

## Subject to Approval

### MADISON PLANNING AND ZONING COMMISSION MEETING MINUTES

April 7, 2022

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, April 7, 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, Giselle McDowall, Seonaid Hay and Peter Roos.

#### MEMBERS ABSENT

None.

#### ALTERNATES PRESENT

None.

#### OTHERS PRESENT

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

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**The Meeting of the Madison Planning and Zoning Commission was called to order at approximately 7:01 p.m. by Chairman Carol Snow**

She read her introduction and public hearing procedure statement.

#### 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 3/17/22*)

**Commissioner McDowall made a motion to open public hearing application #22-01. Seconded by Vice Chair Roos.**

IN FAVOR: Chairman Snow, Vice Chair Roos, Secretary Hitchcock and Commissioners Mathers, McDowall, Hay and Bodinson.

OPPOSED: None

ABSTAINED: None

Present for the application – Timothy Mack, owner; Bob Doane, professional engineer; and Scott Katin, licensed land surveyor. Mrs. Mannix shared a few comments as the commission had 1 - *Madison Planning and Zoning Commission, Regular Meeting, April 7, 2022*

requested legal opinion regarding the status of Deacon Henry Hill Road. The response was in the form of a memo for the record which was shared with both the applicant and commissioners. Mrs. Mannix states in the opinion of the town attorney there's no deed for Deacon Henry Hill Road; therefore, it's a public easement for access. She further states it was never accepted by the town formally, and it has not been abandoned or discontinued. The road is owned by the properties to the north and south of the center line of the right of way and it remains a right for public use for the entire length of the road. Mrs. Mannix continues to say there's no conflict with respect to the proposed subdivision and it is recommended that the applicant reaches out to the owner of the Southern property at 540 Opening Hill Road prior to any improvements being made on the driveway. Mrs. Mannix states, the property owner at 560 Opening Hill Road expressed concerns about her private well in relation to the proposed septic system, to make sure separating distance was met. It is confirmed that there were no conflicts in that design.

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

Paula Lowe – from 560 Opening Hill Rd asked if either Mr. Mack, Mr. Doane or Mr. Katin would be willing to walk the property with her to show exactly where her well is and where the planned septic will go.

Mr. Mack said he would review the area with Ms. Lowe.

Robin Baslaw and Susan Smith – 540 Opening Hill Rd stated they are new owners and no one has reached out to them, they would also like more information about what is being proposed to determine what their rights are to that road. The owners asked what is the difference between deed property and ownership of property.

The commissioners and Mrs. Mannix recommend the owners to contact a real estate lawyer or an attorney for legal advice for specifics as the commission cannot advise them.

Mary Potenziani – 1009 Durham Rd – believes Mr. Mack has the right to continue improvements to make it passable for people to come in and out, and for emergency vehicles.

**Commissioner McDowall made a motion to close public hearing #22-01. 544 Opening Hill Rd. Seconded by Vice Chair Roos.**

IN FAVOR: Chairman Snow, Vice Chair Roos, Secretary Hitchcock and Commissioners Mathers, McDowall, Hay and Bodinson.

OPPOSED: None

ABSTAINED: None

### **Deliberation of Public Hearing item**

During deliberations, Commissioner Mathers states it was recommended by the town attorney for the applicant to reach out to the property owner for permission prior to improving the driveway, which could also be included in their motion. Mrs. Mannix states, commission has the right to amend that language. Secretary Hitchcock noted the site plan for 540 Opening Hill Road was written incorrectly on the survey as it shows 576 (which would be corrected). Commissioner Bodinson states he has a concern with condition #2 (recommendation from the attorney) as he is not sure P&Z has legal authority to make that a condition and suggests it be left out.

**Vice Chair Roos made the motion to approve application 22-01. 544 Opening Hill Rd. Map 116, Lot1, RU-1. Owner/Applicant: Timothy Mack. Application for a two lot Re-Subdivision as shown on record re-subdivision map “Re-subdivision Map – Property Survey Deacon Hill Henry Hill-Part III”, prepared for Owner / Applicant: Timothy Mack, #544 Opening Hill Road, Madison Connecticut, prepared by Scott M. Katin, LS, dated 1/17/2022 with the following condition. One, the fee of open space dedication in the amount of \$21,210, be submitted in accordance with Section 3.11.5 of the Town of Madison, Subdivision Regulations, and CT General statutes 8-25. This application is approved based upon the findings that it complies with the Madison subdivision regulations. This approval is effective April the 22, 2022 and upon filing of the record re-subdivision map on the land records. Seconded by Secretary Hitchcock.**

IN FAVOR: Chairman Snow, Vice Chair Roos, Secretary Hitchcock and Commissioners Mathers, McDowall, Hay and Bodinson.

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 3/17/22*)

**Commissioner Hay made a motion to open public hearing # 21-34. 14 Railroad Ave. Seconded by Vice Chair Roos.**

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 the health department visited the site for a soil test which came back good; additional items in regards to utilities and updates for screening were added and addressed. He further states the list of questions from the Town Planner were answered in written form.

Mr. Matthews states changes were made to their plans per ACCA recommendations and 2 parking spaces were eliminated to add substantial amount of landscaping – the additional plantings provided screening to the property to the East. Mr. Cunningham then reviewed the new plantings that were in the southeast corner.

For clarification, Vice Chair Roos asked if the Health Department was comfortable with the septic on the site. Mrs. Mannix states, test pits were done at the request of the engineer and she does not believe that has changed any of the proposed design, and the design is still being reviewed by the Health Department.

