

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JUNE 14, 2022 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

PRESENT

Vernon Smith, Chair
Carl S. Fontneau
Diba Khan-Bureau
Jennifer Lindo
Walter Volberg
Gary Closius, Alternate (*seated*)

ABSENT

John Gadbois, Vice Chairman
Thomas Reith
Dave Knopf, Alternate
Steven Shelley, Alternate

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

Chairman Smith noted the significance of this evening's Pledge of Allegiance on Flag Day.

ADJUSTMENTS TO THE AGENDA

M/S/C: Lindo/Khan-Bureau, to move Item 6(b), regarding ZMA 22-01 – 45 Forest Drive, LLC, to precede Item 3, Public Comments. Discussion: The items will be renumbered, accordingly. Voice vote, 5-0, all in favor.

M/S/C: Smith/Closius, to move Item 6(a), Old Business, SE 22-02 – Northwest Development, LLC, C/O Bob Kaufman, to precede Item 5, Approval of the Minutes. Discussion: The items will be renumbered, accordingly. Voice vote, 5-0, all in favor.

3. OLD BUSINESS

b. ZMA 22-01 – 45 Forest Drive, LLC: Application to apply the Special Agriculture Overlay Zone to 45 Forest Drive (currently zoned Rural A), for the purpose of operating a special event facility, with associated overnight lodging. *Receipt of application and public hearing scheduling.*

M/S/C: Lindo/Khan-Bureau, to schedule a Public Hearing for ZMA 22-01 – 45 Forest Drive, LLC: Application to apply the Special Agriculture Overlay Zone to 45 Forest Drive (currently zoned Rural A), for the purpose of operating a special event facility, with associated overnight lodging for

Tuesday, June 14, 2022. Discussion: Town Planner LaFountain reported that, due to the damage caused to one of the Town's Public Hearing signs, it was felt that it would be best to re-schedule the Public Hearing. The additional time to for the re-printing and posting of the sign. The matter was discussed with the Town Attorney. Voice vote, 5-0, all in favor.

Alternate Commissioner Closius was seated for Full Member Commissioner Gadbois.

4. PUBLIC COMMENT:

Salem Volunteer Fire Company (SVFCO) Deputy Chief James Rybak. While he respects the Commission's decision to deny the Fire Company's application for a freestanding digital sign, SVFCO Deputy Chief Rybak questioned the allowance of the Town's mobile LED electronic notification sign, which also flashes and flutters non-emergency messages.

Chairman Smith discuss the matter with the First Selectman.

5. PUBLIC HEARING:

- a. SE 22-02 – Northwest Development, LLC, C/O Bob Kaufman:** Special Exception and Site Plan application to construct a 3-unit multi-family dwelling at 116 Old Colchester Road in accordance with Section 15 of the Zoning Regulations. The property is zoned Rural A, with a portion zoned Commercial Recreation.

M/S/C: Fontneau/Volberg, to open the continued Public Hearing for SE 22-02 – Northwest Development, LLC, C/O Bob Kaufman: Special Exception and Site Plan application to construct a 3-unit multi-family dwelling at 116 Old Colchester Road. Discussion: None. Voice vote, 6-0, all in favor.

Ellen Bartlett, P.E., Principal, CLA Engineers, Inc., representing the Applicant, presented the updated site plan, which includes the following revisions:

"No Parking" Signs (Sheet 1) – CT DOT (Connecticut Department of Transportation) was contacted regarding the possibility of posting "No Parking" signs along Old Colchester Road. They were informed that the signage would be allowed with a formal request from the Town's Traffic Authority, i.e., First Selectman. Three possible locations for the signage are indicated on the site plan should the Commission wish to include the item as a condition. Commissioner Lindo felt that, after visiting the site on Memorial Day and witnessing the parking of vehicles along the site with the presence of CT DEEP (Department of Energy and Environmental Protection) and State Police Officers, it would be important for the "No Parking" signs to be posted, especially for the safety of those who would be residing on the property. The Applicant and Commissioners agreed.

Test Holes (Sheet 2) – The test holes required on the Conditional Approval by the Uncas Health District were completed. Sheet 2 indicates the locations of the test holes and Sheet 3 indicates the test hole data. A letter of Approval has been received from the Uncas Health District.

Also submitted was a letter, dated June 10, 2022, regarding the Application's fulfillment of the Special Exception criteria, as stated in Section 11.4 of the Zoning Regulations.

Public Comment(s)

Russ Smith, 156 Old Colchester Road. At the request of Mr. Smith, Chairman Smith recited the letter submitted by CLA Engineers, Inc., referred to above. In response, Mr. Smith questioned the following items:

"No Parking" Signs – The timing of the placement and final approval of the "No Parking" signs.

Depreciation of Adjoining Properties – With respect to Section 11.4.5, he questioned the credentials of the Commission to determine whether the proposed multi-family dwelling would or would not result in the depreciation of the surrounding properties.

Floor Plans – The Commission's jurisdiction to review and approve the proposed floor plans of the units.

