



MADBURY PLANNING BOARD

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16 October 2021

MEMORANDUM FOR TOWN OF DURHAM PLANNING BOARD
MIKE SIEVERT, HORIZONS ENGINEERING
MICHAEL AND MARTHA MULHERN, PROPERTY OWNERS

FROM: MADBURY PLANNING BOARD

SUBJECT: MADBURY'S JURISDICTION OF THE CROSSINGS SUBDIVISION

This memo addresses Madbury's jurisdiction and expectations regarding the portion of "The Crossings Subdivision" (a.k.a. Gerrish Drive Subdivision), 91 Baghdad Rd., Durham NH (Madbury Tax Map 9 Lot 32) located in Madbury as presented to the Madbury Planning Board on 1 September 2021.

Per legal advice, Madbury has determined that, in accordance with RSA 365-B, Madbury lacks jurisdiction to regulate this condominium development using Madbury's subdivision regulations.

However, per legal advice, the development is still required to conform with Madbury's Zoning ordinances. Given this, the Madbury Planning Board establishes the following:

1. Any development (e.g., road construction, ancillary / accessory structures, walking trails, stormwater management structures, setbacks, trails, etc.) of the subject development's land in Madbury must meet Madbury's ordinances and receive applicable approvals.
2. The applicant must coordinate with the Madbury's Road Agent and or Building Inspector for any approvals / permits for the portion of the development's private road in Madbury. If needed, the applicant may submit waivers of road standards to the Planning Board.
3. Apart from mutual aid agreements, Madbury will not provide civic services to homes in this development including those fronting the Madbury portion of the road.
4. The applicant should comply with road design and stormwater management plans as presented to the Madbury Planning Board.
5. The applicant should provide the final approved agreement / language placing the development's land in Madbury into protected open space.

6. The applicant must provide an appropriate final plan(s) for Madbury's records.

The Planning Board recommends that the above comments be supplied to project architects and engineers for incorporation in the final subdivision plan. The Madbury Planning Board is also happy to meet with the applicant to help with the implementation of the above.

Respectfully,

Mark Avery
Chair, Madbury Planning Board

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