

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, MAY 10, 2022 – 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 (*seated*)

ABSENT

Thomas Reith
John Gadbois, Vice Chairman
Dave Knopf, Alternate
Steven Shelley, Alternate

ALSO PRESENT

Town Planner Justin LaFountain

1. CALL TO ORDER

Chairman Smith called the meeting to order at 7:02 p.m.

Commissioner Closius was seated for Commissioner Gadbois.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING:

- 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.

M/S/C: Fontneau/Volberg, to open the 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.
Discussion: None. Voice vote 6-0, all in favor.

Town Planner LaFountain reported that the application was previously received by the Commission and the Public Hearing was scheduled for this evening. During the staff review, it was discovered that the 50' State Right-of-Way was not depicted on the Applicant's original plans and a major portion of the proposed septic system is located in the area. As such, the site plan is in the process of being re-designed. He recited a letter received by CLA Engineers, Inc., requesting the Public Hearing be continued while the plans are being revised. As such, he recommended allowing the public to speak and a motion be made to continue the Public Hearing.

Russ Smith, Old Colchester Road, an adjoining property owner, questioned the eight points of criteria required for approval. Town Planner LaFountain recited the criteria, adding that the Regulations are available online and copies are available by request. Mr. Smith felt that the following items should also be considered during their deliberation:

- (1) the proposed application meets the Town's POCD (Plan of Conservation & Development),
- (2) additional traffic to the State's boat launch area,
- (3) resulting depreciation to the values of adjoining property values,
- (4) maintenance plan associated with the proposed concrete grass pavers and rain gardens,
- (5) consideration of architectural drawings to ensure that it is in harmony with the neighborhood,

The Commission may provide suggestions regarding the design of the structure, but there are no such requirements in the Regulations. The application cannot be denied based on its design.

- (6) ensure that the modification to the septic system is installed in virgin vs. fill soil
- (7) consider the lighting; ensure that there is no resulting light pollution that is obtrusive or excessive, and
- (8) possible need for a Zone Change, which would also require a Public Hearing, per the Regulations, as the property is located in two (2) different zones.

Vivian Waters, Old Colchester Road. She concurred with Mr. Smith, adding her concerns regarding the elevation of the property and its resulting runoff onto her property. She also expressed her concerns regarding the close vicinity of the proposed well(s) to her property that would be utilized by three families and its possible effect(s) on her water supply. She also felt that the additional traffic, possible tempers, and its resulting burden on the Resident State Troopers, especially at the intersection of Routes 354 and 82, should be considered.

Fatima Hwang, 148 Old Colchester Road, questioned whether the plans have been validated to comply with Section 15 of the Zoning Regulations and the separation distances of the well and septic systems are adequate. She felt that constructing a three-unit dwelling on a lot for a single-family residence is too constricting. She also questioned the validation process to determine the possible adverse impacts of the application on the neighboring properties, including its location, landscaping, architectural design, parking, and lighting considerations.

Town Planner LaFountain stated that the current plans meet most of the criteria and the revised plans will be re-reviewed. The proposed multi-family dwelling requires a minimum lot size of 80,000 square feet; the proposed lot includes 81,695 square feet. The

Engineer has also reviewed the plans and submitted comments, included those regarding the separation distances of the well and septic systems. Color elevation drawings of the dwelling will be presented to the Commission during the next meeting and the Commission would determine the visual impact of the structure on the area.

Russ Smith, Old Colchester Road, wished to ensure that the Commission is made aware of the revised location of the proposed wells and septic systems.

Town Planner LaFountain stated that, once the revisions are received, they will be forwarded to the necessary parties, including the Fire Marshal, Engineer, Uncas Health District, and himself, to be re-reviewed and ensure that the plans meet the requirements.

M/S/C: Fontneau/Khan-Bureau, to continue the 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 to May 24, 2022, at 7:00 p.m., Salem Town Hall, Conference Room 1. 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.

M/S/C: Closius/Khan-Bureau, to open the Public Hearing for SE22-03 – 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. Voice vote, 6-0, all in favor.

John Morrison, Connecticut Sign Service, LLC, representing the Salem Volunteer Fire Company (SVFCO), presented the application. The goal of the proposed freestanding digital sign is to raise the awareness and profile of the Fire Company and improve its membership. The Company specializes in and has created digital signs for numerous Fire Companies, including the Occum and Mohegan Fire Companies. Both signs have been attributed to an increase in their memberships. In reviewing the Fire Company's needs, the property, and the area, they have designed a sign that will be, at most, 26 square feet, well below the 50 square feet required for a Special Exception. The project will include landscaping to provide a shield and block the line of sight from the neighboring property. The sign will operate from 7:00 a.m. to 9:00 p.m. and its intensity can be automatically adjusted throughout the day. It may include the time and local temperature along with a message or series of messages (an average of four to five messages) that change at specific intervals. He expressed his confidence in the quality of the sign, with minimal to no malfunctions from their experience.

