

SUBJECT TO APPROVAL

**MADISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
Feb. 16, 2017**

The regular meeting of the Madison Planning and Zoning Commission was conducted Thursday, Feb. 16, 2017, at 7 p.m., in Meeting Room A at Madison Town Campus.

**MEMBERS PRESENT**

Chairman Ronald Clark, Vice Chairman Francine Larson, Secretary Thomas Burland, James Matteson, Brian Richardson, Joel Miller, and Joseph Bunovsky, Jr.

**MEMBERS ABSENT**

Amanda Mitchell, John K. Mathers

**ALTERNATES PRESENT**

Elliott Hitchcock

**OTHERS PRESENT**

Director of Planning and Economic Development David Anderson; MCTV taped the meeting.

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The regular meeting of the Madison Planning and Zoning Commission was called to order at approximately 7:03 p.m. by Chairman Ronald Clark; he seated Alternate Commissioner Elliott Hitchcock for absent Commissioner John K. Mathers.

**17-04. 765 Boston Post Road.** Map 38, Lot 96. D/DVD District. Owner/Applicant: Davis Realty LLC. Site Plan Review Modification for exterior renovations to existing restaurant and addition of seasonal outdoor seating for 16 along the front of the building.

Owner Jerry Davis of Davis Realty LLC stated that plans are to upgrade the restaurant with new bathrooms and accessibility into the building. Architect William Thompson stated that the existing restaurant does not have bathrooms on the first floor, therefore a kitchen will be converted into two bathrooms; that floor also does not have an accessible entry, and that will be rectified by making an accessible entryway from the handicapped parking into the restaurant. Outdoor seasonal seating is also being planned; it will be within the property line of the building. In addition, the storefront will be upgraded. Mr. Thompson presented plans, drawings, and old and new photographs of the property. The restaurant will have an open floor plan, bathrooms will be in the back, there will be an open face kitchen, and a galley bar on one side, with seating all around, according to Mr. Thompson. Some of the outdoor seating elements include teak-like furniture, a fire pit, plants in cedar pots, radiant heaters near the ceiling, and an overhang, according to Mr. Thompson. Existing lighting will be used, with the possibility of seeking a change in that, in the future; off-season, the outdoor furniture will be stored indoors; and seasonal seating is expected to run from mid-May to mid-October. Natural gas will be the fire pit power source.

While the addition of the outdoor seating requires four additional parking spaces, the Madison Planning and Zoning Regulations gives the Planning and Zoning Commission the authority to

reduce or eliminate that requirement; since there is plenty of available public parking in the area, Director of Planning and Economic Development David Anderson recommended the requirement be waived.

**Commissioner James Matteson made the motion to accept the application as presented for a Site Plan Review Modification for exterior renovations to the existing restaurant, the addition of seasonal outdoor seating for 16, along the front of the building, and a waiver of the four-space parking requirement; it was seconded by Commissioner Joseph Bunovsky, Jr. and unanimously approved.**

Vote to accept the application as presented passed, 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Francine Larson, Secretary Thomas Burland, and Commissioners Hitchcock, Matteson, Bunovsky, Brian Richardson, and Joel Miller.

OPPOSED: None.

ABSTAINED: None.

**Road Acceptance** – Matteo Court. Professional Land Surveyor Michael Bennett stated that all of the road improvements for the subdivision have been completed, and the developer is requesting that the Planning and Zoning Commission give a favorable recommendation to the Board of Selectmen to accept the road as a town road; the town engineer has no objection to it being given a favorable recommendation to be accepted.

**Commissioner Miller made the motion to give a positive recommendation to the Board of Selectmen that Matteo Court be accepted as a town road; it was seconded by Commissioner Richardson and unanimously approved.**

Vote to give a positive recommendation passed, 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Larson, Secretary Burland, and Commissioners Hitchcock, Matteson, Bunovsky, Richardson, and Miller.

OPPOSED: None.

ABSTAINED: None.

**17-03. 891 Boston Post Road.** Map 39, Lot 21. D/DVD District. Owner: 891 Boston Post Road, LLC; Applicant: Joseph Sarfaty, JW Homes, LLC. Site Plan Review Modification for repairs and renovations to existing structure. The proposed use of the building will be for a first floor Endodontic office and second floor apartment.

