



# MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823

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## Approved

### OFFICIAL BUSINESS

**Minutes of:** February 16th, 2022

**Meeting Convened:** 7:00 pm

**Members in Attendance:**

Mark Avery - Chair

Michael Card

Fritz Green – ex officio

Doug Hoff

**Support Staff:**

Elizabeth Durfee - Contract Planner

**1. Seating of Alternatives**

None.

**2. Approval of Minutes**

The minutes from 2 February 2022 were reviewed. **Motion** made by Member Green to accept the minutes as amended. **Seconded** by Member Card. All Aye. **Motion approved.**

**3. Correspondence**

None.

**4. Public Hearing - LandCare Associates Inc. 282 and 284 Knox Marsh Road (Tax Map 9, Lots 3 and 4)**

– Christopher Berry, Berry Surveying and Engineering, Representative

Chair Avery informed the board that LandCare has hired an attorney and that the attorney needs time to review the site plan proposal. LandCare was not present but Chris Berry informed the board via email that they are asking for a 2 week continuance.

Chair Avery also noted that he recommended that the town Building Inspector deny approving a retail fireplace display since the existing site plan for LandCare does not allow retail sales.

The board discussed balancing large application hearings between different nights and decided the 16 March is a better day for the hearing. **Motion** made by Member Hoff to continue the public hearing until March 16th 2022 at 7pm. **Seconded** by Member Green. All Aye. **Motion approved.**

**5. Legal Advice Update - Waiver of Subdivision Regulations Requirement for Underground Utilities - 8 Jenkins Rd. (Tax Map 11 Lot 14-C)**

Discussion of this issue is continued from 2 February 2022. The owner was not present at this meeting but was aware of it and requested an update of the results.

Chair Avery summarized the correspondence with the town attorney. The attorney explained that the zoning board is not the correct avenue for the applicant since this does not involve zoning ordinances. He also advised that the applicant will need a new application for the planning board to consider a waiver since the planning board can only consider waivers on open applications.

The board discussed a possible new application and decided that we should let the applicant know what they need to focus on in the application and what waiver elements the applicant needs to prove.

Member Green asked what has the applicant provided to us in the past. Member Hoff noted they applied for a lot line adjustment. Chair Avery added that they had a full lot plan. Member Green asked if anything has changed since the application. Member Hoff noted that the plan would already have septic and well tests and location. Chair Avery and Member Hoff summarized that the applicant would not need a new plot plan, but that they would need to explain in writing why they need a waiver and the criteria for us to consider. Planner Durfee agreed that a hardship request should be in writing and the previous subdivision plan should be adequate.

**6. Other New Business**

None.

**7. Other Old Business**

Chair Avery updated the board that the Mulhern subdivision has received an NHDES question asking why Madbury has not signed the dredge and fill permit application. Chair Avery indicated that he recommended that the Town wait for Durham's input since it's not clear if Madbury needs to sign since no dredge and fill activities take place in Madbury. The Board concurred.

Meeting Adjourned at 7:25

**Meeting Attendees:**

None

Respectfully submitted by Michael Card