

SUBJECT TO APPROVAL

**MADISON PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Nov. 20, 2014**

The regular meeting and public hearing of the Madison Planning and Zoning Commission was conducted Thursday, Nov. 20, 2014, at 7:30 p.m., in Meeting Room A at Madison Town Campus.

MEMBERS PRESENT

Vice Chairman Terry Macy, Secretary Christopher Traugh, Joel Miller, Ronald Clark, Francine Larson, James Matteson, and Timothy Millhiser.

MEMBERS ABSENT

Chairman Hank Maguire and Joseph Bunovsky.

ALTERNATES PRESENT

Adam Miller

OTHERS PRESENT

Town Planner David Anderson.

The regular meeting and public hearing of the Madison Planning and Zoning Commission was called to order at approximately 7:30 p.m. by Acting Chairman Christopher Traugh. He seated Alternate Commissioner Adam Miller for absent Vice Chairman Terry Macy. Vice Chairman Macy arrived at about 7:45 p.m., and he served in the role as acting chairman, so Commissioner Miller was then seated for absent Chairman Hank Maguire. MCTV taped the meeting.

14-23. 82, 84, 86 Wall Street. Map 38, Lot 30. D/DVD district. Owner/Applicant: MAS Property Holdings, LLC. Site Plan Review for expansion of parking lot to provide additional parking for 90 Wall Street. The two rear buildings on the property will be demolished to accommodate the expansion.

Attorney Christopher McKeon, representing MAS Property Holdings, LLC, reported additional parking is needed to accommodate expansion of the business; this property was purchased in October to provide the additional parking. Since the property lies within the Downtown Village District (D/DVD), the applicant is requesting a finding from the Planning and Zoning Commission that there is minimal impact on the public view; in addition, it has to be found that the proposed change would not be a major alteration, since parking already exists at the site, according to Mr. McKeon. He stated that the view from the street by putting additional parking at the site is not going to impact the view. Mr. McKeon asked the commission to make a finding that there's minimal impact on the public view, waive the public hearing that would be required, and approve the site plan to allow the additional parking, which would amount to 34 spaces. Currently, the property is used for six units of housing; two rear buildings and a shed would be demolished, and the main house would remain as two units of housing. This parking expansion would allow for parking to remain for the housing units, and it would provide for additional parking for 90 Wall Street; parking conforms to Section 8.1 of the town planning and zoning

regulations, which allows parking within 1,000 feet of the building served.

Since the application was a site plan review, it did not require a public hearing, and it was not required to notify adjacent residents of the proposal, according to Town Planner David Anderson. Mr. McKeon stated that he knew there were residents who would like to speak to the application, and even though it was not a public hearing, he would entertain comments and address them. He clarified that the application only has to do with 82, 84, and 86 Wall Street and does not concern 90 Wall Street. In addition no lighting is proposed in the site plan, according to Mr. McKeon. The expansion of a stockade fence, suggested by ACCA, has been removed from the proposal, Mr. McKeon reported.

Town Planner David Anderson clarified that the building in the front only requires four parking spaces, and no additional parking spaces are planned for 90 Wall Street. In addition, previous Planning and Zoning Commission approval had been granted for a waiver of nine parking spaces. Mr. McKeon stated that no one on ACCA raised any concern that the proposal for additional parking would impact the public view. Commissioner Ronald Clark asked whether it could have been an oversight on ACCA's part. Mr. McKeon stated that he would think that if ACCA had a concern about the public view impact, the commission would have raised it.

Eric Anderson of Anderson Associates Engineering and Surveying reported that one maple tree to the rear of the house has to be removed, but the rest of the trees will stay. Commissioner Clark stated that the Planning and Zoning Commission has a responsibility for downtown safety, and he questioned whether ambient lighting meets minimal standards for safety for people entering and leaving the area in the dark. Mr. Anderson pointed out two light posts on the site plans that will illuminate the parking area.

Commission Secretary Traugh began to discuss whether the commission should waive the public hearing, stating that first of all, this proposal is for a property in the center of the downtown village district, and it is highly regarded by the townspeople; he would be leery of considering this application without a public hearing. It does not meet the requirements of the Madison Plan of Conservation and Development; it does not provide a solution to parking problems downtown; and it takes away a downtown apartment, according to Commissioner Traugh. Therefore, he stated that he would not want to waive the public hearing.

