

Subject to Approval

Planning & Zoning Commission

Thursday, July 20, 2023 at 7:00 PM

HYBRID MEETING

Meeting Room A, Town Campus, 8 Campus Drive & Zoom Online Webinar

**MINUTES**

**VIRTUAL MEETING INFORMATION**

[Webinar Link](#)

Password: 452138

Call-in: 1 646 558 8656; Webinar ID: 915 8196 6735

**CALL TO ORDER**

**MEMBERS PRESENT**

Carol Snow, John Dusza, Robert Reinhart, Janet Peckinpugh, Robert O' Connor, and John Morgan

**ALTERNATE PRESENT**

Michael Bugda

**MEMBERS ABSENT**

Charles Walz

**OTHERS PRESENT**

Town Planner Erin Mannix and Maria Pettola, land Use Official

**The Meeting of the Madison Planning and Zoning Commission was called to order at approximately 7:00 p.m. by Chair Carol Snow. She read her public hearing statement and seated Michael Bugda to fill a vacancy.**

**PUBLIC HEARING(S):**

1. **23-11+CSP. 206 Boston Post Rd.** Map 35, Lot 67, C-Zone, Owner: 206 BPR, LLC, Applicant: Craig Bernard, application for Special Exception Permit to modify commercial building into mixed use commercial and residential. ***(Public hearing continued from June 15, 2023)***

Per Mrs. Mannix, the applicant, withdrew their application.

2. **23-19. Mungertown Rd.**, Map 56, Lot 1, Zone RU-2, Owner: Town of Madison, Applicant: Madison Bd of Education, Special Exception Permit, Construction of new elementary school with associated site improvements. ***(Public hearing continued from June 15, 2023)***

Present for the hearing – Will Walter, PE; Bill McMinn, Director of Facilities and Christopher Van Zanten.

Mr. Walter states that since the last meeting they have received approval for the septic system from both the Madison and Connecticut Department of Public Health. They've also received approval from the Connecticut Water Company for the half mile water extension and the town engineer has provided approval for the drainage system. He further states that the town staff has reviewed their proposal and has no recommendations or comments. As far as the Inland and Wetlands Agency, they met last week and addressed the concerns of the third-party soil scientist who the commission hired to review the plans. There are 2 – 3 minor items that need to be addressed. However, the public hearing was closed and at the next meeting they will receive an approval with conditions added.

Mrs. Mannix notes, the commission cannot act until the inland wetland agency takes their action.

The hearing was then opened to the public for comments.

Joe Ortoleva – 205 Green Hill Rd – encouraged the commission to vote against this application as it is out of character for the zoning area.

There were no additional comments from the public.

Commissioner Dusza asked about the land trust transfer. Mrs. Mannix states there's a portion of the east side property that will be transferred to the land trust, that will physically separate the Green Hill Campus and this property. A protected greenway corridor will also be created along the neck river. This was approved by a town meeting and the process is currently underway.

All commissioners had no further questions or concerns.

**Commissioner O' Connor made the motion to close the public hearing. Seconded by Commissioner Peckinpaugh and unanimously approved.**

The meeting will be continued to the August meeting.

#### **PENDING APPLICATION(S):**

3. **23-28 125 Garnet Park Rd.**, Map 23, Lot 33, Zone R-4, Owner: John Bilotta & Eilenne O'Connor, Applicant: Thomas A. Stevens & Associates, Coastal Site Plan, Legalize conversion of open porch to finished living space and modify structure within existing building envelope, as needed, to comply with building code within 100ft of critical coastal resource

Present for the meeting – Chuck Mandel, agent for the applicant. The site plan was shown and reviewed for the commission. Mr. Mandel states the applicant is seeking to fully enclose their

porch within the existing footprint. The project was also started as the applicant was unaware that certain permits were needed. The site is within a Special Flood Hazard Area (SFHA) and tidal wetlands are located on the site approximately 38' feet from the existing and proposed enclosed porch.

As part of the Building Permit review, the homeowner has determined that changes to the structure are required in order to bring the prior construction into compliance with the Connecticut State Building Code. Those changes are outlined in a memo from the applicant dated 7/13/23 and are listed below:

1. The porch roof will be braced from the interior side of the structure
2. The existing slab will be saw cut at points required by the structural engineer
3. Earth will be removed to a minimum depth of 42" or as required by the structural engineer
4. Concrete footings to be poured
5. Once concrete has cured, install new pressure treated 6x6 posts and reset roof on posts
6. Install screens between posts

Town staff finds no anticipated adverse impacts from the proposed work or from the prior enclosure of the patio.

After discussions, the following motion was made by **Commissioner Morgan**:

**VOTED that the Madison Planning & Zoning Commission approve application 23-28 125 Garnet Park Rd., Map 23, Lot 33, Zone R-4, Owner: John Bilotta & Eilenne O'Connor, Applicant: Thomas A. Stevens & Associates, Coastal Site Plan, Legalize conversion of open porch to finished living space and modify structure within existing building envelope, as needed, to comply with building code within 100ft of critical coastal as shown in application materials with the following conditions:**

1. **That the applicant shall notify the Zoning Enforcement Officer 48 hours prior to any site disturbance.**
2. **That any necessary sedimentation and erosion controls be installed and maintained for the duration of the project until the site is sufficiently stabilized to the satisfaction of the Zoning Enforcement Officer.**

**Seconded by Commissioner Peckinpaugh and unanimously approved.**

4. **23-29 30 Bassett Ln., Map 13, Lot 21, Zone R-3, Owner: Elinor H. Hirschhorn, Applicant: Thomas A. Stevens & Associates, Coastal Site Plan, Elevate existing dwelling for compliance with current FEMA standards and construct new associated egress at front and rear of the residence within 100ft of a critical coastal resource.**

Present for the meeting – Chuck Mandel, agent for the applicant. The applicant is seeking to raise the existing home to be compliant with current FEMA standards. The site is located directly on Long Island Sound in the coastal AE Flood Zone and the existing house is within the coastal resources on the site. The house footprint is not proposed to change, but the applicant has noted that the steps located at the front and rear of the structure will increase horizontally. Mr. Mandel notes the footprint will not change. The flood zone elevation is 14' and the proposed first floor

elevation is 16’.

