

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JANUARY 15, 2019 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

PRESENT

Joseph Duncan, Chair
John Gadbois, Secretary
David Miller
Ruth Savalle
Eric Wenzel
Diba Khan-Bureau, Alternate
Ray Gionet, Alternate (*seated*)
Terri Salas, Alternate (*seated*)

ABSENT

Vernon Smith, Vice Chair
Margaret Caron

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 Gionet and Salas were seated for Commissioners Smith and Caron.

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING: *none*

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

a) Regular Meeting Minutes: December 18, 2018

M/S/C: Savalle/Salas, to approve the Regular Meeting Minutes of December 18, 2018. Discussion: Commissioner Savalle stated, for the record, that the Commission's By-Laws state that the Election of Officers should take place during the Commission's December Regular Meeting. With this in mind, she wished to state, also for the record, that she should have voted in opposition of the motion to re-schedule the Election of Officers (Item 9), rather than in abstention; Alternate Commissioner Khan-Bureau (*seated*) wished the same. Chairman Duncan stated that he was aware of the By-Laws, but, made an exception to the rule due to the absence of three of the Commissioners. Voice vote, 5-0-2. Voting in Favor: Commissioners Duncan, Gionet, Miller, Salas, and Savalle. Voting in Opposition: None. Voting in Abstention: Commissioners Gadbois and Wenzel.

6. OLD 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 review of his previous presentation and the subsequent changes that were made based upon the comments that were received. The site plan for the proposed 9,100 SF retail building with 37 parking spaces to be located on Centre Street and Norwich Road (Route 82) complies with the Zoning Regulations for setbacks and parking. He reviewed Town Planner LaFountain's comments, which have been either completed or are in the process of being completed. A late comment regarding the regulation requiring a separating distance of 150 feet between driveways has also been addressed on the site plan. Based upon the test pits that were conducted for the stormwater management system and the high groundwater conditions of the property, it was felt that the installation of pervious pavement would not be recommended. Should the Commission feel strongly about the inclusion of the pervious parking areas, the developers would comply with their wishes. Alternate Commissioner Khan-Bureau, who initially suggested the inclusion of pervious parking spaces and believes in seeking alternative methods, expressed her appreciation of their investigation into the matter. At the request of Commissioner Miller, the exterior elevation plans and features of the building in relation to the architecture and area were also reviewed; no concerns regarding the look or operation of the building were expressed by the town's staff. As a State road, Route 82 is under the jurisdiction of the State and the Commission will be informed of any changes made to the proposed site plan. The proposed plantings, e.g., grass, trees, and shrubs, are all native.

In response to Commissioner Savalle who questioned the septic system with regards to the high-water table, Project Manager Bruton stated that the site varies in elevation from 324' to 306', with the elevation increasing towards the street. After meeting with the Uncas Health District and conducting test pits, the best location for the stormwater well and septic system was determined and a mounted system, complying with the CT Department of Health requirements, will be installed. The facility will include two bathrooms (for males and females).

Town Planner LaFountain provided the Commission with the staff review and stated that the proposed site plan has been reviewed by himself and the Town Engineer. He also noted that the possibility of installing permeable pavers was discussed with the Town Engineer who expressed the same concerns regarding the high-water table. The plan has also been reviewed by the CT DOT (Department of Transportation) and Uncas Health District, who is requesting additional data regarding the water generation at the facility so as to verify the size of the pump. No concerns were expressed regarding the Commission approving the project this evening without the requested data. Town Planner LaFountain

reviewed the recommended conditions included in the staff report. A geotechnical engineer will be hired to conduct borings for the building design, foundations, and pavement recommendations. The engineer will also run permeability tests for a more scientific report and any necessary adjustments will be made to the stormwater system should any increases/decreases in the infiltration rate be found.

M/S/C: Duncan/Gadbois, to approve the proposed site plan for Application 18-SP-01, Garrett Homes, LLC 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, with the following conditions:

