TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 24, 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
Eric Wenzel
John Gadbois, Alternate
Jennifer Lindo-Dashnaw, Alternate

ABSENT
none

ALSO PRESENT
Town Planner Richard Serra

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

Commissioner Wenzel testified that he has viewed approximately two hours of the video of the Commission's November 17, 2015 meeting and will be watching the remainder of the meeting before their next meeting.

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.

Town Planner Serra reported that, to date, he has received the following correspondences in support of the application:

Mark S. and Charlene M. Law, 40 Salem Ridge Drive, dated November 14, 2015

Mary K. Richardson, President, Burnett's Landscaping, Inc., 406 New London Road, dated November 15, 2015

John Cassidy, 66 Salem Ridge Drive, dated November 15, 2015

Richard Fenner, 163 Music Vale Road, dated November 16, 2015

David and Denise Dube, no address, dated November 16, 2015

Jennifer and Daniel Records, 33 Harris Road, dated November 16, 2015

Bill Ryan, 33 Cedar Hill Lane, dated November 16, 2015

David Burnett, 380 New London Road, dated November 16, 2015

Jennifer Rucci, 17 Pleasant View Road, received November 16, 2015

Lawrence J. Stevens, 182 Forsyth Road, dated November 17, 2015

Kristofer Getty, Owner, Getty Granite, no address, dated November 17, 2015

Michael P., Candace L., and Angelica A., Jordan M. Downing, 91 Music Vale Road, and Emily S. Downing, James R. and Darlene M. Garthwait, 93 Music Vale Road, dated November 17, 2015

Nikolaos Alevras, 49 Mill Lane Road, dated November 18, 2015

Pat Lloyd, 192 Music Vale Road, dated November 22, 2015

Jeffrey Moore, 410 Norwich Road, dated November 22, 2015

Karen Patterson, 106 Sullivan Road, undated

Jane S. Marolda, 20 Cedar Hill Lane, dated November 23, 2015

Michael Sullivan, Sr., no address, dated November 24, 2015

Chip Dahlke, Ashlawn Farm, Lyme, dated November 24, 2015

Chairman Fogarty briefly summarized the formality of this evening's proceedings and opened the floor to the petitioners and public.

PETITIONERS:

Laura Adams, Applicant, thanked the public for attending this evening's meeting and responded to the comments and concerns received by the public during last week's Public Hearing. As business owners, they are responsible, both professionally and personally, to ensure the safety of their family, community, and customers. They recognize its importance, have researched the topic at length, and aim to obey all applicable laws and regulations so as not endanger their livelihood. A number of measures have been put into place to ensure the safety of their customers and community, including the hiring of only TIPS (Training for Intervention ProcedureS) certified bartenders and the disallowance of tour buses, organized beer tours, and amplified outdoor music. The Brewery and Tasting Room would allow their patrons to enjoy the experience of the brewing process and communicate their story as well as the opportunity to taste their product and purchase growler(s) for off-site consumption. The floor plan of the barn is designed in such a manner that would enable customers to travel through the brewery in an efficient and well-planned sequence, ensuring the best customer experience and would not be an environment conducive to long stays. In addition, the Brewery, like others, will offer an experience the whole family can enjoy. Their hours reflect that they have no desire or intention for their business to function as a bar. Food service and/or entertainment will not be provided and beer will be served in specialty glassware designed for smaller portions (4 ounce and 8-10 ounce snifter glasses). In developing their Business Plan, careful consideration was paid to the anticipated concerns of the community as well

UNAPPROVED

as the challenges they would face so as to ensure the safety of their neighbors and community as well as the success of their livelihood.

Demian Sorrentino, Certified Planner and Soil Scientist, Boundaries, LLC, reviewed the aftermath of the permit, should it be approved. It was correctly stated that the approval would follow the land and any successors would be able to utilize the property as approved by the Commission and in accordance to the requirements and stipulations of the permit. The Commission, Town Planner, ZEO has the authority to inspect the property at anytime following the issuance of the permit to ensure that the conditions are adhered to and may cite the owners for non-compliance.

