

## Subject to Approval

### MADISON PLANNING AND ZONING COMMISSION MEETING MINUTES

Mar. 17, 2022

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, March 17, 2022, 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, Elliot Hitchcock, John K. Mathers, Ron Bodinson, and Peter Roos.

#### MEMBERS ABSENT

Giselle McDowall and Seonaid Hay

#### ALTERNATES PRESENT

None.

#### OTHERS PRESENT

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

---

**The Meeting of the Madison Planning and Zoning Commission was called to order at approximately 7:00 p.m. by Chairman Carol Snow**

She read her introduction and public hearing procedure statement.

The legal notice was read as published.

Chairman Snow received a request from Chris McKeon, attorney for application 22-06. 45 Wall Street to briefly open their public hearing and continue the public hearing to the April 7, 2022 meeting.

**Vice Chair Roos made a motion to restructure the agenda to make public hearing 22-06 the first item on the agenda. Seconded by Secretary Hitchcock.**

IN FAVOR: Carol Snow, John K. Mathers, Ron Bodinson, and Peter Roos and Elliot Hitchcock

OPPOSED: None

ABSTAINED: None

**22-06. 45 Wall St.** Map 38, Lot 61, D-District. Owner/Applicant: Gulick Properties, LLC. Site Plan Review & Special Exception requests per Sec.6.2.2.2(o) to construct 5 dwelling units; Sec. 6.2.3(e) increased maximum building coverage to 28.4%; and Sec. 6.2.3 (h) increased maximum building height to 31ft.

1 - *Madison Planning and Zoning Commission, Regular Meeting, Mar. 17, 2022*

**Commissioner Mathers made the motion to open public hearing # 22-06; seconded by Vice Chair Roos.**

IN FAVOR: Carol Snow, John K. Mathers, Ron Bodinson, and Peter Roos and Elliot Hitchcock

OPPOSED: None

ABSTAINED: None

Mr. McKeon states they will be prepared to address the application at the April 7<sup>th</sup> meeting; a letter dated March 17, 2022 was submitted to the record - requesting the Planning & Zoning Commission to open the public hearing; to receive and acknowledge this letter and to continue the public hearing until the April 7, 2022 meeting so the applicant can address certain issues and comments from Town staff.

**Vice Chair Roos made the motion to receive the March 17, 2022 letter by Attorney McKeon and to continue the public hearing to the April 7, 2022 meeting. Seconded by Secretary Hitchcock.**

IN FAVOR: Carol Snow, John K. Mathers, Ron Bodinson, and Peter Roos and Elliot Hitchcock

OPPOSED: None

ABSTAINED: None

**PUBLIC HEARING:**

**22-01. 544 Opening Hill Rd.** Map 116, Lot1, RU-1. Owner/Applicant: Timothy Mack. Application for a two lot Re-Subdivision. ***(Continued from 3/3/22)***

**Vice Chair Roos made the motion to open the public hearing; seconded by Commissioner Mathers.**

IN FAVOR: Carol Snow, John K. Mathers, Ron Bodinson, and Peter Roos and Elliot Hitchcock

OPPOSED: None

ABSTAINED: None

Present for the application – Timothy Mack, owner; Bob Doane, professional engineer; and Scott Katin, licensed land surveyor. Mr. Doane states the submitted Re-subdivision map is a proposed plan showing an existing 7.77-acre parcel of land to be split into two separate building lots; Lot 1 would be a newly created building lot and Lot 2 is the remaining land with existing house. There will be an access easement in favor of Lot 1 along a preexisting access parcel for access to the newly created lot. The applicant agrees to a fee-in lieu of Open Space per Madison Subdivision Regulations calculated to be \$21,210 by the Town Planner. The application has approval from the Inland Wetland commission and the Health Department. Mr. Doane further states he spoke

with neighbor Mary Lennon and answered her questions concerning the lot; certified mailing letters were also sent to neighbors giving notice of the hearing.

Commissioner Bodinson is concerned with the “abandoned” road as the applicant states they obtained an easement for its use, and asked by abandoned do they mean it's an old road abandoned by the users centuries ago or do they mean it's discontinued by the town, and if it's abandoned, who approved the easement for use? Mr. Doane states when the road is abandoned from the center line of the travel way to the adjoining property, the land gets conveyed to the property- the ownership is actually the property at 544 Opening Hill Rd.

After further discussion, the hearing was opened to the public.

Paula Lowe, 560 Opening Hill Road states she did not receive a letter and needs time to understand how this application will affect her property. She hopes the commission will extend this application.

John & Mary Potenziani, 1009 Durham Rd – Mary states her question goes back to the question of easement over Deacon Henry Hill Road as they are owners who have the rights of use of Deacon Henry Hill Road.

