



**TOWN OF MADISON
PLANNING BOARD
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**PLANNING BOARD MINUTES
January 3, 2024**

MEMBERS PRESENT: Marc Ohlson, Chairman, Paul Marks, Vice Chair, Karl Nordlund, Jay Buckley Paul Littlefield

MEMBERS EXCUSED: Dave Cribbie, Adam Price – Selectmen’s Representative and Phil LaRoche, – Alternate (Resigned)

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

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

ELEVATION OF ALTERNATES: Ohlson stated there were no alternates to elevate.

APPROVAL OF AGENDA: **Motion** by Buckley seconded by Nordlund to approve the agenda as presented. The motion passed **unanimously**.

APPROVAL OF MINUTES: **Motion** by Marks, seconded by Buckley, to approve the December 6, 2023 minutes as written. The motion passed **unanimously**.

PUBLIC COMMENT: Ohlson stated since Wes Smith was present for **Case #23-04** Ohlson closed the Public Comment portion of the Public Hearing.

PUBLIC HEARING: Ohlson read aloud **Case #23-04 – Continued (June 7, 2023, July 5, 2023, August 2, 2023 & September 6, 2023, October 4, 2023, November 1, 2023 and December 6, 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 December 14, 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 still does not have state subdivision approval and does not understand why except the state wanted the test pits verified and Smith did that because they are over 20 years old and he showed them on the plan and resent the documents in with the second fee for the second lot and for some reason, there was a computer issue and he was only charged for one lot, but there is two. Smith further stated that one lot is reducing in size and the other lot even though it was getting bigger, the state’s computer was not recognizing it because it was adding acreage to the smaller lot and because of this, the state could not process the paperwork. Smith stated this is the only documentation that Attorney Weegar needs to prepare the release for the town’s attorney to review. Smith asked the Board for another continuance and he believes he will have state subdivision approval and the town will have the documents in hand, Smith stated he did print out from the state’s website the receipt that the documents had been submitted but he left that document at the office. Smith does not expect any more issues

Buckley asked, procedurally, about the minutes the Board just approved which were the December 6, 2023 minutes and referred the Board to Page 1 and read as follows: **“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 stated again the state website says everything was submitted and modified and that no one at the state could tell him if the documentation had been reviewed so he is thinking it is in the cue to be reviewed, hence why he received that it was “submitted.” Buckley was concerned that a citizen would assume that a decision would be made tonight based on the December 6, 2023 minutes. Nordlund stated that the Board did not come up with the “final extension” language but that Smith did. Smith stated that the reviewer that he talked with at the state assured him that the documentation would be looked at but there was an issue with the state’s computer. Smith stated again that the issue is that he is adding to one lot and reducing the other and it did not trigger the fee so the state had to do the fee manually with IT personnel.

Smith stated he was open to discussing the entire project and the Board could vote on conditions of approval but he thinks having the attorney’s opinion would be easier to discuss all at once.

Ohlson asked Smith if the issue was resolved whether it was open land from DES? Smith stated the two lots in question were limited in the deed by what DES used to be which was Water Pollution and Control so whatever they were previously, they conditioned those two lots to not be able to be built on for the Oxfords third lot and it was the two lots the Oxfords owned previously prior to acquiring the one from the Town of Madison. Smith stated the Oxfords owned one lot on the left side of the brook and one on the right side of the brook and then the lot right next to it, so the Oxfords own all three lots. Smith stated that in the deeds it was conditioned that the one on the left and the one on the right were not to be built on for the one the Oxfords owned adjacent to the brook and then the Oxfords acquired the third lot on the right-hand side of the brook from the Town of Madison and in doing so, one of the requirements is the Oxfords merge the lots. The Oxfords thought they were merging the two they already owned but they did not realize that the town meant for the them to merge that lot with their adjacent lot and that is why they have one big good lot and then the other two lots which they thought they could build on when they acquired them but they did not realize they could not. Smith stated that the state has said if they get state subdivision approval and the lots met the minimum 600 gallons per day, that this would make those lots buildable and lift the condition contained in the deed and because the Oxfords own all these lots, they can release those lots to themselves as long as a release is recorded at the Carroll County Registry of Deeds referencing the subdivision. Smith stated once there is state subdivision approval and contains any notes on the plan, then Attorney Weegar can draft the Release which would then go to the Planning Board’s attorney for approval. Once approval is received, then the Release would be signed by the Oxfords and recorded at the Carroll County Registry of Deeds and then they would go to the Planning Board for the Boundary Line approval and the Book and Page of the Release would be added to the Boundary Line Plan, the Plan would then be signed and recorded at the Carroll County Registry of Deeds should the Planning Board vote to approve this.

