

## Subject to Approval

### MADISON PLANNING AND ZONING COMMISSION PLANNING MEETING MINUTES May 6, 2021

The Planning Meeting of the Madison Planning and Zoning Commission was conducted Thursday, May 6, 2021, at 7 p.m., remotely, using Zoom Videoconferencing. The public was invited to participate remotely by joining the meeting through a Zoom webinar link password, telephone call-in number, and a webinar identification number. Log-in and call-in details were posted to the Town of Madison website (<https://www.madisonct.org/>), prior to the meeting.

#### **MEMBERS PRESENT**

Chairman Ronald Clark, Vice Chairman James Matteson, Thomas Burland, Giselle Mcdowall, and Seonaid Hay.

#### **MEMBERS ABSENT**

Secretary Elliott Hitchcock, Joel Miller, Joseph Bunovsky, Jr., John K. Mathers.

#### **ALTERNATES PRESENT**

Carol Snow.

#### **OTHERS PRESENT**

Director of Planning and Economic Development David Anderson. The meeting was recorded via Zoom Videoconferencing software for You Tube viewing.

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

#### **PLANNING MEETING:**

**21-08 42 Pleasant View Avenue.** Map 24 Lot 223 R-3 District. Owners/Applicants: John and Laura Hardy. Lot Line Revision. **Tabled to May 20, 2021.**

**Presentations by Quinnipiac Law Students Alex Main and Alex Sahi regarding Natural Resource Inventories and Tidal Marsh Protection.** Quinnipiac Law Memos.

Alex Main and Alex Sahi, Quinnipiac Law students of Attorney Marjorie Shansky, presented their Quinnipiac Law memos, regarding Natural Resource Inventories and Tidal Marsh Protection. Director of Planning and Economic Development David Anderson stated that Attorney Shansky teaches an environmental law class, and it was thought that her students would benefit from researching topics that would be interesting to Madison. Developing a Natural Resource Inventory (NRI) is a charge of the Conservation Commission, and the protection of natural resources, such as the tidal marsh, among other critical resources, are based on statutory authority and involve a number of town regulatory boards and commissions, such as the Planning and Zoning Commission, Inland Wetlands and Watercourses Agency, and the Coastal Resiliency Commission. Ms. Shansky expressed gratitude to Mr. Anderson for visiting her class,  
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speaking to the students, and for giving them the opportunity to development their memoranda on Natural Resource Inventories and Tidal Marsh Protection. Both Alex Main and Alex Sahi are third year law students at Quinnipiac Law and are earning their master's degrees at Vermont Law School. In presenting his memorandum on Natural Resource Inventories, Mr. Main stated that he was hopeful his research would be of benefit in creating an effective Natural Resource Inventory; it centralizes the resources available to create the NRI and assists in generating a rough timeline in which to finalize the document. As more work is accomplished and more resources become available, a Natural Resource Inventory becomes a collaborative effort, and the NRI process becomes an opportunity to be involved in upcoming Plan of Conservation and Development meetings, according to Mr. Main. In November 2023, the updated five-year Plan of Conservation and Development will become effective, and Mr. Main's memo described steps to be taken to achieve the revised plan in the collaborative fashion. There are a number of action items to complete, before the Plan of Conservation and Development meetings get under way, and the Conservation Commission could delegate those tasks, or do them on its own, according to Mr. Main. There are two main approaches that Connecticut towns have taken in creating Natural Resource Inventories, and both approaches have their own merits—one is that the town decides to focus on the natural resources within its own borders, and the other is a regional approach, in that Madison would reach out to and work with other towns, to ensure protection of natural resources along town borders, according to Mr. Main. The size of towns' NRI varies from 16 pages from the town of Ellington to 128 pages for the town of Norwalk, according to Mr. Main. Madison could look at what other towns have done and create its own template; it is good to look at these other resources, he stated. Another step to take in creating a Natural Resource Inventory would be to distribute a survey to local residents; Mr. Main stated that two of his classmates have made a survey that would assist in gathering some responses, before the Plan of Conservation and Development meetings begin to take place. A survey would enable Madison to see what natural resources its residents value, and also the town could discover, through the survey, locations of natural resources of which it may not have been aware, such as on private property, according to Mr. Main. The conservation and sustainability section of the Plan of Conservation and Development has a good listing of natural resources in Madison, Mr. Main stated, adding that it also includes maps, which are also important. Once the Conservation Commission has its Natural Resource Inventory, it can create a presentation of its findings and present them to the Plan of Conservation and Development meetings, to make sure both groups are working together and toward the same direction. There should be a focus on what information the town of Madison currently has in its Natural Resource Inventory, on identifying what else needs to be included, and on incorporating residents' ideas into the NRI; all of these findings will guide the Natural Resource Inventory, according to Mr. Main. A third step involved in the Natural Resource Inventory involves actions to complete, after the Plan of Conservation and Development meetings, to determine what information is still needed and how long it might take to process it into the Natural Resource Inventory. Those working on the Natural Resource Inventory can go back to the research memo and amend the rough timeline created within it, according to Mr. Main. It would be a good idea for the Conservation Commission to piece the whole Natural Resource Inventory together, thus ensuring that it meets its statutory role of producing the document, according to Mr. Main. A Natural Resource Inventory should not be a stagnant document; Mr. Main suggested that there should be follow up steps taken to ensure it remains accurate, adding that Sustainable Connecticut has a Natural Resource Inventory guide available. Conservation Commission Chairman Heather Crawford stated that the Conservation Commission has been struggling to put together the Natural Resource Inventory for a decade; the commission has looked at the online NRI created by the