Town Planner LaFountain stated that it is not under the Commission's purview to regulate the interior of the units. The Commission is approving the use of the property as a multi-family development.

Well and Septic System – The Applicant's reasoning behind the decision to construct three 1-bedroom units when the Health Code requires that the septic system allow for a minimum of 2-bedrooms or, alternatively, installing a single well and septic system that would accommodate all of the units, i.e., 3-bedrooms.

The Applicant explained that his decision to install three separate well and septic systems is due to personal experience. The separate systems would allow each tenant to maintain control.

Existing Well – The re-use or abandonment and filling of the existing well.

The existing well will be reused and two new wells will be installed, as indicated on Sheet 2. The proposed location of the wells has been reviewed and approved by the Uncas Health District.

Meeting of Criteria – Mr. Smith reiterated the importance of ensuring that all of the criteria, as stated in the Regulations, are met.

John Chiloyan, 6 Tamarack Place, stated the need for the Commission to consider the depth, capacity, and consequences that the wells might have on that of the adjoining properties.

Staff and Commissioner Comments

Condominium Documentation (Commissioner Fontneau) – While the units are currently owned and maintained by one owner and there are no plans for the current owner to segregate the units, Commissioner Fontneau proposed the possibility of requiring a Condominium Document. The Document would ensure that, should the units be sold to multiple owners in the future, the property would be maintained by a condominium association. The item may be included as a Condition for Approval.

Concrete Pavers (Town Planner LaFountain) – The Town Planner also recommended adding a Condition for the final approval of the concrete pavers by the Fire Marshal.

Approval of Use (Commissioner Lindo) – Commissioner Lindo reiterated her concerns regarding the possible transformation of the loft into an additional bedroom.

Town Planner LaFountain stated that the Commission is approving the use of the property as a multi-family dwelling comprised of three 1-bedroom units, though the septic system allows for a minimum of 2-bedrooms. Should the Commission strongly feel that the units be maintained as three 1-bedroom units, a condition may be added to their approval. Discussion ensued regarding the possibility of the loft being transformed into a bedroom, the difficulty in enforcing the condition, and the building and health department's determinations.

P.E. Bartlett added that the building and zoning application permits will be submitted and approved as three 1-bedroom units.

Dan Stanavage, Stanavage Road, Colchester, stated that, while he understands the Commission's concerns, the Commission would not be responsible should the unit(s) transform into three 2-bedroom unit(s). In addition, the possibility of the Commissioners viewing the interior of the units to ensure that they are maintained as 1-bedroom units is minimal, making the point moot.

M/S/C: Fontneau/Volberg, to close the Public Hearing for SE 22-02 – Northwest Development, LLC, C/O Bob Kaufman: Special Exception and Site Plan application to construct a 3-unit multi-family dwelling at 116 Old Colchester Road. Discussion: None. Voice vote, 6-0, all in favor.

6. OLD BUSINESS

- a. **SE 22-02 – Northwest Development, LLC, C/O Bob Kaufman: Special Exception and Site Plan application to construct a 3-unit multi-family dwelling at 116 Old**

Colchester Road in accordance with Section 15 of the Zoning Regulations. The property is zoned Rural A, with a portion zoned Commercial Recreation.

Commissioner Fontneau reviewed each of the criteria necessary for approval. The application was found to be consistent with and, in some cases, exceed, the required findings, as listed in Section 11.4 of the Salem Zoning Regulations.

M/S/C: Fontneau/Lindo, to approve Application SE 22-02 – Northwest Development, LLC, C/O Bob Kaufman: Special Exception and Site Plan application to construct a 3-unit multi-family dwelling at 116 Old Colchester Road in accordance with Section 15 of the Zoning Regulations with the following conditions:

- 1. Prior to the filing of Mylars, the applicant shall ensure that the Salem Fire Marshal is in approval of the concrete pavers for the property.**
- 2. The applicant shall request, through the Board of Selectmen, that ‘No Parking’ signs be installed by the CT Department of Transportation along the Route 354 frontage of the property. The signs shall be installed prior to the issuance of a Certificate of Occupancy.**
- 3. In the event that the building is divided into separate ownership with multiple owners in the future, the owners shall file a maintenance agreement with the Town detailing who is responsible for the upkeep of the property.**
- 4. The applicant must obtain approval from the CT Department of Transportation for the project.**
- 5. Per Section 15.2.10 of the Salem Zoning Regulations, accumulated refuse shall be removed from the premises at least once weekly.**
- 6. A Certificate of Special Exception will be needed to be filed on the land records prior to the approval becoming effective. A Mylar copy of the plans will need to be provided, signed by the Chairman or Secretary, and filed with the Town Clerk prior to approval becoming effective.**
- 7. An as-built plan showing conformance with the approval shall be submitted to the Town prior to issuance of a Certificate of Occupancy.**

Discussion: The Uncas Health District will ensure that the requirements for the well and septic system, including any fees, testing, and staking of the property, are met and do not need to be included as one of the conditions. Town Planner

LaFountain informed the Commission that, upon further review, it was found that the entire property is zoned Rural A, per the Town's Zoning Map. The confusion derived from the online GIS map, which indicates that the property is partially zoned Commercial Recreation. Voice vote, 6-0, all in favor.

7. APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

a. Regular Meeting Minutes of May 24, 2022

M/S/C: Smith/Khan-Bureau, to approve the Planning & Zoning Commission Regular Meeting Minutes of May 24, 2022, with the following amendment:

Header Date: TUESDAY, MAY ~~10~~ 24, 2022 – 7:00 P.M.

Discussion: None. Voice vote, 6-0, all in favor.

8. OLD BUSINESS

a. Plan of Conservation and Development (POCD)

The Commissioners reviewed the collated and consolidated draft of the document, presented in the agreed-upon format.

Chairman Smith reported that, with the Commission's consent, Commissioner Closius and himself would like to volunteer to draft Section 2 of the POCD, based on former Commissioner Margaret Caron and Commissioner Fontneau's initial draft.

Commissioner Fontneau stated the importance of including the document's high points and important concepts, setting up the vision of the following chapters.

Zoning Map (page 57) (Commissioner Fontneau) – Commissioner Fontneau noted that the stratified drift distribution was excluded from the Zoning Map. He also commented that the map reflects the Town's attention to the preservation of its natural resources.

Clarity of Document – Town Planner LaFountain noted that the draft is low resolution, due to its size. The quality of the final document will be sharper and clearer.

Open Space Plan – Town Planner LaFountain reported that an e-mail correspondence from Salem Land Trust President Linda Schroeder regarding the inclusion of the Open Space Plan in the POCD. He recommended that an additional goal/recommendation tasked to the Board of Selectmen, Conservation Commission, and Salem Land Trust be added in the document.

Town of Salem Hiking Trails (page 63) (Commissioner Fontneau) – The map does not include any future trails and may be included as part of the updated Open Space Plan.

Town Planner LaFountain stated that, because the Salem Land Trust's data and GIS tracking system do not coincide, the task is somewhat cumbersome and additional time would be required.

Chapter 7 (Town Infrastructure and Services), Page 32 – Complete the box in the chart.

Map of Cemeteries (page 62) – Cuckle Hill should be spelled Cockle Hill.

Enlarging and Continuing Select Maps (Commissioner Closius) – In response to Commissioner Closius’ suggestion regarding the possibility of enlarging and continuing some of the maps for legibility purposes, Commissioner Khan-Bureau suggested placing a website address directing the reader to those maps.

Chapters 4 (Agriculture & Forestry) (Commissioner Fontneau) – The actual farm/forestry per acre tax rate would need to be investigated. Commissioner Fontneau commented that the Town of Lebanon study (page 14, bottom) contradicts the earlier statement (“Because commercial and industrial development requires services and attract more residents, these sectors may also result in increased tax burdens.”) on the same page (third paragraph).

PA490 (page 15) (Commissioner Fontneau) – Commissioner Fontneau commented that the chart indicates that the total PA490 land is increasing and the big changes between 2012 and 2021 between Farm and Forestry Acres reflect the conversion of the use of the land from Farm to Forestry.

Chapter 3 (Natural Resources) – Commissioner Fontneau questioned whether the aquatic weed issues at Gardner Lake are related to phosphorus. Commissioner Lindo stated that she was unable to access the report.

9. ZONING ENFORCEMENT OFFICER’S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT – none

Discussion ensued regarding SVFCO Deputy Chief Rybak’s comment regarding the digital sign, be it temporary or permanent. Town Planner LaFountain stated that, per the ZWEO’s interpretation, signage utilized for traffic control, speed, safety, or the like is exempt. Commissioner Fontneau stated the need to revise the Town’s sign regulations.

10. TOWN PLANNER REPORT

Town Planner LaFountain informed the Commission that the SCCOG’s (Southeastern Connecticut Council of Government) GIS Coordinator will be moving on from her position in early July.

The new, compliant Public Hearing signs have been delivered.

Renovations to the property located at 1 New London Road have begun. Concerns regarding the striping of the parking lot have been raised and a meeting will be held this Thursday, June 16 to discuss this and other matters with the owner(s).

The signed application was received from Statewide Pawn Shop and a Site Plan review will be placed on the Commission’s next meeting agenda.

11. CORRESPONDENCE – *none*

12. PUBLIC COMMENT

The Public Hearing for Application ZMA 22-01 – 45 Forest Drive, LLC, will be held during their next meeting on June 28. All of the related documents may be found on the Town website. Any written comments may be sent to the Town Planner. The possibility of holding the Public Hearing at Salem School was raised.

13. PLUS DELTAS

The Commissioners were requested to review, sign, and submit the Ethics Policy forms to the Town Clerk's office or Recording Secretary at their earliest convenience.

14. ADJOURNMENT

M/S/C: Smith/Gary, to adjourn the meeting at 8:31 p.m. Discussion: None. Voice vote, 6-0, all in favor.

Respectfully Submitted by:

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