

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 27, 2016 – 7:00 P.M.  
SALEM TOWN OFFICE BUILDING**

**PRESENT**

Vernon Smith, Vice-Chair  
Ron Bouchard, Secretary  
Ron LaBonte  
Jennifer Lindo-Dashnaw  
Ruth Savalle  
Eric Wenzel

**ABSENT**

Joseph Duncan, Chair  
David Miller, Alternate  
John Gadbois, Alternate

**ALSO PRESENT**

Town Planner Richard Serra

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

Vice Chairman Smith opened and introduced the Public Hearing at 7:01 p.m.:

**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.

Vice Chairman Smith introduced the members of the Commission, noting that Commissioner Duncan is absent and has recused himself from the Public Hearing. He also introduced Town Planner Serra and the Recording Secretary.

Commissioner Bouchard recited the public notice, as published, into the record.

Town Planner Serra reviewed the procedures for the Public Hearing and the Application, stating there are two components to the Applicant’s request:

1. Zoning Regulation Change – The Applicant requests an amendment to Section 30.4, Special Agriculture Zone, Permitted Uses, of the existing Zoning Regulation to include “Special Event Facility”, noting that the list of permitted activities are Agriculture-related and include retail, manufacturing, and construction uses. The narrative, as presented by the Applicant, describes and defines the proposed activity that will take place and the

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hours of operation and should be used by the Commission as a base, making any revisions as necessary. In accordance to State Statute, a regulation change should be in compliance with the Town's Plan of Conservation and Development (POCD) and may be adopted with a majority vote.

2. Designate 320 Hartford Road as a Special Agricultural Zone – Dependent upon the approval of the Zone Regulation Change, the designation will allow for the establishment of the proposed business on the property located at 320 Hartford Road. To approve this component of the Application, the Commission must find that the Application satisfies the following items, as stated in Section 30.15 of the Zoning Regulation:
  - a. meets the intent of the Town of Salem Zoning Regulations by allowing development that encourages maintaining/preserving the rural character of the town;
  - b. is in keeping with the Town of Salem Plan of Conservation and Development;
  - c. is consistent with the comprehensive plan of zoning for the town; and
  - d. will not adversely affect public health, welfare, safety, and property values.

In addition, the Applicant is requesting two (2) waivers:

1. Site Plan generated by a certified Land Surveyor or Engineer. Because the overall footprint of the property will remain the same and no new structures are being proposed, the Applicant requests this item be waived and find that the existing Site Plan delineating the existing structures and their respective locations on the property along with their proposed improvements to accommodate their business venture be sufficient.
2. Traffic Impact Study prepared by a professional Traffic Engineer. The Applicant is requesting that the figures submitted for the average daily traffic volume, sight lines, parking, and estimated generation of traffic for their previous retail business be sufficient.

In accordance to the Regulations, all property owners residing within 500 feet of the property were notified by certified mail and the mail receipts are on file and a sign has been posted regarding the proposed business. To date, the Commission has received two (2) letters in support of the Application from the Economic Development Commission (EDC) Chairman Frank Sroka on behalf of the EDC and First Selectman Kevin Lyden. Both of these letters were read into the record by Commissioner Bouchard.

Ed Regan and Sandy Merrill, representing the Applicant, stated that the Application is in line with the intent of the Special Agricultural Zone (Section 30.1 Intent) to “continue and expand, and to promote adaptive re-use of existing agricultural buildings” and is “an asset to the town’s rural character.” Mr. Regan provided a brief history of the family farm, which goes back to the 1800s. The Salem Herbfarm was established in 1997 as a retail establishment selling such items as plants, approximately half of which were grown on the premises, garden-related supplies and gifts. They also hosted such special events as lectures, weddings, and other gatherings. The Farm includes demonstration gardens, outbuildings, arbors, sculptures, and 35 (thirty-five)

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parking spaces. Wishing to maintain its tradition and enhance the rural character of both the Town and the property, the Applicants are seeking to change the use of their facility from retail to the hosting of such special events as weddings, business events, community and regional gatherings, and the like. The following items of their Application were presented:

Facility Use and Capacity – All of the proposed activities will remain within the confines of the previously approved business and will take place within a naturally screened area. The existing greenhouses will remain on the property to grow plants for the events as well as to enhance the existing gardens. They estimate that the barn will accommodate 140 people (pending Fire Marshal approval) and 150 people in the tent.

Sound – All amplified music, announcements, and dancing will take place within the barn. Limited acoustic music may be played outdoors.

Lighting – All bright lighting will be limited to and confined within the barn while ambience lighting will be contained within the screened areas. Lighting for the security and safety of its patrons will primarily be placed within the confines of the screened area.

Seasonal Activities and Hours of Operations – The Applicants are planning to open for business in April 2018 and will be available for use from April to November. All events will end no later than 10:00 p.m. Once established, they are anticipating hosting one to two events in April, five to nine events from May to October, and one to two events in November.

Property Enhancements – Intending to maintain the current beauty of the roadside and the rural character and charm of the property and the Town, the front of the property, before the existing stonewalls will remain the same.

