



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823
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Approved

OFFICIAL BUSINESS

Minutes of: October 20th, 2021

Meeting Convened: 7:00 p.m.

Members in Attendance:

Mark Avery – Chair
Tom Burbank
Michael Card
Fritz Green – Ex Officio
Marcia Goodnow
Casey Jordan
Bevie Ketel – Alternate

Support Staff in Attendance:

Elizabeth Durfee – Contract Planner
Eric Fiegenbaum – Town Administrator

Agenda

1. Seating of Alternates:

Bevie Ketel was seated.

2. Approval of Minutes:

The minutes from September 15th were reviewed. **Motion** made by member Green to accept the minutes as amended. **Seconded** by member Jordan. All Aye except abstention by Member Ketel. **Motion Approved.**

The minutes from October 6th were reviewed. **Motion** made by member Goodnow to accept the minutes as amended. **Seconded** by member Burbank. All Aye except abstention by Members Ketel and Jordan. **Motion Approved.**

3. Correspondence:

No Correspondence.

4. Lot Line Adjustment Preliminary Review: 105 Perkins Rd, (Tax Map 9 Lots 18 & 18M)

- Jack Kaiser, Doucet Survey
- June Gangwer, Owner

As an abutter, Chair Avery recused himself from this review. Vice-Chair Goodnow noted that this is a preliminary review and this is for informational purposes only. After that Jack Kaiser of

Doucet Survey discussed the lot line adjustment noting the history of the property lines. Member Green asked if the single family home on Lot 18M is still occupied. Mr. Kaiser noted that it was rented out. Member Green then asked if there is enough road frontage for this lot line adjustment. Mr. Kaiser clarified that there is enough frontage.

Member Goodnow asked if this lot line basically changes the barn and farm stand from one property to the other. Mr. Kaiser confirmed this.

At this time Member Goodnow read through Subdivision requirements to identify any potential issues. Member Jordan noted that the conservation easement line should be shown on the plan. Mr. Kaiser agreed, and asked if there is any issue with the angle of the proposed lot line. Member Jordan said this should not be an issue. Mr. Kaiser also presented possible waivers of subdivision requirements to the board.

Consultant Durfee gave her feedback which included the need for septic and wellhead radii lines, review of the general provisions in Articles IV and V, showing all boundaries and an easement areas on the plan, and indicating the qualifying area for each lot.

Consultant Durfee also indicated that a survey showing the full extent of both lots would be preferred, but at least the full property and conservation easement lines to the street should be shown on the plan. Mr. Kaiser indicated that he intended to ask for a waiver from showing the full lots, but could include the property and easement lines to the street.

Member Green noted that a potential condition of approval may be a memorandum from the NRCS noting that the lot line adjustment is not an issue with their conservation easement.

5. Review of Board's Condominium Regulation Jurisdiction Memo:

Chair Avery reviewed the Board's ability to regulate the Crossings Subdivision, which is a Durham condominium development using some land in Madbury. He explained that while the development uses some land in Madbury, per legal advice, Madbury can't regulate it as a subdivision because Madbury does not explicitly mention condominiums in its Ordinances and Regulations per NH RSAs requirements. He requested board input on a memo explaining this to Durham and the applicant.

After the board reviewed the memorandum, a Motion was made by member Jordan to approve the memorandum as written. Seconded by member Burbank. All Aye. Motion Approved.

6. Discussion of Proposed addition of Condominium Regulation Language to Zoning Ordinances:

Given the regulation issue with the Crossings Subdivision, Chair Avery proposed a change to Madbury's Zoning Ordinance to allow Madbury to regulate any development of condominiums in the future.

After reviewing the proposed changes the board talked about the language difference between condominium and a condominium conveyance, and between condominium structures singular and plural. Member Green noted the language could have an "(s)" after condominium to cover

both the singular and plural.

Chair Avery asked Administrator Fiegenbaum how many condexes (i.e., duplexes owned as condominiums) are in Madbury. Administrator Fiegenbaum believed there are about 28. The board then discussed the pros and cons of whether the town needs to know the condo/condex contract and maintenance plan or just to regulate their initial development.

Chair Avery concluded with asking the board to think about these details to be ready for the next meeting.

7. Other New Business:

None

8. Other Old Business:

Chair Avery noted that noted that LandCare was not prepared for today due to sickness. He also informed the Board that the Madbury Conservation Commission has formally asked to comment on the LandCare site plan proposal.

Little Tree found a stormwater management plan and will be presenting it to the Board.

Meeting Adjourned: 7:50 pm

Attendees:

Jack Kaiser, Doucet Survey

Respectfully Submitted by Michael Card