

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 23, 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
Walter Volberg
Dave Knopf, Alternate

ABSENT

Thomas Reith
Steven Shelley, Alternate

ALSO PRESENT

Town Planner Justin LaFountain
First Selectman Ed Chmielewski

1. CALL TO ORDER

Chairman Smith called the meeting to order at 7:05 p.m.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT:

First Selectman Chmielewski thanked the Commissioners for donning their masks this evening, stating the importance of protecting everyone as the cold and flu season has come upon us and the number of COVID-19 cases increase. He congratulated the newly-elected commissioners and looks forward to working with and supporting the Commissioners.

Linda Schroeder, 470 East Haddam Road, spoke in support of the appointments of Jennifer Lindo and Sue Spang to fill the alternate and full Commissioner positions. Both individuals have very impressive qualifications.

Marshall Collins, 46 Round Hill Road, Board of Finance Vice-Chairman/Clerk, spoke concerning the Commission's responsibility to fill the vacancies, adding that the Board of Finance experienced a similar issue. To determine the correct procedure, he has engaged in conversations with Salem Democratic Town Committee Chairman TJ Butcher and received guidance from the Secretary of State and the Office of Legislative Research regarding the law and the Town Charter. He confirmed that, due to the minority representation rules, the Commission is required to fill the vacancies with any non-Republican member of the community. He expressed his availability for any questions they might have and his confidence in the Commission to appoint the best candidates for the positions.

In response to Mr. Collins, Commissioner Khan-Bureau expressed her appreciation to Board of Finance Vice-Chairman/Clerk Collins for attending their meeting and offering his

aid. She stated that Chairman Smith is very capable of understanding the requirements entailed with the appointments. Chairman Smith reacted to her comment, for which he followed with an apology for his misunderstanding.

John Houchin, 103 Rattlesnake Ledge Road, recited Connecticut State General Statutes §9-167a(d), which states that:

If an unexpired portion of a term is to be filled at the same time as a full term, the unexpired term shall be deemed to be filled before the full term for purposes of applying this section. At such time as the minority representation provisions of this section become applicable to any board, commission, committee or body, any vacancy thereafter occurring which is to be filled by appointment shall be filled by the appointment of a member of the same political party as that of the vacating member.

Chairman Smith stated that it is his understanding that the Town Charter overrides the State Statutes, deeming the citing inapplicable.

Salem Democratic Town Committee Member Leslie Hotary, 79 Harris Road Ext., spoke in support of the two candidates recommended by the Democratic Town Committee, Jennifer Lindo and Sue Spang.

4. PUBLIC HEARING: *none*

ADJUSTMENTS TO THE AGENDA:

M/S/C: Fontneau/Khan-Bureau, to move Items 7(a), New Business, Full Commissioner Vacancy to be Filled, and (b) Alternate Commissioner Vacancy to be Filled, to precede Item 6, Old Business. Discussion: None. Voice vote, 5-0, all in favor.

Alternate Commissioner Knopf was seated for Full Commissioner Reith.

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

a. Meeting Minutes: October 19, 2021

M/S/C: Smith/Fontneau, to approve the Planning & Zoning Commission Regular Meeting Minutes of October 19, 2021. Discussion: None. Voice vote, 6-0, all in favor.

b. Informational Meeting Minutes: October 26, 2021

M/S/C: Smith/Volberg, to approve the Planning & Zoning Commission Informational Meeting Minutes of October 26, 2021. Discussion: It was acknowledged that the minutes are informational as there was no quorum for the meeting. Voice vote, 4-0-2. Voting in Favor: Commissioners Fontneau, Gadbois, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioners Khan-Bureau and Knopf.

7. NEW BUSINESS:

a. Full Commissioner Vacancy to be Filled

Chairman Smith stated that there are two principles to be recognized regarding this evening's appointment of a Full Commissioner: (1) Minority Representation and (2) the Gentleman's Agreement. Salem Democratic Town Committee Chairman Butcher has recommended the appointment of Jennifer Lindo and letters were received in support of Ms. Lindo's appointment.

