

MADBURY PLANNING BOARD

13 Town Hall Road Madbury, NH 03823

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Approved

OFFICIAL BUSINESS

Minutes of: June 7th, 2023

Meeting Convened: 7:00 pm

Members in Attendance:

Douglas Hoff - Vice Chair
Tim Burt -Ex Officio
Tom Burbank
Michael Card
Casey Jordan
Andrew Losee
Bill Courtemanche - Alt

Support Staff:

Liz Durfee - Contract Planner

Meeting Attendees:

Zeland Schwartz - 14 Huckins Rd
Steve Haight - Civilworks
Bill Taylor - 242 Littleworth Rd.
Jimmy Bussy - 18 Nute Rd.
Jim Dunn - 20 Nute Rd.
Peg Wolcott - 98 Old Stage Rd.
Michael Noronha - 15 Nute Rd.
Eric Fiengenbaum - 6 Moharimet Dr.

Stephen Pellegrini - 9B Huckins Rd.
Melissa Taylor 242 Littleworth Rd.
Rafael Lozano - 7B Huckins Rd.
Ashley Gibbons - 13 Huckins Rd.

1. Seating of Alternatives

Bill Courtemanche was seated to replace member Goodnow.

2. Approval of Minutes

Motion made by member Burbank to accept the minutes as amended for May 3rd, 2023.

Seconded by member Jordan. All Aye. **Motion approved.**

3. Correspondance

None

4. Public Hearing - Conditional Use Permit for a Home Occupation Application - 18 Nute Rd., Madbury NH

Vice Chair Hoff read the Public Hearing notice and rules. Vice Chair Hoff reviewed the application with the board. **Motion** made by Vice Chair Hoff to accept the application for consideration. **Seconded** by Member Burbank, All Aye. Application accepted for consideration.

Applicant James Bussey explained his intent to work on Jeep and Toyota automobiles focusing on accessorizing and small repairs. There will be no toxic material, no painting, or body work. He noted that he only anticipates 1 or 2 automobiles at a time. Member Burt asked if there will be an increase in noise, and what hours would this activity take place. Applicant Bussey noted that work will be during normal business hours, and the noise would be no greater than if he was working on his own car. Member Jordan asked if there will be cutting, welding, or air tools. Mr. Bussey said he would not be using those tools. Planner Durfee helped the board and applicant consider if a CUP is necessary. The applicant wanted to come to the board coming away with a better understanding of a level 1 vs level 2 home occupation.

Vice Chair Hoff opened the hearing for abutters in favor. Jim Dunn lives next to Mr. Bussey and notes that Mr. Bussey closes his garage doors, and is aware of noise. Vice Chair Hoff then opened the hearing to abutters against this application. Michael Noronha is concerned with the noise increase. His kids have issues taking naps from the level of noise. He would like to be able to have a dialog concerning the noise. He is also concerned about the business increasing in size and potentially negatively affecting the resale value. Vice Chair Hoff closed the public comment portion of the meeting.

Member Burt asked the applicant if the business can be seen from the roadway. Mr. Bussey noted that if you are driving by you can see it, but there is no exterior evidence of a business. Member Losee asked what is the expected overall volume. Mr. Bussey noted there will be 1 or 2 cars, never more. Vice Chair Hoff noted that the applicant does not need a CUP for a level 1 occupation, but should be aware that if any increase or change in the business takes place, he should re-visit the planning board.

5. Public Hearing - Lot line adjustment Tax Map 1, Lots 16 and 17, 14 Huckins Road and 242 Littlewoth Rd. Madbury NH.

Before beginning Member Losee recused himself. Vice Chair Hoff read the Public Hearing notice and rules. Vice Chair Hoff reminded the applicant that they will need a 2/3ds vote to

pass which will be 5 votes of approval. After reading through the checklist for lot line adjustment, **Motion** was made by member Jordan to accept the application for consideration. **Seconded** by member Burt. All Aye. **Motion passes.**

At 7:26 Vice Chair Hoff read the proposal. Steve Haight of Civilworks explained the proposed lot line adjustment and the waiver request. The request focuses on locating the wetlands along the lot line and not on all of the surrounding land. Mr. Haight explained the reasons for this waiver request. Vice Chair Hoff then opened discussion for the board. Member Burt asked for some lot line clarification.

