

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 17, 2015 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Gloria Fogarty, Chair
Joseph Duncan, Vice-Chair
Ron Bouchard
Ron Labonte
Ruth Savalle
Vernon Smith
John Gadbois, Alternate (seated)
Jennifer Lindo-Dashnaw, Alternate

ABSENT

Eric Wenzel

ALSO PRESENT

Town Planner Richard Serra
First Selectman Kevin Lyden

CALL TO ORDER:

Chairperson Fogarty called the meeting to order at 7:00 p.m. and introduced the members of the Commission.

Commissioner Gadbois (R) was seated for Commissioner Wenzel (R).

PUBLIC HEARING:

SAZ 10-15 – Fox Farm Brewery, LLC, 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.

Chairperson Fogarty opened the Public Hearing and Secretary Smith recited the legal notice as printed in the *The Day* Newspaper. Chairperson Fogarty reviewed the procedure for the Public Hearing and announced that the Public Hearing will be moved to be continued and no final decisions will be made regarding the application, pending the final report from the Inland Wetlands Commission. As such, the earliest a decision will be made regarding the application is December 15, 2015.

Town Planner Serra stated that, as noted in the public notice, the application refers to a particular section in the Zoning Regulations to establish a Special Agricultural Zone. This regulation, in turn, refers to another regulation, which states that the procedure, similar to a zoning change, requires a public hearing. The following items have been completed and submitted by the Applicant, as required by the regulations:

- All notices to the newspaper and abutting property owners, and their respective mail receipts, and proper signage have been completed within the appropriate time frame, as required.

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- As stated in the notice, concerned residents may submit a verbal or written statement regarding the application. To date, he has received a total of ten (10) e-mail messages in support of the application.
- Site plan laying out the specific activity of the proposed location, drainage summary, and lighting plan.
- The site plan has been reviewed and approved by the Uncas Health District, with conditions.
- The site plan has also been reviewed by himself, the Fire Marshal, and the Building Official and minor modifications have made to the original plan. It has been determined that the proposed site plan would work well for the location in question.
- The Traffic Report, which shows that the site will work well within the existing road network, has been submitted. The Report includes traffic counts on both sides of the drive and an annual average daily traffic count, summary of traffic accidents, and an estimate of the traffic to be generated by the proposed activity. One constraint, which is included in the modified site plan, is the improvement of the sight line east of the drive. While the Report does not provide any indication or recommendations regarding signage, he has suggested the installation of appropriate signage, directing visitors to the property, located at key location(s).

Upon closing the Public Hearing, the Commission is required to make the following findings:

1. The proposal must meet the intent of the Town's Zoning Regulations in preserving the rural character of the Town
2. is in keeping with the Plan of Conservation and Development
3. is consistent with the Comprehensive Plan of Zoning for the Town
4. will not adversely affect the public health, safety, welfare, and property values

PETITIONERS:

AICP Certified Planner and Certified Soil Scientist Demian Sorrentino, Boundaries, LLC, Griswold, CT, thanked the public for attending this evening's Public Hearing and introduced himself; John Faulise, CT Licensed Land Surveyor and Principal of Boundaries, LLC, and; Zack and Laura Adams, Owners and Principals of Fox Farm Brewery.

Mr. Sorrentino reviewed the overall site plan of the project proposal, which utilizes a very small portion of the 31-acre property. Constructed in the early 1960s, the proposed Brewery will be located in the existing dairy barn, with the proposed Tap Room located in the front gable end and the brewery and loading/receiving area in the rear gable of the building. Improvements will be made to increase the sight line to 370 feet east of the driveway, in accordance to the 85th percentile speeds, as recommended by Bubaris Traffic Associates and required by the CT Department of Transportation. The improvements will exceed the required 280-350 foot sight line. The Inland Wetlands Commission is currently reviewing their application for the clearing of shrubbery and small trees located along this sight line. The existing sightline of 445 feet to the west well exceeds the recommended sight line distance of 285-360 feet. As one enters the

