

**Subject to Approval**

**ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES  
Aug. 10, 2021**

The Regular Meeting of the Madison Zoning Board of Appeals was conducted Tuesday, Aug. 10, 2021, at 7 p.m. by way of an online Zoom Webinar, with public participation available through a Zoom Webinar link and password, as well as through a telephone call in number, with a Zoom Webinar identification number, all publicly posted.

**MEMBERS PRESENT**

Chairman Ned Moore arrived at the meeting after an alternate was seated to replace him and an acting chairman was selected to carry the meeting forward; Acting Chairman William Piggott and Commissioners Richard Gilbert, Jason Brown, and Dennis Crowe.

**MEMBERS ABSENT**

None.

**ALTERNATES PRESENT**

Jennifer Gordon and Catherine Ferrante.

**OTHERS PRESENT**

Zoning Enforcement Officer John De Laura; Maria Pettola, land use staff.

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**Commissioner Dennis Crowe made the motion to name Commissioner William Piggott chairman; it was seconded by Commissioner Jason Brown and unanimously approved. (Alternate Commissioner Catherine Ferrante was seated in Ned Moore's absence.)**

Vote to name William Piggott chairman passed 5-0-0.

IN FAVOR: Chairman William Piggott and Commissioners Brown, Ferrante, Richard Gilbert, and Dennis Crowe.

OPPOSED: None.

ABSTAINED: None.

Chairman William Piggott called the public hearing and regular meeting of the Madison Zoning Board of Appeals to order at approximately 7 p.m., and he reviewed the procedures, including that 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.

**8247+CSP. 132 Kelsey Place.** Map 14, Lot 4. R-4 District. Owners/Applicants: Brian & Mary Miller; Request to vary Madison Zoning Regulations Section 2.17 to permit 24.6' where 50' is required to a critical coastal resource for the demolition and reconstruction of a FEMA compliant single family home.

Chuck Mandel, agent for the applicant, introduced Michael Sulzbach, who presented the application for the variance. Madison Planning and Zoning Regulations Section 2.17 has to do

with a setback from a critical coastal resource, according to Mr. Sulzbach; plans are to demolish the current, nonconforming structure and build a new dwelling. The current structure is 24.9 feet from the critical coastal resource, and it is not compliant with Federal Emergency Management Agency (FEMA) regulations, according to Mr. Sulzbach. The new structure will be 35.5 feet from the critical coastal resource, which represents the only variance needed; once approved, the new dwelling will be fully compliant, according to Mr. Sulzbach. The application has been reviewed by the state Department of Energy and Environmental Protection (DEEP), which found it to be consistent with the goals and policies of the Connecticut Coastal Area Management Act, according to Mr. Mandel and DEEP documents submitted into the record, a portion of which Mr. Mandel read to the Zoning Board of Appeals, while the document was shared during the meeting. Commissioner Dennis Crowe asked to see the plans and elevations, which were shared. Mr. Mandel stated that the application consists of the revised plans dated July 20, 2021, which were also shared. Chairman Piggott stated that on the revised application it was explained that the applicants had to comply with a view easement. Mr. Mandel concurred that the view easement had been granted to an adjacent property owner, and the current plans comply with that easement. In addition, the application is complying with the AE 12 FEMA flood standards, according to Mr. Mandel. The hardship is that the plans are improving on what currently exists on site; the critical coastal resource is farther back in the new plans, and the applicants are getting as far back as they can, according to Mr. Sulzbach. Mr. Mandel pointed to the location of the 50 foot setback from the critical coastal resource and stated that to make it fully compliant with that setback, the new septic system would not be able to be constructed, as planned, and the health code would be violated. Chairman Piggott read a letter of support, dated July 30, 2021, from Bruce M. Topolosky, which was part of the record; it was also shared. Mr. Mandel read the summary recommendations on the coastal site plan review that was received into the record from DEEP. Chairman Piggott stated that there were no adverse impacts listed. Chairman Piggott asked whether anyone from the public wanted to speak in favor of or in opposition to the application, and no one spoke.

