

Subject to Approval

**MADISON PLANNING AND ZONING COMMISSION
MEETING MINUTES
Hybrid Meeting- Meeting Room 'A' in Town Campus & Zoom
January 19, 2023**

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, January 19, 2023, at 7 p.m., hybrid; in Room A and by using Zoom Videoconferencing. The public was invited to participate in-person or remotely by joining the meeting through a Zoom webinar link password, telephone call-in number, and a webinar identification number. Meeting room, log-in and call-in details were posted to the Town of Madison website (<https://www.madisonct.org/>), prior to the meeting.

MEMBERS PRESENT

Carol Snow, Elliot Hitchcock, John Dusza, Robert O'Connor, Robert Reinhart, John Morgan and Janet Peckinpaugh

MEMBERS ABSENT

Michael Bugda

OTHERS PRESENT

Town Planner Erin Mannix

The Meeting of the Madison Planning and Zoning Commission was called to order at approximately 7:00 p.m. by Chairman Carol Snow.

Chairman Snow read her introduction / public hearing procedure statement.
The legal notice was read as published.

PUBLIC HEARING(S):

22-25+CSP. 1362 Boston Post Rd. Map 31, Lot 38/1, R-2. Owner/Applicant: Town of Madison; Special Exception Permit per Section Modification to convert 21,504 sq.ft. of undeveloped area into enclosed dog park. Application includes a Coastal Site Plan Review.

Commissioner O'Connor made the motion to open Public Hearing 22-25+CSP. 1362 Boston Post Rd. Seconded by Commissioner Peckinpaugh and unanimously approved.

Present for application – Austin Hall; Director of Beach, Recreation and Senior Services. An overall site plan was reviewed by Mr. Hall which showed the shape of the enclosure and proposed landscaping for the park. Mr. Hall states the Salt Meadow Park advisory committee as well as ACCA is in full support of this project. Mrs. Mannix states the original site plan was approved for the park and modifications has been made throughout the years.

Secretary Dusza asked about the surface in the dog park, Mr. Hall states it will be kept as grass and specialists were brought in to consult on the quality of the surface area inside the park.

Commissioner Peckinpaugh asked is there a separate area for smaller dogs and larger dogs. Mr. Hall states, at the moment, no. Chairman Snow asked will there be some kind of signage associated with the dog park. Mr. Hall states a signage will be placed at the entrance of the park with rules.

The hearing was then opened to the public for questions / comments.

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Diana Hartman – in person attendee states she’s in full support of the dog Park.

Hiram J. Fuchs – in person attendee from Westbrook, CT submitted a letter in opposition of this application. The letter was read for the record and is included in the documents.

After discussions, Mrs. Mannix shared a staff report dated 01.19.23 detailing the steps that has been taken so far which will be submitted into the record, and part of the application documents for theory materials.

Commissioner Reinhart made the motion to close the Public Hearing and move to deliberations. Seconded by VC Hitchcock and unanimously approved.

After discussions, the following motion was made.

Commissioner O’Connor made the motion to approve application #22-25+CSP. 1362 Boston Post Rd. Map 31, Lot 38/1, R-2. Owner/Applicant: Town of Madison; Special Exception Permit per Section Modification to convert 21,504 sq.ft. of undeveloped area into enclosed dog park. Application includes a Coastal Site Plan Review as provided on revised site development plan, landscape plan, and associated application materials with the following conditions:

- 1. Increase the minimum caliper tree within the dog park enclosure to 4” caliper.**
- 2. Red cedar trees in addition to the species proposed for outside the park are recommended.
The plantings should be places as to appear that they are naturally occurring.**
- 3. Final determination of fence placement should be field staked and brought to the attention of the Advisory Committee.**
- 4. That the Zoning Enforcement Officer be notified at least 48 hours prior to commencement of any regulated activity.**
- 5. That all erosion and sedimentation controls be installed prior to any site disturbance and be maintained for the duration of construction activities and until the site is sufficiently stabilized to the satisfaction of the Zoning Enforcement Officer.**

With respect to the Coastal Site Plan application, the Commission has reviewed CTDEEP comments that are included in the record and has determined that the proposed use is consistent with the coastal use standards and policies of the Connecticut Coastal Area Management Act.

