALL GUITAR REPAIR SERVICE SHOP IS LOCATED WITHIN AND IS LEASED FROM THE OWNERS BUILDING. THE HOURS OF OPERATION ARE 3P.M.-12A.M THERE ARE 3 EMPLOYEES FOR THIS BUSINESS THAT WORK INSIDE THE STRUCTURE AFTER NORMAL BUSINESS HOURS OF THE LANDCARE BUSINESS.

Note #32, Sheet #6 – Included in 8-29-22 submission

The following screen shot is the revised note #32, Sheet #6 – Included in 9-19-22 revision. This includes corrected hours of operation for LandCare Associates. This note has also been revised to include a more generalized description of the additional businesses uses, as was previously recommended by the Planning Board.



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A LAWN CARE SERVICE LEASES SPACE ON THE SUBJECT PARCEL TO OPERATE AND STORE MATERIALS. THE HOURS OF OPERATION ARE M–F 6A.M.–6P.M. SATURDAY AND SUNDAY 7A.M.– 3P.M. THE OWNER MAINTAINS 3 EMPLOYEES WHICH COME TO THE SITE TO LOAD MATERIALS AND THEN LEAVE FOR THE DAY.

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Overlay Districts

- In addition to the CUP criteria of Article IX-A and XXI, the applicant must meet the criteria of Article IV Section 9 of the Zoning Ordinance.
The explanation for meeting this criterion has been provided within the previous submission. This criteria can be found in the Conditional Use Permit Request narrative, starting at the bottom of page #3 and ending on page #6.
- The applicant has received two Variances approvals from the Zoning Board for the following:
 - Article IX, Section 4.B.3 for the alteration of the surface configuration of the land within the Wet Area buffer
 - Condition of approval: (1) The Subsurface Gravel Wetland Design is subject to approval by the Madbury Planning Board, incorporating suggestions from the third-party review by Tom Ballestero, dated July 20, 2022, as presented to the Madbury Zoning Board.
Applicant has incorporated the suggestions from Mr. Ballestero’s July 20, 2022 report.
 - Article X, Section 4.B.3 for the alteration of the surface configuration of the land within the Shoreland buffer
 - Conditions of approval: (1) The Subsurface Gravel Wetland Design is subject to approval by the Madbury Planning Board, incorporating suggestions from the third-party review by Tom



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Ballestero, dated July 20, 2022, as presented to the Madbury Zoning Board (2) Applicants shall obtain all applicable permits **Applicant has incorporated the suggestions from Mr. Ballestero's July 20, 2022 report. Applicant has submitted for NHDES Shoreland permit as well as the NHDOT permit.**

- ****Note:** Planner has recommended that the Planning Board seek guidance from legal counsel on the specifics of what was approved by the ZBA. The variance application form to the ZBA did not reference Article IX, Section 5(A) which pertains to the no disturbance buffer and is a separate provision from Article IX, Section 4(B).

This is to be discussed with the Planning Board at meeting on September 21, 2022.

Signs

- One lit sign is proposed. ZO Article VII Section 2 permits one sign, located on the same lot as the business, and no closer than 15 feet from any street or side lot line. A smaller accessory sign less than 12 square feet is also permitted. The size, placement, and safety of the sign is approved by the Building Inspector. The proposed sign location is shown on the site plan and appears to be greater than the minimum 15 ft distance from the road as required in the Commercial and Light Industrial Zone. Any sign lighting (internal or external) should be discussed with the Planning Board.

Comment acknowledged. We would recommend that a condition of approval state that sign details be reviewed by the Planning Board prior to the issuance of a sign permit. Though a new sign is desired by the applicant, the details are not currently available. However the site plan has noted the future location for planning purposes whereas the existing sign is not conforming in its location.

Section 1. Off-Site Impacts

- The number of vehicle trips associate with the site would not be expected to exceed the capacity of Route 155 or significantly impact the surrounding area. However, recommendation number 4 is not especially clear and should be



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explained (“ITE Trip generation total trip generation calculation is nearly inversely proportional to observed values. The nature of LandCare’s business is higher AM generation, providing further evidence for the generation. July & August are seasonally higher trip generations.”)

This refers to the Land Use Codes used (Nursery Garden Center 817) and (Nursey Wholesale 818) trips generated during the PM peak hour, pursuant to the ITE manual. Due to the hours of operation and nature of LandCare Associates business, the volume PM peak hour generations seen by Land Use Codes 817 and 818 is similar to the AM peak hour generation, and vice versa. This comparison is drawn between the ITE trip generation and observed turning movement counts to show LandCare is generating trips proportionally to other land uses of this nature.

