



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

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Approved 5/7/2025

OFFICIAL BUSINESS

Minutes of: April 16, 2025

Meeting Convened: 7:00 pm

Members in Attendance:

Bill Courtemanche - Chair

Casey Jordan - Vice Chair

Mark Avery - Ex Officio

Andrew Losee

Michael Card

Doug Hoff

Greg Merrell - Secreatry

Support Staff:

Elizabeth Durfee - Contract Planner

Daphne Chevalier - Recording Secretary

Meeting Attendees:

Nathan Boudreau, 309 Knox Marsh Rd

Ron Boudreau, Jr., 309 Knox Marsh Rd

Andrew Engebretson, 78 Perkins Rd

Katie Engebretson, 78 Perkins Rd

Rob McEwan, 80 Perkins Rd

June Gangwer, 105 Perkins Rd

Sam Gangwer, 105 Perkins Rd

Edison Losee

1. Call to Order

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

2. Seating of Alternates

Member Merrell has been sworn in and is now serving as a full member. The board currently has no alternates.

3. Approval of Minutes - April 2, 2025

Motion by Vice Chair Jordan to ***accept*** the minutes for April 2, 2025 as amended.

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

4. Correspondence

Chair Courtemanche stated he completed the UNH survey and let the survey center know the Madbury Planning Board is open to volunteers or interns. He sent the link for the Office of Planning and Development lunchtime webinar to the board members. Chair Courtemanche informed the board that the planning board has received an application for a lot line adjustment for the Cresky Coldwater line. It is a long-standing issue and will be reviewed at the next meeting. He has had correspondence with the applicants from the last meeting on the septic elements of their application.

5. All Wheel Drive Auto Outlet Nonconforming Request, 309 Knox Marsh Rd (Tax Map 7, Lot 20)

Requester: Ron Boudreau Jr

Chair Courtemanche explained there is no formal application for this item and invited Mr. Boudreau to present their request to the board. Mr. Boudreau said they aren't looking to do anything different: the current business occupant is still going to work for him. They will buy and sell cars out of the lot and continue things the way they have been running for the past eight years. The only change is the name of the business and getting state approval. Mr. Boudreau thought they could assume the license, but the state said they needed to reapply. It is his understanding the lot is grandfathered as business use. The current landlord did not live on site, and there are tenants on the second floor of the building. Ms. Durfee recommended the board review any conditions of approval and review those with the requesters to ensure those are met. Chair Courtemanche said he was unable to locate any historical documents on the non-conforming lot.

Referencing Section 3.A., Chair Courtemanche proposed documenting a notice of decision if the board agrees. Vice Chair Jordan said the requesters need a letter from the parcel owner as evidence that the parcel owner is aware of what the business will be doing at the location. Member Card noted the board doesn't have a baseline of activity on the property to judge if the business intensifies or not. Ms. Durfee suggested documenting what is happening currently at the business.

Mr. Boudreau said currently they buy and sell about 30 cars/month, with an average inventory of 50 cars. Service is being sent to a service business up the street. He will not be conducting state inspections. He stated they proposed 10a - 6p Mon - Fri and 9a - noon on Saturdays as hours of operation on their application, but they are leaning more towards not being open on Sat. They will be closed on Sundays. Member Card asked about fluids and Mr. Boudreau said there are no fluids used as part of the business.

Selectperson Avery recommended also referencing Sect 1a.

Motion by Selectperson Avery to find the proposed use is consistent with the existing non-conforming use conditioned that the business owners provide a detailed letter detailing their operations that is consistent with their presentation to the board and the property owner provides a letter of approval for the business being there. ***Seconded*** by Member Card . ***Motion passed unanimously (7-0-0).***

Vice Chair Jordan ***moved*** to empower the chair or his designee to accept and approve the materials on the board's behalf. ***Seconded*** by Member Merrell. ***Motion passed unanimously (7-0-0).***

6. CUP Accessory Dwelling Unit Application, 78 Perkins Rd (Tax Map 9, Lot 18:C)

Applicant: Andrew Engebretson

Chair Courtemanche reviewed the procedures for a public hearing and read the public notice. He then asked the board to determine the completeness of the application, reviewing the checklist and required items.

