

Subject to Approval

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
Nov. 1, 2016**

The public hearing and regular meeting of the Madison Zoning Board of Appeals was conducted Tuesday, Nov. 1, 2016, at 7:30 p.m. in Meeting Room A at Madison Town Campus.

MEMBERS PRESENT

Chairman Ronald Cozean, Vice Chairman Jeanne W. Stevens, and Commissioners Kenneth Kaminsky, Ned Moore, and Thomas Kelty

MEMBERS ABSENT

None

ALTERNATES PRESENT

William H. Piggott, Charon Squitterio

OTHERS PRESENT

Zoning Enforcement Officer John De Laura, Director of Planning and Economic Development David Anderson; MCTV taped the meeting.

The public hearing and regular meeting of the Madison Zoning Board of Appeals was called to order at approximately 7:33 p.m.; Chairman Ronald Cozean introduced the board and reviewed procedures; by state statute, four votes are needed to approve applications, and a simple majority is not sufficient. The legal notice, as published, was read into the record. Agenda items were taken in the order prescribed in the minutes.

8191+CSP. 11 Salt Meadow Lane. Map 12, Lot 18. R-1 District. Owners/Applicants: George Karsanow & Sarah Davison. Request to vary Secs. 2.17 and 3.5c) of the Madison Zoning Regulations to allow 28 ft. to 24 ft. x 24 ft. addition, 13.2 ft. to proposed deck, and 10.6 ft. to proposed covered porch, all where 50 ft. is required to the Critical Coastal Resources; and to allow an entry addition, steps and landing to be constructed forward of the required minimum building line.

Professional Engineer Roger Nemergut, representing Owners/Applicants George Karsanow and Sarah Davison, stated that the property, at the end of Salt Meadow Lane, has an existing year-round residence with two outbuildings on a 2.68-acre parcel in one-acre zoning. Both outbuildings will be demolished and removed from the property; the 24-foot by 24-foot proposed addition is on the north side, a covered porch and deck are on the west side, and there is a bump out on the east side; variances concern those features. Connecticut Water Company services the property, and there is an on-site sewage disposal system, which dates to the time of construction of the house in 1980; a state-of-the-art engineered septic system more than 100 feet from the critical coastal resources will be installed to replace the aged structure. The health director has approved the new system, according to Mr. Nemergut. The current, aged sewage disposal system is 50 feet from the wetlands, creating a system that could be influenced by high tide and high ground water. The new septic system, installed over 100 feet from the tidal wetlands, will be elevated much higher than the high tide line and groundwater level; testing indicates there was no tidal influence seen in the monitoring pipes where the septic system will be, according to

Mr. Nemergut.

Attorney Timothy Shields stated that the legal hardship is the land itself that is driving the issues of seeking variances; a diamond shape is really the buildable area, and tidal wetlands impinges on where the property line exists; the building is located so it will not be on that line. In terms of setbacks, for the covered porch, relief of 10.6 feet is needed, 13.2 feet is needed for the proposed deck, and 28 feet is needed for the addition, all where 50 feet is required to the critical coastal resources and to allow an entry addition, steps and landing to be constructed forward of the required minimum building line. Mr. Shields reminded the board that the court has ruled in the Vine case that reducing or eliminating pre-existing nonconformities on the property could be accepted to grant the variances, if the board does not agree with the legal hardship presented in the building area. Both the shed and studio outbuildings are pre-existing nonconformities that will be demolished and removed from the site, thus presenting a substitution for the legal hardship, if need be, but the typography and layout of the property also create the need for variances. Chairman Cozean stated that he could be persuaded that the Vine case is applicable to this application.

Property Owner George Karsanow presented **EXHIBIT 1**, a drawing showing the coastal setback line and the 150-foot building line.

Chairman Cozean asked if anyone wanted to speak in favor of the application, and Mr. Karsanow sought permission to do so. Mr. Karsanow stated that the structure is being raised to be in compliance with Federal Emergency Management Agency (FEMA) flood requirements; a two-car garage with living space above it is being built; everything is being raised 12 to 14 feet. Bennett Hartland of 15 Salt Meadow Lane also spoke in favor of the application, stating that the new septic system will preserve the beautiful marshland.

Chairman Cozean stated that the Conservation Commission wrote a letter about the application. Mr. Nemergut stated that the Conservation Commission letter stated that the commission is traditionally not in favor of more intense use near tidal wetlands, but the septic system was praised in the same letter.

Chairman Cozean made the motion to close the public hearing; it was seconded by Vice Chairman Jeanne Stevens and unanimously approved.

Vote to close the public hearing passed 5-0-0.

IN FAVOR: Chairman Cozean, Vice Chairman Stevens, and Commissioners Kelty, Kaminsky, and Moore.

OPPOSED: None.

ABSTAINED: None.

Commissioner Kaminsky stated that the Vine case applies, since the pre-existing nonconformities will be demolished and removed, therefore that trade is present, and not much can be done with the building, due to the way it is situated on the parcel. Commissioners Moore and Stevens concurred. Commissioner Kelty stated that the proposed changes are good and positive; in addition, a state-of-the-art septic system is fairly positive.

