

## Subject to Approval

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

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

#### **MEMBERS ABSENT**

Joseph Bunovsky, Jr.

#### **ALTERNATES PRESENT**

Peter Roos and Ron Bodinson.

#### **OTHERS PRESENT**

Director of Planning and Economic Development David Anderson. Town Attorney Peter Gelderman. 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, who asked that the Regular Hearing Item, 21-02. 286 & 302 Green Hill Road be heard before the public hearing.

#### **REGULAR HEARING ITEM:**

**21-02. 286 & 302 Green Hill Road.** Map 64, Lots 47 & 36. RU-2 District. Owner: Town of Madison; Applicant: Greenskies Clean Energy, LLC. Site Plan Modification for construction of solar carport addition to existing parking lots at Daniel Hand High School and Walter C. Polson Middle School.

Madison Director of Facilities William McMinn stated that representatives of Greenskies Clean Energy, LLC, are also present to provide engineering and technical details. Planned are two solar carports for installation at existing parking lots at the Walter C. Polson Middle School and Daniel Hand High School. The solar carport at Polson School will be located between the two schools, and the one at the high school will be in the back of the property. Mr. McMinn showed the site plans, as well as photographs of the solar carports. The carport at Polson School is expected to take up about a quarter of the parking lot, and the one at the high school will take up between a quarter and one half of the lot; perhaps only one or two parking spaces will be lost, according to Mr. McMinn. The structures will be 14 feet at the low end and 22 feet at the high

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end, Mr. McMinn stated.

**Commissioner Thomas Burland made the motion to approve the site plan modification for 286 & 302 Green Hill Road; it was seconded by Alternate Commissioner Peter Roos.**

Chairman Clark noted that he had forgotten to seat Alternate Commissioner Peter Roos for absent Commissioner Joseph Bunovsky, Jr., and so he seated Commissioner Roos at that point, adding that the second to the motion is appropriate.

**The motion was unanimously approved.**

Vote to approve the site plan modification passed, 9-0-0.

IN FAVOR: Chairman Clark, Vice Chairman James Matteson, Secretary Elliott Hitchcock and Commissioners John K. Mathers, Burland, Roos, Giselle Mcdowall, Seonaid Hay, and Joel Miller.

OPPOSED: None.

ABSTAINED: None.

**PUBLIC HEARING ITEM:**

20-16+CSP. Longshore Lane. Map 25, Lot 74-1. R-2 District. Owner/Applicant: Shorelands, LLC. Subdivision application to divide 22.38 acres into 5 lots. Also, Coastal Site Plan Review. **Continued from January 21, 2021.**

Chairman Clark stated that this application is a continuation of the public hearing from January 21, 2021, and he asked if an earlier discussion about modifying the application by reducing the number of lots is still being planned.

There will be no reduction in the number of lots, according to Professional Engineer Steven Sullivan, who added that a wetland report is expected at the March meeting of the Inland Wetlands and Watercourses Agency. The applicants became in receipt of the state Department of Energy and Environmental Protection (DEEP) report on Feb. 17, 2021 and need time to review it; in addition, the town sanitarian has asked for more information, and it is believed the town engineer has not reviewed the application, according to Mr. Sullivan. He described the letter from DEEP as lengthy and stated that they really need time to respond appropriately. Commissioner James Matteson stated that he is unclear as to the DEEP's mention of having a water dependent use on the site. Mr. Sullivan stated that DEEP is asking for an easement for public access through trails and crossings on the property. Commissioner Roos asked what is the plan to widen Longshore Lane. Mr. Sullivan stated that it is kind of in the town's court, if they think it has to be widened. Director of Planning and Economic Development David Anderson stated that the town's planning and zoning regulations require that if a property fronts on a private road that the road be adequate in size to accommodate emergency vehicles; it is the role of the Planning and Zoning Commission to say whether it is adequate or not adequate, and the Planning and Zoning Commission will provide an opinion as to whether the proposal meets the town's planning and zoning regulations. Commissioner Burland sought clarification on the process of taking action on the subdivision and also on the Coastal Site Plan review. Mr. Anderson stated that the application is a subdivision application, and there is a coastal site plan component; the main component is the subdivision, and the Planning and Zoning Commission *Page 2. Madison Planning and Zoning Commission, Regular Meeting, Feb. 18, 2021*

