

**TOWN OF SALEM  
BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
WEDNESDAY, APRIL 17, 2019 – 7:00 P.M.  
SALEM TOWN OFFICE BUILDING**

**PRESENT**

Kevin's Lyden  
Edward Chmielewski, Jr.  
David Kennedy  
Ron LaBonte  
Hugh McKenney

**ABSENT**

*none*

**CALL TO ORDER**

First Selectman Lyden called the meeting to order at 7:01 p.m.

**1. PLEDGE OF ALLEGIANCE**

**2. To hear questions and comments from the public regarding the proposed sale of 12.124 acres at 89 Norwich Road, currently owned by the Town of Salem, to a private developer for the sole purpose of the construction age-restricted housing**

First Selectman Lyden opened the Public Hearing and provided a brief presentation regarding the proposed sale of 12.124 of 142 acres of town-owned property for the purpose of constructing an age-restricted development. The proposal was voted by the Board of Selectmen to send the item to the Planning & Zoning Commission, who heard and unanimously voted to provide a favorable §8-24 review before sending it back to the Board of Selectmen for the Public Hearing. Following the Public Hearing, the item will be returned back to the Board of Selectmen who will discuss and vote on whether to hold a Town Meeting for a final discussion and vote. He continued to present a PowerPoint presentation, which was created with the help of his son and Rachel Gadbois Crafton to whom he expressed his appreciation.

The property is located on the lower lot of 89 Norwich Road, approximately one-half mile from the area commonly referred to as Four Corners/Salem Round-a-Bout. The 142-acre property was purchased from Stu and Judy Gadbois in 2005 for the future needs of the town, with no stipulations. An appraisal of \$96,992.00 was received by a licensed and certified appraiser within the last two months and is available to the public. Based on current data, those in the 55 and over age range are one of the fastest growing demographics in Salem, making such developments a current and future need of the town. Based upon the town's Plan of Conservation and Development (POCD), Salem residents have asked for more housing options. The development would provide housing that is livable, easy to care for, and complement the existing rural character of the town. The developer is proposing the construction of 12 (twelve) 950 square foot age-restricted units, similar to those currently being constructed in East Haddam. Each unit would

be valued at approximately \$139,000 each and add \$1,668,000.00 to the town's Grand List, becoming one of the town's top ten taxpayers. It would also fuel the economic development of the town and enable townspeople who are seeking to downsize to continue residing in our town.

He commended the Planning & Zoning Commission, who re-drafted the regulation regarding age-restricted developments, creating a more usable and fair regulation. The development would be built on approximately three acres of the property and be considered smart growth. While the town would be unable to control the final number of units, the size of the development would be restricted by the town's lack of public water and sewer as well as the requirement for the developer to engage in a more onerous process should the development exceed a certain size. He invited the public to comment and/or ask questions regarding the proposed sale and subsequent development.

Questions/comments and their respective responses were as follows:

- The proposed development would include 12 units or 24 residents and, while the State would be involved in the process to a certain degree, it would be less onerous than that of a development exceeding 25 residents.
- Perc tests have been conducted on the property and the number and locations of the septic and well systems would be determined by the Uncas Health District. Additional testing may be necessary. Concern was raised regarding the property's ability to accommodate 12 separate septic and well systems and one central source to manage the system.
- When the property was purchased by the town, it was felt that the lower lot was the most valuable piece of property and, being centrally located, would be an ideal location for a firehouse, which could become necessary due to the growing lack of volunteers and cost of maintaining two aging firehouses. It could also be the location of a central station for emergency services with, possibly, substations to serve a growing population. It was felt that utilizing the property for age-restricted housing rather than saving it for a future emergency services facility would jeopardize the town's future.

In response, First Selectman Lyden stated that the 2014 Public Services Safety Study did not recommend the consolidation of the two firehouses, which, he added, are both paid for. He stated that the town of North Stonington, which has a slightly larger population, is constructing a new emergency services station for \$6.2 million and, similarly, the town of Lisbon is considering constructing the same for an estimated \$6 to \$7 million. Having studied the available information regarding the property, he stated that the property was sold to the town to accommodate its future needs; there is no mention of the lot being designated for a fire station.

