

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, DECEMBER 21, 2021 – 7:00 P.M.  
SALEM TOWN HALL – CONFERENCE ROOM 1**

**PRESENT**

Vernon Smith, Chair  
Carl S. Fontneau  
Diba Khan-Bureau  
Jennifer Lindo  
Walter Volberg  
Gary Closius, Alternate  
Dave Knopf, Alternate  
Steven Shelley, Alternate

**ABSENT**

John Gadbois, Vice Chairman  
Thomas Reith

**ALSO PRESENT**

Town Planner Justin LaFountain  
First Selectman Ed Chmielewski

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

*Chairman Smith welcomed newly appointed Alternate Commissioner Steven Shelley to the Commission and introduced the Commissioners.*

**3. PUBLIC COMMENT:**

First Selectman Chmielewski thanked the Commissioners for their service and commended them on their hard work and efforts on the town's Plan of Conservation and Development (POCD). He expressed his support to the Commission and the town. He reported that, on December 16, he was notified by Zoning/Wetlands Enforcement Official (ZWEO) Matt Allen regarding the placement of gravel at the Dolbeare Dam located behind the Salem Community Park Pavilion. After some investigation, it was discovered that the gravel was placed by town employees in the interest of safety. The individual(s) have been informed regarding the rules and regulations for any activity taking place within the wetlands. He noted that, during this period, the town's Public Works Director has been off due to the loss of his wife and the Foreman was on extended medical leave.

Chairman Smith, who resides near the property, agreed that the crossing is (was) precarious and understood the placement of the stone. In response to Commissioner Khan-Bureau, First Selectman Chmielewski stated that actions are being taken to determine the proper protocol and remediation that will be necessary to correct any damage that has occurred. In

addition, the individual(s) involved has been informed that any proposed action in the wetlands must be brought to the First Selectman. Chairman Smith expressed his hope that all of the relevant parties will be able to work together to resolve the safety issues and continue to witness the success of the Disc Golf Course.

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

**ADJUSTMENT(S) TO THE AGENDA:**

**M/S/C: Smith/Khan-Bureau, to amend the following item:**

**5(a) ~~Special Regular~~ Meeting Minutes: ~~December 14~~ November 23, 2021**

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

*Alternate Commissioners Knopf and Shelley were seated for Full Commissioners Gadbois and Reith, respectively.*

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

**a. Regular Meeting Minutes: November 23, 2021**

**M/S/C: Fontneau/Khan-Bureau, to approve the Planning & Zoning Commission Regular Meeting Minutes of November 23, 2021, with the following amendments:**

**Page 2, top, last sentence:**

*Chairman Smith reacted to her comment, for which he ~~followed with an apology for his misunderstanding~~ apologized should he have misunderstood.*

**Page 3, item 7(b), add to end of paragraph:**

*It is equally abusive of the gentleman's agreement to insist that it applies when doesn't as it is to refuse to recognize it when it does.*

**Discussion: None. Voice vote, 5-0-2. Voting in Favor: Commissioners Fontneau, Khan-Bureau, Knopf, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioners Lindo and Shelley.**

**6. OLD BUSINESS:**

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

General Comments

Commissioner Closius proposed that the acronyms throughout the document be either eliminated or clearly defined. He also noted that, in many cases, the terminology used in the goals section is not the same as used in the body of the text and recommended that, for consistency and clarity, the terms be consistent. Commissioner Shelley also

pointed out that various references should also be standardized and consistent, e.g., Route 82 vs. route 82. Chairman Smith agreed, adding that such details will be revised in the final draft of the document.

### Goals

Commissioner Fontneau stated that the goals will be placed in Chapter Two of the document. The importance of ensuring that all of the goals are not given the same priority level and are realistic to complete within the given timeframe was expressed. The various boards and commissions may be requested to provide a regular update regarding the progress of their goals. A note defining the timeframe within which the goals should be completed will be stated at the top of the Goals chart.

### Chapter 3 – Natural Resources (Commissioner Khan-Bureau)

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

Commissioner Khan-Bureau reported that she has received approximately ten pages of suggestions from Commissioner Fontneau, which she is in the process of reviewing and some of which are already in progress.

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

The revised chapter was distributed to the Commissioners for review.

### Chapter 6 – Economic Development (Commissioners Fontneau)

The necessary inclusion of the following sentence (third paragraph) and its relevance to the chapter was questioned:

Presently, PZC is considering a zoning response to new cannabis state laws which could be a tax-sharing and agricultural development especially in the area of production.

Town Planner clarified that cannabis does not fall under agriculture, but may be allowed in agricultural zones. In addition, unless the town creates a regulation that either prohibits or restricts cannabis, it will be allowed. He noted that, should cannabis be allowed, an additional 3% tax benefit to the town would be realized.

The possibility of changing the term “affordable” in the last paragraph, first sentence, was discussed, given the State’s clear definition of the term. Possible suggestions included:

...PZC could encourage growth by promoting more housing ~~of a smaller and more affordable type~~.

...PZC could encourage growth by promoting more housing ~~of a smaller and more affordable type~~ that is economical.

...PZC could encourage growth by promoting more housing ~~of a smaller and more affordable type~~ that is attractive to first-time homebuyers.

