

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 26, 2019 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

PRESENT

Ruth Savalle, Chair
Vernon Smith, Vice Chair
John Gadbois, Secretary
Margaret Caron
Joseph Duncan
David Miller
Ray Gionet, Alternate (*seated*)

ABSENT

Eric Wenzel
Diba Khan-Bureau, Alternate
Terri Salas, Alternate

ALSO PRESENT

Town Planner Justin LaFountain

1. CALL TO ORDER

Chairperson Savalle called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

SEATING OF ALTERNATE(S):

Alternate Member Gionet was seated for Commissioner Wenzel.

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING: *none*

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

a) Regular Meeting Minutes: January 15, 2019

M/S/C: Smith/Caron, to approve the Regular Meeting Minutes of January 15, 2019. Discussion: None. Voice vote, 5-0-2. Voting in Favor: Commissioners Duncan, Gadbois, Gionet, Miller, Savalle. Voting in Opposition: None. Voting in Abstention: Commissioners Caron and Smith.

6. OLD BUSINESS:

a) Regulation Re-write Discussion: Section 25-A – Riparian Corridor Overlay Zone (RCOZ)

The Commissioners reviewed a map (*file copy available*) indicating the Riparian Corridor Overlay Zone; the areas that are designated as wetlands (green), and; the properties that are affected by the riparian corridor (blue), but not the wetlands. They also reviewed close-up maps showing an example of the lots that are severely impacted by the regulation. Town Planner LaFountain will investigate the total number of properties that are affected by both the riparian corridor overlay zone and the wetlands and those affected by only the riparian corridor overlay zone. A brief discussion ensued

regarding whether the regulation applies to those who owned the property prior to the enactment of the regulation, i.e., were grandfathered in. Generally, zoning regulations are related to the property, rather than the property owner, prohibiting the grandfather clause.

The Town Planner reported that the Assessor has confirmed the possibility of placing a note regarding the property's location within the riparian corridor overlay zone on the relevant property cards. The placement of the language, which would be generated by the Commission, would require the town's approval. If approved, notations would be placed on the property cards of those properties affected by other zoning regulations, as well.

Concern was raised regarding the properties in which the majority of the property is impacted by the regulation, leaving very few, if any, possibilities for expansion or the like. It was noted that those lots affected by the regulation, but not the wetlands, tended to be smaller-sized lots. Commissioner Duncan's draft proposes reducing the required distance from 50 or 100 feet to 25 feet, which would limit the focus of the overlay zone and provide homeowners with additional latitude. The possibility of having the regulation affect only those lots above a certain size was also proposed, though, environmentally-speaking, the caveat might not be feasible.

Town Planner LaFountain will speak with Zoning/Wetlands Officer Matt Allen regarding the possibility of inviting the members of the Inland Wetlands & Conservation Commission (IWCC) to attend a future meeting to further discuss the regulation and their thoughts regarding Commissioner Duncan's proposed draft. Commissioner Duncan recommended the Commission have an agenda for their discussions. It was felt that, because the regulation deals primarily with the wetlands, it would be more appropriate for the IWCC to create a draft of the regulation and review any such applications that are presented. It was reiterated that the IWCC would be reviewing the regulation and any applications as the Conservation Commission and would only be advising and providing recommendations; the final decision for both the regulation and applications would remain with the Planning & Zoning Commission. Having any applications reviewed by the IWCC first would avoid the current double jeopardy-type situation which exists with the current regulation, in which an application could be presented to both the IWCC and Planning & Zoning Commission for review and approval under two different sets of criteria.

Discussion ensued regarding the number of votes required for approval, whether a 2/3rds vote or a minimum of five (5) votes, would be most appropriate. Per the Town Attorney, it was recommended to exclude this section of the proposed regulation. Copies of the Town Attorney's comments will be provided to the Commission at their next meeting.

7. NEW BUSINESS

Town Planner LaFountain stated that the town's Plan of Conservation and Development (POCD) was adopted on June 1, 2012 and will be due on June 1, 2022. Chairperson Savalle reported that the town of East Lyme and Meriden have engaged the services of a Wesleyan professor of Land Use to review their POCDs with a dozen of her students. She proposed the possibility of doing the same. Town Planner LaFountain recommended engaging in monthly discussions regarding the town's POCD following their completion of the RCOZ regulation.

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

9. TOWN PLANNER REPORT

1. Letter of approval from the CT D.O.T. (Department of Transportation) regarding the proposed commercial building to be located at 4 Centre Street, fulfilling one of the town's required conditions
2. A packet from the CT D.O.T. regarding the pending Route 85 bridge (located south of Rattlesnake Ledge Road) work. The packet includes a copy of the letter sent to DEEP (Department of Energy and Environmental Protection) by the CT D.O.T. requesting approval for the project.

Town Planner LaFountain provided a brief background on the project. The dates of the project are unknown at this time and half of the road will be open during construction.

3. Referral from the town of Montville regarding an update to their current subdivision regulations.

Having reviewed the revisions, Town Planner LaFountain as well as the Southeastern CT Council of Governments (SCCOG) felt that they would have no impact on the town of Salem.

4. A Public Hearing will be held tomorrow evening regarding the Metropolitan Transportation Plan, which is updated every five (5) years by the Regional Planning Agency. The Plan is available on the SCCOG website; comments are due March 12. He reported that the proposed continuation of Route 11 is no longer included in the Plan.
5. The SCCOG will be hosting a series of training sessions, one of which will be held at their offices in Norwich on Tuesday, April 30, 7:00 p.m., with Attorney Steve Byrne, and another at Groton Town Library on Thursday, May 23.
6. An invoice for the amount of \$980.00 was received from the Town Attorney for his review and comments regarding the RCOZ regulation.

Chairperson Savalle reported that, due to the timing of her election and the budget, she will be presenting a flat budget to the Board of Finance for their FY2019/20 budget. A copy of the budget will be e-mailed to the Town Planner and Commissioners.

7. A letter from the Southeastern CT Housing Alliance (SECHA) regarding their interest in providing a short presentation to the Commission regarding their recent housing study analysis.

The Commission agreed to invite SECHA for their March 19 meeting.

8. The Regional Planning Commission is seeking representatives from each of the town's planning commissions. The Commission, which includes representatives from 22 municipalities and boroughs, meets quarterly to discuss the various activities taking place in each part of region. Their next meeting will be held on Monday, April 22, 7:00 p.m., at the SCCOG's Norwich office. Commissioner Caron volunteered to represent the town of Salem. Any Commissioners interested in being an alternate may contact the Town Planner.

10. CORRESPONDENCE – *see item 9*

11. PUBLIC COMMENT – *none*

12. PLUS DELTAS

Commissioner Smith commented on a good meeting. He recommended the Commissioners familiarize themselves with both the existing and proposed regulation for the RCOZ for their discussion with the IWWC.

13. ADJOURNMENT

M/S/C: Smith/Miller, to adjourn the meeting at 8:06 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