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driveway, visitors will be greeted by a large oak tree to the right and front of the proposed Brewery. The oak tree is an integral component in the design and will be maintained. The front parking area will consist of a total of eight (8) parking spaces and one (1) van-compliant ADA accessible space. Two apricot trees are proposed for planting in this area. A walkway will be constructed leading from the parking area and ADA-complaint parking space to the Tap Room door, which will be installed to the right of the existing barn doors. Additional parking spaces will be available along the side of the building and a grassy area at the rear gable end may accommodate any parking overflow. An outdoor patio will be located to the left of the front gable end. While the main parking area will be two-way, the drive from the side of the building will be one-way and loop around the building, from the front to the rear gable end, leading back to the main access drive. Appropriate signage will be placed at key points to help direct the traffic. There are currently no plans for the existing silo. The existing outlying buildings will remain. The locations of the sanitary system, underground liquid wastewater tank, and underground propane tank were shown.

Along with the site plan, a five-sheet Plan Set, in accordance to Section 30 of the Town's Zoning Regulations, was submitted. The Plan Set includes any revisions as recommended by the Town Planner, Building Official, and Fire Marshal and is comprised of the following:

- Sheet 1: Cover Sheet
- Sheet 2: Existing Conditions Plan, which includes an A-2 Survey of the front portion of the property, topographic survey, wetland delineation, and existing improvements. Pictured are the existing barn and outbuildings, which are currently being utilized for storage, fruit trees and berry varieties that have been planted, underground utilities from the barn to the shed, and the existing drainage improvements.
- Sheet 3: Proposed Site Development Plan includes all of the proposed improvements to utilize and transform the former dairy barn into the proposed farm brewery and support the business property. The Plan depicts the location of the primary parking area and the van-compliant ADA parking space where two pole lights will be installed. In addition, one wall light will be placed at each of the gable ends. A concrete pad for mechanical equipment, a concrete dumpster pad, and five (5) additional parking spaces will be placed along the side of the building. The two existing wells will be abandoned in accordance to the Well Drilling Association's requirements and overseen by the Uncas Health District. A 400 square foot loading area will be located at the back gable end. Storm water runoff will be directed over land towards the grassy area and drain into the wetlands located on the other side of the main driveway, in accordance with Low Impact Development requirements. Located at a distance from, but in the vicinity of the facility, is the proposed well, which will be protected by a split rail fence. As required by Uncas Health, a Screening Application has been submitted to the CT Department of Public Health for a public water supply determination. In addition, an application for a permit for the installation of a 5,000-gallon underground wastewater storage tank, which will house the liquid waste from the

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brewing process, will be submitted for approval to the CT Department of Energy and Environmental Protection (DEEP) Wastewater Permitting Section. The black water from the Tap Room wash sink and lavatories will be drained to the on-site septic system. A 2,000-gallon underground propane tank with concrete bollards to protect it from any vehicular traffic will also be installed. The access drive has been designed so as to avoid any interference of the existing transformer pad and underground utilities. Also proposed is a 16 (sixteen) outdoor seasonal seating area, with the required fencing. An additional seating area for 16 (sixteen) people will be located in the Tap Room.

- Sheet 4 details the construction of the septic system, which has been reviewed and approved by the Uncas Health District.
- Sheet 5 includes the detail sheet of the narrative and notes as well as the Photometric Demonstration Plan, which illustrates the dissipation of light from the proposed pole lights and wall units. The lights will not cast light onto the adjacent properties and are directed downwards so as to avoid hindering the darkness of the night sky.

Mr. Faulise presented the findings of the Traffic Study conducted by Bubaris Associates. Based upon an evaluation of the current site conditions and the anticipated maximum traffic flow for the site, it was concluded that the proposed farm brewery would not have any adverse impact on the traffic or traffic safety of the area. The Report includes a description of the site location, its existing conditions, which includes traffic counts and data conducted from September 21 to 28, 2015, number of traffic accidents, and a final analysis based upon the operational days and hours of the proposed facility. The Study found that approximately 473 to 491 trips/day is currently being taken on the road in both directions. The estimated trip generations of the project are 29 trips/day, based upon normal operations, i.e., including delivery trucks, wastewater hauler, trucks for the removal of spent grains, employees, and patrons. The hours of operation upon launch will be:

Brewing Operation:	Monday – Saturday	7:00 a.m. – 5:00 p.m.
Tap Room Operation:	Thursday and Friday	3:00 p.m. – 7:00 p.m.
	Saturday	12:00 p.m. to 6:00 p.m.
Tap Room hours will gradually increase to:	Wednesday – Friday	12:00 p.m. – 7:00 p.m.
	Saturday	11:00 a.m. – 7:00 p.m.
	Sunday	11:00 a.m. – 6:00 p.m.

