



## MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823

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# Approved

### OFFICIAL BUSINESS

**Minutes of:** November 17<sup>th</sup>, 2021

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

#### **Members in Attendance:**

Mark Avery - Chair  
Tom Burbank  
Michael Card  
Fritz Green - Ex Officio  
Marcia Goodnow  
Doug Hoff

#### **Support Staff:**

Elizabeth Durfee - Contract Planner  
Eric Fiegenbaum - Town Administrator

#### **1. Seating of Alternates:**

None Seated

#### **2. Approval of Minutes:**

The minutes from November 3<sup>rd</sup>, 2021 were reviewed. **Motion** made by Member Green to accept the meeting minutes as amended. **Seconded** by Member Hoff. All Aye. **Motion Approved.**

#### **3. Correspondence:**

Chair Avery notified the board that a new "*Town and City*" is available.

#### **4. Site Plan Amendment Preliminary Consultation: Old Stage Campground, 46 Old Stage Road (Tax Map 3, Lot 44)**

– *David Redfearn, Owner*

Mr. Redfearn described the current mobile home used as a dwelling and multi-purpose building used as an office, recreation hall, laundry, and store. He noted all the repairs needed to these and that a new, two story 50'x100' metal building to replace them would cost much less.

Member Green asked if this is located on a slab? Mr. Redfearn said that the current building is partially on slabs and a portion is on piers. Member Goodnow asked where the apartment will be located. Mr. Redfearn noted the dwelling will be above the store.

Chair Avery noted the board will be deciding whether or not the new structure would be a change and or intensification of use that would require a special exception and or amended site plan.

Chair Avery then asked if the structure would be larger or smaller. Mr. Redfearn said the structure would be about 182 sq. ft. larger. Member Green noted that this sounds more like maintaining and improving, not intensifying. Member Hoff asked if there will be anything in the new structure that isn't already existing. Mr. Redfearn said no. Member Hoff said then this is not an intensification.

Consultant Durfee noted that the non-conforming use is commercial usage and that the board should consider whether or not there will be an increase in services or amenities. Chair Avery asked if there will be an increase in services or commercial operation. Mr. Redfearn said no, he only will be serving the residents. Chair Avery then asked if the store square footage would be a greater percentage of the total area compared to the current facility. Mr. Redfearn said no but the small increase would be added to the rec hall. Chair Avery noted that this doesn't seem to be a dramatic expansion.

**Motion** made by member Green that this change does not require a special exemption. **Seconded** by member Hoff. All Aye. **Motion approved.**

Chair Avery then asked the board if this is a change in the site plan or are we ok with the current site plan. Member Green asked if everything would be located in the same spot and would there be any change in utilities. Mr. Redfearn said there would be no change in utilities but the building footprint would reduce about 30 feet. Member Hoff asked if we could potentially take the existing site plan and add updated notes to it. Consultant Durfee noted that you can, but it should consider parking, lighting, and the final location. The Board agreed that a more detailed sheet would be good and that it would require a formal site plan amendment.

**Motion** made by member Green that the applicant should come back and formally apply with an updated detailed site plan. **Seconded** by member Burbank. All Aye. **Motion approved.**

**5. Site Plan Public Hearing: Land Care Associates Inc. 282 and 284 Knox Marsh Rd. (Tax Map 9, Lots 3 and 4)**

– *Christopher Berry, Berry Surveying and Engineering, Owner Representative*

Chair Avery read the rules of the public hearing and announced the public hearing.

Before accepting the application for consideration, the board needed to decide if this is a development of regional impact. Chair Avery noted that there doesn't seem to be a change in usage. Member Burbank asked if the use of the water frontage is considered a regional impact. Consultant Durfee noted some of the criteria for regional impact.

**Motion** made by member Green that this plan is not a development of regional impact. **Seconded** by Member Goodnow. All Aye. **Motion approved.**

Chair Avery reviewed the application requirements and read through the Site Plan Regulations Section VI with Mr. Berry.

**Motion** made by member Hoff that based on the applicant's answers to Section VI, we accept the application for consideration. **Seconded** by Member Green. All Aye. **Motion Approved.**

Mr. Berry noted that he has been working with the applicant for over 18 months to come up with a plan that will meet the needs of the applicant and the land. Mr. Berry reviewed the current 2 parcels of land and how they are being used. He showed the buildings, the usages, and locations. He noted the owner has moved the loam and wholesale business off of this location. Mr. Berry said that an alteration of terrain is not needed on this plan unlike the previous plans. He then reviewed the proposed site plan. Key points included the retail usage, fuel storage improvement, bin location and usage, and employee and customer parking. Mr. Berry then reviewed the flow of water and his plan to use swales, gravel, and a 4 Bay discharge system.

Chair Avery asked where the cut shop water would go. Mr. Berry noted that it would be captured in a bin. Chair Avery then asked about the retail scope of the sales. Mr. Berry could not speak on the percentage, trip generation, or traffic. Member Goodnow both questioned and noted that this site is not currently in compliance. Member Hoff reviewed the original conditions for this site including no retail operations, no salt or sand, additional lighting. He also asked if any renovations to the building were approved by the building inspector and if the signage follows the town ordinances. Mr. Berry replied that the owners are either not in compliance with these conditions or he cannot speak on their compliance. Chair Avery noted that the owner agreed in 1990 there would be no further expansion without a site plan review.

Consultant Durfee reviewed some of her concerns including the visibilities of the overlap of districts/overlays, objective impacts to wetlands from the current plan to the new plan, whether CUPs are needed vs. variances, if retail space and storage capacity increases where would the water go. Mr. Berry noted that he needed more time to review and reply to consultant Durfee's memo.

Chair Avery opened the floor to public comment at 8:15. Eric Fiegenbaum noted several concerns including the difficulty in identifying the separate overlays, the very poorly drained soil and mixed alluvial land should be clearly shown, and stormwater vs. wastewater drainage into the shore-land and floodplain areas. Having no other requests to speak, at 8:20 Chair Avery closed the public comment section.

The board then discussed the possible need for a site walk, possible dates and times, and the need to include the conservation commission.

**Motion** made by Member Hoff to continue this public hearing to a site walk at LandCare on December 4<sup>th</sup> at 10am. **Seconded** by member Green. All Aye. **Motion approved.**

## **6. Continued Discussion: Proposed Addition of Condominium Language to Zoning Ordinances.**

Chair Avery reviewed the proposed language and the language of other town ordinances. The board discussed the term condominium vs. condominium conveyance. Member Green asked if the language should be added to an ordinance or referred to an RSA. The board then discussed how the definition

should be incorporated into the ordinance. Chair Avery then noted the consensus of the board is to clean up the language and to move this addition forward.

Member Burbank then asked if this has any impact to the Mulhern application. Member Green asked how the Mulhern application should be reported. Chair Avery noted that this will have no impact on the Mulhern application and Member Green could wait until the Town of Durham responds and then report the result.

**7. Other Old Business:**

None

**8. Other New Business:**

None

Meeting Adjourned 9:03 pm

**Meeting Attendees:**

Peggy Wolcott, Old Stage Road

Justin Corrow, Building Inspector

David Redfean, Old Stage Campground

Chris Berry, Berry Engineering

Respectfully submitted by Michael Card