

MADBURY PLANNING BOARD  
13 Town Hall Road, Madbury, NH 03823

Official Business

Approved on: 5/18/16  
Motion by: DH 2nd: JM

May 4, 2016

Meeting convened at 7:00 p.m.

**Members in attendance:**

Fritz Green - Chairman  
Tom Burbank  
Douglas Hoff  
Robert Sterndale  
Marcia Goodnow  
Mark Avery  
Julie McCabe

**Support Staff:**

Tarah Beaupre  
Jack Mettee

**AGENDA**

**Approval of Minutes from the April 20, 2016 Meeting:**

**Motion** made by Member Goodnow to accept the minutes as amended, seconded by Member Hoff. All aye. Member McCabe abstained. **Motion approved.**

**Application: Conditional Use Permit, Map 9, Lot 63A, Brosseau:**

The Chairman stated that before moving forward with the application, the board should discuss the language in the ordinance regarding conditional use permits. He noted that they don't generally stand alone, rather they are part of a subdivision or site plan review.

Mr. Mettee stated that the board could request a site plan review to gather details beyond the use of the site, things that the Board could put controls on such as traffic, stormwater management, etc. The conditional use permit is more for a particular use, not necessarily for what else is happening on the site. Mr. Mettee stated the site is being used for sand and gravel, the applicant wants to change the use, and that is where the conditional use permit may apply.

MADBURY PLANNING BOARD  
13 Town Hall Road, Madbury, NH 03823

Member Sterndale noted that the change Mr. Brosseau is seeking is important as it is over the aquifer that supplies water for the City of Dover.

Mr. Mettee suggested hearing the conditional use permit and then the Board could post the site plan review. Member Sterndale stated that a statement of use as well as the reclamation plan would be helpful with the application.

David Brady, 49 Pudding Hill Road, suggested the site plan should include seeding and sodding the areas not being used. He stated that there is a severe dust problem. He also suggested having a plan for leaking trucks. The Chairman stated that all other comments will be held during the public hearing.

The Chairman read the public notice.

Applicant Presentation:

Mr. Brosseau stated that he plans to store his excavation equipment in the sand pit. There is no further change of activity beyond the storage of heavy equipment. This includes trucks and trailers. He stated that there will be 1-2 employees arriving in the morning and the evening. There will be no change in noise. The hours of operation will be 7-3:30, Monday - Friday.

Member Burbank asked for clarification on the vehicles. Mr. Brosseau stated that there are 4 light trucks (pick up trucks), 3 heavy dump trucks, 3 front end loaders, and 1 excavator. The trucks come and go as they purchase sand with no pattern and some days are busier than others. There are 2 trailers that go with the trucks as well as 2 storage trailers presently there for tools.

Mr. Brosseau stated that what is happening now on the site is under someone else ownership and he will not operate outside of business hours. He closed on the property but the business has not yet been transferred/closed.

Member Avery questioned the driveway. Mr. Brosseau shared that the current access is a right of way owned by the abutter. He would prefer to not change the access. Member Sterndale stated that there has been a driveway permit issued that is acceptable.

Member Sterndale stated there are 3 extra vehicles. Mr. Brosseau stated that in the winter there would be between 10-12 vehicles stored onsite.

Mr. Hoff stated that the storage would be used for tools and asked for conformation that there would be no storage of fuels over the aquifer district. Mr. Brosseau agreed that there would be no storage of liquids.

MADBURY PLANNING BOARD  
13 Town Hall Road, Madbury, NH 03823

Public Hearing opened at 7:23 pm

Mr. Brady, 49 Pudding Hill, stated that the proposed new driveway is directly across from a school bus stop. The right of way would be better. He suggested seeding some of the dusty areas or considering dust protection along the road. In terms of the equipment, Mr. Brady suggested protection against dripping fluid such as a vapor barrier or even crushed stone with plastic under. While Mr. Brady is agreeable with Mr. Brosseau's business, he stated that he would like to see the site up to code and a better quality of life for the neighbors.

Sara Trifiro, 47 Pudding Hill, stated that some of the fill looks like tree stumps and would like to see this taken care of. She shared that she has young children and wants to be sure the ground is solid for safety concerns. She stated that she has concerns about people using the pit on the weekends for rifle practice. Ms. Trifiro also suggested that the gate needs to be locked.