In addition, the Brewery anticipates to host approximately four (4) events/year for the release of a seasonal brew or new product during which additional activity may be generated. The estimated trip generations for these events are estimated at 48 trips/day and can be compared to the average number of days of a single-family home, which is estimated at 10 trips/day. Taking into account these estimations, the expected increase in traffic is estimated at 7-15%. In addition to the traffic count, both east and westbound speeds are calculated and the 85th percentile is determined. The 85th percentile indicates the speed at which 85% of the vehicles are reaching. Due to the

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curvature on the road, traffic is slowed in this particular area. The traffic eastbound is estimated at 25 mph and 26 mph westbound. As previously indicated, the required sight lines for those speeds are 350' eastbound and 360' westbound and the current sightlines are 445' eastbound and 285' westbound. The latter of can will be remedied by the clearing of vegetation and partial removal of an existing stonewall, resulting in a final sight line of 370' westbound. The Level of Service, a criteria included in the Highway Capacity Manual and based on the existing conditions, is classified as "A" on a scale of A through F. Level of Service A is defined as a result of zero to very little delay or ten (10) seconds of delay in traffic movement. The accident study portion of the report indicates that, over a three (3)-year period, five (5) accidents were reported, one of which occurred within the vicinity of the site. The proposed improvement of the sight line would, most likely, have avoided such an accident from occurring. As such, one might conclude that the improvement would be beneficial by eliminating the blind point. Mr. Faulise recited the concluding paragraph in the Report, which states that:

... the proposed farm brewery facility should not have an adverse impact on traffic operations or traffic safety as proposed given its relatively low trip generation potential; the relatively low traffic volumes on Music Vale Road which will serve it; the proposal to provide and/or improve required sight line distance to and from the proposed site drive; excellent levels of service for this site drive for the projected maximum combined peak hour traffic volumes; and satisfactory traffic crash experience for the subject study area with no apparent conditions requiring improvements and/or patterns that may be exacerbated by the proposed facility.

Mr. Adams thanked the Commission and public for their interest in the project and provided a presentation regarding the history, condition, proposed improvements, and operations of the proposed Brewery. The proposed Brewery will be the first of its kind in Southeastern CT. As a nod to the history of the road, the Brewery will be named Fox Farm Brewery. In beginning the process, a Special Agricultural Zone application was submitted to the Town. As stated in the regulations, the intent of these regulation is "to establish a floating zone to ensure that those uses continue and expand, and to promote adaptive re-use of existing agricultural buildings." Mr. Adams reviewed the history of the dairy barn, which was constructed during the early 1960s. Following the demise of the farming operation, the farm fell into a state of disrepair and neglect. The property was later subdivided and sold and the barn and its surroundings were restored in 2000. The Adams' purchased the property in 2012 and, due to the passage of time and purchasing process, the area became, again, overgrown. Clearly, the property illustrates a fundamental part of their application in that it is not currently being utilized to its full potential and can either be a great asset or a liability to the community as well as a potential blight issue. As such, they are proposing to utilize and extend the agricultural uses of the property's past and celebrate the Town heritage in a very unique way. They have begun growing a handful of brewing ingredients, including hops, blueberries, raspberries, and cherry trees, on the property. Upon approval, they plan to plant a half-acre or 75 hop plants, 24 fruit trees, 45 raspberry bushes

