

SALEM PLANNING AND ZONING COMMISSION

(PZC)

REGULAR MEETING

February 28, 2012

7:00

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

Absent: M. Darling, Alt

Guests See Sign in Sheet

CALL TO ORDER:

K. Buckley called the meeting to order at 7:00. She introduced the members present.

ADDITIONS TO THE AGENDA: **None**

PUBLIC HEARING: Plan of Conservation and Development (POCD)

K. Buckley opened the meeting at 7:00. She explained the Public Hearing process. She also explained the Virtual Town Meeting and how people at home can watch and participate. She introduced the members present. (See File Copy for opening remarks)

K. Buckley opened the Public Hearing and read the legal notice which appeared in the New London Day paper on February 14, 2012 and February 21, 2012.

R. Amato read the written responses from the following towns and Regional Planning Agencies into the record.:

- CT Gateway Commission (CRERPA)
- Southeastern CT Council of Governments (SCCOG)
- Windham Region Council of Governments (WINCOG)

- Eightmile River (ERWSCC)
- CT River Estuary Regional Planning Agency (CRERPA)
- Midstate Regional Planning Agency (MRPA)

K. Buckley introduced Frank Abetti, chairman of the POCD Committee. F. Abetti gave a presentation outlining the POCD. He stated the document is advisory only and is required to be updated every ten years. Because the document is advisory it is not binding. F. Abetti stated the presentation is divided into six sections. The sections are as follows:

1. Topics

The topics are;-affordable housing, water protection, recreation, transportation, energy conservation, agriculture, historical. All of these are required to be addresses by state statute. The document also includes topics that cover other areas the residents thought important or that updated areas where technology has impacted town functions.

2. Background

The committee was formed in 2008 and has met twice a month. They are all volunteers, not experts paid to help with the update, therefore, saving the town approximately \$40,000. The committee looked at a number of POCDs, primarily, North Stonington, Guilford, Granby, East Lyme, Old Lyme, Haddam, East Haddam and the Eightmile River Management Plan.

3. Members

Sue Spang, Chairman Recreation Commission
Gloria Fogarty, Planning and Zoning Commission
Linda Schroeder, Conservation Committee
Dana Abetti, Economic Development Commission
Jim Fogarty, Board of Selectman
Sally Snyder, Chairman Inland Wetlands and Conservation Commission
Absent were Bill Schultz and Larry Reitz.

4. Resident perspectives
Town wide survey with 403 respondents
Vision Committee input which is an overarching document for the town
Board and Commission input.
The POCD reflects the high interest/positive comments for rural character, tax revenue from commercial, affordable housing municipal services and natural resource protection.

5. Guiding Principals
Reflect sentiments of the residents
Compatibility to the state and regional POCD
F. Abetti stated that the changes from the 2002 POCD as compared to the draft POCD are:
55 recommendations deleted or not included in the updated 2012 POCD
48 recommendations were maintained
57 recommendations were added

K. Buckley asked the PZC members if they had any questions for the POCD committee.

V. Smith referred to page 7 and asked if there were any water resources which were threatened at this time.

S. Snyder stated that there were not.

F. Abetti stated that there are areas that are compromised, including Salem Four Corners and the wetlands on Rattlesnake Ledge Road near a quarry.

S. Snyder stated that she was responding to the “public water supply” which she thought the questioner was asking about.

Public Comment follows:

Hugh McKenney, 33 Woodland Drive

H. McKenney stated that developing a document such as the POCD was much like making sausage. He stated that the “sausage is made and all the PZC needs to do is tie it up” He stated the POCD Committee did a fantastic job, made sound recommendations and it was his opinion the PZC should not tinker with it and approve it as is. He stated the plan is only advisory, and when it comes to actually drafting regulations based on the recommendations in the plan, that is the time to edit and massage the regulations. There will be public hearings for any changes to the regulations and the PZC could adjust in accordance with the comments from the public at any hearing. He cited an example of a regulation (PA 490) that was recommended in the 2002 POCD and when the PZC had a public hearing it proved to be very controversial and was shot down. The people will decide if there are any controversies or recommendations they do not like when there are public hearings for actual regulations.

