

Subject to Approval

MADISON PLANNING AND ZONING COMMISSION MEETING MINUTES September 15, 2022

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, September 15, 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, Giselle McDowall and Ron Bodinson

MEMBERS ABSENT

Elliot Hitchcock and Seonaid Hay

ALTERNATES PRESENT

John Dusza

OTHERS PRESENT

Town Planner Erin Mannix and Land Use attorney Pete Gelderman. 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 7:03p.m. by Chairman Carol Snow.

She read her public hearing procedure statement and seated John Dusza as a regular member. The Town Planner read the legal notices.

PUBLIC HEARINGS:

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 9/1/22)*

Chairman Snow made the motion to continue the public hearing. Seconded by Commissioner McDowall 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; Abigail Adams, Landscape Architect and John Matthews, AIA.

Attorney Shansky states a letter to the commission was submitted for the record answering questions from the previous meeting, she further states Abigail Adams provided information about

tree removal; and arborist, Charles Iselin looked at the beech tree and found the tree to be in fairly good health. He noted the tree appears to have beech leaf disease, a relatively new problem for beech trees in Connecticut and indicated a lot of research is being conducted, but that if an effective treatment is not discussed soon, the tree and other similarly affected beech trees may be lost. As for the construction phase, he recommended some additional fencing along cottage and mill roads to protect the area.

Attorney Shansky also addressed the concerns of the Fire Marshal who inquired about the largest ladder truck and its turning radius.

Commissioner Dusza asked about the approval of the septic system plans. Attorney Shansky states the design, component, depth and furthermore all aspects of the design are not an issue. The issue is the separation distance. Commissioner Dusza also ask if the arborist provided risks to the tree for construction. Attorney Shanksy states no.

Commissioner Bodinson inquired about the calculations / formula for discharge of storm water for Cottage Road. He states no one knows how much water will be discharged and the impacts. After discussions, Mr. Ott states that is something that could be calculated – the volume of surface water runoff.

Chairman Snow opened the hearing to the public.

Rasim Feratovic – 42 Mill Rd – engineer question – How much water or smell will be discharged from the building? Mr. Ott states the septic is designed for the assume waste water flow and cannot answer the question in regards to smell.

Liz Amendola – 67 River Road – Ms. Amendola states the beech tree is a European Beech Tree and the root system does not tolerate salt. She asks how would the parking lot be maintained without salt? Mr. Ott states our storm water management plan and the site operation & maintenance plan specifically says that sodium-based icing materials will not be used on this site.

Later in the meeting, Ms. Amendola asks when plowing snow, where will the snow be pushed...is there a plowing plan? Mr. Ott states the owner of the site is responsible for the snow; also, the snow could be stored on lawn areas or a placed in trucks to be removed as they are not allowed to throw / place snow in the road – it's the Town right of way.

Briana O'Neill – 49 Cottage Rd – questioned if the septic system does not comply with CT public code due to the setback?

Attorney Shansky states there is a dispute as to the separating distance. It is under appeal at the Department of Public Health.

Deb King – 49 Cottage Rd – asked if the existing septic system was located and further asked about the increased flooding waters that will go into Cottage Road.

Eileen O – 49 Cottage Rd – she states at the previous meeting she asks if commissioners had the opportunity to visit the site as the Hammo River streams to the pond. She further disputes the density, and feels the number of units should be cut in half, and pervious parking should be installed for this project as well as low lights.

Betsy Meehan – 6 Todd’s Mill Circle – asks if there’s a transcript for the previous meetings and if the septic is under appeal because it is not 150 ft away from the water well.

Mrs. Mannix states the meetings are available via YouTube located on the Town’s website as well as the minutes.

Rob Marzitelli – 20 Todd’s Mill Circle – inquired about the appeals for the septic system Madison by the CT Public Health Dept. vs the Madison health Department.

