

## Subject to Approval

### MADISON PLANNING AND ZONING COMMISSION MEETING MINUTES

October 6, 2022

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, October 6, 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 and Ron Bodinson

#### **MEMBERS ABSENT**

Seonaid Hay, Giselle McDowall

#### **ALTERNATES PRESENT**

John Dusza

#### **OTHERS PRESENT**

Town Planner Erin Mannix and John Guskowski 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 7:01p.m. by Chairman Carol Snow.**

She read her public hearing procedure statement and seated John Dusza as a regular member in absence of Giselle McDowall.

#### **DELIBERATION OF PUBLIC HEARING:**

**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 Coastal Site Plan Review. *(Continued from 9/15/22)*

**Secretary Hitchcock made the motion to continue the deliberations for 22-18+CSP. 35 Cottage Rd. Seconded by Commissioner Dusza.**

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

OPPOSED: None

ABSTAINED: None

Present for deliberation – Attorney Marjorie Shansky.

Mrs. Mannix gave a brief recap of the hearing and states she drafted a resolution both for approval and denial of this application and has shared the draft for approval with the commission. However, as for the denial, she's looking to open discussions to get feedback from the commission. But she has 2 possible issues that could be considered a substantial public interest, and wanted to remind the commission that a negative resolution needs to be able to point to substantial evidence within the record. If needed, a denial resolution was created for the commissioners to complete.

After discussions, the following facts and findings were read into the record by Chairman Snow.

### **Facts & Findings**

The Planning & Zoning Commission has received this site plan application and coastal site plan application, **#22-18+CSP, 35 Cottage Rd.**, Map 31, Lot 5, to redevelop a property within the R-2 District, under Connecticut General Statutes §8-30g and construct a three story, eighteen-unit, multi-family apartment building and associated site improvements. A public hearing commenced on August 18, 2022 via Zoom platform and was continued on September 1, 2022 and September 15, 2022 also via Zoom platform. At this third meeting, the Commission closed the public hearing and began deliberations. Deliberations continued on October 6, 2022.

This redevelopment proposal includes the construction of eighteen one-bedroom residential units in a single three-story building, driveway, parking areas, sidewalks, utilities, on-site wastewater disposal system, stormwater management system, lighting, landscaping, and fencing improvements. The property consists of approximately 1.9 acres located in a single-family residence zone and the existing structures on the site include a single-family building and detached garage with office above. The previous use on the site was business office. The existing buildings are situated on the southern portion of the site with access from both Cottage & Mill Roads. The northern portion of the site is mainly wooded with lawn and a small pond. The land uses to the north and east are residential with a multi-family development directly abutting the property to the east. The parcels to the south and west are unimproved and owned by the State of Connecticut. A Connecticut Department of Energy and Environmental Protection (CTDEEP) maintenance facility is located to the northwest on Mill Road.

The applicant received approval for regulated activities from the Madison Inland Wetlands and Watercourses Agency on April 4, 2022, prior to the Site Plan and Coastal Site Plan application submissions to the Planning & Zoning Commission.

As this development is proposed under CGS §8-30g, 30% of the eighteen units, or six units, will be designated as deed-restricted affordable for forty years as detailed in the Plan for Affordable Housing submitted in the application materials.

Attorney Marjorie Shansky; Michael J. Ott P.E, L.S of Summer Hill Civil Engineers & Land Surveyors, P.C.; Carl Giordano P.E, CNU-A of SLR International Corporation; Joseph H. Versteeg, of Versteeg Associates, LLC; Brian J. Miller, AICP of Miller Planning Group; John A. Matthews, AIA of John A. Matthews Architecture and Planning; and Abigail Adams, ASLA of A-2 Land Consulting, LLC all provided testimony as to the details of the application on behalf of the applicant.

