

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, JANUARY 19, 2021 – 7:00 P.M.  
SALEM TOWN HALL – VIRTUAL MEETING VIA ZOOM**

Per State of Connecticut, Governor Lamont Executive Order Number 7B, the Town of Salem Planning and Zoning Meeting on January 19, 2021 will be following the suspension of in-person open meeting requirements. Please click the link below to join the webinar:

**<https://zoom.us/j/99732682801?pwd=T0NoTnlHV1BOSGlmQmZxYlVvNVZEQT09>**

**Password:** 360159

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**Webinar ID:** 997 3268 2801 | **Password:** 360159

**PRESENT**

Vernon Smith, Chair  
John Gadbois, Vice Chairman  
Carl S. Fontneau  
Thomas Reith (*departed at 8:15 p.m.*)  
Walter Volberg  
Susan Sullivan, Alternate (*seated*)

**ABSENT**

Margaret Caron, Secretary  
Ruth Savalle  
Diba Khan-Bureau, Alternate  
Jon Walsh, Alternate

**ALSO PRESENT**

Town Planner Justin LaFountain  
Selectwoman Liaison Terri Salas (*7:56 p.m.*)

**1. CALL TO ORDER**

Chairman Smith called the meeting to order at 7:05 p.m.

**2. PLEDGE OF ALLEGIANCE**

**SEATING OF ALTERNATE(S):**

Alternate Commissioner Sullivan was seated for Commissioner Savalle.

**ADJUSTMENT(S) TO THE AGENDA:**

Item 7, New Business, was moved to follow Item 3, Public Comment; subsequent items were re-numbered accordingly.

**3. PUBLIC COMMENT:** *none*

#### 4. NEW BUSINESS

- a. Receipt of Application ZMA 21-01: Aaron and Liz Syman, 279 Buckley Road, Salem, CT. Request to apply the Special Agriculture Zone to 279 Buckley Road for the purpose of permitting a retail store for products at their farm. Public Hearing Required, recommended for February 23, 2021.

Applicant Aaron Syman, co-owner of *Syman Says Farms* located on Buckley Road, requested a Zoning Map Addendum that would allow them to transform a 12' x 24' chicken coop into a small farm store to sell goat milk soap and lotion. Town Planner La Fountain added that the property must be re-zoned as the Special Agriculture Zone in order to allow the establishment of a retail store.

**M/S/C: Fontneau/Volberg, to receive and set the Public Hearing Date of February 23, 2021, at 7:00 p.m. for Application ZMA 21-01: Aaron and Liz Syman, 279 Buckley Road, Salem – Request to apply the Special Agriculture Zone to 279 Buckley Road, Salem, for the purpose of permitting a retail store for farm products. Discussion: None. Voice vote, 6-0, all in favor.**

- b. Receipt of Application ZRA 21-01: Salem Valley Farms Ice Cream, 20 Darling Road, Salem, CT. Request to amend Section 7B.2 of the Special Business Zone B section of the Salem Zoning Regulations to add Section 7B.17, which would add a new use allowing for non-commercial retail kitchens within the General Business Zone. Public Hearing Required, recommended for February 23, 2021.

Applicant Matt Viens, who purchased *Salem Valley Farms Ice Cream* in 2018, stated that they have outgrown their current space on Darling Road and are seeking to create a commissary or ghost kitchen in which ice cream could be made, packaged, and stored for distribution at Harris Brook Commons. As such, he is requesting a text amendment to the Zoning Regulations. Town Planner LaFountain added that the request is to add the following permitted use to Section 7B.2 of the Special Business Zone B allowing for non-commercial retail kitchens:

7B.17 Non-retail commercial kitchens often referred to as “Ghost Kitchens” or “Commissary Kitchens”. Such uses would include the safe preparation, packaging, and storage of food products for distribution. The manufacturing area may not exceed 1,200 square feet.

**M/S/C: Fontneau/Volberg, to receive set the Public Hearing date for Application ZRA 21-01: Salem Valley Farms Ice Cream, 20 Darling Road, Salem, CT – Request to amend Section 7B.2 of the Special Business Zone B section of the Salem Zoning Regulations and add Section 7B.17, which would add a new use allowing for non-commercial retail kitchens within the General Business Zone for February 23, 2021, at 7:00 p.m. Discussion: None. Voice vote, 6-0, all in favor.**

**5. PUBLIC HEARING:** *none*

**6. APPROVAL OF MINUTES OF PREVIOUS MEETING(S):**

**a) Regular Meeting Minutes: December 15, 2020**

**M/S/C: Volberg/Fontneau, to approve the Regular Meeting Minutes of December 15, 2020. Discussion: None. Voice vote, 6-0, all in favor.**

**7. OLD BUSINESS**

**a. Riparian Corridor Overlay Zone (RCOZ) – Review of Draft**

Chairman Smith provided a brief recap of the draft of the revised RCOZ Regulation. The amendments were reviewed by the Town Attorney, who commended the Commissioners on their hard work and diligence. Commissioner Fontneau reminded the Commission that there are two cases related to the RCOZ that are currently being reviewed by the Inland Wetlands & Conservation Commission and recommended that language be included clarifying that, while the language has been revised, the objective and applicable zoning map remains unchanged. Town Planner LaFountain reported that Eightmile River Wild & Scenic Coordinating Committee (ERWSCC) Program Director Patricia Young is currently working with the GIS (Geographic Information System) Mapping consultant(s) to finalize the revised zoning map that more clearly defines and distinguishes the RCOZ and primary and secondary rivers. Once completed, the map will be forwarded to the Commission for review. In addition, Town Planner LaFountain will contact ERWSCC Program Director Young regarding the status of the informational pamphlet for residents that was previously discussed. The pamphlet should include an explanation differentiating the RCOZ and those zones as defined by the Inland Wetlands and Watercourses.

