

Subject to Approval

MADISON PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES Nov. 18, 2021

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, Nov. 18, 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, and Joseph Bunovsky, Jr.

MEMBERS ABSENT

Thomas Burland, John K. Mathers, Seonaid Hay, and Joel Miller.

ALTERNATES PRESENT

Carol Snow and Peter Roos.

OTHERS PRESENT

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

The Regular Meeting of the Madison Planning and Zoning Commission was called to order at approximately 7 p.m. by Chairman Ronald Clark, who seated Alternate Commissioner Carol Snow for absent Commissioner Seonaid Hay and Alternate Commissioner Peter Roos for absent Commissioner Joel Miller.

PUBLIC HEARING:

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).

Attorney Michael Iacurci and Architect John Matthews presented the application for the regulation amendment on behalf of 14 Railroad Avenue, LLC, which requests that sub section (o) be added to Madison Zoning Regulations 6.2.3 to read as follows: *(o) Property fronting Railroad Avenue: Buildings to the interior of a lot with frontage on Railroad Avenue may have an average height of 35 feet. However, there must be a building with an average height of 30 feet or less between the interior taller buildings and Railroad Avenue. The taller interior buildings must be 130 feet from Railroad Avenue. If the buildings with an average height of 30 feet fail to provide a sufficient buffer to the interior buildings, to the satisfaction of the Commission, then the Commission may require landscaping to provide a buffer from the street.* Mr. Matthews shared photographs and stated that in the DV Downtown District, the heights of

Page 1. Madison Planning and Zoning Commission, Regular Meeting, Nov. 18, 2021

buildings have to be 30 feet, but property owners could go to 40 feet or 45 feet, if approved by special exception permit. Town Planner Erin Mannix stated that the applicant is 14 Railroad Avenue, LLC, and there are four lots that would be subject to this regulation, if it is approved. Mr. Iacurci stated that an original application was submitted, so that 16 residential units could be built, with frontage on Railroad Avenue. The current regulations do not allow for the Railroad Avenue special exception, and it was uncertain as to whether the application would be able to proceed, so the applicant moved on to the regulation amendment, because that is the way the applicant was told to move forward, according to Mr. Iacurci. The application presented to the Planning and Zoning Commission contains an additional paragraph under sub section (o), which states the following: *13. Petitioner has or will submit an application to build 16 units with frontage on Railroad Avenue. The house on Railroad Avenue will not exceed 30 feet, but the proposed building to the rear will be approximately 33 feet. Other properties in this area, including properties to which Railroad Avenue abut, have buildings that far exceed 30 feet in height. Further, the rules for the downtown district, of which this property is a part, allow, on almost every other street, for buildings higher than 30 feet through special exception.* The application, which the applicants were told to withdraw, was only for 14 Railroad Avenue, according to Mr. Iacurci. Ms. Mannix shared the section of the Planning and Zoning Regulations which define and describe average building height, including a chart detailing how building height average is measured, which includes gable roof, hip roof, salt box, and gambrel. Vice Chairman James Matteson stated that the total height is higher than the average height. Because this application is a regulation amendment, the applicant was not required to send notice to the residents about the evening's public hearing on the text amendment, according to Chairman Clark. Had the proposal to build the 16 residential units, with frontage on Railroad Avenue, been able to move forward with a special exception permit, 12 residents would have had to receive notice of the public hearing associated with the application for the special exception permit, according to Mr. Iacurci. Chairman Clark asked whether any members of the public wished to participate in this public hearing, but no hands were raised. To do new construction, the ceiling heights have to be able to accommodate the mechanicals that people have come to expect, and with a three story building, short of a flat roof, the additional height exists in the pitch of the roof, which is not noticeable; a three story building is needed, not a two and a half story building, according to Mr. Matthews. Commissioner Carol Snow asked if the front house would be torn down, and all of the other buildings would be three stories, because then the houses that remain on Railroad Avenue would be smaller. Mr. Matthews stated that the whole street façade would remain as it looks today. Sixteen residential units would be fairly short, in comparison to nearby commercial structures, according to Mr. Iacurci. Three structures would be built—two perpendicular to Railroad Avenue, and the last one is parallel to the rear property line, Mr. Matthews stated. Regulation 6.3 does require a minimum of two stories; the regulation is designed to keep that streetscape as it currently exists, Ms. Mannix stated. Chairman Clark asked what would be the next step for this application. Beyond the appeal period, the regulation would go into effect, and then the applicants could apply for a special exception permit, according to Ms. Mannix. The special exception permit application requires a mandatory public hearing, and the commission would have discretion over the application and its design, according to Ms. Mannix. If the amendment is approved to add sub section (o), then the Planning and Zoning Commission ends up with H and O sub sections, which are conflicting with the chart that shows the 30-foot maximum height, Secretary Elliott Hitchcock stated. Chairman Clark asked if there were any questions from the public; when none came forward, he asked whether anyone from the public wanted to speak in favor of or in opposition to the application. Robin Phillips, of 880 Boston Post Road, stated that he had a comment, adding that it just seems there is a pattern,

