



**TOWN OF MADISON
PLANNING BOARD
PO BOX 248
MADISON, NEW HAMPSHIRE 03849**

planning@madison-nh.org

Phone: 603-367-4332 x303 Fax: 603-367-4547

**PLANNING BOARD MINUTES
July 6, 2022**

MEMBERS PRESENT: Chairman Marc Ohlson, Paul Marks, Dave Cribbie, Paul Littlefield, Charlie Allen; Karl Nordlund; Alternate Jay Buckley; Alternate Phil LaRoche

MEMBERS EXCUSED: Selectmen's Representative Josh Shackford

OTHERS PRESENT: Town Administrator Linda Shackford; JP Goodwin-Rogers; Tom Rogers; Shawn Bergeron; Bill Dempster; MadTV Aysia Morency; members of the public

CALL TO ORDER: Chairman Ohlson called the meeting to order at 6:00 PM.

POSTING DATES & LOCATIONS: Notice was posted at the Madison and Silver Lake Post Offices, in the Madison Town Hall - upper and lower levels on June 21, 2022.

ELEVATION OF ALTERNATES: There were no elevations as a full board was present.

APPROVAL OF AGENDA: **Motion** by Cribbie, seconded by Marks to approve the agenda as written. The motion passed **unanimously**.

APPROVAL DRAFT MINUTES: **Motion** by Marks, seconded by Littlefield to approve the minutes of the June 1, 2022 as written. The motion passed **unanimously**.

PUBLIC COMMENT:

Todd McCartney, 110 Eidelweiss Drive, citing an ongoing survey stated that 73% of full-time residents are in favor of Short-Term Rentals (STR). McCartney hopes that the Board will clean up the ordinance noting that the definition of commercial use should have been deleted and he would like to see the definition of transient changed to be more like the NH Room and Meals tax definition. McCartney feels that problems with STRs can be handled with regulations.

Cailee Bergeron, Cabin Lane, presented to the Board a book containing the raw data results so far of a survey done regarding STRs.

Doug Prescott, 18 Little Shore Drive, as President of the Eidelweiss Property Owners Association presented statistics of a straw-pole made with 30 of the 130 members present at their annual meeting. The members present unanimously would like to see STRs be allowed with regulations and a noise ordinance.

PUBLIC HEARING:

Ohlson announced the following case:

Case # 22-02 Continued from June meeting - 3-Unit Cluster Subdivision for John Chagnon of Ambit Engineering, Inc., agent for owner Tayzach Realty Trust, Ken Jerome Sakurai, Trustee, proposes a 3-unit cluster subdivision at 363 Danforth Lane, on Map 120 Lot 005. Proposed new cluster lots are in the Rural Residential Zone.

Ohlson explained that the applicant has requested a continuance to the August meeting citing a request before the Board of Selectmen for a petitioned road layout to change the status of Danforth Lane from Class VI to Class V.

JP Goodwin-Rogers, abutter, made note that the Class VI road issue is only one part of the application. Goodwin-Rogers stated that the applicant has altered the road and filled wetlands which has resulted in water draining into her basement.

Marks suggested that we request that the Code Officer Boyd is involved in this application. It was agreed that Boyd could be helpful at some point.

Motion by Cribbie, seconded by Littlefield to continue Case #22-02 to the August meeting. The motion passed **unanimously**.

OLD BUSINESS:

Short-Term Rentals – Ohlson began discussion by listing the options that are before the Board in terms of STRs:

- Do nothing, leave the ordinance as it is;
- Allow STRs with no regulations;
- Allow STRs as a Special Exception with the ZBA; or
- Do STRs with a conditional use permit.

Cribbie offered his thoughts that included his concern that the burden of the cost of enforcement will be transferred to all tax payers even though there are owners making money from their STR.

Buckley asked for an explanation of a use permit to which Ohlson stated that Jackson uses that process for STRs. Bergeron stated that Jackson's process has worked out fairly well but he is not in favor of the abutters not having any say in the process like they would if the owner has to obtain a special exception through the ZBA.

The Board reviewed with Bergeron a handout of his proposed draft of changes to the Zoning Ordinance - below:

0.0.1. Definition

0.0.1.1 *"Short-Term Rental" means a non-owner-occupied residential dwelling unit where transient lodging with sleeping accommodations for no more than three (3) occupants per bedroom 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.*

B. Special Exceptions -*The following uses in keeping with (fill in this section) shall be permitted if the Zoning Board of Adjustment, after a public hearing and due notice to the abutters and having determined that the following conditions have been met, finds approval to be appropriate. Approval of the ZBA does*

not constitute exemption from site plan review.

Other Uses:

1. Churches and other public buildings.
2. Professional offices.
3. Nursing homes.
4. Medical centers.
5. Private schools.
6. Day care facilities.
7. Lodging House (Bed and Breakfast) facilities.
8. Conference center facilities.
9. Stables and riding academies.
10. Vehicular repair facilities, offering repair and maintenance services for automobiles and trucks, shall also be allowed by special exception provided that such uses:
 - Are screened from direct view from State and Town roads;
 - Are located on the same parcel as the residence of the owner of the facility;
 - Have a maximum of three (3) employees;
 - The parcel of land proposed for such use is three (3) or more acres in size.
11. Short-Term-Rentals shall be allowed by Special Exception provided such use complies with all of the following conditions:

NOTE: Previous to any Application for Special Exception being considered by the Zoning Board of Adjustment, the Town of Madison Code Enforcement Official or a Town of Madison or NH Department of Safety approved third-party inspection agency must perform an on-site inspection and provide written documentation to the Board to assure the following Life Safety items fully comply with requirements of the NH State Fire Code and/or Town of Madison regulations. As it relates to this Section, NH State Fire Code shall be defined as the requirements of the One- and Two-Family Dwellings Chapter of the NFPA 101 Life Safety Code, edition currently adopted by the Office of the State Fire Marshal, excluding any/all requirements relative to the installation of automatic fire protection sprinklers.

