



**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 APPROVED MINUTES
September 15, 2021**

CALL TO ORDER: Mr. Drew Gentile called the meeting to order at 6:05pm and Mr. Ohlson led those in attendance in saying the Pledge of Allegiance.

ATTENDANCE: Mrs. Cyr called the roll:

Stuart Lord -Excused Drew Gentile -Present George Rau – Present Mark Totman -Excused
Doug McAllister- Present. Bebe Bartlett - Excused Marc Ohlson – Present

OTHERS PRESENT: Kim Cyr - Land Use Administrator, Carol Dandeneau - Madison TV, and Mark McConkey

ELEVATION OF ALTERNATES: Mr. Gentile made a **MOTION** to elevate Alternate Marc Ohlson and Alternate George Rau to a full member for this meeting; seconded by Mr. McAllister

APPROVAL OF August 18, 2021 DRAFT MINUTES:

The Draft Minutes were reviewed with edits. A **MOTION** was made by Mr. Ohlson to approve the minutes as amended; seconded by Mr. Rau. **VOTE:** 4-0 Mr. Gentile - yes, Mr. Ohlson- yes, Mr. McAllister – yes, Mr. Rau - yes

Case # 21-10 Variances are requested by Mark McConkey. Agent for Marianne Donga, for property located at 9 Blinden Drive, Map 105, Lot 24, in the Village District of Edelweiss to construct a house, deck and septic system on 0.52 acre parcel, in violation of the Madison Zoning Ordinances Article IV, Section 4.5C and Article V, Section 5.9E with the following relief:

- 1) To permit elements of the waste disposal system be less than 75 feet from both the northern and southern wetland areas.
- 2) To permit the deck to be less than 65 feet from the center line of Blinden Drive.

Mr. McConkey was given the option to wait and have the case heard by a five-member board. He declined stating that the property owner wanted to proceed with the hearing.

MEETING NOTICE: Mrs. Cyr reported that tonight's Public Hearing was posted on September 8, 2021 in the Town Hall upper and lower levels, 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 # 21-10: Mr. Gentile - no, Mr. McAllister - no, Mr. Rau - no, Mr. Ohlson - no.

RULES OF PROCEDURE/ WAIVER REQUEST:

Mr. Gentile reviewed the Rules of Procedure for this Hearing and Mrs. Cyr reported that there is a request waiver of a certified plot plan. Mr. McAllister made a **MOTION** to grant the waiver of the certified plot plan, seconded by George Rau.

Rollcall Vote: Mr. McAllister – Aye Mr. Rau – Aye Mr. Ohlson - No Mr. Gentile – Aye
MOTION PASSED by a vote of 3 to 1.

REGIONAL IMPACT: The Board was individually polled on whether this case has regional impact: Mr. Rau - no, Mr. Ohlson - no, Mr. McAllister - no, Mr. Gentile - no.

PRESENTATION/ BOARD QUESTIONS: Mr. McConkey represented the owner of the property. The wetland delineation was performed by Peter Cooperdock, Certified Wetland Scientist #44, six to seven years ago. The property has all four corners pinned. The pins on the left side of the lot were installed by White Mountain Survey. It is an existing .52 acre lot and it slopes up. The owner will build a modest home. The septic system will be a Presby Environmental Enviro Fin system. The Agent feels he can obtain the State septic approval. The VDOE has not granted a water permit at this time. Mr. McCallister made a **MOTION** to close the public hearing seconded by Mr. Ohlson. All approve.

FINDING OF FACTS: Mr. Gentile lead the Board in a review of the Findings of Facts:

1. Existing lot
2. Proposed Septic System meets the State setbacks but not the Town setbacks (75')
3. Variance for the deck 21.44 feet should be 50 ft not 30 ft
4. Large boulder and drainage swail on lot

DELIBERATION: Mr. Gentile led a discussion of the 5 criteria for a Variance.

The variance will not be contrary to the public interest because this lot and subdivision predate the town zoning. The proposed improvements will not alter the essential character of the neighborhood and will not threaten the health, safety or general welfare of the public. The spirit of the ordinance is observed because the proposed home is modest in nature and the lot is serviced by a community water system. Substantial justice is done because the owner's development is tasteful with the home situated near the center of lot. Residents driving by will see a lot similarly developed as those built on upslope of this roadway. The values of the surrounding properties will not be diminished because other homes in the neighborhood have undergone similar construction and that has not lowered the neighboring home values to date. The unnecessary hardship of this lot is that while it is similarly sized as the lots in the neighborhood it has a wetland presence that exceeds many of the developed lots on this road but not necessarily in this subdivision. The Towns ordinance and the subdivision regulations were put in place to ensure future lots would have a much larger minimum lot size and with that larger lot would be held to a greater wetland offset then even those required by NHDES Subsurface regulations. The proposed use is reasonable because the owner wishes to build a modest home and the use will be residential. Mr. McAllister made a **MOTION** that the five criteria are met, Mr. Ohlson seconded. All approve

MOTION/VOTE

Mr. McAllister made a **MOTION** to approve this request for a Variance with the condition that the wetland setbacks, as provided, are accurate and will be verified; seconded by Mr. Rau.

Rollcall Vote: Mr. McAllister – Aye Mr. Rau – Aye Mr. Ohlson - Aye Mr. Gentile – Aye
MOTION PASSED by a vote of 4 to 0.

Mr. Gentile read the provisions of the 30-day appeal period.

ZONING ORDINANCE DISCUSSION: None

BUDGET: Mr. Gentile inquired about Atty Boldt's fees. Mrs. Cyr will email the budget sheets to the members that were not in attendance. The budget sheets will be reviewed at the next meeting.

ADMINISTRATION: Members spoke about the procedure to make changes to the requirements on the plans that are submitted to the Board. This will be discussed at the next meeting.

ADJOURNMENT:

Mr. Ohlson made a MOTION to adjourn the meeting; Mr. McAllister seconded. All approved. The meeting adjourned at 7:25pm.

Respectfully Submitted,
Kim Cyr
Land Use Administrator