TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 15, 2015 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING

PRESENT
Gloria Fogarty, Chair
Joseph Duncan, Vice-Chair
Vernon Smith, Secretary
Ron Bouchard
Ruth Savalle
Eric Wenzel
Jennifer Lindo-Dashnaw, Alternate (seated)
John Gadbois, Alternate (7:32 p.m.)
David Miller, Alternate

ABSENT
Ron Labonte

ALSO PRESENT
First Selectman Kevin Lyden
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.

Because Commissioner Miller (R) is a new member and has not attended the previous public hearing meetings, Commissioner Lindo-Dashnaw (D) was seated for Commissioner Labonte (R).

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Continued from November 24, 2015
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 requested the comments presented this evening by those who have previously made statements be of new information, their previous statements being on file. She expressed her appreciation of the concerns that have been and will be expressed by the public, which is a very important part of the process and will add depth to their discussions. She clarified that the Commission will analyze, discuss, and make a final decision *after* the Public Hearing has closed. She is determined to take as much time as is necessary and allowable and thoroughly review and discuss all of the materials and address the public's concerns to ensure that the final decision is done correctly. A decision must be made within 65 (sixty-five) days of the closing of the Public Hearing.

The floor was opened to the public.

Ed Natoli, 79 and 89 Music Vale Road, requested some clarity regarding the amount of alcohol the public can consume on-premises and questioned whether any limitations can be written into the

application/regulation, if approved. He also requested further clarification regarding the type of permit the business will receive, i.e., whether it will be considered a bar.

In response, Owner Zack Adams stated that their intent is to offer patrons either individual four (4) ounce tasters or a flight of four (4) to five (5) tasters as well as eight (8) to ten (10) or twelve (12) ounce snifter glasses. It was clarified that the business will *not* be a bar and the establishment will be acquiring a single permit (Manufacturer Brew Pub or Beer and Brew Pub Liquor Permit) from the State of CT. Furthermore, they will be making, selling, and offering tastings or samplings of the product and will not be serving beer in the same manner as a bar.

Town Planner Serra added that, while conditions may be stated regarding the Facility's hours of operation, the Commission will need to investigate and confirm their ability to pose restrictions on the amount of alcohol being served on the premises, as that is most likely under the jurisdiction of the State of CT and not under the Commission's purview.

Cathy Oemcke, 106 Music Vale Road, expressed her concerns regarding both the amount of alcohol patrons will be able to consume on-premises and the number of hours as indicated on the application, which appears to total a maximum of nearly 40 (forty) hours/week. While not necessarily concerned with the applicants, she is concerned with any of the following owners. She also fears for the safety of the community as patrons could be allowed to sit and drink for up to eight hours a day and depart in their vehicles.

Mr. Adams clarified that the hours stated in the application are the maximum allowable amount of hours and are not necessarily the hours they will be open to the public.

Mary Maiorano, 156 Music Vale Road, expressed the following concerns:

1) Referring to the narrative, she stated her disagreement referring to the final product as a "farm product" and the proposed Tap Room as a farm store. A farm store, in her view, would be comprised of "pickles and jellies", not beer or wine. Comparing the farm brewery to a winery, she stated that, from her experience, the patron of a winery is provided seating with a view of the vineyard while he/she enjoys a tasting of wine. This will not be the case at the Brewery. Instead, the plans show that both the indoor and outdoor seating will be facing the road and neighboring homes, rather than the plantings. Furthermore, while the property will house, what she feels is, a "good-sized garden", growing some hops, fruit trees, and berries, there will not be any grain, a major ingredient, growing on the premises and additional hops will be derived from outside sources. She also questioned the statement in the narrative, "source ingredients from local growers, *whenever possible"* and questioned from where the ingredients would derive if it is not locally available.
2) The hours of operation as stated in the narrative vs. what Mr. Adams stated.
3) Who and how the consumption of the growlers on-site will be enforced, especially with the allowance of outside food on the premises. From her experience, the same allowance is provided at wineries where patrons are allowed to hold events of various sizes and can become loud and boisterous.

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Carrie Neri, 65 Music Vale Road, expressed her concerns regarding the affect the Farm Brewery will have on their property values and questioned whether there is any available data in existence and, if not, the possibility of conducting a study. She felt that the additional traffic would affect the property values of, especially, those homes located closer to the road.