- *Smoke and carbon monoxide detectors shall be installed and shall be properly functioning in all locations required by the NH State Fire Code.*
- *Primary exits and secondary means of escape shall exist and shall be fully functional in accordance with all requirements of the NH State Fire Code.*
- *No basement or other below-grade space shall be used as a sleeping area unless compliant exits and secondary means of escape are provided as required by the NH State Fire Code.*
- *A properly sized and fully functional A-B-C fire extinguisher shall be installed in an obvious location on each level of the Short-Term Rental unit.*
- *The maximum number of people that the Short-Term Rental unit can be advertised to sleep or otherwise be occupied in any published listing or other form of marketing shall be three (3) people for each bedroom listed on the Town of Madison tax card for the subject property.*
- *All vehicles shall be parked in designated parking area on the same property as the Short-Term unit with no fewer than 1.5 parking spaces being provided per bedroom. Parking spaces shall be 9' wide x 18' in depth if provided on paved parking surfaces and 12' wide x 22' in depth if provided on gravel surfaces. Parking on landscaped areas will not be considered acceptable.*
- *The owner of a Short-Term Rental unit shall provide proof of a current NH Rooms and Meals Tax license number.*

Additional conditions to be met for all Special Exceptions being considered under enumerated sections one (1) through eleven (11) above and previous:

1. *The operation and appearance are compatible and not offensive, injurious, or a nuisance to its neighborhood and abutters and will not substantially impact the value of the abutting properties.*
2. *The facility will not create traffic or other safety hazard.*
3. *Minimum setbacks for Professional Offices and Bed and Breakfast facilities shall meet the setback requirements of 5.9 A and C. Other uses shall meet the setback requirements of 5.9 B and C.*
4. *Adequate on-site parking shall be provided.*

Bergeron explained that the draft changes – above - include numbers 1-9 as it is already in the Zoning Ordinance, 10 is modified and 11 is an addition of STRs with seven bullet points that apply only to obtaining a Special Exception for an STR. The additional conditions are already in the ordinance.

The challenge of how to be sure that owners are complying with life safety codes was discussed with such comments as how often, who does the inspection, who bears the cost and even if recurring conditions are allowed in special exceptions.

Cribbie can see that licensing would require renewals and allow for life safety codes to be monitored with Marks adding that it appears that licensing gives more control. Bergeron feels the problem with licensing is the burden on the Town Hall and can see that would create a need for more staff.

Laroche offered a suggestion that the Board do nothing for now with the exception of a noise ordinance and allow the courts to decide, then make changes.

Bergeron feels that most all of this hangs on the Selectmen and he fears that the Selectmen will implement enforcement of the current Zoning Ordinance; there needs to be communication between this Board and the Selectmen.

Allen would like to see where the Selectmen stand, get a noise ordinance in place and clean up the Zoning Ordinance while leaning towards waiting until the State makes a move.

Buckley agrees with Allen and Laroche to slow down to see that happens in the Conway case.

Ohlson offered to run the document submitted by Bergeron through the Board's attorney with Littlefield wanting to have time to absorb it.

CHAIRMAN'S REPORT – No items

CORRESPONDENCE/ ADMINISTRATION:

Attorney Spector-Morgan wrote an enforcement letter to Coleman regarding Tax Map 202 Lot 008 asking for compliance concerning the request for information about the Ledge Pond Road Pit to which the Board accepted it as written.

Motion by Marks, seconded by Littlefield to approve the letter and have it sent to Coleman. The motion passed unanimously. Shackford will inform Attorney Spector-Morgan to send the letter.

Ohlson recused himself from the next matter with Marks taking over the meeting as Chair.

Attorney Spector-Morgan wrote an enforcement letter to Coleman regarding Tax Map 203 Lot 009 asking for compliance concerning excavation on the property without proper permits to which the Board accepted the letter as written.

Motion by Littlefield, seconded by Allen to approve the letter and have it sent to Coleman. The motion passed unanimously. Shackford will inform Attorney Spector-Morgan to send the letter.

Ohlson returned to the position of Chair.

Correspondence from NHDOT regarding planning repairs to Bridge 163-048 at Purity Pond Brook was received with a request for comments relative to the projects potential impact. Notice will be made that the drainage at Monument Beach on Village Road/Route 113 should be brought to DOT's attention.

Correspondence from Ossipee Lake Alliance was received regarding the Meena LLC gas station project in Effingham. No response was made by the Board.

Notice of Voluntary Merger of Pre-Existing Lots for Blomquist of Tax Map 128 Lots 007, 008, 009 and 010 was signed by Ohlson. This was a condition of a settlement for a BTLA case. This was signed in May but rejected by the Registry of Deeds necessitating it to be done again.

ADJOURNMENT/ MOTION: **Motion** by Cribbie, seconded by Allen to adjourn. All Approved. The meeting adjourned at 8:42 pm.

Respectively Submitted,

Linda Shackford
Town Administrator