



**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
October 5, 2022**

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

MEMBERS EXCUSED: Karl Nordlund; Alternate Phil LaRoche

OTHERS PRESENT: Town Administrator Linda Shackford; MadTV Aysia Morency

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 September 22, 2022.

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

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

APPROVAL DRAFT MINUTES: **Motion** by Buckley, seconded by Marks to approve the minutes of the September 7, 2022 as written. The motion passed **unanimously**.

PUBLIC COMMENT: Nicole Nordlund of East Madison Road asked once a change of use document is approved, how long is the approval good? Nordlund's purpose for asking is if she were to change her property that contains a store and two apartments into four apartments, how long would that be good for? No definitive answer was offered as Ohlson would like to see the request first. It was recommended to Nordlund to fill out the document and submit for review.

PUBLIC HEARING:

Ohlson opened **Case # 22-04 - Boundary Lot Line Adjustment** for Seth Burnell of HEB Engineers, Inc as agent for owners Gordon Cormack, individually and as President of LauGo Properties, LLC and Laura Jawitz, proposes a Boundary Lot Line Adjustment at 57 & 84 Cormack Drive known as Map 222 Lot 035 & Lot 036, respectively. The application requests conveyance of a small parcel of land in order to construct a new garage and access driveway in the Rural Residential Zone.

Motion by Cribbie, seconded by Buckley to accept the application as substantially complete. The motion passed **unanimously**. L. Shackford reported that all public notifications and certified letters were properly made and all fees have been collected from the applicant.

Agent Seth Burnell, citing the previous month's preliminary review, explained that he ownership of

the two parcels is the same and there is a transfer of 0.25 acres to build a garage.

Cribbie asked for an explanation of the dog-leg shape of the transferred piece and why it is not at a right angle. Burnell explained it simply fit that way around the proposed garage improvement. Cribbie asked if the applicant would consider shifting the boundary line so it would come up even with the road side. Burnell would consider it but is not familiar with a regulation requiring such; the applicant is trying to minimize impact to the other lot. Marks asked if the shape of the land transfer had anything to do with the topography of the land with Burnell explaining that there is a proposed retaining wall that will be going up-hill because of the steep rise of Cormack Drive.

Ohlson asked for more question of the Board, there were none. Ohlson asked for any comments from the public. There were none.

Ohlson closed the public portion of the hearing and opened the Board's deliberation. Buckley and Marks feel this is pretty straight forward.

Motion by Buckley, seconded by Cribbie to approve the application for a boundary line adjustment with the mylar being signed out of session by Ohlson. The motion passed **unanimously**.

OLD BUSINESS:

Short Term Rental Discussion – Ohlson gave a bit of history as to how the Board got to where it is now. The Board recently met with Attorney Spector-Morgan to discuss permitted use versus special exception. Ohlson had a copy of the permitted use proposal reviewed by Spector-Morgan with the enforcement section removed.

Buckley would like to see the permitted use put up for vote citing two surveys done that support people wanting to allow STRs.

Cribbie stated that it was said at last month's meeting that a permitted use can be taken away but he has since found that it cannot be taken away, but fines can be imposed for violations.

J. Shackford, citing information that he, Buckley and Ohlson heard in the same webinar hosted by Spector-Morgan, the threat of fines is idle so there is no real mechanism to enforce. J. Shackford also reiterated Spector-Morgan stating that she always advises her clients to not regulate by permitted use.

Ohlson stated that the Selectmen want to enforce what has been in the regulations since 1987 to which J. Shackford specified to enforce those that began after Town Meeting of March 2022 and then ones prior on case by case; start with the bad apples first as no town or city can go after them all at once. All zoning actions made by the Town are complaint based.

Allen questioned if all are illegal the Town cannot pick and choose out of convenience where to enforce to which J. Shackford explained that the Selectmen have the discretion to enforce or not enforce.

Ohlson asked what the goal of the Selectmen is to which J. Shackford responded to get rid of the bad apples and not have hotels in the rural residential areas. Littlefield can see the need for clean-up but not a hatchet to the whole with J. Shackford agreeing.

Ohlson asked for opinions about the special exception avenue to which J. Shackford stated he would not mind that, the neighbor will have some say. J. Shackford added that the Selectmen have plans to send letters that state you don't meet zoning, please stop. Then a follow-up letter will be sent that

stated please stop or you'll be fined; then comes legal action. Allen feels the special exception route is reasonable but sees an inordinate amount of work that comes with it.

Ohlson opened the discussion to the public.

Nicole Nordlund did not get the feel that the Selectmen planned to go after only the bad apples, they were going after them all. This Town cannot afford to have kids in every house considering it cost \$25,000 for each student. People make money off of responsible STR owners.

Kathy Koziell asked where the document reviewed at the last meeting regarding permitted use came from. The answer to Koziell was from the June meeting. Koziell asked how a special exception can get rid of a bad apple once the approval have been given and suggested that a condition of the special exception should include owner occupied.

Marks asked how can the Town benefit from STRs, room and meals tax? The highest grossing STR in town at \$185,800 paid \$13,000 in room and meals tax. The formula had \$5.28 of that \$13,000 come back to the Town of Madison.

Nick Borelli asked that the Board let the Selectmen try and control the STRs.

Motion by Allen, seconded by Buckley to keep working with Attorney Spector-Morgan to finalize a document to propose STR regulations as Special Exceptions and nail down enforcement. The motion passed 5-2 with Cribbie and J. Shackford opposed.

Discussion of **Zoning Ordinance Section 1.3B**: A letter from the ZBA to Code Officer Boyd regarding the administration of 1.3B was read aloud. Copies will be made available to members for discussion at the next meeting.

CHAIRMAN'S REPORT – There was no report
SELECTMAN'S REPORT – There was no report

CORRESPONDENCE/ADMINISTRATION:

2023 Budget Submission- The Board will present to the Selectmen the following for the 2023 budget of **motion** of Cribbie, seconded by Mark with all in favor.

Category	2022 Approved	2022 Expended	2023 Proposed
LEGAL	\$5,000	\$2,955	<i>\$10,000</i>
MASTER PLAN/NEWS	\$150	\$0.00	<i>\$150</i>
NOTICES	\$600	\$188	<i>\$600</i>
POSTAGE	\$400	\$385	<i>\$800</i>
SUPPLIES/ADS	\$100	\$43	<i>\$100</i>
WORKSHOP/TRAVEL	\$300	\$60	<i>\$300</i>
	\$6,550	\$3631	<i>\$11,950</i>

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

Respectively Submitted,
Linda Shackford, Town Administrator