



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury NH 03823
 Tel: 603 742-5131 • Fax: 603 742-2502

RESIDENTS' GUIDE TO MADBURY LAND USE REGULATIONS

Note: This guide does not cover all eventualities and is not regulatory. It must be used in conjunction with Madbury's Land Use Regulations. Residents are also highly encouraged to talk with the Town before starting an activity.

This guide 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 whom should I see?"

Use the chart below as a start to help with common land use questions. Multiple entries may apply to your particular situation. After reviewing entries that apply to your questions, then also review Madbury's Land Use Regulations.

I'D LIKE TO	EXPLANATION	PRIMARY REFERENCES	WHOM TO CONTACT
Know what uses are allowed in my zoning district.	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, overlay districts further restrict what can be done.	Zoning Arts II and V	Planning 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.	Subdivision Regulations	Planning Board
Combine two or more existing lots into one lot or adjust existing lot lines.	Combining lots or adjusting lot lines requires Planning Board approval. The resulting lot(s) must meet Madbury's subdivision standards.	Subdivision Regulations, Art IV, Sec 14	Planning Board
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.	Zoning, Art XIII	Planning Board Zoning Board
Add an accessory apartment to 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.	Zoning Art V, Sec 4	Building Inspector, Planning Board for more than one bedroom.
Conduct renovations (e.g., add a deck or addition. Update electrical/plumbing, etc.)	Building permits are required. All additions must meet minimum setback requirements.	Building Regulations, Art III	Building Inspector
Build a garage or outbuilding	Generally, building permits are required. All additions must meet minimum setback requirements.	Building Regulations, Art III	Building Inspector



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Change or add a driveway.	Changes affecting any opening to the road require a driveway permit. Any changes must also meet wetland requirements and minimum setbacks.	Zoning, Article XII	Building Inspector
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 Regulations, Art VI, Sec 4	Building Inspector
Replace / add a septic system	All septic systems must be permitted and meet state and town requirements. Zoning and building regulations apply. Various setback rules also apply.	Building Regulations, Art VI	Building Inspector
Excavate on my land.	Apart from that required for construction, farming, landscaping, etc., excavating requires Planning Board review and a permit from the Selectmen. Reference Madbury Sand and Gravel Regulations.	Zoning Art VIII	Planning Board, Selectmen's Office
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.	Zoning, Art V, Sec 2	Selectmen's Office for questions. Building Inspector for related building 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.	Various	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.	Zoning, Art V, Sec 2	Planning Board
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.	Zoning, Art V-B	Planning Board
Open a business or commercial use in the commercial/light industrial zone.	Requires Planning Board approval and full Site Plan Review.	Zoning, Art VII, Sec 2	Planning Board
Build or enlarge a non-residential facility	Requires Planning Board approval and full Site Plan Review.	Site Plan Regs, Art III	Planning Board
Construction or enlarge a multi-family dwelling other than a two family dwelling.	Requires Planning Board approval and full Site Plan Review. Note: multi-family dwellings, other than a two family dwellings, are generally not permitted by Madbury zoning ordinances.	Site Plan Regs, Art III	Planning Board
Make a change to a non-residential use.	Requires Planning Board approval and full Site Plan Review.	Site Plan Regs, Art III	Planning Board
Make a change which differs from an existing approved site plan.	Requires Planning Board approval and full Site Plan Review.	Site Plan Regs, Art III	Planning Board



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What else I should consider?

For many activities you must research whether or not your proposed activity is in a zoning overlay district. Examples include Wet Area Conservation, Aquifer and Wellhead Protection, and Shoreland Protection. Reference Madbury's Land Use Regulations for specifics.

Your project may require permits from the state, such as for a wetland crossing or septic system. In residential applications, the Madbury application process will generally inform you of such requirements.

What if what I want to do isn't allowed?

The Zoning Board of Adjustment may be able to grant exceptions and variances in some limited cases; however, this is rare and specific requirements must be met. Reference Madbury Zoning Ordinances for specifics.

Where Can I get more information?

Ordinances and regulations pertaining to land use are available on-line at the Planning Board's websites at:

<http://townofmadbury.com/PlanningBoard.html> and at http://madburynh.org/show_pb.php

Application forms and useful checklists, such as Subdivision Application Acceptance, Home Occupation Application, and Conditional Use Processing, can also be found at the Madbury Planning Board's website at:

http://madburynh.org/show_pb.php