



**TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
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**ZBA APPROVED MINUTES
APRIL 15, 2020**

CALL TO ORDER: Chairman Lucy called the meeting to order at 6:06pm.

Mrs. King read the following announcement:

Due to the COVID-19 crisis and in accordance with Governor Sununu's Emergency Order #12, and pursuant to the Executive Order 2020-04, this Board is authorized to meet electronically. Please note that there is no physical location to observe and listen to the meeting. This was authorized by Governor's Emergency Order. However, it is confirmed that we are providing public access to the meeting by telephone and we are utilizing the "freeconferencecall.com" platform for this electronic meeting. All members of the Board have the ability to communicate during this meeting and the public has access to listen and participate at the same time, by dialing the following number: (978) 990-5000 and enter the Access Code 407557#. We previously have noticed to the public on how to access this meeting on the Public Hearing Notice dated April 1, 2020. We are providing a mechanism for the public if there is a problem with their access to this meeting by texting (603) 490-6380. If there is a problem that cannot be resolved, the meeting will be adjourned. As a requirement of the Right-To-Know Law, RSA 91-A, all votes taken during this meeting shall be taken via a roll call of the Board. The playback number for this meeting is (978) 990-5099 with Access Code 407557# and will be available indefinitely.

ATTENDANCE: Mrs. King called the roll:

Mark Lucy, Chair - Present. Henry Anderson - Present.
Mark Totman - Present Bebe Bartlett - Present (joined at 6:25pm)
Stuart Lord - Present.

OTHERS PRESENT: Colleen King - Land Use Administrator and abutters Ralph and Karen Hunter

PUBLIC HEARING:

CASE # 20-01: A Variance is requested pursuant to Madison Zoning Ordinance Article V, Section 5.9A by A variance is requested pursuant to Madison Zoning Ordinance Article 1, Section 1.3B by Kevin Drew of L.A. Drew Inc. in Intervale, NH for property located at 689 Plains Road, Tax Map 123 Lot 6, in the Rural Residential Zone, and owned by Harel and Lauren Gadot to permit the raising of the roofline 2' higher than the present height. The proposed height will be 9' lower than the Town Zoning limit of 35'.

MEETING NOTICE:

Mrs. King reported that tonight's remote meeting was posted on April 1, 2020 in the Madison Town Hall upper and lower levels, the Madison & Silver Lake Post Offices and the Conway Daily Sun. All abutters were notified by certified mail and one abutter is on the call tonight.

CONFLICT OF INTEREST:

The Board was individually polled for any conflicts of interest with Case #20-01:

Mr. Lord – No Mr. Totman – No Ms. Bartlett - No
Mr. Anderson - No Mr. Lucy - No

WAIVER REQUESTS: Mr. Drew explained the waiver request. A site plan had previously been drawn up by certified septic designer McCarthy who did a full topography of the lot including an inventory of the plantings on the property and the property pins. Due to all the data on his plan, it was a redundant expense. The work was done and they are requesting a waiver for a certified site plan on the whole property.

Mr. Lucy reviewed the items in favor of a waiver:

- 1. The plan has the topography of the existing features.
- 2. Paul King, a licensed surveyor drew the property lines in July 2007.

The Board had no concerns with the waiver request.

Mr. Lucy made a **MOTION** to grant the waiver request for a certified plot plan; Mr. Lord seconded.

Vote: Mr. Anderson – Yes Mr. Totman – Yes Mr. Lord – Yes Mr. Lucy – Yes

REGIONAL IMPACT:

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

Mr. Anderson – No Mr. Totman – No Mr. Lord – No Mr. Lucy – No Ms. Bartlett - No

RULES OF PROCEDURE/ SWEARING-IN:

Mr. Lucy explained that as this is the first time that a remote meeting has been held, the written Rules of Procedure will be loosely followed.

PRESENTATION/ BOARD QUESTIONS:

Mr. Drew presented the owner’s existing and proposed structure. The house has very low headroom due to the 7’3” ceilings. The East elevation on the lake side is the tallest with the measurement from the ground to the top of the roof being 26’9”. The Town Ordinance allows new structures to be built now with a roof height 36’. They are requesting a normal ceiling height for both floors and in order to accomplish that, the roof needs to be 29’ from the ground. This new height will be less than the 36’ allowed.

