

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 19, 2017 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Joseph Duncan, Chair
Vernon Smith, Vice-Chair
John Gadbois, Secretary
Ron LaBonte (7:03 p.m.)
Jennifer Lindo-Dashnaw
Ruth Savalle (7:01 p.m.)
Eric Wenzel
Jim Mulholland, Alternate
David Miller, Alternate

ABSENT

none

ALSO PRESENT

Town Planner Richard Serra
Board of Selectmen Liaison David Kennedy

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARING(S): *none*

PETITIONERS/PUBLIC COMMENT: *none*

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular Meeting Minutes: July 18, 2017

M/S/C: Mulholland/Savalle, to approve the Regular Meeting Minutes of July 18, 2017.

Discussion: None. Voice vote, 3-0-4. Voting in Favor: Commissioners Duncan, Mulholland, and Savalle. Voting in Opposition: None. Voting in Abstention: Commissioners Lindo-Dashnaw, Gadbois, Smith, and Wenzel.

OLD BUSINESS:

1. Continue discussion – Cluster Development

Upon reviewing the existing Regulations and their discussions regarding the reasoning behind Cluster Developments and its related items, including the percentage of open space, density, access onto existing roads, and curb cuts, Town Planner Serra provided a draft to serve as a base for the revised regulation. The goal of the regulation would be to present an interested developer with the opportunity to create a development that would allow the same number of lots as a standard or conventional subdivision within a smaller area thereby preserving as much contiguous open space as possible. Due to its nature, a cluster development would require less road length

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and, as such, a financial incentive to developers. It may also include a density bonus as an added incentive. General statements regarding the health code and public and private roads are included in the draft regulation. Currently, a standard subdivision requires a minimum of 10% open space or a fee in lieu of. While there is no minimum amount of open space stated in the proposed draft at this time, Town Planner Serra recommends that it be larger than the requirement for a standard/conventional subdivision. Chairman Duncan agreed, stating that the goal of such a regulation is to minimize the footprint on any given lot and provide a greater variety of housing options. Commissioner Savalle reflected upon a recent article published in *The Day* newspaper, which utilized her suggestion of including only one road to enter and exit the development; she is hoping to locate and provide the article for review and a possible investigation into that particular town's regulations for discussion. Town Planner Serra agreed that the Commission should review the existing regulations of surrounding towns as well as such items as reverse frontage and possible flexibility for private access roads. The regulation should provide an opportunity and incentives for the developer by providing them with an alternative option that would not negatively affect, but improve and benefit the Town. The Commission agreed to review the materials for further discussion at their next meeting.

NEW BUSINESS:

1. Discuss Possible Zoning Regulation Amendments:

- a. Temporary Health Care Structures; non-conforming setbacks; Accessory Apartment approval; Other

Temporary Health Care Structures – The Legislatures recently passed bill regarding the allowance of Temporary Health Care Structures for a mentally or physically handicapped family member or unpaid caregiver. The structure, which is a permitted as-of-right within a single-family residential district, must be a temporary, portable unit of no larger than 500 SF and must comply with the health code requirements, setbacks, and well and septic requirements. The Legislation includes several sections stating, “The Commission may...” With that in mind, Town Planner Serra proposed a possible Zoning Regulation Amendment (*see file copy*) outlining and addressing various related items, including the zoning permit and annual permit renewal fees, requirement of a letter from the Uncas Health District, and a stipulation stating that the Agent may revoke the permit should the permit holder violate any of the provisions, as stated in the Regulations or the Public Act. Towns are provided with the opportunity to opt out of the legislation. In order to do so, the Commission is required to hold a Public Hearing, vote to approve the opting out of the provisions, and submit a letter to the Board of Selectmen stating their recommendation(s). The Board of Selectmen will, then, make a final decision. The Legislation is effective as of October 1, 2017, but towns may opt out at any time. Commissioner Lindo-Dashnaw, who has extensively researched and studied the new Legislation, stated that, while the temporary structures appear to be a growing trend, there is some concern regarding the removal and the enforcement of the removal of the structure following its use. Temporary Healthcare Structures are, relatively, expensive and specially

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equipped to accommodate the needs of the occupant. Currently, the states of Minnesota, North Carolina, Virginia, and Tennessee have adopted the regulation. Rental units are also available. The only town she is aware of that has been reviewing the legislation is Redding, where the Planning Commission is interested in adopting the regulation, while the Board of Selectmen is not. Because the Town of Salem allows accessory apartments, Town Planner Serra felt that the Legislation would be little, if at all, used. Chairman Duncan requested that Selectman Kennedy present the new Legislation to the Board of Selectmen for their thoughts. The item will remain on the Agenda for further discussion.

