



TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
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ZBA APPROVED MINUTES
JUNE 20, 2018

CALL TO ORDER: Vice-Chair Lord called the meeting to order in the Town Hall meeting room at 6:00pm.

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

ATTENDANCE: Mrs. King called the roll:

Mark Lucy, Chair - Excused/Recused.	Mark Totman - Present
Stuart Lord, Vice-Chair - Present.	Bebe Bartlett, Alternate -Present
Ken Hughes - Present.	Melissa Arias, Alternate - Excused/Recused
Henry Anderson – Present	Kevin O'Neil, Alternate - Excused

OTHERS PRESENT: Colleen King - Land Use Administrator, Carol Dandeneau - Madison TV,

APPROVAL OF MINUTES:

APRIL 18, 2018 NON-PUBLIC MINUTES -The Draft Non-Public minutes were reviewed with no edits. Mr. Anderson made a **MOTION** to approve the minutes as written; seconded by Mrs. Bartlett. Mr. Totman abstained. All others approved.

MAY 16, 2018 DRAFT MINUTES – These will be reviewed for approval at the July 18, 2018 meeting.

ZBA CASE 17-06R REQUEST FOR REHEARING

Attorney Christopher Meier, agent for applicants R. Kevin, Christopher, and Kelly E. Connolly, 585 East Shore Drive, Tax Map 135/ Lot 7, for an Appeal of an Administrative Decision pursuant to the Madison Zoning Ordinance 1.3B and relating to a Building Permit issued on property owned by Mark and Teresa Richey and located at 599 East Shore Drive, Tax Map 135/ Lot 8.

MEETING NOTICE / ELEVATION OF ALTERNATES / CONFLICT OF INTEREST

Mr. Lord explained that this case was originally heard and denied on January 17, 2018. A request for a rehearing was granted based on a technical error and on May 16, 2018, the case was reheard and denied for the second time. Mrs. King reported that tonight's meeting notice was posted on June 7, 2018 at Madison Town Hall, upper and lower levels and the Madison & Silver Lake Post Offices.

Mr. Lord elevated Alternate Bebe Bartlett to sit in for Mr. Lucy who recused himself.

The Board was individually polled for any conflict of interest:

Mr. Lord – no Mr. Totman – no Mr. Hughes – no
Mr. Anderson – no Mrs. Bartlett – no

DELIBERATION

Mr. Lord read the criteria for granting a Rehearing from the NH Board of Adjustment Handbook as, ‘the petitioner claims a technical error has been made to his detriment or he can produce new evidence that was not available to him at the time of the first hearing’.

The first Rehearing was granted on a technical error, that the Variance granted in 2009 may not have been valid. It was determined by the passage of HB 1533, that the 2009 Variance is valid, as the Town of Madison has not taken any action.

Mr. Anderson confirmed that this is the second Motion for a Rehearing on this case.

Mr. Lord compared the first and second Motions side by side and the nine pages were almost identical with only 2 differences:

1. Pg. 4 ‘The Motion for Rehearing follows pursuant to RSA 677:2. See also RSA 677:4 (appeal to Superior Court is only from vote to “deny the motion for rehearing”.)’
2. Pg. 9 ‘This taint is not removed by the Zoning Chair’s later recusal (following the original hearing and for the rehearing) because the remainder of the panel sat on the decision.’

Mr. Lord stated that he could take offense at the statement of being tainted, as he is not tainted.

Mr. Hughes stated that he is absolutely not tainted and commented that it seems like Atty Meier wants the whole Board to recuse themselves.

Mrs. Bartlett stated that she is not tainted and makes her own decision.

Mr. Anderson stated that he is not tainted by Mr. Lucy.

Mr. Totman stated that he is not tainted by Mr. Lucy and makes up his own mind.

MOTION

Mr. Lord made a **MOTION to DENY** the request for a Rehearing for the following reasons:

1. There was no technical error made by the Board.
2. There was no new information provided.

Mr. Anderson seconded the **Motion** with a roll call vote to **DENY THE MOTION:**

Mr. Lord – Approve Mr. Totman – Approve Mr. Hughes – Approve
Mr. Anderson – Approve Mrs. Bartlett – Approve

Mr. Lord stated that the next step in the Appeal Process is to file with Superior Court within 30 Days of this decision, day one being tomorrow June 21, 2018, if the applicant so chooses.

ADJOURNMENT

Mr. Totman made a Motion to Adjourn; Mrs. Bartlett seconded. All Approved.
The meeting adjourned at 6:25pm.

Respectfully submitted,
Colleen King, Land Use Administrator

These Minutes were approved with edits at the July 18, 2018 ZBA meeting.