

## Subject to Approval

### MADISON PLANNING AND ZONING COMMISSION MEETING MINUTES March 16, 2023

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, March 16, 2023, 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**

Carol Snow, John Dusza, Robert O'Connor, Robert Reinhart and John Morgan

#### **ALTERNATE PRESENT**

Michael Bugda

#### **MEMBERS ABSENT**

Elliot Hitchcock and Janet Peckinpaugh

#### **OTHERS PRESENT**

Town Planner Erin Mannix

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#### **The Meeting of the Madison Planning and Zoning Commission was called to order at approximately 7:02 p.m. by Chairman Carol Snow.**

Chairman Snow read her introduction / public hearing procedure statement and seated Michael Bugda to fill a vacancy.

The legal notice was read as published.

#### **PUBLIC HEARING(S)**

**23-04. 885 Boston Post Rd.** Map 39, Lot 20, D-District; Downtown Village District Major Alteration and Special Exception Permit Application per Section 6.2.2.2, 6.15.9, and 6.2.4 to demolish existing mixed-use building and construct a new two story 5,900 sq.ft. mixed use building with restaurant on first floor and two residential units on second floor, on-site parking and associated site improvements. *(continued from 2/16/23 meeting)*

**Commissioner Reinhart made the motion to open the Public Hearing. Seconded by Secretary Dusza and unanimously approved.**

Present for hearing – attorney Michael Sulzbach, Architect Wayne Garrick, Civil Engineer Michael Ott and landscape architect Gwen Heerschap. Mr. Garrick states the existing building is in very poor condition and the building is nonconforming. They appeared before the zoning Board of Appeals in December and have reduced / eliminated most of the non-conformities where they received several variances. He further states concerns were expressed by one of the neighbors about parking, and there were 9 existing parking spaces and now they are providing 12 spaces. The site and floor plan were further reviewed for the commission. Mr. Garrick states the project is well received by ACCA; he detailed requirements by ACCA and changes made. Also, a conforming sanitary system that's required by the Health Department and the State Code will be installed.

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Chairman Snow asked if any materials will be salvaged as this is an historic building? Mr. Garrick states granite stones to the foundation were found and they are coordinating to reuse those stones as curving around the planting area. If they come across something else they will make every effort to incorporate those items.

Mrs. Mannix asked the applicant to speak to any other stormwater improvements that they're providing on site? Mr. Ott states in addition to the pavers they are collecting all the roof water and directing it to subsurface stormwater infiltration system, precast concrete galleries, and those galleries have been size to temporarily store and infiltrate the water quality volume that's required by the state.

Ms. Heerschap discussed / reviewed the landscaping details for the commission. In addition, Mr. Sulzbach states they have met the requirements for this procedure as requested by staff and have complied with request from various boards.

Mrs. Mannix shared / review the staff report dated 3.16.23.

Secretary Dusza asked what is the impact of the proposed restaurant versus the old restaurant. Mr. Garrick states per zoning, there could have been anywhere from 48 to 50 seats and they haven't changed the number of seating, all they've done is add 4 more seats to the restaurant.

The hearing was opened to the public for questions and comments.

Julie Furey – 3 Evarts Ln – has concerns about the location of the trash and the noise that's associated with. Is it possible to move the receptacle on the northeast corner of the building? Mr. Garrick states they could perhaps design an enclosure closer to the building where the tree is and can develop a satisfactory solution adjacent to the building.

Marius Marinescu – 891 Boston Post Rd – dental office – states the main concern is the narrow driveway and the traffic pattern should be addressed / changed. Mr. Garrick states an approval was received for the parking, and he's not sure if they should revisit the driveway, but in some respects the pavers will offer some traffic control in that area. And hopefully the 3 neighbors will discuss circulation at some point in time, and work out a system.

Ron Clark – 6 Evarts Ln – abutter to the north and has objection to the current location of the dumpster. Also, parking is a major problem and suggests to have a traffic analysis done. Mr. Garrick states they will explore and redesign the trash container location and in regards to the parking, the ZBA felt that their solution was responsive to the needs of this area of the community. Lastly, Mr. Garrick further states they have ingress and egress capabilities on the east and the west side for the building, but ultimately the neighbors should gather at some point in time and discuss which driveway should be in and which driveway should be out.

After discussions, it was concluded that the new location of the dumpster would be a condition of approval.