Mr. Katin states Deacon Hill Henry Road is owned by 544 Opening Hill Rd and that it was given by the owner to lots 1 thru 5 that has access along opening Hill road since the subdivision in 1969. Commissioner Bodinson states the statute in Connecticut says whether discontinued or abandoned, the fee is irrelevant and it continues to be available for easement for anyone who abuts. He is concerned the applicant is trying to block off someone else's right to use that road.

Mr. Mack states there is no actual driveway or roadway access beyond to the existing house, there is a wetland drainage swale and an electrical telephone pole easement that make up the remainder of that road going down to Durham Road. He states, it's certainly able to be walked, and anyone who's had rights to walk that path to get out to opening hill road would certainly still be welcomed. There would be no fencing.

Commissioner Mathers wonders if Town Council can weigh in on the matter and further asked if the property was deeded. Mr. Katin states it was deeded by the sub divider of the 5 lots.

Deborah Cullen Morales -1005 Durham Road states she abuts the property and also did not receive notification of the meeting tonight and understands that they also have rights to the easement and passage on both sides.

John Jaroncyk, 572 Opening Hill Road states the notice letter was received late last week and he needs more time to review the information.

**Commissioner Bodinson made the motion to seek legal counsel on who owns the abandoned road and to continue the hearing to April 7, 2022. Seconded by Vice Chair Roos.**

IN FAVOR: Carol Snow, John K. Mathers, Ron Bodinson, and Peter Roos and Elliot Hitchcock  
OPPOSED: None  
ABSTAINED: None

**21-34: 14 Railroad Ave.** Map 49, Lot 54; D-District; 14 Railroad Avenue, LLC; Site Plan Review & Special Exception per Sec.6.2.2.2 to construct 16-unit multifamily development and associated site improvements. *(Continued from 2/3/22)*

**Commissioner Mathers made a motion to open the public hearing; seconded by Vice Chair Roos.**

IN FAVOR: Carol Snow, John K. Mathers, Ron Bodinson, and Peter Roos and Elliot Hitchcock  
OPPOSED: None  
ABSTAINED: None

Present for the application – Michael Iacurci, attorney for applicant; John Cunningham, from TEC Landscape Design; Michael Ott, license professional engineering land surveyor with Summerhill civil engineers; and John Matthews, architect.

Mr. Iacurci states there were several suggestions from ACCA, so the plans shown has changed.

Mr. Matthews states based on the concerns and suggestions from ACCA the site was reworked and reconfigured which includes the elimination of building C, it was replaced with a two-family two-story house. The new site plan was shown and reviewed.

Chairman Snow asked if shutters were added on all sides of all buildings, or just on the sides facing the central driveway. Mr. Matthews states they are public facing and notes there were no shutters before.

Mr. Cunningham reviewed the landscape plan and stated a main sidewalk that leads down through the whole development was added and the plant material selection has all stayed the same. Trash pickup was also added in each of the units.

Commissioner Mathers asked why the decision was made to go from a dumpster to individual trash pickup; and if the trash receptacles for the ADA units are in the back, he is not sure how the tenants would move those to the front for pickup. Mr. Cunningham states smaller trucks would be instructed to go behind the ADA units to get those 2 units and it will be a lot less of a problem by removing the dumpster.

*4 - Madison Planning and Zoning Commission, Regular Meeting, Mar. 17, 2022*

Mr. Ott shared a “satellite image” of the proposed development which outlined the multi-development proposed areas to show where all the adjoining buildings are in relation to the site. Mr. Ott reviewed the development plan, storm water management system, septic and leaching fields. He noted that they were waiting on additional test pit results and hopes to have them by the following week. Additionally, Mr. Ott states they plan to bring in all the utilities- water, gas, power and communications underground. All the utilities will come down on the easterly side of the driveway, and it will be up to the utility companies to service the 3 buildings.

Mrs. Mannix states she believes the applicant has addressed most of the concerns in the February 2, 2022 memo but has not gone through them item by item. She further asked the attorney about the access for the emergency drive from the Wall Street property as to how they will ensure that that emergency access is maintained and free of obstructions. Mr. Iacurci states it is a common order, and it’s very easy to draft up that easement or that restriction that nothing can be built there other than a temporary structure or a gate.

Secretary Hitchcock states there were 3 different presenters who mentioned an additional island and asked if this is something that they desire. Mr. Cunningham states one of the ACCA members thought it would be a nice addition.

Being there were no other comments or questions from the commission, the hearing was opened for public comments.

Sam DeBurra, 20 Arbor Lane opposes the project as presented as this will have a direct impact on quality of life, he states the 3-story units are too big and further points out that the applicant is not providing screening.

Larry DeBurra, 23 Arbor Lane main concern was brought up in the first meeting (he has not received a response) which is the wastewater contamination. He feels both the storm water and septic treatment are being misrepresented. He states there is 3 systems proposed on under an acre land, and the general recommendation is to keep it one septic system per acre.

