

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 18, 2016 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Vernon Smith, Vice-Chair
Ron LaBonte
Jennifer Lindo-Dashnaw
Ruth Savalle
Eric Wenzel
John Gadbois, Alternate (seated)
Jim Mulholland, Alternate

ABSENT

Joseph Duncan, Chair
Ron Bouchard, Secretary
David Miller, Alternate

ALSO PRESENT

Town Planner Richard Serra
Board of Selectmen Liaison David Kennedy

CALL TO ORDER

Vice Chairman Smith called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Alternate Member Commissioner Gadbois was seated for Full Member Commissioner Duncan and new Alternate Member Commissioner Jim Mulholland and the Commissioners were introduced to the public.

PUBLIC HEARING – *continued from 9/27/16*

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.

Town Planner Serra introduced and Commissioner LaBonte read the following letters of support into the record:

Zach and Laura Adams, Fox Farms Brewery, 62 Music Vale Avenue
Maureen and Marshall Collins, 46 Round Hill Road.

The Inland Wetlands Commission has reviewed and approved the Application, with conditions, on October 11, 2016 and a copy of the legal notice and permit will be included as part of the Application file.

Vice-Chairman Smith asked if there was anyone present who would like to speak in support of the Application.

Mark Frausini, 212 Music Vale Road, spoke in support of the Application, stating that having such an establishment would be good for the Town. He expressed his wish for the public to

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continue to enjoy The Salem Herbfarm, which, he felt, is one of the most beautiful farms in the Town of Salem.

Town Planner Serra reviewed the procedures, stating that the Application has two (2) components upon which the Commission must decide:

1. Zoning Regulation Amendment – The Applicant is requesting an amendment to Section 30.4, Special Agriculture Zone, Permitted Uses, of the existing Zoning Regulation to include “Special Event Facility”. In accordance to State Statute, a regulation change should be in compliance with the Town’s Plan of Conservation and Development (POCD) and may be adopted with a majority vote. Chapter 4 of the POCD recognizes the changing agricultural activity and, along with the Town-wide Survey responses, the economic development component of agriculture-associated businesses. The approval of the amendment does not guarantee the approval of the second component. If approved, he recommended the following verbiage:
 - 20.4 (n) Special Event Facility. An establishment which hosts for-profit events such as weddings, business meetings, special or seasonal celebrations, and other non-profit community events under the conditions stipulated by the Commission as appropriate for the proposed site and surrounding area.
2. Designate 320 Hartford Road as a Special Agricultural Zone – Dependent upon the approval of the Zone Regulation Change, the designation will allow for the establishment of the proposed business on the property located at 320 Hartford Road. To approve this component of the Application, the Commission must find that the Application satisfies the following items, as stated in Section 30.15 of the Zoning Regulation:
 - a. meets the intent of the Town of Salem Zoning Regulations by allowing development that encourages maintaining/preserving the rural character of the town;
 - b. is in keeping with the Town of Salem Plan of Conservation and Development;
 - c. is consistent with the comprehensive plan of zoning for the town; and
 - d. will not adversely affect public health, welfare, safety, and property values.

In addition, the Applicant is requesting two (2) waivers:

1. Site Plan generated by a certified Land Surveyor or Engineer. Because the overall footprint of the property will remain the same and no new structures are being proposed, the Applicant requests this item be waived and find the existing Site Plan sufficient. No comments or concerns regarding the location of the property lines were made during the Public Hearing.
2. Traffic Impact Study prepared by a professional Traffic Engineer. The Applicant is requesting that the figures submitted for the average daily traffic volume, sight lines, parking, and estimated generation of traffic for their previous retail business be sufficient.

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It was estimated that a Site Plan generated by a certified Land Surveyor or Engineer would cost approximately \$6,000.00, dependent upon the topography of the land. A Traffic Engineer-generated Traffic Study is estimated to cost approximately the same amount.

