

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 22, 2020 – 7:00 P.M.  
SALEM TOWN HALL – VIRTUAL MEETING VIA ZOOM**

Per State of Connecticut, Governor Lamont Executive Order Number 7B, the Town of Salem Planning and Zoning Meeting on August 25th, 2020 will be following the suspension of in-person open meeting requirements. Please click the link below to join the webinar:

<https://zoom.us/j/96225181591?pwd=MWptTkdvUUVFVU1WWDgyVUdzUHk3QT09>

**Password:** 153402

**Or Via Telephone:**

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**Webinar ID:** 962 2518 1591 | **Password:** 153402

**PRESENT**

Vernon Smith, Chair  
John Gadbois, Vice Chairman  
Margaret Caron, Secretary  
Thomas Reith (7:34 p.m.) (*not seated*)  
Ruth Savalle  
Walter Volberg  
Carl S. Fontneau, Alternate (*seated*)  
Diba Khan-Bureau, Alternate (7:03 p.m.)  
Jon Walsh, Alternate (*seated*)

**ABSENT**

Eric Wenzel

**ALSO PRESENT**

Town Planner Justin LaFountain

**1. CALL TO ORDER**

Chairman Smith called the meeting to order at 7:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

**SEATING OF ALTERNATE(S):**

Alternate Commissioners Fontneau and Walsh were seated for Commissioners Reith and Wenzel.

**3. PUBLIC COMMENT:** *none*

**4. PUBLIC HEARING:**

- a) **SE 1-20-01:** Application by Arborio Brothers, LLC, for a motor truck terminal at 142 East Haddam Road

**M/S/C:** Walsh/Volberg, to open the Public Hearing for SE 1-20-01: Application by Arborio Brothers, LLC, for a motor truck terminal at 142 East Haddam Road. Discussion: None. Voice vote, 6-0, all in favor.

Secretary Caron recited the Legal Notice regarding the Public Hearing, as published on the town website on September 8, 2020.

Attorney Megan Hope, Alter & Pearson, LLC, representing the Arborio Brothers, LLC, and Project Manager Cory Garro and Landscape Architect Kevin Johnson, Close, Jensen & Miller, P.C., provided a presentation regarding the Special Exception application for the proposed motor truck terminal to be located at 142 East Haddam Road. The Arborio Brothers is an over 100-year old family-owned construction business that deals primarily with road, bridge, and utility construction and replacement. The closest neighbors to the property are Getty Granite and Spicer Advanced Gas. The Commissioner's questions and/or concerns were also addressed during the presentation.

The 2.14 acre property is located on the north-westerly side of Route 82/East Haddam Road. The site plan indicates the property's wetlands and 75' Upland Review Area, as delineated by the Soil Scientist in July 2019. Neither the wetlands nor the Upland Review Area will be disturbed. Both the wood fence, the building, and the existing curb cut will be maintained. The driveway will be slightly widened on both sides by approximately 20 square feet and will measure 24' in width; an encroachment permit will be submitted for the driveway reconstruction. A 6' chain link fence will be added approximately 22' to 23' behind the existing wood fence and around the entire property. The existing gate will be removed and a locked gate will be added, aligning with the chain link fence at the front entrance and located approximately 52' from the road. Eleven (11) paved parking spaces, including one (1) handicapped space, for the employees will be located to the south of the building. Adjacent to the building will be a 925-gallon single-wall steel diesel fuel tank with a larger secondary containment tank to accommodate possible fuel tank failures; the tank will be covered to provide protection from the elements. A lidded dumpster for typical office trash will be set on a concrete pad on the property; no debris, contaminated, or hazardous materials will be placed in the dumpster. The vehicle parking/storage area will be located in the back of the property in the vicinity of the current hoop house. Two shipping container storage units will be placed to the right of the vehicle storage area for tools and materials. To the right of the units will be three bins divided by 6' concrete block walls for the stockpiling of sand and stone. The site has been graded and two rain gardens will be placed at the rear of the property behind the parking areas that will meet the requirements of the stormwater quality manual. Compacted bituminous millings will be placed on the property instead of the initially proposed gravel, in response to the Town Engineer's comments.

Septic System – The existing septic system, which was found to be in good condition and oversized for the proposed use, has been approved by the Uncas Health District. Test pits and percolation tests were provided to the Uncas Health District. An alternate system will be placed on the right side of the vehicle storage area should the main system fail.

