



**RESIDENTS' GUIDE
TO
MADBURY LAND USE REGULATIONS**

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MADBURY PLANNING BOARD

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RESIDENTS' GUIDE TO MADBURY LAND USE REGULATIONS

This guide does not cover all eventualities and is not regulatory. It must be used in conjunction with Madbury's Land Use Ordinances and Regulations. Residents are 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 starting point to help answer common land use questions. Multiple entries may apply to your situation. After reviewing entries that apply to your questions, then review Madbury's Land Use Regulations.

I'D LIKE TO	EXPLANATION	LAND USE 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. Madbury also has small civic and commercial zones. In addition to primary zoning, Overlay Districts further restrict what can be done.	Primary: Zoning Art II, V, VI, and VII Overlay: Zoning Art IX, IX-A, and X	Planning Board
Continue using my land in a way that is no longer permitted by zoning ordinances.	Uses now prohibited by zoning that began before the applicable zoning rules were instituted may continue. Such non-conforming uses may not be enlarged or changed without Zoning Board approval. If a non-conforming use has been discontinued for more than one year, non-conforming uses may not be re-established.	Zoning, Art XIII	Planning Board Zoning Board
Subdivide my land into two or more lots.	Subdividing requires Planning Board approval. Minimum requirements for road frontage, lot size, setbacks, upland area (i.e., non-wetland) etc. apply. Technical documentation will be required. Conditional Use Permits based on Overlay Districts may also be required.	Subdivision Regulations and Zoning Overlay Districts	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
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 renovations 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
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. A Conditional Use Permit may also be required.	Zoning, Article XII	Building Inspector Planning Board
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.	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.	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
Construct 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 dwelling, 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

What else should I consider?

You should determine if your proposed activity is in a zoning overlay district. An overlay district sets additional zoning that is superimposed over the underlying “base” zoning district in order to protect a particular resource or guide development. Examples include Wet Area Conservation, Aquifer and Wellhead Protection, and Shoreland Protection. Overlay districts may prohibit some activities that are allowed in the base zoning or require Conditional Use Permits to conduct other activities. Reference Madbury’s Land Use Regulations for specifics.

You should also check setback requirements that may affect your project. Setbacks set minimum distance from lot lines, roads, wells, wetlands, etc. Reference Madbury’s primary zoning and overlay districts to determine which setbacks apply.

Your project may also 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. Reference Zoning and Overlay Districts for setbacks.

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?

Land use ordinances and regulations 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

Finally, contact Town Hall at 603 742-5131 or stop by and we’ll be happy to help.

Madbury Planning Board