

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, MARCH 20, 2018 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Joseph Duncan, Chair
Margaret Caron
Ruth Savalle
Eric Wenzel

Diba Khan-Bureau, Alternate (7:17 p.m.) (*seated*)
David Miller, Alternate (*seated*)
Terri Salas, Alternate (*seated*)

ABSENT

John Gadbois, Secretary
Vernon Smith, Vice Chair
Ron LaBonte

ALSO PRESENT

Town Planner Kate Rattan
Selectman Liaison David Kennedy

CALL TO ORDER

Chairman Duncan called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ALTERATION TO THE AGENDA:

The Commission agreed to add the following item to the Agenda under NEW BUSINESS:

- A. Appoint an Alternate Member as a Full Member of the Commission

PETITIONERS/PUBLIC COMMENT: *none*

PUBLIC HEARING: *none*

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular Meeting Minutes: February 27, 2018

M/S/C: Wenzel/Caron, to approve the Regular Meeting Minutes of February 27, 2018.

Discussion: None. Voice vote, 6-0-1. Voting in Favor: Commissioners Caron, Savalle, Wenzel, Khan-Bureau, Miller, and Duncan. Voting in Opposition: None. Voting in Abstention: Commissioner Salas.

OLD BUSINESS

A. POCD Implementation

The Commissioners discussed the following items in the Town's Plan of Conservation and Development (POCD) checklist:

- 10.1.2 – Amend regulations to allow for construction of Kiosk (bulletin board)

Chairman Duncan reported that he has not yet contacted the Recreation Commission regarding the item.

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- 13.2.2 – Add conservation development options to the subdivision regulations
- 13.2.3 – Require that a cluster/conservation design plan be provided as an alternative option for sub-divisions over a certain size
- 13.2.4 – Consider density bonus for conservation design subdivisions

Commissioner Miller, who was tasked with reviewing the Town's Subdivision Regulations, recommended either having the regulation regarding cluster/conservation development options coincide with their current RCD (Rural Cluster Development) regulations, which allows for a 10% lot density increase, or reduce the net buildable areas. Currently, the minimum lot size for a single-family detached dwelling located in the Residential Zone A District is 40,000 SF; for those located in the Rural Zone A District, it is 80,000 SF, and; for a two-family detached dwelling located in the Rural Zone A District, it is 120,000 SF – all of which, he felt, can be reduced. He also proposed the possibility of reducing the application fee for an RCD. Town Planner Rattan stated that the application fees are established by Ordinance and the fees cover the Town's costs for any necessary engineering and traffic reviews and legal fees. He also felt that there is a lot of repetition between all of the regulations and suggested the possibility of condensing them.

Town Planner Rattan presented a list of the POCD topics that she was requested to review (*attached*)

- 1.5.3 – Develop tri-town management plan to protect Gardner Lake water quality
Town Planner Rattan reported that she spoke with Bruce Henry of the Gardner Lake Authority, which is comprised of members from the towns of Bozrah, Salem, and Montville, and discussed the issues and possible remedies.
- 9.2.3 – Consider using a portion of the “fee in lieu of” funds collected from subdivisions to be held in account for land purchases or trail construction work
She reported that, while the properties owned by the Town of Salem, Nature Conservancy, and various Homeowners Associations (HOAs) that have been designated as open space can be quantified, those properties are not very easily determined by viewing the database. As such, the land record of each of the properties must be reviewed. In addition, the protection granted for a conservation easement can be overturned. As such, she recommended that the Commission question whether the open space is something the Town should own, institute a management plan, or institute a mechanism such that the open space does not end up being forgotten and developed upon when subdivision applications are presented to them for review.
- 9.2.3 – Consider using a portion of the “fee in lieu of” funds collected from subdivisions to be held in account for land purchases or trail construction work
Town Planner Rattan stated that State Statute 8-25b permits Fee in Lieu of Open Space, which is often provided in conservation subdivisions. The State Statute also determines the fees.

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4.3.1 – Designate appropriate candidates as scenic roads

Scenic Routes allow for the preservation of historic stonewalls, the value of which must be determined by its uniqueness and the era in which it was created. Either a State or Local Road may be designated as historic and must be considered when any type of development is planned on the Road.

8.2.2 – Allow non-permanent structures to facilitate enjoyment of property for allowed uses, e.g., dog park, Frisbee golf, community garden

She suggested the possibility of referring the item, which was specific to the Gadbois property, to the Recreation Department.

Commissioner Khan-Bureau entered the meeting at 7:17 p.m.

