



# MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

Tel: 603 742-5131 • Fax: 603 742-2502

**Approved**

## OFFICIAL BUSINESS

**Minutes of:** September 4, 2024

**Meeting Convened:** 7:00 pm

### **Members in Attendance:**

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

### **Support Staff:**

Elizabeth Durfee - Contract Planner  
Daphne Chevalier - Recording Secretary

### **Meeting Attendees:**

T.J. Caveney, 111 Fieldstone Lane, Atkinson  
Nate Howard, 128 Warren St., Lowell, MA  
Chris Berry, 32 Shakespeare Rd, Rochester  
Amy Trafton, 175 Packers Falls Rd, Durham  
Rich DeSoto, Little Rios, York, ME  
Robert DiBerto, 334 Rte 108  
Daniel Gordon, 175 Packers Falls Rd, Durham  
Kevin Baum, 127 Parrott Ave, Portsmouth

### **1. Call to Order**

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

### **2. Seating of Alternates**

Alternate Merrell was seated in Member Hoff's absence.

### **3. Approval of Minutes - August 7, 2024**

*Motion* by Vice Chair Jordan to accept the minutes for August 7, 2024 as amended.

*Seconded* by Member Card. **Motion passed unanimously (7-0-0).**

### **4. Preliminary discussion/exploration: Proposal to develop two 30-acre ground mount solar projects at 334 and 327 Route 108, Madbury NH**

*Presenter:* TJ Caveney, NRGTree (<https://www.nrgtree.com/>)

Mr. Caveney provided background on his company. He stated the company has the option to lease 30 acres on each of the two referenced parcels. The company will develop the project, pay for an impact study, and as the project becomes more real, he anticipates coming before the

planning board. He anticipates the project could produce enough power to support 700 homes annually, and as that power would go out to the grid, it will need Eversource approval. He expects the project to take 2 or 3 years, and there could be an option for Madbury residents to buy the solar through a community solar program. He shared a map of the potential location. Chair Goodnow said the district isn't zoned for commercial projects; it is zoned for agricultural/residential. Vice Chair Jordan said Mr. Caveney would need a zoning exception for a commercial enterprise in an agricultural/residential zoned area and a non-residential site plan review. He informed Mr. Caveney that Madbury doesn't currently have any ordinances around solar power. Mr. Howard provided a rough estimate of the modules as 7.5 x 4' or double if stacked; he expects them to be no bigger than 18'. They plan to leave the existing trees on parcel 327, leaving 85 feet of vegetation between the solar array and the road. The other parcel is more open, but Mr. Howard said vegetative buffers could be put in if the preference is for the array not to be seen from the road.

Member Card asked about wetlands. Mr. Howard said the preliminary plans show the company is trying to avoid any wetlands. They would own, operate, and maintain the system. Member Courtemanche asked the landowners if there has been any problem with development plans on the property in the past. The property owner said he's only ever used the property for cutting hay. Mr. Howard said the panels carry a 25-year warranty. When the lease ends, they'll talk with the property owners to determine if the lease will continue. After 25 years, as the tech further develops, they could exchange the older panels with new tech. Once the lease expires, the company would be responsible for taking out all they brought in and restoring the land. Member Card asked what would happen if the property transferred ownership. Mr. Howard said they have an allowance for that in the lease agreement. Ms. Durfee said in 2019 a similar solar project came before the board and the end result was the applicant needed to get a variance. She stressed the importance of the town having a solar ordinance, as without it, in a commercial zone the town would have little say over how the project proceeded. Member Losee asked about the potential for glare. Mr. Howard said a visual screen as high as the array would take care of any potential glare. Selectperson Avery mentioned the Pease flight path is right over that area, so the board may want the company to contact Pease. Mr. Howard asked if, when they are ready to move forward, they should contact this board. Chair Goodnow said the company could reach out to the planning board, and she would also likely send them to the zoning board.

