

SUBJECT TO APPROVAL

**MADISON PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Sept. 15, 2016**

The regular meeting of the Madison Planning and Zoning Commission was conducted Thursday, Sept. 15, 2016, at 7 p.m., in Meeting Room A at Madison Town Campus.

MEMBERS PRESENT

Chairman Ronald Clark, Amanda Kaplan, James Matteson, John K. Mathers, and Joseph Bunovsky, Jr.

MEMBERS ABSENT

Vice Chairman Francine Larson, Secretary Christopher Traugh, Thomas Burland, Amanda Kaplan, and Joel Miller.

ALTERNATES PRESENT

Richard Chorney and Brian Richardson

OTHERS PRESENT

Director of Planning and Economic Development David Anderson and Selectman Bruce Wilson

The regular meeting of the Madison Planning and Zoning Commission was called to order at approximately 7:03 p.m. by Chairman Ronald Clark, who seated Alternate Commissioner Richard Chorney for absent Vice Chairman Francine Larson.

16-17. 693 Boston Post Road. Angie Lu Tailors, LLC. Map 38, Lot 91. DVD District. Owner/Applicant: Lina Dimasi. Site Plan Review Modification/DVD Major Alteration, for addition to rear of building.

Owner and Applicant Lina Dimasi stated that her business does alterations and needs to expand to accommodate wedding parties that arrive to have gowns and dresses fitted and altered. Brides, bridesmaids, maids of honor, mothers of the brides, flower girls, and others usually arrive together for a session of fittings and alterations. An addition to the back of the building would allow Angie Lu Tailors to provide seating for its guests, during the fitting and alteration processes. This Site plan Review Modification and Downtown Village District (DVD) Major Alteration is for a 473 square foot addition to the rear of the building. While Planning and Zoning Regulations require that DVD Major Alterations have public hearings, the regulations also allow the Planning and Zoning Commission to waive a public hearing, once it is found that the proposal will have a minimal impact on the public view, according to Director of Planning and Economic Development David Anderson. This addition has very limited visibility from the street, therefore the Planning and Zoning Commission should vote on whether or not to waive the public hearing, Mr. Anderson stated. Due to the proximity of the addition to Tuxis Pond, Mr. Anderson stated that the proposal was reviewed and approved but the town's inland wetlands enforcement officer. Landscaping will receive administrative oversight and approval.

Commissioner James Matteson made the motion to waive the public hearing; it was seconded by Commissioner Chorney and unanimously approved.

Vote to waive the public hearing passed 7-0-0.

IN FAVOR: Chairman Clark and Commissioners Amanda Kaplan, John K. Mathers, Joseph Bunovsky, Jr., Richard Chorney, Brian Richardson, and James Matteson.

OPPOSED: None.

ABSTAINED: None.

Commissioner Chorney made the motion to approve the application as submitted; it was seconded by Commissioner Matteson and unanimously approved.

Vote to approve the application as presented passed 7-0-0.

IN FAVOR: Chairman Clark and Commissioners Kaplan, Mathers, Bunovsky, Chorney, Richardson, and Matteson.

OPPOSED: None.

ABSTAINED: None.

16-18. 2 Jonathan's Landing. Map 34, Lot 23. R-2 Zone. Owner/Applicant: Emily Duffield. Special Exception Permit Modification to expand building envelope to allow for an addition to dwelling.

Mr. Anderson stated that the Conservation Commission had written a letter expressing a concern about reducing the setback, so the applicant has requested that the application be tabled until the applicant has a chance to meet with the Conservation Commission to discuss the proposed plans.

Commissioner Mathers made the motion to table the application; Commissioner Kaplan seconded it, and it was unanimously approved.

Vote to table the application passed 7-0-0.

IN FAVOR: Chairman Clark and Commissioners Kaplan, Mathers, Bunovsky, Chorney, Richardson, and Matteson.

OPPOSED: None.

ABSTAINED: None.

Approval of Minutes:

Planning Meeting ~ August 4, 2016

Chairman Clark made the motion to approve the Aug. 4, 2016 minutes; it was seconded by Commissioner Mathers and unanimously approved.

Vote to approve the Aug. 4, 2016 minutes as submitted passed 7-0-0.

IN FAVOR: Chairman Clark and Commissioners Kaplan, Mathers, Bunovsky, Chorney, Richardson, and Matteson.

OPPOSED: None.

ABSTAINED: None.

Planning Meeting ~ September 1, 2016

Commissioner Matteson made the motion to approve the Sept. 1, 2016 minutes as submitted; it was seconded by Commissioner Chorney and unanimously approved.

Vote to approve the Sept. 1, 2016 minutes as submitted passed 7-0-0.

IN FAVOR: Chairman Clark and Commissioners Kaplan, Mathers, Bunovsky, Chorney,

Richardson, and Matteson.

OPPOSED: None.

ABSTAINED: None.

Regular Meeting ~ July 21, 2016

Commissioner Chorney made the motion to approve the July 21, 2016 minutes as submitted; it was seconded by Commissioner Bunovsky and unanimously approved.

Vote to approve the July 21, 2016 minutes as submitted passed 5-0-2.

