



**TOWN OF MADISON
PLANNING BOARD
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**PLANNING BOARD MINUTES
September 7, 2022**

MEMBERS PRESENT: Chairman Marc Ohlson; Paul Marks; Charlie Allen; Alternate Jay Buckley; Selectman Josh Shackford

MEMBERS EXCUSED: David Cribbie; Paul Littlefield; Karl Nordlund; Alternate Phil LaRoche

OTHERS PRESENT: Town Administrator Linda Shackford; MCC Chairman Marcia McKenna; MadTV Donna Atkins; Shawn Bergeron; Bill Dempster; Kathy Koziell; Nick Borelli; Paul McKenna members of the public

CALL TO ORDER: Chairman Ohlson called the meeting to order at 7:00 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 August 24, 2022.

ELEVATION OF ALTERNATES: **Motion** by Marks, seconded by Allen to elevate Buckley to a full-members for this meeting. The motion passed **unanimously**.

APPROVAL DRAFT MINUTES: **Motion** by Marks, seconded by Buckley to approve the minutes of the August 3, 2022 as written. The motion passed **unanimously**.

PUBLIC COMMENT:

Kathy Koziell asked the Board for their interpretation of Section 5.10 Manufactured Housing in the Town's Zoning Ordinance as related to trailers. It was Allen's interpretation that it was regarding campers for housing with Koziell adding, not for a utility trailer. Bergeron feels it is an interpretation that the Zoning Officer makes and if his decision gets appealed, it goes to the ZBA, this is not a Planning Board issue. Allen sees it implying that you cannot use a camper as a dwelling unit.

Shawn Bergeron approached the Board stating that at some point the Conservation Commission may have the opportunity to purchase the Chain of Ponds property. Bergeron presented preliminary plans of a subdivision.

The current owner would carve out four lots off Forest Pines Road before selling the property. Easements, rights-of-way, railroad track crossing, parking, and wetlands were all topics of discussion in the preliminary review. Ultimately, the question of the Board's opinion if this is reasonable proposal was asked as it would determine if the next step of getting an appraisal will

be sought. Ohlson's opinion was that is it a reasonable request with Allen in favor of the concept short of any regulations that may prevent it.

Ohlson removed himself from the position of Chairman and recused himself from the following discussion as a Board member. Marks took chair of the meeting.

Marc Ohlson came to the Board regarding the expansion of a Coleman pit and showed pictures from Saturday of a clearly marked corner on the property showing the expansion.

Allen asked if this Board can issue a cease and desist as we have the enforcement power as regulators of excavation regulations.

Marks noted that at the last meeting the attorney for Coleman's said they have done nothing wrong but will correct it asking Ohlson if they have corrected anything. Ohlson stated no, they are continuing to excavate the lot in the rural residential area without a permit. Concerns of drilling and blasting on the lot were expressed. Allen would like to see communication with counsel and express to Coleman that they need permits and to prove that their activity on the property is legal.

Motion by Marks, seconded by Allen to contact Attorney Laura Spector-Morgan to have a letter written regarding the activity on Coleman's property at Map 203 Lot 009. The motion passed unanimously.

Ohlson joined the Board as chair.

PUBLIC HEARING:

Case # 22-02 CONTINUED - 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 read aloud a letter from the applicant's agent asking for the case to be continued to the October meeting based upon a hearing that will be happening with the Board of Selectmen on the 20th of this month.

Motion by Buckley, seconded by Marks to open the hearing for discussion. The motion passed unanimously.

Marks suggested that this case be dropped without prejudice as it is unknown when this will happen. It was discussed that they cannot subdivide on a Class VI road and need to get approval of the Selectmen. They can then reapply.

Motion by Marks, seconded by Allen to deny without prejudice this application with the intent to have the applicant reapply. The motion passed 4-0-1 with J. Shackford abstaining because he will be hearing the applicant's petition for road layout as a Selectman.

