



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

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Approved

OFFICIAL BUSINESS

Minutes of: November 16st, 2022

Meeting Convened: 7:02 pm

Members in Attendance:

Marcia Goodnow - Chair
Douglas Hoff - Vice Chair
Fritz Green -Ex Officio
Michael Card - Secretary
Casey Jordan
Andrew Losee

Members Absent:

Tom Burbank

Support Staff:

Elizabeth Durfee - Contract Planner
Daphne Chevalier - Recording Secretary

Meeting Attendees:

Jack Kaiser, 102 Kent Place, Newmarket
Eric Fiegenbaum, 6 Moharimet Drive
Deborah Ahlstrom, 159 Drew Road
Lisa Wise, UNH Extension
Autumn Scott, SRPC

1. Seating of Alternates

No alternates to be seated in Member Burbank's absence this evening.

2. Approval of Minutes

Motion by Vice Chair Hoff to accept the November 2nd, 2022 minutes as amended.

Seconded by Member Losee. **Motion passed** (4 yea, 0 nay, 2 abstentions).

3. Correspondence

No correspondence entered into the minutes this evening.

4. Public Hearing: Lot Line Adjustment, 105 Perkins Road (Tax Map 9, Lots 18 and 18M)

Proposal: to reduce the size of Lot 18M, moving the location of the existing farm stand back to Lot 18 with the original farmhouse

Applicant: Jesse P. Gangwer Revocable Trust; June Gangwer, Madbury

Representative: Jack Kaiser, Doucet Survey

Chair Goodnow opens the public hearing regarding the lot line adjustment for 105 Perkins Road at 7:08 pm. She reads the notice of public hearing and reviews the procedures for public hearings. The Board moves through the checklist of required items to ensure all required items are included in the plans.

Motion by Vice Chair Hoff that the Board accept the application for consideration. **Seconded** by Member Jordan. **Motion passes unanimously.**

Mr. Kaiser of Doucet Survey is here representing the Gangwer Revocable Trust. The applicant would like to keep as much land as possible around the existing farmstand. Rather than a duplex being built on Lot 18M, only a single family building was built there. The lot would revert back to a single family lot. Wetlands were not delineated into Lot 18 as nothing is being added to that lot. No construction of any kind is being considered at the moment. The primary reason for the lot line adjustment is to increase the land around the farmstand. Chair Goodnow states that is the only house that can be there. Mr. Kaiser states Gangwer owns both lots and rents out Lot 18M.

Chair Goodnow calls the Board's attention to the waiver requests listed on the memo from Doucet Survey for discussion or motion.

- **Motion** by Member Card to accept the waiver for Article IV, Section 3, Dimensions & Bearings. **Seconded** by Member Green. **Motion passes unanimously.**
- **Motion** by Member Green to accept the waiver for Article IV, Section 4, Site Features. **Seconded** by Member Card. **Motion passes unanimously.**
- **Motion** by Vice Chair Hoff to accept the waiver for Article IV, Section 5, Streets. **Seconded** by Member Card. **Motion passes unanimously.**
- **Motion** by Member Card to accept the waiver for Article IV, Section 11, Test Pits. **Seconded** by Member Green. **Motion passes unanimously.**
- **Motion** by Vice Chair Hoff to accept the waiver for Article IV, Section 12, Impact Statement. **Seconded** by Member Card. **Motion passes unanimously.**
- **Motion** by Member Green to accept the waiver for Article IV, Section 13, High Intensity Soil Survey. **Seconded** by Member Jordan. **Motion passes unanimously.**

At 7:27 pm, Chair Goodnow invites public input on the proposed lot line adjustment. She calls to speak abutters in favor, abutters in opposition, and any other member of the public who would like to speak on the issue. No members of the public come forward. There are no written comments to read into the record. The applicant is invited to speak in rebuttal; there is nothing to rebut. Public hearing closes at 7:29 pm.

