OPEN MEETING

Chair Snow called the meeting of January 18, 2024 to order at 7:02pm

MEMBERS PRESENT Carol Snow, John Dusza, Andrew Rubin, Robert Reinhart, Michael Bugda, Janet Peckinpaugh, Robert O’ Connor, Jeffrey Downes and John Morgan
MEMBERS ABSENT Andrew Rubin
STAFF PRESENT Town Planner, Erin Mannix

OLD BUSINESS

None.

DISCUSSION:

21-03+CSP. 856 Boston Post Rd., Map 39, Lot 8; R-2 District, Owner: Faith Whitehead; Applicant: 856 Boston Post Rd LLC. Special Exception Permit application to construct a single-family residential cluster development and associated site improvements. Includes coastal site plan review. (Discussion of record as it relates to remand)

Chair Snow provided background information and a timeline for application #21-03+CSP which goes from 2021 to 2024.

After her recap, Chair Snow states there was a special meeting and an executive session on January 4, 2024, with attorney Peter Geldermen and the commission. She further stated that tonight’s meeting is the first opportunity for the commission to discuss this application and clarified that this is a public meeting and not a public hearing.

Chair Snow provided/ shared additional information on the July 21st, 2023 memorandum of decision where the court directs the commission to review the existing record and perform its duty of considering the effects of the proposed septic system on coastal resources. The court further directs that the commission should not reopen the hearing to take additional evidence. The Commission is directed only to consider the existing evidence in the record regarding the potential effects of the proposed septic system on coastal resources as they are required to do under the CAM Act. The court’s decision is not intended to give an opportunity to present new evidence or for the commission to engage in new fact finding. In addition, the party shall be mindful that a motion for clarification may not be used to modify, limit or to alter the substantive terms of a prior judgment. The commission should look at the evidence in the existing record regarding the impact of the septic system on coastal resources to inform its decision and engage in the single review process on whether to approve or deny both the special exception permit and the coastal site plan.
Chair Snow also shared the responsibilities of the Madison Planning and zoning commission for special exceptions and a coastal site plan review. After reviewing the application, minutes, transcripts, and videos relating to the application, VC Reinhart and Secretary Dusza agreed that the June 3rd meeting / transcript answered the questions raised by the judge and provided substantial information regarding the septic.

Commissioner Peckinpaugh asked what is the next step or outcome of this discussion. Chair Snow states for the commission to reach a decision about what should be done regarding the two applications with supporting evidence or supporting information of why they are making this decision and to get back to the judge.

Secretary Dusza states the commission should focus on the question that was asked from the remand and to note the meeting is not being reopened, and no other evidence can be taken into considerations. Commissioners agreed that there was a significant amount of data provided to help understand what the potential impacts of the current design are.

VC Reinhart states he has other questions but notes that the judge specifically states to use what is only in the record.

After discussions, Chair Snow recommends the commission to further review the information about what is substantial or useful. Mrs. Mannix states the commission should have their specific section or fact findings to share at the next meeting. A special meeting will be scheduled for a decision / action.

**PLAN OF CONSERVATION & DEVELOPMENT UPDATE**

1. Continue discussion of policies and actions within working draft

Present from the public: Jim Nordgren. The revised working draft of the POCD was shared for the commissioners. VC Reinhart noted the draft plan aligns with the Town strategic plan. Chair Snow notes that the plan should also be cross-referenced with the state regulation requirements and that the state is also drafting their next 10 yr plan.

Jim Nordgren states the POCD is getting to where it should be, and the format is similar to their affordable housing plan – they went through a similar process with policies and action items and then created a table with priorities.

After further discussions and additional edits, commissioners will continue to share their comments with Mrs. Mannix and John from Tyche Planning.

**RECEIPT(S):**

24-01. **Cherry Ln.**, Map 26, Lot 37-1, 44 & 45, Zone: R-2; Owner: Madison Country Club; Applicant: Anderson Engineering & Surveying Associates, Site Plan Review Modification & Coastal Site Plan Review to construct 10ft x 20ft accessory restroom building, associated utilities, septic system, and site improvements (Table to February 15, 2024)
**24-02. Surf Club Rd.** Map 36, Lot 50, Zone R-2; Owner: Town of Madison, Applicant: Westcott and Mapes, Inc.; Minor Site Plan Review & Coastal Site Plan Review to install athletic field lighting consisting of six (6) light poles on the Nelson Little League Fields (Table to February 15, 2024)

Chair Snow motioned to table applications # 24-01. Cherry Ln & #24-02. Surf Club Rd to the February 15, 2024 meeting. Seconded by Commissioner Downes and unanimously approved.

**PENDING APPLICATION(S):**

**23-61. 9 Governors Way**, Map 35, Lot 2; Zone: R2; Owner: Keith W & Melina I Mirante; Applicant: Robert C. Russo, CLA Engineers, Inc; Coastal Site Plan Application for installation of a 3’x10’ fixed dock, a 3’x15’ ramps, a 10’x10’ floating dock, pervious walkway and pervious patio (Table to February 15, 2024)

Commissioner Bugda motioned to table application # 23-61. 9 Governors Way to the February 15, 2024 meeting. Seconded by Commissioner O’Connor and unanimously approved.

**ADMINISTRATIVE APPROVAL(S):**

**23-62. 128 Island Ave.** Map 16, Lots 133; Zone: R-4; Owner: The Madison Beach Club; Applicant: Garry Leonard; Minor Site Plan Review to remove windows along street façade

**23-56. 8 Scotland Ave.** Map 39, Lot 56, Zone: D; Owner: Apero, LLC, Applicant: Guillaume Traversaz for Bouchon, LLC, Minor Site Plan Review to replace and expand outdoor dining canopy

Per Mrs. Mannix, both applications went before ACCA last week and received favorable recommendations. The CEO (Maria Pettola) issued administrative approvals for both applications.

**NEW BUSINESS:**

Review of Zoning Regulation Changes per PA 23-142-family childcare homes and group childcare homes

Per Mrs. Mannix, the First Selectwoman received a letter from OPM (Office of Policy and Management), and there had been an amendment to public act 23-142 that requires zoning regulations to treat a family daycare home as defined in a specific section of the commission statues no different than a single family and has broadened that to include a childcare group. The Town provided a letter of noncompliance to OPM indicating that they will address this by February to bring regulations into compliance and report to OPM that their regulations are consistent with the statute change. A public hearing would be scheduled for further discussion.

**APPROVAL OF MINUTES:**

[January 4, 2024 Regular meeting](#)

[January 4, 2024 Special meeting](#)
Commissioner Bugda made the motion to approve the special minutes of January 4, 2023; seconded by Reinhart and unanimously approved.

Secretary Dusza noted he was present for the executive session.

Motion was unanimously approved as amended.

Commissioner Bugda made the motion to approve the regular minutes of January 4, 2024 as submitted. Seconded by Commissioner O’Connor and unanimously approved.

REMARKS: Commission Chair – Chair Snow mentioned that she would be giving an update on the POCD to the Board of Selectmen on Monday.

   Town Planner – Per Mrs. Mannix, Chair Snow and herself have met with the affordable representatives from the affordable housing committee and also with Peggy Lyons, they have decided to have a general community information discussion with the affordable housing committee to discuss how they can be involved with implementing the affordable housing plan. They are also utilizing a consultant, who will give a presentation on affordable housing on Thursday February, 29th – hybrid meeting. All commissioners will be invited.

CLOSE MEETING

Adjournment.

Commissioner Bugda made the motion to adjourn the meeting at 9:14pm. Seconded by Secretary Dusza and unanimously approved.

Respectfully submitted,
Racquel Stubbs