



**TOWN OF MADISON  
PLANNING BOARD  
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**PLANNING BOARD MINUTES  
May 1, 2024**

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

**MEMBERS EXCUSED:** Karl Nordlund

**OTHERS PRESENT:** Katharine Young, Land Use Boards Administrator and MadTV Kasia Scentsas

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

**ELEVATION OF ALTERNATES:** Ohlson stated there were no Alternates present to elevate and Ohlson also stated that the board has no Alternates and if anyone is interest in joining the board as an Alternate to please do so.

**APPROVAL OF AGENDA:** **Motion** by Marks seconded by Cribbie to approve the agenda as presented. The motion was voted on and passed **unanimously**.

**APPROVAL OF MINUTES:** **Motion** by Buckley, seconded by Marks, to approve the March 6, 2024 minutes as presented. The motion was voted on and passed **unanimously**. (**Note: There was no April 5, 2024 meeting due to no quorum and the storm**).

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

**OLD BUSINESS:** Ohlson stated we have not heard from Wes Smith about **Case #23-04**. Young stated the Release of Covenant has been recorded at the Carroll County Registry of Deeds but she has not seen the Boundary Line Adjustment Plan from Smith yet.

**NEW BUSINESS:**

**PUBLIC HEARING:**

Ohlson read aloud **Case #24-01 - 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 Modoc Hill Rd., Savary Rd., and Old Colony Rd.

**POSTING DATES & LOCATIONS:** Notice was posted on April 18, 2024 at the Madison and Silver Lake Post Offices, and in the Madison Town Hall – upper and lower levels. The hearing notice was published in the Conway Daily Sun on April 18, 2024 and April 23, 2024.

There was no one present from Eversource. Ohlson stated that Scenic Roads have a designation which requires the utility company to have a public hearing so that any of the residents or abutters on the roads can come in and have public comment and that is the function of the notice of Scenic Road Tree Cut.

**Motion** by Cribbie, seconded by Littlefield to approve the **Scenic Road Tree Cut for Case #24-01**. The motion was voted on and passed **5-0**.

**ELECTION OF OFFICERS:**

**Motion** by Buckley, seconded by Littlefield to re-elect Ohlson as Chairman. The motion was voted on and passed **5-0**.

**Motion** by Buckley, seconded by Cribbie to re-elect Marks as Vice Chairman. The motion was voted on and passed **5-0**.

**CHAIRMAN'S REPORT:** Ohlson had nothing to report.

Ohlson asked the board how they want to deal with the Coleman pits going forward. Cribbie asked if there were any updates? Ohlson stated that on the Ledge Pond Pit, the road has been moved and is obviously beyond Coleman's permit and Ohlson believed the permit did not include moving the road. Cribbie stated they would need to review the plans. Cribbie stated on the plan, it showed the road on the southern end of the property being in the position that it was going to be in forever but it did show the portion at the northern end still could move over further into the kettle pond. He further stated that the southern portion of the road was at the final location already and the northern portion was going to be part way down into the kettle pond.

Cribbie asked if citizen Ohlson wanted to step down from the board and sit in the audience and tell the board what he has seen with regard to his property.

Ohlson stated for the record, he is removing himself from the board and moving to the audience. Marks assumed the position as Chairman.

Ohlson stated that it is more on the Kennett Lot that Coleman bought from Russell and that Coleman has clearly moved into and fenced so Ohlson assumes that Coleman is going to excavate and that Coleman has fenced in about 60-80 feet and this would be a zoning violation. Cribbie asked if Coleman has disturbed more than two acres of land in terms of excavation or anything like that? Ohlson believes it is more than two acres. Cribbie stated if Coleman has exceeded more than two acres, that Coleman would need an Alteration of Terrain Permit which they would have to get from DES and find out if that is on file. Ohlson stated there is no excavation permit or zoning permit on file. Cribbie stated you can get an Alteration of Terrain Permit if you are not doing extraction in terms of that is not the purpose of the property. Cribbie stated we all know what the purpose for the property is and what you file it under would potentially dictate is it being used for gravel extraction or is it being altered for development and we do not know until we get the Alteration of Terrain Permit. Ohlson stated that NHRSA 155-E clearly defines what the limit of excavation is, which includes whatever you take away to excavate.

Marks asked if the board should send a letter to Coleman and ask for a copy of their permits? Buckley stated that if the board asks for the permits to what the board believes Coleman has done, they may not have permits pulled to prove what was in place prior to over a year ago. Buckley stated he believes the burden of proof is on the board to prove that two acres or more have been disturbed. Ohlson stated you can see the maps on Apple maps and that this is a zoning issue as excavating is being done in rural residential.

Cribbie stated he is going to check right now on his iPad on the DES One Stop portal to see if an Alteration of Terrain Permit has been pulled. Buckley stated once the board has a determination of visuals does the question go to Coleman, DES or both? Marks stated he believes both but that they should ask Coleman first to send the board a copy of the DES permit. Cribbie asked if the lot in question

was on the corner of Tasker Hill Road, the weird shaped lot that used to be Russell Kennett's? Ohlson stated it is the Bypass. Cribbie stated that Map 203, Lot 10 is not listed on the Alteration of Terrain Permits for DES filed for the Town of Madison. Ohlson stated that Map 203, Lot 10 is his property and Coleman is Map 203, Lot 9. Cribbie checked on the website for Map 203, Lot 9 and unless it was misfiled, there is only one that does not have a tax map and lot number that is an Alteration of Terrain Permit that is current in Madison, New Hampshire and there is none listed from Map 203 currently.

