

Subject to Approval

MADISON PLANNING AND ZONING COMMISSION PLANNING MEETING MINUTES Aug. 5, 2021

The Planning Meeting of the Madison Planning and Zoning Commission was conducted Thursday, Aug. 5, 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, Secretary Elliott Hitchcock, John K. Mathers, Joseph Bunovsky, Jr., and Seonaid Hay.

MEMBERS ABSENT

Giselle Mcdowall, Thomas Burland and Joel Miller.

ALTERNATES PRESENT

Peter Roos, Ron Bodinson and Carol Snow.

OTHERS PRESENT

Acting Director of Planning and Economic Development John Guskowski; Maria Pettola, Land Use Staff. The meeting was recorded via Zoom Videoconferencing software for You Tube viewing.

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

Discussion regarding Commission meeting platform for the remainder of 2021.

Chairman Clark stated that circumstances have changed, since the selectmen last wrote to boards and commissions during the pandemic, and now everyone is being asked how they wish to proceed with meetings. Chairman Clark asked how commissioners would feel about continuing meetings until the end of the year through the pure Zoom format. There were no objections. Chairman Clark stated that a vote is not needed, and he will send the commission's answer to the selectmen.

Discussion regarding minor changes and phasing of General's Residence Small Cluster Development.

Attorney Timothy Herbst, member and principal of The General's Residence at Madison, LLC stated that nine units are being developed and he wanted to give the Planning and Zoning Commission a brief overview of the project status; there are a number of buyers, with seven units under contract, and one closing scheduled for next week. Buyers are from Madison and all over the country; a rapid succession of closings, four to five, are expected by the end of the year,
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according to Mr. Herbst. He gave the order of closings as follows: Unit 3, Unit 6, Unit 5, and then Unit 4 and Unit 7. The desire is to landscape those areas where people are moving in, and The General's Residence still has to be completed; it is an active construction site, according to Mr. Herbst. He asked that flexibility be given in achieving the landscaping plan, and Mr. Herbst stated that he is proposing that the Planning and Zoning Commission place a \$15,000 landscape bond on the project. There is a large pine tree that is a part of the landscape plan, near Unit 3, and the buyer is worried about it falling on their home, according to Mr. Herbst. He asked that the \$15,000 landscape bond be placed to achieve flexibility in landscaping, to meet the needs of current and future buyers. Mr. Herbst stated that he does not expect drastic changes; he expects modifications, but the bones of the landscape plan will be as it is. Commissioner Ron Bodinson stated that he did not understand what the change is that requires the \$15,000 bond for the landscaping. The \$15,000 bond would be paid, and any modification to the landscape plan would have to go before the Planning and Zoning Commission, according to Mr. Herbst. If the Planning and Zoning Commission does nothing tonight, then that which was approved in 2020 would have to be completed, and Commissioner Bodinson stated that he does not think the Planning and Zoning Commission needs \$15,000 for the developers to do that. Commissioner Bodinson stated that he lives in Windermere, and if they listened to every buyer who expressed a concern about a tree, they would have no trees. Commissioner Joseph Bunovsky, Jr. stated that he does not understand what everyone is talking about; why isn't The General's Residence even done yet? If changes are proposed, Commissioner Bunovsky stated that he would like to see what was originally proposed laid out over the new proposal. Mr. Herbst stated that The General's Residence, itself, is the most complex—building a replica and incorporating items removed from the original structure. Unit 8 and Unit 9 are in The General's Residence, and they are not under contract, Mr. Herbst stated. Items under contract have priority, areas of the site are needed for staging, deliveries, and various contractors, and that is why it is not yet under construction, Mr. Herbst stated. There have been supply delays and high costs, due to taking on this project during a global pandemic, he stated. Seven units are framed or under active construction, he stated. Chairman Clark stated that there is no obligation from Planning and Zoning to get landscaping approval, but he stated that he does have a concern regarding this pine tree, because it has been expressed that it is an important feature that would be maintained. Furthermore, the pine tree is in a common area, and it is not owner controlled—perhaps other owners should be consulted, Chairman Clark stated. Both commissioners and the community wanted the pine tree retained, according to Chairman Clark. He suggested that an insurance company make a very educated guess as to why it should come down. There is nothing for the commission to vote on, Chairman Clark stated, and he thanked Mr. Herbst for the offer of the bond. Earlier, Mr. Herbst offered the commissioners an opportunity to tour the site, and toward the end of the discussion, Vice Chairman James Matteson stated that he would like to visit. Chairman Clark stated that those commissioners interested in visiting should get in touch with Maria Pettola in the land use office, and arrangements would be made with Mr. Herbst.

Discussion regarding timeline of recreational marijuana as it relates to zoning.

Acting Director of Planning and Economic Development John Guskowski stated that he participated in a webinar last Friday that featured zoning officials and speakers from Connecticut and Massachusetts. In terms of the timeline of recreational marijuana, as it relates to zoning, there are two fundamental issues to address. One is whether recreational marijuana will be allowed through Planning and Zoning Regulations, and the second is whether the town would proceed through an ordinance to allow marijuana smoking in public. Planning and Zoning

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Regulations could prohibit recreational marijuana use in any district; if no changes are made in the Planning and Zoning Regulations, then any place where retail is allowed would allow a retail marijuana seller to open a retail establishment. A text change could prohibit retail marijuana in town, according to Mr. Guskowski. It is likely to be nine months to a year before licenses are applied for, he stated. Chairman Clark thanked Mr. Guskowski for his update and stated that he is not sure whether cultivation can be regulated by planning and zoning. The Board of Selectmen will be putting an ad hoc committee together to address the subject, and a Planning and Zoning commissioner will participate on it, according to Chairman Clark. There should be community and local input, Chairman Clark stated.

Discussion regarding PA 21-29 Affordable Housing provisions and Update from Affordable Housing Committee.

Each town's first affordable housing plan is due in 2022, Acting Director of Planning and Economic Development John Guskowski stated, and it can be adopted at the same time as the Plan of Conservation and Development. Affordable housing is on a five year cycle and the Plan of Conservation and Development must be updated every 10 years. One of the changes in Public Act 21-29 is that accessory apartments will be allowed as of right, wherever, as of right, single family homes are allowed, and those apartments do not have to be attached; the act goes into effect Jan. 1, 2023. Planning and Zoning Commissions can opt out by a two thirds vote, and so, too, can Board of Selectmen; in both cases, public hearings are required. Commissioner Peter Roos, who serves on the affordable housing committee stated that Madison and other towns are receiving help in writing their plans from the South Central Regional Council of Governments (SCROG); consultants are being retained by SCROG to assist.

REMARKS: Commission Chair ~ Chairman Clark stated that interviews have been conducted to replace former Director of Planning and Economic Development David Anderson. In addition, in about two weeks, the Planning and Zoning Commission will receive an 8-24 Referral for the sale of the Our Lady of Mercy School.

Acting Director of Planning & Economic Development ~ None.

Commissioner Ron Bodinson stated that he read an article wherein it was stated that 155 out of 160 towns in one state—which he believes was Massachusetts—banned the sale of recreational marijuana.

ADJOURNMENT:

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

Vote to adjourn at 8 p.m. passed, 6-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Elliott Hitchcock and Commissioners John Mathers, Seonaid Hay, and Bunovsky.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy, clerk