



**TOWN OF MADISON  
PLANNING BOARD  
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**PLANNING BOARD MINUTES  
December 6, 2023**

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

**MEMBERS EXCUSED:** Marc Ohlson, Chairman and Paul Littlefield, Member

**OTHERS PRESENT:** Katharine Young, Land Use Boards Administrator, MadTV Carol Dandeneau, 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:**

**Motion** by Cribbie, seconded by Nordlund to elevate Phil LaRoche, Alternate to a full voting member. The motion passed **unanimously**.

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

**APPROVAL OF MINUTES:** **Motion** by Buckley, seconded by Cribbie, to approve the November 1, 2023 minutes as written. The motion passed **unanimously**.

**PUBLIC COMMENT:** Marks stated there was no one present for Public Comment and closed Public Comment portion of the Public Hearing.

**PUBLIC HEARING:** Marks read aloud **Case #23-04 – Continued (June 7, 2023, July 5, 2023, August 2, 2023 & September 6, 2023, October 4, 2023 and November 1, 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 November 20, 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 he is trying to get state subdivision approval in order for Attorney Weegar at Alpine Title to write up the release. Smith stated he hopes to have the state subdivision next week. Smith stated he has not been able to get this done within the last 30 days and requested from the Board a final extension to the January 3, 2024 Public Hearing. Smith further stated that Attorney Matthew Weegar is

waiting for the state subdivision approval as he wants to write the release exactly to the conditions the state is releasing.

**Motion** by Buckley, seconded by Nordlund to extend the application for one month for **Case #23-04**.

Discussion:

Buckley asked Smith if there was anything else in addition to that document with the conditions that would be needed in order for this Board to approve the application. Smith does not know what questions the Board or their attorney will have and he is hopeful to get that information so the Board and the Board's attorney can review. Smith further stated that Attorney Matthew Weegar is waiting for the state subdivision approval as he wants to write the release exactly to the conditions the state is releasing but Smith did say he does have the notes but just not the approval with the states stamp. Smith stated that basically they are leaning on the state to give them the exact wording for their release that they will say this is now a buildable lot of record and then Attorney Matthew Weegar can release the title from having that and rewrite the title exactly as the state says. Buckley reiterated that in the last set of minutes it reflected that one this release is written by Attorney Matthew Weegar, it will then be forwarded to the Board's attorney for review and when the Board meets again, all questions will be answered. Smith stated that even if they receive an email that states the Board's attorney has reviewed it and they would like a change, Smith would get that to Attorney Matthew Weegar and as long as it is acceptable with Attorney Matthew Weegar and the Oxfords, they could make any changes and have that document ready to be recorded. Smith assured the Board that the document would not be recorded until the everyone is satisfied. Smith stated his plan is to have that document recorded then reference it on the plan and then present the Board with the Mylar for signature out of session, which Mylar will state the Book and Page of the recording and provide Young with an email of that recording information so whomever signs the Mylar can see it has been recorded. Smith stated this is on the condition that the Board accepts the plan and the Boundary Line Adjustment.

Smith asked the Board if anyone was uncomfortable as to the Boundary Line. Cribbie stated his biggest concern was making sure that where a lot was originally designated to be an open space lot, he wants to make sure we are not going to be jeopardizing any adjacent lots by causing issues and that everyone is all on the same page. Smith stated because the Oxfords own the lots that were conditioned to not be built upon are affected and right in the deed it says for the other lots and had the Oxfords not owned the other lots, they would have to get permission from somebody else. Smith further stated the Oxfords can give themselves the release because they own the lots and that is why this works. Marks asked if the state is coming up with specific language or is Smith giving it to them. Smith stated he emailed the state letting them know what they were trying to do before even submitting for state subdivision approval and he asked the state if they could even do this and the state said yes and gave the conditions to be released and that there has to be a minimum of 600 gallons per day on the lot and Smith does have to move one boundary line by five feet as one lot had 800 gallons and one lot had 594 and in order to get it over 600 gallons per day based on the lot loading density, it has to be moved. He further stated that the state cannot approve Boundary Line Adjustments but can approve subdivisions. Smith stated a Boundary Line Adjustment is approved through the town but it would also have to be approved through the state if the lot is being reduced in size and technically, the lot that was combined is being reduced in size and they are getting state subdivision approval for not only the

lot that is reducing but the other lot because they need to get state subdivision approval for that lot to be built on. LaRoche stated the plan and the deed need to match.