Commissioner James Matteson stated that adjacent property owners should have a public hearing on the proposal. Commissioner Joel Miller agreed, as well as Commissioners Timothy Millhiser, Clark, Francine Larson, and Adam Miller. Commissioner Clark stated he would like to see some hard data about the lighting and would want standards to be met for adequate lighting.

Commission Secretary Traugh made the motion that the request to waive the public hearing be denied; it was seconded by Commissioner Joel Miller and unanimously approved.

Vote to deny public hearing waiver passed, 8-0-0.

IN FAVOR: Vice Chairman Macy, Secretary Traugh, Commissioners Miller, Miller, Larson, Millhiser, Clark, and Matteson.

OPPOSED: None.

ABSTAINED: None.

Public Hearing, 8 p.m.

14-22+CSP. 125 & 137 Cottage Road. Map 31, Lots 25 & 26. T District. Owners: 125 Cottage Road, LLC and 137 Cottage Road, LLC; Applicant: Robert E. Dowler. Special Exception Permit for a Planned Residential Development consisting of six buildings in an 18 unit common interest community. Coastal Site Plan Review Required.

Attorney Thomas Cronan stated that Applicant Robert E. Dowler was unable to attend, however his daughter, Clare Dowler-Dube was in attendance and is part of the family business. Architect John Matthews, Engineer Michael Harkin of Harkin Engineering, Eric Anderson of Anderson Associates Engineering and Surveying, and Landscape Architect Brian Murphy would be available to speak. During the summer, the applicant requested and received Planning and Zoning Commission approval to make a text amendment to allow high density housing in the transition district (T District); the transition district regulations did allow for more commercial use but not for increased housing, according to Mr. Cronan. Planned for the property is a multi-family, intergenerational, essentially condominium development in the transition district, Mr. Cronan explained. This application meets all the requirements for the special exception, but a waiver will be needed to allow parking in what will be deemed a front yard, but it will not look like a front yard, since there are two front yards, according to Mr. Cronan.

Architect John Matthews reported that work on this project began three years ago; Mr. Dowler already owned the 1830s red house at 125 Cottage Road. Eighteen houses are being proposed on this almost three acre parcel; the 1830s house will be restored, featuring wood, a picket fence, and 1830 plantings; in addition, a post and beam construction will be built in the rear, and the name of the drive will be Wellington Way, according to Mr. Matthews. These buildings will be the backdrop for the village green, and a couple of parking spaces are planned for the front yard, according to Mr. Matthews. Commissioner Adam Miller asked if there are currently buyers for the units, and Mr. Matthews stated that there are not. Housing will consist of four one-bedroom units, 12 two-bedroom units, one three-bedroom unit, and a two-bedroom unit in the red house, according to Mr. Matthews. Buyers could range from new college graduates to a family, to the elderly, according to Mr. Matthews. The majority of the housing units have first floor master bedrooms, and one unit could have an elevator installed, Mr. Matthews stated. Planned for the parcel are five buildings and the red house, and they vary considerably, which is what adds to the ambience, according to Mr. Matthews. ACCA thought the project should have some outdoor space, so near the mailboxes there is a plaza with a newly added bench; there is also a seating wall and boxwood hedges that define the plaza; there will be dome lighting over the mailboxes and the bench, Mr. Matthews stated. Each garage and doorway will also have lights, just as at a single-family home, according to Mr. Matthews. He presented **EXHIBIT A**, a photograph of patio pavers to be installed. On top of the red house will be a cupola, which Mr. Matthews said adds a lot to the design and is screened by the other houses and trees; it also provides natural light to the homeowners. The buildings will have white trim, white garage doors, and Essex green shutters; all of the new houses will have lighter colors, so the red house can be the focal point, according to Mr. Matthews. These are considered multiple single-family houses or 18 houses with 33 bedrooms—18 units, according to Mr. Matthews.

