

SUBJECT TO APPROVAL

**MADISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
Feb. 6, 2020**

The regular planning meeting of the Madison Planning and Zoning Commission was conducted Thursday, Feb. 6, 2020, at 7 p.m., in Meeting Room A at Madison Town Campus.

**MEMBERS PRESENT**

Vice Chairman James Matteson, Joseph Bunovsky, Jr., John K. Mathers, Giselle Mcdowall, and Elliott Hitchcock.

**MEMBERS ABSENT**

Chairman Ronald Clark, Secretary Thomas Burland, Joel Miller, and Brian Richardson.

**ALTERNATES PRESENT**

Peter Roos, Seonaid Hay, and Ron Bodinson.

**OTHERS PRESENT**

Director of Planning and Economic Development David Anderson. Selectwoman Erin Duques.

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The regular planning meeting of the Madison Planning and Zoning Commission was called to order at approximately 7 p.m. by Acting Chairman James Matteson, who seated Alternate Commissioner Peter Roos for absent Commissioner Brian Richardson, Alternate Commissioner Seonaid Hay for absent Commissioner Joel Miller, and Alternate Commissioner Ron Bodinson for absent Chairman Ronald Clark.

**Discussion of Section 3.4 (c)** regarding the requirement that the proposed uses within the section be restricted to duly incorporated, non-profit, governmental units or community associations.

Director of Planning and Economic Development David Anderson passed out Section 3.4 (c) to the commissioners and stated that this came to his attention through a potential project, wherein someone is considering a recreational use by special exception permit, yet the current regulations do not allow for-profit recreational facilities. He asked that the discussion center on the possibility of a for-profit recreational facility being contemplated in the town of Madison, yet the language of Section 3.4(c) would not permit a for-profit entity from operating the same use that a non-profit is allowed to operate. Mr. Anderson asked the commissioners to consider, from a land use standpoint, the purpose of the underlined language in the current text: “c) Philanthropic, educational, recreational or religious use by a duly incorporated, non-profit body, governmental unit or community association, excluding correctional institutions and institutions for the support of persons with mental disabilities. The uses permitted in this section may have a building coverage of 15%.” So, if someone were to bring a project forward with a recreational use by a for-profit company, Mr. Anderson stated that his response to that inquiry would be that Madison’s zoning regulations do not allow it. He asked why do the regulations restrict uses on the basis of ownership—a soccer field, whether proposed by a for-profit entity or a non-profit organization would still have the same use. Mr. Anderson gave the commission related background information that goes back to 2013, when the Planning and Zoning Commission added Section 3.4(d) of the regulations to create a regulatory mechanism for the Grove School to

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redevelop its campus. Prior to the addition of that section, the Grove School, a for-profit entity, was required to seek variance approval for any redevelopment projects on its campus, according to Mr. Anderson. In drafting Section 3.4(d), the commission discussed this exact issue of for-profit versus not-for-profit and included language allowing boarding schools by either for-profit or not-for-profit entities, according to Mr. Anderson. Section 3.4(d) reads as follows: “Boarding schools, either for-profit or not-for-profit, provided the lot size encompassing such use is a minimum of ten (10) acres and the maximum coverage shall be 15%.” (Amended 11/21/13; effective 11/30/13). While it is possible a vacant residential piece of land could be chosen for a recreational use, an application for a special exception permit would have to be submitted, and the Planning and Zoning Commission has discretion on whether to accept it or deny it, based on a variety of considerations, such as if it would suit the character of the neighborhood, Mr. Anderson explained, when Commissioner Joseph Bunovsky, Jr. asked about the possibility of a for-profit entity wanting to place one of those “pop-up” recreational buildings on the site. It is not by right, it is by special exception, Commissioner John K. Mathers stated. While it is easy to distinguish between a non-profit agency and a for-profit organization, Alternate Commissioner Seonaid Hay stated that the word recreational has a wide definition. If the commission is in favor of changing the wording in Section 3.4(c), Mr. Anderson stated that he would simply eliminate the underlined language of “by a duly incorporated, non-profit body, governmental unit or community association,” and then the Planning and Zoning Commission would have a public hearing on the proposal. Acting Chairman Matteson asked the commissioners if they were in favor of taking it to a public hearing, and everyone agreed. Mr. Anderson stated that he would schedule the public hearing six weeks from now, which would be at the end of March.

