



# MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823  
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## Approved

### OFFICIAL BUSINESS

**Minutes of:** April 21, 2021

**Meeting Convened:** 7:00 p.m.

**Members in Attendance:**

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

**Support Staff:**

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

**1. Seating of Alternates**

None

**2. COVID-19 Note**

Before beginning the discussions, 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 April 4, 2021 were reviewed. **Motion** by Member Green to accept the meeting notes as written. **Seconded** by Member Jordan. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Green - Y, Card - Y, Avery - Y. **Motion Approved.**

**4. Correspondence**

None.

**5. Conditional Use Permit (CUP) Public Hearing - Temporary Wet Area Crossing for Eversource Utility Pole Replacement through Tax Map 8 Lot 2 & Tax Map 9 Lots 11 and 12A - Conor Madison, GZA GeoEnvironmental Inc. on Behalf of Eversource**

Chair Avery read the rules of a public hearing and stated that they apply to all three public hearings scheduled.

Chair Avery read the public notice. The board then reviewed the application for completeness and whether it could be accepted for consideration. **Motion** to accept the application for consideration by Member Green. **Seconded** by Member Burbank. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Green - Y, Card - Y, Avery - Y. **Motion Approved.**

Mr. Madison presented the application to the board for upcoming maintenance work on the existing M183 transmission line off of Evans Road and Garrison Lane. Eversource is looking to replace four

utility poles at this site. He went on to discuss the task and how they would file a separate DES filing for wetlands. He said they hoped to start in May by checking the poles. If they can treat the poles they may not need to replace them. But if they do need to be replaced, replacement could be as late as November 2021.

Chair Avery requested the mapped plan be reviewed and mentioned that the Garrison Lane area didn't have any impacted wetlands so they were actually looking at the CUP for the Evans Road area only. Mr. Madison agreed by saying it was.

Mr. Madison went on to discuss the map shown on screen to the Board.

Member Jordan asked Mr. Madison if this was close to the water supplies for any of the town. Chair Avery responded the work would be done away from Gerrish Brook which Member Jordan mentioned. The Board went on to discuss the location of the water sheds in the town.

Member Green commented to Mr. Madison that he make sure Eversource was aware of the Portsmouth water pipeline that runs underground near the work area. Mr. Madison said Eversource would not be going anywhere near the Portsmouth pipeline.

7:13 pm Chair Avery opened the meeting to public comment. There were no comments from the public.

7:14 pm Chair Avery closed the public comment.

The Board discussed the application and found it to be straightforward. Chair Avery suggested applying the same conditions that had been applied to earlier Eversource maintenance CUPs. He then read the following conditions: (1) Maintenance is to be accomplished using Best Management Practices as delineated in application, (2) A final report on vegetation reestablishment is to be provided to the Town, and (3) The CUP expires 365 days from its issuance but may be extended by the Board.

**Motion** to approve the application with conditions Chair Avery read by Member Green. **Seconded** by Member Card. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Green - Y, Card - Y, Avery - Y. **Motion Approved.**

## **6. Conditional Use Permit (CUP) Public Hearing - Level II Home Occupation (Wholesale Auto Dealership) at 46 Moharimet Drive (Tax Map 4 Lot 19)**

*-Brandon Kahr, Business Owner*

Chair Avery read the public notice. The board then reviewed the application for completeness and whether it could be accepted for consideration. **Motion** to accept the application for consideration by Member Card. **Seconded** by Member Green. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Green - Y, Card - Y, Avery - Y. **Motion Approved.**

Mr. Kahr presented his application to the Board seeking a CUP for an auto wholesale operation. Mr. Kahr would like to have one car at a time, with each car on the property for no more than a month, to clean and prep for re-sale off the property. He stated they would be restricting the work to 9 am to 5 pm and it would be for auto reconditioning only.

Member Green asked Mr. Kahr if he would be selling to other dealers or any public sales done from this location. Mr. Kahr responded no, it would be limited to the types of work stated. Chair Avery asked for Clarification. Mr. Kahr said he never takes ownership of a vehicle, he said this was a wholesale license to sell only to other dealers. He said there would be no sales done from the actual location.

Consultant Durfee commented that Mr. Kahr should make sure to read the state requirements for discharge to groundwater when washing cars in a commercial operation in accordance with Env-Wq 402.33. She also commented that the Board may want a copy of a discharge registration from the NHDES if it is a requirement. Mr. Kahr asked for Consultant Durfee to clarify the state requirement. She went on to read how she interpreted the NHDES requirements for discharge.

Member Green asked Mr. Kahr if he would be using signage on the property for the business. Mr. Kahr commented it was something he wanted to check with the Board about as the state requires it for a wholesale dealer but he is not interested in using signage at this time. Chair Avery informed Mr. Kahr the board likely couldn't make "no sign" a condition of approval since signs are allowed by the Town, but the Board wouldn't require him to use a sign.

