



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

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Approved

OFFICIAL BUSINESS

Minutes of: January 4th, 2023

Meeting Convened: 7:00 pm

Members in Attendance:

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

Support Staff:

Elizabeth Durfee - Contract Planner
Daphne Chevalier - Recording Secretary

Meeting Attendees:

Eric Fiegenbaum

1. Seating of Alternates

No alternates to seat this evening. Chair Goodnow encourages the Board to talk with neighbors about getting involved.

2. Approval of Minutes

Motion by Vice Chair Hoff to accept the minutes as amended for December 7th, 2022.

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

3. Correspondence

No correspondence entered into the record this evening.

4. Planning Board Workshop

1. NH Flood Smart Seacoast Project, Zoning Revisions

Member Jordan reviews the proposed zoning ordinance amendments as listed in the “Overview of Proposed Amendments to Zoning Ordinance Article XXI Flood Hazard Overlay District” document. The Board discusses the base flood elevation requirements, debating if it should be two feet (as written) or changed to three feet above the highest adjacent grade. Ms. Durfee says this item may fit better in a different place in the document.

Member Jordan highlights the new section on the Floodplain Administrator Duties and Responsibilities. Ms. Durfee believes the State could provide assistance should the Floodplain Administrator have questions. Member Jordan explains the intent of

proposed Section 7 is to ensure people don't buy an existing home and completely alter the structure, maintaining only the foundation.

Of the proposed changes to Section 9, Member Jordan stresses the addition of "critical facilities" as a prohibited use. Ms. Durfee isn't sure the prohibited use against water impoundments is necessary. It depends on how the Town wants to regulate water impoundments. Vice Chair Hoff expresses concern that the differing definitions of water impoundments in Sections 8 and 9 could lead to problems in the future. Ms. Durfee reviews the State definition and says the Board needs to clarify what falls under Item 9 and under the definitions; she offers specific edits for clarification. She suggests having the definition of water impoundments apply to the entire document.

Member Jordan highlights the importance of changes to Section 12, including construction requirements to ensure electrical, heating, ventilation, and plumbing be elevated at or above the base flood elevation, as should driveways, to ensure people can get out of their homes if they are flooded. The Board workshops the language of the proposed amendment 12.E to ensure the intent is clear. Vice Chair Hoff suggests adding language to Section 12.E.3.ii to indicate where information can be found to determine what "appropriate mechanisms" means or who is responsible for determining what is appropriate. Member Jordan thinks this is covered under the responsibilities of the Floodplain Administrator and doesn't believe adding anything to this specific section will make a difference. Member Green asks how many facilities will be impacted by this. Member Jordan thinks it may only be one or two. Ms. Durfee states they are going to look at what facilities are in the floodplain, but she doesn't have that information in the Fact Sheet.

In Section 16, Member Jordan highlights the increase from the current requirement of one foot to two feet above base elevation for new construction and three feet for new critical facilities construction. Member Jordan brings to the Board's attention the proposed changes to the definition of "Substantial Improvement," which add a timeframe and drop the percent of the market value. The Board discusses adding language to make it clear this definition applies regardless of ownership. Vice Chair Hoff expresses concern about how homebuyers will be able to get access to the needed information to determine if they will be able to make changes. Member Jordan thinks it comes down to the issue of burden and who bears a greater burden: the homebuyer or the Town. He would rather see the ordinance lie with the structure rather than the homeowner.

Vice Chair Hoff asks for clarification around Section 7. He reads the proposed language to mean that someone who has a tree fall on their roof would need to meet all new regulations in order to fix their roof. Ms. Durfee says the language is similar to the language in the standard model ordinance. Member Losee suggests adding the word "substantially" before "improve" to clarify the issue. Ms. Durfee reviews the State language and says that language is in line with what is in the draft.

Ms. Durfee asks the Board if they want to move the definition of water impoundment and low impact development to Article 3 in the ordinance so these definitions apply to the entire ordinance rather than applying to only this specific article. Vice Chair Hoff thinks it might be best to leave that off if it requires a public hearing and vote, as it may be too much all at once for people to review.

Chair Goodnow calls for any final discussion on the proposed amendments. Member Losee asks what the term “principle building” means and if a definition of this term should be included. Ms. Durfee says “primary structure” is probably more common than “principle building.” The Board agrees to alter the language to “primary structure.”

2. Timetable(s) for public hearing/public input

Member Jordan agrees to present the proposed ordinance amendments in a public hearing. The Board discusses the deadlines for holding a public hearing on February 1st. Ms. Durfee says a copy of the proposed language needs to be available to the public ten days prior to the hearing.

Motion by Member Green to move to a public hearing the proposed amendments to zoning ordinance Article XXI Flood Hazard Overlay District with discussed edits.

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

Member Jordan will provide an updated document to Chair Goodnow by the end of the week and Chair Goodnow will prepare the public notice. Public hearing notice should include links to the full document and the Clerk will have paper copies. Ms. Durfee says the public notice doesn't have to be in the paper; it can be posted on the Town's website. It does need to be posted in three places. Mr. Fiegenbaum will review the RSA to determine where it can be posted.

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

Meeting adjourned: 8:51 p.m.

Respectfully submitted by Daphne Chevalier.