

Subject to Approval

**MADISON PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
June 17, 2021**

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, June 17, 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, John Mathers, Joseph Bunovsky, Jr., Giselle Mcdowall, Joel Miller, and Thomas Burland.

MEMBER ABSENT

Seonaid Hay

ALTERNATES PRESENT

Peter Roos, Ron Bodinson and Carol Snow.

OTHERS PRESENT

Director of Planning and Economic Development David Anderson, and Director of Beach and Rec Scot Erskine. The meeting was recorded via Zoom Videoconferencing software for You Tube viewing.

The Regular Meeting of the Madison Planning and Zoning Commission was called to order at 7:02 p.m. by Chairman Ronald Clark, who seated Alternate Commissioner Peter Roos for absent Commissioner Seonaid Hay.

PUBLIC HEARING

20-03. Regulation Amendment. Petitioner: Madison Planning and Zoning Commission. Petition to amend Section 3.4(c) of the Madison Zoning Regulations by eliminating the struck through text: c) Philanthropic, education, recreation or religious use ~~by a duly incorporated, non-profit body; governmental unit or community association~~, excluding correctional institutions and institutions for the support of persons with mental disabilities. The uses permitted in this section may have a building coverage of 15%. **Continued from March 19, 2020.**

Chairman Clark read the proposed amendment. Dave Anderson recapped the discussions that occurred at the meeting in February 2020 Planning Meeting. A potential project for a recreational

use proposed by a for profit body precipitated the proposed amendment. Discussion was more concerned about what the actual use and potential impact, to be approved by a Special Exception Permit in the Residential Zone, would be, not the ownership. The Commission decided to hold a public hearing which was delayed because of Covid, not knowing how the Zoom presentations would be and wanted to be able to have any public input.

In asking if any Commission members had questions, Commissioner Burland wanted to know why excluding “institutions for the support of persons with mental disabilities” was included in the regulation. Chairman Clark said that could be dealt with in a future amendment.

There being no questions from the public, Commissioner Burland made a motion, seconded by Commissioner Mathers to closed the Public Hearing.

All Commissioners voted in favor of the proposed amendment, passing it unanimously. The effective date is June 25, 2021.

REGULAR MEETING ITEMS:

21-09. 250 Samson Rock Drive. Map 38, Lot 51. R-2 District. Owner: Bank of America; Applicant: Andrew Rainone, Horton Group, LLC. Special Exception Permit Modification for work being done to existing drive up teller lane by removing tube system and place an automatic teller machine in its place, additional security lighting will be installed.

Applicant Andrew Rainone explained the proposed lighting plan: new wall packs added to the side of the building, replace existing fixtures with LED lights, four canopy mount fixtures beneath drive up, two proposed poles replacing two existing poles with two heads.

Photos of the lighting at night with lighting from surrounding properties were shared with the Commission. The reason for the continued meeting was to give the Commissioners an opportunity to drive by the site at night. Several Commission members drove by and did not feel additional lighting was warranted. Only concern was the height of the new proposed poles.

Josh Wagner explained that the Bank has newly adopted plans for all banks. Many states have specific laws for lighting; Connecticut does not. He wants to know what the Commission would approve.

Commissioner Matteson made a motion to approve the Special Exception Permit Modification to allow replacement of the tube system, install an automatic teller machine, the lighting on the building can be updated as proposed, and the two six foot high poles to be replaced by eight foot high poles, and put in new complaint lighting. Commissioner Miller seconded.

All Commission members voted to approve.

21-11CSP. 143 Beach Avenue. Map 13 Lot 70. R-4 District. Owner: Paula Krompinger; Applicant: Paula Krompinger. Coastal Site Plan Review to extend existing rear deck by 3 feet on FEMA compliant house built in 2016.

Dave Anderson showed pictures of the deck which is FEMA compliant and explained that the extension of the deck towards the water triggered the Coastal Site Plan review. DEEP had no objections. Chuck Mandel of Thomas A. Stevens and Associates added that the deck is above the base flood elevation.

