

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, AUGUST 17, 2021 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

PRESENT

Vernon Smith, Chair
John Gadbois, Vice Chairman
Carl S. Fontneau
Diba Khan-Bureau
Michael Flugrad, Alternate
Jennifer Lindo, Alternate

ABSENT

Margaret Caron, Secretary
Thomas Reith
Walter Volberg

ALSO PRESENT

Town Planner Justin LaFountain

1. CALL TO ORDER

Vice Chairman Gadbois called the meeting to order at 7:01 p.m.

Alternate Member Commissioners Flugrad and Lindo were seated for Commissioners Reith and Caron, respectively.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING: *none*

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

a. Meeting Minutes: July 27, 2021

M/S/C: Fontneau/Lindo, to approve the July 27, 2021 Planning & Zoning Commission Regular Meeting Minutes. Discussion: None. Voice vote, 4-0-2, all in favor. Voting in Favor: Commissioners Flugrad, Fontneau, Gadbois, and Lindo. Voting in Opposition: None. Voting in Abstention: Commissioners Khan-Bureau and Smith.

5. OLD BUSINESS:

a. Plan of Conservation and Development (POCD)

Chapter 2 – Vision Statement/Goals & Objectives (Commissioners Caron & Fontneau)
Commissioner Fontneau stated that the Vision Statement will include a summary of the document and refer to the data received from the recent Census and POCD Survey. The statement would be followed by the table of goals and objectives for each board/ commission. The remaining chapters would include text supporting the goals and objectives, thereby creating a more concise, user-friendly document.

Chapter 3 – Natural Resources (Commissioner Khan-Bureau)

Chapter 4 – Agriculture, Forest, Open Space (Commissioner Khan-Bureau)

Commissioner Khan-Bureau reported that the chapters were provided to the Inland Wetlands & Conservation Commission for review and input.

Chapter 5 – Historic, Archaeology (Commissioners Smith & Volberg)

Chairman Smith reported that he is expecting to receive information regarding the locations of the town's cemeteries and historical locations by their next meeting.

Chapter 6 – Economic Development (Commissioner Fontneau)

Commissioner Fontneau plans to present a draft of the chapter to the Commission at their next meeting.

Chapter 7 – Municipal Facilities/Services (Commissioner Flugrad)

The Commissioners reviewed a draft of the chapter which was presented by Commissioner Flugrad. Commissioner Fontneau suggested adding the following goal:

Goal: Encourage the Board of Selectmen to examine the feasibility of imposing a Zoning Fine Ordinance

Discussion ensued regarding the pros and cons of the proposed addition. A Zoning Fine Ordinance would help improve the town's ability to call attention to repeat and/or ongoing zoning violations by imposing a daily fine. The fine would give the town some leverage and provide funds to help offset the cost of any possible court proceedings. Per State Statute, a municipality may impose a fine of up to \$150.00/day. The fines would be at the discretion of the Zoning Enforcement Officer. An appeal process with a paid Adjudicator or Hearing Officer that would allow the fine to be contested by the recipient must also be in place. The Commissioners were informally in favor of including the goal in the document. All ordinances are approved by the residents via a Town Meeting.

Chapter 8 – Housing Stock, Population (Commissioner Fontneau)

Commissioner Fontneau plans to include a note regarding the recent formula change for CHFA (Connecticut Housing Finance Authority) Home Mortgages – one of the largest sources of affordable housing. The change is not beneficial to Eastern Connecticut towns that aim to meet their affordable housing goals. The item may also be noted in the Affordable Housing Plan. He also plans to obtain information regarding the number of building permits for single-family residences that have been issued over the past 10 years.

Chapter 9 – Transportation, Road Network (Town Planner LaFountain)

The Commissioners reviewed a draft of the updated chapter, presented by the Town Planner. Commissioner Fontneau suggested adding the following goal:

Goal: Encourage the Board of Selectmen to work with the Connecticut Department of Transportation (CT DOT) to complete the Route 85 improvements

The CT DOT completed improvements to parts of Route 85, but the sightline of Route 85 and Forsyth Road continues to be poor. Town Planner LaFountain agreed, adding that the area is statistically considered one of the accident hotspots in the town. The possibility of obtaining daily and/or seasonal statistical data, rather than annual average daily trips along Routes 82 and 85 from the CT DOT, was discussed.

Also proposed was the possibility of including recommendations pertaining to Gardner Lake State Park. Town Planner LaFountain will investigate any possible options that would help the town regulate the Park.

The following correction for the 1st sentence, 6th paragraph, was proposed:

Salem is a sparsely populated ~~suburban~~ *rural* community with approximately 4.5 acres per resident.

