

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, DECEMBER 18, 2018 – 7:00 P.M.  
SALEM TOWN HALL – CONFERENCE ROOM 1**

**PRESENT**

Joseph Duncan, Chair  
Vernon Smith, Vice Chair  
Margaret Caron  
Ruth Savalle  
Diba Khan-Bureau, Alternate (*seated*)  
Ray Gionet, Alternate (*seated*)  
Terri Salas, Alternate (*seated*)

**ABSENT**

John Gadbois, Secretary  
David Miller  
Eric Wenzel

**ALSO PRESENT**

Town Planner Justin LaFountain

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

**SEATING OF ALTERNATE(S):**

*Alternate Members Khan-Bureau, Gionet, and Salas were seated for Commissioners Gadbois, Miller, and Wenzel.*

**ALTERATIONS TO THE AGENDA:**

The Commission agreed to switch item 6, Old Business, with item 7, New Business, on the agenda.

**3. PUBLIC COMMENT:** *non*

**4. PUBLIC HEARING:** *none*

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

a. Regular Meeting Minutes: November 27, 2018

**M/S/C: Smith/Caron, to approve the Regular Meeting Minutes of November 27, 2018.**

**Discussion: None. Voice vote, 7-0, all in favor.**

**6. NEW BUSINESS:**

a) **18-SP-01: Garrett Homes, LLC**, 6 William Way, Harwinton, CT. Proposed site plan to develop a 9,100 square foot retail building with associated paved parking, site utilities, stormwater management, site lighting, and landscaping at 4 Centre Street, Salem, CT. This property is zoned Business.

Project Manager Matthew Bruton, BL Companies, Inc., provided a brief presentation regarding the proposed site plan for a retail building on an undeveloped 1.42-acre property

located on the corner of Norwich Road (Route 82) and Centre Street. The Applicant, Real Estate Developer Michael Perkins, is proposing the construction of a 9,100 SF building with 37 paved parking spaces. A loading dock and dumpster pad is also included on the proposed development. An encroachment permit has been requested, as required, and is currently under review by the CT D.O.T. (Connecticut Department of Transportation) for the two driveways to be located on Centre Street and Norwich Avenue. The proposed well and septic system have been reviewed and revisions have been requested by the Uncas Health District. Propane gas will also be required. Electricity and telephone are available in the area. A stormwater management system will be installed on the property and will comply with the 2004 CT Stormwater Quality Manual and follow the State's 2002 Sediment and Erosion Guidelines. There are no wetlands or watercourses within 75 feet of the property line. A variety of trees and shrubs will be planted around the parking lot and a line of trees, blending well with the existing forested area, will be planted along the 50' setback/buffer zone between the property and the abutting residence located at the rear of the property. A list of the proposed plantings – all of which are native, non-invasive, and should provide year-round screening, per the town's regulations – were reviewed and provided. The proposed elevations and locations of the HVAC (Heating, Ventilation and Air Conditioning) units were also noted.

In response to Commissioner Khan-Bureau who questioned the number of parking spaces with impervious surface, Project Manager Bruton stated that all of the 37 required parking spaces are impervious and the proposed stormwater management system will collect, detain, and treat any water runoff. The Applicant is open to providing four to five pervious parking spaces that would filtrate precipitation in the area designated for employees and is also open to reducing the number of parking spaces, with the proper approvals. The stormwater management and its necessary maintenance for pervious and impervious surfaces were briefly explained.

Town Planner LaFountain, the Town Engineer, the relevant town departments (Building, Zoning, Public Works, and Fire Marshal), and Uncas Health District have reviewed the proposed plans and provided the Applicant with their comments, which were briefly reviewed with the Commissioners. Comments include the submission of a maintenance report on the site plan; submission of the encroachment permit to D.O.T. for the driveway and right-of-way landscaping and erosion control work; the removal of the existing sign for the veterinary clinic; revisions to the stormwater management system; the addition of distance lines from the property lines on the site plan, and; comments regarding the plumbing details, approved pipes, separation distances to groundwater.

Should the process develop smoothly, construction is slated to begin in the Spring of 2019. In comparison to the other businesses located in the area, it is estimated that the traffic generated from the business would be minimal, i.e., approximately 40 trips a day (20 cars) during the peak hours of 4:00 to 6:00 p.m. The building will house one business. The Applicant is pursuing dry good retailers, rather than restaurants, and some interest has been expressed, but

no leases have been signed. Should the lessee wish to establish a business other than a retail business, they would return to the Commission for approval(s).

