

**Zoning Board of Adjustment  
Town of Madison  
PO Box 248  
Madison, NH 03849**

**Minutes  
August 24, 2011**

Members Present: Henry Anderson, Peter Craugh, Ken Hughes, Mark Lucy, Kevin O'Neil, and Hersh Sosnoff

Members not Present: Jay Bisio

Staff Present: Bob Babine – Code Enforcement Officer and Wendy Huff – Administrative Assistant

Others Present: Phil LaRoche

Meeting Agenda Posted: 08/10/11 at Madison Town Hall, Madison Post Office, Silver Lake Post Office

1. **CALL TO ORDER:** Mr. Lucy called the meeting to order at 7:00 P.M.

2. **ROLL CALL:** Mrs. Huff called the roll.

3. **NEW HEARINGS:** none

4. **CONTINUED HEARINGS:**

**Case 11-02:** Total Concept Property Management LLC, 2142 Village Road, Tax Map 233 Lot 10.1, Village District. Applicant proposes to operate a property management & real estate business with warehouse space requiring a Special Exception from Section 4.4.B of the Zoning Ordinance.

Notice was made in the Daily Sun and posted at both post offices and the town hall. Abutters were notified by certified mail on 08/03/11. All return receipts have been returned and all fees have been paid. Mr. Hughes and Mr. Anderson both stated they have had a business relationship with Mr. LaRoche but felt they could hear the case objectively; there were no objections from other board members or the applicant. Mr. O'Neil was raised to voting status. There are no waiver requests and the application was not considered to be of regional impact. Mr. Lucy swore in all those who would be speaking to the application.

The public hearing was reopened at 7:05 P.M. Mr. LaRoche gave a brief history of the lot and the structure which was used as a full service vehicle repair and gas station in the fifties. He explained that he feels strongly that "Main Street" needs some historic improvement and he plans to build a similar style structure while being sensitive to the abutters. He reviewed the Special Exception criteria as follows: his business would be compatible with other businesses in the area; the new building will be on the existing footprint and constructed to look like the old Clayton & Ward garage; the business will operate during normal daytime hours and the existing grease pit will be removed; there will be no traffic issues; the plan allows for ample parking for employees and visitors; and the existing setbacks are grandfathered.

Mr. LaRoche explained that his business has been in operation for seven years and comprises three areas of service: (1) commercial and residential property management with corresponding office space and equipment storage; (2) vacation rentals; and (3) property maintenance. He noted that the floor will be cement and there will be no vehicle maintenance performed on site. The Board reviewed the photographs provided by Mr. LaRoche. Mr. Lucy stated he is a strong proponent of village districts and felt that being right on the road is indicative of a village atmosphere. There was a brief explanation of the Special Exception process in response to a question from Mr. O'Neil. Mrs. Huff relayed comments from abutter May Ward

who has no objections to the project. Mr. LaRoche confirmed that there is an existing DOT driveway permit. There being no further questions, the public hearing was closed at 7:25 P.M.

Finding of Facts: Mr. Lucy felt that the testimony provided a clear summary of the facts of the application. It was noted that the existing footprint, parking, and driveway will remain as is and the use will be less onerous. Mr. LaRoche provided a certified survey.

Deliberation: The Board reviewed the Special Exception criteria.

- The use is compatible and will not impact the abutting properties: improving the lot will be beneficial to surrounding properties and office space is allowed
- The use is architecturally compatible: the intent is to replicate the historic building
- The use is not offensive: the building will be used primarily for office space to manage the business with the actual work taking place off premises
- Traffic access will not create a safety hazard: the parking and entrance and egress are maintained as grandfathered and will not create any issues
- Parking: there is sufficient parking with one handicapped space
- Setbacks: the existing non-conforming physical characteristics of the property are grandfathered per Zoning Ordinance Section 1.3.B.

Vote: Mr. Craugh moved, seconded by Mr. Lucy, to grant the Special Exception as presented. The motion passed unanimously. Mr. Lucy read the rules of appeal.

**5. OTHER BUSINESS & COMMUNICATIONS:** Ms. Huff distributed a brochure for the fall Law Lecture Series. The proposed budget for 2012 was reviewed; the Board approved the same budget numbers used in 2011.

**6. APPROVAL OF MINUTES:** Mr. Craugh moved, seconded by Mr. Lucy, to approve the minutes of June 15, 2011 as presented. Motion passed. Mr. Craugh moved, seconded by Mr. Lucy, to approve the minutes of August 17, 2011 as presented. Motion passed.

Non-Public Session: Mr. Lucy moved, seconded by Mr. Hughes, to enter non-public session at 7:55 P.M. to discuss a pending legal matter pursuant to RSA 91-A:3 (e). Vote: Anderson – yes; Craugh – yes; Hughes – yes; Lucy – yes; O’Neil – yes; Sosnoff – yes. Motion passed.

The regular meeting resumed at 8:10 P.M. The minutes of the non-public session will be sealed; no action was taken.

**7. ADJOURNMENT:** Mr. Lucy moved, seconded by Mr. Hughes, to adjourn the meeting at 8:10 P.M.

Respectfully submitted,

Wendy J. Huff  
Administrative Assistant

Minutes Approved: September 22, 2011  
Corrections: none