

Subject to Approval

MADISON PLANNING AND ZONING COMMISSION PLANNING MEETING MINUTES Oct. 7, 2021

The Planning Meeting of the Madison Planning and Zoning Commission was conducted Thursday, Oct. 7, 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, Secretary Elliott Hitchcock, Giselle Mcdowall, Joel Miller, Seonaid Hay, John K. Mathers, and Joseph Bunovsky, Jr.

MEMBERS ABSENT

Vice Chairman James Matteson and Thomas Burland.

ALTERNATES PRESENT

Peter Roos, Ron Bodinson, and Carol Snow.

OTHERS PRESENT

Town Planner Erin Mannix and Interim Town Planner John Guskowski. 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.

Introduction of new Town Planner, Erin Mannix.

Chairman Clark introduced and welcomed Town Planner Erin Mannix. Ms. Mannix stated that she is looking forward to working together, and she transferred from the town of Guilford, where she served as the zoning enforcement officer and the inland wetlands officer. Her responsibilities included participating in an overhaul of the town of Guilford zoning document, which, when completed, encompassed 300 pages. Ms. Mannix stated that she hopes to look through Madison's zoning regulations, as well, and is anticipating working on the update of Madison's Plan of Conservation and Development. Ms. Mannix is a Madison resident.

Discussion regarding potential projects for John Guskowski, Tyche Planning & Policy Group, LLC.

Money has been sent aside, which may be used month to month, for John Guskowski to continue to assist in the transition of the new town planner; Mr. Guskowski stated that he could be released or he could continue. Chairman Clark stated that there may be some tasks or projects that Mr. Guskowski may be able to work on, at Town Planner Erin Mannix's direction. Ms. Mannix stated that she and Mr. Guskowski did have some initial conversations focused on the

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language used in the 2021 state legislative changes that will affect planning and zoning across the state and in Madison. The state legislature has created legislation on accessory apartments, and Ms. Mannix stated that she has asked Mr. Guskowski to see how the state legislative language compares to that used by Madison. Madison's Planning and Zoning Regulations already has accessory apartments, but the state is allowing municipalities to opt out of its legislation, provided the towns achieve a three-fourths vote from their Planning and Zoning Commissions and their selectmen by January 2023. Mr. Guskowski's job is to look at how different Madison's regulations are from the state's, however Madison is not too far off from the state legislative language—Madison has accommodating accessory apartment language, according to Ms. Mannix. Towns have until Jan. 1, 2023 to determine whether to adopt the state's language on accessory apartments or choose something else, according to Ms. Mannix. Another area that has to be reviewed has arisen through the state's Public Act 21-29, which mandates the way towns can regulate character; municipalities have to be careful not to base zoning regulatory language and decisions on "character," according to Mr. Guskowski. State Statute 8.2 outlines the basis upon which municipalities can make decisions; while "character of the district" is theoretically neutral, over the course of several decades, "character of the district" has come to be used as a blunt instrument to deny civil rights matters in planning and zoning, according to Mr. Guskowski. "Physical site characteristics" should be used, instead, to make decisions. Commissioner Joseph Bunovsky, Jr. stated that, as he sees it, decisions made by the Planning and Zoning Commission have to be based on whether applications fit within the recommendations of the Plan of Conservation and Development. In terms of looking at the town's Planning and Zoning Regulations to determine whether changes should be made in, for instance, lighting or signage, it was determined, in conversation with Ms. Mannix and Zoning Enforcement Officer John De Laura, that Madison's zoning regulations should follow the Plan of Conservation and Development, according to Mr. Guskowski. The update of that document is forthcoming, so it was decided to fix all of it, at once, during the updating process, according to Mr. Guskowski. State legislation dealing with multi-family parking and the accessory apartments legislation are the only time restricted areas that have to be addressed by Jan. 1, 2023, according to Mr. Guskowski. Chairman Clark asked whether there are any other matters that should be examined, and Commissioner Peter Roos stated that, as the town follows through with affordable housing, having another set of eyes look at the areas of opportunity would be helpful. The ad hoc affordable housing committee is another area where Mr. Guskowski's assistance could be used; there is some flexibility, and he would be a good source, according to Ms. Mannix, who stated that the affordable housing plan has to be adopted by the town by June 1, 2022. Mr. Guskowski would be a great help in that area, since he has already done Essex's and Old Saybrook's plans, according to Commissioner Roos. The Plan of Conservation and Development contains the area of opportunity at the corner of New Road and the connector, and what needs to be determined is whether that area should be commercial development, residential development, or a mix of both, according to Chairman Clark. Commissioner Roos stated that he has the areas of opportunity list.

