



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823
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Approved

OFFICIAL BUSINESS

Minutes of: February 17th, 2021

Meeting Convened: 7:00 p.m.

Members in Attendance:

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

Support Staff in Attendance:

Liz Durfee – Contract Planning Consultant (Zoom)
Eric Fiegenbaum – Town Administrator

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 January 20th, 2021 were reviewed. **Motion** made by Member Goodnow to accept the minutes. **Seconded** by Member Burbank. **Member Vote:** Jordan - Y, Goodnow - Y, Hoff - Y, Burbank - Y, Hodsdon - Y, Card - Y, Avery - Y. **Motion Approved.**

4. Correspondence

None.

5. Public Hearing - Temporary Wetland Crossing Conditional Use Permit (CUP) for Eversource to Replace Power Poles off Madbury Road

Chair Avery read the rules for the public hearing and the public notice. Before accepting the application the board reviewed the application and a **Motion** was made by Member Burbank to accept the application for consideration and begin the public hearing. **Seconded** by member Card. **Member Vote:** Jordan - Y, Goodnow - Y, Hoff - Y, Burbank - Y, Hodsdon - Y, Card - Y, Avery - Y. **Motion Approved.**

Chair Avery started the public hearing, and Sherrie Trefry (VHB Consultant for Eversource) presented Eversource's plan to replace 9 laminated wood poles with metal ones. The work will be done off of Madbury Road to the west of the substation. Eversource will use the same access road as last year, with approximately 3500 square feet of wetland impact. Ms. Trefry said that Eversource does not have an exact start date yet, but it will take about 3 months to complete. As with last time best practices will be used and a post-work report will be sent to the town.

Chair Avery then opened the hearing to questions from the board. Member Hodsdon asked if they expect the same amount of traffic impact and police commitment. Jenni Menendez (the environmental resource manager) said she will have the contractor talk to the local police department before the project begins.

Chair Avery then opened the public hearing to public comment. Hearing no questions or comments the hearing was closed to public comment.

Chair Avery suggested to the board similar conditions to the last CUP would be ideal. These conditions included: 1. That best practices are to be used during maintenance, 2. That a report on the revegetation of the area be given to the town after completion. 3. That the CUP would expire at the end of 2021 but could be extended by the Planning Board.

Motion was made by Member Jordan that the CUP application be accepted with the conditions that Chair Avery suggested. **Seconded** by Member Burbank. **Member Vote:** Jordan - Y, Goodnow - Y, Hoff - Y, Burbank - Y, Hodsdon - Y, Card - Y, Avery - Y. **Motion Approved.**

6. Home Occupation Preliminary Consultation - Possible Auto Reconditioning and Wholesale Sales (46 Moharimet Drive)

Brandon Kahr presented to the board his desire to recondition vehicles in his garage as part of a wholesale used car Home Occupation. He would be doing this part-time, only have one such vehicle on premise at a time, not have any public interaction at his home, have no lot of cars, and no employees. He is here since he talked to the Select Board and they suggested he talk to the Planning Board to determine whether this is a Level I or II Home Occupation or a commercial business.

Member Card asked if there would be any paint spraying or any chemicals. Mr. Kahr said that he will not be spraying or storing any of these chemicals. He plans on doing small projects that require small repairs, not major auto body restoration.

Member Burbank asked if there will be an outdoor lift or storage of vehicles. Mr. Kahr said there will be no outdoor lift and no lot. There will only be one vehicle at a time.

Member Burbank asked where the oil and waste will go. Mr. Kahr said he will be bringing them to the Dover recycling area.

Member Jordan asked what hours he plans on working. Mr. Kahr replied weekend

during the day approximately 9-3.

Member Hodsdon commented that he does not believe that this is a home occupation and the selectmen have had difficulty enforcing rules around this type of business. Mr. Kahr said that this license does not allow sales of vehicles from his home, and all activities would be in the garage so disturbance to the neighbors would be limited.

Member Hodsdon and Chair Avery both asked about potentially hazardous materials. Mr. Kahr said he would not be dealing with anything potentially hazardous, and he would be focusing on wrenching. Chair Avery noted that the fire department needs to know and view the potential for hazards. Also OSHA has an extensive list of hazardous materials.

Planner Durfee asked the board if they consider this a home occupation, and if this is consistent with Madbury's Master plan. Chair Avery said this is something to consider along with if this would be a Level I or II business.

Member Jordan mentioned that others are working on vehicles in a similar way without our knowledge. Chair Avery brought up the issue of creep, as this business grows. Member Burbank asked if a limited number of vehicles would help protect the neighbors.

Member Goodnow mentioned how we have numeric restriction conditions to past home occupations, but her concern is whether there would be fumes or noise. Mr. Kahr assured there would be no fumes, and very limited noise as it would take place in his garage.

Member Hoff noted that this would seem more of a Level II business and asked how do we protect the neighbors and what would the exterior look like. He also asked in the heat of the summer would the garage door remain closed?

Chair Avery summarized that the board needs to consider if (1) if this is a Home Occupation, and (2) if so would it be a Level II, as at least the neighbors would be able to weigh in at the public hearing. The board will also consider if this is part of Madbury's Master Plan.

The board decided that this is not a Level I Home Occupation and that Mr. Kahr could apply as a Level II business and the board would consider it at that time.

7. Discussion - Possible Water Protection Zoning Improvements Committee

Chair Avery presented to the planning board Sarah Greenshields' idea to start a committee to consider improvements to the water protection ordinances. It was suggested that the committee should include representation from the Water Board and Conservation Commission. Planner Durfee noted that she will look into possible grants from NHDES to see if we could possibly get funding for this. Hearing no objections, Chair Avery will move forward to start assembly of this committee.

8. Other New Business

Member Goodnow mentioned that a positive thing about Mr. Kahn's request, is that it could be helpful to have on public record. Member Burbank recalled that the only reason Mr. Kahn was

here is that the state wholesale license requires town approval.

9. Other Old Business

Chair Avery updated the board on the Gerrish development. He then reminded everyone to spread the word to consider voting yes on article 2.

8:10 - Meeting Adjourned

Meeting Attendees

Sherrie Trefry

Brandon Kahr,

Elise Ward (Zoom)

Jenni Menendez (Zoom)

Nicole Martini (Zoom)

Respectfully Submitted by Michael Card