Member Hoff moved to accept the application for consideration. Seconded by Vice Chair Jordan. Motion passed unanimously (7-0-0).

Chair Courtemanche opened the public hearing at 7:34pm and invited the applicant to present the application.

Mr. Engebretson is proposing to build a 36x36 unit to comprise a woodshop, storage, and a living space that his parents will occupy part time during the year. The ADU will have its own septic; the applicant is working with Epping Pump and Well. Mr. Engebretson said he will likely upgrade power service and run power from his house to the barn. The ADU will have its own driveway and garage. The living space will be about 800 square feet, consisting of one bedroom and one bath, with a ¼ bath downstairs.

Chair Courtemanche noted the applicant provided a proposal for the septic. The applicant stated the test pits are scheduled to be completed at the end of the month. Chair Courtemanche said the board will need a copy of the state-approved septic plan.

Mr. Engebretson said the living area will be empty for most of the year, but there may be scenarios where friends or family stay. They have no plans to use the dwelling as a short-term rental. Selectperson Avery asked the applicant if he is aware of any restrictions on the shared driveway. Mr. McEwan, 80 Perkins Rd and owner of the land, said he believes the language only mentions serving a single-family dwelling

Chair Courtemanche led the board through review of the approval criteria and checklists for CUPs. The board has the subdivision plans based on the property. Based on the subdivision plans, it appears the proposed location is well outside the wetland area.

Ms. Durfee said the property line setbacks aren't noted on the plans. Vice Chair Jordan said the board will want to see listed on the plans the proposed septic area as well as any setbacks. The applicant has a survey that includes the setbacks and will share that with the board. He said they plan to upgrade the existing underground utilities and will contact Eversource to determine if that is possible. Selectperson Avery noted he didn't see any overlay districts on the lot when he looked. He asked if the shop would be for personal or business use. The applicant confirmed it was for personal use.

Chair Courtemanche called for abutters in favor of, and then in opposition to, the application to speak. No comments were given. He opened the floor for any others who wish to speak on the issue to do so.

Rob McEwan, 80 Perkins Road, had questions about the potential use of the ADU after the applicants move out. It could potentially become a student rental (which typically means a lot of cars coming and going) on the accessed driveway, resulting in increased traffic.

Chair Courtemanche said approval for a CUP stays with the property. Vice Chair Jordan said if a new owner wanted to do so, they would still need to be owner occupied in some way (either the ADU or main house). If there is a change in use outside of what is discussed regarding this application, changes outside the ADU specifications would not be allowed. Uses are controlled through the select board and the planning board.

Ms. Durfee said the board will likely want to request a copy of the shared access driveway deed. The shared driveway deed would determine if there is any regulation on who is using the driveway. Otherwise there isn't really any restriction on who is using the driveway.

Sam Gangwer, 105 Perkins Road, said they have a stone wall on their property line and are wondering from where the setbacks are measured. He is also concerned about the lighting on the ADU and would like to make sure there aren't any spotlights shining down into his orchard. He is concerned about the existing driveway and wants to make sure it's not within the setbacks. Selectperson Avery stated the setback requirements from the driveway are 15'.

Mrs. June Gangwer, 105 Perkins Road, asked if the board does site walks. Ms. Durfee said they can but usually only do so in a more complex situation. Mrs. Gangwer asked if the applicants could have another structure like a garage in addition to the ADU. Ms. Durfee said they could if the project meets the requirements. Vice Chair Jordan said more than 25% of lots cannot be covered. Chair Courtemanche noted there isn't anything on the books about lighting and asked what the lighting plan is for the ADU. Mr. Engebretson said there are code requirements to have lighting around openings. He thinks they will put a ring camera out here with a flood light that would point toward the driveway to see who is coming in. Selectperson Avery said businesses have to be dark sky compliant and said if the applicant wants to be friendly with the neighbors, he could explore dark sky compliance. Mr. Engebretson said being dark sky compliant is a guideline he would like to follow. He asked if the driveway regulations would be in the deed. The board explained yes, but not always.

Chair Courtemanche closed public comment at 8:09pm.