- Hours of operation have been changed from what was previously stated in the Oct 2021 narrative to 7am-7pm for retail and regular operating hours, later during inclement weather to provide salt and sand. *Note that this has again changed according to the latest plan set. The applicant should confirm their proposed hours.*

The applicant’s hours have been corrected. This note now reads as shown.

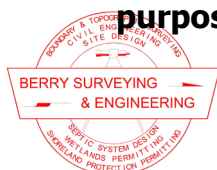
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The following screen shot is the revised note #32, Sheet #6 – Included in 9-19-22 revision.

- A lit sign is proposed. No additional information has been provided.
See Sign section. The Site Plan reserves the location for planning purposes.



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- Statement that location, design, nature, and intensity does not have an adverse impact on surrounding environment. Stormwater BMP mitigates the impact of the gravel and other impervious surfaces on site.

This has been added to the Site Plan as note #38.

38.) THE LOCATION, DESIGN, NATURE, AND INTENSITY DOES NOT HAVE AN ADVERSE IMPACT ON SURROUNDING ENVIRONMENT. STORMWATER BMP MITIGATES THE IMPACT OF THE GRAVEL AND OTHER IMPERVIOUS SURFACES ON SITE.

Note #38, Sheet #6 – Added to 9-19-22 revision.

Section 2. Landscaping

- The arborvitae on the east side of the lot appear to be located on Map 9 Lot 2A. The applicant has indicated that these trees help mitigate noise. If they are removed by the adjacent property owner, the applicant should be required to install a new vegetated buffer on their property.

This has been added to the Site Plan as note #37.

37.) IF THE LANDOWNER OF TAX MAP 9, LOT 2A REMOVED THE ARBORVITAE ROW ALONG THE EASTERN SIDE LINE, THE APPLICANT WILL BE REQUIRED TO REINSTALL A NEW VEGETATED BUFFER ON THEIR PROPERTY.

Note #37, Sheet #6 – Added to 9-19-22 revision.

- Snow storage is proposed in the inventory and employee parking area. **Snow storage is shown in areas that make sense for LandCare's operations. As different demand is experienced during the winter season than spring/summer/fall, LandCare Associates needs the ability to make seasonal adjustments to operate their site in terms of now storage and inventory storage.**
- No landscaping is shown/proposed for the front of the lot, except a landscaped retaining wall with no additional detail. Information about existing and proposed landscaping is needed.

Town of Madbury Landscaping standards do not provide specification as to planting style and requirements for the project site. The applicant has a few flower and grass plantings along the front of the site and has improved the front of the building with various hardscape features. The plan does not propose additional landscaping at the front of the site. A buffer



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is provided between neighboring properties is provided in the form of arborvitae row along the eastern side line as required by the Site Plan Review Regulations, Article VII Section 2.D (Landscaping Standards). A Landscaping Plan is provided for the replanting required at the rear of the site.

- 13 red maple, 7 high blueberry shrubs, and 7 dogwoods are proposed to be installed between the proposed berm and existing tree line south of the bins. It is suggested that another tree species be added to increase diversity.

Red Oaks have now been added to increase diversity.

PLANTING SCHEDULE				
LandCare Associates				
<u>Botanical Name/ Common Name</u>				
Trees		Size	Qty	Label
Acer Rubrum / Red maple		3" Cal.	7	AR
Quercus rubra / Red oak		3" Cal.	6	QR
Shrubs				
Vaccinium corymbosu / Highbush blueberry		2-3' B&B	7	VC
Cornus sericea / Red Osier Dogwood		2-3' B&B	7	CS

Landscaping Table, Sheet #17 – Revised in 9-19-22 revision.

- Tree size should be listed as caliper not height on sheet L-01 and should be consistent with Sheet L101.

Tree size was listed as caliper in the prior submission. Shrubs are listed by height.

PLANTING SCHEDULE				
LandCare Associates				
<u>Botanical Name/ Common Name</u>				
Trees		Size	Qty	Label
Acer Rubrum / Red maple		3" Cal.	12	AR
Shrubs				
Vaccinium corymbosu / Highbush blueberry		2-3' B&B	7	VC
Cornus sericea / Red Osier Dogwood		2-3' B&B	7	CS

Landscaping Table, Sheet #17 – Submitted in 8-29-22 submission.

This chart has been revised based upon the request for more diverse trees.



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PLANTING SCHEDULE			
LandCare Associates			
<u>Botanical Name/ Common Name</u>			
<u>Trees</u>	<u>Size</u>	<u>Qty</u>	<u>Label</u>
Acer Rubrum / Red maple	3" Cal.	7	AR
Quercus rubra / Red oak	3" Cal.	6	QR
<u>Shrubs</u>			
Vaccinium corymbosum / Highbush blueberry	2-3' B&B	7	VC
Cornus sericea / Red Osier Dogwood	2-3' B&B	7	CS

Landscaping Table, Sheet #17 – Revised in 9-19-22 revision.

