

Salem Planning and Zoning Commission
August 24, 2010

Present: Amato, R. - arrived at 8:03 pm

Bingham, D

Buckley, K.

Burr, E.

Fogarty, G., Alt.

McKenney, H.

Savalle, R.

Smith, V., Alt.

Walter, G.

Absent: Chinatti, M. - Town Planner/ZEO

Vacancy, Alt.

CALL TO ORDER:

H. McKenney, chair:

- Called the meeting to order at 7:07 pm,
- Introduced all members and staff present, and
- With the Commission's consent, seated V. Smith for R. Amato.

ADDITIONS TO THE AGENDA:

There were no *ADDITIONS TO THE AGENDA* this evening.

PUBLIC HEARING(S):

None Scheduled

PETITIONERS:

There were no *PETITIONERS*.

PUBLIC COMMENTS:

There were no *PUBLIC COMMENTS*.

OLD BUSINESS:

- 1) **Dubeau (Congregational Church of Salem) - Site Plan Modification application (SPM#10-08-01) for a change in the landscaping plan for 249 Hartford Road**

Pastor Dubeau had submitted a site plan (8/23/10) signed by a professional engineer and an 8/23/10 memo from N. Reed Gustafson, Acting Zoning Enforcement Officer, stating that the revised landscaping plan meets the requirements of the Salem Zoning Regulations.

The chair read the memo and all members present were provided with copies of the memo and the new site plan.

Pastor T. Dubeau appeared before the Commission:

After the last PZC meeting, he did obtain a new site plan, with the landscaping modifications, that is signed and sealed by a professional engineer; he submitted the plan to the Acting ZEO for review; and he received the Acting ZEO's memo stating that the revised plan met the Zoning Regulations.

No waivers are now required.

(Pastor Dubeau was advised by the Commission to revise his original application (SPM#10-08-01) on page 2 by deleting the handwritten *See attached request for waiver dated 8/17/2010*, and on page 4 by deleting the check in the box stating: *A written request for waivers, if any are being sought.*)

The application was so revised by Pastor Dubeau.

(Pastor Dubeau also revised his 8/17/10 letter to the PZC in regard to the 249 Hartford Road application by deleting #1. and #2. at the bottom of the page.)

Those members present tonight which were present at the 8/17/10 PZC meeting discussed the questions they had at that meeting in regard to using an approved plan, certified by a professional engineer, adding to the plan and deleting all reference to that engineer or engineering firm.

The chair stated that the Commission has accepted hand drawn site plans in some cases and approved plans to which minor modifications have been added by the applicant.

G. Walter, a professional engineer himself, explained the following to the Commission members:

- If a project is in progress and a drawing has been prepared by a Professional Engineer (PE), any changes or revisions to the drawing should be made by the original PE working the project. The only exception to this is if another PE were to take the drawing in its entirety, (original engineer's PE seal and all) and place this drawing into another drawing and make clearly marked revisions and then stamp the new title block with their own seal, this would be acceptable. This drawing would carry two (2) seals, one for the original portion of the design and one for the remainder of the design.

- Once the original project has been completed, those original drawings may be taken in their entirety or in partial and then marked up as a modification to the site plan. Preferably, a new drawing would be created showing existing conditions and any changes to those existing conditions.

The First Selectman, K. Lyden, reminded the Commission that N. Reed Gustafson was the Acting Zoning Enforcement Officer and M. Chinatti has stated to him that she would back up any decisions made by Mr. Gustafson in her absence.

After further discussion, the Commission took the following action:

M/S/C (Bingham/Burr) to approve Site Plan Modification application (SPM#10-08-01) of T. Dubeau (Salem Congregational Church) for a change in the landscaping plan for 249 Hartford Road. Vote: approved unanimously.

2) Proposed amendments to the Salem Zoning Regulations

At the 8/17/10 PZC Regular Meeting, the Commission set a public hearing date for all but three (3) proposed amendments [Section 9.2.11, Section 25A.6.1(d)(1), and Section 14.1 for the definition of *Excavation shall not include:*], as shown on the 8/24/10 Draft of the 8/17/10 revisions (see draft attached to the filed copy of these minutes). Tonight's discussion concerns these three (3) sections:

- Addition of Section 9.2.11 - No information has been received as to this proposed amendment. This amendment was not discussed this evening.
- Amending Section 25.A.6.1 to add Section 25.A.6.1(d)(1) - This addition needs to be drafted by the Town Planner/ZEO; it was not discussed.
- Amending Section 14.1, the definition of what an *Excavation shall not include:*

G. Fogarty had researched other town's regulations in regard to how they handle this matter in their regulations.

She reviewed her findings and her suggestions (see attached to the filed copy of these minutes), which were emailed to all members and M. Chinatti prior to tonight's meeting.

