

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
SPECIAL MEETING MINUTES  
THURSDAY, APRIL 29, 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/91961668680?pwd=RG9FQnVTViNMcG5Vb1ZUMTBBCNEYwdz09>

**Password:** 809586

Or Via **Telephone:**

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**Webinar ID:** 919 6166 8680 | **Password:** 809586

**PRESENT**

Vernon Smith, Chair  
Margaret Caron, Secretary  
Carl S. Fontneau  
Diba Khan-Bureau  
Thomas Reith  
Walter Volberg  
Michael Flugrad, Alternate (*seated*)

**ABSENT**

John Gadbois, Vice Chairman

**ALSO PRESENT**

Town Planner Justin LaFountain  
Selectwoman Liaison Susan Sullivan

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

*Alternate Commissioner Flugrad was seated for Full Member Commissioner Gadbois.*

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

**4. PUBLIC HEARING:** *none*

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

**a. Regular Meeting Minutes: April 20, 2021**

**M/S/C: Fontneau/Reith, to approve the April 20, 2021 Planning & Zoning**

**Commission Regular Meeting Minutes, with the following amendment:**

**ABSENT:** Diba Khan-Bureau, ~~Alternate~~

**Discussion: None. Voice vote, 7-0, all in favor.**

For the record, Commissioner Khan-Bureau wished to address the following items that were discussed at the Commissions' previous meeting:

Appointment to fill Alternate Member Vacancy – Per *Robert's Rules of Order*, the nomination and appointment to fill a vacancy on the Commission was handled incorrectly in that neither a motion nor a second to the motion is required.

Commissioner Khan-Bureau expressed her disappointment with the Commission's behavior and the manner in which the item was handled, stating that Dr. David Bingham, a former Commission Chair who continues to volunteer his time and energy, is one of the town's most respected gentlemen. She also felt that the Commission was very disrespectful to Commissioner Caron.

In response, Commissioner Smith stated that, while he respects *Robert's Rules*, the Commission has always utilized the same method of appointing a member to the Commission, adding that, regardless of whether they engaged *Robert's Rules* or not, the overall outcome of the appointment or lack thereof would have been the same.

Commissioner Khan-Bureau stated that, though the nomination and appointment of an individual by the Commission is not about politics, the two political parties have traditionally engaged in a "gentlemen's handshake" in which a vacancy would be filled by an individual of the same party. Rather, an appointment is made for an individual who they feel is qualified and is in the best interest of the town. She expressed her disappointment and regrets not having been able to attend the meeting.

Chairman Smith agreed with the existence of the "gentlemen's handshake", adding that, as a gesture of good faith and expression of bipartisanship, he will be recommending the appointment of a Democratic candidate for the vacant Republican alternate position. It is his hope that the recommendation will rectify the matter and assuage any hard feelings.

Application for Proposed Text Amendment – Commissioner Khan-Bureau questioned the scheduled public hearing for the text amendment to the Zoning Regulations, asking whether all of the zones would be amended should the proposed text amendment be approved by the Commission. While recommending that any discussions regarding the application be discussed during the Public Hearing, Town Planner LaFountain stated that the application is to amend Section 7 of the Regulations to allow mini-storage units to become a permitted use within the business zones (indicated in red in the Zoning Map).

Survey Production, Distribution, and Cost – Thirdly, she questioned the production, distribution, cost of the surveys, and whether any alternative estimates were sought. Chairman Smith stated that the project was handled informally and discussed with the First Selectman’s office. For the record, Commissioner Khan-Bureau requested a copy of the Purchasing Policy and the cost of the project.

Disc Golf Course – She reported that the organizer of the course presented the project to the Inland Wetlands and Conservation Commission. She recalled requesting, at that time, that the elements not be permanent and no concrete be used in the installation of the course; no votes were taken.

POCD – Upon the Chairman’s request, she reported that she obtained information from Inland Wetlands and Conservation Commission, Salem Land Trust’s President Linda Schroeder and Vice-President David Bingham, and the Eightmile River Wild & Scenic Watershed Coordinating Committee Program Director Patricia Young, among others, regarding their contribution to the POCD. They are, first and foremost, in favor of ensuring the maintenance of the town’s current hiking and bicycle trails and promoting its growth.