In the event that changes to the approved plans are required as a result of other agency permitting to support the proposed activity, the Madison Planning & Zoning Commission reserves the right to review said changes and may require modification of this approval.

This approval is made based upon the finding that the proposed use is a permitted use in the district and that the standards, prerequisites and conditions specified by the regulations have been met. The public convenience and welfare will be substantially served and the appropriate use of neighboring properties will not be substantially or permanently injured. The proposed use is in accordance with the comprehensive plan. The effective date of this approval is February 3, 2023 and upon filing of the certificate of Special Exception on the land records. Seconded by Commissioner Peckinpaugh.

IN FAVOR: Carol Snow, Elliot Hitchcock, John Dusza, Robert O'Connor, Robert Reinhart, John Morgan and Janet Peckinpaugh

OPPOSED: None

ABSTAINED: None

22-30. 300 Green Hill Road. Map 64, Lot 36, RU-2, Owner/Applicant: Town of Madison, Special Exception Permit to remove four existing tennis courts and replace with six courts.

Commissioner Reinhart made the motion to open Public Hearing 22-30. 300 Green Hill Road. Seconded by Commissioner Peckinpaugh and unanimously approved.

Present for application – Kent Gannon and Philip Katz from Stantec Consulting Services; Felicia Smith Gulick, project manager; and Bill McMinn, Facilities Director. Mr. Gannon states the town is seeking to both replace the aging courts and add to its current tennis courts inventory in order to accommodate the needs of the region. The Town is seeking to construct six (6) courts to replace the existing four (4) court complex. As directed by the Town, the existing bituminous concrete courts are to be replaced by post-tensioned (PT) concrete courts within the same general location. Mr. Gannon reviewed the existing conditions as well as the proposed plan. Mr. Gannon further states per directions from the inland wetland meeting an updated plan was submitted to the Town Planner. Also, based on the conditions with the wetland approval, the lights shown on the plan were removed mainly due to budgetary reasons. Mrs. Mannix reviewed / shared a staff report with the commission also detailing the conditions of the inland wetland approval letter. Commissioner Reinhart asked about the approval letter relating to the electrical conduits for the project as the funds were approved through ARPA, a committee he also served on. He believes the committee included a requirement to prewire the courts. Mr. McMinn states because of budgetary constraints the electrical were removed and he will need to review the budget with the Board of Selectman and Board of Finance to work out funding issues. Mr. Reinhart states the funding could be lost for everything if the applicant does not comply with what they insisted to do.

There were no questions or comments from the public.

Secretary Dusza made the motion to close the PH and move into deliberations. Seconded by VC Hitchcock and unanimously approved.

Mrs. Mannix states the original application included the conduits, as Mr. Gannon had shown in the application materials. At the inland wetland meeting there was discussion about the proposed lighting, and the applicant stated the conduits would not be installed at that time due to funding. Because of such, the Inland Wetlands Agency wanted the Site development plans to accurately show the scope of work, as to why a condition was placed on the approval to update the plans. She

further states the commission can vote on the application, as it stands, understanding that if the applicant needs to modify they'll return to PZC. Also, the commission would not be able to approve an application with underground utilities without inland wetlands approval.

After discussions the following motion was made.

Commissioner Morgan made the motion to approve application # 22-30. 300 Green Hill Road. Map 64, Lot 36, RU-2, Owner/Applicant: Town of Madison, Special Exception Permit to remove four existing tennis courts and replace with six courts as detailed in site development plans by STANTEC Consulting Services Inc, sheets C 100 through C-104 and Sheets C301-C-305, excluding sheet E-100, dated 11/28/22 with Sheets C 102-C 104 revised to 1/17/23 with the following conditions:

- 1. The applicant shall notify the Zoning Enforcement Officer at least 48 hours prior to commencement of any construction activities.**
- 2. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Agency's agent to prevent erosion and sedimentation impacts to the wetlands and watercourses.**
- 3. Erosion control and soil stabilization measures shall comply with the approved plan and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002.**
- 4. The 30ft side yard setback along the eastern property line boundary shall be field staked by a CT licensed land surveyor to ensure courts are located in compliance to minimum zoning standards.**

In the event that changes to the approved plans are required as a result of other agency permitting to support the proposed activity, the Madison Planning & Zoning Commission reserves the right to review said changes and may require modification of this approval.

This approval is made based upon the finding that the proposed use is a permitted use in the district and that the standards, prerequisites and conditions specified by the regulations have been met. The public convenience and welfare will be substantially served and the appropriate use of neighboring properties will not be substantially or permanently injured. The proposed use is in accordance with the comprehensive plan. The effective date of this approval is February 3, 2023 and upon filing of the certificate of Special Exception on the land records. Seconded by Commissioner Peckinpaugh.

IN FAVOR: Carol Snow, Elliot Hitchcock, John Dusza, Robert O'Connor, Robert Reinhart, John Morgan and Janet Peckinpaugh

OPPOSED: None

ABSTAINED: None

22-32. 32 New Rd. Map 49, Lot 25, Light Industrial Zone; Applicant: Thomas A. Stevens & Associates, Inc; Owner: RWT Corporation; Special Exception Application per Section 7.1 to

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construct 60' X 114' (6802SF) 1-story addition to rear of existing manufacturing building;
demolition of 1351SF portion of rear detached building

Chairman Snow made the motion to open Public Hearing 22-32. 32 New Rd. Seconded by Commissioner Reinhart and unanimously approved.

Chuck Mandel – agent for applicant was present. The applicant is proposing to construct a new rear addition and one of the buildings will be partially demolished. A site development plan was reviewed detailing the proposed site modifications. The area of the proposed addition is existing impervious area and the applicant is proposing to infiltrate roof water from the new addition into a subsurface infiltration unit. This application falls within the 100ft inland wetlands and watercourses upland review area and per Mr. Mandel, the application has inland wetland approval as well as approval by the Madison Health Department. Mrs. Mannix reviewed a staff report dated 01/19/23 detailing the conditions of the inland wetland approval.

There were no questions or comments from the public.

Chairman Snow made the motion to close the PH and move into deliberation. Seconded by Commissioner Reinhart and unanimously approved.

Commissioner Peckinpaugh made the motion to approve application # 22-32. 32 New Rd. Map 49, Lot 25, Light Industrial Zone; Applicant: Thomas A. Stevens & Associates, Inc; Owner: RWT Corporation; Special Exception Application per Section 7.1 to construct 60' X 114' (6802SF) 1-story addition to rear of existing manufacturing building; demolition of 1351SF portion of rear detached building as shown on site development plan prepared by Thomas A Stevens and Associates dated 11/02/22 with the following conditions:

- 1. That the Zoning Enforcement Officer be notified at least 48 hours prior to commencement of any construction activity.**
- 2. That all erosion and sedimentation controls be installed prior to any site disturbance and be maintained for the duration of construction activities and until the site is sufficiently stabilized to the satisfaction of the Zoning Enforcement Officer.**
- 3. A condensed inspection and maintenance chart shall be prepared by the design engineer identifying the inspection, management, and maintenance frequency required for each component of the stormwater treatment system. This chart shall be submitted to the Zoning Enforcement Officer prior to issuance of a preliminary certificate of zoning compliance.**

In the event that changes to the approved plans are required as a result of other agency permitting to support the proposed activity, the Madison Planning & Zoning Commission reserves the right to review said changes and may require modification of this approval.

This approval is made based upon the finding that the proposed use is a permitted use in the district and that the standards, prerequisites and conditions specified by the regulations have been met. The public convenience and welfare will be substantially served and the appropriate use of neighboring properties will not be substantially or permanently injured.

