

**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  
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 7:02 p.m.

Chairman Smith offered a short prayer for those who passed and their families in the Robb Elementary School Shooting and the health and well-being of the town's residents and families.

**2. PLEDGE OF ALLEGIANCE**

**ADJUSTMENTS TO THE AGENDA**

**M/S/C: Smith/Shelley, to move Item 5, Approval of Minutes, to follow Item 3, Public Comment. Discussion: The item numbers will be renumbered, accordingly. Voice vote, 7-0, all in favor.**

**M/S/C: Lindo/Khan-Bureau, to move Item 7(b), New Business – ZMA 22-01 – 45 Forest Drive, LLC, to precede Item 6, Old Business. Discussion: The item numbers will be renumbered, accordingly. Voice vote, 7-0, all in favor.**

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

**8(a) Approval of Excavation and Campground Renewal Permits for 2022.**

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

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

*Alternate Commissioner Shelley was seated for Full Member Commissioner Reith.*

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

**a. Regular Meeting Minutes of May 10, 2022**

**M/S/C: Fontneau/Lindo, to approve the Planning & Zoning Commission Regular Meeting Minutes of May 10, 2022. Discussion: None. Voice vote, 6-0-1. Voting in Favor: Commissioners Fontneau, Khan-Bureau, Lindo, Shelley, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Gadbois.**

**5. 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.

The Public Hearing is a continuation from the last Regular Meeting. Due to necessary last-minute changes to the site plan, the Applicant will be presenting the application this evening. Public Comments were heard during the last meeting.

Ellen Bartlett, P.E., Principal, CLA Engineers, Inc., representing the Applicant, provided a brief presentation of the application for the multi-family dwelling to be located at 116 Old Colchester Road. The development will include three (3) handicapped-accessible units on 1.9 acres. Each unit will include an attached two-car garage and a full basement. Located to the south and west side of the property is the CT DEEP (Connecticut Department of Energy and Environmental Protection) Gardner Lake Boat Launch area and the access to the Boat Launch. An evergreen landscape buffer will be planted on the east side of the property. A landscape buffer and two (2) rain gardens will be planted across the front of the property, allowing the stormwater from the property to gather and infiltrate into the ground. As a result, there should be a zero increase in stormwater leaving the site. The current, existing driveway will be eliminated and moved to the middle, providing 600' of sightlines in both directions. CT DEEP's final review letter has been received and their final comments have been addressed, including the removal of the existing chain link fence and the loaming and seeding of the existing driveway. Based on studies conducted by the Institute of Transportation Engineers, the site is estimated to generate approximately 11 (eleven) vehicles departing from the site on a typical day (a typical residence generates approximately ten (10) trips per day). An extension was requested just before the Commission's last Regular Meeting as a result of a 50' old State right-of-way located across the west side of the property. Due to the possibility of the right-of-way being interpreted as being owned by CT DEEP rather than the property owner and at the request of the Health Department, the septic system has been moved from the right-of-way and a Conditional Approval was received by the Uncas Health District. The Fire Marshal's and Town Engineer's comments have also been addressed. The development is located in the Aquifer Protection Overlay Zone and the proposed use

(residential) is not included as one of the prohibited uses for the zone. It is believed that the project is in compliance with the Zoning Regulations and fulfills the objectives stated in Section 11.4. The architectural design of the building was reviewed and samples of the proposed siding (driftwood) and roofing (weathered wood) were presented.

Applicant Bob Kaufman, Northwest Development, stated that he purchased and developed over 160 acres in 1999 (now known as the Fieldstone Farms) in the Town of Salem. One error he made with the development is the construction of only one handicapped-accessible home. His primary reason for constructing the proposed development is to house his sister and brother-in-law, who is currently in remission and wheelchair-bound.

Handicapped-Accessible Features (Chairman Smith) – The units will include such handicap-accessible features as a curbless shower with a bench, bottomless sink, pullout kitchen cabinets, hardwood floors, wider doors, and grade level access into and out of the unit (no ramps).

Loft (Chairman Smith) – The units will include a loft area to accommodate a play area for their grandchildren. The building will have cathedral ceilings and the loft will be open-air (no walls).

