

**SALEM PLANNING AND ZONING COMMISSION**

**(PZC)**

**REGULAR MEETING**

**April 17, 2012**

**7:00**

**Present:** K. Buckley-Chairperson, R. Amato, D. Bingham, G. Fogarty Alt, R. Savalle, V. Smith, W. Volberg, G. Walter, M. Chinatti, Town Planner/ZEO, S. Spang, Recording Secretary

**Absent:** M. Darling, Alt., H. Green Alt,

**Guests** See Sign in Sheet

**CALL TO ORDER:** K. Buckley called the meeting to order at 7:02. She introduced the members present.

**ADDITIONS TO THE AGENDA:** **None.** K.Buckley with the Commissions permission stated she would like to rearrange the agenda as follows:

Move Petitioners, item #1-SE #12-04-01 to Old Business item #2 and move Old Business item #2 to #3.

K. Buckley spoke to the audience and apologized for the lack of a quorum at the last meeting and stated it was a very rare occurrence for PZC not to have a quorum. She reminded the members to inform the staff or herself if they cannot attend.

V. Smith asked to have the minutes reviewed before the POCD discussion, the Commission agreed.

D. Bingham recused himself at 7:09

G. Fogarty was seated for D. Bingham

**PUBLIC HEARING:** **None**

**PETITIONERS:** **Moved to Old Business, item 2.**

## PUBLIC COMMENT

T. J. Butcher 248 Norwich Road. Stated he thinks the bakery is a great addition to the Town and is disappointed at how Farm to Hearth has been treated by their landlord. He hopes the Commission acts favorably to the application.

He also stated that the POCD is an excellent document and the committee spent many hours, the members were well informed. He has read many POCD's and Salem's is one of the best he has read. He hopes the town will follow the plan.

Frank Sroka, EDC Chairman stated that the Farm to Hearth business is exactly the type of business EDC would like to see come to town. He feels strongly about keeping businesses in town. He thinks the application is a great solution to let the bakery stay in town. He submitted a letter from Larry Stevens. (See File Copy)

Zoe Ward, 248 Norwich Road. She stated her and her two business partners started a small farm and the first people they met were Todd and Melissa owners of Farm to Hearth. She stated that Farm to Hearth is very supportive of local businesses that do not have a venue of their own to sell their products. She would like them to stay in town.

Matthew Stevens, 248 Norwich Road. He stated Farm to Hearth is an integral part of their business as farmers allowing them to sell their product. M. Stevens and his business partners have started a Community Supported Agriculture (CSA) and Todd and Melissa have agreed to be the pickup location for their product.

Levi Buckingham, 248 Norwich Road. Farm to Hearth an integral part of their household, they buy all their bread from them and he supports the business.

Ken Bondi, commercial real estate broker. He stated from a zoning stand point it is an excellent fit for the town. He stated the proposed location is right off the highway and we should bend over backwards to make sure it happens.

Tessa Moeckel. She has been here a short time and loves their bread she would be devastated if the business had to move.

Georgia Peck Owner of Simon Tiffany House, she stated the name of her house was incorrectly identified in the POCD. She submitted a letter. (See File Copy)

Max Taylor, Owner of provider farm supports Farm to Hearth, they have been able to network with the help of Farm to Hearth, they make the town feel like a home.

Todd Solek, Owner of Farm to Hearth would like the Commission to rule in favor of the application. He and his wife have made a commitment to the community. He has always wanted to be a village baker, it is the way he supports his family. Doesn't know what he would do if he could not be part of the community.

## OLD BUSINESS

### 1. **SPM # 12-03-01-Tiffany Cunningham applicant-20 Darling Road.**

K. Buckley stated that the occurrence of two applications for the same thing is unusual.

M. Chinatti addressed the application and stated she spoke to the representative of the property and informed him that Site Plan Modification (SPM) would not be allowed that two uses are not permitted under the regulations. She suggested at that time to the representative that a Special Exception (SE) application would be the way to go. The representative of the property was confident that SPM was the way to go. M. Chinatti spoke to the Commissions attorney and he agreed that the SE was the proper application for the intended use. He stated if it came in as a SPM the Commission would have to deny it and then the applicant could go to the Zoning Board of Appeals for a use variance.

M. Chinatti stated the use does meet the SE criteria under section 8.3.6.- shopping center. She has forwarded the application to the appropriate town officials for their comments. M. Chinatti recommended a May 15 Public Hearing which would give the officials and the applicant time to make any changes necessary. (See Memorandum on File)

Tiffany Cunningham representing the Hiram Bingham Development Corp. presented an over view of the 20 Darling Road site. She stated it is a non-

conforming lot and with the approval of the SPM it would make the lot more conforming. She stated the application for the SPM and the SE are identical.

She informed the Commission that she would prefer the SPM be approved over the SE application. If the Commission decides to act on the SE then she would withdraw the SPM and ask for a refund of the SPM fees. She stressed the importance of getting the application approved as quickly as possible.

