

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

Official Business

Approved on: 10/5/16
Motion by: DH 2nd: JM

Minutes of September 21, 2016

Meeting convened at 7:01 p.m.

Members in attendance:

Fritz Green - Chairman
Bruce Hodsdon
Tom Burbank
Doug Hoff
Marcia Goodnow
Julie McCabe
Mark Avery

Support Staff:

Tarah Beaupre
Jack Mettee

AGENDA

Approval of Minutes from the September 7, 2016 Meeting:

The minutes from September 7, 2016 were reviewed. **Motion** made by Member Burbank to accept the minutes as amended, seconded by Member Hoff. All aye. **Motion approved.** Member Hodsdon abstained.

Correspondence:

- Flyer from NH Sustainable Forestry Initiative
- Invitation from Land Use and Zoning – 2 Day Practical Course
- Alteration Terrain application, solar rays over the water treatment plant
- DES letter to Justin Corrow notifying best management practices for groundwater
- Great Bay Matters
- Forest Notes
- Town and City, July/August 2016

Review Goss Plat 1 and 2:

Mr. Steve Perron, Surveyor, addressed the board with a preliminary proposal on Cherry Lane for Map 6, lot 6 to Map 6, lot 9. He stated that the proposal is a lot line adjustment to extinguish the existing boundary line and create a new one. Map 6, Lot 6 will be reduced which includes the house and barn. Map 6, Lot 9 will be increased from 130 to 181 acres, all of which is woodlands and wetlands. That property will eventually go to the Forest Society.

Mr. Perron asked the Board about the lot line adjustment checklist. Given the large lot sizes, one almost 40 acres, the other 180 acres (which is entirely conservation), Mr. Perron questioned if a few items could be waived in the interest of making the mapping more economical. There is an

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extensive amount of wetlands on the property. He also questioned the location of existing sewage disposal.

The Chairman stated Mr. Perron can request a waiver. He questioned who Mr. Perron is representing. Mr. Perron stated the Forest Society.

The Board discussed the existing septic system. Member Burbank questioned if the septic system is legal and meets code. Member Hodsdon stated that there just needs to be enough room on the existing lot to put a new septic system if the original should fail. He stated that for the 5-acre lot that would be more of an issue. There needs to be a spot not in the easement area.

The Board discussed when the state waives the septic system back up requirement. Mr. Perron suggested he could remove the proposed easement from the 40-acre parcel for the purpose of this lot line adjustment. The Board agreed that would make it go smoother.

Preliminary Hearing: Amended Application for Jaspers Corner:

Mr. Christian Smith addressed the Board. He stated that the sprinklers were not installed in the two houses that were build in Jaspers Corner. He would like to work with the Planning Board to come up with a solution as it was required that the houses have sprinklers. He stated that it was an honest mistake on the builder's part and it was not caught by the building inspector.

Mr. Smith presented 2 options to the Board. He proposed that they could amend the approval to allow the 2 existing houses go without, sprinkler the rest, and make a donation to the fire department. Alternately, they could build a 15,000-gallon cistern on the corner of lot 1 that could serve the entire subdivision.

The Chairman stated that the fire chief is agreeable with the 15,000-gallon cistern for the 2 existing homes but not for the entire subdivision. He questioned how are they going to address the fire protection for the citizens in that neighborhood. Jim Davis, Assistant Fire Chief, stated that a 30,000-gallon cistern is a minimum.

Mr. Davis shared that ISO ratings are not met with a 15,000-gallon cistern. He stated that there are several 15,000 galloon cisterns in Madbury as well as two 30,000 gallon cisterns on Champernowne. Member Hodsdon questioned how many gallons of water are used during an average fire. Mr. Davis stated that a fire doubles in size every minute. The location of this subdivision is far away from the fire station. A similar fire in Nottingham went through 90,000 gallons on a big house fully engaged. He shared that Madbury's tanker holds 2500 gallons of water.

Member Hodsdon requested advice from Jack Mettee based on his knowledge. Mr. Mettee stated that towns are starting to move up to the ISO standards and it is a decision that the Board needs to make.

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Member Hodsdon stated that the Board will need to have an application and public hearing. He added that the Board of Selectman opinion is if they can prove their case in terms of fire protection needs being met, they would be in favor of less than 30,000 gallons.

Member Avery clarified that all houses were to have sprinklers, based on the subdivision application approval. Member Avery added that the buyer would want to be sure the codes are met. The developer cannot sell the houses without an occupancy permit and this condition of approval needs to be resolved.

The applicant stated that it was a complete oversight on his part and wants to find a resolution. A third option is he could rip apart the houses and add in the sprinklers as well.