Barbara Darrow – 49 Cottage Rd – inquired about units being 1 bedroom and wondered if the calculations were based on wastewater usage of more than one person living in those units.

Mr. Ott states 150 gallons per bedroom assuming there’s 2 people per bedroom.

Chairman Snow then asks the Commissioners if they would like to request an extension from the applicant or proceed to deliberations.

Attorney Gelderman states if the Commission feels it can’t close the hearing and begin deliberations, or even if they can close the hearing, but feel they can’t decide within 65 days, then they would need to ask the applicant for an extension to do either one of those 2 things.

Before moving into deliberations, attorney Shansky delivered her closing remarks / summary.

Attorney Shansky also granted / consented to the extension of the public hearing if needed to October 6, 2022. A letter would be provided for the record.

Commissioner Bodinson made the motion to close the Public Hearing. Seconded by Commissioner Dusza.

IN FAVOR: Chairman Snow, Commissioners McDowall, Bodinson and Dusza

OPPOSED: None

ABSTAINED: None

Commissioner Bodinson made the motion to move into deliberations. Seconded by Commissioner McDowall.

IN FAVOR: Chairman Snow, Commissioners McDowall, Bodinson and Dusza

OPPOSED: None

ABSTAINED: None

Deliberation of Public Hearing item

Commissioner Dusza states the developer would agree to road improvements and perhaps other conditions. He further asked Attorney Gelderman if there are any legally binding way to include that? Attorney Gelderman states yes, since it’s been offered and they’re willing to collaborate with the town to work on that issue, therefore a condition of approval can be made.

Discussed / reviewed was what is considered substantial public interest. Chairman Snow asked how to quantify substantial? Attorney Gelderman states there has to be a real identifiable risk to some substantial public interest. He further states the first step is to seek to identify through substantial interest what public interest may not be adequately protected, and then weigh that against the need for affordable housing, then to determine if the commission has answered a public interest that needs protecting.

Commissioner Snow then asked to have commissioner's express any concerns that they may have about any substantial public interest that may be adversely affected by this application primarily focusing on health and safety.

Commissioner McDowall states traffic volume and water drain runoff are items being considered as a thorough answer was not received about the water runoff into the Cottage Rd.

Attorney Gelderman states courts have held that traffic volume is not a public interest but traffic safety and access to the site, or emergency vehicles can be public safety.

Chairman Snow states the other big issue is the well and the distance; and Attorney Shansky has offered to have that be a condition.

Commissioner Bodinson discussed the condition of the road and further states the commission cannot consider off site problems that already exist. But seems to can consider whether the onsite design is helping, hurting, or just neutral about those off-site problems. He also discussed the possible flooding and ponds of Cottage Road which is a concern.

Commissioner Dusza referred back to his initial question and asks attorney Gelderman, is there a way to get to the applicant to make improvements that are necessary to avoid ponding or get rid of it and to improve the safety, as there will be more cars on that road. Attorney Gelderman states not without a voluntary specific condition that the applicant is willing to provide. In other words, the commission does not have the authority to condition an approval on off-site improvements, the only exception is unless the applicant has listed those improvements. He further states the applicant has only stated they would work with the Town.

Chairman Snow states one more issue was the letter from the Connecticut Department of Energy and Environmental Protection, which made a very strong statement about advising against new developments in flood zones; in weighing the effects of this development, Chairman Snow states to her the area is already developed. She further states, the commission should ask for an extension and that would give staff time to prepare information and give the commission time to think more about the issues that were raised, and the importance of affordable housing in Madison, and weigh that against any concerns about public interest issues.

Attorney Gelderman states it might be helpful for the Commission to have two resolutions to review. Mrs. Mannix agreed.

Commissioner Bodinson wondered if Attorney Shansky thinks there's a condition that is worthwhile, reasonable and forcible with respect to they're good faith proposal to work with the town and if she would have time to draft something that would be of interest.