Vice-Chairman Smith suggested amending the Application establishing the business as a year-round rather than seasonal operation. The Applicant stated that the decision to establish a seasonal rather than year-round business was due to their concern regarding the safety of the public as well as the snow removal issues. Nevertheless, they are agreeable to keeping their options open and amending the Application.

In response to Commissioner Wenzel, Town Planner Serra clarified that the property is currently operating with a Special Exception for agricultural activities as its primary activity under the Residential A Zone and the special events, which have been hosted at the location thus far, has been an accessory use. This particular Application would designate the property as a Special Agricultural Zone and the principal use would be as a Special Event Facility while the accessory use would be the agricultural activity. Because the principal use will be changing, the Applicant is required to request the zone change so that they might continue to make future investments and continue the proposed activity.

M/S/C: LaBonte/Lindo-Dashnaw, to close the Public Hearing at 7:26 p.m. Discussion: None. Voice vote, 6-0.

PETITIONERS/PUBLIC COMMENT: *None*

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular Meeting Minutes: September 27, 2016

M/S/C: LaBonte/Wenzel, to approve the Regular Meeting Minutes for September 27, 2016 with the following amendments:

ABSENT:

John Gadbois, Alternate (~~seated~~)

Old Business, Item 2:

The *tabling of the* item was ~~tabled until the revised~~; *the item will be discussed at the Commission's October 25 meeting.*

Discussion: None. Voice vote, 6-0, all in favor.

OLD BUSINESS:

1) **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.

The Commission reviewed the proposed verbiage for the amendment to the Regulations. The term “for-profit” derived from the Applicant’s narrative. Designating the property as a

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Special Event Facility would not affect or impact those businesses to which the Zone has already been applied. All applicants who would like to revise or add to their proposed activity or specific use within the Special Agricultural Zone would be required to submit a new application for review and approval by the Commission.

M/S/C: Lindo-Dashnaw/Gadbois, to approve the amendment to Section 30.4 of the Zoning Regulations by adding the following item:

20.4 (n) Special Event Facility. An establishment which hosts for-profit events such as weddings, business meetings, special or seasonal celebrations, and other non-profit community events under the conditions stipulated by the Commission as appropriate for the proposed site and surrounding area.

Discussion: None. Voice vote, 6-0.

Upon the suggestion of Town Planner Serra, an effective date was established. Upon adoption, a Notice of Decision will be published in the newspaper and a 15-day appeal period will take place from the date of the publication. Any investments made prior to the expiration of the appeal period would be at their own risk.

M/S/C: LaBonte/Lindo-Dashnaw, to adopt the aforementioned approved amendment to Section 30.4 of the Zoning Regulations effective October 18, 2016. Voice vote, 6-0, all in favor.

With regards to the waiving of the Site Plan and Traffic Study, Commissioner Wenzel stated that he researched and was unable to locate the existence of any regulation regarding the location of a parking lot in relation to an adjacent property. He did find, though, that "...any parking area, which serves more than fifteen (15) cars, shall be surface with bituminous concrete..." (Section 10.7) and "Parking lots shall have paved level parking spaces, minimally sloped for drainage, reserved for use by the physically handicapped." (Section 10.8). Town Planner Serra confirmed that the proposal includes handicap parking spaces and, while the issue of the surface is valid, stated that more activities are veering away from paving in support of low impact development standards. He recommended that the Commission consider an additional waiver, per the Regulations (Section 10.7.1), for the surface of the parking area.

Vice-Chairman Smith noted the cost of obtaining a proper site plan and traffic impact study for those wishing to start a new business and the usefulness of the information for the public and the Commission when making their decision(s). In this particular case, he saw no issues regarding the approval of waiving the requirements as it appears that the traffic will be decreased in comparison to their previous business and the footprint of the overall plan and property line will remain the same.

M/S/C: LaBonte/Lindo-Dashnaw, to waive the requirement for a Site Plan generated by a certified Land Surveyor or Engineer and a Traffic Impact Study

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prepared by a professional Traffic Engineer under Section 11A.2.3, and the Pavement requirement referenced in Section 10.7.1. Discussion: None. Voice vote, 6-0, all in favor.

