

Unapproved

Salem Planning and Zoning Commission
June 23, 2009

Present: Abetti, F.
Bingham, D - arrived at 7:05 pm and left at 9:35 pm
Buckley, K.
Chinatti, M. - Town Planner/ZEO
Dalkowski, R.
Fogarty, G.
McKenney, H.
Savalle, R. - arrived at 7:06 pm
Winakor, A., Alt.

Absent: Vacancy, Alt.
Vacancy, Alt.

Guests: see attached.

CALL TO ORDER:

H. McKenney, chairman, called the meeting to order at 7:02 pm.

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

Under *PETITIONERS*:

"2) G. Getty - Request for waiver of Section 14.6d) of the Salem Zoning Regulations in regard to renewal of Excavation Permit and to address the Commission regarding the use of a rock hammer,"

"3) L. Avery - Request for waiver of Section 14.6d) of the Salem Zoning Regulations in regard to renewal of Excavation Permit," and

"4) M. Kobyluck - Discussion regarding Monitoring and Inspection Fee for Excavation Permit renewal"

Vote: approved unanimously.

The chairman introduced all members and staff present.

D. Bingham arrived at the meeting.

The chairman, with the Commission's consent, seated A. Winakor for R. Savalle.

PUBLIC HEARING(S):

None Scheduled.

PETITIONERS:

- 1) **L. Getty - Request for waivers of Sections 14.6d) and 14.6g) of the Salem Zoning Regulations in regard to renewal of Excavation Permit**

R. Savalle arrived at the meeting.

A. Winakor stepped down.

R. Savalle assumed her seat on the Commission.

M. Chinatti, Town Planner/ZEO:

She has inspected the site and minimal excavation has taken place.

Recommends approval of the request for the waiver of 14.6d).

He has submitted a spreadsheet for compliance with Section 14.6g).

M/S/C (Fogarty/Abetti) to approve the request of L. Getty for a waiver of Section 14.6d) of the Salem Zoning Regulations for the renewal of the Excavation Permit for the excavation at 120 East Haddam Road. Vote: approved unanimously.

2) **G. Getty - Request for waiver of Section 14.6d) of the Salem Zoning Regulations in regard to renewal of Excavation Permit and to address the Commission regarding the use of a rock hammer**

M. Chinatti, Town Planner/ZEO:

Her inspection found him in compliance.

Recommends approval of the waiver of Section 14.6d).

M/S/C (Buckley/Fogarty) to approve the request of G. Getty for a waiver of Section 14.6d) of the Salem Zoning Regulations for the renewal of the Excavation Permit for the quarry excavation at 229 Rattlesnake Ledge Road. Vote: approved unanimously.

G. Getty, owner/operator of the quarry, appeared:

He received a letter from the ZEO stating that he needed to apply for a Special Exception modification in order to use his rock hammer.

He has been using the rock hammer since he started his business and he thought it was a part of the Special Exception for his quarry approved by the Planning and Zoning Commission because it was discussed during the approval process.

M. Chinatti, Town Planner/ZEO:

The rock hammer is not shown on his site plan. The equipment that could be used on the site was discussed during the Special Exception's public hearing.

Three (3) excavators are on the plan. The rock hammer is an attachment on one of the excavators, but it does process rock as it can be used to break the rock down into smaller pieces.

She has not researched any minutes or video tapes in regard to Mr. Getty's Special Exception.

G. Getty explained how he uses the rock hammer:

It is used to pull apart the rocks in slabs; he does not break them up any smaller after the slab is pulled out.

M. Chinatti, Town Planner/ZEO, in response to questions from PZC members:

- Explained the process for a Special Exception modification approval, and
- How this matter came about:
One of the quarry owners had asked her to provide what equipment the other quarries were approved for.
This matter was found during her research.

After discussion, it was the Commission's decision to have M. Chinatti:

- Research what was said at the public hearing for Mr. Getty's Special Exception for the quarry using minutes and tape before application for a Special Exception Modification is made, and
- Report back to the Commission at the July 21, 2009 Regular Meeting as to her findings.

3) **L. Avery - Request for waiver of Section 14.6d) of the Salem Zoning Regulations in regard to renewal of Excavation Permit**

M. Chinatti, Town Planner/ZEO:

The Monitoring and Inspection Fee has been submitted; 401.6 cubic yards have been removed and documentation has been submitted.

The Wetlands Permit for this quarry has expired. An application for a new permit has been submitted and the IWCC is presently reviewing the application.

Recommendation is to put this request for a waiver on hold until such time as a valid Wetlands Permit has been issued.

M. Avery, L. Avery's son, appeared before the Commission:

Requested to know the status of the IWCC application and the Quarry renewal.

M. Chinatti and H. McKenney explained the IWCC and the PZC processes.

This matter will be placed on the July 21, 2009 Regular Meeting PZC agenda.