Professional Engineer Michael Harken described the technical aspects of the development, and he presented updated plans: **EXHIBIT B**, dated Oct. 22, 2014, and **EXHIBIT C**, updated plans

of 125 and 127 Cottage Road. There are six separate septic systems and separate water, electric, cable, and telephone utilities, and the only common element is a proposed gas main that will run along the back of the property, according to Mr. Harkin. Each housing unit has its own collection to put rain water back into the ground; there are catch basins, piping systems, and leaching galleys to collect and distribute the rain; there will be a zero percent increase in post development runoff, according to Mr. Harkin. Plans include incorporating suggestions made by ACCA and the Conservation Commission, according to Mr. Harkin.

Town Planner David Anderson asked if town officials could be in receipt of the Common Interest Ownership document prior to the issuance of the first certificate of occupancy, and Mr. Cronan stated that that would be agreeable, because the condominium documents have to be filed first and recorded, reviewed, and approved; these are statutory steps that must be met.

Acting Chairman Macy asked whether the public had any questions, and Hank Robinson asked where would snow be placed at the site. There is not a lot of curbing on the property, so snow can be pushed and stored on the village green, and there is plenty of area to place the snow, according to Mr. Harkin. Resident Irene Curtis had questions about whether the stone wall adjacent to Windermere would be removed, whether the evergreen trees will be removed, and if the rain run off will flow into Windermere and then into wetlands.

Mr. Harkin stated the stonewall will not be removed and there is an extensive amount of trees and shrubs detailed in the plans for this development; in fact, the town planner wanted more trees on the site, and that idea has been incorporated as well. A note on the plans states that the town planner and tree warden will review the installed landscaping prior to the building of the housing units. Mr. Matthews presented **EXHIBIT D**, five photographs of land adjacent to Windermere, which shows existing landscaping, with views of the stonewalls; he said existing landscaping will remain. Resident Wes Lee was also concerned about the landscaping serving as a buffer between the new development and his residence, a section of which he described as a "hole," since there is no landscaping buffer in that area. Mr. Harkin stated that landscaping is planned for that area.

It is anticipated the timeline or the project will be market driven; it can be built in a year and a half, easily, according to Mr. Harkin, but it is going to be a phased-in project.

Acting Chairman Macy asked if anyone wanted to speak in favor of or in opposition to the application. Wes Lee stated he was speaking in opposition to the development, because he has seen in other construction projects that landscaping gets neglected, in the long run, but if the landscape plans are completed, as proposed in the application, then he is in favor of it. Mr. Cronan stated that there is a condition built into the application that requires the town planner and tree warden to visit the site to make recommendations on landscaping needs.

Regarding the Coastal Site Plan Review part of the application, Mr. Harkin said it is in the area for a Coastal Site Plan Review, but there are no tidal wetlands on the parcel. The application has been submitted to the state Department of Energy and Environmental Protection (DEEP), and no comment has been received on it, according to Town planner David Anderson, therefore town officials feel there are no issues with the application.

Allen Parcel, president of Windermere East Homeowners Association, stated that the board of directors is in favor of the development; it is believed it will enhance the area and the property

values.

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

Vote to close the public hearing passed, 8-0-0.

IN FAVOR: Acting Chairman Macy, Commission Secretary Traugh, and Commissioners Millhiser, Miller, Miller, Larson, Matteson, and Clark.

OPPOSED: None.

ABSTAINED: None.

Acting Chairman Macy opened the session for commission discussion. Commissioner Matteson stated that adjacent property owners' concerns were addressed in the development and he will be in favor of the application. Commissioner Larson stated that she had no objections to the application. Commissioner Clark stated he can support the application because the property could have been used for commercial businesses, instead, and the housing is preferable. Commission Secretary Trough stated that he is a little queasy about the density of the project, but that has been approved; furthermore the application is in keeping with the town Plan of Conservation and Development, and this project represents a new type of housing that Madison currently does not have, so, on the whole, with some conditions, it is worthy of approval. Commissioner Millhiser stated he is concerned with the density, as well, along with tight parking, but it is a good design and well thought out; in addition, he is strongly in favor of the cupola on the red house, and Commissioner Larson agreed with the placement of the cupola. Commissioner Joel Miller stated that this is among the more aesthetically pleasing alternatives, and the application is worthy of approval. Commissioner Adam Miller stated that Madison lacks some kind of higher density living space in the downtown area, and he does not see anything negative in promoting this project; while there may be a concern for the landscaping view on the part of neighbors, that concern is pretty much addressed in the site plan.

