



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823
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APPROVED

OFFICIAL BUSINESS

Minutes of: July 7th, 2021

Meeting Convened: 7:00 p.m.

Members in Attendance:

Mark Avery – Chair
Michael Card
Fritz Green – Ex Officio
Doug Hoff
Casey Jordan

Support Staff in Attendance:

Elizabeth Durfee – Contract Planner
Eric Fiegenbaum – Town Administrator

Agenda

1. Seating of Alternates

None seated.

2. Approval of Minutes

The minutes from June 16th, 2021 were reviewed. **Motion** made by member Green to accept the minutes as amended. **Seconded** by member Jordan. All Aye. **Motion Approved.**

3. Correspondence

Chair Avery presented the current *Town and City* to the board.

4. Preliminary Consultation - Amend Site Plan for Tax Map 9, Lot 24A

Chair Avery opened the floor to the owner Patricia Dell Isola to explain her proposed plan for Lot 24A. The lot currently has an approved site plan and associated easement for a septic reserve area and leach field to serve the neighboring Johnson Creek elder care facility.

Ms. Dell Isola explained that she has a potential buyer for this lot, but she needs to sell the lot as a single family home building lot. She is looking to sell since her financial agreement with Johnson Creek is falling through. She believes the only barrier to selling is the need for a residential septic design and filing with NH-DES.

Member Green asked Ms. Dell Isola to clarify that there is no sale of the land to Mr. Aramis Black, the owner of Johnson Creek, and that there is no plan to have the easement reversed. Ms. Dell Isola answered that was no sale and that a lawyer would need to get involved in order to reverse the easement, and she is not certain of the process and likelihood of success.

Member Jordan noted that the town of Madbury does not have mixed use zoning and the Zoning Board would have to approve a lot with both a home and a commercial leach field on the same property.

Member Hoff clarified that the intent for this land was overflow for the leach field on Johnson Creek's property in Dover and even though they are not in operation, this easement is there until it's proven they do not need this area for the leach field. Member Jordan added this is commercial usage until it's proven that Johnson Creek does not need this land.

Chair Avery explained to Ms. Dell Isola that even though there is a previous residential subdivision of the lot, the commercial site plan easement supersedes the previous plan.

Consultant Durfee added that Ms. Dell Isola needs to demonstrate that it is physically possible to place a home and its associated well and septic on the same lot along with the commercial leach field. Consultant Durfee explained that this would need to be shown on a new site plan compared to the existing site plan.

Ms. Dell Isola then asked what she needs to do to move forward. Chair Avery explained her choices are to either amend the existing site plan or go through the legal process of removing the easement. Consultant Durfee added that she needs the physical documents and paperwork of proposed changes. Member Hoff added that any change to this lot has to be reviewed by the City of Dover, per the existing site plan approval.

Member Green asked Ms. Dell Isola if there was compensation when the easement was granted. She said no, and that Johnson Creek owes her money for many aspects of the deal.

Members Green and Hoff discussed the technicalities of the easement with Ms. Dell Isola to see if there is a chance she could get the easement removed, as that could be the easiest approach.

At this time Ms. Dell Isola seemed to possibly be overwhelmed with the technical details, so Chair Avery clarified that the two options are to remove the easement, or to have a new site plan design that would show the ability to have a home, well, and septic and allow for the commercial leach field. This plan would also need DES and the City of Dover approval, and likely Madbury Zoning Board's approval.

The board then discussed if mixed use is the correct interpretation of this situation (i.e., a house and a leach field for a commercial activity on the same lot). Consultant Durfee argued that the board should offer a definitive interpretation since the requirement for a variance is based on this. The board considered voting on the interpretation; however, Member Hoff believed the decision and vote should be at the public hearing. Chair Avery agreed that the public's input is important. The board decided to hold off on a formal vote.

5. Other New Business

None

6. Other Old Business

None

8:05 - Meeting Adjourned

Meeting Attendees:

Peggy Wolcott (Old Stage Rd)

Janet Wall (Kelley Road)

Bevie Ketel (Moharimet Rd)

Patricia Dell Isola (Durham)

Respectfully Submitted by Michael Card