- The town has considered the construction of other age-restricted developments which never evolved to fruition, raising the question as to whether such a development would benefit most of the town.

In response, First Selectman Lyden stated that the previously proposed developments were presented at a time when the regulations were very complicated, precluding them from being constructed. While the town's population has remained, relatively, the same, the number of school-aged children has decreased from 600 to 400, reflecting the town's aging demographics and supporting the growing need for such housing.

- Per the town's regulations, the development could not be expanded in the future to include additional units. The developer is proposing a one-car garage with an additional parking space for each unit. Not unlike other developments, restrictions and very regimented rules regarding auxiliary structures would be placed upon the deeds of the properties, which would be analogous to a condominium complex. The town would not be placing the restrictions. Such housing would primarily attract those who are seeking to downsize from their current residence and would like to continue residing in the town.
- Similar to a condominium complex, the association or owner of the units will be responsible for plowing and/or shoveling the complex.
- Concerns were raised regarding the enforcement of the restrictions by the ruling party.
- According to the town's regulations, each unit is required to have two available parking spaces and its own septic system as well as an additional reserve septic system. It was felt that the size of the lot on which the development would be constructed is too small to accommodate two parking spaces and two septic systems. Both the Town Planner and CLA Engineers have reviewed the preliminary plans and determined that the proposal would meet the town's regulations. It was noted that the proposed plan is a concept and the final development could look different from what is being proposed.
- A suggestion was made to request that the Zoning Board review East Lyme's Zoning Regulations for any limitations that they feel should be included in their regulations to ensure that they can be enforced by the town.
- Concern was raised regarding the potential of various disputes which could arise and the liability for which the town would be responsible.

Selectman McKenney stated that the town would not be held liable for such events as long as the development has met its zoning regulations.

- Concern was raised regarding the possibility of children moving into the units due to unexpected family occurrences.

Should a resident of the development be unexpectedly presented with the care of young children for an extended period of time, it was felt that the Department of Children and Families would intervene due to the acceptable number of individuals that would be allowed to reside in a small one-bedroom unit.

- Concern was also raised regarding the tendency for such housing to lower in value as the owners pass away and the heirs not be interested in or old enough to reside in the unit, resulting in the unit(s) to be sold below market value.
- Concern was raised regarding the need for additional services the residents would require due to their age and the resulting cost burden to the town.
- The development would only provide an additional \$35,000.00 to \$40,000.00 in revenue for the town.
- Because the property is not centrally located within the town's business district, the town should consider requiring that the developer to install sidewalks from the complex to the town center. First Selectman Lyden stated that the town could include a request in their comments, but would not be able to require it.
- It was noted that, to be a resident of an age-restricted development, the primary occupant must be 55 and older and the other individual must be 18 years of age or older.
- Though the documents related to the purchase of the property does not designate the property as such, the town's Municipal Land Use Plan, POCD, and a study that was drafted by a committee formed under former First Selectman Bob Ross designated the property for the future needs of emergency services.
- Due to the receipt of a number of requests, its mention in the POCD, and after witnessing a number of residents seek and move out of town to such developments, the First Selectman proceeded to approach a number of builders to gauge their interest. With the evident growing population of those 55 and over, he views such housing as a need for the town. The property would be sold for the appraised value of the property and the project would be completed within a certain period of time based upon the town's requirements.
- Because the appraised value of a property is not the same as the market value of a property, which is, most likely, higher, a question was raised as to the reasoning for selling the property at a lower value. The property, it was felt, should be sold through a bid process.
- Salem Land Trust President Linda Schroeder stated that an appraisal is, generally, based on comparative sales. As such, the appraised value is what the property would be expected to sell for, not its actual market value. Having requested a number of appraisals, herself, she has received appraisals for the same property significantly differ and suggested the possibility of considering requesting a second appraisal.
- It was noted that a 1.84 acre property located on Forsyth Road is currently for sale for \$70,000.00 on zillow.com. In response, the First Selectman stated that there are a number of factors involved that determine the value of the property, including its location, the existence of the wetlands, and the like. Not being an appraiser, he would be unable to debate or compare its value.