typically votes separately on the two components. Coastal Site Plan is a catch-all term for any activity within the coastal area, according to Town Attorney Peter Gelderman. It creates an opportunity to determine whether or not the subdivision will have adverse impacts on the coastal area, according to Mr. Gelderman. The Coastal Site Plan Review is a separate analysis that involves any area in a coastal zone, he stated. The subdivision application, if it is in a coastal area, is a coastal site plan—those applications, themselves, constitute Coastal Site Plans, according to Mr. Gelderman. Commissioner Burland asked if the Planning and Zoning Commission is just looking at the actual division of the property. Mr. Gelderman stated that the commission is looking at a division of land in three or more parts. It appears the application falls short, in terms of the coastal site plan review, according to Commissioner Mathers. Mr. Sullivan stated that that is a part of the DEEP review, and the applicant is working on that. The Coastal Site Plan Review is distinct from the DEEP review, Mr. Gelderman stated. The Planning and Zoning Commission decides the Coastal Site Plan Review, Mr. Gelderman stated. In the past, the Planning and Zoning Commission approved an application on this site that had included the extension of Maplewood Lane and the creation of a cul de sac; the current plan does not include the extension of the lane or the cul de sac, therefore the applicant has returned to the commission with a change, according to Mr. Gelderman. Chairman Clark stated that one of the concerns being raised is that the environmental study is 15 years old, and he asked Mr. Sullivan where does that stand, in his mind, with regard to the wetlands; will there be updated information received? If the Inland Wetlands and Watercourses Agency has asked for an updated report, the applicant is going to have to conform to that request, Mr. Sullivan stated. Chairman Clark asked, “What are your thoughts about remapping it?” That has to be deferred to the applicant, Mr. Sullivan stated. Chairman Clark asked whether undertaking an updated study, in the interim, is something which might be considered, to save time, since it might be requested, and to move this process along. Mr. Sullivan stated that he will pass that on to the applicant. Attorney Lawrence Reilly stated that the Planning and Zoning Commission approved the previous subdivision with the expressed contingency, drawn on the map, that a building lot would not be approved until the easement was received; the applicant would ask for the same thing—approve it, contingent on getting the access. Attorney Thomas Crosby noted that the DEEP report has been received, as well as a Jan. 20, 2021 Conservation Commission letter; he described this as a “chicken and egg” problem, wherein a five lot subdivision and a Coastal Site Plan decision are being made at the same time, and hypothetically, the commission would be granting a subdivision without access to lot four and lot five, and these are problems. There has to be a plan on the table to approve that access, according to Mr. Crosby. Attorney Eric Bernheim stated that he preferred to reserve comments until receiving further information. The supposed problem with the access was dealt with by the board the last time; this is similar to the plan that was settled before, and under state law the stipulation cannot be fulfilled, according to Mr. Reilly. A question was raised about an email sent out by the fire captain, regarding emergency access to the subdivision. Mr. Sullivan stated that they said that they have some concerns about accessing down Longshore Lane, but no measurements were given in the email. Mr. Reilly stated that this was not a concern, previously, and the subdivision was approved previously, and now it is being voiced as a concern. Attorney Crosby stated that there is a letter from Madison’s fire chief that was presented in the prior subdivision proceeding. Commissioner Burland asked if all of these points are relevant to approving a subdivision of property, or is the Planning and Zoning Commission jumping ahead? The road width is going to be determined by how the lot lines are drawn, Chairman Clark stated, adding that he agrees a lot of information has been submitted that is premature in approving a subdivision. Commissioner Burland questioned the process if it is a building lot. The Planning and Zoning Commission is being asked to approve a building lot that is going to be sold to

someone who believes they can build on it; the commissioners have to look at this pretty thoroughly, according to Mr. Anderson. Regarding access, a road into the subdivision is a part of the subdivision, according to Mr. Gelderman, and the Planning and Zoning Commission needs to approve the access into the subdivision. Yes, the Planning and Zoning Commission is doing a subdivision, but there are aspects of the subdivision that go beyond just the splitting of land, Mr. Gelderman stated. It does not reasonably mean those lots could be developed, he stated. The Planning and Zoning Commission is approving a division of land that allows those lots to be developed, but it does not mean that they can be developed, according to Mr. Gelderman. Commissioner Mathers sought clarification on Mr. Reilly's inference that the fire department did not bring up the access issue for the previous subdivision. Mr. Gelderman stated that decisions of land use agencies, absent a land use circumstance or material change in circumstance, should not be reversed. There was a road widening proposed with a fire department turn-a-round, in the previous subdivision, so to say that the Planning and Zoning Commission did not make this an issue prior, is because it was addressed through the proposed widening and the turn-a-round that provided the emergency fire access, according to Mr. Anderson. It was stated that the emergency access that was provided, in the past, was not the cul de sac, but the t-shaped turn-a-round.