**Secretary Dusza made the motion to close the public hearing and move into deliberations. Seconded by Commissioner Reinhart and unanimously approved.**

Secretary Dusza asked is it within their power to request a more detailed traffic pattern analysis. Mrs. Mannix states as for internal traffic flow, there's a design from a civil engineer and licensed architect for the layout; and the curb cuts on Boston Post Road are regulated through Connecticut DOT. Also, the hearing is closed so any additional information at this time cannot be requested. All commissioners agreed on the condition for the dumpster and states there is potential for the owners to get together for a traffic solution.

**Commissioner O'Connor made the motion to approve The Madison Planning & Zoning Commission APPROVES application #23-04. 885 Boston Post Rd. Map 39, Lot 20, D-District; Downtown Village District Major Alteration and Special Exception Permit Application per Section 6.2.2.2, 6.15.9, and 6.2.4 to demolish existing mixed-use building and construct a new two story 5,900 sq.ft. mixed use building with restaurant on first floor and two residential units on second floor, on-site parking and associated site improvements as shown on site development plan set by Summer Hill Civil Engineers & Land Surveyors, PC, Sheets C1.1, C2.1-C2.3, C3.1-C3.4 dated 1/18/23 revised to 3/1/23; site lighting plan, "885 BPR", by General Drafting & Design Inc, dated 1/18/23, Landscape Plan "885 Boston Post Road", by Wolf Tree Landscape Architects, dated 1/18/23 revised to 2/28/23; Architectural drawings, by Wayne Garrick, AIA, "885 BPR" sheets 1-5 dated 1/18/23 revised to 2/27/23 with the following conditions:**

- 1. That the Zoning Enforcement Officer be notified at least 48 hours prior to commencement of any regulated activity.**
- 2. The applicant is responsible for coordinating adequate pedestrian and vehicular access and safety measures on site during construction activities.**
- 3. That all erosion and sedimentation controls be installed prior to any site disturbance and be maintained for the duration of construction activities and until the site is sufficiently stabilized to the satisfaction of the Zoning Enforcement Officer.**
- 4. The subsurface stormwater system shall be inspected by the design engineer during construction to verify consistency with the approved plans.**
- 5. An as-built survey of the stormwater system components shall be submitted to the Commission with written verification from a licensed engineer that the system was constructed in accordance with the approved design plans. This submittal shall be completed prior to the issuance of a final Certificate of Zoning Compliance.**
- 6. A condensed inspection and maintenance chart shall be prepared by the design engineer identifying the inspection, management, and maintenance frequency required for each component of the stormwater treatment system. This chart shall be submitted to the Zoning Enforcement Officer for review prior to the issuance of a final Certificate of Zoning Compliance.**
- 7. The applicant shall coordinate and obtain necessary approvals for paver sidewalk installation prior to activities within the right of way.**
- 8. That the current refuse be relocated to the rear, the north side of the proposed building within the area currently designated for an ornamental tree.**

**In the event that changes to the approved plans are required as a result of other agency permitting to support the proposed activity, the Madison Planning & Zoning Commission reserves the right to review said changes and may require modification of this approval.**

**This approval is made based upon the finding that the proposed use is a permitted use in the district and that the standards, prerequisites and conditions specified by the regulations have been met. The public convenience and welfare will be substantially served and the appropriate use of neighboring properties will not be substantially or permanently injured. The proposed use is in accordance with the comprehensive plan. The effective date of this approval is March 31, 2023 and upon filing of the certificate of Special Exception modification on the land records.**

**Seconded by Commissioner Bugda and unanimously approved.**

**23-07. Applicant:** David Klein; Petition for Regulation Amendment to Madison Zoning Regulations Special Exception Section 4.1.35.

**Commissioner Reinhart made the motion to open Public Hearing 23-07. Seconded by Commissioner Bugda and unanimously approved.**

Present for hearing – David Klein, who shared a PowerPoint presentation for the commissioners. Mr. Klein states he's seeking a text amendment in order to allow for expansion of current activities on his property, which include retail, restaurant and a rental property. The current text limits the amount of space that can be rented and prevents investments and enhancements to the property that can provide services to residents. The owner of the retail property, Molly Rose consignment was invited as a panelist and states she has outgrown her space and would love to be able to offer more to customers by expanding the store and being able to sell some more furniture, and just make the flow and function of the store better. For the rental property, Mr. Klein states he would like to replace the current house to provide extra housing in town – modest sized apartments about 3 to 5 living units, a two-story building. After this process, he will return to the commission with a site plan to get final approval. A site plan of the current site was shown and reviewed for the commission.