- The landscaping maintenance guide is illegible.
This guide has been resized to be legible.

Section 3. Parking

- There are 30 employee parking spaces proposed around the small wetland in the middle of Lot 4. Eight spaces including 2 ADA compliant spaces are located at the front of the store. The total number of employees at all three businesses is 63. How many employees from each business are usually onsite during a typically workday? Where do the Allegro vehicles park?

This comment has been addressed within the Proposed Use Section. There are not 63 employees, there are a total of 36 employees at different times of day.

- During the site visit on 12/4/21 there was a discussion about clearly demarcating/defining the retail customer parking vs loading areas for safety reasons. This does not appear to have been added to the plan.

A wayfinding sign has been added to the Site Plan to better demarcate these activities.



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Screenshot from Site Plan, Sheet #6 – Revised in 9-19-22 revision.

Section 4. Loading

- The applicant has identified travel routes and storage locations for vehicles. No loading will occur off-site. The demarcation between retail parking and loading at the front of the store should be improved to ensure no conflicts between these activities.

A wayfinding sign has been added to the Site to better demarcate these activities. See response above in Section 3 Parking. A note has been added to the Site Plan, #39 stating the applicant is not to load or unload off the project site. There is ample room on site for loading and unloading.

39.) NO LOADING IS TO TAKE PLACE OFF SITE.

Note #39, Sheet #6 – Added to 9-19-22 revision.

Section 7. Nuisances

- Any changes to exterior lighting should be reviewed by the Planning Board. **This has been added to note #33 on the Site Plan.**

33.) ALL FUTURE LAMPS ARE TO BE DOWN LIT AND SHIELDED AND ARE TO BE NIGHT SKY COMPLIANT. ANY CHANGES TO EXTERIOR LIGHTING SHOULD BE REVIEWED BY THE PLANNING BOARD.



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Note #33, Sheet #6 – Added to 9-19-22 revision.

- Any noise or vibration that may be discernable off-site should be reviewed by the Planning Board.

The applicant is not proposing uses that would make noise or vibration discernable off-site. Work in the cut shop is not heard beyond the project boundaries. The closest abutter to the cut shop are a metal recycling facility and NHDOT.

Section 8. Highway Access

- The site is located on a State road and therefore requires a driveway permit from NHDOT. Has a DOT driveway permit been submitted?

DOT driveway permit application has been submitted.

- There is a landscape retaining wall adjacent to the driveway. What is the height of this?

This wall is between 1-2' tall depending on location and is strictly decorative.

Section 9. Water and Sewage

- There are no proposed changes to the existing septic system. No information has been provided about the system.

The existing septic system is an advanced enviro system that was approved on January 8, 2021, approval number eCA2021010823. The site plan shows the field location in the proper arrangement as well as the tank location.

Section 10. Utilities

- The site is served by overhead wires. The plan states that all utilities will be underground. No utilities plan was provided.

This note has been revised to read as "if needed in the future". There are no utilities needed to be modified for this site plan.

13.) ALL ON-SITE UTILITIES, IF NEEDED IN THE FUTURE, SHALL BE INSTALLED UNDERGROUND.

Note #13, Sheet #6 – Added to 9-19-22 revision.



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Section 11. Emergency Services

- The applicant should seek a written statement from the Fire Chief regarding the adequacy of fire lanes, emergency site access, and storage of fuel.
The applicant has requested a written statement from the Fire Chief. If unavailable as of the September 21, meeting, the applicant requests this statement from the Fire Chief become a condition of approval.
- Per conditions of approval from the variance granting relief to locate a shed within 2 feet of the property line, a safety review and appropriate permits for the shed and all utilities shall be obtained through the Madbury Building Inspector and Fire Department
This condition has been added to note #29b.

ARTICLE VII, SECTION 3.D FOR THE PLACEMENT OF A STRUCTURE WITHIN THE 25-FOOT SETBACK

§ CONDITIONS OF APPROVAL: (1) A SAFETY REVIEW AND APPROPRIATE PERMITS FOR THE SHED AND ALL UTILITIES SHALL BE OBTAINED THROUGH THE MADBURY BUILDING INSPECTOR AND FIRE DEPARTMENT

