

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 20, 2016 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Joseph Duncan, Chair
Ron Bouchard, Secretary
Vernon Smith, Vice-Chair
Ron LaBonte
Ruth Savalle
Eric Wenzel
John Gadbois, Alternate (seated)

ABSENT

Jennifer Lindo-Dashnaw
David Miller, Alternate

ALSO PRESENT

Town Planner Richard Serra

CALL TO ORDER:

Chairman Duncan called the meeting to order at 7:00 p.m.

Alternate Member Commissioner Gadbois was seated for Full Member Commissioner Lindo-Dashnaw.

M/S/C: LaBonte/Wenzel, to approve the following alterations to the agenda:

- to move the Approval of the September 17, 2016 Special Meeting Minutes and Old Business, item 1, after Petitioners/Public Comment
- to place New Business under the Approval of the August 23, 2016 Regular Meeting Minutes
- to move Old Business, items 2 and 3, after New Business

Discussion: None. Voice vote, 7-0, all in favor.

PUBLIC HEARING: *None*

PETITIONERS/PUBLIC COMMENT: *None*

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular Meeting Minutes: August 23, 2016

M/S/C: Gadbois/Smith, to approve the Meeting Minutes of August 23, 2016 with the following amendment:

- Call to Order: ~~Vice-Chair~~ **Chairman** Duncan called the meeting to order...

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Discussion: None. Voice vote, 3-0-4. Voting in Favor: Commissioners Duncan, Gadbois, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioners Bouchard, LaBonte, Savalle, and Wenzel.

NEW BUSINESS:

- 1) **SP 9-01** Colchester Construction (RMD Land Development, LLC). Commercial Site Development Plan at 504 Old Colchester Rd. Proposed 9800 sq. ft. office building and equipment storage.

Town Planner Serra presented the plans and provided a brief background of the proposed construction of an office building and equipment storage for Colchester Construction. The area is zoned for business and is a permitted use. All of the requirements, as stated in the Zoning Regulations, have been satisfied. Both himself and the Zoning and Wetlands Enforcement Officer (ZWEO) have reviewed the plan with the Applicant's Engineering Firm. It has also been presented, reviewed, and approved by the Inland Wetlands and Conservation Commission (IWCC), a Town-hired Consultant Engineer, District 2 ConnDOT (Connecticut Department of Transportation), and the Uncas Health District.

Ellen M. Bartlett, P.E., CPSWQ, Principal, CLA Engineers, Inc., representing the Applicant, provided a brief presentation of the application. The site is located on Old Colchester Road, just north of Witter Road, and is abutted by a business zone to the east and south, residential to the north, and industrial across the street, where an existing cemetery (most current grave located is dated 1836) resides. The proposal is for a 9,800 SF office building for Colchester Construction. The building will include office space and a walkout basement, which will be utilized as a storage garage. As required, a parking area accommodating twenty-eight (28) paved parking spaces for the offices in the upper area and ten (10) paved parking spaces to accommodate the basement storage space in the lower area will be provided. Naturally sitting approximately 15' below the main area and located on the side of the property will be a storage area of crushed stone and bordered by a chain-linked fence. The storage area will be utilized to store such equipment as backhoes, bulldozers, dump trucks, etc. during the off-season months as well as pipes and the like. Also included in the proposal are two double-walled alarmed 5,000-gallon diesel fuel tanks, meeting the DOT requirements for 100% containment. Due to the concerns of the IWCC, a secondary containment system comprised of a covered 1' concrete curb, which will provide space for an additional 5,000-gallons, will be constructed. In addition, a 10,000-gallon oil separator with a manual shut-off valve for any accidental spills will be installed. As such, over 200% containment will be provided. A forebay and stormwater basin will also be installed, providing additional levels of containment and minimizing the impact of any accidental oil leak(s)/spill(s) on the wetlands. The stormwater system is designed such that there will be a slight decrease in flows from the site and will exceed DEEP's (Department of Energy and Environmental Protection) requirement for water quality storage and sedimentation during construction.

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The required buffer area of 50' will be comprised of 20' of natural vegetation and an additional 30' of a planted, staggered double row of evergreens along the northern (residential) side of the property. Native species will also be planted along the wetlands area as a buffer. The lot is currently vacant and, as permitted by the ZWEO, the area has been partially cleared. Additional clearing will take place prior to construction. The lot is 6.1 acres, 4.3 of which will be disturbed. All lighting on the property will be limited to building-mounted shielded lighting. The property will only be accessible via Old Colchester Road. The sight lines are approximately 511' to the north, which is controlled by the crest of the road, and approximately 800' to the south. In response to Commissioner Savalle, who expressed her concern regarding the safety of those vehicles exiting the driveway and the possible consideration of reducing the speed limit in that area, P.E. Bartlett stated that the CT DOT Traffic Engineer did not raise the issue for consideration.