Commissioner Dusza asked if the applicant is suggesting that they could expand within the existing building and that requires some type of approval from planning and zoning. Mr. Klein responded since he's there under a special exception permit, which only allows him to lease up to 2500 sq. ft; the current language has to be modified to do more. Commissioner Morgan asked if the special exception permit covers both of properties? Mr. Klein states yes.

Mrs. Mannix reviewed her staff report dated 3.16.23 and states that Mr. Klein is proposing to allow multi-family housing and a non-franchised restaurant with outdoor seating area. The additional changes are to increase the total floor area allowed and clarify that as indoor floor area, and that will increase from 10,000 square feet to 35,000 square feet, and then in section 4.1.35.1.9 would be to expand the area allowed for leased commercial space from a total of 2,500 square feet to an indoor area of 10,000 square feet. Lastly, the proposed regulations for standards for the multifamily component, the maximum number of units will be 5, no more than 2 bedrooms in each unit for a total of 10 bedrooms, the maximum floor area for each unit would be 1,200 square feet. The total floor area shall not exceed 15,000 square feet, and that includes not just finished living space, but utility rooms, storage rooms, and accessory buildings. Additionally, proposing that the multifamily building will not exceed 2 stories per human occupancy, and off-street parking, which is consistent with recent CT general statutes.

After further discussions, the hearing was opened to the public for comments / questions. There were no comments / questions. Mrs. Mannix states various letters of support were received for the expansion of the commercial uses.

**Commissioner Reinhart made the motion to close the public hearing and move into deliberations. Seconded by Commissioner Bugda and unanimously approved.**

During deliberations it was noted that the retail portion of the text amendment was pretty straightforward; as for housing Commissioner O'Connor stated it seemed significant due to the wetlands. Mrs. Mannix states when an application is made to the planning and zoning Commission for activity that occurs within 100 feet of an inland wetland or water course they are required to apply to the Inland Wetlands Agency for that regulated activity permit, and the planning and zoning Commission cannot act until the Inland Wetlands Agency does.

Commissioner Morgan stated that there was some confusion with the total square footage since 5 units at 1,200 square feet, is 6,000 square feet and the applicant is asking for 35,000 sq. ft. Mrs. Mannix states the applicant is proposing to expand the allowed square footage of leased retail or restaurant space to a total floor area of 10,000 square feet so that could potentially be within existing structures or outside with a new addition, but the total square footage of all the buildings on both properties cannot exceed 35,000 square feet, so that includes accessory structures the barn, the residential unit, and all of the commercial units. Commissioner Morgan states for the units there's a lot of extra space and he did not understand why that was. Mrs. Mannix states if the commission feels its too excessive, the text can be amended to the appropriate footage.

After discussions the following motion was made:

**Commissioner Reinhart made the motion to approve application # 23-07. Applicant: David Klein; Petition for Regulation Amendment to Madison Zoning Regulations Special Exception Section 4.1.35 as proposed. This approval is made based upon the fact that the applicant has successfully demonstrated that the proposal is consistent with the intent of, and the goals and objectives contained in, the Plan of Conservation and Development including encouraging economic development and diversifying Madison's housing portfolio. Seconded by Commissioner Bugda.**

IN FAVOR: Carol Snow, John Dusza, Robert O'Connor, Michael Bugda and Robert Reinhart

OPPOSED: None

ABSTAINED: John Morgan

## **REGULAR MEETING**

### **PENDING APPLICATION(S):**

**23-03+CSP. 9 Neck Rd.** Map 24, Lot 41, R-3 Zone, Applicant: Mady Devel III LLC, Owner: Watrous Realty LLC, Three (3) lot subdivision; application includes coastal site plan.

Present for application – Chuck Mandel, agent for the applicant and Wesbuilt Modular & Development. Mr. Mandel reviewed and showed a plan of the site. He states, the old building, will be demolished and proposed are 3 separate lots, about 40,000 square feet each. Approval was

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received from the Health Department for 3 individual onsite septic systems. They are also proposing a conservation area in regards to the open space requirement. In regards to the coastal review they are reducing the imperviousness well over 50%, and all of the structures /homes will be capturing roof water as part of the standard which most new developments will have.