Commissioner Bunovsky made the motion to approve the application and was seconded by Commissioner Roos. The motion passed unanimously.

21-13CSP. West Wharf Road. Map 15, Lot 33. R-4 District. Owner: Town of Madison; Applicant: Town of Madison. Coastal Site Plan Review for after the fact approval of safety fencing at the Town of Madison Dock utilized by the Madison Fire Department Fire Boat and Town Parks and Rec. Boat.

Presenter Michael Harkin, Professional Engineer and principal of Harkin Engineering located at 78 Wolf Holl Road in Killingworth, CT was representing the Town of Madison and the Fire Department and Park and Rec.

It is a CAM application for after the fact approval of a security fence that was placed around the dock and also for the proposed security pole, security camera to watch over the boats as well as the utility services such as water, electrical, telephone and cable that will be installed in the future. Mr. Harkin explained why the emergency dock was installed in 2020 with DEEP approval. The fence was installed for security reasons to keep the public from the dock.

A question was asked if the dock would be used for public access. Mr. Harkin said that would require another application to the DEEP which would take about 18 months. It could be applied for in the future. This was just an emergency approval for the safety and welfare of the public and protection of boats. There was discussion about the esthetics of the fence. Some felt it was an eyesore. Something had to be done about the liability to the Town if someone should get hurt. Could signage be used instead. At high tide the dock floats high and someone can jump from the wharf onto the dock. If they fell, they could be stuck between the wharf and dock. Is the dock to be year round? In the future, there may be a proposed ramp docking system so that an injured person could be transported to the beach from the dock.

A discussion about the possibility of a site walk was considered. After considerable discussion about the design and liability of the fence it was decided to move to a vote on the face of the application and let others – Beach and Rec Commission and Board of Selectmen – address the liability.

A motion to approve the application was made by Commissioner Bunovsky, seconded by Commissioner Miller and was unanimously approved.

21-03+CSP. 856 Boston Post Road. Map 39, Lot 8. R-2 District. Owner: Faith Whitehead; Applicant: 856 Boston Post Road LLC. Special Exception Permit Application to construct a single-family residential cluster development and associated site improvements. Also, Coastal Site Plan Review. **Public Hearing Closed, Deliberation Continued to June 17, 2021.**

Chairman Clark explained that the public hearing is closed. There can be no more input from the applicant, public, or intervenors. They can consult with Town staff or Town Attorney if need be. He asked the Commissioners to raise any questions they may have regarding the application and any aspects of it they would like to discuss or have clarified in order to make an informed decision.

Septic and blasting, are outside of their purview. Their concern is, is it legal, does the application as presented conform with the regulations and the Plan of Conservation and Development (POCD). Some had concerns about the building in the front sometimes referred to as the gatehouse or carriage house. There was some concern about section 4.4b of the regulation that it should not bring harm to the area, not destroy the tranquility of the neighborhood. Also, section 3.12k involving a sense of community concerning the gatehouse/carriage house. Also, of concern was the water delivery to the neighborhood.

Commissioner Bunovsky motioned, seconded by Commissioner Burland to approve the application based upon our POCD and within the SEP regulations on cluster housing consistent with our rules and regulations and motion to approve as submitted with the six conditions as follows:

Conditions of Approval

1. Blasting:

a. All blasting at the site shall be done in accordance with that certain report prepared by Richard M Hosley, Jr., President of Realty Securities Incorporated and entitled “A Focus On The Execution And Impact Of Blasting Relative To Wetlands And Adjacent Structures For “The Ledges” Of Madison, Connecticut - Summary of March 2021, Inland Wetlands and Planning and Zoning Presentations to serve as a Reference for Rock Blasting” which report has been filed and is part of the record in this matter and is referred to herein as the “Hosley Guidelines.”

b. All contracts and subcontracts for blasting operations at the site shall contain a provision that obligates the contractors and subcontractors to comply with the Hosley Guidelines.

c. All applications for a blasting permit for the site shall contain (i) a copy of the Hosley Guidelines, and (ii) a written certification by the applicant to the Fire Marshal that the application, all supporting materials and the blasting operations to be conducted are and will be compliant with the Hosley Guidelines.

d. Within thirty (30) days of approval of this Special Exception, the Applicant shall file or cause to be filed a notice to the Fire Marshal informing the Fire Marshal that any blasting permit issued for the site must comply with this condition #1.