Commission Secretary Traugh made the motion that the application is found to be in keeping with the goals and policies of the Coastal Area Management Act (CAM); it was seconded by Commissioner Adam Miler and unanimously approved.

Vote to approve the Coastal Site Plan passed, 8-0-0.

IN FAVOR: Acting Chairman Macy, Commission Secretary Traugh, and Commissioners Millhiser, Larson, Miller, Clark, Matteson, and Miller.

OPPOSED: None.

ABSTIANED: None.

Commissioner Traugh made the motion to approve the application as presented, waiving the front yard parking requirement, and requiring that the common ownership documents be reviewed by the town attorney and town officials, that the western end of the development have high standard landscaping screening, that the development phasing in plan be presented to the town staff, and that the stone wall to the east of the project on Curry Cross Road remain untouched. This was seconded by Commissioner Matteson and unanimously approved.

Vote to approve 14-22, 125 and 137 Cottage Road passed, 8-0-0.

IN FAVOR: Acting Chairman Macy, Commission Secretary Traugh, and Commissioners

Millhiser, Larson, Miller, Clark, Matteson, and Miller.

OPPOSED: None.

ABSTIANED: None.

ACCA Appointments

Commissioner Millhiser made the motion to accept the following appointments to ACCA: Elizabeth Ardolino, Matt Williams, and John Cunningham for three-year terms; Fred Murphy, Ron Zollshan, and Peter Gulick for two-year terms; and Lisa MacCartney-MacDonald for a one-year term. It was seconded by Commissioner Joel Miller and unanimously approved.

Vote to approve the ACCA appointments passed, 8-0-0.

IN FAVOR: Acting Chairman Macy, Commission Secretary Traugh, and Commissioners Millhiser, Larson, Miller, Clark, Matteson, and Miller.

OPPOSED: None.

ABSTIANED: None.

Approval of Minutes: Regular Meeting ~ Oct. 16, 2014; Planning Meeting ~ Nov. 6, 2014

Commissioner Clark made the motion to accept the Oct. 16, 2014 minutes, as amended, with the following change, Commission Secretary Traugh is not a member of the Madison Country Club, therefore delete the sentence on page 2 of the minutes, first paragraph, "Commissioner Traugh also stated he is a member of the Madison Country Club," to "...and acting on the application." It was seconded by Acting Chairman Macy and unanimously approved.

Vote to approve the Oct. 16, 2014 minutes as amended passed, 8-0-0.

IN FAVOR: Acting Chairman Macy, Commission Secretary Traugh, and Commissioners Millhiser, Larson, Miller, Clark, Matteson, and Miller.

OPPOSED: None.

ABSTIANED: None.

Acting Chairman Macy made the motion to approve the Nov. 6, 2014 minutes, as amended, with the following changes: on page 3, sixth paragraph, change "craft been" to "craft beer," so sentence reads as follows, "Currently Madison's Planning and Zoning Regulations do not have an existing use category for craft beer being brewed on the site." In the next sentence, change "It appears as though the proposed..." to read, "It appears as though the proposal might fit under Section 6e and Section 7.1.10, and commissioners discussed this." This motion was seconded by Commissioner Clark and unanimously approved.

Vote to approve the Nov. 6, 2014 minutes as amended passed, 8-0-0.

IN FAVOR: Acting Chairman Macy, Commission Secretary Traugh, and Commissioners Millhiser, Larson, Miller, Clark, Matteson, and Miller.

OPPOSED: None.

ABSTIANED: None.

Remarks: Commission Chair ~ No report. Town planner ~ No report.

Adjournment

Commissioner Clark made the motion to adjourn at 10 p.m.; it was seconded by Commissioner Adam Miller and unanimously approved.

Vote to adjourn passed, 8-0-0.

IN FAVOR: Acting Chairman Macy, Commission Secretary Traugh, and Commissioners millhiser, Larson, Miller, Clark, Matteson, and Miller.

OPPOSED: None.

ABSTIANED: None.

Respectfully submitted,
Marlene H. Kennedy