



**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
June 7, 2023**

MEMBERS PRESENT: Marc Ohlson, Chairman; Paul Marks; Dave Cribbie; Karl Nordlund; Jay Buckley, Paul Littlefield, Selectmen's Representative, Adam Price

MEMBERS EXCUSED: Phil LaRoche, Alternate

OTHERS PRESENT: Katharine Young, Land Use Boards Administrator; MadTV Carol Dandeneau and Wesley Smith

POSTING DATES & LOCATIONS: Notice was posted on May 11, 2023 at the Madison and Silver Lake Post Offices, in the Madison Town Hall – upper and lower levels. The hearing notice was published in the Conway Daily Sun on May 13, 2023.

CALL TO ORDER: Ohlson called the meeting to order at 7:00 PM.

ELEVATION OF ALTERNATES: There were no elevations.

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

Ohlson asked the Board for a motion to approve the May 3, 2023 minutes as written.

APPROVAL OF MINUTES: **Motion** by Marks, seconded by Buckley to approve the May 3, 2023 minutes as presented. The motion passed **unanimously**.

PUBLIC COMMENT: Ohlson opened Public Comment. There was none so Ohlson closed Public Comment.

PUBLIC HEARING:

Ohlson read aloud **Case #23-04 – Boundary Line Adjustment** – for agent Wesley Smith, of Horizons Engineering, for property located at Grachen Drive, Tax Map 113, Lots 55 & 56 owned by William and Lynne Oxford.

Young stated that an abutter was not properly notified and the USPS was unable to forward the mailing as it was an undeliverable address. Smith stated we could give it another try and he would provide Young with a new mailing label and that he did not expect a Mylar to be signed tonight as he is still waiting for state subdivision approval.

Smith presented the case to the Board and stated that on the original subdivision plan there originally were three lots, two owned by the Mr. Oxford and the third one was owned by the town and when

Oxford bought it from the town and in doing so, there was a condition that the lots had to be merged. Mr. Oxford thought he had merged Lots 138 (a/k/a Lot 55) and 139 (a/k/a Lot 56) but what was merged were Lots 139 (a/k/a Lot 56) and Lot 140 (a/k/a Lot 56). Smith stated that Oxford currently owns two building lots of record that he can construct on now but is very limited due to the setback. Cribbie stated that according to the current deed, Lot 137 (a/k/a Lot 54) and Lot 138 (a/k/a Lot 55) contain a deed restriction that these lots could not be built upon. Smith was unaware of this restriction contained in the current deed and based on this information, he asked for a continuation so he can check and make sure this information is correct.

Smith asked the Board if in lieu of seeking proper ZBA approvals, would the Planning Board be objecting to, since they have two building sites if there was no building on that original lot, could they do a Boundary Line Adjustment and possibly combine Lot 139 (a/k/a Lot 56) with Lot 138 (a/k/a Lot 55) but no building would be on Lot 138 (a/k/a Lot 55) and Lot 139 (a/k/a Lot 56) could support three bedrooms and would the Planning Board be interested if they get ZBA approval? Smith stated the Oxfords want to be able to build on bot lots. Cribbie stated he is not in favor of combing two lots with one lot having a deed restriction without talking with their attorney and he is not in favor of shrinking very minimally sized lots beyond where they are at.

Ohlson opened the public hearing and since no input, closed the public hearing.

Motion by Cribbie, seconded by Littlefield to continue **Case #23-04** to the July 5, 2023 meeting. The motion passed **unanimously**.

OLD BUSINESS:

STR's: Ohlson read an email he sent to Attorney Laura Spector-Morgan asking for help on STR's, definitions and 1.3b and he received an response back from her stating she is booked up on Wednesday nights through June 28th. Ohlson asked the Board should they look to hire a new attorney or stay with Attorney Laura Spector-Morgan? The Board discussed the possibility of looking for a new Planning Board attorney. Cribbie stated the attorney would need to be well versed in land use law and would need to be able to decipher land use ordinances and subdivision regulations and that they should not base any decision on STR's from an attorney. Littlefield agreed with Cribbie and stated this should come from the Selectmen. Price stated in his opinion, he agrees with Selectmen licensing but the issue he sees with the licensing from his perspective is STR's are illegal from March 2022 forward and the Selectmen are not licensing anything March of 2022 forward but they are regulating previous STR's that were established before that Article was voted on and this is clearly Price's opinion. Cribbie asked Young if she could research and come up with any recommendations for a new Planning Board attorney.

Marks stated the Planning Board needs to meet with the Selectmen. Price stated he will ask the Selectmen about meeting with the Planning Board regarding STR's.

NEW BUSINESS: There was nothing to report.

CHAIRMAN'S REPORT: There was nothing to report.

SELECTMEN'S REPORT: Ohlson asked Price about the STR enforcement and if there was any update. Price stated that after the court's decision on the Conway case, STR's are only illegal after March 2022 and that the Madison Selectmen need to decide what to do. Price believes the Selectmen's intent is not to do anything.

CORRESPONDENCE/ADMINISTRATION: Buckley brought up the Meena, LLC gas station in Effingham and that he attended the Planning Board on June 6th. Buckley stated that per Noreen Downs letter to the Planning Board dated May 30th, she was requesting the Planning Board to send a letter to the Effingham Planning Board asking them to uphold the regulations.

Motion by Buckley, seconded by Littlefield to send letter of support to the Effingham Planning Board.

Board Deliberation: Ohlson stated he is opposed to the gas station. He further stated that the Madison Conservation Commission did not agree to send a letter to the Effingham Planning Board. Buckley stated we share the same aquifer. Cribbie stated there was a Regional Impact and the Effingham Planning Board voted not to do anything. He further stated he is more concerned about tankers carrying gasoline due to human error, more than tanks leaking at the gas station. Ohlson stated this Board cannot speak authoritatively.

Roll Call Vote: Buckley – Aye; Marks – Aye; Littlefield – Aye; Price – Aye; Cribbie – Nay; Ohlson – Nay; Nordlund - Nay

The **motion** passed **4-3**.

ADJOURNMENT: Motion by Cribbie, seconded by Buckley to adjourn. The motion passed **unanimously**. The meeting adjourned at 8:25 pm.

Respectfully Submitted,

Katharine Young
Land Use Boards Administrator