Attorney Gelderman states there's the resubmission option also under 8 30 G - where in the 15 days following the publication of the commission's decision, the applicant can come back with an alternate plan; and if they hear certain things they can address that in a new plan that they can resubmit to the commission.

Commissioner Bodinson made the motion to request an extension to continue the public hearing. Seconded by Commissioner Dusza.

Attorney Gelderman states attorney Shansky will submit a written consent.

IN FAVOR: Chairman Snow, Commissioners McDowall, Bodinson and Dusza

OPPOSED: None

ABSTAINED: None

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.

Commissioner Bodinson made the motion to open the public hearing. Seconded by Commissioner Dusza.

IN FAVOR: Chairman Snow, Commissioners McDowall, Bodinson and Dusza

OPPOSED: None

ABSTAINED: None

Present for Application – Attorney Marjorie Shansky; Professional Engineer, Michael Harkin; Licensed architect, John Wicko; Kenny Horton; and Dave Sullivan professional engineer from SLR Consulting.

Mrs. Mannix states a staff report was submitted to the commission and regulations were shared with the applicant identifying the general standards of Section 32 of the Madison Zoning Regulations, Planned Development District (PDD).

Attorney Shansky states the PDD is a twostep process; and the applicant is here tonight for step 1- a master plan with a general site plan that describes the intention and content of the plan development district as well as to provide traffic and architectural information. Once the master plan is approved the applicant will return to the commission with a detailed site plan. She further states the applicant also went before ACCA with a proposed plan – and the minutes for that meeting has also been submitted for the record.

Mr. Harkin described the site and development; a colored schematic site plan for New Road was shown by Mr. Harkin where he further described the site and development that is being proposed. A PowerPoint presentation was given by Mr. Sullivan– detailing the scope of study which is to make recommendations for improvements at Route 450, estimate future traffic conditions, determine traffic impact for the medical building and preliminary traffic impact for residents.

Mr. Wicko reviewed and discussed the structure of the medical building. An aerial photo and building plans for the development along with an animation video of the building was shown for the commissioners.

Chairman Snow states: Phase 2 – how many units for the residential building? Mr. Harkin states about 42 units.

Mr. Bodinson states there is clearly a traffic issue which cannot be solved by the state –and wants to know how to proceed. Mr. Sullivan states any recommendation made will be through the district office and an encroachment permit. First is to Prove it's a solid improvement and meets the DOT standards. This is only a concept. Mr. Harkin states the PD department is aware that this intersection has a lot of issues -poorly executed. So SLR was brought in for a redesign.

From the public

Barbara Moore – 20 Edinburgh lane – for the traffic expert, there was an accident a few weeks ago – from the proposed intersection poised new affordable housing could be added – to keep that in mind.

Jim Carson 194 & 110 Duck Hole road – in both phases significant amount of pavement will that affect how much well water is being received. Mr. Harkins states meetings were had with CT water and CT DPH and town. the amount of water added will be infiltrated into the ground. He further states CT water had concerns about discharging any pharmaceuticals or potential contaminants. And no, any medical waste gets carted off and taken off site. A stormwater management plan for this site is going to be a documented plan that's basically implemented almost every quarter and available for review.

John Matthew -817 Boston Post Road – worked with Mr. Harkin and the town will benefit this. In Full support.

Mr. Carson later asked what is the possibility of well water testing during the beginning and ending stages of construction? And also, is there considerations for light pollution.

Mr. Harkin spoke to the lighting plan and states the lighting plan will 100% meet all requirements for the town of Madison.

Commissioner McDowall made a motion to close the public hearing and move to deliberations; seconded by Commissioner Dusza.

IN FAVOR: Chairman Snow, Commissioners McDowall, Bodinson and Dusza

OPPOSED: None

ABSTAINED: None

Deliberation of Public Hearing item

During deliberations, all commissioners agreed this was a great first plan.

