

Subject to Approval

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
Feb. 7, 2017**

The public hearing and regular meeting of the Madison Zoning Board of Appeals was conducted Tuesday, Feb. 7, 2017, at 7:30 p.m. at the Police Community Room at Madison Town Campus.

MEMBERS PRESENT

Chairman Jeanne W. Stevens, Vice Chairman Kenneth Kaminsky, and Commissioners Thomas Kilty, Ned Moore, and William H. Piggott.

MEMBERS ABSENT

None

ALTERNATES PRESENT

Stephen Somma and Charon Squitiero

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 7:30 p.m.; Chairman Jeanne W. Stevens 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.

8196+CSP. 78 Lee Way. Map 24, Lot 129. R-5 District. Owners: Benjamin S. Weshler & Terry L. Baker; Applicant: Paul Coady. Request to vary Section 3.8 of the Madison Zoning Regulations to allow coverage of 2,205 sq. ft. where 1,840 sq. ft. is allowed. Coastal Site Plan Review required.

Paul Coady of Coady Construction, representing property owners Benjamin S. Weshler and Terry L. Baker, stated that plans are to demolish the existing, nonconforming structure and build a new, more conforming structure. Mr. Coady submitted **EXHIBIT 1**, a site plan drawing in color. He explained that the house has a block foundation which is cracking and causing water to flow into the garage and the bottom of the house, where there is no basement; as a result of the water damage, severe mold is growing. Two options were available: renovate the existing structure or demolish the existing structure and build a new house. The current house predates zoning, encroaches on several setbacks, is nonconforming, and has 2,395 square feet, or 555 square feet more than what is allowed. The new house will eliminate all setback encroachments, be over only 365 square feet than what is allowed, will meet all building codes, including the newer ones, and will have a new septic system. Diana Hartman of Blakeman Road spoke in favor of the plans, stating that the new structure will be a tremendous asset. No one else spoke in favor of or against the application. Commissioners spoke in favor of the reduction of coverage, compliance to setback regulations, and rebuilding within the building envelope.

Commissioner Ned Moore made the motion to approve the application as submitted, finding it reduces the nonconformities, reduces coverage, and complies with setbacks; it was seconded by Vice Chairman Kenneth Kaminsky and unanimously approved.

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

IN FAVOR: Chairman Stevens, Vice Chairman Kaminsky, and Commissioners Moore, William Piggott, and Thomas Kelty.

OPPOSED: None.

ABSTAINED: None.

In discussing the Coastal Site Plan Review, Chairman Stevens read into the record a letter received from the land and resources division of the state Department of Energy and Environmental Protection (DEEP), which found no inconsistencies with the Coastal Area Management Act, stated that the property is not in a flood zone, but did suggest the applicant consider installing low cost storm water management barriers, such as rain gardens.

Commissioner Piggott made the motion to accept the Coastal Site Plan review, since the application was found to be consistent with the goals and policies of the Coastal Area Management Act; the motion was seconded by Commissioner Moore and unanimously approved.

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

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

OPPOSED: None.

ABSTAINED: None.

8197. 9 Campus Drive. Map 68, Lot 49. RU-2 District. Owner: Town of Madison; Applicant: Sunlight Solar Energy. Request to vary Sec. 5.6(f) of the Madison Zoning Regulations to allow a 10 ft. side yard where a 30 ft. side yard is required to permit installation of a solar groundmount.

Director of Planning and Economic Development David Anderson explained that since a portion of required notices did not get sent out to nearby property owners, he asked the Zoning Board of Appeals to open the hearing on the application and to keep the hearing open until next month; this will allow town officials to do the proper notification of landowners. The Planning and Zoning Commission will go ahead with the application, as scheduled. William Weiss, chairman of the Energy Efficiency Committee, stated that representatives of Sunlight Solar Energy were present to answer any questions. Mr. Weiss explained that when completed, the solar project, which will have eight sections, will provide the town of Madison eight percent of its municipal consumption each year, the cost of electricity will be reduced, and it will be at a fixed rate for 20 years. At the end of 20 years, the solar panels will be gifted to the town, and there will be no cost for electricity, according to Mr. Weiss. Mr. Anderson explained that the proposal in the application will be 275 feet long; the array will be 11 feet deep, and there must be a 10-foot clear distance beyond the array. In the winter, about three or four residents at Five Fields will have the potential to see the backs of the array. Mr. Anderson explained that the town engineer has placed markers along the boundary lines of the array. Chairman Jeanne Stevens asked whether anyone in the audience wanted to speak in favor of or in opposition to the application.

Ann Flanders of 94 Five Fields Road asked how many panels would be installed along the 275 feet. There will be 166 panels, total, along the continuous length of 275 feet. Members of Five Fields Association were present and asked about the notification process. Mr. Anderson explained that the town is required to notify the association at a post office box; the town notifies the owner of record, and the address is an association with a post office box; he also stated that the town did make additional efforts beyond the strict requirements to notify residents of the application.

Brian Onofrio, vice president of Five Fields Association, stated that the board has voted to oppose this application; based on the information the association has received, the main concern is the view that would be seen at this time of year...the ability to see the back of the solar structures. He suggested plantings, such as evergreens, be incorporated with the project, to create a buffer. Don Healy, 555 Field Lane, stated that he did not think anyone had yet heard what the hardship would be to approve the application; residents are trying to figure out why that spot is the only place for the solar system. Mr. Anderson explained that there was another site proposed, but the little league was concerned the solar array would interfere with play by the little league on the field. Furthermore, that option would have been more visible from the road and into the town campus. One concern raised by Five Fields residents was that the solar project would have a negative impact on their home values, and another concern focused on environmental issues, such as erosion from rainwater run off and long-term grounds maintenance. Chairman Stevens stated that all of the concerns are legitimate, however they are not in the purview of the Zoning Board of Appeals. Mr. Anderson explained that the Zoning Board of Appeals can only approve the setback variance; all other questions and concerns may be addressed at the Planning and Zoning Commission. He reminded the residents that the boundary line is marked, and he would be willing to meet with a group to look at it. Vice Chairman Kaminsky stated that the Zoning Board of Appeals would continue this hearing until next month, appropriate notice will be sent out, and at the conclusion of the hearing, the board will vote on the application. Chairman Stevens stated that when the notice is sent to the homeowners association, it will be the responsibility of the association to notify others.

Vice Chairman Kaminsky made the motion to continue the public hearing to the next month; it was seconded by Commissioner Kelty and unanimously approved.

Vote to continue the hearing passed, 5-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Approval of Minutes: Dec. 6, 2016

Commissioner Moore made the motion to approve the Dec. 6, 2016 minutes; it was seconded by Chairman Stevens and unanimously approved.

Vote to approve the minutes passed, 5-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Adjournment

Vice Chairman Kaminsky made the motion to adjourn at 8:22 p.m.; it was seconded by Chairman Stevens and unanimously approved.

Vote to adjourn passed, 5-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy
Clerk