

**BOARD OF SELECTMEN
TOWN OF MADISON
AUGUST 6, 2014
MINUTES**

Selectmen Present - Chairman John Arruda and Josh Shackford. Selectman Michael Brooks arrived late.

Others Present - Town Administrator Melissa Arias.

Where and When Posted - Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on July 30, 2014.

Meeting Called to Order – By Chairman Arruda at 7:30 a.m.

NON-PUBLIC SESSION – 7:30 AM - Arruda made a **motion** to go into non-public session under RSA 91-A:3II(c) to discuss a property tax matter with a taxpayer and the Tax Collector, seconded by Shackford, and so voted. Roll Call Vote: Shackford – aye, Arruda – aye. **7:40 AM** – Arruda made a **motion** to leave non-public session, seal the minutes of the non-public session, and return to public session in order to review a building permit application, seconded by Shackford, and so voted **2-0**.

BUILDING PERMIT REQUEST – A building permit application has been received from local contractor Mark McConkey on behalf of property owner Joe Caparco off Nacomia Drive (tax map 115, lot 018). The proposed project is for a new home, breezeway, and attached garage with most of the frontage being off the Nacomia cul-de-sac. Former Code Enforcement Officer Bob Babine retired on June 25, 2014 and the new part-time Code Enforcement Officer doesn't start until September 2, 2014. Arias said she reviewed the building permit application and is uncomfortable proceeding as interim issuing agent since the Zoning Ordinance doesn't outline the setback requirement from the centerline of a road when the frontage is on a cul-de-sac. Arias told the Selectmen the Zoning interpretation and building permit decision needs to be made by the Board. Arias said she talked with Land Use Administrator Chris Young and Planning Board Chairman Marc Ohlson last week about the application and the lack of information in the current Zoning Ordinance. Arias received feedback from Young & Ohlson and they agreed that a Zoning Amendment in 2015 could clarify the intent for setbacks off a cul-de-sac. The Selectmen looked at copies of the tax map, original subdivision plan, and computerized rendering of the location for the proposed house with setbacks. McConkey has plotted the house at 84.45' from the center of the paved cul-de-sac at the end of Nacomia Drive and feels the location is compliant with the current setback requirement of 75' from the centerline of the road. Arias pointed out that this proposed location puts the house only 19' from the front property line along the Nacomia cul-de-sac which is less than the current sideline setback of 25'. Arruda said although the entire cul-de-sac at the end of Nacomia Drive is paved it could have been constructed with a center island. Therefore, he proposed requiring the building to be no closer than 50' from the front property line under the pretense that Nacomia Drive is a 50' deeded road. Dividing the 50' road right-of-way in half puts the center of the right-of-way at 25' from the front property line. Since the current setback requires a 75' setback from the centerline of the road this substantiates the requirement of the building being no closer than 50' from the front property line. Arruda said the difference in this case is the road frontage is along a curve because of the cul-de-sac. Shackford agreed with Arruda's proposal which, interestingly enough, and unbeknownst to the Selectmen, is the same interpretation Young and Ohlson came up with. Arias asked whether the Selectmen want to deny the building permit as submitted or allow McConkey and Caparco the opportunity to submit a new location sketch. The Selectmen instructed

Arias to notify McConkey of their determination and let him decide. Arruda said a denial will allow them to seek a Variance or Appeal an Administrative Decision with the Zoning Board of Adjustment. Arias will let the Selectmen know what McConkey decides and have one of them sign the denial form, if necessary. Brooks joined the discussion at this time and was brought up to speed on the discussion and determination which he indicated he was fine with.

8:05 AM – Arruda made a **motion** to adjourn, seconded by Shackford, and so voted **3-0**.

NEXT SELECTMEN’S MEETING – The next Selectmen’s meeting will be on Tuesday, August 12, 2014 at 5:30 p.m. The Fire Commissioners will hold a brief meeting during the Selectmen’s Meeting on the same day.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary