

**SALEM PLANNING AND ZONING COMMISSION**

**(PZC)**

**REGULAR MEETING**

**March 20, 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**

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

**PETITIONERS:** **None**

**PUBLIC COMMENT** **None**

**OLD BUSINESS** **POCD Deliberations, Possible Action**

**M/S/C (Savalle/Bingham) to approve and adopt the updated Plan of Conservation and Development with the inclusion of the Open Space Plan (OSP) as Appendix 9 and the Municipal Land Use Plan (MLUP) as appendix 10 of the document. The updated plan is consistent with the State and Regional POCD and was endorsed by the Board of Selectman on Feb 7, 2012 and the effective date of the document will be April 1, 2012**

K. Buckley stated the commission will look at a spread sheet provided by M. Chinatti (See File Copy) which addresses all the comments made at the POCD Public Hearing. She stated the first two are comments were written to them by two of the regional planning agencies. The first comment was that the future

land use map was not included. K. Buckley stated it is not required to be included in the POCD.

The second comment addressed the MLUP not included in the POCD. K. Buckley stated the planning agencies had already been mailed the MLUP. She stated it was M. Chinatti and S. Byrne's opinion that as long as the MLUP is included in the document the commission was covered. K. Buckley reminded the members it was included in the motion which takes care of the issue.

R. Amato stated that the POCD committee saw fit not to include the OSP and the MLUP in the document, why was it not brought up before.

M. Chinatti stated the OPS was adopted in 2007 with the understanding it would be incorporated into the POCD.

G. Fogarty stated the OPS has already been adopted and approved.

R. Amato objected to the OPS and the MLUP being included as part of the POCD. He stated those documents already had a lot of power and putting them in the POCD would give them more power. He stated if the POCD Committee wanted the two documents included they would have put them in the appendix.

G. Fogarty stated that if you read the document you would see both the documents were referenced in the draft POCD.

G. Walter stated it is common procedure to reference stand-alone documents. He suggested not putting it in as an appendix

D. Bingham stated they are supposed to be approving or disapproving the POCD, not other documents. They are not approving the individual appendices in the document.

R. Amato stated the documents are powerful documents

D. Bingham stated there are other powerful documents in the appendix.

R. Amato stated he does not want to take it out he just doesn't want to use it as an appendix.

M. Chinatti stated she is concerned about the legality of not including the OSP in the document. She stated the Commission's attorney said it should be part of the POCD.

G. Fogarty stated the documents are powerful whether attached or not, the document only has the power we give it. If there is an issue or problem with one of the recommendations then the time to discuss it is when the Commission decides to make a new regulation.

M. Chinatti showed the members the minutes of the January 23, 2007 PZC meeting which adopted the OSP. It states there was a public hearing concerning the OPS. A motion was made by H. McKenney and seconded by D. Bingham. It read, "To adopt the OPS dated 5/1/06, Town of Salem CT to be included in the POCD 2002, as the last section of the document with the table of contents revised as attached for the following reasons:

1. OPS plan is consistent with the POCD by accomplishing recommendation 1.1.3 10 to create an OSP
2. OPS is consistent with the growth management principals as outlined in the 2005-2010 State POCD
3. OPS has been approved by the Town of Salem's legislative body on September 20 2006

M. Chinatti stated it couldn't be incorporated in the 2002 until the POCD was revised.

K. Buckley stated that it was now part of the POCD.

R. Amato stated, "that he does not buy that"

D. Bingham stated that according to the motion it revised the POCD to include the OPS. He stated the members are just voting on the POCD document.

K. Buckley asked members what the consensus was, as to including the OPS and the MLUP.

D. Bingham stated you can make as many amendments as you want to the original motion.

R. Amato stated he would like to amend the motion made by R. Savalle

**R. Amato amends the motion to read to withdraw the inclusion of the OPS appendix 9, MLUP....**

K. Buckley stated that R. Amato needs to read the motion in its entirety.

M. Chinatti stated the person who originally made the motion has to agree to the amendment as does the person who seconded the motion.

