

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, MARCH 23, 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:

<https://zoom.us/j/98681100804?pwd=c3l6ZzAwRzNxdUM1QUFaMmJGZktXQT09>

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**Webinar ID:** 986 8110 0804 | **Password:** 406588

**PRESENT**

Vernon Smith, Chair  
John Gadbois, Vice Chairman  
Margaret Caron, Secretary  
Carl S. Fontneau  
Thomas Reith (*departed at 8:00 p.m.*)  
Walter Volberg  
Diba Khan-Bureau, Alternate (*7:15 p.m.; seated*)  
Susan Sullivan, Alternate

**ABSENT**

Ruth Savalle (*resigned*)

**ALSO PRESENT**

Town Planner Justin LaFountain

**1. CALL TO ORDER**

Chairman Smith called the meeting to order at 7:02 p.m.

**2. PLEDGE OF ALLEGIANCE**

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

**M/S/C: Smith/Caron, to move Item 7, New Business, to precede Item 6, Old Business.**

**Discussion: None. Voice vote, 6-0, all in favor.**

**3. PUBLIC COMMENT: none**

**4. PUBLIC HEARING:**

- a. **SD 21-01: Ross E. Robbins and Florence G. Robbins. Re-subdivision application for 66 and 72 East Haddam Road, Salem, for the creation of two new building lots, each with currently existing homes, and an additional 25.7 acres of remaining land.**

***Note:** The proposed text can be found at: <https://www.salemct.gov/planning-and-zoning-commission/pages/pending-applications>*

**M/S/C: Fontneau/Reith, to open 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, Salem, for the creation of two new building lots, each with currently existing homes, and an additional 25.7 acres of remaining land. Discussion: None. Voice vote, 6-0, all in favor.**

Atty. Harry Heller, Heller, Heller & McCoy, 739 Norwich-New London Turnpike, Uncasville, representing the Applicants, presented the application for a re-subdivision of approximately 32 acres of land located on the northwesterly side of Route 82. There is no development being proposed in conjunction with the application. The property is located in the RUA Zoning District, which requires a minimum lot area of 80,000 square feet and is currently improved with two existing dwellings. The re-subdivision application would create two new lots each of which would accommodate the two existing homes. Upon approval, a note will be placed on the final plan indicating that the remaining land of approximately 25.7 acres will not be considered an approved building lot without the approval of the Salem Planning & Zoning Commission. In 2019, the Zoning Board of Appeals approved a variance for Lot Number 1-002 or 66 East Haddam Road, which does not have sufficient lot frontage or lot width to meet the required zoning requirements for the district. The application for the lot line adjustment was submitted to and approved by the Uncas Health District as meeting the requirements of the CT Public Health Code. As part of the approval, additional soil testing was conducted to ensure that a code-compliant area for a reserve septic area is available on each lot. Both a letter of approval and test hole data have been provided for the record. Because there are wetlands on the site, an application was also submitted to the Zoning/Wetlands Enforcement Officer for review and, because there is no activity being proposed, it was found to have no impact on the existing wetlands or watercourses.

Town Planner LaFountain confirmed Atty. Heller's statements.

Chairman Smith asked if anyone from the public would like to speak regarding the Application.

**Commissioner Comments/Discussion:**

In response to Commissioner Fontneau, Atty. Heller stated that a parcel plan was prepared by Boundaries, LLC, in 2004. The property was originally comprised of six (6) tracts, with approximate parcel lines and the residences were constructed prior to the establishment of Zoning or Subdivision Regulations. Due to the confusion over the parcel lines and changes that were made over the history of the property, it was felt that it would be prudent to submit a re-subdivision, rather than a subdivision, application.

Chairman Smith asked if anyone from the public would like to speak regarding the Application. There being none, a motion was made to close the Public Hearing.

**M/S/C: Caron/Fontneau, to close 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, Salem, for the creation of two new building lots, each with currently existing homes, and an additional 25.7 acres of remaining land. Discussion: None. Voice vote, 6-0, all in favor.**

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

**a. Regular Meeting Minutes: March 16, 2021 – *tabled***

*Commissioner Khan-Bureau joined the meeting at 7:15 p.m. and was seated for Commissioner Savalle.*

**6. NEW BUSINESS**

**a. SD 21-01: Ross E. Robbins and Florence G. Robbins. Re-subdivision application for 66 and 72 East Haddam Road, Salem, for the creation of two new building lots, each with currently existing homes, and an additional 25.7 acres of remaining land.**

**M/S/C: Fontneau/Caron, to approve Application SD 21-01: Ross E. Robbins and Florence G. Robbins. Re-subdivision application for 66 and 72 East Haddam Road, Salem, for the creation of two new building lots, each with currently existing homes, and an additional 25.7 acres of remaining land. Discussion: Commissioner Fontneau felt that the application meets all of the requirements of the town's Zoning and Subdivision Regulations. Whilst reviewing the application, he suggested the following revisions/clarifications, unrelated to the approval of the application, be made to the town's current Subdivision Regulations in the future:**

- lots should be made to conform to be building lots or, at the very least, to not create landlocked parcels of remaining land,
- require submissions of the variance as exhibits in the form in which they were filed on the land records, and
- a parcel history of the metes and bounds be added to the site plan requirements

**Town Planner LaFountain concurred with Commissioner Fontneau's proposed amendments. Voice vote, 7-0, all in favor.**

**7. OLD BUSINESS**

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

Town Planner LaFountain reminded the Commission that the POCD is due in less than one year and a draft must be sent to the State and the Regional Council of Governments

at least 65 days prior to the Public Hearing, moving the deadline up by approximately two months.

