



**TOWN OF MADISON
PLANNING BOARD
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**PLANNING BOARD MINUTES
March 6, 2024**

MEMBERS PRESENT: Marc Ohlson, Chairman, Paul Marks, Vice Chair, Karl Nordlund, Jay Buckley Adam Price, Selectmen's Rep., and Dave Cribbie

MEMBERS EXCUSED: Paul Littlefield

OTHERS PRESENT: Katharine Young, Land Use Boards Administrator, MadTV Kasia Scontsas, 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 Cribbie to approve the agenda as presented. The motion was voted on and passed **6-0**.

APPROVAL OF MINUTES: **Motion** by Marks, seconded by Nordlund, to approve the February 7, 2024 minutes as written. The motion was voted on and passed **6-0**.

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

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, December 6, 2023, January 3, 2024 and February 7, 2024) - 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 February 14, 2024 at the Madison and Silver Lake Post Offices and in the Madison Town Hall – upper and lower levels.

Smith stated the Release of Covenant has been drafted and sent to the Planning Board's attorney and had been received with some changes in which Young emailed to Attorney Weegar, attorney for the Oxfords. Attorney Weegar will have the Oxfords sign the Release of Covenant and it will get recorded at the Carroll County Registry of Deeds for recording. Smith stated he will add the Release of Covenant Book and Page next to the Madison certifications on the plan and where the Zoning Variance note is Smith will add the same subdivision approval number. Smith requested a conditional approval from the Board to add the above notes to the plan and get the mylar with original signatures to the town for recording. Smith further stated that the on the plan, any rebars that state "to be set" are set and will be noted in the final plans.

Buckley stated that in the January minutes, there was mention of the water test which is the hydraulic test done by Eidelweiss's engineering and asked has this been done. Smith stated this needs to be done but

they cannot do it until the lots are released and the septic design is prepared. Smith believes this will be done during the septic design and stated they would have to have municipal water. Buckley stated that in the septic design or septic application it asks if you are going to connect to the public water system and Smith stated yes, that is what one of the conditions is that it is approved with municipal water supply only. Smith stated that the lots will not support a private well.

Smith stated he still needs to print the plans and asked the Board if plans could be signed out of session. Cribbie stated he wants conditions that that there is state subdivision approval and the recorded Release of Covenant.

Motion by Cribbie, seconded by Buckley to approve the Boundary Line Adjustment based on the following conditions: (1) that the applicant receives state subdivision approval and (2) the Release of Covenant is signed by the applicants and recorded in the Carroll County Registry of Deeds. The motion was voted on and passed **6-0**.

Motion by Cribbie, seconded by Buckley to authorize Paul Marks, Vice Chairman to execute the plans for recording at the Carroll County Registry of Deeds out of the session. The motion was voted on and passed **6-0**.

Young stated the recording fee for the plan was included in the application fee and Smith stated he would bring Young the check for \$25.00 for the L-CHIP fee for recording the mylar. Young stated she would obtain a copy of the recorded Release of Covenant from the Carroll County Registry of Deeds online.

OLD BUSINESS:

Master Plan: Young stated that she had contacted two planners. Steve Whitman of Resilience Planning and Design in Windham, NH which Marks gave her the contact information. Shawn Bergeron also gave Young the contact information for Jamel Torres of North Star Planning who was previously Conway's Planner. Whitman stated as far as the Master Plan, he would start fresh, do the research and engage in the community and the fee is roughly \$75,000.00 - \$90,000.00 and he could do a Zoom meeting or in person. Torres stated his office could do the whole Master Plan and provide it to the Planning Board for review and he can also do a one-hour presentation in person or via Zoom to give an overview. The fee for this one-hour presentation would be between \$300.00 - \$500.00. Marks stated that when he talked with Colleen King, (previous Land Use Boards Administrator) she stated in her previous jobs, she worked on Master Plans and she could give input and review the Master Plan if the Planning Board so chooses.

Ohlson stated that when you read the Master Plan there is some information that is definitely outdated but further stated that he does not believe the goals of the Master Plan have changed significantly. Young stated that there is no money budgeted at this time to revise the Master Plan.

Cribbie stated he believes it makes more sense to update demographics and update information that needs to be updated and he doubts that there is much of a change of heart in the population in spending the time and money on surveys, etc., is probably going to be a waste of time but it may be worth putting it to a warrant article to see what the members of the community think. Cribbie stated we are a town that already struggles financially and why would the town want to burden themselves to spend \$100,000.00 for something that in reality is not going to change anything that is done.

The Planning Board agreed to meet with Torres and would like him to attend in person at the May 1st meeting. The Board also decided they would like a written proposal for the \$300.00-\$500.00 cost. Young stated she would contact Torres.