Zack Adams, applicant, stated that the State, recognizing that the existing laws were not friendly to the budding craft beer movement, changed the regulations in 2012. Changes made to the permit related to the manufacturing of beer includes: "A manufacturer permit for a brew pub shall allow: (1) The manufacture, storage and bottling of beer, (2) the retail sale of alcoholic liquor to be consumed on the premises with or without the sale of food, (3) the selling at retail from the premises of sealed bottles or other sealed containers of beer brewed on such premises for consumption off the premises, and (4) the sale of sealed bottles or other sealed containers of beer brewed on such premises to the holder of a wholesaler permit issued pursuant to subsection (b) of section 30-17,…" (CT General Statutes, §30-16(f)). Farm wineries operate under similar ethos. They are crafting their operations tailored to providing consumers with the opportunity to visit the premises, taste their product in a small format, and purchase their product for off-site consumption.

PUBLIC COMMENTS:

Carl Narwocki, 9 Music Vale, who, along with his wife, previously spoke in favor of the application, questioned the limitations of the hours and beer provided during tastings. According to the CT General Statues, §30-16(a), "Tastings shall not exceed one-half ounce per patron and shall not be allowed on such premises on Sunday before eleven o'clock a.m. and after eight o'clock p.m. and on any other day before ten o'clock a.m. and after eight o'clock p.m." In relation to beer tasting, it states that it may authorize the offering and tasting on the premises of the permittee for free beer samples brewed on the premises. Subsequent legislation may have been passed increasing the amount of free tastings from one-half ounce to up to two ounces once per day, per person. Mr. Narwocki strongly advised the Commission to acquaint themselves with the alcohol laws in the State to ensure that their proposal falls within the State Statutes. Chairman Fogarty stated that she has reviewed the regulations and, while the Statutes are not within the Commission's purview, it is useful for the Commission to be aware of them. Town Planner Serra agreed and provided the Commission with a copy of the State Statutes.

Ed Natoli, 89 Music Vale Road, questioned exactly how much alcohol would be consumed on the premises.

Wendy Lichtenstein, 36 Music Vale Road, stated that the configuration of her property is such that the front of her home faces the barn in which the proposed brewery would be housed. She

UNAPPROVED

expressed her concern regarding the lighting and questioned whether it will be turned off after business hours. She also expressed her concerns regarding the increased traffic and the effects on the property values in the area. She is glad that they provided an explanation regarding the amount of alcohol that will be served on the premises and, while not against the brewery, is against the serving of alcohol and the possible transformation of the business into a bar, especially with respect to its location in the vicinity of the School. Mr. Adams ensured her that the public parking area will not be illuminated beyond 7:00 p.m. when the facility closes.

Chuck Carron and Carrie Neri, 65 Music Vale Road, reside across the street from the proposed Brewery and spoke in opposition to the application. She requested the applicants work with the neighbors for their input, including considering re-locating the parking lot to the other end of the barn. She also questioned the type of advertising the Brewery is planning, whether it be large signage at the end of the road or otherwise. She is also concerned with the safety of those exiting the Multi-Purpose Trail, where a slight hill and blind curve exists. They also felt that, while the clearing of the property to improve the sight line may be helpful, the area should be cleared further towards the cemetery to further improve the sight line and increase safety. With regards to the signage, Mr. Adams stated that, at this stage, they have not given a lot of thought to the signage, but due to strict regulations, they will not be permitted to post signage along Routes 82 and 85. Signage along Music Vale Road is also limited and, aligning with the character of the area and type of business they envision, any signage will be very understated. Chairman Fogarty added that any signage along Routes 82 and 85 is regulated by the State. With regards to the traffic, Mr. Adams and Mr. Sorrentino stated that all of the data is included in the traffic report and they have made no attempts to hide or skirt the issue. Mr. Sorrentino clarified the location of the parking areas and the stated that the existing topography and the proximity to wetlands and the layout of the building dictated the location of the parking lot. A large group of trees located between the abutter's home and the parking area will be maintained. In addition, the clearing will be approximately 50' from of the cemetery property, as was deemed safe by the traffic engineer. Additional overflow parking will be available on the other end of the barn.

