

SALEM PLANNING AND ZONING COMMISSION

REGULAR MEETING

September 27, 2011

7:00

Present: R. Amato, D. Bingham, G. Fogarty, R. Savalle V. Smith Alt., G. Walter, M. Chinatti, Town Planner/ZEO, S. Spang, Recording Secretary

Absent: K. Buckley-Chairperson, H. McKenney, Alt, Vacancy, -

Guests See Sign in Sheet

CALL TO ORDER:

G. Fogarty called the meeting to order at 7:05. She introduced the members present.

ADDITIONS TO THE AGENDA: **New Business, item 2, Rescind Public Hearing Vote for November 14.**

New Business, item 3, Schedule Public Hearing for Digital Map

New Business, item 4, Update on Full Member Vacancy

PUBLIC HEARING: **proposed text amendments of Section 11 A of the Salem Zoning Regulations and Section 1.3 of Subdivision Regulations for the purpose of setting a moratorium for a period not to exceed six months, beginning on October 1, 2011 for subdivisions and certain site plan applications until such time regulations can be amended in response to PA 11-79.**

G. Fogarty read the legal notice which appeared in The Day paper on September 13, & 20th. Communications from Regional Planning Agencies were read into the record.

V. Smith was seated for K. Buckley with the consent of the Commission.

Public Hearing procedures were also read.

M. Chinatti reviewed the reasons for the moratorium. She stated the moratorium was needed in order to give the Commission time to draft regulations to satisfy new legislation, specifically PA 11-79

M/S/C (Walter/Smith) to close the Public Hearing. Vote: Approved Unanimously

M/S/C (Walter/Amato) to adopt proposed text amendments of Section 11 A of the Salem Zoning Regulations and Section 1.3 of Subdivision Regulations for the purpose of setting a moratorium for a period not to exceed six months, beginning on October 1, 2011 for subdivisions and certain site plan applications until such time regulations can be amended in response to PA 11-79. Vote: Approved Unanimously

PETITIONERS: None

PUBLIC COMMENT

E. Chmielewski, stated that he and the Republican Town Committee (RTC) were disappointed the Planning and Zoning Commission did not take the recommendation of the RTC appointing E. Chmielewski to the vacated full position, therefore satisfying the "spirit" of minority representation.

G. Fogarty stated the Commission was within its rights to appoint V. Smith, an alternate to a full member thus fulfilling their legal minority representation obligations.

OLD BUSINESS

Town Center Zone

M/S/C (Amato/Savalle) to table discussion of the Town Center Zone until the next meeting. Vote: Approved Unanimously

NEW BUSINESS

(These agenda items were discussed out of order)

2. Rescind vote for Digital Map Public Hearing

The vote for the Public Hearing which was voted on at a previous meeting needs to be rescinded due to the fact it is not a night PZC usually meets, therefore it is the wrong date.

M/S/C (Bingham/Walter) to rescind the vote regarding the Public Hearing to adopt the digital zoning map. Vote: Approved Unanimously

3. Schedule Public Hearing for adoption of the Digital Zoning Map

M/S/C (Bingham/Savalle) to schedule a Public Hearing for November 15, 2011 for Digital Zoning Map adoption. Vote: Approved Unanimously

1. Regulation amendment in response to PA 11-79

M. Chinatti discussed the amendments to the regulations that were provided to the members concerning changes in bonding due to PA 11-79. She stated she has reviewed the proposed changes with the Commission's attorney, S. Bryne and he stated they are fine and suggested the members review and comment.

M. Chinatti stated the regulations are being changed to accommodate two separate pieces of legislation which effect the same sections of the regulations. She pointed out that PA -11-5 is effective from passage which means the effective date is May 9, 2011 (the date the Governor signed the legislation) not the October, 1,2011 which appears in the draft regulations.

She stated PA 11-79 only applies to PZC but, the Board of Selectman can require a performance /maintenance bond.

M. Chinatti also stated the town's engineers are going to have to monitor development projects much more closely. The Commission will be required to act on a request to release a bond within 65 days. They will either have to release the bond or provide written comments to the developer on what needs to be completed.

It was suggested the Commission read the proposed draft and come back with questions or concerns for the next meeting.

D. Bingham asked if a developer decides not to post a bond can he sell a lot on a conditionally approved subdivision before all the improvements were completed.

M. Chinatti stated that was her understanding but she would check with Attorney Byrne.

The Commission thought it would be a good idea to ask the First Selectman to bring this issue to SECOG due to the fact all towns are facing this same issue.

4. Discuss PZC Vacancy

G. Fogarty reminded the members that V. Smith was appointed a full member at the last meeting. He has declined the appointment. If there were to be an appointment to PZC it would now have to be done by the Board of Selectman. It was her understanding that the First Selectman is not inclined to appoint anyone this close to the November elections.

Discussion on minority representation was discussed. The Commission noted there has been an alternate vacancy for some time and the position could have been appointed at any time.

ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT

M. Chinatti informed the Commission of the CLEAR workshop flyer provided to the members.

APPROVAL OF MINUTES-NA

EXECUTIVE SESSION-DISCUSS KOBYLUCK LITIGATION

David Bingham abstained from the vote, and recused himself as an abutting property owner, and left the meeting.

M/S/C (Amato/Savalle) to go into Executive Session at 8:10 for the purpose of discussing the Kobyluck litigation and to invite E. Burr and M. Chinatti. Vote: Approved Unanimously

PLUS DELTAS -

The Commission came out of Executive Session at 8:26
The commission discussed positive/negative aspects of the
meeting

CORRESPONDENCE - None

**ADJOURNMENT: M/S/C (Amato/Walter to adjourn at 8:35 PM. Vote: Approved
Unanimous.**

Respectfully Submitted,

Sue Spang

Recording Secretary

Unapproved