

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

Official Business

Approved on: 11/16/16
Motion by: MG 2nd: TB

Minutes of November 2, 2016

Meeting convened at 7:00 p.m.

Members in attendance:

Fritz Green - Chairman
Robert Sterndale
Tom Burbank
Doug Hoff
Marcia Goodnow
Julie McCabe
Mark Avery
Wallace Dunham (Alternate)

Support Staff:

Tarah Beaupre
Jack Mettee

AGENDA

Approval of Minutes from the October 19, 2016 Meeting:

The minutes from October 19, 2016 were reviewed. **Motion** made by Member Burbank to accept the minutes as amended, seconded by Member Avery. Member Sterndale abstained. **Motion approved.**

Discuss Update to Accessory Apartment Language:

The Chairman shared with the Board Section 1, Accessory Apartments from the zoning ordinances. The Chairman outlined the proposed changes to the existing ordinance: the interior door, the increase to 750 square feet, and a conditional use permit for more than one bedroom.

The Board discussed the advantages to requiring a conditional use permit. Member Hoff stated that it gives the Board some oversight. Member Sterndale stated that it should be clear the difference between an accessory apartment and a duplex. Mr. Mettee stated that currently accessory apartments are a right and changes to the apartment would be a building inspector issue.

Member Sterndale shared that he would like to accommodate the State ordinance with little changes to the Madbury ordinance. He added that the 2nd bedroom brings more people and a larger septic. Member Burbank questioned what would be the criteria by which the Town could turn them down? Mr. Mettee referenced the general provisions for the conditional use permit where criteria are listed. Member Hoff questioned if the purpose section of an ordinance is legally enforceable, specifically should the "owner occupied" statement be in the requirements and limitations part. Member Sterndale stated it would be better in the requirements sections. Mr. Mettee stated it would probably be legally defensible but suggested that the Board could move it to the requirements list as well.

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The Board discussed the enforcement issues and how it is hard to determine if too many people are living there. It only becomes a problem when someone complains, good to have the proper language for recourse.

Member Hoff asked if an apartment is defined in the ordinances. Member Sterndale stated that accessory apartment was defined. Member Hoff questioned the difference between an addition and apartment. Member Avery stated accessory apartments have to follow the definition of a dwelling, which requires a kitchen and bathroom.

Member Sterndale suggested the Board could remove the door from the requirements list. Member Hoff expressed his concern for this, stating that a resident could miss adding the interior door when it is required by the State.

The Board discussed if the fire chief would require the interior door and whether it should be in the ordinance. The Chairman took a vote to see who would like to leave the door in the ordinance. With a show of hands, everyone but Member Sterndale agreed to leave the door. The Chairman stated that he and Mr. Mettee will finalize this draft to review at the next meeting.

Discuss Improper (?) Site Plan Review References:

Member Sterndale shared that there are several references to the site plan review that are problematic. To eliminate a potential basis for a law suit, he suggested changing “site plan” to “subdivision plan” under Section 5, Procedures in Article V-A. In addition, Member Sterndale suggested adding XV.D.1 as a quick fix to the problem of authorization.

In terms of the flood plain overlay district, Member Sterndale recommended keeping the state standard as changing that jeopardizes flood insurance for the town.

Mr. Mettee stated that he agrees with Member Sterndale’s suggested change for the site plan to subdivision plan.

The Chairman and Mr. Mettee will updated the draft and present at the next meeting.

Review Progress of Agritourism Committee:

Mr. Mettee presented a memo regarding agritourism to the Board. The Chairman stated that he, Member McCabe, and Mr. Mettee met last night at the Town hall and reviewed the information in the memo.

Three options were suggested in the memo to incorporate agritourism as a legal activity in Madbury. After their meeting, the subcommittee recommended that the Planning Board add it to Site Plan Review regulations.

Member Burbank questioned if there is a site plan review for each use. Mr. Mettee stated no, the farm would come for several agritourism activities and get approval. In the conditions of approval, the appropriate activities would be outlined. An expansion/intensification of the use would require them to amend the original approval.

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Member Sterndale questioned if the State definition of agritourism is considered a right. Mr. Mettee stated that it is under town regulations.

Member Burbank questioned if there would be different site plan review lists for each activity. Mr. Mettee suggested keeping the criteria as generic and not use specific such as intensity of use, hours of operation, etc.

Member Avery questioned the definition of a working farm. The Board discussed how many different uses could be considered a farm and where do you draw the line.

Member Goodnow reminded the Board that the Goss' are present and looking to move forward with this discussion and asked the Board to be mindful of this. The Chairman stated that the Board will review the proposed memo in preparation of the next meeting.

Review Progress of Master Plan Subcommittee Update:

Member Avery stated that the subcommittee revised the vision chapter and discussed formatting and adding additional chapters.

Member Avery asked that as the subcommittee reviews what is relevant and what new data is needed, they don't want to spend money without permission. Member Sterndale suggested getting a quote for any services needed and the Board could discuss. Member Sterndale stated that it should be determined how important/relevant the information is for the Board to have.

The next subcommittee meeting is scheduled for 11/17/16.

Portsmouth Water Supply Update:

The Chairman shared the October Portsmouth Water Supply update with the Board. He stated that Portsmouth is planning to use an emergency well in Madbury and DES told them to send a copy to the Town Clerk in Madbury. The well field is by the water treatment plant.

Meeting adjourned at 8:07 pm.

Meeting attendees:

Peggy Wolcott
Lorraine Morong
Chuck Goss
Beth Goss
Eric Fiegenbaum

Respectfully submitted by Tarah Beaupre, November 8, 2016 – 3 pages