



## MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823  
Tel: 603 742-5131 • Fax: 603 742-2502

# Approved

### OFFICIAL BUSINESS

**Minutes of:** Oct 7, 2020

**Meeting Convened:** 7:08 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:**

Laurie Plantamuro – Recording Secretary (Zoom)  
Elizabeth Durfee – Contract Planner (Zoom)  
Eric Fiegenbaum – Town Administrator

### Agenda

#### **1. Seating of Alternates**

None

#### **2. COVID-19 Notice**

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 Sept 16th, 2020 were reviewed. **Motion** was made by Member Burbank to accept the minutes. **Seconded** by Member Card. Member Hoff abstained. All others voted aye. **Motion Approved.**

#### **4. Correspondence**

None

#### **5. Public Hearing- Subdivision of Map 5, Lot 12 Hayes Road**

- Raymond Bisson (Stonewall Surveying)
- Tom Crosby for Barbara P. Crosby Real Estate Trust (Owner)
- Michael and Valerie Griffin (Applicants/Buyers)

Chair Avery read the rules for a public hearing. He stated the first order of business was to accept the application for subdivision for consideration.

Member Burbank read the Subdivision Acceptance Check List while the applicant showed were each of the items on the checklist was on the plot plan. No issues were noted by the board. Chair Avery asked the Board if they had any questions. None were offered.

**Motion** to accept the application for consideration was made by Member Jordan. **Seconded** by Member Goodnow. All voted Aye. **Motion approved.**

Ray Bisson introduced himself and discussed the applicant's desire for the property. The Griffins want to divide the lot and create a new residential lot for themselves out of the existing approximately 137 acre lot.

Member Hodsdon asked Mr. Bisson if he could delineate the test pit numbers in the front, center and rear of the property. Mr. Bisson showed the board how that was done.

Chair Avery asked if there were any more questions from members in the room or from any members attending via Zoom. None were offered.

Chair Avery then asked Consultant Durfee if she had any comments with regard to her memo on this application. She said she felt the applicant answered most of her questions. She said she hadn't reviewed the latest plan in detail, but she wanted to know whether or not a note was added to the plan showing that the larger lot meets Zoning qualifying area requirements and does not consist of more the 25% of poorly drained soils. She said that indicating Zoning Ordinances minimum lot size qualifying area on the plan is one of the requirements.

Chair Avery said there is an issue for waivers the applicant has requested that the board needs to discuss. Member Hodsdon recommend each waiver be treated separately. Chair Avery asked the Board to please review the waiver requests. He asked Mr. Bisson to discuss the three items he was looking to be waived.

Mr. Bisson read the board the three articles he hopes the Board will waive and explained why he thinks they should be waived. Chair Avery asked if there were any questions. No questions were offered by the board.

7:45 Chair Avery opened the hearing to public comment and questions.

He offered the chance to comment to people in the room or on Zoom. There were no comments. Chair Avery then read written comment provided by Peter and Katherine Frid of 68 Hayes Road for the Board's consideration.

7:50 pm Chair Avery closed the public hearing.

The Board then discussed the waiver requests and found no concerns. Chair Avery asked the board to vote on the three waivers.

**Motion** to waive Subdivision Article 4, Section 3 was made by Member Hodsdon. **Seconded** by Member Goodnow. All voted aye. **Motion approved.**

**Motion** to waive Subdivision Article 4, Section 4 was made by Member Burbank. **Seconded** by Member Card. All voted aye. **Motion approved.**

Chair Avery reviewed the third and final waiver request and asked if there were any questions. Member Goodnow asked if this waiver would set precedent for property in the future and any plans to build. She asked if this waiver could be cited in the future. Chair Avery commented he didn't think so, as any plan in the future would be considered at that time. The Board discussed this waiver in detail and what their thoughts were for this property.

Chair Avery requested the Board vote on the third waiver. **Motion** was made by Member Burbank to approve the waiver of Subdivision Article 4, section 13. **Seconded** by Member Jordan. All voted aye. **Motion approved.**

Chair Avery asked if the Board had any other questions.

Member Hodsdon requested that Consultant Durfee discuss her comments in more detail with regard to the 25% wetland calculation on the remaining 137 acres. She discussed her thoughts to the Board and read them aloud.

Chair Avery asked the Board if there were any other questions. None were offered.

Chair Avery then commented on possible serial development of the larger 137 acre lot. He stated that any future development of the larger lot should not create a condition in which wetland crossings are required to reach the back area farthest away from the road. He explained that future owners or developers should not assume that they can cross the significant wet areas on the larger lot in order to access the remaining back areas of the lot for development accessed from Hayes Road. The board agreed with this stance.

Member Hoff then noted that boundary markers should be set as directed by the board. Member Hodsdon indicated that granite boundary markers should be set. Mr. Bisson offered that granite markers may not be appropriate along roads due to damage from snow plowing. The board agreed not to change established procedures for granite boundary markers at this time.

Chair Avery recommended the Board approve the application with the following conditions: Add minimum lot size qualifying area requirements for the existing 137 acre lot to the plan per and add requirement to install a granite monument in the northeast corner of the new lot to the plan.

**Motion** made by Member Burbank to approve the application of Michael and Valerie Griffin with the conditions stated by Chair Avery. **Seconded** by Member Card. All voted aye. **Motion approved.**

**Motion** made by Member Hoff to allow the Chair to certify conditions of approval.  
**Seconded** by Member Goodnow. All voted aye. **Motion approved.**

8:06 pm Chair Avery closed the public hearing.

**6. Discussion - Wellhead and Aquifer Overlay District Legal Advice**

Chair Avery explained that the Board has requested and is awaiting legal advice on the subject.

**7. Review - Change 1 to March 2017 Land Use Ordinances and Regulations**

Chair Avery informed the board that previously approved changes would be published via a change sheet instead of a full reprint of the towns land use book and left a copy of the changes for the Board to review.

**8. Other New Business:**

None

**9. Other Old Business:**

None

**Meeting Adjourned:** 8:10 pm

**Meeting Attendees**

Raymond Bisson – Stonewall Surveying, Barrington NH

Michael Griffin – Rochester NH

Valerie Griffin – Rochester NH

Tom Crosby – Hayes Rd

Laura Price – Hayes Rd (Zoom)

Respectfully submitted by Laurie Plantamuro