



**TOWN OF MADISON  
PLANNING BOARD  
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**PLANNING BOARD MINUTES  
November 3, 2021**

**MEMBERS PRESENT:** Marc Ohlson - Chair, Dave Cribbie, Charlie Allen, Paul Marks, Jay Buckley, Phil LaRoche, and Selectmen Representative Mike Mauro. Paul Littlefield and Josh Shackford excused

**OTHERS PRESENT:** Land Use Administrators Kim Cyr, Shawn Bergeron, Mr. & Mrs. Don Burnham, Nicole Nordlund, Daymond Steer, and Moselle Spiller - Madison TV

**CALL TO ORDER:** Chairman Ohlson called the meeting to order at 7PM.

**ELEVATION OF ALTERNATES:** Mr. Marks **MOTION** to elevate Mr. LaRoche; seconded by Mr. Allen. All approved

**APPROVAL OF AGENDA:** Mr. Cribbie made a **MOTION** to approve the agenda; seconded by Mr. Allen. All approved.

**APPROVAL DRAFT MINUTES:** Mr. LaRoche made a **MOTION** to approve the October 6, 2021 minutes; seconded by Mr. Marks. All Approved.

**PUBLIC COMMENT:** Mr. Steer inquired if Ledge Pond Road would be discussed. Mr. Ohlson responded that there wouldn't be much discussion tonight.

**POSTING DATES & LOCATIONS:** Notice was posted on October 25, 2021 at the Madison and Silver Lake Post Offices, in the Madison Town Hall - upper and lower levels. The meeting notice was published in the Conway Daily Sun.

**Case # 21-10 Preliminary Review** 397 Bickford Road, Owner: Hillary Twigg-Smith, Map 223/ Lot 7. Review application for a single-family home with a lodging house, bed and breakfast, and the second is the use of this property as a single-family home/lodging house, bed and breakfast, plus the barn as a conference facility. Mr. Shawn Bergeron made the presentation for the property owner. Mr. Bergeron addressed the issues of traffic to and from the property. The proposed use would have approx. 80 people at the most and approximately 50 vehicles. Mr. Bergeron stated that they will need to obtain ZBA approval and then will be back to the Planning Board. Mr. Cribbie is concerned about the width of the stone culvert on the road. Mr. Bergeron is going to talk to the DPW Director and the Fire Chief to make sure all concerns are addressed.

**Case # 21-11 2-Lot Subdivision,** for Ron Briggs of Briggs Land Surveying, agent for owner Fred and Karen Shackford, proposes a 2-Lot Subdivision at 202 Goe Hill Road, on Map 247, proposed new lot of 4.02ac. The remaining parcel of Map 247 Lot 36 have 20.48 ac, in the Rural Residential Zone. Both lots have over 200 feet of frontage. This case was postponed

until the December 1<sup>st</sup> meeting due to an incorrect date provided in the abutter's letters.

**ZONING DEFINITION HEARING:**

Mr. Ohlson read the proposed definitions.

**1.3B Non-Conforming Use**

Any structure existing at the time of the original passage of this Ordinance, March 1987, which does not conform to the maximum height limitations and /or minimum setbacks, shall have the right to continue indefinitely or may be demolished and reconstructed within one (1) year.

Attorney Jason Dennis spoke on behalf of the Richey's. He believes it is the goal of the Planning Board to remove non-conforming use from the ordinance. He has looked at multiple surrounding towns and they allow the 50% rule. Attorney Dennis stated that by removing the 50% rule it will likely create more issues.

Mr. Bergeron read a letter from Kathy Leech, 601 East Shore Drive, into record. It read as follows:

Madison Planning Commission  
November 3rd, 2021  
Public Session

From: Kathy Leech  
601 East Shore Drive (Blueberry Patch)

Dear Planning Board,

My name is Kathy Leech. I've asked Shawn Bergeron to provide our input into this evening's planning session. I'm very sorry not to be with you in person but my husband, Michael Leech, passed away last week and I am needed at home.

601 East Shore Drive was purchased in 1950 by my husband's grandparents, Alma and Carl Leech, as a summer home. They spent every summer on Silver Lake, enjoying the beautiful weather and gorgeous sunsets as they escaped from their home in Pennsylvania.

The house has been in our family for over 70 years, enjoyed now by four generations of the Leech family. We have invested in maintaining the house but, to this point, have left it as a cabin. It isn't winterized and the best we can say of the interior is that it's charmingly rustic. The main cabin is about 900 square feet, and we have a guest cottage of around 200 square feet. As much as we love Blueberry Patch, it's time to update the cabin. We'd like to make more use of it by winterizing it and having more than 1 ½ baths. We'd like to make a modest increase in the square footage. We have no intention of building a "McMansion" – just making the cabin more livable.

When the cabin was built in 1950, it was built close to the lake. The building is now, according to the current zoning standards, non-conforming. The current zoning rules are very restrictive, but at least allow some expansion of non-conforming building footprints around Silver Lake (and similar locations in Madison)

The current proposal by the Madison Planning Board essentially removes most of the provisions of Article 1.3(B) from the Zoning Ordinance and makes any changes to the footprint subject to a variance from the Zoning Board.