Member Hodsdon asked Mr. Davis how many houses in town have sprinklers. Mr. Davis shared 6 houses; 1 was a house on ledge and didn't want a cistern. Mr. Davis stated that the sprinklers are the best option to protect the house. The sprinkler was initiated in lieu of the cistern.

The Board Chair agreed to meet with the Selectman on Friday morning, along with the fire chief and applicant, to come up with some ideas on how to resolve this.

Review Annual CIP:

Deb Ahlstrom presented the Board with the use of this Capital Improvement Plan. The Chairman asked what is different from last year. Deb shared one big change is a family trust gift that is coming into play on a few projects.

Discuss Recommendation on Powder Major's Farm Easement:

Eric Fiegenbaum shared that according to the rules governing the use of this Capital Reserve fund, the Selectman need to receive a recommendation from the Planning Board on the purchase of land or easement. He walked the Board through the map of Powder Major's Farm, indicating the conservation easement. Eric shared that the town was already asked to grant an easement on the Schreiber property, which was passed at town meeting. The property will be owned by the Forest Society but each town will hold the easement.

Motion made by member Hoff to support the town vote to let the selectman move forward to acquire the easement on the property known as the Powder Majors Farm, second Member Burbank. All aye. **Motion approved.**

Discuss Madbury Setbacks:

Mr. Mettee addressed the different setbacks in town which all vary by water body and stated that the chart presented by Eric Fiegenbaum is a good start. Mr. Mettee will think about potential changes to the draft. The reservoir is one separate piece. He suggested that the Board review what rational was used to determine the set backs to begin with and based on that, decide what to do.

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Eric Fiegenbaum shared that the Madbury Shoreline ordinance used to be the State's ordinance which the town adopted. The State re-worked theirs and dropped from 300 feet to 250 feet but then added other requirements. He added that the 300 feet is only on the Bellamy Reservoir, which is a drinking water supply. If the Board went to 250 feet and followed the state model, perhaps the Board should adopt the other state regulations to make it comparable.

Member Burbank asked how much stricter the state rule is. Eric stated the shoreland setback has been adjusted a few times. Some state rules are: lots with septic need larger setback, alteration of terrain is lower, impervious area exceeding 20% needs a stormwater plan, properties with onsite septic within 250 feet need a study.

Mr. Mettee shared that the state is worried about the state interest not the town. Madbury should put appropriate standards based on their interests.

Discuss Updates to Accessory Apartments Language:

The Chairman stated that the Madbury ordinance states that accessory apartments can be no larger than 650 square feet, however, the State says 750. In addition, Madbury indicates no more than 1 bedroom, but the State says there can be more than one.

Mr. Mettee stated that he understood the Board wanted to limit accessory apartments to 1 bedroom, partly because more bedrooms could become a duplex or house larger families. The idea for the accessory apartments was to be used for an in-law or older kid, etc. Member Sterndale had previously suggested that extra bedrooms could be added with a conditional use permit. Mr. Mettee shared that he ran that by his legal sources who agreed that would be acceptable. He added that since this is coded in RSA, the Board might want to reference the current state RSA in the ordinance.

Member Goodnow questioned what constitutes a bedroom. There are bedrooms and there are sleeping spaces such as futons, lofts, etc. Member Hoff indicated closets determine a bedroom. Member Avery suggested that the Board could say no more than 2 bedrooms.

Review Nobis Letter Transmittal:

The Chairman stated he received a large plan to put in a solar array at the water treatment plant. While there is no board approval required, the Chairman requested for the contractor to share the project plans with the Board as a courtesy. He has not heard back.

Master Plan Subcommittee Update:

Member Avery shared that the next meeting is October 5, 2016. He met with the community club last week and will bring those notes to the subcommittee meeting.

Other Business:

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Chuck Goss addressed the board. He shared that he and his wife came before the board previously regarding potential uses of their barn in order to expand their business. Since that last meeting, the state has redefined agriculture and agritourism is now included. Mr. Goss questioned what impact that would have on them as they try to pursue efforts to make their farm sustainable and use the barn for events (weddings, corn mazes, farm to table). What will be required of them to move forward with this.

The Chairman stated he is unaware of the change of law and recommended that the Board read the updated information and discuss at a future meeting.

Meeting adjourned at 8:25pm.

Meeting attendees:

Peggy Wolcott
Lorraine Morong
Jack Mettee
Deb Ahlstrom
Chuck Goss
Beth Goss
Stephen Perron
Eric Fiegenbaum
Jim Davis
Wallace Dunham
Christian Smith
Frank Catapano

Respectfully submitted by Tarah Beaupre, September 28, 2016 – 5 pages