

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 16, 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 Commission will be following the suspension of in-person open meeting requirements. Please click the link below to join the webinar:

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PRESENT

Vernon Smith, Chair
Carl S. Fontneau
Thomas Reith
Walter Volberg
Diba Khan-Bureau, Alternate (*seated*)
Susan Sullivan, Alternate (*seated*)

ABSENT

John Gadbois, Vice Chairman
Margaret Caron, Secretary
Ruth Savalle
Jon Walsh, Alternate

ALSO PRESENT

Town Planner Justin LaFountain

1. CALL TO ORDER

Chairman Smith called the meeting to order at 7:06 p.m.

2. PLEDGE OF ALLEGIANCE

SEATING OF ALTERNATE(S):

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

ADJUSTMENT(S) TO THE AGENDA:

Item 7, New Business, was moved to precede Item 6, Old Business.

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING: *none*

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

a) Regular Meeting Minutes: January 19, 2021

M/S/C: Reith/Volberg, to approve the January 19, 2021 Planning & Zoning Commission Regular Meeting Minutes. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Fontneau, Reith, Sullivan, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Khan-Bureau.

b) Regular Meeting Minutes: January 26, 2021

M/S/C: Sullivan/Volberg, to approve the January 19, 2021 Planning & Zoning Commission Regular Meeting Minutes. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Fontneau, Khan-Bureau, Sullivan, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Reith.

6. NEW BUSINESS

a. Acceptance of SD 21-01: Ross E. Robbins and Florence G. Robbins. Re-subdivision Application for 66 and 72 East Haddam Road for the creation of 2 new building lots with 25.7 acres of remaining land. Public Hearing Required: Recommended for March 16, 2021 or March 23, 2021.

Town Planner LaFountain reminded the Commissioners that a subdivision application relates to the initial subdivision of property while a re-subdivision application proposes changes to a previously subdivided property. The Commission's task this evening is to accept the application and set the Public Hearing date.

Attorney Harry Heller, 736 Route 32, Uncasville, representing the Applicants, stated that the property houses two single-family residences and excess acreage. An old 2004 parcel plan, conducted by *Boundaries, Inc.*, indicates that there were a number of pre-existing parcels that existed prior to the adoption of the zoning regulations that were eventually combined. Because the history of the property remains unclear, they are filing a re-subdivision application to create two separate lots, each of which will accommodate the two existing dwellings with the remaining land existing as excess acreage. He requested that the Public Hearing be scheduled on March 23 due to a conflicting Public Hearing.

M/S/C: Khan-Bureau/Volberg, accept and schedule the Public Hearing for Application SD 21-01: Ross E. Robbins and Florence G. Robbins. Re-subdivision Application for 66 and 72 East Haddam Road for the creation of 2 new building lots with 25.7 acres of remaining land for March 23, 2021, at 7:00 p.m. Discussion: None. Voice vote, 6-0, all in favor.

7. OLD BUSINESS

a. Plan of Conservation and Development (POCD) Discussion

After speaking with the First Selectman, Chairman Smith suggested mailing a postcard to announce and invite residents to complete the survey. He estimated that the cost for producing and mailing the postcard would be approximately \$800.00. He proposed finalizing the questions at their first March meeting and mailing the postcards soon after, providing the public with approximately one month to complete the questionnaire. A series of e-blasts can also be sent to those who have registered to receive the town's News & Announcements. In addition, the liaisons may encourage their respective groups, organizations, boards/commissions to complete the survey. Because the Congregational Church is part of the town and much of the property is shared and would affect the town, Commissioner Sullivan felt that some of the questions would be relevant to the congregation, many of whom are not residents. As such, the Commission discussed the possibility of adding an initial question regarding whether the respondent resides in Salem.

Commissioner Fontneau stated his plans to speak with the Tax Assessor to determine whether the information on the tax cards can be sorted by lot sizes, house sizes, and the number of bedrooms to determine the lot and unit sizes as well as the town's overall housing stock.

