

SUBJECT TO APPROVAL

**MADISON PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Feb. 18, 2016**

The regular meeting of the Madison Planning and Zoning Commission was conducted Thursday, Feb. 18, 2016, at 7 p.m., in Meeting Room A at Madison Town Campus.

MEMBERS PRESENT

Chairman Ronald Clark, Vice Chairman Francine Larson, Secretary Christopher Traugh, James Matteson, Joel Miller, John K. Mathers, and Joseph Bunovsky, Jr.

MEMBERS ABSENT

Thomas Burland, Amanda Kaplan

ALTERNATES PRESENT

Elliott Hitchcock, Richard Chorney

OTHERS PRESENT

Town Planner David Anderson; Selectman Bruce Wilson; members of the public; MCTV taped the meeting.

The regular meeting of the Madison Planning and Zoning Commission was called to order at approximately 7 p.m. by Chairman Ronald Clark.

Approval of Minutes: Regular Meeting, January 21, 2016

Commissioner Mathers made the motion to approve the Jan. 21, 2016 minutes, as amended, by deleting the second full sentence on page 3 and changing it to read, *Town ordinance states that food truck operations on private property would be under the purview of the Planning and Zoning Commission*; it was seconded by Commissioner Matteson and approved.

Vote to approve the Jan. 21, 2016 minutes as amended passed, 6-0-1.

IN FAVOR: Chairman Clark, Vice Chairman Larson, Secretary Traugh, and Commissioners Matteson, Bunovsky, and Mathers.

OPPOSED: None.

ABSTAINED: Commissioner Miller.

Planning Meeting, Feb. 4, 2016

Chairman Mathers made the motion to approve the Feb. 4, 2016 minutes, as amended, with a typographical error on page one, *town*, changed to read, *tower*, in the first sentence of the third paragraph, and by giving the familiar form of the police chief's first name, as follows: *Madison Police Chief Jack Drumm stated that this is the second phase of replacing a communications tower on the town campus...* In addition, Chairman Clark asked that the Feb. 4, 2016 minutes include in the section, Others Present, the name of Selectman Bruce Wilson, who attended as liaison to the commission from the Board of Selectmen. That

motion was seconded by Commissioner Matteson and unanimously approved.

Vote to approve the Feb. 4, 2016 minutes as amended passed, 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Larson, Secretary Traugh, and Commissioners Matteson, Miller, Bunovsky, and Mathers.

OPPOSED: None.

ABSTAINED: None.

Discussion Pertaining to Vendor Regulations

Town Planner David Anderson stated he was searching for direction from the Planning and Zoning Commission, for instance by discussing what commissioners think, in general, about allowing food trucks to operate in the downtown village district.

Vice Chairman Larson stated she thought about food trucks in relation to the types of properties in town, for instance, residential, downtown village district, private property commercial, and commercial with parking lots. Regarding residential, her initial thought was food trucks should not be allowed on residential properties, however that should not include food trucks or catering that might take place on private properties for birthday parties or weddings. Regarding the downtown village district, there are food trucks near Academy School and a food truck at Tuxis Lumber; the commission then needs to decide how many food trucks should be allowed and what would be the options to limit them, according to Vice Chairman Larson. Should food trucks be regulated by stating only one per street is allowed, or only one per mile is allowed, she asked. Various issues have to be discussed, such as the availability of parking, whether there is an eating area for patrons, what types of control would be available for the noise of generators, whether setbacks would be imposed, hours of operation, types of signage that could be used, whether food trucks would be allowed to display flags, would there be time limits on permits issued and permit renewals, and the disposition of trash, according to Vice Chairman Larson.

Commission Secretary Traugh stated he found online a website about a workshop or a seminar discussing how to start a food truck operation, the types of local regulations that exist, and how to operate food trucks under such regulations; towns vary in their approaches, nationwide.

Vice Chairman Larson asked for the commissioners' opinions on how many food trucks would be allowed and how would they be regulated.

One way to regulate food trucks would be to base it on geography, according to Commissioner Miller. Wherever the commission decides to allow them would determine how many would be allowed; spots could be assigned, or vendors could obtain spots through a lottery, according to Commissioner Miller.

In the current town ordinance on food trucks, there is not a specified number of food trucks that would be allowed, and there is no overnight parking, according to Mr. Anderson.

Commissioner Chorney stated that he does not believe food trucks should be allowed in the downtown village district at all; there is no place for them to park, and if they were to find a spot, they would be taking away spaces from residents. Commissioner Matteson stated that the numbers of permits granted for food trucks could also be limited.

Further discussion was postponed at 7:30 p.m., so the public hearing portion of the meeting could commence.

PUBLIC HEARING ITEM

16-03. 341 Opening Hill Road. Map 94, Lot 5. RU-1 District. Owner/Applicant: The Country School, Inc. Special Exception Permit Modification to relocate a basketball court and a scoreboard and to add an additional scoreboard as part of the athletics facilities project previously approved.