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The Commission acknowledges that concern has been raised regarding stormwater drainage associated with the development. These concerns include impacts to groundwater quality and increased run-off from the site to adjacent properties as well as onto Cottage Road. As evidenced in the record through oral testimony and the Stormwater Management Design Report by Summer Hill Civil Engineering & Land Surveyors, P.C, details of the design and function of the stormwater system have been explained. More specifically with respect to groundwater impacts, the site stormwater system including the stormwater treatment structure and the constructed stormwater wetland provide a combination of secondary and primary treatment practices used in a serial or treatment train approach capable of providing high levels of treatment of stormwater runoff for water quality as described in the CTDEEP Stormwater Quality Manual.

A minor portion of the developed site, comprising a total area of approximately 5,410 square feet or 0.12 acres will drain to Cottage Road and Mill Road and be directed to the existing storm drainage system at the roads intersection by roadway pavement gutter flow. The majority of this total area will be maintained lawn and landscaped areas.

Both the Commission and applicant recognize that existing conditions cause ponding of water on Cottage Road during rain events. The applicant, through their design engineer, has explored preliminary designs to install drainage, widen Cottage Road, and alleviate the issue for roughly 260 feet of road length. While no plans have been submitted reflecting these preliminary designs, the applicant has offered to collaborate with the Town on this matter.

The Commission acknowledges that traffic concerns associated with the proposed development have been raised. Fear of increased traffic volume and inadequate parking was noted. As evidenced in the record through both presentation and the written Traffic Assessment by SLR International Corporation, the intersection of Mill Road and Cottage Road has low traffic volumes. Approximately ten new vehicular trips during weekday morning and afternoon peak hours will occur. No noticeable traffic operations impact is anticipated within the study area. Additionally, site distance was found to be sufficient. Existing sight distance looking left from Cottage Road onto Mill Road are currently obscured and can be improved to reach desirable levels with some vegetation clearing and regular trimming. A parking demand of up to twenty-four vehicles would be expected during peak parking conditions, and the project proposes twenty-seven onsite parking spaces.

Additional concern was raised regarding emergency vehicle access to the site. Fire truck turning maneuverability has been demonstrated by the applicant's traffic engineer which shows that the vehicle will be able to access the site from both the north and south on Mill Road and from the east on Cottage Road. The vehicle will be able to exit to the north and south on Mill Road and eastbound onto Cottage Road. Madison Hose Company requested that the applicant change the address from 35 Cottage Road to a Mill Road address to eliminate confusion for emergency responders and direct vehicles approaching the site from Mill Road to the Mill Road driveway. This will eliminate the possibility of not being able to complete the turning maneuver into the Cottage Road driveway while heading east down Cottage Road. The applicant has agreed to this suggestion. Furthermore,

code compliance and fire safety consultant for the applicant, Joseph Versteeg, has reviewed the architectural floor plan and elevation schematics and site plans prepared for this project and determined them compliant with both the current and proposed Connecticut State Building Code, Connecticut Fire Safety Code, and Connecticut State Fire Prevention Code.

The Commission further acknowledges that concern has been raised regarding the proximity of the proposed subsurface sewage disposal system to the abutting property's drinking water supply well at 42 Mill Road. While both local and State Health Department approvals were issued for this proposal, later correspondence regarding increased well pump withdrawal rates caused the local Health approval to be modified and conditioned on a 150 feet separating distance from the well. Subsequently, the State Health Dept approval was rescinded. The applicant filed an appeal of the local Health Director's permit modification to the Commissioner of Public Health and is awaiting response. The Commission understands that options are available to address this concern of separating distances including reducing well pump rates or accessing public water through the existing water main located in Mill Road along the frontage of 42 Mill Road. The effect of the proposed subsurface sewage disposal system on one residential property's well is not considered a substantial public interest in the eyes of the Commission. This is more appropriately considered a private interest that may seem substantial to the individual homeowner.

