

# Memorandum

To: Members of the Planning Board  
From: Liz Durfee, AICP, Planner  
Date: November 29, 2021

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:  
Other Applications:

## Summary

The applicant proposes to replace an existing residential building with a new residential structure and make associated site improvements. The proposed development (including two existing, unchanged buildings) will have three residential structures with a total of 19 unit and 62 bedrooms. The existing development is located on the northern end of the site near the intersection of NH Rt 155 and Madbury Road. Sheet "Partial Boundary Plan" shows the following existing development:

- One 2 story, 4 unit structure with 16 bedrooms
- One 2 story, 4 unit structure with 10 bedrooms
- One 1.5 story, 2 unit structure with unspecified number of bedrooms, which is to be removed
- +/- 30 parking spaces, 3 of which are located on Map 8 Lot 26, owned by the Town of Madbury
- Access off NH Rt 155/Lee Road as well as access off Madbury Road via a parking area and driveway located partially on Map 8 Lot 26 (186 Madbury Rd).

Additional changes to circulation, parking, water, septic, and lighting are proposed.

## Planner's Review

The following were reviewed:

- Site Plan Application.
- Plan titled "Proposed Housing Development 10 Lee Road, Madbury, New Hampshire Permit Plans" Submittal Date October 7, 2021.
- Drainage Analysis for 10 Lee Road, LLC Dated October 29, 2021.

**Lot Size, Setbacks, and Frontage:**

Map 8 Lot 9 is an existing, irregularly shaped lot of 36.43 acres. The northern end of the lot has 199.95 feet of frontage on NH Rt 155/Lee Road.

One existing structure appears to be non-conforming due to its proximity to the side and front lot line on the north side of the lot. The lot line setbacks need to be added to the plan, particularly existing conditions and site plan sheets. Under Article XIII Section 2, any lawful nonconforming structure existing at the time of adoption of this Ordinance may be occupied, operated and maintained in a state of good repair.

The front (north) elevation of the proposed structure is 28' 5" and the rear (South) is 38' 4". Height regulations are not contained in the Zoning Ordinance (or Site Plan Review Regulations) and are not under the purview of the Planning Board. Per the Building Regulations, the max height of a structure is 38 feet and this is administered by the Building Inspector.

**Use:**

The existing and proposed use is multi-family residential, which is not a permitted use in the General Residential and Agricultural District. This is an existing non-conforming use. Applicant is aware that a Special Exception from the Zoning Board is required for expanding an existing non-conforming use.

**Overlay Districts:**

The lot is located within several overlay districts:

- Aquifer and Wellhead Protection Overlay District (updated version at [Zoning Ordinance Article IX-A](#))
  - Applicant needs to provide information demonstrating compliance with this regulation
- Shoreland Protection Overlay District
  - Back of lot, not within proximity to proposed development but should still be listed on the plan
- Wet Areas Conservation Overlay District
  - Back of lot, not within proximity to proposed development but should still be listed on the plan

**Waivers Requested:**

None at this time.

**Site Plan Review Article VII Standards**

**Section 1. Off-Site Impacts**

- Applicant should provide a statement of anticipated off-site impacts.
- It is recommended that the Planning Board request a traffic impact analysis.
- Stormwater management is proposed to manage runoff on the lot (discussed below). Lot slopes north to south.
- Hazardous access off Rt 155 will be discontinued but access off Madbury Rd is still near a dangerous intersection, particularly for existing vehicles turning left.

**Section 2. Landscaping**

- There is some existing landscaping and some landscaping detail has been provided, but an overall proposed landscaping plan has not been included in the plan set. Landscaping plays an important role in helping large buildings blend in with surroundings as well as screening.

### **Section 3. Parking**

- 61 parking spaces are shown, including 5 ADA compliant spaces. The Town's Site Plan Review Regulations require, "sufficient parking" and do not specify a number of spaces.

### **Section 4. Loading**

N/A

### **Section 5. Erosion and Sediment Control**

- Erosion control should be consistent with Volume 3 of the NH Stormwater Manual. Applicant has stated consistency with The Stormwater management and Erosion Control Handbook for Urban and Developing Areas in New Hampshire.

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### **Section 6. Stormwater Runoff**

- The Drainage Analysis states that rainfall data was obtained from the Northeast Regional Climate Center on one page and from the Stormwater Management and Erosion Control Handbook for Urban and Developing Areas in New Hampshire on the next. Applicant should check this and confirm the source of precipitation data. The Climate Center data is recommended as this data reflects higher precipitation levels that are seen today.
- Stormwater management should be consistent with Volumes 1, 2, and 3 of the NH Stormwater Manual.
- The inspection report should be submitted to the Planning Board annually – there is no code enforcement officer staff position in Madbury. This should be corrected on page 1 of the Inspection and Maintenance Plan.
- Who will inspect grass areas after each rain event of 0.5" or more during a 24 hr period? It would be helpful to have additional information about this responsibility.
- Where will snow storage be located? This should be shown on the plan set.

### **Section 7. Nuisances**

- Lighting will be dark sky compliant.
- Any noise concerns from abutters should be addressed by the applicant and Board.
- Landscaping and screening can help mitigate nuisances.

