

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

Official Business

Approved on: 10/03/18

Motion by: WD 2nd: TB

Minutes of September 19th, 2018

Meeting convened at 7:00 p.m.

Members in attendance:

Mark Avery - Chairman
Doug Hoff
Marcia Goodnow
Michael Card
Tom Burbank
Wallace Dunham (seated)
Fritz Green (ex officio)

Support Staff:

Desirea Owens
Elizabeth Durfee

AGENDA

Approval of Minutes from the September 5th, 2018 Meeting:

The minutes from September 5th, 2018 were reviewed. **Motion** made by member Burbank to accept the minutes as amended, seconded by member Dunham. **Motion approved.**
Member Goodnow and Member Green abstained.

Home Occupation Conditional Use Permit Public Hearing – Mill River Custom Framing, 354 Route 108, (Lot 10-3A)

Member Card recused himself as an abutter.

The Chairman read the rules of procedure for a public hearing as well as the public notice for the application.

Member Green moved to accept the application for consideration. Seconded by member Goodnow.

Applicant Sandi Kots shared the background of her custom frame shop. She had been in business for 15 years in Dover but the building she conducted her business out of sold. Her father offered his property as a location for her business. It would benefit all parties because Ms. Kots could also act as a caretaker to her mother.

An outbuilding has been built on his property specifically for her business.

Member Dunham questioned why the workshop was built for her home occupation prior to coming before the planning board and requesting approval.

It was not the applicant's intention to have the building built before receiving approval. She was not aware she needed permission from the planning board. She assumed that throughout the building permit process with the town that if there was anything additional she needed, outside of a building permit, someone would have told her.

Member Dunham feels Ms. Kots has put undue pressure on the board to grant approval because the workshop for the home occupation has already been built.

Consultant Durfee questioned the retail aspect. Ms. Kots said the frames are custom built, she is not selling readymade retail. Consultant Durfee said if customers are coming to the property to pick up their products that would be considered retail.

Public comment opened 7:15pm.

Abutter Michael Card of 356 Route 108 said the traffic from her business sees no more cars than the multihousing across the street.

Public comment closed 7:16pm.

The Chair questioned business related traffic. Ms. Kotts said at most there could be 10 trips a day, but that would be rare.

Member Burbank motion to approve the application with the conditional items of:

- The Madbury building inspector shall have the right to periodically enter the premises to ensure the conditions of the CUP are being met.
- CUP could be revoked if not up to Madbury building standards.
- CUP terminates on the change of ownership of the property or business, or residence of the business owner.

Seconded my Member Green. Member Dunham opposed. The motion carries six to one to approve the application.

Member Hoff declared that if that size of a building was built on a residential property anywhere else in Madbury it would have been denied. The only reason this is considered appropriate is because of the location of the property.

Home Occupation Discussion (Continued) – Clarify Ordinance Regarding Owner/Tenant/Provided Work Space (Zoning, Art V-B, Sec 1 and 2)*

The board discussed what is and is not considered a home occupation based on how the ordinance is differently interrupted by the members.

The board discussed potential language changes to the ordinance. Including information about rental home occupations, traffic, employees, and inspections.

The chair is going to organize the changes and review with the board at a future meeting. This will be a ballot item once the proposed changes have been approved by the board.

Wellhead and Aquifer Overlay District Discussion – Clarify Impervious Area Maximums (Zoning, Art IX-A, Sec 5, Para C.1.b and Sec 7, Para B)*

The board agreed the wording was misleading. Depending on if your property is in a wellhead location it determines whether a conditional use permit is necessary.

This will be discussed further at a future meeting.

Other New Business

- The board reviewed mix use - commercial and residential - use of a property. Consultant Durfee recommends that the board come up with a set plan for the future, allowing mix use or not allowing.
- CIPP is coming.

Meeting adjourned at 8:20 pm.

Meeting attendees:

Bryan Cahoon

Sandi Kots

Peggy Wolcott

Lorraine Morong

Respectfully submitted by Desirea Owens, September 23rd, 2018 – 3 pages