Bill Weinschenker, 99 Music Vale Road, encouraged the entrepreneurial efforts of the applicants, but felt that the manner in which the proposal is stated in the agendas is misleading in that it refers to a brewery, which is a manufacturing operation, rather than a brewery and tap room, which involves the selling of beer. He also stated that, in his research, he has found that the permit for the manufacturing of beer with the offering of free samples is separate from that of one that allows for the manufacturing of beer *and* a brewpub. The latter of which allows the retail sale of alcohol with or without food and selling of retail bottles for off-site consumption. He fears that, once the application permit is approved, the facility will be designated as a brewpub or bar with no limit as to how much alcohol is being served. He has no issues with the manufacturing of beer or the tasting room, as defined, but is concerned with the approval of the permit related to the manufacturing and brewpub permit, i.e., a bar. A bar in a residential area would not be acceptable for the previously stated safety reasons. Regarding the sight lines and traffic, he has toured the

UNAPPROVED

area and reviewed the plans and is concerned that, because grubbing and stumping would not be permitted in the wetland area, vegetation would be allowed to regrow and would not be allowed to be kept in control. Furthermore, he felt that the removal of vegetation, alone, would not provide an adequate sight line, citing the existing stonewall and grade. In conclusion, he wished to make the Commission aware of the differentiation between the two types of permits related to the manufacturing of beer and that, without a brewpub permit, the applicant would not be able to sell the product as he intends. Chairman Fogarty stated that the permits are issued by the Department of Consumer Protection and the Commission has no jurisdiction over the issuance of the permits. Mr. Adams stated that a single permit, which includes both elements, is required by the State. He also felt that they have been very forthcoming and open regarding the tasting room.

Jennifer Sims, 90 Music Vale Road, stated that she has visited Salem since the early 1950s and related her family's rich history in Salem, going back to her great-great grandfather Oramel Whittlesey, who established the Music Vale Seminary. She congratulated Mr. and Mrs. Adams on their business venture. She is heartened to hear that the Town's concerns would be recorded and remembered and will endure with the property. She expressed her concerns regarding the safety of the road and questioned whether the town might consider adding speed bumps or increasing the amount of monitoring by the police along the road to help slow down the traffic. She looks forward to hearing more about the plans as they evolve. As evidenced by the number of comments received during the Public Hearing as well as telephone calls she has received from the public, Chairman Fogarty stated that speeding is a major issue throughout the Town and has spoken with the First Selectman regarding the issue. While the Commission, itself, is unable to address the issue, the Town will need to address the need for better enforcement. Commissioner Bouchard added that Resident State Trooper Luke LaRue has been actively issuing speeding tickets, especially at Four Corners, where he can often be seen.

Vincent Marchitto, 27 Music Vale Road, stated that many of the concerns that have been expressed deals not with the business, but with the safety of the road, which is already at an intolerable level. As such, he felt that the issue should be addressed separately from the application. In response to his question regarding the consumption of the growlers, Mr. Adams stated the growlers purchased on the premises may not be drunk on-site.

Pat Lloyd, 192 Music Vale Road, thanked Mr. and Mrs. Adams for providing such detailed plans and spoke in support of the application. He agreed that the traffic is a separate issue from the business. The proposed brewery is one that the residents can be proud of and would put Music Vale Road and Salem back on the map. Having visited a number of breweries, he explained that breweries provide visitors with an experience and does not operate as a brewpub. Rather, patrons would sample very few beers in small portions and, possibly, purchase a growler. He respects the craft and the amount of effort the applicants have been and will be investing. He emphasized the need to focus on the business, itself, and view the traffic as a separate Town issue.

UNAPPROVED

Mr. Sorrentino clarified the issue of consumption. Regardless of the required permits, there are two components to the farm brewery: the manufacturing and production facility and the taproom. The purpose of the taproom is to serve only beer that is manufactured on-site in small glassware of 6-8 ounce snifter glasses or a series of 4-ounce taster glasses. 64-ounce sealed growlers, 750 milliliter, and 375 milliliter sealed bottles will be available for purchase off-site. A brewpub would require a different State permit. He also addressed the sight line issue, stating that the reason for the inability to grub and stump is too minimize the disturbance to the wetlands. Discussions with the Inland Wetlands Commissions have been held permitting the applicants with the ability to maintain the upland and wetland area, as needed, so as to maintain a height of three feet (adequate sight line), as noted in the narrative of the detail sheet of their plan. The existing stonewall varies in height and is jagged and anything impeding the sight line will be removed.