## **6. OLD BUSINESS**

### **a. Affordable Housing Plan Discussion**

Town Planner LaFountain reminded the Commissioners that a grant was received by the town to help prepare the Affordable Housing Plan, which must be adopted by June 2022. A. His goal is to have the Plan approved prior to the approval of the POCD so that it can be added as an appendix item, helping them streamline and organize their Plans. Based on their previous discussions, minor revisions were made to parts of the document, including an added strategy to the Action Plan Options (page 10).

Commissioner Fontneau questioned whether a list of the available state-approved programs can be added to the Plan, e.g., CHFA (Connecticut Housing Finance Authority) and the Voucher Program. Town Planner LaFountain agreed, adding that while the various programs are mentioned throughout the document, it would be beneficial to add a section listing the programs and stating their status. Commissioner Fontneau reiterated the issue with the state’s definition of affordable housing.

Commissioner Reith stated that, while he is in favor of the Plan, as written, the town would, most likely, be unable to meet the state’s requirement, especially under the current circumstances. Commissioner Fontneau added that, due to the town’s median income, much of the town’s existing housing could be considered affordable. He also noted that, while the town is home to many rental units, no rental rate exists, making it difficult to count how many units are “affordable” versus those which are considered affordable by the state. He felt that they should challenge the state to introduce

incentives to build affordable housing. In response to Chairman Smith, Town Planner LaFountain explained that, in municipalities that house a critical mass of rental units, one can determine the average rental rate. While it is difficult to determine an average rental rate that is true in towns such as Salem, which have very few rental units in comparison, he will investigate the possibility of doing so. Commissioner Reith reiterated his support of the Plan, commenting on the current rising cost of real estate and construction materials. Town Planner LaFountain agreed and reiterated that the document is a Plan stating their goals on how they plan to increase their affordable housing stock, not a Plan on how the town intends to reach the 10% threshold.

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

Chairman Smith addressed the POCD Survey postcard, stating that the postcards will be mailed via EDDM (Every Door Direct Mail) to each Salem household. The residents will be required to enter a code to respond to the survey. While the survey will not require any identifying information, confidentiality is not guaranteed.

Town Planner LaFountain reminded the Commission of the timeline, stating that the POCD should be completed by November 2021, and encouraged the Commission to continue discussing the POCD.

In response to Commissioner Fontneau, Town Planner LaFountain confirmed the receipt of the Open Space map from Salem Land Trust President Schroeder, which he forwarded to the SCCOG's (Southeastern Connecticut Council of Government) GIS (Geographic Information System) Coordinator. Commissioner Fontneau stated that he would be requesting that the identifying colors be changed for the 50' and 100' setbacks to the Eightmile River Watershed Zoning map to better define them. Commissioner Khan-Bureau concurred.

**7. NEW BUSINESS**

**a. Sign Regulation Discussion**

Town Planner LaFountain provided a brief background of the sign regulation and recommended that the Commission amend the regulation to coincide with the 2015 Supreme Court decision. The amended regulation should include a sentence of what can and cannot be regulated, per the State Statutes. While the content of signs cannot be regulated due to free speech laws, the size and height of the signs can be regulated. Business signs that are currently installed, but do not meet the requirements, would be grandfathered into the regulations. While flags would, most likely, be considered signage, Town Planner LaFountain recommended that the Town Attorney be consulted for further clarification.

**b. Alternate Commissioner Vacancy to be Filled**

**M/S/C: Caron/Smith, to nominate and appoint Jennifer Lindo (D) to fill the**

**vacancy left by Susan Sullivan (R) as an Alternate Member of the Planning and Zoning Commission. Discussion: As stated previously, Chairman Smith stated that an agreement has been made between the Chairmen of the two parties to forgo their agreement to fill a vacancy by a member of the same party, at this time. Ms. Lindo was a previous member of the Commission. Voice vote, 7-0, all in favor.**

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

Commissioner Fontneau requested that a report regarding the two RCOZ (Riparian Corridor Overlay Zone) violations be provided to the Commission. Commissioner Khan-Bureau reported that a remediation plan has been submitted for the Shingle Mill Road violation, which is currently under the guise of the Army Corps of Engineers. She suggested that Chairman Smith and the Inland Wetlands and Conservation Commission Chairperson Kim Bradley discuss the status of the violations. The second violation is located on Witch Meadow Road. Commissioner Fontneau felt that the Commission should be apprised with information regarding the violations. Zoning/Wetlands Officer Matt Allen may be contacted, as well.

