

## **Subject to Approval**

### **MADISON PLANNING AND ZONING COMMISSION MEETING MINUTES**

**September 1, 2022**

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, September 1, 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, Seonaid Hay and Ron Bodinson

#### **MEMBERS ABSENT**

Giselle McDowall

#### **ALTERNATES PRESENT**

John Dusza

#### **OTHERS PRESENT**

Town Planner Erin Mannix. John Guskowski and Steve Hnatuk of Tyche Planning & Policy Group. 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 7:03p.m. by Chairman Carol Snow.**

She read her public hearing procedure statement.

#### **DISCUSSION:**

Introduction to Plan of Conservation and Development Update with John Guskowski of Tyche Planning & Policy Group

Mr. Guskowski gave an overview of Plan of Conservation and Development and states this plan should be updated every 10yrs by the Commission. To start the discussion, Mr. Guskowski asked the Commission their thoughts on the existing plan, what they would like to see added and what has worked so far. Mr. Guskowski suggested setting aside the first of the commission's 2 monthly meetings for planning and discussion purposes.

#### **REGULAR MEETING:**

**22-19. New Road.** Map 60, Lot 18, RU-2. Owner/Applicant: 155 New Road Madison, LLC; Petition for Zone Boundary Change, Planned Development District per Sec. 32 to construct 29, 980 +/- sq.ft. medical/ office building with associated site improvements. **(Set for public hearing 9/15/22)**

## **RECEIPTS**

**22-22. 281-283 Old Toll Road.** Map 142, Lots 7 and 8, RU-1. Owner/Applicant: Robert Wilber; Application for a lot line revision. ***(Tabled to 9/15/22)***

**22-23. 45 Wall Street & 100 Bradley Road.** Map 38, Lot 61, & Map 38, Lot 78; D-District. Owner: Gulick Properties LLC & NHP Madison, LLC (as to Brookside Road); Applicant: Gulick Properties LLC; Application for Site Plan Review Modification to extend paving of Brookside Road. ***(Request for action)***

Present for the application, Attorney Chris McKeon, and Gregg Fedus from Fedus Engineering. Attorney McKeon reviewed the project scope and states there are two homes with driveways furthest to the west in which they would like to continue pavement to make it accessible for the homeowners. He also states this was approved by the Inland Wetland Agency on August 1, 2022 as a section of the road falls within the 100ft upland review area. They have also finalized an agreement with all who has access on Brook Side Road. Mr. Fedus then reviewed the site plan for 45 Wall Street and states an updated plan would be submitted to reflect the sidewalk not being removed.

There were no questions from the commissioners.

From the public:

Barbara Moore – 20 Edinburgh Lane. Ms. Moore asked Mr. McKeon about the catch basins and the redirection of the water – how much water is being redirected from the driveway? Mr. McKeon states it's the same amount of water that goes in across Brookside Road, except they are catching the water, and putting it through a hydro dynamic separator the entire length of Brookside Road. He further states this is not the subject of this application.

**Secretary Hitchcock made the motion to approve application #22-23. 45 Wall Street & 100 Bradley Road with a 6-condition added to the memorandum dated 9.1.22 – that the updated plans reflect the sidewalk not being removed. Seconded by Commissioner Bodinson.**

IN FAVOR: Chairman Snow, Secretary Hitchcock Commissioners Hay, and Bodinson

OPPOSED: None

ABSTAINED: None

## **PUBLIC HEARING (TO BEGIN AT 7:45PM)**

**22-18+CSP. 35 Cottage Rd.,** Map 31, Lot 5, R-2. Owner/Applicant: 35 Cottage Road, LLC; Site Plan application for a proposed affordable housing development under C.G.S. 8-30g, to construct eighteen residential dwelling units and associated site improvements. Application also includes a Coastal Site Plan Review. ***(Continued from 8/18/22)***

**Commissioner Hay made the motion to open the public hearing; seconded by Commissioner Bodinson and unanimously approved.**

Present for the application - Attorney Marjorie Shansky; Michael Ott PE, LS of Summer Hill Civil Engineering & Land Surveying; Carl Giordano, PE of SLR Consulting (traffic engineer); Joe Versteeg, Independent Building & Fire Code consultant; Brian Miller, AICP; Abigail Adams, Landscape Architect and John Matthews, AIA.