**M/ (R. Amato) motion to have the original motion reworded to read that the open space plan as appendix 9 and the MLUP as appendix 10 be included as they currently do as referenced under associate documents and further references, rather than appendix 9 and appendix 10 respectively.**

K. Buckley stated he would accomplish the same thing if he omitted the wording from the original motion.

**R. Amato moved to adopt the updated POCD ...**

G. Fogarty asked if it would be possible to have a consensus on the issue

**R. Amato-move to adopt the....**

M. Chinatti stated it is very difficult to record motions within motions.

K. Buckley asked for consensus for taking out the two appendices.

Not to include-Amato, Walter, Smith, Volberg

To include-Savalle Bingham

Either way-K. Buckley

**Motion fails due to lack of a second**

**M/S/C (Savalle/Bingham) amend to approve and adopt updated POCD. The updated plan is consistent with the State and Regional POCD and was endorsed by the BOS on Feb 7, 2012 and the effective date of the document will be April 1, 2012.**

M. Chinatti continued with the spreadsheet.

There was discussion on the term cluster housing. M. Chinatti stated that sometimes the terms are used interchangeable. She gave examples of both cluster housing and conservation design development. .

D. Bingham stated he prefers the term conservation design. He recalls when this issue was discussed some years ago the concept of cluster housing was not liked but conservation design was acceptable.

There was a consensus of the members to change cluster housing to conservation design in sections in 13.2, 13.2.1, 13.2.2, 13.2.3 & 13.2.4.

There was discussion on water quality in reference to a question asked and answered at the public hearing.

M. Chinatti continues with more of the comments made at public hearing.

She stated that cluster housing and keeping water supplies healthy are not a conflict and are actually complimentary recommendations.

Discussion of the RCOZ as follows.

M. Chinatti stated that 1.8% of the acreage in town will be included if the RCOZ is applied to the rest of the town. She stated that amounts to 118 properties.

M. Chinatti reminded the members of S. Snyder's response at the public hearing, she stated the Inland Wetlands and Conservation Commission (IWCC) already regulates 75 feet from a wetland or stream.

D. Bingham stated that everyone in the RCOZ has to come before the Commission if they want to do something in that zone. He would be in favor of streamlining the process.

V. Smith stated he would be against the implementation of extending the RCOZ without polling the residents already in the zone as to how it affects them. He stated that coming before the commission can be intimidating for many people. He stated that all the regulations create a chilling effect on people.

G. Fogarty stated it is very expensive to the tax payer if water is damaged. It is better to prevent the quality of water from getting threatened in the first place.

M. Chinatti stated there have not been that many applications related to the RCOZ. Just because there is RCOZ on the property does not mean what you are proposing is in the RCOZ.

D. Bingham stated that it is not just protecting residents who have streams on their property but for people downstream.

D. Bingham asked, "What is our responsibility to people downstream"?

M. Chinatti stated that this is all good discussion if it comes up as a regulation change or amendment.

M. Chinatti went on a discussed other comments from the public hearing. Some of which did not pertain to the POCD.

Comments from public hearing about recruiting developers, water/sewer, short term incentives, modifying zoning regulations were briefly discussed. Some of these issues were more Economic Development issues.

M. Chinatti stated one comment addressed the \$1000 fine recommendation. M. Chinatti stated the IWCC has the right by state statute to fine people up to \$1000 for wetland violations. She stated that would take a town ordinance. She stated the IWCC would set the fines.

V. Smith stated the POCD was incorrect on the name of an historic house.

K. Buckley stated that if it wasn't brought up at the public hearing it cannot be discussed.

The members discussed changes that need to be made to the POCD;

Page 23 Section 13.2 delete the word cluster

Section 13.2.1 delete Cluster Overlay and replace with Conservation Design.

Section 13.2.2, Section 13.2.3, 13.2.4 delete the word cluster.

