

## **Subject to Approval**

### **MADISON PLANNING AND ZONING COMMISSION PLANNING MEETING MINUTES March 4, 2021**

The Planning Meeting of the Madison Planning and Zoning Commission was conducted Thursday, March 4, 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, Ron Bodinson and Carol Snow.

#### **OTHERS PRESENT**

Director of Planning and Economic Development David Anderson. 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.

#### **REGULAR AGENDA ITEMS:**

##### **Welcome New Alternate Commission Member Carol Snow.**

Chairman Clark welcomed new Alternate Commissioner Carol Snow and stated that she is taking the alternate seat of former alternate Commissioner Seonaid Hay, who has become a regular member.

##### **Discuss proposed legislation related to land use with Senator Christine Cohen and Representative John-Michael Parker.**

Chairman Clark introduced State Sen. Christine Cohen and State Rep. John-Michael Parker, who were invited to the meeting to discuss bills pending in Hartford affecting land use and land use policy. Sen. Cohen summarized the legislative process in creating bills, some of which include affordable housing, adding dwelling units to affordable housing projects, and increasing the payment in lieu of taxes from 25 percent to 30, 40 or even 50 percent; she serves as the Senate chairman of the environment committee and climate adaptation, representing three coastal towns and three inland towns, adding that she has been working hard on coastal resiliency—disaster

*Page 1. Madison Planning and Zoning Commission, Planning Meeting, March 4, 2021*

and mitigation, as well as sea level rise, which is expected to rise 20 inches over the next 20 years. Funding for coastal resiliency efforts could possibly come through come through a buyers' conveyance fee, which would be given to towns, allowing the option of putting it toward land conservancy or coastal resiliency, according to Sen. Cohen. Rep. Parker, who has just started his first term in office, works on education and public health, as well as being involved with Sen. Cohen on the environment committee. In terms of affordable housing, a lot of the publicity has focused on the efforts of Desegregate Connecticut, according to Rep. Parker. With regards to affordable housing, and some of the proposed changes that Desegregate Connecticut has put forward, Commissioner Thomas Burland stated that he wants to understand the depth behind the motivation to substitute local control for state control. The town of Madison has formed an ad hoc housing committee, on which Commissioner Peter Roos serves as the ad hoc member from the Planning and Zoning Commission, and Commissioner Roos stated that affordable housing is important—incomes have not kept pace with housing prices, and so people are driven away; people need to be educated as to why affordable housing is important for the town. Towns have until the middle of next year to have affordable housing plans in place, and Commissioner Roos stated that the towns should be allowed to do the work, to move forward on their own affordable plans—let it be local control and not the state enforcing housing against the wishes of towns and their individual characters. It is important to pay attention to the needs, as well as the building code, to also give opportunities for jobs, and education, and the community, while keeping local control and providing some guidance, according to Sen. Cohen. In the Desegregate Connecticut proposal, the inability to let towns regulate where they want these projects leaves it up to private developers who will shoe horn projects in, according to Chairman Clark. As far as affordable housing in Madison, the town does not have as much as it would like, but Madison is trying to achieve it, according to Chairman Clark. Director of Planning and Economic Development David Anderson did a yeoman's job in getting 23 units of affordable housing in the town of Madison (Wellington at Madison), and to have the state take that ability away is mind boggling, Chairman Clark stated. Home rule and home control is really important; offering training is good, but Madison trains staff and town officials on its own, according to Chairman Clark. He pointed out that Sen. Cohen also represents Branford, whose feelings may be different. Rather than just voting no on the proposal, Chairman Clark stated that if they see the advantage for home rule and see the benefit of it, then actively fight for it, if that is possible. Sen. Cohen stated that she thinks that a lot of their colleagues feel the same way he feels; they want to be able to decide what is right for their community, open up communities for folks to gain new opportunities, new jobs, and better education. Wellington is going to be a great project for the town of Madison, Sen. Cohen stated. This is still very early in the process, but there is the similar sentiment that affordable housing should still be up to local boards and commissions, according to Sen. Cohen. Commissioner Burland stated that what he struggles with in the definition of affordable housing is that it has to have a deed restriction; most buy a small house, fix it up, sell it for a higher price, and move up; but with the deed restriction, a person's investment appreciates at far less than the market. Sen. Cohen stated that she would never profess to be an expert on this, but she really appreciates that comment, and she will look into it. It only applies to that unit that is affordable, Commissioner Burland stated, asking what is the economic impact on that person if it does not appreciate with the market? Regarding the Senate bill, Chairman Clark stated that Connecticut has a declining population, and businesses are not knocking on its door to come in; he asked who is going to fill in the vacuum of those who move out of the larger cities; who is going to take care of those properties? It is a point well taken, Sen. Cohen stated. It is not an easy one to solve, and Chairman Clark stated that he likes Sen. Cohen's open minded view of the downside of it. Commissioner Joel Miller stated that it is an

