

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, APRIL 23, 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
Diba Khan-Bureau, Alternate (*seated*)

ABSENT

Eric Wenzel
Ray Gionet, Alternate
Terri Salas, Alternate

ALSO PRESENT

Town Planner Justin LaFountain
Selectman Liaison David Kennedy

1. CALL TO ORDER

Chairperson Savalle called the meeting to order at 7:00 p.m. and introduced the members of the Commission.

2. PLEDGE OF ALLEGIANCE

SEATING OF ALTERNATE(S):

Alternate Members Khan-Bureau and Salas were seated for Commissioners Wenzel.

3. PUBLIC COMMENT:

David Bingham, Ph.D., a former Commissioner, spoke with regards to the revised Age-Restricted Residential Development regulation, especially in relation to the current proposal to construct such a development on the Gadbois property located on Route 82. He informed the Commissioners that the original regulation was developed by professional consultants who were experienced with age-restricted developments and aware of its related issues. The consultants also recognized the need to ensure its adherence with the town's Plan of Conservation and Development (POCD) and the importance of protecting the town's natural resources. He stated that, while such developments are allowed, in accordance to the regulations, it is not considered a special exception and, as the result, the Commission would not be able to place restrictions upon such proposals. The revised regulation lacks important restrictions due to the creation of a denser development, including ensuring that an adequate amount of space is provided for the sewage and well systems without affecting the surrounding areas and ensuring that there are enough pervious surfaces such that any water runoff remains on the property and does not negatively impact the area's streams and watersheds. He also referred to the results of the POCD survey of over 400 residents which revealed that the majority wished to utilize the Gadbois property for recreation, open space, and agriculture.

He also commented on the Riparian Corridor Overlay Zone (RCOZ) regulation. While other States require an Upland Review Area of 200 feet, the Town of Salem requires only 50 feet. The regulation was created by consultants who worked with the Eightmile River Wild & Scenic Watershed Coordinating Committee and the support of the public. He stated the importance of and need to protect the town's natural resources by controlling and placing restrictions on those who wish to develop the properties located within the RCOZ. He cited the POCD survey in which over 70% of the respondents stated that their decision to reside in Salem was for its wild areas and rural character. He expressed his hope that the Commission would include the Committee in their discussions. He is not against such developments, but requested that the Commission protect the riparian corridors and the town's natural areas.

Commissioner Khan-Bureau expressed her appreciation to Dr. Bingham for everything he has done for the town in protecting its natural resources and his years on the Commission.

4. PUBLIC HEARING: *none*

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

a) Regular Meeting Minutes: March 19, 2019

M/S/C: Smith/Khan-Bureau, to approve the Regular Meeting Minutes of March 19, 2019. Discussion: None. Voice vote, 6-0-1. Voting in Favor: Commissioners Duncan, Gadbois, Khan-Bureau, Miller, Savalle, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Caron.

6. OLD BUSINESS

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

Chairperson Savalle referred to Chapter 3: Natural Resources, Section 1.7.1, of the town's POCD, which states:

1.7.1. Recommendation: In collaboration with the Eightmile River Wild and Scenic Coordinating Committee, the Planning and Zoning Commission, the Inland Wetlands Commission and the Conservation Commission should review and prioritize all Tier 1 and Tier 2 Tools and work to complete adoption of all prioritized management Recommendations.

As such, she felt that the Commission should receive input from the other parties and obtain a consensus before proceeding. She also stated that two of the former Commissioners who were serving on the Commission when the regulation was adopted, recommended that the Commission tread carefully when revising the regulation due to the involvement of the Federal Government. She proposed tabling the matter for a period of four to six months due to the Inland Wetlands & Conservation Commission's (IWCC) need to deal with a pressing legal matter. Commissioner Khan-Bureau agreed that the Commission should meet with the members of the IWCC and Eightmile River Wild & Scenic Watershed Program Director Pat Young to discuss the regulation. Commissioners Duncan and Smith stated their respect for

and wish to protect the watershed and the environment, but that an outline was submitted to the IWCC for comment/input approximately four months ago and have yet to receive a response. Commissioner Caron expressed her willingness to tabling and revisiting the regulation for a period of two months; the regulation, she felt, is difficult to read and understand and is need of simplification. As the Commission, representing the interests of its residents, their main goal is to do what is best for the town. Commissioner Smith agreed that he would like to draft the best regulation possible for the town, but was opposed to tabling the regulation, stating that much work has been invested in drafting the regulation and tabling it for such an extended period of time could lead to its demise.

M/S/C: Khan-Bureau/Duncan, to table the discussion regarding the Riparian Corridor Overlay Zone (RCOZ) Regulation for a period of three (3) to six (6) months, dependent upon the Inland Wetlands & Conservation Commission's schedule/availability and invite Eightmile River Wild & Scenic Watershed Program Director Pat Young to discuss the regulation in the interim.

Discussion: Commissioner Duncan felt that the Commissioners would lose their train of thought should they invite people to discuss the regulation separately. He also urged that, should the Commission wish to invite the different parties, their discussions be based on specifics rather than generalities. Commissioner Caron agreed that the Commission should have a definite plan. Commissioner Khan-Bureau reiterated that the three groups should meet to discuss the regulation and cited the minutes from their last meeting during which she stated the same. The regulation was written approximately 12 years ago and, as with any standard of operation, should be reviewed and revised/updated, as necessary, with the involvement of the relevant individuals. Town Planner LaFountain recommended the Commission's motion include a set time period as opposed to a date range.