Building – The existing building will remain and be remodeled. The existing porch overhang and breezeway will be enclosed and barn-red colored vertical siding will be

placed along the exterior of the building to provide a more barn-like appearance. Additional windows and barn-like entrance doors will be installed. The roofing will be maintained. The floor plan will remain generally the same and will include a bathroom and an office equipped with a desk and a chair.

Aesthetics of the property from the road – In an effort to provide adequate visibility into the property from the street for security purposes, honey locust (deciduous) and Japanese black pine (conifer) trees will be clumped together at key areas between the two fences along the front of the property. The honey locust trees would provide visibility underneath and will achieve a spread of approximately 35' in diameter and a height of 35' to 40' while the Japanese black pine trees will reach a spread of approximately 12' diameter and a height of 15' in height. Both varieties are drought tolerant and appropriate for the soils on the property. Additional deciduous trees could be added. At initial planting, the honey locust trees would be approximately 10' to 12' in height and the Japanese black pine trees will be approximately 5' to 6' in height. The largest open area between the trees is approximately 35' to 40'. While understanding the security concerns, Chairman Smith raised concerns regarding the wide span of space between the trees and suggested the possibility of considering placing low shrubs that would still provide some visibility on to the property. Commission Khan-Bureau requested that they consider planting native (indigenous) plants and trees and, in agreeance with Chairman Smith, also expressed her concerns regarding the spread between the plantings. Landscape Architect Johnson will revise the plan, changing the species of the trees and placing understory native plantings between the tree clumpings.

The grassy area at the front of the property will be manicured while the grassy areas located along the sides and rear of the property might not be maintained as often. An artist's rendering of the front of the property was requested for visualization purposes.

Hours of operation and traffic impact – The site will typically be open from 7:00 a.m. to 3:30 p.m. Upon arrival, the employees will park their vehicles and depart in their work vehicles and will return at approximately 3:30 p.m. and depart from the site in their personal vehicles. Vehicles will enter and exit the premises at concentrated times and there will be no activity during the day. While the flow of traffic on/off the property would differ during periods of emergency, e.g., during heavy storms, they would continue to, most likely, occur at concentrated times.

Lighting plan and fixtures – Two (2) dark sky compliant 17' high L.E.D. light poles will be installed at the rear of the property. The existing light pole located at the front of the property will remain untouched. The proposed lighting should adequately light the property while not spilling outside of the plant.

Agreements or stipulations with towns in which equipment is situated with respect to the restoration of power – The Arborio Brothers do not have any control over the order and/or priority of jobs as that is under the guise of Eversource.

Erosion and Sedimentation Control Plan – A temporary stone anti-tracking pad will be placed at the entrance and a silt fence will be installed around the property.

Commitment to have the trucks be taxable to the Town of Salem – All vehicles would be registered in and taxable to the Town of Salem.

What would happen should Eversource be broken up, as discussed by Senator Richard Blumenthal – Their operations should not change should Eversource be broken up. As a designated contractor for Eversource, their contract includes all of the utility companies.

Benefit(s) to the town – The Arborio Brothers own very well- maintained properties and improvements would be made to the existing structure, landscaping, and property, as a whole, including the stormwater treatment.

Hazardous waste storage and containment and employee training – The 925-gallon fuel tank will have a larger, secondary containment system that would be protected from the elements. Spill Kits will be available to clean any spills. Typical hazardous materials that will be stored inside the building are diesel fuel, hydraulic fluid, brake fluid, and engine oil. Less than five (5) gallons of fluid and oil would be stored at the site. Details regarding employee training will be forthcoming. Clean sand and stone will be stored in the bins; no salt will be stored. Parts, conduit, and other products necessary for utility installation will also be stored on the property. There will not be any digging activity off-site that would result in the return of those materials to the site.

Vehicles and equipment housed at the location – Approximately 11 (eleven) vehicles utilized for both under- and above-ground work would be stored at the facility at any given time. Examples of the typical vehicles that will be on-site include a trailer, mini-excavator, skid steer, backhoe loader, box truck, dump truck. Capacity for extra vehicles exist, but, based upon the projected number of calls for the territory it will serve, they do not foresee the storage of a significant number of additional vehicles.

Paved asphalt vs. gravel vs. bituminous millings – Due to the nature of the heavy equipment and the destruction it would cause, an asphalt surface was not possible. As such, a gravel surface was originally proposed. The Town Engineer expressed concerns of drippings and water traveling through the gravel and into the groundwater rather than to the drainage structures. A compromise was reached and compacted bituminous millings were selected. Bituminous millings are comprised of crushed reclaimed asphalt that compacts as heavy equipment is driven over it. It is more durable and longer-lasting than gravel and would allow for the stormwater to runoff and be collected and treated in the rain gardens during heavy storms or cleaned using a spill kit should a spill occur. No curbing will be installed to contain spillage and the grading has been designed such that the water will not runoff to the sides and away from the rain gardens. The capacity of the spill kit will be investigated.