The proposed use is in accordance with the comprehensive plan. The effective date of this approval is February 3, 2023 and upon filing of the certificate of Special Exception on the land records. Seconded by Commissioner O'Connor.

IN FAVOR: Carol Snow, Elliot Hitchcock, John Dusza, Robert O'Connor, Robert Reinhart, John Morgan and Janet Peckinpaugh

OPPOSED: None

ABSTAINED: None

22-33. Applicant: Frasher Lulaj, Petition for Regulation Amendment to Madison Zoning Regulations Section 32 Planned Development District.

Present for application – Attorney Jeffrey Beatty and applicant Frasher Lulaj. Attorney Beatty states this is their attempt to present a revised text amendment to section 32.3.2 of the Madison's zoning regulations, to permit additional properties to be considered by the Commission for Plan Development Districts. He states, following last month's meeting, the feedback from the Commission and the members of the public was that the text amendment proposed was too broad and incorporated more properties than a number of town residents and the commission felt was appropriate. The proposed text amendment was shared for the public and commission.

Proposed Amendment to Section 32:

The applicant came before the Commission with a recent application (12/22) proposing a text amendment to the Zoning Regulations to amend Section 32, Planned Development Districts (PDD), specifically to expand the criteria for properties to be eligible for a PDD.

The applicant proposed the following language (shown in red):

32.3.2. Eligibility. The following characteristics are required for a site to be eligible for the PDD designation:

- (a) Minimum District Size: 2 acres (parcel or combination of parcels including contiguous lots and lots across a road).
- (b) If within the "Coastal Zone" proposed PDD's must be found consistent with Madison's Municipal Coastal Program and shall be subject to minimum setbacks set forth in Section 2.17.
- (c) The proposed PDD must have a minimum frontage of 200 feet on a Town or State Road.
- (d) Parcel Location: the Lot(s) eligible for a PDD shall be:
 - (i) located in the following zoning districts: R, RU, **and**
 - (ii) must ~~further~~ be[:]
 - 1. located within an area specifically designated as a future development opportunity in the 2013 POCD or a successor document[:]; **or**
 - 2. **Town-owned property; or**
 - 3. **agriculturally-designated land under PA490 in the 2013 POCD; or**
 - 4. **land currently devoted to non-conforming uses adjacent to residential uses;**

5. land abutting Interstate 95; or
6. land with any property line located within four-hundred (400) feet of the commercial 'C' District.]

Attorney Beatty states its their effort to include the Winter Club Project property within the category of properties that would be eligible for consideration by this board for Plan Development District and some additional properties that the Commission has identified in its minutes of its December 2020 meeting as potential opportunity areas for plan development districts in the future.

He further states he would like to address some misperceptions that the public may have with regard to the process associated with approving a plan development district. He states, the text amendment allows additional properties to be considered by the planning and zoning Commission for a plan development district and it does not mean that those properties will automatically be approved as a plan development district. If the Commission adopts an amendment that allows a property to be considered eligible for consideration as a plan development district, that property owner needs to come back before the Commission and satisfy criteria that are already in their regulations.

Mr. Beatty then states he received a memo from the Town Planner and there's a slight modification requested by SCRCOG with regards to the text amendment – adding the word *or* at the end of subparagraph A.

After further discussions, Mrs. Mannix then reviewed her staff report with the commission dated 01/19/23 - outlining the concept of a Plan development district, the commission's current regulations and the commission's process for consideration of a text amendment. Mrs. Mannix also reviewed a map outlining parcels subjected to PDD Changes - changes as they relate to the 400 feet distance to the commercial zone, and the 400 distance to the light industrial zone. After review, Mrs. Mannix states staff has not had an opportunity to go through these properties parcel by parcel to see what this means and if there's a need to potentially reduce that distance.

VC Hitchcock states his concern was the number of properties that would be affected by the 400-foot rule.

The hearing was then opened to the public for questions / comments.

