

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 25, 2018 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

PRESENT

Joseph Duncan, Chair
Vernon Smith, Vice Chair
John Gadbois, Secretary
Margaret Caron
David Miller
Ruth Savalle
Eric Wenzel
Ray Gionet, Alternate
Terri Salas, Alternate

ABSENT

Diba Khan-Bureau, Alternate

ALSO PRESENT

Town Planner Justin LaFountain
Selectman Liaison David Kennedy

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING: *none*

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

a. Regular Meeting Minutes: August 21, 2018

M/S/C: Smith/Savalle, to approve the Regular Meeting Minutes of August 21, 2018, with the following amendment:

PRESENT: Terri Salas, Alternate (*seated*)

Discussion: None. Voice vote, 5-0-2. Voting in Favor: Commissioners Duncan, Smith, Gadbois, Miller, and Savalle. Voting in Opposition: None. Voting in Abstention: Commissioners Caron and Wenzel.

6. OLD BUSINESS

a. Regulation Re-write Discussion:

1) Section 25-A – Riparian Corridor Overlay Zone (RCOZ)

Chairman Duncan distributed previously gathered notes regarding creating and modifying regulations for their consideration. After reading the regulation several times, he felt that alterations were necessary and questioned how extensive the revisions should

be. Motivated by the restrictions that are placed on property owners and being very wary of over-regulation, Vice Chairman Smith questioned whether the regulation is unnecessarily restrictive and/or too invasive on the property owner's rights and their ability to develop their own property. Commissioner Savalle called attention to Section 25A.7 – Zone District Overlap, which states that, “The RCOZ overlaps other zones and federal, state or municipality regulated areas and in all cases the more restrictive regulation will take precedence.”, a statement that is true in all the case of all regulations and informed the Commission that much of the regulation was created to protect the Eight Mile River. She proposed expanding the regulation such that it also protects the Niantic River Watershed and removing the following items due to repetition:

- Section 25A.5.1(a)(4) Leave full and natural tree canopy over the watercourse
- (7) DEEP's Best Management Practices Connecticut Field Guide shall be followed for all forestry practices including stream crossings.
- (8) All activities shall follow a written plan approved by the Commission

She also suggested engaging the aid of the Eightmile River Wild & Scenic Coordinating Committee Program Director Patricia Young, who offered their services during her presentation to the Commission. Discussion ensued regarding the restrictiveness and intent of the regulations, the importance of educating the public, and the affected zone. It was unknown as to whether any petitions have been received by the Commission in the past or the number of enforcement cases the Zoning Officer has handled due to the regulation.

Chairman Duncan questioned specific portions of the regulation, including Sections 25A.4.1, 25A.5.1(a)(5), 25A.5.1(a)(6), and 25A.6.1(c). Because the bulk of the property is private and setback, any activity occurring in the zone would be unknowable. In addition, it was noted that the property owners, themselves, are most likely unaware of the regulation, though any Public Hearings regarding regulation amendments/adoptions are advertised in the local newspaper, as required. Chairman Duncan felt and Vice Chairman Smith agreed that, because the property owners who are affected by the regulation could be clearly identified, they should be informed and invited to provide their feedback.

Chairman Duncan stated, and Commissioner Salas agreed, that they should determine the goal of the regulation and revise it so that it is clearer, simpler, and more understandable. Commissioner Savalle proposed engaging the help of Associate Extension Professor at the University of Connecticut Cooperative Extension Service and the University of Connecticut Department of Natural Resources and the Environment Tom Worthley and Eightmile River Wild & Scenic Coordinating Committee Program

Director Patricia Young to review the area and determine the property owners who would be affected by the regulation. She also suggested the Commissioners review the November 1, 2007 Public Hearing Meeting Minutes to determine the reasoning and goal(s) behind the regulation. Commissioner Savalle reminded the Commissioners that the regulations are permissive, meaning that “Any use not specifically listed as permitted shall be considered prohibited.” (Section 25A.1).

Town Planner LaFountain briefly summarized their discussion and, feeling that the Commissioners agreed with the importance and value of protecting the area through the regulation and that a clearer, more understandable regulation is necessary, he proposed that he draft an amended regulation for review. Commissioner Salas felt that re-writing the regulation would be beneficial, not only to clarify the original intent of the regulation, but also to ensure that it will not be abused. Commissioner Smith agreed with simplifying the regulation, making it more intelligible without changing its basic tenets. Commissioner Gionet felt that the residents should be informed about the regulation changes and Commissioners Smith and Savalle, agreed, stating that they were open to sending a letter to the property owners who would be affected by the regulation. Commissioner Savalle reiterated including the Niantic River Watershed.

M/S/F: Smith/Savalle, to leave the Section 25-A – Riparian Corridor Overlay Zone of the Salem Planning & Zoning Commission Zoning Regulations unchanged. Discussion: None. Voice vote, 0-7, all opposed.

Chairman Duncan will provide his notes to Town Planner LaFountain for the development of a draft of the amended regulation.

2) List of Definitions – not discussed

- b. Discussion regarding Section 11A.2.1 of the Zoning Regulations – Approvals by ZEO**
Town Planner LaFountain reminded the Commission regarding their previous discussion concerning the approval of site plans by the ZEO vs. the Commission. As requested, he has reviewed their past meeting minutes and, though there was much discussion regarding the authority of the ZEO, their discussion revolved around accessory apartments. It was agreed to table their discussion as they concentrate their efforts on the RCOZ regulation.

7. NEW BUSINESS

a. Discussion regarding Commissioner Training Options

Per their discussion at the last meeting, Town Planner LaFountain proposed the following options to provide training and/or refresh their training:

- 1) Invite Town Attorney Steve Byrne to provide a presentation/discussion (fee)
- 2) Attend UConn’s Center for Land Education and Research (CLEAR) Land Use Academy, which offers training sessions. (typically free of charge)

- 3) Attend an upcoming Council of Governments' general training program for Commissioners, which is currently in the process of being organized.

Having attended the training sessions at UConn's Land Use Academy, Commissioner Savalle stated that she found the sessions, which provide a broader, in-depth overview, very informative. She has also attended seminars hosted by Eversource, Wesleyan University, Mark Twain House, and Central Connecticut State College. Commissioners Gionet and Salas have also attended a training session(s). Commissioner Wenzel stated that he found Atty. Byrne's past presentations to be very informative and valuable and felt that inviting him may be helpful and worthwhile for, especially, the new members. Vice Chairman Smith agreed, adding that the members' various scheduling conflicts may preclude them from attending a seminar. The benefits of requesting Atty. Byrne to provide a presentation includes his ability to attend one of their meetings and their ability to ask questions specific to the Town. Town Planner LaFountain informed the Commission that the UConn's Land Use Academy will be hosting an Advanced Training Seminar in Haddam on Saturday, October 27. Town Planner LaFountain will contact Atty. Byrne to schedule a presentation for either their November or December meeting and request that any written material be provided to the Commission prior to the presentation.

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

9. TOWN PLANNER REPORT: *no report*

10. CORRESPONDENCE: *none*

11. PUBLIC COMMENT: *none*

12. PLUS DELTAS

Commissioner Savalle commented on a good, active discussion. Vice Chairman Smith agreed, adding that it was a passionate, yet civil, discussion. Town Planner LaFountain reminded the Commissioners to send him their comments for the RCOZ regulation so that he can draft a red-lined copy of the proposed amended regulation for review.

13. ADJOURNMENT

M/S/C: Smith/Savalle, to adjourn the meeting at 8:14 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