Ohlson asked Smith if he still needed ZBA approval. Smith stated he did not think so because he did previously get ZBA approval for the lots to be less than two acres and this happened on August 17, 2022.

Ohlson asked the Board for a motion.

Motion by Marks, seconded by Nordlund to continue and extend **Case #23-04** to February 7, 2024 at the Madison Town Hall, lower level at 7:00 pm based on the conversation the Planning Board had tonight with Wes Smith, Agent for the Oxfords.

Discussion:

Buckley asked that in the December 6, 2023 minutes there is discussion about a site inspection and asked Smith if that has been done. Smith stated he did not know. Smith stated he did reflag the property so there should not be an issue but does not know if anyone has come to look at it. Smith stated the people in the office could not tell him if anyone has inspected the site.

The motion was voted on and passed **unanimously**.

OLD BUSINESS:

The question came up of whose terms are coming up for expiration. Young stated Littlefield and Ohlson. Young stated she would send an email of the timeline of when they can sign up.

Master Plan:

Ohlson asked the Board if they wanted to wait until a new Board or start working on the Master Plan chapter by chapter. Marks stated they should start it by doing it by a chapter at a time. Ohlson directed the Board Members to read Chapter One and they will discuss it at the February 7, 2024 meeting. Young had previously emailed the Master Plan to all the Planning Board Members.

NEW BUSINESS: Littlefield stated that he will sign up for another three-year term.

CHAIRMAN'S REPORT: Ohlson stated there was nothing to report.

SELECTMEN'S REPORT: Price was not present at the meeting so nothing to report. Marks asked Young if there was any development on the Danforth Lane court case. Young stated that nothing has happened yet as we have not heard from town counsel.

CORRESPONDENCE/ADMINISTRATION:

Young let the Board know she received a letter from the Planning Board's attorney that her fee is increasing to \$245.00 as of January 1, 2024.

Young let the Board know that to date, we have paid the Board's attorney \$2,630.77.

Legal Budget Line Item: Young asked the Board if they wanted to keep this line at \$7,000.00 instead of \$5,000.00 due to the upcoming litigation and increase in costs. The Board agreed to keep the legal line in the budget at \$7,000.00.

1.3.B:

Young told the Board that 1.3.B language was given to Michael Brooks, Town Clerk on December 19, 2023 to be put on the ballot.

Young stated that at the December 6, 2023 meeting Cribbie wanted to make sure the Board's legal counsel had reviewed the Zoning Ordinance for any discrepancies or issues. Young stated she emailed legal counsel, Keriann Roman, Esquire on December 15, 2023 and received a response that Attorney Roman did not receive and specific instructions on whether the Board wanted her to work on language and she further stated in her email also stated to the Board at the October 4, 2023 meeting, that the Wireless would have to be dealt with next year as it is more than a simple change. She also had some input as follows:

- **Add a provision to residential district – only one residential unit per lot unless otherwise specifically allowed under this ordinance or State Law.**
- **Wireless Telecommunications facilities – could be cleaned up – minor amendments for updates in the law for modifications**

- **Currently set up that noncompliance with ZO requirements goes to ZBA for variance**
- **Does not specify that this is a PB CUP process**

- **Workforce Housing section**
- **Some typos on section references**

Pomeroy Trails End Trust v. Town of Madison:

Young stated that with regard to the court case Pomeroy Trails End Trust v. Town of Madison the Board's legal counsel has asked that two members of the Planning Board attend the Hearing on the Merits at the Carroll County Superior Court in Ossipee, New Hampshire on January 24, 2024 at 1:00 PM. Ohlson has agreed to go as well as Buckley.

Reappointments:

The Board asked Young to check on the date for sign up for reappointment for a new term. Littlefield needs to sign up for another three years as well as Ohlson should he decide to do so.

ADJOURNMENT: **Motion** by Littlefield, seconded by Marks to adjourn. The motion passed **unanimously** and the meeting adjourned at 7:50 PM.

Respectfully Submitted,

Katharine Young
Land Use Boards Administrator