Rain garden (Bio-Retention Area) – Aside from the area behind the building, which has a pervious surface, the vehicle/equipment parking areas would be sloped/graded such that any

runoff would be directed into the rain gardens; the basins will meet the requirements of the water quality manual. The rain gardens will be located behind the vehicle storage building and the employee parking area. The depression in the rain gardens would be sufficient enough to store the required volume, i.e., the first inch of runoff from the site, and will infiltrate through a soil mixture of approximately 18", eliminating any pollutants. One-inch of rain is the equivalent of a two- or five-year storm and is the amount which the CT DEEP (Connecticut Department of Energy and Environmental Protection) Water Quality Manual requires to be treated. There should not be any additional pollutants after the initial first inch. Concern was raised regarding the fact that any oils would float to the top and, hence, would not be captured. The rain garden would be comprised of grass; no vegetation will be planted. Because a rain garden is an area with plantings and performs the job of taking in pollutants included in any stormwater runoff, it was argued that it is more of a detention or retention basin than a rain garden. The goal is not to detain the water, but to filter and clean the water as much as possible and mimic the water quality measures. As such, it was agreed to revise the language from a rain garden to, perhaps, a bio-retention area. Commissioner Fontneau felt that the installation of the basins was well-suited for the property and would allow the accumulation of materials to be easily accessible and removed.

Dry wells and trenches – While dry wells were considered, due to the town's Groundwater Protection Regulations (Section 25.3.3) which prohibits underground dry wells and leaching trenches, the plans were revised to include the basins (Section 25.3.4). While methods are being proposed to clean the water runoff as much as possible, there is no detention area being proposed for any extra runoff. Additional plantings may be added for this purpose.

Berms – Berms were not incorporated into the plan due to the resulting lack of visibility on to the property. Landscape Architect Johnson stated that he would investigate the possibility of creating a swale behind the wood fence to start the berm and direct the water.

Signage – A new sign face will be installed replacing the existing one.

Accessibility for Emergency Services – A padlock-type lock is proposed for the front gate and a *Knox Box* may be installed, allowing Emergency Services access to the facility.

Location of the Truck Parking/Storage Area – Though several iterations of the plan were discussed, other possible locations can be investigated to further separate the location of the truck parking/storage area from the Upland Review Area.

#### **PUBLIC COMMENTS:**

David Bingham, 50 White Birch Road, commented that, in comparison to other truck terminals, the application appears to pose less of a threat in terms of its appearance and change. As such, he was generally agreeable with the plan, as proposed. While he would normally be opposed to the installation of a non-porous surface, he felt that the retention basins, which should be adequately sized, should capture the contaminants and there would not be a significant amount of leaching into the soil through the millings. He recommended

they consider planting native species, e.g., red cedar, pitch pine, inkberry, and mountain laurel, that would help feed and sustain the birds, butterflies, and other insect species and away from non-native plants that could invite pests that would be detrimental to their native species. He was agreeable to the planting of the honey locust trees, which would provide an adequate amount of filtered shade and help cool and shade part of the driveway. Though he added, he did not feel that the trees would provide sufficient blockage of the property due to its lack of vegetation at the first 10' for growth. He proposed adding additional locust trees in the northeast corner of the property to help absorb more sunlight and keep the planet from warming. He also proposed the possibility of installing larger basins such that the runoff does not spill over and contaminate the existing aquifer.

Sue Spang, 129 Hartford Road, thanked the Commission for considering the aesthetics of the proposed business and posed several questions, which were responded to as follows:

Review and approval of the application by the Inland Wetlands Commission – The application was reviewed by the Zoning/Wetlands Enforcement Officer (ZWEO) and, because no work will be conducted outside of the regulated wetlands area, the Commission is not required to review and approve the application, i.e., no wetlands permitting is necessary. Ms. Spang expressed her concern that the Inland Wetlands Commission did not review the plan due to the type of activity being proposed and its proximity to the Upland Review Area.

Landscaping Plan – The landscaping is indicated on the site plan, along with the plant schedule.

Change of Use Permit – The Special Exception application is akin to the Change of Use application and a waiver application is for the parking area.

Rain garden Maintenance Plan – A maintenance plan for the rain garden will be submitted.