The following reports were provided by each of the respective liaisons:

Economic Development Commission (EDC) – Commissioner Fontneau plans to discuss the re-zoning of industrial zones to highway commercial zones in an effort to promote the new developments in these areas with the EDC.

Inland Wetlands & Conservation Commission (IWCC), Salem Land Trust, and Eightmile River Wild & Scenic Watershed Committee (ERWSCC) – Commissioner Khan-Bureau has had initial discussions with IWCC Chairperson Kimberly Bradley and will be speaking with Salem Land Trust President Linda Schroeder and Vice-President David Bingham as well as ERWSCC Program Director Patricia Young regarding the POCD.

Board of Selectmen – Due to personal life changes, Chairman Smith will be acting as the Liaison to the Board of Selectmen in Selectwoman Salas' place.

Recreation Commission – Commissioner Gadbois reported in an e-mail that he has forwarded the introductory letter to the Recreation Commission Chairman and the Commission will be discussing the POCD at their next meeting.

Historical Society – Commissioner Volberg reported that he reviewed the relevant section with Historical Society President Elbert Burr and an updated map and list of the historical cemeteries will be provided. Historical Society President Burr will review the section with the members for any additional input they might have.

Survey

In response to Commissioner Khan-Bureau who questioned the proposed inclusion of the question, *Should the Town of Salem encourage homeschooling?*, Chairman Smith stated that the question was proposed to provide the residents, who are interested in educating their youth, with alternative options, and should be worded as follows:

*Should Salem do more to promote school choice options, such as homeschooling?
Please comment.*

In reviewing the previous POCD questionnaire, Chairman Smith commented on the diversity of the questions and proposed the inclusion of more substantial questions that reflect the *zeitgeist*. In such case, Commissioner Khan-Bureau questioned the exclusion of questions regarding diversity. Chairman Smith felt that the proposed questions were too vague and should be better defined. All of the questions, he felt, should meet the following criteria: (1) the purpose of the question, (2) the validity of the question, and (3) whether the question is clearly stated so as to avoid confusion.

Chairman Smith proposed rephrasing questions 5 to 8 as follows:

5. ~~How many~~ *Do you have* school-aged children (K-8) live~~ing~~ in your household and attend~~ing~~ public school? *If yes, how many.*
 - a. *Yes, I have ____ school-aged children attending public school*
 - b. *No*
6. ~~How many~~ *Do you have* school-aged children (K-8) live~~ing~~ in your household and attend~~ing~~ private school or are homeschooled? *If yes, how many.*
 - a. *Yes, I have ____ school-aged children attending private school or are homeschooled*
 - b. *No*
7. ~~How many~~ *Do you have* high school children live~~ing~~ in your household and attend~~ing~~ public school? *If yes, how many.*
 - a. *Yes, I have ____ high school children attending public school*
 - b. *No*
8. ~~How many~~ *Do you have* high school children live~~ing~~ in your household and attend~~ing~~ private school or are homeschooled? *If yes, how many.*
 - a. *Yes, I have ____ high school children attending private school or are homeschooled*
 - b. *No*

He also proposed eliminating Question 10, regarding race. Commissioner Khan-Bureau felt that the question is included in many surveys and would not be detrimental. Town Planner LaFountain agreed, adding that it may also provide interesting data with respect to how people of different backgrounds respond to the questions.

Discussion ensued regarding whether question 12 should include church organizations and Option a be revised to read:

12. Does any member of your household currently serve on town boards, commissions, community groups, sports groups, or other organizations?
 - a. Yes – please indicate *which board, commission, group, organization*

 - b. No
 - c. Would consider in the future – please expand _____

The Commission will finalize the survey at their next meeting.

