

Subject to Approval

MADISON PLANNING AND ZONING COMMISSION MEETING MINUTES

May 19, 2022

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, May 19, 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, Giselle McDowall, Seonaid Hay and Peter Roos.

MEMBERS ABSENT

Ron Bodinson

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 7:03 p.m. by Chairman Carol Snow

She read her introduction and public hearing procedure statement.

The legal notice was read as published

PUBLIC HEARING:

22-09DVD. 761 Boston Post Rd. Map 38, Lot 96; DVD; Owner: Davis Realty; Applicant: Harold L. Blank/Madison Arts Cinema; Major Alteration in the Downtown Village District per Section 30 for digital sign. ***(Request to open and continue to June 16, 2022)***

Vice Chair Roos made the motion to open the public hearing and continue the public hearing for application 22-09DVD. 761 Boston Post Rd to June 16, 2022. Seconded by Commissioner Hay.

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

OPPOSED: None

ABSTAINED: None

22-12. 251 Boston Post Rd. Map 35, Lot 53; R-1 District; Applicant: Frasher Lulaj Petition for Regulation Amendment to Madison Zoning Regulations Section 4 to allow restaurant use.

Present for the applicant – Attorney Jeffrey Beatty; John Campbell and applicant Frasher Lulaj. Mr. Beatty states the property is the Madison Winter Club and his client is under contract with purchase and would like to operate a year-round restaurant. The petition requests an amendment to the regulation to permit a restaurant in the R1 district, following the submission of a special permit exception. Mr. Beatty further states numerous letters of support were received and submitted for the record. They are also continuing to use the site for dining and gathering. The use is familiar to the neighbors as they are not introducing a use to the district that is not fairly well established along the Boston Post Road. The applicant intends to address traffic, hours of operation, landscaping and lighting after such amendment. Mrs. Mannix showed a GIS map of the site – 251 Boston Post Road. Chairman Snow noted there are some discrepancies in the proposed regulation change language and the legal description of the lot. As for comments from the Town, Mrs. Mannix for the record, read a staff report dated May 19, 2022 regarding the Petition for Regulation Amendment to Madison Zoning Regulations Section 4 to allow restaurant use.

Commissioner Hay asked if the amendment is approved, then presumably anyone could come forward in any R1 district with a proposal for a restaurant. Mrs. Mannix states this application is for one particular property.

Commissioner Mathers asked if a special exception is granted, does it apply to this application, or does it apply to the property? Mrs. Mannix states the application.

After further discussion, Chairman Snow asked if there are any attendees who would like to ask clarifying questions.

Joanne Wilcox – 481 Warpas Road – states she is the president of the Madison Winner Club, and prior to the Winter Club, there was a year-round restaurant. She further states at one point the winter club had over 350 members, so it was quite an active club.

Steve Straka – 16 Deer Run Road – states he is curious about the noise, hours of operations and lighting.

Nick Robinson – 16 Stone Wall Lane states he abuts the property and is in support of the change in language of zoning.

Chairman Snow then asked if anyone would like to speak in support of the application.

Ed Riley – 33 Stone Wall Lane – spoke in favor of this application – it will be good for the Town.

Karen Rosenthal – 13 Stone Wall Lane voiced support.

Vice Chair Roos made the motion to close the public hearing. Seconded by Secretary Hitchcock.

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

OPPOSED: None

ABSTAINED: None

Deliberation of Public Hearing item

Vice Chair Roos states he is not in favor of the application. Secretary Hitchcock states he is not comfortable with the text amendment. Commissioner McDowall states she is in favor of the text amendment for this particular property, because as Commissioners of the P&Z, they look at individual applications, and make decisions based on either a particular property or a particular request - she

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believes this would be a good addition for the Town. Commissioner Hay stated this may be out of scope of what the commission is to do based on the uniformity rule but later decided in favor of the application. Commissioner Mathers states he is in favor of a restaurant going into that building as it's a perfect use for the building being that the Winter Club was a restaurant. He also recognizes that it borders with several other commercial properties all along the Post Road and neighbors spoke in favor of the application. Chairman Snow states if the amendment is approved it applies only to this parcel, it does not apply to any other R1 districts, but felt this could open the door to future applications similar to this. She further states there is not enough information to know what that restaurant would be. Also, the area is referred to as a state road with scenic characteristics that should be considered as part of the residential character. She believes it is a building with some history and historic components that was not addressed in the application. Lastly, she is concerned about some of the safety issues of an increased volume going in and out of that parking lot.