3.1.3 – Develop Forest Management Plan for Town-owned forestland

Commissioner Khan-Bureau reported that she has spoken with Thomas Worthley, Extension Educator Forest Sustainability, Department of Natural Resources & the Environment, University of Connecticut, who felt that it would be a great idea to involve her students in the development of the Town's Forestry Management Plan. He expressed his willingness to help with the project and recommended they also involve members of the Inland Wetlands & Conservation, Planning & Zoning, and Recreation Commissions. She has also spoken with Eightmile River Wild & Scenic Watershed Committee Program Director Pat Young who stated that she would be happy to provide the Commission with a presentation of the Eightmile River Watershed Plan. Because Town Planner Rattan will not be able to attend the April 17 Regular Meeting and the Public Hearing regarding temporary healthcare structures has been scheduled for the April 25 Regular Meeting, the Commission agreed to try and schedule the presentation for May. Lastly, she spoke with Sue Spang, who served on the POCD Subcommittee, regarding the reasoning behind their inclusion of the development of a Forest Management Plan. Ms. Spang informed her that, because of the abundance of forestland in the Town of Salem, it was felt that the Town's forestland should be evaluated for its economic value and ecosystem services, and the like.

NEW BUSINESS:

A. Elect/Appoint an Alternate Member as a Full Member of the Commission

M/S/C: Duncan/Khan-Bureau, to nominate and appoint Alternate Member David Miller as a Full Member of the Planning & Zoning Commission. Discussion: None. Voice vote, 7-0, all in favor.

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

ZWEO Report – none

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Town Planner Report

A. 64 Shingle Mill Road – several requests for equine boarding

Town Planner Rattan reported that inquiries have been received for the properties located at 60 and 64 Shingle Mill Road, which are currently for sale. The property was granted a special exception for equine boarding in 1983. During the 1990s, the owners of the property appealed to the Zoning Board of Appeals to allow the property to host equine jumps. According to their records, the abutting property owners expressed concerns regarding the possible increase in traffic were expressed as the result of the expansion of use. Discussion ensued regarding the property, which is located predominantly in the flood plain/zone. Currently, the less than 10-acre property is legally allowed to house 13 (thirteen) horses. The possibility of the establishment of a dog boarding facility was also presented, but, because the setback is not adequate, such a facility would not be legally allowable.

B. Medical Marijuana Dispensary as a retail use

Because there is currently no regulation regarding the establishment of a medical marijuana dispensary in the Town, Town Planner Rattan, at the request of ZWEO Liz Burdick, inquired as to how the Commission would like to handle such applications. In the town of Montville, such businesses are deemed permissible within the town's business district, at the discretion of the Zoning Enforcement Officer. One such business has been established in the town of Montville and no complaints have been received since the business was established several years ago. While the number of wholesale packaging facilities continues to be restricted in the State, the number of allowable dispensaries has increased. Discussion ensued regarding the establishment of such a business in Salem. Commissioner Savalle recalled a past conversation regarding the topic in which Commissioner Smith expressed his opposition. She, too, felt that such a business might not be appropriate for such a small town as Salem. Commissioner Caron felt that all retail businesses that are legally allowed and are lawfully operated should be treated fairly and not prohibited. Commissioner Khan-Bureau agreed, adding that it is not unlike other prescription drugs. Commissioner Salas agreed, but expressed her concerns regarding how the town would be affected, e.g., traffic, etc., should marijuana become legalized. The Town's business district is located within the confines of the Salem Round-a-bout area and, as such, is the only area where such an establishment could be established. Town Planner Rattan noted that, in Section 7.1.12 of the Regulations, the sale of alcoholic beverages, which is also a controlled regulated substance, is listed as one of the permitted uses within the district. It was decided that a medical marijuana dispensary would be considered a legal retail business like any other and would be regulated as such.

C. Cell Towers, siting jurisdiction

Town Planner Rattan reported on a conversation she had with the Siting Council Director regarding the need for the Town to establish regulations for cell towers for those that are under the Town's jurisdiction, e.g., EMS (Emergency Management System) communication towers and radio station towers. The technology is currently shifting such that those towers that were

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previously 200' are now smaller, 30' to 100' towers that are being utilized for broadband data. The installation of the towers, which are being placed on either Town or private properties, including water towers, telephone or light poles, or buildings, may or may not involve the Siting Council. For those towers that involve the Siting Council, a meeting would be scheduled with the CEO of the Town to discuss the installation of the tower and he/she may request that alternative sites be considered and/or a public meeting, noticed by the company, be held. Any changes to the scope or purpose of the tower that would result in a change in the frequency of the maintenance schedule would need to be reviewed and approved by the Town's CEO. To the best of her knowledge, the Town of Salem currently has approximately five cell towers. In response to Commissioner Wenzel, she was unsure as to whether the proposed tower to be located on Witch Meadow Road, near Route 11 was approved.

CORRESPONDENCE: *none*

PLUS DELTAS: *none*

Town Planner Rattan reported that the Public Notices have been sent for the upcoming Public Hearing and will be published April 10 and 17. The abutting neighboring towns have also been notified. The Public Hearing will be held at their Regular Meeting on Tuesday, April 24, 2018.

ADJOURNMENT:

M/S/C: Duncan/Savalle, to adjourn the meeting at 7:54 p.m. Discussion: None. Voice vote, 7-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Salem