

## Subject to Approval

### MADISON PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES Oct. 21, 2021

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, Oct. 21, 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, Giselle Mcdowall, John K. Mathers, Seonaid Hay, and Thomas Burland.

#### **MEMBERS ABSENT**

Joseph Bunovsky, Jr. and Joel Miller.

#### **ALTERNATES PRESENT**

Carol Snow.

#### **OTHERS PRESENT**

Town Planner Erin Mannix; Interim Town Planner John Guskowski. The meeting was recorded via Zoom Videoconferencing software for You Tube viewing.

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

#### **PUBLIC HEARING ITEMS:**

**Vice Chairman James Matteson made the motion to open the public hearing; it was seconded by Secretary Elliott Hitchcock and unanimously approved.**

Vote to open the public hearing passed, 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Giselle Mcdowall, Thomas Burland, John K. Mathers, and Seonaid Hay.

OPPOSED: None.

ABSTAINED: None.

**21-19. Regulation Amendment. Moratorium.** Applicant: Madison Planning & Zoning Commission. (NEW) ARTICLE 2.20.4 - Temporary Moratorium on Recreational Cannabis Establishments.

Town Planner Erin Mannix stated that this is a proposed temporary moratorium on recreational cannabis establishments. All statutory requirements for legal notices and public posting of the regulation amendment have been met. The purpose of the temporary moratorium on recreational  
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cannabis establishments is so the town can take the time to determine the potential impacts of Connecticut General Statute Public Act 21-1. Ms. Mannix read the following into the record:

## SUMMARY

Following the passage of Public Act 21-1 (SB 1201) or “RERACA” which legalizes the cultivation, sale, transport and distribution of adult use cannabis, the Town of Madison’s Planning & Zoning Commission seeks to establish a temporary moratorium on Cannabis Establishments so that it can take the time necessary to thoughtfully contemplate the development of regulations regarding these uses.

## PROPOSED LANGUAGE TO BE ADDED

### (NEW) ARTICLE 2.20.4 - Temporary Moratorium on Recreational Cannabis Establishments

#### **Section 1: Purpose**

Following the passage of Public Act 21-1 (June Special Session), as of July 1, 2021, the personal use and possession of cannabis by adults over the age of 21 became legal in the State of CT. The law also requires that the CT Department of Consumer Protection draft regulations pertaining to the use and sale of cannabis and to begin accepting applications for licenses. The law further provides for Municipalities to prohibit or enact reasonable restrictions on cannabis establishments. However, if standards are not established, such uses will be deemed a permitted use in zoning districts where similar retail and commercial establishments are allowed.

The potential regulation of recreational cannabis creates a multitude of legal, regulatory and safety issues that must be carefully considered. The establishment of a temporary moratorium on the use of land and structures in the Town of Madison for cannabis establishments as defined in PA 21-1 will allow sufficient time for the Town to consider the various components of this new industry, develop regulations which appropriately address these establishments and coordinate with other Town agencies.

#### **Section 2: Definition of Terms:**

For the purpose of this section, the terms referred to herein shall be defined and used as outlined in PA 21-1.

**Cannabis Establishment:** a non-profit, person(s) or business entity otherwise engaged in an activity which would be defined as a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, transporter and, delivery service by PA-21-1 (SB 1201).

#### **Section 3: Temporary Moratorium:**

For the reasons set for above, and notwithstanding any other provisions of the Zoning Regulations to the contrary, the Planning & Zoning Commission hereby adopts a temporary moratorium related to the acceptance, review and/or approval of applications seeking to establish the use of land and/or structures for a Cannabis Establishment and other uses related to recreational marijuana. This moratorium shall be in effect nine (9) months from the date of adoptions or until such time as the Commission adopts Zoning Regulations that regulate the establishments and activities described herein, whichever occurs earlier. While this moratorium is in effect, the Commission will undertake a planning process to evaluate the potential impact

of allowing these establishments and consider any draft regulatory language provided by the CT Department of Consumer Protection with the ultimate goal of adopting a new Zoning Regulation which addresses these uses in a manner that is suitable to the Town of Madison.

The moratorium, if adopted, would last for nine months, or until the Planning and Zoning Commission adopts any regulations related to recreational cannabis establishments, Ms. Mannix stated.

Chairman Clark seated Alternate Commissioner Carol Snow for absent Commissioner Joel Miller. Once the regulation amendment was read into the record, Chairman Clark asked whether the Planning and Zoning Commission had any questions. There were none. Ms. Mannix stated that two members of the public were present, and she gave them an opportunity to speak, however, none spoke.

**Vice Chairman Matteson made the motion to close the public hearing; it was seconded by Commissioner Mathers and unanimously approved.**

Vote to close the public hearing passed, 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Mcdowall, Burland, Hay, Snow, and Mathers.

OPPOSED: None.

ABSTAINED: None.

**Vice Chairman Matteson made the motion to approve the moratorium, as read, new Article 2.20.4; it was seconded by Commissioner Mathers and unanimously approved.**

Vote to approve new Article 2.20.4, moratorium, passed, 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Mcdowall, Burland, Hay, Snow, and Mathers.

OPPOSED: None.

ABSTAINED: None.

### **REGULAR MEETING ITEMS:**

**21-20. Wildwood Avenue.** Map 54, Lot 21, RU-1 District. Owners: Hilary & Michael Delaney; Applicants: Hilary & Michael Delaney. Application for a 3 lot subdivision. (Earliest action 11/4/21 meeting.)