From the Public:

Kathy DeBurra, 20 Arbor Lane asked about the new tree that was being planted in the back– and if it will grow to be under the wires.

Mr. Cunningham responds no, they will not grow into the wires.

Commissioner Bodinson asked if the application meets the density requirements. Chairman Snow states yes. Mrs. Mannix states this is a special exception per Sec 6.2.2.2 and there are no additional requests for special exceptions associated with this and it complies with standards.

Commissioner Hay asked about the height of the buildings and asked if they comply?

Mr. Matthews states per the special exception you can go up to 35 feet and their average is 34 ½.

**Vice Chair Roos made a motion to close public hearing. Seconded by Commissioner Mathers.**

IN FAVOR: Chairman Snow, Vice Chair Roos, Secretary Hitchcock and Commissioners Mathers, McDowall, Hay and Bodinson.

OPPOSED: None

ABSTAINED: None

### **Deliberation of Public Hearing item**

Chairman Snow states she visited the site and this would be a major improvement to that corner of Town. Commissioner Mathers states he is sensitive to the impact this development would have to the neighbors to the east and to the south. Commissioner Hitchcock had concerns about the height of the buildings. Commissioner McDowall states she had no concerns. Commissioner Hay also has concerns about the height of the building but agrees this is a significant improvement for the area. Vice Chair Roos believes this would be a nice addition to the downtown area, he further reminded the commission that they approved a text amendment to let the building go up to that height in the Fall and the advantages out ways the disadvantages.

Commissioner Bodinson agrees with Commissioner McDowall and Vice Chair Roos, he states both height and density comply.

**Vice Chair Roos made the motion to approve application #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 14-unit multifamily development and associated site improvements as shown on a set of drawings, “Railroad Village” 14 Railroad Avenue, Madison, CT prepared for 14 Railroad Avenue, LLC, by Summer Hill Civil Engineers & Land Surveyors, PC, sheets C0.1 through C3.5 (13 sheets total), dated December 2021 revised to 4-1-22; and architectural plans, “Railroad Village” prepared by John a. Matthews Architecture & Planning, sheets A-A1 through D-A2 (6 sheets total) dated 12/20/21 revised to 2/22/22; photometric plan, “Site Lighting Photometric Calculation” for Railroad Village Zoning by Apex Lighting Solutions, sheet SL-1B dated 2/17/22; Landscape Plan for “Railroad Village” by TEC Landscape Design Inc dated 2-22-22, revised to 4-1-22 with the following conditions:**

- 1. That the Zoning Enforcement Officer be notified at least 48 hours prior to commencement of any regulated activity.**
- 2. Six feet tall temporary fencing shall be installed along the perimeter of the property prior to any 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. That the applicant submit documentation to the Zoning Enforcement Officer verifying legal emergency access across the property of 102 Wall Street prior to the issuance of a preliminary Certificate of Zoning Compliance.**

**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 April 22, 2022 and upon filing of the certificate of Special Exception on the land records. Seconded by Commissioner McDowall.**

IN FAVOR: Chairman Snow, Vice Chair Roos, Secretary Hitchcock and Commissioners Mathers, McDowall, Hay and Bodinson.

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 Modification 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. (*Continued from 3/17/22*)

Mrs. Mannix states new information was submitted into the record and the applicant would like more time to respond. The applicant requests the public hearing to be continued to April 21, 2022 meeting.

**Commissioner Mathers made the motion to continue the public hearing for application 22-06. Wall St to the April 21, 2022 meeting. Seconded by Vice Chair Roos.**

IN FAVOR: Chairman Snow, Vice Chair Roos, Secretary Hitchcock and Commissioners Mathers, McDowall, Hay and Bodinson.

OPPOSED: None

ABSTAINED: None

**REGULAR MEEETING:**

**a. Receipt(s):**

**22-07. 20 Island Avenue;** Map 27, Lot 35; R-2 District; Applicant: Town of Madison; Special Exception Modification per Section 4.7 of the Madison Zoning Regulations (*Schedule public hearing for 4/21/22*)

Application received by the Commission.

**APPROVAL OF MINUTES:** March 17, 2022

**Commissioner Mathers made the motion to approve the March 17th, 2022 minutes as submitted; it was seconded by Vice Chair Roos.**

IN FAVOR: Chairman Snow, Vice Chair Roos, Secretary Hitchcock and Commissioners Mathers, McDowall, and Bodinson.

OPPOSED: None

ABSTAINED: Commissioner Hay

**REMARKS:** Commission Chair

**Town Planner**

Chairman Snow asked about returning to in-person meetings. Mrs. Mannix states the legislative expires on April 30, 2022 and there is a proposal likely to be acted on to allow the extension of virtual meetings through December.

Mrs. Mannix states the affordable house committee will have a joint meeting with the planning and zoning Commission and the Board of Selectmen so that the committee and consultant can explain to commissioners their plans and recommendations on goals and policy changes and how it may affect the Commission, and the roles they would play in implementing those proposals.

Mrs. Mannix further states that the charter review committee was working on a revised document for the Commission and after the end of their last meeting / discussion it was decided not to change anything in the charter with respect to the Commission being an elected board.

**ADJOURNMENT**

**Vice Chair Rood made the motion to adjourn at 9:00p.m.; it was seconded by Commissioner McDowall and unanimously approved.**

IN FAVOR: Chairman Snow, Vice Chair Roos, Secretary Hitchcock and Commissioners Mathers, McDowall, Hay and Bodinson.

OPPOSED: None

ABSTAINED: None

Respectfully submitted,  
Racquel Stubbs