

Subject to Approval

MADISON PLANNING AND ZONING COMMISSION MEETING MINUTES

November 17, 2022

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, November 17, 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

Giselle McDowall, Ron Bodinson and Janet Peckinpaugh

ALTERNATES PRESENT

Robert O'Connor and Michael Bugda

MEMBERS ABSENT

Carol Snow, Seonaid Hay, Elliot Hitchcock, and John Dusza

OTHERS PRESENT

Town Planner Erin Mannix. 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 7:04p.m. by Commissioner Bodinson who appointed Giselle McDowall as chairman for the night. Seconded by Commissioner Peckinpaugh and unanimously approved.

Chairman McDowall seated Michael Bugda and Robert O'Connor as regular members in absence of Seonaid Hay and Elliot Hitchcock. The Town Planner read the legal notice.

PUBLIC HEARINGS:

22-27. Applicant: Frasher Lulaj, Petition for Regulation Amendment to Madison Zoning Regulations Section 32 Planned Development District.

Per Mrs. Mannix, due to limited number of members, the applicant requested commissioners to open the hearing and continue to December 15, 2022.

Commissioner Bodinson made the motion to open Public Hearing # 22-27 and to continue to December 15, 2022 as requested. Seconded by Commissioner Bugda and unanimously approved.

Public Hearing regarding opting-out of accessory apartment provisions per Public Act 21-29.
Hearing initiated with 2/3 vote of the P&Z Commission to discuss and decide whether or not to opt out of the accessory apartment provisions of Public Act 21-29

Commissioner Bodinson made the motion to open the public hearing regarding opting- out of accessory apartment provision per Public Act 21-29. Seconded by Commissioner Peckinpaugh and unanimously approved.

On behalf of the Town of Madison, Mrs. Mannix gave a PowerPoint presentation detailing accessory apartment provisions per Public Act 21-29 and for the record reviewed a memo dated November 17, 2022.

During discussions, Commissioner Bodinson, states the Town of Madison in 33 years may have not thought about these set of regulations thoroughly as this was proposed in January and the commission is deciding in the 11th month of this opportunity.

Commissioner Peckinpaugh states she is in favor of opting out for the reasons that this has not been thought about in Madison for many years, more specifically parking spaces – and the restriction on parking spaces in accessory apartments. She further states the commission should opt out so that they can reconsider specifically for Madison to do something more.

Chairman McDowall states she is also moving towards opting out, and to possibly look at modifying what Madison currently has.

Commissioner O'Connor asked how many accessory apartments are in the Town of Madison and what was the Town of Guilford's (neighboring town) reasoning to not opt out. Mrs. Mannix states since 1989, the Town has had over 100 accessory apartments that fall under section 24 of the zoning regulations. She further states she cannot speak to the decision of Guilford but majority of municipalities from various planning events and land use seminars that she's attended; the land use attorneys throughout the state are actively recommending opting out.

After discussions, Chairman McDowall asked if there were any comments from the public – to speak against or for the opting out process.

No comments from the public.

Commissioner Bodinson made the motion to close the public hearing. Seconded by Commissioner O'Connor and unanimously approved.

From Memo dated November 17, 2022:

It is Staff's recommendation that the Planning & Zoning Commission opt out of the provisions of subsections (a) to (d) of Public Act No. 21-29 regarding the allowance of Accessory Apartments. The Commission has exercised discretion in the drafting of the existing zoning regulations regarding accessory apartments and detached accessory structures. These regulations were carefully crafted to address the need for flexible housing options in our community while maintaining consistency with the surrounding residential streetscapes. Opting out of the statutory changes retains local control over the regulations, while eliminating concern over what legislative

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updates may come in the future. It is appropriate that the Commission revisit the Zoning Regulations from time to time to review and modify various sections. As we are in the process of updating the Plan of Conservation and Development, I expect that some goals of our community may change from ten years ago. After adoption of the updated Plan, Staff recommends that the Commission begin a comprehensive review of the zoning regulations to ensure that these goals can be best implemented through the zoning mechanisms available.

