

# SITE PLAN REVIEW APPLICATION REVIEW MEMORANDUM

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Date: October 6, 2009

To: Madbury Planning Board

From: Jack Mettee, AICP  
Mettee Planning Consultants

Project Name: Macleod Deck Construction

## Project Background:

Type of Application: Site Plan Review Application

Property Owner(s): Ronda Macleod  
245 Piscataqua Road  
Madbury, NH 03823

Applicant: Same as Property Owner

Property Address: 245 Piscataqua Road  
Madbury, NH 03823

Tax Map & Lot Number: Map 11, Lot 3

Lot Area: Not Provided

Zoning District: General Residential/Agricultural  
Minimum Lot Area: 80,000 SF (150,000 SF in Durham)  
Frontage Required: 200 feet (less with Planning Board Approval)

## Proposed Project

The applicant is seeking approval of a Site Plan Review Application for the construction of a deck in the Shoreland Protection Overlay District, Article X. The applicant has indicated that this activity would fall under Section 4. C, Limited and Regulated Uses, which requires a Conditional Use Permit as per Section 8 of Article X.

## Information Provided

The applicant has provided the following information as part of the application submission:

- Cover letter from Mark West, CWS, dated August 13, 2009
- Site Plan Review Application
- Abutter's List
- USGS site locus map
- Aerial photograph delineating the project site
- Four (4) photos of the project site
- Sketch map of proposed project indicating a 50 foot setback from HOTL (highest observable tide line)
- Copy of Shoreland Impact Permit from NH DES, dated 7/23/09

### **Type of Review**

This Site Plan Application review is limited to review for consistency of the subject application with Madbury's Zoning Ordinance and Site Plan Review Regulation and general clarity and accuracy of the information provided. It is not an engineering review of the technical aspects of the proposed project.

### **Consistency with Shoreland Protection Overlay District**

The proposed activity is located within the Shoreland Overlay Protection District as defined in Article X of the Zoning Ordinance and is subject to Section 8. Conditional Use Permit as a Limited and Regulated Use, Section 2b. Although the proposed use does not directly address the Purposes of the district, it does indicate that there will be "no adverse impact". Further, if the Planning Board reviews this proposal for a Conditional Use Permit the applicant does not appear to have provided any recommendations from the Madbury Water Board or Madbury Conservation Commission as required in Section 8, Conditional Use Permit.

### **Consistency with Site Plan Review Regulations**

This applicant has submitted this request as a Site Plan Review Application subject to the provisions of the Shoreland Overlay Protection District, Article X of the Zoning Ordinance. The applicant has not directly addressed the Submission Requirements, Article V of the Site Plan Review Regulations, although some of the information on the sketch plan does provide limited information with respect to these requirements. The applicant has also not addressed the Standards for Review, Article VI. In neither instance did the applicant request a waiver from these Requirements or Standards.

### **Comments on the Application**

The applicant has provided just the information necessary to have the Planning Board address this request. Although there appears to be no particular issues that would be in conflict with the provisions of the Shoreland Overlay Protection District, additional information would be helpful.

Such information would include:

- Size of lot
- Lot dimensions
- Definition of HOTL and how it was determined
- How the 50 foot deck setback was determined
- Area of the deck
- Amount of impervious cover both prior to and after the construction of the deck

Since the proposed use is in a pre-existing disturbed area (lawn), it would appear that there is minimal impact to the Shoreland Overlay Protection District. The applicant has offered a rationale that the proposed deck will have no adverse impact on the resource area (West letter of August 13, 2009).

The proposed project has received a Shoreland Protection Permit with conditions from the NH DES based on its determination that the project is consistent with the Comprehensive Shoreland Protection Act (RSA 483-B.)

Before making a decision, I believe the Planning Board should:

- determine if there are any comments/recommendations from either the Conservation Commission or the Water Resources Board.
- Request additional information from the applicant as noted above
- In conjunction with the Conservation Commission, consider requesting that the applicant undertake planting some native plant species adjacent to the HOTL

*Note: I have had a conversation on October 6, 2009 with Mark West, the applicant's representative, who has indicated that he will be providing additional information for the Board to consider during the review of this application at its meeting of October 7, 2009.*

This concludes the review of the Macleod Site Plan Review Application. Please let me know if you have any questions or require additional information.