Chapter 10 – Recreation, Trails (Commissioner Gadbois)

The Commissioners reviewed a draft of the chapter, presented by Commissioner Gadbois. Commissioner Fontneau suggested the following addition to the 1st sentence of the 4th paragraph:

In the POCD survey, 82% of respondents considered it somewhat or very important to acquire additional open space *for public use*.

Chairman Smith also noted that the frisbee golf course is already underway (5th paragraph, 1st sentence and Recommendation 8.1.2):

The Salem Recreation Committee has provided input on some desired expansions to recreational opportunities including a ~~frisbee golf course~~, seasonal ice rink, volleyball courts, and a potential dog park....

Objective 8.1.2. Recommendation: *Complete development of an 18-hole Disc Golf course*

Discussion ensued regarding utilizing Commissioner Fontneau's previously proposed format in which the goals and objectives, with the priorities noted, would be placed in Chapter 2, following the Vision Statement. The priorities would be as such:

- Priority 1: 1 to 3 years
- Priority 2: 3 to 6 years
- Priority 3: 6 to 9 years

The Commissioners agreed to place the goals, objectives, and their relevant priorities in the format of a table. The body of the document would include text elaborating on the goals/objectives and provide supporting information, including the survey results and references to the map(s) in the appendix.

The Commissioners will discuss the inclusion of images in the near future.

Commissioner Gadbois will provide the document to Recreation Commission Chairman Alan Maziarz for review and input.

Town Planner LaFountain will create a table indicating the goals, objectives, and priorities.

Town Planner LaFountain reminded the Commissioners of the process and timeline for the document, which is due in March 2022. The document must be forwarded to and reviewed by the Board of Selectmen and Southeastern Connecticut Council of Governments and a Public Hearing must be held.

b. Affordable Housing Plan

Town Planner LaFountain recommended the Commissioners review and approve the Plan to be sent to a Public Hearing during their next meeting. The Plan must be approved prior to including it as an appendix to the POCD.

6. NEW BUSINESS

a. Discussion regarding potential cannabis regulations

The Commission reviewed and discussed Town Planner LaFountain's memo regarding the recent passage of the State's Cannabis Statutes and Regulations and proposed regulations. Discussion included the process should the regulation be overridden by a referendum, whether applicants can be grandfathered in, the ability of the town to ban certain types of business establishments, and allowing particular businesses by special exception. While cannabis remains illegal by Federal law, the States are relying on the Cole Memorandum (2013) which states that the Federal government would not pursue such offenses should a State be found to be regulating the use of recreational cannabis safely and responsibly. The memorandum was later rescinded (2018), then reinstated (2021). Towns with such businesses also receive a tax benefit of 3% of the gross sales receipt (an estimated annual average of \$150,000.00).

The potential regulations include the addition of relevant definitions and the placement of the regulations within the town's existing zones. It does not include separation distances, with the exception regarding signage, as required by the State. It was noted that a business may either grow (indoors only) or sell cannabis, but cannot do both. The referendum would affect only the retail sale of cannabis. Appeals and revisions to the legislation are expected. Towns throughout the State have proceeded to prohibit the sale

of recreational cannabis and petitions for a referendum have begun circulating in other towns.

Town Planner LaFountain recommended the Commissioners review the document for further discussion.

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

The Commissioners reviewed and discussed the ZWEO Officer's report, which includes the confiscation of signs located in the public right-of-way, issuance of a Notice of Violation and Cease and Desist Order for the placement of numerous freestanding signs, and a Notice of Violation for a camping vehicle encroaching the front yard setback. Discussion ensued regarding the legality of the town's ability to confiscate signage located on the public right-of-way and the possibility of including the item in their regulations. Commissioner Fontneau voiced his interest in those issues involving legal matters and corrective measures, e.g., Eightmile River violations.

9. TOWN PLANNER REPORT

Town Planner LaFountain presented the 2020 Census results that were recently released and may be included in the town's POCD:

1% increase in population

8% increase in the adult population

17% decrease in the population of children (under 18)

Additional information is forthcoming.

The Salem Land Trust will be attending their next meeting to request a Letter of Approval from the Commission for the purchase of a property.

10. CORRESPONDENCE: *none*

11. PUBLIC COMMENT: *none*

12. PLUS DELTAS:

Commissioner Fontneau commented on the progress they are making on the POCD. He also requested additional information regarding permanent conservation easements to determine the amount of open space that is protected from any potential development.

13. ADJOURNMENT

**M/S/C: Lindo/Khan-Bureau, to adjourn the meeting at 9:05 p.m. Discussion: None.
Voice vote, 6-0, all in favor. Meeting adjourned.**

Respectfully Submitted by: Agnes T. Miyuki, Recording Secretary for the Town of Salem