Possibility of connecting to the existing drainage system along Route 82 – The possibility of connecting to the existing system was investigated, but would not be possible due to the elevation of the drainage structure.

Possibility of installing a catch basin with an oil separator – Because a catch basin requires an outfall, the flow line of the structure on the road would be too low and a point of discharge would be necessary at the rear of the site.

The reasoning behind the change from the three infiltration drainage trenches to the two rain gardens – The proposal includes a swale along the Upland Review Area which eliminated part of the infiltration trench that directs the over land flow into the rain garden located behind the truck parking area.

Oil changes & other vehicle maintenance – Oil changes and other vehicle maintenance work will not be conducted on-site. All such work will be conducted at the company's other sites in Cromwell or West Hartford.

Delivery of fuel and placement of fuel into trucks – The fuel would be delivered from an off-site company and would be dispensed into the trucks via an electric pump.

Spill Kit – The capacity of the spill kit will be investigated.

Ms. Spang expressed her concerns regarding the possibility of oil permeating into the ground through the millings and did not feel that the rain gardens would be sufficient enough to catch and clean the contaminants. She also felt that the spill kit appeared inadequate for larger spills. A surface that would not allow any contaminants to seep down and would allow the water to be more accurately directed is more favorable. The possibility of creating a future brownfield which would require significant remediation in the future is also a concern. For these reasons she stated, for the record, her opposition to the waiver.

**ADDITIONAL COMMENTS BY THE COMMISSIONERS:**

Commissioner Walsh, who resides on Route 85 and witnesses numerous trucks traveling along the road, stated that he was not concerned with the additional truck traffic along the road and the dripping of oil from the vehicles. Commissioner Savalle was also generally agreeable with the layout, as presented, based upon the appearance of the other businesses in the area. Commissioner Reith was agreeable to the business and felt that the protection of the property from any contamination was somewhat acceptable.

Commissioner Khan-Bureau expressed her concerns regarding the vicinity of the vehicles to the bio-retention basin (rain garden) area. Project Manager Garro stated that, because the trenches would not be large enough to treat the first inch of runoff, the bio-retention area was created.

*Commissioner Caron departed from the meeting due to technical difficulties at 9:14 p.m.*

Commissioner Volberg thanked Ms. Spang for her inciteful comments. In general, he has no issues with the proposed plan and raised the possibility of re-arranging the layout such that the vehicles are not parked so close to their area of concern, while also keeping in mind the street view. Chairman Smith and Commissioner Khan-Bureau agreed with the possibility of relocating the vehicle storage area. Atty. Hope explained that, while several iterations for the location of the vehicle storage area were discussed, they are open to further investigating other possible options that would increase the buffer between the Upland Review Area and vehicle storage area.

Town Planner LaFountain reported that revised plans and accompanying memos were received today, addressing the comments received from himself, the Town Engineer, Building Official, and Fire Marshal. The revised plans and memos can be reviewed by the staff and Commissioners and the applicants can revise the plans, based upon the concerns raised during the Public Hearing. As such, the Public Hearing should remain open.

The applicants were thanked for attending the meeting and providing their presentation.

**M/S/C: Gadbois/Reith, to continue the Public Hearing for SE 1-20-01: Application by Arborio Brothers, LLC, for a motor truck terminal at 142 East Haddam Road to the Planning & Zoning Commission's October 20, 2020 Regular Meeting. Discussion: None. Roll Call vote, 7-0, all in favor. Voting in Favor: Commissioners Caron, Fontneau, Gadbois, Savalle, Volberg, Walsh, and Smith. Voting in Opposition: None.**

*Commissioner Caron re-entered the meeting after having technical difficulties at 9:32 p.m.*

**5. APPROVAL OF MINUTES OF PREVIOUS MEETING(S):**

a) Regular Meeting Minutes: September 15, 2020

**M/S/C: Fontneau/Volberg, to approve the Regular Meeting Minutes of September 15, 2020. Discussion: None. Roll Call vote, 4-0-3, all in favor. Voting in Favor: Commissioners Fontneau, Gadbois, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioners Caron, Savalle, and Walsh.**

**AMENDMENTS TO THE AGENDA**

The following item was added to the Agenda, under Item 7, New Business:

- b. SE 1-20-02 – RMD Land Development, LLC: Acceptance of New Special Exception Application, to be scheduled for public hearing**

**6. OLD BUSINESS**

**a) Riparian Corridor Overlay Zone – Review of Draft**

The Commission reviewed the revised draft of the Regulation, which addresses some, but not all, of the items that were discussed during their last meeting. Commissioner Fontneau reiterated his suggestions to:

- include language regarding the reasoning behind the establishment of the zoning district in the regulations in Section 25A.1, Purpose and Intent, stating that the Commission is regulating the tree canopy, understory, and agricultural extension into the buffer area, which is the core of the Eightmile River Management Plan and that the regulation protects the functions and values of the riparian buffer area located outside of wetlands and watercourses as an independent resource.
- amend the 2nd paragraph, 2nd sentence in Section 25A.2. Eightmile River Watershed Overlay District – Defined:  
    “A *zoning* map showing the location of the Overlay District is on file...”
- eliminate the confusion between prohibited and permitted uses in Sections 25A.5 and 25A.6.



- add the dates of the two CT DEEP's Best Management Practices for Water Quality While Harvesting Forest Products manuals and/or add the phrase, "or as amended" (Section 25A.8(b)(4)(d)).

Town Planner LaFountain and Eightmile River Wild & Scenic Coordinating Committee (ERWSCC) Program Director Patricia Young are continuing to review and revise the regulation. An amended draft will be presented to the Commission by their next meeting for further review.

**a) Plan of Conservation and Development (POCD) Discussion**

Commissioner Fontneau presented a draft letter addressed to the Boards and Commissions requesting their review and comments of the document, including the table (Appendix 2), for the 2022 POCD and offering a slight adjustment to Chapter 2, Vision Statement, of the document. He recommended condensing and updating the document and eliminating any redundancies. He also recommended that most of the goals deal with land use issues which are under the purview of the Commission. He reported that he met with the Chairman of the Economic Development Commission (EDC) regarding the POCD and offered to act as the Liaison as he has also expressed his interest in becoming a member of the EDC. The Commissioners thanked him for his efforts; Commissioner Khan-Bureau commended him for his efforts to include all of the town's boards and commissions in the process.

The Commission reviewed and discussed the POCD questionnaires from the Towns of East Haddam, Bozrah, and Salem. The survey would be conducted online and paper copies would be made available. Commissioners Caron and Khan-Bureau agreed to create a draft of the questionnaire with the Town Planner for review and discussion during their next meeting. Chairman Smith expressed his appreciation to the Commissioners.

**7. NEW BUSINESS**

- a) SE 1-20-01:** Application by Arborio Brothers, LLC, for a motor truck terminal at 142 East Haddam Road – *Public Hearing has been continued; no discussion.*

- b) SE 1-20-02 – RMD Land Development, LLC:** Acceptance of New Special Exception Application, to be scheduled for public hearing

Town Planner LaFountain reported that a new application for a 48-unit age-restricted development was submitted from RMD Land Development, LLC. The application has also been submitted to and will be concurrently reviewed by the Inland Wetlands Commission. In addition, the applicant has hired the same Engineering firm that the town normally uses and an alternate firm would need to be hired to review the plans. The Commissioners agreed to use the engineering services of Nathan L. Jacobson & Associates, Inc.

**M/S/C: Smith/Caron, to accept the Special Exception Application SE 20-02 – RMD Land Development, LLC for a 48-unit age-restricted development to be located at 470 Norwich Road and set the date for a Public Hearing for Tuesday, November 24, 2020 at 7:00 p.m. The Public Hearing will be held**

**virtually via Zoom. Discussion: None. Roll Call vote, 6-0-1, all in favor. Voting in Favor: Commissioners Caron, Fontneau, Savalle, Volberg, Walsh, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Gadbois.**

**8. ZONING ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT – *no report***

Chairman Smith requested that a list of the actions the ZWEO had taken against signage and flags placed on residents' properties be provided to the Commission.

**9. TOWN PLANNER REPORT – *no report***

**10. CORRESPONDENCE: *none***

**11. PUBLIC COMMENT: *none***

**12. PLUS DELTAS:**

Selectwoman Liaison Salas requested that copies of the POCD surveys, Commissioner Fontneau's letter, and draft of the RCOZ regulation be mailed to her.

Commissioner Fontneau requested that revised plans for Public Hearings be provided to the Commission at least one week prior to the Public Hearing so that the Commission could have adequate time to review their submissions.

**13. ADJOURNMENT**

**M/S/C: Caron/Volberg, to adjourn the meeting at 9:57 p.m. Discussion: None. Voice vote, 7-0, all in favor. Meeting adjourned.**

Respectfully Submitted by:

Agnes T. Miyuki, Recording Secretary for the Town of Salem