2. Upon the issuance of a certificate of occupancy for any of the proposed seven (7) units, the property owner and/or homeowner’s association, as applicable, shall comply with the General Site Operation and Maintenance Plan, Appendix E to the Stormwater Management Design Report prepared by Michael Ott of Summer Hill Engineers & Land Surveyors, P.C. dated April 1, 2021, which report has been filed and is part of the record in this matter. This condition shall

be binding upon the property owner, her heirs successors and/or assigns and shall be included in any applicable homeowner's association rules and regulations, and any covenants, conditions and restrictions of the proposed development.

3. The property owner and/or homeowner's association, as applicable, shall use only organic fertilizers and pesticides on the lawn and garden areas located on the site. This condition shall be binding upon the property owner, her heirs successors and/or assigns and shall be included in any applicable homeowner's association rules and regulations, and any covenants, conditions and restrictions of the proposed development.

4. Prior to the issuance of a Certificate of Zoning Compliance to permit construction of any unit shown on the plans, the applicant shall present final architectural details to the Advisory Committee on Community Appearance (ACCA). Thereafter, in accordance with Section 3.12 (M) of the Regulations, the Director of Planning and Economic Development shall review final elevations and materials for each dwelling unit to ensure consistency with the approved plans. The Director may then approve a Certificate of Zoning Compliance or refer it to ACCA for a recommendation. No deviation from the final elevations and materials shall be permitted without further review by ACCA.

5. The property owner and/or homeowner's association, as applicable, shall maintain the historic Ledges Residence and all stone walls located on the site as proposed in the application. This condition shall be binding upon the property owner, her heirs successors and/or assigns and shall be included in any applicable homeowner's association rules and regulations, and any covenants, conditions and restrictions of the proposed development.

6. The owner of the project will be responsible to maintain water service to the adjacent and in-vicinity properties and will be responsible for all costs associated with the final water facilities plan. Such plan shall be in place prior to the start of any construction activity.

Vote to approve application 21-03+CSP, 856 Boston Post Road with conditions, passed, 6-3.

IN FAVOR: Chairman Clark, Commissioners Mcdowall, Bunovsky, Burland, Roos, Miller.

OPPOSED: Secretary Hitchcock, Commissioners Mathers, Matteson.

ABSTAINED: None

Vote to approve the Coastal Site Plan finding it consistent with the goals and policies of the Connecticut Coastal Management Act, passed, 6-1-2.

IN FAVOR: Chairman Clark, Commissioners Mcdowall, Bunovsky, Burland, Roos, Miller.

OPPOSED: Commissioner Mathers.

ABSTAINED: Secretary Hitchcock, Commissioner Matteson.

APPROVAL OF MINUTES:

Regular Meeting: April 15, 2021.

Motion to approve by Commissioner Bunovsky, Seconded by Commissioner Burland.

Approved unanimously.

Planning Meeting: May 6, 2021.

Motion to approve by Commissioner Matteson, Seconded by Chairman Clark.

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Approved unanimously.

Regular Meeting: May 20, 2021.

Motion to approve by Commissioner Miller, Seconded by Commissioner Roos.

Approved unanimously.

Planning Meeting: June 3, 2021.

Motion to approve by Commissioner Burland, Seconded by Commissioner Mathers.

Approved unanimously.

**REMARKS: Commission Chair
Director of Planning & Economic Development**

Commission Chair – Chairman Clark talked to Town Attorney Peter Gelderman regarding the passage of a recreational medical marijuana law. Some adjustments may have to be made to our regulations in the future.

ADJOURNMENT:

Commissioner Burland made the motion to adjourn at 10:38 p.m.; it was seconded by Commissioner Matteson and unanimously approved.

Respectfully submitted,
Mary R. Haburay, clerk pro tem