



MADBURY PLANNING BOARD

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Approved

OFFICIAL BUSINESS

Minutes of: July 15th, 2020

Meeting Convened: 7:00 p.m.

Members in Attendance

Mark Avery – Chair
Tom Burbank
Michael Card
Marcia Goodnow – Vice Chair (Zoom)
Bruce Hodsdon – Ex Officio
Doug Hoff (Zoom)
Casey Jordan (Zoom)

Support Staff in Attendance

Elizabeth Durfee Contract Planner (Zoom)

Agenda

1. Seating of Alternates

None seated.

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 July 1st 2020 were reviewed. **Motion** made by member Card to accept the minutes. Seconded by member Burbank. All members Aye. **Motion Approved.**

4. Correspondence

Chair Avery announced the new Town and City publication is available.

5. Discussion - Non-Conforming Use Map 3 Lot 43

Robert Cantwell introduced himself, his son, and their intent to purchase Map 3, Lot 43. They are in the excavating business and would like to purchase this lot to store surplus loam, sand, concert and stumps. They would like to recycle these materials there and redistribute them to other job sites. They do not intend to excavate this property as there is no material to mine. The Cantwell's explained that the current owner has used the site similarly.

Chair Avery asked Mr. Cantwell if he knows if the current owner has been excavating the lot. Mr. Cantwell said the land looked like it has sat idle and does not believe it has been used in this way in the last few years.

Member Hodsdon confirmed with Mr. Cantwell that he did not plan to excavate this lot. Mr. Cantwell agreed he has no intent to excavate, just to use the land for staging materials for his excavation business. Member Hodsdon confirmed that this would then be for commercial use and not for excavation which was the past non-conforming use. Chair Avery added that a non-conforming use loses its exemption from underlying Zoning after a year of rest and reverts to the underlying Zoning.

Planner Durfee agreed that with no commercial use in over a year the exemption from Residential Agricultural zoning is over. Also since this is not a residential or agricultural endeavor, the owner would need a variance from the Zoning Board.

Member Hodson noted that this seems like a planned commercial use different from excavation. He also remarked that excavation could be used in a residential setting; however, this use sounds like a Zoning Board variance would be required.

Chair Avery asked if excavation has been done would there be a possible obligation of reclamation. Member Hodsdon agreed if Mr. Cantwell was to buy this lot, there could be reclamation work to be done and that reclamation requirements follow the land. Mr. Cantwell then asked who would be the person to say if the work is complete. Member Hodsdon said this approval would be through the Selectmen. They would be looking for no greater than a 2:1 slope, no excavation below 4 feet, and that the land is stabilized.

Member Burbank asked if it has been determined the land is no longer able to be excavated further. Mr. Cantwell replied it is pretty much done. Member Burbank then asked what is planned on being stored. Mr. Cantwell replied concrete, loam, stumps, will all be recycled and go back out.

Chair Avery suggested the next stop would be the zoning board. Planner Durfee noted the steps to get a variance followed by need to be site plan approval. Member Hodsdon advised these minutes should be presented to the Zoning Board.

6. Update of open planning board inquires

Chair Avery presented a worksheet with all open cases and briefly reviewed each applicant and any updates since meeting with the board.

7. Other New Business

Planner Durfee suggested the board may want to discuss zoning amendments to support workforce housing laws. Specifically multifamily housing of greater than 5 should be allowed somewhere in town. Chair Avery suggested the overlay district would be a good way to look at possible locations.

8. Other Old Business

None.

7:28 - Meeting Adjourned

Meeting Attendees:

Eric Fiegenbaum,
Robert Cantwell,
Steve Cantwell

Respectfully Submitted by Michael Card