Chairperson Fogarty stated that she has discussed the issue with the towns of North Stonington, which has a winery, and Kent, which has a comparable farm brewery. The area in Kent has not seen any negative or positive affect on the property values due to the establishment of the brewery, which has been in operation for approximately two (2) years. In addition, neither the Town nor the Farm Brewery, which also houses a tap room, has received any complaints since its establishment. In North Stonington, where the homes are located close to the road, the Tax Assessor felt that the neighboring property values improved as the winery enhanced the appearance of the neighborhood.

Chuck Carron, 65 Music Vale Road, stated that, based on their previous meeting, the main concern expressed by the public, whether they were in favor of or opposed to the Brewery, was the traffic study. He questioned whether the study might be re-done and the sensors be placed further out from the curve to gain a more accurate reading, as people have no choice but to slow down because of the curve.

Chairperson Fogarty reported that the comments received from their last meeting may have prompted the Town's Resident State Troopers to active patrol the Town. As reported in *The Day* newspaper, a number citations and/or written warnings for speeding have been issued. She further added that the issue of speeding is not limited to Music Vale Road, but is a Town-wide issue. With regards to conducting an additional study, Chairperson Fogarty stated that the Commission does not have the funding to conduct an additional survey and expressed her confidence in the accuracy of the report provided as by the professional traffic engineer.

John Faulise, CT Licensed Land Surveyor and Principal of Boundaries, LLC, stated that two sets of counters were placed on both sides of the curve and the data from each of the counters were documented and evaluated by the traffic engineers. The 85th percentile reflects a speed of approximately 27/28 mph at those locations and it is those numbers that determined the appropriate sight lines. In addition, he noted that the owners have received the approval from the Inland Wetlands Commission to clear 370 feet along the east side of the driveway, well exceeding the recommended 360 feet.

Bill Weinschenker, 99 Music Vale Road, felt that the application does not fully meet at least three of the conditions required for approval as stated in the Regulations (§30.15):

1. The proposal must meet the intent of the Town's Zoning Regulations in preserving the rural character of the Town

   The application, he felt, lacks any specifics as to what is being requested. Neither a farm brewery nor a tap room is defined in the Regulations. If, in fact, the Applicant is applying for a Brewpub Permit, those regulations are defined by the State, which places no limit on the amount

APPROVED

of alcohol being served. In such case, by approving the application, the Commission would be allowing for the establishment of a brewpub in a rural zone/area, which, he felt, would not fully meet the criteria. Should the application be granted, the maximum amount of alcohol to be consumed on-site should be codified and included as one of the conditions on the application.

2. is in keeping with the Plan of Conservation and Development (POCD)
   Page 7 of the Town's POCD encourages economic development be concentrated in appropriate areas. He contends that the approval of the application would fragment those economic development areas. In addition, on page 58, the number one response by residents who were posed the question, "what type of businesses should be discouraged in town?" was alcohol-related businesses.
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
   No data has been presented regarding the business' affect on the existing property values. While some anecdotal data has been mentioned, a more detailed study should be conducted. The residents' concern for public safety and the traffic report has already been noted.

Carole Eckart, 9 Music Vale Road, stated that Salem has a reputation for being a great place to live, with a very good school system, but one of the main complaints is that the taxes are too high. One of the answers to lowering the mil rate is to bring in more businesses. She encouraged the Commission to work very closely with the Applicants to help them achieve the right balance. This will not only work to satisfy some of the residents concerns, fulfill the Commission's Rules and Regulations, allow for the establishment of the business, but will also make the Town more inviting to potential businesses as the Town gains a reputation for working with, not against, businesses. The barn is a beautiful representation of the rural character of the Town and their proposal utilizes and reflects that representation while helping them earn a living. While some of the concerns are not under the Commission's purview, others may be addressed by simply placing certain constraints on the final Application.

Commissioner Gadbois joined the Commission on the dais as an alternate member.

Gerald Dembiczak, 35 Music Vale Road, expressed his concerns regarding not only the car traffic, but also the heavy-duty truck traffic, including those for propane deliveries, septic, dump trucks, and farm vehicles, on a road that is already in need of repair in certain areas.

Chairperson Fogarty reminded the audience that the property was once a dairy farm housing up to 50 (fifty) cows, resulting in a number of farm vehicles traveling in the area. This, in addition to the resulting odors, could deem a brewery a very welcome alternative.