Update regarding moratorium amendment on recreational marijuana.

Within respect to the temporary moratorium, the Planning and Zoning Commission did discuss this and decided on a nine-month period, and the public hearing for this is scheduled for Oct. 21, 2021, according to Town Planner Erin Mannix. It should be a text amendment in the Madison Planning and Zoning Regulations, as recommended by John Guskowski, according to Ms. Mannix. The nine-month moratorium buys time for the ad hoc marijuana legislative committee

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to gather its members and to educate the public, according to Ms. Mannix. That ad hoc committee will be looking more broadly into other implications legalization will have on the town, according to Ms. Mannix, and the Board of Selectmen is aware of the Planning and Zoning Commission's process in this area. Currently, there is not anything to restrict or prevent a marijuana store from taking out a permit to sell recreational marijuana, and if someone were to submit an application to open a retail marijuana store, there would not be any regulations to prevent that from happening, according to Chairman Clark. It was the Planning and Zoning Commission who requested that the Board of Selectmen form an ad hoc committee to obtain input from all stakeholders, as to what the town of Madison should be doing, and the commission is waiting for the ad hoc committee to finish its work, Chairman Clark stated. The hearing Oct. 21, 2021 is strictly about putting the moratorium in place, according to Chairman Clark. Temporary moratorium, Ms. Mannix stated; this is essentially a pause button, to allow the town to understand potential impacts and how to handle them. Ordinances may be necessary to govern where it is permissible to smoke or not, Chairman Clark stated. The state legislation mandates that municipalities with greater than 50,000 residents, if they allow for retail sales, must also provide for areas where smoking would be permitted, and clearly, that is not Madison, Ms. Mannix stated. It is not mandated that Madison do so, because it is under 50,000, Chairman Clark stated. Commissioner Bunovsky stated that he has volunteered to be a liaison or a member of that ad hoc committee, and he would be happy to assist Ms. Mannix. In addition, he stated that his four children, all of whom have gone through the Madison school system, and he discussed this issue, and he has interesting feedback to offer, if Ms. Mannix is willing to listen.

REMARKS: Commission Chair ~ None.

Town Planner ~ Erin Mannix stated that this is a little bit different in that the Madison Planning and Zoning Commission has a two-meetings a month process, with one set aside for discussion and the second being a zoning meeting of business, wherein applications are heard and handled. When looking at the calendar for the new year, the Planning and Zoning Commission could use the first meeting of each month to handle applications, as well, to ensure that the commission is adhering to statutory timelines, rather than having applications wait a whole month before they can move forward, Ms. Mannix stated.

Commissioner Carol Snow asked whether there are any updates on short term rentals, and Interim Town Planner John Guskowski stated that he submitted an email to the Board of Selectmen on this matter and has not yet had a response. Ms. Mannix stated that the Board of Selectmen has received that memorandum, and it may discuss it in October or possibly in November. Chairman Clark stated that it is a sensitive subject on both sides, and the Planning and Zoning Commission did its part in handing it up to the Board of Selectmen.

ADJOURNMENT:

Commissioner Roos made the motion to adjourn at 7:41 p.m.; it was seconded by Commissioner Joel Miller and unanimously approved.

Vote to adjourn at 7:41 p.m. passed 9-0-0.

IN FAVOR: Chairman Clark, Secretary Elliott Hitchcock and Commissioners Bunovsky, Miller, Giselle Mcdowall, John Mathers, Seonaid Hay, Ron Bodinson, and Peter Roos.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy, clerk