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town of Woodstock, as well as the NRI from the town of Guilford, which is a 120-page document, but it includes the coastal resources. Chairman Crawford listed the natural resources that, thus far, have been included in Madison's draft NRI, such as tidal wetlands, critical coastal resources, inland wetlands, recreational, agricultural resources, geology, cultural and architectural resources, and dark skies. The new Plan of Conservation and Development has to be completed by November 2023, according to Mr. Anderson, who mentioned utilizing the Plan of Conservation and Development process to help inform the Natural Resource Inventory; a glossary of terms and surveying residents are good ideas, he stated. Combining those efforts and then finalizing the Natural Resource Inventory makes a manageable timeline, according to Mr. Anderson. With the Plan of Conservation and Development, some of that decision making has to be imbedded in the Planning and Zoning Regulations, according to Mr. Anderson; the most contentious applications are really the ones about the effects of development on natural resources; it might be something to think about progressing toward. Mr. Anderson stated that Mr. Main has given everyone some practical ideas and suggestions for what can be accomplished. In the memorandum on Tidal Marsh Protection, Alex Sahi stated that it shows ways that regulations can be updated to protect coastal resources, currently and in the future, and the report is meant to be used as a model. Madison has a statutory obligation to protect tidal marshes and the coastal resources, according to Mr. Sahi. A critical resources overlay zone should be designated and used to protect critical coastal resources, according to Mr. Sahi. A coastal salt marsh is ecologically diverse, and Mr. Sahi outlined the ways in which tidal wetlands provide benefits to the environment and need to be protected, as well as activities that create loss or degradation to the majority of coastal resources. Madison's Coastal Resource Plan is a resource available for the risks involved in coastal sea level rise. The National Oceanic and Atmospheric Administration has an integrated model for Sea Level Affecting Marsh Migration (SLAMM), Mr. Sahi stated; he shared SLAMM model data involved in sea level rise for the years 2010 to 2100 depicting the effects of sea level rise, through the years, on Madison's coastal tidal marsh. Mr. Sahi also shared a satellite map view of Connecticut and New York SLAMM data; it showed locations of all the topographic features. Tidal marsh is a vital resource, he stated, and he listed the Connecticut state statutes giving authority for protection of the coastal resources. There is a statutory authority to enforce these regulations, he stated. Towns can regulate protection of the tidal marsh and coastal resources by establishing setbacks, such as requiring a 50-foot setback for all coastal buildings, according to Mr. Sahi. In addition, towns may enact regulations requiring vegetative buffers, to protect tidal marsh and coastal resources from storm water, pollutants, erosion, and construction, according to Mr. Sahi, and he stated that he has included a sample regulation in the memorandum that walks through a model of what a vegetative buffer regulation could be. A vegetative buffer regulation could be a resource protection buffer of 100 feet that prohibits certain activities, such as allowing no buildings, prohibiting construction, or not allowing lawns to be established, according to Mr. Sahi. Activities that would be permitted in a vegetative zone would allow the marsh to migrate, and there are advantages to doing so, which the memorandum outlines; however, exceptions may be made, where strict adherence would render it partially unusable, according to Mr. Sahi. Setback regulations can be made applicable to all properties, and regulations can be amended to reflect changes in the environmental, the tidal marsh, or the coastal resource, according to Mr. Sahi. Madison's Coastal Resource Plan and the Plan of Conservation and Development mirror each other on coastal resource protection, Mr. Sahi stated. Stratford, Westbrook and Clinton have planning regulations that can be used as models in tidal marsh protection, according to Mr. Sahi, and he also discussed the highlights of a Maryland regulation that would be another model to use. Tidal marsh protection focuses on living shorelines, flexible development processes, and