Mr. Anderson asked if the present house was being torn down and a new house constructed? Yes, it made more sense to tear down and rebuild due to the amount of work required to raise the ceiling heights on both floors. The lake side elevation on the new drawings have similar transom windows, sliders and the same slope to the roof. There will be minimal differences.

Mr. Lord asked if the new structure will be completely on the same footprint as the existing house? It will be primarily on the same footprint. There is a small addition on the north wing which stays within the Town’s zoning requirements. The plan is 97% on the existing foundation. The Hearing tonight is only for elevation change.

Mr. Lucy clarified that Addition B is within the lake setback and is allowed because it does not encroach any further than what is there now. Addition A is immaterial because it will not be any closer to the side lot line or the lake than the existing structure. He reviewed the 36’ height allowance in the Madison Zoning Ordinance.

Mr. Lucy asked if the Building Code addresses ceiling height? Mr. Drew explained that the Building code does not set a minimum or maximum ceiling height and 7’3” is very low. The ceiling norm for new construction is at least 8’ or 9’.

PUBLIC COMMENT:

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

Mr. Hunter, abutter, asked if the new foundation plans will be closer to the lot lines than the existing foundation?

Mr. Drew explained that the foundation on the new plans have the foundation further away from the property lines.

Hearing nothing further, Mr. Lucy closed the Public Comment portion of the Hearing.

BOARD DELIBERATION:

Mr. Lucy asked the Board members if they had any questions or concerns.

Mr. Lord asked for clarification on Addition A & B. Mr. Drew explained that Addition A is the small addition on the north wing and Addition B is the remainder of the house.

Mr. Lord stated for the record, that Addition A expands the footprint of the house.

Mr. Lucy stated that the homeowner can expand a non-conforming footprint up to 50% if it is not more non-conforming. The Building Permit was rejected by Mr. Boyd, Building Inspector for height only.

FINDINGS OF FACT:

1. They are building a new house and are allowed to do that.
2. Only the height issue needs to be addressed.
3. There are very low ceilings. Standard height is 8’ and it is reasonable to want 8’ ceilings in a house.
4. Low ceilings are a hardship.

Mr. Lucy asked Mrs. King to read the conditions to be met for Variance and then lead a discussion of the conditions as a whole.

Mr. Anderson stated that the conditions were met.

Mr. Lord stated that this would not be contrary to public interest and that a 2’ elevation change from the lake would be imperceptible.

Ms. Bartlett stated that is not against public interest and that low ceilings are a hardship.

Mr. Lucy stated that the proposed use is reasonable owing to the special conditions; the spirit of the ordinance is observed; and the value of the surrounding properties would not be diminished.

Mr. Lucy closed Board deliberation.

MOTION/VOTE: Mr. Lucy called the Vote, seconded by Mr. Lord to approve the Variance request for property located at 689 Plains Road, Tax Map 123, Lot 6 to permit the raising of the roofline 2’ higher than the present height with the proposed height being 9’ lower than the Town Zoning limit of 36’, per plan submitted.

Mr. Anderson – Yes Mr. Totman – Yes Ms. Bartlett – Yes Mr. Lord – Yes Mr. Lucy - Yes

Motion was **APPROVED**.

Mr. Lucy reviewed the 30-Day Appeal period stating that day one begins on April 16, 2020.

APPROVAL OF DECEMBER 18, 2019 DRAFT MINUTES: The Draft Minutes were reviewed with edits made. **MOTION** was made by Mr. Lucy seconded by Mr. Anderson, with no further discussion.

Mr. Anderson – Yes Mr. Totman – Yes Ms. Bartlett – Yes Mr. Lord – Yes Mr. Lucy - Yes

ADMINISTRATION: None

ADJOURNMENT:

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

The meeting adjourned at 6:57pm.

Respectfully submitted,
Colleen King, Land Use Administrator

*These minutes were **APPROVED** at the July 15, 2020 ZBA meeting.*