



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823
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Approved

OFFICIAL BUSINESS

Minutes of: August 5, 2020

Meeting Convened: 7:00 p.m.

Members in Attendance:

Mark Avery - Chair
Tom Burbank
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. COVID-19 Note:

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

2. Seating of Alternates:

None

3. Approval of Minutes:

The minutes from July 15th, 2020 were reviewed. **Motion** made by Member Jordan to accept the minutes. **Seconded** by Member Burbank. All Aye. **Motion Approved.**

4. Correspondence:

None

5. Informal Review - Land Care Associates Updated Site Plan (Map 9, Lots 3 and 4):

- Christopher Berry (Engineer)
- Mike Parsont (Environmental Consultant)

Chair Avery informed the Board that Mr. Berry and Mr. Parsont represent Mr. Gordon, the owner of LandCare Associates. He also stated that LandCare does not have a current site plan that covers both of the lots in use and that the owner was made aware of the need for one in December 2018.

Mr. Parsont introduced himself and showed the Board an updated site plan that details the existing natural conditions on the property. He emphasized the desire to protect the natural resources on the property including wetlands and the Bellamy River. He went on to discuss the town of Madbury's requirements and how they intend on protecting those zones. He also explained that they had a very basic conversation with the NHDES regarding the area inside the State's 250 feet protected shoreland setback. He stated the NHDES required some additional information, which was why they had taken so much time to contact the Planning Board. He also informed the Board that Berry Engineering would design water management and treatment systems for wetland and shoreland protection purposes.

Mr. Berry introduced himself and told the Board that his firm would be creating the full site plan. He said they were working to develop an improved work flow on site as at this moment it's really inhibiting LandCare's business. He went on to state that they advised the owner that he was currently at his maximum extent. Mr. Berry explained that they want to help assure that the owner is in compliance with all of the rules for the town of Madbury and most importantly to assist with a storm water management plan for the property. Mr. Berry said they were also looking at the traffic control, landscaping, and lighting. He told the Board they should see full designs soon.

Chair Avery asked the Board if there were any questions. The Board went on to discuss the site plan and give recommendations for how to proceed before meeting with the Board again.

Consultant Durfee encouraged the applicant to review Madbury's regulations and to clearly mark Madbury requirements on the plan.

Chair Avery mentioned that LandCare appeared to have used adjoining non-commercial property for storage. He offered that a variance would be needed if this continued under the new site plan.

Member Hoff offered that the applicant should review the existing approval for operations on a single lot. That approval included a condition limiting on-site retail sales which current operations may not meet.

Chair Avery restated the need to move forward in a timely manner given the length of time that has passed since the need for a plan was identified.

7:26 pm Chair Avery closed the informal hearing.

6. Discussion - Possible Impact of Article IX-A, Section 6 on a Replacement Septic Within 400 Feet of a Public Water Supply Well:

Chair Avery presented the possible impact of the town's wellhead protection rule on the replacement of a septic system at 320 Route 108. Under the rule no development can take place within 400 feet of a public water supply. The majority of the property is within 400

feet, meaning that the new septic might be disallowed and the property would then essentially be unusable. However, the Board agreed that this particular case does not constitute development since the existing system is being replaced with a system of the same size.

Chair Avery emphasized that this issue illustrates that our current ordinance is flawed, may be unenforceable, and that actions under it could constitute illegal regulatory taking by the Town.

The Board agreed to continue considering this issue.

7. Discussion-Possible Zoning and Regulations Update:

Chair Avery asked the Board for input on considering ordinance and regulation updates in the following areas. The Board decided more information is needed to discuss further.

- Subdivision Regulations: Fire Protection
- Zoning Ordinances: Workforce Housing
- Zoning Ordinances: Aquifer and Wellhead District

8. Other New Business:

None

9. Other Old Business:

Chair Avery updated the Board on the possible commercial solar site which had previously been presented to the Board, stating that the landowner and solar company are still in negotiations.

Meeting Adjourned 7:52 pm

Meeting Attendees:

Eric Fiegenbaum

Respectfully submitted by Laurie Plantamuro