



# MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823  
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## Approved

### OFFICIAL BUSINESS

Minutes of: April 7<sup>th</sup>, 2021

Meeting Convened: 7:00 p.m.

#### Members in Attendance:

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

#### Support Staff in Attendance:

Elizabeth Durfee – Contract Planner (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 March 17th, 2021 were reviewed. **Motion** made by Member Green to accept the minutes as amended. **Seconded** by Member Card. **Member Vote:** Jordan - Y, Hoff - Y, Green - Y, Card - Y, Avery - Y. (Member Goodnow had not arrived yet). **Motion Approved.**

#### 4. Correspondence

None.

#### 5. Public Hearing - Subdivision of 1 Hayes Rd. (Map 5, Lot 16)

Lucy E. Tillman (Owner)  
Kevin McEaney (McEaney Survey Associates)

Chair Avery read the rules for a public hearing and the public notice.

Before accepting the application the board reviewed the completeness of the application. A **Motion** was made by Member Green to accept the application for consideration. **Seconded** by Member Jordan. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Goodnow – Y, Green - Y, Card - Y, Avery - Y. **Motion Approved.**

Kevin McEneaney of McEneaney Survey Associates summarized the application and asked for a waiver of the high intensity soil survey as the whole lot is sandy loam. He stated that he had read Consultant Durffee’s review of the application and agreed with her suggested conditions. The board noted that the application was straight forward and had few questions for the applicant.

Chair Avery opened the public hearing at 7:25. Ms. Alice Belforie was looking for clarification as to the placement of the house on the land. Mr. McEneaney helped clarify housing location and setback lines. Chair Avery read a letter from Joseph and Linda Stuart in support of the subdivision.

Chair Avery closed the public comment at 7:35.

The board discussed the application and waiver. A **Motion** was made by Member Green to approve the waiver request. **Seconded** by Member Goodnow. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Goodnow - Y, Green - Y, Card - Y, Avery - Y. **Motion Approved.**

Member Green asked the board for clarification of granite vs iron rod boundary markers for subdivisions. Consultant Durfee referenced the relative regulations and the board agreed to continue requiring granite markers along the road unless there is a stone wall involved. The board also discussed the appropriate lot number for the new lot and agreed to use the Town Administrator’s decision.

After some clarification the Board agreed on the following conditions of approval:

1. Change “Lot 1” to “Map 5 Lot 16-D” on the plan or as determined by the Town Administrator.
2. Set permanent granite boundary markers. Show the type of marker on the plan.
3. Add a well location and 75 foot protective radii to the proposed 2 acre lot to the plan. The radii should fit within the boundaries of the lot.
4. Add property setbacks for the 7.46 acre lot to the plan.
5. Add the location of the existing well and leach field on the 7.46 acre lot to the plan.

A **Motion** was made by Member Goodnow to approve the application with the above conditions. **Seconded** by Member Green. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Goodnow - Y, Green - Y, Card - Y, Avery - Y. **Motion Approved.**

A **Motion** was made by Member Green for Chair Avery to determine when the conditions are met and to sign the plan for the board. **Seconded** by Member Goodnow. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Goodnow - Y, Green - Y, Card - Y, Avery - Y. **Motion Approved.**

**6. Determination on Zoning Buffers/Setbacks for Nute Rd. and Barrington Town Line (Map 2, Lot 19-B)**

Joe Berry, Berry Surveying & Engineering

Chris Berry, Berry Surveying & Engineering

Chair Avery announced that the owners of this property are requesting Zoning Ordinance variances from the Zoning Board of Adjustment (ZBA). He explained that the Planning Board's job is to advise the applicant through their engineers and the ZBA on what buffer and setback ordinances apply and not to consider the actual variance requests.

The primary issue discussed concerned whether the applicant needs variances for wetland and poorly drained soil setbacks or just the greater or the two. The board agreed that the applicant would need both wetland and poorly drained soil variances since the proposed building site was within both setbacks.

Member Jordan noted that this is a poor housing site and possibly the applicants should focus on a variance from the distance to the road. The applicants said they considered that variance but were trying to balance impacts to the site.

Chair Avery then asked for clarification as to the site of a stream on the property and possible associated Shoreland Protection District setbacks. Mr. Berry explained that the stream is in the Shoreland District but that the district's setbacks are encompassed in the wetlands themselves. Given that, the board agreed a Shoreland Protection variance would not be required but did recommend showing the Shoreland District on the plan.

The board also questioned the proposed well's protective radius going on to abutting property. Mr. Berry indicated that the applicant would provide a release of rights to the sanitary radius on the abutting land. The PB found this to be acceptable and recommended that it be added to the plan.

The board agreed that the Chair should provide the ZBA and applicants with a memo documenting these decisions.

**7. Discussion - Update of Subdivision and Site Plan Regulations Submission requirements**

Chair Avery presented this update of Subdivision and Site Plan Regulations submission requirements. The goal is to clarify what an applicant must provide and to help guard against "memory items" when the board proves applications. It was the consensus of the board that this is a good idea to pursue. Chair Avery explained that the next step will be a public hearing.

**8. Discussion - Zoning Ordinances Definition of Hazardous Materials**

Chair Avery presented this issue to the board. Various examples from Consultant Durfee were given to read over so that the board can consider a future definition.

**9. Other New Business**

Chair Avery reviewed a new version of the NH Planning Board Handbook, the future Eversource Pole Replacement, the Scenic Road Tree Cutting, and OSI Training.

**10. Other Old Business**

Chair Avery presented the Water Improvement Committee and the Kahr Home Occupation updates.

**Meeting Adjourned:** 8:00 p.m.

**Meeting Attendees:**

Kevin McEneaney, McEneaney Survey Associates

Lucy Tillman, Hayes Road

Ben James, Hayes Road

Joe Berry, Berry Surveying & Engineering

Chris Berry, Berry Surveying & Engineering

Kevin Niland, Hayes Road

Brian Sheridan, Mill Hill Road (Zoom),

Alice Belfiore, Mill Hill Road (Zoom)

Respectfully Submitted by Michael Card