SVFCO Chief Chip Weston stated that the intent of the sign is to replace their current sign, which is over 17 years of age, and increase the Fire Company's visibility, recruit new members, post Town and fire-related announcements, fire & emergency notifications, road closures, weather alerts, fundraising efforts, etc. and will not include any waving or flashing messages, animations or animated transitions. They have worked diligently to ensure that the sign will be as least obtrusive as possible for the neighboring properties. The funding for the sign will be provided through the money raised from their fundraising efforts and membership.

Public Comments

Norman Rabe, Valley Drive, suggested the possibility of also utilizing the sign to notify passers-by of the burning season.

Christopher Ross, 420 Hartford Road, provided a copy of his comments to the Commissioners. Attracted to the Town's quiet, quaint community and antiquated rural charm, he and his wife moved to Salem in 2019 to start a family and, in May of 2020, his daughter was born. A son of a retired Fire Chief, he expressed his support and gratefulness for the emergency medical services provided by the Fire Companies. Nevertheless, he and his wife are opposed to the installation of a digital sign, which is clearly prohibited in the Town's Zoning Regulations (Section 13.2.6). The submitted application, he stated, significantly differs from the signage that was originally presented to him. The proposal does not include any data or spec sheet(s) stating the sign's capabilities. He provided photographs of the proposed sign from various vantage points within their home and the effects the light emitted from the sign would have. He showed the Commission a video of the digital signs at the Chesterfield and Mohegan Fire Companies, noting that those signs are located in a town with up to four times the population and in a commercial, rather than residential/rural, area. The signage would be an inappropriate use of funds as the recruitment of members and making of announcements could be better communicated through social media, which is free of charge. He felt that such signage does not exist in the Town of Salem. Its approval would be a violation of the Town's Zoning Regulations and would open the doors to a digitized Salem, and be detrimental to the town's quality of life, making it a less desirable place to live.

Carol Vogel, 415 Hartford Road, who resides across the street from the Fire House, also expressed her opposition to the sign. A former sign painter, she stated that durable signs could be created that would better suit the town and its rural character.

Vivian Waters, Old Colchester Road, who frequents another town with an electronic message center, felt that such signage is not fitting for a rural neighborhood and empathizes with the neighboring property owners'.

Commissioner Comments

Permissive Regulations (Commissioner Fontneau) – Because the Regulations do not specifically allow electronic message centers, the digital sign would not be permitted. Mr. Morrison noted that the Regulations do allow for digital signs that change with respect to the weather and time. The signage would utilize the same technology afforded to gas stations, which are larger and have brighter lighting.

Precedence (Commissioners Fontneau, Khan-Bureau, and Lindo) – Should the Commission vote to approve the Special Exception, a precedent would be established and other local businesses who apply for a Special Exception for a similar sign must also be approved.

Town Planner LaFountain stated that the application is before the Commission due to the proposed size of the sign and the Zoning Enforcement Officer's interpretation of Section 13.2.4 of the Zoning Regulations, which states that: "No signs shall have blinking, flashing or fluttering lights, or other illumination devices which have a changing light density, brightness, or color, except such as to indicate the local time and/or weather." The signage at the neighboring gas station also has the capacity to change and the inclusion of a time and date stamp deems it a message center. The signage, it was noted, might have been permitted administratively and without the Commission's involvement. Mr. Morrison stated that the signage at Mohegan and Occum Fire Companies was approved administratively by the Zoning Enforcement Officer.

Plan of Conservation & Development (POCD) (Commissioner Closius) – Based on the 2012 POCD and the 2022 Survey, one of the main reasons the residents moved to the Town of Salem is for its rural character. The fact that such signage would not coincide with the POCD should be considered.

Static vs. Changing Sign (Commissioners Khan-Bureau & Volberg) – Should the signage contain a static message, it would not be considered an electronic message board. SVFCO Chief Weston stated that the signage could contain one message per day, but, due to the capabilities of the sign, it would not be cost-effective. The funding for the sign derives from money received through their fundraisers and membership; no taxpayer funds will be used to fund the project. Any changes to the proposed sign would require additional discussion from their membership. He, too, understands the neighbors' concerns and the need to balance the Department's needs, the Town's wishes, and the neighbors' concerns. He proposed the possibility of installing the signage on a trial basis.

Malfunction(s) (Commissioner Closius) – Should the sign malfunction, the power to the sign may be switched off via a dedicated breaker.

M/S/C: Khan-Bureau/Volberg, to close the Public Hearing for SE22-03 – 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. Voice vote, 6-0, all in favor.