V. Smith recommends adding language to page 9 section 1.5.2 as an amendment to that line, something like pending a 10 year trial term and a study of the affected houses.

G. Walter asked if V. Smith was sure he wanted to put a definite time.

**M/S/C (Smith/Volberg) on Recommendation 1.5.2 Apply the Eightmile River Watershed Riparian Corridor Overlay Zone to all watersheds and watercourses adding the language pending a sufficient trial term and a study of the affected households in the Eightmile River watershed region.**

K. Buckley wondered if it was too specific for the POCD. She stated that this issue was at the heart and core of what is important in Salem. She thought it might change what the intent of the writers of the POCD had intended.

D. Bingham thought the study should include all people downstream. He worried there were restrictions on the commission before it even considers the recommendation.

V. Smith thought we should consider people of our town before we thought of other people down stream

R. Savalle stated she represents the Town of Salem on the Niantic River Watershed Commission and people down river of us are very concerned about how we treat our water.

G. Fogarty stated it is not as simple as a poll. There is a lot of work and information that went into developing the RCOZ. There was science and data collected, this should not be a knee jerk reaction. There is more to it than property rights versus clean water.

D. Bingham stated someone, possibly the state will protect the water if we don't and their regulations maybe more onerous.

**Vote: Approved. In favor-Amato, Smith, Walter, Volberg. Opposed-Buckley,Savalle, Bingham. Abstaining-none.**

The Commission discussed how to make the final motion.

**K. Buckley stated, "Let's say this, move to approve and adopt updated POCD with the revisions described below.**

**1. Page 23 Section 13.2 .1 change the word cluster to conservation design in 13.2 objective strike the word cluster. In section 13.2.2 , .3, & .4 strike the word cluster.**

**2. Page 9 amend section 1.5.2, add the words apply the 8 Mile River Riparian Corridor Overlay Zone to all watersheds and watercourses, pending a sufficient trial term and a study of the effected households in the 8 mile watershed."**

(D. Bingham suggested keeping the last two lines of the original motion.)

**The updated plan is consistent with the State and Regional POCD and was endorsed by the BOS on Feb 7, 2012 and the effective date of the document will be April 1, 2012.**

**Vote: Approved Unanimous**

K. Buckley moved the Executive Session up to include the First Selectman.

**EXECUTIVE SESSION:**

M/S/C (Buckley/Smith) to go into Executive Session to discuss Personnel Issues. Vote: Approved Unanimously.

The Commission went into the session at 9:40. Present at Executive Session were: K. Buckley-Chairperson, R. Amato, D. Bingham, G. Fogarty Alt, R. Savalle, V. Smith, W. Volberg, G. Walter, and K. Lyden at the request of the Chairman.

The Commission came out of Executive Session at 10:30

**NEW BUSINESS** None

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

**APPROVAL OF MINUTES-**

M/S/C (Buckley/Savalle) to approve the minutes of February 21, 2012 as presented. Vote: Approved. In favor-Buckley, Bingham, Amato, Savalle, Volberg. Opposed-none. Abstaining-Walter, Smith.

M/S/C (Buckley/Savalle) to approve the minutes of February 28, 2012 as presented. Vote: Approved Unanimously

**PLUS/DELTAS:** The members discussed the comments made by D. Renz at the POCD Public Hearing. She claimed that she was working with the Commission when they were developing the Age Restricted Development (ARD) and she stated that somehow one person changed a few words and made the whole regulation much different This effected the ARD they (Renz) were working on causing them to lose a lot of money. V. Smith and R. Amato thought it should be investigated. K. Buckley asked M. Chinatti and S. Spang to research the history of the ARD regulation.

**CORRESPONDENCE** workshop flyers, Our Town Salem workshop.

**ADJOURNMENT:**

M/S/C (Savalle/Walter) to adjourn at 10:42 PM. .Vote: Approved Unanimously.

Respectfully Submitted,

Sue Spang

Unapproved