The primary concerns of the IWCC included the containment of the diesel fuel tanks, which has been addressed and was approved under the condition that: (1) an annual report of the maintenance of the oil separator and stormwater ponds is submitted to the Town and (2) an Erosion Control Specialist is hired to conduct weekly inspections to ensure that the erosion is kept under control.

M/S/C: Smith/LaBonte, to approve Application SP 9-01 for a Commercial Site Development Plan at 504 Old Colchester Road. Discussion: None. Voice vote, 7-0, all in favor.

P.E. Bartlett thanked the Commission for their time.

- 2) **SP 9-02** Julie & Steven MacCormack (Mantis, LLC). Change of ownership and interior expansion of office and retail use at 595 Norwich Rd. (former Salem Feed & Grain).

Commissioner Gadbois recused himself as he resides on the abutting property.

Town Planner Serra presented a brief report of the application. The Applicant is seeking the Commission's approval to continue and expand the rear interior area of the facility, which was previously utilized for storage, for retail use. There is no activity being proposed for the exterior of the building. By Regulation, the Commission may waive a site plan when the use of a facility is changed and no exterior improvements of the site are needed to accommodate the proposed use. The new owners will be leasing the property with a purchase option.

Steven and Julie MacCormack presented their application. Ms. MacCormack has many years of experience in both interior design and retail sales and he is currently working as a commercial real estate appraiser. He expressed their feelings for the Town, its atmosphere, and quality and their wish to be a part of the Town. He stated that the only change they are proposing is the transformation of the warehouse/retail area into a retail space. Their goal is to involve the community (and its surrounding communities) as much as possible by

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creating spaces in the current warehouse available for rent to local artists and crafters. The MacCormack's will utilize the front retail space for the selling of a variety of gift items including used furniture, gifts, candles, consignment items, and the like. With the exception of pre-packaged food items, no food will be sold on the premises at this time. The existing propane tank sales located in the exterior of the building will remain. Additional regular and handicap parking spaces will be provided, as required. The interior modifications will be approved and inspected by the necessary individuals, e.g., Building Official, Fire Marshal, etc. There are no issues regarding access to the site on Route 82.

Currently, a tenant of the existing LLC resides in the dwelling located to the side of the property. The Applicants and their children will reside in the three-bedroom apartment located above the retail space. To the best of their knowledge, the owner will be removing the existing storage sheds.

M/S/C: Savalle/Wenzel, to approve the site plan for SP 9-0 – Julie & Steven MacCormack (Mantis, LLC). Change of ownership and interior expansion of office and retail use at 595 Norwich Rd. (former Salem Feed & Grain).

Discussion: None. Voice vote, 6-0, all in favor.

The Commissioners welcomed the MacCormack's to Salem and wished them well in their endeavor.

Due to the wording in the Regulations, which provides the Staff with some discretion, Town Planner Serra stated that he and ZWEO Burdick discussed the available options with the Applicants and the Applicants chose to present their application for approval to the Commission.

OLD BUSINESS:

2) Discuss Commission Bylaw change.

The Commissioners reviewed the relevant sections of the Town Charter and the existing and proposed By-law Amendments to Section III – Vacancies for the Planning & Zoning Commission. Discussion regarding the need to fill a vacancy with a member of the same party, the time period within which the vacancy must be filled, the expiration of the term of the individual filling the vacancy, and the procedure when the vacancy is created by the resignation of an Officer ensued.

M/S/C: LaBonte/Smith, to approve the following amendment to the Planning & Zoning Commission's Bylaws:

Section III Vacancies. In accordance with the Salem Town Charter, if any Regular Member or Alternate on the Commission vacates his or her position the vacancy shall be filled within thirty (30) days by a majority vote of all Voting Members of the Commission. Vacancies beyond thirty

(30) days shall be filled by the Board of Selectmen. The Term of Office of such filled vacancy shall be ~~the unexpired portion of the term or~~ until the next regular town election, ~~whichever comes first.~~

When the vacancy is a Commission Officer an election to fill that Office, and any subsequent Officer vacancy, will be held *within thirty (30) days of* ~~at~~ the regular meeting following the meeting at which the vacancy is received. The term of Office will extend for the remainder of the calendar year and expire on December 31st as stipulated by Section II Election of Officers, of these Bylaws.

Discussion: Town Planner Serra will revise the revision date of the Bylaws. Voice vote, 7-0, all in favor.