Martin Brogie, 28 Arbor Lane states his well is about 200 ft south of the proposed project, and is currently contaminated – he is concerned about drinking water / water quality impacts. He believes the project is an inappropriate density for the land use. He would also like the lighting plan to be further reviewed.

Kathy DeBurra, 20 Arbor Lane states she is concerned with their privacy as well. DeBurra states she is not against something being built in this lot but she is against the project as proposed.

The lighting plan was shown on the screen for further review by Mr. Matthews.

Chairman Snow states there is a lot more important information that needs to come in; for example, the results of the test pits and ask if it would be better to wait and continue the hearing to April 7, 2022.

Mrs. Mannix states the applicant would need to grant the Commission an extension to April 7<sup>th</sup>. Secretary Hitchcock thinks the commission should consider requesting an extension until they have more feedback regarding the septic and if its feasible on the property, then they would be in better position to make a vote. Commissioner Mathers asked the commission if they would like a site visit. Mr. Iacurci states they can certainly provide the extension until April 7<sup>th</sup>. Mrs. Mannix states if commission members would like to see the site physically, the most appropriate way would be individual site walks with a request from the applicant. Mr. Iacurci states his client would be agreeable. He states they will also provide written authorization as soon as tomorrow and send a letter detailing the access and the extension until April 7<sup>th</sup>.

**Vice Chair Roos made the motion to continue the public hearing to April 7<sup>th</sup>, 2022.  
Seconded by Secretary Hitchcock.**

IN FAVOR: Carol Snow, John K. Mathers, Ron Bodinson, and Peter Roos and Elliot Hitchcock  
OPPOSED: None  
ABSTAINED: None

**REGULAR MEETING:**

**a. Pending Applications:**

**22-04. 155 Overshores Drive West.** Map14, Lot 10. R-4. Owner: Scott J. Taylor and Cynthia A. Taylor; Applicant: RACE Engineering, Inc. Coastal Site Plan for repairs to existing shoreline flood and erosion control structure - concrete seawall and retaining wall.

Suzy Bradford with RACE Coastal engineering presented the application on behalf of Scott and Cynthia Taylor. She states they are looking to over sheet the existing seawall and also extend a small retaining wall along their driveway to help prevent sand from the adjacent beach from getting in and staying in their driveway. The proposed plan was shown for further explanation. Mrs. Mannix states the State required the applicant to identify the dune grass areas and mark them during construction to avoid any equipment access or stockpiling and they asked that the Commission would also enter that as a condition of the coastal site plan application to allow those grasses to hopefully remain undisturbed and regrow and stabilize.

After further discussion the following motion was made:

**Vice Chair Roos made the motion to approve application 22-04. 155 Overshores Drive West. Map14, Lot 10. R-4. Owner: Scott J. Taylor and Cynthia A. Taylor; Applicant: 6 - Madison Planning and Zoning Commission, Regular Meeting, Mar. 17, 2022**

**RACE Engineering, Inc. Coastal Site Plan for repairs to existing shoreline flood and erosion control structure - concrete seawall and retaining wall as shown in the application and supporting documentation dated February 14, 2022 with the following conditions: (1) that prior to the commencement of work, the applicant shall flag the perimeter of the dune vegetation shown on drawings number 4 and 5 of 9. So, as to be readily identifiable by contactor personnel into the work authorizing this approval is completed, no work shall take place, nor shall any equipment be stored and or staged within dune vegetation. (2) the area of doom vegetation be left undisturbed, to allow the grass to reestablish itself in order to protect the dune. Seconded by Commissioner Mathers.**

IN FAVOR: Carol Snow, John K. Mathers, Ron Bodinson, and Peter Roos and Elliot Hitchcock  
OPPOSED: None  
ABSTAINED: None

**APPROVAL OF MINUTES:** March 3, 2022

**Vice Chair Roos made the motion to approve the March 3<sup>rd</sup>, 2022 minutes as submitted; it was seconded by Commissioner Mathers.**

IN FAVOR: Carol Snow, John K. Mathers, Ron Bodinson, and Peter Roos.  
OPPOSED: None  
ABSTAINED: Elliot Hitchcock

**REMARKS:** **Commission Chair** – states the Charter review committee is interested in having a discussion if Planning and Zoning commission should be considered as an elected board. She also mentioned the short-term rental committee.

**Town Planner** – Mrs. Mannis if anyone has any comments to it pass along to herself or Chairman Snow to share with the Charter Revision committee.

### **ADJOURNMENT**

**Secretary Hitchcock made the motion to adjourn at 9:51 p.m.; it was seconded by Vice Chair Roos and unanimously approved.**

IN FAVOR: Chairman Snow, Vice Chair Roos, Secretary Hitchcock and Commissioners Mathers and Bodinson.  
OPPOSED: None  
ABSTAINED: None

Respectfully submitted,  
Racquel Stubbs