Terri Natoli, 89 Music Vale Road, questioned whether food trucks would be permitted on the property. Mr. Adams stated that, due to existing regulations, food trucks will not be permitted on the property. Town Planner Serra added that neither food nor food trucks is noted in the application.

Beth Cummins, 375 Forsyth Road, spoke in support of the brewery as it provides an additional destination in town for those her age to visit and eliminates the need to travel to breweries located in other towns. She also questioned the reasoning behind the continuance of the public hearings. Chairman Fogarty stated that the Inland Wetlands Commission is currently reviewing their application and the Commission is awaiting their decision. Thereafter, the Public Hearing will be closed and the Commission will begin their discussions and arrive at a decision.

John Atkinson, 10 Harris Road, who has a fairly extensive law enforcement background, suggested personally speaking with the Resident State Trooper and voicing their concerns. They will be sure to see an increase in patrol and the eventual elimination of their concerns should they do so.

Michele Gilman, 75 Music Vale Road, expressed her concern regarding the location of the parking lot and wondered if it may be moved to the other side of the building. She felt that the activity would be centered in the area of the parking lot and, if relocated to the other side of the barn, the activity would be less invasive to the neighbors.

In response to Chairman Fogarty, Mr. Sorrentino estimated that the distance between the parking lot and the street is approximately 100' - 120', at its closest point, and 300'-320' at its furthest point.

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.

M/S/C: Smith/Labonte, to continue the Public Hearing to December 15, 2015 at 7:00 p.m. Discussion: None. Voice vote, 7-0, all in favor.

UNAPPROVED

NEW BUSINESS:

Set Commission meeting schedule for 2016 Calendar year

M/S/C: Smith/Labonte, to accept the 2016 meeting schedule with the following amendments: May 16 & 23, 2016 meeting dates should read May 17 & 24, 2016. Discussion: Chairman Fogarty stated that the meetings are held on the third and fourth Tuesdays of the month, with the exception of December, which is held on the third Tuesday of the month only. Voice vote, 7-0, all in favor.

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular Meeting Minutes: October 20, 2015

M/S/C: Smith/Savalle. Discussion: None. Voice vote, 5-0-2. Voting in Favor: Commissioners Duncan, Fogarty, Savalle, Smith, and Wenzel. Voting in Opposition: None. Voting in Abstention: Commissioners Bouchard and Labonte.

Public Hearing Minutes: November 17, 2015

Site Walk Minutes: November 14, 2015

The approval of the Public Hearing and Site Walk minutes were deferred to December 15, 2015.

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

ZEO Report – *none*

Town Planner Report – *none*

CORRESPONDENCE:

Letter from Pamela Munro, Secretary, Salem Republican Town Committee, stating the unanimous endorsement of David Miller as an Alternate member of the Planning & Zoning Commission to fulfill a vacancy left by the election of Commissioner Eric Wenzel as a Full member of the Commission.

Commissioner Smith stated that Mr. Miller is a semi-retired builder from Glastonbury, where he was involved with civic affairs and the Rotary Club. He has resided in Salem for approximately seven years. If appointed, Mr. Miller will fill Commissioner Wenzel's vacancy for two years (until the next formal election) as an alternate.

M/S/C: Smith/Bouchard, to appoint David Miller as an Alternate member of the Planning & Zoning Commission to fulfill the vacancy left by the election of Commissioner Wenzel as a Full member of the Commission. Discussion: Mr. Miller will be informed of his appointment, will need to be sworn in by the Town Clerk, and may attend the Commission's December 15 meeting. Voice vote, 7-0, all in favor.

UNAPPROVED

PLUS DELTAS:

Commissioner Labonte informed the Commissioners of his impending surgery and that he may need to either recuse himself or be absent from the next meeting.

In response to Commissioner Wenzel, Town Planner Serra stated that the anticipated and regulated use of the well water for the proposed Brewery would be under the supervision of Uncas Health.

Officers will also be elected at the Commission's December 15 meeting. Any interested parties should inform the relevant party.

ADJOURNMENT:

M/S/C: Smith/Labonte, to adjourn the meeting at 8:34 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

UNAPPROVED