Per Mrs. Mannix, DEEP comments were received. They were mostly regarding installing a silt fence and protecting the dunes, and that all restorations are consistent with the Madison resiliency plan. The application also received approval from the Madison Health Department.

After discussions, the following motion was made:

**Commissioner Morgan VOTED that the Madison Planning & Zoning Commission approve application 23-29 30 Bassett Ln., Map 13, Lot 21, Zone R-3, Owner: Elinor H. Hirschhorn, Applicant: Thomas A. Stevens & Associates, Coastal Site Plan, Elevate existing dwelling for compliance with current FEMA standards and construct new associated egress at front and rear of the residence within 100ft of critical coastal as shown in application materials with the following conditions:**

1. **That the applicant shall notify the Zoning Enforcement Officer 48 hours prior to any site disturbance.**
2. **That any necessary sedimentation and erosion controls be installed and maintained for the duration of the project until the site is sufficiently stabilized to the satisfaction of the Zoning Enforcement Officer. These controls shall be located away from the existing dunes to the greatest extent possible.**
3. **Upon completion of the project, the applicant shall restore any impacted dune areas as recommended by CTDEEP.**

**Seconded by Commissioner Peckinpugh and unanimously approved.**

5. **23-31. 105 Circle Beach**, Map 6, Lot 27, Zone R-5, Owner: Barbara Milner, Applicant: Harkin Engineering, LLC, Coastal Site Plan, Construct single-family residence and associated site improvements within 100ft of a critical coastal resource

Per Mrs. Mannix, the applicant requested to table their application to the next meeting – August 17<sup>th</sup> – to review comments that were received from DEEP.

**Commissioner O’Connor made the motion to table application # 23-31 for the August 17<sup>th</sup> meeting. Seconded by Commissioner Reinhart and unanimously approved.**

6. **23-25. Long Shore Ln.**, Map 25, Lot 74-1, Zone R-2, Owner: Lili Fogle, Applicant: John Paul Garcia; John Paul Garcia & Associates; Coastal Site Plan Review. ***(Extension granted -Table to August 17, 2023 mtg)***
7. **23-21. 4 School St.**, Map 38, Lot 9, Zone R-2, Owner: Town of Madison, Applicant: Town of Madison, Site Plan Review Modification, Install JuiceBar Level 2 EV charger system ***(Extension granted- Table to August 17, 2023 mtg)***

8. **23-22. 8 Meeting House Ln.**, Map 38, Lot 136, Zone R-2, Owner: Town of Madison, Applicant: Town of Madison, Site Plan Review Modification, Install JuiceBar Level 2 EV charger system (***Extension granted- Table to August 17, 2023 mtg***)

#### **RECIPT(S):**

9. **23.32. 503 Old Toll Rd.**, Map 143, Lot 20, Zone RU-1, Owner/Applicant: Little Blessings Real Estate, LLC, Special Exception Permit Modification per Section 5.4(a) to allow day care and pre-school services to children six weeks of age and older. (***Schedule public hearing for August 17, 2023 mtg***)

**Commissioner Dusza made the motion to schedule the public hearing for application # 23-32 for August 17, 2023. Seconded by Commissioner Reinhart and unanimously approved.**

#### **DISCUSSION**

10. **454 Horsepond Rd.**, Map 84, Lot 28, Zone RU-1 Preliminary discussion on the establishment of an Open Space Conservation District on an 8.8 acre parcel

Present – Bob Doane – licensed land surveyor and engineer. Mrs. Mannix explained that this is a preliminary discussion regarding a potential open space conservation subdivision. She states an open space conservation subdivision is similar to the process of a planned development district. It's a floating zone and the commission would be acting in a legislative capacity for a zoning map amendment. The applicant will propose a master plan concept for this open space conservation district that would be in compliance with section 27 of the zoning regulations.

Mr. Doane shared a site development overview of the parcels for 454 Horsepond Rd - there will be 4 dwellings on the 8.8 acres and further states that 50% is needed for open space, which is provided on the north side, and on the south side active recreational space.

There is also a historic building located on the front property which will be demolished through an appropriate process. The houses will be developed as condominium ownership that will have a homeowner's association. He further states that this will also require inland wetlands approval.

After discussions, Mrs. Mannix suggested to the applicant that at the time of making an application, show a conceptual layout for a subdivision so that the commission can see the difference between a traditional subdivision of this parcel versus a conservation.

#### **APPROVAL OF MINUTES**

**Commissioner Peckinpaugh made the motion to approve the minutes of July 6, 2023 as submitted. Seconded by Commissioner O'Connor and unanimously approved with one abstention from Commissioner Reinhart.**

11. [July 6, 2023](#)

## **REMARKS**

12. Chair's comments

Chair Snow had a brief discussion on training opportunities for the commission.

13. Town Planner's Comments

None.

## **ADJOURNMENT**

**Commissioner Morgan made the motion to adjourn at 8:08 pm. Seconded by Commissioner Dusza and unanimously approved.**