Ben Diebold – 19 Woodsvale Rd - President of the Madison Land & Conservation Trust – states why does the applicant wishes to expand the role of plan development districts when there are remedies available to get the restaurant approved. Mr. Beatty states he's not sure there are any other remedies to get a restaurant approval and a special exception permit is not a permitted use in the district.

Dianna Hartman – in person attendee – states the restaurant would bring business to the Town of Madison and many positives; so, there has to be a way to approve this without changing the Town.

Julie – in person attendee – asked about the 10 units per acre and where did that come from? Mrs. Mannix states through the regulation adopted in 2019.

Kevin – in person attendee – 317 Boston Post Road states he’s in favor of the restaurant but is struggling with the eligible zoning as it may become problematic.

Wendy Schon– 194 Bartlett – encourages the commission to deny the application. She thinks the restaurant would be great and asks are the only 2 choices the text amendment, as proposed here, or changing the zoning to commercial. She wonders how many bad things could come out of changing the zoning for that particular property to commercial that versus how many bad things could come out of this broad text amendment which applies to so many other properties.

James Nordgren – 387 Boston Post Road – thinks the town is going to be outraged that this expansive, and sweeping change is being considered. He states, to include properties as worded now within 400 feet of a commercial or industrial, it would take years to study the impacts on the environment, traffic, town taxes and resources, etc. And it’s clearly a planning issue that belongs in the plan of conservation and development.

Tom Cherry – 936 Boston Post Road – urges denial as the data submitted shows extensive sweeping changes.

Maureen D – 73 River Rd – echoed the sentiments of other public speakers and states the application should stick to their one property.

Commissioner O’Connor asked the applicant why is this broader and why are they going beyond the small area of the restaurant. Mr. Beatty states the initial application to the planning and zoning commission in May was specific to the Winter Club property. It was a text amendment that would allow the restaurant at the Winter Club property by a special permit application, and that was denied because the concern was that it just focused on one property, and it impacts the uniformity of the application of the zoning regulations throughout the town. So, this proposal was an attempt to try and avoid singling out one property. He states, you can see from the map that 400 feet, which is about the distance that the Winter Club property is from the commercial zone, catches a lot of other properties in that definition, even if it’s just limited to rural residential and residential properties which he is more than happy to amend just for the Winter Club Property.

Chairman Snow states the commission needs more time to look over this new proposal and would prefer to extend the hearing to February. VC Hitchcock would like to see the scope narrowed down to the point where they are not concerned with the properties that can be affected. Commissioner Peckinpaugh also agreed that the scope could be narrowed to just include this property.

Joan Davidson – 29 Neck rd. – ask can you allow the residential zone to allow a restaurant by special exception that's applied over the entire residentially zone properties?
After further discussions, the following motion was made.

Commissioner Reinhart made the motion to continue Public Hearing 22-33 to February 16, 2023. Seconded by Commissioner Peckinpaugh and unanimously approved.

REGULAR MEETING

PENDING:

22-31. 155 New Rd. Map 60, Lots 9, 10, 11, RU-2 Zone; Petitioner: Hammonasset Commons, LLC, Property Owner: 155 New Road Madison LLC; Petition for Zone Boundary Change, Planned Development District per Section 32 to construct forty-five dwelling units and associated site improvements in a two-phase development (**Public hearing scheduled for 2/16/23 meeting**)

23-01. 250 Samson Rock Drive. Map 38, Lot 51. R-2 District. Owner: Bank of America; Applicant: Andrew Rainone, Horton Group, LLC. Site Plan Review to upgrade security lighting on entire site. (**Received 1/4/23**)

Andrew Rainone representing Bank of America states they would like to add security lighting throughout the property. Previously, they added 2 new poll lights in back last year as part of the new drive-up ATM Project and now the bank is looking to add security throughout. The fixtures were shown and reviewed for the commission. He states the wall fixture for the building currently shows 4,000 k on the drawings but per ACCA that needs to be revised to 3000k.