IN FAVOR: Chairman Clark and Commissioners Kaplan, Bunovsky, Chorney, and Richardson.

OPPOSED: None.

ABSTAINED: Commissioners Mathers and Matteson.

Remarks ~ ACCA Liaison Report: Commissioner Kaplan summarized the events of the ACCA meeting.

Commission Chair: No report.

Town Planner: No report.

Chairman Clark closed the regular meeting at 7:15 p.m., with plans to reopen the session for the 7:30 p.m. public hearing, which he reconvened at 7:30 p.m.

PUBLIC HEARING ITEM

16-15. 134 Boston Post Road. Landon Lumber Co. Map 45, Lot 139. R-2 Zone. Owner: Landon Lumber Co.; Applicants: Drew and Mark Landon. Site Plan Modification for construction of a new 5,000 sq. ft. pre-engineered metal storage building and a new 780 sq. ft. sales office. Additionally, a 150 sq. ft. loading dock, a 630 sq. ft. overhang, and a new concrete platform and ramp are proposed to be added to existing buildings. As part of the application, several existing buildings towards the rear of the property are proposed to be removed, resulting in a 1.9% reduction in lot coverage.

Architect John A. Matthews, representing Drew and Mark Landon, presented the site plans, architectural drawings, and photographs relating to the application. Landon Lumber Co. started its retail lumber at this site in 1928, and it continues to be a very active retail lumber company, according to Mr. Matthews. For the company to remain competitive, in a highly competitive retail lumber market setting, featuring establishments such as Branford Lumber and the more recent Ring's End, Landon Lumber has to have the products available to sell; customers do not want to wait three weeks for supplies to arrive, according to Mr. Matthews. Landon Lumber needs to have the capacity to store supplies to make them readily available to customers, and the application addresses these needs, according to Mr. Matthews. Plans are to take down three buildings to construct a new 5,000 square foot pre-engineered metal storage building and a new 780 square foot sales office space; a 150 square foot loading dock, a 630 square foot overhang, and a new concrete platform and ramp are proposed to be added to existing buildings. These plans will reduce the lot coverage from 39,009 square feet to 35,044 square feet. Although the use is nonconforming in the residential R-2 Zoning District, the proposed work does not extend or expand the current operation and, therefore, complies with Section 12 of the Planning and Zoning Regulations, according to Director of Planning and Economic Development David Anderson. Furthermore, the proposed construction meets the bulk standard requirements of the

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zoning district, regarding setbacks and building height, according to Mr. Anderson.

Currently a red caboose is used as the lumberyard office, but it will be taken away and a new sales office, designed like a train, will be built on the site. This new configuration of buildings will improve the efficiency of the operation as well as maneuvering space for trucks and other vehicles, according to Mr. Matthews. He presented the following photographic exhibits: **EXHIBIT 1** and **EXHIBIT 2**, front and side views of the building; **EXHIBIT 3**, red caboose; **EXHIBIT 4**, overhang photo; **EXHIBIT 5**, site where new office buildings will go; **EXHIBIT 6**, photograph of signs; **EXHIBIT 7**, podium to building, coming down to railroad cars; **EXHIBIT 8**, podium and building 6, north side; **EXHIBIT 9**, south side of building; **EXHIBIT 10**, interior photo of building 6; **EXHIBIT 11**, inside of building 3 for storage; **EXHIBIT 12**, platform with container for sawdust; **EXHIBIT 13**, west end of building; **EXHIBIT 14**, west end of building 3, along Route 1; **EXHIBIT 15**, behind building 3, looking toward Route 1, where the fence screens activity. In terms of building height, Mr. Matthews explained that this proposal is well under the permitted height requirements of the R-2 district; the plan is five feet less than what is permitted in the R-2 zone.

Chairman Clark asked the public if it had any questions for the applicant.

Mark Daly of 123 Boston Post Road, presented a map of the site, which became **EXHIBIT 16** and he asked a series of questions about two parcels of land, one with a house on it and one with no structures on it, which are adjacent to Landon Lumber, and he asked whether one portion of it is part of Landon Lumber's property. Mr. Anderson explained that in 1996, Landon Lumber came to town for a variance, and Surveyor Robert Hart did an updated survey, which shows that that piece is a part of the lumberyard, with Mr. Hart believing that it has always been a part of the larger lot. If parking is an issue, it would be a matter of enforcement, if the lot is being used for parking; furthermore, Landon Lumber is not proposing anything in this current application for that particular lot, so the Planning and Zoning Commission would not be taking action on it, according to Mr. Anderson. Landon Lumber is not asking for additional coverage using that lot, Mr. Anderson stated. A concern was also raised whether more railroad cars would be entering and leaving the site, once the new buildings are constructed. Drew Landon explained that the lumberyard can only get four rail cars in, no matter how many buildings are on the property. Mr. Daly asked how many more trucks are expected, if this application is approved. Drew Landon stated that he does not know; while it would be nice to have more business, the housing industry in Connecticut is flat, and this application is being presented to allow for better utilization of the property. Mr. Matthews explained that Landon Lumber is actually reducing the number of buildings for storage, with this proposal. One resident asked whether Landon Lumber will be a distribution center for other businesses. Landon Lumber's focus will be what it has always been, which is to sell lumber and building materials to local contractors, Drew Landon stated, and it is strictly retail, not a distribution center.