M/S/C: Khan-Bureau/Volberg, to appoint Jennifer Lindo as a Full Member of the Planning & Zoning Commission. Discussion: None. Voice vote, 6-0, all in favor.

b. Alternate Commissioner Vacancy to be filled

Chairman Smith stated that, based on the principle of Minority Representation, the Alternate Commissioner vacancy must be filled by a non-Republican member of the community. In response to Mr. Houchin who enquired about the vacancy, Chairman Smith stated that the vacancy did not result from the appointment of Ms. Lindo as a Full Member. Rather, the position was on the recent ballot and neither party had endorsed a candidate; the vacancy did not occur due to a resignation. As such, the Gentleman's Agreement is not applicable in this case.

M/S: Khan-Bureau/Fontneau, to nominate Sue Spang as an Alternate Member of the Planning & Zoning Commission.

M/S: Fontneau/Smith, to nominate Gary Closius as an Alternate Member of the Planning & Zoning Commission.

There being no additional nominations, Chairman Smith closed the nominations. Discussion: Commissioner Khan-Bureau stated that Ms. Spang is a very well-educated individual whose background as the Recording Secretary for numerous commissions for East Lyme, Montville, and Salem and a certified Wetlands Agent, would make her a positive addition to the Commission. Commissioner Fontneau concurred. In the spirit of inclusion and to provide him with the opportunity to serve on the Commission, he nominated Mr. Closius, who ran against him during the recent election. Chairman Smith felt that Mr. Closius is a well-respected member of the community and well-versed with the Plan of Conservation and Development (POCD) and Zoning Regulations. He also voiced his support for an individual who has not yet had the opportunity to serve their community. Roll Call vote, 4-2, in favor of Gary Closius. Voting in Favor of Sue Spang: Commissioners Fontneau and Khan-Bureau. Voting in Favor of Gary Closius: Commissioners Gadbois, Knopf, Volberg, and Smith.

6. OLD BUSINESS:

a. Plan of Conservation and Development (POCD)

Commissioner Fontneau stated that the intent of delivering the hard copy packets of the POCD was to allow the Commissioners to make their edits directly on the document for the respective authors of the individual chapters for the final edits.

Chapter 3 – Natural Resources (Commissioner Khan-Bureau)

Chapter 4 – Agriculture/Forestry/Open Space (Commissioner Khan-Bureau)

Commissioner Khan-Bureau reported that Inland Wetlands & Conservation Commission Chairperson Kim Bradley and herself continue to work on the chapters. Once completed, they plan to send the draft to the Town Planner for review. Additions to the chapters include providing Salem farmers with priority status to lease town land for farming, climate change, creating no- to low-mow zones, establishing stormwater controls and infiltration procedures, and promoting low-impact developments.

Commissioner Fontneau suggested adding the following goals/implementation/action steps to Chapter 3:

- strengthen the commitment to the protections of Eightmile River Watershed Zone and buffer
- recommend that the Inland Wetlands Commission extend their jurisdiction from 75 to 100 feet
- recommend that the Inland Wetlands and Planning & Zoning Commissions request priority for Eightmile River Wild & Scenic Coordinating Committee funding to be applied to update literature sources for stream buffer width minimums for agricultural extension and temperature of the tree canopy that are specific to the need for Zoning Regulations
- investigate means for the periodic monitoring of the tree canopy and corridor

And the following steps to Chapter 4:

- request the Open Space Committee evaluate and update the 2007 Open Space Plan
- acknowledge that the town has increased their Open Space by 10% over the last ten years (from 21% to 31%)
- work with the Gardner Lake Authority to investigate the need to implement special zoning promoting infiltration for phosphorus removal

Chapter 2 – Vision Statement (Commissioner Fontneau and former Commissioner Margaret Caron)

Commissioner Fontneau stated that the chapter included in their hard copy packets was drafted by former Commissioner Caron. The document included in this evening's packet includes his additions, including trends important to land use issues and other sources of data.

Chairman Smith suggested the following edits:

Forward, Introduction to Salem

Indicate both the percentage growth and actual numbers, e.g., “Between 2010 and 2020 the adult population of Salem grew by 8% (*insert actual number*),...” to further clarify the amount.

