

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, MAY 18, 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=c3l6ZzAwRzNxZUM1QUFaMmJGZktXQT09>

**Password:** 406588

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

**PRESENT**

Vernon Smith, Chair  
John Gadbois, Vice Chairman  
Carl S. Fontneau  
Diba Khan-Bureau  
Walter Volberg

**ABSENT**

Margaret Caron, Secretary  
Thomas Reith  
Michael Flugrad, Alternate  
Jennifer Lindo, Alternate

**ALSO PRESENT**

Town Planner Justin LaFountain  
Selectwoman Liaison Susan Sullivan

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

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

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

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

**a. Special Meeting Minutes: April 29, 2021**

**M/S/C: Fontneau/Khan-Bureau, to approve the April 29, 2021 Planning &**

**Zoning Commission Special Meeting Minutes, with the following amendment:**

**Page 5, Item 7(b):**

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

**.... Discussion: As stated previously, Chairman Smith stated .... *However, this exception to the long-standing gentleman's agreement between the two parties does not set a precedent and will remain in effect.* Ms. Lindo was...**

**Discussion: Commissioner Fontneau commented and clarified that his statement regarding §8-24 Reviews during the Plus Deltas section of the meeting was not a proposed change. Rather, he sought to ensure that the town might not have been aware of the necessity to refer proposed municipal improvements to the Commission for an §8-24 Review and recommended they review past proposals to ensure that they were properly handled. Voice vote, 4-0-1. Voting in Favor: Commissioners Fontneau, Khan-Bureau, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Gadbois.**

**AMENDMENTS TO THE AGENDA:**

**M/S/C: Smith/Volberg, to move Item 8, New Business, to precede Item 7, Old Business.**

**Discussion: None. Voice vote, 5-0, all in favor.**

**M/S/C: Smith/Gadbois, to move item 8(d), Letter regarding zoning and affordable housing, to precede item 8(c), Sign Regulation Discussion. Discussion: None. Voice vote, 5-0, all in favor.**

**6. NEW BUSINESS**

**c. §8-24 Referral Regarding Disc Golf Course at 89 Norwich Road**

Recreation Commission Chairman Alan Maziarz expressed his appreciation to the Commission for their time and presented the Recreation Commission's request for a favorable §8-24 review for a proposed disc golf course at Salem Community Park Pavilion, 89 Norwich Road. The Recreation Commission is seeking to implement one of the goals stated in Section 8.2.2, Goal: Develop and implement interim plan for use of the Gadbois property, of the town's 2012 Plan of Conservation and Development:

Allow non-permanent structures in order to facilitate enjoyment of property for allowed uses, e.g., dog park, frisbee golf, community garden.

Partnering with Disc Golf Course Consultant and Enthusiast and Soil Scientist Shawn Callaghan, the Recreation Commission has drafted plans for an 18-hole disc golf course along the Park's trails. The course respects and traverses the natural landscape of the

property and has been designed in a manner that maintains its integrity while still encouraging individuals to explore its landscape.

In response to Commissioner Fontneau who questioned whether any activity would be taking place within the 50' buffer zone of the brook, Recreation Commission Chairman Maziarz stated that the course does include crossings over the brook; they are in the process of working with the Inland Wetlands and Conservation Commission (IWCC) to address those issues. Commissioner Khan-Bureau, who is also a member of the IWCC, reported and confirmed that they are working with the IWCC, which has requested a reduction in the number of crossings and a plan of the type(s) of crossings they are planning to install. Town Planner LaFountain also reported that he has spoken with and informed Disc Golf Consultant Callaghan of the requirements for the Eightmile River Watershed Overlay District, adding that the proposed activity would also require a Zoning Permit from the Zoning Enforcement Officer (ZEO).

Chairman Smith recited the conclusion portion of the Recreation Commission's written request for the §8-24 review. He also reported that correspondence was received from Recreation Commission Chairman Maziarz, IWCC Member Ed Natoli, and a letter of support from First Selectman Kevin Lyden regarding the project. Town Planner LaFountain reviewed the requirements for the §8-24 referral, stating that, per Connecticut State Statutes, any municipal land that will be acquired, sold, or significantly altered or improved requires a report issued by the Planning Commission stating either their approval or denial. Should the Commission deny the referral, the Board of Selectmen may override the referral with a two-thirds vote. The Commission's task is to ensure that the proposal complies with the town's POCD and the general planning of the town. He also noted that their statement of approval pertains to the *idea* of the proposal and would not override the zoning requirements.