Lastly, the Commission acknowledges the concern of increased density not in scale with the underlying residential zone. Evidence in the record, provided by Miller Planning Group, on behalf of the applicant identifies land use patterns in the surrounding area. To the south, automobile-oriented retail uses line Boston Post Road (Route 1). The north side of Cottage Road is composed of uses of greater intensity than a typical single-family neighborhood, including multi-family residential uses and seasonal cottage communities. The south side of Cottage Road, including the entire block bounded by Cottage Road, Dudley Road, Route 1 and Mill Road is zoned commercial. Density comparison was provided between this proposed use and the adjacent parcel's existing development of ten, two-bedroom units on just over an acre. The density of this proposed development is approximately one-half of that of the adjacent parcel's use by bedrooms.

A proposal made under CT General Statutes §8-30g does not need to conform to the municipal zoning regulations. However, this proposal does comply with all lot size requirements and side and rear yard requirements. The front setback along Mill Rd is 22 feet, less than the required 40 feet, however the existing buildings on the site are also not in conformance with the front setback regulations as most of the house is outside the front yard setback with only 18.6ft provided. The proposed building exceeds the maximum floor area coverage and building height but the proposed building coverage is within the maximum established in the zone. The features of the application mostly conform to the R-2 requirements and the areas of non-conformance are considered minor and will have no negative impact upon the health, safety and welfare of the neighborhood or the future tenants of the property.

Of the concerns raised during this application process, the Commission notes that while some may be considered to be based upon substantial public interest, specific conditions of approval could provide adequate protection of those interests. Additionally, the Commission understands that Madison has 1.68% affordable housing units and that as identified in both the 2013 Plan of Conservation and Development and the 2022-2027 Affordable Housing Plan, there is a significant need for affordable housing and market rate housing diversity in our community. This proposed project contributes towards both goals and therefore in this particular situation, the need for affordable housing outweighs the public interest.

With respect to the Coastal Site Plan application, the Commission has reviewed CTDEEP comments that are included in the record and has determined that in light of the developed nature of the existing site and surrounding parcels, the construction of eighteen new residential units will not result in significant exposure of life and property to flood hazards.

### **Decision**

**Chairman snow made the motion to approve application #22-18+CSP, 35 Cottage Rd with conditions. Seconded by Secretary Hitchcock.**

IN FAVOR: Chairman Snow and Secretary Hitchcock

OPPOSED: Commissioners Bodinson and Dusza

ABSTAINED: None

The motion failed.

Another motion was made by Commissioner Bodinson to deny the application. This motion failed due to no seconds.

After further discussions the following motion was made.

**Chairman Snow made the motion that the Madison Planning & Zoning Commission approve application #22-18+CSP, 35 Cottage Rd., Map 31, Lot 5, to redevelop a property within the R-2 District, under Connecticut General Statutes §8-30g and construct a three story, eighteen-unit, multi-family apartment building and associated site improvements as detailed in application documents and on a set of plans entitled, "Cottage and Mill Apartments", Cottage Road and Mill Road, Madison, Connecticut, prepared for 35 Cottage, LLC, 18 sheets, dated June 1, 2022 by Summer Hill Civil Engineering and Land Surveyors P.C; architectural drawings entitled, "Hammonasset Commons", 35 Cottage Rd, 6 sheets, dated May 5, 2022, by John A Matthews Architecture and Planning with the following conditions:**

- 1. The applicant shall initiate the change of address for the property from 35 Cottage Road to a Mill Road address in an effort to direct emergency personnel responding to the property to the Mill Road driveway access.**
- 2. The applicant shall provide evidence of compliance with the CT Public Health Code and any necessary permits prior to the issuance of a preliminary Certificate of Zoning Compliance.**

3. **The applicant shall collaborate with the Town on any stormwater drainage improvements to and widening of Cottage Road along the frontage of the property as offered by the applicant during this site plan review process.**
4. **Site line distance along the southern portion of Mill Road shall be improved with some vegetation clearing and regular trimming as recommended by the applicant's traffic engineer.**
5. **That the Zoning Enforcement Officer be notified at least 48 hours prior to commencement of any regulated activity.**
6. **That all erosion and sedimentation controls be installed prior to any site disturbance and be maintained for the duration of construction activities and until the site is sufficiently stabilized to the satisfaction of the Zoning Enforcement Officer.**
7. **The subsurface stormwater system shall be inspected by the design engineer during construction to verify consistency with the approved plans.**
8. **Tree protection fencing around the 36" Beech tree, shall be extended to within five feet of the edge of pavement of Cottage Road and Mill Road.**
9. **An as-built survey of the stormwater system components shall be submitted to the Commission with written verification from a licensed engineer that the system was constructed in accordance with the approved design plans. This submittal shall be completed prior to the issuance of a final Certificate of Zoning Compliance.**

