

SUBJECT TO APPROVAL

**MADISON PLANNING AND ZONING COMMISSION
PLANNING MEETING MINUTES
March 3, 2016**

The regular planning meeting of the Madison Planning and Zoning Commission was conducted Thursday, March 3, 2016, at 7 p.m., in Meeting Room A at Madison Town Campus.

MEMBERS PRESENT

Chairman Ronald Clark, Vice Chairman Francine Larson, James Matteson, Thomas Burland, John K. Mathers, and Amanda Kaplan.

MEMBERS ABSENT

Secretary Christopher Traugh, Joel Miller, Joseph Bunovsky, Jr.

ALTERNATES PRESENT

Elliott Hitchcock

OTHERS PRESENT

Town Planner David Anderson

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

Discussion regarding LED pump toppers at motor vehicle fueling stations.

Town Planner David Anderson explained that the state has updated its regulations concerning the posting of motor fuel prices, and it is now allowing the installation of LED pump toppers; Cumberland Farms has sent a letter to the land use office stating that it proposes to remove the four existing manual magnetic pump toppers and replace them with four new LED pump toppers with a “Smart Pay” alternator. These alternators will allow the signs to alternate from a “Smart Pay” member price to the non-member price, thus allowing consumers the option to save money at the gasoline pumps; these alternators will be set to alternate every eight seconds and will not be flashing signs, according to the Cumberland Farms letter. While the planning and zoning regulations do not allow flashing, intermittent, or reflective lighting on signs, Mr. Anderson asked the Planning and Zoning Commission if it wanted to regulate the LED proposal as signs, since they are really no bigger than the current price signs on the fuel pumps. He explained that the land use office could work with Cumberland Farms representatives and give them direction on light intensity and ensuring that the alternation does not look obnoxious. Mr. Anderson stated that Cumberland Farms can be encouraged to do what is appropriate, and if the LED fixtures become problematic, then the Planning and Zoning Commission can bring them under the planning and zoning regulations.

Commissioners indicated they had no problem with the proposal.

Discussion regarding mobile vendor regulations.

Chairman Ronald Clark stated that Town Planner David Anderson had an opportunity to do

further research into food truck regulations. Mr. Anderson explained that he found an eight-page booklet on food trucks, published by the American Planning Association, which raised a number of issues to consider in regulating mobile vendor operations. How mobile vendor operations are regulated vary from town to town, throughout the United States. Mr. Anderson summarized the various regulations he found in the Connecticut towns of Wallingford, Griswold, New Milford, South Windsor, and Berlin, as follows:

- Wallingford has some zoning regulations pertaining to food trucks; no permits are required for mobile vendors operating in a given place for less than four hours or for trucks operating for less than 20 days in any 365 day period. Operating in excess of those time limits requires a zoning permit from the planning and zoning office, and an applicant does not need to appear before the planning and zoning commission for the permit. The food truck has to be in a parking lot and the spaces it takes up cannot exceed the number being allowed at the property; the food truck must be mounted on wheels and be immediately mobile; it must be self contained, requiring no outside electrical use; there can be no additional signs beyond what is already posted on the truck. Food trucks are allowed on private commercial property but they are not allowed on private residential property.
- Griswold prohibits food trucks in all zoning areas.
- New Milford does not allow them on private property, but they must receive permits to operate on municipal property.
- Berlin's regulations are similar to Wallingford's.
- South Windsor allows food trucks in commercial areas without permits, with similar requirements as Wallingford's.

Mr. Anderson summarized the highlights of the Zoning Practice book on food trucks from the American Planning Association, published in September 2013, and he distributed copies of the booklet to the commission. The nature of mobile food operations will change over time, so any regulation the Planning and Zoning Commission creates must be able to address all the possibilities, according to Mr. Anderson. If the town regulations are changed, there will be a public hearing as well. Most of the concerns the booklet outlines to address regarding food truck operations have already been discussed by the Planning and Zoning Commission, except for site lighting, which is an area to be considered; Mr. Anderson stated he liked the language "no additional lighting."

