



**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
SEPTEMBER 16, 2020**

CALL TO ORDER: Chairman Lucy called the meeting to order at 6:01pm, and requested that Mr. Anderson lead those in attendance with the Pledge of Allegiance.

ATTENDANCE: Mrs. King called the roll:

Mark Lucy, Chair - Present.

Henry Anderson - Present.

Mark Totman – Present

Bebe Bartlett – Excused

Stuart Lord - Present.

OTHERS PRESENT: Nicole and Karl Nordland, George Rau, Kate Richardson, Carol Dandeneau - Madison TV and Colleen King - Land Use Administrator.

APPROVAL OF JULY 15, 2020 DRAFT MINUTES:

The Draft Minutes were reviewed and a **MOTION** was made to approve the minutes as presented by Mr. Lucy, seconded by Mr. Lord. **VOTE:** Mr. Anderson – Yes Mr. Lord – Yes.

Mr. Totman - Yes Mr. Lucy - Yes

PUBLIC HEARING:

CASE # 20-03 A Special Exception is requested pursuant to Madison Zoning Ordinance Article IV, Section IV.B by Nicole and Karl Nordland to continue a previously approved store and ready-to-eat foods and residential use for property located at 1808 Village Road, formerly known as Cobble Pond Farms Store, Tax Map 233 Lot 28, in the Village District and owned by GRJH, Inc of Millerton, NY.

MEETING NOTICE:

Mrs. King reported that tonight's meeting was posted on September 3, 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.

CONFLICT OF INTEREST:

The Board was individually polled for any conflicts of interest with Case #20-03:

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

RULES OF PROCEDURE/ WAIVER REQUESTS: Mr. Lucy explained the scope of a Special Exception request.

WAIVER REQUESTS: The applicants did submit a formal waiver request to use the existing plot plan on file as the structure footprint is not changing. There is also a site plan and a septic plan on file. The former underground gas tanks and pumps have been removed and will not be replaced. Mr. Lucy determined that a waiver request from a site plan is not necessary; the Board agreed.

REGIONAL IMPACT:

The Board was individually polled on whether this case had regional impact:
Mr. Anderson – No Mr. Lord – No Mr. Lucy – No Mr. Totman

SWEARING-IN:

Nicole and Karl Nordland were sworn-in by Mr Lucy.

PRESENTATION/ BOARD QUESTIONS:

Mrs. Nordland fielded questions from the Board:

Mr. Lucy - How many residences will be on the upper floor? 2 very large 1-bedroom apartments.

Mr. Lord - Will there be a retail store on the 1st floor? One side of 1st floor will have a groceries and ready-made foods; the other side will have room for a licensed commercial kitchen, with a studio area which could be rented.

Mr. Nordland hoped that it will be the place to meet for coffee in the morning.

Mrs. Nordland stated that the former owner John Arruda of the Dolly Madison Store in that same location, gave them permission to use his tag line 'Where Madison Meets'.

Mr. Nordland confirmed the name as The Village Store, Where Madison Meets with hours of operation being 7 days, 7am - 7pm.

Mr. Lucy stated that this plan of retail space on 1st floor with living space on 2nd floor is a typical New England layout.

PUBLIC COMMENT:

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

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

BOARD DELIBERATION:

Mr. Lucy **MOTIONED** to close the Public Hearing and move into Deliberation; seconded by Mr. Lord. All Approved.

Mr. Lucy read the conditions to be met for a Special Exception in the Village District and led a discussion on the conditions. There will be one vote after the discussion.

Mr. Lucy stated that the present and recent past condition of this property will be greatly improved by this proposal.

Mr. Lord stated that the property values will likely increase.

Mr. Nordland explained that there will be a new roof, new siding, new windows and doors, new lighting with minimized bright sky effect, motion detectors and a new sign.

The site plan will remain as is and with the gas pumps removed, there will be plenty of parking spaces.

Mr. Lucy closed Board deliberation.

MOTION/VOTE: Mr. Lucy made a MOTION, seconded by Mr. Lord to grant the Special Exception Mr. Anderson – Yes Mr. Lord – Yes Mr. Totman - Yes Mr. Lucy – Yes Motion was unanimously **APPROVED**.

Mr. Lucy reviewed the 30-Day Appeal period stating that day one begins on September 17, 2020.

ADMINISTRATION:

2021 Budget Review - Mr. Lucy stated that Budget Committee had approved \$15,000 for the 2020 Legal line with \$5100 spent so far. Mr. Anderson stated that there have not been many cases. Mr. Lord made a MOTION to submit the 2021 budget at the 2020 level; Mr. Lucy seconded. All Approved.

Mrs. King inquired about Variances that have not been acted upon within 2 years under 674.33.I-a, if they are still valid. This question was brought about from the Building Inspector regarding a submitted building permit. Do the variances go with the land or expire after 2 years if no action has been taken? Mr. Lucy stated that the Town would have needed to adopt the 2-year expiration for all variance, if not acted upon. He asked Mrs. King to contact the ZBA Attorney for guidance on this issue.

Mr. Lord acknowledge the Approved Minutes that need to be posted on the website, with the correct dates and there should be a designation of 'no meeting' so people won't be looking for the minutes.

ADJOURNMENT:

Mr. Lucy made a MOTION to adjourn; Mr. Lord seconded. All Approved. The meeting adjourned at 6:45pm.

Respectfully submitted,
Colleen King, Land Use Administrator