Marks asked Smith if the state has all the information they need to proceed. Smith stated yes but they do not have a revised plan but they have the initial one. Marks asked when the state would have the revised plan and Smith stated tomorrow. Smith stated the state may have to do a site inspection as this is one of their conditions and they may have done this already.

Buckley stated that there is a motion on the floor. Young requested changing the motion to date certain.

The motion was amended as follows:

**Motion** by Buckley, seconded by Nordlund to extend the application for one month for **Case #23-04** and continue it to the January 3, 2024 meeting at 7:00 pm at the lower level, meeting room, Madison Town Hall. The motion passed **unanimously**.

Smith stated he had hoped to be in touch by December 15<sup>th</sup> with Attorney Weegar's document.

**Public Hearing on Madison Zoning Amendment to 1.3.B:**

Marks stated that 1.3.B was continued to tonight thinking the Chairman would be here and since he is not, the Board should look at it and get it moving in order for it to be on the Warrant.

Buckley stated this would be a ballot question because it is zoning.

Marks asked the Board for any comments on 1.3.B as distributed to the Board previously. Marks also stated that 1.3.B was read into the minutes at the November 1, 2023 Public Hearing and that it does not need to be read into the minutes again tonight.

Buckley asked Young if there had been any feedback from the public and Young stated only an email from Christopher Connolly and Attorney Meier and she did email the Amendment to 1.3.B to them both.

**Motion** by Buckley to place forth on the 2024 ballot the new definition of 1.3.B as written on the ballot.

Marks stated he is opening Public Comment and since there was no Public Comment, he closed the Public Comment portion of the Public Hearing.

Marks asked the Board if there were any questions.

Marks asked the Board for a vote. Young stated the motion was not seconded. Cribbie seconded the motion and the motion was voted on and passed **unanimously**.

Buckley asked Young if she knew of any other Petitioned Article that has come in. Young stated no. Buckley stated he did hear there was a petition circulating around town but he had not seen it.

**OLD BUSINESS:**

**Definitions:** Marks stated there was nothing to discuss on this.

**Master Plan:** Marks tabled this to the January 3, 2024 meeting pending Ohlson's return.

Young asked if the Board wanted Definitions taken off the agenda. Marks stated yes, since the Board is not doing anything with them.

Cribbie asked Young if we had heard anything from our attorney as she was going to look at zoning and Marks asked Young to follow up with her.

**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 that he is hopeful for a decision on the Danforth Lane lawsuit within the next month.

Buckley stated the Zoning Board denied an STR application due to conflicting evidence and that the Zoning Board was generous with evidence to be presented and Buckley further stated that the Zoning Board is doing a great job and giving people time to look for evidence.

**CORRESPONDENCE/ADMINISTRATION:** Young, Land Use Boards Administrator let the Board know that the "Legal" line in the budget was cut from \$7,500.00 to \$5,000.00. Price stated he was the one who actually cut this line item and not the Budget Committee. Cribbie was concerned about legal fees with some issues coming up. Price stated they may have to revisit this.

Phil LaRoche gave his resignation to the Board and stated he could be available if needed for the next few meetings but that he was done when his term is up in March. The Board thanked LaRoche for his time on the Board.

Per the Board's instructions, Young had created a Release of Bond – Checklist for the Board's review and comments. Cribbie stated the draft looks good but he would like to a line item for dates work has been completed. Cribbie further stated he would like the town retain an engineer for any subdivision and that the applicant would need to pay for it.

**ADJOURNMENT:** **Motion** by Cribbie, seconded by LaRoche to adjourn. The motion passed **unanimously** and the meeting adjourned at 7:55 pm.

Respectfully Submitted,

Katharine Young  
Land Use Boards Administrator