Bob Green, 411 Forsyth Road

B. Green stated it was one of the best written government documents he has read.

He questioned whether the term “Cluster Housing” is the term the Commission wants to use. He stated there was a difference between cluster housing and conservation developments and although the two are used interchangeably they are not the same.

He pointed out recommendation 13 and worried about the reduction of lot size and how that will impact the net buildable area regulations.

He was also concerned about the spot zoning in 13.1.4.

B. Green referenced section 13.2 and suggested the members read materials by Randall Erin on conservation developments. He thought the state at one time was more open to individual septic systems as opposed to community septic systems.

F. Abetti stated that section 13.2.1 is directly from the open space plan that has already been adopted.

F. Abetti stated that 13.1.4, there is a lot of support in the state POCD for mixed use, walkable communities.

F. Abetti stated that the 1000 sq. foot minimum was to make housing more affordable by allowing smaller houses.

Roger Haynes, 207 Hartford Road.

R. Haynes stated that he likes the new sidewalk and the walking path being constructed by the town. He wanted to know if there was any other progress on the village center concept referenced in the document.

F. Abetti replied that there were recommendations in the 2002 POCD and thus a committee was set up to look at a village center. The committee recommended design standards; where the village center should be located and other recommendations. He stated the recommendations were given to PZC and it is in their hands now.

K. Buckley stated that the Village Center Committee did their job and that PZC has it on their horizon for discussion.

Pam Munro, 55 Skyline Drive

When she was reading about keeping water supplies healthy and the implementation of cluster housing, she thought the two concepts were in conflict.

She also wanted to know if there was an impact study of how many people would be affected if the Riparian Corridor Overlay Zone (RCOZ) were applied to the whole town and how many it affected with the adoption of the Eightmile RCOZ.

F. Abetti stated that the Eightmile River RCOZ covered approximately 2/3 of the town. He stated that of the towns 18,941 acres, roughly 12,200 acres are in the Eightmile River watershed. If the RCOZ is extended it will incorporate 348 acres,

equaling 1.8% of the total acreage of the town. He stated of the 2/3 acres already in the RCOZ it is only the 100 feet from the stream edge that is affected.

John Lopez, 344 Rattlesnake Ledge Road

He wondered if anyone can speak about the natural resource data base and if the property owners will have any feedback into that process and who would oversee the data base.

F. Abetti stated that it is the same principal as the archeological and natural diversity data base the town or state maintains. The main focus was to develop a separate Conservation Commission which would oversee the data base. The committee felt Salem has a lot of unique features which could be considered when development does occur. The town would be aware of the feature and would be able to thoughtfully develop and mitigate with consideration of those special features.

Andy McGurer, Valley Drive

A. McGurer wanted to know if there were any other towns that had examples of those types of data bases.

F. Abetti stated that Guilford, N. Stonington, and Mansfield have plans to inventory important natural or cultural resources to mitigate in case of development. He has not seen the actual database but thought it was a good idea to include in Salem's POCD.

Ken Bondi, Witch Meadow Road.

Mr. Bondi presented his written comments to the Commission. (See File Copy). He stated he was a firm believer in preserving water and open space and to protect the rivers. But, he thought that in that effort to protect and preserve, property rights were sometimes trampled with regulations that are adopted.

He stated in 2008 a resident living adjacent to the east branch of the Eightmile River wanted to put in a patio. He stated the resident had to spend \$ 725 in fees and he was finally granted permission to build the

patio. He stated that he thought that it would be reasonable to consider a plan to give the ZEO/WEO broad discretion to approve smaller projects and then have the Commission review the decisions at the end of the year.