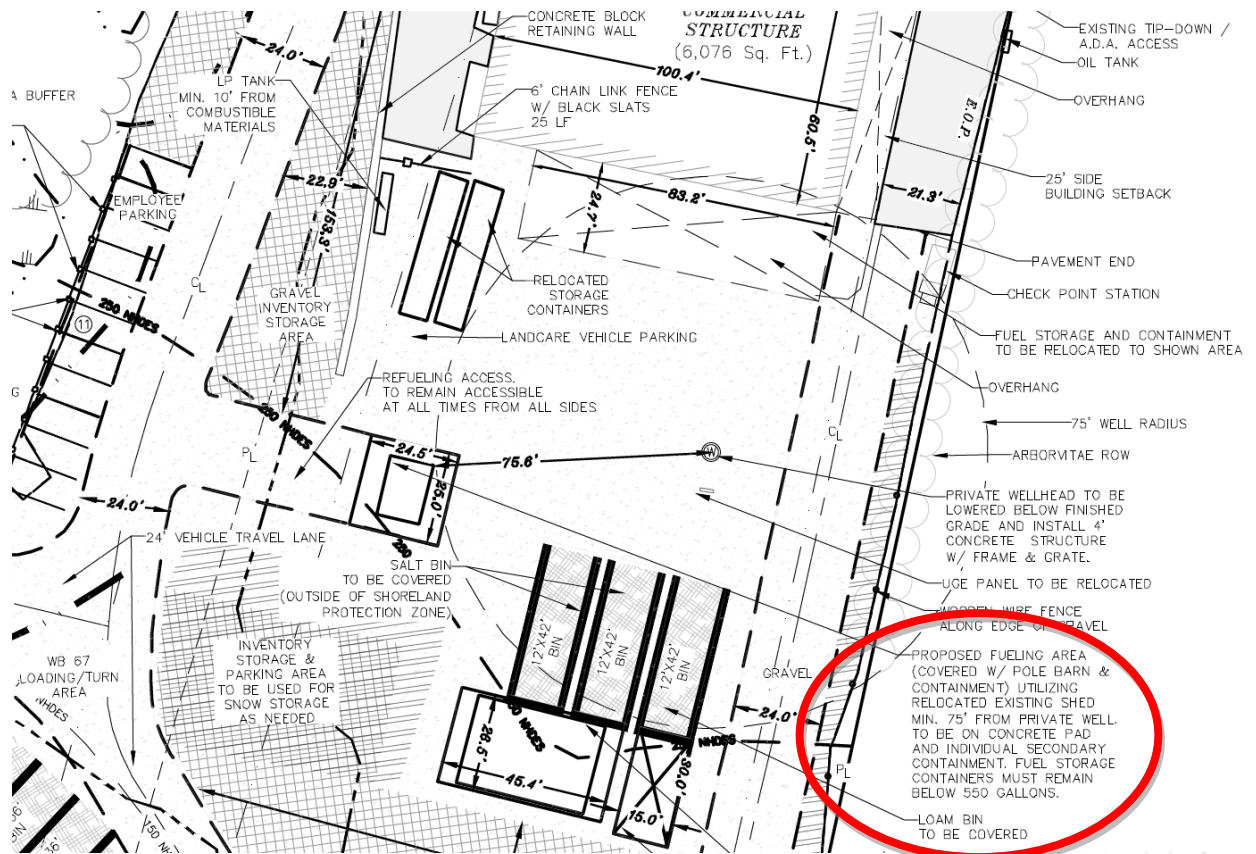
Part of Note #29b, Sheet #6 – Added to 9-19-22 revision.

Section 12. Hazardous Materials

- The location and quantity of hazardous materials should be documented and a copy provided to the Fire Chief and the Planning Board.
No other hazardous materials are proposed on-site other than the 550 gallon maximum refueling station with containment, which is shown on the Site Plan. Small pint/quart size volumes are kept in the building for any other items needed for site operations.



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Screenshot from Site Plan, Sheet #6 – Revised in 9-19-22 revision.

- The plan set depicts an existing fuel storage and containment area near the east lot line that will be relocated to the west side of Lot 3. It will be housed in a pole barn, located on a concrete pad with secondary containment. The amount will not exceed 550 gallons. Detail for the fueling station and containment should be provided.

A detail is now provided for the containment vessel on detail C8, sheet C-101.



C8

FUEL STORAGE CONTAINMENT
NOT TO SCALE



Tank Containment - Eagle 16-5500 Sump - 550 Gallon - With Drain

Eagle 16-5500 Containment Sump is an economical containment solution for up to 550 gallon horizontal fuel and oil tanks. The sump is constructed of durable black high density polyethylene (HDPE) for maximum performance. The HDPE will not rust or corrode and provides superior chemical and weather resistance. This sump can be used for indoor or outdoor containment. Available with or without a 1/2" drain plug. The nestable design saves on freight and minimizes storage space.

Eagle 550 Spill Containment Sump Specifications:

- Spill Capacity: 635 Gallons
- Drain: True
- Fork Lift: False
- Load Capacity: 10,000 lbs.
- Dimensions: 88"L x 62"W x 33"H
- Inside Bottom Dimensions: 70.914"L x 44.914"W
- Weight: 118 lbs.

