

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, APRIL 12, 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
Gary Closius, Alternate (*seated*)

ABSENT

Thomas Reith
Walter Volberg
Dave Knopf, Alternate
Steven Shelley, Alternate

ALSO PRESENT

First Selectman Ed Chmielewski
Town Planner Justin LaFountain

1. CALL TO ORDER

Chairman Smith called the meeting to order at 7:00 p.m.

Chairman Smith expressed his gratitude to the Commissioners for their dedication, hard work, and efforts and for taking the time to serve on the Commission.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT:

First Selectman Ed Chmielewski echoed Chairman Smith's gratitude and thanked the Commissioners for their service. The Town sends its best wishes to Public Works Director/Fire Marshal and former First Selectman and Gardner Lake Volunteer Fire Company Chief Donald Bourdeau, Jr., who recently retired. He also retired from his position as the Emergency Management Director earlier this year. In addition, Library Director Vicky Coffin resigned from her position and will be temporarily replaced by part-time Library Assistant Shannon Henson, an experienced Librarian who was highly recommended by both former First Selectman Kevin Lyden and the outgoing Library Director. Library Director Coffin will be sorely missed. He encouraged everyone to attend tomorrow evening's Budget Public Hearing at 7:00 p.m. at the Salem School Multi-Purpose Room. He reported that the waiver request for the POCD has been sent to the State and commended the Commission for their hard work. He reiterated his appreciation for their service and wished them a good meeting.

4. PUBLIC HEARING: *none*

Alternate Commissioner Closius was seated for Commissioner Reith.

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

a. Regular Meeting Minutes: March 22, 2022

M/S/C: Lindo/Khan-Bureau, to approve the Planning & Zoning Commission Regular Meeting Minutes of March 22, 2022. Discussion: None . Voice vote, 6-0, all in favor.

M/S/C: Fontneau/Lindo, to move Item 7, New Business, to follow Item 5, Approval of Minutes of Previous Meeting(s), on the Agenda. Discussion: None. Voice vote, 6-0, all in favor.

7. NEW BUSINESS

a. SE 22-02 – Northwest Development, LLC, c/o Bob Kaufman: Special Exception and Site Plan application to construct a 3-unit multi-family dwelling at 116 Old Colchester Road in accordance with Section 15 of the Zoning Regulations. The property is zoned Rural A, with a portion zoned Commercial Recreation.

Receipt of application and public hearing scheduling.

Town Planner LaFountain reported that a revised application has been submitted. The revised application has converted the plans from three individual buildings with one-unit each to one building comprised of three-units. By Ordinance, the Commission may approve the funding for the town's Engineering costs with a two-thirds vote. He recommended the Commission engage the services of Nathan L. Jacobson & Associates, Inc. It is estimated that the cost will be approximately \$1,900.00. The fee includes the engineering review of the site plan, drainage report, erosion and sedimentation controls, and site inspections.

In response to Commissioner Gadbois regarding their previous discussions about the inconsistency of the definitions for "Multiple Family Dwelling Project" and "Dwelling, Multiple Family" in the town's Zoning Regulations, Town Planner LaFountain stated that the issue was reviewed by both himself and the Zoning Officer and, based on past precedence, it was felt that the application may be received as revised. The proposed construction is similar to an existing complex located on New London Road.

M/S/C: Khan-Bureau/Gadbois, to schedule a Public Hearing for SE 22-02 – Northwest Development, LLC, c/o Bob Kaufman: Special Exception and Site Plan application to construct a 3-unit multi-family dwelling at 116 Old Colchester Road in accordance with Section 15 of the Zoning Regulations for Tuesday, May 10, 2022. Discussion: None. Voice vote, 6-0, all in favor.

M/S/C: Lindo/Fontneau, to require the Applicant to submit a payment for the Consulting Fees totaling \$1,900.00 for SE 22-02 – Northwest Development, LLC, c/o Bob Kaufman: Special Exception and Site Plan application to construct a 3-unit multi-family dwelling at 116 Old Colchester Road in accordance with Section 15 of the Zoning Regulations. Discussion: Any unexpended funds will be reimbursed to the Applicant. Voice vote, 6-0, all in favor.