b. Affordable Housing Plan Presentation from Town Planner

Town Planner LaFountain provided a brief presentation regarding the Affordable Housing Plan. While CT General Statutes (CGS) §8-30g puts the Affordable Housing statutes in effect, §8-30j requires that all municipalities implement an Affordable Housing Plan by 2022 that is to be updated every five (5) years. Because the Plan ties in with the POCD's Housing Section (Chapter 8) and both are due by 2022, he recommended the Commission work on both Plans simultaneously. The Plan must specify how the town plans to increase its number of affordable housing units. Should a town not have the required 10% amount, developers may circumvent the zoning regulations to construct such developments. He discussed the town's economic trends and housing stock in relation to other towns in the region and the county as a whole, including the median household income and home value, the number of housing units, and owner-occupied housing units, per the 2018 U.S. Census ACS 5-Year Estimates. In Salem, which has the highest median income in the region and the largest number of owner-occupied housing units, rents have increased by approximately \$200.00 between 2000 and 2020. In 2019, Connecticut was the #4 State to move away from, while, during the COVID-19 pandemic, it became the #3 State to move to (primarily from New York) and median home values in New London County increased by approximately \$50,000.00 from 2019 to 2020. He outlined the next steps for the Commission, including reviewing the ongoing survey, which has received over 200 responses, to date. Additional input would also be received through the POCD survey.

Town Planner LaFountain also reviewed the preliminary draft of the town's Affordable Housing Plan, which includes the recommended items listed in the State's *Planning for Affordability in Connecticut: Affordable Housing Plan and Process Guidebook*. Through a Grant, the town contracted the Southeastern Connecticut Council of Governments to develop the Plan in conjunction with Bozrah, Franklin, Sprague, and Lebanon. As such, the formatting of the Plans will be similar, but the details and statistics will differ. The proposed draft defines and provides the reasons for Affordable Housing and includes the town's current housing conditions Zoning Regulations for housing, Zoning Map, recommendations, description of the Affordable Housing Appeals Act (CGS §8-30g), and an Action Plan.

As of 2019, 1.96% or 32 of the town's total housing (1,635 homes) is considered affordable. Of the 32 homes, 30 are through CHFA (Connecticut Housing Financing Authority), which provides State-assisted mortgage loans. The remaining two receive rental assistance. The statistics are provided by the State's annual *Affordable Housing Appeals List*. Another qualification is deed-restricted housing, which states that those earning less than 80% of the median income are eligible to own or rent a particular property.

The vast majority of the town is zoned for one- or two-family housing development. In 2019, there were 33 sales of new single-family residences and 275 building permits were issued between 2000 and 2017. In addition, the town permits Age-Restricted Residential Developments and accessory dwelling units, i.e., in-law apartments, granny flats. While it is not impossible for developers to build such units in Salem, as evidenced by the recently approved age-restricted development, they are not likely to do so due to the town's lack of public sewer or water. It was noted that developers can receive both Federal and State Assistance towards creating such developments.

A four-year temporary moratorium may be granted should the town not meet the 10% threshold by demonstrating progress in facilitating new affordable housing by earning "Housing Unit Equivalent" points. No other exemptions are available for towns, like Salem, that do not have the amenities available to attract developers or tenants.

An e-mail was received by David Bingham suggesting that the town amend the Zoning Regulations to allow the construction of two-family residences on property approved for one-family residences. Currently, two-family residences are permitted by right, but require more land, e.g., in the RUA zone, a one-family residence may be constructed on 80,000 square feet while a two-family residence requires 120,000 square feet. Commissioner Fontneau stated that the issue, in part, is the definition of affordable housing. Many households have 80% of the median income and would be considered affordable, by definition, but do not meet the necessary requirements. While Dr. Bingham's proposal would provide additional available housing to the town, it may not fulfill the town's affordable housing requirement should the units not be deed-restricted or the individuals not receive tenant assistance.

Commissioner Sullivan added that, in speaking with TVCCA (Thames Valley Council for Community Action, Inc.), which oversees affordable housing in the town, she learned that the State's tenant voucher program has been frozen since 2012. In addition, because the vouchers are associated with the tenant, the statistics could vary over time, whereas an affordable housing unit would ensure that the number remains constant. Furthermore, such individuals are more likely to live in areas that are accessible to such services as public transportation. She also learned that a listing of affordable housing units is available on the TVCCA website and renters could be encouraged to work with them to advertise their units. Furthermore, while developers receive incentives, many opt to construct only a percentage of affordable housing units due to the strong restrictions.