Selectperson Avery had questions about the driveway. Member Hoff noted the plan is for the continuance of the driveway. Vice Chair Jordan said they would need the applicants to return if Eversource says they can't do the upgrade as planned. Ms. Durfee said the location of the existing well should be 75' from the septic. She said the state law requires one passing test pit (because this is not a subdivision).

*Vice Chair Jordan **MOVED** to **APPROVE** the application for a **CONDITIONAL USE PERMIT** for a detached ADU provided the applicant can provide updated plans showing setbacks and conformance with the setbacks, well locations, septic location and appropriate separation of well and septic locations, as well as an approved septic permit from the state and a copy of the driveway right of way to ensure existing provisions allow for use of shared driveway for the ADU. **Seconded** by Member Hoff. **Motion passed unanimously (7-0-0).***

Member Hoff said the board requires the site pit be witnessed, and stated the town uses Mike Cuomo. Selectperson Avery said the applicant should get in touch with Eric Fiegenbaum about the requirements. Vice Chair Jordan said the applicants have a year to fulfill the conditions from tonight or return before the board to request an extension.

*Member Hoff **MOVED** that the chair and/or his designee be authorized to sign off on the conditional use permit once the conditions have been met. **Seconded** by Vice Chair Jordan. **Motion passed unanimously (7-0-0).***

7. HOP Grant Engagement Plan

Ms. Durfee shared that an engagement plan is due to the grantors in May. She reviewed what was in the original proposal to determine if that is still in line with the outreach the board would like done. She said the library is open to having a pizza/collage night to meet the youth engagement plan. She asked for suggestions from the board that they would like to incorporate into the engagement plan. She reported there have been 120 electronic responses to the housing survey. She will use the information in the original proposal to put together the engagement plan.

8. Workforce Housing Options

The board postponed this item to the meeting on May 22, 2025.

9. CUP ADU Completeness Checklist Review

Chair Courtemanche explained he wants to have a process for reviewing ADU applications. He shared a checklist he made based on the ordinance, explaining someone would need to conduct a preliminary review to determine if the application was complete. The board discussed the purpose of the checklist for completeness versus that for approval. Member Hoff asked what the legal requirements are for the planning board to even review the application. Ms. Durfee said abutter notices, public notice, and fees are required in order for an application to go before the planning board. She said once the board accepts an application as complete, there is a time period for taking action on the application (65 days). She said the board may consider not accepting the application until they have the information. Selectperson Avery said applicants can come before the board for a free preliminary review, and the board can explain to applicants they are more likely to get approval if they do that first to determine what they are missing from their application. Chair Courtemanch said completion needs to be determined within 30 days following delivery of the application. The board discussed what constitutes delivery of the application. Ms. Durfee said there was a court case about this where the decision was that delivery occurs when the application is accepted by the town, not an individual entity. Ms. Durfee said completeness of an application must be determined at the board meeting. The public hearing wouldn't have to be immediately following the acceptance and could be scheduled out 30 days.

Ms. Durfee gave an example of how the completeness checklist could be reworded to state what items have been submitted to determine completeness. She said the board will need more information than what is listed as the general approval criteria for all CUPs to determine completeness. Member Hoff proposed having Ms. Durfee review applications in advance of public hearings to guide the board through the process, as she's done in the past. Vice Chair Jordan said it would be good to have a list to give to the public of what the board is looking for to determine if the application is complete. Ms. Durfee said one town's application has columns to check off items they are submitting, with spaces for both the applicant and the board to check off the items. She said more homeowners are likely to be the applicants and they typically aren't as familiar with the requirements. Selectperson Avery agrees directing the checklist to the homeowner rather than to a developer would be best and could include ordinance citations for reference. Chair Courtemanche asked what Ms. Durfee's turnaround time would be to review applications and put

together a memo. She said she could outline the requirements and note anything that's missing. She could also add in her finding as to whether the board would find it as complete. She said ideally she would have some advance notice depending on the scope of the application. Chair Courtemanche said he will continue to work on the checklist to make it more explicit in guiding applicants and then from there move forward with the completeness checklist. Ms. Durfee said she'd be happy to have office hours and meet with people who want guidance on their applications if the board would like.

10. Adjournment

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

Meeting adjourned: 8:58 p.m.

Respectfully submitted by Daphne Chevalier.