### **Section 8. Highway Access**

- Appears that the access to Rt 155 will be closed off by dumpsters but an emergency access gravel road will be added. The applicant should provide information on how this will be closed off and should coordinate with Fire and Police in addition to NHDOT.
- NHDOT approval will be needed for access of Rt 155.
- Some detail is missing on driveway width on the southern side of the developed area. What is the width of the driveway on the southern portion of the developed area? Is all travel two-way?

- Access to public highways shall meet the standards set forth in the Madbury Subdivision Regulations. The following are pertinent to driveways and access:
  - Subdivision Regulations Article V Section 1 Driveway Access:
    - In order to protect against hazards and sustain aesthetics, it may be necessary to limit driveway access points onto an existing Town road by directing them onto a road within the subdivision.
  - Subdivision Regulations Article V Section 2 Driveway Visibility:
    - There shall not be more than one driveway per lot. All season sight distance in either direction must be a minimum of two hundred (200) feet. All season sight distance is defined as a line, which encounters no visual obstruction between two (2) points, each at a height of 3 feet 9 inches above the pavement, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator approaching from either direction.
  - Subdivision Regulations Article V Section 3 Shared Driveways:
    - No driveway shall serve more than two adjacent lots. Shared driveways must not extend beyond the boundaries of the lots served.
  - Subdivision Regulations Article VI Section 4(H) Drives and Other Accesses
    - Driveways and Other Accesses: Driveways and other accesses to the local street network or proposed streets shall be constructed in accordance with the "State of New Hampshire Department of Transportation Policy and Procedure for Driveways and Other Accesses to the State Highway System", NH DOT 2000 (as amended), hereby incorporated by reference. Driveways shall be defined in accordance with the definitions given this publication. The grade of all driveways shall not exceed 6 percent for the distance sufficient to accommodate expected vehicle storage.

### **Section 9. Water and Sewage**

- Two septic systems and leach fields are proposed.
- Buildings A and B are served by one septic system and building C is served by a separate system.
- Lot loading calculations show that proposed flow is less than allowable flow, however applicant should confirm the location of usable area. Does the land to the north of the wetlands have sufficient area to meet the proposed 9,300 GPD flow?
- A gravel road is proposed to access the proposed well. A well radii of 175 feet is shown. A pump station is proposed to be located at the edge of the well radii. Due to the population served this will be a public water supply. Approval from NHDES will be required and the applicant should provide copies of permitting information to the Planning Board for the file record. The public well number should be listed on the final plan set.

### **Section 10. Utilities**

- The symbology for S3 could be corrected on Sheet L1 to match what is shown in the plan.
- All utilities should be installed underground.
- Suggest working with the applicant to identify an alternative type of post light that will help the building blend in as a residential structure. The proposed lighting seems more appropriate for a commercial parking lot than an apartment complex.

### **Section 11. Emergency Services**

- A written statement is required from the Fire Chief that states that the proposed fire lanes, emergency site access and other appropriate provisions to ensure public safety is adequate.

### **Section 12. Hazardous Materials**

- Are any hazardous materials to be stored on site?

#### **Development of Regional Impact:**

- To be determined by Planning Board.
- Criteria for regional impact (RSA 36:55) include, but are not limited to, the following:
  - The relative size and number of dwelling units involved (if a subdivision) over a period of time or the phasing of a commercial or residential development
  - The proximity of the development to a municipal boundary.
  - Impact upon transportation networks.
  - Anticipated emissions, such as light, noise, smoke, and odors.
  - Proximity to regional aquifers or surface waters.
  - Shared facilities.

#### **Additional Comments:**

- There appears to be a discrepancy between the lot lines shown and the iron rods found (northeast corner of lot). The applicant should explain this.
- Have all abutters, including those on the southern end of the lot, been notified?
- All overlay districts that intersect the lot should be listed in the plan notes
- The “Requested Special Exception” note box on Sheet C2 requires corrections. Article V-2B is not the correct article to reference. The text of the article can be included, but is not necessary. It is more important to state the existing and proposed use. Suggest that if the SE is granted by the ZBA, the applicant add a note that reads “A Special Exception was granted by the Madbury Zoning Board of Adjustment on [date] for the for the expansion of a non-conforming use with 3 residential structures (10 units, #? bedrooms) to 3 residential structures (19 units, 62 bedrooms) in the General Residential and Agricultural District (Zoning Ordinance Article XV Section 2(B)).”
- Proposed well radii should be labeled on the Site Plan sheet C2.
- All easements on the lot should be noted, even if they do not affect the area of development.
- Please label the dumpsters on the Site Plan sheet C2. Who will be responsible for waste removal?
- It is recommended that the Planning Board request renderings that show the proposed building on the site in the context of the existing structures as it would appear from the right of way (Rt 155 and Madbury Rd).
- No information is provided regarding the building’s ADA compliance.
- Is there a mail station/structure?
- Are any improvements proposed for the two buildings that will not be demolished (new paint, etc) to help create a cohesive development?
- Are there any exterior amenities other than the bike rack? Benches? Picnic tables?
- A note should be added to the plan that states that building height regulations are administered by the Building Inspector under the Town of Madbury Building Regulations.

- A portion of the development is located on land owned by the Town of Madbury and the site is proposed to be accessed exclusively through the lot owned by the Town of Madbury. Is there an existing access agreement or easement?
- It is recommended that the Planning Board obtain a third party (engineer) review of the drainage, utilities, and grading, driveway access, and the suggested traffic analysis.