The four criteria as stated in Section 30.15 of the Zoning Regulations were discussed. With regards to item c, the comprehensive plan of zoning, Town Planner Serra stated that the plan of zoning includes the Zoning Map and Zoning Regulations thereby suggesting that the application is in compliance with this particular item. Should the Commission find that the proposed Application satisfies these items and votes to approve the application, they should modify the application to include the extension of hours from 10:00 p.m. to 10:30 p.m. and/or changing the business from a seasonal to year-round operation.

M/S/C: Smith/Wenzel, finds that the Application satisfies Section 30.15, items a-d, of the Town of Salem Zoning Regulations and approves the Application with an amendment to include that the facility be available for year-round use. Discussion: It was clarified that the Chairperson may make a motion and has the same voting rights as the Commissioners. Voice Vote, 6-0, all in favor.

The Applicants were congratulated and the Commissioners were thanked for their time.

- 2) Discuss age restricted /elderly forms of housing as allowed by the zoning regulations.
(Tabled until October 25, 2016)

NEW BUSINESS: *None*

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

ZWEO Report – *none*

Town Planner Report

Town Planner Serra invited and encouraged the Commissioners to attend the upcoming Housing Forum at Three Rivers Community College on Wednesday, October 26 at 5:30 to 8:00 p.m. Chairman Duncan is one of the Panel members.

He will be meeting with Town Attorney Steve Byrne and First Selectman Kevin Lyden regarding the proposed 120' tower to be located on Witch Meadow Road within the Town Right-of-Way and near the southbound Route 11 exit ramp. Atty. Byrne has noted to him that the Town may provide input regarding the issue prior to the Siting Council's decision. As such, an informational meeting may be held with the Commission and feedback may be gathered for presentation to the Siting Council. There are no residential structures in the vicinity of the tower. The importance for the Commission to follow a basic procedure with regards to the erection of such towers for future considerations was stated.

The Inland Wetlands and Conservation Commission has received some concerns regarding the Fox Farm Brewery's sight line clearance, including the removal of trees and a portion of

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the stonewall. The final approved plan by the Inland Wetlands & Conservation and Planning & Zoning Commissions states that *any* obstacles will be removed. The silt fencing has been temporarily installed. He has visited the site and noted that the sight line has vastly improved with the removal of the stonewall. Because the stonewall marks the property line and no drill holes or markers were placed in the stonewall, he will be discussing the possibility of placing monuments or markers designating the area as the Town right-of-way with the First Selectman. In reviewing the files and based on his discussions with the ZWEO, he feels that the removal of the stonewall is in compliance with the proposed plan. He and ZWEO Liz Burdick will continue to monitor the situation and keep the Commission informed. Thus far, all of the activities taking place on the property complies with the approved plans, with the exception of modifications made to the septic design due to unexpected discoveries. An As Built Plan will be submitted.

It has come to his attention that the town of Colchester is applying for an Economic Development Grant to develop a plan for future development districts. Colchester's Economic Development Commission (EDC) has invited Town Planners from surrounding towns to discuss the Grant on, tentatively, Thursday, October 27, 2016. He is planning to attend the meeting and will keep the Commission apprised with any updates. He will be also be sharing the information with the Town's EDC.

The Inland Wetlands & Conservation Commission extensively discussed the site improvements requested by The Salem Herbfarm. Items discussed and approved included the cleaning up of the "pond" and the proposed parking area.

CORRESPONDENCE: *none*

PETITIONERS/PUBLIC COMMENT: *none*

PLUS DELTAS:

Commissioner LaBonte stated that he continues to be impressed by the civility of the Town's citizens during their public hearings. Vice-Chairman Smith concurred.

Commissioner Gadbois thanked the Minutes Clerk.

Commissioner Smith thanked Town Planner Serra for his guidance during the meetings.

ADJOURNMENT:

M/S/C: Mulholland/LaBonte, to adjourn the meeting at 8:13 p.m. Discussion: None. Voice vote, 6-0, all in favor. Meeting Adjourned.

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