Mrs. Mannix states, in accordance with Section 3.11 of the Subdivision Regulations, not less than 10% of the total area of a subdivision shall be provided and reserved as open space and the applicant has come forward to offer a 5% fee, proposing a payment of \$40,215, as opposed to the \$80,000 proposal, to be paid in accordance with the statute.

Chairman Snow asked how does the fee get used; is it the Land Acquisition Committee for the town that decides where these monies go, and how? Mrs. Mannix states the town does not have a land acquisition committee; it is a fund by the Town and the town has the right to make deposits into this fund, which have not been done in recent times. If there's desirable open space that the town has prioritized the money can go towards that purchase, but it is restricted for the purchase of open space.

Commissioner Reinhart asked is there any precedent on the amount of percentage that has been used before. Mrs. Mannix states she does not have that information, and asked if the applicant was willing to grant an extension to the Commission to allow research, for something significant that will help with the commission's decision. After discussions, the client proposed \$60,000.

Lastly, Mrs. Mannix states because this application is for a subdivision, it triggers the coastal site plan requirement, and this was referred to DEEP for comments. The site is not within a flood hazard area, and the only recommendation for the approval of the Coastal Site plan would be to require the applicant to maintain adequate sedimentation and soil erosion control measures during any construction activity.

**Commissioner Reinhart made the motion to approve application #23-03+CSP. 9 Neck Rd. Map 24, Lot 41, R-3 Zone, Applicant: Mady Devel III LLC, Owner: Watrous Realty LLC, Three (3) lot subdivision; application includes coastal site plan, as shown on record subdivision map, "Subdivision Plan, Watrous Point, Prepared for Wesbuilt Modular & Development, LLC" Assessors Map 24, Lot 41, 9 Neck Road, by Thomas A Stevens & Associates, dated January 9, 2023, Sheets C1-3, with the following condition:**

- 1. That the applicant submits an open space fee in lieu in the amount of \$60,000 in accordance with CGS Section 8-25(a);**

**BE IT FURTHER VOTED that the Madison Planning & Zoning Commission approve the Coastal Site Plan application as presented with the following condition:**

- 1. That prior to any site disturbance, soil and sedimentation control measures shall be installed to adequately protect the adjacent coastal resources.**

**The effective date of this approval is March 31, 2023 and upon filing of the record subdivision map on the land records.**

**Seconded by Commissioner Bugda.**

IN FAVOR: Carol Snow, John Dusza, John Morgan, Michael Bugda and Robert Reinhart

OPPOSED: None

ABSTAINED: Robert O'Connor

**23-05. 14 New Rd.** Map 49, Lot 26, LI – Light Industrial Zone, Owner/Applicant: Precision X-ray, Inc., application for Site Plan modification to construct a 4,170 sq.ft. addition to existing manufacturing building with associated site improvements **(Table to 4/20/23 meeting)**

**RECEIPT(S):**

**23-08. 200 Neck Rd.** Map 12, Lot 31, R-3 District, Owner: Douglas LeBlanc; Applicant: BTW Construction, application for Site Plan Review for a terrace more than 25' from Coastal Resources per Section 25.2.1.3

**23-09. 155 Overshores Dr. West.** Map 14, Lot 10, R-4 District, Owner/Applicant: Scot J. & Cynthia A. Taylor; Coastal Site Plan Review for proposed 46' extension to existing concrete kneewall (flood & erosion control structure) along driveway **(Table to 4/20/23 for CTDEEP comments)**

**APPROVAL OF MINUTES:** March 2, 2023

**Commissioner Bugda made the motion to approve the minutes of March 2, 2023 as submitted. Seconded by Commissioner Morgan.**

IN FAVOR: Carol Snow, John Dusza, Robert O'Connor, Michael Bugda and John Morgan

OPPOSED: None

ABSTAINED: Robert Reinhart

**REMARKS:** Commission Chair – None  
Town Planner –

Commissioners who attended the Connecticut Bar Association all day training can provide a receipt to show registration for reimbursement.

**ADJOURNMENT**

**Commissioner Reinhart made the motion to adjourn at 10:41p.m.; seconded by Commissioner Bugda and unanimously approved.**

Respectfully submitted,  
Racquel Stubbs