- Having viewed such a development in East Lyme, the proposed development presents a nice, straightforward design that can be easily maintained.
- Selectman David Kennedy recited two sections of a report published by the SCCOG (Southeastern CT Council of Governments) regarding the town's housing needs which states that the affordable housing needs in the region have increased from 37% to 42%. In addition, the most recent population projections indicate that the population of Salem is changing such that the population is remaining, relatively, the same while the number of school-age children is declining, reflecting the fact that older residents are driving smaller households.
- The property would not qualify for or be designated as affordable housing under the State regulations.
- Upon reading the regulation for age-restricted housing, former Planning & Zoning Commissioner and POCD Committee Member David Bingham questioned the type of rules the development would have. He stated that the original regulation was complex because the consultant realized the importance of protecting the town's natural resources.
- Approximately 400 residents responded to a long survey sent out by the town's POCD Committee. In the survey, only 31% of the respondents felt that increasing housing choices of any kind was needed while over half of the respondents felt that the Gadbois property should be maintained for recreation, trails, farming, and open space. Only five individuals felt that the property should be used for housing. In addition, a vast majority of the respondents moved to Salem for its natural resources and open space and 92% felt that the town's natural resources should be protected. Therefore, what happens on this particular lot is important to the residents of this community.
- There is a possibility that the number of lawsuits between neighbors would increase due to the close proximity of the respective properties. In addition, the proposed plan does not ensure that the water generated from the development would remain on the lot rather than flowing down into the round-a-bout, which is located in the flood plain, and the revised regulations no longer protects the area from such incidents. Furthermore, there are a number of lots located downhill that have experienced water issues in the past due to the run-off of the properties located uphill.
- The property is a productive field that, in the future, could provide local food for the residents. Such a development would put Salem's natural resources at risk and developers would be interested in constructing such a development such as to circumvent those rules that have been instituted to protect the town's resources.
- The site plan of the proposed development would be presented, reviewed, and approved by the Planning & Zoning Commission prior to construction and such matters as run-off would be addressed at that time.

- Should the developer decide not to construct the development, the town could opt to purchase the land back via a Town Meeting or the developer could opt to sell the land to another developer with the same deed restrictions.
- It was clarified that it is the intent of the developer, as indicated on the proposed site plan, to construct four blocks of three units each; the final development could differ.
- Because the development is not consistent with the town's POCD, concern was raised regarding the fact that the property would not be preserved for its original purpose(s).
- It is understood that the developer's intent is to rent the units and, eventually, condominiumize them.
- The developer interested in the project is Bob Gagnon. It was determined that his presence to discuss the proposed development at this evening's Public Hearing would be premature.
- Because a large number of the town's population is not present, it would be favorable to have the item presented, discussed, and voted upon at a Town Meeting.
- The possibility of gifting other unused town-owned properties, e.g., the Zemko property, to a developer to construct an age restricted development was presented.

First Selectman Lyden stated that one of the common questions posed to him by the public was regarding the location of the property and its proximity to the existing pavilion; the development would not impact the pavilion area. In addition, most of the residents he has spoken with have been favorable. He reiterated that, as read by Selectman Kennedy, age restricted housing is a definite and growing need in the town. The Board of Selectmen will discuss and decide whether to take the issue to a Town Meeting. The property is owned by the townspeople and, should the item proceed to a Town Meeting, the residents would have an opportunity to vote on the matter.

Selectman Chmielewski briefly summarized their discussions and sensed that all of the residents value the town's seniors. He added that the proposed sale and plan was presented to the Salem Seniors, who unanimously responded favorably to such housing as the availability of such housing would encourage them to continue residing in Salem. He stated that all of the members of the Board of Selectmen are present this evening to listen to the public and vote accordingly. He commented on a good meeting filled great discussion.

## **7. ADJOURMENT**

**M/S/C: Kennedy/Chmielewski, to adjourn the meeting at 8:18 p.m. Discussion: None. Voice vote, 5-0, all in favor.**

Respectfully Submitted by:

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