rebuilding after emergencies. Mr. Sahi's report also includes a list of resources the town could use in protecting the tidal marshes. After a series of questions from the Planning and Zoning Commission, which were answered by both students, Mr. Anderson stated that he would like this topic to be put on the agenda for action by the commission; Chairman Clark agreed.

### **Review Key Bank Concept for Drive-thru ATM: Key Bank Drive-thru Concept.**

Director of Planning and Economic Development David Anderson stated that he has shared with the Planning and Zoning Commission correspondence between a Key Bank representative and himself; Key Bank is requesting a drive-thru ATM, where it currently has a courtyard. Mr. Anderson shared a satellite view of the property, with the proposed drive-thru ATM feature. Mr. Anderson stated that his response to the Key Bank representative was discouraging, and he is not in support of turning the courtyard into a drive-thru area. Ashley's Ice Cream, Grand Pizza, and Madison Coffee House, have outdoor seating in the area; in addition, with Stop & Shop nearby, there is a lot of traffic; being in the Downtown Village District, there are also many pedestrians, according to Mr. Anderson. Key Bank is not allowed to put a drive-thru ATM along the Boston Post Road, Mr. Anderson stated. When plans first came through for the bank, the courtyard was seen as an attractive amenity; so, from a Downtown Village District viewpoint, this would not be favorable, according to Mr. Anderson. Traffic includes pedestrians, cars, delivery trucks, and buses, according to Mr. Anderson. From a pedestrian standpoint, this is a major pedestrian crossing from Stop & Shop and downtown, Mr. Anderson stated. Key Bank owns the property, he stated. Commissioner Seonaid Hay stated that she shares Mr. Anderson's concerns about increasing the traffic and removing the courtyard. Chairman Clark stated that there have been near misses of accidents involving traffic; there are also the pedestrians and the buses, and he stated that he agrees with Mr. Anderson. Commissioner Thomas Burland stated that he agrees with Mr. Anderson's opinion. Vice Chairman James Matteson stated that he would like to go down to look at the site, in person, first. Mr. Anderson asked Vice Chairman Matteson to send him an email, after he views the site. Chairman Clark asked Mr. Anderson to also get the opinions from Secretary Elliott Hitchcock and Commissioners Joseph Bunovsky, Jr. and Joel Miller. Commissioner Giselle Mcdowall stated that she agrees there is excessive traffic in the area, and Madison Coffee House seems to be the study spot for everyone; there is a lot of outdoor seating, and the proposal would incur additional traffic.

**REMARKS:** **Commission Chair** ~ Chairman Clark thanked Mary Haburay for her 26 years of service to the town of Madison land use department, as well as the Planning and Zoning Commissioners for sending her notes, upon her retirement. He also stated that Bill 6611, zoning legislation being considered in Hartford, never got out of committee; that bill talked about Madison having to add 1,300 new affordable housing units in the next 10 years. Mr. Anderson stated that the bill was based on a town's fair share of units; Madison has 7,750 housing units, and 20 percent of that would be the fair share, or 1,550 fair share units having to be built. The bill would have required towns to develop a fair share unit plan, and the courts had to be involved; individuals and other towns could sue a town to build units that they wanted in that particular town. Mr. Anderson stated that he thinks Madison's affordable housing committee will come up with good solutions; it is working with the Council of Governments, and a consultant has been hired.

**Director of Planning & Economic Development** ~ Mr. Anderson stated that the Long Shore Lane application has been withdrawn, and he has been told it has been sold, but not for development.

**ADJOURNMENT:**

**Commissioner Hay made the motion to adjourn at 8:36 p.m.; it was seconded by Vice Chairman Matteson and unanimously approved.**

Vote to adjourn at 8:36 p.m. passed, 5-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, and Commissioners Burland, Mcdowall, and Hay.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,  
Marlene H. Kennedy, clerk