

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

Official Business

Approved on: 04/19/17  
Motion by: WD 2nd: MG

Minutes of March 1st, 2017

Meeting convened at 7:02 p.m.

**Members in attendance:**

Fritz Green - Chairman  
Robert Sterndale  
Marcia Goodnow  
Mark Avery  
Wallace Dunham (seated)

**Support Staff:**

Desirea Owens  
Jack Mettee

**AGENDA**

**Approval of Minutes from the February 1st, 2017 Meeting:**

The minutes from February 15th, 2017 were reviewed. **Motion** made by Member Avery to accept the minutes as amended, seconded by Member Dunham. **Motion approved.**

**Public Hearing: Lot Line Adjustment - Peter Jakobs:**

The Chairman read the rules of procedure for a public hearing as well as the public notice for the application. He noted that the public notice had been written to reflect the original application which had since been slightly amended.

Peter Jakobs presented to the board the change in lot lines between his two properties. He would like to decrease Lot 6 from 12.73 acres to 2.88 acres and expand Lot 6A from 31.45 acres to 41.35 acres.

Member Sterndale stated that there was no mention of boundary markers on the plan. The final plot plan shall show boundary markers at the back of lot 6A as a condition of approval.

The Chairman opened the public comments at 7:12pm and closed immediately after hearing no comments.

**Motion** made by Member Sterndale to approve the lot line adjustment application for Map 8 Lot 6 & 6A with the condition that the boundary markers are to be noted prior to the signing of the plan. Seconded by Member Dunham. All aye. **Motion approved.**

## **Public Hearing: Subdivision & Lot Line Adjustment - Kenneth & Brenda Bouchard:**

The Chairman read the public notice for the application.

Wayne Morrill, with Jones & Beach Engineers representing Mr. and Mrs. Bouchard, addressed the board. The current application proposes to create two additional lots from Lots 14A; new Lot 14E referred to as Lot 4 and new Lot 14D referred to as Lot 3. There would also be a lot line adjustment on Lot 14B with the additional land going to Lot 3. The two new lots will be created each with driveways as well as leach field reserve areas and water well locations for each lot.

Mr. Morrill noted that any new building will not interfere with the public access to the old schoolhouse foundation. As part of the property's deed it will be noted that there will be public access allowed to the foundation. Member Avery questioned the current subdivision plan on the Strafford website that notes a "proposed easement" for the schoolhouse. Mr. Morrill said that is incorrect, that there currently is an existing easement and it will remain as it is. He will be in contact with Strafford to have that corrected.

Jack Mettee reviewed his memorandum to the public.

Mr. Morrill responded to Mr. Mettee's comments. He assured that the stormwater treatment plan would direct the water to shed onto the lots not onto the road. There would also be a note added to plan for all construction areas to be outlined with silt fence prior to construction. Vernal pools had been looked at with the original plan and none were found at that point, he will have that added as a statement to the plan. Mr. Morrill will be getting a DES permit for Lot 4 for the wetland crossing as well as reapplying for permits for the two original lots from 2006.

The Chairman opened the public comments at 7:32pm.

Tom Crosby of 61 Hayes Road expressed his emotional connection the old schoolhouse and would like to see that area preserved. He also expressed concern with how wet Lot 3's property is.

Anthony St. Louis of 72 Hayes Road expressed his concern with the water drainage. When the original driveway was created in 2006 he noticed a significant increase in water run off onto his property. He is worried that the runoff could increase even more.

Mr. Morrill assured that he will have the culvert inspected. He will have it repaired if the water is not flowing in the correct direction.

Katherine Frid of 68 Hayes Road stated that when the driveway was first put in her basement flooded for the first time that spring. She sincerely feels that it was in relation to the new driveway. She would like the engineering of the driveway and culvert seriously looked at.

Eric Fiegenbaum advised Mr. Morrill and the Bouchards to discuss the water flow with the Water Board and the Conservation Committee.

