



**TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
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**ZBA MINUTES
DECEMBER 18, 2019**

CALL TO ORDER: Chairman Lucy called the meeting to order in the Town Hall meeting room at 6:00pm.

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

ATTENDANCE: Mrs. King called the roll:

| | |
|-----------------------------|------------------------------------|
| Mark Lucy, Chair - Present. | Henry Anderson - Present. |
| Stuart Lord - Present. | Mark Totman - Excused |
| Ken Hughes - Present. | Bebe Bartlett, Alternate - Excused |

OTHERS PRESENT: Norman and Lorraine St. Pierre
Colleen King - Land Use Administrator and Carol Dandeneau- Madison TV Videographer.

PUBLIC HEARING:

CASE # 19-03: A Variance is requested pursuant to Madison Zoning Ordinance Article V, Section 5.9A by owners Norman and Lorraine St. Pierre, for property located at 44 Rosewood Lane, Map 118, Lot 10, in the Village District Zone, to permit a 30' x 30' garage within 25' of the north boundary line.

MEETING NOTICE:

Mrs. King reported that tonight's meeting was posted on December 4, 2019 in the Conway Daily Sun, Madison Town Hall upper and lower levels and the Madison & Silver Lake Post Offices.
All abutters were notified by certified mail.

CONFLICT OF INTEREST:

The Board was individually polled for any conflicts of interest with Case #19-03:

| | |
|-------------------|---------------|
| Mr. Hughes - No. | Mr. Lord - No |
| Mr. Anderson - No | Mr. Lucy - No |

Mr. Anderson wanted it on the record that although he is not an official abutter to the applicant, the property is across the lake from his property.

There was a 4-member board present for voting on tonight's hearing and Mr. Lucy confirmed with the applicant that they may request a continuance to be heard by the full 5-member Board or go forward with a 4-member Board. The Applicant stated that they wanted to proceed with a 4-member Board tonight.

WAIVER REQUESTS: Mrs. King reported that the applicants have filed a Waiver Request with their application and would like to explain their request.

RULES OF PROCEDURE/ SWEARING-IN:

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

WAIVER REQUEST (con't.) The applicant explained that the survey had been recently done and the markers are in place. He presented drawings, maps and photos depicting the survey markers and their location relative to the garage and driveway. They purchased the property in 2015, which had been surveyed just prior to the sale. Mr. Anderson asked about the garage appearing to overlap the house on the drawing. The applicant explained that there is a 14' single stall garage and they want a 2-stall garage.

Mr. Lord clarified that the request is actually less than 30' x 30'. The applicant stated that an additional 16' is needed for the 2-stall garage.

Mr. Lord reminded the Board that they need to determine if this information given is sufficient to make a good decision.

Mr. Lucy polled the Board on whether the graphics presented are sufficient to make a knowledgeable decision:

Mr. Anderson – Once the hashmarks were explained on the graphics, he stated yes.

Mr. Lord – He visited the property, saw where the pipes are and stated yes.

Mr. Hughes – He is very familiar with this property and stated yes.

Mr. Lucy – He did not believe that the non-certified plan was sufficient and stated no.

Waiver request was granted 3-1.

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

Mr. Hughes - No.

Mr. Lord - No

Mr. Anderson - No

Mr. Lucy - No

PRESENTATION: The applicant wants to replace the 14' 1-stall garage with a 30' x 30' 2-stall garage on their property at 44 Rosewood Lane and because the setback requirements are 25', a variance is needed for 14' setbacks. He has a letter from the abutter who he shares a driveway with and owns the Bed and Breakfast. They have no problem with this proposal. He has also received a Shoreline Permit from NH DES. They moved up here permanently in 2015 and really need a 2-stall garage.

Mr. Lord asked if they considered any other location on their lot? The applicant did consider the other side of the house but the land was sloping with steep drop-offs and it would be closer to the septic tank. Although they have 2 acres, most of the land is not usable because of the wetlands and the steep drop-offs. He estimated that maybe 2/3's of an acre is usable.

Mr. Lucy asked about the location accuracy of the house on the map. Mr. Anderson verified the location.

Mr. Lord walked the property and calculated that maybe 2/3 acre is usable.

