

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, MAY 28, 2019 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

PRESENT

Ruth Savalle, Chair
Vernon Smith, Vice Chair
Margaret Caron
David Miller
Terri Salas, Alternate (*seated*)

ABSENT

John Gadbois, Secretary
Eric Wenzel
Ray Gionet, Alternate
Diba Khan-Bureau, 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 Salas was seated for Commissioner Gadbois.

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING: *none*

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

a) Regular Meeting Minutes April 23, 2019

M/S/C: Smith/Miller, to approve the Regular Meeting Minutes of April 23, 2019.

Discussion: None. Voice vote, 4-0-1. Voting in Favor: Commissioners Caron, Miller, Savalle, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Salas.

6. OLD BUSINESS

a) Plan of Conservation and Development (POCD) Discussion – *no discussion*

The Town's POCD is scheduled to be updated in 2022.

7. NEW BUSINESS

a) Presentation Regarding Existing Tree Conditions – Andrew Nyman

The item was placed on hold, pending the arrival of Andrew Nyman.

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

The Commissioners reviewed Town Planner LaFountain's draft of the proposed amendments to the Zoning Regulations. The amendments include those sections which were noted in the Town's POCD or items that should be updated to coincide with the current State Statutes, case law rulings, and the like.

i. Section 11A: Site Plan Requirements-Historic/Archaeological Resources

Section 11A refers to the required elements that must be indicated on any proposed site plan that is submitted by the developer and presented to the Commission for approval. The POCD recommends that any Historic and/or Archaeological Resources be indicated on the site plans, which is a fairly common requirement. Commissioner Miller expressed his concerns regarding the additional cost(s) this would incur for the developer who would need to conduct a search through any existing land records and deeds on the property. The requirement essentially applies to commercial properties rather than single-family residences, which do not come before to the Commission.

M/S/C: Smith/Caron, to move the following proposed revision to a Public Hearing:

Addition:

11A.4.16 The location and listing of historical and archaeological resources on the property. Examples include but are not limited to structures, stone walls, foundations, rock piles, and burial areas. (new effective date)

The current Sections 11A.5.16 and 11A.5.17 would be renumbered accordingly.

Discussion: None. Voice vote, 5-0, all in favor.

ii. Section 4 and Section 5: Two Family Home Lot Requirements

The POCD also recommends a change to the minimum lot requirement for two-family residences located in Rural A and Rural B Zones. Action was taken in 2015 in which the minimum lot size for a two-family residence was reduced to 150% of the minimum lot size for a single-family residence rather than 200%, changing the minimum lot size from four to three acres for a two-family residence.

In response to Commissioner Miller, Town Planner LaFountain stated that the Uncas Health District would review the plans and base their approvals on a case-by-case basis.

The Commission felt that no additional revision would be necessary.

iii. Section 12: Non-Conforming Uses

The proposed changes in this section are based upon changes that have occurred through case rulings and CT State Statutes and essentially protects those uses that have

been grandfathered in. Generally, the goal of Zoning Regulations is to eliminate non-conforming uses and bring them into conformance. As such, Section 12 included a time frame upon which abandoned uses would be deemed non-recoverable. However, under current case law and State Statutes, it is no longer allowable to place any type of time frame upon a property with a non-conforming use. The property cannot be changed back to its previous non-conforming use should the property's non-conforming use have been previously changed; the owner provides a signed affidavit claiming the abandonment, or; the owner has discontinued the use with no intention of re-establishing its use,.

In response to Commissioner Caron, upon the receipt of written verification regarding its non-conforming use and their intention to continue and not abandon its use, the new property owner may adopt the same non-conforming use.

M/S/C: Smith/Salas, to move the following proposed revisions to a Public Hearing:

- 12.1.3 No non-conforming use, ~~which has been discontinued for a period of one (1) year, shall thereafter be resumed unless a longer period of time is granted by the Zoning Board of Appeals because of sickness, or litigation, or similar reason~~ shall be resumed if the owner has voluntarily discontinued the use and has no intention to reestablish said use. (new effective date)
- 12.3 Nothing in these Regulations shall prevent the reconstruction of a building damaged by fire, explosion, accident, or an act of God to its condition prior to such damage or to a larger condition subject to the provision of Section 12.1.3 above, or prevent the restoration of a wall or structural member, ~~provided that any such reconstruction shall be started within one (1) year of such damage, unless a longer period of time is granted by the Zoning Board of Appeals because of sickness, or litigation, or similar reason, and be diligently prosecuted to completion~~ provided that the use has not been expressly abandoned by the property owner. (new effective date)

Discussion: None. Voice vote, 5-0, all in favor.

iv. Update references from Town Sanitarian to Uncas Health District

Because the town now engages the services of the Uncas Health District, Town Planner LaFountain recommended updating any references to the Town Sanitarian.