Head of the Country School John D. Fixx explained that the changes before the Planning and Zoning Commission came as a result of the project taking place over a long period of time; approval was first granted by the commission in 2004, and since then, there have been four headmasters and four business managers at the school.

Business Manager Karen Cunningham stated that approval was granted in May 2004; the school has been able to successfully fundraise to create the athletic field project, a basketball court was moved, and an additional scoreboard is needed.

Chairman Clark took a moment to seat Alternate Commissioner Elliott Hitchcock for absent Commissioner Thomas Burland.

Town Planner David Anderson explained that in 2004, there was an existing half court; the new basketball court is 190 feet from a property line and 200 to 250 feet from a residence; it is a significant distance from adjacent properties, and there is a wooded buffer. In May 2004, the application was approved, but then two requests for extensions were granted, with one taking place until 2009 and the second being extended to 2018, according to Mr. Anderson. As soon as the applicants were notified of the discrepancy between the original approval and what had been constructed, they immediately applied for the Special Exception Permit Modification, according to Mr. Anderson. These changes are minor in nature, all adjacent property owners were notified, and postings were placed on the Country School site, according to Mr. Anderson. Ms. Cunningham presented **EXHIBIT 1**, information about the scoreboards and specifications.

There were no questions from the public and two residents, Lee Penn of 332 Opening Hill Road and Colin Baldwin of 43 Nutmeg Lane, spoke in favor of the application.

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

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

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

OPPOSED: None.

ABSTAINED: None.

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

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

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

OPPOSED: None.

ABSTAINED: None.

Discussion Pertaining to Vendor Regulations

Chairman Clark stated that the downtown village district is not the place for food trucks; it interferes with the character of the town; they are not restaurants. In the downtown village district there are 14 places where customers can sit down to eat, he stated. In addition, the Planning and Zoning Commission is a land use regulatory agency, not a commission that regulates motor vehicles, according to Chairman Clark. Allowing food trucks is a Pandora's box with a can of worms in it, he stated. When the Planning and Zoning Commission regulates land use for brick and mortar restaurants, there are guidelines for the number of seats allowed, and there are guidelines for available parking spaces, but none of that exists for food trucks, according to Chairman Clark. It is a bad land use policy to include food trucks; town ordinance and permits would be the practical way to approach the issue, according to Chairman Clark. There is a large number of people who do not like the idea of allowing food trucks at the Academy School, he stated.

Secretary Traugh stated that the town plan of conservation and development talks about preserving the character of the town and also about encouraging street business. If the Planning and Zoning Commission does not do anything in its regulations about food trucks, then it will continue to have this discussion; a regulation can be crafted to take care of various concerns, according to Secretary Traugh.

Mr. Anderson stated he was getting the impression that if a regulation is adopted, it would have to be severely limited, and yet others on the commission do not want food trucks at all.

Chairman Clark stated that he did not see the downtown village district as particularly appropriate for food trucks, but the commission should not be drafting regulations; food trucks should be regulated through town ordinance and permits. Zoning regulations are specific to land use; the Planning and Zoning Commission is granting the owner of the land a particular use, not the owner or the user of a food truck a particular use, according to Chairman Clark.

Ordinances should not address what happens on private property, that comes under the purview of the Planning and Zoning Commission, Mr. Anderson stated.

Commissioner Bunovsky stated that food trucks do not belong in the downtown village district; he drew attention to the sound of the roaring generators on food trucks and stated that someone bought a house for its location, a food truck arrived, and that person had to face the sound of the generator; they did not buy that house to hear the roar of that generator for 14 hours a day.

Commissioner Matteson suggested that food trucks be allowed by special exception in commercial zones, with the coverage of food trucks not exceeding a certain percent of the total lot size.

A special regulation could be written stating that food trucks are not allowed in the downtown village district, but special events could be excluded; it should be made clear in the regulations, Mr. Anderson stated. He also proposed that the commission focus less on the sensitive issue of the downtown village district and begin to concentrate on regulations in the commercial district.

It was concluded that Mr. Anderson would draw up a regulation for the commercial district, using input from the commission's discussions, and including options for control, such as distances; he will bring the draft to the next planning meeting of the Planning and Zoning Commission, for further discussion.

Remarks: ACCA Liaison Report ~ No report.
 Commission Chair ~ No report.
 Town Planner ~ No report.

Adjournment

Secretary Traugh made the motion to adjourn at 8:45 p.m.; it was seconded by Commissioner Bunovsky and unanimously approved.

Vote to adjourn at 8:45 p.m. passed, 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Larson, Secretary Traugh, and Commissioners Matteson, Chorney, Bunovsky, Hitchcock, and Mathers.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy, clerk