

Memorandum

To: Members of the Planning Board
From: Liz Durfee, AICP, Planner
Date: March 31, 2022

Type of Review: Amended Site Plan

Property Owner: 10 Lee Road, LLC
Applicant/Agent: John R. Chagnon, PE, LLC, Ambit Engineering, Inc.
Property Address: 10 Lee Road
Map and Lot #: Map 8 Lot 9
Zoning District: Residential and Agricultural District
Overlays: Wet Areas Conservation Overlay
Shoreland Protection Overlay
Aquifer and Wellhead Protection Overlay

Waivers Requested: None

Planner's Review of Updated Plan Set

The following were reviewed:

- Cover letter dated March 24, 2022
- Plan titled "Proposed Housing Development 10 Lee Road, Madbury, New Hampshire Permit Plans" dated March 18, 2022.
- The Drainage Analysis for 10 Lee Road, LLC Dated October 29, 2021, as amended February 2, 2022, was briefly reviewed but full review will be conducted in the third party engineering review.

The applicant has commented on several of the outstanding/ongoing discussion items in their cover letter dated March 24, 2022.

- The applicant has received feedback from NHDOT regarding alignment of the emergency driveway location and relocation of the access gate. The location of the driveway has been shifted east (towards Madbury Rd) slightly and a curb radius has been added, which will allow for easier ingress/egress. The access gate has been moved further into the lot. This provides more space for emergency vehicles to pull off the road before reaching the gate. The proposed gravel entrance will now be paved. The applicant does not anticipate any additional changes. A copy of the "NHDOT Plan" referenced on the grading plan (sheet C3A) should be provided to the Planning Board.
- The applicant has connected with the Fire Chief to discuss sprinkling and access for fire apparatus. The applicant is preparing a turning movement for the Durham Ladder Three, as requested by the Fire Chief. In lieu of providing sprinkler design at this time, a cistern has been shown on the plan. A potential cistern location is shown on sheet C2. No detail is provided about the size or design of the cistern. An unscreened, above ground cistern is not appropriate in this location and it is recommended that the Planning Board

require an underground cistern. The current proposed location appears conflict with underground utilities (buried at 4 ft).

- Per Site Plan Review Article VII, 11 Emergency Services: Prior to site approval by the Planning Board, the applicant shall submit a written statement from the Madbury Fire Chief ascertaining that the proposal has adequate fire lanes, emergency site access and other appropriate provisions to ensure public safety, as determined by the Fire Chief. Although the applicant has had discussions with the Fire Chief, the regulations specify a *written statement*. The applicant should request a waiver of this standard (Article VII Section 11 of the Site Plan Review Regulations) if it will not be met.
- The applicant has not been able to reach the Police Chief. The Police Chief should provide input on the Knox Box and any other concerns. It is recommended that the Planning Board Chair connect with the Police Chief on these items or ask the Selectmen to do so.
- A note has been added to the landscaping plan regarding planting within one year of the Certificate of Occupancy (CO). The Board could add a condition to the plan requiring that the applicant return to the Planning Board within one year of the CO with photographs of the landscaping. Size of trees and shrubs, mulch application info have been added to the landscaping notes. Shrubs have been added around the transformers.
- The applicant has added the requested stormwater inspection form to Appendix F of the Drainage Analysis (see page 92 of the pdf). The inspection and long term maintenance plan specifies that there is no material storage on site and that customers are responsible for trash removal.
- The Board should confirm the address change procedures with the Selectmen.

Update on Third Party review of Proposed Stormwater Management

- Tom Ballestero, PE, University of New Hampshire, has agreed to complete the review. Dr. Ballestero has provided an estimate to complete a review of the proposed stormwater management system/Drainage Analysis, as amended, for consistency with the Town's Site Plan Review standards for erosion control and stormwater. Dr. Ballestero has been provided an electronic copy of the applicable Site Plan Review Regulations and the most current plan set and drainage analysis. A hard copy is available at the Town Offices for him should he wish to collect that. The Planning Board Vice Chair, Town Administrator, and Treasurer have corresponded regarding setting up the escrow account. The fee and scope of work were passed along to the applicant's agent (3/21/22). As soon as there is confirmation that the applicant is in agreement of the scope and estimated fee, the applicant will need to coordinate with the Town Administrator and Treasurer to transfer funds to the escrow account, a contract between the Town and Dr. Ballestero will be executed, and then Dr. Ballestero will complete the review. He has agreed to complete the review within two weeks. The Town will return any remaining funds to the applicant following the review.
- Once the review has been completed, Dr. Ballestero will provide his input in writing and will attend a Planning Board to present findings, if requested.
- The applicant has requested that the third party stormwater review be considered a condition of approval. If the Board opts to entertain this request, the language of the condition should specify that the any changes require approval by the Planning Board.

Review of Suggested Items/Discussions Needed Prior to Approval:

- Modified emergency access driveway location should be updated on all sheets (C5). The Board should discuss how the modified access impacts the landscaping plan. The flowering tree and picnic table may

need to move. An updated landscaping plan is likely not needed but the minutes should document the discussion about these items.

- Police Chief review of Knox Box and any other safety concerns. Planning Board or Selectmen may need to assist with coordinating communication with the Police Chief.
- Written statement from Fire Chief or waiver.
- The applicant has provided an example of easement language. It is recommended that the Board request language pertinent to this site.
- Three parking spaces are shown in the small lot off the driveway. Did the Planning Board want these spots reserved for the public? If so, signage may be necessary to specify, if desired, that the spaces are open to the public and that long term or overnight parking are not permitted.
- The Board should discuss and determine how the site development will be overseen and by whom. Seek input from Selectmen as needed.

Suggested Draft List of Conditions of Approval

Conditions Precedent to Final Approval:

- Receipt of a Special Exception from the Zoning Board of Adjustment for expansion of a non-conforming use (multi-family residential) in the General Residential and Agricultural District in accordance with Article XIII Section 1(C) of the Zoning Ordinance.
- Provide a copy of required state permit to the Planning Board:
 - NHDOT driveway permit
 - NHDES public water supply well permit
 - NHDES septic permit
- Sprinklers or an underground cistern, as approved by the Fire Chief, shall be required.
- Coordinate with Police and Fire Department on Knox Box access.
- Coordinate with the Selectmen to obtain new address.
- A third party engineering review of the stormwater management system/Drainage Analysis shall be required. All recommendations of the third party reviewer associated with the proposed stormwater management system/Drainage Analysis or changes to the plan that are associated with stormwater management shall be reviewed by the Planning Board. Any changes require review of the Planning Board. *If the Board grants the request to make this a condition of approval.*
- *Additional items may be required and added during the Planning Board's review and discussion.*

Conditions Subsequent to Final Approval:

- Landscaping be installed within one year of issuance of the Certificate of Occupancy. Evidence (photographs) that the landscaping has been installed shall be provided to the Planning Board within one year of issuance of the Certificate of Occupancy.
- *Additional items may be required and added during the Planning Board's review and discussion.*