Town Planner Serra submitted the following letter of opposition:

Carrie Neri, 65 Music Vale Road, dated December 11, 2015

In reviewing the Public Hearing Minutes, he listed the following items of concern as expressed by the public for the Commission and/or Applicant to address:

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1. Size of activity – too large for area – and projected long/short term growth
2. Traffic
3. Safety on the road
4. Consumption of alcohol
5. Farm Brewery not being an agricultural business
6. Noise
7. Lighting
8. Water consumption
9. Storage of materials and possible odors
10. Impact on tax base
11. Impact on property values
12. Parking lot location
13. Incorrect Public Hearing Notice
14. An activity inappropriate for a residential district
15. Signage and its visual impact on area
16. State permits required
17. Transformation of the activity, resulting in a bar
18. Serving of food/food trucks
19. Hours of operation

Mr. Adams responded to the concerns regarding permitting and the definition of a farm brewery, stating that they chose to call themselves a farm brewery, a term that they felt best identified/described their proposed business. For all intents and purposes, it is a manufacturing brewery, *not* a brewpub. In their application to the Federal Government, the box indicating them as a brewery, rather than a brewpub, will be checked. In the State of CT, the box denoting the business as the manufacturer for beer and brewpub, an egregious misnomer in his opinion, will be checked, as it would be by most, if not all, breweries. The National Industry Trade Group, The Brewers Association, would define the business as a brewery. The maximum *allowable* hours, as stated in the narrative, totals 36 hours/week. In addition, the Tasting/Tap Room is very consistent with how farm wineries operate.

Town Planner Serra stated that any interested parties may simply Google "brewery" or "farm brewery" for a definition of those terms, noting that, in his research, there appeared to be no unified definition for a "farm brewery" as the parameters vary from State to State.

Demian Sorrentino, Certified Planner and Soil Scientist, Boundaries, LLC, expressed his appreciation to the Commission for the opportunity to present the application of the adaptive reuse of an attractive structure, which, as previously stated, reflects the Town's rich agricultural heritage. In cooperation with the Applicants, the Key Professionals of Boundaries, LLC — David McKay, P.E.; John Faulise, and himself — prepared the site development plans and reassured the Commission and the public that great care was taken in the design of the plans. In addition, a professional architect and structural engineer, who will ensure that the functionality, safety, attractiveness of the building, and appropriate aesthetics are maintained, will conduct the proposed improvements to the building.

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With regards to traffic, Mr. Sorrentino noted that, in accordance to the Town's Rules & Regulations (§30.14), a Traffic Analysis Study, conducted by a professional Traffic Engineer, was submitted and has been made public. The Study found that, though there will be additional vehicles, both large and small, traveling on the road, there would be no impact to the level of service on the road as long as the owners provide the required sight distance improvements. The improvements, i.e., clearing of the sight line, as previously noted, will be made by the owners, having been granted approval by the Inland Wetlands Commission to do so, and will provide a safe intersection by traffic engineering standards. Furthermore, the study centers on the proposed intersection, as deemed appropriate by the traffic engineers. Placing the traffic counters further away or at an alternative location would not serve the purpose of analyzing the safety of the intersection in question.

With regards to permitting and licensing, he assured the Commission and residents that all Local, State, and Federal permits and licenses required to operate the Facility, as proposed, will be obtained. In addition to the Planning & Zoning Commission and themselves, other reviewing agencies include the Inland Wetlands Commission, Uncas Health District, CT Department of Public Health (DPH), CT Department of Energy and Environmental Protection (DEEP), Department of Consumer Protection, CT Secretary of State, CT Department of Revenue Services, U.S. Internal Revenue Service, and U.S. Department of Treasury. In addition, all submitted/published notices have included and disclosed that the applicant is proposing a farm brewery comprised of two (2) parts: the Manufacturing of Beer and the Tap/Tasting Room. The applicants recognize the absolute importance of the protection of the health, welfare, and safety of the future customers and the community and that it is absolutely critical to the success of the brewery.