NOTES:

1.) FOR CONTAINMENT OF 550 GALLON HORIZONTAL FUEL TANK. PRODUCT MAY BE SUBSTITUTED BY APPROVED EQUAL.

C-101

Screenshot from sheet C-101, Sheet #21 – Revised in 9-19-22 revision.



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Additional Discussion Items:

- It would be helpful to have a table of existing and proposed conditions for: impervious cover and area of disturbance of within overlay districts (including structures (buildings, bins, etc.), materials, stormwater management, vehicle storage, etc.)

EXISTING CONDITION:

25' WET AREA BUFFER TOTAL IMPERVIOUS AREA: 6,474 Sq. Ft (0.15 Ac.)
25' WET AREA BUFFER TOTAL DISTURBANCE: 9,964 Sq. Ft (0.23 Ac.)

50'/75' BUILDING AND SEPTIC SETBACK TOTAL IMPERVIOUS AREA: 36,363 Sq. Ft (0.83 Ac.)
50'/75' BUILDING AND SEPTIC SETBACK TOTAL DISTURBANCE: 40,202 Sq. Ft (0.92 Ac.)

50' BELLAMY RIVER NATURAL VEGETATION BUFFER TOTAL IMPERVIOUS AREA: 9,710 Sq. Ft (0.22 Ac.)
50' BELLAMY RIVER NATURAL VEGETATION BUFFER TOTAL DISTURBANCE: 11,395 Sq. Ft (0.26 Ac.)

100' BELLAMY RIVER SHORELAND ZONE IMPERVIOUS AREA: 21,887 Sq. Ft (0.50 Ac.)
100' BELLAMY RIVER SHORELAND ZONE TOTAL DISTURBANCE: 22,110 Sq. Ft (0.51 Ac.)

PROJECT AREA WITHIN FEMA FLOOD LINE (ZONE A) IMPERVIOUS AREA: 53,440 Sq. Ft (1.23 Ac.)
PROJECT AREA WITHIN FEMA FLOOD LINE (ZONE A) TOTAL DISTURBANCE: 60,392 Sq. Ft (1.39 Ac.)

**Screenshot from Color Rendering Existing Condition Plan, Sheet #2/10
Color set – Revised in 9-19-22 revision.**

PROPOSED CONDITION:

25' WET AREA BUFFER TOTAL IMPERVIOUS AREA: 6,181 Sq. Ft (0.14 Ac.)
25' WET AREA BUFFER TOTAL DISTURBANCE: 8,980 Sq. Ft (0.21 Ac.)

50'/75' BUILDING AND SEPTIC SETBACK TOTAL IMPERVIOUS AREA: 31,624 Sq. Ft (0.73 Ac.)
50'/75' BUILDING AND SEPTIC SETBACK TOTAL DISTURBANCE: 42,829 Sq. Ft (0.98 Ac.)

50' BELLAMY RIVER NATURAL VEGETATION BUFFER TOTAL IMPERVIOUS AREA: 0 Sq. Ft (0.00 Ac.)
50' BELLAMY RIVER NATURAL VEGETATION BUFFER TOTAL DISTURBANCE: 1,009 Sq. Ft (0.02 Ac.)

100' BELLAMY RIVER SHORELAND ZONE IMPERVIOUS AREA: 0 Sq. Ft (0.00 Ac.)
100' BELLAMY RIVER SHORELAND ZONE TOTAL DISTURBANCE: 10,176 Sq. Ft (0.23 Ac.)

PROJECT AREA WITHIN FEMA FLOOD LINE (ZONE A) IMPERVIOUS AREA: 34,509 Sq. Ft (0.79 Ac.)
PROJECT AREA WITHIN FEMA FLOOD LINE (ZONE A) TOTAL DISTURBANCE: 47,678 Sq. Ft (1.09 Ac.)

**Screenshot from Color Rendering Site Plan, Sheet #6/10 Color set –
Revised in 9-19-22 revision.**



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- Conservation Commission should be provided sufficient time to review and comment on this application.

The conservation commission has reviewed plans and made comments to Planning Board and the Zoning Board of Adjustment.

- Recommend third party:
 - Review of stormwater plan and associated grading (completed)
 - Review of erosion and sedimentation plan (completed)
 - Construction inspection

BS&E is able to provide construction inspections during the construction process to be submitted to the Town of Madbury. If the Planning Board is looking to have the Code Enforcement and or the Third-party reviewer inspect the system, a schedule of inspections should be ratified prior to the start of construction.

- Where are customers allowed? Will there be signage to direct the public?

Please two earlier way finding sign responses.

- Specify categories of materials to be stored (i.e. soil, gravel, stone, salt, etc.).

