



**TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
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**ZBA APPROVED MINUTES
OCTOBER 21, 2020**

CALL TO ORDER: Chairman Lucy called the meeting to order at 6:03pm, and Mr. Drew Gentile, a Veteran in the audience, led those in attendance with the Pledge of Allegiance.

ATTENDANCE: Mrs. King called the roll:

Mark Lucy, Chair - Present. Henry Anderson - Excused.
Mark Totman – Present via phone Bebe Bartlett – Excused
Stuart Lord - Present.

OTHERS PRESENT: Bob Boyd - Building Inspector, Drew Gentile, Peter Leonard, Jay Buckley, Steven Haidaichuk, Charlie & Sandy Morton, Lorraine Cormack, Michael Tamulis, Mark & Jacob McConkey, Moselle Spiller - Madison TV and Colleen King - Land Use Administrator.

PUBLIC HEARING:

CASES #20-04 and #20-05

Mr. Lucy opened the Public Hearing.

MEETING NOTICE:

Mrs. King reported that tonight's Public Hearing was posted on October 5, 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.

Mr. Lucy reviewed the Agenda and Hearing Notice for Cases #20-04 & 20-05 and informed everyone that there is a 3-member board to hear these applications. However, he has a conflict of interest on Cases #20-04 & 20-05 and will have to recuse himself, leaving the Board with no quorum.

There was some procedural discussion regarding expired Variances with the respective applicants which prompted Mr. Lucy read the RSA 674-33:I-A(a) to clarify the situation. It was decided that these cases will have to be continued to the November 18, 2020 meeting, unless an earlier date can be arranged with a quorum present. Mrs. King will notify abutters for both cases of the continuance.

CASE # 20-06 A Variance is requested pursuant to Madison Zoning Ordinance Article V Section 5.9 A by Arthur Fernald, for property located at 9 Lady Slipper Lane, Tax Map 128, Lot 44, in the Rural Residential District, to permit a shed located less than 75' from the center line of Lady Slipper Lane.

MEETING NOTICE:

Mrs. King reported that tonight's meeting was posted on October 5, 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 #20-06:
Mr. Lord – No Mr. Totman – No Mr. Lucy - No

RULES OF PROCEDURE: Mr. Lucy explained the impact of a 3-member board on the voting and any future appeal of the decision. Mr. Fernald agreed to proceed with a 3-member board.

WAIVER REQUESTS: The applicants did submit a formal waiver request for a certified plot plan due to the significant financial burden and the property measurements are not in dispute. After discussing, Mr. Lucy made a MOTION to grant the waiver request; seconded by Mr. Lord. All approved.

REGIONAL IMPACT:

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

SWEARING-IN:

Mr. Fernald, Lorraine Cormack & Bob Boyd were sworn-in by Mr. Lucy.

PRESENTATION/ BOARD QUESTIONS:

In July 2019, the shed was purchased by Mr. Fernald for his small business. It was placed 75' from the center line of Plains Road, in an area where it was convenient for him to load/unload from his car. The shed is in the least obtrusive spot and he offered to plant additional shrubs or trees if screening was needed. He was not aware that he needed a building permit. Mr. Boyd sent him several code enforcement letters stating his need to apply for a Variance. The driveway access to Mr. Fernald's property is from Lady Slipper Lane which is a Right-of-way.

Mr. Lucy commented that he has not noticed the shed in the past year and asked how many homes were on Lady Slipper Lane? Mr. Fernald responded that there are two homes. Mr. Lucy remarked that Lady Slipper Lane is basically a driveway access/right-of-way for these two homes.

Mr. Lord stated that there is no proof that this is a Town Road and the Zoning Ordinance does not apply to driveways.

PUBLIC COMMENT:

Mr. Lucy opened the Hearing for anyone to speak for or against this application.
Mrs. Cormack confirmed that the Town does not maintain Lady Slipper Lane at all.
Hearing nothing further, Mr. Lucy closed the Public Comment portion of the Hearing.

BOARD DELIBERATION:

Mr. Totman stated that there are driveways all over town that are named but they are not town roads. Mr. Lucy remarked that for E911 purposes, right-of-ways that had at least two homes on them, needed to be named and they were not necessarily town roads. Mr. Lord stated that a driveway off a right-of way is not a town road. Mr. Lucy verified with Mr. Fernald that his shed was 75' from the centerline of Plains Road. Mr. Lucy closed Board deliberation.

MOTION/VOTE: There was no motion or vote needed by the board.

Mr. Lucy stated that there is no zoning violation and no variance is needed. This case is dismissed. There was consensus among the Board members.

APPROVAL OF SEPTEMBER 16, 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. Lord – Yes, Mr. Totman – Yes, Mr. Lucy - Yes

ADMINISTRATION:

Drew Gentile introduced himself and expressed his interest in becoming a full member of the ZBA. He recently moved to Madison and has varied professional experience which would be valuable to the town. Mr. Lucy made a **MOTION** to recommend Mr. Gentile to the Board of Selectmen for appointment; Mr. Lord seconded. All approved.

Mrs. King reported that a reminder letter was received from the Selectman regarding the posting of minutes and the State requirements of RSA 91-A.

The next ZBA meeting is scheduled for Wednesday November 18, 2020.

ADJOURNMENT:

Mr. Lucy made a **MOTION** to adjourn; Mr. Lord seconded. All Approved. The meeting adjourned at 7:03 pm.

Respectfully submitted,
Colleen King, Land Use Administrator

These minutes were APPROVED at the November 18, 2010 ZBA meeting.