



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

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Approved

OFFICIAL BUSINESS

Minutes of: December 6, 2023

Meeting Convened: 7:00 pm

Members in Attendance:

Marcia Goodnow - Chair
Tim Burt -Ex Officio
Tom Burbank
Michael Card - Secretary
Casey Jordan (arrived at 7:20pm)
Andrew Losee

Support Staff:

Elizabeth Durfee - Contract Planner
Daphne Chevalier - Recording Secretary

Meeting Attendees:

Walter Elly, 15 Moss Lane
Richard and Gayle Chiodo, 163 Drew Road
Chris Hart, 106 Hayes Rd
Greg Merrell, 102 Hayes Rd
Jeremy and Pam Kent, 5 Cherry Ln
Fritz and Diane Green, 14 Garrison Ln
Don Goodnow, 13 Garrison Ln
Joe Bazo, 275 Littleworth Rd
John Vanasco, 96B Hayes Rd
Sandy O'Neill, 39 Moharimet Dr
Thomas and Susan Powell, 75 Cherry Ln
Chuck Goss, 6 Cherry Ln
Beth Carroll, 6 Cherry Ln
Mark Avery, 21 Evans Rd
Rhenda and Larry Deangelis, 16 Pendexter Rd
Carolyn Guillette, 330 Knox Marsh Rd
Eric Fiegenbaum, 6 Moharimet Dr
Peggy Walcott, 98 Old Stage Road
Janet Wall, 9 Kelley Rd
Rick Erickson, 13 Moharimet Dr
Tom Morgan, Portsmouth

1. Call to Order

Chair Goodnow called the meeting to order at 7:03 pm.

2. Public Forum: Housing in Madbury, present and future concerns

-Members of the Planning Board; Liz Durfee, Planning consultant; Madbury Residents

- **Welcome and Overview of the Master Plan**

Chair Goodnow welcomed the public to the meeting, introduced the members of the Board, and explained the purpose of the Master Plan. She explained the RSA recommends towns have a new Master Plan every year. Ms. Durfee reviewed the agenda.

- **Overview of Housing and Demographic Trends**

Ms. Durfee shared data regarding the past and projected population in Madbury. The population in Madbury is growing at a greater rate than the State population. Ms Durfee reviewed the population characteristics: aging, but younger than NH average; mostly white; highly educated; high median household income; low poverty rate; low unemployment rate; mostly commuters. Ms. Durfee further reviewed the types of housing found in Madbury, most of which are owner occupied. Additionally, she reviewed the residential land use and zoning maps.

- **Housing Survey – What We Heard**

Ms. Durfee reported that 144 people responded to the survey. She highlighted data from the Housing Survey, including why people move here, what new housing is needed, and if their current housing meets their needs for the next ten years. She directed the public to the website, where they can find more information and the raw data from the survey.

- **Small Group Discussion on Housing Challenge, Concerns, and Vision**

Ms. Durfee explained the small group discussion format before a five-minute break for the public to get snacks and mingle. Groups met at tables around the room focusing on four questions: *how can Madbury respond to the housing crisis in New Hampshire?*, *vision: what do you want the community to be and look like in ten years?*, *what are your concerns related to housing and residential land use?*, and *what types of housing would you like to see in Madbury?*

- **Summation of the evening’s discussions, and what’s next**

Ms. Durfee asked each group to report out.

- Topic 2: *what do you want the community to be and look like in ten years?*
Selectperson Burt reviewed the highlights: more community events to increase community feel, maintain rural and small town feel, maintain trails and clean outdoor spaces, sidewalks, improved community services, age in place (so residents can downsize but stay in Madbury), no new student housing units, protect natural resources, no increase in housing density, increase socioeconomic diversity (first home buyers, younger buyers), smart business additions (but not intrusive), encourage home occupations and awareness of those occupations.
- Topic 3: *what are your concerns related to housing and residential land use?*
Member Losee reported the following highlights: multifamily units turning into rental housing, non-owner occupied rental housing (which is out-of-character development for Madbury), water protection (septic and water quality), concern about turning into Dover or Durham (intensive growth and change of character)
- Topic 4: *what types of housing would you like to see in Madbury?* Member Card reported that his table ended up with more questions than answers, including what are the boundaries of our local area and what responsibility does Madbury have? What land does Madbury have available for expanding housing possibilities (given the large amount of wetlands), cluster housing may or may not fit into Madbury’s character, expanding commercial around 155, what services does Madbury have to offer to expand?
- Topic 1: *how can Madbury respond to the housing crisis in New Hampshire?*
Member Burbank reported the following: the groups discussed defining what the crisis is and affordability was part of that definition. They discussed making

housing affordable for younger families. Multifamily and greater commercial areas all have negatives that go along with them (do commercial properties have a higher tax rate?). What does Madbury do with regulations to encourage that type of development? Member Burbank said the discussions created more questions than answers. There was a feeling that the crisis is not only our local concern, and there should be a more communal effort with neighboring towns within the region.

Ms. Durfee shared that the Strafford Regional Housing Commission looked at the issue of housing, affordability, and the types of housing needed. Their report gives a good picture of what the housing needs are. She said she can post a link to that document on the project website.