Commissioner McDowall made the motion to approve application 22-12. 251 Boston Post Rd. Petition for Regulation Amendment to Madison Zoning Regulations Section 4 to allow restaurant use. Seconded by Commissioner Mathers.

IN FAVOR: Commissioners Mathers, McDowall, and Hay
OPPOSED: Chairman Snow, Vice Chair Roos and Secretary Hitchcock
ABSTAINED: None
Motion does not carry.

REGULAR MEETING:

a. Pending Application(s)

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. **(Extension granted to June 16, 2022)**

Mrs. Mannix states this is pending application # 22.06 for 45 Wall Street, 22, and an extension was granted to June 16, 2022 which is the maximum amount of time extensions can be granted to the Commission to hold the hearing open and act. She states in conversation with Attorney McKeon – he indicated that they would likely be ready to return to the Commission on June 2, 2022 and although the extension was granted they would like to reopen the public hearing at the June 2nd meeting.

Secretary Hitchcock made the motion to reopen the public hearing at the June 2, 2022 meeting. Seconded by Commissioner Mathers.

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

b. Receipt(s):

09-05D & 09-06D+CSP; 14-08. 67 Boston Post Rd, Map 44, Lot 19, East River Farms, Request for extension for 20-unit HOD multi-family residential development and related site improvements

Chuck Mandel, engineer and land surveyor was present for the application. He states, the original approval was June 18, 2009 and they are seeking an extension to June 18, 2023 to take care of deficiencies. He further states, there are some issues regarding affordable housing nuances but in regards to the site work and complaints by the neighbors and erosion control, they are addressing those issues right now. Mrs. Mannix states she has provided the Commission with a memo showing outstanding items. She further states she has received calls and emails from residents of the development, who are concerned with the status of improvements as well as the length of time that the application or the construction is taking, with respect to the timing when the applicant was before the commission last year. She also states, the office has not received and as built from the applicant or the developer with respect to the drainage system and strongly urge that the developer and developer's attorney are present at the next meeting to address some of those concerns and items.

From the public, Craig Claussen states the builder has no desire to get this project completed quickly. He is very concerned that an extension to 2023 will prolong these issues.

Chairman Snow made the motion to table 09-05D & 09-06D+CSP; 14-08. 67 Boston Post Rd to the June 2nd, 2022 meeting. Seconded by Vice Chair Roos.

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

APPROVAL OF MINUTES:

April 21, 2022

Page 3 - change Voted to Motion

Page 4 – change Lulja to Lulaj

Chairman Snow made the motion to approve the April 21, 2022 minutes as amended; Seconded by Commissioner Hay.

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

May 5, 2022

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Vice Chair Roos made the motion to approve the May 5, 2022 minutes as submitted; it was seconded by Hay.

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

OPPOSED: None

ABSTAINED: None

REMARKS: Mrs. Mannix states the Board of Selectmen will hold a Public Hearing on Monday, May 23, 2022 at 6:00 p.m. in Town Campus Room A and on Zoom to review the draft of the Affordable Housing Plan. She also states the Board of Selectmen also have on their agenda for discussion some short-term rental concerns from neighbors in the middle beach and water area- they're exploring the possibilities of creating some type of regulation. There will be another follow up with the board in June. Mrs. Mannix states the commission has the ability to maintain virtual through December and asked if the commission was agreeable to extending zoom meetings to December, then the calendar can be updated to remain virtual. Lastly, the plan of conservation and development request for qualifications for a consultant to get on board will be going out for bid. Mrs. Mannix asked if any of the commissioners were interested in the process they can reach out to her.

Chairman Snow thanked Commissioner Mathers and Roos for their time spent on the P&Z board – as this was their last meeting.

ADJOURNMENT

Vice Chair Roos made the motion to adjourn at 9:18p.m.; it was seconded by Commissioner Mathers and unanimously approved.

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

OPPOSED: None

ABSTAINED: None

Respectfully submitted,
Racquel Stubbs