He reiterated that the intent of the Tap Room is for the short-term, small volume on-site consumption of snifter or a flight of four (4) or five (5) pilsner-style tasting glasses for a product that is manufactured on-site. Pints, mugs, or yards will not be utilized. The product can be purchased for off-site consumption in the form of growlers or kegs. The Tap Room is not and will not become a bar as, like the neighbors, the owners would also not be in favor of. Unlike a bar, there will be no additional brands of beer, wine, spirits, or other types of liquor offered for consumption on-site. The owners, who must comply with the rules and regulations, would also seek to limit their own liability and be recognized as responsible business owners of the Town. Furthermore, all servers will be TIPS (Training for Intervention ProcedureS) certified, a critical and mandatory element for insurance purposes.

Due to the nature of the business and the limited hours, the Tap Room will not be conducive to long-term stays and will be closing around the time most people would frequent a bar. There will be no outside vendors, food trucks, television entertainment, food for sale, organized beer tours, tour buses, amplified music, or functions, including weddings, festivals, allowed on the property. All of the particulars that have been discussed, are contained in the site plans, on the application materials, in the supporting documents, and in this summary are part of the application and any conditions and/or limitations will be transferred to the successors and future owners of the property/business.

As previously noted, in accordance to §30.15 of the Regulations, they are required to meet the following criteria:

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1. The proposal must meet the intent of the Town's Zoning Regulations in preserving the rural character of the Town
   The Applicants' adaptive re-use of the property is aimed at maintaining and preserving the rural character of the Town. It is, in his opinion, an excellent use of the property.
2. is in keeping with the Plan of Conservation and Development
   In support of the "adaptive re-use of existing agricultural buildings", as noted in §30.1, it is his understanding that the Town's Legal Counsel has been consulted and has confirmed that the farm brewery is, in form and function, similar in operation to and may be considered synonymous with a farm winery and would be permitted within the District.
3. is consistent with the Comprehensive Plan of Zoning for the Town
   The application is consistent with §30.1, Intent, of the Zoning Regulations.
4. will not adversely affect the public health, safety, welfare, and property values
   The Applicant has done their best to utilize and maintain the existing building, landscaping, respective setbacks, and natural features of the property. Property values are difficult to quantify as it deals with comparable properties and, with no similar properties in existence, with the exception of the Farm Brewery in Kent, which is relatively young, there is no substantive way to determine a definitive value or assumption. They contend that the preservation of the building, the quality of the site plan, and the extensive forethought provides the highest and best use of the property and, as such, results in the highest property value for such an establishment. As investments are made into the property and the value of the property, itself, rises, it is hoped that that of the surrounding area will do the same. Furthermore, the property will house a number of expensive equipment that will result in additional revenue for the Town.

In conclusion, he stated that they believe that Fox Farm Brewery will be a benefit to the Town of Salem and appreciates the Commission's time and the public's input and respectfully request that the Commission, after due consideration, approve the application, as presented.

Town Planner Serra confirmed that the application was approved, as submitted, by the Inland Wetlands Commission for the site clearing. With regard to the inadequacy of the published, written notice, he confirmed that the notice appropriately fulfills the requirements of the CT General Statutes and reflects the application as submitted. With all of the information that has been submitted, including the application and the comments/concerns that have been raised by the public, it was felt that the Commission would be able to adequately review, address, discuss, and make a final determination.

M/S/C: Smith/Bouchard, to close the Public Hearing for Application No. SAZ 10-15. Discussion: None. Voice vote, 7-0, all in favor.

The Commissioners agreed to move the Approval of the Minutes down so as to accommodate the Public who is present to listen to their discussion regarding the application.

PETITIONERS: *none*

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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.

Commissioner Lindo-Dashnaw reported that a total of 52 (fifty-two) statements/correspondence were received in favor of and 32 (thirty-two) statements/correspondence were received opposed to the application.

Town Planner Serra confirmed that the Commission was familiar with the narrative, which is an official part of the record for the application and contains the operational characteristics of the proposal, and to keep in mind as they review the public's concerns that they do have the discretion to modify some of the components. The Commission agreed to review and discuss the items on the list until 9:00 p.m. and continue their discussions at the January meeting so that they can proceed with the remaining items on the Agenda.

Commissioner Lindo-Dashnaw reflected on her life as a youth growing up on Way Road, where at least two farms were located. There are no limitations to the hours, noise, or sound for a farm. While unsure about making such a comparison, she noted that the Commission is able to place restrictions on the proposed brewery that could not be placed on a farm and felt that the public should keep that in mind during their discussions.

