

**Unapproved**

Salem Planning and Zoning Commission  
August 25, 2009

Present: D. Bingham - left at 8:34 pm  
Buckley, K.  
Chinatti, M. - Town Planner/ZEO  
Dalkowski, R.  
Fogarty, G.  
McKenney, H.  
Savalle, R.  
Winakor, A., Alt.

Absent: Abetti, F.  
Vacancy, Alt.  
Vacancy, Alt.

Guest: W. Schultz, S. Spang, and R. Appleby.

**CALL TO ORDER:**

H. McKenney, chairman:

- Called the meeting to order at 7:07 pm,
- Introduced all members and staff present, and
- With the Commission's consent, seated A. Winakor for F. Abetti.

**PUBLIC HEARING(S):**

None Scheduled.

**PETITIONERS:**

- 1) **B & O Salem Realty (Mecca) - Site Plan Modification (SPM#09-08-03) for a second sign at 1 New London Road (~~Norwich~~ East Haddam Road side of Salem Town Center)**

M. Chinatti, Town Planner/ZEO:

This application is for a directory sign on the Route 82 frontage (East Haddam Road) of 1 New London Road.

It appears that most of the property of 1 New London Road is located in a flood zone.

Neither the plans presented, nor any of the other plans of the site available in the Town Office Building files, delineate the flood zone and it should be determined as to if the proposed site for the sign is also in the flood zone.

The flood zone would have to be delineated by a professional engineer.

D. Mecca, Salem Town Center manager, appeared:

Stated that the flood zone delineation had been done when he sold the shopping center to the present owner.

Presented a map of the Salem Four Corners area showing that the buildings at 1 New London Road are outside the flood zone and a Federal Emergency Management Agency Elevation Form, signed and sealed by J. J. Dempsey, LS, stating:

Salem Town Center	Lowest Adjacent Grade To Structure	Base Flood Elevation
Strip Mall	268.8	266
Older Building	268.6	266

The State does not require a permit for anything on private property unless it is within ten (10) feet of the state road.

Also presented two (2) photographs, one taken from Route 85 (New London Road) and the other one taken from the Route 82 (East Haddam Road) side showing the proposed location of the sign.

After Commission review and discussion of the applicant's presentations, M. Chinatti, Town Planner/ZEO/WEO, stated that the documents show that the buildings and the sign location are out of the flood zone, and the Commission took the following actions:

In regard to the requested waivers of the Site Plan Contents for SPM#09-08-03:

M/S/C (McKenney/Fogarty) to approve the following requested waivers of Sections 11A.4.1, 11A.4.2, 11A.4.3, 11A.4.4, 11A.4.5, 11A.4.6, 11A.4.7, 11A.4.8, 11A.4.9, 11A.4.10, 11A.4.11, 11A.4.13, 11A.4.14, and 11A.4.16 of the Salem Zoning Regulations for Site Plan Modification application (#SPM09-08-03) of B & O Salem Realty (Mecca). Vote: approved unanimously.

In regard to the Site Plan Modification application (#SPM09-08-03):

M/S/C (McKenney/Fogarty) to approve, as presented, Site Plan Modification (SPM#09-08-03) of B & O Salem Realty (Mecca) for a second sign at 1 New London Road (East Haddam Road side of Salem Town Center) with the following conditions:

1. An Approval Signature Block is added to the plan, and
2. The dimensions of the proposed sign are included on the plan.

Vote: For approval - Bingham, Dalkowski, Fogarty, McKenney, Savalle, and Winakor. For denial - no one. Abstaining - Buckley.

MOTION CARRIED

Due to the fact that S. Spang had to leave the meeting for a short time, and R. Appleby was present, the Commission moved item 3) *Salem Recreation Commission (Spang) - Site Plan Modification (SPM#09-08-04) .....* to be heard before item 2) *Salem Recreation Commission (Spang) - 8-24 Referral .....*

3) **Salem Recreation Commission (Spang) - Site Plan Modification (SPM#09-08-04) for approval of a temporary storage shed at the Forsyth Road site of Map #8, Lot #21, commonly known as the Gadbois property**

M. Chinatti, Town Planner/ZEO:

The application is for the installation of a 12 ft. x 20 ft. Carefree-type storage building to the east of the parking area for the soccer fields on the Gadbois property on Forsyth Road.

The proposed installation site is well out of the Riparian Corridor Overlay Zone.

She stated that she had issued a non-jurisdictional ruling on 8/11/09 in her capacity as the IWCC's agent.

B. Appleby, Recreation Commission member and president of the Salem Soccer League, appeared before the Commission.

After discussion, the Commission took the following actions on this application:

In regard to the requested waivers of the Site Plan Contents for SPM#09-08-04:

M/S/C (Fogarty/Bingham) to approve the following requested waivers of Sections 11A.4.2, 11A.4.5, 11A.4.6, 11A.4.7, 11A.4.9, 11A.4.10, and 11A.4.11 of the Salem Zoning Regulations for Site Plan Modification application (SPM#09-08-04) of the Salem Recreation Commission (Spang). Vote: approved unanimously.

