

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, AUGUST 16, 2016 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Joseph Duncan, Vice-Chair
Vernon Smith, Secretary
Ron Bouchard
Ron Labonte
Ruth Savalle

ABSENT

Jennifer Lindo-Dashnaw
David Miller, Alternate
Eric Wenzel
John Gadbois, Alternate

ALSO PRESENT

Town Planner Richard Serra
Board of Selectman Liaison David Kennedy

CALL TO ORDER:

Vice-Chair Duncan called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

M/S/C: Savalle/Bouchard, to move items 3 and 4 under Old Business to New Business following item 1. Discussion: None. Voice vote, 5-0.

PUBLIC HEARING: *None*

PETITIONERS/PUBLIC COMMENT: *None*

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular Meeting Minutes: July 26, 2016

M/S/C: Smith/Savalle, to approve the Regular Meeting Minutes of July 26, 2016 with the following amendments:

Page 3, Minimum Lot Size, 2nd paragraph, 1st sentence:

The definition of density is based upon the Net Buildable Area (NBA), ~~i.e., non-wetland area.~~

Page 3, Minimum Lot Size, 2nd paragraph, 6th line:

...resulting in fewer, *but larger* such developments.

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Page 4, 1st paragraph, add sentence:

...feasible Open Land in the Town of Salem” (Section 26A.1) *and questioned whether that purpose should be included in the new regulation.*

Discussion: Commissioner Labonte preferred to abstain as he was not present for the meeting, raising the question as to the ability for the Chairperson of the Commission to vote unless there is a tie vote. Town Planner Serra will check the Commission’s By Laws regarding the matter.

M/S/C: Savalle/Bouchard, to table the Regular Meeting Minutes for July 26, 2016 until the Commission’s next scheduled meeting on August 23, 2016. Voice vote, 5-0, all in favor.

OLD BUSINESS:

1) Avery Quarry, Michael Avery, 190 Round Hill Road. Excavation Renewal.

Town Planner Serra stated that Zoning Enforcement Officer (ZEO) Liz Burdick recommends the Commission approve the Excavation Renewal with two conditions: (1) the appropriate erosion and sediment measures are installed and inspected by the ZEO and (2) all appropriate fees are updated and paid. The fees in question are not in arrears. ZEO Burdick has spoken with the Applicant and they are agreeable and comfortable with the conditions.

M/S/C: Savalle/Labonte, to approve the Excavation Renewal for Avery Quarry on the condition that (1) the appropriate sediment and erosion control measures are installed and inspected by the Zoning Enforcement Officer and (2) all of the appropriate application fees are completed. Discussion: None. Voice vote, 5-0, all in favor.

2) East Haddam Referral

Referring to the documents provided to the Commission for review at the last meeting, Town Planner Serra stated that he sees no adverse impact of the Town of East Haddam’s proposal to consolidate their current 11 (eleven) industrial districts, located in the center of the town and quite a distance away from Salem, into three (3) categories. Town Planner Serra will send a letter to the town stating that the Commission has no comment.

NEW BUSINESS:

1) Users of Gardner Lake and their concerns about lighting at Indianfield Cooperative Campground, 306 Old Colchester Road.

Jim McArdle, Bozrah, who resides almost directly across from Indianfield Cooperative Campground, voiced his concerns regarding the intensity of the dock lighting located along the shoreline of the Campground and presented the Commission with photographs of the lighting taken from two different locations. Following the filing of a formal complaint with the ZEO regarding the direction of the lighting at the Campground, he was informed that the

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pole lights had been grandfathered in. Upon further research, he believes that the Campground is in violation of Salem Zoning Regulations 11a.4.17 and 11a.5.3. In addition, according to CT State Regulations, no lights shall be illuminated on public property — the lake being public property. Seeing no reason to have the lights on when the docks are not in the water, he stated that the lights are on through the night from April, before the docks are out, through November, after the docks have been brought in. He submitted a petition of 148 signatures he has collected requesting that the lights be turned down, shielded, or turned off. The lighting, he stated, not only reflects a lot of light, in general, but also reflects a lot of light into the residents' homes located across the Lake.

