

Unapproved

Salem Planning and Zoning Commission
September 15, 2009

Present: Abetti, F.
Bingham, D. – arrived at 7:06 pm and left at 8:30 pm
Buckley, K.
Chinatti, M. – Town Planner/ZEO
Dalkowski, R.
McKenney, H.
Savalle, R.
Winakor, A., Alt.

Absent: Fogarty, G.
Vacancy, Alt.
Vacancy, Alt.

Guests: see attached.

CALL TO ORDER:

Chairman H. McKenney:

- Called the meeting to order at 7:05 pm,
- Introduced all members and staff present, and
- With the Commission's consent, seated A. Winakor for G. Fogarty.

D. Bingham arrived at the meeting.

ADDITIONS TO THE AGENDA:

M/S/C (McKenney/Abetti) to add the following to tonight's agenda:

Under *PUBLIC HEARINGS*:

- In item 1) *G. Getty* , add "and possible action"
- In item 2) *J. R. Pfanner & Associates (Frausini)* , add "and possible action"

Under *PETITIONERS*, add:

- "1) Tierney - Application (SUB#09-09-01) for a subdivision of land resulting in the creation of one (1) new building lot at 169 Round Hill Road"
- "2) Tierney - Special Exception application (SE#09-09-01) for a common driveway in regard to subdivision application (SUB#09-09-01) resulting in the creation of one (1) new building lot at 169 Round Hill Road"

Under *OLD BUSINESS*, add:

- "4) - Municipal Land Use Plan", and

Under *NEW BUSINESS*, add:

- "1) Protection of Natural/Historical/Architectural Resources during road construction, site plan and subdivision process/retain

rural character - roads (man-made features/ stonewalls/tree canopies, etc.)"

Vote: approved unanimously.

PUBLIC HEARINGS:

H. McKenney, chair, reviewed the PZC Public Hearing Procedures
and
Read the Legal Notices for both public hearings.

- 1) **G. Getty - Special Exception Modification (SEM#09-07-01) to add the use of a rock hammer as equipment to be added to the site plan for the quarry at 239 Rattlesnake Ledge Road and possible action**

M. Chinatti, Town Planner/ZEO:

In her investigation to document what equipment was approved for each excavation permit and what was actually being used on site, it was discovered that a rock hammer was being used at the Getty quarry, but it was not on the site plan.

The rock hammer at this quarry is not used to process larger stone into smaller stone; it is used only to pull apart stone slabs after blasting.

G. Getty, applicant:

Has had the rock hammer on the site for eleven (11) years. He only had his large machinery, the excavators, on the site plan as the rock hammer is used as an attachment on an excavator. He did not realize it should be on the site plan because it was an attachment. As stated by Ms. Chinatti, it is not used for processing; it is used to pull apart the stone slabs.

Commission review of the modified site plan and M. Chinatti's comments on this application in her 9/10/09 Report on Agenda Items. (See Report attached to the filed copy of these minutes.)

Public comments:

There were no public comments.

All Certificates of Mail have been received
as per the Regulations.

M/S/C (Buckley/Winakor) to close the public hearing on the G. Getty Special Exception Modification (SEM#09-07-01) to add the use of a rock hammer as equipment to be added to the site plan for the quarry at 239 Rattlesnake Ledge Road. Vote: approved unanimously.

M. Chinatti, Town Planner/ZEO:

Reviewed her suggested conditions for approval:

1. The site plan be modified to include:
"Rock Hammer" as permitted equipment, but not to be used for processing stone.
2. The modified site plan shall be filed on the Land Records following endorsement by the Chairman of the Commission.

M/S/C (McKenney/Abetti) to approve the G. Getty Special Exception Modification (SEM#09-07-01) to add the use of a rock hammer as equipment to be added to the site plan for the quarry at 239 Rattlesnake Ledge Road with the following conditions:

1. The site plan be modified to include:
"Rock Hammer" as permitted equipment, but not to be used for processing stone.
2. The modified site plan shall be filed on the Land Records following endorsement by the Chairman of the Commission.

Vote: approved unanimously.

2) J. R. Pfanner & Associates (Frausini) - Application (RS#09-08-01) for a resubdivision of land into two (2) lots at 200 Music Vale Road and possible action

M. Chinatti, Town Planner/ZEO:

This application is for a two (2) lot resubdivision of a 30.75 acres parcel.

The additional building lot will be a rear lot of 4.28 acres with a stand-alone access from Music Vale Road.

It is a very straightforward resubdivision and all of her comments have been addressed.

The Sanitarian's review provided comments (see her 9/15/09 Report on Agenda Items - Update attached to the filed copy of these minutes) that could be listed as conditions of approval.