Donna and Ronald Renz, 625 Hartford Road

D. Renz stated that she will be reading from prepared statements which she will send to the Commission. (See File Copy) She stated that she and her husband own 100 industrial acres and 50 residential acres. A few years ago EDC asked them to develop an age restricted development (ARD). At the time it seemed that everyone thought it would be beneficial for the town. Between 2004 & 2007 they spent time and money developing an ARD for 60 homes on 50 acres. PZC was developing ARD regulations at the time. When they were ready to submit their final plan they realized the ARD regulations had changed substantially by just changing three words. Up until March 2004 the regulations read, *the impervious surface shall not exceed 15% of the combined common land and developed land area*. She stated that a month later the regulations were changed to remove the combined land, so it read; *impervious surface shall not exceed 15% of the total land*. Because of this change their proposal changed from 60 homes to 30 making the project cost prohibitive and they had to abandon the project. D. Renz stated that she has looked through the minutes and cannot find any place where the language was changed. There was no vote to change and she believes one person on the committee changed it without the knowledge of the other members. She understands there are new members and she cautioned them to be careful that someone does not change the regulations before the final approval.

She state since that time they have concentrated on recruiting developers and have sent out letters to many companies such as Walgreens, Cosco, Sam's Club, Target, and others. D. Renz and her husband realize that all of these companies are too big for the population and existing infrastructure.

They would like the site to be beneficial to them and to the town. She stated they do not want to quarry their property forever. They would like

to see some combination of mixed use, such as village area with businesses and residents. They can only accomplish this with the help of the town. They would need the town to help with recruiting developers, installation of water and sewer, and short term incentives, as well as modification of zoning regulations. They wondered how the village center will be applied to the historical center of town and suggested starting from scratch with their property instead of disturbing an already existing area. They would really like to develop their property for something beneficial but cannot do it on their own. They would like the town to work with them on what to do with their property.

K. Buckley asked for the Renz concerns to be put on the list for follow up.

Paul Robillard, 178 Old Colchester Road

P. Robillard wanted clarification of a statement on page 7 which states that the town has 23% of open space, is it the intention to require even more open space. He thinks that 23% is a phenomenal amount of open space and now you are looking to do more?

F. Abetti informed him the plan does not call for more open space and the state recommendation is 21%. The amounts are in there for reference points. He stated the open space plan has objectives concerning open space.

P. Robillard asked if it were more than 23%

F. Abetti replied yes that was his understanding.

P. Robillard thought that was astounding.

P. Robillard questioned page 9, section 1.5.1 where fines of \$1000 can be levied for wetland violations. He thought those fines were also astounding.

P. Robillard referenced page 10, stated that expanding the watershed protection from 50 feet to 100 feet would result in property owners losing control over their land and they are losing the value of their land as well. He urged the Commission to look over the plan and compare the

preservation of land to the rights of owners. He stated that just what he has read is disturbing and property owners are going to have less and less use of their land.

G. Fogarty clarified that on page 10 that the speaker may be misunderstanding the issue and that the plan is trying to enforce what is already there. Also it depends if the stream is primary or secondary. She stated there were not many primary streams in town.

D. Bingham commented that Salem is fortunate to have streams of good quality. He stated that the Eightmile River's management plan outlines threats in Salem, one of which is development. He stated that towns downstream are asking for Salem to control contamination of the rivers. There are no direct threats that we know of but that does not mean there won't be in the future if not regulated.

S. Snyder stated in response to P. Robillard's comments that the Inland Wetlands and Conservation Commission (IWCC) already regulates fifty feet from the edge of a watercourse and they also regulate the upland review area which is seventy five feet outside the wetlands. Therefore most of the 50 to 100 feet which is being recommended for regulation is already included in the IWCC regulations except for a small percentage of areas.

There were no questions from the on-line audience.

M/S/C (Savalle/Amato) to close the Public Hearing on the POCD. Vote: Approved Unanimously

The Public Hearing Closed at 8:40.

The Commission took a recess.

PETITIONERS: None

PUBLIC COMMENT None

OLD BUSINESS None

NEW BUSINESS None

**ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION
REPORT None**

APPROVAL OF MINUTES-N/A

EXECUTIVE SESSION: None

PLUS/DELTAS: NONE

CORRESPONDENCE None

PLUS/DELTAS: The members discussed the positive and negative aspects of the meeting.

ADJOURNMENT

**M/S/C (Walter/Amato) to adjourn at 8:56 PM. .Vote: Approved
Unanimously.**

Respectfully Submitted,

Sue Spang

Recording Secretary