

**MADISON ZONING BOARD
APPROVED MINUTES
November 16, 2016**

CALL TO ORDER: Mr. Lord, Vice-Chair, called the meeting to order at 6:20 P.M.

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

ATTENDANCE: Mrs. King called the roll.

Mark Lucy, Chair – Excused

Stuart Lord, Vice-Chair – Present

Hershel Sosnoff – Present

Henry Anderson – Present

Ken Hughes – Present

Mark Totman, Alternate – Excused

Kevin O’Neil, Alternate – Excused

Staff Present: Colleen King- Land Use Administrator,

Others Present: Greyson and Jennifer Merrill,

POSTING DATES & LOCATIONS: 11/2/16 at Madison Town Hall Upper and Lower Level, Madison Post Office, and Silver Lake Post Office.

REQUEST FOR RE-HEARING - CASE # 16-04

Mr. Lord stated that Public Hearing convened on October 19, 2016 for an Appeal of Administrative Decision by Attorney Christopher Meier, Agent for Terrance Hurd of 19 Middle Shore Drive, Map 105/Lot 117 for property located at 17 Middle Shore Drive, Tax Map 105/Lot 118 and owned by Greyson and Jennifer Merrill.

This Appeal of Administrative Decision was **DENIED** by a unanimous vote for the following reason:

1. The Application was not filed in a timely matter pursuant to RSA 677:2 and reiterated in the Town of Madison Zoning Board of Adjustment Rules of Procedure.

DISCUSSION OF THE BOARD:

Mr. Lord stated the following:

1. That the appeal was filed on the 33rd day.
2. Town Hall is closed every Friday and every Friday is not a legal holiday.
3. The dictionary definition of a legal holiday does not list every Friday.
4. There is no new information given in this request for a re-hearing.

Mr. Sosnoff stated that Federal and State offices including the US Post Offices are open on Fridays and that particular Friday was not a legal holiday.

MOTION: Mr. Lord called for a Motion: Mr. Sosnoff made a Motion to Deny as the case was not filed in a timely matter. Mr. Anderson seconded.

DELIBERATION ON THE MOTION:

Mr. Anderson stated that the Madison ZBA By-Laws use 30 calendar days.
Mr. Sosnoff stated that the Application was filed late and there is no reason to reverse their decision to deny.
Mr. Lord read the following into the record:

**TITLE XXV
HOLIDAYS**

**CHAPTER 288
HOLIDAYS**

Section 288:1

288:1 Holidays. – January 1; the third Monday in January, known as Martin Luther King, Jr. Civil Rights Day; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day or, on a date to coincide with the federal observance if it is held on a different day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

Source. 1899, 11:1. PL 313:2. 1929, 11:1. RL 367:2. 1949, 270:1. RSA 288:1. 1955, 145:1. 1969, 35:1. 1973, 89:1. 1991, 206:2. 1993, 134:2. 1999, 105:2, eff. Aug. 6, 1999; 106:2, eff. Aug. 6, 1999.

Mr. Lord emphasized that this Section 288:1 Holidays does not list every Friday as a holiday.
Mr. Hughes stated that the applicant is quoting a case when the office is closed on weekends and the applicant is interpreting that case wrong. Weekends are Saturdays and Sundays. Mr. Hughes stated that the applicant violated the 30 day window to appeal.

ROLL CALL VOTE ON THE MOTION:

Stuart Lord - Approve the Motion to Deny
Ken Hughes - Approve the Motion to Deny
Henry Anderson - Approve the Motion to Deny
Hershel Sosnoff - Approve the Motion to Deny

Mr. Lord stated that there is a 30 day appeal period, day one being tomorrow November 17, 2016, for the applicant to appeal the Zoning Board's decision to Superior Court.
Mr. Lord stated that all board members and anyone associated with this case should refrain from discussing any part or portion of this case until the 30 day appeal period has expired.

OTHER BUSINESS - APPROVAL OF OCTOBER 19, 2016 MINUTES:

Draft Minutes were reviewed and edits made. Mr. Hughes made a motion at approved the minutes as amended; seconded by Mr. Anderson. All in favor; **Motion passed 4-0.**

COMMUNICATIONS

Mrs. King reminded the Board members about the Accessory Dwelling Unit presentation on November 29 at 5:30pm in the Sunny Villa Restaurant.

ADJOURNMENT OF PUBLIC HEARING

Mr. Lord made a motion to adjourn; Mr. Sosnoff seconded
All in favor; meeting adjourned at 7:12pm

Respectfully Submitted,
Colleen King

Note: These minutes were approved at the December 21, 2016 ZBA meeting.