

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JANUARY 19, 2016 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Gloria Fogarty, Chair
Joseph Duncan, Vice-Chair
Vernon Smith, Secretary
Ron Labonte
Ruth Savalle
Eric Wenzel
Jennifer Lindo-Dashnaw, Alternate
John Gadbois, Alternate (seated)
David Miller, Alternate

ABSENT

Ron Bouchard

ALSO PRESENT

Town Planner Richard Serra

CALL TO ORDER:

Chairperson Fogarty called the meeting to order at 7:00 p.m.

PUBLIC HEARING: *None*

PETITIONERS: *None*

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular & Public Hearing Minutes: December 15, 2015

M/S/C: Savalle/Smith, to approve the Regular Meeting Minutes of November 17, 2015, with the following amendment:

Page 10, first paragraph, last sentence:

... and (2) the resulting odors, noises, and traffic would be ~~in~~comparable to that of the proposed Brewery.

Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Duncan, Fogarty, Savalle, Smith, and Wenzel. Voting in Opposition: None. Voting in Abstention: Commissioner Labonte.

OLD BUSINESS:

SAZ 10-15. ~~Zack Adams~~ Fox Farm Brewery, 62 Music Vale Road. Application to establish a Special Agriculture Zone at 62 Music Vale Road in accordance with Section 30 of the Zoning Regulations for the purpose of developing a Farm Brewery

Zack Adams was corrected to read Fox Farm Brewery.

Having concluded their last meeting with a review of the list of concerns that were introduced by the public during the Public Hearings, the Commission reviewed and discussed the Application in relation to its fulfillment of Section 30-15 Findings of the Salem Planning and Zoning Commission Zoning Regulations, as required:

A zone change to create a Special Agriculture Zone shall not be approved by the Commission until the Commission finds that the proposed zone change:

- a) Meets the intent of the Town of Salem Zoning Regulations by allowing development that encourages maintaining/preserving the rural character of the town;

This item was discussed on numerous occasions and at length with the Applicant when the Application was first presented to the Commission in July 2015, at which time the Commission agreed that the Application does fulfill this particular requirement.

- b) Is in keeping with the Town of Salem Plan of Conservation and Development;

Specifically referring to Chapter 4: Agriculture & Forestry of the Plan of Conservation and Development (POCD), the Commission agreed that the relevant objectives under the following Goal have been fulfilled:

- 2. Goal: Support the State of Connecticut's goal of long-term, in-state food production at the same time preserving Salem's historic agricultural character.

The Commission has reviewed the Special Agricultural Floating Zoning Regulations and ensured "that they are supportive of agriculture and compatible with the PLAN" (Recommendation 2.1.1). In addition, upon approval, the Applicants will be utilizing the farmland to grow agricultural crops, which will be used in the processing of their final product (Objective 2.3) and ideas related to supporting "new farming and marketing approaches such as Community Supported Agriculture (CSA)" were noted in the narrative (Recommendation 2.3.2). Furthermore, the Farm Brewery identifies with the "other farming activities that could be encouraged such as vineyards, wineries and orchards." (Recommendation 2.3.4)

The comment received during the Public Hearing regarding freeform question ED5, "Which other types of business should be encouraged or discouraged?" on the town-wide survey, dated November 11 – December 31, 2009, was corrected. Nine (9) comments out of 403 respondents or 2% of the total respondents stated that he/she felt that businesses related to "Alcohol/tobacco/tattoos/adult entertainment" should be discouraged. It was also noted that a tattoo parlor was already in existence at the time of the adoption of the POCD and a liquor store has been established since its adoption, with no known complaints received to date.

- c) Is consistent with the comprehensive plan of zoning for the town; and

By virtue of the creation of the Special Agricultural Floating Zone, which allows for this type of development, the Application was deemed consistent with the comprehensive plan of zoning.

- d) Will not adversely affect public health, welfare, safety, and property values.

Should the application be approved, both the Uncas Health District and the Department of Health will continue to be actively involved and monitor and address any health issues. There is no evidence that the establishment of the Farm Brewery will adversely affect the welfare of the residents of Salem. While there are concerns regarding the consumption of alcohol, moral character, and safety, such issues are prevalent in society today and would not be unique. With regards to safety, it was felt that there would not be any major impact as evidenced by the traffic study. In addition, the Applicants have displayed a commitment to maintaining the safety of the Town and its residents, including recognizing the need to keep the road as open as possible and ensuring that the vegetation is trimmed to maintain adequate sight lines. While there is no existing data regarding the Brewery's affect on property values and it is not possible to conduct or locate an existing study, it was felt that there would be no negative impact to the surrounding property values based upon conversations that have been held with the local Tax Assessors of existing towns in which a similar business had been established. A possible improvement of the property values due to the improved appearance of the existing barn, which was a potential blight issue, was noted.

The Commission reviewed a Memorandum provided by Boundaries, Inc., dated January 19, 2016, summarizing a list of items that are included in the narrative and were discussed during the Public Hearings. (see file copy)

Commissioner Gadbois was seated for Commissioner Bouchard and Commissioner Labonte, who was absent from the last meeting, confirmed that he has reviewed the tape and minutes from the meeting.

