



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823
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Final

OFFICIAL BUSINESS

Minutes of March 20, 2019

Approved On: April 17, 2019

Meeting Convened: 7:00 p.m.

Members in Attendance:

Mark Avery - Chair
Tom Burbank
Michael Card
Fritz Green - Ex Officio
Doug Hoff

Support Staff:

Laurie Plantamuro - Recording Secretary
Elizabeth Durfee - Contract Planner

Agenda

1. Election of Officers.

Chair Avery asked who would like to stand for any of the offices. **Motion** made by Member Green to reelect all current officers to their positions. Motion amended to current Chair Member Avery and current Vice Chair Member Goodnow. **Seconded** by Member Burbank. All Aye. **Motion Approved.** Motion made by Member Green to elect Member Card as Secretary. **Seconded** by Member Burbank. All Aye. **Motion Approved.**

2. Approval of Minutes from the March 6th, 2019 Meeting:

The minutes from March 6, 2019 were not printed. Chair Avery recommended we review at the next meeting.

3. Correspondence:

None

4. Site Plan Conditional Approval Review - Johnson Creek Village Leach Field.

Madbury Tax Map 9 Lot 24A, (Associated business at 301 Durham Road, Dover)

Applicant was represented by owners Patricia Dellisola and Aramis Black and Engineer Steve Haight.

Chair Avery explained that this review is not a continuation of the Johnson Creek public hearing, which was closed when conditional approval was granted, but is instead the board's review of the applicant's submissions to meet those conditions. He also explained

that an abutter offered input via e-mail after the public hearing closed, and while the board would address that input, the board was not seeking additional input.

Chair Avery read each condition of approval (CoA). The board then discussed each item and the applicant's submission including clarification questions of the applicant. Minor typos were identified but the board determined that the CoA had been met except as discussed below.

The board noted that easement language for the lot in question did not include complete metes and bounds or the site plan's register of deeds number. The board determined that these would need to be added to meet CoA numbers 5 and 6.

Additionally, the board concluded that while CoA number 7 was met, the Road Agent's requirements would need to be followed during construction.

The board then discussed several additional issues potentially impacting approval.

The board observed that Johnson Creek's well was approved for fewer residents/accessory bedrooms than was its site plan. The board verified that the state and Dover were aware of this difference and that Johnson Creek would operate under the more stringent requirement. The board also noted that the septic was designed for the larger requirement.

The board also reviewed Johnson Creek medical waste disposal policy.

Chair Avery then covered the abutter's previously mentioned input.

He stated that the abutter provided input from an expert on ground water. He noted that Dover provided the same input to the state and since the state sets water quality and septic system standards, the expert information is beyond this board's scope.

He also related that the abutter submitted that Johnson Creek should be required to seek a variance from Madbury's Zoning Article IX-A, Section 6. The Chair stated that, per legal counsel, doing so would be beyond the jurisdiction of this board since the well in question is not in Madbury.

Chair Avery also explained that the abutter reported that the original Johnson Creek plan did not indicate that its well would be a public water supply. Chair Avery offered that this issue was covered during the board's discussion of differing limits on the number of residents/beds.

Sarah Greenshield of 13 South Watson Lane Dover, NH commented that she felt Dover had not completely approved the plan. Consultant Durfee verified an email from Dover that indicated the site plan was signed. The board affirmed that Dover's signing of the site plan constituted approval, but also agreed to obtain Dover's Notice of Decision and formal confirmation of plan signing.

Motion made by Member Hoff to approve the conditions as being met with the exception of conditions 5 and 6. **Seconded** by Member Green. All Aye. **Motion Approved.**

Motion made by Member Hoff to authorize the Chair to sign off on applicant's meeting of conditions 5 and 6. **Seconded** by Member Green. All Aye. **Motion Approved.**

5. Board Discussion on Conditional Use Permit (CUP) Fee Differences

The board discussed the reasoning behind different fees for Home Occupation CUPs versus other CUPs.

6. Other New Business:

New OSI Planning Board Handbook has been published. Chair Avery noted hardcopies have been ordered and that soft copies can be downloaded.

OSI Spring Planning and Zoning Conference agenda was reviewed.

7. Other Old Business:

The board reviewed advice from legal counsel regarding the Powder Major Farm agritourism CUP exemption (See 3 March minutes). Counsel advised that there's not an authority that can grant a one-time CUP exemption, (i.e., that neither the Select Board nor Planning Board has the authority to grant and exemption from an issued CUP). He further advised that doing so would open the town up to claims that it selectively/wrongly enforces conditions. He recommended that the applicant would need to apply to amend the CUP and the public hearing process would need to be followed. This information had been provided to the "applicant" via email.

Meeting Adjourned: 7:49 pm

Meeting Attendees:

David Greenshields 13 South Watson Lane Dover, NH
Sarah Greenshields 13 South Watson Lane Dover, NH
Aramis Black 301 Durham Road Dover, NH
Patricia Dellisola 55 Bucks Hill Durham, NH
Peggy Wolcott 98 Old Stage Road
Lorraine Morong

Respectfully submitted by Laurie Plantamuro