T. Cunningham informed the members she has a wetlands application submitted to the Inland Wetlands and Conservation Commission (IWCC) due to planned activity in the wetlands/upland review area. She has spoken to fire marshal, sanitarian, and building inspector and she stated that very little needed to be done. She stated little needs to be done to the exterior. T. Cunningham stated the building inspector informed her some of the work could be done before the application is approved.

The members had various questions on the site such as road width and maintenance.

The status of the wetlands application was discussed. M. Chinatti informed the members by state statute a wetlands application has to be submitted before or at the same time as a site plan. The wetlands application was not submitted until after the SPM and was submitted on the same day as the SE. Therefore, the SPM would have to be denied. She stated she could sign off on the wetlands application as it was a buffer permit.

M. Chinatti stated the SE application is not complete due to needed revisions.

K. Buckley informed the members that by state statute the Commission cannot approve something that is not allowed in the regulations. If the Commission approved the SPM then it would be an illegal action making the approval illegal. (See File Copy)

**M/S/W (Buckley/Savalle) to deny SPM 12-03-01 for the reason it is not allowed by the Zoning Regulations.**

The Commission discussed ways to expedite the application process. It was decided to hold the Public Hearing on May 7, 2012

The applicant withdrew the SPM application

**The motion was withdrawn.**

**M/S/C (Buckley/Smith) to schedule a Public Hearing for SE 12-04-01 on May 7, 2012 at 7:00 at the Town Hall, Room 1. Vote: Approved Unanimously**

The Commission took a break at 8:13 and reconvened at 8:18.

## **APPROVAL OF MINUTES**

### **1. March 20, 2012 Regular Meeting.**

**M/S/C (Buckley/Smith) to approve the March 20, 2012 Regular Meeting as amended.**

Page 1, delete the C from the M/S/C (Savalle/Bingham)

V. Smith asked what the controversy was about where the motion of the POCD concerned.

K. Buckley explained the motion and discussion of the POCD at the March 20, 2012 was convoluted and unclear.

W. Volberg stated the video on line was cropped at 24 minutes and he would like to see the whole meeting uploaded to the website. It was stated that if members wanted a DVD they could request one.

R. Amato objected to "...” and would rather have unintelligible or something like that.

R. Amato stated that everyone knew what they were voting on.

The Commission discussed the POCD motion and the intent of the motion and the motives of the members present at the March 27, 2012 to re-vote the motion.

V. Smith asked if at the March 27 meeting if there were only two regular members which, did not meet a quorum, should the meeting have taken place to seat the alternates in order to have a quorum.

The answer could not be determined but K. Buckley stated she would find out before the next meeting.

Change OPS to OSP throughout the document.

Page 7 ¶7 rewrite sentence to: K. Buckley *restated, stated,* ~~“Let’s say this, move the motion is~~ to approve and adopt updated POCD with the revisions below.

**Vote: Approved. In favor-Buckley, R. Amato, D. Bingham, R. Savalle, V. Smith, W. Volberg, G. Walter. Opposed-none. Abstaining- G. Fogarty Alt.**

## **2. March 27, 2012 Regular Meeting**

**M/S/C (Buckley/Savalle) to table minutes of the March 27, 2012 to the May 15, 2012 meeting. Vote: Approved Unanimously.**

## **OLD BUSINESS (Continued)**

### **3. POCD**

- a. **Discuss and act on rescinding the March 20, 2012 actions regarding the updated POCD. (Discussed and resolved earlier)**
- b. **Action on adoption of the updated POCD. (Discussed and resolved earlier)**
- c. **Action on revising the effective date of the updated POCD from April 1 to May, 2012.**

**M/S/C (Fogarty/Amato) to change the effective date of updated POCD from April 1, 2012 to June 1, 2012.**

**Vote: Approved Unanimously**

**M/S/C (Smith/Volberg) motion that on page 15 of the updated POCD we change the words from the Ebenezer Tiffany House to the Simon Tiffany House. Vote: Approved Unanimously**

**NEW BUSINESS**        None

**ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION  
REPORT**

M. Chinatti updated the Commission on the research she did on the adoption of the Age Restricted Development regulation. Discussion took place on the timing of the ARD

V. Smith stated he wanted the description in the minutes so he could get it as clear as possible to he can go over it. As follows:

The regs were amended in 2009 to allow a waiver of the 15% maximum impervious surface coverage,, to "not more than 20%." The proposal heard at public hearing/subsequently adopted for the original ARD regulations in 2004 ALWAYS stated that the 15% pertains to the Land Development Area. The ORIGINAL draft document stated 15% of the total parcel, but that was changed BEFORE the public hearing on the regs.

**PLUS/DELTAS:**

The members discussed the positive and negative aspects of the meeting.

K. Buckley stated that if anyone wants to contribute changes to the bylaws please get them in by May 1.

K. Buckley stated that there may not be a meeting the following week due to lack of agenda items.

K. Buckley reminded everyone to get their performance evaluations in.

**CORRESPONDENCE** CCM workshop flyer and CT Planning and Zoning newsletter

**ADJOURNMENT:**

**M/S/C (Savalle/Volberg) to adjourn at 9:29 PM. .Vote: Approved  
Unanimously.**

**.Respectfully Submitted,**

**Sue Spang, Recording Secretary**