

SALEM PLANNING AND ZONING COMMISSION

REGULAR MEETING

February 15, 2011

7:00

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

Absent: H. McKenney, Vacancy-Alt.

Guests-none

CALL TO ORDER: K. Buckley called the meeting to order at 7:00 and introduced the members present.

ADDITIONS TO THE AGENDA:

With the consent of the Commission, K. Buckley added:

Connecticut Department of Transportation Request for Ninety Day extension of time for filing mylars.

Executive Session concerning the ongoing Kobyluck litigation.

PUBLIC HEARING None

PETITIONERS:

- 1. SUB #11-01-01-TOWN OF SALEM-DECLARATORY RULING FOR A TWO (2) LOT SUBDIVISION OF LAND AT 89 NORWICH ROAD.**

M. Chinatti explained the reason for the subdivision is for safety reasons. Most of the activity that takes place on the property is on the Forsyth Road section of the property. If an accident were to occur, emergency

services would go to the 89 Norwich Road site which would not be near where they actually need to go. M. Chinatti explained the boundary line would be the center of Fraser Brook. She also explained to the Commission that waivers of section 11 A4 are being requested because the plans were done, "in house" from a site plan previously submitted and produced by the town's engineers.

K. Lyden, First Selectman stated that the ambulance is often out of town and mutual aid from other towns cover Salem, they do not know where the recreation fields on Forsyth Road are and would be directed by GPS to the Route 82/89 Norwich Road site, therefore, not being able to respond to an accident in a timely manner.

D. Bingham asked if there had been a split in the past on the property.

M. Chinatti stated there was a first cut/split. She stated there were no future ramifications by doing the subdivision, a Declaratory Ruling of no jurisdiction at the Inland Wetlands and Conservation Commission has been approved, and the Assessor designated the address as 24 Forsyth Road and assigned the new lot numbers.

M/S/C (Fogarty/Savalle) to approve waivers requests for application, SUB # 11-01-01, Section 11A. 4, Site Plan requirements as requested. Vote: Approved Unanimously

M/S/C (Burr/Amato) to approve SUB # 11-01-01. Vote: Approved Unanimously

2. CONNECTICUT DEPARTMENT OF TRANSPORTATION REQUEST FOR A NINETY (90) DAY EXTENSION FOR FILING OF MYLAR'S

M. Chinatti reminded the Commission that the application was approved in October for relocation of the water treatment plant at the Salem Town Center shopping plaza. The State was required to work with the town engineer on additional soil testing. The deadline for filing the Mylar's is March 14, 2011. The State is still working with the engineers and has requested a ninety (90) day extension; they are confident they will be able to file the mylars in that time frame.

M/S/C (Burr/Fogarty) to approve the request by the State of Connecticut Department of Transportation for an additional ninety (90) day extension for filing mylar's. Vote: Approved Unanimously.

PUBLIC COMMENT-None

OLD BUSINESS

1. SOLEK-SITE PLAN MODIFICATION (SPM#11-01-01) FOR THE USE OF A MOBILE OVEN IN A PARKING SPACE FOR A BAKERY AT 26 NEW LONDON ROAD (CONTINUED FROM JANUARY 25, 2011)

M. Chinatti informed the Commission she had verbal communications from the Building Official in which he stated, based on the proximity of the mobile oven to the building there is nothing he regulates or any building code requirements.

The Sanitarian is fine with the location of the oven; his concerns are more for the unit/space they will be renting which is not addressed in the application that has been submitted as the use was previously permitted.

The Fire Marshall stated there are no code issues, but he strongly suggested the Commission consider a fence with safety gate around the oven for safety reasons.

M. Chinatti also stated the applicant has asked for waivers of Section 11A.4. M. Chinatti stated she has no problem with the waiver requests.

The Commission asked the applicant if he had heard the concern about the fence before tonight. Mr. Solek stated he had not. He explained the outside of the oven is cool to the touch.

The Commission asked if it would be possible to have locks on the doors to prevent someone from opening the oven and get burned or injured. The applicant stated it would be in his best interest to have a lock on the door, not only for safety reasons but also to prevent vandalism. He also stated he is always close to the oven.

M/S/C (Bingham/Burr) to approve the waiver of Section 11A. 4 in its entirety, for application, SPM # 11-01-01, site plan requirements as requested. Vote: Approved Unanimously

M/S/C (Buckley/Fogarty) to approve SPM # 11-01-01 with the following conditions: the sale of the product to consumers directly from the oven is prohibited.

Discussion: The applicant states the product is sold mostly to wholesale outlets, farmers markets and Community Supported

Agriculture (CSA's). They are governed by the health department as to packaging when the bread comes out of the oven. The applicant asked if he had to use the parking spot on the plan or could he use any of the extra parking spots. The Members stated that he had to use the spot he designated on the application plan. The applicant has concerns about being able to sell at a farmers market in Salem with the condition.

K. Buckley told him if the condition caused him any problems if/when Salem has a farmers market that he should come back to the Commission.

Vote: IN FAVOR OF-Buckley, Bingham, Savalle. OPPOSED-Walter. ABSTAINING-Amato, Burr. Motion Carried.

NEW BUSINESS

G. Fogarty asked if the budget which was included in the packet will be discussed.

K. Buckley stated the budget was submitted, and is on the agenda for discussion at the Board of Finance on February 17, 2010.