Commissioner Bodinson made the motion to approve application #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 based upon the following findings:

- 1. The applicant has successfully demonstrated that the proposal is consistent with Section 32.2.1 of the Zoning Regulations as the location, uses, and layout of the proposed PDD are in conformance with the intent of, and the goals and objectives contained in, the Plan of Conservation and Development. The proposed PDD is in harmony with the surrounding neighborhoods and land uses and its proximity to major roads, including I-95 will help provide convenient access to the site while minimizing impacts to local residential streets. The applicant has provided a conceptual plan to help alleviate safety and operational issues at the intersection of Route 450 at New Road/Duck Hole Road. The applicant has further agreed to pursue discussions with the Town and CTDOT regarding these proposed improvements.**

Furthermore, no natural or historic resources are present on the site that require protection.

2. The petition demonstrates consistency with Section 32.3.2 of the Zoning Regulations as the subject parcel meets the characteristics required for eligibility for PDD designation such as minimum district size, parcel location, and minimum lot frontage.
3. The Commission has considered Section 32.3.3 of the Zoning Regulations in making this decision and determined that the proposed office building is an appropriate development of this currently vacant parcel located in an identified "opportunity area" in the Plan of Conservation and Development. The project will further the goals of the 2013 POCD by providing appropriate economic development in Town. Potential benefits include employment, goods and services, and tax revenue.

Seconded by Commissioner McDowall.

IN FAVOR: Chairman Snow, Commissioners McDowall, Bodinson and Dusza

OPPOSED: None

ABSTAINED: None

REGULAR MEEETING:

Pending Application(s)

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.

Chuck Mandel, professional engineer from Thomas A. Stevens & Associates present for application.

Mrs. Mannix states this is a lot line modification from a previously approved sub division. However, current regulations require that the commission approve them as oppose to staff.

Commissioner Bodinson made the motion to approve application 22-22. 281 - 283 Old Toll Road. Seconded by Commissioner Dusza.

Chairman snow read the following

the Madison Planning & Zoning Commission approve application #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 as shown on map entitled, "Cranberry Hill Lots 6A & 6B" prepared for Robert Wilber, 283 & 281 Old Toll Road Madison, by Thomas A Stevens & Associates, dated August 4, 2022 revised to August 16, 2022.

Effective date of this approval shall be September 30, 2022 and upon filing of signed mylar on the land records.

IN FAVOR: Chairman Snow, Commissioners McDowall, Bodinson and Dusza

OPPOSED: None

ABSTAINED: None

ACCA APPOINTMENT:

Review and act on application from Alex Province to serve on ACCA

Present – Applicant Alex Province. Chairman Snow asked what inspired Mr. Province to apply? Mr. Province states he has lived in Madison for 40 years and feels its an obligation to participate and to contribute.

Chairman Snow made the motion to appoint Alex Province as a member at large to serve on ACCA. Seconded by Commissioner McDowall.

IN FAVOR: Chairman Snow, Commissioners McDowall, Bodinson and Dusza

OPPOSED: None

ABSTAINED: None

APPROVAL OF MINUTES: August 30, 2022 Special Meeting
September 1, 2022

Approval of minutes tabled to October 6, 2022 meeting.

REMARKS: Commission Chair – None

Town Planner-Representative for SCRCOG Regional Planning Committee

Mrs. Mannix gave an overview of the SCRCOG Regional Planning Committee. She states we currently do not have an active member on the committee which meets a once a month – representation is a member of each municipality and asked if any commissioners have time to dedicate to serve as a town regional representative.

Mrs. Mannix further asks if the commission would like to dedicate an evening to have the land use attorney review procedures or questions they may have. The commission agreed. A future meeting will be scheduled.

ADJOURNMENT

Commissioner McDowall made the motion to adjourn at 10:32p.m.; seconded by Commissioner Dusza.

IN FAVOR: Chairman Snow, Commissioners McDowall, Bodinson and Dusza

OPPOSED: None

ABSTAINED: None

Respectfully submitted,
Racquel Stubbs