

**MADISON ZONING BOARD
APPROVED MINUTES
SEPTEMBER 21, 2016**

CALL TO ORDER: Mr. Lucy, Chair, called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE: Mr. Hughes led those assembled in the Pledge of Allegiance.

ROLL CALL: Mrs. King called the roll.

ATTENDANCE:

Mark Lucy, Chair – Present

Stuart Lord, Vice-Chair – Present

Ken Hughes – Present

Henry Anderson – Present

Hershel Sosnoff – Excused

Mark Totman, Alternate – Present

Kevin O’Neil, Alternate – Excused

Staff Present: Colleen King- Land Use Administrator,

Others Present: Bob Boyd- Madison Building Inspector, Greyson and Jennifer Merrill

POSTING DATES & LOCATIONS: 9/8 at Madison Town Hall and Lower Level, Madison Post Office, and Silver Lake Post Office, Conway Daily Sun (9/10/16)

Mr. Lucy became aware that the Applicant for Case # 16-04 was not yet present and exercised the discretion of the Chair to alter the order of the agenda.

APPROVAL OF AUGUST 17, 2016 MINUTES: Draft Minutes were reviewed and edits made. Mr. Lucy made a motion to accept the minutes as amended; seconded by Mr. Anderson. Four members in favor; Mr. Hughes abstained. **Motion passed 4-0-1.**

RULES OF PROCEDURE: Mr. Lucy explained that tonight was the second hearing for the Rules of Procedures and asked the Board if there were any further comments. Mr. Sosnoff emailed his comments to Mrs. King; Mr. Sosnoff stated that the wording on page 5-p should read ‘3 concurring votes’ and that the sentence should read ‘In accordance with NH RSA 674:33.III, 3 concurring votes shall be necessary to approve an appeal.’

Mr. Lucy added that the Chair may vote to break a tie.

MOTION: With no additional comments at this second hearing, Mr. Lucy motioned to adopt the Rules of Procedure. Mr. Anderson seconded; all in favor.

VOTE: Motion passed 5-0. Mr. Lucy requested that Mrs. King finalize the process.

NEW BUSINESS:

2016-2017 Draft Budget – Mrs. King provided a current draw-down of the 2016 budget and the 2017 submission dates were discussed. Mr. Lucy suggested that if the submission date is before the October 19 meeting, the amounts from 2016 budget should be submitted for the 2017 budget. Mrs. King was asked if there was anything needed for her to complete her job responsibilities. She stated that she would get back to them via email, before the submission date.

NHPA Training Update:

Mrs. King reported that the Training which was previous scheduled for Nov 5 will need to be pushed out until 2017. There is not enough time for the upfront preparations needed. Mrs. King will pursue this for the spring of 2017.

The 2016-2017 edition of the NH Planning and Land Use Regulations Handbook is now available for bulk ordering; the cost is approximately \$6.00 each. Mr. Lucy suggested that 10 copies be ordered (all Board Members, Mrs. King, office copy, and one extra).

Building Inspector/ Code Enforcement Update:

Mr. Bob Boyd reiterated the importance of the Town maintaining its consistent enforcement and treatment for all cases regarding 30 day appeal period and the calculation of the 30 calendar day appeal period. Per his conversation with Mrs. King, the Local Government Center confirmed that our 30 day appeal period is 30 calendar days. The 30-day appeal period needs to be held firm and failure to uphold that 30 calendar rule could open the Town up to litigation. Mr. Lucy confirmed that the day after the vote or issuance date is Day 1 of the 30-day appeal period.

Mr. Lucy returned to item #4 on the Agenda.

POLLING FOR CONFLICT OF INTEREST/ SEATING OF ALTERNATES:

Mr. Lucy polled each Board Member for any Conflict of Interest issues with this Appeal. Hearing none, Mr. Lucy elevated Mr. Totman to a full member for this hearing, in the absence of Mr. Sosnoff and a full Board will hear Case #16-04.

Mrs. King reported that all abutters had been mailed the Abutters' Notice by certified receipt mail.

ZBA CASE #16-04

Mrs. King read Case # 16-04 into the record

CASE #16-04, Attorney Christopher Meier, agent for Terrance Hurd, of 19 Middle Shore Drive, Tax Map 105/Lot 117, Village District of Eidelweiss, filed an Appeal of Administrative Decision for property located at 17 Middle Shore Drive, Tax Map 105/Lot 118 and owned by Greyson and Jennifer Merrill.

Mr. Lucy stated that the Board needs to determine if the proper application has been filed and asked Mrs. King about the completeness of the application. Mrs. King stated that the application was hand-delivered on Monday August 29, 2016 and date-stamped as received by the Selectman's office on Monday August 29, 2016.

The Building Permit being appealed is a renewal of a previous Building Permit and was re-issued on July 27, 2016.

DISCUSSION: Mr. Lucy verified that the ZBA Rules of Procedure specifically states that "a Motion for Rehearing shall be filed within thirty (30) days of a decision of the Zoning Board. This thirty day period shall be counted in calendar days beginning with the date following the day upon which the board voted to grant or deny the application". Mr. Lucy counted out the 30 day appeal period on the wall calendar. Mr. Lord agreed that the application was filed 3 calendar days late. No further discussion.

MOTION: Mr. Lord made a motion to deny this request for an Appeal of Administrative Decision because the calendar days of the appeal period begin with Thursday July 28, 2016 being Day 1 and end with Friday August 26, 2016 being Day 30 and this application, received on August 29, 2106, was 3 calendar days late. Mr. Lucy seconded. No discussion; All in favor.

Motion passed 5-0

Mr. Lucy stated that the Board's decision was based on the fact that the application was not filed in a timely fashion. If the applicant wishes to appeal tonight's decision, there is a 30 day appeal period and day 1 starting tomorrow September 22, 2016.

ADJOURNMENT

Mr. Lucy made a motion to adjourn.
Mr. Lord seconded; Motion passed.
Meeting adjourned at 6:40pm

The next ZBA Meeting is scheduled on October 19, 2016.

Respectfully Submitted,

Colleen King
Land Use Boards Administrator

Note: These minutes were approved at the October 19, 2016 ZBA Meeting.