M/S/C: Khan-Bureau/Duncan, to amend the motion to read: to table the discussion regarding the Riparian Corridor Overlay Zone (RCOZ) Regulation for six (6) months, dependent upon the Inland Wetlands & Conservation Commission's schedule. Discussion: None. Voice Vote, 6-1. Voting in Favor: Commissioners Caron, Duncan, Gadbois, Khan Bureau, Miller, and Savalle. Voting in Opposition: Commissioner Smith.

b) Plan of Conservation and Development Discussion – no discussion

7. NEW BUSINESS

a) Discussion Regarding Potential Areas of Zoning Regulation Review/Revision

The Commissioners reviewed a list of possible items for discussion and review/revision created by Town Planner LaFountain. Many of the items are included in the town's POCD and/or are items which, in reviewing the regulations, Town Planner LaFountain felt could use

some review. He recommended the Commission consider either discussing one major topic or a number of smaller topics that, once a conclusion is reached, a single Public Hearing for regulation amendments could be noticed and held. Should the consensus be to engage in those items that would require the least amount of time, Town Planner LaFountain offered to create a draft of recommended revisions for discussion. Other topics would require that the Commissioners first discuss the issue(s), determine a direction, and proceed from there. The Commissioners agreed to the prior option and Town Planner LaFountain will create a draft the revisions of the following items for discussion at their next meeting:

- Require special historical and archaeological resources to be noted on development plans
- Remove the requirement that two-family houses be located on parcels at least twice the minimum lot size of single family units in Rural A and B zones.
- Revise the non-conforming uses section (Section 12) to reflect current case law and statutes.

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

Commissioner Khan-Bureau reported that the UCONN students have completed their GIS mapping of the diseased and dead trees at the property located along Harris Brook at Music Vale Road and are interested in presenting their findings to the Commission. The students will be marking those trees that are diseased and/or dead for the town. She will check their availability for one of their two next meetings on either May 21 or 28 for the presentation.

9. TOWN PLANNER REPORT

Town Planner LaFountain informed the Commission that Town Atty. Steve Byrne will be offering a training session at SCCOG (Southeastern Connecticut Council of Governments); any Commissioner interested in attending the session should R.S.V.P. to him.

He also informed the Commission regarding the upcoming 2020 Census. As with every Census, there are concerns regarding ensuring that a complete and full count is made. Any individuals or families who are afraid to respond to the survey for any reason should be assured that they would be protected by Title 13 and there would be no negative ramifications by the government for responding to the survey. The Census ensures that the State receives an adequate amount of funding from the Federal Government and establishes the number of legislators each state has in relation to the State's population. Those with questions are encouraged to contact him.

10. CORRESPONDENCE

a. A copy of the legal bill from Byrne and Byrne.

b. A copy of the invoice from the Project Engineer for 4 Centre Street.

In response to Commissioner Caron who questioned the payment for the engineering review, Town Planner LaFountain stated that the town engineer is hired to review and verify the

information provided by the applicant's engineer. There are certain provisions that would allow the town to require that the applicant be billed for the review and is an item the Commission might wish to consider for future applications.

11. PUBLIC COMMENT

Dr. Bingham corrected the Commission, stating that the RCOZ regulation has been used and is used every time a property owner conducts any work within the zone by obtaining a Certificate of Zoning Compliance. In the past, the Zoning Enforcement Officer would present and request changes to reasonable issues with the regulations and provide guidance, as necessary. He was not aware of any issues regarding this particular regulation. He was agreeable to the Commission tabling the item and urged the Commission to work on those items they would be able to arrive at a consensus upon, adding that protecting nature is an item about which many feel strongly.

The Commissioners thanked Dr. Bingham for his comments.

A brief discussion ensued regarding public comments. Commissioner Smith clarified that the Commission was not obligated to respond to the public during Public Comment and that all comments should be voiced with the approval of the Chairperson. Public Comments might also be limited in time. Chairperson Savalle was aware of time limits being placed upon those speaking during a public hearing when numerous comments are expected to be heard. Vice Chairman Smith added that the Chairperson could also limit the public comments for other reasons. In response to Dr. Bingham who apologized for speaking too long, Commissioner Khan-Bureau stated that he is a respected and integral member of the community and should he wish to speak, he should be able to do so. Commissioner Duncan admitted that he was out of line for interrupting Dr. Bingham during his public comment. Chairperson Savalle stated that when the By-Laws were changed, it was agreed to include a Public Comment period at both the beginning and the end of their regular meetings.

12. PLUS DELTAS

Sensing the tension and disconnectedness of some of their discussions, Commissioner Caron reminded the Commissioners that they are one Commission and she hopes that they would be able to come together to do what is best for the town. In response, Vice Chairman Smith felt that a little tension was understandable when contentious issues are being discussed.

13. ADJOURNMENT

M/S/C: Smith/Caron, to adjourn the meeting at 8:04 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