Size of activity and projected long/short term growth (item 1, listed above) – It was noted that the narrative may be modified with conditions placed on the Brewery that would limit the growth of the business. In terms of the Brewery's production capacity, the Brewery aims to produce approximately 1,000 barrels/year, increasing to approximately 5,000 barrels/year, based on industry standards for the amount of given square footage of the property. The Brewery will run year-round and their events will be centered on new releases of special or seasonal brews.

Traffic (item 2) – The Traffic Report estimates that approximately 460 trips are being made on the road on an average day and estimates that the traffic on the road will increase by 20 to 25 cars and upwards of 29 cars per day. Supplier deliveries, including spent grain and wastewater pick-ups, would grow from four to twelve (4-12) trips/week and, as noted in the narrative, the deliveries will be made in single axle box trucks only. With this in mind, Commissioner Smith concurs with the Report's findings, which states that the additional traffic would not significantly affect the road. Commissioner Gadbois also concurred, adding that the sight line improvements will substantially improve the safety of the road. Commissioner Duncan, who does not reside on the road, agreed, adding that the concern regarding speeding is universal throughout the Town and the only real solution is enforcement. Commissioner Wenzel, who felt that the issue is more related to the larger trucks, proposed the possibility of limiting the pick-ups/deliveries to, for example, 10:00 a.m. – 2:00 p.m. during off-peak hours to help minimize the traffic. Mr. Adams felt that that would be doable and reasonable and can be easily adhered to. Commissioner Bouchard added that those who are speeding and traveling on the road are primarily those who are using the road as a cut-through and,

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while the volume of traffic might increase, he did not feel that the volume of traffic traveling at high speeds would increase. Chairperson Fogarty reiterated her confidence in the Traffic Study.

Consumption of alcohol (item 4) – The consumption of alcohol is the nature of the application and the applicant will be required to obtain the relevant State permits. The narrative, as presented, does not include any mechanism, structure, or limitations regarding the consumption of alcohol on the premises. In response to Commissioner Smith who questioned what would stop patrons from bringing food, ordering a number of flights/tasters, departing to acquire additional food and continuing to order flights/tasters until closing time, Mr. Adams stated that responsible service would be the primary factor in such cases. He added that the design, environment, and function of the tasting room would not be conducive to such behavior and there would be no entertainment to encourage long stays. While there are no regulations set forth by the State of CT regarding the limitation of samples being offered/consumed, Mr. Adams suggested that, should it be under the Commission's purview, they might place a cap on the quantity of alcohol to be consumed by a patron. He did not feel that it would be either overly restrictive or disruptive to the goal/vision of the Brewery or difficult to enforce as the amount of traffic in and out of the Brewery would be limited. He felt that a reasonable maximum volume would be 24 ounces/person and such limitations can be effectively communicated to their patrons. He reiterated that the purpose of the Tasting/Tap Room is for patrons to visit, experience, and engage with the brand by providing them with the opportunity to taste and, ultimately, purchase the product for off-site consumption, not for the on-site consumption of significant volumes of the product. It was noted that while such a regulation may not be under the Commission's purview and would be difficult for the Town to enforce, the posting of such notices might be further discussed and, possibly, incorporated into the narrative. Commissioner Lindo-Dashnaw informed the Commission that the town of East Lyme recently approved two (2) brewpubs and were informed by their Town Attorney that the Town would be unable not restrict the number of drinks being served as that is under the State's jurisdiction. Commissioner Duncan agreed that, having visited breweries in the past, such establishments are not conducive to drinking for long periods of time and placing a regulation for an item that would not be enforceable would be folly. Similarly, Commissioner Bouchard felt that, unlike a winery, patrons are less likely to remain for long periods of time. Furthermore, it was noted that the Brewery would hire TIPS-certified servers to ensure that the establishment is acting responsibly and not abusing any privileges.

Farm Brewery not being an agricultural business (item 5) – The concept of the special agricultural overlay zone and the agricultural-related activities as listed in the Regulations has been discussed in both the pre-application and applications stages and the Town Attorney has been consulted. Chairperson Fogarty noted that the similarities/differences between a brewery and a winery were discussed with Mr. Adams during a non-binding hearing and, at that time, was assured that, in their perception, both entities were similar enough that it would be appropriate for them to consider the application. It was noted that the permitted uses as listed in §30.4(e) of the Regulations refers to agricultural-related businesses. In addition, the re-adaptive re-purposing of the structure is viewed

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as a positive aspect of the application. Commissioner Lindo-Dashnaw views the application as more of an agribusiness. Commissioner Wenzel felt that, if the situation were different and Mr. Adams wished to establish a dairy farm and sell cheese that (1) the application would not be before the Commission and (2) the resulting odors, noises, and traffic would be comparable to that of the proposed Brewery.