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and other brambles, 20 blueberry bushes, along with spices and herbs — all of which will be utilized in the brewing process. The farming element is an important part of their Brewery vision, the crops providing ingredients that are rich in character and achieving a sense of place that is rare in the beer world and is often an element reserved for wine. In addition, they will be purchasing products and supporting local growers and suppliers, many of which will provide ingredients tailored to meet the demands of local craft brewers. The structural integrity of the barn has been assessed by GNCS Consulting Engineers, P.C., Old Saybrook. In an effort to design the renovation in a way that preserves the original character of the building, they have engaged the services of Austin Design, Colrain, MA, who have experience working with New England Breweries as well as a passion for adaptive re-use projects and agricultural structures. Working within the existing building, the linear format of the barn provides an ideal format for the processing of beer, from the loading/production area at the rear of the building to the storage, completed product, and tasting room at the front. The Tasting Room, one may taste and purchase 2 liter or 750 milliliter swing top growler(s) and/or merchandise. A brief description of the process within the building was explained. Much like visiting a local winery, the Tasting Room will, first and foremost, allow patrons to explore and experience their product as truly a farm product as well as tell their story thus differentiating them from other breweries.

In conclusion, Mr. Sorrentino reviewed the four findings, as required in Section 30-15 of the Town's Zoning Regulations, in relation to their application, stating that their application meets the requirements and standards of the Zoning Regulations and the proposal will offer a true asset to the Town of Salem that does not currently exist.

In response to Commissioner Smith, Mr. Adams stated that they will be conducting very limited bottling of some small batch beers on-site. Chairman Fogarty reported that most of the members of the Commission attended a site walk of the property and discussed the individual components of the plan. She opened the floor to the public for their comments.

Frank Sroka, 232 West Road, Chair, Economic Development Commission (EDC), spoke on behalf of the EDC, which has been in the process of encouraging and enhancing their support of local businesses that maintain and/or enhance the local character of the area while providing new services to the community. Mr. Adams attended and provided a similar presentation to the Commission at their Regular Meeting in October. The Commission was very impressed with his presentation and felt that his concept of adaptive re-use of a long-term building in the Town of Salem that has been in a state of disrepair for a number of years would be a perfect fit with regards to the Commission's mission and the future of the Town. As such, the EDC officially voted to unanimously express their support of the project.

Catherine Oemcke, 106 Music Vale Road, thanked the Commission for allowing her the opportunity to speak. Coming from New London and upon visiting the Town, she fell in love with its rural character, eventually persuading her husband to move to their current property 37

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years ago. While she encourages and supports new businesses, she expressed her reservations with the proposed Brewery, including its magnitude, additional traffic, safety of the road, possible drunkenness, and loss of privacy and peace. After conducting some research regarding breweries, she found that most are located in commercial and industrial areas and results in by-products. The proposed Brewery would produce a maximum of 150,000 gallons of beer, resulting in 75,000 pounds of by-products – numbers which appear large for such a small facility. She is concerned with the additional traffic, especially during inclement weather, as many do take walks along the road, as well as the possible abuse that can occur should the property/business be sold. She also questioned whether the Commission would still support the brewery should they reside on the street. In addition, she noted that the list of Permitted Uses and Regulations, included in the Zoning Regulations, does not include breweries, which is very different from a winery, resulting in a different operational impact on the Town. She hopes that the Commission will seriously consider her concerns regarding the brewery, which she views as more of a commercial/industrial endeavor than one that is rural/agricultural.

Therese Natoli, 89 Music Vale Road, a native New Yorker and a 20-year resident of Salem, stated that, while she supports new businesses, especially those maintaining the rural/agricultural character of the Town, she did not consider a brewery as an agricultural use of the property. She is concerned, first and foremost, with the traffic on the road, which often serves as a cut-through between Routes 82 and 85. She is afraid that their usual quiet weekends, which serve as a reprieve from the busy weekday traffic, will be interrupted by the additional traffic. She is also concerned with the noise pollution emanating from partying crowds and additional lighting that would interrupt the peace, solitude, and privacy of the area. It has been suggested to her that the proposal is a “done deal” and urged the Commission to proceed slowly and be moderate and prudent when determining the growth of the brewery. In response, Chairman Fogarty emphasized that the application is not a “done deal” and has rigorously urged the Commission to not discuss the issue outside the Public Hearing and maintain a neutral position.

Carole Eckart, 9 Music Vale Road, thanked the Commission for taking the time to listen to their concerns and expressed her support. She felt that the proposal is within the confines of the existing barn and repurposes a lovely asset of the Town in a manner that utilizes a lot of imagination. While safety and the impact on the environment are important concerns, it appears that the applicant has gone through great lengths to address those particular concerns in their detailed proposal. She cannot think of anyone they would rather provide such an opportunity to do something new and different than to a long-time resident of the Town.

