



**TOWN OF MADISON
PLANNING BOARD
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**PLANNING BOARD MINUTES
November 1, 2023**

MEMBERS PRESENT: Paul Marks, Vice Chair, Dave Cribbie, Karl Nordlund, Paul Littlefield, Jay Buckley and Adam Price – Selectmen’s Representative

MEMBERS EXCUSED: Marc Ohlson, Chairman and Phil LaRoche, – Alternate

OTHERS PRESENT: Katharine Young, Land Use Boards Administrator, MadTV Kasia Scentsas, Wes Smith, Agent for William and Lynne Oxford

CALL TO ORDER: Marks called the meeting to order at 7:00 PM and stated Ohlson would not be attending the meeting tonight.

ELEVATION OF ALTERNATES: There were no alternates present to elevate.

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

Marks asked the Board for a motion to approve the October 4, 2023 minutes.

APPROVAL OF MINUTES: **Motion** by Cribbie, seconded by Nordlund to approve the October 4, 2023 minutes as written. The motion passed **unanimously**.

PUBLIC COMMENT: Marks stated there was no one present for Public Comment and closed Public Comment.

PUBLIC HEARING:

Marks read aloud **Case #23-04 – Continued (June 7, 2023, July 5, 2023, August 2, 2023 & September 6, 2023 and October 4, 2023) - 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 October 25, 2023 at the Madison and Silver Lake Post Offices and in the Madison Town Hall – upper and lower levels.

Wes Smith, Agent for William and Lynne Oxford gave an update to the Board that Attorney Matthew Weegar has found that as long as the Oxford’s have state approval has 600 gallons for each lot, both lots will be big enough to support. Smith stated that Attorney Weegar said once the applicant has subdivision and town approval, he could record a release document, prior to the plan being recorded and this is provided the stated gives subdivision approval. Smith stated this

would be recorded before the December 6, 2023 meeting and Smith will revise the plan adding the recording information of the Release document.

Smith asked the Board to continue **Case #23-04** to the December 6, 2023 meeting and he should have the plans ready to go.

Buckley confirmed with Wes Smith, (Agent for the Oxfords) that the third lot with the restriction in the deed will go away once the Release is recorded. Smith stated yes, as the two lots were previously voluntary merged and there is no third lot anymore.

Motion by Buckley, seconded by Cribbie that Wes Smith send Release to Young, Land Use Boards Administrator and Young will then forward the Release to the Planning Board Attorney for review. The Motion passed **unanimously**.

Motion by Buckley, seconded by Littlefield to continue **Case #23-04** to the December 6, 2023 meeting at 7:00 pm at the lower level, meeting room, Madison Town Hall. The motion passed unanimously.

OLD BUSINESS:

Definitions:

1.3B: Marks explained the Planning Board attorney provided the Board with current language in 1.3B and proposed amended language for 1.3B.

Marks asked the Board if they had any questions. Buckley asked the Board if the new proposed definition is clear to everyone as far as the non-conforming expansion where previously it was not so clear. Price stated it seemed pretty to clear to him as it eliminated expansion. Marks stated when the Board discussed it previously, it was going to be completely taken off and with the new language, it is leaving it in and the ZBA will have to deal with it.

Motion by Buckley, seconded by Price to add 1.3B current language and proposed amended language for Public Hearing on December 6, 2023 at the lower level, meeting room – Madison Town Hall at 7:00 pm. Marks read aloud the current language and proposed amended language as follows:

Current language:

1.3.B. 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.

Legally established structures, which do not conform to present setback requirements, may be expanded in size, provided the addition or expansion complies with current setback requirements, or:

The setbacks to the expanded structure are not less than the non-conforming setbacks to the original structure; and The expanded structure is no closer than the existing non-conforming structure to the high-water line; and The expanded structure is no taller above sea level than the highest roofline of the existing structure;

Any such expansion shall be limited in size to a total of fifty-percent (50%) of the square foot area of the first floor footprint of the existing structure as of March 2007, not including decks, chimneys, etc.