Floor Plan (Commissioner Lindo) – Each unit consists of one (1) bedroom and three (3) full bathrooms (two (2) bathrooms downstairs and one (1) bathroom in the loft area). Because the Health Department does not allow one-bedroom septic systems, each septic system is equipped to handle a minimum of two bedrooms.

Location of Property (Chairman Smith) – The distance between the west edge of the property and the neighboring property across the boat launch access is approximately 60 feet, per the GIS map.

Maintenance of Rain Gardens, Landscaping, Plowing, etc. (Commissioner Khan-Bureau) – Mr. Kaufman's nephew-in-law who owns several rental properties throughout the region and is a Broker will be maintaining the property.

Plant Species (Commissioner Khan-Bureau) – The details for the rain garden are indicated on the plan, including the plant species.

Refuse Collection (Commissioner Lindo) – The garages are 24' rather than the standard 20' to allow room for the storage of garbage cans.

Commercial Recreation Zone (Commissioner Fontneau) – The Commercial Recreation Zone is located along the strip at the rear of the property (State right-of-way). Commissioner Fontneau recommended the Commission change the Commercial Recreation Zone to one of the other contiguous zones in the area. Per the Town Planner's

recommendation, a note shall be included on the plans to indicate where the property changes from Rural A to the Commercial Recreation Zone.

Wells (Commissioner Lindo) – The property will have three (3) septic systems and three (3) wells to allow each unit to have personal responsibility.

Public Comments

Russ Smith, 156 Old Colchester Road, applauded the applicant for proposing to construct handicap-accessible properties. He wished to ensure that the application adequately meets the necessary criteria as outlined in the Regulations and posed the following concerns:

- 1) Adequate square footage for the development based on its location in two separate zones  
*Town Planner LaFountain stated that the regulations state that the lot itself must meet the minimum square footage; it does not provide any details with respect to lots located within two different zones.*
- 2) Clarification regarding whether the property would be marketed as one- or two-bedroom units, based on the inclusion of the loft with a bathroom, which could be construed as an additional bedroom
- 3) Responsible party to remove the refuse/garbage
- 4) Installation of No Parking signs to help eliminate any sightline issues during the beach's peak hours/periods
- 5) Criteria regarding the future sale of the property as one property with three individual units or three individual properties
- 6) Clarification regarding whether the approval would specify that the application is approved for three (3) one-bedroom units or three (3) one-bedroom units with a loft
- 7) Ensure that the yield of the well is sufficient on a property that is designated for one single-family residence and whether the wells of the residents residing in the area would be negatively affected by the development  
*Town Planner LaFountain stated that the well and septic systems are under the jurisdiction of the Uncas Health District. P.E. Bartlett added that the Uncas Health District has requested that all three wells be tested for their respective yields simultaneously prior to occupancy.*
- 8) Effect of the development on the property values in the area
- 9) Requirement for additional space for specially-made vans designed for the loading and unloading of handicapped individuals
- 10) Submission of a schedule indicating the pumping of the septic systems to eliminate any overflows

Mr. Smith stated that his main concern is the possible detriment the development could have on the surrounding properties. He stated that he has no objections to the development, itself. He wished to ensure that the development is in congruence with the Town's Zoning Regulations and improves, rather than detracts, from the Town and its neighboring properties.

Town Planner LaFountain recommended adding the following conditions of approval to the list provided to the Commission in his Staff Memo:

6. Uncas Health District Approval (Conditional Approval has been provided by the Uncas Health District at this time)
7. Fire Marshal Approval – While the Fire Marshal's comments have been addressed by the applicant, the Fire Marshal has not yet reviewed the revised plans

Commissioner Fontneau recommended, and Commissioners Khan-Bureau and Lindo agreed, that they keep the Public Hearing open to have the opportunity to address Mr. Smith's comments and ensure that the application meets the necessary criteria. A copy of the final floor plan will be provided to the Commissioners.

