

Subject to Approval

MADISON PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES Sept. 16, 2021

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, Sept. 16, 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, Giselle McDowall, and Joseph Bunovsky, Jr.

MEMBERS ABSENT

John K. Mathers, Thomas Burland, Joel Miller, and Seonaid Hay.

ALTERNATES PRESENT

Peter Roos and Ron Bodinson.

OTHERS PRESENT

Interim Town Planner John Guskowski; Maria Pettola, Land Use Staff. The meeting was recorded via Zoom Videoconferencing software for YouTube viewing.

The Regular Meeting of the Madison Planning and Zoning Commission was called to order at approximately 7 p.m. by Chairman Ronald Clark, who seated Alternate Commissioner Ron Bodinson for absent Commissioner Thomas Burland and Alternate Commissioner Peter Roos for absent Commissioner Joel Miller.

PUBLIC HEARING ITEMS:

21-17 74 Wall Street. Map 38, Lot 31, D District. Owner: Overshore Associates, LLC; Applicant: Williams Architects, Inc. Special Exception Permit application for change of use of a single family dwelling with an accessory apartment to a two family dwelling, per Section 6.15.9.

Architect Matthew Williams stated that the property was sold, and the new owner is not living there; there is no connection between the two residential units, and the applicant wants to get it on the record that this is a legal two family dwelling. Being sought is a Special Exception Permit for change of use of a single family dwelling with an accessory apartment, to a two family dwelling in the D District, per Section 6.15.9 of Madison's Planning and Zoning Regulations. Mr. Williams shared photographs of the building and stated that the building is basically split down the middle, perpendicular to the street; he also showed the plans. Chairman Ronald Clark asked if there were any questions from the commissioners. Commissioner Ron Bodinson asked if the two units are separately metered and separately addressed. Mr. Williams stated that the previous property owner lived there for 20 years, with a tenant, but he would have to check with

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the post office to learn whether the two units are separately addressed; he did find a photograph of the two meters and stated that he would email the photo to the commission. Commissioner Peter Roos stated that by doing this, the property will comply with Section 6.15.9, which means that the owner does not have to occupy the house. Mr. Williams answered in the affirmative. Chairman Clark asked if any members of public would like to ask questions. There were none.

Secretary Elliott Hitchcock made the motion to close the public hearing; it was seconded by Commissioner Roos and unanimously approved.

Vote to close the public hearing passed, 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman James Matteson, Secretary Hitchcock and Commissioners Joseph Bunovsky, Jr., Giselle Mcdowall, Bodinson, and Roos.

OPPOSED: None.

ABSTAINED: None.

Commissioner Bunovsky asked whether there could be discussion prior to a vote, and Chairman Clark stated that there could be discussion.

Commissioner Mcdowall made the motion to approve 74 Wall St., which was seconded by Commissioner Peter Roos.

Chairman Clark opened the meeting to a discussion, before the vote on the application.

Commissioner Bunovsky stated that, while at a community event last evening, several present recognized him as being a commissioner on the Planning and Zoning Commission, and for the first time ever, he was confronted in public with people disenchanted with the seeming growing density in the downtown. Commissioner Bunovsky stated that he was trying to explain what led the commission to those decisions, months and months and years ago, and he explained that there were public hearings, many moons ago, and he stated that he gave the reasons for making the decisions. One gentleman said the increased density is not wanted, according to Commissioner Bunovsky, who stated that he responded by saying that the townspeople who do not want these changes need to take part in these public hearings. Since that response apparently did not satisfy, Commissioner Bunovsky stated that he would bring this matter up to the commission, so it could review the changes that have been made, and at some point in the future, the commission should reevaluate all the zoning amendments it made, over time, that allowed some of these changes to happen, as well as evaluate whether unintended consequences can come from such decisions. The discussion that Commissioner Bunovsky raised could be further discussed by the commission, according to Chairman Clark.

Restating the motion:

Commissioner Mcdowall made the motion to approve 74 Wall St., which was seconded by Commissioner Peter Roos. It was unanimously approved.

Vote to approve 74 Wall St., passed 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock and Commissioners Bunovsky, Mcdowall, Bodinson, and Roos.

OPPOSED: None.

ABSTAINED: None.

REGULAR MEETING ITEMS:

21-15 CSP 69 Soundview Avenue. Map 7, Lot 4, R-4 District. Owners: Amy & Robert Stefanowski; Applicant: Amy & Robert Stefanowski. Coastal Site Plan Review for demolition and reconstruction of a single family home. A new septic system on the street side of the proposed home and a swimming pool and subsurface storm water retention system on the south side of the home.

Chuck Mandel stated that plans are to demolish the existing home; it is nonconforming in many areas; it is in a VE 13 Zone, and the new structure will be moved forward, to get it out of the flood hazard zone. The health department has stated that the soils are adequate for a code compliant septic system, according to Mr. Mandel. A Sept. 16, 2021 letter from the state Department of Energy and Environmental Protection (DEEP) commended the application for having a storm water management system, Mr. Mandel stated, adding that previously there was none. The newly constructed structures will be conforming, in terms of distances from coastal jurisdiction lines and the town's Planning and Zoning Regulations. Mr. Mandel showed the plans.

Commissioner Bunovsky made the motion to approve the Coastal Site Plan (CSP), finding that it meets the goals and policies of the Connecticut Coastal Management Act; it was seconded by Vice Chairman Matteson, and unanimously approved.

Vote to approve the 69 Soundview Ave., Coastal Site Plan, passed 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock and Commissioners Bunovsky, McDowall, Bodinson, and Roos.

OPPOSED: None.

ABSTAINED: None.