Carl Nawrocki, 9 Music Vale Road, spoke in support of the proposed brewery. As one of the residents who walk their dogs in the morning hours, he suggested requesting the police to monitor the area as those who speed on the road are often comprised of parents driving their children to school and talking on their cell phone rather than an occasional driver. He felt that if people are slowing down to enter the facility, the traffic will also be slowed down.

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Conrad Theis, 6 Clark Lane, spoke with regards to the hazard caused by those who are speeding during the peak hours of 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. to those who are running, walking, and biking along the road.

Dennis O'Sullivan, 170 Norwich Road, located end of Music Vale Road, a resident of since 1996, stated his support of the proposal. He understands the concerns of neighboring residents, but felt that the brewery would be a good addition to the Town.

Mark and Linda Frausini, 212 Music Vale Road, who, admittedly gifted Mr. Adams with his first beer kit, spoke in support of the application. He currently owns a vineyard and, now, hops. He felt the business will encourage people to visit and spend money within the Town and is in keeping with the spirit of the farm and building as it was originally intended.

Bill and Dara Ryan, 33 Cedar Hill Lane, commended the presenters for a clear and informative presentation and expressed her support of the proposed Brewery, which they felt is a good re-use of the property and a great fit for the Town.

Andy Frausini, 389 Darling Road and 225 Hartford Road, a 40-year resident of Salem, spoke in support of the application and revisited his memories of the corner country store that was torn down. He would not like the barn to succumb to a similar demise. While he, too, had reservations regarding the Brewery, after investigating and obtaining the facts of the business and determining the lack of impact on the land, his opinion has since been revised and now supports the proposal 100%. He expressed his appreciation and respect for the neighbors' comments and thanked the presenters and the Commission for their care and concerns. The fact that the Town holds of such forums where the public may express their concerns in a civil and respectful manner makes him proud to live in Salem.

Doug and Beth Cummins, 375 Forsyth Road, spoke in support of the application and, having worked with Carl Nawrocki on the construction of the new Library, he commended the applicant for the time and energy they have invested in the project. He also commended them on their presentation saw no reason why the project should not proceed as presented.

Dan Frausini, 225 Hartford Road, owner of a small family business in Salem, spoke in support of the application, which will, in turn, support the Town and was impressed by all of the time, energy, and work the applicant has invested in the project to make it come to fruition.

Ray Geer, 175 Music Vale Road, spoke in support of the application. Having been in the septic tank business for over 20 years, he stated that the wastewater product is "as harmful as lawn clippings", and, if applied for with the State, may be permitted to be utilized as fertilizer. He added that the dried grain provides excellent feed for cattle.

Mary Maiorano, 156 Music Vale Road, a 59-year resident of Music Vale Road, expressed her concerns with the proposed brewery. She is happy that the barn has been restored and agrees that it should be maintained, but felt that other uses for the barn exist. She wondered why there will be no grains growing on the property for the production of the beer and expressed her concerns

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regarding the amount of water the brewery consume and the resulting lowering of the water table. She questioned the storage, location of storage, length of storage time, and resulting odors of the by-products. Finding the Traffic Report “hard to believe”, she expressed her concerns regarding the additional traffic and the rate of speed of exiting visitors after they have had a few beers as she has requested no truck signs, speed bumps, regular monitoring of speed over the years.

Bill Weinschenker, 99 Music Vale Road, stated that, while he is not opposed to the Brewery, itself, he is opposed to having the Brewery on his road. He requested that the Commission carefully consider the zoning change and drew an analogy to a small gravel pit that was later expanded to something larger. He requested a quantification of how the brewery would improve the Town, whether it would increase the tax base, increase in the assessed value of the property, and/or generate additional tax revenue. He commended and encouraged the entrepreneurial nature of the applicants.

Diane Gilbert, 25 Pratt Road, who lives approximately 0.5 miles from the property, spoke in opposition to the application and questioned the serving of alcohol in the middle of a residential area and the level of sobriety of those departing the facility. The proposed brewery, she felt has the potential to grow and, ultimately, wreak havoc in the area.