Commissioner Caron questioned whether the references should be changed to the Town's Sanitarian Agent to eliminate the need to update any future references.

M/S/C: Smith/Salas, to update the references of the Town Sanitarian to the Town's Sanitarian Agent throughout the Town's Zoning Regulations and to move the item to a Public Hearing. Discussion: None. Voice vote, 5-0, all in favor.

v. Proposed Addition of a Zoning Bulk Table

To help simplify the application process, Town Planner LaFountain drafted a table indicating the setback requirements, minimum and maximum lot sizes, frontage and coverage as well as accessory structure setbacks within the various zones. Town Planner LaFountain will revise the draft to include rear lot requirements and/or include a reference note and present possible options for the title of the table. The Commissioners agreed to create a section to follow Section 2 – Definitions for the table; the following sections would be re-numbered accordingly. Commissioner Salas suggested the possibility of including the section numbers in the table to which the property owner could reference.

M/S/C: Caron/Smith, to move the proposed addition of the Zoning Bulk Table to the Town's Zoning Regulations, with an additional note regarding the rear lot size requirements, section references, a footnote disclaimer, and revised name, to a Public Hearing. Discussion: None. Voice vote, 5-0, all in favor.

The date of the Public Hearing regarding the Zoning Regulation Amendments will be set at a future date.

c) Annual Campground Permit Renewals

d) Annual Excavation Permit Renewals

The Zoning Enforcement Officer is in the process receiving and inspecting the Campground and Excavation Permit Renewals.

e) Airbnb Discussion

Chairperson Savalle reported that several complaints have been received regarding a property that is being offered online as a short-term rental. Official complaints have been made to the relevant authorities. The Zoning Enforcement Officer has informed her that the town's regulations do not refer to short-term rentals and has drafted a letter addressed to the property owner(s) to remedy the issue(s).

Town Planner LaFountain stated that short-term rental properties is an ongoing topic of discussion in numerous towns and cities nationwide. The town of Stonington conducted an extensive analysis recommending that the matter be handled through the zoning department or through the establishment of a town ordinance. He felt that the establishment of a town ordinance might be best suited to handle the issues as most of the complaints are police matters and/or would be received during the evening or weekend hours when the Zoning Official is not available. Additional information will be provided at their next regularly scheduled meeting for review.

Because the town's regulations are permissive, Commissioner Smith questioned whether the regulations should include that short-term rentals are allowed. Town Planner LaFountain stated that, because property owners are allowed to rent their property on a long-term basis, it would be difficult to define and determine the limits. He also informed the

Commissioners that the legislator's recently proposed an amendment to the State's Statutes regarding short-term rental properties, which was not approved.

f) Commissioner Vacancy

M/S/C: Smith/Miller, to nominate and appoint Alternate Member Commissioner Terri Salas to fill the vacancy left by Full Member Commissioner Joe Duncan for the remainder of the term. Discussion: Alternate Commissioner Salas accepted the nomination. Voice vote, 5-0, all in favor.

Commissioner Salas was congratulated and thanked for her willingness to serve as a full member.

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

9. TOWN PLANNER REPORT

Town Planner LaFountain informed the Commission that, with the appointment of Commissioner Salas as a Full Member of the Commission, a new alternate member will need to be appointed within 30 days.

10. CORRESPONDENCE

- a. A copy of a letter from David Bingham regarding the Riparian Corridor Overlay Zone (RCOZ) Regulation.

11. PUBLIC COMMENT: none

12. PLUS DELTAS

Chairperson Savalle and the Commissioners thanked Town Planner LaFountain for creating a draft of the amendments to the Zoning Regulation.

Commissioner Caron commented on a good meeting.

The presentation regarding the existing tree conditions (item 7a) was not held as the individual(s) was not present.

13. ADJOURNMENT

M/S/C: Smith/Caron, to adjourn the meeting at 8:03 p.m. Discussion: None. Voice vote, 5-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

Agnes T. Miyuki, Recording Secretary for the Town of Salem