

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 19, 2019 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

PRESENT

Ruth Savalle, Chair
Vernon Smith, Vice Chair
David Miller
Thomas Reith
Carl S. Fontneau, Alternate (*seated*)
Diba Khan-Bureau, Alternate (*seated*)
Jon Walsh, Alternate

ABSENT

John Gadbois, Secretary
Margaret Caron
Eric Wenzel

ALSO PRESENT

Town Planner Justin LaFountain

1. CALL TO ORDER

Chairperson Savalle called the meeting to order at 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

SEATING OF ALTERNATE(S):

Alternate Member Commissioners Khan-Bureau and Fontneau were seated for Commissioners Caron and Gadbois, respectively.

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING: *none*

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

a) Regular Meeting Minutes: September 17, 2019

M/S/C: Smith/Khan-Bureau, to approve the Regular Meeting Minutes of September 17, 2019. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Khan-Bureau, Miller, Reith, Savalle, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Fontneau.

6. OLD BUSINESS

a) Riparian Corridor Overlay Zone (RCOZ) Discussion

A brief overview of the Commission's discussions regarding the RCOZ Regulation was provided to the newly elected Commissioners. Chairperson Savalle stated that their discussions included revising the regulation such that the language is simplified, making it less stringent, enforceable, and more understandable to the layperson. The possibility of discussing the regulation with the Inland Wetlands and Conservation Commission (IWCC), Eightmile River Wild & Scenic Watershed Coordinating Committee (ERWSCC) Program

Director Patricia Young, and some of the original creators of the regulation was also discussed. Due to a lack of consensus, the item was tabled for six months. Town Planner LaFountain added that a draft of the regulation (Section 25(a)) was created by the previous Chairman of the Commission. The Town Attorney also reviewed the regulation and cited four (4) areas that he recommended should be reviewed and revised to coincide with the current State Statutes and Case Law. As previously noted, discussions regarding involving the ERWSCC Director Young and/or the IWCC to help clarify and revise the regulation were held as well as the possibility of engaging the Conservation Commission to review any submitted applications and provide recommendations to the Planning & Zoning Commission. The ultimate goal, he felt, should be to make the regulation both enforceable and understandable to the general public.

IWCC Chairman and ERWSCC Member Ed Natoli stated that he and former Chairman Joe Duncan discussed the regulation at length. It is his understanding that former Chairman Duncan felt that the regulation is very wordy and complex and would fall under the purview of the IWCC, rather than the Planning & Zoning Commission. In an attempt to determine the best course of action, IWCC Chairman Natoli discussed the regulation with ERWSCC Director Young, who stated the importance of including each of the items in the regulation; the Town Attorney, and; the Zoning & Wetlands Enforcement Officer (ZWEO) Matt Allen. There are very few property owners located within the RCOZ and the rewriting of the regulation would not be a simple matter as environmental and climate changes would also need to be considered. He reported that, interestingly enough, the first violation of the regulation was recently presented to the IWCC. Following their review and resolution of the wetlands violation, the matter will be presented to the Commission for the RCOZ regulation violation. He recommended that the Commission take the time to wait and see how the recent violations are resolved prior to revisiting the regulation. He reminded the Commission that the regulation affects the entire river, which runs through the towns of not only Salem, but also Lyme and East Haddam. He thanked the Commission for allowing him to speak.

Commissioner Khan-Bureau stated that, for transparency's sake, she is also the Vice-Chairperson of the IWCC.

Town Planner LaFountain will provide a PDF or paper copies of the Town's Planning & Zoning Regulations and the Town's Plan of Conservation and Development (POCD) to the newly-elected members of the Commission.

7. NEW BUSINESS

a) Introduction of New Members

Full Member Thomas Reith and Alternate Members Carl Fontneau and Jon Walsh were introduced to the Commissioners.

b) Approval of 2020 Meeting Dates

M/S/C: Smith/Khan-Bureau, to approve the Planning & Zoning Commission Meeting Dates for 2020 as follows: January 21 & 28, February 18 & 25, March 17 & 24, April 21 & 28, May 19 & 26, June 16 & 23, July 21 & 28, August 18 & 25, September 15 & 22, October 20 & 27, November 17 & 24, and December 15. All meetings will be held on the third and fourth Tuesdays of the month at 7:00 p.m. at Salem Town Hall, with the exception of the month of December in which no meeting would be held on the fourth Tuesday due to the Christmas holiday. Discussion: Town Planner LaFountain suggested the possibility of amending their by-laws to allow their meetings to take place on the second and fourth Tuesdays of the month, rather than the third and fourth Tuesdays. Chairperson Savalle added that, should there be no applications or issues to discuss, Town Planner LaFountain has been instructed to cancel the meeting. Voice vote, 6-0, all in favor.

c) Budget Discussion

Chairperson Savalle reported that, during a recent Board of Finance meeting, she discovered an overage in one of the line items of the Commission's budget. After inquiring about the overage, she was informed that the Town Planner, who drafts and submits the public notices also approves and submits the invoices to the Finance Department. In addition, the invoice for New England GeoSystems (Line Item 5-630-425 – Other Expenses) is approved by the First Selectman. She stated that, per the Town Charter, it is the responsibility of the Chairperson to approve and submit all invoices and not that of the Town Planner or the First Selectman. She requested that the Commissioners arrive at a consensus requiring that the Chairperson is to sign off on all invoices and handle all budgetary matters.