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Attorney Shansky states a letter was filed in response to questions from the August 18th hearing and there are attachments appended to the letter which includes the rendered landscape plan. She further states, appended is an excerpt from the public health code that defines bedroom, which is responsive to the question about ineligible loft. Also included is a map from the plan of conservation and development about residential densities. Attorney Shansky also asked the commission to keep the hearing open and continue to September 15th as they are in the process of providing additional documentation to the Department of Public Health that has been requested. Attorney Shansky asked Commissioner Bodinson if he is affiliated with Windermere condominium because there is an opposition letter in the record from Windermere East and wanted to make sure it would not inhibit his duties to the Commission. Commissioner Bodinson states he was unaware that the Board of Windermere East had filed a letter as he's on the board of the West.

Chairman Snow asked for questions from the public.

William Porter – 6 Thelbridge St – part of Windermere complex- Mr. Porter states a letter was delivered to Chair Carol Snow on August 15<sup>th</sup> detailing concerns regarding the condition of Cottage Road and concerns about the increased traffic and safety and he objects to the development.

Barbara Moore – 20 Edinburgh Lane – asked about the leaching fields. She asks where would the next leaching field be built- as when leaching fields in general reach capacity a new leaching field has to be dug somewhere.

Attorney Marjorie Shansky states they prefer to hear all of the questions, and states this was a repeat question from the August 18<sup>th</sup> meeting and the answer is in the letter that the Commission has received but if more information is needed they are happy to provide them.

Barbara Darrow – 49 Cottage Rd # 17 – asked when was the traffic study conducted, the scope and the days? As she's very concerned about Cottage Road, and its ability to handle more traffic.

Nancy Ongley – 49 Cottage Rd / 60 Horsepond Rd – is there a minimum request for a multi-family project such as this cluster housing or some similar projects of this size in Madison, either by regulation or past practice? Was this project referred to the Conservation Committee as there are historic markers associated with this project? Has the Commission completed a site visit / site walk? Landscape – how many trees will be destroyed?

Rob Marzitelli - 20 Todd's Mill Circle – asked about comments from the public and the procedure for public hearings and when will the August 18<sup>th</sup> minutes be published. He states attorney Shansky made a footnote indicating she's appealing to the Commission of Public Health and, in the event that the town receives such copy he would like that shared with the public. He further states in November of 2020 the P&Z denied the application in part due to health and safety and now the application is back with more health and safety issues. He states the State of Connecticut had indicated the setback of the leaching fields to the abutting neighbors should be a 150ft and how will the Commission address that.

Deb King – 49 Cottage Rd – relating to the existing septic system at 35 Cottage, she states the applicant's drawings state that the existing location is unknown and if the applicant is going to dig that up and move everything off site, and then fill it; she would like to know how much fill will be

brought in. She further states someone dug a trench right across from this same area on Cottage road and wonders if it was the Town or developer who dug the trench.

Liz Amendola – 67 River Rd – states she has done extensive research on the beech tree and asks what is the plan to preserve the European Beech Tree? She further states the septic system specs on the denial that was made by P&Z in 2020 were less than what is proposed now and from a health and safety perspective, how can it be?

Later during the meeting – Ms. Amendola further asked about the beech tree – she wanted information on the paving + excavation that would occur under the canopy; maintenance of icy pavements and its impact for the tree; also, snow removal and where will the snow go.

Tom Sullivan – 49 Cottage Rd –states the development will be 2-bedroom units.

Attorney Shansky for the record states the team will assemble their resources and provide a written response to these questions.

Chairman Snow asked to hear further comments both in support and in opposition of the application.

Barbara Moore – 20 Edinburgh Lane – believes questions should be answered in public.

Tom Sullivan – 49 Cottage Rd – opposes the project as its too big and not appropriate for the area.

Liz Amendola – 67 River Rd – opposes the project as its too massive for the property.