Commissioner Fontneau, who is also a member of the Economic Development Commission (EDC), reported that they have begun discussing their possible contributions to the POCD, including proposing changes to the zoning map and conducting a cottage industry cluster analysis of the town's businesses to create and/or generate symbiotic relationships amongst the businesses. He has also begun the process of obtaining information regarding the town's housing stock, which, along with the population information, could be integrated with the Affordable Housing Plan. He also requested the Commission's consensus and support to work with SCCOG (Southeastern Connecticut Council of Governments) GIS Coordinator Liz Crutcher to update some of the maps included in the POCD. He has also spoken with Salem Land Trust President Linda Schroeder who will be updating the related open space, Eightmile River Watershed property(ies), and trails maps. He noted that, while the town has not been able to meet the State's affordable housing requirements, it has been very successful with meeting its Open Space requirements; the Commission can make reasonable changes to their Zoning Regulations, the existing disincentives discourage developers from constructing affordable housing units in the town. While there are several existing affordable housing units in the town, they do not qualify as such under the State's definition. Town Planner LaFountain agreed, stating that the town currently has one or two units that are under the CHFA (Connecticut Housing Finance Authority) and an additional two units under the Tenant Rental Assistance Program. Zoning Regulations could, possibly, incentivize the construction of affordable housing developments but, due to the lack of public well and sewer systems, large-scale developments are limited. Discussion was revived regarding the proposed legislations (S.B. 1068 and S.B. 172) and the possibility of engaging the legislators to change the definition of affordable housing. It was noted that there are state-wide groups such as COST (Council of Small Towns) and CIRMA (Connecticut Interlocal Risk Management Agency) who work to advocate for the towns at the State Capitol.

Commissioner Gadbois reported that the Recreation Commission has begun discussing their contribution to the POCD and have preliminarily proposed the following items: Round Hill Road Field Parking Improvements, including the concession stand and bathrooms; increased sidewalk coverage near the roundabout, and; bridge construction and path improvements, completing the trails to the Round Hill Road fields.

In response to Commissioner Caron regarding the status of the survey, Chairman Smith stated that the survey questions have been prepared and approved by the Commission. Postcards will be mailed to the residents regarding the survey and a code will be established for each resident to ensure that those who reside outside of the town do not

respond to the survey, skewing the results. Questions regarding maintaining the anonymity of the respondents were raised.

Commissioner Sullivan reported that the Trustees of the First Congregational Church of Salem have expressed their interest in being involved with the town's decisions regarding the care, maintenance, and improvements of the Town Green and the town's cemeteries. Commissioner Fontneau proposed the possibility of engaging the members to revive the Village Center section that was previously included in the town's POCD.

**M/S/C: Smith/Fontneau, to approve Commissioner Carl Fontneau to begin working with SCCOG (Southeastern Connecticut Council of Governments) GIS Coordinator Liz Crutcher to update the maps for the Town of Salem's Plan of Conservation and Development (POCD). Discussion: The maps will be updated and visual improvements will be made to the current maps by utilizing ArcGIS (Aeronautical Reconnaissance Coverage Geographic Information System). Commissioner Reith requested that the maps include a true north reference point. Voice vote, 7-0, all in favor.**

**b. Pending Legislation Discussion**

Chairman Smith stated that he was in favor of drafting a letter regarding the pending affordable housing legislations. Commissioner Gadbois provided the Commissioners with a link to the letter that was submitted to the legislators by the Old Lyme Planning Commission.

*Commissioner Reith exited from the meeting at 8:00 p.m.*

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

The Commissioners discussed the importance of receiving updates from the ZWEO and requested that they receive them on a more consistent basis.

**9. TOWN PLANNER REPORT**

Town Planner LaFountain briefly reported on his thoughts regarding the affordable housing bills and provided an update regarding the pending marijuana legislation which would allow for the sale of recreational marijuana. He noted that the proposed legislation currently states that if the town does not specifically prohibit the sale of marijuana for recreational use, it would be allowable, which contrasts with the town's regulations, which are prohibitive. As such, should the Commission wish to prohibit its sale for recreational use, a regulation amendment would need to be drafted.

No updates were provided from the Town Attorney regarding the pending litigation.

**10. CORRESPONDENCE: none**

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

**12. PLUS DELTAS:**

Chairman Smith felt remiss in not properly acknowledging the service of former Commissioner Ruth Savalle during their previous meeting. Commissioner Savalle, who served on the Commission since 2009, is the longest serving member of the Commission and had been unable to attend several meetings due to her husband's health complications. He expressed his appreciation to her for her dedication and service, most notably for stepping up and out of her comfort zone and volunteering to serve as the Chair of the Commission. Commissioners Caron, Khan-Bureau, and Smith sent former Commissioner Savalle and her husband, both of whom are integral members of the community, their best wishes.

Commissioner Fontneau requested that 11" x 17", if not full size, plans be provided to the Commission for applications that are submitted for review, noting that the plan that was provided for this evening's application did not include the entire plan.

**13. ADJOURNMENT**

**M/S/C: Caron/Fontneau, to adjourn the meeting at 8:15 p.m. Discussion: None. Voice vote, 7-0, all in favor. Meeting adjourned.**

Respectfully Submitted by:

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