Mr. Anderson stated that there were two letters sent in regarding the application, one of which was from Mr. Daly, and the second was from Bettina Braisted, 155 Boston Post Road, which Chairman Clark read into the record. Drew Landon stated that a next-door neighbor has a five-acre parcel, but he is not interested in buying it. Mr. Matthews presented **EXHIBIT 17**, a deed showing two separate parcels for 124 Boston Post Road.

Chairman Clark asked whether anyone from the public wanted to speak in opposition to the

application.

Mark Daly of 123 Boston Post Road stated that he is not against Landon Lumber knocking down their buildings and putting up new ones, but he clarified that in talking to Drew Landon, Mr. Landon did say he wanted to buy that five-acre parcel. In 1953, Landon Lumber's retail business was grandfathered into the Planning and Zoning regulations, but Mr. Daly wondered where is the paper that lists the restrictions placed on the company for operating in an R-2 zone. Mr. Daly also stated that Landon Lumber is a distribution center, because freight cars come into the site, unload materials onto a flatbed truck and then leave; vehicles are still using the residential driveway, and the sawdust stacks are allowing sawdust to be blown into the air, blowing toward his property. Trucks are parking in the morning and at night; it's a residential area, and Mr. Daly stated that he does not want it to become industrial. Another resident spoke against the application, stating that neighboring property owners are tired of having to defend their homes.

Chairman Clark asked whether anyone wanted to speak in favor of the application.

Charles Shafer, 84 Woodsvale Road, stated that he has been a long time customer of Landon Lumber, and in his 30 years of doing business with the company, he has always been treated favorably. Furthermore, Landon Lumber has donated its products to Boy Scouts of America, and the company was early sponsors to a concert series, which Mr. Shafer stated that he runs. Mr. Shafer named several public service activities in which Landon Lumber has been involved. In terms of general attitude and the way they comport themselves, they are exemplary, Mr. Shafer stated.

Chairman Clark asked whether the applicants wanted to address any issues raised.

Architect John Matthews stated that Landon Lumber is not expanding, nor is the company using the driveway, as a resident suggested. Through this application coverage is decreased; a nonconforming building with two nonconforming setbacks is being taken down, he stated. When property is grandfathered into zoning regulations, no one receives any papers stating what has to be done, property owners simply get to do what they've been doing, Mr. Matthews stated. As far as speculation as to what happens to any property, or in particular that five-acre parcel, it is all just speculation, because all proposals would have to be brought before the Planning and Zoning Commission for approval, according to Mr. Matthews. This current application, if approved, would allow Landon Lumber to remain competitive in a very competitive marketplace, Mr. Matthews stated. Mr. Anderson stated that if the five-acre parcel went up for sale, and Landon Lumber wanted to expand, the application would have to go before the Zoning Board of Appeals for a variance, which would have to turn it down. Planning and Zoning Regulations do not require a public hearing for a Site Plan Review Modification, but because there are adjacent neighbors, Mr. Anderson stated that both he and Landon Lumber thought it would be a good idea to have a public hearing on the application.

Commissioner Kaplan made the motion to close the public hearing; it was seconded by Commissioner Chorney and unanimously approved.

Vote to close the public hearing passed 7-0-0.

IN FAVOR: Chairman Clark and Commissioners Kaplan, Mathers, Bunovsky, Chorney, Richardson, and Matteson.

OPPOSED: None.

ABSTAINED: None.

Chairman Clark invited comments from the Planning and Zoning Commission.

Commissioner Bunovsky stated that the commissioners do have empathy for the concerns of the neighbors, but it is the Planning and Zoning Commission's job to enforce zoning regulations, so this application seems cut and dry to him; the application conforms to the town zoning regulations, but those legitimate residents' concerns have nothing to do with this application. Commissioner Richardson stated that it is not the role of the Planning and Zoning Commission to address the issues raised by the residents, and he is in favor of the application. Commissioner Kaplan believes the new buildings will be attractive and improve the Landon Lumber site esthetically; it is also good that Landon Lumber will be putting in a new building that will consolidate its storage of materials. Commissioner Mathers stated that Landon Lumber is not expanding with this application.

Commissioner Bunovsky made the motion to approve the application as presented; it was seconded by Commissioner Chorney and unanimously approved.

Vote to approve the application as presented passed 7-0-0.

IN FAVOR: Chairman Clark and Commissioners Kaplan, Mathers, Bunovsky, Chorney, Richardson, and Matteson.

OPPOSED: None.

ABSTAINED: None.

Adjournment

Commissioner Matteson made the motion to adjourn at 8:35 p.m.; it was seconded by Commissioner Chorney and unanimously approved.

Vote to adjourn passed 7-0-0.

IN FAVOR: Chairman Clark and Commissioners Kaplan, Mathers, Bunovsky, Chorney, Richardson, and Matteson.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy, clerk