The following draft resolution is offered:

Whereas the regulatory limitations regarding accessory dwelling units of Public Act No 21-29 became effective on January 1, 2022; and

Whereas Public Act No 21-29 allows a municipality to opt out of the regulatory limitations regarding accessory dwelling units by January 1, 2023; and

Whereas the Planning & Zoning Commission published public notices of the public hearing date on November 3, 2022 and November 10, 2022; and

Whereas the Planning & Zoning Commission held a public hearing on November 17, 2022; and

Therefore, be it Voted that the Madison Planning & Zoning Commission has affirmatively opted out of the Accessory Apartment provisions of Public Act No 21-29 for the following reasons:

1. The Town is in the process of updating the Plan of Conservation and Development which shall guide future updates to the zoning regulations; and
2. The Commission established Accessory Apartment regulations in 1989 which have successfully enabled the creation of over 100 units. These regulations contain some of the provisions included in Public Act No 21-29, however, additional restrictions exist that are not consistent with the Act including:
 - a) Maximum size of an accessory apartment being less than what is allowed by Public Act No 21-29; and
 - b) The required front yard setback for detached accessory apartments being greater than what is allowed under Public Act No 21-29; and
 - c) The maximum height of a detached accessory apartment being less than what is allowed by Public Act No 21-29; and
 - d) That an architectural design standard exists for exterior changes associated with the creation of an accessory apartment which greater than what is allowed by Public Act No 21-29; and
 - e) That periodic renewals be required for accessory apartments which differs from what is allowed in Public Act 21-29; and
 - f) Accessory apartments are not allowed in all zones that allow single-family dwellings which is more restrictive than Public Act No 21-29; and
 - g) Three off-street parking spaces are required for accessory apartments, which if the current single-family dwelling only has one parking space, would be greater than what is allowed in Public Act No 21-29.

Be It Further Voted That the notice of this action is forwarded to the Board of Selectmen with recommendation to complete the process of opting out; and

Be It Further Voted that the effective date of this action is December 2, 2022.

Commissioner Peckinpaugh made the motion to opt out of Public Act No 21-29 and to adopt staff's recommendation / resolution as provided. Seconded by Commissioner Bugda.

IN FAVOR: Giselle McDowall, Janet Peckinpaugh and Michael Bugda

OPPOSED: Ron Bodinson

ABSTAINED: Robert O'Connor

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. (***Extension granted and request to continue to 12/15/22 meeting***)

PENDING

22-28. 908-910 Boston Post Rd. Map 39, Lots 3 and 4. Owner/Applicant: The General's Residences at Fence Creek Homeowner's Association; Site Plan Review Modification regarding site improvements and building color (***Request for action***)

Present for the application – The General's Residences member - Adam Greenberg and president of the HOA - Amy Macey. Mrs. Mannix states this is a site plan modification and there are 5 items that are requested for modification which was summarized in a brief staff report to the commission. She further states this is a 9-unit cluster housing development that was approved in 2019 and all reviews went before ACCA and favorable approval was recommended.

To summarize the requested changes:

1. **Patio expansions and stone sitting walls.** Seven of the units have been sold to private homeowners and the homeowners association has taken control of the property. The developer still owns two of the units in the reproduction General's Residence while it remains under construction. The HOA contracted a landscape company to expand the patios and install stone sitting walls at many of the homes. While approved by the homeowner's association, this modification was not approved by the Commission and requires return as it is an amendment to the approved site plan. The applicant has provided photos of the patios and walls for your reference. Each individual unit has worked with the landscape designer to establish plantings around the units. ACCA reviewed this modification and favorable recommended approval.

2. **Stagger fencing between units 4 & 5.** Fencing is proposed between each unit to help screen exterior utilities and garbage receptacles from street view. The applicant is requesting to stagger the fencing between these two rear units to accommodate positioning of the houses. The fencing will continue to screen utilities and garbage receptacles. This change will not be visible

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from the road and materials will remain consistent with the original approval. ACCA recommended favorable approval.

3. **Unit 6 carport siding.** Unit 6 originally called for vertical siding along the rear wall of the carport. This design created a uniform arch from Unit 7 along the fencing connecting Unit 6. Instead of the vertical siding, the red cedar shingle siding was installed to match the remainder of the house. The applicant is seeking approval to have the cedar shingles remain, rather than replacing with the originally approved materials. ACCA discussed this modification as well and while the original design created a continuous arch, they did not feel the change was inconsistent with the house design or significant enough to require the homeowner to replace with vertical siding. Favorable approval was recommended.

