

**Madbury Planning Board**  
13 Town Hall Road, Madbury, NH 03823

DRAFT

Approved on \_\_\_\_\_  
Motion by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_

**Minutes of July 15, 2009**

Meeting convened at 7:00 pm

Board members in attendance:

1. Robert Sterndale, Chairman
2. Doug Hoff
3. Wally Dunham
4. Robert DiBerto
5. Jeanne Sowers
6. Fritz Green

Public in Attendance:

Please see attached sheet.

**Announcements**

The Chairman received a scanned copy of minutes from Attorney Roberts for the Old Stage campground application. Additionally, attorney Robert's has requested that the next meeting be continued to the third week of August to allow time to complete the traffic study. The Chairman stated that he confirmed the correct process with counsel Wyskiel, and that tonight the Board will move to continue and then announce it at the August 5 meeting.

**Review of Minutes from June 3 and July 1, 2009**

The June 3 and July 1 meeting minutes were approved.

**Agenda Items**

**1. Lot Line Adjustment Application: Map 08, Lot 23/22, Christopher Levesque, 173 Madbury Rd**

The Chairman reminded members that the application was presented at the July 1, 2009 meeting and that it was continued to tonight. The Chairman discussed the status. He stated that the lot is currently complying and that some issues identified in the report presented by Jack Mettee may be better suited for the building inspector to address.

The applicant Mr. Levesque stated that he is adding a lot back to his property which previously existed 10 years prior.

Member Green asked for confirmation that this is only a lot line application and nothing more.

The Chairman stated that the Board could pass the Mettee report to the building inspector. Also, there was discussion about the plan containing reference to a 1-bedroom unit above the garage shown on the septic approval plan. The applicant explained that this was provided as a courtesy to show good will towards wet area protection, it was not required for the lot line application.

The Chairman returned to the fact that the application does not make the lot less complying. He stated that the septic approval plan does not compromise the lot line application.

**Madbury Planning Board**  
13 Town Hall Road, Madbury, NH 03823

**Motion.** Moved to accept the application for consideration by Fritz Green. Seconded by Wally Dunham. All aye. No opposed.

**Motion passed.**

**Public Comments**

None presented.

**Further Board Discussion**

None offered.

**Motion** to approve the lot line application by Fritz Green. Seconded by Wally Dunham. No opposed. All aye.

**Motion passed.**

**2. Continuation of Site Plan Review of Old Stage Campground**

**Motion** made to continue the Old Stage Campground hearing that is set for August 5, 2009 to August 19, 2009 by Robert DiBerto. Seconded by Fritz Green. All aye. No opposed.

**Motion passed.**

**3. Conditional Use Permit Application: New England Recycling, Knox Marsh Road, Route 155**

The Chairman explained that typically there is a checklist that is reviewed. Since there is not one for conditional use permit, they will refer to the page 5 and page 6 of the Jack Mettee Review report.

**Motion** to accept the application as presented by Wally Dunham. Seconded by Doug Hoff. All aye, no opposed.

**Motion passed.**

Member Dunham stated that he did not want this acceptance to preclude requesting additional information as part of the approval.

**Applicant Presentation by David White, Woodard and Curran.**

Mr. White stated that he is joined by Colin Kane and Keri Fitzpatrick. Mr. White reviewed the overall site plan, the current operation configuration, and location of the proposed improvements. Currently there is a large paved surface from the previous operation. Presently no runoff leaves the site due to topography contour. He outlined the three water collection areas on the lot.

He stated that the proposal is to consolidate historical operations on the site and to create a single processing area at the rear of the facility. The existing subsurface drainage system is going to be eliminated from use. He described the new system that will be constructed. It will have a holding tank where 24 hours stormwater will rest and then be visually checked by an operator before release.

Mr. White affirmed that the new system is going to meet the criteria listed by the NHDES.

## **Madbury Planning Board**

13 Town Hall Road, Madbury, NH 03823

Mr. White stated that because they are in the Aquifer Overlay district, and will be altering the land, they are before the Board for a conditional use permit. The applicant is also seeking a waiver from the 25 foot buffer to allow for revegetation activities, and a waiver for work that will occur in the 75-foot zone.

Mr. White referenced the Environmental Plan that was prepared as part of the application. Mr. White stated that Ms. Kilpatrick is here tonight to answer any questions with respect to the Plan.

Mr. White stated that in response to concerns raised in the Mettee review report, he has prepared an addendum that he would like to submit into the record. He presented this document to the Board.

### **Board Discussion**

Member Green asked for the 30,000 foot view of the project? Mr. White answered that the applicant wants to improve the site's stormwater process.

There was discussion about the non-process areas and what contaminants may exist in those areas. Keri Fitzpatrick described the historical use of the property, and that 3 years prior, there was excavation of this area and clean fill was brought in.

Member DiBerto asked for clarification on the maximum design volume. Mr. White answered that it will be designed for an average 1inch flow, the primary intent is to capture that first flush of a rain event. The system is not designed to treat peak runoff.

Member Sowers asked why the applicant would not design the system to contain a larger amount of volume. The applicant answered it is only intended is to control quality not quantity.

### **Public Comment**

Eric Fiegenbaum commented that the Conservation Commission previously heard a presentation by the applicant and they viewed the project as an improvement.

Member DiBerto asked the applicant for a list of the state permits that they will need before the project begins? The applicant stated that the only state permit that will be needed is a construction dewatering permit.

### **Board Deliberation**

The Chairman referred to the ordinances for guidance on granting a waiver. He stated that he did not find anything on granting waivers. Jack Mettee stated that he does not feel the Board can legally grant a waiver.

The Chairman and members discussed what the correct path is to approve the project to go forward. Instead of granting a waiver, the Chairman recommended that they approve a conditional use permit for the two districts that will be affected, the Aquifer Overlay and the Wet Area.

Members referred to the town ordinances, page 27 for the Aquifer Overlay District, Section 4A, Permitted uses, #3 Maintenance and repair of existing structure. Jack Mettee feels the Board needs to decide whether it is a Permitted or Prohibited Use. He said if the Board feels that it may be prohibited it would best serve the applicant to get a conditional use permit. The Board members agreed that in their view the application falls under the Section 4C, Limited and Regulated uses, item 2b and c, namely Metalworking and Manufacturing facilities.

## **Madbury Planning Board**

13 Town Hall Road, Madbury, NH 03823

The Board reviewed the conditions that must be met for granting a conditional use permit on page 30, Section 8 of the zoning ordinance booklet.

Eric Feigenbaum presented two letters of support presented by the Madbury Fire department and the Madbury Conservation Commission.

The Chairman next wanted to address the deficiencies that were noted by the Jack Mettee review. He stated that the applicant has answered the review questions adequately.

The Chairman noted that upon reading the original Spill Prevention Countermeasure plan originally submitted in the application, it did not contain a procedural requirement to notify the town.

**Motion** made to approve the application with the condition that the operating procedures be updated to comply with town ordinances by January 1, 2010 by Jeannie Sowers. Seconded by Wally Dunham. All aye. No opposed.

### **Motion passed.**

Ms. Keri Fitzpatrick stated that members are welcome to come visit the site after the construction is complete.

Meeting adjourned 8:20pm.

Respectfully submitted on July 23, 2009 via email at 7:00AM.  
Leigh Dunkelberger, Planning Board Clerk  
4 pages