Chair Goodnow calls for discussion on the motion regarding approval of the application. Vice Chair Hoff runs through a list of additional items on the checklist that are not required. Ms. Durfee states the abutters are typically listed on the plan, but they are not listed here. Mr. Kaiser said he didn't list the abutters because the number of abutters compared to the size of the lot would require the list of abutters carrying over to a new page. As Section 2 does require the abutters are listed on the plan, the applicant is invited to request a waiver in writing now. Ms. Durfee asks about the existing well and septic on the parcel. Mr. Kaiser is not sure where those are located on the Lot 18 parcel.

Mr. Kaiser submits in writing a request for a waiver for Article IV, Section 2. Due to the overall size of the parcel, there is no room on the plan to list the abutters short of creating multiple

sheets. **Motion** by Vice Chair Hoff to approve the waiver for Article IV, Section 2. **Seconded** by Member Green. **Motion passes unanimously.**

Vice Chair Hoff suggests a condition of approval be that the surveyor's signature be on the plans.

Motion by Vice Chair Hoff to approve the application with the condition that the surveyor's signature be placed on the plat. **Seconded** by Member Jordan. **Motion passes unanimously.**

Motion by Vice Chair Hoff that once the conditions have been met, the Chair or her designee be authorized to file the plat with the registry of deeds. **Seconded** by Member Green. **Approved unanimously.**

Mr. Kaiser will bring a new plan with the signature in black.

5. Draft Proposal: The New Hampshire Flood Smart Seacoast Project

Autumn Scott, Regional Planner SRPC

Lisa Wise, Climate Adaptation Program Manager, NH Sea Grant, UNH Extension

Ms. Wise explains the goal of the project is to reduce the overall flood risk in Madbury. New Hampshire Coastal Flood Risk Summary is starting to be required in wetland permits from the state. She explains the impacts of climate change New Hampshire is likely to see, including an increase in stronger storms and groundwater flooding. New Hampshire is likely to see a foot of sea level rise by 2050 and 2 ft by 2100. Sea level rise will lead to groundwater rise, which will lead to an expansion of wetlands. She shares maps of Madbury to show how sea level rise will impact parts of Madbury. The 2017 Sea Rise Vulnerability Assessment was conducted for Madbury. Ms. Wise is looking at how to use this data to inform regulations, Master Plans, and infrastructure options. The NH Coastal Flood Risk Summary includes a Guidance section. Ms. Scott explains how they use guidance from a number of sources to recommend updates for Madbury's flood hazard overlay ordinances. The subcommittee has guided the process for what should be included. Member Jordan says the subcommittee focused on increased flooding risk, how they could prevent that in the future, and what Madbury needs to update in the ordinances to protect residences from flooding. Ms. Scott says from 2008 - 2020 only 1 building permit was located within the floodplain. Mr. Fiegenbaum believes that may have been a permit for something Portsmouth was doing at the dam. 69 of the 138 parcels are in conservation land. Member Jordan says people may decide to redevelop land with substantial improvements. Ms. Scott says one of the requirements will be for applicants to bring their existing structures up to code as part of the substantial improvements. Ms. Scott runs through the Summary of Zoning Amendments document presented to the Board, highlighting the items the subcommittee identified as specific points of discussion. Member Jordan explains the proposed change to ZO Section 12 redefines substantial improvements at 40% instead of 50%. Ms. Durfee says they talked about adding a detail that indicates how long an applicant has to complete any substantial improvements.

Member Jordan says a move to increase the base flood elevation plus 2' should prevent impacts to any new builds. Additionally the subcommittee would like to establish higher standards for critical facilities and roadways. The subcommittee also recommends establishing the building inspector as the floodplain administrator to be able to enforce the ordinances from a building standpoint.

Ms. Scott asks if the Board would like to add the language "plus 2 feet" to read "the base flood elevation plus 2 feet." Ms. Durfee suggests 2 feet above the grade if there isn't an established base flood elevation. There is some discussion around Section 16 and clarifying the language in that section.

Ms. Durfee asks about Section 9: Prohibited Uses (Specation exception) language that goes before the Zoning Board or to change the language to Conditional Use to have those issues go before the Planning Board and which Board is the more appropriate Board to make those decisions. Currently, it would end up going before the Zoning Board. Vice Chair Hoff suggests, based on past experiences, the Board change the language to a Conditional Use Permit.