Joseph Sarfaty of JW Homes, LLC, states that the proposal is for a first floor endodontic dental surgery office space and a second floor residential apartment. This application went before the Advisory Committee on Community Appearance (ACCA) on Feb. 14, 2017. Director of Planning and Economic Development David Anderson stated that the second floor apartment triggers two parking spaces, but the Planning and Zoning Regulations allow the Planning and Zoning Commission to reduce or waive that requirement, since there is plenty of public parking nearby. Mr. Sarfaty stated that when the application was heard by ACCA, there was an understanding that the existing east windows on the building were not in keeping, architecturally, with the rest of the building; in addition the application has to go before ACCA, again, with the siding elements of the design. The east window issue was resolved with ACCA, according to Mr. Sarfaty, but the siding remains to be decided. ACCA is not happy with a proposal to use

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vinyl siding; the panel prefers wood siding or clapboard siding. It is expected a circular window will be eliminated, since it is 40 years old and non-functioning, but the east windows will be replaced. In terms of the vinyl or wooden siding, ACCA decided the applicant should return to it with further information on what could be used; the property owner has determined wooden siding will cost at least \$30,000, while vinyl siding is about half that cost, at about \$14,000. Commissioners debated whether it was necessary for the applicant to return to ACCA, since the difference in cost between the two choices is known by the applicant. Mr. Anderson stated that the Planning and Zoning Commission could choose to approve the vinyl or wooden clapboards, or it could decide to send the application back to ACCA. He reminded the commissioners that in the Planning and Zoning Regulations regarding the DVD, Section 5.2 design and landscape, which was adopted in 2003, it states that brick, stone, and wood are the preferred building materials. Vice Chairman Larson and Commissioner Miller stated that the word is “preferred,” therefore it is not binding, and there is no use of the words “must” or “shall,” which would indicate stone, brick and wood would have to be used. Furthermore, a nearby building has aluminum siding. Commissioner Miller stated that the two sides of the building that need siding are almost invisible to those driving by; being discussed is the appearance of something 80 percent of the people cannot see. Chairman Clark stated he would like to see ACCA have another dialogue with the applicant about the siding. Commissioner Matteson stated that he would like to see the commission vote on this application, so it can be decided, thus ensuring the project would not be delayed. Commissioner Matteson reminded the commission that the applicant did agree to look at the siding and return to ACCA with a cost analysis, including in terms of whether any lead abatement measures have to be taken. Mr. Sarfaty stated that it is substantially accurate to say there is lead paint on the structure. Vice Chairman Larson stated that ACCA is advisory and the applicant should be able to use vinyl, if he prefers to do so.

**Commission Secretary Burland made the motion to approve the application as presented, with the addition of double windows on the second story, removal of the circular window, with the understanding that within the next two weeks, a meeting will take place with ACCA on the siding to discuss wood or vinyl, as well as the position of the utility pole, and a waiver of the additional parking space requirement. It was seconded by Commissioner Bunovsky.**

During discussion on the motion and the second, Vice Chairman Larson stated she was not in favor of the applicant having to return to ACCA to further discuss the siding, and Secretary Burland stated that the Planning and Zoning Commission has to respect the fact that there was an agreement between ACCA and the applicant that the application be heard again, specifically regarding siding choices of wood or vinyl. Commissioner Bunovsky asked how the siding issue could be resolved with ACCA. Mr. Anderson stated that ACCA will either recommend wooden siding or that the applicant use a certain kind of vinyl siding with certain trim. Secretary Burland stated that if ACCA recommends wooden siding, the Planning and Zoning Commission has the ability to overturn that decision. There were no further comments, and the vote was taken.

Vote to approve the application, with conditions, passed 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Larson, Secretary Burland, and Commissioners Hitchcock, Matteson, Bunovsky, Richardson, and Miller.

OPPOSED: None.

ABSTAINED: None.

**Approval of Minutes:** Planning Meeting ~ Feb. 2, 2017

**Commissioner Matteson made the motion to approve the Feb. 2, 2017 minutes, as amended, with a change in the first large paragraph, to the sentence reading, “Under the circumstances, there is little a town can do to justify denying affordable housing, according to Chairman Clark.” Change that sentence to read, “Under the circumstances, there is little a town can do to justify managing affordable housing applications, according to Chairman Clark.” The motion was seconded by Commissioner Bunovsky and unanimously approved.**

Vote to approve the Feb. 2, 2017 minutes, as amended, passed, 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Larson, Secretary Burland, and Commissioners Matteson, Richardson, Miller, Hitchcock, and Bunovsky.

OPPOSED: None.

ABSTAINED: None.

**Remarks:** ACCA Liaison Report ~ Commissioner Matteson reported on the ACCA discussion of the 891 Boston Post Road and 765 Boston Post Road applications; stated there was an information session on a Wall Street pending application for a new building, with a restaurant and two apartments; and there was the election of officers.

Commission Chair ~ No report.

Director of Planning and Economic Development ~ Mr. Anderson stated that the solar array project application is tabled; it went before the Zoning Board of Appeals and Five Fields Association members opposed the application, because the solar array could be seen by residents, and it might reduce their property values. Planners are now looking for a new placement for the solar array, where it will not be visible to residents and where it will not require a variance; therefore, it will go before the Planning and Zoning Commission.

Other Comments ~ None.

## **Adjournment**

**Commissioner Miller made the motion to adjourn at 8:38 p.m.; it was seconded by Secretary Burland and unanimously approved.**

Vote to adjourn passed, 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Larson, Secretary Burland, and Commissioners Matteson, Hitchcock, Richardson, Miller, and Bunovsky.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,  
Marlene H. Kennedy, clerk