



**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
January 5, 2022**

MEMBERS PRESENT: Marc Ohlson - Chair, Dave Cribbie, Paul Marks, Paul Littlefield, Alternate Jay Buckley, Alternate Phil LaRoche, and Selectmen Representative Josh Shackford

MEMBERS EXCUSED: Charlie Allen

OTHERS PRESENT: Town Administrator Linda Shackford, Ron Briggs, Paul McKenna, Nick Borelli, Brian Roche, Steve Morrill, Don Burnham, and Madison TVs Aysia Morency and several from the public

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

POSTING DATES & LOCATIONS: Notice was posted on December 16, 2021 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 December 22, 2021.

ELEVATION OF ALTERNATES: **Motion** by Cribbie, seconded by Marks to elevate LaRoche and Buckley as a voting member. The motion passed unanimously.

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

APPROVAL DRAFT MINUTES: **Motion** by LaRoche, seconded by Cribbie to approve the December 1, 2021 minutes as written. The motion passed unanimously.

PUBLIC COMMENT:

Steve Morrill of Raccoon Lane approached the Board for guidance about subdividing his 34-acre parcel. The Board, citing subdivision regulations, informed Morrill that each lot must contain 2 acres of buildable land and 200' of frontage on a Class V or better road.

Brian Roche, of Boston Best Roast Beef, asked the Board for guidance on the process to operate a food truck at 1470 NH Rout 16. Roche wanted to know if he would be required to go through Site Plan Review. This truck will be not be permanent as it will be removed each night and when in place will be positioned 45' off the white line. Roche is in compliance as a state vendor. Ohlson read from the site plan review regulations Section III F which defined the times that the site plan review process may be exempt. Cribbie would like to see Roche confirm with the DOT District 3 that the location of the truck will not cause problems accessing the property. Buckley asked his hours of operation. Roche responded Sunday - Thursday 11am to 7pm and Friday and Saturday 11am to 9pm. Buckley asked if he will be using the water from the location with Roche

responding that he brings it with him. Roche offered that he plans to occasionally set up at the Moose Lodge and American Legion too. LaRoche noted that the regulations are silent regrading food trucks. Buckley asked if there will be outdoor seating; Roche responded no.

The Board asked for Roche to obtain a letter from DOT stating their approval and to file a "Change of Use" form with Town Hall prior to commencement of operation.

Nick Borelli, resident, feels the rental definition proposed by the Board would allow companies to come in and wipe out the residential area.

Paul McKenna, property owner, asked how the Town will benefit from the zoning amendments that are being pushed forward by Bergeron. Ohlson told McKenna that those have been take off the table; the Board is only proposing definitions regarding short-term rentals.

Linette Davis, property owner, questions how the Town can continue to prohibit short-term rental yet not define what commercial and business mean.

Jim Flaherty, property owner, toted the benefits that short-term rental owners bring to the area citing beautification of properties and employing local contractors.

Chairman Ohlson closed the public comment section of the meeting.

Chairman Ohlson announced **Case # 22-01 2-Unit Cluster Subdivision**, Ron Briggs of Briggs Land Surveying, agent for owner Drew W. Gentile & Jennifer J. Gentile, proposes a 2-unit cluster subdivision at 89 Conway Road, on Map 228 Lot 033. Proposed new cluster lots of 0.59 acres and 0.49 acres with 4.0 acres of common area in the Rural Residential Zone.

Ohlson opened the public hearing acknowledging that there is an incomplete abutter notification.

Briggs explained the single-family cluster development that will be on 5.1 of the 75 acres, with 69+ acres remaining in their current use status. The wetlands are located in the current use portion of the property and there is documentation presented that demonstrates that a conventional subdivision could be obtained. Each lot will have their own well and septic.

Briggs told the Board the owner's intension for the future, should it ever be sold out of the family, would include the submission of a voluntary merger of lots and then application to the Planning Board for a subdivision prior to the sale.

Buckley asked if the driveway needs to be upgraded? Briggs responded no because it will not be servicing three or more homes.

LaRoche asked if this cluster subdivision has to be submitted to the Secretary of State's office. Briggs responded no because it is not 15 or more lots. Briggs added that there will be a written homeowner agreement produced that will be recorded at the Carroll County Registry of Deeds after the Board's review.