Town Planner LaFountain noted that the town is awaiting the revisions, as discussed, and a final review will be conducted and the revisions will be discussed with the Commission next month.

The Applicant thanked the Commissioners for their time and the Commissioners, in turn, thanked the Applicant for their presentation.

## **6. OLD BUSINESS:**

### **a. Regulation Re-write discussion:**

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

##### **1. Review of Draft Outline**

The Commission reviewed the comments received from Attorney Steve Byrne regarding the RCOZ Regulation. His letter addresses five (5) items, including the utilization of statutory language normally utilized by the Inland Wetlands and Watercourses Commission's (IWWC) Regulations that should not be used for the Planning & Zoning Commission's (PZC) Regulations and the as-of-right uses for farmland, which is a protected use, versus that of residential property.

The Commissioners reviewed and discussed a draft outline. Chairman Duncan suggested changing the name of the regulation, which, he felt, does not adequately describe the purpose of the regulation which is to protect the Eight-mile River Watershed. Commissioner Khan-Bureau disagreed, stating that the riparian zone refers to the particular area between the river and the buffer zone which the regulation is protecting. The outline proposes tasking the IWWC with reviewing the activities within the overlay zone and providing their comments and/or any recommendations to the PZC, who would review the application, consider their comments, and make the final decision. Should there be a disagreement between the two Commissions, the PZC may override the IWWC's recommendation with a minimum five vote majority. In addition, a biennial review of the overlay zone by the Commission that would be included in the town's Annual Report and an instructional pamphlet will be prepared and mailed to the residents who are affected by the regulation. Extensive discussion ensued regarding tasking the IWWC with the regulation as the Conservation Commission rather than as the Inland Wetlands Commission, which is statutorily required, and the possibility of organizing a subcommittee made up of members from both the P&Z and IWWC Commissions to review and discuss the regulation. Chairman Duncan proposed forwarding the outline to the IWWC for review and move forward with creating a draft along the proposed outline. He also stated the importance of designating the overlay zone as well as the buffer area and tree canopy.

Town Planner LaFountain credited Chairman Duncan for preparing the outline and appreciated his suggestions regarding the biennial reviews, which would provide

baselines that do not currently exist, making the regulation enforceable and solidifying its intent. Commissioner Smith also expressed his appreciation to Chairman Duncan for his efforts.

**M/S/C: Duncan/Smith, to forward the draft outline of the Riparian Corridor Overlay Zone (RCOZ) (Section 25-A) in the Planning & Zoning Commission's Regulations to the Inland Wetlands and Watercourses Commission for review and request that a written response be provided to the Commission by their Tuesday, February 19, 2019, Regular Meeting. The outline will also be sent to Atty. Byrne for his comments and requesting a written response be provided to the Commission by their Tuesday, January 15, 2019 Regular Meeting. Voice vote, 7-0, all in favor.**

**7. ZONING ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT**

The new Zoning/Wetlands Enforcement Officer (ZWEO), Matthew Allen, who is experienced in watersheds, the previous Town Planner for the town of Groton, and current Zoning Enforcement Officer in a town in Rhode Island will begin working for the town on January 3, 2019 on Mondays and Thursdays from 3:00 to 7:00 p.m. The current ZWEO Elizabeth Burdick will be focusing her energies as the Town Planner in Ledyard.

**8. TOWN PLANNER REPORT**

Town Planner LaFountain reported that referrals for Zoning Regulation Amendments were received from the towns of Bozrah for the allowance of a Doggy Day Care business and Colchester for signage. Neither referral should have any adverse impact on the Town of Salem.

**9. ELECTION OF COMMISSION OFFICERS FOR 2019**

**M/S/C: Smith/Salas, to re-schedule the Election of Commission Offices for 2019 to Tuesday, January 15, 2019. Voice vote, 4-0-2. Voting in Favor: Commissioners Caron, Duncan, Gionet, Salas, Smith, Voting in Opposition: None. Voting in Abstention: Commissioners Khan-Bureau and Savalle.**

**11. CORRESPONDENCE: *none***

**12. PUBLIC COMMENT: *none***

**13. PLUS DELTAS: *none***

**14. ADJOURNMENT**

**M/S/C: Smith/Caron, to adjourn the meeting at 9:21 p.m. Discussion: None. Voice vote, 7-0, all in favor. Meeting adjourned.**