J. R. Pfanner, PE, appeared for the applicant:

Review of plan presented.

The Salem Inland Wetlands and Conservation Commission, at their 9/14/09 meeting, granted a permit for the small portion of the driveway that goes through an Upland Review Area.

All Certificates of Mail have been received
as per the Regulations.

Public comments:

There were no public comments.

M/S/C (Buckley/Savalle) to close the public hearing on the J. R. Pfanner & Associates (Frausini) - Application (#09-08-01) for a resubdivision of land into two (2) lots at 200 Music Vale Road. Vote: approved unanimously.

M/S/C (Bingham/Winakor) to approve the J. R. Pfanner & Associates (Frausini) - Application (#09-08-01) for a resubdivision of land into two (2) lots at 200 Music Vale Road with the following conditions:

As per comments from the Town Sanitarian:

1. Show percolation test results with time, reading, and rate.
2. Show who conducted the percolation tests.
3. Item #10 under Sanitary Design Notes Lot 18-5 states: "As-built drawings are required for the septic system and shall be submitted to the Uncas Health District." This must be changed to the Salem Health Department.

Vote: approved unanimously.

PETITIONERS:

- 1) Tierney - Application (SUB#09-09-01) for a subdivision of land resulting in the creation of one (1) new building lot at 169 Round Hill Road
- 2) Tierney - Special Exception application (SE#09-09-01) for a common driveway in regard to the subdivision application (SUB#09-09-01) resulting in the creation of one (1) new building lot at 169 Round Hill Road

M. Chinatti, Town Planner/ZEO:

These applications are on tonight's agenda for acceptance and the scheduling of the public hearing for the Special Exception.

M/S/C (McKenney/Abetti) to table discussion of the Tierney application (SUB#09-09-01) for a subdivision of land resulting in the creation of two (2) lots at 169 Round Hill Road to the October 20, 2009 Regular Meeting agenda of the Salem PZC and to set a public hearing for the Tierney Special Exception application (SE#09-09-01) for a common driveway in regard to the subdivision of land resulting in the creation of two (2) lots at 169 Round Hill Road for Tuesday, October 20, 2009, 7:00 pm, Salem Town Office Building, 270 Hartford Road. Vote: approved unanimously.

PUBLIC COMMENTS:

There were no *PUBLIC COMMENTS* this evening.

OLD BUSINESS:

- 1) Framill Properties - Site Plan Modification application (SPM#09-08-01) for minor revisions to the approved site plan for 15 & 17 Centre Street

2) **Salem Center, LLC - Site Plan Modification application (SPM#09-08-02) for minor revisions to the approved site plan for 24 Hartford Road**

M. Chinatti, Town Planner/ZEO & E. Bartlett, PE, of CLA Engineers:

After PZC approval of the two above referenced applications, the State of CT Department of Health reviewed the plans and made minor modifications.

These modifications now require approval by the PZC.

Minor modifications:

FRAMILL PROPERTIES	SALEM CENTER, LLC
Emergency vehicle parking added to the east and west sides of the building will be striped.	Emergency vehicle parking added to the east and west sides of the building will be striped.
Outdoor light shifted	Guardrail revision

M/S/C (McKenney/Buckley) to approve the Site Plan Modification application (SPM#09-08-01) of Framill Properties, LLC, for minor revisions to the approved site plan for 15 & 17 Centre Street on plan titled *Framill Properties, LLC Site Plan, 15-17 Center Street, Town of Salem, Connecticut* prepared by CLA Engineers, Inc., dated April 1, 2008, revised to July 30, 2009, consisting of seven (7) sheets, including the following modifications:

- Emergency vehicle parking added to the east and west sides of the building will be striped, and
- Outdoor light shift revision.

Vote: approved unanimously.

M/S/C (McKenney/Buckley) to approve the Site Plan Modification application (SPM#09-08-02) of Salem Center, LLC for minor revisions to the approved site plan for 24 Hartford Road on plan titled *Salem Center, LLC Site Plan, 24 Hartford Road, Town of Salem, Connecticut* prepared by CLA Engineers, Inc., dated April 1, 2009, revised to July 30, 2009, consisting of seven (7) sheets, including the following modifications:

- Emergency vehicle parking added to the east and west sides of the building will be striped, and
- A guardrail revision

Vote: approved unanimously.

3) **Recreation Commission (Spang) - 8-24 Referral - Ten (10) Year Plan for a portion (Forsyth Road site) of Map #8, Lot #21, commonly known as the Gadbois property (89 Norwich Road)**

No one appeared for this item.

