



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

Tel: 603 742-5131 • Fax: 603 742-2502

Approved

OFFICIAL BUSINESS

Minutes of: July 3, 2024

Meeting Convened: 7:00 pm

Members in Attendance:

Casey Jordan - Vice Chair
Bill Courtemanche - Secretary
Mark Avery - Ex Officio
Andrew Losee
Michael Card
Greg Merrell

Support Staff:

Daphne Chevalier - Recording Secretary

Meeting Attendees:

Robert O'Donnell, 359 Durham Rd, Madbury
Dave Garvey, PO Box 935, Durham
Maureen Baldwin, 60 Canney Rd, Durham
Eric Fiegenbaum, 6 Moharimet Dr, Madbury

1. Call to Order

Vice Chair Jordan called the meeting to order at 7:00 pm.

2. Seating of Alternates

Alternate Merrell was seated as multiple board members were absent.

3. Approval of Minutes - June 19, 2024

The board decided to review the minutes from the June 19, 2024 meeting at the next board meeting.

4. Public Hearing: Continuation of hearing on June 5, 2024 - Application for Conditional Use Permit: Tax Map 9, Lot 31A

Applicants and Owners: Robert O'Donnell, 21 Cutts Road, Durham

Jennifer O'Donnell, 21 Cutts Road, Durham

Representative: David Garvey, KW Commercial, 750 Lafayette Road, Suite 201 C, Portsmouth

Proposal: Applicant seeks a Conditional Use Permit for Wetland Buffer impacts and for wetland crossings to get to the buildable portion of the land located at 359 Durham Road, Madbury NH.

Member Card recused himself from the board as an abutter.

Vice Chair Jordan read the letter he received from the Madbury Conservation Committee, highlighting the committee's recommendations that approval of the conditional use permit be contingent on the applicant receiving a standard dredge and fill permit from NH Department of

Environmental Services and that development of the house and barn take into account “the soils and topography of the property to ensure protection protection of surface and ground water and to protect the aquatic and terrestrial habitat.”

Vice Chair Jordan then read the letter the board received from the Madbury Water Resources Board, highlighting that the Water Resources Board (1) finds the driveway access plan acceptable and (2) recommends that approval of the application be contingent on the applicant receiving a standard dredge and fill permit from the NH Department of Environmental Services.

Vice Chair Jordan reminded the public that this public hearing is a continuation of the public hearing from the June 5, 2024 planning board meeting and that the public comment portion of the hearing is closed. He stated the recommendations from the Conservation Commission and the Water Board are not unexpected given the conversation at the last meeting.

Member Losee asked about the status on the DES permit. Mr. Garvey said DES requested more information, which he has provided to the DES. The DES has agreed the dredge and fill is classified as a minor event. He said he expects a detailed response regarding flora and fauna species concerns. The process will likely take another three to four weeks.

Motion by Selectperson Avery to **approve** the wet area conditional use permit with the condition of the applicant receiving and satisfying a standard dredge and fill permit from the NH Department of Environmental Services. **Seconded** by Member Courtemanche. **Motion passed unanimously.**

5. Public Hearing: Application for Conditional Use Permit: Tax Map 9, Lot 31A

Applicants and Owners: Robert O'Donnell, 21 Cutts Road, Durham

Jennifer O'Donnell, 21 Cutts Road, Durham

Representative: David Garvey, KW Commercial, 750 Lafayette Road, Suite 201 C, Portsmouth

Proposal: Applicant seeks a Conditional Use Permit for construction of a driveway within the boundaries of the Shoreland Overlay District at 359 Durham Road, Madbury NH.

The Board reviewed the application checklist to ensure the application was complete.

Motion by Selectperson Avery to **accept** the application for the conditional use permit for the construction of a driveway within the boundaries of the shoreland overlay district. **Seconded** by Member Merrell. **Motion passed unanimously.**

Vice Chair Jordan read the public notice into the record and opened the public hearing at 7:12 pm.

Mr. Garvey explained the larger crossing will have a box culvert to provide access for fish and animals. There will be four crossings, minimizing impacts as much as possible and permits have been requested from DES.

Vice Chair Jordan opened the meeting to public comment at 7:17 pm.

Vice Chair Jordan called on abutters in favor, opposed, and any other member of the public to speak to the application. No members of the public rose to speak.

Vice Chair Jordan closed public comment at 7:18 pm.

The applicant and the board discussed the water flow of the property. The applicant explained they are certainly planning for increased water flow for potential future flooding.

Motion by Selectperson Avery to approve the shoreland overlay district conditional use permit with the condition that the applicants receive a standard dredge and fill permit from the NH Department of Environmental Services. ***Seconded*** by Member Courtemanche.

Motion passed unanimously.

Motion by Selectperson Avery to empower the chair, vice chair, or their designee to sign off on the dredge and fill permit condition once received by the applicant. ***Seconded*** by Member Merrell. ***Motion passed unanimously.***

6. Other Business

No other business was discussed.

7. Adjournment

Motion to adjourn by Member Card. ***Seconded*** by Member Courtemanche. ***Motion passed unanimously.***

Meeting adjourned: 7:26 p.m.

Respectfully submitted by Daphne Chevalier.