Non-Conforming Setbacks – Town Planner Serra provided the Commission with the following proposed amendment to address the expansion of a building with non-conforming setbacks in order to clarify the standard that is presently implemented with regard to existing buildings that do not have the required setback and propose additions that will maintain that existing setback:

12.5 No building that does not conform to the requirements of these Regulations regarding building height limit, area and width of lot, and required yards shall be enlarged unless such enlarged portion conforms to the Regulations applying to the applicable zoning district, except that vertical and lateral extensions of existing buildings which contain a conforming use shall be permitted so long as any lateral extension or extensions do not extend beyond the outmost dimensions of the existing structure. (Date)

Accessory Apartments – He also provided the Commission with the following proposed amendment authorizing the Zoning Enforcement Officer to administratively approve Accessory Apartments, allowing for a more concise streamlined approval process:

3.21.1 An accessory apartment may be permitted by the Commission, *or its Agent*, when the following conditions are met: *(date)*

- f) When an apartment is proposed to be located in a separate building the distance between dwelling units shall not exceed one hundred (100) feet as measured from the nearest point of an exterior wall of each unit. *The Commission shall approve apartments located in a separate detached building. (Date)* (5/01/15)
- g) When an apartment is proposed in a detached accessory building the resulting building shall maintain, to the maximum extent possible, the appearance of the original building. The final building shall look like an accessory building such as a garage, barn, carriage house, or shed and not have the appearance of a single-family dwelling. *The Commission shall approve apartments located in a separate detached building. (Date)* (5/01/15)

Discussion ensued regarding the ZEO's approval/denial process. The only reason the ZEO would deny an application is if the proposed addition does not comply with the Town's Regulations. In such case, the Applicant may appeal the ZEO's decision by applying for a

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variance, which is based upon a hardship, and presenting their case to the Zoning Board of Appeals (ZBA). The Agent may refer an application to the Commission should there be any extenuating circumstance(s). The item will be reviewed and discussed further at the Commission's next meeting.

Age-Restricted Housing Regulation Amendment – Town Planner Serra reported that, after meeting with his Architect, Mr. Ted Zito, owner of the vacant office building located on Centre Street, is not longer in need of a Regulation Amendment increasing the density of units from a maximum of six (6) to seven (7) units. The Commissioners agreed to review and discuss such an Amendment should it re-arise at a later date.

ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT:

ZWEO Report

The Commission received and reviewed ZWEO Liz Burdick's Report for the months of July to September (to date) 2017.

To the best of his knowledge, Town Planner Serra reported that the *Country Peddler* recently paved and sealed the parking lot and is continuing to work on their revised layout. It is unknown at this time whether they are planning to sell food. If so, the Applicants will need to present their plan for approval by the Commission.

It was reported that *Colchester Construction*, who had obtained approval from the Planning & Zoning Commission for an office building and storage area on Old Colchester Road has sold the property to *R&W Heating Energy Solutions*. The approved plan is valid for five (5) years. Any modifications to the plan would require the Commission's approval.

Town Planner Report – *none*

CORRESPONDENCE: *none*

PETITIONERS/PUBLIC COMMENT: *none*

PLUS DELTAS: Commissioner Smith commented on a great meeting.

ADJOURNMENT:

M/S/C: Smith/Mulholland, to adjourn the meeting at 8:16 p.m. Discussion: None. Voice vote, 7-0, all in favor. Meeting adjourned.

Respectfully Submitted by: Agnes Miyuki, Recording Secretary for the Town of Salem