

## **Subject to Approval**

### **MADISON PLANNING AND ZONING COMMISSION MEETING MINUTES October 20, 2022**

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, October 20, 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. 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.**

Chairman Snow seated John Dusza in absence of Giselle McDowall.

#### **PUBLIC HEARINGS:**

**22-25+CSP. 1362 Boston Post Rd.** 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. ***(Request to Table to 11/17/22)***

Mrs. Mannix recommended the Commission to table public hearing 22-25+CSP. She states the sign was posted and the legal notice ran, but the notification to abutters did not go out according to regulations. Commissioner Bodinson requested a few additional items that were incomplete or missing from the application such as open space plan, master plan, etc. Mrs. Mannix states this is a modification to a special exception, and information from the original application can be gathered for the commission to familiarize themselves.

**Secretary Hitchcock made the motion to table Public Hearing 22-25+CSP. 1362 Boston Post Road to November 17<sup>th</sup>. Seconded by Commissioner Hay.**

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

**REGULAR MEEETING:**

**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.

Present for the application – Michael Harkin, professional engineer. A site plan of 31 Chapman Avenue was reviewed by Mr. Harkin; he states this is basically a tear down and rebuild of an existing residence in almost the same footprint. Its about one acre of land and there are no inland wetlands on the subject site, but there are inland wetlands across the street which was approved by the inland wetland agency through Section 13. They are utilizing the same exact utilities except for gas, which would be new. A new septic system will be added which has health department approval. Mrs. Mannix briefly reviewed the Coastal checklist from DEEP which is also in the record; identified were the coastal resources that are on site and potential impacts for sedimentation or erosion issues during construction. DEEP recommended a condition of approval for adequate Erosion controls and maintenance of those for the duration.

**Commissioner Hay made the motion to approve Application 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 as detailed in application materials and site development plan prepared for John & Christine Bensch, 31 Chapman Avenue, by Harkin Engineering, LLC dated revised to 9/8/22 with the following conditions:**

- 1. That the Zoning Enforcement Officer be notified at least 48 hours prior to commencement of any construction activities;**
- 2. That all sedimentation and erosion controls be installed prior to any site disturbance and maintained for the duration of construction activities and until the site is sufficiently stabilized to the satisfaction of the Zoning Enforcement Officer**

**In the event that changes to the approved plans are required as a result of other agency permitting to support the proposed activity, the Madison Planning & Zoning Commission reserves the right to review said changes and may require modification of this approval. This approval is made based upon the finding that the proposed use is a permitted use in the district and that the proposal appears to be consistent with all applicable policies and standards of the Coastal Management Act of the State of Connecticut. The effective date of this approval is November 4, 2022.**

**Seconded by Secretary Hitchcock.**

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

**22-27. 251 Boston Post Rd.** Map 35, Lot 53; R-1 District; Applicant: Frasher Lulja, Petition for Regulation Amendment to Madison Zoning Regulations, Section 32 Planned Development District. *(Schedule Public Hearing for 11/17/22)*

Mrs. Mannix states this application is a petition for a regulation amendment to Section 32. It is not for a particular property; it's a text amendment. She clarified that this amendment is for the general text and will apply to several properties.

**Commissioner Bodinson made the motion to schedule Public Hearing 22-27. 251 Boston Post Road for November 17, 2022. Seconded by Commissioner Dusza.**

IN FAVOR: Chairman Snow, Secretary Hitchcock and Commissioner Dusza, Hay and Bodinson.

OPPOSED: None

ABSTAINED: None

**DISCUSSION:**

Discuss and decide whether or not to schedule a public hearing regarding opting out of the accessory dwelling unit provisions of Public Act No. 21-29.

Mrs. Mannix reviewed a memo regarding Opting out of the Accessory dwelling unit provisions of Public Act No. 21-29 that was also sent to the commission. She states the new statute that became effective January 1, 2022, gives municipalities a year to opt out which requires a two-thirds vote of the planning and zoning commission to initiate an opt out process which includes a public hearing, to go through existing codes and what the proposed regulations are – and also allows for public comments. Mrs. Mannix states the regional council of Governments has also compiled some data from all the participating municipalities to give a feel of what other towns or cities are doing. To complete the opting out process, will also require a concurrent vote by the Board of Selectmen.

**Options:**

1. Do nothing and wait until January 1, 2023, when Madison's regulations would become null and the new law would govern; or
2. Modify the current regulations to meet all standards in the new law; or
3. Opt out and maintain existing zoning regulations; or
4. Opt out and modify zoning regulations

After discussions, it was decided that this would be an item for discussion at the Nov 3<sup>rd</sup> meeting prior to a public hearing.

**Secretary Hitchcock made the motion to schedule a public hearing for November 17<sup>th</sup> to potentially opt out of the accessory dwelling unit provisions of Public Act No. 21-29. Seconded by Commissioner Dusza.**

IN FAVOR: Chairman Snow, Secretary Hitchcock and Commissioner Dusza and Hay.

OPPOSED: None

ABSTAINED: Bodinson

**APPROVAL OF MINUTES:**

**August 30, 2022**

**Commissioner Bodinson made the motion to approve the minutes of August 30, 2022. Seconded by Commissioner Hay.**

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

**September 15, 2022**

**Commissioner Bodinson made the motion to approve the minutes of September 15, 2022. Seconded by Chairman Snow.**

**Per Chairman Snow, on page 4, change there to their.**

IN FAVOR: Chairman Snow, Commissioner Dusza and Bodinson.  
OPPOSED: None  
ABSTAINED: Hay and Hitchcock

**October 6, 2022**

**Commissioner Bodinson made the motion to approve the minutes of October 6, 2022. Seconded by Commissioner Dusza.**

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

**REMARKS: Commission Chair - None  
Town Planner - None**

**ADJOURNMENT**

**Commissioner Bodinson made the motion to adjourn at 8:01p.m.; seconded by Secretary Hitchcock.**

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

Respectfully submitted,  
Racquel Stubbs