Ed Natoli, 89 Music Vale Road, spoke in support of the project for the Town of Salem, but in opposition to the project for the proposed location. He has been serving on two of the Commissions dealing with the project and was in support of the proposal until he received and reviewed the Traffic Report as a number of residents do walk on what he feels is an unwalkable street. The zoning change will hit the immediate neighboring homes the hardest. He recommended the changes be conducted in phases and, similar to the Roundabout, a creative solution to deal with the traffic on the road be made. Chairman Fogarty reminded the public that the Roundabout was a State project, dealing with State regulations, and that a different set of circumstances would be presented for a Town road. She also stated, in regards to those comments regarding the division of the project in various phases, that, should the application be approved, it would only be approved for the application as presented. Any expansions, additions, and/or changes to the originally proposed application must be approved by the Commission. Mr. Natoli requested a review of the various phases of the project in an attempt to place some checks and balances as the project would involve not only a brewery, but also a commercial business in a residential area. Chairman Fogarty stated that some of his suggestions are not under the purview of the Commission as partial approvals are not granted.

Paul and Carol Gentile, 94 Witter Road, voiced their support for the project, which they felt would be good for the Town. They, like Mr. Adams, gifted a beer brewing kit to their son who is also opening a similar type brewery in Massachusetts. She commended Mr. and Mrs. Adams for investing the time, energy, commitment and funds for the proposal. She also noted that a new liquor store is located at the end of Witter Road and no adverse effects have been experienced to

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date. Mr. Gentile also commended them for investing in this project and hopes that they will remain in Town.

Alex Alevras, 719 West Road, Co-Owner, 2 Brothers Pizza Restaurant & Pub, spoke in support of the application. He has resided in Salem since 2002 and, along with his brother, runs a successful business in Town. They both love and support the Town and responded to those who expressed their concerns regarding the drinking, stating that, volume-wise, a restaurant sells much more beer than a brewery. In addition, patrons of a restaurant drink on the premises and drive home whereas, in a brewery, patrons would purchase the beer and drive home. Like he and his brother, he is sure that the Adams' would not endanger their livelihood and would ensure that those who appear questionable after tasting their beer are provided with a safe ride home. They, like the Adams', love and respect their Town and behave responsibly to ensure the safety of the members of the community. Taking into account the time, energy, effort, and funding invested into such an endeavor, he does not foresee the Adams' selling their home and/or business in the near future. Furthermore, patrons of the brewery would also, no doubt, patronize other businesses in Salem. In response to the speeding, he stated that, in comparison to those travelling on West Road, travelers are often speeding at a speed higher than that of on Music Vale Road.

Sue Spang, 129 Hartford Road, spoke in support of the brewery. While she does not live on Music Vale Road, she does reside near Hagen Road, another cut-through road between Routes 82 and 85. As a member of the Planning of Conservation and Development (POCD) Committee, she stated that the brewery is exactly the type of business the Committee had in mind. A brewery was not mentioned as an example due to the Committee's lack of imagination, but felt that a winery is very similar to a brewery. She suggested the possibility of placing specific conditions on the application, as they, perhaps, should have done with the quarry to avoid any potential issues. She commended the Adams' bravery in pursuing such an endeavor.

First Selectman Kevin Lyden, similarly, stated that the brewery is the type of business the Town was seeking as designated in the 2002-2012 POCD and reiterated in the 2010 Vision Study. The business will be conducted within the confines of the existing barn and, as stated by the Chair, any expansions, additions, and/or alterations would need to be approved by the Commission. He noted the two locations of Treasure Hill Farm and Salem Auto and the small liquor store, all of which not only bring in additional tax revenues, but also enhance the neighborhood. With regards to the traffic, he will request the two new Resident State Troopers to conduct stricter enforcement as they have done at the Roundabout. He has met with Mr. Adams and realizes the substantial amount of time, energy, work, and funds he has invested and will invest in the business that is bound to be successful. The Brewery, he felt, is a good fit for the Town, which has experienced some difficulty attracting new businesses.