Noise and possible odors (items 6 & 9) – The Commission had no concerns regarding the noise.

Lighting (item 7) – The site plan and the lighting schematic showing the extent of the lighting, which would shine downwards so as to have minimal effect on the night sky, have been presented and reviewed. There is currently a motion activated light on the side of the building and no additional lighting is planned. There will be no persistent lighting after business hours. The issue regarding the parking lot facing the road and directed towards the homes of the immediate neighbor(s) was raised in relation to the shining of the headlights in their respective direction. It was noted that the operating hours would conclude at 7:00 p.m. when it would still be light for most of the year and, as such, should not be an issue. While the clearing of the property to improve the sight line will, most likely, provide a clearer view of the parking lot and the barn, it was felt that the distance between the barn and the road and the existing woods, which will be maintained, would be sufficient enough to mask the lighting emanating from either the parking lot or the vehicles.

Water consumption and the Storage of materials (items 8 & 9) – It was felt that adequate supervision by the Uncas Health District, CT DEEP, CT DPH, and any other relevant Government agencies would be provided to ensure that there is adequate water on-site, that the waste products are handled and disposed of properly, and that the rules and regulations are being followed. No concerns were voiced regarding §30.4(m) Storage, packaging and bottling of local farm products of the Regulations.

Impact on property values (items 11) – While towns with similar-type businesses have been consulted in an attempt to assess the impact on the property values of the area due to the establishment of the Brewery, no confirmed data exists. No consensus was reached regarding having an appraisal conducted, especially due to the lack of information and/or comparables. While Commissioner Smith is sympathetic to the public's comments, he is unable to view the business as "darkening the quality of the neighborhood". Like Commissioner Duncan, Commissioner Savalle agreed that if the barn were to have remained dilapidated, it would not improve the area or the property values of the area. It was also noted that there are no guarantees and a great deal of uncertainty as to the future of any property and it is the Commission's responsibility to work within the Regulations and do what they feel is best for the Town.

Parking lot location (item 14) – The re-location of the parking lot to the back of the barn and the loading dock to the front of the barn was noted and whether that would be a viable solution to minimizing the view of the activity by the neighbors was discussed. Similar to the lighting, it was felt that the distance between the barn and the road and the existing woods, which will be maintained, would be sufficient enough to mask much of the outdoor activity.

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Signage and its visual impact on area (item 17) – Upon approval of the application, the applicant would return to the Commission to discuss the proposed signage for the Brewery to ensure that any signage will have the least amount of visual impact on the area.

Transformation of the activity, resulting in a bar (item 19) – Information has been submitted during the Public Hearing regarding the transformation of the establishment into a bar as well as copies of the State Statute dealing with the manufacturing permit. Whether the Commission has the ability to mandate the number of drinks that would be served would need to be further investigated.

Serving of food/food trucks (item 20) – Per the application, the establishment will not be serving of food and/or food trucks will not be allowed on the premises, but patrons will be allowed to bring food, as permitted by the Health Department. The seating capacity will be 16 (sixteen) indoors and 16 (sixteen) outdoors. Commissioner Savalle did not foresee patrons bringing a full meal to the site, rather, she felt, they are more likely to bring a small picnic lunch, at the most, to have with their beer. She added that consuming food with their alcohol would be considered a positive factor in terms of alcohol consumption. It was felt that banning patrons from bringing food would be difficult to enforce.

Hours of operation (item 21) – The Commissioners were satisfied with the proposed hours of operation as stated in the narrative.

The Brewery's primary source of income, which will be primarily derive from on-site sales as well as sales to local establishments, was briefly discussed.

Town Planner Serra felt that the Commission has done a good job with addressing the list of concerns thus far and may continue addressing these and other issues, including the fulfillment of the four findings as it relates to the POCD at their next meeting.

It being 9:00 p.m., Chairperson Fogarty ended the discussion and a five-minute recess was taken.

Sid's Auto Court Case – Update.

