

SALEM PLANNING AND ZONING COMMISSION

(PZC)

REGULAR MEETING

January 17, 2012

7:00

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

Absent: None

Guests See Sign in Sheet

CALL TO ORDER:

K. Buckley called the meeting to order at 7:03. She introduced the members present.

M. Darling was asked if he had been sworn in as an alternate and he replied that he had been.

ADDITIONS TO THE AGENDA:

K. Buckley stated there were no additions, but the PZC would be taking a brief recess so that the POCD Communications Sub-Committee could review their minutes. She also wanted to add that there may be possible action on the digital zoning map public hearing.

PUBLIC HEARING: Digital Zoning Map-Continued

K. Buckley stated the public hearing opened in November at which all the proper legal procedures were followed. The hearing was continued due to courtesy letters the Commission had wanted to go out to residents in areas determined to be questionable or of concern had not been sent.

M. Chinatti informed the Commission that since November, 19 letters went out to residents which were identified as being in "areas of

concern” Of the 19 letters sent, 3 people contacted her. Once the situation was explained the residents had no issues.

M. Chinatti stated the current map is difficult to read and is not up to date as it does not include the RCOZ. A digital map will be more accurate and make it easier to revise going forward. She has included a disclaimer in her report which will go on the map. It was noted that Eric Belt the town’s volunteer GIS person was responsible for creating the digital map.

Public Comment

E. Burr stated it was a well done map and he appreciated all the work which went into it.

M/S/C (Amato/Smith) to close the Public Hearing on the Digital Map

D. Bingham recognized E. Belt for all his hard work. He stated there are probably things on the map that should be changed but it should be done at a later date and it would take a public hearing. He asked if the state had done survey location points in the town.

M. Chinatti stated she did not know if that had been done or not.

G. Walter wanted to know what steps are being taken to ensure there is funding in the future to keep the map updated in the event there is no volunteer to do the work.

D. Bingham noted that for subdivision site plans, developers have to supply a digital copy which can be used to update the GIS digital map.

K. Buckley asked M. Chinatti if there were any funds in place in the event there was no one to update the map.

M. Chinatti informed her there were no funds in place at this time.

G. Walter was concerned that the map is only as good as the day it was accepted, which means as soon as there are changes it would be outdated if it could not be updated.

R. Savalle stated it was a better map than exists currently and it is a starting point.

M. Chinatti stated the current map is very much out of date. She stated the digital zoning map is more up to date than the current official map. M. Chinatti stated there were not many zone changes made over the years. She did not see any changes within the next year.

K. Buckley asked M. Chinatti to explore what it would take to fund any changes to the map in the future.

Vote: Approved Unanimously

M/S/C (Walter/Bingham) to accept digital map as presented with the effective date of February 1, 2012 with the proposed disclaimer to be placed on the map, and to investigate funding for maintaining the digital map in the future.

Vote: Approved Unanimously

PETITIONERS: None

PUBLIC COMMENT

Bob Green, Forsyth Road, congratulated the newly elected members. He stated he read his wife's (H. Green) minutes and was disappointed that the Commission was discussing possible adoption of cluster development. He stated he and D. Bingham worked very hard on developing conservation development regulations years ago when he was on the Economic Development Commission. He wanted to know if P & Z is going to, "recreate the wheel" after much time and money had been spent to come up with regulations. He thought that previous work done falls on deaf ears once it comes to P & Z. He has also heard rumblings of age restricted housing and informed the members that issue was also worked on in the past.

K. Buckley stated that he may not have understood the context in which the Commission was discussing cluster development.

B. Green stated that all the regulations they developed were very specific.

G. Fogarty stated that the regulations for cluster housing are in the regulations. She explained that the conversation was about updating the regulations.

M. Chinatti stated that they are in the zoning regulations but not in the subdivision regulations.

OLD BUSINESS

1. Regulation Amendments in Response to PA 11-79

K. Buckley stated that the members need to start to think about what direction they would like to go in regarding the new legislation. She stated that many towns are not doing anything and waiting to see if new legislation will pass. She reminded the members of the moratorium deadline in April.

M. Chinatti stated that if the Commission decides to go forward with the no bonding or bonding option it does not mean that it cannot be changed at a later date. She urged the Commission to go in the direction of no bonding. This would require the developer to complete all public improvements before lots get sold. The Commission cannot ask for bonding for large commercial site plan improvements such as, retaining walls, landscaping, parking lots etc. under this new legislation.

G. Fogarty asked if Erosion and Sedimentation bonds can still be required.

M. Chinatti stated that yes, the Commission could still ask for E&S Bonds.

G. Fogarty asked if bonding was a good practice and, a good planning tool.

M. Chinatti stated that bonding is a good planning tool and is permitted. The only thing no bonding does for development is that it requires them to put in public improvements before starting private improvements, like building houses. They need to put in road first, that is the only thing no bonding does. If a subdivision comes in for approval, the Commission can approve the site plan but the developers still need to complete the road.

G. Fogarty asked if the Commission were to allow bonding, why couldn't there be a warning on the land records which would

indicate there was a high risk where the public improvements were concerned.