**9. TOWN PLANNER REPORT**

Town Planner LaFountain reminded the Commission that a Public Hearing will be held at their May 25 Regular Meeting regarding the proposed text amendment to Section 7 of the Zoning Regulations. He also spoke with respect to the contention that the Commission has been recently experiencing, he stated the importance of the Commission to treat each other with respect, act responsibly, and behave in a manner that is befitting of the town they represent. He added that, should such behavior be presented at a Public Hearing, the applicant could have reason to appeal their decision.

In response to Commissioner Khan-Bureau who questioned the possibility for the Commissioners to receive training, especially in light of the new members, Town Planner LaFountain stated that he would re-send the link to a series of videos that were created by SCCOG for Commissioners and proposed the possibility of engaging the Town Attorney or himself to provide a brief informational session. He will also investigate the availability of virtual training classes and/or plans for future in-person classes with the University of Connecticut's Center for Land Use Education and Research's (UConn CLEAR) Land Use Educator Bruce Hyde who holds basic training classes for Commissioners.

**10. CORRESPONDENCE:**

Chairman Smith provided a brief synopsis of a letter received by Sue Spang, Hartford Road, regarding the Commission's April 22 Regular meeting. The letter included information regarding the recording of Zoom meetings and FOI (Freedom of Information)

requirements, the POCD and the appointment of a liaison to the Board of Education, Section 8-24 concerns that were stated by Commissioner Fontneau, the consistency of the POCD and Zoning Commission, the mailing and confidentiality of the POCD survey, the nominating process, and the inclusion of the First Congregational Church of Salem in the POCD.

*He expressed his appreciation to Ms. Spang for her comments.*

**11. PUBLIC COMMENT:**

David Bingham, White Birch Road, thanked the Commission for filling the Alternate Member vacancy, stating the importance of having a full Commission as they continue to work on the Affordable Housing Plan and POCD. He questioned whether he might be provided with a copy of the Affordable Housing Plan and stated his experience and thoughts regarding affordable housing. He pondered upon the possibility of the town engaging in the housing business by purchasing homes and placing a deed restriction on the purchased home or engaging the regional planning agency to get involved with the process on behalf of the towns they represent. He stated his willingness to serve on a Committee and provide any support he could with respect to the Affordable Housing Plan. He expressed his satisfaction with not being required to attend the meetings as a Commissioner, stating that it can be contentious due to the effects of the decisions they are required to make.

*Chairman Smith expressed his appreciation to Dr. Bingham for his comments and gentlemanliness.*

Linda Schroeder, East Haddam Road, also requested a copy of the Affordable Housing Plan. She expressed her support of the inclusion of the Salem Congregational Church and its historical significance in the historical/archaeological section of the POCD and was confident that it could be accomplished in a non-discriminatory manner.

TJ Butcher, 248 Norwich Road, thanked the Commissioners for volunteering their time and contributing to the town. He spoke of the agreement between the two primary political parties regarding the filling of a vacancy with a member of the same party, which has been a source of pride for him as it enables a smooth transition of power. He stated the Commission's ability to lead the town back to its congenial and civil origins and expressed his appreciation for agreeing to appoint Jennifer Lindo as an alternate member of the Commission. He especially thanked the Chairman for investing the time to create a solution that would be agreeable to all. He reiterated his appreciation to the Commission for their time and contributions to the town and for taking the time to listen to the public.

*Chairman Smith, likewise, thanked Mr. Butcher for his comments, cooperation, and good spirit.*

**12. PLUS DELTAS:**

Commissioner Fontneau spoke with respect to the importance of the Section 8-24 review and expressed his curiosity with respect to the proposed disc golf course, which, he felt, should have received, at the very least, a courtesy review by the Commission. He questioned whether any additional past Section 8-24 reviews for town-owned land uses existed. Town Planner LaFountain was unaware of any, but reported that the Recreation Commission will be presenting an application to the Inland Wetlands and Conservation Commission for an as-of-right determination for the proposed disc golf course and ZWEO Allen has recommended that the Recreation Commission also speak with the Town Planner.

**13. ADJOURNMENT**

**M/S/C: Reith/Khan-Bureau, to adjourn the meeting at 8:31 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