Frank Zeleznicky, 630 West Road and owner of 136 Music Vale Road, a 45-year Salem resident, spoke in favor of the Brewery. With regards to the traffic, he felt that every road has their traffic issues. He agreed that the Brewery would be good for the Town and would like to see the Town

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attract more new business so as to help alleviate their taxes. In addition, most breweries limit the serving of beers to one or two drinks and felt that the Adams' can set similar limitations.

Zoe Oemcke, 106 Music Vale Road, expressed her concerns regarding the traffic on the road. She felt that the Traffic Study, most likely, included a count of the vehicles of those residing on the road. Inviting outside visitors/non-residents/strangers into their neighborhood could pose other issues, including issues caused by those who opt to remain in the area and those driving in an unfamiliar area on an unfamiliar road, inviting activity that may not be considered normal in a residential neighborhood. She also did not agree with the likelihood of the visitors patronizing other local businesses.

Chairman Fogarty addressed the comment regarding the lack of mention of breweries in the Regulations regarding the floating zone. In consulting with the Planning & Zoning Attorney, it was clarified that, because they do not actually define winery in that section, it was very appropriate to consider a brewery or a distillery as a very similar type of business and, as such, it would be very appropriate to consider that as a piece of this application for a floating zone to be applied in this area. Impressed by the audience and the quality of remarks presented to the Commission, she thanked the public for speaking from both their heads and their hearts and ensured them that their comments will be taken into consideration.

Mr. Sorrentino agreed that much constructive conversation was presented by the public and Mr. Adams commended the public for providing a very civil and complete discussion on a wide range of topics. In response, the presentation team addressed some of the issues that were raised.

Odors: The closest neighbor from the barn is located approximately 350'; at most, odors may emanate within 50' of the barn during the brewing process, which will last approximately eight (8) hours at the start. As such, none of the neighbors will experience any odors and any smells emanating from the brewing process would be dissipated. The odor will be similar to that of baking bread.

Fermenting Grain: Spent grain will not be fermenting on the property. After the sugars are extracted from the grain, they will be contained in bins and be distributed to local farms and be used for feed for cattle. The grain will be provided to the farms free of charge and picked up on the day of production, thereby preventing the grain from fermenting or smelling. Should, for any reason, the farm be unable to pick up the grain, they will be able to store the grain in their large walk-in cooler to help contain any odor(s) and prevent fermentation.

Location of a Brewery in a Rural Setting: While the situation is very unique, it is not unheard of. The brewery would be the second such brewery in the State, the first being Kent Falls Brewing Company located in the Town of Kent. Other similar successful breweries located throughout the northeast include Treehouse Brewing Company, Monson, MA and Hill Farmstead Brewing Company, Greensboro Bend, VT. The breweries are success stories not

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only with respect the quality of the beer they produce, but also what they bring to their neighborhoods and community.

Water Usage: In comparison to a dairy farm operating at full capacity, for which it is currently zoned, the Brewery would utilize less than half as much water. In addition, in accordance to the Public Health Code, like a single-family residence with a 75' well protection radius, no more than ten (10) gallons of water/minute will be withdrawn from the well. Due to the configuration of the lot, they are not able to provide the 150' well protection radius that would allow them to increase the amount of water withdrawn from the well. A condition will be placed on their Well Permit and a restrictor, which will be inspected and approved by the Health Department, will be placed on the well to ensure that the amount of water being utilized is not exceeded.

Tasting Room: The facility will be confined to the hours as stated. He agreed with Mr. Alevras who stated that it is about responsible service and assured the public that they would not serve an individual who is inebriated or, in any way, may serve a danger to the community.

Bar Classification: It was clarified that the hours of operation conclude at either 6:00 p.m. or 7:00 p.m., at latest, and, as such, would not classify as a bar. Patrons will not be racing to the facility after working hours for a drink or visiting during the afternoon hours to view a ball game. Rather, they will arrive, taste, purchase, and depart from the location, just as they would do at a local winery.

Expansion and the Success of the Business: The presentation was based upon a very detailed business plan of the Adams' vision. The business would constitute their livelihood and there are no plans expand the Brewery beyond what has been discussed and proposed. As previously stated, any expansions to the business will require additional approval from the Commission. In addition, the selling of the property/business by the Adams', a young couple who are making a significant investment in the Town, property, and business, is not foreseen.