Len Johnson, 87-G Cottage Road, Oakdale, a year-round resident in a home located diagonally across the Campground, presented an aerial photograph indicating the location of his home in relation to the Campground and photographs of the lights taken at approximately 5:00 a.m. There are seven (7) lights along the dock, all of which are pink, with the exception of one very bright white light. The July 1988 site plan of the Campground shows five (5) existing and two (2) proposed light poles for two new docks. There are no details regarding the light fixtures, e.g., type of bulb, wind load, light fixture, amount of lumens, or shading, on the plan. While he concurred that the lights are on from April to November, he added that three of the lights were on all year long last year and sees no reason for the lights to be on when the docks are not in the water. The bright lights deter from the enjoyment of the other residents, especially those who enjoy viewing the night sky; infringe upon the residents personal use and privacy by shining in their bedrooms, and; present an overall nuisance. He is requesting that the lights be shaded to ensure that their reflections remain on their property and cited the CT Model Zoning Regulations, which states, "That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across), the property lines and disability glare at any location on or off the property."

John Suchecki, Board of Directors, Indianfield Cooperative Campground, stated that he is unaware of the regulations in 1988 and does not reside on the property during the off-season months. While some of the lights may not have the capability of being shielded or having cutoffs, they are open to investigating the brightness of the one bright white light and will work on angling the lighting downward. He noted that the lights will cast, either way. He will strive to ensure that the lights are on from April 15 to November 3 and turned off during the off-season. The purpose of the lighting is to provide both safety and security for the boaters and their equipment.

In response to Commissioner Smith, Mr. McArdle stated that he had discussed the issue with Campground Manager Larry Harrington in 2001, who proceeded to have the lights lowered. Unfortunately, approximately one week later, the lights were, again, raised. He also spoke with a Board Member approximately ten years ago and the lights were shut off at 10:00 p.m.,

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but, again, after approximately two days, the lights were turned back on due to vandalism. He noted that the other campgrounds do not have such lights nor do they appear to have the same problems. Understanding the need for safety and security, he suggested installing cameras on the premises to help deter any vandalism. Mr. Suchecki felt that the replacement of the lights would also require the installation of new, taller poles and would be fairly expensive. Mr. Johnson suggested installing a shroud of sheet metal around the light so that the light can be directed downward.

Town Planner Serra stated that there are two issues regarding the lighting: public nuisance and a possible zoning violation. ZEO Burdick would not have recommended a renewal of their application had she felt that there was a zoning violation. She has since compiled additional information regarding the Campground and would like to request the time to review the files for any potential zoning violations. It is important to note that, while they are aware of the current regulations, it is unknown what the regulations were in 1988. It is hoped that, in the meantime, the two parties will be able to arrive at an amicable agreement. He added that, technically, the Lake is owned by the State and, upon questioning whether the State was contacted, Mr. Johnson stated that he has been unable to contact anyone regarding the issue. He added that the lights, which are indicated in the 1988 site plan are not the original lights – the current lighting being fewer in number and of a different size and type.

Chairman Duncan proposed allowing ZEO Burdick time to review the files for any zoning violations and added that disputes between private parties are not under the Commission's purview. Mr. Suchecki stated that he would discuss the issue with the Board in an effort to determine what they can do to help remedy the issue. Commissioner Savalle suggested viewing the lights from the point of view of the residents.

ZEO Burdick will review the files and report her findings to the Commission.

OLD BUSINESS:

3) Discuss Commission Bylaw change (*see attached*)

Town Planner Serra reviewed an amendment to the existing Bylaws, which did not coincide with the Town Charter, regarding the fulfillment of a vacancy due to a resignation and the fulfillment of a vacancy due to a resignation by an Officer (Section III - Vacancies). Commissioner Smith proposed the following change to the last sentence of the first paragraph to avoid any redundancy:

The Term of Office of such filled vacancy shall be ~~the unexpired portion of the term or~~ until the next regular town election, ~~whichever comes first~~.