important issue to tackle; the Planning and Zoning Commission has made some organic efforts on this, over the last 10 years, to encourage affordable housing in this town. His concern is the one-size-fits-all solution coming out of the state; Madison is not as exclusive as some folks seem to see in Hartford, Commissioner Miller stated. Madison has retail employees, teachers, police officers, and others who work in Madison, yet they cannot afford to live in this town, Commissioner Miller stated. When the affordable housing criteria that has been established for Madison is examined, it reveals that a significant income is required to obtain that affordable housing, based on the medium income criteria, Commissioner Miller stated. Avoid, at all costs, the one-size-fits-all mandates, he stated. Sometimes, people assume the town opposes higher density projects, and to be truthful, some folks are just opposed to higher density, according to Mr. Anderson. But Madison has had higher density affordable projects that have gone through; the town is trying to balance appropriate higher density with environmental concerns, Mr. Anderson stated. He asked: Is higher density, at all costs, the answer? Opposition does arise in higher density plans for single family residential neighborhoods, according to Mr. Anderson. Relying on the private market and developers to provide affordable housing is not the answer, according to Mr. Anderson. He stated that he is continually concerned that they think density is the solution, and the private market will solve it, but that is just not the case. Commissioner Burland stated that well capacity has to be considered, along with the way to handle septic waste; Madison is not going to install sewers, unless mandated to do so; and if sewers are mandated, that will just make it more expensive to live here. Sen. Cohen stated that she thinks the legislative proposals are trying to make towns look at what does affordable housing look like to them? Madison is desirable; it has the train station downtown, it is easy to get to the shops, and there is a fantastic educational system; it is a beautiful place to live on the shore, with jobs to access by way of the train, according to Sen. Cohen. On the legislative side, they can try to get towns to be more creative, she stated. Commissioner Burland mentioned a mortgage plan that allows affordable housing, without freezing the market appreciation value at the low end; under this mortgage plan, when they sell the house at market appreciation rates, the plan trades off the cost of the infrastructure, and the town is guaranteed to get its money back as the first lien holder; this is a creative approach that does not increase density and can provide affordable housing over the long run. Commissioner Seonaid Hay stated that Madison does have quite a bit of economic diversity, but what it really suffers from is ethnic and racial diversity. Vice Chairman James Matteson stated that the town should not have something that is imposed on it as a one-size-fits-all program. Some communities are different, and no one is going to get Madison to look like other communities, according to Vice Chairman Matteson. He does think it is not bad to have some deed restrictions, when housing is offered at a below market rate, but he prefers incentives and not mandates. There is a sense of urgency that needs to be raised about this issue, Commissioner John Mathers stated; he knows of a couple planning to relocate to Florida, because the property owner has decided to sell their residence. This is not a cookie cutter solution; it is a very complex issue, and Commissioner Mathers stated that he does not see how anyone would support putting the solution at the state level. Commissioner Giselle Mcdowall stated that a broader sense of opportunity is achieved, in this whole affordable housing initiative. But all these cities in Connecticut have their own charm, Commissioner Mcdowall stated, asking, "How do you implement across the board, when all are so different? What are we trying to repair, change, fix—where is this momentum coming from?" Commissioner Miller stated that he hopes that when they go back to Hartford, someone drives the state to make business come in, because having good jobs in Connecticut, on every end of the business spectrum, would help with the affordable housing. In other matters, Mr. Anderson stated that the town finance director is hoping to establish a coastal resiliency fund, and the Coastal Resiliency

