



**TOWN OF MADISON
PLANNING BOARD
PO BOX 248
MADISON, NEW HAMPSHIRE 03849**
planning@madison-nh.org
Phone: 603-367-4332 x303 Fax: 603-367-4547

**PLANNING BOARD MINUTES
September 4, 2024**

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

MEMBERS EXCUSED: Paul Littlefield

OTHERS PRESENT: Katharine Young, Land Use Boards Administrator and MadTV Amanda Hayford

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 Cribbie seconded by Marks to approve the Agenda as written. The motion was voted on and passed by a vote of **5-0**.

APPROVAL OF MINUTES: **Motion** by Marks, seconded by Nordlund, to approve the July 3, 2024 minutes.

Discussion: Ohlson stated he would like to add to the July 3, 2024 minutes that he left the building after the motion was made at 7:15 pm to enter into Non-Public Session per RSA 91-A:311(l).

Motion by Marks seconded by Nordlund, to approve the July 3, 2024 minutes as amended and to include that Ohlson left the building after the motion was made at 7:15 pm to enter into Non-Public Session per RSA 91-A:311(l).

The motion was voted on and passed by a vote of **5-0**.

PUBLIC COMMENT: Ohlson opened Public Comment. There was none so Ohlson closed Public Comment.

PUBLIC HEARING:

Ohlson read aloud **Case #24-02**.

Case #24-02 – Preliminary Review for Kristopher Gagnon, Owner, 33 Ox Pasture Lane, Tax Map 234-033-001 to subdivide current 13.68 acre lot by creating two new lots. New lot sizes are approximately just over two acres and three acres.

K. Gagnon explained that he has roughly a 13 ½ acre lot and that he wants take two of the lots along the private road, Ox Pasture Lane and create two new lots, so essentially they would be

taking the 13.68 acre lot and making it into three lots. He further explained that the two new lots near Ox Pasture Lane would be over the two-acre minimum, obviously, pending a survey determining the land is suitable for building and then they would be left with approximately an eight and half acre lot. K. Gagnon further explained that both lots off Ox Pasture Lane would have the minimum of 200 feet of frontage on a private road and the variance he is looking for, is for the existing house lot (Lot 234-33-1) which would not have 200 feet of frontage along a private road and he would then be creating an easement to cross one of the new lots to get to lot (Lot 234-33-1) which would then be creating three lots out of the one lot he currently has now. Ohlson stated the definition of a lot in Madison needs 200 feet on a Class V or better road. K. Gagnon stated that he read either a Class V or a private road. Ohlson responded as depicted on a subdivision plan. K. Gagnon stated they are looking to subdivide this land and it is his understanding that Ox Pasture Lane is a private road. Cribbie stated that this would have to be part of the original subdivision and that this road does not meet a Class V standard. Ohlson stated that it must be 50 feet wide for the right of way. K. Gagnon stated that the right of way now, Ox Pasture Lane, is 50 feet but is not improved to a Class V road. K. Gagnon asked if this was improved to a Class V road, then would that give the lots the 200 feet of frontage? Ohlson asked what is Ox Pasture now? K. Gagnon stated it is essentially his driveway. K. Gagnon further stated that in the 1980's there was a proposed subdivision and when his house lot was created, there was no deeded access and that they went through Alpine Title and they now have a deeded access along Ox Pasture Lane. Ohlson asked who owns Ox Pasture Lane? K. Gagnon stated Lawrence and Marion Bickford. Cribbie stated there was a subdivision in that area that was a mess. Ohlson stated the problem would be the access and status of Ox Pasture and whether it exists as a subdivision and he asked K. Gagnon if it exists as a single piece of property and is it Lot 234-33-2? K. Gagnon stated that strip marked in yellow on the draft tax map provided to the board is their deeded easement which is 50 feet wide and they use the existing points from the subdivision plan for the easement that they have now and it was already laid out. K. Gagnon stated the strip is not its own lot but is part of the Bickford's land. It was further explained that the Gagnon's wanted to keep the strip and have their driveway run to Lot 234-33-1 and to also have access to the proposed 3.26 acre lot and 2.08 acre lot as shown on the draft tax map. Ohlson stated that there still is the issue of the definition of the lot which is 200 feet on a Class V or better road. Cribbie stated after looking at the strip as depicted in yellow on the draft tax map, it is a separate lot. Ohlson referred the Gagnon's to look under definitions for the definition of a lot in the Zoning Ordinance.

Ohlson explained it was like what was done for Banfield Hollow which was not a Class V road until last town meeting because it was a road on a subdivision and the owner subdivided the lot and created that roadway and built it to a Class V standard. Then when it was built out, the owner petitioned the town to take it over as a Class V road and up until that point, it is a road as depicted on a subdivision. Cribbie stated that the way Banfield was able to do this was because they built that road to a Class V road standard and he further stated that K. Gagnon would have to come before the Planning Board and for a three-lot subdivision, it would be costly because it would have to be a 20 foot wide paved roadway. Ohlson explained to K. Gagnon it would be a two lot because you cannot create a home lot and two front lots because the home lot would not have 200 feet frontage on a Class V road. K. Gagnon asked what the variance process through the Zoning Board of Adjustment is? Ohlson stated that K. Gagnon would have to talk with the Zoning Board of Adjustment. Ohlson stated it would be hard to make a hardship out of this situation and K. Gagnon would need to meet the five criteria. Ohlson stated the Gagnon's could do two lots assuming they solve the Class V road issue as they would have 200 feet of road frontage to create the interior lot. Ohlson further stated that any lots created need good legal access.