She explained the legal line will most likely go over in the current fiscal budget, but the engineering line has not been used as much due to the lack of development in town. She stated the Commission will most likely be able to stay within their budget for the year.

G. Fogarty asked if the Board of Finance is aware of how much the Commission generates in fees, and legal judgments. She stated that the information would be useful for the Commission to have in order to present to the Board of Finance.

D. Bingham stated he thought the town should have, "net" budgets which, would show the true representation of what the Commission actually cost the tax payers.

K. Lyden stated it would be a good idea to remind the Board of Finance about the revenue side of the Commission. He explained the budget process and how the fees collected go into the general fund. He told the Commission he would try to get the revenues generated from the Commission broken out into a report for them.

V. Smith suggested trimming the budget because of the difficult times, many families are trimming their budgets and maybe the Commission should do the same. It was the consensus of the Commission that the budget as presented is a fair budget and accurately reflects the Commissions needs.

K. Buckley suggested that time at a future meeting be set aside for a review of income generated by the Commission.

M/S/C (Burr/Fogarty) to approve the 2012 Budget as presented. Vote: Approved Unanimously.

1. PRIORITIES LIST

Technology

Digital Maps

M. Chinatti informed the Commission this should be easy to accomplish, the map is almost done. For the purpose of defining various zones the boundary/property lines are adequate.

The Commission questioned who does the GIS work and should he be paid.

It was the consensus of the Commission that this objective could be accomplished within three months and was a high priority.

Records Retention

K. Buckley stated there have been many improvements in the last couple of years with security of documents.

D. Bingham discussed the digitalization of the land records and felt it was the responsibility of the town to secure and retain documents.

It was the consensus of the Commission that this item should stay on the list, but this Commission should not be the lead.

Research, acquire, and implement technological tools

K. Buckley addressed some of the difficulties integrating text, maps, and photos into one, continuous PDF document. She stated the issue could be solved with the purchase of software which, she did not believe to be expensive.

D. Bingham thought it was a town issue to accomplish this task.

G. Walter stated he has access to equipment which can do the Planning and Zoning documents in an effective and short time. He offered his services.

M. Chinatti stated the Zoning Regulations are now on the website. She said there are many other documents which need to be converted to a PDF and uploaded to the website.

It was the consensus of the Commission that this item should stay on the list.

Formalize archiving documents utilizing digital technology

K. Buckley stated she would like to see version releases of regulation updates instead of pieces of paper that get inserted into the existing regulations.

D. Bingham noted that when ever a regulation changes, it is noted under the changed regulation.

If the priority above gets addressed, the archiving of regulations will follow.

RESOURCE PROTECTION

Eightmile River Regulations (RCOZ) Implementation

M. Chinatti suggested looking at the Eightmile River Management Plan and pulling out some of the recommendations, working on them and finding ways to implement them. This action item would mesh with the RCOZ regulations.

G. Fogarty and D. Bingham would like to see the RCOZ regulations go town wide and be applied to all watersheds.

V. Smith stated he was concerned about individual property owner's rights as to what they can do on their property, how do these recommendations affect them?

It was the consensus of the Commission that this item should stay on the list.

Rear Lots/Common Driveways

K. Buckley stated that at one time this was a high priority but with the downturn in development it has fallen off the radar.

D. Bingham pointed out that long driveways dissect large forested blocks and should to be addressed. The way the regulations are written now it invites as many lots as can be built.

It was the consensus of the Commission that this item should stay on the list.

Impervious Surfaces

K. Buckley asked, "What would the action be where impervious surfaces are concerned?"

M. Chinatti suggested talking to the Public Works Director to see if road widths could safely be reduced. The Commission may want to look at their regulations, look at parking lots to see where a pervious surface would fit in.

D. Bingham stated that large parking lots should be built so the water gets filtered before it gets to culverts.

It was the consensus of the Commission that this item should stay on the list and is a high priority.

Conservation Design Subdivision

D. Bingham described a Conservation Design Subdivision. He stated in towns which have this regulation, a developer of a subdivision is required to submit both a standing and a conservation subdivision plan which would leave larger areas of open space. The Commission would then have the choice of what plan to accept.

There is a cluster zoning regulation now however, developers look at it as taking too much land, or, requiring setting aside too much land.

It was the consensus of the Commission that this belongs on the list and is a medium to high priority.

ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT:

M. Chinatti urged the Commission to look at the emails she provided (See File Copy) about proposed bill 860, which is before the legislature. She stated if this bill was passed it would be very detrimental to the town.

It was suggested the members contact their legislators if the bill makes it out of committee.

M. Chinatti informed the Commission of a Connecticut Federation of Planning and Zoning Association (CFPZA) conference, and if anyone would like to go to please get in touch with her.

APPROVAL OF MINUTES:

M/S/C (Buckley/Burr) to approve the minutes of January 25, 2011 as presented. Vote: Approved Unanimously

EXECUTIVE SESSION:

D. Bingham recused himself at 9:18 PM from the Executive Session as he is an adjacent land owner.

M/S/C (Amato/Burr) to go into Executive Session to discuss ongoing litigation with Kobyluck. Members, Alternates, M. Chinatti, will be attending, and Sue Spang (Recording Secretary) will be invited at the pleasure of the Commission.

The Committee went on break at 9:24

M/S/C (Burr/Savalle) to come out of Executive Session at 9:52

ADJOURNMENT:

M/S/C (Burr/Walter) to adjourn at 9:54. Vote: Approved Unanimously

Respectfully Submitted,

Sue Spang