

RESIDENTS' GUIDE TO MADBURY LAND USE REGULATIONS

This guide to Madbury's land use regulations provides basic information on activities that may require approval from the town of Madbury. Its goal is to help you answer the questions, "do I need a permit or approval from the town and if so who should I see?"

Use the chart below to help guide you through the requirements of common land use questions, such as subdividing land, modifying structures, erecting new structures, opening a business, etc. Please understand that multiple entries may apply to your particular situation. Additionally, realize that the chart does not cover all eventualities. It should always be used in conjunction with Madbury's Land Use Regulations. Residents are also highly encouraged to talk with the Town before starting an activity.

I'D LIKE TO	EXPLANATION	REFERENCES	WHOM TO CONTACT
Know what uses are allowed in my zoning district.	Zoning limits what can be done on any particular piece of land in order to separate incompatible uses and to preserve the character of Madbury. The majority of Madbury is zoned "Residential/Agricultural" which broadly allows single-family and two-family dwellings, general agricultural uses, and some home businesses. In addition to primary zoning requirements, overlay districts further restrict what can be done. These include Wet Area Conservation, Aquifer and Wellhead Protection, and Shoreland Protection. Check the Zoning Ordinance for specifics. Note: the Zoning Board of Adjustment may be able to grant exceptions and variances in some specific cases.		Planning Board for general questions. Zoning Board for exceptions and variances.
Continue using my land in a way that is no longer permitted by zoning ordinances.	Non-conforming uses (i.e., uses that are now prohibited but that pre-exist the applicable zoning ordinance) may be grandfathered and be allowed to continue. However, non-conforming uses may not be enlarged or changed except as a Special Exception by the Zoning Board of Adjustment. If the nonconforming use has been discontinued for more than one year, it may not be re-established. Check the Zoning Ordinance for specifics.	Zoning, Article XIII	Planning Board Zoning Board
Subdivide my land into two or more lots.	Subdividing a lot requires Planning Board approval. Minimum requirements for road frontage, lot size, and upland area apply. Technical documentation will be required. Check the Zoning Ordinance and Subdivision Regulations for specifics.		Planning Board
Combine two or more existing lots into one lot.			Planning Board
Adjust existing lot lines.	Adjusting lot lines requires Planning Board approval. The modified lots must meet to Madbury's subdivision standards. Check the Zoning Ordinance and Subdivision Regulations for specifics.		Planning Board
Place land in "current use" or remove land from "current use" assessment.			Selectmen's Office

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Build an accessory apartment at my home.	Accessory apartments are allowed in most of the town but with limitations on size, design, number of bedrooms, etc. A Building Permit and possibly a Conditional Use Permit will be required. Check the Zoning Ordinance for specifics.		Building Inspector and Planning Board, if you'd like more than one bedroom.
Major Renovation	Add note about setbacks		Building Inspector
Add a deck, porch or addition	Add note about setbacks		Building Inspector
Build a garage or outbuilding	Add note about setbacks		Building Inspector
Update or modify mechanical systems (electrical, plumbing, HVAC, et.)			Building Inspector
Change a driveway	Changes affecting any opening to the road require a driveway permit.	Zoning, Article XII	Building Inspector
Replace / add a septic system			
Add a swimming pool	Fencing may be required for both above and in-ground pools. Additionally a building permit is required for in-ground pools. Check Building Regulations for specifics		Building Inspector
Keep a horse or other agricultural related animals	As an agricultural pursuit, this is a permitted use. Check your deed for relevant covenants or restrictions that may apply (these are not enforced by the Town). Be a good neighbor! Note: you may need building permits for related out-buildings and structures.		Selectmen's Office for questions. Building Inspector for related permits.
Cut trees	State law, which requires notification to the town, regulates timber harvesting activities and taxes on timber yield. Tree removal (e.g. for landscaping or maintenance) does not require any approval. Do contact the Selectmen's office before cutting trees in a public right of way (typically 25' from center of road). Properties near the reservoir generally have restrictive easements.		Selectmen's Office
Conduct Agritourism	Agritourism operations, broadly defined as activities intended or designed to attract visitors to a working farm, are allowed but do require a Conditional Use Permit from the planning board. Check the Zoning Ordinances for	Zoning, Article V, Section 2	Planning Board

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	specific requirements.		
Start an in home business	Some home occupations are allowed with restrictions, some require a Conditional Use Permit from the Planning Board, and some are prohibited. Check the Zoning Ordinance.		Planning Board
Open a business or commercial use in the commercial/light industrial zone.	Requires Planning Board approval. Site Plan Review		Planning Board
build or enlarge a non-residential facility	Requires Planning Board approval. Site Plan Review		
The construction or enlargement of any new multi-family dwelling other than one and two family dwellings --	Requires Planning Board approval. Site Plan Review		
The change of any non-residential use or any changes which differs from an existing site plan as previously approved by the Planning Board	Requires Planning Board approval. Site Plan Review		

Ordinances and regulations pertaining to land use are available on-line at the Planning Board's web site: <http://madburynh.org>. (Follow link to Planning Board page, documents are listed upper right). A quick overview of these documents will help you discover what applies to your situation. Contact the Building Inspector, Planning Board or Selectmen's office for direction.

Possible additions

When is a CUP needed?

Excavation?

Checklists that help

Glossary of terms- set back, site plan, CUP, qualifying area, variance, non-conforming, etc.?