- b. SE 22-03 – Salem Fire Company:** Special Exception to construct a freestanding sign larger than 12 square feet and less than 50 square feet at the Salem Fire Company, 424 Hartford Road, in accordance with Section 13.4.4 of the Zoning Regulations. The property is zoned Rural A. *Receipt of application and public hearing scheduling.* Town Planner LaFountain stated that, due to the proposed size of the signage, the application requires the approval of the Planning & Zoning Commission (Section 13.4). In addition, because the signage includes an electronic message center, the Commission must determine whether the sign is in line with the regulations, which state that:

No signs shall have blinking, flashing or fluttering lights, or other illumination device which has a changing light density, brightness, or color, except such as to indicate the local time and/or weather. (Section 13.2.4)

M/S/C: Closius/Khan-Bureau, to schedule a Public Hearing for SE 22-03 – Salem Fire Company: Special Exception to construct a freestanding sign larger than 12 square feet and less than 50 square feet at the Salem Fire Company, 424 Hartford Road, in accordance with Section 13.4.4 of the Zoning Regulations for Tuesday, May 10, 2022. Discussion: None. Voice vote, 6-0, all in favor.

Salem Volunteer Fire Company Chief Chip Weston thanked the Commissioners for moving the item up in the Agenda.

- c. Executive Session:** Ongoing litigation regarding 45 Forest Drive
M/S/C: Gadbois/Khan-Bureau, to enter into Executive Session to discuss the ongoing litigation with 45 Forest Drive at 7:16 p.m. Discussion: None. Voice vote, 6-0, all in favor.

The Commissioners exited from Executive Session at 7:38 p.m. No votes were taken during Executive Session.

6. OLD BUSINESS

a. Plan of Conservation and Development (POCD)

Cover

Chairman Smith presented two possible covers for the POCD which include photographs from the town's Bicentennial celebrations. He is hoping to obtain additional photographs from a local photographer. The Commissioners favored the option showing both sides of the Bicentennial Coin and agreed that the document should be titled "Plan of Conservation & Development 2022" with "Salem Planning & Zoning Commission" as the sub-title. Commissioner Fontneau also commented that they should try and avoid using color for the interior of the document to keep the printing costs to a minimum and make it easier to reproduce. The online (digital) version may be in color.

Chairman Smith reported that, after speaking with the Board of Finance, he agreed to a reduction in the Commission's FY2022/23 Budget for the POCD to \$3,000.00. There are currently \$5,000.00 in funds remaining in their current year's budget for the POCD. Town Planner LaFountain stated that a portion of this year's budget would be expended on the map contract with SCCOG (Southeastern Connecticut Council of Governments). The bulk of the costs will be dedicated to the printing of the document. He recommended that part of the funds be utilized for public outreach. Commissioner Lindo suggested including a notice in the School's Wednesday Folder. Commissioner Closius suggested including a notice in the next issue of *Our Town Salem*, depending on the timing. The number of copies that will be printed was briefly discussed.

Chapter 3 – Natural Resources (Commissioner Khan-Bureau)

Commissioner Khan-Bureau reported that she and Commissioner Lindo discussed and drafted a revised version of the chapter. The Inland Wetlands & Conservation Commission reviewed and approved the revised chapter, with some minor edits. Edits suggested by Commissioner Closius will be reviewed and incorporated. Commissioner Fontneau stated that the new document is more consistent with the format of the chapter and proceeded to discuss his comments and suggestions, including:

Low Impact Development (LID) (2nd Paragraph, Final Sentence)

Explain and expand upon LID by defining and explaining the term, stating how it is used to protect natural resources, why it is included in the document, and providing examples, e.g., Gardner Lake.

Energy Efficiency/Climate Resiliency

Add the following item: Orient the (slope) roofline for a southern exposure for passive solar or include an area for ground-mounted solar.

Commissioner Closius questioned whether there might be a more appropriate section of the document to include the item. Commissioners Khan-Bureau and Lindo agreed.

Climate Change vs. Climate Resiliency (4th Paragraph)

Extensive discussion ensued regarding the use of the term, “Climate Change”. Chairman Smith suggested the possibility of revising the sentence as follows:

The creation of a Climate Action Plan, to include developing a map of natural hazard areas, would provide guidance to residents and developers to protect areas of Salem affected by ~~climate change such as~~ extreme weather.