Site Plan – The existing site plan, which they hope will provide sufficient information for the proposed activity, was presented. The plan does not show some of the smaller outbuildings or decorative structures. There are no plans to alter the footprint of the plan.

Visual and Sound Barriers – The existing driveway will remain the same. Dense hedges will be planted or accentuated around the property to keep all event activities contained.

Parking – A parking area for 25 vehicles and three handicap parking spaces will be added within the proposed barrier. The parking area will be laid with gravel to keep the rainwater within the site.

Landscaping – The existing gardens will be enhanced to beautify the property for photographs. Additional small garden structures might also be added.

Renovations – A 15' x 52' area in the barn that was utilized as a greenroom will be renovated to provide additional seating. Air conditioning might be added for the convenience of the events during the summer months.

Restrooms – Currently, there is an ADA-compliant restroom on the facility. Porta-potties will be made available, as needed, and an additional bathroom may be constructed in the future.

Traffic and Vehicular Impact – As previously stated, the Applicants are hoping that the Traffic Survey compiled and submitted in 2008 will be sufficient. During the 19 years of business as

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The Salem Herbfarm, there have been no traffic-related issues on the property and the volume of traffic generated by the events will be substantially less. An existing sight line of 650' to the north and 1,100' to the south is well within the limits of the CT DOT recommendations.

Automobile Lights – It is felt that the visual screening will be sufficient enough to contain the lights within the property. The property located directly across the street is a vacant lot and, as such, should have no impact as vehicles exit the premises.

The intent of the Applicants/Owners residing on the property is to hand down the business to their family. They will continue to reside on the Farm and hope that their new venture will help existing local businesses as well as facilitate new businesses. He recited a statement provided by Mr. Duncan regarding their Application, stating that their intent is in line with the Special Agricultural Zone, they strive to ensure that the heritage of both the property and its Town are continued, and that The Salem Herbfarm, with its primary buildings dating back to the 1800s, would be a perfect fit under the Regulation.

Vice-Chairman Smith reported that the Commission attended a site walk of the property, including a sound demonstration, and is well informed of the Applicants' plans. He asked if there was anyone present who would like to speak in support of the Application.

Bob Ross, 48 Round Hill Road, spoke in favor of the Application. He felt that this was a great idea and noted that he recently attended a wedding on the property where Mr. Duncan described his vision to him. The Applicants have run a successful business for nearly two decades and are great residents of the Town. For the record, he also submitted a letter of support from Marshall Collins, who was unable to attend this evening's Public Hearing.

Leeland Cole-Chu, 300 Hartford Road, spoke on behalf of himself and his partner/fiancée Emily Williams, both of who wholeheartedly supports the Application. He commented on Mr. Duncan's conscientious nature as he disappeared for a short time during his daughter's wedding to gauge the sounds emanating from the event that was being held on the property. He also finds their plans to screen the property for the privacy, safety, and security of the site and its neighbors to be very conservative. As the former Chair of the EDC, he stated that this type of development is not only appropriate, but also necessary for the economic vitality of the Town and its tax base. He proposed approving the Application with two amendments: (1) change the ending time to 10:30 p.m. and (2) make it a year-round rather than seasonal operation.

Diane Weston, 47 Meadow Lane, felt that the proposal is a wonderful idea, a great use of the property, and would fulfill a need within the Town and its surrounding communities. She also felt that the facility would be utilized more actively than projected. While she understands that the Applicants are seeking the zoning regulation change because they will be growing plants that will be utilized for the event, she questioned the inclusion of "Special Event Facility", which she views more as a commercial venture, under the Special Agricultural Zone; how it would be

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defined in the Regulations, and; whether the Town Attorney was consulted regarding the zone change. She also recommended considering the submission of a site plan generated by a certified Land Surveyor or Engineer, as required. In response, Town Planner Serra stated that the need to consult the Town Attorney has not arisen. With regards to the zoning change, he clarified that the Application is not one that was initiated by the Commission, but by the Applicants as part of their application. The definition of a Special Event Facility, though defined by the Applicant in the narrative, is yet to be finalized. She reiterated that she felt it was a wonderful idea, but that some adjustments were necessary so that the regulations are more clearly defined not only for this, but for future, applications as well. Also in response, Mr. Regan noted that none of the items listed under Section 30.4 Permitted Uses are defined in the Regulations and the proposed site plan is based on the original site plan and, though the greenroom in the barn will be renovated, there are no new buildings being proposed and the footprint will remain the same.

Selectman Ed Chmielewski, 75 Beckwith Hill Drive, wholeheartedly supports the Application. Having had the opportunity to spend some time with the Applicants, he spoke of the beauty of the property, the wondrous nature of their vision for the property and the Town, its relationship with the Town's POCD, and the Duncans efforts to preserve Salem. He agreed with Mr. Cole-Chu regarding the proposed amendments.

