

SALEM PLANNING AND ZONING COMMISSION

REGULAR MEETING

December 13, 2011

7:00

Present: K. Buckley-Chairperson, R. Amato, D. Bingham, G. Fogarty Alt., R. Savalle, V. Smith, W. Volberg, G. Walter, M. Chinatti, Town Planner/ZEO, S. Spang, Recording Secretary

Absent: H. Green, Alt. Vacancy, Alt.

Guests See Sign in Sheet

CALL TO ORDER:

K. Buckley called the meeting to order at 7:02. She introduced the members present.

ADDITIONS TO THE AGENDA:

None (K. Buckley noted the agenda items may be taken out of order)

PUBLIC HEARING: None

PETITIONERS: None

PUBLIC COMMENT None

With the consent of the members, G. Fogarty was seated for D. Bingham.

OLD BUSINESS

1. Plan of Conservation and Development (POCD) Final Review and Next Steps

K. Buckley gave a brief overview of the history of the POCD, why it is required, and introduced the committee who drafted the most recent POCD. K. Buckley noted that the committee member's

names should be on the document. She introduced Frank Abetti, the POCD Chairman.

(D. Bingham arrives and takes his place as full voting member)

F. Abetti stated the committee had met 63 times over the last two years. He informed the Commission that the draft was complete with the exception of two maps. He noted the plan has come before P & Z in the past and the only new material in the plan is a small section on the Town Center. F. Abetti asked if there were any comments.

V. Smith asked why there was a recommendation for a community garden.

Members of the committee and commission explained that although there is two acre zoning in most of the town, people's property may not be conducive to a garden. Some properties may not have adequate sun, too rocky, bad soils, etc. It was pointed out that it is a social/community endeavor as well as educational.

R. Amato asked what is meant by the fee in lieu of for trails.

The committee stated that the fees that are given in lieu of open space in sub-divisions can be used for trail construction.

K. Buckley pointed out a blank space on page 16 and asked if there should be an amount in there.

F. Abetti stated that there was a highlighted number in there that may not have copied well. He stated the number was 4.5% but, the committee was waiting on an updated number.

K. Buckley noted that on page 23, recommendation 13.22 that the recommendation asks for a conventional and cluster design when a subdivision comes in. She wondered if it was the intent of the committee to ask for a conventional design if the developer comes in with a cluster design.

F. Abetti stated that was not the intent, the recommendation was to give the Commission the option of asking for a cluster design

when a developer comes for a subdivision application. F. Abetti stated he will reword the recommendation.

R. Amato asked about the cluster design and how does it fit with the rural character the town and the plan would like to maintain. He used row houses and 3-4 story town houses as examples of cluster houses that do not fit the rural character.

F. Abetti stated there is a book mentioned in the POCD which address cluster design with the emphasis on rural character.

Linda Schroeder, member of the POCD stated that if you have cluster designs it does not necessarily mean condos or town houses, it could be single family homes.

F. Abetti stated that the POCD calls out the sections where it is consistent with the state POCD. He pointed out there are many areas where the town's plan is consistent with the state's plan.

V. Smith noted in recommendation 1.5.2 that the plan recommends applying the RCOZ to all watershed rivers and tributaries and wondered how many households that would affect. He suggested the effects should be determined, and the Commission should find out from residents how it impacts them.

G. Fogarty stated when she worked on the committee to draft RCOZ regulations many people came to them and wanted the buffer zone to protect the water.

S. Snyder committee member and chairman of the Inland Wetlands and Conservation Commission stated that during the process of drafting the original RCOZ they looked at all the properties that would be affected using GIS and the percentage of properties with usable yards which would be effected was around 15%. She thought the number would be around the same if the RCOZ was extended to the whole town.

D. Bingham pointed out that the plan consists of recommendations the Commission may or may not decide to adopt. If they decide to adopt the regulations, at that point there would be public hearing.

M/S/C (Walter/Savalle) to schedule a Public Hearing for the Plan of Conservation and Development on February 28, 2012.

V. Smith asked how the Commission plans to spread the word about the public hearing. He suggested using social media.

R. Amato suggested sending a letter to all households informing them of the public hearing.

D. Bingham stated there was the town website.

R. Amato suggested listing all the categories which will be discussed during the public hearing.

It was suggested to put an article in Our Town.

V. Smith stated the two political town committees sent out mass mailings and it could not be that expensive. He stated that private advocacy groups should be given enough time to organize and send out a flyer because there may be points to the POCD they find objectionable. He stated that if P&Z put out a letter then certain groups may say we need to watch out for particular issues and need time to inform their constituents.

V. Smith stated advocacy groups needed time to address the issues in the POCD and he was not sure if the February date would be too soon.

K. Buckley stated that it is not up to the Commission to facilitate for other groups.

V. Smith thought the Commission should leave time for that possibility

F. Abetti stated that he would like to get as close as possible to the 10 year date from when the last POCD was adopted.

K. Buckley suggested a small committee be set up to explore various ways to communicate to the public about the POCD Public Hearing.

Vote: Approved. In favor of – Amato, Buckley, Bingham, Savalle, Walter, Volberg. Against-Smith. Abstaining-none.

NEW BUSINESS

1. **Workshop: Member Roles and Responsibilities-Steve Byrne**

Attorney S. Byrne from Byrne and Byrne Law Offices, gave all members and staff handouts which include;

- ❖ CT Federation of Planning and Zoning Agencies, Supplementary Workshop Materials on Good Governance
- ❖ CT Federation of Planning and Zoning Agencies Workshop for Planning Commissions
- ❖ CT Federation of Planning and Zoning Agencies Zoning Commissions.