M. Chinatti, Town Planner/ZEO:

The Recreation Commission prepared the Ten (10) Year Plan of Development for the section of the Gadbois property located on Forsyth Road that was designated for recreation.

The Salem IWCC has reviewed the plan, but revisions are needed; a 65-day extension was granted.

The Rec Commission is just requesting a conceptual approval of this municipal project from the PZC in regard to their 8-24 Referral (by State Statute) to the Commission.

After Commission discussion, the following action was taken:

M/S/C (McKenney/Abetti) to ~~approve~~ provide a favorable recommendation for the 8-24 Referral of the Salem Recreation Commission in regard to their Ten-Year Plan for a portion (Forsyth Road site) of Map #8, Lot #21, commonly known as the Gadbois property (89 Norwich Road).

Considerable discussion as to if the PZC should approve or give a recommendation as to this project.

[amended] (McKenney/Abetti) to change the word *approve* in the motion to "..... provide a favorable recommendation for"
Vote: approved unanimously.

The chairman stated that the site is ideal for recreation and it is in a part of the Town of Salem upon which new housing is being constructed.

4) Municipal Land Use Plan

H. McKenney, chairman, informed the Commission:

The First Selectman suggested that the PZC form their own Committee for the possible revision of the Salem Municipal Land Use Plan and allow them a ninety (90) timeline.

H. McKenney requested that K. Buckley, PZC member, chair the Committee.

Possible other members discussed by the Commission:

H. McKenney, PZC chairman,
M. Chinatti, Town Planner/ZEO/WEO,
D. Bourdeau, Jr., Director of Public Works/Fire Marshal,
J. Fogarty, Former First Selectman/present BOS member,
One or both Fire Chiefs,
Recreation Commission chairman or a member,
Board of Education chairman or a member, and
An invitation should be made to the incoming First Selectman to attend.

M/S/C (McKenney/Bingham) to form a subcommittee for the revision of the Salem Municipal Land Use Plan consisting of members as suggested this evening and with a final report date of no later than 2/01/10. Vote: approved unanimously.

NEW BUSINESS:

- 1) **Protection of Natural/Historical/Architectural Resources during road construction, site plan and subdivision process/retain rural character - roads (man-made features/ stonewalls/tree canopies, etc.)**

It was the Commission's consensus to table this item to the PZC September 22, 2009 Regular Meeting agenda.

ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONVERSATION COMMISSION REPORT: (See attached to the filed copy of these minutes.)

M. Chinatti, Town Planner/ZEO/WEO, added the following to her Report:

- In regard to the article in the members' packages titled *Volunteers needed for Niantic River water quality*, you need not be a member of a Town Board or Commission to volunteer.
- In regard to the Niantic Watershed Study Committee, they are finalizing a checklist for applicants.
- A Low Impact Development Stormwater workshop could be presented in Salem by John Roszum of NEMO.

Of the dates Mr. Roszum submitted for his availability, the Salem IWCC selected Wednesday, October 28, 2009.

It was the PZC's consensus also.

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

- 1) **August 18, 2009 - Regular Meeting**
- 2) **August 25, 2009 - Regular Meeting**

M/S/C (McKenney/Fogarty) to approve the minutes of the August 18, 2009 and the August 25, 2009 Regular Meetings of the Salem Planning and Zoning Commission as presented. Vote: approved unanimously

EXECUTIVE SESSION: (if needed)

M/S/C (McKenney/Buckley) to go into Executive Session at 8:29 pm to discuss pending litigation for 1) 160 Old Colchester Road and 2) Kobyluck and include M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary. Vote: approved unanimously.

D. Bingham stated that he would be recusing himself from the Kobyluck discussion, item 2).

1) Pending litigation (160 Old Colchester Road)

Present at Executive Session:

F. Abetti, D. Bingham, K. Buckley, R. Dalkowski, H. McKenney, R. Savalle, and A. Winakor.

Present at the Commission's pleasure:

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

D. Bingham recused himself at 8:30 pm and left the meeting.

2) Pending litigation (Kobyluck)

Present at Executive Session:

F. Abetti, K. Buckley, R. Dalkowski, H. McKenney, R. Savalle, and A. Winakor.

Present at the Commission's pleasure:

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

NO ACTION TAKEN.

M/S/C (McKenney/Abetti) to come out of Executive Session at 8:47 pm. Vote: approved unanimously.

PLUS DELTAS:

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

CORRESPONDENCE:

- CT Conference on Municipalities - information in regard to their convention in October in Hartford.

ADJOURNMENT:

M/S/C (McKenney/Savalle) to adjourn the meeting at 8:52 pm. Vote: approved unanimously.

Doris McTigue, Administrative Assistant/ Recording Secretary