Larry Stevens, Forsyth Road, spoke in favor of the Application. Mr. Stevens, who has served on Commission with Mr. Duncan and has visited The Salem Herbfarm, stated that the goal of the Duncans is to always do what is right for the Town and its residents/customers. He also felt that an Engineer/Land Surveyor-generated site plan is not necessary. As a former member of the EDC, he felt that their proposal is exactly what the Town needs — a business that maintains the character of the Town, brings people into the Town, and is a multi-generational business.

Dave Kennedy, 330 Round Hill Road, spoke in full support of the Application, stating that it would be “absolutely wonderful for Town of Salem” for now and in the future.

Frank Sroka, 232 West Road, speaking on behalf of himself and his wife, spoke in support of the Application, stating that it is a perfect transition of their business and that it would enhance the Town, making it even more special and unique. He felt that it was perfectly in line with the adaptive re-use of agricultural buildings and the POCD, which states the importance of maintaining the Town's rural character and its attractive features that make the Town so special.

Stu Gadbois, 42 Lakeview Avenue, spoke in favor of the Application, stating that the State of CT is currently promoting agri-tourism within which this proposal fits as it utilizes the existing property and buildings. Their proposal, he feels, would be beneficial to the Town of Salem.

Vice Chairman Smith asked if there were any other members of the public who would like to speak in support of the Application. There being none, Vice Chairman Smith asked if there were any other members of the public who would like to speak in opposition of the Application. There

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being none, he asked if there were any members of the public who have any additional comments or questions regarding the Application.

In response to the statement regarding agri-tourism, Mr. Regan added that there are a number of old farm implements on the property that will remain as vignettes. In addition, the barn, itself, is decorated with several family heirlooms, adding to the historic aspect of the property.

Vice Chairman Smith asked if there were any other members of the public who would like to speak in support, in opposition of, or any additional comments or questions regarding the Application.

Town Planner Serra reported that the Inland Wetlands and Conservation Commission is currently reviewing the possible dredging of the pond and the proposed parking area. A decision is expected at their next meeting and recommended the Commission leave the Public Hearing open.

In response to Commissioner Wenzel, Mr. Regan stated that, based upon the scale, the distance between the edge of the parking lot to the adjacent property to the north is approximately 40 feet.

In response to Ms. Merrill who, in the interest of time, requested a decision on the waivers, Town Planner Serra stated that the Commission would not be able to make any final decisions until the Public Hearing is closed. While the Commissioners expressed that the submitted site plan and traffic study were sufficient, Commissioner Wenzel questioned the Traffic Study, which was based on a daytime business, with regards to the amount of traffic in the evening; Commissioner Bouchard, who resides on the road, felt that the evening traffic is considerably less.

Vice Chairman Smith asked if there were any other members of the public who would like to make any additional comments regarding the Application.

**M/S/C: Lindo-Dashnaw/LaBonte, to continue the Public Hearing until the next regularly schedule meeting on Tuesday, October 18, 2016. Discussion: None. Voice vote, 6-0.**

**PETITIONERS/PUBLIC COMMENT:** *None*

**APPROVAL OF MINUTES OF PREVIOUS MEETING(S):**

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**M/S/C: LaBonte/Bouchard. 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 Lindo-Dashnaw.**

**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.

*Per above, the Public Hearing has been continued to Tuesday, October 18, 2016.*

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- 2) Discuss age restricted /elderly forms of housing as allowed by the zoning regulations.  
(Tabled until October 20, 2016)

*The tabling of the item was revised; the item will be discussed at the Commission's October 25 meeting.*

**NEW BUSINESS:** *None*

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

**ZWEO Report**

The ZWEO Reports for the months of July and August were reviewed by the Commission. With regards to 589 Old Colchester, by State Statute, the removal of boundary walls is prohibited and will require civil action. The ZWEO and Uncas Health District have been working with the owners of the property located at 17 Norwich Road regarding the storage of wasteful materials and unregistered motor vehicles, which has been an ongoing issue. The Board of Selectmen is currently working on the Massage Parlor Ordinance and will be working on the proposed Blight Ordinance soon thereafter.

**Town Planner Report**

Town Planner Serra noted that the amended By-Laws has been distributed to the Commissioners. The revision date will be added to the front page of the document.

The proposed location of the tower to be located on Witch Meadow Road, near Route 11, was reviewed. A workshop between the CT Siting Council and the Public Utilities Regulatory Authority (PURA) regarding the utilization of existing road rights-of way by companies, classified as utility companies, to erect poles and rent equipment arrays for data was held on the September 26, 2016.

**CORRESPONDENCE:** *none*

**PETITIONERS/PUBLIC COMMENT:** *none*

**PLUS DELTAS:**

Vice-Chairman Smith and Secretary Bouchard were commended on the Public Hearing.

**ADJOURNMENT:**

**M/S/C: LaBonte/Savalle, to adjourn the meeting at 8:17 p.m. Discussion: None. Voice vote, 6-0, all in favor. Meeting Adjourned.**

Respectfully Submitted by: Agnes Miyuki, Recording Secretary for the Town of Salem