

**MADISON ZONING BOARD  
APPROVED MINUTES  
July 20, 2016**

**CALL TO ORDER:** Mr. Lucy, Chair, called the meeting to order at 6:05 P.M.

**PLEDGE OF ALLEGIANCE:** Mr. Lucy led those assembled in the Pledge of Allegiance.

**ROLL CALL:** Mrs. King called the roll.

**ATTENDANCE:**

Mark Lucy, Chair – Present	Henry Anderson – Excused
Stuart Lord, Vice-Chair – Present	Ken Hughes – Excused
Hershel Sosnoff, – Present	
Kevin O’Neil, Alternate – Present	

Staff Present: Colleen King, Land Use Administrator

Others Present: Damon Collins, Ron & Karen Upton, Mark Totman,  
Nancy & Marilyn Rial

**POSTING DATES & LOCATIONS:** 7/6/16 at Madison Town Hall and Lower Level, Madison Post Office, and Silver Lake Post Office, Conway Daily Sun (7/8/16)

**REVIEW OF JULY 20, 2016 AGENDA:** After a review of the agenda, Mr. Lucy revised the order of items and moved Hearing Case # 16-02 to the end of the agenda. He is recusing himself as he has a professional conflict with the applicant for Case 16-02. All other agenda items will be conducted first.

**APPROVAL OF MAY 18, 2016 MINUTES:**

Mr. Lucy made a motion at accept the minutes as amended; seconded by Mr. Lord. All in favor; Motion passed.

**APPOINTMENT OF ALTERNATES:** Mr. Lucy seated alternate Mr.O’Neil to hear Case # 16-02 in his place and explained to the Applicant, Mr. Damon Collins, that his case would be heard by a 3-member Board instead of the usual 5-member Board. Mr. Lucy further explained that should Mr. Collins go forward with a 3-member Board, a unanimous vote is required for approval and if appealed, the 3-member Board cannot be a reason for appeal. If the applicant wanted to wait for a full 5-member Board, then his case

would be continued until next month. Mr. Collins agreed to be heard with a 3-member Board.

**NEW BUSINESS:** Mr. Lucy introduced Mr. Mark Totman, who expressed interest in becoming an alternate on the ZBA. Mr. Totman spoke of his professional background as well as his family's history as homeowners in Madison since the 1930's. Mr. Lucy made a motion to nominate Mr. Totman as a ZBA Alternate; Mr. Lord seconded. All in favor; motion passed and will be forwarded to the Selectmen for appointment at the July 26, 2016 meeting.

**OLD BUSINESS:** Mr. Lucy recommended that the discussion and review of the Rules of Procedure and the ZBA Application Forms be continued to the next meeting when the full 5-member Board is present. He will meet with Mrs. King in the interim to review her comments on these documents.

#### **ADMINISTRATION**

Mr. Lucy welcomed Colleen King as the new Land Use Administrator, replacing Christopher Young.

Mr. Lucy recused himself from the following hearing and Mr. Lord chaired the remainder of the meeting.

#### **ZBA CASE #16-02**

##### **15 Little Shore Drive, Tax Map 109/ Lot 105, Eidelweiss Residential District**

Mr. Damon Collins is requesting a Variance pursuant to the Madison Zoning Ordinance 1.1.3B, relating to his proposed building expansion, which will exceed the height above sea level of the highest roofline of the existing structure within 75 feet of Little Pea Porridge Pond.

Mrs. King read Case 16-02 into the record, along with the mailings of the abutters' notices and the postings of the public hearing notices.

Mr. Lord explained the hearing process and asked Mr. Collins to present his proposal to the Board.

Mr. Collins presented the following:

1. The house was build in 1968 and since he bought it in 2000, his family has enjoyed the property as a year-round vacation home.
2. He presented several photos of the structure, from various angles on the property.
3. The structure is within the 75' buffer and on an undersized lot. If he built out and expanded the footprint, there would be a negative environmental impact. His intent is to build up and therefore the land would not be disrupted. His proposed

roofline would have no effect on any abutting structures and would not impact those in the walking areas. He wants to go up one floor with a loft and a half bath.

**BOARD COMMENTS:**

1. Mr. Sosnoff commented that there seemed to be room to expand approximately 15' on either side. Mr. Collins doesn't want to unsettle the land by digging up large boulders and this would be harmful to the slope of the land. All the abutting structures are bigger than his will be. His plan is for a Barn design with a green metal roof.
2. Mr. O'Neil questioned the page 2, 2<sup>nd</sup> paragraph on the application referencing what is 'easiest'. Mr. Collins stated that to dig out from the sides and pour a foundation would have a negative impact on the land. The house currently has 2x3 and 2x4 construction and is not as efficient as rebuilding with 2x6 construction. Mr. Collins emphasized that he does not want to disturb the land
3. Mr. Lord reviewed the setbacks of the current structure on .54 acre.

**PUBLIC COMMENTS:**

Mr. Lord opened the hearing for public comments in favor:

Mr. Ron Upton of 14 Little Shore Drive, is in favor of the plan and asked about the construction timeline. Mr. Collins said his plan is to begin in August with the demolition and to be completed by Christmas, 2016.

Mr. Lord opened the hearing for public comments opposed: None.

Mr. Lord motioned to closed the public portion of the meeting; Mr. Sosnoff seconded. All in favor; motion passed.

**BOARD DELIBERATION:**

Mr. Lord reviewed the facts:

1. The structure was built in 1968 before the Zoning Ordinances were in effect.
2. The entire house was constructed within the current buffer of 75' from shoreland..
3. There is considerable slope and grade, 50' from top of lot to the waterline.
4. There is room to expand within 15' on each side and stay within the ordinance
5. An abutter across the street has no objection.
6. The lot is small at .54ac

Mr. Sosnoff stated that this current proposal reduces the impermeable surface for runoff and there is minimal impact. The plans are appealing.

Mr. Lord reviewed the criteria for the Variance:

1. The proposal is a reasonable use. The objective is to prevent overcrowding and maintain a rural residential flavor.
2. Building up will not be contrary to the public interest as it will fit in with the neighboring properties.
3. Mr. Lord stated that not granting the Variance would do injustice to Little Pea Porridge Pond, due to the environmental impact of building out vs building up.

Mr. O'Neil stated that there is no negative effect and with the possible disturbance to the ground, this is a good alternative.

**MOTION**

Mr. Lord made a motion to grant approval to the Variance for 15 Little Pea Porridge;  
Mr Sosnoff seconded.

Discussion: Mr. O'Neil was concerned with the slope of the land behind the house and the construction. He would like to see silt fencing during the demolition and construction.

Mr. Lord made a motion to amend his previous motion to grant the variance with the condition that silt-fencing is used during demolition and construction.

Mr. Sosnoff seconded, with no further discussion. All in favor; motion passed.

Mr. Lord reviewed the 30-day appeal period.

**ADJOURNMENT**

Mr. Lord made a motion to adjourn; Mr. O'Neil seconded; Motion passed.

Meeting adjourned at 7:15pm

The next ZBA Meeting is August 17, 2016.

Respectfully Submitted,

Colleen King  
Land Use Boards Administrator

**These minutes were approved with edits on August 17, 2016.**