Town Planner LaFountain provided a brief statement regarding the issue. The fees for the legal notices are normally recorded under Line Item 5-630-224 – Legal Services and, for whatever reason, the recent fees were placed under 5-630-425 – Other Expenses, causing the overage. These line items have since been corrected. He believed that, historically, the Town Planner, who submits the legal advertisements to the publication, signs off on the invoices, ensuring that the bills are properly billed and paid in a timely manner.

Vice Chairperson Smith proposed the possibility of the Town Planner simply informing the Chairperson of the bills he/she is approving. Commissioner Fontneau, who is a former member of the Commission, recalled that the First Selectman's Administrative Assistant was tasked with handling such administrative matters in the past. Commissioner Khan-Bureau suggested that the Chairperson also meet and discuss the matter with the First Selectman regarding the signing off of any expenses, per the Town Charter.

8. ZONING ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT

As briefly mentioned by IWCC Chairman Natoli, Town Planner LaFountain reported, on behalf of ZWEO Allen who was unable to attend the meeting, that a Notice of Violation has been issued to a property located within the RCOZ. The property owners cleared a portion of the land in an effort to naturally keep mosquitoes away from the area following the death of a horse from EEE (Eastern Equine Encephalitis) that was stabled on the property. Unfortunately, the area that was cleared was in the wetlands area and within the RCOZ. The issue is currently being reviewed by the IWCC and will be introduced to the Commission in the near future.

9. TOWN PLANNER REPORT

a) 2022 Plan of Conservation and Development (POCD)

Town Planner LaFountain stated that, as required by the State, the Town's POCD must be updated every ten years or less and must be completed by June 1, 2022. He recommended the Commissioners review the POCD for any sections they feel should be amended. In the past, a sub-committee comprised of members of the Commission was created and tasked with the project. An alternative option would be to hire a consultant or engaging the help of student interns. The process should also include public involvement, members of other related Commissions, and research. He recommended that the Commissioners discuss and create a plan as to how they would like to proceed. Town Planner LaFountain will investigate the possibility of any available grants to help fund the project.

b) Niantic River Coordinating Committee – Town Planner LaFountain reported on a recent Niantic River Coordinating Committee meeting he attended where they discussed updating their POCD. He will forward the relevant links to the Commission, for their information.

c) Sections 4, 5, and 30 – Permitted Uses in the Rural A, Rural B, and Special Agriculture Zone – Town Planner LaFountain reported that, upon reviewing the regulations, ZWEO Allen requested clarification of the regulation regarding the Rural A and B zones, the Town's two primary residential zones. One of the permitted uses within the zones includes "Farming, agriculture, poultry or animal raising, forestry, truck or nursery gardening,..." (Sections 4.1.4 and 5.1.4) whereas the Special Agriculture Zone, which also provides the same permitted uses, specifies limitations regarding the number of animals that shall reside within the zone (Section 30). ZWEO Allen questioned whether a resident who wishes to raise livestock must be under the Special Agriculture Zone or if there no such limitations within the Rural A and B zones. Town Planner LaFountain recommended amending the regulations to include the limitation of livestock within the two zones, per lot size.

d) Upcoming Meeting – Due to the upcoming Thanksgiving Holiday, the Commissioners agreed to cancel their next regularly scheduled meeting. The following meeting on December 17 will include the election of officers. Any Commissioners who are unable to attend meetings were requested to contact either the Chairperson and/or the Town Planner.

- e) Possible Future Application – The Commission might be presented with an application for a truck storage facility within the highway commercial zone on East Haddam Road. Should the project proceed, it will be presented to the IWCC prior to being introduced to the P&Z Commission for a Special Exception hearing.

Commissioner Khan-Bureau reported that she and her students conducted a Rapid Bio (Water Quality) Assessment of eight tributaries along the Eightmile River in the Towns of Salem, Lyme, and East Haddam and have found that there have not been any significant changes to the water quality.

10. CORRESPONDENCE: *none*

11. PUBLIC COMMENT: *none*

12. PLUS DELTAS:

Vice Chairman Smith commented on a good meeting.

13. ADJOURNMENT

M/S/C: Smith/Khan-Bureau, to adjourn the meeting at 8:06 p.m. Discussion: None. Voice vote, 6-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

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