



**TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
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**ZBA APPROVED MINUTES
APRIL 18, 2018**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mr. Hughes led those in attendance

ATTENDANCE

Mrs. King called the roll:

Mark Lucy, Chair - Present.

Melissa Arias, Alternate - Recused

Stuart Lord, Vice-Chair - Present.

Bebe Bartlett, Alternate - Present

Ken Hughes - Present.

Kevin O'Neil, Alternate - Excused

Henry Anderson - Present

Mark Totman - Excused.

OTHERS PRESENT

Colleen King - Land Use Administrator, Amy Boyd - Madison TV, Peter Bennett

APPROVAL OF MARCH 6, 2018 MINUTES

Vice-Chair Lord reviewed the Draft Minutes, with clarifications offered by Mrs. Bartlett.

Mr. Hughes made a MOTION to approve the minutes as amended; seconded by Mr. Hughes.

Mr. Lord, Mr. Hughes and Mr. Anderson approved; Mr. Lucy and Mrs. Bartlett abstained.

PUBLIC HEARING - ZBA CASE # 17-06R

Mr. Lucy explained that tonight's meeting was scheduled for a re-hearing of ZBA Case 17-06.

However last week, Vice-Chair Lord sent out a Notice of Pending Continuance and it is the Board's intention to continue this case if the Board votes as such.

BOARD DISCLOSURES

Mr. Lucy informed the Board that it was suggested that he (Mr. Lucy) has a conflict of interest because the previous Administrative Assistant consulted with him about this lot and the 2009 Variance.

Mr. Lucy does not believe there is any conflict; however for the good of the Town, he has decided that he will recuse himself from any further discussions or deliberations with this Case.

Mr. Lucy left the table with no further input. Vice-Chair Lord asked Mrs. Bartlett to sit as a full member of the Board, replacing Mr. Lucy. Mrs. Bartlett joined as a full member of the Board for this hearing.

HEARING NOTICE

Vice-Chair Lord opened Case 17-06R and asked Mrs. King to read the application and its notice.

This is an Appeal of an Administrative Decision filed by Attorney Christopher Meier, agent for applicants R. Kevin, Christopher, and Kelly E. Connolly, 585 East Shore Drive, Tax Map 135/ Lot 7, pursuant to the Madison Zoning Ordinance 1.3B and relating to a Building Permit issued on property owned by Mark and Teresa Richey and located at 599 East Shore Drive, Tax Map 135/ Lot 8.

This Case was noticed in the Conway Daily Sun, at Madison and Silver Lake Post Offices and the upper and lower levels of Town Hall. All Abutters and their agents received notices.

CONFLICT OF INTEREST/ WAIVERS/REGIONAL IMPACT

Mr. Lord polled the Board for any conflict of interest:

Mr. Anderson -No, Mr. Hughes -No, Mrs. Bartlett -No and Mr. Lord -No.

There are no waiver requests for this case.

Mr. Lord polled the Board for any regional impact with this case:

Mr. Anderson -No, Mr. Hughes -No, Mrs. Bartlett -No and Mr. Lord -No.

Mr. Lord reviewed the history of Case #17-06.

Dec. 20, 2017 - Case #17-06 was first heard, with testimony given and the Board voted to continue until the next meeting, so further information could be presented.

Jan. 17, 2018 - Case was continued and ZBA unanimously voted to deny the Appeal, based on the Board's interpretation of the Madison Zoning Ordinance Section 1.3B.

Feb. 9, 2018 - The applicant, who is the abutter of the property that was issued the building permit, filed a Motion For Re-Hearing, citing various reasons.

Mar. 6, 2018 - The ZBA met in a public meeting to consider this Motion For Re-Hearing and deemed that it was appropriate to grant a Re-Hearing. The Board voted to approve.

Apr. 18, 2018 - The Re-Hearing was scheduled for this date.
However, since March 6, 2018, the Board received new information.

Mr. Lord read the ZBA Notice of Pending Continuance, posted on April 3, 2018. 'NH House Bill 1533 which amends RSA 674:33-IA was passed by the NH House and is awaiting the Senate vote and gubernatorial signature. As the passage of this Bill could have an impact on the ZBA's deliberation for this case, it is the Board's intent to vote and continue this case until the next ZBA meeting on May 16, 2018.' This original Bill passed on August 19, 2013, states that all Variances expire if not exercised within 2 years. However, there was oversight with no consideration for older variances which had not been exercised. The new section RSA 674:33-IB states that any variance granted prior to August 19, 2013 is valid, unless the Town amends its Ordinance, and it is posted for one (1) year.

Mr. Lord read an email from Attorneys Meier and Malia regarding the ZBA Notice of Pending Continuance - the applicants (Connolly's) and the property owners (Richey's) through their attorneys request a continuance.

MOTION: Mr. Anderson made a **MOTION to CONTINUE** this case to May 16, 2018 at 6:00pm; seconded by Mrs. Bartlett.

DISCUSSION ON THE MOTION: None

VOTE: Mr. Hughes - Yes
Mrs. Bartlett - Yes
Mr. Lord - Yes
Mr. Anderson - No

Motion Passed 3-1

Mr. Lucy rejoined the Board and assumed the Chair.

NON-PUBLIC SESSION RSA 91-A:3 II (I)

At 6:20pm, a **MOTION** was made by Mr. Lucy and seconded by Mr. Hughes to enter Non-Public Session per RSA 91-A:3 II (I), 'Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.'

Roll Call Vote To Enter Non-Public Session:

Mr. Hughes - Yes
Mr. Lord - Yes
Mrs. Bartlett - Yes
Mr. Anderson - Yes
Mr. Lucy - Yes

Madison TV and all public left the meeting room at 6:24pm.

Public Session reconvened at 7:04pm

ELECTION OF OFFICERS

Mr. Lord nominated Mr. Lucy as Chair. Mr. Lucy accepted. All approved

Mr. Lucy nominated Mr. Lord as Vice-chair. Mr. Lord accepted. All approved

ADMINISTRATION

Mrs. King reminded the Board members that the Annual Planning and Zoning Conference is April 28, 2018 in Concord, NH and if anyone wants to attend, contact her.

Mr. Lucy stated that it appears that the ZBA Minutes from 2011-2012 are not readily available and asked Mrs. King to investigate this situation.

Mr. Lucy inquired when the updated zoning ordinance with the 2018 Warrant articles would be ready. Mrs. King will check into that.

ADJOURNMENT

Mr. Hughes moved to adjourn. All approved.

Meeting adjourned at 7:07pm

Respectfully Submitted
Colleen King

These Minutes were APPROVED at the May 16, 2018 meeting.