In response to Commissioner Volberg who questioned the amount of foot traffic the course would generate, Recreation Commission Chairperson Maziarz stated that, based on the foot traffic of other neighboring established disc golf courses, it is estimated that the course could generate up to 50 individuals should a tournament(s) be held. Otherwise, they do not anticipate a large number of individuals taking part in the sport. Fans, friends, and/or families do not typically attend.

**M/S/C: Fontneau/Khan-Bureau, to issue a favorable §8-24 report for the proposed disc golf course at 89 Norwich Road; the favorable review is dependent upon a zoning permit review by the Zoning Enforcement Officer, per the Eightmile River Watershed Overlay District Zoning Regulation. The Planning & Zoning Commission also finds that the application conforms with the town's Plan of Conservation and Development. Discussion: None. Voice vote, 5-0, all in favor.**

Chairman Smith thanked Recreation Commission Chairman Maziarz for attending the meeting, presenting the application, and answering their questions and, likewise, Recreation Commission Chairman Maziarz thanked the Commission for considering and approving their request.

## **7. OLD BUSINESS**

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

Town Planner LaFountain reported that the suggested changes, including how affordable housing is attained and the town's prospects for attaining those goals, per §8-20 of the State Statutes (pages 8-9), have been added to the Plan. He provided a brief recap of the Plan, which is required by the State, adding that, though not required, the Commission may choose to hold a Public Hearing. The timing of the Plan's deadline works out in such a manner that it can be included in the town's POCD as an appendix. Chairman Smith suggested that the Commission discuss the possibility of sending the Plan to a Public Hearing when they schedule their next Public Hearing, should one occur prior to the approval of the POCD.

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

Chairman Smith reminded the Commission that the deadline for the POCD is November 2021.

Chapter 2, Vision Statement – Commissioner Fontneau stated his hopes that the results of the POCD Survey will be calculated as soon as the survey has closed as it would drive the goals and their related implementation steps. Envisioning what some of those goals and steps might be, he has begun drafting new goals and steps and modifying existing ones. He plans to present an example that could be used as a basis for the remaining sections to the Commission.

Chapter 3, Natural Resources & Chapter 4, Agriculture & Natural Forestry – Commissioner Khan-Bureau reported that her discussions with IWCC Chairperson Bradley have revolved around the creation and maintenance of the town's hiking and biking trails.

POCD Survey – Chairman Smith reported that he posted the availability of the survey on a Salem-related Facebook page(s) and requested an individual to delete the survey link that he/she posted to limit the number of non-Salem residents responding to the survey. Physical copies of the survey are available at Town Clerk's office. The responses will not be cross-referenced with the voter registration list and respondents are not required to answer all of the questions. Because the survey is a matter of public record, Commissioner Volberg questioned the possibility of the original responses being available to the public via an FOIA (Freedom of Information Act) request. Chairman Smith will investigate the possibility of redacting any identifiable

information. Information not pertaining to the POCD, i.e., identifiable responses, would not be included in the final document. To date, 174 responses have been received.

Housing Stock – Commissioner Fontneau reported that he has drafted proposed goals and implementation steps for the section and submitted a request to the Tax Assessor for information regarding the number of bedrooms, lot and house sizes, and averages for various housing categories which might be helpful should they consider the making any future changes to the Zoning Regulations. The information might help gauge the number of affordable housing units that are not deemed affordable by the State’s definition. He also requested a printout of the GIS coordinates, lots, and lot sizes of all lands that have been designated as PA-490 and 10 Mill to create a map indicating those properties that may be developed should they not be designated as such in the future.

Transportation (Chapter 9) – Commissioner Fontneau questioned whether any of the Commissioners were assigned to work on the chapter.

Salem Village Center (Chapter 10) & Recreation and Trails (New Chapter) – Commissioner Fontneau suggested the possibility of creating a new Chapter entitled Recreation and Trails and incorporating the Salem Village Center into the chapter. Because the subject matter overlaps with Chapters 3 and 4, Commissioners Gadbois and Khan-Bureau will work together on the chapter.

Commissioner Fontneau encouraged the Commissioners to begin drafting the goals and implementation steps for the sections they have been assigned, reiterating that he plans to provide an example to the Commission during their next regular meeting.

**c. Letter Regarding Zoning and Affordable Housing**

Chairman Smith stated that the letter to the State Legislators is in response to the proposed legislation regarding zoning and affordable housing. The letter addresses the State’s current definition of affordable housing and proposed transfer of authority from local municipalities to the State Capitol, where the voices of the residents would be very limited. The Commission reviewed and discussed the letter which was drafted and recited by former Commissioner and Selectwoman Sullivan.