**Seconded by Secretary Hitchcock.**

IN FAVOR: Chairman Snow, Secretary Hitchcock and Commissioner Dusza

OPPOSED: Commissioner Bodinson

ABSTAINED: None

#### **REGULAR MEEETING:**

Ron Bodinson left the meeting prior to the Plan of Conservation and Development update.

#### **PLAN OF CONSERVATION & DEVELOPMENT UPDATE**

Present was the Commission's consultant John Guskowski, of Tyche Planning & Policy Group, for discussions. He briefly reviewed the 2013 implementation table that was sent to the commissioners noting updates and progress since the adoption of the Plan. Commissioners requested additional time to review the implementation table for future discussions.

The Commission discussed public participation and options to move forward including the steering committee style from the 2013 Plan update. It was noted that the designated first meeting of the month for POCD gives the public a regularly scheduled set public meeting to attend. The

commission wants to not only invite stakeholders as far as commissioners or other agencies, but also the public to actively participate.

Mrs. Mannix mentioned a possible new platform – which could change the way we have public participation – that are dedicated websites for municipalities where you can structure them to let people know who's listening and get feedback. It was also suggested that having the full commission together for each of these meetings would be ideal.

Staff will coordinate sending additional materials out to the Commission including a color-coded implementation table; links to State and regional POCD; summary of major themes and goals; and possible options for outlines of Plan structure.

### **RECEIPTS**

**22-24CSP. 31 Chapman Ave.** Map 18. Lot 68, R-4. Owner/Applicant: John Bensch, Coastal Site Plan Review; demolish and reconstruction of a single-family dwelling with associated site improvements. *(Table to 10/20/22 meeting)*

**22-25+CSP.** Map 31, Lot 38/1. R-2. Owner/Applicant: Town of Madison; Special Exception Permit Modification to convert 21,504 sq.ft. of undeveloped area into enclosed dog park. Application includes a Coastal Site Plan Review. *(Set for Public Hearing 10/20/22)*

Mrs. Mannix states another application was received – the official date of receipt is 10.6.22 and it will be scheduled for a public hearing at the second meeting in November. She states this is an application for text amendment to the PDD and will be listed on the commission's next meeting agenda.

**SCRCOG Regional Planning Commission Representative-** Take action to nominate and appoint Carol Snow to serve as Madison's representative

**Secretary Hitchcock made the motion to nominate and appoint Carol Snow as Madison's representative for SCRCOG Regional Planning Commission. Seconded by Commissioner Dusza and unanimously approved.**

IN FAVOR: Chairman Snow, Secretary Hitchcock and Commissioner Dusza

OPPOSED: None

ABSTAINED: None

### **APPROVAL OF MINUTES:**

August 30, 2022 – tabled to October 20, 2022 meeting

September 1, 2022

**Chairman Snow made the motion to approved the minutes of September 1, 2022 as submitted. Seconded by Commissioner Dusza.**

IN FAVOR: Chairman Snow, Secretary Hitchcock and Commissioner Dusza  
OPPOSED: None  
ABSTAINED: None

September 15, 2022 - Tabled to October 20, 2022 meeting

**REMARKS:** Commission Chair - None

Town Planner - None

**ADJOURNMENT**

**Secretary Hitchcock made the motion to adjourn at 9:19p.m.; seconded by Commissioner Dusza.**

IN FAVOR: Chairman Snow, Secretary Hitchcock and Commissioner Dusza  
OPPOSED: None  
ABSTAINED: None

Respectfully submitted,  
Racquel Stubbs