**Discussion regarding identifying additional “future development opportunity” areas pursuant to the language in Section 32, Planned Development District.**

Director of Planning and Economic Development David Anderson passed out Section 32: Planned Development District, which was approved by the Planning and Zoning Commission on June 20, 2019 and became effective on June 28, 2019. This section begins as follows: “32.1.1 The Planning and Zoning Commission recognizes there are highly visible undeveloped or underdeveloped lots as well as adaptive reuse opportunities in the Town of Madison which may be subject to future development. In order to ensure that future development will both enhance the neighborhoods adjacent to these sites and advance the goals and strategies of the 2013 Plan of Conservation and Development and its successor, the Commission hereby creates a Planned Development District (‘PDD’) which will provide a legislative framework for development on these properties.” Acting Chairman James Matteson stated that the commission has had meetings on this topic. Mr. Anderson stated that 155 New Road is included in the Plan of Conservation and Development as a possible opportunity area for development. In addition, there are characteristics that are required for a site to be eligible for the PDD designation, such as having a minimum district size of two acres; being found to be consistent with Madison’s Municipal Coastal Program, if within a coastal zone, as well as subject to minimum setbacks; having a minimum frontage of 200 feet on a town or state road; being located in zoning districts R and RU, as well as being located within an area specifically designated as a future development opportunity in the 2013 Plan of Conservation and Development or a successor document; and a PDD may have 10 residential dwelling units per acre, excluding wetlands and watercourses, as defined by the Connecticut General Statutes Section 22a-38, as well as slopes in excess of 33 percent, according to the regulations. There are two ways to define future development opportunities—one is to map them, and the other is to identify them by criteria,

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according to Mr. Anderson. He stated that he is looking to the Planning and Zoning Commission to enter into a discussion as to how to proceed, and Mr. Anderson offered his ideas for identification, such as including some municipally owned properties that become abandoned, like Island Avenue School; 155 New Road, which is already in the 2013 Plan of Conservation and Development; other properties that fall into the same category of future development opportunities, such as 40 acres on Copse Road that abuts the interstate highway and Bauer Park; properties that are currently on the market and that are nonconforming, such as beach cottages; non conforming commercial uses in residential areas, such as car rental entities on Route 1 and commercial uses on Route 80. No matter how good a job the commission does in identifying future development opportunities or mapping them, it is likely some will be missed, while establishing criteria would probably open up more than what is desired, according to Mr. Anderson. Commissioner Mathers suggested that the properties be identified on a map and that the commission also develop the criteria. Acting Chairman Matteson stated that the commission will have to develop the criteria. Once the criteria are met, those interested would be eligible to apply to the Planning and Zoning Commission for a Planned Development District master plan, according to Mr. Anderson. Alternate Commissioner Bodinson stated that mapping and criteria should be done. In further discussion on items to include as future development opportunities, Alternate Commissioner Bodinson stated that land that suffers an enormous catastrophe, such as the fires in California, could be included—property owners of a parcel that once had a house that was lost in a catastrophe would then have an option for future development beyond the house. Commissioner Bunovsky stated that one of the aspects he loves about this town is its quaintness—there is nothing commercial from Killingworth through to downtown Madison, yet Madison is bordered by towns with more commercial entities. Mr. Anderson stated that he would identify only the areas that are commercial, and the guidelines are important, because the commission wants to set limits; he summarized a list, as follows: municipal properties; non conforming properties that are commercial; commercial uses on residential properties; Copse Road between the highway and Bauer Park, but criteria is needed first for the site, such as it could be eligible because it has highway frontage or a certain traffic count. Mr. Anderson stated that he will develop criteria based on the commission’s input and return with a draft of criteria.

**ACCA Volunteer** needed for Tuesday, February 11th at 5:00 p.m.

The following commissioners volunteered on the following dates to attend the Advisory Committee on Community Appearance (ACCA) meetings: Commissioner Joseph Bunovsky, Jr., Feb. 11, 2020; Commissioner Elliott Hitchcock, March 10, 2020; and Commissioner John K. Mathers, April 14, 2020.

## **Adjournment**

**Commissioner Bunovsky made the motion to adjourn at 7:55 p.m.; it was seconded by Commissioner Hitchcock and unanimously approved.**

Vote to adjourn at 7:55 p.m. passed 8-0-0.

IN FAVOR: Acting Chairman Matteson and Commissioners Bunovsky, Mathers, Bodinson, Roos, Hay, Giselle Mcdowall, and Hitchcock.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,  
Marlene H. Kennedy, clerk