

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 28, 2021 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

PRESENT

Vernon Smith, Chair
John Gadbois, Vice Chairman
Diba Khan-Bureau
Carl S. Fontneau
Walter Volberg
Jennifer Lindo, Alternate (*seated*)

ABSENT

Margaret Caron, Secretary
Thomas Reith
Michael Flugrad, 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

Alternate Commissioner Lindo was seated for Commissioner Reith.

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING:

a. Affordable Housing Plan – Salem Planning and Zoning Commission

Commissioner Lindo recited the Legal Notice for the Public Hearing into the record.

M/S/C: Khan-Bureau/Volberg, to open the Public Hearing for the Salem Planning & Zoning Commission’s Affordable Housing Plan. Discussion: None. Voice vote, 6-0, all in favor.

Town Planner LaFountain stated that each municipality is required to adopt an Affordable Housing Plan by June 2022. The Commission has agreed to adopt the Plan ahead of its due date so that it may be included and referenced in their Plan of Conservation and Development as an appendix item. The Plan includes summaries of the town, its current situation, the State Statutes, and outlines ways it intends to increase the number of affordable housing developments. The document was developed and has been in discussion for approximately one year.

Linda Schroeder, East Haddam Road, thanked the Town Planner for drafting the document, which she found very informative. She expressed her wish to see the children who grow up in the town be able to afford to continue residing in the town and for those

who have lived in the town all of their lives be able to afford to continue to spend their senior years in Salem. She posed two questions: (1) Who enforces the deed restrictions that are placed on a property requiring them to remain affordable to very low to moderate-income buyers and (2) how many Affordable Housing Equivalent Points the town would be receiving for the new Age-Restricted Development that is under construction.

In response to Ms. Schroeder's questions, Commissioner Fontneau stated that, to the best of his knowledge, no aspect of the town enforces deed restrictions, which is a legal procedure. There are no affordable housing units included in the new Age-Restricted Development that is being constructed. In addition, the town's affordable rental rate is not clearly defined such that, though a rental unit might be considered affordable based on its rate, it is not considered affordable by the State's definition. Town Planner LaFountain added that most deed restrictions are placed on single residential units, rather than developments, and would be a private covenant. Should a residential development be presented to the Commission, a condition can be placed requiring that a percentage of the units be dedicated to affordable housing. In such case, the Zoning Enforcement Officer would play a role in enforcing the deed restrictions.

David Bingham, 50 White Birch Road, stated that affordable housing has been an issue in the town since the 1970s when he served on the Commission. He expressed his concerns regarding the gentrification of the town, resulting in a town that is unaffordable for future generations. He spoke at length regarding the issues surrounding affordable housing, including deed restrictions, the lack of a clearly defined rental rate, and the need to create a culturally diverse town. He continued to discuss the proposed actions included in the document and proposed that the Commission create a subcommittee tasked to work with the Southeastern Connecticut Community Land Trust, which seeks out appropriate properties that can be deemed as an affordable housing unit.

Hugh McKenney, 33 Woodland Drive, spoke in support of the various action plan options presented in the document and proposed the following recommendations:

- add a municipal tax relief program for the elderly, low income, and first-time buyers to help with affordable housing and keep our seniors in town in the POCD
- consider modifying the town's single-family zoning regulations to allow low-density housing as a way to increase the town's affordable housing units
- create an Affordable Housing Standing Subcommittee that would report back to the Commission with recommendations

Chairman Smith spoke in support of the establishment of a municipal tax relief program. Commissioner Fontneau added that they should also encourage the Board of Selectmen to urge their legislators to provide a clear, workable definition of affordable housing, especially for rural towns with no water or sewer, to help them meet their goals. He stated

that one of his main goals for the POCD is to include fewer, more achievable goals, in contrast with the 2012 POCD.

Sue Sullivan, 553 Hartford Road, reminded them that a letter was drafted and sent to the legislators regarding the need to redefine affordable housing, stating that its current definition does not coincide with the region's rural towns.

Hugh McKenney, 33 Woodlawn Drive, requested that the Commission reconsider Commissioner Fontneau's goal to include fewer, more achievable goals in the POCD. He felt that it is still possible to complete those goals outlined in the 2012 POCD. He urged them to review a spreadsheet of the status of the recommendations and the reasons behind why some of the goals have not been completed. The spreadsheet is available at the First Selectman's office.

A brief discussion ensued between Selectman McKenney and Commissioner Fontneau regarding the POCD and its goals.

Town Planner LaFountain will forward the spreadsheet of the 2012 POCD recommendations and their status to the Commission.

David Bingham, 50 White Birch Road, suggested increasing the town's affordable housing goals incrementally to allow their numbers to build over time.

M/S/C: Khan-Bureau/Volberg, to close the Public Hearing for the Salem Planning & Zoning Commission Affordable Housing Plan. Discussion: None. Voice vote, 6-0, all in favor.

M/S/C: Fontneau/Khan-Bureau, to add the following item to the agenda:

7(a) Approval of the Affordable Housing Plan

and to move the item to precede Item 5, Approval of Minutes. Discussion: The following numbers will be amended accordingly. Voice vote, 6-0, all in favor.