Mr. Anderson stated that he wanted to give the Planning and Zoning Commission a recommendation. He proposed that the town limit food trucks to public property, which would be the Academy School property, soccer games, and public parks. In addition, he stated the commission should grandfather in those mobile vendor operations which have existed for several years on private property, such as the hot dog truck at Friends and Company on the Boston Post Road. Furthermore, the Planning and Zoning Commission could make a recommendation to the Board of Selectmen as to how it could revise its ordinance to include such features as hours of operation and lighting, according to Mr. Anderson, as well as specifically not allowing food trucks on private property. Food trucks parked along Route 1 or in the parking lots on Route 1 in Madison would detract from the character of the town, according to Mr. Anderson. Madison does not allow drive-through restaurants; it is an aesthetic standpoint, according to Mr. Anderson. In addition, the planning and zoning regulations do not allow commercial trucks to park alongside a commercial establishment to advertise its wares inside the building; for instance, at Cohen's Bagels, the planning and zoning regulations would not allow a Cohen's Bagels truck to be parked in the lot or alongside the road to advertise the establishment. People

view food trucks as advertising; these are just some of the aesthetic concerns, Mr. Anderson explained. There is also a potential negative effect on existing businesses; if the Planning and Zoning Commission opens the door for food trucks in commercial zones Mr. Anderson questioned whether that will discourage people from opening up brick and mortar facilities—this would lead to a decrease in tax revenue for the town. The Board of Selectmen, through ordinance, has okayed food truck vendors on public property, at Academy School, and the food trucks are not clamoring for space; it is under utilized, Mr. Anderson stated. In a commercial district you can open a brick and mortar establishment, but on private property, you cannot; Mr. Anderson stated that he likes having food trucks in town but on public property, in a central location. Allowing food trucks on private property, even for a short time period, would be difficult to enforce, according to Mr. Anderson; it would also be difficult to decide the specific properties or zones where they would be allowed. Changing the planning and zoning regulations to allow food trucks in specific areas will increase food truck activity, he stated. Mr. Anderson asked the commission whether it wants to increase the activity or control it. It would be better to control it by allowing it only on public property, Mr. Anderson stated. Opinions could be sought from the Economic Development Commission and the Chamber of Commerce, other town agencies, and the town could do another survey for public input; ultimately, the Planning and Zoning Commission will have to have a public hearing, Mr. Anderson stated.

Commissioner Burland stated that there are existing regulations the Planning and Zoning Commission could tighten up that would address some of the concerns. For instance, the regulation stating that a business activity has to take place in a building could have the word “restaurants” added to it. For downtown, the Planning and Zoning regulations talk about permitted uses; they restrict activities to operating in a building; a mobile food truck is not a building, Commissioner Burland stated.

The town ordinance clearly states the food trucks can operate on public property, but it also states that food trucks operating on private property would be governed by the Planning and Zoning Commission, according to Commissioner James Matteson. Because there are no regulations specific to food truck operations, then it follows that they only place they are allowed is on public property, through the ordinance, according to Commissioner Matteson.

Commissioner Burland suggested the Board of Selectmen be asked to remove the words private property from the ordinance.

Chairman Clark stated that there are currently 14 different places downtown where people can sit down to eat. He would not want to see food trucks all along Route 1 or at 4 Boston Post Road, at any of the car dealerships, at the car wash, or at the investment agency—there are many locations similar to those.

At the Academy School site, the food vendor trucks benefitted from being located near each other, Mr. Anderson stated. Madison does provide a venue for food trucks to be in town, but Mr. Anderson stated that he does not know if the town needs to offer more of it.

Another concern is that if food trucks were allowed on private property, the adjacent property owners might not want to be looking at those food trucks, according to Commissioner Matteson; if there is a regulation to address that, it should be as a special exception permit, requiring a public hearing and notice to adjacent property owners.

Chairman Clark stated the Planning and Zoning Commission regulates land from a land use perspective; it does not regulate motor vehicles. Commissioner Burland proposed that food trucks be allowed to operate in light industrial zones, serving those who work in the businesses located in those zones.

Commissioner Matteson stated he liked the town planner's thought processes and would be in favor of saying food trucks would not be allowed on private property, as well as asking the Board of Selectmen to remove the private property reference from its ordinance.

Mr. Anderson clarified that the Board of Selectmen cannot say food trucks are not allowed on private property, because the Planning and Zoning Commission regulates private property; he stated that he thinks the Planning and Zoning Commission will be best served by putting some specificity into the planning and zoning regulations.

Mr. Anderson stated that the next step would be to change definitions in the planning and zoning regulations and to not allow food trucks on private property, which will require a public hearing. Commissioners agreed with his conclusions.

Remarks:

SCROG Regional Planning Agency (Chris Traugh, P&Z Rep.) ~ No report.

Commission Chair ~ No report.

Town Planner ~ Mr. Anderson stated that Shoreline's Basic Needs Task Force would like to do a presentation in Madison on the need for affordable housing; it would take place April 7, 2016 and would be beneficial to the commission for its work in the affordable and diversity housing initiative.

Other Comments ~ No report.

Adjournment

Commissioner John Mathers made the motion to adjourn; it was seconded by Commissioner Matteson and unanimously approved to adjourn at 8:45 p.m.

Vote to adjourn at 8:45 p.m. passed, 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Larson, and Commissioners Matteson, Mathers, Burland, Hitchcock, and Kaplan.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy, clerk