

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, JANUARY 25, 2022 – 7:00 P.M.  
SALEM TOWN HALL – CONFERENCE ROOM 1**

**PRESENT**

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

**ABSENT**

Thomas Reith  
Dave Knopf, Alternate

**ALSO PRESENT**

Town Planner Justin LaFountain

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

*Alternate Commissioner Shelley was seated for Commissioner Reith.*

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

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

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

**a. Regular Meeting Minutes: January 11, 2022**

**M/S/C: Shelley/Khan-Bureau, to approve the Planning & Zoning Commission  
Regular Meeting Minutes of January 11, 2022. Discussion: None. Voice  
vote, 7-0, all in favor.**

**ALTERATION TO THE AGENDA:**

**M/S/C: Fontneau/Gadbois, to add the following item to the Agenda:**

**7(a) FY2022/23 Proposed Budget**

**Discussion: None. Voice vote, 7-0, all in favor.**

**6. OLD BUSINESS:**

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

General Comments

Commissioner Closius reviewed the document and made editorial comments, noting any inconsistencies and possible irrelevant information. He recommended that the

Commission review and discuss one to two chapters each meeting rather than the document in its entirety as a more efficient way to complete their task.

In response to Commissioner Khan-Bureau who questioned whether the document can be amended before the ten-year time period, Town Planner LaFountain stated that the POCD can be amended at any time, thereby extending the ten-year deadline. In such cases, the Commission should keep the necessary time frames, i.e., the required notification period and public hearings, in mind. He recommended the possibility of reviewing and amending the document every three years based on the timeframes of the priorities. Commissioner Khan-Bureau also suggested the possibility of forming a Subcommittee to review and draft the document. Commissioner Lindo agreed that forming a Subcommittee with members from the town's various boards, commissions, and departments is beneficial as each of the members would be equipped to contribute to the document. The Commissioners can, then, review and expand upon the document. She added that the Town of East Lyme has formed an Implementation Subcommittee, which includes members of the original Subcommittee, tasked with gauging the progress of the goals and reviewing the document accordingly.

Commissioner Closius reported that a letter, along with the list of 2012 POCD Goals/Objectives, was sent to the Chairpersons of the relevant boards and commissions with a request to respond with an updated report by February 7.

Chapter 3 – Natural Resources (Commissioner Khan-Bureau)

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

Commissioner Khan-Bureau stated that she will work with Commissioner Closius to incorporate his and Commissioner Fontneau's comments. She has not received any additional feedback from the Inland Wetlands & Conservation Commission. Commissioner Fontneau provided a brief overview of his comments, including the need to be more selective as to which properties become open space in the future and utilizing the land to promote ecotourism and/or economic development.

Chapter 6 – Economic Development (Commissioner Fontneau)

Commissioner Shelley, who also serves as the Chairman of the Economic Development Commission, reported that he has reviewed and discussed the chapter with Commissioner Fontneau. He will continue to review and revise the chapter, per Commissioner Closius' comments, including the final sentences of the first paragraph which Commissioner Fontneau clarified, stating that, by increasing commercial and industrial land uses, the town would be able to yield a higher tax base which would, in turn, support town services and fulfill the needs of its residents.

Commissioner Closius also proposed the possibility of adding the following:

- the possibility of exploring the receipt of federal funding to help defray the costs of

constructing onsite well and septic systems for larger industrial/business projects as an incentive for potential developers.

*Commissioner Fontneau noted that his suggestion is included in Chapter 8, Housing Stock and Population Change.*

- describe measures to attract the types of businesses the residents would like to see in town, per the results of the town-wide survey.

*Commissioner Fontneau stated that, in order to attract businesses to the town, additional housing would be required to increase the demand for such businesses.*

*Commissioner Shelley added that the town's lack of land use designated for commercial/industrial entities precludes them from attracting additional businesses.*

*Commissioner Closius cited the large number of vacant storefronts in the town and the need to explore ways in which the town might be able to attract such businesses.*

- the Commission's goal to work with the Economic Development Commission to review the POCDs of other rural towns for innovative ideas that could be implemented in Salem.

Commissioner Fontneau encouraged the Commissioners to provide new ideas and information for the chapter which, he felt, may be incomplete, as presented.

#### Chapter 7 – Municipal Facilities/Land/Services (Commissioner Fontneau)

Commissioner Lindo reported that she has received a response from the First Selectman regarding her inquiries and is expecting to receive additional information.

Commissioner Closius reviewed his comments and suggestions. He proposed eliminating the paragraph related to Trash Disposal, feeling that it might be irrelevant to the town's Zoning and/or Subdivision Regulations. He also suggested including the Board of Selectmen's biannual review of the Municipal Land Use Plan and any suggested improvements the Board might have to improve the town's Transfer Station services. Commissioner Fontneau argued that the information is included for developers who review the document for the town's assets and offerings. Commissioner Lindo agreed that the information is beneficial, but would be best presented in a more condensed fashion. She also felt that the document should avoid general terms, e.g., many respondents, and utilize actual numbers.

#### Chapter 8 – Housing Stock and Population Change (Commissioner Fontneau)

Discussion ensued regarding Commissioner Closius' recommendation to eliminate any opinions, including the section which reads, "Although multiple regulation changes can be implemented by PZC,...PZC however will never be the direct developers of Salem parcels where private decisions or financial exigencies control what products they choose to introduce to the local housing market." Commissioner Fontneau explained that, due to the State's definition of affordable housing and its lack of a rental rate, the town is precluded from reaching the State's 10% affordable housing threshold. The

State's definition does not acknowledge such rural towns as Salem that lack public water or sewer and 31% open space. Town Planner LaFountain also recommended eliminating the numbered list of disincentives in the town, which could dissuade any developers from building in the town.