Traffic: The Traffic Study was compiled by a Certified Traffic Consultant, whose qualifications enable him to create and defend the report. While James Bubaris, P.E., was unable to attend tonight's meeting, he may, at their request, be able to attend next week's meeting and answer any questions or respond to any concerns they might have. The traffic counts are based on the actual number of vehicles travelling in either direction of the Road from the driveway of the proposed location and the dates, times, and speed are as indicated in the report. The factual data, i.e., site location, site plan, square footage of the building, number of traffic accidents, and other existing conditions, combined with the details included in the proposed Business Plan, including those elements related to the operation of the business, i.e., pick-ups, deliveries, and number of employees, hours of operation, maximum capacity, were used to create the final evaluation. The anticipated flow was based upon the information received by similar farm breweries. The collecting agent, who installs and de-installs the

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counters and collects the data is a third-party company, providing an additional level of accountability in accounting.

Wastewater: The resulting wastewater will be clean and highly organic in content and, when deposited into municipal sewage plants in large doses, causes havoc due to its high biological oxygen demand (BOD) level. The wastewater will be stored on-site in an underground tank, picked up, and stored at the New London Wastewater Treatment Plant where it will be disposed in acceptable increments. Containing what is considered to be good BOD, the wastewater is neither toxic nor chemical and, should the Adams' formulate a DEEP-approved Nutrient Management Plan, may be re-utilized on the property and/or can also be sold for re-use.

Production Volume: Approximately 1,000 barrels of beer are planned for production in the first year of business, growing to a maximum of 5,000 barrels. Along with the production area and hours of the proposed facility, any additional volume of production will require additional approval by the Commission.

Lighting: Per the Photometric Plan, the proposed lighting will not flow onto the adjacent properties. In addition, per the requirements under Section 30 of the Zoning Regulations, spec sheets of the proposed lighting have been provided indicating that the wall mounted and pole lights will shine downwards and should not affect the darkness of the sky.

Chairman Fogarty confirmed that, while assured by the testimonies regarding the character of the applicants, it would not be a factor to be considered by the Commission during their deliberations. The approval will be based upon a thorough review of the application, ensuring that it meets all of the aspects and requirements as stated in the Regulations. With regards to meeting with the Traffic Engineer, the Commission agreed that, because the Report is based upon factual information, it would not be necessary to meet with him, unless it would provide assurance for the public.

Town Planner Serra stated that he often thought that the Special Agricultural Zone should be titled Special Agricultural-*Related* Zone in light of the possible businesses as listed in the Regulations. He also clarified that agriculture, which is permitted at this location, is also considered a commercial business (agri-business).

OLD BUSINESS:

SAZ 10-15. Zack Adams, 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.

Chairman Fogarty suggested entertained a motion to continue the Public Hearing to next Tuesday, November 24, 2015 to provide everyone with the opportunity to review the material and

information that has been provided and allow members of the public to speak, should they wish to do so.

**M/S/C: Smith/Labonte, to continue the Public Hearing to Tuesday, November 24, 2015.
Voice vote, 7-0, all in favor.**

A short recess was taken at 9:39 p.m. The meeting re-convened at 9:43 p.m.

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular meeting minutes: October 20, 2015 – *not approved*

NEW BUSINESS: *none*

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

ZEO Report – *none*

Town Planner Report

Town Planner Serra reported that Lauren Ashe, Executive Director, HOPE Partnership, thanked the Commission for the opportunity to speak with them and expressed her openness to meet with the Commission in the future along with those who helped make the development come to fruition.

The Commission will need to formally adopt the 2016 Meeting Schedule during next week's meeting and the Election of Officers at their December meeting.

CORRESPONDENCE:

He will provide copies of all of the e-mails he has received from the public regarding the application to the Commissioners as well as a brief review at the next meeting.

PLUS DELTAS:

Commissioner Labonte stated that, in relation to some Public Hearings he has attended, this evening's meeting went very well; it was a very civil group that Chairman Fogarty was able to keep in check.

ADJOURNMENT:

**M/S/C: Labonte/Smith, to adjourn the meeting at 9:47 p.m. Voice vote, 7-0, all in favor.
Meeting Adjourned.**

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Salem