He expressed his belief that the term, “Climate Change”, is a political term and questioned the references noted in the chapter, adding that the Heartland Institute, a conservative think tank, has disputed the Climate Science Special Report. He felt that the research supporting Climate Change is faulty and the Commissioners should be interested in facts, rather than opinions or assertions that are backed by big money. Commissioners Lindo and Khan-Bureau stated that the town has registered to participate in Sustainable CT, a voluntary certification program that allows municipalities to earn points towards a certification that leads to opportunities for grant funding. As part of the town's participation in the program, it is our responsibility to include any necessary support in their Regulations and documents. Commissioner Lindo questioned the removal of the term, which is included in both the State and Regional POCDs. Commissioner Khan-Bureau added that the SCCOG (Southeastern Connecticut Council of Governments), CT DEEP (Connecticut Department of Energy and Environmental Protection), EPA, (Environmental Protection Agency), and other agencies have discussed and included climate change in their documents. Commissioner Closius proposed the possibility of including a footnote stating the existence of other scientific organizations that dispute some of the findings related to Climate Change. Chairman Smith, who has researched the report, reiterated his belief that it is not based on fact, is limited and has a political, rather than scientific, agenda. He agreed with Commissioner Closius’ suggestion to include a footnote or eliminate the section. Commissioners Lindo and Khan-Bureau disagreed.

Commissioner Lindo requested a five-minute break. Chairman Smith questioned the reasoning behind her request.

Commissioner Lindo exited from the meeting at 8:18 p.m.

Chairman Smith expressed his wish to present an alternative point of view with factual information. He did not feel that the section was fact-based. Commissioner Khan-Bureau reiterated the need to include the section as part of the town’s

involvement with Sustainable CT, stressing the importance of stating the Town's goals to mitigate and protect its resources. Commissioner Closius suggested they find a way to create language that will satisfy the Commissioners and any requirements they need to fulfill and move forward. Commissioner Khan-Bureau stated that the issue should be presented and discussed during the Public Hearing. Chairman Smith suggested editing the following sentence as follows and eliminating or replacing the citation, which he finds suspicious:

*Some r*Research suggests that the U.S ~~will~~ *may* experience more intense hurricanes that carry higher wind speeds and more precipitation as a result of global warming *theory*.

Commissioner Fontneau suggested utilizing the term, Climate Change, once and emphasizing such items as stormwater, roads, bridges, and resiliency changes that are under their purview. Based on personal experience he felt that Climate Change is a reality. Chairman Smith agreed, but felt that the big political question is whether it is manmade. Commissioner Khan-Bureau confirmed that the chapter utilizes the term only once.

Commissioner Lindo re-entered the meeting at 8:27 p.m.

Commissioner Closius recommended beginning the sentence with, "Research suggests..." and eliminating the citation. Commissioner Lindo suggested pulling information from the Regional Plan and incorporating its language. Commissioner Closius agreed, stating that either the Regional or State Plan may have utilized language that is more agreeable to the Commissioners.

Commissioner Fontneau recommended they ensure that the most recent version of the cited documents is referred to.

Areas that are affected by Climate Change – Multiple locations are affected by climate change, including Darling Road, which experiences flooding from storms. Most, but not all, of the locations are stormwater-related.

Eightmile River Watershed – Commissioner Fontneau suggested including the following Action Steps to help further protect the corridor:

PZC supports IWCC in extending the Upland Review Area to 100 feet to cover the entire maximum width of the buffer zone. Responsible Party: IWCC,
Priority 1

Recommend that the IWCC and PZC request the assistance of the Natural Park Service or special consultants and funding to conduct a literature review from 2000 to present investigating the minimum buffer width for agricultural expansions and for tree canopy/understory temperature effects; and second,

establish a baseline monitoring of the trees in the corridor with cutting edge technology from the air in winter and summer leaf color surveys. Responsible Parties: PZC/IWCC. Priority 1

It was noted that the revised document includes a statement regarding the “implementation by local municipality working with the Eightmile River Wild and Scenic Coordinating Committee, as the most effective means to protect this exceptional natural and cultural resource....” (page 3, 2nd paragraph) and an Action Step to “Review, prioritize and evaluate the status of implementation of the Tier 1 and Tier 2 Tools of the Eightmile River Watershed Management Plan” (page 9)

The Commissioners agreed to add the following to the end of item 4(ii), page 4:

Complete and implement a Stormwater Management Plan...from Small Municipal Separate Storm Sewer Systems (*not likely to apply to Salem*)

Gardner Lake Watershed (page 6, 2nd paragraph) – Discussion ensued regarding the role of the Gardner Lake Authority and the Lake, itself, including its issues with the water quality, invasive aquatic weeds, and management of its nitrogen and phosphorus levels.