Former Commissioner and Selectwoman Sullivan will make the following amendments based on the Commission and Town Planner’s suggestions:

- include the town being home to the Federally-designated Eightmile River Wild & Scenic Watershed, a recognized bird area, and the limited number of impervious areas in relation to other towns (Commissioner Khan-Bureau)
- add a summary sentence stating that the “Commission insists on/highly suggests/strongly believes/highly recommends the maintenance of local control and the formulation of a practical workable redefinition of affordable housing before the legislation is enacted.” (Chairman Smith)

- include that they are in agreeance with the neighboring towns, including Waterford, Old Lyme, and Haddam (Selectwoman Sullivan)
- switch the last two paragraphs, concluding the letter with the fourth paragraph (Commissioner Volberg), add the suggested summary sentence (Chairman Smith), and their agreeance with the letters submitted by the surrounding towns (Selectwoman Sullivan)
- first paragraph, first sentence: “The Town of Salem *Planning & Zoning Commission* fully supports...” (Town Planner LaFountain)
- third paragraph, first sentence: “The Salem Planning & Zoning Commission has identified many homes and apartments which *could* qualify as affordable ...” (Town Planner LaFountain)
- last paragraph, second sentence: “The bills would eliminate local control over ~~most~~ accessory dwelling units and most (*or some*) multi-family housing.” (Town Planner LaFountain)

Former Commissioner and Selectwoman Sullivan proposed the following verbiage for the concluding paragraph:

We join many of the surrounding towns’ sentiments to integrate affordable housing choices into the fabric of our residential areas without sacrificing the unique characteristics of the town. Therefore, we strongly believe that prior to any new legislation be considered, it is necessary to redefine the term affordable housing to ascertain what already exists in each community but is not identified under the current definition.

Chairman Smith wished to include a sentence emphasizing their desire to maintain local control and accountability for its residents. He also requested that the names of the surrounding towns be included.

#### **d. Sign Regulation Discussion**

Town Planner LaFountain recommended the Commission review and propose amendments to the Regulation, keeping in mind that the content of signage cannot be regulated. Commissioner Fontneau recited his suggested changes to the Commission:

##### Additions:

##### Section 13.1, General

Connecticut General Statutes §\_\_\_ allows the Planning & Zoning Commission to regulate the size, height, location, and number of advertising, directional, or public purpose service signs in the varied zoning districts, but not the ability to regulate the content or wording on the signage, which can be a free speech issue. Recent actions by the U.S. Supreme Court relating to free speech on signage necessitate the regulation of political signs.

#### Section 13.1.4, Political Signs

Signs expressing support of political candidates or election issues may be erected according to the following conditions:

1. Political signs under six (6) square feet in size and no more than three (3) feet high can be erected on the frontage of residential lots without a permit from the ZEO as long as it is posted in the period from October 1 through November 15 and the sign is located on the property of the property owner.
2. As many as six (6)-16 (sixteen) square foot signs and six (6) feet high can be located on private property by obtaining the approval of the property owner and Democratic or Republican Town Committee (or Green Party) and by obtaining a Zoning Permit during the October 1 through November 15 election season.
3. Up to three (3) signs measuring 32 (thirty-two) square feet in size can be applied for with the Democratic or Republican Town Committee (or Green Party) with approvals by the Zoning Department and property owner during the election season.

Discussion ensued regarding Commissioner Fontneau's suggestions and the purpose of the revisions. Town Planner LaFountain stated that the regulation should be updated to align with the court ruling, which expressly prohibits towns from regulating the content of signage. The final draft would require the Town Attorney's review. An issue could arise if the regulation introduces specific restrictions on political signage. It may, however, be regulated as a temporary sign. Chairman Smith expressed his appreciation to Commissioner Fontneau for his suggestions.

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

Commissioner Fontneau requested that the Town Planner enquire with the ZWEO regarding his thoughts regarding the establishment of a Fine Ordinance.

#### **9. TOWN PLANNER REPORT**

Town Planner LaFountain reminded the Commissioners that a Public Hearing will be held during their next meeting for an application for a proposed text amendment to the Zoning Regulations.

A link to training videos available through CCOG (Connecticut Council of Governments) was e-mailed to the Commissioners. Once in-person meetings are permitted, he suggested requesting the Town Attorney to present a brief presentation to the Commission.

#### **10. CORRESPONDENCE: *none***

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

**12. PLUS DELTAS:**

Chairman Smith is looking forward to holding in-person meetings in the very near future. The First Selectman will be consulted with as to whether masks would be required.

**13. ADJOURNMENT**

**M/S/C: Khan-Bureau/Volberg, to adjourn the meeting at 8:44 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