Loam and salt bins have been specifically called out and are to be located outside of the 250' NHDES shoreland zone. Gravel, stone, mulch, and other products that do not pose an adverse environmental impact are allowed within the bins and inventory storage areas and are likely to be moved from bin to bin from time to time.

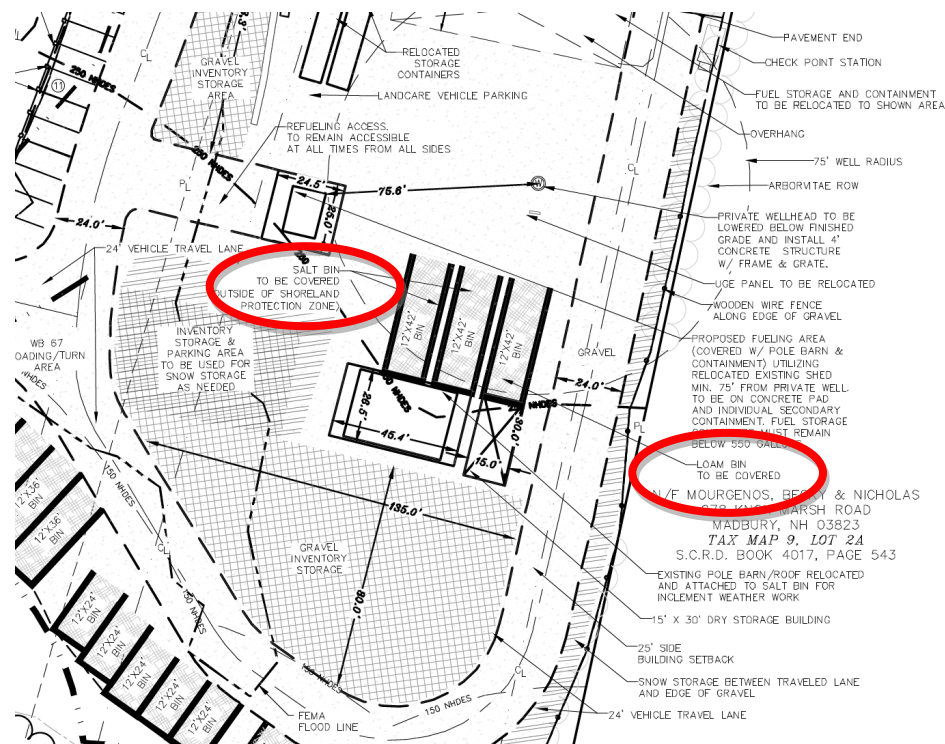


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Screenshot from Site Plan, Sheet #6 – Revised in 9-19-22 revision.

- Location of solar lights to be confirmed. How is the sign currently lit?
There are no longer solar lights proposed in the project and these has been removed from the Site Plan and construction details. The sign is currently lit from the ground.
- Any previous conditions of approval should be listed on the plan.
The intention of the applicant is for this Site Plan and approval to supersede prior Site Plan approvals for the subject parcels. If there are specific conditions that are needed for this site plan approval it is our opinion that they should be articulated and not included by reference to a prior approval. The project and site plan is substantially different than prior approvals.
- The general inventory storage areas should be marked on the plan – not just a label. Particularly around the front of the site where retail customers and traffic are expected and maintaining access for emergency vehicles is needed.
Hatching has been added to the inventory storage area at the front of the Site.



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- Add the existing well and septic permit numbers to Sheet 7 note 20.
The existing septic permit number has been added. There is no existing well number whereas it is not a public water supply.

20.) THE FOLLOWING FEDERAL AND STATE PERMITS HAVE BEEN ISSUED FOR THE SUBJECT PROPERTY:
 EPA NOTICE OF INTENT (NOI): PENDING
 NHDES SHORELAND PERMIT: PENDING
 NATURAL HERITAGE BUREAU: NHB20-1618
 NHDOT DRIVEWAY PERMIT: PENDING
 INDIVIDUAL SEWAGE DISPOSAL SYSTEM: eCA2021010823

Screenshot from Site Plan, Sheet #6, note #20 – Revised in 9-19-22 revision.

- Are there any safety concerns with retail customers on site?
**There are no safety concerns with retail customers on site.
 Wayfinding signs have been added to further demarcate these areas.**
- All variances should be listed on the plan.
All variances are now listed on the Site Plan as note #29b.

