

Memorandum

To: Members of the Planning Board
From: Liz Durfee, AICP, Planner
Date: February 15, 2023

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 Granted: Article VII, Section 11 requiring Fire Chief approval prior to conditional approval of the site plan.

Planner's Review of Final Plan Submission

Conditional approval for the Site Plan was granted by the Planning Board on April 6, 2022 with the following conditions:

1. A Special Exception for the expansion of non-conforming use be approved by the Zoning Board.
2. Copies of all required State permits be submitted.
3. The third party review conducted by Tom Ballestero be received and reviewed by the Board at a Compliance Hearing with the applicant within 30 days of it being submitted.
4. A signed copy approving the easement from the Town for the new entrance on Madbury Road be received from the Select Board.
5. Landscaping as detailed on the site plan be completed within 1 (one) year of receipt of a Certificate of Occupancy and pictures confirming the completion be submitted to the Board.
6. A note be added to the site plan stating that a written waiver from the requirement of Article VII, Section 11 of the site plan regulations was approved by the Board.
7. Letter be received from the Town Fire Chief confirming his approval of the site plan.

The applicant submitted the following on January 16, 2023:

- Cover letter
- Copy of the Site Plan Notice of Decision from the Planning Board April 6, 2022
- Copy of the Special Exception Notice of Decision from the Zoning Board on May 18, 2022.
- Copy of the conditional approval letter from NHDES for the Preliminary Report for the proposed bedrock dated July 22, 2022
- Copy of the approval from NHDES for construction of individual sewage disposal system (ISDS) dated May 31, 2022 for Building C, twelve 3-bedroom apartments, total flow 5,400 GPD
- Copy of the approval from NHDES for construction of individual sewage disposal system (ISDS) dated May 31, 2022 for Buildings A and B, 26 bedrooms total, total flow 3,900 GPD

- Copy of correspondence between John Chagnon and Tom Perley, Fire Chief/EMD dated August 21, 2022 indicating that the Fire Department approves the Site Plan for 10 Lee Road, last amended April 6, 2022. Chief Perley requests that any changes or modifications to the plan should be re-submitted for review and re-approval.
- Copy of the Access Easement, executed on July 8, 2022 and recorded at the Strafford County Registry of Deeds on July 11, 2022 (Book 5047, Page 610) 10 Lee Rd LLC property Tax Map 8 Lot 9 an access easement over and across a portion of Tax Map 8 Lot 26, owned by the Town of Madbury. 10 Lee Rd LLC shall be responsible for paving and maintenance, including snow plowing and winter maintenance. Three public parking spaces will remain with signage. No other improvements are permitted.
- Copy of the Easement Plan last revised May 18, 2022.
- Copy of the Site Plan, sheet C2 of the amended plan set.

Zoning Board Special Exception Conditions, below, have been noted on the site plan:

1. Final site plan review approval granted by the Madbury Planning Board
2. Future leases and lease renewals shall contain the language “reduced noise house shall be 7 days per week beginning at 10pm and ending at 6am the following day”
3. Conspicuous signage shall be posted on the property stating “be a good neighbor”
4. Contact information for the landlord/management company shall be on file at the Madbury Town Hall and updated annually.

Planner’s Comments:

After reviewing the material submitted January 16, 2023, the planner finds that conditions of approval #1, 4, and 7 have been met. The Board should confirm this. Condition #5 would not be met until post-occupancy. Minor modifications are recommended to satisfy condition #6. The Board needs to review and discuss the concerns and recommendations identified in Tom Ballestero’s drainage and groundwater review (condition #3). NHDES approvals for the septic and conditional approval for the well have been provided. The Board should confirm whether the Town has a copy of the NHDOT permit.

Summary of Recommendations:

- Amend the waiver note on sheet C2 to read “At the time of approval a waiver was granted from Article VII, Section 11 of the Madbury Site Plan Review Regulations to allow the site plan to be conditionally approved prior to receipt of a letter from the Fire Chief indicating his approval of the site plan.” (Condition 6)
- Add state approval numbers to note 6. Confirm that the Town has a copy of the NHDOT permit.(Condition 2)
- Review drainage and groundwater reports from Tom Ballestero and consider recommendations presented within the reports. (Condition 3)
- Additional minor plan correction: In the box on the upper left of the plan, correct the maximum structure height to read 38 feet (per Building Regulations Article V Section 2)