

SUBJECT TO APPROVAL

**MADISON PLANNING AND ZONING COMMISSION
PLANNING MEETING MINUTES
April 7, 2016**

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

MEMBERS PRESENT

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

MEMBERS ABSENT

Amanda Kaplan and Joel Miller

ALTERNATES PRESENT

Elliott Hitchcock and Brian Richardson

OTHERS PRESENT

Town Planner David Anderson and Zoning Enforcement Officer John De Laura

The planning meeting of the Madison Planning and Zoning Commission was called to order at approximately 7:04 p.m. by Chairman Ronald Clark.

Discussion regarding western boundary of the ‘C’ District generally located between Mungertown Road and the railroad tracks.

Town Planner David Anderson explained that there are several sites throughout town that are a mixture of residential and commercial and he asked whether the Planning and Zoning Commission might want to consider changing those zones that have contiguous commercial enterprises into commercial zones, wherein property owners would have to apply for special exception permits to make changes. Mr. Anderson gave as an example, Landon Lumber, which has been at its location for at least 50 years, and is contiguous to 142 Boston Post Road, which contains a law office, and 148 Boston Post Road, which is a commercial and residential mix. Currently, if Landon Lumber wanted to make any changes on its site, it would have to apply to the Zoning Board of Appeals, which seems to be a cumbersome process. Mr. Anderson informed the Planning and Zoning Commission that court cases involving Zoning Boards of Appeal are beginning to make it difficult for property owners to achieve variances to complete construction projects they desire. Chairman Clark expressed a concern about the future fate of such commercial zones that contain residences; he asked whether a fast food restaurant or a car dealership would appear where, for instance, a lumber yard once existed. Mr. Anderson explained that the special exception permit process gives absolute authority to the Planning and Zoning Commission to decide what types of commercial enterprises could exist in these zones, and the courts would uphold the Planning and Zoning Commission’s decision; a lumber yard could replace a lumber yard, for instance, but a car dealership or a fast food restaurant would not be a good fit near residences. In looking around town at these various mixed-use properties, Mr. Anderson stated that the areas that are commercial in nature but zoned residential tend to be

more dilapidated, and he asked whether the Planning and Zoning Commission should consider extending commercial zones, when they are contiguous, so these properties could have some future. The commissioners agreed they are interested in this proposal, but they would like input from neighbors. Mr. Anderson stated that the commission would look at all the areas that fall into this category and begin the process toward changing the zoning regulations. If Landon Lumber is interested in moving forward on property changes, then Mr. Anderson stated he would suggest the contiguous commercial properties in that area submit an application to the Planning and Zoning Commission.

Review definitions / regulations pertaining to mobile vendors.

Town Planner David Anderson, taking into consideration past Planning and Zoning Commission discussions pertaining to mobile vendors, created two options for regulations pertaining to their operation. One option was very direct and precise, but the second option was a little more vague, subject to interpretation, and allowed more flexibility, according to Mr. Anderson. In the second option, the definition of a mobile vendor or food truck is that it is not considered a restaurant, and a food truck is not allowed as a permitted use in any of the zoning regulations. Several commissioners expressed the view of favoring the first option, which was more precise and less subject to interpretation; they also suggested changing some of the wording that Mr. Anderson had proposed. Mr. Anderson recorded the suggested changes and asked the commission if it would like input from the Economic Development Commission and the Chamber of Commerce; the commission asked Mr. Anderson to submit the draft proposal to the two panels and to return to the Planning and Zoning Commission with their input. A public hearing will be scheduled to make the necessary changes in the Planning and Zoning Regulations.

Planning Subcommittee Breakout Work Sessions:

1. Planning Subcommittee A (Room A) – Review Scope of Work for Housing Diversity & Affordability Study.
2. Planning Subcommittee B (Room B) – Discussion with Zoning Enforcement Officer regarding sign regulations.

Planning Subcommittee A—Review Scope of Work for Housing Diversity & Affordability Study.

Director of Planning & Economic Development David Anderson discussed the status of the Incentive Housing Zone grant with Tom Burland, Jim Matteson, and Joe Bunovsky. Mr. Anderson explained that he is seeking an extension of time through the Department of Housing in order to complete the project. The original grant was set to expire at the end of this fiscal year and the extension is being requested for an additional fiscal year.