29b.) THE FOLLOWING VARIANCES HAVE BEEN APPROVED ON AUGUST 16, 2022:

ARTICLE IX, SECTION 4.B.3 FOR THE ALTERATION OF THE SURFACE CONFIGURATION OF THE LAND WITHIN THE WET AREA BUFFER

§ CONDITION OF APPROVAL: (1) THE SUBSURFACE GRAVEL WETLAND DESIGN IS SUBJECT TO APPROVAL BY THE MADBURY PLANNING BOARD, INCORPORATING SUGGESTIONS FROM THE THIRD-PARTY REVIEW BY TOM BALLESTERO, DATED JULY 20, 2022, AS PRESENTED TO THE MADBURY ZONING BOARD.

ARTICLE X, SECTION 4.B.3 FOR THE ALTERATION OF THE SURFACE CONFIGURATION OF THE LAND WITHIN THE SHORELAND BUFFER

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ARTICLE VII, SECTION 3.D FOR THE PLACEMENT OF A STRUCTURE WITHIN THE 25-FOOT SETBACK

§ CONDITIONS OF APPROVAL: (1) A SAFETY REVIEW AND APPROPRIATE PERMITS FOR THE SHED AND ALL UTILITIES SHALL BE OBTAINED THROUGH THE MADBURY BUILDING INSPECTOR AND FIRE DEPARTMENT

Screenshot from Site Plan, Sheet #6, note #29b – Revised in 9-19-22 revision.



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Plan Note Corrections for Applicant

- Sheet 3 and Sheet 7: #5 - Zoning note on Wet Area Conservation Overlay should read >3,000 sf, not <3,000 sf

This has been modified on both sheets.

5.) ZONING:

COMMERCIAL AND LIGHT INDUSTRIAL ZONE

BUILDING SETBACKS:

FRONT - 50'

SIDE - 25'

REAR - 25'

LOT SIZE: 80,000 Sq. Ft.

MIN. FRONTAGE: 125'

MIN. LOT DEPTH: 150'

MAX. BUILDING HEIGHT: N/A

WET AREA CONSERVATION OVERLAY DISTRICT (>3,000 Sq. Ft.)

WET AREA BUFFER: 25'

BUILDING & SEPTIC SETBACKS:

BOGS, PRIME WET AREAS: 75'

ALL OTHER TIDAL WET AREAS: 75'

VERNAL POOLS: 75'

ALL OTHER NON-TIDAL WET AREAS: 75'

VERY POORLY DRAINED SOILS: 75'

POORLY DRAINED SOILS: 50'

SHORELAND PROTECTION OVERLAY DISTRICT

(100' FROM SEASONAL HIGH WATER LEVEL OF BELLAMY RIVER)

50' NATURAL VEGETATION BUFFER STRIP BETWEEN:

SHORELINE

UPLAND EXTENT OF THE TIDAL WETLANDS OR EDGE OF WETLAND

POORLY OR VERY POORLY DRAINED SOILS

AQUIFER AND WELLHEAD PROTECTION OVERLAY DISTRICT

FLOOD HAZARD OVERLAY DISTRICT

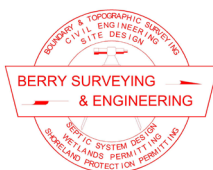


Screenshot from Site Plan, Sheet #6, note #29b – Revised in 9-19-22 revision. Note is identical on the Existing Conditions Plan, sheet #2 as revised on 9-19-22.

- Sheet 3 and Sheet 7: #5 - Add Flood Hazard Overlay District to list of overlays **This has been added to the list of overlays on both sheets. See corrected screen shot above.**

- Sheet 3 and Sheet 7: #5 – The Shoreland Protection Overlay District should read 100 feet from the seasonal high-water level of the Bellamy River.

This has been added to both sheets. See corrected screen shot above.



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- #12 of sheet 4 and #34 on sheet 7: Add text to clarify that the information displayed is the total area and the percent impervious cover.

This has been added for clarification to both sheets.

12.) LOT COVERAGE (TOTAL AREA AND PERCENT IMPERVIOUS COVER):
 TAX MAP 9, LOT 3: 97,800 Sq. Ft. (2.25 Ac.) 84.9%
 TAX MAP 9, LOT 4: 86,557 Sq. Ft. (1.99 Ac.) 35.7%

Screenshot from Existing Conditions Plan, sheet #2, note #12 – Revised in 9-19-22 revision.

34.) LOT COVERAGE (TOTAL AREA AND PERCENT IMPERVIOUS COVER):
 TAX MAP 9, LOT 3: 87,210 Sq. Ft. (2.00 Ac.) 75.5%
 TAX MAP 9, LOT 4: 63,010 Sq. Ft. (1.45 Ac.) 26.0%

Screenshot from Site Plan, Sheet #6, note #12 – Revised in 9-19-22 revision.

- Sheet 7: #15 – This is something that the applicant should include in the plan details themselves, not a note to include on the plan.