Ms. Durfee explained the next steps in the Master Plan process are to compile the information from tonight and additional public input, draft the chapter, develop recommendations/actions, hold a public hearing at the Planning Board level to consider adoption of the chapter, and start implementing the recommendations. She encouraged the public to return to future planning board meetings. Chair Goodnow reiterated the invitation to attend the public meetings and encouraged those present to do so. She also encouraged folks to reach out if they are interested in joining the Planning Board. There currently is an opening for an additional alternate member.

Chair Goodnow wrapped up the housing forum and began the rest of the meeting agenda at 8:42 pm.

3. Approval of Minutes

Motion by Member Jordan to accept the minutes for 15 November, 2023 as amended.

Seconded by Member Losee. **Motion passed unanimously.**

Ms. Durfee reported that since the last meeting, she spoke with 3 people who shared their housing stories.

4. Preliminary look at Select Board's proposal to change Article V, Section 2, E: "Tourist Homes"

Chair Goodnow encouraged the Board to do some thinking about the proposed changes and come to the December 20th meeting with ideas. Selectperson Burt shared that as a simplistic approach to drafting a proposal, he took the language that already exists under agrotourism and attached it to tourist home, attaching the same conditions. Member Jordan suggested the Board take a closer look at the definition of tourist home in consideration of third party rental services. Chair Goodnow expressed that the Board has a responsibility to be consistent. Ms. Durfee shared recommendations for conditional use permits for tourist homes: limit on number of units per property, limit on number of guests, limit on number of days per year, safety inspections, and an annual permitting process. She recommended asking the town attorney what can be done about existing uses. There needs to be something to trigger existing use folks to come back for a permit. She isn't sure that using the conditional use process will solve any of

the current problems. The zoning ordinance has a section related to nuisances that gives the Select Board enforcement options. Selectperson Burt said the Select Board is not trying to create an ordinance change to address a single property issue but to create something that will apply to all town members. The Select Board wants enforcement options, which they don't have right now. Noise issues are hard to enforce by police because of the way the statutes are written. Member Jordan would like to see owner occupation requirements in the ordinance and that residences should be a primary residence.

Walter Elly shared that he just learned about the current tourist home issue; he supports fixing the current issues and protecting neighborhoods moving forward. Chair Goodnow asked for additional topics to add to the ordinance change. Ms. Durfee stated she needs input from the Board about what they want to see before writing a memorandum. Selectperson Burt stated it seems like what he presented is not the right fix and perhaps the Board needs to return to some workshops before moving the ordinance forward. He wondered if there was enough time to hold a workshop session.

Chair Goodnow suggested each Board member consider what conditions they would want imposed on their neighboring property. Ms. Kent asked that the Board address occupancy numbers as part of the conditions. Mr. Elly shared his experience with a short-term long-term rental for traveling nurses and doctors. He said Air BnB creates a house that cannot be purchased by a family. As a resident, he is concerned about commercial interests operating out of Madbury, particularly event spaces. Member Losee asked about the conflicting information about grandfathering in current uses. Ms. Durfee suggested an annual permitting process to trigger the review step. She also wants the Board to think about the fact that this will go before the Town for a vote and whether there is sufficient time to receive feedback from those who are interested in this issue. The Board discussed whether to push forward with a proposal for this year or to take more time to draft a proposal. They also discussed the potential to classify tourist homes as home occupations. Ms. Durfee explained a conditional use permit would stay with the property even after ownership changes. Mr. Kent asked how the Town handles a situation where the homeowners ignore directives or enforcement attempts by the Town. Ms. Durfee said the Select Board can impose a fee for violations.

Selectperson Burt said the Cherry Lane attorney said the owners of the Cherry Lane tourist home were going to come before the Planning Board, but they have yet to do so. Member Losee asked what the volume of short-term rentals are in Madbury. Selectperson Burt said there are only two or three. Ms. Durfee said other communities may have capped the number of permits they give out each year. Member Jordan suggested making tiers for tourist homes, just as there are for home occupations. Selectperson Burt said the Board shouldn't overlook a site plan review as part of the permitting process, which is covered under RSA674:43. The Board further discussed the possibility of including short-term rentals under home occupations. Ms. Durfee said she's pretty sure the courts have determined short-term rentals are not considered residential use. She will research what other towns are doing. She suggested looking at the criteria for home occupation and how that would fit into the existing criteria for home occupations.

Chair Goodnow informed the Board that this will be the sole agenda item for the December 20th board meeting. Member Jordan said he will do some work to write a draft proposal.

Ms. Durfee asked what information the Board would like her to put together in a memorandum. Member Card would like to know what should be on the list other than the number of occupants. Ms. Durfee stated the Board can determine how lax or how strict the Board wants the ordinance to be, what they want or don't want to permit, whether it is a home occupation or a tourist home. She stated identifying the criteria is the most important part. Member Card expressed concerns about people renting out their pools because it is not a home occupation.

5. Adjournment

Motion to adjourn by Member Jordan. **Seconded** by Member Burbank. **Motion passed unanimously.**

Meeting adjourned: 9:45 p.m.

Respectfully submitted by Daphne Chevalier.