

**Salem Planning and Zoning Commission
January 27, 2009**

Present: Abetti, F.
Bingham, D. - left at 8:29 pm
Buckley, K.
Chinatti, M. - Town Planner/ZEO/WEO
Fogarty, G.
McKenney, H.
Savalle, R.

Absent: Dalkowski, R.
Vacancy, Alt.
Vacancy, Alt.
Vacancy, Alt.

Guests: None

CALL TO ORDER:

Chairman H. McKenney:

- Called the meeting to order at 7:34 pm, and
- Introduced all members and staff present.

PUBLIC HEARINGS:

None Scheduled.

PETITIONERS:

There were no *PETITIONERS* this evening.

PUBLIC COMMENTS:

There were no *PUBLIC COMMENTS* this evening.

OLD BUSINESS:

1) Town Center Committee proposed regulations

The chair stated that he had received an email from R. Traylor, Town Center Committee chair, requesting an extension to present the proposed regulations at the PZC 2/24/09 meeting.

M/S/C (McKenney/Fogarty) to table the Town Center Committee proposed regulations to the February 24, 2009 Salem Planning and Zoning Commission Regular Meeting agenda for discussion at that time. Vote: approved unanimously.

2) **Proposed amendment: Section 3.26 Special Event Permits**

A copy of a draft of a very preliminary ordinance for Special Events (see attached to the filed copy of these minutes), drafted by J. Fogarty, Selectman, had been submitted to each PZC member.

This draft had not as yet been reviewed by the Board of Selectmen.

M. Chinatti, Town Planner/ZEO:

Even if the Special Events matter does become an ordinance, the Zoning Regulations would still have to be revised to allow the Special Events in whichever zones they will be allowed.

The chair recommended that the PZC notify the Board of Selectmen that the draft ordinance would be a good way to address Special Events.

After review of the draft, it was the Commission's consensus to have the Town Planner inform the First Selectman of their concerns discussed this evening in regard to this ordinance:

- The definition section should be tightened up to make it clearer,
- A control on frequency of events needs to be addressed, and
- As the Town Planner stated, parallel Zoning Regulations would need to be written to allow the Special Events in all zones.

3) **Adult Residential Development (ARD) regulations regarding impervious surfaces** (See attached to the filed copy of these minutes.)

M. Chinatti, Town Planner/ZEO:

This is the third draft of these amendments which were last discussed at the October 28, 2008 PZC meeting. It has been revised as per that discussion.

After review of the draft, it was the Board's consensus that they felt it was ready for public hearing and took the following action:

M/S/C (McKenney/Bingham) to set a public hearing for proposed amendments to Section 2 DEFINITIONS of the Salem Zoning Regulations to add "Pervious" and "Impervious" and revision of Section 26A.5 DEVELOPMENT STANDARDS in regard to Section 25A.5 I.2.3) Impervious Surface Coverage Requirements for Tuesday, March 24, 2009, 7:00 pm, Salem Town Office Building, 270 Hartford Road. Vote: approved unanimously.

It was the Commission's consensus to place this public hearing first on the 3/24/09 agenda and to notify the EDC of the hearing.

4) **160 Old Colchester Road violation**

M. Chinatti, Town Planner/ZEO:

Contacted the Housing Prosecutor as per the Commission's 1/17/09 discussion in regard to the procedure taken when a case has been referred to him and received an email in return outlining his procedures.

She forwarded the email to the First Selectman and his feedback was that he feels that the process still allows for discretion.

She stated that she sees no discretion.

Copies of the Prosecutor's email were presented to all members for review. (See attached to the filed copy of these minutes.)

H. McKenney stated that he had spoken to the First Selectman in regard to the differing PZC members' opinions, as to the how the Commission should proceed, which were discussed at the last PZC meeting.

He also spoke to Mr. Babcock, owner of the property in question:

His health is still failing; he has no monetary means to clean up the property; he was very non-committal to any solution to the problem; he was asked to attend tonight's meeting, but did not appear; the conversation was not encouraging at all.

M. Chinatti recommended that the Commission put a hold on this matter for a time, but not a prolonged period.

The Commission discussed the fact that the Prosecutor and/or Judge may be able to help the Babcocks and this avenue may turn their attention to resolving the situation.

After discussion, it was the consensus of the Commission to move forward with the paperwork to pursue this matter through the Housing Prosecutor.

NEW BUSINESS:

There was no *NEW BUSINESS* this evening.

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

M. Chinatti, Town Planner/ZEO/WEO:

Had distributed a copy of the Guided Summary of the Niantic River Watershed Protection Plan to all members present.

The document will be placed on the 2/24/09 PZC agenda for Commission discussion.

She requested that all members return the Comment Sheet to her prior to 2/17/09.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS: N/A

EXECUTIVE SESSION: (if needed)

1) Pending litigation (Kobyluck)

M/S/C (McKenney/Abetti) to go into Executive Session at 8:29 pm to discuss *Pending litigation (Kobyluck)* and include M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary. Vote: For approval - Abetti, Buckley, Fogarty, McKenney, and Savalle. For denial - no one. Abstaining - Bingham.

D. Bingham recused himself and left the meeting at 8:29 pm.

Present at Executive Session:

F. Abetti, K. Buckley, G. Fogarty, H. McKenney, and R. Savalle.

Present at the Commission's pleasure:

M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant and Recording Secretary.

M/S/C (McKenney/Savalle) to come out of Executive Session at 8:44 pm. Vote: approved unanimously.

NO ACTION TAKEN.

PLUS DELTAS:

Commission review of the positive aspects and areas for improvement in regard to the conduct of tonight's meeting.

CORRESPONDENCE:

- Workshop notices.

ADJOURNMENT:

M/S/C (McKenney/Buckley) to adjourn the meeting at 8:47 pm. Vote: approved unanimously.

Doris A. McTigue, Administrative Assistant/Recording Secretary