Proposed amended language: (deleted language indicated with a ~~strikethrough~~, new language in **bold and underlined**)

1.3.B. 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 **provided the reconstructed structure shall be in the same location, and of the same dimensions, height, and bulk as the original non-conforming structure except that the reconstructed structure may differ in location, dimensions, height, or bulk to the extent such particular difference would make the reconstructed structure less nonconforming.**

1. Non-conforming as to Setbacks

Legally established structures, which do not conform to present setback requirements **including the shoreland setback**, may be expanded in size, provided the addition or expansion complies with current setback requirements. ~~or:~~

~~The setbacks to the expanded structure are not less than the non-conforming setbacks to the original structure; and The expanded structure is no closer than the existing non-conforming structure to the high water line; and The expanded structure is no taller above sea level than the highest roofline of the existing structure;~~

~~Any such expansion shall be limited in size to a total of fifty percent (50%) of the square foot area of the first floor footprint of the existing structure as of March 2007, not including decks, chimneys, etc.~~

2. Non-conforming as to Height

Legally established structures, which do not conform to present height requirements, may be expanded in size, provided the expanded structure is no taller above sea level than the highest roofline of the existing structure.

The Board voted and the motion passed **unanimously**.

Master Plan: Marks stated that Young, Land Use Boards Administrator emailed all chapters of the Master Plan to the Board Members. Marks asked that all members review them and any comments can be made at the December 6, 2023 meeting.

Cribbie stated that at the October meeting, the Board made a motion that passed to release a bond on the Banfield Hollow project and he would like to see a checkoff sheet. Buckley agreed. Cribbie further stated he should have amended the agenda earlier under Old Business as he wanted to discuss this with the Board because the Board approved the release of a bond on this project. Cribbie stated that in the future, the Board needs to consider in the releasing of any bonds, that everything has been completed and checked off and that any requirements have been met by a subdivision before a bond is released. The last approval would show any requirements

needed and that way, the Board can see what requirements there are, if any. Buckley agreed and he would like to see what the requirements were as he sat on the Board 20 years ago when those were created and he thinks it mainly relates to the road construction and drainage and he believes that Banfield Hollow is going to be petitioning the town to accept the road. Price stated they are and they have given the petition to Linda Shackford for the warrant and Price further stated that Chick went out and walked the road and Chick gave a few recommendations and everything seems to have been met as far as the road. Buckley stated it would be the due diligence of the voters to ask if that checklist has been reviewed before final approval so we should know whether all those requirements were met. Buckley stated the question may be asked if all the restrictions have been met. Marks stated maybe Bob Boyd can help assist with the check list and submit it to the Board. Cribbie stated as he recalled, it was the fire cisterns and the road and because Banfill Hollow was a cluster subdivision and all the foundations had to be captured for their corners to confirm they were in the correct locations and about five years ago at a meeting, the Board determined at that time, some of the foundations were not built where they were called out to be.

NEW BUSINESS: There was nothing to report.

CHAIRMAN'S REPORT: Ohlson was not present so there was nothing to report.

SELECTMEN'S REPORT: Price stated the roads are a temporary fix and there is a hydrology study being done and there is money from someone other than FEMA. Price further stated they can override the RSA if new laterals need to be put in and Price is hopeful it will not take seven years.

Marks asked what is happening with the ditches on Rt. 113 and are they going to be filled with stone? Price stated that Nancy Spaulding met with the Select Board on October 17, 2023 and she is going to talk to her boss and that they are aware of the Select Board's concerns.

Nordlund brought up the stop sign at the intersection of Route 113 and East Madison Road and asked about the line from the stop sign and is it going to be moved because it is too far back and you cannot see traffic coming from East Madison Road. Cribbie stated those are layout lines and they are probably waiting for warmer weather to set final lines.

CORRESPONDENCE/ADMINISTRATION: Young, Land Use Boards Administrator had nothing to report.

ADJOURNMENT: Motion by Cribbie, seconded by Littlefield to adjourn. The motion passed **unanimously** and the meeting adjourned at 7:35 pm.

Respectfully Submitted,

Katharine Young
Land Use Boards Administrator