Chapter 6 – Economic Development (Commissioner Fontneau)

Brief discussion ensued regarding whether there would be an opportunity for the town to take control of Gardner Lake. The item may be included as a possible action item under Chapter 7 – Municipal Facilities, Land and Services.

Chapter 10 – Recreation and Trails Network (Commissioner Gadbois)

Commissioner Gadbois reported that he has received and forwarded the mapping data to the Southeastern Connecticut Council of Governments who is updating the information. A table including the links to the websites of the trails will be added to the chapter. The following goal was suggested for addition to the chapter:

- improve trail heads to attract attention to the public walkways and trails

Maps (Appendix)

The maps will be numbered and a list of the maps will be created.

Commissioner Fontneau suggested including aerial photographs of the historic district and other town-owned properties throughout the document.

The Commissioners agreed to hold a Special Meeting on Tuesday, December 14, 2022, at 7:00 p.m. Town Planner LaFountain informed the Commission that he will be out of town and will not be available to attend the Special Meeting.

7. NEW BUSINESS:

c. Section 8-24 Review Update

Commissioner Fontneau explained that many towns, including Salem, have neglected to request a Section 8-24 Review, which is a requirement of the CT State Statute for municipalities when a town-owned property is being located, abandoned, altered, added to, rented, or the like. Such reviews could result in the improvement of their site plans and be beneficial in their efforts to receive grants. Town Planner LaFountain and Commissioner Lindo concurred.

d. Discussion of possible amendment to PZC Bylaws regarding meeting dates

Town Planner LaFountain stated that, per their previous discussions, the changing of the meeting dates from the third and fourth Tuesday of the month to the second and fourth Tuesday of the month would require an update in their current By-Laws. Also per the By-Laws, the item must appear on the Commission’s agenda at least once prior to the final vote. The change would allow more time for the Commissioners to review

documents and for the applicants to revise their proposed plans, at the request of the Commission. Commissioner Lindo agreed. The Commissioners agreed to include the item on their next Regular Meeting agenda for a vote.

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

Commissioner Fontneau reported that the Army Corps of Engineers' lack of response regarding Shingle Mill violation was discussed at the recent Eightmile River Watershed Coordinating Committee meeting. The Committee suggested the Inland Wetlands Commission actively move forward with their remediation recommendations.

9. TOWN PLANNER REPORT

Town Planner LaFountain welcomed and introduced himself to newly-elected Commissioner Knopf.

A copy of the draft of the Eightmile River Watershed Overlay District brochure was distributed to the members for review.

10. CORRESPONDENCE:

1. A copy of a letter from Salem Democratic Town Committee Chairman Butcher recommending Ms. Lindo and Ms. Spang for the Full and Alternate Commission positions
2. A copy of a letter from Jennifer Lindo regarding her interest in serving as a Full Member of the Commission
3. A copy of a letter from the Connecticut Department of Energy & Environmental Protection State NFIP Coordinator, Land & Water Resources Division Diane S. Ifkovic recommending Ms. Lindo to serve on the Commission as a Full Member
4. A copy of a letter from East Lyme Planning Commission Vice-Chairperson Michelle Royce Williams supporting Ms. Lindo to serve on the Commission as a Full Member
5. A copy of a letter from Denise W. Markovitz recommending the appointment of Ms. Lindo as a member of the Commission
6. A copy of a letter from Sue Spang regarding her interest in serving as an Alternate Member of the Commission
7. A copy of a letter from Board of Finance Clerk Collins, addressed to and in response to a letter received by Salem Democratic Town Committee Chairman Butcher, regarding the process of appointing a member(s) to a Board/Commission
8. A copy of a letter from Salem Democratic Town Committee Chairman Butcher in response to Board of Finance Clerk Collins' letter

11. PUBLIC COMMENT: *none*

12. PLUS DELTAS:

Commissioner Fontneau felt that the appointments of the members to the Commission went as well as could be expected.

Commissioner Khan-Bureau expressed her lack of appreciation with Chairman Smith's reaction to her response to Board of Finance Vice-Chairman/Clerk Collins' comment.

13. ADJOURNMENT

**M/S/C: Khan-Bureau/Volberg, to adjourn the meeting at 8:39 p.m. Discussion: None.
Voice vote, 6-0, all in favor.**

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