



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823
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Approved

OFFICIAL BUSINESS

Minutes of: July 1, 2020

Meeting Convened: 7:00 p.m.

Members in Attendance:

Mark Avery - Chair
Michael Card
Bruce Hodsdon - Ex Officio
Doug Hoff (Zoom)
Casey Jordan (Zoom)

Support Staff:

Laurie Plantamuro - Recording Secretary (Zoom)
Elizabeth Durfee - Contract Planner (Zoom)

Agenda

1. Seating of Alternates:

None

2. COVID-19 Note

Before beginning the discussion, Chair Avery announced that the Board will be using Zoom as allowed under COVID-19 Executive Orders to help conduct this meeting and that all votes will be taken one member at a time by roll call.

3. Approval of Minutes:

The minutes from June 17th, 2020 were reviewed. **Motion** made by Member Card to accept the minutes. **Seconded** by Member Jordan. Members Hoff and Hodsdon abstained. Members Avery, Card, and Jordan Aye. **Motion Approved.**

4. Correspondence:

None

5. Preliminary Discussion: Possible Workforce Housing Development

- Charles Dobens, Dobens Law LLC (Developer)
- Jonathan Childs (Developer)

Mr. Childs introduced himself and discussed his proposal for a workforce housing development in Madbury. Mr. Childs showed the board generic slides while speaking. He said he grew up in the Dover area and cared about the same things Madbury cared about such as water resources, the environment, and not putting an undue burden on tax payers.

Mr. Childs stated there is a lot of housing in this area; however, it was mainly higher priced homes and that there is not a lot of housing for regular folks.

Mr. Childs stated his firm was looking at Lot 3:50 right on the border of Dover and Madbury for their workforce housing and that the location would cause the least disruption to the area. He said the Madbury lot is just off of, and would be accessed from, Crosby Road Industrial Park in Dover. He said that they are proposing townhouse style units and not large apartment buildings like those nearby on Knox Marsh Road in Dover.

Mr. Childs and Mr. Dobens stated that they would need a variance for residences in a commercial/industrial district and relief from town density limits.

Member Hodson said this property came up during distant past meetings and nothing had ever come of it. He said the previous discussions were for commercial use and only preliminary. Mr. Dobens said the owner of the property is a friend and that he was unaware of previous proposals for the land. He indicated that he would ask the owner about past proposals.

The board went on to discuss how much of the land being discussed was considered wetland. Member Jordan said he had been looking at Zoning Ordinance's Wet Area Overlay map and a majority of the property appeared to be listed as wetland. Consultant Durfee mentioned the south east portion of the lot is also listed as a FEMA flood plain which is regulated by the town's Zoning Ordinances.

Member Hodson stated he was worried about this being a commercial area and that it doesn't have municipal sewer or water. He asked if Dover would be willing to take on those responsibilities without having the tax revenue to help cover the costs.

He also stated he was concerned about possible issues that may arise for first responders and school bus travel as this location would be a difficult area to get to.

Member Hodson went on to state that the proposal is offered under workforce housing rules and that while he hasn't done the calculations of the town's current share for this type of housing, he believes Madbury meets its fair share. He then identified developments in town that likely qualify as workforce housing.

Member Hodson also emphasized that Madbury is very strict when it comes to rules and regulations regarding wetlands and water protection, including the Bellamy River which is on the property, in large part because Madbury is a major provider of water to nearby communities.

Member Jordan stated he felt Madbury could benefit from more housing, but that he would need to hear more about the plans.

Mr. Childs said that he had discussed this project with Chris Parker of Dover Planning and indicated that he had received positive feedback.

Chair Avery asked how many units they were planning. Mr. Dobens suggested 24 to 36 units. Chair Avery also asked if sewer and water availability for this project had been verified with Dover. Mr. Childs and Dobens indicated that they would confirm this.

During the meeting the board told Mr. Childs and Dobens that they should conduct additional research and return to the board for an informal review with more specific information including:

- Specifics on wet areas and flood plain areas on the property,
- Availability and willingness of Dover to provide sewer and water,
- Dover's attitude toward access to such housing from an industrial park,
- Ability of Madbury Fire and Police to serve the needs of a 24-36 unit development with access outside of Madbury.

The board did not make any comments or decisions on whether or not such a project would be approved and stated that more information was needed.

6. Discussion - Board Procedures for Minutes Approval:

The board continued its discussion begun at the previous meeting on how to approve board meeting minutes. The change was proposed because a number of minutes from past meetings could not be approved in a timely manner under current procedures.

The board established that Madbury's customary procedure calls for a quorum of those who attended a meeting to vote for approval of the subject minutes. The Chair's research found that such a quorum is not required under Madbury Planning Board Rules, NH RSAs, Roberts Rules of Order, or general parliamentary procedures.

The Chair offered three methods for approving minutes:

- (A). Use the present method requiring a quorum of those present at the subject meeting,
- (B). Use a basic meeting quorum, regardless of attendance at the subject meeting, with the vote to be carried by those who cast a vote. (Per NH Supreme Court, abstentions are included in the quorum count but not in the vote count and if a quorum is present, a proposition is carried by a majority of the votes cast).
- (C). Use "Unanimous Consent" based on Robert's Rules.

Chair Avery offered his personal opinion. He stated that he sees that other towns and government bodies are voting and not using "Unanimous Consent" and thinks that we should too, but he didn't think we should require a quorum of those present at the subject meeting because there is no requirement for it.

Member Card said he felt that when he wasn't at a meeting he didn't feel comfortable voting on the minutes. He said he felt by voting yea on the meeting notes it meant that he agreed with what the notes said happened in the last meeting. Chair Avery read the meaning of the vote to approve per Roberts Rules. He said that according to Roberts Rules a vote to approve minutes says that you trust the process producing the notes and that it is

not a confirmation that the voter was at the meeting. Chair Avery also noted that a member can abstain if they wish.

Member Jordan asked if there was ever a time the board chose not to vote. Chair Avery said no, usually they discussed the changes and voted based on changes made. Member Hoff noted a time when minutes were not quickly approved, mainly due to legal inputs.

Consultant Durfee commented that the voting process was pretty standard in other towns. She also noted that minutes need to be available within 5 days and need to be marked as a DRAFT. She said if there are changes they needed to post changes as soon as possible. Consultant Durfee suggested amending board rules to match the change. Chair Avery said this could be taken up at a later date since the rules don't currently specify how the approval is to be accomplished.

Member Hodson, said he wouldn't like unanimous consent, but he doesn't feel the board needs a quorum of those at the subject meeting to vote. Chair Avery emphasized that if there is a general quorum, the NH Supreme Court has ruled that those voting yea or nay and not abstaining, no matter how few, legally carry the vote.

Member Hoff, commented that this meeting's minutes needed to explain in detail how the board came to its decision for future boards. The board concurred.

Chair Avery asked the board to vote.

Motion made by Member Card to approve board minutes using a normal board quorum and to **not** require a quorum of those who attended the past meeting. **Seconded** by Member Hodsdon. Member Jordan No. Members Avery, Card, Hodson, and Hoff Aye.
Motion Approved

7. Other New Business:

None

8. Other Old Business:

Chair Avery informed the board on the current status of the Landcare site plan.

Meeting Adjourned 7:47pm

Meeting Attendees:

Eric Fieganbaum – Town of Madbury

Charles Dobens – Dobens Law LLC

Jonathan Childs – Developer

Sarah Wrightsman – Workforce Housing Coalition of the Greater Seacoast

Respectfully submitted by Laurie Plantamuro