

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

Official Business

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

March 16, 2016

Meeting convened at 7:01 p.m.

**Members in attendance:**

Fritz Green - Chairman  
Wallace Dunham  
Doug Hoff  
Julie McCabe  
Bruce Hodsdon  
Marcia Goodnow

**Support Staff:**

Tarah Beaupre  
Jack Mettee

**AGENDA**

**Approval of Minutes from the February 3, 2016 Meeting:**

**Motion** made by Member Dunham to accept the minutes as presented, seconded by Member McCabe. All aye. **Motion approved.**

**Correspondence:**

- March/April 2016 Town and Country

**Voluntary Merger of Lots: 5:2A & M7:**

The Chairman stated lot M7 and lot 5:2A are separated by the Old Road and the applicant would like to merge the two lots and it is also a condition of approval for the Maple Heights application.

Member Hodsdon recused himself from the meeting as he is an abutter to the property.

The Chairman reviewed the rules and procedures for a Merger of Lots.

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Mr. Andrew Beal, owner, stated that he negotiated with the owners of the Maple Heights subdivision to purchase the lot which and as agreed upon they now want to do the merger of lots in order to continue with their development.

The Chairman questioned the status of Old Road. Mr. Beal stated that the Town didn't use the proper language for road closure by Gates and Bars. He added that he is unsure of his preference on the terminology but is willing to do some research.

The Board discussed the conflicting status of the road, some input saying the road is discontinued and abandoned at this point. Member Hodsdon stated that the Selectman have not taken any action at this point one way or another.

Mr. Beal stated that he would like to build a house back there at some point, which would be the driving force in determining which option to use.

Mr. Mettee stated the best road designation would be based on how the owner decides to use it.

Member Hodsdon questioned if the road is abandoned, how does it become split? If the town closes it, does it automatically get split down the center of the road or does the owner need to petition action?

Mr. Beal stated a big motivation to purchase the 26 acres was to prevent it from being developed and to prevent excess traffic on the Old Road. His preference would be to abandon the road but leave the option open to use it later to access a house.

**Motion** made by Member McCabe to approve the voluntary merger of Lot M7 and Lot 5:2A, seconded by Member Dunham. **Motion approved.**

Member Hodsdon invited Mr. Beal into the Selectman's office to further discuss the road closure.

Member Hodsdon rejoined the Board.

**Preliminary Hearing re: Conditional Use Permit for Lot 9:63A:**

Mr. Eric Brosseau addressed the Board stating that he would like to continue using the gravel pit off of Mast/Pudding Hill Road but there will be some small changes to the daily activity.

Mr. Brosseau stated there will be around 12-15 pieces of heavy equipment and dump trucks. In the wintertime, these would sit in the yard and be less busy. Member Hoff questioned additional winter activity such as plowing. Mr. Brosseau stated that they don't handle snow removal, salt, sand, etc.

Mr. Mettee questioned the additional trucks and equipment. He stated there is some vagueness there and wondered if there would be additional noise or activity in that area. The Chairman

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stated there is a big berm that runs along Pudding Hill. Mr. Brosseau stated that during the day there would be no additional noise. The current sand pit would continue operating.

The Chairman asked if the Conservation Commission would like to comment. Eric Fiegenbaum stated the Board would have some interest if the activity was more than parking cars, such as repair. The Chairman noted this is a commercial area and an aquifer area.

The Chairman questioned if this would be a change of use. Mr. Mettee stated that it is a matter of degree. He added it would be up to the Board to place any necessary conditions. An application is required since it's in an aquifer district as well as a conditional use permit as there will be an expansion of use, if even minimal, it is different than before.

Member Goodnow questioned if the sand will ever run out. Mr. Brosseau stated there is a finite amount of sand and then the restoration process will happen.

Member Hodsdon stated that the gravel pit has a permit in place and despite being in aquifer zone, it is an allowed use. The increase of vehicles is a permitted use in aquifer and wellhead but does require a conditional use permit and with that the property would be subject to inspections. The applicant would need to agree to the prohibited uses.

Member Hodsdon stated that Mr. Brosseau could buy that property tomorrow and operate the business as is and nobody would say anything. He pointed Mr. Brosseau to the aquifer district in the ordinances that outlines the rules and the list of hazardous materials.

The Board directed Mr. Brosseau to come back before the Planning Board once he has purchased the property. Mr. Brosseau stated one contingency of the purchase and sale is that the town of Madbury approves of the application.

Member Hoff added that the Board would like to discuss the performance standards, section 7 of the ordinance when Mr. Brosseau returns with a formal application.

**Board Appointments:**

Marcia Goodnow and Julie McCabe expressed their interest in serving another term.

The Chairman announced that Member Sterndale is now the Selectman designee.

**Motion** made by Member Hoff nominate Fritz Green as the Chairman, Tom Burbank as the Vice Chairman, and Marcia Goodnow as the Secretary. Seconded by Member McCabe. **Motion approved.**

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Mr. Mettee shared with the Board that there is a book, Road Less Traveled, which has case law about the abandoned roads. In order to abandon a road in a town, a warrant article is required. It also needs to be clear in the warrant article what would happen to the road for future and who it would go to. Member Hodsdon stated that the road could be a municipal trail - the road cannot be reopened as is with gates and bars. Member Hodsdon stated the Towns interest is walking trails.

**Attendees:**

Peggy Wolcott  
Lorraine Morong  
Eric Brosseau  
Eric Fiegenbaum  
Mark Avery  
Andrew Beal

Meeting adjourned at 7:44 pm.

Respectfully submitted by Tarah Beaupre, March 21, 2016 - 4 pages.

APPROVED