

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, AUGUST 23, 2016 – 7:00 P.M.  
SALEM TOWN OFFICE BUILDING**

**PRESENT**

Joseph Duncan, Chair  
Vernon Smith, Vice-Chair  
Jennifer Lindo-Dashnaw  
John Gadbois, Alternate (7:03 p.m.) (seated)  
David Miller, Alternate (seated)

**ABSENT**

Ron Bouchard, Secretary  
Ron Labonte  
Ruth Savalle  
Eric Wenzel

**ALSO PRESENT**

Town Planner Richard Serra

**CALL TO ORDER:**

Chairman Duncan called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

*Alternate Member Commissioner Miller was seated for Full Member Bouchard.*

**PUBLIC HEARING:** *None*

**PETITIONERS/PUBLIC COMMENT:** *None*

**APPROVAL OF MINUTES OF PREVIOUS MEETING(S):**

Regular Meeting Minutes: July 26, 2016 and August 16, 2016

Chairman Duncan confirmed that, according to the By-Laws, the Chairperson of the Commission has the same voting privileges as the other members of the Commission.

*Alternate Member Commissioner Gadbois was seated for Full Member Labonte.*

**M/S/C: Smith/Lindo-Dashnaw, to approve the Regular Meeting Minutes of August 16, 2016. Discussion: None. Voice vote, 4-0-1. Voting in Favor: Commissioners Duncan, Lindo-Dashnaw, Miller, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Gadbois.**

**M/S/C: Smith/Lindo-Dashnaw, to approve the Regular Meeting Minutes of July 26, 2016 as amended at the August 16, 2016 meeting. Discussion: None. Voice vote, 4-0-1. Voting in Favor: Commissioners Duncan, Lindo-Dashnaw, Miller, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Gadbois.**

Town of Salem Planning & Zoning Commission Regular Meeting Minutes  
August 23, 2016

**OLD BUSINESS:**

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

Town Planner Serra distributed and reviewed a memo received by the Zoning & Wetlands Enforcement Officer (ZWEO) Liz Burdick regarding the issue. He also engaged in a conversation with one of the complainants, who indicated that it may not be fruitful for them to pursue the issue with the Campground and thanked the ZWEO for her time and efforts.

- 2) ZRA-SAZ 8-01 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. **Scheduled for 9/27/16 public hearing.**

In addition to the public hearing, a Special Meeting for a Site Walk was also scheduled for Saturday, September 17, 2016 at 9:00 a.m. A notice will be sent to the Commissioners prior to the meeting.

- 3) Discuss Commission Bylaw change.

The Commissioners reviewed Chapter III - Elections and Elected Officials of the Town Charter, which stipulates the membership of Boards/Commissions and minority representation, and a note, dated November 24, 2015, based on correspondence received from the Secretary of the State’s office stating that “vacancies need only be filled by the same party of the vacating member if majority representation has been met”, per CT State Statutes §9-167a(d). Chairman Duncan proposed distributing copies of Chapter III of the Town Charter and the note to the absent Commissioners and re-visiting the issue.

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

It was confirmed that the age restricted and elderly forms of housing are being formulated as one regulation for the time being. Per their discussions during the last meeting, the following item was changed to the skeleton regulation:

Residency – Town Planner Serra stated that, having reviewed various regulations, he has found that, in general, for senior housing the minimum age is 62 and no younger than 55; for age restricted housing, the minimum is 55 years of age and no younger than 18. The purpose of the minimum age is to ensure that there are no school-age children residing in any of the dwelling units. The age will be changed from 21 to 18.

The following components from the old regulation for inclusion in the revised regulation will be further considered and discussed:

- a) Zone Change vs. Special Exception – Town Planner Serra stated that, in the current regulations, an age-restricted development (ARD) is considered a zone change, while senior housing is considered a special exception, requiring two different forms of

Town of Salem Planning & Zoning Commission Regular Meeting Minutes  
August 23, 2016

permitting. For the time being, the revised regulation is a special exception and the underlying zone would remain the same. Language may need to be included referencing Sections 11 (special exceptions) and 11a (site plan exception), for legal reasons. Discussion ensued regarding the advantage(s) and disadvantage(s) of a zone change and special exception. While a floating zone may provide the Commission with more weight legally, they might also receive a lot of opposition. A special exception would provide the Commission with more flexibility and discretion.

RU-B (Rural Zone – B), being the lowest density in the Town (minimum lot size of 120,000 SF) and including the most sensitive land areas, was excluded as one of the Districts Permitted for Senior Housing. Such land characteristics as wetlands, ledge, steep slope, outcrops, open space, reservoirs, watersheds are deemed RU-B.

- b) Deed Restrictions and Covenants – The regulation states that the occupant(s) must be in compliance with the age restriction; the owner of the property need not meet the same age restriction.
  - 1) Town Enforcement vs. Community Enforcement – with regards to compliance with the age-restricted requirements (Section 26A.5(H)). While the restriction would be included in the deed, the question of whether the Town would be responsible to enforce the age requirement, rather than or along with the Community Association, was raised. It was noted that the Town would have the authority to enforce any violations, per the zoning regulation.
- d) Frontage for Different Districts – because other districts and lot sizes will be incorporated into the revised regulation, the road frontage will also need to be reviewed.
- e) Sale/Re-sale Restrictions – depending upon how the wording of “owner/occupant” is read and understood under the current regulation, the owner may be required to meet the age restriction. (*see item b) Deed Restrictions and Covenants above*)
- f) Application Procedures
- g) Accessory Buildings (Amenities)

Also discussed and excluded for inclusion were the following topics:

Parking Requirements (Section 26A.5(I)1(4)) and requiring at least one of the spaces being part of the principal structure

Street Requirements (Section 26A.5(I)1(5)) – the definitions of access roads, arterial roads, collector streets, and local access roads were discussed. Town Planner Serra felt that it would be unlikely that a new Town road would be developed, as the process to do so would be time-consuming and costly. The primary reason for the developer to do so would be so that the maintenance of the road would come under the responsibility of the Town. There may be situations where the adjacent owner may be requested to deed part

Town of Salem Planning & Zoning Commission Regular Meeting Minutes  
August 23, 2016

of his/her property to the Town in order to provide a right-of-way. The Commission agreed to keep the road private.

Following the Commission's discussion on the topics, Town Planner Serra will revise the draft for further review.

**NEW BUSINESS:** *None*

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

**ZEO Report** – *None*

**Planner Report**

Town Planner Serra reported that the site plan application for a contractor's office and equipment storage facility to be located on Old Colchester Road, just north of R&W Heating Energy Solutions, Inc., may be presented to the Commission at their next meeting. The Inland Wetlands and Conservation Commission is currently reviewing the application.

**CORRESPONDENCE:** *None*

**PETITIONERS/PUBLIC COMMENT:** *None*

**PLUS DELTAS:**

Commissioner Smith expressed his appreciation of time and efforts of Town Planner Serra in preparing for the meetings and the Recording Secretary's meeting minutes.

**ADJOURNMENT:**

**M/S/C: Lindo-Dashnaw/Smith, to adjourn the meeting at 8:18 p.m. Meeting Adjourned.**

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Salem