

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

Official Business

Approved on: 12/7/16
Motion by: DH 2nd: TB
JM abstained

Minutes of November 16, 2016

Meeting convened at 7:00 p.m.

Members in attendance:

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

Support Staff:

Tarah Beaupre
Jack Mettee

AGENDA

Approval of Minutes from the November 2, 2016 Meeting:

The minutes from November 2, 2016 were reviewed. **Motion** made by Member Goodnow to accept the minutes as amended, seconded by Member Burbank. **Motion approved.**

The chairman seated Member Dunham in Member McCabe's absence.

Correspondence:

Solar Array submitted an alteration of terrain permit.

Update to Accessory Apartment Language:

The Board reviewed the handout outlining the updated accessory apartment language. Member Sterndale questioned if the Board would like to set a 2-bedroom limit. The Chairman stated that each application would be reviewed and the Board would consider the bedrooms at that point.

Mr. Mettee agreed with the update.

Motion made by Member Burbank to approve zoning ordinance Section 1, Accessory Apartments; items 6, 7 and 8 as amended. seconded by Member Hoff. **Motion approved.**

Discuss Updates to Site Plan Review References:

Member Sterndale shared the 3 proposed changes: 1) replace "site" with "subdivision" in Section 5, Procedures; 2) delete a redundant reference in Section 1. Nonconforming Uses; and 3) update Article XIII by adding text that limits when a site plan review is conducted in the special exception process. Member Sterndale stated the intent is to follow the State law provisions, so the RSA that empowers the Planning Board to do site plan reviews in the first place was cited.

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Mr. Mettee stated that the edits are fine editorial changes that clear up some confusion.

Motion made by Member Sterndale to accept the proposed changes to Article V-A, Section 5.A, Article XIII, Section 1.C, and Article XV Section 2.B.1 as proposed for public hearing. Seconded by Member Hoff. **Motion approved.**

Review Progress of Agritourism Committee:

The Chairman stated that the committee met on 11/10/16 with Mr. Goss and Member Sterndale. Member Sterndale recommended a conditional use permit as the process to approve agritourism activities. Mr. Mettee offered to draft language in preparation for the next planning board meeting.

Discuss New Agritourism Language:

Mr. Mettee stated that since agritourism is a different type of activity regulated at the local level, there isn't a clear process for accommodating this activity. He stated the range of activities is broad and there could be significant construction that goes with it.

Member Sterndale shared that the subcommittee tried to identify activities that might occur and what the town should regulate. At the end of the committee meeting, the recommendation was to use the conditional use permit and add on some standards that might be specific to agritourism.

The committee recommended changes to the zoning ordinance to incorporate the regulation of agritourism activities. Mr. Mettee shared a document with the draft language. The first change suggested was to add the definition of agritourism to the Definition Article of the Zoning Ordinance. Next, Mr. Mettee proposed 2 different options to incorporate agritourism into Article V. First, the Board could simply add agritourism under the permitted uses section in Article V. The second option would be to modify Article V in more detail by adding agritourism and making the section more consistent with the other articles and sections of the Zoning Ordinance.

Member Sterndale stated either option is good, both accomplish the same thing, one with a little more housekeeping.

Member Dunham questioned what is a "working" farm from the definition of agritourism.

Beth Goss shared the State definition of a working farm with the Board. Given the extensive list, Member Hoff stated the entire town is considered agricultural and a working farm. He expressed his concern about the protections and how many people can come forward with a working farm. What makes a "working" farm – having a pig in the yard, a small garden? In addition, Member Hoff noted the ambiguous language and how it can be interpreted in different ways. Member Burbank questioned who would be enforcing issues such as parking, etc.

Member Goodnow stated that abutters can express their concerns in the application process when they are notified. Member Hoff stated if the Planning Board denies a conditional use permit based on "unreasonable", they could go to court.

Member Avery stated that Member Hoff has good points but doesn't want to be too limited and restrict agritourism.

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Member Sterndale stated whenever the Board writes ordinances, they are forced with deciding on going vague or using specifics. He added that he is fine with this language and it is up to the Planning Board to review at the time of the applications.

Mr. Mettee stated that he completely understands Member Hoff's concerns. Even when you look through the other standards, those terms still come up and some terms aren't specific.

Mr. Goss shared that other towns have used an acreage requirement, such as not allowed on 2 acres but fine on 25 acres. Mr. Mettee stated that this is the type of activity that doesn't fit nicely into the zoning box.

Member Hoff questioned what happens if the Town votes down the suggested ordinance update. Member Sterndale stated that the State definition would apply by default.

Mr. Mettee shared that many towns are struggling with this as it is not a straight path.

Motion made by Member Goodnow to adopt option 1, seconded by Member Avery. Member Burbank opposed. **Motion approved.**

Review Progress of Master Plan Committee:

Member Avery stated that the subcommittee might meet tomorrow. In addition, they are planning to meet with the Historical commission in the coming months.

Meeting adjourned at 7:58 pm.

Meeting attendees:

Lorraine Morong
Chuck Goss
Beth Goss

Respectfully submitted by Tarah Beaupre, November 21, 2016 – 3 pages