S. Byrne reviewed the conflict of interest and recusal issues that the Commission may deal with. He cited state law and court cases. He stated that if there is even a appearance of a conflict then it is wise to be safe and recuse. He stated that only the member in question could decide if they truly had a conflict.

(D. Bingham leaves at 8:42)

G. Fogarty is seated for D. Bingham.

S. Byrne stated that if a member was actively advocating or an active member for an outside group on an issue before the Commission then the member may want to recuse himself.

S. Byrne stated that if there were a concern about a conflict of interest then it had to be expressed during the meeting or public hearing as to be on the record. If the issues were brought up after a decision had been made or public hearing closed then the complaint/issue had no merit.

S. Byrne stated that in a small town if it was determined that any member, with any connection, to an application before the commission recused themselves, it could possibly leave the commission without a quorum and unable to do the town's business. He stated that small towns may be judged more leniently than larger towns

S. Byrne reviewed conduct of meetings and public hearings with the members and answered questions and concerns. He discussed under what condition members should not discuss applications before them outside of public meetings.

S. Byrne stated that many times people will submit letters to be read into the record. He informed the members that it was not necessary to actually read them out loud but they could choose to do so if there were not many.

S. Byrne briefly reviewed the planning and zoning publications.

K. Buckley thanked Attorney Byrne for his presentation.

The Commission breaks from 9:32 -9:40

K. Buckley stated that she would like to form a subcommittee to come up with a communication plan for the POCD public hearing. She would like the plan to be ready for the first meeting in January.

M/S/C(Buckley/Smith) to form a subcommittee to develop a communication plan regarding the public hearing on the POCD and make recommendations to P & Z at their first January meeting.

R. Amato stated that he would draft a letter and present it to the members before the first meeting in January.

K. Buckley stated that there may be other ideas besides just a letter.

Vote: Approved Unanimously

R. Amato, V. Smith, and K. Buckley volunteered to be on the subcommittee.

OLD BUSINESS (continued)

2. Regulation Amendment Update

K. Buckley stated that four members of the Commission attended an educational workshop concerning PA 11-79. K. Buckley, R. Savalle, H. Green, and W. Volberg. All members were provided with handouts of the workshop. She stated after attending she had a little more sympathy for the builders/developer. She stated that there was a planner, developer, and town attorney that role played the issues and helped her to understand the issues more clearly. She stated the attorneys cautioned against going without bonds for subdivisions and suggested allowing bonding but with safeguards. She asked the members to read the handouts for future discussion

NEW BUSINESS

2. Approve 2012 meeting dates.

M/S/C (Buckley/Smith) to approve the 2012 meeting dates as presented. Vote: Approved Unanimously.

3. Election of Officers

K. Buckley called for nominations for Chairperson

V. Smith nominated R. Amato

G. Fogarty nominated K. Buckley

K. Buckley stated there was no need for a second on the nominations.

The vote for Chairperson follows:

To elect R. Amato-V. Smith

To elect K. Buckley-R. Savalle, G. Walter, G. Fogarty, K. Buckley

Abstaining-R. Amato, W. Volberg

K. Buckley was elected Chairperson for 2012

K. Buckley called for nominations for Vice Chairperson

G. Walter nominated R. Savalle

V. Smith nominated R. Amato

The vote for Vice Chairperson follows:

To elect R. Savalle-G. Walter, K. Buckley, G. Fogarty, R. Savalle

To elect R. Amato-V. Smith, R. Amato

Abstaining-W. Volberg

R. Savalle was elected Vice Chairperson for 2012

K. Buckley asked for nominations for Secretary.

K. Buckley nominated D. Bingham

V. Smith nominated R. Amato

The vote for Secretary follows:

To elect D. Bingham-K. Buckley, R. Savalle

To elect R. Amato-G. Walter, V. Smith, G. Fogarty, W. Volberg, R. Amato

R. Amato was elected Secretary

All positions take effect January 1, 2012

4. Filling of Alternate Vacancy Position-Possible Action

K. Buckley noted that she sent a letter to the Democratic Town Committee and the First Selectman notifying them there was a vacancy. She has not heard or had any suggestions from either person or group. She thought M. Darling who was presented at the last meeting was a viable candidate for the vacant alternate position on the Commission.

M/S/C (Savalle/Smith) to fill the alternate position with Matthew Darling. Vote: Approved Unanimously.

**ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION
REPORT None.**

APPROVAL OF MINUTES-

M/S/C (Buckley/Smith) to approve the minutes of November 15, 2011 Regular Meeting as presented. Vote: Approved Unanimously.

M/S/C (Buckley/Savalle) to approve the minutes of November 22, 2011 Regular Meeting as presented. Vote: Approved Unanimously.

EXECUTIVE SESSION-DISCUSS KOBYLICK LITIGATION

K. Buckley stated that she had two court dates to inform the members which are public knowledge and do not need an Executive Session. The first is a pretrial on January 12, 2012 at 12:00 PM The second is a hearing on February 15, 2012

CORRESPONDENCE:

K. Buckley informed the members of the ethics policy which they received tonight. If they have not previously been signed then members can sign the forms and give them to S. Spang. They may also take them home to read and bring in to the town hall when signed.

PLUS/DELTAS: None

ADJOURNMENT

M/S/C (Savalle/Fogarty) to adjourn at 10:25 PM. Vote: Approved Unanimously

Respectfully Submitted,

Sue Spang

Recording Secretary