



# MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

Tel: 603 742-5131 • Fax: 603 742-2502

## DRAFT

### OFFICIAL BUSINESS

**Minutes of:** November 2<sup>nd</sup>, 2022

**Meeting Convened:** 7:03 pm

**Members in Attendance:**

Marcia Goodnow - Chair  
Douglas Hoff - Vice Chair  
Mark Avery-Ex Officio  
Thomas Burbank  
Andrew Losee

**Support Staff:**

Elizabeth Durfee - Contract Planner  
Daphne Chevalier - Recording Secretary

**Meeting Attendees:**

Deb Ahlstrom, Town of Madbury Treasurer  
Joshua Couch, 302 Knox Marsh Road  
Dzelmina Mulalic, 302 Knox Marsh Road

**Members Absent:**

Michael Card - Secretary  
Casey Jordan

**1. Address to the Board by Board Chair Goodnow**

Marcia thanks the Board for all the hard work they did over the month of October while she was out.

**2. Seating of Alternates**

Michael is out ill and Jordan has to work. No alternates were seated this evening.

**3. Correspondence**

Chair Goodnow highlights the memo from the Select Board.

**4. Board Comments: Capital Item Project Review, 2022-2023**

Deb Ahlstrom, Madbury Town Treasurer, addresses the Board. Ms. Ahlstrom sent materials electronically to the Board, but not all the Board members received copies. She explains the Capital Improvement Plan (CIP) review is part of the Planning Board's function, which is why the capital item review is coming before the Board for comment. Ms. Ahlstrom is looking for the Board's feedback on what's been drafted so far. The Board discusses the reason for the Planning Board's involvement in this process. Chair Goodnow asks Ms. Ahlstrom if there are any controversial items she would like particular feedback on, to which Ms. Ahlstrom says the items regarding the safety complex and public works are of particular interest. Vice Chair Hoff isn't sure, given the RSA, why the CIP comes to the Planning Board; it makes sense for larger towns and cities, but he isn't sure why this would happen in Madbury. Ms. Ahlstrom explains because the Planning Board is involved with the Master Plan, the CIP must go through the Planning

Board as well. Ms. Durfee says the Planning Board typically collects projects departments would want in the Capital Improvement Plan. The CIP is being driven by the budget process and the RSA has the Planning Board involved in the process. Chair Goodnow will forward the CIP to the rest of the Board and add Ms. Ahlstrom to the agenda for the next meeting.

Ms Durfee says the Master Plan can be an item she could work on if the Board so desires.

**5. Opening discussion with Philbrick’s Generators: Review of violations at 302 Knox Marsh Road**

Chair Goodnow reads the memo from the Select Board highlighting that Philbrick’s Generators is possibly in violation and reviews the history of the lot. The owners’ realtor stated the lot was commercially zoned. The owners state the business has expanded over time; however, the town does not have documentation that a business ever received a home occupation variance. The Town of Madbury has asked the owners to provide proof of former commercial operation. The memo also includes a list of Zoning ordinances that may be relevant.

Member Avery explains if there wasn’t previously a business at that location, Philbrick’s can’t be allowed as grandfathered, but that doesn’t necessarily mean the business wouldn’t be allowed. He lays out all options before the owners. The goal of the Planning Board is to determine if there was or wasn’t a previous business there, which will then determine how the owners can move toward resolution. The Board of Selectmen researched the claim and cannot confirm there was a business there.

Mr. Couch asks to speak. He says the business will be out of that location by the end of January. They already have another building under contract and will be closing December 1<sup>st</sup>. He expresses concern that it appears he is the only one in that area who is being held in violation. He will stay living there in the home on the lot, but the business will no longer be there. Vice Chair Hoff asks if the bookkeeping will be done there. Mr. Couch confirms the bookkeeping will not happen on the property and states only a few trailers and the small gray tent may stay on the property.

**Motion** by Vice Chair Hoff that the matter as outlined in the letter from the Board of Selectmen dated Oct 28, 2022 regarding the 302 Knox Marsh Road matter be tabled based on the representation by the owners that they will be relocating the business by Feb. 1<sup>st</sup>, 2023.

**Seconded** by Member Avery. **Motion passes unanimously.**

Member Avery thinks the Board should establish if the property was commercial or not. The Board discusses whether this area should be considered for rezoning. Ms. Durfee says the Board will need to review the current master plan to determine if it accurately reflects the desires of the town, but the Master Plan is quite old, and she recommends the Board update it.

Chair Goodnow asks how the Town can get in front of issues with businesses being out of compliance in order to not seem hostile to businesses. The Board discusses options for how to support businesses to ensure compliance with zoning ordinances.

## **6. Approval of Minutes**

**Motion** made by Member Burbank to accept the minutes as amended for October 19<sup>th</sup>, 2022.

**Seconded** by Vice Chair Hoff. **Motion passes unanimously.**

## **7. Other New Business**

Chair Goodnow would like to take up a gift card collection for Member Card and his family for all the times he took meeting minutes for the Board while they looked for a recording secretary. Vice Chair Hoff suggests using the money in the budget allotted to minute-taking. Chair Goodnow will ask Ms. Ahlstrom the legalities of using the money for this purpose and the Board discusses a stipend amount.

**Motion** by Vice Chair Hoff Doug moves to give Member Michael Card a stipend for \$1000 for his service to the board as minute taker. Member Burbank says it should be a \$250 minimum. Member Avery says the secretary can take over other tasks, including mailings and filings. Vice Chair Hoff accepts the amendment to his motion by Member Burbank.

**Motion** by Member Burbank to give Michael Card a stipend for \$250 for his service to the board as minute taker contingent on it being a legally allowable use of the money.

**Seconded** by Vice Chair Hoff. **Motion passes unanimously.**

Ms. Durfee has been in touch with parties regarding 10 Lee Road about the third party review. They are scheduling a site visit with John Chagnon and Tom Ballestero. Mr. Chagnon wants the site plan finally reviewed. Member Avery reads the terms of conditional approval for the lot. The applicant is pushing toward that deadline. He said Little Tree should have returned before the Board. Ms. Durfee says the deadline is April 6<sup>th</sup>, 2023.

Member Avery reports the Zoning Board met regarding the Van Dessel property and the board denied the application.

Vice Chair Hoff reports that he and Ms. Durfee were able to get the decision letter out to LandCare quickly. Mr. Baum contacted Vice Chair Hoff and asked who should each checklist item be sent to; however, Vice Chair Hoff stressed the Board was clear all checklist items need to be delivered at the same time and reviewed by the entire Board.

## **8. Other Old Business**

No other old business for discussion.

**Motion** by Member Hoff to adjourn. **Seconded** by Member Burbank. **Motion passes unanimously.**

**Meeting adjourned:** 8:13 p.m.

Respectfully submitted by Daphne Chevalier.