She also reviewed comments received from M. Chinatti concerning these findings and suggestions.

R. Amato arrived at the meeting.

V. Smith stepped down.

R. Amato assumed his seat on the Commission.

Lengthy debate/discussion ensued regarding:

- 1. - Deleting ~~Digging~~ *or*, as the word *Removal* would include digging.
- 1.a. - Much debate as to whether *one hundred (100) cubic yards* should remain or be increased to "..... *five hundred (500) cubic yards*" or other amounts of cubic yards.
 - Also discussed under *Excavation shall include*: in 1. was whether *one hundred (100) cubic yards* should remain.
Consensus was that it should remain.
- 1.b. - After discussion of this section, it was the Commission's consensus to leave it as proposed.
- e. - Commission consensus was that the waiver provision would not be needed; c. will be deleted.

It was discussed again and the Commission compromised on the "matter of the number of cubic yards." They decided to take the proposed regulation to public hearing at "three hundred (300) cubic yards," to see what the townspeople have to say.

M/S/C (McKenney/Bingham) to take the proposed amendment to "Section 14.1 - DEFINITIONS, Excavation shall not include:" to public hearing as revised this evening as follows:

"Section 14.1 - DEFINITIONS

Excavation shall not include:

1. Removal off premises of:
 - a. Less than three hundred (300) cubic yards of earth materials from a landscaping or agricultural operation, or
 - b. Removal off premises of surplus material resulting from a bona fide construction project for which a site plan or subdivision plan has been approved by the Planning and Zoning Commission, or for which a Zoning Permit has been issued by the Zoning Enforcement Officer."

[amend] M/S/D (Bingham/Buckley) to have the number of cubic yards remain at one hundred (100) cubic yards.

Vote: For approval - Bingham and Burr. For denial - Amato, Buckley, McKenney, Savalle, and Walter. Abstaining - no one.

MOTION TO AMEND DENIED.

Vote on original motion:

For approval - Amato, Buckley, McKenney, Savalle, and Walter. For denial - Bingham and Burr. Abstaining - no one.

MOTION APPROVED.

It was the Commission's consensus that they must be very cognizant of the fact that they must be consistent on all applications in regard to this matter.

M/S/C (McKenney/Buckley) to include the proposed amendment to "Section 14.1 - DEFINITIONS, Excavation shall not include:", as revised this evening, in the public hearing set for Proposed Amendments to the Zoning Regulations to be held on September 28, 2010, Salem Town Office Building, 270 Hartford Road, 7:00 pm. Vote: approved unanimously.

NEW BUSINESS:

- 1) **R. & W. Heating - Site Plan Modification application (SPM#10-08-02) for the addition of office space to the existing four (4) bay garage at 10 Witter Road**

No one appeared for this application; it was received by the Commission at the 8/17/10 PZC meeting.

The Town Planner/ZEO has a copy of the application and plans, but has not yet reviewed them.

M/S/C (McKenney/Buckley) to table the Site Plan Modification application (SPM#10-08-02) of R. & W. Heating for the addition of office space to the existing four (4) bay garage at 10 Witter Road to the agenda of the September 21, 2010 Salem Planning and Zoning Commission Regular Meeting. Vote: approved unanimously.

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

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

- 1) **June 7, 2010 - Special Meeting**

M/S/C (Buckley/Savalle) to approve the minutes of the June 7, 2010 Special Meeting of the Salem Planning and Zoning Commission amended as follows:

Page 1 - Under those *Present*:, change *Fogarty, G.* to "Fogarty, G., Alt."

Page 1 - Under those *Present*:, change *Savalle, R., Alt.* to "Savalle, R."

Page 3 - Under *Request a new Restoration Plan as part of Renewal*, in the second sentence, change to read: "The Town Engineer will be asked to define the requirements for the new plan."

Page 5 - in the sixth line from the top of the page, change *..... truckloads per day to be sufficient.* to "..... truckloads per day to be acceptable."

D. Bingham stepped down.

With the Commission's consent, Chairman H. McKenney seated G. Fogarty for D. Bingham.

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*.

ADJOURNMENT:

M/S/C (Buckley/Walter) to adjourn the meeting at 9:15 pm. Vote: approved unanimously.

Doris McTigue, Administrative Assistant/Recording Secretary