Vice Chair Hoff opened the hearing to abutters in favor. Stephen Pellegrini noted that he is in favor of the lot line adjustment. Vice Chair Hoff then opened the hearing for abutters against. Andrew Losee opposed the lot line adjustment. He believes there are outstanding issues with the Schwartz property suggesting that they disregard wetland protection. Abutter Losee continued with concerns about the applicants barn and shed location, an outdated survey, possible pesticide usage, avoiding driveway minimization, and that abutter Bill Taylor's property isn't accurately depicted in the application. He also requests a site walk. Vice Chair Hoff noted that most of these concerns were reviewed, and are concerned with the original subdivision application, not the lot line adjustment. Vice Chair Hoff asked the applicant if they wanted to address any of these concerns. Mr. Haight noted that this is not a subdivision, and the survey is up to date.

Member Burt asked for clarification about the specifics behind Homeland security's interest in the Taylor property. Mr. Taylor clarified that it is the USDA FSIS service that wants them to have the best buffer possible. Administrator Fiegenbaum suggested that a condition of approval would include no additional impact to the wetland and no further development of this property. Member Jordan asked about restrictions placed upon the subdivision applying to the new lot line, and how would that be monitored. Mr. Haight noted that there should not be additional restrictions to the rest of the lot.

Vice Chair Hoff focused the board on the waiver request. **Motion** made by by Member Burt to consider the waiver request. **Seconded** by member Burbank. All Aye. **Motion passes.** The board feels there is no need for the entire 14 acres to be surveyed for wetlands for this lot line adjustment. Wetlands are clearly delineated around the lot lines. Vice Chair Hoff asked for public input. Abutter Andrew Losee is against granting a waiver request based on the importance of wetlands. **Motion** made by member Jordan to accept the waiver request because the wetlands are fairly delineated. **Seconded** by member Burbank. All Aye. **Motion Passes.**

The board then focused on how to assure the property continues to hold the same restrictions placed during the subdivision. Planner Durfee suggested using similar subdivision placards to delineate the land which has these restrictions. Member Jordan addressed the abutter concerns, and noted that the concern of enforcement falls on the Selectmen and not the planning board. **Motion** made by member Jordan to approve the lot line adjustment to map 1 lot 16 and 17 with all subdivision conditions. **Seconded** by member Burt. All Aye. **Motion Passes**.

6. Public Hearing - Lot line adjustment Tax Map 1, Lots 16 and 16-1 10 and 14 Huckins Road Madbury NH.

Vice Chair Hoff and member Jordan reviewed the application checklist and found the application complete. At 8:20 **Motion** was made by Member Courtemanche to consider the application. **Seconded** by Member Burbank. All Aye. **Motion passes**.

Vice Chair Hoff Read the Public Hearing notice. Mr. Haight briefly explained the reason for the application and explained that the area is all upland no wetland. Vice Chair Hoff opened the public hearing to abutters in favor, then opposed. Mr. Losee noted that the 18” reinforced pipe was not used. At 8:25 the public discussion was closed. **Motion** made by member Burbank to approve the application as presented. **Seconded** by member Courtemanche. All Aye. **Motion Passes**. At 8:27 Member Loose returned to the board.

7. Select Board Rep Discussion

Member Burt requested an update from the board of the progress of Landcare. Vice Chair Hoff explained the conditions placed on the approval to bring everyone up to speed. The board agreed that sending a reminder of the conditions and Oct 19, 2023 deadline would be helpful, and this will be added to the chair's to do list.

Member Burt asked the board to visit the definition of “Tourist Home”. The Selectmen have had complaints from residents next to a property that has had AirBnB occupants, and was looking for clarification of this definition. The consensus of the Board is that short term rentals fit the definition of “Tourist Home.” The board generally discussed whether or not restrictions should be placed on short term rentals, and on various techniques to do so. Planner Durfee noted that this topic could be part of the housing survey. The board agreed to ruminate on this, and workshop it in a future agenda. Motion made by member Burbank to adjourn. Seconded by member Jordan. All Aye. Adjourned at 9:03.

Respectfully submitted by Michael Card