We ask the Planning Board to reconsider this new proposal. Our home is one of a very few remaining cabins that weren't expanded prior to the current zoning rules. It is, frankly, tiny,

compared to most of the homes on the lake. The current zoning rules unfairly penalize original owners who did not expand prior to the current zoning changes, and the new rules go even further.

We could replace the current building with a much bigger, confirming, building but we'd prefer to keep the charm of a smaller home. Our intent is also to work with the zoning board to move the cabin back a bit and to do shoreline mitigation projects to further improve our home's impact on the lake. We would be careful not to make the building more non-conforming; all additions would happen behind the current structure.

My husband, before he died, was very involved in planning what our sons call "BBP 2.0". I'd very much like to see his vision of a small family home on Silver Lake that can be enjoyed by many more generations of the Leech family brought to life. I ask that the Planning Board consider situations like ours as they review the zoning rules for Madison.

Thank you,  
Kathy Leech

### **Footprint**

The outermost exterior dimensions of a structure as viewed from above, including any permanent extensions such as balconies, decks (attached or unattached), steps, overhangs and chimneys. This footprint is not measured in volume. There was no public comment

### **Cooking**

Equipment is supplied for the purpose of cooking food such as but not limited to a traditional stove/range/oven located anywhere within the separate and independent living space from the primary dwelling unit. There was no public comment

### **Sanitation**

Equipment is supplied for the purpose of sewage removal and includes but is not limited to items such as traditional septic system, a composting toilet, and incinerator toilet, etc. Refer to State of New Hampshire Department of Environmental Services Septic Standard ENV-WQ1000. There was no public comment

### **Short-Term Rental**

"Short-Term Rental" means a non-owner occupied residential dwelling unit where transient lodging with sleeping accommodations for fewer than 16 occupants is provided for compensation for stays of any duration between one and 30 consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as but not limited to a hotel, motel, or bed-and-breakfast.

Mr. Ohlson has been advised by the Board's legal counsel that existing STR's will be grandfathered. Mr. Ohlson referenced using the draft ordinance that was provided by Shawn Bergeron on August 12, 2021.

**Stan Wondolowski** spoke and shared his concern regarding the number of occupants being 16. He stated that number of people encourages noise and aggravation.

**Larry Sodano** spoke and asked the definition of transient. He wants to share his home and the valley with others.

**Doug Melder** selectively rents to colleagues and friends with young families approximately 2 weeks a month.

**Kathy Koziell** stated that if it is not permitted in VDOE then it is prohibited.

**Nick Borelli** wants to know why are we trying to make it easier for STR's.

**Judy Taylor** rents for money to support her home. She grills her renters and checks with neighbors to make sure there are no issues with renters.

**Nicole Norlund** stated that hospitality is our industry in Mount Washington Valley. She does not want to see the Town spend one hundred thousand dollars plus in legal fees.

**Rob Farnum** tried renting long term but now rents short term. It is a boost in income for everyone.

**Jay Buckley** has a rooms and meals tax number and rents his own home. He suggested that an economic impact study should be done. Any costs to regulate STR's should be a burden on the landlord and not the tax payers.

**Steven Hoyt** appreciates the business from STR's.

**Doug Prescott** feels STR's should be regulated. He has some STR's around his property and they have had no issues. A neighboring property had to have their septic system rebuilt due to overuse and abuse from renting the property out.

**Shawn Bergeron** feels everyone is trying to do the right thing. We could create zones in town and impose regulations. This could give good control of the STR's. First, we have to define STR's. Second, we have to develop a special exception in 2022 and then an ordinance the following year.

**George Epstein** spoke on behalf of the confusion that the ballot questions could cause at Town Meeting. Voters could amend the language at Town Meeting. He also questioned whether this is the right time to put questions together for the ballots.

**Atty Jason Dennis** referenced the Conway case and stated that it would give us a decision to work off of. It may be beneficial to wait and see what the decision is from the Supreme Court.

**Dwelling Unit** - One or more rooms arranged, designed, or used for non-transient residential purposes with independent sanitary and cooking facilities.

**Single Family House** -- Any building containing one dwelling unit.

**LEDGE POND ROAD DISCUSSION:** Mr. Burnham asked again if the road is Class 6 or a private road. Mr. Ohlson stated that Curtis Coleman will be attending the December 1<sup>st</sup> meeting and Ledge Pond will be discussed in depth at that meeting. Attorney Jason Dennis stated that research has been done and Ledge Pond Road is owned by the Coleman's.

**CHAIRMAN'S REPORT:** Mr. Ohlson had nothing to report.

**SELECTMAN'S REPORT:** Mr. Mauro had nothing to report.

**CORRESPONDENCE/ADMINISTRATION:** Mrs. Cyr had nothing to report.

**ADJOURNMENT/ MOTION:** Mr. Allen made a **MOTION** to adjourn; Mr. Marks seconded. All Approved. The meeting adjourned at 9:20pm

Respectively Submitted:

Kim Cyr, Land Use Administrator