With regards to the current vacancy, Commissioner Savalle reported that the Democratic Town Committee had sent a letter to the Board of Selectmen, but the letter was not received and, as the result, the item was not placed on the Board's September Meeting Agenda. A copy of the letter has been re-sent and it is hoped that the item will be placed on the next Board of Selectmen Regular Meeting Agenda.

- 3) Discuss age restricted /elderly forms of housing as allowed by the zoning regulations. The Commission reviewed and discussed the previous meeting's discussion regarding the revision(s) and the possible inclusion of the following components: Approval Process and Procedures, Deed Restrictions and the Enforcement of the Deed Restriction, Sale and Re-sale, Application Type (Zone Change vs. Special Exception), Lot Frontage Requirements, and Amenities.

With regards to the issue of Deed Restrictions and whether the Town should be responsible for the enforcement of any violations, the difficulty in obtaining solid evidence that a violation exists was raised. Such lack of evidence would make it difficult for either the Housing Association or Town to enforce the restriction(s). The possibility of discussing the issue with the Town Attorney and/or the Board of Selectmen was presented.

Commissioner Gadbois felt that, based on their discussions, a Special Exception rather than a Zone Change might be more appropriate.

In terms of the sale/resale restrictions, discussion regarding the ownership vs. occupant of a home and the ability to provide the option for occupant(s) to rent rather than purchase a home ensued. The intent of the regulation would still be met whether or not the owner meets the age requirement.

Town Planner Serra emphasized the importance for the Commissioners to visualize the type of development they would like to see in and feel is appropriate for the Town of Salem and

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create a framework for the regulation based upon their visualization. Any waivers the Commission might like to grant should be included in the final Regulation.

Chairman Duncan felt that the current draft of the regulation clearly outlines the (minimum) requirements while still allowing for some flexibility, adding that the existing regulation is too restrictive. Chairman Duncan will invite First Selectman Lyden to the Commission's Regular Meeting in October and will arrange to meet with Town Planner Serra to clarify some of the issues. In addition, the Commission will continue their discussions with and gain additional insight from Commissioner Lindo-Dashnaw, who has some experience in dealing with some of the issues. A solid document could, then, be drafted for final review.

Commissioner Savalle reminded the Commission to keep in mind that their regulations are permissive such that what is not stated would not be allowable. For example, allowable items would need to be enumerated to qualify them as being allowable under the section regarding Amenities.

ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT:

ZEO Report – *none*

Town Planner Report

Town Planner Serra reported that two (2) applications submitted by T-Mobile for the utilization and sharing of existing towers located at 27 Maynard Road and 160 Witch Meadow Road have been approved by the CT Siting Council. Other enquiries have been received and the issue is currently in discussion with the Town Attorney. In addition, issues regarding the utilization of existing road rights-of way by companies, classified as utility companies, to erect poles and rent equipment arrays for data have arose.

Discussions involving the CT Siting Council and the former Department of Public Utilities Commission, PURA (Public Utilities Regulatory Authority), and CCM (CT Conference of Municipalities) are currently in progress. He will keep the Commission apprised of any developments and their effect, if any, on the Commission.

CORRESPONDENCE: *none*

PETITIONERS/PUBLIC COMMENT: *none*

Chairman Duncan recused himself and departed from the meeting at 8:56 p.m.

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Special Meeting Minutes (site walk) September 17, 2016.

M/S/C: LaBonte/Savalle, to approve the Meeting Minutes of September 17, 2016 with the following amendment:

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Adjournment: M/S/C: Smith/~~Bouchard~~, to adjourn the meeting...

Discussion: None. **Voice vote, 5-0-1. Voting in Favor:** Commissioners Bouchard, LaBonte, Savalle, Smith, and Wenzel. **Voting in Opposition:** None. **Voting in Abstention:** Commissioner Gadbois.

Commissioner Gadbois stated that he received a copy of the outline for the Site Walk from Commissioner Duncan and was able to take an independent Site Walk of the property

OLD BUSINESS:

- 1) **ZRA-SAZ 8-01** The Salem Herbfarm, 320 Hartford Rd. Application to amend Section 30.4 of the Zoning Regulations – Special Agriculture Zone – to add “Special Event Facility” and a request to designate 320 Hartford Road as a Special Agriculture Zone. **Scheduled for 9/27/16 public hearing.**

The Applicant’s representatives will provide a presentation at next week’s Public Hearing. Any questions may be presented and/or discussion may be conducted at/following the Public Hearing. Commissioner Gadbois stated that he is unable to attend the Public Hearing.

PLUS DELTAS:

The Commissioners agreed that it is nice to see new businesses coming into Town.

ADJOURNMENT:

M/S/C: LaBonte/Wenzel, to adjourn the meeting at 9:02 p.m. Discussion: None. Voice vote, 7-0, all in favor. Meeting Adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Salem