5. NEW BUSINESS

a. Approval of Affordable Housing Plan

M/S/C: Fontneau/Khan-Bureau, to approve the Affordable Housing Plan, as amended, and include the document as an appendix item to the Planning & Zoning Commission's 2022 Plan of Conservation and Development (POCD). Discussion: The amended items include minor typographical errors and the following:

Page 10, Action Plan Options, first strategy, second bullet point:

Consider working with the Southeastern CT *Community* Land Trust...

Voice vote, 6-0, all in favor.

Chairman Smith expressed his appreciation to the public for their input.

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

a. Meeting Minutes: September 21, 2021

M/S/C: Fontneau/Khan-Bureau, to approve the September 21, 2021 Planning & Zoning Commission Regular Meeting Minutes, with the following amendments:

Page 1, top:

TUESDAY, ~~AUGUST 24~~ SEPTEMBER 28, 2021 – 7:00 P.M.

PRESENT: *Selectwoman Liaison Susan Sullivan*

Page 2, bottom:

Commissioner Fontneau stated the possibility of establishing a Planning Enforcement Officer, *except there is no provision for such enforcement in State-enabling Statutes*, and ...

Discussion: None. Voice vote, 4-0-2. Voting in Favor: Commissioners Fontneau, Khan-Bureau, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioners Gadbois and Lindo.

6. OLD BUSINESS:

a. Plan of Conservation and Development (POCD)

Chapter 2 – Vision Statement/Goals & Objectives (Commissioners Caron & Fontneau)
Commissioners Fontneau and Caron have met to begin drafting the chapter. The format for the presentation of the goals will need to be determined. The 2020 Census Data will be included in the chapter.

Chapter 3 – Natural Resources (Commissioner Khan-Bureau)

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

Commissioner Khan-Bureau reported that the Inland Wetlands & Conservation Commission (IWCC) is in the process of reviewing and editing the chapters via Google Docs. Per Commissioner Fontneau's suggestion, she has contacted Salem Land Trust President Schroeder regarding the possibility of placing their conservation easements into *permanent* protection. The chapter might also include the contributions the Eightmile River Wild & Scenic Watershed Committee has made to the community.

Chapter 6 – Economic Development (Commissioner Fontneau)

Chapter 8 – Housing (Commissioner Fontneau)

Commissioner Fontneau reported that he plans to have the chapters ready for review before their next regular meeting. Chapter 8 will include the recently passed legislation, which will require the Commission to amend its zoning regulations.

Chapter 7 – Municipal Facilities/Land/Services (Commissioner Flugrad)

Selectwoman Liaison Sullivan provided a summary of the chapter, which includes a plan for growth, the needs of the town and its residents, references to the Census data's

financial picture, and the enrichment of the town's services and quality of life. She plans to meet with the First Selectman to discuss some of the goals and any additional goals he might recommend. She reviewed her proposed updates to the goals and proposed adding a recommendation to review and revise the town's 2010 Municipal Land Use Plan.

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

Town Planner LaFountain reported that SCCOG's (Southeastern Connecticut Council of Governments) Transportation Planner has provided him with some suggestions to help remedy the traffic at Gardner Lake State Park. He also reported that the area south of the round-a-bout on Route 85 continues to be included in the Metropolitan Transportation Plan. Commissioner Fontneau suggested including any problem intersections, based on accident data, and a chart of the traffic counts at select intersections.

Chapter 10 – Recreation, Trails (Commissioner Gadbois)

Commissioner Gadbois reported that he has received correspondence from the Recreation Commission; the information will be incorporated into the chapter.

Commissioner Fontneau suggested checking whether the trail plan included in the 2007 Open Space Plan coincides with the Recreation Commission's plans.

The Commissioners discussed sharing the document on Google Docs, allowing them to make their edits directly on the document and gauge their progress.

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

Commissioner Fontneau reported that he spoke with Eightmile River Wild & Scenic Watershed Committee Program Director Patricia Young who informed him that the Army Corps of Engineers, which supersedes the local authorities, continues to be involved with the Shingle Mill Road violation and no updates have been provided.

9. TOWN PLANNER REPORT

Town Planner LaFountain reported that the 2020 Census Data is expected to be released this Thursday, September 30.

10. CORRESPONDENCE: *none*

11. PUBLIC COMMENT: *none*

12. PLUS DELTAS:

Commissioner Khan-Bureau invited the Commissioners to IWCC's wetlands training session with Darcy Winther, Connecticut Department of Energy and Environmental Protection (CT DEEP), Inland Water Resources Division, Bureau of Water Protection and Land Reuse, and Land Use Attorney Michael Zizka. The date of the session is to be determined.

Chairman Smith expressed his appreciation to Commissioner Fontneau for his input, suggestions, and willingness to work with the members of the Commission. Commissioner Fontneau encouraged the Commission to exchange ideas to accelerate their progress.

Town Planner LaFountain commended the Commissioners for being one of the first towns in the region to adopt the Affordable Housing Plan.

13. ADJOURNMENT

**M/S/C: Lindo/Khan-Bureau, to adjourn the meeting at 8:00 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