Commissioner Reinhart made the motion to approve application #23-01. 250 Samson Rock Drive. Map 38, Lot 51. R-2 District. Owner: Bank of America; Applicant: Andrew Rainone, Horton Group, LLC. Site Plan Review to upgrade security lighting on entire site as detailed in the application documents with the following conditions:

- 1. That all lighting be dark sky compliant, full cut off and night sky friendly.**
- 2. Follow the guidelines of ACCA and that all lighting be reduced to 3000K**

The effective date of this approval shall be February 3, 2023. Seconded by Peckinpaugh.

RECEIPT(S):

8-24 Referral – 2.35 acres from Mungertown Road, Map 56, Lot 1 and 6.5 acres from Green Hill Road, Map 64 Lot 48 from the Town of Madison to the Madison Land Conservation Trust for open space.

Present for application – Bill McMinn, Director of Facilities. Mrs. Mannix states the Town approved the referendum purchase of the parcel located on Munger Town Road for the future development of the new Elementary school. The Town is seeking to transfer roughly 9 acres of inland wetlands along the Neck River to the Madison Land Conservation Trust. This transfer consists of two parcels from the new elementary school site on Mungertown Rd and the high school campus on Green Hill Rd. This transfer is made to help create a permanent protection along the Neck River Watershed Greenway. The Neck River corridor is an exclusive treasure to the Town of Madison both beginning and ending within the Town's boundaries. The Town has offered this land to the Trust as a partnership in protection of the Neck River.

In addition to the open space value of this transfer. The Town benefits from physically separating the Green Hill Rd campus from the Mungertown Rd site. Contiguous lots under the same ownership under the public health regulations are considered one lot. In this instance, it would be required that the Town utilized a CTDEEP regulated subsurface sewage disposal system on the new school site regardless of the projected daily flow rates. This regulation imposes additional design and permitting time as well as costly fees for the Town in operation costs. Separating the parcels allows

the project to move forward in a timely fashion, at a lower operating cost. While the Town will not have to receive CTDEEP approval for the septic system, the school's design engineers have committed to the same detailed analysis of the proposed septic system as would be required with full CTDEEP approval to ensure protection of the adjacent sensitive resources.

Commissioner Dusza made the motion approve, in accordance with Connecticut General Statutes 8-24, the transfer of 2.35 acres from Mungertown Road, Map 56, Lot 1 and 6.5 acres from Green Hill Road, Map 64 Lot 48 from the Town of Madison to the Madison Land Conservation Trust for open space. This transfer of Town property is consistent with the Plan of Conservation and Development for the Town of Madison. Seconded by Commissioner Reinhart.

IN FAVOR: Carol Snow, Elliot Hitchcock, John Dusza, Robert O'Connor, Robert Reinhart, John Morgan and Janet Peckinpaugh

OPPOSED: None

ABSTAINED: None

Dairy Hill Extension Road Acceptance

Mrs. Mannix states this road was created through an approved subdivision by the PZC. The road was proposed to be accepted by the town as a town road, and the developer has had their surveyor come out and do an as built plan and profile which was provided to the Town engineer. The road has since been inspected and at this time, the commission would set a maintenance fund for the road. Mrs. Mannix reviewed the bond details and formally recommended acceptance of Dairy Hill Extension Road as a town road, and to set the bond for \$3,550 to the Commission.

Commissioner O'Connor made the motion to accept Dairy Hill Extension Road as a town road and set the bond for \$3,550. Seconded by Commissioner Reinhart and unanimously approved.

APPROVAL OF MINUTES: January 5, 2023

Chairman Snow made the motion to approve the minutes of January 5, 2023 as submitted. Seconded by VC Hitchcock and unanimously approved.

REMARKS: Commission Chair -

The training session for 2023 CT Land Use Law for Municipal Land Use Agencies, Boards, Commissions is March 11, 2023. A link would be sent out to the commissioners by Mrs. Mannix.

Town Planner - None

ADJOURNMENT

Chairman Snow made the motion to adjourn at 10:31p.m.; seconded by Commissioner O'Connor and unanimously approved.

Respectfully submitted,
Racquel Stubbs