



**TOWN OF MADISON
PLANNING BOARD
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PLANNING BOARD MINUTES

July 5, 2023

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

MEMBERS EXCUSED: Paul Littlefield, Karl Nordlund and Phil LaRoche, Alternate

OTHERS PRESENT: Katharine Young, Land Use Boards Administrator; MadTV Aysia Morency, Mike Mauro, Selectman, John Arruda, Selectman, Brian Salas from Eversource, Wesley Smith from Horizon Engineering and William Dempster

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 Cribbie, seconded by Marks to approve the Agenda as presented. The motion passed **unanimously**.

Ohlson asked the Board for a motion to approve the June 7, 2023 minutes as written.

APPROVAL OF MINUTES: **Motion** by Marks, seconded by Cribbie to approve the June 7, 2023 minutes as amended.

Discussion: Price, Selectmen's Representative stated for the record under the Selectmen's Report, that the minutes be amended to remove that "Price believes the Selectmen's intent is not to do anything" as this was a misinterpretation of what was said and that the "Selectmen are focusing on post March 2022 for STR's".

The motion passed **unanimously**.

Ohlson stated the Planning Board is split on STR's.

Ohlson stated the Planning Board is split on STR's and asked the Selectmen for their input. Arruda stated STR's as of March 2022 forward that a series of letters have been sent and the last batch of letters will be going out to include a potential fine of \$275.00 per day and once this matter is cleared, the Selectmen will deal with pre-March, 2022. Arruda stated there are 40 STR's post-March 2022 and hundreds pre-March, 2022 and since the ZBA only meets once a month, and if people appeal, there is a 90-day time period for hearings. Cribbie asked if all 40 post-March 2022 STR owners have been notified? Arruda stated there are a series of letters going out. Price stated that at the last Selectmen's meeting the Selectmen broke it down to two letters and that L. Shackford was going to notify ten more of the 40 post-March 2022 either this week or next week and that there were two notices of violations sent at the prior meeting along with five first letters at the prior meeting for a total of 17 between first notice and notice of violations as of next week. Cribbie asked if enforcement on all 40 post-March 2022 STR's is being done or just the problem ones? Cribbie asked if there has been any correspondence from the STR owners that had been

notified? Mauro stated very little feedback. Mauro stated that all 40 STR owners will be notified but there has been there has been very little feedback from the STR owners. Buckley asked what about folks that believe they are grandfathered prior to 1987? Arruda stated that some STR owners have stated that they have rented prior to that time period but they have not produced documentation like meals and room tax or any receipts. Buckley stated that at a prior Planning Board meeting, it was discussed if the Planning Board should even attempt to write regulations again or whether the Selectmen do a licensing process pre-March 2022 which may be easier and that if the Planning Board regulates the right to rent goes with the property forever whereas with a licensing process you could propose three strikes and your out. Mauro stated the Selectmen have discussed the licensing but they need to get through the post-March, 2022 process and then deal with the pre-March 2022 whether it being through Selectmen's regulation but that it will be addressed at some point.

Marks asked if the Selectmen want the Planning Board to address the pre-2022 and come up with regulations? Price stated in his opinion, he feels it would be easier for the Selectmen to do some sort of licensing but is going to take some time. Cribbie stated he thinks it would be best if the Selectmen have some sort of regulations in place before the Planning Board can take any action and at this point, the Planning Board has stopped any proliferation. Arruda stated that Conway is currently doing this and have hired people to license and inspect and he is interested in looking into this. Ohlson asked the Selectmen if they want the Planning Board to leave STR's alone for a year and Mauro stated yes as it would be easier for the Selectmen to have something in place and they will come to the Planning Board regarding the pre-2022 STR owners. Buckley stated if they pause and do nothing and wait to see what Conway does as far as their regulations, a petitioned article could make its way to the ballot and that could be an issue.

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

PUBLIC HEARING:

Ohlson read aloud **Case #23-04 – Continued - 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.

POSTING DATES & LOCATIONS: Notice was posted on June 14, 2023 at the Madison and Silver Lake Post Offices, in the Madison Town Hall – upper and lower levels.

Wes Smith stated he is waiting on DES to research the restrictions that were noted in the applicants' deed and that the State does not know whether they changed the use of the lot and may now need to get State Subdivision Approval. Smith is hoping to have a solution to bring back to the Planning Board and asked that the case be continued again for 30 days. Smith stated the deed was on file when the State approved the lots for water. Marks asked for a time frame on the research. Smith stated the State of New Hampshire is understaffed and the person working on this will give Smith a copy of the file when available.

Motion by Cribbie, seconded by Buckley to continue **Case #23-04** at the request of the applicant to the August 2, 2023 meeting. The motion passed **unanimously**.

PUBLIC HEARING:

Ohlson read aloud **Case #23-05 - Scenic Road Tree Cut** from Eversource for removal of trees and brush adjacent to and beneath its power lines within the Town of Madison for Bickford Rd., Colby Hill Rd., Downs Rd., Glines Hill Rd., Lead Mine Rd., Modoc Hill Rd., Mooney Hill Rd., North Division Rd., Old Colony Rd., Pound Rd., Salter Hill Rd., Savary Rd., and Winter Road.

POSTING DATES & LOCATIONS: Notice was posted on June 14, 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 June 16, 2023 and June 23, 2023.

Ohlson opened the Public Hearing.

Brian Salas from Eversource explained to the Planning Board he is the Arborist for Eversource and every four years they do a Scenic Road Tree Cut and he has obtained permission from the landowners to satisfy the RSA. They are only trimming dead tree not live trees. Buckley asked if the trees are left for the property owners to dispose of? Salas stated yes, unless the property owner wants Eversource to remove them.

Ohlson closed the public hearing.

Motion by Marks, seconded by Buckley to approve Eversource to do tree removal adjacent to and beneath its powerlines within the Town of Madison. The motion passed **unanimously**.

OLD BUSINESS:

Definitions: Ohlson stated the Board will do this when they have counsel.

STR's: Ohlson stated this can come off the Agenda per the discussion with the Selectmen tonight.

1.3b: Ohlson stated the Board will do this when they have counsel.

Master Plan: Ohlson stated they could do this chapter by chapter.

NEW BUSINESS: There was nothing to report.

CHAIRMAN'S REPORT: There was nothing to report.

SELECTMEN'S REPORT: Price, Selectmen's Representative had nothing to report.

CORRESPONDENCE/ADMINISTRATION: Young provided the Board with Bios counsel that she obtained. Cribbie stated they should narrow it down to one or two attorneys and the Planning Board could interview them. The Planning Board decided on two possible applicants and asked Young to contact them to see if they were interested and taking on new clients and would be willing to do an interview via Zoom.

ADJOURNMENT: **Motion** by Cribbie, seconded by Marks to adjourn. The motion passed **unanimously** and the meeting adjourned at 8:10.

Respectfully Submitted,

Katharine Young
Land Use Boards Administrator