

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JANUARY 17, 2017 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Joseph Duncan, Chair
Vernon Smith, Vice-Chair
Ron Bouchard, Secretary
Ron LaBonte
Jennifer Lindo-Dashnaw
Ruth Savalle
Eric Wenzel
John Gadbois, Alternate
Jim Mulholland, Alternate

ABSENT

David Miller, Alternate

ALSO PRESENT

Town Planner Richard Serra
Board of Selectman Liaison David Kennedy

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: *none*

PETITIONERS/PUBLIC COMMENT: *None*

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

Regular Meeting Minutes: December 20, 2016

M/S/C: Smith/Bouchard, to approve the Regular Meeting Minutes of December 20, 2016.

Discussion: None. Voice vote, 5-0-2. Voting in Favor: Commissioners Duncan, Smith, Bouchard, LaBonte, and Savalle. Voting in Opposition: None. Voting in Abstention: Commissioners Lindo-Dashnaw and Wenzel.

The Commissioners agreed to make the following adjustments to the Agenda:

Move New Business, item 1, regarding Montville's Zoning Regulation Amendment Referrals under New Business following the Approval of the Minutes.

Add New Business, item 2, Planning & Zoning Report for Fiscal-Year 2015-16

NEW BUSINESS:

- 1) Discuss Montville Zoning Regulation amendment referrals: Manufactured Home Parks; Keeping of Chickens

Town of Salem Planning & Zoning Commission Regular Meeting Minutes
Tuesday, January 17, 2017

Two referrals were received by the town of Montville regarding:

Keeping of Chickens – Under Montville’s current Zoning Regulations, a minimum of five (5) acres of property is required for the keeping of chickens. A resident is proposing requiring at least a half-acre of land per five (5) hens and incremental increases per every half-acre, up to four (4) acres. The Town of Salem, as well as other neighboring towns, has also dealt with the same issue. Town Planner Serra stated that the amendment should have no impact on the Town of Salem.

Manufactured Home Parks – Currently, Manufactured Home Parks in the town of Montville are only permitted in the smaller lot size zones. As such, a request to add Manufactured Home Parks to the town’s Residential-120 Zoning District was submitted. One of the major requirements for a Manufactured Home Park is that it must have access to public sewer and water supplies. In reviewing their Plan of Conservation and Development, which delineates the sewer and water service areas, Town Planner Serra surmises that the applicant might be concentrating on Route 163 in the Wheeler Pond area. He stated that the amendment should have no impact on the Town of Salem.

It was noted that the term “trailer park” is no longer utilized. Manufactured Homes are built differently and are usually comprised of various components or modules. According to State Statutes, a manufactured home with a minimum width of 22 feet must be treated as a single-family residence. It was corrected that, contrary to the paperwork, a regulation regarding Manufactured Homes is included in the Town of Salem’s Regulations.

With the Commission’s agreement, he will send a letter to the town of Montville stating that the Commission voiced no concerns regarding the two proposed amendments.

OLD BUSINESS:

1) Discuss age restricted/elderly forms of housing as allowed by the zoning regulations.
(Tabled from September 2016)

The Commission reviewed and discussed each of the items included in the most recent draft of the proposed Age Restriction Residential Developments Regulation as drafted by Chairman Duncan and Town Planner Serra. Upon further review, Town Planner Serra noted that the Commission might also like to discuss the following items:

- the exclusion of Rural Zone B, which is basically comprised of three (3) acre residential district, much of which is located in the aquifer overlay zone or reservoir watershed, as a permissible district/area.
- the exclusion/inclusion of Business Zone A, which is located at the end of Centre Street, and/or Business Zone A, which includes the area surrounding Burnett’s Country Gardens.

Town of Salem Planning & Zoning Commission Regular Meeting Minutes
Tuesday, January 17, 2017

- confirmation of the inclusion of the buffer area of 75 feet area as regulated by the Salem Inlands Wetlands and Conservation Commission
- consideration of the utilization of either the word shall or must (Section 26.4.2)
- consideration of amending the wording of Section 26.5 Traffic Analysis to the following:

... anticipated additional ARD traffic without impairing traffic *conditions, reducing road capacities or creating congestion.* ~~or reducing road capacities.~~

This particular sentence is also included in the Special Exceptions Section of the Regulations.

The Commission discussed the following items:

Section 26.3 Bedroom Density and Dwelling Requirements:

26.3.1(b) – The formula is based on an average single-family residence of four (4) bedrooms. While each application will need to be individually reviewed, the intent of the requirement for a contiguous area is to ensure that the development is not comprised of various pockets that total the required acreage.