Chairperson Fogarty reported that, per the stipulation, Sid's Auto, located on Forsyth Road, is expected to complete the fencing around the existing junkyard. Currently, junkyards are no longer allowed in the Town of Salem and, as such, he is not allowed to expand upon the existing junkyard. He is currently under the surveillance of the Department of Motor Vehicles (DMV) due to the lack of proper fencing around the existing junkyard. Under the agreement, he is required to repair the fencing along front and sides by the end of December 2015. An inspector from the DMV and the ZEO will be inspecting the progress of the fencing. By May 30, 2016, the entire property should be surrounded with an eight (8') foot fence in accordance to the Town's Rules and Regulations. Failure to comply with the ruling will result in the permanent loss of his junkyard license.

NEW BUSINESS:

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

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Section 25A of the Zoning Regulations. This application also requires a CGS 8-24 review for one of the proposed crossings.

Multi-Purpose Path Committee Members Sue Spang and Bill Martin were welcomed to the meeting.

Town Planner Serra reviewed the application and familiarized the Commissioners with the riparian corridor overlay zone, which was adopted as part of the Wild and Scenic River designation. Due to the width of the crossings, a special permit from the Commission is required. There are a total of three proposed crossings (crossings 3, 6, and 7) located in the zone, two of which were approved by the Commission in 2008. The details provided by the CT DEEP and Army Corps of Engineers will be presented at the Public Hearing. Chairperson Fogarty added that the Committee has conducted much work and that approval has already been received from the Army Corps of Engineers, CT DEEP, and Inland Wetlands Commission.

M/S/C: Lindo-Dashnaw/Smith, to accept and schedule the Public Hearing for Application No. RCOZ 12-01 for January 26, 2016 at 7:00 p.m. Discussion: None. Voice vote, 7-0, all in favor.

Election of Officers

Chairperson:

M/S/C: Savalle/Wenzel, to nominate Chairperson Fogarty as Chairperson. Discussion: None. Voice vote, 7-0, all in favor. Chairperson Fogarty was elected Chairperson of the Planning & Zoning Commission.

Vice Chairperson:

M/S/C: Duncan/Bouchard, to nominate Commissioner Smith as Vice Chairperson of the Planning & Zoning Commission.

M/S/C: Fogarty/Savalle, to nominate Commissioner Duncan as Vice Chairperson. Discussion: None. Voice vote, 7-0, all in favor. Commissioner Duncan was elected Vice-Chairperson of the Planning & Zoning Commission.

Secretary:

M/S/C: Fogarty/Lindo-Dashnaw, to nominate Commissioner Smith as Secretary. Discussion: None. Voice vote, 7-0, all in favor. Commissioner Smith was elected Secretary of the Planning & Zoning Commission.

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular meeting minutes: November 17, 2015, November 24, 2015.

M/S/C: Savalle/Lindo-Dashnaw, to approve the Regular Meeting Minutes of November 17, 2015. Discussion: None. Voice vote, 6-0-1. Voting in Favor: Commissioners Fogarty, Duncan, Bouchard, Savalle, Smith, Lindo-Dashnaw. Voting in Opposition: None. Voting in Abstention: Commissioner Wenzel.

M/S/C: Lindo-Dashnaw/Savalle, to approve the Regular Meeting Minutes of November 24, 2015. Discussion: None. Voice vote, 7-0, all in favor.

APPROVED

Public Hearing minutes: November 17, 2015, November 24, 2015.

M/S/C: Lindo-Dashnaw/Savalle, to approve the Public Hearing Meeting Minutes of November 17, 2015. Discussion: None. Voice vote, 7-0, all in favor.

M/S/C: Smith/Bouchard, to approve the Public Hearing Meeting Minutes of November 24, 2015. Discussion: None. Voice vote, 7-0, all in favor.

Site Walk minutes: November 14, 2015

M/S/C: Smith/Bouchard, to approve the Special (Site Walk) Meeting Minutes of November 14, 2015. Discussion: None. Voice vote, 7-0, all in favor.

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

ZEO Report – *none*

Town Planner Report – *none*

CORRESPONDENCE: *none*

PLUS DELTAS:

Chairperson Fogarty expressed her appreciation to Town Planner Serra for his help in moving the meeting along and keeping it focused.

Commissioner Duncan commended the Chairperson for her handling of the Public Meetings.

ADJOURNMENT:

M/S/C: Wenzel/Smith, to adjourn the meeting at 9:27 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

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