Mr. Anderson reviewed the six components of the proposed Housing Diversity and Affordability Study with the subcommittee members. The members agreed to move forward with the project as originally outlined. Once the decision is made by the Department of Housing regarding the extension request, Mr. Anderson will draft a Request for Proposal (RFP) for review by the subcommittee.

The subcommittee had a general discussion about the Connecticut General Statutes governing affordable housing and the challenges that municipalities have providing 10% affordable housing

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stock in conformance with those statutes. The subcommittee also brainstormed ways that the Planning & Zoning Commission could encourage the development of housing that is affordable without necessarily conforming to the Connecticut General Statutes criteria.

Planning Subcommittee B—Discussion with Zoning Enforcement Officer regarding sign regulations.

Zoning Enforcement Officer John De Laura passed out several documents for the subcommittee to consider: *Review of Present Sign Regulations*; *Section 10, Signs* from the Town of Madison Planning and Zoning Regulations; planning and zoning definitions referred to when regulating signs; the Town of Madison *Temporary Sign Registration—No Fee*, for the front of Academy School or on the Green; the Town of Madison *Temporary Sign Registration—No Fee*, for categories defined in Section 10.1.3 of the zoning regulations; the Town of Madison *Temporary Sign Application*, with a \$110 fee, \$60 of which is a state of Connecticut surcharge; and *Municipal Sign Ordinance after Reed v. Town of Gilbert, Do's and Don'ts*, prepared by the New Hampshire Municipal Association, November 2015.

Mr. De Laura stated that Madison's current sign regulations are ambiguous; "flashing" signs are not allowed, but it has to be determined if illuminated signs are allowed; the regulations state that there can be no string or festooned lights, but ACCA has allowed them at one local restaurant. He asked whether the string or festooned lights could be used in certain situations; the town may want to encourage outdoor dining, and these lights could add to the atmosphere. The sign regulations allow A frames but no sandwich boards; no one can define the difference between the two, however. Mr. De Laura stated that towns are moving more toward trying to keep sign regulations less complex. Pennant flags are not allowed, but anyone can fly as many American flags as they want, according to Mr. De Laura. It has to be decided whether pennant flags should be prohibited, according to Mr. De Laura. Temporary signs are handled very differently, especially in the downtown village district, he stated. Mr. De Laura stated that the permit process is being followed, and he is continuously policing it; the signs that are illegal are those wire signs advertising such topics as roof repairs or painting, that crop up along the roadsides. Most of the time, those signs are in the right of way, and Mr. De Laura stated that he just pulls them up out of the ground and takes them with him, because they are prohibited in Madison. If those signs reappear, after he pulls them up, Mr. De Laura stated that he calls the number on the signs and warns them that there is a fine of \$150 per day, per sign, if they continue to post them. The commissioners on the subcommittee asked Mr. De Laura if he could find some towns that have good sign regulations, so work could begin on making changes to Madison's sign regulations. Vice Chairman Francine Larson stated that there are no signs in Vermont; Secretary Christopher Traugh stated that the town of Prospect has new regulations on digital billboards.

Brief report from Subcommittee Breakout Work Sessions.

Affordable Housing ~ Commissioner James Matteson stated that the subcommittee will continue to work with the plan and the scope of the grant that the town was awarded to fund the study into affordable housing and diversity; discussion in the subcommittee centered on what could make affordable housing work in the town of Madison, and some changes were suggested. Town Planner David Anderson stated that the town is seeking an extension on the grant.

Signs ~ Chairman Clark stated that sign regulations are complicated; there are many definitions,
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and enforcement efforts continue; wire signs are not allowed. Discussion also centered on the types of signs that are allowed and those that are prohibited, according to Chairman Clark. Permits are required for temporary signs, he stated. Secretary Traugh stated that he believes the commission will have to redo the sign regulations.

Remarks: SCROG Regional Planning Agency (Chris Traugh, P&Z Rep.) ~ There was no meeting in March.

Commission Chair ~ No report.

Town Planner ~ Mr. Anderson stated that there will be four public hearings at the next Planning and Zoning Commission meeting in two weeks. The town garage—where the above ground fuel tanks will be removed to the rear of the site—will be first on the agenda, and some additional landscaping may be proposed, according to Mr. Anderson.

Other Comments ~ None.

Adjournment

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

Vote to adjourn passed, 9-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy, clerk