PUBLIC COMMENT:

Mr. Lucy opened the Hearing for anyone to speak for or against this application. Mrs. King read the abutter's favorable letter from Steve and Donna Borges into the record.

Hearing no further comments, Mr. Lucy closed the Public Comment portion of the Hearing.

BOARD DELIBERATION: The Board was unanimous in their vote to begin deliberation.

Mr. Lucy expressed his concern with the lack of a certified plot plan and realizes that the Board voted to grant a waiver for this requirement.

SUMMARY OF FACTS:

1. This is a unique triangular lot.
2. Although it is 2.1 ac, much of the lot is unbuildable due to wetlands or the steep slope of the land.
3. No matter where the garage is located, it will encroach on something and this is the best location.
4. It is not an expansion of 30' x 30'; it is a 116' x 30'.
5. Extending the driveway past the house would add more impervious surface, which is detrimental to the lake and wetlands.
6. A garage for both vehicles is a necessity living in northern NH.
7. It has a shared driveway on a private road.
8. The tax map labels Rosewood Lane as a 'ROW'.
9. The building permit denial states a Variance is needed for the 25' lot line setback.

Mr. Lucy made a **MOTION** that the Summary of Facts be adopted as Findings of Facts; Mr. Lord seconded. With no further discussion, there was a unanimous vote to adopt the Findings of Facts.

Mr. Lucy read the requirements of a Variance and led the Board discussion on whether the Applicant met all 5 of the criteria. Mr. Lord stated that the Findings of Fact addresses the criteria for a Variance. The general public does not lose anything by this variance being granted. The Board then voted on whether the criteria has been met as a whole and not individually.

MOTION/VOTE: Mr. Hughes made a MOTION to grant a Variance pursuant to Madison Zoning Ordinance Article V, Section 5.9A by owners Norman and Lorraine St. Pierre, for property located at 44 Rosewood Lane, Map 118, Lot 10, in the Village District Zone, to permit a 30' x 30' garage within 25' of the north boundary line; Mr. Lord seconded. With no further discussion, a roll call vote was taken.

Mr. Hughes - Yes. Mr. Lord - Yes
Mr. Anderson - Yes Mr. Lucy - No

BY a vote of 3-1, the Variance was Granted.

Mr. Lucy reviewed the 30-Day Appeal period stating that day one begins on December 19, 2019.

APPROVAL OF AUGUST 21, 2019 DRAFT MINUTES: The Draft Minutes were reviewed with edits made.

MOTION was made by Mr. Lucy, seconded by Mr. Hughes.

Mr. Hughes - Yes. Mr. Lord - Abstain
Mr. Anderson - Yes Mr. Lucy - Yes

ADMINISTRATIVE:

Election of Officers – Mr. Anderson made a **MOTION** to keep the same slate of officers; seconded by Mr. Lucy. There was no further discussion and the vote to approve was unanimous.

Calendar – Mrs. King will email the deadline and meeting dates to Board members.

Budget – Mrs. King reviewed the 2019 legal line and presented a current legal bill of approximately \$5700.

Mr. Lord confirmed that the 2019 legal line is \$13,600.00.

Mr. Lucy made a MOTION to increase the 2020 Legal Line to \$15,000.00 and to accept the 2020 budget as amended; Mr. Anderson seconded. The vote to approve was unanimous. Mrs. King will submit to the Finance Director.

Member Terms – The terms of Mr. Hughes and Mr. Lucy are expiring at Town Meeting in March 2020.

Mr. Hughes stated that he will not seek to be reappointed.

MOTION TO ENTER NON-PUBLIC SESSION: Per RSA 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has the right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted, made by Mr. Lucy, seconded by Mr. Lord

ROLL CALL VOTE

Mark Lucy - Yes Henry Anderson – Yes
Stu Lord - Yes. Ken Hughes - Yes

ENTERED NON-PUBLIC SESSION AT 7:24pm

PUBLIC SESSION RECONVENED at 7:38pm

A Motion was made and seconded with a vote to approve a Step in Grade increase to Grade 9 Step 17 effective immediately for Mrs. King.

Meeting was ADJOURNED at 7:39pm.

These Minutes recorded by: Colleen King, Land Use Administrator