

Subject to Approval

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
Apr. 4, 2017**

The public hearing and regular meeting of the Madison Zoning Board of Appeals was conducted Tuesday, Apr. 4, 2017, at 7:30 p.m. in Meeting Room A 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

OTHERS PRESENT

Zoning Enforcement Officer John De Laura; 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.

8198+CSP. 292 Neck Road. Map 12, Lot 2. R-3 District. Owners: Jason & Elizabeth Gold; Applicant: Duo Dickinson architect. Request to vary Section 2.17 of the Madison Zoning Regulations to permit expansion of existing garage within the 50 ft. critical coastal resource. Coastal Site Plan Review required. **Commencement of Hearing Postponed to May 2, 2017.**

8200+CSP. 172 Middle Beach Road. Map 17, Lot 72. R-4 District. Owners/Applicants: Bryant C. Jr. & Andrea C. Boren. Request to vary Sec. 2.17 of the Madison Zoning Regulations to permit new dwelling to be constructed 40.9 ft. from the Critical Coastal Resources where 50 ft. is required. Coastal Site Plan required.

Architect Russell Campaigne stated that the property is adjacent to Fence Creek, and he presented **EXHIBIT 1**, a site plan in color. Plans are to demolish the existing home on the property and build a new six bedroom home, located further from the critical coastal resource than the current home; the home will be built to exceed current state building codes and Federal Emergency Management Agency (FEMA) requirements for construction within a floodplain. Two new code compliant septic systems for a guest house and the main house will be installed, and the design includes storm water mitigation, to meet Madison Coastal Site Plan (CSP) requirements. Mr. Campaigne stated that heroic efforts have been made to compact the new house to meet all requirements and to reduce nonconformities. The existing primary dwelling is currently 17.3 feet from the critical coastal resource, and it will be rebuilt 40.9 feet from the CCR. The site currently contains two single-family dwellings on the single lot. Mr. Campaigne stated that the kitchen will be removed in the remaining structure, allowing it to serve as an

accessory building on the lot; thus one non-conformity is reduced and a second is eliminated.

Chairman Jeanne Stevens summarized the application, stating that the unique shape of the lot contributes to the design proposal, one nonconformity is reduced by removing a kitchen from a building and making it an accessory structure, and a second nonconformity is reduced. Commissioner Thomas Kelty stated that it is quite a definitive job of reducing the nonconformities and bringing the structure up to code. Mr. Campaigne stated that the design of the new house will be well received, and the proposal is completely in compliance with all zoning regulations.

Chairman Stevens invited comments from the public in favor of or in opposition to the application, and there were none. She closed the public portion of the meeting.

Vice Chairman Kenneth Kaminsky made the motion to approve the application as presented, based on the shape of the lot, as well as the reduction of one nonconformity and the elimination of a second, by turning a residential dwelling into an accessory structure; it was seconded by Commissioner Kelty and unanimously approved.

Vote to approve 172 Middle Beach Road passed, 5-0-0.

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

OPPOSED: None.

ABSTAINED: None.

In presenting the Coastal Site Plan review, Mr. Campaigne stated that the new house is being moved farther away from the critical coastal resource, and it will be raised so it is above the high wave elevation, to meet FEMA requirements. Two septic systems will be installed, and a storm water system is being constructed to disburse rainwater on the site. A buffer of plantings will be placed around the building and along the edge of the parcel; a grass area currently on site will remain grass, according to Mr. Campaigne. There will be room for silt fencing; during construction a garage building will remain on site, but then it will be taken down after construction, according to Mr. Campaigne.

Professional Engineer and Land Surveyor Thomas A. Stevens, in discussing the Coastal Site Plan, presented **EXHIBIT 2**, a site plan of 172 Middle Beach Road in color and **EXHIBIT 3**, a certificate of permission letter, showing approval for the repair of the seawall. He stated that 90 percent of the rainfalls are one inch or less and 90 percent of the rainfalls will be retained on site; all rain falling on impervious areas will be taken into a storm water management system, gutters, and drainage. Mr. Stevens summarized information contained in a letter from the state Department of Energy and Environmental Protection (DEEP). Vice Chairman Kaminsky stated that the DEEP letter is pretty positive.

Chairman Stevens invited members of the public to speak in favor of or in opposition to the application, but no one spoke.

Chairman Stevens stated that the Zoning Board of Appeals finds that the coastal site plan review application meets Coastal Area Management Act requirements, and the plans include environmental protection mitigation efforts, in compliance with the Coastal Area

Management Act; she moved to approve the application as presented. The motion was seconded by Commissioner Piggott.

Vote to approve the Coastal Site Plan for 172 Middle Beach Road passed 5-0-0.

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

OPPOSED: None.

ABSTAINED: None.

8199. 13 Park Avenue. Map 16, Lot 74. R-5 District. Owners: Gerald & Rose Marie Petti; Applicant: Billy Budd. Request to vary Secs. 3.6 b&d of the Madison Zoning Regulations to allow front yard of 12.8 ft. where 20 ft. is required to open porch, and side yard of 10.6 ft. where 12 ft. is required to open porch and 8 ft. where 12 ft. is required, all to permit renovation of existing dwelling.

Applicant Billy Budd presented **EXHIBIT 1**, a site plan of 13 Park Avenue in color. Plans are to raise the house 15 inches above the 12 foot flood zone; the current roof is very high, but once some parts of the structure are removed or reconfigured, the total height will be approximately 30 feet, making it less ominous, according to Mr. Budd. The coverage of the building will be reduced and nonconforming setbacks will be improved, he stated. A house that fits in well with the neighborhood will be created, according to Mr. Budd. The structure will comply with minimum Federal Emergency Management Agency (FEMA) requirements; it will be 13.25 feet above the flood elevation, where 12 feet is required by FEMA. Nonconformities are not being increased, and improvements are being made where current setbacks do not conform; both total building and average building heights will be in compliance.

Chairman Stevens invited the public to speak in favor of or in opposition to the application. David Beecher, of 11 Park Avenue, spoke in favor of the application and stated that he appreciated being able to review drawings and converse with the applicant about the plans. Chairman Stevens closed the public portion of the meeting.

Chairman Stevens made the motion to accept the application as present, because the site becomes more compliant with setback improvements, one nonconformity is removed and two nonconformities are reduced, and the application meets FEMA requirements. The motion was seconded by Vice Chairman Kaminsky.

Vote to approve 13 Park Avenue passed 5-0-0.

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

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.
Withdrawn.

Approval of Minutes: February 7, 2017

Chairman Stevens made the motion to accept the Feb. 7, 2017 minutes as submitted; it was seconded by Commissioner Moore and unanimously approved.

Vote to accept the Feb. 7, 2017 minutes passed 5-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Adjournment

Chairman Stevens made the motion to adjourn at 8:12 p.m.; it was seconded by Commissioner Kelty and unanimously approved.

Vote to adjourn passed 5-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy
Clerk