M/S/C: Smith/Lindo, to move Item 7(b) to precede item 5, Approval of Minutes. Discussion: None. Voice vote, 6-0, all in favor.

5. 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.

No discussion; Public Hearing was continued

- 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.

Commissioner Closius questioned whether the proposed signage meets the intent of the POCD and the precedence its approval would present. He agreed that the signage might not be too intrusive if managed correctly, and an amendment to the Regulations to permit such signage, with certain caveats, could aid in its manageability. Also, as noted by Commissioner Fontneau, the Regulations do not specifically allow such signs.

Commissioner Lindo concurred, adding that, based on her interpretation of the Regulations, the intent of the writers was to prevent signs that contain “blinking, flashing or fluttering lights”. She also commented on the large size of the sign.

Commissioner Khan-Bureau felt that allowing the sign could set precedence. She stated her understanding of the Fire Company and their predicament as well as the concerns of the adjacent property owners. She noted that changes would be required to their Regulations for such signs to be allowable.

Commissioner Volberg agreed, reiterating the Commission’s inability to approve the application, per the Zoning Regulations.

Commissioner Fontneau reiterated his aforementioned statements, adding that sections of the Town’s Zoning Regulations require updating, including the Sign Regulation. He stated the Commission’s inability to permit such a sign, per their current regulations, and commented on the applicant’s commendable considerations to mitigate its effects.

Commissioner Smith concurred with the Commissioners’ comments regarding the importance of maintaining the Town’s rural character. He, too, is sympathetic to the needs of the Fire Company and expressed his concerns about the possibility of setting a

precedence. He also did not feel that any amendments made to the Regulations would be helpful in the approval of their application.

M/S/F: Fontneau/Closius, to approve 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. Discussion: The Commission reviewed the eight (8) findings the application must satisfy (Section 11.4). It was agreed that the application does not meet Section 13.2.4 of the Zoning Regulations or the following criteria:

Section 11.4.1 – The proposed use is consistent with the objectives of the Plan of Conservation and Development for the Town of Salem, and the intent and requirements of the Zoning Regulations; as such documents may be amended by the Commission.

Section 11.4.5 – The proposed use will not depreciate adjacent property values, and the character and extent of the proposed development will be in harmony with the existing use of adjoining properties.

Voice vote, 0-6. Motion failed.

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

a. Regular Meeting Minutes: April 26, 2022

M/S/C: Lindo/Khan-Bureau, to approve the Planning & Zoning Commission Regular Meeting Minutes of April 26, 2022. Discussion: None . Voice vote, 6-0, all in favor.

6. OLD BUSINESS

a. Plan of Conservation and Development (POCD) – *no updates; discussion*

Commissioner Fontneau reported that he has provided general comments for Chapter 3, Natural Resources, of the POCD to the authors. The Vision Statement should include some of the data provided in the “Salem Land Calculations”. Commissioners Closius and Fontneau agreed that the Commissioners should begin thinking about the contents and direction of Chapter 2, Executive Summary.

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

Town Planner LaFountain reported that 45 Forest Drive, LLC, presented an application for a Special Agricultural Zone, to the Inland Wetlands & Conservation Commission (IWCC). The IWCC discussed the application and after an initial review of the plans, agreed that no Wetlands Permit would be required at this time. The Commission plans to discuss and

prepare their comments on the application as the Conservation Commission during their next Regular Meeting.

The Application will also be referred to the Planning & Zoning Commission, pending the receipt of the remaining fee amount.

9. TOWN PLANNER REPORT

Town Planner LaFountain introduced Nicole Haggerty, who recently joined the SCCOG (Southeastern Connecticut Council of Government) as a Planner II.

Correspondence from the Town of Colchester regarding a proposed Regulation Amendment was received. While the amendment lacked the enclosures, he did not foresee any negative impacts to the Town of Salem.

10. CORRESPONDENCE – none

11. PUBLIC COMMENT

Norman Rabe, Valley Drive, felt that the Commission should consider the SVFCO Chief Weston's comment and use of the term, "desperate" as he spoke with respect to their need to increase their membership. He cited the digital sign for the Spa and the signage with blinking lights in the window of the Pawn Shop – both located at the round-a-bout. He also stated that the subdivision he currently resides in lists 22 items that are allowable, which many property owners might not be aware of and does not heed, deeming them, relatively, useless.

Commissioner Fontneau informed Mr. Rabe that it is not under the purview of the Commission to review and enforce deed restrictions.

12. PLUS DELTAS – none

13. ADJOURNMENT

M/S/C: Lindo/Volberg, to adjourn the meeting at 8:54 p.m. Discussion: None. Voice vote, 6-0, all in favor.

Respectfully Submitted by:

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