

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

Official Business

Minutes of November 16, 2011

Approved on: _____

Motion by: _____ 2nd by: _____

Meeting convened at 7:00 p.m.

Members in attendance:

Robert Sterndale, Chairman
Robert DiBerto
Wallace Dunham
Douglas Hoff
Bruce Hodsdon, Selectman Representative
Tom Burbank
Fritz Green

Public in attendance:

Please see attached sheet.

AGENDA

Correspondence:

The Chairman announced that there was no correspondence.

Minutes:

The minutes from the November 2, 2011 meeting were reviewed. **Motion** made by Member Dunham to approve as corrected, seconded by Member Green. **Motion Passed.** Member Hodsdon, Member DiBerto and Member Burbank abstained.

Application: Conditional Use Permit (Map 9, Lot 16A). Submitted by Garvey & Company Ltd. for Dane Evans and Craig Evans:

The Chairman read the public notice for the application.

The Chairman questioned if the Board required any clarification on the application. He noted that a conditional use permit was processed for the second subdivision but the Board did not take action on the wetland crossing for both subdivisions. The board simply overlooked the formality

of voting on the first one. The request is for a conditional use permit in Article 9, Section C for a wetland crossing. Member Hodsdon stated the permit was approved with no conditions.

Motion by Member Green to approve the conditional use permit as presented by Mr. Garvey on Lot 16A on Evans Road, seconded by Member Dunham. **Motion passed** unanimously.

Motion made by Member Hoff to allow the Chairman or his authorized designee to sign the Mylar's when they come in (the 2 subdivisions on Evans Road), second by Member Green.

Motion Approved.

Preliminary discussion with Doug Bencks from UNH:

Mr. Bencks stated that the University acquired the land in the 1960's for agricultural programs and it is a very important part of the programs for the university. However, with limited resources, the costs associated with maintaining farmhouses in order to keep it up to code, the University has begun looking at other ways to utilize these buildings. Mr. Bencks noted that a farmhouse on Bennett Road in Durham was recently sold to a family planning to restore it as a bed and breakfast. In addition, the University is in the process of working with a company who dismantles historic buildings and moves them in order to preserve the DeMeritt farmhouse on Rt. 4.

Mr. Bencks stated that the University has offices in the Kingman farmhouse but as a result of the deterioration of the building, they were forced to relocate those offices. He noted that the University is in discussions on how to subdivide the farmhouse and make available for a private entity to acquire. Another option they are considering is dismantling it to move to a different location. Mr. Bencks referenced the arial map sent to the Planning Board outlining different ways to subdivide the house that would allow for 4 acres of land and have atleast 120,000 sq feet of developable land to be used as a duplex or single family home. He understands a soil survey would need to be completed to determine where a septic system could be located.

Member Dunham questioned if there is any legal proceedings the University would need to consider. Mr. Bencks stated this land was part of the Woodman family land to be used for agricultural purposes. An agreement was made with the state of NH that if the University were to sell the land, proceeds would be used to purchase more agricultural land. In addition, the University would need to get approval from the Attorney General to go forward. The proceeds of the sale would be put into a fund that would be controlled by the Attorney General's office and UNH would require their approval in order to use that money.

Member Dunham asked if more land could be subdivided later on. Mr. Bencks stated that is not the intention of UNH; it is simply the farmhouse that is becoming a challenge. He noted if the Town of Madbury would just like the farmhouse removed, they could consider that.

Member Hodsdon questioned what would happen with the existing access to the barn? He expressed his concern with an agricultural and residential site using the same driveway. The distance between the driveway and the barn is close and having all the farm equipment around

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could be a disturbance. Member Hodsdon questioned if there has been a structural evaluation to see if the farmhouse could be renovated. Mr. Bencks stated this is similar to other farmhouses; they want to find someone who will restore it. Member Hodsdon stated his concern with work not being completed and then the building becoming boarded up.

The Chairman stated this is interesting as the University doesn't have to conform to the Madbury zoning ordinances but if the land is subdivided, then that parcel would need to conform to the zoning. The Chairman stated he couldn't think of any compelling reason why the house shouldn't be subdivided but if UNH were to split any more land in the future, he would urge the Selectman to fight that, as it is such an important part of the town.

Mr. Bencks stated that these are all very important points. He noted that every 10 years the University outlines a master plan. They are currently in the process of redoing the master plan and reviewing the farmlands. As of now, there is no intent on their part to do anything further with the land at Kingman.

Member Hodsdon suggested extending the land and lot line one way or another so a potential owner could utilize that land for farming as well. Additionally, a note should be included that indicates the land will not be subdivided again. Member Hodsdon noted that his proposal seems reasonable at this point, and it meets the ordinances.

Member Green questioned if the house was moved, would UNH still be looking to subdivide the land? Mr. Bencks stated no.

Mr. Mettee stated that families have lived in the Kingman farmhouse in the past. He questioned how long ago that was and why did the University think that wasn't a good idea? Mr. Mettee also noted that there are groups in the State that form trusts and then become sponsors in historic homes.

Mr. Bencks stated that up until 3-5 years ago there were people living upstairs in the farmhouse. The state fire marshal deemed it unsafe because there is only one stairway going upstairs and it is a mixed use. A building code issue forced them to vacate the tenants. In terms of working with a historic trust, Mr. Bencks noted they are open to it.

Member Hodsdon stated he is very cautious of any subdivision of that property and would rather see it moved. Member DiBerto stated there are viable alternatives for that if the building remained.

Member Hodsdon noted the cost to improve the building would be a lot. Mr. Bencks stated that there have been no substantial improvements completed on the inside. Member DiBerto stated he thinks this house is older than initially stated, perhaps early 1800's.

Mr. Bencks questioned what information the Board would require if he came back, suggesting the soil information for septic and exact boundary lines. Member DiBerto stated the current well and septic should be included. Member Burbank questioned if the current well and septic would be used going forward. Mr. Bencks stated one of the septic is working fine. Member Hodsdon

stated if Mr. Bencks couldn't prove the septic meets current state standards, there would need to be an acceptable test pit located for back up purposes. Mr. Bencks stated the second septic is hooked up to the house, but the status is unknown.

Mr. Fiegenbaum stated that as a member of the conservation commission, he is concerned with violating the trust just because the University doesn't want to maintain the house. He questioned what is a trust worth if it isn't abided by.

Mr. Bencks stated that the University would have to go through the Attorney General and they are trying to balance the needs of all parties.

Member Hodsdon stated it might be productive for Mr. Bencks to meet with the Board of Selectman and the historical society of these. Condition, historical nature, of the property.

Open Space Subdivision Discussion:

Member Burbank noted the subcommittee has nothing further to review at this time.

Agenda Planning:

The Chairman suggested the open space subcommittee meet in the next month. No meetings in December.

Meeting adjourned, 8:10 pm

Respectfully submitted by Tarah Beaupre, Recording Secretary, November 20, 2011, 4 Pages.