

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JANUARY 23, 2018 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Joseph Duncan, Chair
John Gadbois, Secretary
Vernon Smith, Vice-Chair
Margaret Caron
Ron LaBonte
Ruth Savalle
Diba Khan-Bureau, Alternate
David Miller, Alternate (*seated*)
Terri Salas, Alternate

ABSENT

Eric Wenzel

ALSO PRESENT

Town Planner Richard Serra

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Miller was seated for Commissioner Wenzel.

PETITIONERS/PUBLIC COMMENT: *none*

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Public Hearing and Regular Meeting Minutes: January 16, 2018

M/S/C: LaBonte/Smith, to approve the Public Hearing & Regular Meeting Minutes of January 16, 2018, with the following amendment:

~~Terri~~ *Terri* Salas, Alternate

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

PUBLIC HEARING: (*Continued from 01/16/2018*)

ZRA 1-18-01 Town of Salem Planning & Zoning Commission. Application proposes to amend the zoning regulations addressing Non-Conforming Uses and Temporary Health Care Structures.

Public Hearing Item Number 2 – amendment to Section 12.5 Nonconforming Uses of the Zoning Regulations.

Town Planner Serra reported that, following their last meeting, he engaged in an extended discussion with the Zoning Enforcement Officer regarding the former item, including the intent

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of the amendment, the Commissioners' concerns, its practice in other towns, and potential scenarios, and they agreed to withdraw the item for the time being. While the intent was to help streamline the process, it was felt that it would be more prudent and wiser to allow the public, i.e., adjacent and surrounding neighbors, with the opportunity to participate in the Public Hearing through the Zoning Board of Appeals.

M/S/C: LaBonte/Savalle, to close the Public Hearing for ZRA 1-18-01, Item Number 2, Section 12.5 – Nonconforming Uses in the Zoning Regulations. Discussion: None. Voice vote, 7-0, all in favor.

Public Hearing Item Number 4 – addition of Section 3.26 regarding Temporary Health Care Structures.

At the conclusion of their discussion at the last meeting, the three options of (1) adopting and adding the Public Act to their current Regulations, (2) opting out of the Public Act, or (3) nothing, which would allow the Public Act to be enacted without any Town requirements, including fees, bonds, etc., were presented. A number of towns have opted out of the Public Act. While the intent of the legislation is appropriate and necessary, the Commissioners expressed their concerns, including the notification of the abutting neighbors, who have no recourse; the current existing provisions allowing for accessory apartments; the State's broad definition of a physically/mentally-impaired person(s). Based upon data received by the SECCOG (Southeastern Connecticut Council of Governments), of the 70 towns that were queried, most have either opted out or taken no action. It was noted that, though the definition of a physically/mentally-impaired person(s) would still be in question, the Town could incorporate verbiage in the Regulations so that the primary intent of the Public Act is accomplished.

M/S/C: Smith/LaBonte, to close the Public Hearing for ZRA 1-18-01, Item Number 4, Section 3.26 – Temporary Health Care Structures. Discussion: None. Voice vote, 7-0, all in favor.

OLD BUSINESS:

- 1) **ZRA 1-18-01** Town of Salem Planning & Zoning Commission. Application proposes to amend the zoning regulations addressing Rural Cluster Development, Non-Conforming Uses, and Temporary Health Care Structures.

Public Hearing Item Number 1 – replacement of Section 6A with new Rural Cluster Development (RCD) Regulations Rural Cluster Development.

Based upon their discussion during the previous meeting, Town Planner Serra reviewed the amendments that have been made. Commissioner Savalle questioned the following revision:

Section 6A.5.5: "...facilities, on land designated as open space ~~provided that the area of all structures is not more than 10% of the designated open space area.~~"

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Chairman Duncan stated that the verbiage was removed as, he felt, it did not serve any useful purpose given the resulting size of the structure(s) that would be allowable. Town Planner Serra reported that the Assessor's office estimates that there are over 200 parcels of land that are over 14 acres and could, conceivably, qualify for a Rural Cluster Development.

M/S/C: LaBonte/Smith, to approve and adopt the proposed amendment for ZRA 1-18-01, Section 6A – Rural Cluster Development of the Zoning Regulations, revised on January 17, 2018, as presented, effective February 14, 2018. Discussion: None. Voice vote, 7-0, all in favor.

Public Hearing Item Number 2 – amendment to Section 12.5 Nonconforming Uses of the Zoning Regulations.

Item was withdrawn for consideration

Public Hearing Item Number 4 – addition of Section 3.26 regarding Temporary Health Care Structures.

M/S/C: Smith/LaBonte, to oppose the adoption of the Section 3.26 regarding Temporary Health Care Structures. Discussion: None. Voice vote, 7-0, all in favor.

NEW BUSINESS:

1) Discuss Implementation of 2012 POCD Items

Chairman Duncan proposed that the Commissioners review the existing Plan of Conservation and Development (POCD) and the items that have been tackled thus far.

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

ZWEO Report – *none*

Town Planner Report

Town Planner Serra reported that the scheduled meeting between the representatives of the proposed plans for the property located at 45 Forest Drive was cancelled due to inclement weather.

CORRESPONDENCE: *none*

PETITIONERS/PUBLIC COMMENT: *none*

PLUS DELTAS:

Commissioner Smith requested that Commissioners who are unable to attend a meeting inform the Chairman in a timely manner so that a quorum can be ensured. He also expressed his appreciation to Town Planner Serra for all of the work he has done for the Commission and whose professionalism, objectivity, and expertise has guided them over the past five years. He looks forward to working with Ms. Rattan. Commissioner Savalle agreed.

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Town Planner Serra also expressed his appreciation, stating that the accolades should be directed towards the Commission. He has enjoyed working for the Town and their success is earned through the Commission and Staff's coordinated efforts; they should all be proud.

Chairman Duncan, who has served on the Commission, on and off, for the past seven years and has worked with approximately five Town Planners, stated that he has always been impressed with Town Planner Serra's handling of meetings and the way in which he conducts himself. As the Chairman, he greatly appreciates his thoroughness, understanding of the issues at hand, and ability to provide objective and non-biased opinions. He has been the best Town Planner he has had the pleasure of working with and wished him a great retirement. He is also looking forward to working with Ms. Rattan.

Former Planning & Zoning Commission Chairperson Gloria Fogarty also expressed her enjoyment in working with Town Planner Serra, who was always very helpful. She also appreciated his ability to work with a variety of people, treating everyone with grace, patience, and tact, often helping to smooth out the relationship between the community and the Commission.

On behalf of the Economic Development Commission (EDC) and himself, EDC Chairman Frank Sroka also expressed his appreciation to Town Planner Serra, who is always available and easily accessible. He served as a valuable resource to the Commission and truly cares about the Town and doing what is right for the Town of Salem. His professionalism, good advice, accessibility, and ability to respond to their needs and requests in a professional and thorough manner are greatly appreciated. He wished him a great and well-deserved retirement.

First Selectman Kevin Lyden commended both the Town Planner and Commission, whose diligence and hard work has resulted in the re-crafting of difficult regulations for the betterment of the Town. Town Planner Serra has brought out the best in the Planning & Zoning Commission and, together, have done a phenomenal job.

ADJOURNMENT:

M/S/C: LaBonte/Smith, to adjourn the meeting at 7:48 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