4. **Change in trim color to Units 6 & 7.** The owners of units 6 & 7 would like to paint the trim on their respective units white instead of dark green as originally approved. The owners expressed concern about trim maintenance due to the dark paint color and expansion of the Azek material. ACCA discussed this extensively at their meeting and expressed a desire to maintain the original color scheme. However, the Committee understood the long-term maintenance challenges of caulking and painting that the Homeowner's Association would need to manage. Ultimately, they felt the white trim would look aesthetically pleasing with red cedar shingles once they are weathered to a shade of gray. The Committee recommended favorable action.

5. **Stone wall and fence topper at Unit 7.** The owners of Unit 7 temporarily installed a fence at the rear of their unit to help contain their dog. Understanding the fence was not part of the originally approved plan, the owners have since removed it. They are before you today seeking approval for the installation of a 30-inch tall stone sitting wall around their patio. Additionally, they request an 18" cedar fence topper on top of the stone wall. The fence topper would contain their pet and keep consistent with the fencing materials on site. Most of the fence is screened from street view by landscaping along the side of the patio. ACCA reviewed this proposal and recommended a simple top on the fence to remain consistent with the contemporary design. A favorable recommendation was made.

Lastly, the applicant proposed a modification to outdoor parking areas near units 8 & 9, however, site conditions have allowed the applicant to comply with the original plan and this request has been eliminated.

No other modifications are being proposed at this time. The developer and homeowner's association have been working with staff to review any outstanding site improvements or conditions of approval ahead of any final occupancy requests.

VOTED that the Madison Planning & Zoning Commission approve Application #22-28 908-910 **Boston Post Rd.** Map 39, Lots 3 and 4. Owner/Applicant: The General's Residences at Fence Creek Homeowner's Association; Site Plan Review Modification regarding site improvements and building color as shown on supporting application documents. This approval is subject upon the following condition:

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1. All previous conditions of approval remain in effect.
2. For units not yet completed, allow a maximum of 36" height stone sitting walls surrounding each unit's patio.

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 an approved use in the district and that the standards, prerequisites and conditions specified by the regulations have been met. The proposed modifications are minor in nature and consistent with the original design of the project. The effective date of this approval is December 2, 2022.

After discussions the following motion was made:

Commissioner Bodinson made the motion to approve the request by the applicant to have staggered fencing, the carport as requested, trim color change as approved by ACCA, the size of the patios increased to 12 foot in depth and built to the width of the unit. Also, approval of the additional 18 inches on top of the 30foot wall at unit 7. Seconded by Commissioner Bugda.

IN FAVOR: Giselle McDowall, Janet Peckinpaugh, Ron Bodinson, Robert O'Connor and Michael Bugda

OPPOSED: None

ABSTAINED: None

22-29. 8 Scotland Avenue. Map 39, Lot 56, D. Owner: Apero, LLC, Applicant: Guillaume Traversaz; Minor Site Plan Review (*Request for action*)

Present for application Guillaume Traversaz, co-owner of Bar Bouchee. Applicant is seeking to add a fire exit door to current patio which will comply with building and fire marshal building code. There is no change proposed to the footprint of the outdoor dining, nor to the active floor area. The applicant went before ACCA and received favorable recommendation.

Commissioner Bugda asks if this meets all fire codes regulation. Mr. Traversaz states yes.

Commissioner Peckinpaugh made the motion that the Madison Planning & Zoning Commission approve Application 22-29. 8 Scotland Avenue. Map 39, Lot 56, D. Owner: Apero, LLC, Applicant: Guillaume Traversaz; Minor Site Plan Review to enclose the outdoor dining area with an egress door and coordinating side on existing patio footprint as shown in application documents. Seconded by Commissioner Bugda.

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 standards, prerequisites and conditions specified by the regulations have been met. The effective date of this approval is December 2, 2022.

IN FAVOR: Giselle McDowall, Janet Peckinpaugh, Robert O'Connor, Ron Bodinson and Michael Bugda

OPPOSED: None

ABSTAINED: None

APPROVAL OF MINUTES: November 3, 2022

Commissioner Bodinson made the motion to table the minutes of November 3, 2022. Seconded by Commissioner O'Connor and unanimously approved.

REMARKS: Commission Chair - None

Town Planner - None

ADJOURNMENT

Chairman McDowall made the motion to adjourn at 9:13p.m.; seconded by Commissioner Peckinpaugh and unanimously approved.

Respectfully submitted,
Racquel Stubbs