Member Green asks about the timeline and when the hope is to present this information to the voters. Ms. Durfee explains they were hoping to get feedback from the Board tonight to bring back to the committee to make a final draft and then move toward the public hearing process.

Vice Chair Hoff asks about the Water Impoundment definition and whether it was defined before or after the Board received Mr. Ballestero's definition. Mr. Ballestero's definition is not incorporated in the proposed changes. Vice Chair Hoff suggests the subcommittee review his definition and see how that aligns with the definition presented in the proposed amendments.

Ms. Scott says they are hoping to get input from the Fire Chief about the emergency vehicle proposed amendments. Chair Goodnow will add tonight's speakers to the Dec 21st agenda for a second review.

Vice Chair Hoff asks about the building inspector becoming the floodplain inspector. He asks if there will be an opportunity for someone to sit down with the building inspector and run through all these changes so the building inspector knows what he will be responsible for overseeing with these changes. Ms. Scott says that is something they can do.

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

Deb Ahlstrom, Madbury Town Treasurer

Chair Goodnow asks if the idea is to put money in the capital reserve year by year. Ms. Ahlstrom explains to the Board how she put the CIP together. Ms. Durfee said it could be problematic that the Master Plan is old. There are a number of things in the Master Plan that should be updated, even if Madbury's plan is to stay the same. The Master Plan is difficult to use in its current form; it is supposed to be a tool for the Board and community to use. Member Green agrees it is important to update the Master Plan. Member Jordan also fully supports updating the Master Plan. Member Goodnow is concerned that some of the last years are far out. Ms. Durfee says she

usually meets with the Planning Board at least once or twice per chapter; it could be a dedicated hour a month during a Planning Board meeting to spread the work out over a couple of years.

Ms. Ahlstrom asks if the Board wants to create a capital reserve. Chair Goodnow says yes. Ms. Ahlstrom asks if the Board would like to request the amount that is listed on the CIP or more. The concept is to spread the financial burden out over time. The Board discusses what amount might be adequate for the capital reserve and how to spread that out over time. Ms. Durfee says it is best to get public input in one way or another as part of the process. A single survey isn't really sufficient to get input from everyone (or to provide the opportunity for input for everybody). Usually having at least two options is best.

Chair Goodnow suggests looking at the master plan, identifying which chapters are in the most need of change, and focusing on adjusting those first.

Member Green suggests \$15k is a good number to begin with and would feel comfortable returning to ask for the same amount each year if progress is being made.

The Board discusses how much to ask for under the capital reserve line and debates an initial big launch and tapering down versus a steady amount each year.

Ms. Ahlstrom suggests the Board continues to build the reserve on any off year so the money is always there. Ms. Durfee says there are grants available for this work as well; presenting this information to voters to let them know the Board is looking into getting additional funding may go a long way with the taxpayers.

Motion by Member Jordan to establish a capital reserve of \$20K/year through FY28 for the purposes of the master plan development. **Seconded** by Vice Chair Hoff. **Motion passes unanimously.**

Member Jordan asks for a budget proposal for the Master Plan from Ms. Durfee for how best to move forward with revising the Master Plan.

Motion by Chair Goodnow that the Board empower Ms. Durfee to investigate what grants are available and to apply for the ones she sees as appropriate. **Seconded** by Member Jordan. **Motion passes unanimously.**

Ms. Durfee suggests discussing at the next Board meeting what chapters the Board would like addressed. Chair Goodnow will review her previous notes. Vice Chair Hoff suggests the most important step is to begin with the Vision and Existing Land Use chapters before moving on to any of the optional chapters.

Member Jordan suggests a change from the language that says 2010 to reflect the correct date. Deb says the original language was "toward 2010."

7. Other

Mr. Fiegenbaum shares information with the Board about when public hearing notices need to go out for the hearings for the Flood Smart Seacoast Project. The Board discusses how many hearings to have, when those meetings should be held, and when the Board should post the public hearings.

Motion by Member Jordan to adjourn. **Seconded** by Member Card. **Motion passes unanimously.**

Meeting adjourned: 9:34 p.m.

Respectfully submitted by Daphne Chevalier.