**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 to June 14, 2022, at 7:00 p.m., Salem Town Hall, Conference Room 1. Voice vote, 7-0, all in favor.**

**6. 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.

*Public Hearing continued to June 14, 2022 Regular Meeting*

- b. **ZMA 22-01 – 45 Forest Drive, LLC:** Application to apply the Special Agriculture Overlay Zone to 45 Forest Drive (currently zoned Rural A), for the purpose of operating a special event facility, with associated overnight lodging. *Receipt of application and public hearing scheduling.*

**M/S/C: Shelley/Volberg, to schedule a Public Hearing for ZMA 22-01 – 45 Forest Drive, LLC: Application to apply the Special Agriculture Overlay Zone to 45 Forest Drive (currently zoned Rural A), for the purpose of operating a special event facility, with associated overnight lodging for Tuesday, June 14, 2022. Discussion: None. Voice vote, 7-0, all in favor.**

## 7. OLD BUSINESS

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

#### Chapter 4 – Agriculture and Forestry

Commissioner Lindo reviewed the changes that were made to the chapter. The chapter provides an explanation of PA-490 and includes additional exemptions in the Goals/Action Steps that the Town could enact. She also noted that the 2007 Study for the Town of Lebanon was the most current study she was able to locate (page 4, above PA-490 Chart). A Study is currently in the process of being completed for a town located in western Connecticut.

Syman Says Farm (Commissioner Fontneau) – Syman Says Farm, which has a Special Agriculture Overlay Zone, will be added to the chapter.

Salem Land Calculations (Commissioner Fontneau) – Because the source was unknown and the numbers could not be verified through the Land Records, the data included on the Salem Land Calculations sheet that was recently provided to the Commission was not included in the chapter.

*Town Planner LaFountain stated that the information derived from the Southeastern Connecticut Council of Governments' GIS analysis.*

2012 POCD Goals & Action Steps (Commissioner Fontneau) – A brief discussion ensued regarding the Commission's obligation to carry over the previous Goals and Action Steps.

Commissioner Khan-Bureau expressed her appreciation to Commissioners Closius and Lindo for their help with Chapters 3 and 4. Commissioner Lindo, having invested countless hours on the chapters, proposed transferring them to another Commissioner for completion. Town Planner LaFountain proposed that the authors of each of the respective chapters send him the final versions, which he will collate and consolidate in the agreed-upon format for their next meeting.

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

The Commission reviewed the list of the quarries and campgrounds that have submitted permit renewals. In addition, an update regarding the Inland Wetlands Commission review of the application for a change to the Special Agricultural Zone at 45 Forest Drive, was provided.

**M/S/C: Gadbois/Lindo, to approve the following Permit Renewals:**

#### Excavation Permits:

G's Ruff Stuff Quarry

Getty Granite

Henrici Excavating

Renz Quarry

#### Campground Permits:

Indianfield Campground

Salem Farms Campground

Sna-Z Spot

Witchmeadow Campground

**Discussion:** The permit renewal for Indianfield Campground was received yesterday and added to the list. Voice vote, 7-0, all in favor.

**9. TOWN PLANNER REPORT**

Town Planner LaFountain reminded the Commission that their next meeting will include the continuation of the Public Hearing for 116 Old Colchester Road (SE 22-02, Northwest Development, LLC) and the Public Hearing for 45 Forest Drive (ZMA 22-01, 45 Forest Drive, LLC). Due to the pending litigation, the Town Attorney will be present for the Public Hearing for 45 Forest Drive.

*Commissioner Lindo reminded the Commission that she would be recusing herself from the application for 45 Forest Drive, as a former resident of Forest Drive. Her public comments are on file.*

Two referrals were received from the Town of East Haddam. The Public Hearing for both of these items will be held on June 14, 2022:

- 1) A three (3)-lot re-subdivision application for a property located on West Road
- 2) A proposed Regulation Amendment to allow certain types of cannabis uses

**10. CORRESPONDENCE – none**

**11. PUBLIC COMMENT – none**

**12. PLUS DELTAS – none**

**13. ADJOURNMENT**

**M/S/C: Khan-Bureau/Volberg, to adjourn the meeting at 8:30 p.m. Discussion: None.  
Voice vote, 7-0, all in favor.**

Respectfully Submitted by:

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