NEW BUSINESS: Cribbie stated he thought there was something in our regulations regarding telecommunications for cable and internet, that there was a rule of some sort that required once a utility company comes to town, that they are required to cover the town within a certain timeframe and Cribbie could not find that rule on the website. Ohlson was not sure where to find that rule. Cribbie stated that we now have Fidium on Tasker Hill and Allard Hill and Ohlson stated in 447 and Cribbie stated yes, but not in the rest of the town for 367. Cribbie stated the reason he is asking this is that it appears that Fidum might not be in conformance with this regulation if we can find that regulation. Cribbie thought there was sort of rule that said if a company comes to town, they have a year or two that they would have to cover 80-90% of the town with your service to be in conformance. Buckley stated in the wireless communications section of the Zoning Ordinance it states that the wireless provider is required to cover the town. Cribbie does not know if this is something they should look into as he has received advertising for Fidium and he believes this is something the Planning Board would have to address on behalf of the town. Ohlson asked Young to check on this.

Buckley stated he wanted to make an amendment to the February 7, 2024 minutes which were previously approved and the change is on Page 2 of 3 and would he would like the second to last paragraph on that page to now read “Buckley stated that the Town of Bartlett is handling the Short-Term Rentals the same way the Madison Planning Board handled them **in proposing no new regulations.**”

Motion by Buckley, seconded by Marks to amend the February 7, 2024 minutes, Page 2 of 3 to read as follows: “Buckley stated that the Town of Bartlett is handling the Short-Term Rentals the same way the Madison Planning Board handled them **“in proposing no new regulations.”** The motion was voted and passed **6-0.**

CHAIRMAN’S REPORT: Ohlson had nothing to report.

SELECTMEN’S REPORT: Price stated the Selectmen received judgment in their favor in the Tayzach Realty Trust v. Town of Madison case. Price stated that as far as STR’s, the Zoning Board’s denial for the Gage case was forwarded to town counsel and town counsel is filing with the court to levy fines. Price stated he believes we will be in the negative as far as last year versus this year’s budget as the budget did not increase or decrease. Price further stated with the budget that is on the current warrant, we are at a tenth of a percent over last year but we received a check from the cable company and it ended up being a little lower than what they allocated to PEG TV which means they get to reduce that line item by around \$4,000.00 so we will be below last year’s budget going into this year.

Price stated there are still FEMA cases open and waiting on money coming back from that for the storm road damage and there are still minor repairs to be done from the storms.

CORRESPONDENCE/ADMINISTRATION: Young stated at last month’s meeting, the Board asked her to email the Board’s attorney and ask her if the bond for \$10,000.00 is enough for the Continuous Surety Bond for the Continuation Certificate for a Gravel Pit Restoration Bond for a Pike Industries, Inc. site which is identified as Tax Map 16, Lot 18-1 for Bond #14-003-762. The Board’s attorney stated she believed the \$10,000.00 is fair and is generally sufficient to cover reclamation but she could not guarantee this in all cases and she further stated that the Board does not have clear legal authority to require an additional bond amount now unless the operation has expanded. Buckley stated if excavation is continuing, that the area would be getting larger. Cribbie stated if you are expanding an active pit within the property boundaries you were granted and permitted, so they did have to submit a plan and if they are expanding beyond what the plan shows, then he believes there would be some sort of legal bounds to ask for more money but whatever plan they have on file, if it is not expanding beyond what they put on that plan, unfortunately, even if it was back in the 1980s, \$10,000.00 was a lot more than it is today and that is what it is. Cribbie further stated that \$10,000.00 today would not even get you an acre or restoration and he believes this site is 50-60 acres at least. Cribbie stated we should have a plan on file at the town hall and asked Young to see if she could find it.

Young stated at last month's meeting, the Board asked her to send an email to the Planning Board's attorney asking when the court is going to reschedule the Pomeroy Realty Trust v. Town of Madison case. Young did and the attorney responded in an email asking Ohlson if he wanted her to push for a new hearing date or just wait. Ohlson had not responded to the attorney and Young asked him how he wanted to proceed. Ohlson asked Young to send an email to the attorney asking her to just wait until the court reschedules the case.

Young stated that all As-Built plans for Banfield Hollow will be recorded on Friday, March 8th at the Carroll County Registry of Deeds and this should conclude this project as there is a Warrant Article by Petition before the town to accept a deed from Norja, Inc. for three roads in Banfield Hollow which are Brookstone Lane, Pebblebrook Lane and Whitton Ledge Lane.

ADJOURNMENT: Motion by Cribbie, seconded by Marks to adjourn. The motion was voted on and passed **6-0** and the meeting adjourned at 8:00 pm.

Respectfully Submitted,

Katharine Young
Land Use Boards Administrator