Discussion ensued regarding the filling of a vacancy with a member of the same party. Town Planner Serra will discuss the issue with the Town Clerk.

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The Democratic Town Committee was contacted and recommended Jim Mulholland to fill the vacancy for the Alternate, but, because no formal letter has been submitted and the thirty (30) day requirement will expire, the Commission agreed to send the item to the Board of Selectmen to select a candidate to fulfill the vacancy for an Alternate Commission Member.

4) Discuss age restricted/elderly forms of housing as allowed by the zoning regulations.

The Commission reviewed a skeleton outline of the revised regulations, which covers the following components for a senior housing development:

Residency – allows for the principal resident to be a minimum of 55 years of age and no individual under the age of 21 would be permitted. Question arose regarding whether the minimum could be 18 rather than 21 years of age.

Districts Permitted – RUB has been excluded in order to avoid any complications regarding any development constraints due to building on any sensitive property.

Minimum Lot Size – Questioned whether retail properties should be included under the Industrial Zone such that the overall comprehensive layout might include commercial activities that serve the development.

Density – Rather than utilizing the existing Net Buildable Area (NBA) to calculate the maximum density, he proposed determining the buildable area by excluding any wetlands, steep slope, and flood plain areas.

Density Bonus – he proposed a density of four (4) bedrooms with a density bonus for affordable housing units, as defined by the CT State Statutes. Chairman Duncan proposed the possibility of lowering the density.

Maximum Density and Locational Requirements is included with the intent of allowing for a development that is sized in a more compatible manner with the Town.

Building/Dwelling Unit Requirements has not been changed from the existing regulations.

Buffer/Landscaping – A 50' landscaped setback would be required should the property line abut a residentially zoned property. The setback requirement would not apply to businesses.

Parking – The standard minimum parking of two spaces for a single-family residence was utilized; the minimum he would recommend is 1.5 spaces per unit.

Amenities – provide a minimum outdoor common use area for the residents. Chairman Duncan felt that amenities should be under the Builder's purview.

The Commissioners agreed that the regulations were much simpler, easy to understand, and a great start. Chairman Duncan recommended reviewing and determining whether there are any components from the old regulations they would like to have included in the new regulations. Town Planner Serra stated that some of the items were not included to avoid redundancy and to provide some flexibility.

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- 2) The Salem Herbfarm, 320 Hartford Rd. Application to amend Section 30.4 of the Zoning Regulations – Special Agriculture Zone – to add “Special Event Facility” and a request to designate 320 Hartford Road as a Special Agriculture Zone.

Chairman Duncan recused himself from the meeting, leaving Vice-Chairman Smith to act as Chairman.

At the suggestion of Town Planner Serra, the Commission agreed to schedule a site walk at the location for Saturday, September 17, 2016 at 9:00 a.m. Acting Chairman Smith recommended the Commissioners review the packet including the history, map, proposal, and other relevant material regarding the site.

M/S/C: Labonte/Bouchard, to schedule a Public Hearing for Tuesday, September 27, 2016 at 7:00 p.m. to discuss an application to amend Section 30.4 of the Zoning Regulations – Special Agriculture Zone – to add “Special Event Facility” and to designate 320 Hartford Road as a Special Agriculture Zone. Discussion: None. Voice vote, 5-0, all in favor.

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

ZEO Report – *No report*

IWCC Report

A site plan application has been submitted to the Inland Wetlands and Conservation Commission and is expected to be presented to the Planning & Zoning Commission next week for a contractor’s office and storage yard to be located on Old Colchester Road.

Planner Report

The CT Siting Council has received three (3) applications from T-Mobile for tower sharing on existing cell towers located at 153 East Haddam Road, which has been approved, and 27 Maynard Road and 160 Witch Meadow Road, which are being reviewed.

CORRESPONDENCE: *None*

PETITIONERS/PUBLIC COMMENT: *None*

PLUS DELTAS: *None*

ADJOURNMENT:

M/S/C: Labonte/Bouchard, to adjourn the meeting at 8:21 p.m. Discussion: None. Voice vote, 5-0, all in favor. Meeting Adjourned.

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