Rob Marzitelli – 20 Todd’s Mill Circle – opposes the application – and believes the commission should reject the application.

Don Moore – 20 Edinburgh Lane – opposes the application as he feels this project would destroy his pond and he would like to preserve that.

Eileen ONiel – 49 Cottage Rd – opposes this plan due to its density and states the sewage system is not appropriate for this plan.

Later in the meeting, she further states this is not the correct project for this piece of property and there are concerns with the density, coastal and wildlife.

Paula Steere - 48 Deveron Dr, - opposes the development and feels there are many questions that still needs to be answered; also, health and safety risks and traffic is a concern. The septic system and the density of the project is also concerning.

William Porter – 6 Thelbridge St – states someone asked about the traffic study earlier and it was completed October 6, 2021 and wonders why didn't the traffic study look at the impact of the 49 rental units and consider the seasonality of traffic on the road.

Barbara Darrow – 49 Cottage Rd – opposes the project due to its size – he states it’s too big of a project for such a beautiful small piece of land.

Deb King – 49 Cottage Rd – states this is too dense for this small lot and the lot has wetlands associated with it- she further states experts were hired for the IWWA application process, and the pond will be polluted. She spoke about the traffic study and the beech tree (historic marker) and does not believe it was noted on the application that there were any historic structures on the property.

Dave Mazar – 111 Acorn Rd – opposes the construction and states it's unbelievable that such a massive development would be proposed for such a small lot and does not believe this should be discussed further with the current letter received from the state.

After comments, Attorney Shansky states Brian Miller's report talks about plan of conservation and development consistency and there was a density analysis which demonstrates that the proposed development is not the densest among the existing development. She further states the application was fully vetted at the Inland Weapons Agency; the units are accurately and actually one-bedroom units; the town dug the hole on the other side a Cottage Road and per SLR, the new developments were factored into the traffic study.

Secretary Hitchcock wanted to clarify that what the Commission turned down in 2020 was a zone change.

Commissioner Bodinson states it seems the traffic study is based on 5 cars leaving in the morning and 5 cars coming back during the peak hour and the same 5 cars that night; he then asked the traffic engineer how was the traffic study prepared?

The engineer states this is based on the Institute of Transportation Engineers and it breaks down residential uses by many components, and this was corresponding with the number of units proposed.

Attorney Shansky states, State Statute in the last year has now restricted the required parking associated with one-bedroom units to one parking space.

Commissioner Bodinson also asked if information would be received from the local and state health department before a decision is made. Mrs. Mannix states Attorney Shansky indicated there in the process of communicating with the local and State health Department, and that was the reason they requested to continue the hearing- to be able to provide some additional information.

Secretary Hitchcock states this is an 8-30 g application, and even though everyone is mentioning density, that is one of the items that cannot be considered in their decision to approve or to deny the application. The only considerations are public health and safety for the town. Furthermore, septic design approval is not in their purview.

Per Mrs. Mannix the septic system is under the purview of both the Local and the State Health Building Department.

**After further discussions, Commissioner Hay made the motion to continue application 22-18+CSP. 35 Cottage Rd., to September 15, 2022. Seconded by Secretary Hitchcock.**

IN FAVOR: Chairman Snow, Secretary Hitchcock Commissioners Hay, and Bodinson

OPPOSED: None

ABSTAINED: None

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**APPROVAL OF MINUTES:** August 18, 2022

**Chairman Snow made the motion to approve the August 18, 2022 minutes as submitted, seconded by Commissioner Hay.**

IN FAVOR: Chairman Snow, Secretary Hitchcock Commissioners Hay, and Bodinson

OPPOSED: None

ABSTAINED: None

**REMARKS: Commission Chair – Chairman Snow welcomed new member John Dusza  
Town Planner - None**

**ADJOURNMENT**

**Secretary Hitchcock made the motion to adjourn at 9:51p.m.; seconded by Commissioner Bodinson.**

IN FAVOR: Chairman Snow, Secretary Hitchcock Commissioners Hay, and Bodinson

OPPOSED: None

ABSTAINED: None

Respectfully submitted,  
Racquel Stubbs