21-18 82 Wall Street. Map 38, Lot 30. D District. Owners/Applicant: R & S Holdings, LLC. Minor Site Plan Review in the Downtown Village District to allow the change of use of the second and third floors from office space to residential use as previously approved in 2017.

Attorney Christopher McKeon stated that the owners and applicants are S & R Holdings, LLC, and not R & S Holdings, LLC, as written in the agenda item. The Planning and Zoning Commission did earlier approve a restaurant on the first floor and apartments on the second and third floors of 82 Wall Street; approval was granted through the special exception permit process. Near the Clarity, which was growing and took some space at 90 Wall St., Clarity also asked for additional space at 82 Wall Street; that was approved for office space on the first floor, according to Mr. McKeon. Currently being sought is the approval of the reversion of the use approved in 2017, with the second and third floor being used for residential, according to Mr. McKeon. Chairman Clark asked whether there were any questions. The application and the procedure to convert the restaurant over to office space was approved through a site plan minor modification. Interim Town Planner John Guszowski advised the commission to make reference to the past, noting that the conditions are the same and there is no reason not to approve the current application. Mr. McKeon stated that he has an approval letter dated July 30, 2018. The conditions of the previous application will not change, Mr. McKeon stated, adding that the septic system is sufficient to handle a first floor restaurant, so it is more than efficient to handle the office and two apartments.

Commissioner Bunovsky made the motion to approve 82 Wall St., with the sole understanding that that was the commission’s original approval; it was seconded by Secretary Hitchcock and unanimously approved.

Vote to approve 82 Wall St., passed 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock and Commissioners Bunovsky, Mcdowall, Bodinson, and Roos.

OPPOSED: None.

ABSTAINED: None.

DISCUSSION:

Discussion of Moratorium on Recreational Cannabis Facilities.

Interim Town Planner John Guskowski shared his information on the state law known as Public Act 21-1 (SB 120). Madison wants to be sure the state licensing process does not suddenly accelerate; it is likely that Madison will only get one retail license, according to Mr. Guskowski, however it is a legal retail use and it can qualify for a Madison retail use. It might be appropriate to put in a temporary moratorium, stated Mr. Guskowski, adding that he has studied this for six months, and the last moratorium dealt with medical marijuana in 2014. A moratorium needs to be specific and time bound; it is not just a ban that can remain, according to Mr. Guskowski. It needs to be specifically time bound. Once a moratorium on recreational cannabis facilities is put in place, it would be added to Section 2-20 in the town’s Planning and Zoning Regulations. Chairman Clark asked if the moratorium would include cultivation; and Mr. Guskowski answered in the affirmative. The Board of Selectmen is making an ad hoc committee of town officials from various departments to discuss and come to a decision on recreational cannabis facilities in Madison, according to Chairman Clark. Mr. Guskowski stated that the process would entail a text amendment, which would require a public hearing, with the public hearing being scheduled as soon as Oct. 3, 2021. If a moratorium were made for six months, it would be April 2022, when it would end, according to Chairman Clark. Vice Chairman Matteson wondered whether 12 months would be appropriate; a nine month moratorium was also suggested. The Planning and Zoning Commission has only three choices, regarding recreational cannabis facilities—allow them as general retail, allow them as a special exception use, or prohibit them, according to Mr. Guskowski. The selectmen’s ad hoc committee needs time to work, according to Chairman Clark. Commissioner Bunovsky stated that he is in favor of the nine month moratorium because no one knows how long it will take for the ad hoc committee to come to its conclusions. Mr. Guskowski stated that the commission should consider this a formal receipt of the application for a moratorium and schedule the public hearing for Oct. 21, 2021; Chairman Clark agreed, and it will be advertised as a public hearing.

APPROVAL OF MINUTES: Regular Meeting – July 15, 2021

Commissioner Bunovsky made the motion to approve the July 15, 2021 minutes; it was seconded by Commissioner Roos and unanimously approved.

Vote to approve the July 15 minutes passed 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock and Commissioners

Bunovsky, Mcdowall, Bodinson, and Roos.

OPPOSED: None.

ABSTAINED: None.

Planning Meeting – August 5, 2021

Commissioner Roos made the motion to approve the Aug. 5, 2021 minutes; it was seconded by Commissioner Clark and unanimously approved.

Vote to approve the Aug. 5 minutes passed 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock and Commissioners Bunovsky, Mcdowall, Bodinson, and Roos.

OPPOSED: None.

ABSTAINED: None.

Planning Meeting – September 2, 2021

Commissioner Bunovsky made the motion to approve the Sept. 2, 2021 minutes; it was seconded by Vice Chairman Matteson and unanimously approved.

Vote to approve the Sept. 2 minutes passed 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock and Commissioners Bunovsky, Mcdowall, Bodinson, and Roos.

OPPOSED: None.

ABSTAINED: None.

REMARKS: Commission Chair ~ Chairman Clark reminded the commissioners of its upcoming weekend inspection tours of The General's Residence. In addition, he stated that The Winter Club has gone on the market for \$2.5 million, and he wondered about the possibilities for the site. Erin Mannix, the new town planner, will start on Sept. 20, 2021, he stated.

Interim Town Planner John Guskowski gave thanks to the Planning and Zoning Commission and complemented it on its thoughtful deliberations. Chairman Clark complimented Mr. Guskowski for his professionalism, for which he should be recognized and applauded.

ADJOURNMENT:

Commissioner Bunovsky made the motion to adjourn at 8:11 p.m.; it was seconded by Commissioner Rood and unanimously approved.

Vote to adjourn at 8:11 p.m. passed 7-0-0.

IN FAVOR: Chairman Clark, Vice Chairman Matteson, Secretary Hitchcock and Commissioners Bunovsky, Mcdowall, Bodinson, and Roos.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy, clerk