**Commissioner Mathers made the motion to continue the public hearing; it was seconded by Commissioner Miller and unanimously approved.**

Vote to continue the public hearing for Longshore Lane passed, 9-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Commissioner Hay asked if Longshore Lane is a new application. Mr. Anderson stated that it is a new application, and it needs to be evaluated against today's regulations.

**Approval of Minutes:** Regular Meeting – January 21, 2021

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

Vote to approve the Jan. 21, 2021 minutes as submitted passed, 9-0-0.

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

OPPOSED: None.

ABSTAINED: None.

**REMARKS: Commission Chair  
Director of Planning & Economic Development**

**Commission Chair** ~ Chairman Clark stated that he had attended a hearing in Hartford on a host of land use regulations being considered by the state legislature, about a half dozen of them, including items such as the state takeover of zoning to affordable housing. As commissioners, the Planning and Zoning Commission has the right of free speech, but he advised the  
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commissioners to keep in mind that anything they choose to state publicly could result in applicants requesting that a commissioner be recused from participating in an application, due to a statement previously made. Chairman Clark asked the commission to be careful not to take a position on an issue and put it in the public domain; commissioners do not want to beat themselves into a corner with a particularly strong response to something that may, in the future, come up in an application. Regarding the state takeover of zoning, Chairman Clark stated that the Planning and Zoning Commission may just find itself meeting two times a month, with nothing to decide.

**Director of Planning and Economic Development** ~ Mr. Anderson stated that he has invited State Representative John Michael Parker and State Senator Christine Cohen to come before the Planning and Zoning Commission to discuss the zoning legislation that is being proposed in Hartford. In addition, Commissioner Mathers testified in Hartford on a bill and has been complimented on his presentation, Mr. Anderson stated, inviting Commissioner Mathers to talk about the testimony. Commissioner Mathers stated that the issue he discussed in Hartford involves the occupancy tax that is currently 15 percent for hotel accommodations; it was historically used to promote tourism in the state. Years ago, it was 12 percent and used for marketing, but then it got moved to the general fund. It had then been raised to 15 percent, but the state only allowed 3 percent to be spent on marketing, according to Commissioner Mathers. The tourism budget got reduced to \$1, but Gov. Malloy raised it to \$15 million; Connecticut is outspent on tourism and marketing by every state in New England, Commissioner Mathers said. It has been found that an investment in marketing in the state with tourism has a 3-1 return on investment in 12 months, according to Commissioner Mathers. House Bill 61-19 is proposing that 25 percent of the occupancy tax be earmarked for marketing and tourism, he stated. Right now, it is 10 percent, which was achieved three years ago, for tourism, arts, and culture, according to Commissioner Mathers.

Commissioner Miller reminded the commission about conduct during public hearings and public meetings, whether they take place on a Zoom format or in the Town Campus meeting rooms. He stated that everything is on the record during the proceedings, and that the commissioners cannot be on personal devices, because that is a communication outside of the public hearing or the public meeting. To be on a personal device, such as a cell phone, during public sessions puts the integrity of the commission at risk, according to Commissioner Miller. It could be deemed as prejudicial and undermine everything the commission does, he stated. The commission should not be viewed or perceived as having a conversation beyond the public session, according to Commissioner Miller.

Chairman Clark stated that commissioners should not be texting between themselves or anyone.

## **ADJOURNMENT**

**Secretary Hitchcock made the motion to adjourn at 8:13 p.m.; it was seconded by Commissioner Mcdowall and unanimously approved.**

Vote to adjourn at 8:13 p.m. passed 9-0-0.

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

OPPOSED: None.

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ABSTAINED: None.

Respectfully submitted,  
Marlene H. Kennedy, clerk