Cribbie stated the board could write a letter to Coleman and confirm it is at least two acres because if it is not two acres you would have to actually prove Coleman is extracting materials for gravel sales and one thing they could claim is, they are doing this because they are planning to develop the property and if it is under the two acres, it is a hard fight to be able to get and that being said, it is not typically economically viable to do less than two acres of disturbance and try to sell those materials. Cribbie stated if Coleman tries to grandfather it, this was not in common ownership back when RSA 155-E went into establishment which means it was not a grandfathered pit and Coleman would have to come before the board before they could get an Alteration of Terrain Permit.

Cribbie stated the Planning Board could make a site visit first and see what the complaint is first. Buckley stated that last correspondence from Coleman was asking the Planning Board members to stay off the property. Cribbie stated the board could view it from an adjacent property, especially if the adjacent property owner would allow the board access to their property to observe. Ohlson stated they could view from the Bypass corridor also and Cribbie stated yes, until it is sold. Cribbie stated again, they need to do a site visit. Marks stated they should do the site visit as a board and do it some evening. Cribbie stated he is available on Wednesday evenings. Marks stated that Wednesday, May 8, 2024 the board should meet at the corner of Tasker Hill Road and Allard Hill Road at 5:00 pm. Buckley stated that in conjunction with the site visit is the board going to have Young, Land Use Boards Administrator see if permits exist with either the owner and/or DES? Marks stated he believes the board wants to do the site visit first and verify. Cribbie stated this meeting would have to be posted. It was discussed and the posting would need to be in the Town Hall, Post Offices and the website.

**Motion** by Marks, seconded by Buckley to hold a site visit meeting on May 8, 2024 at 5:00 pm to view the property adjacent to Tasker Hill Road and the Bypass. The motion was voted on and passed **unanimously**.

Ohlson resumed his position on the board as Chairman and demoted Marks back to Vice Chairman.

Cribbie stated he could not make the site visit at 5:00 pm on May 8, 2024 due to another appointment and asked the board to change the time to 4:00 pm on the same day.

**Motion** by Buckley, seconded by Littlefield to amend the previous motion for the site visit on May 8, 2024 from 5:00 pm to 4:00 pm to view the property adjacent to Tasker Hill Road and the Bypass. The motion was voted on and passed **unanimously**.

**SELECTMEN'S REPORT:** Price had nothing to report. Ohlson stated he was not at town meeting and asked if the Banfield Hollow Warrant Article was accepted by the town. Price stated it was. Buckley asked about the five person Selectboard and if this takes place in 2025 and would they need two new members. Price stated there will be three slots available as Arruda's term will be up.

Cribbie asked about the discussion regarding Banfield Hollow and the bond. Price stated that Selectman Gray had a concern over damaging the roads that the three lots that are currently not built on and she was curious about a bond to protect those roads but the Selectboard deemed this unnecessary. Price stated that the town does not own the roads yet and the bond that was released by this board has not yet been released by Northway Bank and the deed for the town has not yet been recorded so technically, Banfield Hollow still owns the roads until this has taken place. Cribbie stated he does not believe there has ever

been a bond for anyone to do construction on a house lot except for during mud season and he believes this is the only time he has heard of this and he was surprised by this. Price stated that the discussion was that regardless of a bond, the owner is still liable for any damages caused to the road by construction so it is an unnecessary event.

**CORRESPONDENCE/ADMINISTRATION:** Young had nothing to report.

Ohlson stated that we have not heard from the court on the Pomeroy case. Young, Land Use Boards Administrator stated that the Land Use Boards Judge is probably overloaded as he is handling all cases in the state.

**EXECUTION OF AGREEMENT:**

Ohlson read aloud the Agreement for Professional Planning Services between North Star Planning and Town of Madison, New Hampshire. Marks stated that the board needs to have questions for Jamel Torres when he comes to the June 5, 2024 meeting. Buckley asked if a Warrant Article would be needed? Ohlson stated if the board likes what Torres presents, it is going to take him at least 20 hours to pull something together and it could cost around \$28,000.00 which said monies are not in the budget. Marks stated this should be a question for Torres to give the board an idea of what they are talking about for fees so this can be budgeted for down the road. Cribbie does not feel the board should expect to get an answer on June 5<sup>th</sup> from Torres because anything the Planning Board does is going to have to go out to a bid. Marks stated he wants an idea on time to get this done and hopefully Torres can offer the board advice on what they can do to update the Master Plan. Cribbie stated he does not think the minimal update for the Master Plan will be less than \$10,000.00. Cribbie further stated he is resistant in spending money and time on the Master Plan which he does not think will change all that much on how everything is done within the town. Ohlson stated he does not have the time either. Ohlson brought up the board joining North Country Council and maybe they could help. Ohlson stated he was hesitant to spend \$500.00 to find out it will cost \$30,000.00 that the board does not have and may be it would be better to go to town meeting and ask for \$30,000.00 to update the Master Plan and then work on bidding it out. Price stated that you are shooting yourself if the foot not knowing how much it is going to cost and what if it is \$70,000.00. Price stated he feels it is better spending the \$500.00 to get an idea of where you need to be. Young, Land Use Boards Administrator stated in her discussions with two planners, the cost to do the Master Plan could be between \$75,000.00 and \$100,000.00. Cribbie stated it will depend on what the taxpayers want to expend.

**Motion** by Cribbie, seconded by Buckley to spend \$490.00 for Jamel Torres, North Star Planning to attend the June 5, 2024 meeting. The motion was voted on and passed **5-0**.

Ohlson read aloud to the board members Jay Buckley's resignation letter. The board thanked Buckley for his many years of service on the board.

**ADJOURNMENT:** **Motion** by Cribbie, seconded by Buckley to adjourn. The motion was voted on and passed **6-0** and the meeting adjourned at 7:50 pm.

Respectfully Submitted,

Katharine Young  
Land Use Boards Administrator