Eric Nikitin, 2 Garrison Lane, stated there is a lot of activity at the pit on the weekends. He stated he sees landscapers dumping things, stumps, grass, etc. He shared pictures with the Board that he believes demonstrates the total lack of respect with the current owners. He stated that having the 2 trailers on the side of the road is a total lack of respect for the community. Mr. Nikitin stated he has no issue with the business, just looking for a respectful neighbor. He shared a picture of sand that he had to clean out of his gutters as a result of the pit across the street. Mr. Brosseau stated he noticed the 2 trailers and would move them down into the pit.

The Chairman stated the currently trucks exiting the pit turn left. There is a weight limit on Pudding Hill Road.

Kevin Lowell, 53 Pudding Hill Road, stated that there is a sign at the exit of the pit with a weight limit. He doesn't want the new driveway across the street from him.

The Chairman questioned if Mr. Brosseau would exit left if the driveway was built. Mr. Brosseau stated yes, that he would need to notify people that they would need to exit to the left. He added that he could put up another sign.

The Chairman stated that he usually sees Madbury police patrolling the area. He is unsure about locking the gate and questioned if they can lock the gate as it is a right of way.

Eric Nikitin, the stop sign needs to be addressed, it is a major safety issue especially with the trucks on the road. Stacy Nikitin stated the people that do stop, slide through because of all the sand. Eric suggested a painted line showing where the line is.

Lauri Ferguson, 51 Pudding Hill Road, stated that she attended a meeting years ago regarding this site where it was indicated that the pit would expire within 3 years. She believes there was an end of life statement.

MADBURY PLANNING BOARD  
13 Town Hall Road, Madbury, NH 03823

Stacy Nikitin stated that she attended that meeting as well. The meeting was called because of resident concerns. In that conversation, it was stated there was an end of life. Plans were suggested to have a berm and trees.

Mr. Brady questioned the business. Mr. Brosseau stated he will keep selling the sand. Regardless of what previous estimates have been, at the current rate there is another 5 years quantity wise of primarily fill sand.

Mr. Brady asked who will be operating the sand business. Mr. Brosseau stated it will be under his management.

Sara Trifiro questioned the policy on testing the water. Member Sterndale shared that the state has a monitoring program and checks the area regularly. He stated they rely on the state to do this. Mr. Brosseau added that there are 2 monitoring wells that are tested.

Member Burbank asked if there is a way to secure the area. Mr. Brosseau stated there is a gate at Pudding Hill road but he doesn't have the ability to lock it. However, there is a gate into his pit that he is able to lock.

Eric Nikitin questioned who has the authority to deal with the stop sign. Member Sterndale stated the Selectman can handle that.

The chairman closed the public hearing.

Member Sterndale recapped the categories of concern. 1) The owner has a small change of use. 2) Issues that the Selectman can address regarding whether the pit is in conformance (enforcement issue). 3) Policing issue regarding illegitimate uses of the pit. 4) The last issue is about being a good neighbor.

**Motion** made by Member Hoff to continue the conditional use permit to Wednesday, May 18 2016 at 7:00 PM at the Madbury Town Hall. Second by Member McCabe. **Motion approved.**

Member Sterndale shared that the public is always welcome to attend the Selectman meetings. Topics such as driveways, dust, enforcements, violations, etc are all items the Selectman can discuss. The meeting times are listed on the town website, simply contact the town hall to be added to the agenda.

The Chairman indicated that Mr. Brosseau should submit a site review plan application. Member Burbank suggested including vehicle information, specifically the dripping from vehicles. Member Sterndale added the reclamation plan, operation plan, as well as a statement of current activities. Mr. Mettee added that not everything in the site review plan will apply to Mr. Brosseau but he should do his best to answer what is possible.

MADBURY PLANNING BOARD  
13 Town Hall Road, Madbury, NH 03823

In terms of restoration, Member Goodnow questioned if that pit could end up like Stonewall Kitchen. Mr. Mettee asked if there are any areas that are done being used that could be reclaimed.

**Review of Master Plan Update:**

The Chairman said he would like for a board member to take the lead on the master plan.

**Attendees:**

Lorraine Morong  
Eric Nikitin  
Stacy Nikitin  
Arthur Anderson  
Lauri Ferguson  
Eric Brosseau  
Kevin Lowell  
Wallace Dunham  
Peggy Wolcott  
Sara Trifiro  
David Brady  
Justin Corrow

Meeting adjourned at 8:18 pm.

Respectfully submitted by Tarah Beaupre, May 9, 2016 - 5 pages.

APPROVED