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

Commissioner Fontneau reported that he has handed his comments to Town Planner LaFountain, including the addition of the round-a-bout and a list of the town roads with safety issues. Discussion ensued regarding the issue of sidewalks (also in chapter 7), its maintenance, liability, and possibility of requiring sidewalks for large subdivisions.

Maps (Town Planner LaFountain)

The requested updates to the maps are in progress.

**6. NEW BUSINESS:**

**a. Commission Bylaw Amendment re: meeting dates**

Town Planner LaFountain provided a brief review of their previous discussions regarding changing their meeting dates from the third and fourth Tuesdays of the month to the second and fourth Tuesdays. To do so, the Commission must amend their Bylaws.

**M/S/C: Lindo/Volberg, to amend the Bylaws of the Salem Planning and Zoning Commission as follows:**

**Article IV Meetings**

**Section II – Regular Meetings. Regular Meetings shall be held by the Commission on the ~~third~~ *second* and fourth Tuesdays of each month, except for the month of December...**

**Discussion: The reasons for changing the meeting dates include providing the Commissioners with the opportunity to have more time to review documents and providing developers with more time to revise their plans. Most Commissions also hold their meetings every two weeks. The item was placed on the Commission's previous meeting agenda, per the Bylaws. Voice vote, 7-0, all in favor.**

**b. 2022 Meeting Dates**

**M/S/C: Khan-Bureau/Shelley, to accept the 2022 Planning & Zoning Commission Meeting Dates. Discussion: The meetings will be held on the second and fourth Tuesday of the month at 7:00 p.m. at Salem Town Hall, Conference Room 1. Voice vote, 7-0, all in favor.**

**c. 2022 Officer Elections**

Commissioner Khan-Bureau questioned whether Commissioner Fontneau might be interested in serving as the Chairman. Commissioner Fontneau stated that he is not interested in serving as the Chairman at this time.

**M/S/C: Fontneau, to nominate and re-appoint Chairman Vernon Smith as the Chairman for the Planning & Zoning Commission. Discussion: None. Voice vote, 7-0, all in favor.**

**M/S/C: Smith, to nominate and re-appoint Commissioner John Gadbois as Vice-Chairman of the Planning & Zoning Commission. Discussion: Chairman Smith stated that he has spoken with Vice-Chairman Gadbois, who has agreed to continue serving as the Vice Chairman. Voice vote, 7-0, all in favor.**

**M/S/C: Smith, to nominate and appoint Commissioner Walter Volberg as Secretary of the Planning & Zoning Commission. Discussion: None. Voice vote, 7-0, all in favor.**

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

Town Planner LaFountain reported that the ongoing litigation for 45 Forest Drive, which has been repeatedly postponed due to COVID-19 and court issues, is scheduled for January 5, 2022.

In response to Chairman Smith regarding the Disc Golf Course, Town Planner LaFountain stated that, based on his knowledge, the activity that has taken place on the property may need to undergo possible remediation and the safety concerns will need to be addressed. Commissioner Fontneau stated that the Commission conducted a §8-24 review for the use and, in retrospect, should have required the applicant to return to the Commission with a more detailed plan, which appears to have been significantly revised following its review by the Inland Wetlands & Conservation Commission (IWCC). Commissioner Khan-Bureau reported that she attended the recent Recreation Commission meeting during which a list of the safety concerns was requested. She added that the individuals who designed the Course followed the bridge construction as discussed with and approved by the IWCC. Discussion ensued regarding the issues which revolves around the mitigation of any potential liabilities.

The Commission discussed the importance of receiving, at least, a monthly report from the ZWEO. Town Planner LaFountain proposed the possibility of inviting the ZWEO to their next regular meeting.

Commissioner Fontneau provided a brief overview of the key aspects he gained from the December IWCC Regular Meeting during which Darcy Winther, Connecticut Department of Energy and Environmental Protection (CT DEEP), Land & Water Resources Division, Bureau of Water Protection and Land Reuse, and Land Use Attorney Michael Zizka provided a training session.

**9. TOWN PLANNER REPORT**

Town Planner LaFountain stated that one of his roles with the Southeastern Connecticut Council of Governments (SCCOG) with whom he is employed includes staffing the Regional Planning Commission. The Commission is comprised of a Commissioner Member

from each of the towns it represents. The Commission holds quarterly meetings, either in person in Norwich or virtually on the fourth Monday of the month. In Salem, the appointed Commissioner was former Commissioner Caron. The meetings include informative presentations and reports by each of the members regarding the happenings in their respective towns. Both a full and alternate Commissioner may be appointed. Commissioner Fontneau expressed his willingness to serve as either a full or alternate member of the Commission.

**10. CORRESPONDENCE – *none***

**11. PUBLIC COMMENT – *none***

**12. PLUS DELTAS**

Commissioner Lindo wished everyone a Merry Christmas.

Chairman Smith commented on a good meeting with good discussions. He thanked everyone for their participation.

**13. ADJOURNMENT**

**M/S/C: Lindo/Khan-Bureau, to adjourn the meeting at 8:41 p.m. Discussion: None.  
Voice vote, 7-0, all in favor.**

Respectfully Submitted by:

Agnes T. Miyuki, Recording Secretary for the Town of Salem