Chairman Cozean made the motion to approve the application as presented, on the grounds that the hardship exists in the geography, and there is no where else to build,

due to the tidal wetlands and the 150-foot property line setback. Vice Chairman Stevens seconded the motion and it was unanimously approved.

Vote to approve the application passed 5-0-0.

IN FAVOR: Chairman Cozean, Vice Chairman Stevens, and Commissioners Kelty, Kaminsky, and Moore.

OPPOSED: None.

ABSTAINED: None.

In asking the Zoning Board of Appeals to approve the Coastal Site Plan, Mr. Nemergut stated that the land is flat, there will be no need to do clearing, the structure is being raised to meet FEMA flood requirements, the project will have minimal impact on the coastal or tidal wetlands, and the septic system is being moved more than 100 feet away from the critical coastal resource.

No one spoke in favor of or in opposition to the Coastal Site Plan.

Chairman Cozean made the motion to close the public hearing; it was seconded by Vice Chairman Stevens and unanimously approved.

Vote to close the public hearing passed 5-0-0.

IN FAVOR: Chairman Cozean, Vice Chairman Stevens, and Commissioners Kelty, Kaminsky, and Moore.

OPPOSED: None.

ABSTAINED: None.

Chairman Cozean made the motion that the Zoning Board of Appeals finds the Coastal Site Plan application, as presented, meets the goals and policies of the Coastal Area Management Act (CAM) and includes all necessary mitigation measures. Vice Chairman Stevens seconded the motion and it was unanimously approved.

Vote to approve the Coastal Site Plan passed 5-0-0.

IN FAVOR: Chairman Cozean, Vice Chairman Stevens, and Commissioners Kelty, Kaminsky, and Moore.

OPPOSED: None.

ABSTAINED: None.

8194. 8 Campus Drive. Map 68, Lot 49. RU-2 District. Owner: Town of Madison; Applicant: Pyramid Network Services, LLC. Request to vary Sec. 2.7 of the Madison Zoning Regulations to allow replacement of a tower with a new municipal communications system with a 150 ft. tower constructed 109 ft. from the property line.

Madison Chief of Police John “Jack” Drumm, Edward Brunt, Robert Baumeister, and Stefan Vasilesco were present to discuss the application. Mr. Baumeister stated that the 150-foot tower will replace a 120-foot tower near the Arts Barn. The new tower, a 12-foot by 16-foot prefabricated equipment shelter, and a gas generator will be enclosed inside a fence. The closest leg of the tower is 109 feet from the existing property line, when 41 additional feet is actually needed to meet current zoning regulations. Chairman Cozean asked why the new tower is being

placed near the Arts Barn. The Arts Barn has a lot of wetlands, and the area where the 150-foot tower will go has a 30-foot elevation, thus allowing the new tower to be above the flood zone, Mr. Brunt explained. He also stated that the existing 120-foot tower is not structurally sound enough to put in the additional equipment; the 150-foot tower is expected to last for the next 20 years. The new tower has to be 150-feet tall in order to enable all three towers in town to transmit simultaneously. Police Chief Drumm stated that Madison is partnering on a regional basis with the town of Clinton, and the tower is expected to meet long-term police and fire emergency needs.

Chairman Cozean stated he understands the hardships further mitigate the issues; it is also his understanding that there is minimal risk the new tower will fall over, but the 109-foot distance is adjacent to Connecticut Water Company land, and nothing will be built on that land.

Chairman Cozean made the motion to close the public hearing; it was seconded by Commissioner Kelty and unanimously approved.

Vote to close the public hearing passed 5-0-0.

IN FAVOR: Chairman Cozean, Vice Chairman Stevens, and Commissioners Kelty, Kaminsky, and Moore.

OPPOSED: None.

ABSTAINED: None.

Chairman Cozean made the motion to approve the application as presented; it was seconded by Commissioner Kaminsky and unanimously approved.

Vote to approve the application as presented passed 5-0-0.

IN FAVOR: Chairman Cozean, Vice Chairman Stevens, and Commissioners Kelty, Kaminsky, and Moore.

OPPOSED: None.

ABSTAINED: None.

Approval of Minutes: October 4, 2016

Commissioner Kaminsky made the motion to approve the Oct. 4, 2016 minutes as submitted; it was seconded by Commissioner Moore and approved.

Vote to approve the Oct. 4, 2016 minutes passed 4-0-1.

IN FAVOR: Chairman Cozean and Commissioners Kelty, Kaminsky, and Moore.

OPPOSED: None.

ABSTAINED: Vice Chairman Stevens.

Adjournment

Vice Chairman Stevens made the motion to adjourn at 8:20 p.m.; it was seconded by Commissioner Moore and unanimously approved.

Vote to adjourn passed 5-0-0.

IN FAVOR: Chairman Cozean, Vice Chairman Stevens and Commissioners Kelty, Kaminsky,

and Moore.
OPPOSED: None.
ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy
Clerk