M/S/C: Duncan/Savalle, to approve Application No. SAZ 10-15 for the Fox Farm Brewery with the consideration of certain stipulations. Discussion: The following items included in the Memorandum were discussed at length:

Page 1, 4th item: Because the ultimate goal is to ensure the success of the business, it was felt that placing self-imposed time constraints to supplier deliveries could prove too restrictive. As such, it was agreed to add the terminology, "best faith effort".

Page 2, 1st item: The question of whether the limitation to the seating allowance is too restrictive was discussed. Considering that the capacity is voluntary, the establishment is not designed for long-term stays, and with respect to the neighbor's sensitivities, it was felt that the limitation was reasonable.

Page 2, 12th item: Discussion ensued regarding the necessity of the Applicant to present their proposed signage to the Planning & Zoning (P&Z) Commission rather than the Zoning Enforcement Officer (ZEO), who traditionally approves signage and ensures that they fulfill the proper requirements. Because it is an unusual situation in which the Brewery is located in an overlay zone, it was proposed that the Applicant should present any signage proposals to the Commission as they would be more informed regarding the project and its corresponding sensitivities. When presented, discussions regarding the signage, both directional and locational, will revolve around its design and visual presentation, establishment of traffic safety, and fulfillment of the applicable requirements. After an informal vote, it was decided that the proposed signage would be submitted to the P&Z Commission for approval.

Page 2, 13th item: Because the Applicants are required to follow all State and Federal Laws, this particular item was deemed unnecessary.

Page 3, 3rd item: Though there is heavy vegetation in front of the property, due to the lack of foliage during the Fall/Winter months, it was felt that the plantings of evergreens would be necessary to help alleviate the public's concerns regarding the lighting and visibility of the property's activities.

M/S/C: Labonte/Savalle, to approve Application No. SAZ 10-15 for the Fox Farm Brewery based on the positive findings of Section 30.15, items a through d, and contingent upon the site plan and narrative that was submitted with the application along with the list of items contained in the Memorandum, dated January 19, 2016, from Boundaries, LLC, with the exception of the following items:

Page 1, item 4: **Best faith effort will be made to ~~We will~~ time supplier deliveries, ...**

Page 2, item 12: **Said sign...will be submitted to ~~either the Zoning Enforcement Officer or~~ Planning & Zoning Commission for review and approval.**

Page 2, item 13 (final item): **deleted**

Discussion: None. Voice vote, 7-0, all in favor. Voting in Favor: Commissioners Duncan, Fogarty, Gadbois, Labonte, Savalle, Smith, and Wenzel. Voting in Opposition: None.

RCOZ 12-01. Town of Salem, Multi-Purpose Path Committee. Application for 3 crossings of the RCOZ along Harris Brook extending from Music Vale Road to Round Hill Road in accordance with Section 25A of the Zoning Regulations. This application also requires a CGS 8-24 review for one of the proposed crossings. **(Scheduled for Public Hearing 1/26/16)**

The item will be discussed at their next meeting.

Sid's Auto Court Case – Update.

Sid's Auto was ordered by the DMV to construct an eight-foot (8') fence around the property in order to retain his junkyard license. He was to complete the front and part of the sides by December 31, 2015 and is required to complete the entire fence by May 31, 2016. Two DMV representatives and the Town Attorney visited and inspected the progress of the fence this afternoon. In measuring the fence, it was discovered that the fence is seven and one-half feet (7-1/2') in height. To date, no official notification has been issued by the DMV. In addition, though not part of the stipulation, the Building Department has not received any application(s) for the construction of the fence, as required by the Town.

A short recess was taken at 7:55 p.m. and the meeting reconvened at 8:00 p.m.

NEW BUSINESS:

Town of Lyme Zoning & Subdivision Regulation amendment referral as required by CT General Statutes.

Discussion ensued regarding the proposed changes. CT General Statutes requires abutting towns to review any proposed changes to the Regulations. The abutting area in the Town of Salem is zoned RU80. The proposed amendment primarily affects farms and agriculture, in general, with an emphasis on farm wineries. It was agreed that the revisions would not have any adverse impact on the Town.

M/S/C: Labonte/Smith, to inform the Town of Lyme that the Planning & Zoning Commission has reviewed the proposed amendments to the Town of Lyme Zoning & Subdivision Regulation and found that they would have no adverse impact on the Town of Salem. Discussion: None. Voice vote, 7-0, all in favor. Voting in Favor: Commissioners Duncan, Fogarty, Gadbois, Labonte, Savalle, Smith, and Wenzel. Voting in Opposition: None.

REPORTS:

ZEO Report – (see file copy)

The Report includes the ZEO and Wetland's activities from August to December 2015. Waivers include mechanical and non-structural addition permits, e.g., re-roofing, electrical, plumbing. Town Planner Serra will inquire as to the exclusion of the name of the individual(s) applying for permits, which was provided in previous reports.

Town Planner Report

Town Planner Serra reported that a referral from the town of Montville regarding a change in their zoning parcels that would enable them to construct higher density multi-family housing, primarily around Routes 395 and 32, will be presented to the Commission at their next meeting.

CORRESPONDENCE: *None*

PLUS DELTAS:

Commissioner Duncan commended Chairperson Fogarty on the Public Hearings. It was noted that the discussions, being spread over three meetings, were beneficial to both the Commission, who were able to take the time to adequately process and absorb the materials and make an informed decision, and the public, offering them ample opportunities to express their concerns.

ADJOURNMENT:

M/S/C: Labonte/Smith, to adjourn the meeting at 8:17 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

APPROVED