The intent of this note is to indicate the importance of Erosion and Sediment control and to make reference to this. An Erosion and Sediment Control Plan has been provided in the plan set. A sentence has been added to the end of this note to specifically reference the E&S Plan and detail sheets.

15.) ALL EROSION CONTROL NOTES SHALL INCLUDE PROVISIONS FOR CONSTRUCTION SEQUENCING, TEMPORARY EROSION CONTROL MEASURES, AND PERMANENT STANDARDS SUCH AS LOAM SPREAD RATE FOR DISTURBED AREAS, RATES OF LIME, TYPE AND RATES FOR FERTILIZER, AND SEED AND MULCH MIXTURE WITH RATES OF APPLICATION. SEE EROSION & SEDIMENT CONTROL PLAN AND SHEETS E101/E102 FOR DETAILS.

Screenshot from Site Plan, Sheet #6, note #15 – Revised in 9-19-22 revision.

- Sheet 7: #19 – Madbury does not have an engineer. Suggest that Building Inspector and/or their designee (such as a third party engineer) be listed instead of "town engineer".

This note has been updated.

19.) A PRE-CONSTRUCTION CONFERENCE WITH THE DEVELOPER, THE DESIGN ENGINEER, THE EARTHWORK CONTRACTOR, AND THE BUILDING INSPECTOR AND/OR THEIR DESIGNEE (SUCH AS A THIRD PARTY ENGINEER) SHALL OCCUR PRIOR TO ANY EARTH DISTURBING ACTIVITY.

Screenshot from Site Plan, Sheet #6, note #19 – Revised in 9-19-22 revision.



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- Sheet 7: #26, #27, and all other instances, need to clarify when referencing the state shoreland and the town shoreland zone instead of just stating shoreland zone.

Either a NHDES label or Municipal label has been added for reference across the plan set.

- Sheet 7: #29 – correct CUPs requested.
This has been corrected. See Site Plan, note #29s.

29d.) THE FOLLOWING CONDITIONAL USE PERMITS ARE REQUESTED:
 – GREATER THAN 15% IMPERVIOUS IN AN AQUIFER PROTECTION DISTRICT (ARTICLE IX–A, AQUIFER PROTECTION DISTRICT)
 – DISTURBANCE WITHIN THE FLOOD HAZARD OVERLAY DISTRICT (ARTICLE XXI, FLOOD HAZARD OVERLAY DISTRICT)

Screenshot from Site Plan, Sheet #6, note #29a – Revised in 9-19-22 revision.

- Sheet 7: #31 – clarify that the existing *primary* structure is 6,076 sq ft
The word “primary” has been added to the note.

31.) THE EXISTING PRIMARY STRUCTURE IS 6,076 Sq. Ft. IN SIZE AND WILL BE USED FOR BOTH RETAIL AND WHOLESALE OF PRODUCTS. THE BUILDING OPERATION IS APPROXIMATELY 50% RETAIL AND 50% WHOLESALE. MUCH OF THE RETAIL PORTION OF THE BUSINESS IS CUSTOMERS COMING TO THE SITE TO CHOOSE PRODUCT FOR AN INSTALLER TO RETRIEVE AND INSTALL.

Screenshot from Site Plan, Sheet #6, note #31 – Revised in 9-19-22 revision.

- Sheet 7: #36 - please use consistent units (either cubic yards or cubic feet)
The use of CF has been changed to CY.

36.) THE STORMWATER BMP THAT IS PROPOSED IS A LIMITED/REGULATED USE WITHIN THE ZONE, PROVIDES ADDITIONAL FLOOD STORAGE WITHIN THE ZONE. THE PROPOSED BMP RESULTS IN 553 CY OF CUT AND 238 CY OF FILL, CREATING 315 CY (0.195 AC–FT) OF ADDITIONAL STORAGE WITHIN THE FLOOD ZONE.

Screenshot from Site Plan, Sheet #6, note #36 – Revised in 9-19-22 revision.

- Sheet 7: Add a note about specific variances received, conditions of approval, and the date of approval.
This has been added as note #29b on the Site Plan.



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29b.) THE FOLLOWING VARIANCES HAVE BEEN APPROVED ON AUGUST 16, 2022:

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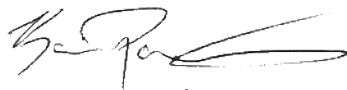
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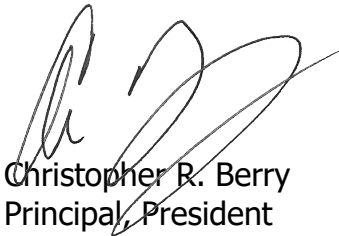
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Screenshot from Site Plan, Sheet #6, note #29b – Revised in 9-19-22 revision.

Respectfully Submitted,
BERRY SURVEYING & ENGINEERING



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Project Engineer



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