Chairman Smith requested that the Commission re-review the text for any final comments; Zoning Enforcement Officer Matt Allen will also be requested to re-review the final text.

**b. Plan of Conservation and Development (POCD) Discussion**

The letter to the Boards and Commissions, drafted by Commissioner Fontneau, was re-sent to the Commissioners. He also offered to help the Commissioners who might need some guidance as to how to begin the conversation with the various boards, commissions, and/or organizations they have been elected to liaise with. He expressed his concerns regarding the timing and stressed the need to accelerate the process in order to complete the task in a timely manner. The goal, he reiterated, is for the liaisons to bring the POCD to their attention and begin a dialogue to obtain their input regarding their respective land use-related goals. The survey could also be distributed to the members and a question regarding whether the respondent is a Salem resident and/or a business owner might be added.

Town Planner LaFountain reminded the Commission that the POCD is due in March 2022. Prior to submitting the document, it must first be sent to the Board of Selectmen and Connecticut Council of Governments at least 65 days prior to the Public Hearing. As such, the document should be completed by November 2021. While the town may provide a written

request for an extension should their plan expire during the Governor's State of Emergency, Town Planner LaFountain felt, and Chairman Smith agreed, that they should aim to complete the Plan by November. A list of additional items that, per a 2012 revision to the State Statutes, must be considered and/or included in their Plan will be sent to the Commission.

Commissioner Fontneau recommended the Commission review the document and aim to shorten and/or update some of the sections, particularly the Goals section, which includes 187 unprioritized goals. Section(s) might be assigned to each of the Commissioners to help facilitate the process. He also suggested that Commissioner Volberg, the liaison for the Historical Society, investigate the town's cemeteries and their status. He volunteered to work on Chapter 8, Housing Stock and Population, which will be akin to their future discussions regarding affordable housing, which will also be included in the POCD. Commissioner Sullivan also offered to help Commissioner Fontneau with the chapter.

Commissioner Reith reported that the region recently received a \$9.5 billion contract to build two submarines, leading to many positive developments in the area. He suggested the Commission simplify their regulations to expedite the permitting process. While several items cannot be revised due to State Statutes, Town Planner LaFountain suggested that, as part of the process, the Commission review the regulations for any sections that can be revised to help streamline the process.

A revised copy of the POCD Questionnaire will be provided to the Commissioners. Commissioner Fontneau suggested eliminating and replacing the diversity section, which is not related to land use, with questions related to housing. Chairman Smith also suggested revising the word "feel" to either "think" or "believe" (questions 18 and 29).

**c. Affordable Housing Discussion**

Town Planner LaFountain recommended the Commissioners review, at minimum, the introduction section to the State Guide Book regarding Affordable Housing Plans, which answers many of their questions. Answers to their specific questions related to the Town of Salem will be provided in February.

In response to Commissioner Sullivan, Town Planner LaFountain stated that the current POCD includes a section regarding housing. The Affordable Housing Plan is a 2017 State requirement for towns to adopt a plan within five years. The town received a grant, through the SCCOG (Southeastern Connecticut Council of Governments), to complete the Plan. Because the timing of the Plan coincides with that of the POCD, he suggested including the Plan in the POCD. Commissioner Sullivan stated that, per the Guide, it would be in the town's benefit to meet the minimum 10% affordable housing requirement as that would enable them to direct and control their decisions based upon what fits the character and rural nature of the town. The town currently has approximately 2% affordable housing and is the only town under the SCCOG that has no available public sewer or water, making it less desirable for a developer to construct a large apartment building. In response to

Commissioner Sullivan who suggested the possibility of offering incentives to current property owners to transform their rental properties into affordable housing units, Town Planner LaFountain stated that there are State grants available for homeowners to rehabilitate their existing units. He will provide a brief presentation regarding Affordable Housing in the near future.

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

Town Planner LaFountain will request/remind the Zoning/Wetlands Enforcement Officer of the Commission's request for a monthly report.

**9. TOWN PLANNER REPORT**

Town Planner LaFountain reported that the Board of Selectmen recently approved a supplemental appropriation to their legal services line item due to the recent public hearings, including the 45 Forest Drive, LLC, text amendment application, and the issues at 1 New London Road. The request has also been presented to the Board of Finance. The Commission's denial of the text amendment proposed by 45 Forest Drive, LLC, was not challenged.

He will reach out to the Finance Department regarding the Commission's FY2021/22 budget proposal.

**10. CORRESPONDENCE:**

An application for a re-subdivision was received and will be included on the Commission's February 16 agenda to accept and set the Public Hearing date.

**11. PUBLIC COMMENT:** *none*

**12. PLUS DELTAS:**

On behalf of the Board of Selectmen, Selectwoman Liaison Salas commended the Commissioners on their hard work and efforts.

Commissioner Fontneau requested Selectwoman Liaison Salas contact him, at her convenience, to discuss items relevant to the POCD.

Commissioner Sullivan thanked the Commissioners for their patience, allowing her to speak, answering her questions, and offering their assistance. Chairman Smith commended her, stating that they appreciate her input, adding that she is a great asset to the Commission.

**13. ADJOURNMENT**

**M/S/C: Fontneau/Volberg, to adjourn the meeting at 8:46 p.m. Discussion: None. Voice vote, 6-0, all in favor. Meeting adjourned.**