when an applicant submits an application that doesn't conform to standards, and then it is allowed to change a regulation, so the new application can now conform to the new regulation. This has happened before, Mr. Phillips stated; it is a slope. The commission has to look at this and see if this is the way it wants to proceed in this town. Mr. Iacurci stated that they are not looking to amend the regulations to change this downtown and this area; there are large buildings here. These are smaller buildings that will allow for more affordable housing in this town, Mr. Iacurci stated.

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

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

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Giselle Mcdowall, Snow, Peter Roos, and Joseph Bunovsky, Jr.

OPPOSED: None.

ABSTAINED: None.

Vice Chairman Matteson stated that he is in favor of a 30 foot to 35 foot average building height, and with regard to Mr. Phillips's comments, many times the commission has texts in the regulations where an application is presented that shows that an update is needed to that regulation, not by right, but by special exception. Commissioner Bunovsky stated that that was a very poignant way to say that; some of the regulations haven't been touched in God knows how long. Anything the Planning and Zoning Commission can do to clarify the regulations and update the table is good, according to Commissioner Snow. Secretary Hitchcock stated that the chart or graph should also be updated to match the amendment. Commissioner Giselle Mcdowall stated that this is the process; this is what the Planning and Zoning Commission does, when something needs clarification, updating, or a change, in order to provide something for the town. Ms. Mannix reminded the commission that the potential adoption of a proposed regulation must include a finding by the commission that it is consistent with the Plan of Conservation and Development. Chairman Clark stated that affordable housing, more residential units downtown, and the ability to provide economic development are all features that are consistent with the Plan of Conservation and Development.

Vice Chairman Matteson made the motion to approve the text amendment, finding it to be consistent with the Madison Plan of Conservation and Development; it was seconded by Commissioner Roos and unanimously approved.

Vote to approve the text amendment to Madison Zoning Regulations 6.2.3 to include sub section (o), finding it consistent with the Plan of Conservation and Development, passed, 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Mcdowall, Snow, Roos, and Bunovsky.

OPPOSED: None.

ABSTAINED: None.

PENDING APPLICATIONS:

21-22 CSP. 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 = 2,780
Page 3. Madison Planning and Zoning Commission, Regular Meeting, Nov. 18, 2021

sq.ft +/- (Tabled to 12/2/21.)

21-20+CSP. Wildwood Avenue. Map 54, Lot 21, RU-1 District. Owners: Hilary & Michael Delaney; Applicants: Hilary & Michael Delaney. Application for a 3 lot subdivision. (Tabled to 12/16/21 meeting.)

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. (Public Hearing set for 12/2/21.)

NEW APPLICATIONS:

21-24. 73 Wall Street. Map 38, Lot 69, D-District. Owners: Jean Cowles & Louis Gimble; Applicants: Crystal Cowles and Jean Cowles. Special Exception Permit for change of use of a commercial building to a two family dwelling per Section 6.15.9. (Receive and schedule Public Hearing for 1/6/22.)

21-26. 1326 Boston Post Road. Map 31, Lot 38-1, R-2 District; CAM; Owner/Applicant: Town of Madison; Site Plan modification application to construct open pavilion with roof-top solar panels where restroom/concession facility was previously approved.(Receive and Take Action 11/18/21.)

