

Unapproved

Salem Planning and Zoning Commission
October 20, 2009

Present: Abetti, F.
Bingham, D. - left at 7:44 pm
Buckley, K.
Chinatti, M. - Town Planner/ZEO
McKenney, H.
Savalle, R.
Winakor, A., Alt.

Absent: Dalkowski, R.
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.

PUBLIC HEARINGS:

The chairman:

Reviewed the PZC Public Hearing Procedures,
and
Read the Legal Notice.

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

- 1) 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:

This hearing is for a Special Exception for a common driveway to service two (2) lots for the subdivision listed on tonight's agenda as *OLD BUSINESS 1) SUB#09-09-01*.

The proposed common driveway is the existing driveway used to access the existing house on the property.

The Common Driveway Easement, the access easement, and the road frontage deed have all been approved by the Town Attorney as to form.

E. Seitz, LS, appeared for the applicants:

The subdivision comprises two lots of 2 acres and 1.38 acres, respectively.

A ZBA variance for the 1.38 acre lot was granted in 2008.

M. Chinatti, Town Planner/ZEO:

All staff comments have been addressed on the plans.

Public comments:

There were no public comments.

M/S/C (Bingham/Winakor) to close the public hearing on the 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. Vote: approved unanimously.

Possible action on this public hearing is listed under *OLD BUSINESS 2)* on tonight's agenda.

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

Under *PETITIONERS*:

"2) J. Robert Pfanner & Associates, PC - request for waiver of Section 3.1(a) of the Salem Subdivision Regulations in regard to the Submission of Digital Data for Record Subdivision Map for the approved Frausini Resubdivision (RE#09-08-01) at 200 Music Vale Road.

Vote: approved unanimously.

PETITIONERS:

- 1) **LDP#09-10-01 - Erik Kudlis, Erik's Design Build, Inc., applicant, William DeSandre and Christina Grillo, owners, for property at 635 West Rd., a.k.a. Lot #16-13 in the C.N.S. Sunset Meadows Subdivision - Engineering review/Commission approval of lot development plan, as required by the subdivision approval, and possible action**

M. Chinatti, Town Planner/ZEO:

All lots in the C.N.S. Sunset Meadows Subdivision must have their lot development plans approved by the Planning and Zoning Commission, as per conditions of the subdivision approval, due to the Commission's drainage concerns on the entire parcel.

The Engineer's review letter (see attached to the filed copy of these minutes) was faxed this afternoon with nine (9) concerns, all of which can be made conditions of approval.

This application is ready for action by the Commission.

E. Kudlis, Erik's Design Build, Inc., appeared:

Gave the Commission an overview in regard to the energy efficient building measures he utilizes when designing a house for a particular lot.

M/S/C (Abetti/Savalle) to approve Lot Development Plan application (LDP#09-10-01) of E. Kudlis, Erik's Design Build, Inc., applicant, William DeSandre and Christina Grillo, owners, for property at 635 West Rd., a.k.a. Lot #16-13 in the C.N.S. Sunset Meadows Subdivision with plans revised to incorporate the Town Engineer's recommendations as outlined in his October 20, 2009 letter. Vote: approved unanimously.

2) J. Robert Pfanner & Associates, PC - request for waiver of Section 3.1(a) of the Salem Subdivision Regulations in regard to Submission of Digital Data for Record Subdivision Map for the approved Frausini Resubdivision (RS#09-08-01) at 200 Music Vale Road

M. Chinatti, Town Planner/ZEO:

This request has been made in order to submit a fee in lieu of the required digital data submission for the recently approved Frausini two (2) lot resubdivision on Music Vale Road.

The engineer is concerned that the Connecticut Department of Consumer Protection Licensing Board does not approve of the submission of electronic signature plans and that, subsequently, if any revisions were made to those plans, the surveyor or professional engineer that signed them would still be liable and their license would be at risk.

Recommendation is to approve the request. The Commission has done this before. It is a two (2) lot resubdivision and the fee would be \$500.

M/S/C (Bingham/Buckley) to approve the request to waive Section 3.1(a) of the Salem Subdivision Regulations regarding the approved Frausini resubdivision application (RS#09-08-01) at 200 Music Vale Road. Vote: approved unanimously.

PUBLIC COMMENTS:

- E. Seitz, LS, - comments in regard to digital submission of data.

OLD BUSINESS:

1) SUB#09-09-01 - John M. & Lori Y. Tierney, owners, for property at 169 Round Hill Road, Salem, CT. Proposed two (2) lot subdivision. Possible Action.

M. Chinatti, Town Planner/ZEO:

This subdivision is just west of the State's Zemko Pond property on Round Hill Road.

In June 2008, the Salem Zoning Board of Appeals granted a variance for a 60,000 sq. ft. lot on this ±3.4 acre lot.

The road frontage deed has been approved by the Town Attorney.

M/S/C (McKenney/Abetti) to approve the John & Lori Tierney two (2) lot subdivision application (SUB#09-09-01) for 169 Round Hill Road with the associated plans revised to October 3, 2009. Mylars shall not be signed by the Chairman of the Commission until the following are submitted:

1. Executed copies of the required road frontage deed, common driveway easement, and access easement; and
2. A digital copy of the approved plan.

Vote: approved unanimously.

- 2) **SE#09-09-01 - John M. & Lori Y. Tierney, owners, for property at 169 Round Hill Road, Salem, CT. Common driveway to serve two (2) lots, associated with SUB#09-09-01. Possible Action.**

M/S/C (McKenney/Bingham) to approve the Site Plan Modification application (SPM#09-08-01) of John & Lori Tierney for a common driveway to serve two (2) lots associated with SUB#09-09-01 at 169 Round Hill Road with the associated plans revised to October 3, 2009. Mylars shall not be signed by the Chairman of the Commission until the following are submitted:

1. Executed copies of the required road frontage deed, common driveway easement, and access easement; and
2. A digital copy of the approved plan.

Vote: approved unanimously.

NEW BUSINESS:

There was no *NEW BUSINESS* this evening.

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

M. Chinatti, Town Planner/ZEO/WEO, stated that she had nothing to add to her reports.

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

- 1) **September 15, 2009 - Regular Meeting**

M/S/C (McKenney/Abetti) to approve the minutes of the September 15, 2009 Regular Meeting of the Salem Planning and Zoning Commission as presented. Vote: approved unanimously

(The PZC September 22, 2009 Regular Meeting was cancelled.)

EXECUTIVE SESSION: (if needed)

M/S/C (McKenney/Buckley) to go into Executive Session at 7:41 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., 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 7:44 pm and left the meeting.

2) Pending litigation (Kobyluck)

Present at Executive Session:

F. Abetti, K. Buckley, R., 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/Winakor) to come out of Executive Session at 8:00 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:

- Newsletter.
- Workshop notice - will be sent to all those running for positions on the PZC in next month's election.

ADJOURNMENT:

M/S/C (McKenney/Buckley) to adjourn the meeting at 8:04 pm. Vote: approved unanimously.

Doris McTigue, Administrative Assistant/ Recording Secretary