**5. LandCare (Tax Map 9, Lots 3 and 4, 282 and 284 Knox Marsh Road, Madbury NH):  
Update and review of progress on Conditions Subsequent attached to Conditional  
Approval of Application for Site Plan Amendment (October 19, 2022)**

*Presenter: Kevin Baum, Esq.*

Christopher Berry of Berry Engineering stated part of the conditions for this project were that the applicants would come before the board to show that the project is moving forward. His

company has been doing weekly analysis for stormwater and general construction analysis. He shared that the following has been completed: materials removed from the buffer; buffer has been rebuilt, stabilized, and planted; the soil system designed to capture stormwater has been installed; gravel has been installed; bins have been placed in key areas to prevent additional encroachment. The applicants are using jersey barriers as barriers. Mr. Berry reported the following tasks still need to be completed: installing an ornamental fence for parking; moving hardscape materials for the parking array; building out entrance to Rt 155 and installing signage. These tasks are scheduled to take place during this fall and winter, with the hope that the project is complete by spring.

Selectperson Avery said he's very glad to see the water is being protected. Chair Goodnow asked if there was anything in the conditions that would be a stumbling block to completing the project. Mr. Berry said no; they will prepare a more formal narrative when the project is closer to completion and then work toward finalization during the summer months. Vice Chair Jordan said the board would like a site walk. Mr. Berry said the project needs to be completed by Oct of next year, but he expects to be done before then. Mr. Baum said a site walk wasn't a condition on the application and asked for clarification on that. Chair Goodnow asked for a narrative of each item as it was attended to. Vice Chair Jordan said photos could be very helpful. Selectperson Avery said the application approval does state the board reserves the right to inspect, so the board could ask for a site walk to inspect the work. Mr. Baum said a lot of the conditions are not related to site work. Mr. Berry said they will reach back out early in the upcoming year.

#### **6. Draft review of HOP 2 proposal: Liz Durfee**

Ms. Durfee said she welcomes any comments, suggestions, or edits and provided an overview of the proposal. She said the table on page 17 summarizes the scope of work with a timeline. A budget is included in the application materials. The board discussed whether to include an ADU ordinance as part of the proposal. Vice Chair Jordan asked if the use of the grant could include zoning changes, which could benefit from research and study. Ms. Durfee said an option would be to build off the chapter work and do a different type of zoning change. She shared an example from Northwood looking at mixed-use zoning. Member Card thinks it will be important to get the community on board with any changes. Ms. Durfee said the Land Use Chapter is designed to explore if there should be different zoning and what should be allowed. She said the board could hold another workshop on this topic. She said the application does need to be fairly specific about what they will use the funding for, but they could work in language to indicate the board will use the findings of a community workshop to develop their recommendations. Selectperson Avery said the multifamily housing issue is one the town absolutely needs to include as part of the work. He suggests that be the item they include in the proposal instead of ADUs, which the board could tackle outside of the grant. Ms. Durfee recommends advertising the meetings where the board will be discussing ADUs so the public is aware before something is formally proposed. She said she'll keep the Land Use Vision pieces based on the board's feedback.

Ms. Durfee pitched participation in the Housing Academy. Chair Goodnow said she is interested in participating again. Member Card said he could participate in the in-person sessions. Ms. Durfee said they don't need to tell her yet. She anticipates the earliest she can send an updated proposal to the board is by September 16th. She explained the following is needed for the application: letter of support from the select board, letter of support from the planning board, and a copy of the minutes where the proposal is approved.

### **7. Other Business**

Vice Chair Jordan asked if the board wants to do anything with STRs. Chair Goodnow shared that the board received an email from Mr. Martin in which he asserts that Ms. Kent has brought complaints to closed meetings, which is not true. Mr. Martin wants the option to discuss these issues with the board in a non-public session. Chair Goodnow said the board does not hold non-public sessions. Selectperson Avery doesn't see how this issue would fit under the state regulations for non-public sessions. Mr. Martin has requested a meeting in October. The board discussed their calendar and as some of the members will be absent in October, the board will offer Nov 6th to Mr. Martin.

### **8. Adjournment**

***Motion to adjourn by Member Card. Seconded by Vice Chair Jordan. Motion passed unanimously (7-0-0).***

**Meeting adjourned:** 8:46 p.m.

Respectfully submitted by Daphne Chevalier.