In regard to the Site Plan Modification application (#SPM09-08-04):

M/S/C (Buckley/Fogarty) to approve Site Plan Modification application (#SPM09-08-04) of the Salem Recreation Commission (Spang) for the installation of a temporary storage shed at the Forsyth Road site of Map #8, Lot #21, commonly known as the Gadbois property, 89 Norwich Road. Vote: approved unanimously.

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

M. Chinatti, Town Planner/ZEO:

The Recreation Commission is requesting the Planning and Zoning Commission's approval of a Ten-Year Plan they have developed for the Forsyth Road site of the Gadbois property.

The Plan describes what the Recreation Commission sees for future development of the site shown as "Area 3" on a map titled *Gadbois Committee - Recommended Uses*, which was compiled in 2005 by a committee charged to designate possible future uses for the property. "Area 3" was designated for long-term play fields and a picnic area.

The Gadbois Land Use Committee voted at its 11/14/05 meeting to forward the recommendations as shown on the map to the Board of Selectmen, who in turn approved the recommendations of the Committee at their 12/05/05 BOS Regular Meeting.

The minutes of the meeting state that the recommendations were to be forwarded to the PZC for incorporation into the Municipal Land Use Plan.

This was never accomplished; the PZC never reviewed or formally approved the recommendations.

The Commission reviewed the map (see attached to M. Chinatti, Town Planner/ZEO/WEO's memo of August 25, 2009, *Report on Agenda Items*, which is attached to the filed copy of these minutes) and minutes, page 3 of the Board of Selectmen Regular Meeting of 2/05/05 and the Board of Selectmen Gadbois Land Use Committee meeting of 11/14/05 (also attached to the filed copy of these minutes).

S. Spang, Recreation Commission chairman, appeared before the PZC:

The Board of Selectmen did approve the Recreation Commission's Ten-Year Plan at their Regular Meeting on August 4, 2009.

The BOS will also be setting up a new Gadbois Land Use Committee to review the uses that were recommended in 2005.

H. McKenney stated that he feels that the PZC should talk with the Board of Selectmen and the Recreation Commission and find out what former First Selectman L. Reitz meant when he "agreed that Area 3 must include play fields, (but) recommended they be called 'long-term' as opposed to 'permanent' play fields." as stated in the minutes of the Gadbois Land Use Committee's minutes of 11/14/05.

Discussion as to a possible public hearing for the Ten-Year Plan so as to receive public input.

It was the Commission's decision to allow the Recreation Commission time to discuss, at their next regularly scheduled meeting, the possibility of holding a public hearing and took the following action:

M/S/C (McKenney/Fogarty) to table the matter of the Salem Recreation Commission's Ten-Year Plan to the 9/15/09 Salem Planning and Zoning Commission Regular Meeting agenda. Vote: approved unanimously.

- 3) **Salem Recreation Commission (Spang) - Site Plan Modification (SPM#09-08-04) for approval of a temporary storage shed at the Forsyth Road site of Map #8, Lot #21, commonly known as the Gadbois property, 89 Norwich Road**

The Commission moved this item to be heard before item 2) *Salem Recreation Commission (Spang) - 8-24 Referral - Ten-Year Plan for a portion (Forsyth Road site) of Map #8, Lot #21, commonly known as the Gadbois property, 89 Norwich Road.*

**PUBLIC COMMENTS:**

There were no *PUBLIC COMMENTS* this evening.

**OLD BUSINESS:**

There was no *OLD BUSINESS* this evening.

**NEW BUSINESS:**

- 1) **Discussion - #3B of PZC Priorities - Protection of Natural Historical/Architectural Resources during road construction**

Due to the fact that F. Abetti is not present this evening and he has information in regard to this item which he wants to discuss with the Commission, the Commission took the following action:

M/S/C (McKenney/Fogarty) to table *Discussion - #3B of PZC Priorities - Protection of Natural/Historical/Architectural Resources during road construction* to the 9/15/09 PZC Regular Meeting agenda for discussion at that time. Vote: approved unanimously.

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

Though N/A for tonight's meeting, M. Chinatti, Town Planner/ZEO/WEO, had submitted a report in regard to items on this evening's agenda. (See attached to the filed copy of these minutes.)

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS: N/A**

**EXECUTIVE SESSION: (IF NEEDED)**

- 1) **Pending litigation - 160 Old Colchester Road**
- 2) **Pending litigation - Kobyluck**

M. Chinatti, Town Planner/ZEO:

Stated that there was nothing new to discuss in regard to item 1) *Pending litigation - 160 Old Colchester Road*, but there are matters to discuss this evening in regard to the Kobyluck matter.

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

M/S/C (Fogarty/Winakor) to go into Executive Session at 8:34 pm to discuss 2) *Pending litigation - Kobyluck*, and include M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant. Vote: approved unanimously.

D. Bingham recused himself and left the meeting at 8:34 pm.

Present at Executive Session:

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 (Fogarty/Winakor) to come out of Executive Session at 8:53 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:**

- CCM Convention (to be held on 10/08/09) information.

**ADJOURNMENT:**

M/S/C (Fogarty/Winakor) to adjourn the meeting at 8:53 pm. Vote: approved unanimously.

Doris McTigue, Administrative Assistant/Recording Secretary