Commission is trying to decide how much funding will be needed to meet coastal resiliency efforts, such as raising roads. The Federal Emergency Management Agency (FEMA) will not be able to help out that much, financially, so Madison will have to find funding on its own, Mr. Anderson stated. There is also conflict between state Department of Energy and Environmental Protection (DEEP) and state Department of Public Health (DPH) regulations, regarding sewage and septic treatment; DEEP allows a maximum of 5,000 gallons a day for 30 bedrooms, and DPH has 7,500 gallons a day for 50 bedrooms. It is per lot, and it is not per acre; one half of an acre lot is treated the same as a 50-acre lot, which is kind of absurd, Mr. Anderson stated. Rep. Parker stated that he appreciates the comments and thoughts offered; he is trying to make sure Madison is an accessible community that allows its employees to work and live in town, and he is trying to find a way for the state to offer best practices.

### **Review draft correspondence regarding potential opportunity areas.**

Director of Planning and Economic Development David Anderson, in reviewing the draft correspondence regarding potential opportunity areas, stated that the Planning and Zoning Commission's adopted Planned Development District, for two acres or over in residential areas, governs properties that may be included in such a district. Up to 15 properties in Madison have been identified as qualifying for the Planned Development District, and to move forward with this, the Madison Plan of Conservation and Development has to be amended. It is a serious process, Mr. Anderson stated. The next step is to notify the property owners that the commission would like to include as opportunity areas, according to Mr. Anderson. He stated that he would email the draft letter to the commissioners, for further review and discussion, so that in mid April the commission could announce a public hearing on the matter for May that would state that there are 15 areas. He asked the commissioners if they were ready to move forward, and they responded affirmatively.

### **Discuss setback requirements for emergency generators and exterior HVAC equipment.**

Director of Planning and Economic Development David Anderson stated that, internally, in the land use department, they have been administratively dealing with mechanical permit applications for Heating, Ventilation and Air Conditioning (HVAC) equipment, as well as generators; they have to get zoning approval, and it causes some delay in the process. Mr. Anderson stated that he finds himself wondering why they are regulating them, specifically. Initially, it was because generators make noise, so they might bother neighbors, but everyone else could be using the generators at the same time. Air conditioning, however, does not make as much noise. In addition, the majority of the people are putting these units as close to the house as possible and economically feasible, according to Mr. Anderson. But there is sometimes one person who wants the generator as far away from the house as possible, and that could make a lot of noise for a neighbor. In some ways, Mr. Anderson stated that he feels like they are making everyone jump through the same hoops, just to prevent that one person from wanting to install closer to the neighbor's house. Commissioner John Mathers stated that he knows of a property owner who installed HVAC equipment that was so loud, that the adjacent property owner could not even enjoy sitting on his deck any longer, and so they had to move. Commissioner Joel Miller stated that he thinks this is going to take a bit more work to resolve, between setbacks and building code, and they are going to have to be thinking of all the possibilities. Mr. Anderson stated that they receive a couple of mechanical permits a day; he stated that he will draft something so the commissioners could discuss it.

**REMARKS:** **Commission Chair** ~ None.

**Director of Planning & Economic Development** ~ Mr. Anderson stated that the next Planning and Zoning Commission meeting will be a fairly robust meeting, and there will be several public hearings. Regarding the application for The Ledges, as it is known, at 856 Boston Post Road, he suggested that there be a site walk; depending on the weather, it could be March 13, 2021, Saturday, at 9 a.m.; Mr. Anderson stated that it would be a posted meeting site walk. Commissioner Joel Miller asked if the commission could put a “not to exceed” time limit on the March 18, 2021 meeting with the public hearings, and Mr. Anderson stated that he thinks they could do so, because they do not want to go to midnight on that.

**ADJOURNMENT**

**Commissioner Mathers made the motion to adjourn at 8:40 p.m.; it was seconded by Alternate Commissioner Ron Bodinson and unanimously approved.**

Vote to adjourn at 8:40 p.m. passed 9-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,  
Marlene H. Kennedy, clerk