Chairman Clark stated that there are some applications in process, and he thought it would be appropriate to add these into the agenda, to inform the public what might be coming up on the commission's radar. Regular meeting items are items received by the Planning and Zoning Commission and are likely pending action, according to Ms. Mannix. The Wildwood Avenue application for a three-lot subdivision is pending before the Inland Wetlands and Watercourses Agency for a referral, and Nov. 4, 2021 is the earliest that action on this by the Planning and Zoning Commission could take place; the commission has 65 days to act on the subdivision, or it receives automatic approval, according to Ms. Mannix.

## **NEW APPLICATIONS:**

**21-21. Regulation Amendment.** Applicant: 14 Railroad Avenue, LLC. Petition for Regulation Amendment to Madison Zoning Regulations 6.2.3 to include new sub section (o). (Set Public Page 2. Madison Planning and Zoning Commission, Regular Meeting, Oct. 21, 2021 Hearing for 11/18/21.)

Ms. Mannix stated that this regulation amendment for 14 Railroad Avenue, LLC, is regarding building height and the public hearing should be set for Nov. 18, 2021.

**21-22. 307 Neck Road.** Map 12, Lot 147, R-4 District. Owner/Applicant: Nancy J. Brault. Coastal Site Plan Review to chip seal asphalt a portion of existing gravel driveway area equals 2,780 sq.ft +/- . (Set for 11/4/21 meeting, pending CTDEEP comments.)

This new application at 307 Neck Road is for a Coastal Site Plan review to allow a portion of the existing gravel driveway to receive chip seal asphalt. A portion of the driveway is near coastal wetlands, thus the need for a coastal site plan review and for the Connecticut Department of Energy and Environmental Protection (DEEP) to submit comments. Ms. Mannix asked that the Planning and Zoning Commission take action on this item at its Nov. 4, 2021 meeting, before the asphalt companies close for the winter.

**21-23. +CSP. 92 Scotland Avenue.** Map 39, Lot 37, R-2 District. Owner/Applicant 92 Scotland, LLC; Site Plan Review application for a proposed affordable housing development under C.G.S. 8-30g, to construct six residential dwelling units and associated site improvements. Application also includes a Coastal Site Plan Review. (Set for Public Hearing for 11/18/21.)

A coastal site plan review application by 92 Scotland, LLC is being requested for a proposed affordable housing development, under Connecticut General Statutes 8-30g, at 92 Scotland Avenue. A public hearing would be scheduled for Nov. 18, 2021.

Ms. Mannix asked that the Planning and Zoning Commission vote to schedule these public hearings, but Chairman Clark stated that the commission has never followed that process, and he suggested that the current way continue, unless the town planner sees a reason for the commission to vote to schedule public hearings. Ms. Mannix concurred and stated that they would move forward with those public hearings. Ms. Mannix stated that the Planning and Zoning Commission's annual calendar reflects a set of planning meetings for the first Thursday the panel meets, and a set of regular zoning meetings, for applications, at the second Thursday the panel meets. There are timelines set by state statute to hear applications, and applications, once submitted, cannot be excluded from being heard at the first Thursday—the planning meetings. Ms. Mannix stated that this could be addressed in the new calendar, by making the two meetings combined. Doing so would reflect the composition of the commission, which is a combined Planning and Zoning Commission. Both Vice Chairman Matteson and Chairman Clark stated that the commission has heard applications at both Thursday sessions, and Chairman Clark stated that the commission has not been hard and fast on all planning and all zoning. Vice Chairman Matteson stated that the commission has even had public hearings at the first Thursday meetings.

**APPROVAL OF MINUTES:** Regular meeting ~ September 16, 2021 Planning Meeting ~ October 7, 2021.

Regular Meeting of September 16, 2021

**Commissioner Burland made the motion to approve the Sept. 16, 2021 minutes as submitted; it was seconded by Commissioner Mcdowall and unanimously approved.**

Vote to approve the Sept. 16, 2021 minutes as submitted passed, 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Mcdowall, Burland, Hay, Snow, and Mathers.

OPPOSED: None.

ABSTAINED: None.

Planning Meeting of October 7, 2021

**Commissioner Hay made the motion to approve the Oct. 7, 2021 minutes as submitted; it was seconded by Commissioner Snow and unanimously approved.**

Vote to approve the Oct. 7, 2021 minutes as submitted passed, 7-0-1.

IN FAVOR: Chairman Clark, Secretary Hitchcock, and Commissioners Mcdowall, Burland, Hay, Snow, and Mathers.

OPPOSED: None.

ABSTAINED: Vice Chairman Matteson.

**REMARKS:** Commissioner Chair ~ None.

Town Planner ~ Ms. Mannix stated that the ad hoc affordable housing committee is charged with drawing up the affordable housing plan for the town of Madison, which it will present to the Board of Selectmen. The committee is looking to have a public forum on the topic on Dec. 16, 2021, which is the same date that the Planning and Zoning Commission will be meeting, according to Ms. Mannix. The Planning and Zoning Commission may want to attend that public forum, or cancel its Dec. 16, 2021 meeting, according to Ms. Mannix. It will be a Zoom meeting. Chairman Clark stated that the ad hoc committee could meet an hour earlier and then transition into the 7 p.m. Planning and Zoning Commission meeting, as well. Ms. Mannix stated that she would let the committee know that the Planning and Zoning Commission would be willing to host its public forum.

**ADJOURNMENT:**

**Commissioner Hitchcock made the motion to adjourn at 7:34 p.m.; it was seconded by Vice Chairman Matteson and unanimously approved.**

Vote to adjourn at 7:34 p.m. passed 8-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Mcdowall, Burland, Hay, Snow, and Mathers.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,  
Marlene H. Kennedy, clerk