

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

Official Business

Approved on: \_\_\_\_\_  
Motion by: \_\_\_\_\_ 2nd: \_\_\_\_\_

Minutes of July 17, 2013

Meeting convened at 7:00 p.m.

Members in attendance:

Fritz Green, Chairman

Bruce Hodsdon

Tom Burbank

Doug Hoff

Wally Dunham

Julie McCabe

Jim Kach

Public in attendance:

Please see attached sheet.

AGENDA

**Minutes:**

The minutes from the June 19, 2013 meeting were reviewed. **Motion** made by Member Dunham to approve the minutes as amended, seconded by Member Burbank. **Motion approved.** All aye.

**Correspondence:**

- Summer Erosion Control Field Days sponsored by Local County Conservation Districts
- Letter from FEMA announcing a seminar at UNH flood risk review meeting

**Application: Lot Merger Application - Jason Berndtson: Map 9, Lots 8 & 8A:**

The Chairman stated that he spoke with Attorney Hogan. He mentioned that the Nadeau's need to locate a well site and that using the Dover water line is not going to work out. Attorney Hogan indicated he wasn't sure when they would be ready to come before the Board.

The Board discussed the length at which the Board has been continuing this application. Member Hodsdon stated that the application could be a failure to pursue. The Chairman stated the Board could still continue the hearing to a later date.

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Member Hoff asked what does not having the lot merger prevent the applicant from doing? Member Hodsdon stated it is a condition of approval and they cannot start construction until then.

Member Hodsdon proposed continuing the application. The Board agreed to discuss dates at the end of the meeting after determining additional Board business.

**New Business:**

Member Hodsdon stated that the Town of Madbury was invited to participate in a commission to recommend legislation to prepare for projected sea level rise and other coastal hazards. Madbury can appoint 1 member and anyone who is interested should contact the Selectmen.

**Application: Conditional Use Permit for Home Occupation: Michael Allen, Map 9, Lot 71:**

The Chairman read the public notice and welcomed the applicant to address the Board.

Mr. Allen stated that he purchased the property recently and has a small real estate office. He has a number of buildings on the property and he would like to utilize one for his office. The office is set 500 feet off the road and parking is disguised by other buildings on the property. Traffic would be light and under the Town regulations.

Member Burbank inquired if there would be another septic? Mr. Allen stated he and his two employees use the home bathroom.

The Chairman asked the Board if there are any necessary driveway improvements? Mr. Allen stated it is a gravel driveway. Member Hodsdon stated he doesn't believe any improvements are necessary.

The Board reviewed the application to make sure it was complete. **Motion** made by Member Hoff to accept the application for consideration, seconded by Member McCabe. All aye. **Motion approved.**

Member Burbank read the guidelines for the public hearing and opened the public session.

Eric Fiegenbaum questioned the age of the septic system. Mr. Allen stated that was replaced in the early 80's. Member Hodsdon questioned if there is another spot for an additional septic in case the situation changes. Mr. Allen stated he has space into the easement for a septic.

Hearing no further comments, the Chairman closed the public session.

Member Burbank asked if the business could grow into something more. Mr. Allen stated he might add another agent but there are no plans or desire to make it much larger. If it were to expand, he would move the business back offsite.

Based on Mr. Allen's responses to the performance standards, Member Hodsdon **motioned** that the Madbury Planning Board issue a Conditional Use Permit for a Home Occupation to Michael Allen for the creation and operation of a limited real estate office. Seconded by Member Dunham. **Motion approved.**

**Preliminary Discussion with Daren Keller, 59 Nute Road:**

Mr. Keller stated he would like to put in a 14x24 shed/garage on his new property (currently under contract). He stated he has an antique mustang that he will store inside. He stated he is limited on the lot because of the location of the septic and leach field so can really only put the shed on the proposed site. Mr. Keller indicated that the shed will have zero impact on any abutter. He expressed his concern with the implications of the wet area overlay district and stated that a wetland scientist delineated his lot and the shed is nowhere near a wetland area.

The Chairman questioned if there would be a driveway if the shed is also a garage. Mr. Keller stated he doesn't want gravel but perhaps some decorative stones.

Member Hodsdon stated that any structure needs to be 25 feet from the wet area in the wetland overlay district. The determination from the wetland scientist is that the delineation line is nowhere near the location of the shed. Member Hodsdon stated once that is documented, Mr. Keller would just require a building permit.

Justin Corrow, the building inspector, and the Chairman spoke about potential new driveways. Member Hodsdon stated that he is allowed to have as many driveways as he wants but only one that access the town road.

The Chairman stated that Mr. Keller should follow-up with the building inspector to proceed.

**Preliminary Discussion: Joseph Wichert: 38-Acre Development on Huckins**

Mr. Wichert introduced himself to the Board. He stated that he is looking to purchase a 38-acre parcel on Huckins Road and inquired about road upgrades in Madbury.

Member Hodsdon stated the road would need to be upgraded to town standards if it was used for the construction for a house. Mr. Wichert asked who approves the road from a class 6 to a class 5 road. Member Hodsdon stated that normally the Board of Selectmen would oversee the road upgrades. It is the Board of Selectmen with Town concurrence that accepts a road after a season, to make sure it is constructed correctly.

Mr. Wichert questioned if there was a maximum length of a dead end road. Member Hodsdon stated that as long as there is some type of turn around at the end, then there is nothing that he is aware of.

Member Hodsdon stated that any land owner can do work on the road but the Town won't spend any money on it until it is accepted.

Mr. Wichert questioned prior interest in the land as it appears that some test pits were done. The Board recalled some activity in the past but nothing specifically.

Member Kach questioned if it needs to be noticed to abutters. Member Hodsdon stated that any land owner has the right to upgrade the road.

**Aquifer and Wellhead Overlay District: Review of Article 9:**

Mr. Mettee stated that the groundwater discussion has advanced since the current ordinance was drafted and there are new regulations now. He indicated it makes sense to start from ground zero and identify areas to make changes.

Mr. Mettee presented a series of framing questions in order to help guide the Board to focus on which topics they'd like to address.

The Chairman suggested forming subcommittee and Mr. Mettee agreed.

The Chairman questioned if the proposed edits started with Section 6 and 7, should the Board just address those to start? Mr. Fiegenbaum indicated that 6 and 7 confused the applicants and anything that can be changed to make it clearer would be good. Mr. Mettee stated that while it's a good idea to just focus on those sections, it makes sense to do it all together.

The Chairman requested that anyone interested in the subcommittee contact him. He offered to be the Chairman of the Subcommittee in the interim.

**Next Meeting:**

The Chairman stated there are no upcoming items on the agenda. The Board discussed what date to schedule the lot merger application without causing too much delay for the applicant.

**Application: Lot Merger Application - Jason Berndtson:**

**Motion** made by Member Hoff to continue the Berndtson Lot Merger Application until Wednesday, September 4, 2013 at 7:00 p.m. at the Madbury Town Hall. Seconded by Member Kach. All aye. **Motion approved.**

Meeting adjourned at 8:15 p.m.

Respectfully submitted by Tarah Beaupre, July 21, 2013, 4 pages.