Aquifer Protection Zone (page 6, 3rd paragraph) – The status of the Aquifer Protection Ordinance is unknown. The item is included in the Goals section of the chapter.

Maps (PA Farm & Forest, Wetlands Alluvial, Wetlands Soils) – Commissioner Fontneau suggested including the percentage of land designated at PA-490 Farm & Forest, Wetlands Alluvial, Wetlands Soils, and the like, to determine the amount of developable land in the town. Commissioners Khan-Bureau and Lindo agreed, adding that they have discussed the item and felt that it should be included in a different chapter. Town Planner LaFountain suggested including the information in Chapter 2.

Lastly, Commissioner Fontneau stated that, while the Commission can suggest, recommend, support, and/or encourage tasks to the Inland Wetlands & Conservation Commission, they cannot require them to complete them.

The Commissioners agreed to the following corrections:

Page 1, 3rd paragraph, 3rd line:

...experience ~~E~~coastal ~~F~~looding like our neighboring Towns of...

Page 3, Page 8, Final Goal: Invasive Species and Best Management practices:

1. ~~Create~~ *Maintain* a list of municipal invasive species, *as seen in Appendix ___*.
2. Encourage local nurseries to ~~only~~ sell native plants.

Chapter 4 – Agriculture & Forestry (Commissioner Khan-Bureau)

Commissioners Khan-Bureau and Lindo are continuing to discuss and revise the chapter. They are waiting to receive statistical information regarding land that is currently designated as PA-490 (agriculture & forestry land) and open space from the Assessor.

Chapter 7 – Town Infrastructure and Services (Commissioner Lindo)

Commissioner Lindo reported that she spoke with SCWA (Southeastern Connecticut Water Authority) and updated the relevant section(s) regarding the town's water and septic. Photographs were also added to the chapter. The Commissioners agreed to the following corrections:

Page 5, 3rd paragraph:

The new age restricted development on Route 82, ~~will be~~ *is* a multi-metered system. The private well ~~will be~~ *is* owned and controlled by...

Page 9, Top 2 goals:

Action Steps, MUDP should read MLUP (3 instances)

Status of 2012 POCD Actions/Recommendations

Chairman Smith reviewed and discussed the status of the items the Commission was tasked to complete in the 2012 POCD.

The following items have been completed:

1.1.4	2.1.1	13.1.3	14.2.1
1.5.2	4.1.3	13.1.4	15.1.1
1.6.3	13.1.1	13.2.1	

The following items are considered ongoing and will remain in the document:

1.5.6	4.3.1	10.1.3	13.2.2
1.7.1	8.2.2	13.1.2	13.2.4

The following items will be deleted:

- 1.7.2 – *similar to item 1.5.2*
- 4.2.1 – *questionable to require a private cemetery to be deeded to the town*
- 9.2.3 – *State Statues do not allow for any "fee in lieu of" funds to be collected*
- 10.1.2 – *an obsolete idea; may be posted on the Town website of Social Media page(s)*
- 12.2.1 – *partially completed; similar Action Step included in updated version*
- 13.2.3 – *intensive and onerous to require the applicant to devise and submit two plans depending on the size of the proposed subdivision*

8. ZONING ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT – *none*

9. TOWN PLANNER REPORT

Town Planner LaFountain reported that an application to amend the site plan for 1 New London Road to accommodate outdoor sales might be submitted and presented to the Commission in the near future.

10. CORRESPONDENCE – *none*

11. PUBLIC COMMENT – *none*

12. PLUS DELTAS

Commissioners Khan-Bureau and Lindo reported on the recent Connecticut Federation of Planning & Zoning Agencies' Annual Meeting. The Meeting discussed the Planning & Zoning-related legislation that has been enacted during the past two years. Copies of the informational packet will be provided to the Commissioners.

The Commission was encouraged to attend UConn's CLEAR (University of Connecticut Center for Land Use Education and Research) Land Use Academy Basic Training at East Lyme Town Hall on Monday, May 2, 7:00 to 8:30 p.m. The event is free of charge.

13. ADJOURNMENT

**M/S/C: Khan-Bureau/Lindo, to adjourn the meeting at 9:40 p.m. Discussion: None.
Voice vote, 6-0, all in favor.**

Respectfully Submitted by:

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