

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

Official Business

Approved on: 6/1/16
Motion by: TB 2nd: JM

May 18, 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 May 4, 2016 Meeting:

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

Application: Site Review Application: Map 9, Lot 63A, Brosseau:

The Chairman read the rules of procedure regarding a public hearing as well as the public notice.

Applicant Presentation:

A map of the property was provided to the Board. Mr. Brosseau outlined the area where the equipment will be parked.

The Chairman stated there was an abutter question regarding the water level in the pit. Eric Fiegenbaum stated that he researched this and found a restoration plan from 1994 where the water table elevation, based on nearby monitoring wells, suggested 81-85 feet. Using some State

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supplied LiDAR data, the lowest elevations Eric found at the pit was 96-98 feet. Eric Fiegenbaum stated that he shared this with the concerned abutter.

Another concern of the abutters was the access road. The Chairman shared Town Meeting minutes from 1979 that documented the access road recorded as subject to gates and bars. This record leads the board to believe the access road is in fact a Madbury Road.

The Chairman asked if Mr. Brosseau would still create a driveway if he had access to the road. Mr. Brosseau responded that he would prefer to keep using that access road. Member Sterndale stated that there are some limitations for class VI roads and the Selectmen would need to approve the use to some degree.

Kevin Baum, Mr. Brosseau's attorney, stated that his only concern would be his client giving up any rights regarding the driveway. The Chairman stated that Mr. Brosseau has a driveway permit and it is his right to do that.

Member Sterndale stated that the Selectmen spoke with some abutters who were very courteous. The Selectmen agreed that the berm needs to be fixed, dust minimized, sand cleaned up on the road, and the business needs to respect the hours of operation. These are enforcement issues that the Selectmen can work with Mr. Brosseau to fix.

The Chairman asked Mr. Brosseau what plans he has to prevent the leaking of the vehicles parked on the site. Mr. Brosseau stated that he needs to research the options and costs. He could do a vapor barrier or a small paved area where the vehicles could sit on at night.

Member Sterndale brought up the concern of run off/drainage. He asked how many vehicles operate in the pit now. Mr. Brosseau stated 1-3 at any given time, then 10-12 inactive vehicles stored there in the winter months. Member Sterndale indicated that these inactive vehicles will be sitting there for many months with significant volumes of fuel and hydraulic fluids. He suggested a vehicle inspection routine. Mr. Brosseau stated that he also has a spill kit on site. Member Avery suggested a spill plan to outline what would happen in a spill. This might keep the risk at an acceptable level. Member Burbank questioned if this would be enforced by the town. Member Sterndale stated it could be a condition of approval, perhaps a log of inspections.

Mr. Mettee reminded the Board that Dana Lynch put together a spill response plan for the equipment rental company. Also the wellhead ordinance has requirements for a spill response plan. The Board should approve the plan and the monitoring. Member Hoff stated he would like to ensure there is a log of the vehicle inspections.

Public comment was opened and closed immediately at 7:24 with no comments.

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Motion made by Member Hoff to approve the conditional use permit with the following conditions, seconded by Member Goodnow. **Motion approved.**

1. Pieces of construction equipment will not exceed 20 vehicles
2. Provided a spill response and prevention plan and an inspection plan.

Motion made by Member Hoff for the Chairman or his designee to sign off on the conditions of approval when they are met, seconded Goodnow. **Motion approved.**

Motion made by Member Hoff to approve the site plan review, seconded by Member Avery. **Motion approved.**

Review of RSA 674:43:

Mr. Mettee shared that based on legislation, the Planning Board was within its authority to require Mr. Brosseau to submit a site plan review application. He suggested that it would be helpful to amend the purpose section of the site plan review regulations so the authority is clear.

Mr. Mettee offered to create a draft text for discussion at a future meeting.

Review Proposed PB User Guide:

The Board discussed how it is important for residents to be educated on what changes need to get approval from a town authority on. The Chairman suggested an FAQ on the website, such as a one pager to help to educate the public. Eric Fiegenbaum stated that he can help with the website and keep a copy at the town hall.

The Board will discuss further at a future meeting.

Attendees:

Lorraine Morong
Justin Corrow
Wally Dunham
Kevin Baum

Meeting adjourned at 7:50 pm.

Respectfully submitted by Tarah Beaupre, May 24, 2016 - 3 pages.