



**TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
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ZBA MINUTES

July 25, 2025

ATTENDANCE: Drew Gentile, Chairman, Sharon Schilling, Vice Chairman and George Rau

EXCUSED: Doug McAllister, Jennifer Skaife, Alternate and Marc Ohlson, Alternate

OTHERS PRESENT: Carol Dandeneau, MadTV and Katharine Young, Land Use Boards Administrator

CALL TO ORDER: Chairman Gentile called the public meeting to order at 9:00am

ELEVATION OF ALTERNATES: No alternates were present to be elevated.

Case #23-14 – Request for Re-Hearing of the Zoning Board of Adjustment's June 18, 2025 Decision - is requested by Matt Johnson, Esquire, Devine, Millimet & Branch, P.A., Agent for Daniel Moynihan, Sr., (previously owned by Ryan Finn and Grace Harrigan), 43 Oak Ridge Road, Tax Map 104, Lot 085 to determine whether or not their circumstance allows for short term rentals relating to a denial from Robert Boyd, Code Enforcement Officer dated August 16, 2023 as to Article IV, Section 4.6A of the Town of Madison Zoning Ordinance.

PUBLIC MEETING NOTICE: Notification was posted in the Town Hall upper and lower levels and Madison and Silver Lake Post Offices on July 17, 2025.

Chairman Gentile explained that the board is meeting to consider the Motion for Re-Hearing in **Case #23-14** filed by Attorney Johnson. He further explained the board would generally consider a re-hearing in a couple of situations, one, if there was substantiated and agreed upon error in law, two, an error in procedure, or three, new information which was not available at the time of the hearing. He further explained, as a board, we are also allowed to consider inside the appeal period, any other reason that the board may find for a re-hearing that is not related to the motion, should we find something and that is ok for the board to do.

Chairman Gentile explained that Attorney Johnson has reiterated arguments, which the board has heard on multiple occasions, in various cases, but, effectively, there are two statements in his Motion for Re-hearing, one being that, "A valid preexisting nonconforming use exists without limitation." Chairman Gentile stated that the board took a different position and it is a disagreement on a point of law, not a clear error in law, but a disagreement on interpretation. Chairman Gentile further stated that Attorney Johnson considers "The ZBA Decision is Constitutionally Invalid" in which he considers the Zoning Ordinance to be invalid. Chairman Gentile stated that the board made their decision in accordance with the Zoning Ordinance and that is not a clear and decisive error in law and it is an opinion. Chairman Gentile stated that he sees no new evidence presented in this case and he read aloud, Attorney Johnson's "conclusion" contained in his Motion for Re-Hearing as follows:

"For all the reasons stated above, Daniel Moynihan, Sr., respectfully request that the ZBA grant his motion for rehearing.

After granting the motion for rehearing, the Owner requests that the ZBA amend its decision of June 18, 2025, grant his administrative appeal, instruct the Code Enforcement Officer to withdraw the Notice of Violation, and grant the Owner unlimited short term rental use of his property as a preexisting nonconforming use.”

Chairman Gentile asked the board what they thought their conclusions were. Rau stated that he saw nothing different than what the board dealt with before. Schilling explained that barring no error in law, she does not see any error in procedure. She further stated that the board used the same procedure many times and that really, the only thing they would be able to stand on, is new evidence, which that was not provided either. She further stated that she does not see anything that warrants the board to re-hear. Chairman Gentile stated that for the record, it is not part of Attorney Johnson’s motion, but since this is an Appeal of Administrative Decision, our decision is completely consistent with similar cases. Chairman Gentile stated he finds no grounds that the board handled this case differently, which would be the grounds on the board’s side to consider a re-hearing. He further stated that he finds that the board is consistent with the other cases and he finds no grounds, himself, for the board to reconsider the Motion for Re-Hearing.

Chairman Gentile asked the board for a motion.

Motion by Schilling, seconded by Rau to deny the request for Re-Hearing of the Zoning Board of Adjustment’s Decision of June 18, 2025 for **Case #23-14**.

Roll Call Vote: Gentile – Aye; Rau - Aye; Skaife – Aye

The motion passed by a roll call vote of 3-0.

Chairman Gentile asked Young, Land Use Boards Administrator to notify Attorney Johnson.

Chairman Gentile asked the board for a motion to adjourn.

Motion by Schilling, seconded by Rau to adjourn the meeting at 9:03am.

Roll Call Vote: Gentile – Aye; Rau – Aye; Skaife – Aye

The motion passed by a roll call vote of 3-0.

Respectfully submitted,

Katharine Young, Recording Secretary