K. Gagnon stated with the property they own, there is an opportunity to create five single family homes. Ohlson stated that the regulations done in 1980 were not done for growth and that a lot created must be buildable. Cribbie stated that they would need to build a Class V road and that other property owners have been held to this standard and there are regulations that the Planning Board needs to enforce as far as access and the Gagnon's could talk to the town and try to change the regulations if they wanted.

Bryan Berlind interjected and stated instead of lots with frontage, they could do a detached condominium with all land in common and houses could be scattered within their 13 acres. Cribbie stated they would still need a Class V road. Berlind stated a detached condominium is not a cluster and further explained that all the land would be considered common land which is shared amongst others and there would be islands of homes and a yard scattered throughout that common land and that an association would need to be formed and then the road frontage issue might go away. Cribbie stated the one thing of caution is the possibility of high taxes doing this.

Ohlson further stated there are state RSA's that drive the no subdivision on a Class VI road which would be driven from state regulations and the state law changed in the late 1980's.

Case #24-03

Ohlson read aloud **Case #24-03**.

Case #24-03 – Subdivision for Alison Arthur, Owner with Arthur Charbonneau as Applicant and Bryan D. Berlind, Licensed Land Surveyor of Horizons Engineering, Inc., as Agent for property located at 551 Modoc Hill Road, Tax Map 222, Lot 14.

Ohlson asked Bryan D. Berlind, Agent for Alison Arthur to explain the case. Berlind stated that Arthur Charbonneau wants to buy Lot #1 as shown on a plan entitled "Subdivision Plan made for Alison C. Arthur et al" which is also known as "proposed Map 222, Lot 14-1" on said plan. Berlind further stated that Arthur would retain Tax Map 222, Lot 14 which would become 5.07 acres with 210 feet of road frontage on Modock Hill. Berlind stated that Modock Hill is a scenic road and that Lot #1 needed state subdivision approval which he stated he has and provided that to the board and he also provided the plan approved by the state which he gave to Ohlson. Young read aloud the following posting dates and locations.

POSTING DATES & LOCATIONS: Notice was posted on August 8, 2024 at the Madison and Silver Lake Post Offices and in the Madison Town Hall – upper and lower levels.

Ohlson asked the board if anyone had any questions? There were none.

Ohlson closed the public hearing comment portion of the meeting.

Ohlson asked for a motion from the board.

Motion by Cribbie to approve the Subdivision for Alison C. Arthur, 551 Modock Hill Road, Tax Map 222, Lot 14 as shown on the plan presented by her agent, Brylan D. Berlind and that the Chairman of the Planning Board will execute the mylar out of session. The motion was voted on and passed by a vote of **5-0**.

OLD BUSINESS: There was nothing to discuss.

NEW BUSINESS: There was nothing to discuss.

CHAIRMAN'S REPORT: Ohlson stated he had nothing to report.

SELECTMEN'S REPORT: Price stated that there are people in town looking to revise the Capital Improvement Program (CIP) and forming a CIP Committee. Price stated he would like the Planning Board to take this task back. Cribbie stated that this dropped off the Agenda and because the CIP was developed and then the Selectmen and Budget Committee changed it and the Planning Board was told too bad. Cribbie stated that Downs put a lot of effort into preparing the CIP. Price stated again, he would like the Planning Board to take this task back and then no CIP Committee would need to be formed.

Ohlson stated that the Master Plan does need to be done. Cribbie stated the CIP is critical. Price stated he will ask the Board of Selectmen to do a Warrant Article to allow the Selectmen to appoint members to the CIP Committee. Price also stated that a member of the Planning Board should be on this committee.

Ohlson asked if we should ask the town for \$100,000.00 to do the Master Plan? Price agreed the amount should be \$100,000.00 but that he was not in favor of spending money on the Master Plan.

Cribbie stated that there should be a public hearing for feedback from the public.

Motion by Cribbie, seconded by Nordlund to ask the Board of Selectmen to prepare for 2025, a Warrant Article for \$100,000.00 to update the Master Plan. The motion passed **4-1** with Price abstaining because he is a Selectman.

Cribbie asked Price if the Planning Board could have a vote to support the Warrant Article? Price stated that he would ask.

CORRESPONDENCE/ADMINISTRATION: Young asked if she could be provided with the pictures for the Coleman Pit that was discussed at last month's meeting so she can forward them to counsel. Marks has the pictures in his possession and handed them over to Young.

ADJOURNMENT: **Motion** by Cribbie, seconded by Marks to adjourn. The motion was voted on and passed by a vote of **5-0** and the meeting adjourned at 8:15 pm.

Respectfully Submitted,

Katharine Young
Land Use Boards Administrator