Commissioner Closius suggested including the goal to "Encourage conservation design subdivision" which is included in the town's previous POCD. Commissioner Shelley recommended expanding upon Goal 1, to include his suggestion.

#### Chapter 9 – Transportation and Road Network (Town Planner LaFountain)

Commissioner Closius recommended adding the goal of "Improving the safety of Routes 82 and 85 that traverse the local neighborhoods of Salem" with the following recommendations:

- limiting heavy commercial truck traffic and vehicles carrying hazardous materials
- developing a list of roads where a left turn lane can be added, and
- applying public pressure on the town's State Representatives and CT D.O.T. (Connecticut Department of Transportation) to improve the safety of the routes.

#### Chapter 10 – Recreation and Trails Network (Commissioner Gadbois)

Commissioner Closius recommended adding that the town has exceeded the State's goal to protect 21% of the State's land as open space by 2023. Commissioner Fontneau recommended deleting the term "municipal" as the town's open space is not included in the town's current 31% of open space.

#### Appendix – Maps (Town Planner LaFountain)

Town Planner LaFountain reported that both the zoning map, with the stratified drift and aquifer protection areas, and trails map are in progress.

Per Commissioner Closius' suggestion, Town Planner LaFountain recommended, and the Commissioners agreed, reviewing and completing Chapters 5, Historic and Archaeological Resources; 8, Housing Stock and Population Change, and; 9, Transportation, during their next meeting.

## **7. NEW BUSINESS**

### **a. FY2022/23 Proposed Budget**

The Commissioners discussed and reviewed their FY2022/23 budget, agreeing to increase their line items for legal services, due to the currently pending litigation and upcoming required regulation amendments. The engineering line item will be decreased to offset part of the increase. In addition, by January 1, 2024, Commissioners will be required to undergo training; the cost for the training is unknown at this time.

Commissioner Fontneau also recommended that they purchase Atty. Michael Zizka's soon-to-be-published book, *What's Legally Required? A Guide to the Legal Rules for*

*Making Local Land Use Decisions in the State of Connecticut* for each of the Commissioners. He also recommended they clarify the fee schedule in their Zoning Regulations to ensure that the engineering costs are paid for by the applicant.

**M/S/C: Smith/Gadbois, to approve the FY2022/23 proposed budget for the Planning & Zoning Commission with an increase of \$15,000.00 in Line Item 5-630-224, Legal Services, and a decrease of \$400.00 in Line Item 5-630-924, Engineering, for a total of \$34,100.00. Discussion: None. Voice vote, 7-0, all in favor.**

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

Chairman Smith reported that he did not reach out to the ZWEO (Zoning and Wetlands Enforcement Officer) for his report. In lieu of the ZWEO, Commissioner Fontneau provided the report, based on the Inland Wetlands & Conservation Commission's last meeting minutes:

89 Norwich Road – The Board of Selectmen will be applying for a wetlands permit for the gravel that was placed on the Dolbeare Dam. After a careful review of the violation, the ZWEO determined that the action was not a zoning violation.

Harris Brook Bridge – The Recreation Commission will be applying for a wetlands permit for the bridge that was placed along Harris Brook. Commissioner Fontneau commented that the application should derive from the Board of Selectmen rather than the Recreation Commission. A §8-24 Review and Army Corps of Engineers permit might also be required, depending upon the scope of the project.

Shingle Mill Road Violation – The Army Corps of Engineers has issued a Cease and Desist Order for the violation that occurred along one of the Eightmile River tributaries. Per Atty. Zizka's statement during a recent Inland Wetlands & Conservation meeting, neither the Inland Wetlands nor Planning & Zoning Commissions are prevented from proceeding with taking any enforcement actions for the violations. He felt that, because the violation is nearly three years old, some action(s) should be taken. Commissioner Khan-Bureau, who also serves on the Inland Wetlands & Conservation Commission, stated that a Cease and Restore Order was issued and a Soil Scientist has reviewed the area and the site has been stabilized.

## **9. TOWN PLANNER REPORT**

Town Planner LaFountain reported that the CT DEEP (Connecticut Department of Energy and Environmental Protection) Inland Wetlands Training Sessions are now available on their website (<https://portal.ct.gov/DEEP>). The sessions are offered free of charge.

The Town's staff is working on creating a checklist for projects proposed on Town-owned property to, hopefully, prevent projects from being conducted without the proper approvals.

While the 45 Forest Drive, LLC, case is ongoing, the company recently submitted an application for the Special Agricultural Zone, which was rejected due to the submission of the wrong fee amount. The correct fee amount is expected to be received in the near future. Town Planner LaFountain reminded the Commissioners to refrain from speaking about the case outside of their meetings.

**10. CORRESPONDENCE – none**

**11. PUBLIC COMMENT – none**

**12. PLUS DELTAS**

Commissioner Khan-Bureau invited the Commissioners to attend a seminar featuring numerous guest speakers, including Professor James O'Donnell, CIRCA (Connecticut Institute for Resilience and Climate Adaptation), Soil Scientist Bob Russo, CLA Engineers, and Long Island Sound Outreach Coordinator Judy Preston, Connecticut Sea Grant.

**13. ADJOURNMENT**

**M/S/C: Khan-Bureau/Lindo, 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