Member Burbank asked how many vehicles Mr. Kahr would be reconditioning on a monthly basis. Mr. Kahr said it would one or two a month and the vehicles would be parked either in the garage on the property or in the driveway of the property.

Member Green asked what the turnaround time would be per vehicle. Mr. Kahr responded about one or two weeks.

Member Card asked what would be done with the vehicles if they do not sell. Mr. Kahr said they would consider it a loss.

Member Burbank asked if there was a storage proposed for a vehicle beyond one month if it didn't sell. Mr. Kahr responded they would take a cut on a vehicle at the auction to make sure they sell. He said there should be no need for extra storage.

Member Burbank asked if they had a vehicle that needed mechanical work would they be doing that on this site. Mr. Kahr stated they only intend to buy vehicles requiring reconditioning work and not those with damage or mechanical issues. However, if they happened to receive a vehicle they later found required more than just detail work, then the work would be done off site.

Member Hoff wanted to clarify that Mr. Kahr will not own any of the vehicles, that he would only be reconditioning said vehicle and should he happen to receive a second vehicle at the same time, how would that work with the number of unregistered vehicles allowed on one lot at a time. Administrator Fiengenbaum summarized the relevant Town ordinance on unregistered vehicles. Mr.Kahr said he was aware of that and thanked them.

Consultant Durfee asked Mr. Kahr to clarify where the vehicles he receives would be stored on the property while he has them for reconditioning. Mr. Kahr responded they would probably be stored in the garage or another part of the driveway.

Chair Avery commented on the requirement to notify the Fire Department of possible dangerous, flammable, and or hazardous materials that may be used in the business. Mr. Kahr commented that he would only be using items you could buy at your local store and he would only be cleaning one

vehicle at a time. Chair Avery mentioned that even such substances, especially if stored in bulk, could be problematic in an emergency and that the point of the list is to let the Fire Department know what they may face in case of an emergency. Mr. Kahr said he would be happy to comply.

7:46 pm Chair Avery opened the meeting to public comments. There were none. Chair Avery then read emails from two abutters. Both supported the CUP given the limits on the number of vehicles and measures to limit noise that Mr. Kahr proposed in his application.

7:47 pm Chair Avery closed the meeting to the public comment.

The Board discussed the following conditions before voting:

The hours of the business would be from 9 am to 5 pm.

Signage for the business would not be required.

That if a vehicle needed to be stored outside of the garage it would be on the driveway and not on the grass or street.

That a list of hazardous / dangerous materials used be given to the Madbury Fire Department for emergency purposes.

That Mr. Kahr contact NHDES to look into possible requirements for registration for water discharge in accordance with Env-Wq 402.33 and a copy of the registration be given to the town. Finally, that Mr. Kahr stays within his one for one request in his application. Specifically that storage and reconditioning of vehicles is limited to one vehicle at a time for a maximum of one month.

**Motion** to approve the application with conditions discussed by Member Burbank. **Seconded** by Member Jordan. **Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Green - Y, Card - Y, Avery - Y.

**Motion Approved.**

## **7. RSA 231:158 Public Hearing – Scenic Road Tree Removal for Nute Road Bridge Replacement**

*- Joseph Moriarty, Town Road Agent*

Mr. Moriarty explained his request to remove trees is part of the Nute Road Bridge Replacement. The Town is asking to remove five trees all on the downstream side of the property. The reason for removing these trees is to allow for safe realignment of utility poles in the project area.

Member Green asked where the trees would be going as there was an agreement with the land owners for the cut wood. Mr. Moriarty responded they would take care of the wood from the trees and he would personally see the wood goes where it was promised.

Consultant Durfee asked how the trees would be removed. Mr. Moriarty answered they would be removed professionally by a tree service with saw's and maybe a boom crane for one or two of the larger ones.

7:57 pm Chair Avery opened the hearing to public comment. There were none.

7:57 pm Chair Avery closed the public comment.

The Board discussed the request and found it to be appropriate given the bridge project.

**Motion** to approve the presented tree removal by Member Green. **Seconded** by Member Card.  
**Member Vote:** Jordan - Y, Hoff - Y, Burbank - Y, Green - Y, Card - Y, Avery – Y. **Motion Approved.**

**8. Other New Business:**

None

**9. Other Old Business:**

None

**Meeting Adjourned:** 7:00 pm

**Meeting Attendees:**

Brandon Kahr, 46 Moharimet  
Conor Madison, GZA GeoEnvironmental Inc.  
Joseph Moriarty, Town Road Agent

Respectfully submitted by Laurie Plantamuro