



**TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
PO BOX 248
MADISON, NEW HAMPSHIRE 03849
planning@madison-nh.org**

Phone: 603-367-4332 x302 Fax: 603-367-4547

**ZBA DRAFT MINUTES
AUGUST 15, 2018**

CALL TO ORDER: Chairman Lucy called the meeting to order in the Town Hall meeting room at 6:03pm.

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

ATTENDANCE: Mrs. King called the roll:

Mary Lucy, Chair - Present.

Mark Totman - Present

Stuart Lord - Present.

Bebe Bartlett, Alternate - Excused

Ken Hughes - Present.

Melissa Arias, Alternate - Excused

Henry Anderson - Present.

Kevin O'Neil, Alternate - Excused

OTHERS PRESENT: Stanley Reczek, Marilyn Rial, William & Iona Hayden, Colleen King - Land Use Administrator.

MEETING NOTICE/ ELEVATION OF ALTERNATES:

Mrs. King reported that tonight's meeting was posted on July 26, 2018 in the Conway Daily Sun, Madison Town Hall upper and lower levels and the Madison & Silver Lake Post Offices. There was a full 5-member board for tonight's hearing and no Alternates were present.

Mr. Lucy announced that he would reverse the order of the agenda with the Public Hearing before the Approval of the Minutes.

PUBLIC HEARING:

CASE # 18-05: A Variance is requested pursuant to Madison Zoning Ordinance Article V, Section 5.9 A & C by owners William and Iona Hayden, for property located at 34 Island Drive, Map 107, Lot 37, to permit a 12' x 16' shed to be located within 25' of the boundary line and within 75' of Pea Porridge Pond.

CONFLICT OF INTEREST:

The Board was individually polled for any conflicts of interest with Case #18-05:

Mr. Lord - No

Mr. Totman - No

Mr. Anderson - No

Mr. Lucy - No

Mr. Hughes - No

REGIONAL IMPACT:

The Board was individually polled on whether this case had regional impact:

Mr. Lord - No Mr. Totman - No

Mr. Anderson - No Mr. Lucy - No

Mr. Hughes - No

RULES OF PROCEDURE/ SWEARING-IN:

Mr. Lucy reviewed the Rules of Procedure and swore-in those who wished to speak on this Public Hearing.

WAIVER REQUEST:

The applicant asked for a waiver request and in lieu of a certified plot plan, presented a topographical plan of the lot which was done by Surveyor Ron Briggs.

MOTION

Mr. Lucy made a **MOTION** to grant the waiver request as the plan presented was done by a licensed surveyor, known to the Board. Mr. Hughes seconded.

DISCUSSION

Mr. Lord pointed out that the combination of topographical map, along with the detailed hand-drawn map are sufficient. However, each map alone would not suffice.

VOTE All Approved.

Mrs. Hayden gave some background on the property. They purchased the house in December 2016 and during 2017, they began to remodel. She explained that they have never done any work on previous homes and were not aware that any building, plumbing or electrical permits were required. After losing power in October 2017, they had an generator installed and the electrician did pull a permit. When Building Inspector Bob Boyd inspected the work, he noticed that a 16' x 20' shed had been placed within the sideline setback and the shoreline setback. He informed the Haydens that a Variance was needed before he could issue a building permit for the shed, which was 16' tall. Mrs. Hayden explained that they needed the shed for furniture as they were downsizing and the shed was put in the only logical place on the lot. They had excavation work done within the shoreline setback and had fill and large boulders brought in to prop up the rear of the shed. The land has a steep slope towards the water.

Mr. Lucy stated that they were in violation of the NH DES Shoreline Protection regulations with the location of the shed and a NH DES Shoreland Redevelopment Permit would be required for excavation work done within 250' of the water.

Mrs. King read Mr. Boyd's letter into the record, which explained the timeline of events.

PUBLIC COMMENT:

Mr. Lucy opened the Hearing for anyone to speak in favor or against this application.

Mr. Stan Reczek is the abutter to the right at 32 Island Drive and from their kitchen window, they look directly at the 16' side wall of the shed which is approximately 5' from their side lot line. He presented photograph of the shed from his property and stated that he had no exception to what Mrs. Hayden presented. He does not want to infringe on their use of their lot and believes that they were unaware of the zoning requirements. However, he does not think that the Haydens considered how the shed would adversely impact the Reczek's enjoyment of their own property.

Mr. Reczek had 5 points to make:

1. Some of the Haydens improvements spilled over the property line onto the Reczek's lot.
2. The shed has a 5' retaining wall which is 2.5' from his property line.
3. His 6' bay window faces the side of the shed.
4. The lots are small, some only 100' wide and this shed is very imposing.
5. The shed is 16' tall, 20' long and 16' wide.

In Spring 2018, the Reczeks first saw that the shed was directly outside their kitchen window. They spoke to the Haydens about relocating the shed away from the side lot line and further away from the water. There was no resolution. The Reczeks are concerned about their property value and the long term effects of contractors not pulling permits, with abutters being stuck with structures that violate zoning. It is the homeowner's responsibility to pull the necessary permits.

Mr. Lucy closed the Public Comment portion of the Hearing.

BOARD DISCUSSION:

Mr. Lucy lead the discussion of location options with the full Board participating.

MOTION:

Mr. Anderson made a **MOTION to Continue** this hearing to a future date, as soon as possible and allow the Haydens to further explore other locations for the shed.

Mr. Hughes seconded.

DELIBERATION:

Mr. Lucy suggested that the Haydens contact Briggs Surveyors to determine the location of the leach field, the pump chambers and a possible location for the shed. A variance for street frontage is less offensive than a variance for the side lot line.

Mr. Lord stated that a continued case to explore options is more favorable than a denial tonight.

VOTE: All Approved

APPROVAL OF JULY 18, 2018 DRAFT MINUTES

The Draft minutes were reviewed with edits made. **MOTION** was made by Mr. Hughes, seconded by Mr. Anderson, with no further discussion.

VOTE: Mr Lord, Anderson, Hughes and Totman approved. Mr. Lucy abstained. **APPROVED.**

NEW BUSINESS:

CASE # 17-06 APPEAL OF ADMINISTRATIVE DECISION:

Mr. Lucy gave an update on the Connolly v Town of Madison appeal to Superior Court. He was served at his residence and the Town was also served.

2019 PROPOSED BUDGET:

This will be reviewed at the September meeting.

ADJOURNMENT:

Mr. Lucy made a **MOTION** to adjourn; Mr. Totman seconded. All Approved.

The meeting adjourned at 7:50pm.

Respectfully submitted,
Colleen King, Land Use Administrator