PRELIMINARY REVIEW:

Boundary Line Adjustment – Seth Burnell, LLS as Agent for the owners of Gordon W. Cormack and Laura N. Jawitz with owners LauGo Properties, LLC for Map 222 Lots 035 and 036 request preliminary review of a proposed Boundary Line Adjustment that would convey 0.26 acres of land.

Seth Burnell stated that this property is located at the end of Cormack Drive on a private road platted in the 1960's. The applicant's intention is to build a garage on Lot 35 which will necessitate a ¼ acre of land to be moved from parcel 36 to 35. There will be a driveway easement put in place.

Marks asked if the ownership is the same for both lots to which the response was yes.

Burnell explained that future development may include a cluster-based subdivision. Ohlson asked if there is a plan that shows the layout of Cormack Drive to which Burnell responded yes, it looks like a pencil drawn sketch that is on record adding that it predates subdivision regulations. Ohlson asked who owns the road to which Burnell responded that the original owner never deeded it away with all owners having an interest in it. Ohlson asked if there is a deed for the road to which Burnell responded no. Allen asked if it is owned by all, is it a shared driveway with Burnell responding that is where this gets tricky.

Ohlson and Allen see the boundary line adjustment as pretty straight forward with Burnell adding that the cluster-development may need more research and advice from Attorney Ken Cargill.

OLD BUSINESS:

STR Discussion – Ohlson spoke about the meeting the Planning Board and Selectmen has with their attorneys stating that it was left that the Selectmen were going to send out cease and desist to violating STR operators. Ohlson asked J. Shackford if he was correct to which J. Shackford responded not exactly but agreed with Ohlson that some sort of enforcement action was agreed upon. Ohlson said that counsel advised that having the Planning Board creating regulations and the Selectmen enforcing would not be the healthiest situation.

Ohlson sensed rumbling from the Board about trying to propose some regulations before some one else does. Buckley, in his opinion, feels the Board should push forward with the regulations citing a survey that 87% of those surveyed say they should be allowed. Buckley liked the proposal by Allen and would like to have the attorney review the proposal and allow the voters to decide this STR issue.

Ohlson asked if the Board wants to move forward with regulations and would we go with permitted use or special exception to which it was agreed permitted use.

J. Shackford stated that the discussion happening here tonight is against what both attorneys recommended.

McKenna, Dempster and Koziell questioned the Board's decision. Asking how you can regulate something that is illegal and their fear of the Town being sued. Buckley responded that if this Board does not do the regulating, then someone else will.

Borelli asked Ohlson why he is so adamant to controlling the issues going on near your property and not STRs with Ohlson noting the only enforcement the Planning Board can do is regarding 155E for excavation.

Motion by Buckley, seconded by Allen to proceed forward and present to the Board's counsel Laura Spector-Morgan the outline by Allen for STR regulations for it to be done at a public hearing and then put on the ballot.

The Board discussed holding another meeting before the next meeting in October deciding to meet on Monday, September 19th at 5:00pm citing being better prepared this year than last.

Shawn Bergeron asked if the Board is asking for a special exception or permitted use. The Board answered permitted use. Ohlson noted the upside to a special exception is that abutters get notified but it would be a logistical nightmare to have the ZBA meet on 150 special exceptions.

J. Shackford stated that even though this Board's attorney and the Selectmen's attorney have both said that permitted use is a bad way to go, you'll still go forward. Allen disagreed with that statement and Buckley stated that Special Exceptions stay with the land and permitted uses can be revoked.

J. Shackford left the meeting.

The **motion** passed with a vote of 4-0.

Zoning Ordinance Section 1.3B Discussion – It was not discussed.

CHAIRMAN'S REPORT – No items

SELECTMEN'S REPORT – No items

CORRESPONDENCE/ADMINISTRATION – DES Wetland Permit not action required.

ADJOURNMENT: Motion by Marks, seconded by Allen to adjourn. All Approved. The meeting adjourned at 8:32 pm.

Respectively Submitted,

Linda Shackford
Town Administrator