26.3.4 – The purpose of this requirement is to ensure that smaller developments rather than large developments, which would increase any potential issues regarding traffic and the like, are constructed.

Section 26.4 Dwelling Ownership, Occupancy and Maintenance – This section ensures that the Regulation is intended to provide housing for those residing in the dwellings, i.e., those who are age 55 and older.

Section 26.6 Visual Buffering and Landscaping – These Regulations are similar to those for current businesses.

The following amendments were discussed:

Section 26.3: The addition of a building height limitation of 35', which is the typical height of a two-story single-family residence.

Section 26.3.1(a)2: the area within the 100 *year* flood zone as noted on the...

Section 26.4.1: Dwellings may not *have be occupied by* more than three (3) *permanent* residents."

Section 26.4.3: The question of whether the requirement that a person(s) under the age of 18 (eighteen) "may not reside on the premises for more than three (3) weeks in any calendar year" should be included in the Regulation or whether it should be under the discretion of the Association. Discussion ensued and the following amendment was proposed to ensure that the documents would require the Commission's approval:

Town of Salem Planning & Zoning Commission Regular Meeting Minutes
Tuesday, January 17, 2017

Under no circumstances shall an individual under the age of eighteen (18) maintain permanent domicile within an ARD dwelling. ~~Persons under the age of eighteen (18) may reside in the dwelling as a guest, but may not reside on the premises for more than three (3) weeks in any calendar year. Documents submitted with the application shall be in compliance with this policy to the Commission's satisfaction.~~

Excluded from the Regulation is an item regarding the amenities, which will be determined by the Developer. The Commission may find that some areas may need to be more fully addressed over time.

With regards to Section 26.3.4, Commissioner Wenzel, referring to the First Selectman's statement regarding the location of the development and its proximity to center of Town, questioned whether the requirement of 1,500' (approximately a quarter of a mile) between ARD's is too limiting. Town Planner Serra did not foresee an issue, but suggested that its inclusion in the Regulation is necessary to develop the initial parameters. Ideally, the first approved application should be for a development that will set a standard for such housing within the Town, not unlike that of which was presented by Hope Partnership.

Chairman Duncan suggested the possible addition at the end of the Regulation regarding of a statement of flexibility should the proposal meet the intent of the regulation.

NEW BUSINESS:

1) Planning & Zoning Commission Report for FY2015-2016

A statement regarding the approval of licenses for campgrounds and excavations will be added to the Report. It was confirmed that Sna-Z Spot Campground has been changed from an overnight to recreational day campground. The income and expense amounts as well as the Commissioners and their respective terms, will be confirmed. In addition, the following corrections were proposed:

2nd paragraph, line 2: ~~multi-purpose~~ ~~multi-purpose~~

Spelling corrections for the following names: Jennifer Lindo-Dashnaw and Ruth Savalle

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

ZWEO Report

The Commission reviewed the ZWEO's Reports for the months of September to December.

Town Planner Report

Town Planner reported that the potential business owner is continuing his exploration of opening an agility-training center for dogs in the available space at Burnett's Country Gardens.

Town of Salem Planning & Zoning Commission Regular Meeting Minutes
Tuesday, January 17, 2017

Additional wording to the Regulations allowing for such an establishment within the proposed zone will be presented to the Commission for review at their next meeting.

A letter including a summary of the meeting held with the potential owners of Sids's Auto, Inc. was mailed. As reported at the Commission's December 20, 2016 Regular Meeting, requirements regarding the area of non-conformance, including the construction of an additional building that will be considered an intensification, rather than an expansion, of a non-conforming use; fencing requirements, and; submission of a plan, were included in the letter.

Clarification regarding the submitted floor plan, which includes a large kitchen and eating establishment, for the former Salem Feed & Grain property is in process. The application may require the Commission to revisit the application.

Enquiries regarding the establishment of a Boy Scout Camp on Forest Drive have been received.

CORRESPONDENCE:

An invoice, dated January 2, 2107 and totaling \$1,347.50, for services rendered for the case of Sid's Auto, Inc. from Byrne & Byrne was received.

PETITIONERS/PUBLIC COMMENT: *none*

PLUS DELTAS:

Vice-Chairman Smith expressed, and the Commissioners concurred with, his appreciation to the Chairman Duncan and Town Planner Serra as well as the Commissioners for the time, effort, and consideration they invested in developing the draft for the revised Age Restricted Residential Developments.

ADJOURNMENT:

M/S/C: Smith/Wenzel, to adjourn the meeting at 8:05 p.m. Discussion: None. Voice vote, 7-0, all in favor. Meeting Adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town