Public comments closed at 7:45pm.

Member Sterndale stated he has a long list of possible conditions. He questioned if the Conservation Committee needs to review the wetlands crossing and comment. Mr. Fiegenbaum confirmed that both Conservation Committee and the Water Board will need to review the application as well as have a statement from a wetland scientist about any possible impact.

Member Sterndale read off his list of possible conditions:

- Satisfactory easement documentation.
- Setback lines showing new lots.
- Potential building locations shown.
- Driveway permits.
- No vernal pools noted on plan.
- Storm water flow needs to be discussed on the plan.
- DES wetland crossing permits.
- Water Board and Conservation Committee comments on application.
- Septic plans for the new lots.

Jack Mettee is recommending a second hearing is held for the “conditional use permit” and in the meantime the Bouchards needs to speak with the Water Board and Conservation Committee. Completing as much of Member Sterndale’s list of possible conditions would also be beneficial prior to the next hearing.

**Motion** made by Member Goodnow for the hearing to be continued April 5th at 7:00pm. Member Dunham seconded. All aye. **Motion approved.**

### **Preliminary Hearing - Lao Temple:**

Sam Marino, realtor, addressed the board speaking on behalf of the prospective applicant. The prospective applicant is proposing to redevelop the property of 181 Littleworth Road and change the previous use to a religious function as well as changing the original plot plan to include additional parking.

Jack Mettee began to review his memorandum to the public. Michael Sievert of MJS Engineering interposed that he had received a copy of the memorandum and explained that everything in regards to the potential application is still a preliminary plan and that all of Jack’s comments would be addressed when an official application is submitted.

The Chairman questioned the buffer area on the Lao Plot Plan. Mr. Mettee stated that the Planning Board is not able to make special exceptions to approve changes to the buffer area that Mr. Sievert is needing to fit the estimated parking spaces. He will need to approach the Zoning Board for that request. Eric Fiegenbaum then went on to state that the setback area may be of a bigger concern than the buffer area. He said it will be up to the Planning board to decide whether a parking lot is considered a non permitted use which will depend on the condition of the soil. The Chairman advised Mr. Sievert to speak with the Fire Chief about the proposed parking lot. Mr. Fiegenbaum questioned the existing septic system. Mr. Sievert said the current leach field is expired and he has laid out a potential new leach field in the plan and there would be a new

septic system in place.

Member Sterndale expressed encouragement for the plan but did note that it's a difficult property for the changes they are requesting.

**Discuss Proposed SB 169:**

Member Sterndale discussed his dissent to the proposed SB 169. He shared the memo he had sent to the Public and Municipal Affairs Committee and encouraged anyone in the public who is opposed to reach out as well.

**Discuss C-RISe Vulnerability Assessment:**

Eric Figenbaum discussed the C-RISe Vulnerability study. Madbury has very little impact areas. Primarily down by the bay and Johnson Creek area. Fairly minor impacts to the direct community but in some of the study's outcomes access to other towns could possibly be cut off, like access to and from Portsmouth.

**Discuss Regulation by Form:**

Member Sterndale and The Chairman both agree that new regulation language needs to be discussed in relation to Subdivision Regs, Art. IV Section 14.

**New/old business:**

The Planning Board will likely have a new board member, Casey Jordan. The board will also likely need a new Chairman.

Meeting adjourned at 8:30pm.

**Meeting attendees:**

Khamkeo Bone	Gary Cilley
Sam Marino	Andrew Gault
Lorraine Morong	Sue Mavison
Peter Jakobs	Jessie Jakobs
Eleanor Morrison	Peter Russell
Katherine Fred	Oachuck Saphut
Jim Davis	Eric Fiegenbaum
Tom Crosby	Norm Sihabonth
Air Vonqsay	Syvone Hanthankormane
Infenq Vonqsay	Darika Frichittavong
Casey Jordan	Wayne Morrill
Brenda Bouchard	Anthony St. Louis