Director of Beach, Recreation and Senior Services Austin Hall stated that there had been a proposal for a large concession and restroom area, but funding is not available, so plans are to put in an open air pavilion. The Advisory Committee on Community Appearance (ACCA) approved the drawing and colors of the metal roofing. Town Planner Erin Mannix shared a map of Salt Meadow Park, with the area for the pavilion. The original building was hangar style, with accessible features, restrooms, concessions, and storage. Ms. Mannix shared the drawings of the originally proposed building. The desire is now to provide a structure that offers some shade and the ability to be rented; it is a 30 foot by 40 foot open pavilion with a utility shed for the source of power, and in the future, restrooms will be considered, according to Ms. Mannix. A solar array located temporarily on the ground, is expected to be relocated to the roof, but doing so will require extra funding, according to Ms. Mannix. The open cedar pavilion features a hunter green seamed metal roof and black support hardware and bracing. There is no lighting at the park; the pavilion will be a dawn to dusk facility. The solar panels currently power the irrigation system, according to Mr. Hall. Madison Youth Soccer and lacrosse teams play on the field from April to the end of October, so visitors to the games would be able to use the pavilion; it could also be rented out for events, such as birthday parties, according to Mt. Hall. Some discussion took place about the solar array and its future. In the future, a dog park is being proposed, as well. There is an urgency to have this approved, because concrete needs to be poured before the freeze, so the pavilion can be installed, according to Mr. Hall.

Commissioner Bunovsky made the motion to approve 1326 Boston Post Road, with the condition that the current temporary ground array remain as is for 12 months and that within 12 months it be removed to the roof.

Vote to approve 1326 Boston Post Road passed, 7-0-0.

Page 4. Madison Planning and Zoning Commission, Regular Meeting, Nov. 18, 2021

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Mcdowall, Snow, Roos, and Bunovsky.

OPPOSED: None.

ABSTAINED: None.

DISCUSSION: Meeting format for December 2021 and 2022

By law, towns are allowed to continue meetings of boards and commissions remotely until April 2022; however they may choose to have their meetings in person or in a hybrid situation of remote connection and in person. Discussion centered on the advantages and disadvantages of meeting remotely and in hybrid formats, as well as what types of procedures would be followed if a large audience were to meet in Town Campus. While the town is allowing no face coverings for vaccinated visitors to the Town Campus, questions were raised as to how to determine whether someone is vaccinated, whether the public would be asked to provide proof of vaccination, whether social distancing would be required in the meeting room setting, and whether the Town Campus building has an effective ventilation system. Commissioners agreed they would prefer to meet via remote connection until April 2022, and Town Planner Erin Mannix stated that if a decision were to be made to meet in person, there would have to be at least a one-month advance notice. In addition, those wishing to be present remotely would have to be accommodated.

APPROVAL OF MINUTES: Regular Meeting ~ October 21, 2021

Commissioner Roos made the motion to approve the Oct. 21, 2021 minutes as submitted; it was seconded by Vice Chairman Matteson and unanimously approved.

Vote to approve the Oct. 21, 2021 minutes as submitted passed, 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Mcdowall, Snow, Roos, and Bunovsky.

OPPOSED: None.

ABSTAINED: None.

Planning Meeting ~ November 4, 2021

Vice Chairman Matteson made the motion to approve the Nov. 4, 2021 minutes as amended, changing, under *Pending Applications* Mr. Mannix to read Ms. Mannix, and under the application for 92 Scotland Avenue, change the date of Dec. 6, 2021, to the correct date of Dec. 16, 2021; it was seconded by Commissioner Roos and unanimously approved.

Vote to approve the Nov. 4, 2021 minutes as amended passed, 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Mcdowall, Snow, Roos, and Bunovsky.

OPPOSED: None.

ABSTAINED: None.

REMARKS: Commission Chair ~ No report. Town Planner ~ No report.

ADJOURNMENT:

Commissioner Bunovsky made the motion to adjourn at 9:12 p.m.; it was seconded by Secretary Hitchcock and unanimously approved.

Vote to adjourn at 9:12 p.m. passed 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock, and Commissioners Mcdowall, Bunovsky, Snow, and Roos.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy, clerk