**Commissioner Crowe made the motion to close the public hearing; it was seconded by Commissioner Brown.**

The Zoning Board of Appeals began deliberations. Commissioner Crowe stated that he thinks the application is spot on; it is an improvement to the critical resource and compliant with the town's 50 foot setback; in addition, DEEP gave it a good review. Commissioner Brown stated that he feels positive about it; it is a very restrictive lot, and there will be a new installation of a septic system. The application is borderline on a legal hardship; Commissioner Brown stated, but the application is in accordance with the Plan of Conservation and Development. Commissioner Ferrante stated that she is in favor of the application; it represents improved conditions to the property and to the environment. Commissioner Gilbert stated that he does not want to use lot size as the hardship; he wants to grant the variance based on the fact that it is farther from the critical coastal resource, and it is a reduction in nonconformities. Chairman Piggott agreed, stating that his main reason is the reduction in nonconformity.

**Commissioner Brown made the motion to approve the variance of Section 2.17 to permit 24.6' where 50' is required to a critical coastal resource for the demolition and reconstruction of a FEMA compliant single family home, because it is a reduction in nonconformities and is in compliance with the Plan of Conservation and Development; it was seconded by Commissioner Crowe and unanimously approved.**

Vote to approve the variance for 132 Kelsey Place passed, 5-0-0.

IN FAVOR: Chairman Piggott and Commissioners Brown, Ferrante, Gilbert, and Crowe.

OPPOSED: None.

ABSTAINED: None.

Regarding the Coastal Site Plan Review, which was covered well in the presentation, Mr. Mandel stated that he would take questions; there were no questions.

**Commissioner Brown made the motion to approve the Coastal Site Plan Review, finding it to be consistent with the goals and policies of the Coastal Area Management Act, as well as DEEP; it was seconded by Chairman Piggott and unanimously approved.**

Vote to approve the Coastal Site Plan Review for 132 Kelsey Place passed, 5-0-0.

IN FAVOR: Chairman Piggott and Commissioners Brown, Ferrante, Gilbert, and Crowe.

OPPOSED: None.

ABSTAINED: None.

### **Discussion regarding board meeting platform for the remainder of 2021.**

The Board of Selectmen is asking boards and commissions their preferences on the format to use in continuing meetings until the end of 2021. Commissioner Crowe stated that the Zoom meeting format is working, and no one knows what will happen with the Delta variant of Covid. Commissioner Gilbert stated that he prefers hybrid or in-person meetings. Maria Pettola stated that the Board of Selectmen is conducting hybrid meetings, and doing so requires an entire production crew, including Madison Community Television, a member from the town's IT department, someone to operate the Zoom format, and advance notice of the hybrid choice. Commissioner Brown stated that he supports what Commissioner Crowe stated. Commissioner Jennifer Gordon stated that Zoom is easier to follow and lends itself better to public participation. Chairman Piggott agreed. Commissioner Moore stated that the board should stay with Zoom until the end of the year; it is working, and public participation is not being denied.

**Commissioner Crowe made the motion to continue Zoom meetings until the end of the year; it was seconded by Commissioner Brown and approved.**

Vote to continue Zoom meetings until the end of the year passed, 4-1-0.

IN FAVOR: Chairman Piggott and Commissioners Brown, Ferrante, and Crowe.

OPPOSED: Commissioner Gilbert.

ABSTAINED: None.

**Approval of Minutes:** July 13, 2021, Regular Meeting.

**Commissioner Crowe made the motion to approve the July 13, 2021 minutes, as submitted; it was seconded by Commissioner Gordon and approved.**

Vote to approve the July 13, 2021 minutes passed, 3-0-2.

IN FAVOR: Chairman Piggott and Commissioners Gilbert, Crowe, and Gordon.

OPPOSED: None.

ABSTAINED: Commissioners Brown and Ferrante.

### **Adjournment**

**Commissioner Crowe made the motion to adjourn at 8:09 p.m.; it was seconded by Commissioner Brown and unanimously approved.**

Vote to adjourn at 8:09 p.m. passed, 5-0-0.

IN FAVOR: Chairman Piggott and Commissioners Gilbert, Crowe, Brown, and Ferrante.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,  
Marlene H. Kennedy  
Clerk