Ohlson opened the hearing to the public for comment. There were none. Ohlson closed the public comment portion of the hearing.

Motion by Cribbie, seconded by Buckley to continue this hearing to the February 2, 2022 meeting allowing for the missed abutters to be notified. The motion passed unanimously.

Amendments to the Zoning Ordinance: Ohlson opened the floor to comments regarding the proposed definitions.

Ted Slader, resident, asked where the number in the definition of short-term rental of “fewer than 16 occupants” came to be as in his opinion it is excessively high for a house having 3 or 4-bedroom, adding he questions if a septic system could handle it. Shawn Bergeron offered that it came from state fire codes for lodging and hotel/motels; adding that ultimately, should things progress in the zoning ordinance, it would be septic load that determines the allowable occupancy.

Paul McKenna, property owner, stated that if septic systems near the lake malfunction it would destroy the lake and the lake would be lost.

Ohlson moved on to **Vote to Recommend or Not Recommend Petitioned and Proposed Zoning Ordinance Changes** beginning with the petition warrant article that reads:

To see if the Town of Madison will vote to approve the expanded definition of a dwelling unit to be: “A building or portion thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. This use shall not be deemed to include such transient occupancies as hotels, motels, rooming or boarding house or similar short-term lodging accommodations [*sic*] to paying guests for as little as one night.”

Ohlson asked for Board comments.

Buckley expressed concern that the wording could cause a possible hardship for the Town because if the Town does not accept the definition of short-term rental that this petition describes, then what does short-term rental mean.

Cribbie feels the cart is before the horse because if this passes then no rentals, long or short-term would be allowed, this paints us into a corner. Marks agreed with Littlefield feeling that a definition should be in place. LaRoche agreed with Littlefield and feels the Board should not support it.

Shackford made note that this petition is going to be placed on the warrant no matter the vote of this Board with the voters having the final say.

Ohlson stated his opposition to this petitioned article.

Motion by LaRoche, seconded by Littlefield to not recommend the petition warrant article. The motion passed 6-1 with Shackford opposed.

Buckley asked if there is still time to put up a definition of enterprise on the ballot. Ohlson noted that the deadline is January 31st so therefore there is not enough time.

Motion by Cribbie, seconded by Buckley to recommend the following definitions:

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.

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.

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.

Short-Term Rental: 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

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.

The motion passed unanimously.

Motion by Shackford, seconded by Buckley, to recommend the new definition of:

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.

The vote was three in favor, three opposed with Ohlson's opposed vote causing the failure of the motion. This amendment will not be placed on the 2022 ballot.

Ledge Pond Discussion: Ohlson began a review of the meeting held at the Coleman Pit at Ledge Pond Road. Ohlson and was in hopes of reviewing a plan that was generated in 2018. A takeaway from the meeting with Curtis Coleman was there were to be stakes installed at the area where the right of way roadway is constructed closest to the top of the excavation. There would be a minimum of three stations at 50' intervals. These stations would be offset from the edge with two stakes per station to enable monitoring of any erosion at the top of the bank with GPS coordinates provided.

Don Burnham, property owner, wants the Board to monitor the pit so it will not cave in. Marks stated that the Board is working with Coleman through the process and it is going to happen in phases. Cribbie explained that at the meeting with Curtis Coleman the Board asked for stakes and GPS coordinates to facilitate the ability to periodically check and keep track of progress. LaRoche suggested a confirmatory letter be sent with Marks agreeing that it is important to have confirmation that the stakes have been established. Burnham asked that the letter include a request to not move the road again. Ohlson stated that a request to keep the road open, safe and passible will be added. A letter will be sent confirming the detail agreed upon.

CORRESPONDENCE/ADMINISTRATION:

CHAIRMAN'S REPORT: The Chairman had nothing to report.

SELECTMAN'S REPORT: Selectman Shackford had nothing to report.

ADJOURNMENT: **Motion** by Cribbie, seconded by Buckley to adjourn. The motion passed **unanimously**. The meeting adjourned at 8:35 pm.

Respectively Submitted,

Linda Shackford
Town Administrator