M. Chinatti stated that there was still a risk that a buyer may not see the notation.

G. Walter stated that with no bond the developer can do the project in phases.

D. Bingham stated that developers would typically do projects in phases. He stated there are examples around town where a developer started a project, put in a road and realized how difficult or expensive the public improvements were. He stated the developer at that point would complete the first phase and realize they were not making money, no lots were sold or other phases were not started and the town was not stuck completing the road.

R. Amato stated that usually regulations get changed when something goes wrong. He would like to avoid that happening.

D. Bingham thought there were enough protections in the regulations to avoid disasters on the scale being discussed by R. Amato.

K. Buckley asked each member which way they were leaning.

R. Savalle-no bond

V. Smith-no bond

W. Volberg-no bond

G. Walter-no comment

H. Green-no bonding

G. Fogarty-no bonding

R. Amato-no bonding

K. Buckley asked M. Chinatti to bring the proposed regulation changes to the next meeting.

NEW BUSINESS

1. 2012/2013 Budget

K. Buckley stated that in the current budget they are running over in the legal line. She thought the legal expenses would not accumulate as fast in the second half of the fiscal year due to the litigation work being mostly completed.

She informed members that she has put together a budget for fiscal year 2013 which the members received in their packet. It includes a \$10,000 increase in the legal line and a decrease of approximately \$2300 in the other lines combined.

**M/S/C (Bingham/Walter) to approve the budget as presented.
Vote: Approved Unanimously.**

The Commission took a recess at 9:40 in order for a POCD Communication Sub-Committee meeting.

The Commission resumed at 9:50

M. Darling is seated for W. Volberg who had to leave during the recess.

2. POCD Communication Plan

The members of the subcommittee, Buckley, Amato, Savalle, and Smith met once to come up with a plan and draft letter, they took no action.

The subcommittee discussed doing an email "blast" two separate times and a press release or news article. A letter to all residents was discussed. The committee recommends doing the blast and press release. The POCD has already been posted to the town website. The legal notices are already scheduled to run in the local paper.

V. Smith presented a draft letter to the members which the subcommittee had discussed at their meeting. V. Smith stated he had asked an "expert" about the costs of sending out a letter by bulk mail.

E. Burr, Board of Selectman liaison informed the members of research he had conducted. He stated the Commission could use the town's bulk mail permit. The letter would be folded to size 10

envelope and wafer sealed. He stated there are 1624 homes which are broken down to three separate postal routes. The letter would be addressed to: *current resident*. He stated if the town does not have a bulk mail permit it would cost \$190.00 with a renewal fee of \$190.00 a year. The average bulk mail per piece is approximately 19.5 cents for a cost of \$316.00. It would take about 3 reams of paper. He stated that this is the way to reach everyone in town.

It was determined that the town does not have a bulk mail permit.

R. Savalle stated it would just go to the houses and may not reach out of town owners.

V. Smith stated that a direct mailing to residents goes a long way to notifying people about what the Commission is discussing. He thought it could be used for other purposes besides PZC issues.

G. Fogarty reinforced the fact that the POCD is just an advisory document and public hearings on regulation changes would affect residents far more than a public hearing on the POCD.

D. Bingham stated that the Commission is required to put notifications in the paper but the fact is that many people do not read the paper like they did in the past resulting in residents not being informed of what is going on in the town. He stated he was in favor of sending a mass mailing out for the POCD because there was a mass mailing done earlier addressing the survey for the POCD. D. Bingham stated he would not be in favor of a mass mailing for every public hearing the Commission may have.

Discussion took place on where to hold the public hearing. It was decided to check with the school to see if the room is available.

The members agreed they could get the mailing out but the question of funds has not been determined. K. Buckley stated she would discuss the funding issue with the First Selectman.

G. Walter asked if the Commission could take the week to decide if they wanted to do the mass mailing.

The members thought the letter should omit the word, *private* property in the bold section.

ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT Discussed previously

APPROVAL OF MINUTES-

M/S/C (Buckley/Bingham) to approve the minutes of December 13, 2011 Regular Meeting as amended.

Change M. Chinatti from present to absent.

Vote: Approved Unanimously.

EXECUTIVE SESSION-DISCUSS KOBYLUCK LITIGATION

D. Bingham abstained from the vote and recused himself from the Executive Eession.

M/S/C (Buckley/Darling) to go into Executive Session. Vote: Approved Unanimously.

The Commission went into executive Session at 9:47.

Members present: K. Buckley-Chairperson, R. Amato, M. Darling, Alt, G. Fogarty Alt, H. Green, R. Savalle, V. Smith, G. Walter, M. Chinatti, Town Planner/ZEO,

The Commission came out of Executive Session at 10:00

CORRESPONDENCE: R. Amato reviewed Commission correspondence.

PLUS/DELTAS: V. Smith suggested including Public Comment at two points on the agenda - early on the agenda, as it is now, as well as after Commission Business. Chairman Buckley said that suggestion should be brought up during Bylaws review.

ADJOURNMENT

M/S/C (Savalle/Darling) to adjourn at 10:02 PM. Vote: Approved Unanimously.

Respectfully Submitted,

Sue Spang

Recording Secretary

Unapproved