Commissioner Reith added the need for affordable housing options for the disabled as well and questioned whether a summary outlining the issues could be drafted and presented to Commissioner Jordan Scheff, Connecticut Department of Developmental Services, with whom he has a connection. He reiterated that housing, in general, will be very important in the near future due to General Dynamics Electric Boat's (EB) recent receipt of multi-billion dollar contracts which will lead to the hiring of approximately 2,200 employees who will be seeking housing.

Town Planner LaFountain stated that the Statute currently includes a 2017 provision that the Plan remain unchanged for a period of five years. Proposed legislative changes to the current definition and/or requirements are expected in 2022. In response to Chairman Smith, he will inquire with the Executive Director and colleagues regarding whether they are aware of any towns planning to propose changes to the legislators. To date, he has not received any inquiries regarding any issues developers have encountered in their effort to construct housing developments in the town.

Town Planner LaFountain also stated that the Plan should include the town's proposed strategies to encourage and support such housing even though it may not guarantee that they would help the town meet its affordable housing requirements. He noted that of the 169 Connecticut towns, only 30 towns currently meet the 10% affordable housing requirement. He suggested starting with Dr. Bingham's suggestion of reviewing and reducing the requirements for the construction of duplexes. Commissioner Sullivan cautioned the Commission and commented on her personal experience with the intended and unintended effects of a regulation change.

Commissioner Fontneau added that the State pushes towns into various directions, putting pressure on its remaining land. For example, Salem meets, if not exceeds, the State's goal of open space, houses the watersheds for Norwich and New London water systems, and includes the Federally-protected Wild & Scenic Eightmile River Watershed. The problem is further exacerbated by the town's lack of public water or sewer, minimizing any financial incentive developers might have to construct affordable housing developments. As such, it would be very difficult to reach the 10% requirement. He would recommend that the legislators create a reward system and reduce the minimum requirement to 4-5% which would be a more realistic goal for towns like Salem.

The Affordable Housing Plan and the POCD will be two separate documents. Town Planner LaFountain recommended they refer to each other and the Affordable Housing Plan be included in the POCD as an appendix.

8. ZONING ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT – no report

9. TOWN PLANNER REPORT

Town Planner LaFountain reminded the Commissioners that they will be holding two Public Hearings regarding the regulation amendment to Section 7B.2 and application for a Special Agriculture Zone at their next meeting. He will be meeting with the ERWSCC to discuss the Riparian Corridor Overlay Zone regulation amendments this week in preparation for the March 16 Public Hearing.

10. CORRESPONDENCE:

a. Zoning Referral from Colchester

A Zoning Referral was received from the Town of Colchester regarding an amendment to their regulation regarding medical marijuana facilities.

b. Subdivision Referral from Montville

A Subdivision Referral was received from the Town of Montville regarding a proposed subdivision on a property located on the southeastern side of the town. The subdivision should not have any negative impact on the town.

11. PUBLIC COMMENT:

Sue Spang, Hartford Road, suggested the Commission review a recent article that was published in *The Day* newspaper entitled “Study: Connecticut Zoning Regulations Restrict Expansion of Affordable Housing”. She expressed her concerns with the deletion of questions 28 and 29, which relate to affordable housing and diversity. Affordable housing is an integral part of the POCD and the questions that were eliminated are, she felt, very valuable. She also felt that the subject of homeschooling was not relevant to the POCD. The POCD is an important document that will determine the future of the town for the next ten years and is utilized for the receipt of grants; it should not be related to any personal agenda(s). She hopes that the Commission will consider her comments and thanked them for their time.

Chairman Smith clarified that question 28 was not eliminated, but clarified.

12. PLUS DELTAS:

Commissioner Fontneau requested that a copy of the Army Corps of Engineers’ final report regarding the remediation of the property located on Shingle Mill Road, should it be available.

Chairman Smith thanked the Commissioners for their input.

13. ADJOURNMENT

**M/S/C: Volberg/Khan-Bureau, to adjourn the meeting at 9:20 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