4) **M. Kobyluck - Discussion regarding Monitoring and Inspection Fee for Excavation Permit renewal**

M. Chinatti, Town Planner/ZEO:

Mr. Kobyluck asked to speak to the Commission this evening in regard to the fact that he feels that his Monitoring and Inspection Fee should be applied to the 2007 cubic yards as opposed to the 2002 cubic yards.

All excavation permit holders have paid their Monitoring and Inspection Fee based on the number of cubic yards when their Special Exception for an Excavation Permit was approved.

Mr. Kobyluck's 2002 Special Exception was approved at 501,850 cubic yards.

D. Bingham recused himself.

M. Kobyluck appeared before the Commission:

The fee should be based on the number of cubic yards the operation is taking out at the time of permit renewal, not at the amount to be taken out at the time of the Special Exception Excavation Permit approval.

It should be a one-time fee, not one that needs to be kept replenished at the original amount by the quarry operator, as the operator has no control as to how many times the Town Engineer, ZEO, etc. can come out to monitor or inspect.

Feels that the regulation is unclear; there is inadequate information in the regulations for applicants.

He also discussed the following:

Three (3) weeks ago he was issued a Cease & Desist Order by the Zoning Enforcement Officer for the use of a rock hammer.

This C & D should be held in abeyance until the research is completed for the G. Getty quarry, as, at that time, the two operations were under one (1) application.

The Commission took a five (5) minute break.

PUBLIC COMMENTS:

There were no *PUBLIC COMMENTS* this evening.

OLD BUSINESS:

1) **Town Center Committee Design Guidelines**

D. McTigue, Administrative Assistant, had spoken to C. Fontneau, committee member who is working on the design guidelines.

He stated that he should have the guidelines ready for the Commission for the 7/28/09 PZC meeting and will try to get a copy to the Town Planner about a week before the meeting.

M. Chinatti, Town Planner/ZEO, stated that she had received comments from Attorney S. Byrne in regard to the Town Center Committee's proposed Village District Regulations.

2) **PZC/EDC discussion - future business development in Salem**

H. McKenney, chairman, stated that he had been in touch with the EDC and they are not ready to discuss this matter as yet. F. Sroka, EDC chairman, suggested that a joint PZC/EDC Special Meeting be held in early fall for the discussion.

M/S/C (McKenney/Fogarty) to table the matter of the PZC/EDC discussion concerning future business development in Salem to the September 22, 2009 PZC Regular Meeting. Vote: approved unanimously.

3) **PZC priorities**

The Commission reviewed the *PZC Priorities List, 5/26/09 Rev. Date*, which the Town Planner had compiled after receiving all of the Commissioner's personal PZC priorities' lists.

The results were the following for the top three (3) priorities:

1. *Update Zoning Map - Digital;*
2. *Add L.I.D. (Low Impact Development) Design as part of BMPs (Best Management Practices) re Stormwater Management Practice; and*

Tied for third:

3a. *Records Retention/Security*
and

3b. *Protection of Natural/Historical/Architectural Resources during road construction, site plan and subdivision process/retain rural character - roads (manmade features/stone walls/tree canopies, etc.).*

It was the Commission's decision to do the following to begin implementation of priorities:

1. **Digital Zoning Map**

The Commission will request E. Belt, who is very familiar with the town's GIS, to attend the 7/28/09 PZC meeting to discuss what needs to be done in order to generate a digitized Salem Zoning Map.

2 **Adding L.I.D. Design**

R. Dalkowski will give his presentation to the Commission on Best Management Practices for L.I.D. Design at the August 25, 2009 PZC meeting.

3a. **Records**

This is not the responsibility of the PZC to spearhead this matter; it is one for the entire Town Office Building to take a part in.

M. Chinatti, Town Planner/ZEO, will report to the Commission at the 9/22/09 as what she feels needs to be done.

3b. Protection of Natural/Historical/Architectural Resources

The Commission will discuss this matter at the 8/25/09 PZC meeting.

NEW BUSINESS:

There was no *NEW BUSINESS* this evening.

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS: N/A

EXECUTIVE SESSION: (IF NEEDED)

M/S/C (Fogarty/Buckley) to go into Executive Session at 9:29 pm to discuss 1) *Pending litigation - 160 Old Colchester Road*, and 2) *Pending litigation - Kobyluck*, and include M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant. Vote: approved unanimously.

D. Bingham stated that he would recuse himself from the Kobyluck item.

1) Pending litigation - 160 Old Colchester Road

Present at Executive Session:

F. Abetti, D. Bingham, K. Buckley, R. Dalkowski, G. Fogarty, 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.

D. Bingham recused himself and left the meeting.

2) Pending litigation - Kobyluck

Present at Executive Session:

F. Abetti, K. Buckley, R. Dalkowski, G. Fogarty, 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.

NO ACTION TAKEN.

M/S/C (McKenney/Fogarty) to come out of Executive Session at 10:00 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:

There was no *CORRESPONDENCE* this evening.

ADJOURNMENT:

M/S/C (Fogarty/Buckley) to adjourn the meeting at 10:05 pm. Vote: approved unanimously.

Doris McTigue, Administrative Assistant/Recording Secretary