- 1. The proposed driveway on Centre Street is to be relocated so that it is a minimum of 150 feet from the existing driveway of 12 Centre Street;**
- 2. Approval for the proposal is to be obtained from the Connecticut Department of Transportation (DOT) prior to obtaining building permits, and any changes to the layout of the site required by DOT are to be reviewed by the Commission. If the Town Engineer and Town Planner determine that the submittal will result in impactful changes, the proposed revisions are to be reviewed by the Commission;**
- 3. Approval for the proposal is to be obtained from Uncas Health District, if not already completed, prior to obtaining building permits;**
- 4. The completed geotechnical report, noting any modifications to the stormwater system, is to be submitted for review by the Town Engineer prior to the start of construction. If the Town Engineer and Town Planner determine that the submittal will result in impactful changes, the proposed revisions are to be reviewed by the Commission;**
- 5. All proposed signage is to be reviewed by the Zoning Enforcement Officer in a permit application prior to installation;**
- 6. A Mylar copy and three paper copies of the final approved plans are to be submitted and signed by the Chairman/Secretary of the Commission prior to obtaining building permits; and**
- 7. An as-built Mylar is required to be filed with the Commission upon completion of construction and prior to the issuance of a Certificate of Zoning Compliance/Certificate of Occupancy.**

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

- b) Regulation Re-write discussion: Section 25-A – Riparian Corridor Overlay Zone (RCOZ)
Chairman Duncan reported that the outline draft for the RCOZ was forwarded to the Inland Wetlands & Conservation Commission (IWCC) Chairman Ed Natoli and a copy of the email exchanges between them were distributed to the Commissioners. The IWCC met last evening and, while she recommended the Commission read the IWCC Meeting

Minutes and/or speak with IWCC Chairman Natoli, Alternate Commissioner Khan-Bureau reported that the IWCC, as the Conservation Commission, agreed to review and provide advisement to the Planning & Zoning (P&Z) Commission for all submitted applications related to the regulation. It was also the consensus of the IWCC to review and help simplify the regulations with the P&Z Commission and Eightmile River Wild & Scenic Watershed Committee Program Director Patricia Young. Under the current regulations, all RCOZ applications would be submitted directly to the P&Z Commission and the IWCC has no role in the overlay zone unless the application includes work to be conducted within the wetlands area. Extensive discussion ensued regarding the roles of the IWCC and the P&Z Commissions and the regulation. Alternate Commissioner Khan-Bureau noted that there have been no RCOZ applications submitted in the past 10 to 12 years. Chairman Duncan felt that in order to require RCOZ applicants to present their proposal to the IWCC, the RCOZ regulation should also be included in the Inland Wetlands regulations. The issue lies in both the language in the regulation, which is in need of substantial changes, and the process. In response to Commissioner Wenzel, it was clarified that the regulation cannot be adopted by the IWCC and the review and recommendation would derive from the Conservation Commission, rather than the Inland Wetlands Commission. Alternate Commissioner Khan-Bureau, again, recommended that the Commission review the IWCC Meeting Minutes and speak with IWCC Chairman Natoli. Chairman Duncan stated that he could create a draft of the regulation that includes the Conservation Commission's advisory role. While Alternate Commissioner Khan-Bureau suggested inviting the IWCC and Eightmile River Wild & Scenic Watershed Committee Program Director Young or creating a subcommittee that includes members of the IWCC to discuss and craft the regulation, Chairman Duncan stated his preference for creating a *written* draft that the Commissioners from both Commissions can respond to.

The item was tabled, pending an official response from the Inland Wetlands & Conservation Commission.

c) Election of Commission Officers for 2019

M/S/F: Salas/Gadbois, to nominate and re-elect Chairman Joseph Duncan as Chairperson of the Planning & Zoning Commission. After serving as the Chair for four years or more, Chairman Duncan declined the nomination.

M/S/C: Miller/Gadbois, to nominate and elect Commissioner Ruth Savalle as Chairperson of the Planning & Zoning Commission. Discussion: None. Voice vote, 7-0, all in favor.

M/S/C: Duncan/Miller, to nominate and re-elect Vice-Chairperson Vernon Smith as the Vice-Chairperson of the Planning & Zoning Commission. Discussion: None. Voice vote, 7-0, all in favor.

M/F: Gadbois, to nominate Commissioner Eric Wenzel as Secretary of the Planning & Zoning Commission.

M/S/C: Wenzel/Duncan, to nominate Commissioner John Gadbois as Secretary of the Planning & Zoning Commission. Discussion: None. Voice vote, 7-0, all in favor.

The Commissioners expressed their appreciation to the Chairman Duncan for serving as the Chairman.

7. NEW BUSINESS – *none*

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

9. TOWN PLANNER REPORT

Town Planner LaFountain announced and encouraged the Commissioners to attend the Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions which will be held on Saturday, March 23 at Wesleyan University.

10. CORRESPONDENCE – *none*

11. PUBLIC COMMENT – *none*

12. PLUS DELTAS – *none*

13. ADJOURNMENT

M/S/C: Wenzel/Salas, to adjourn the meeting at 8:13 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