

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JUNE 16, 2020 – 7:00 P.M.
SALEM TOWN HALL – VIRTUAL MEETING VIA ZOOM**

Per State of Connecticut, Governor Lamont Executive Order Number 7B, the Town of Salem Planning and Zoning Commission Meeting on June 16, 2020 will be following the suspension of in-person open meeting requirements. Please click the link below to join the webinar:

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PRESENT

Vernon Smith, Chair
John Gadbois, Vice Chairman
Margaret Caron, Secretary
Thomas Reith
Walter Volberg
Carl S. Fontneau, Alternate (*seated*)
Diba Khan-Bureau, Alternate (*seated*)
Jon Walsh, Alternate

ABSENT

Ruth Savalle
Eric Wenzel

ALSO PRESENT

Town Planner Justin LaFountain
Selectwoman Liaison Terri Salas

1. CALL TO ORDER

Chairman Smith called the meeting to order at 7:04 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman Smith offered a moment of prayer for peace, love, and understanding during these days of unrest; for those who have been and/or have had their loved ones affected by the coronavirus, and; to provide the Commission with the wisdom to do what is right by the town and its residents.

Town Planner LaFountain thanked everyone for attending and reviewed the rules of virtual meetings:

- Introduce yourself prior to speaking for those who are connecting into the meeting via telephone and should the video not be working
- Panelists should mute themselves should there be any background noise and they are not speaking
- Roll Call votes rather than Voice votes will be conducted for the record for any votes that are taken
- Those who wish to speak during public comment and/or new business will be unmuted at the appropriate times

SEATING OF ALTERNATE(S):

Alternate Commissioners Khan-Bureau and Fontneau were seated for Commissioners Savalle and Wenzel, respectively.

3. PUBLIC COMMENT: *none*

4. PUBLIC HEARING: *none*

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

a) Regular Meeting Minutes: February 25, 2020

M/S/C: Caron/Gadbois, to approve the Regular Meeting Minutes of February 25, 2020, with the following amendment:

Page 1, Item 6

2. Each Commissioner shall have had the opportunity to speak once prior to *any Commissioner* being recognized to speak a second time.

Page 5, First Full Paragraph

Commissioner Fontneau expressed his curiosity regarding the authors and adoption of the regulation; he stated the need to ~~prevent~~ *better evaluate* the adoption of such regulations in the future.

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

6. OLD BUSINESS

a) Continued Riparian Corridor Overlay Zone (RCOZ) Discussion

Chairman Smith proposed discussing the topic during their next in-person meeting.

Town Planner LaFountain reported that he has been in contact with the Eightmile River Wild & Scenic Watershed Coordinating Committee who retained the services of an attorney to review the regulations. The Town Attorney and the attorney representing the Committee have some conflicting viewpoints and a meeting was being organized to discuss the regulations but, due to the pandemic, the meeting has not taken place to date; it is hoped that an in-person meeting will take place in the very near future to discuss the issues.

Commissioner Fontneau reminded the Commission that many of his comments regarding the RCOZ regulation relate to the width of the buffer zones of the primary and secondary streams and the scientific justification for those determinations. He noted that the most recent Eightmile River Wild & Scenic Watershed pamphlet refers to the 1997 document related to the Chesapeake Bay Watershed as the source of the information. He has also reviewed the regulations of other towns and proposed a combination of a reduced buffer zone with stormwater controls, which could be more beneficial to the Eightmile River Watershed.

The Commissioners concurred with Chairman Smith who reminded the Commission of their discussions regarding the possibility of hiring a neutral third party to offer an unbiased scientific opinion.

M/S/C: Smith/Caron, to allocate up to \$500.00 for the services of a scientist to offer his unbiased opinion regarding the Riparian Corridor Overlay Zone (RCOZ) regulation. Discussion: A Soil Scientist from CLA Engineers will be contacted for the third-party review. Roll Call vote, 7-0, all in favor. Voting in Favor: Commissioners Caron, Fontneau, Gadbois, Khan-Bureau, Reith, Volberg, and Smith. Voting in Opposition: None.

b) Proposed Amendments to Special Agriculture Overlay Zone

Town Planner LaFountain reminded the Commission of their previous discussions regarding the Zone, with respect to animal keeping, which is allowable by right in the Rural A (RUA) and Rural B (RUB) Zones, without any limitations, but is restricted under the Special Agriculture Overlay Zone. To this end, the following addendum is being proposed under Section 30.2 – Special Agriculture Zone, General:

The animal keeping limitations within this section shall not apply where animal raising is permitted by right in underlying zones. The application of this zone shall not be required when a Permitted Use listed in Section 30.4 is already a permitted use in the underlying zone.

More recently, a resident contacted him regarding the possibility of applying the zone to his property which is located within 500 feet of the municipal boundary, precluding him from applying the zone to his property, per the regulations. After conducting some research and consulting with his colleagues, he failed to find any reason(s) behind maintaining the requirement. To facilitate his application in the future, Town Planner LaFountain proposed that the Commission address the matter by approving the elimination of the following sentence in the same section:

The minimum lot size in this zone shall be five (5) acres, in addition to the minimum acreage requirement of the underlying zone. ~~The lot must not be located in whole or in part within five hundred (500) feet of the municipal boundary.~~ (4/01/07)

It was clarified that a municipal boundary relates to the property line surrounding the town, as opposed to one surrounding the property.

Town Planner LaFountain was also not aware of any issues that have arisen due to the ownership of livestock, which is usually monitored by the Connecticut Department of Agriculture, by a homeowner(s) who resided within 500 feet of the town's boundary. He also noted that the boundary requirement is not included in any of the other zones. It is unknown as to whether any of the surrounding towns have the same restriction and equally unknown as to whether any of the surrounding towns include this particular zone in their regulations. Typically, zones are not limited by municipal boundaries. He also informed the Commission that the process is such that the surrounding towns and the CCOG (Connecticut Council of Governments) must be notified regarding any zone changes to determine whether there would any inter-municipal impacts.

Commissioner Khan-Bureau suggested and Chairman Smith agreed with the need to investigate the meeting minutes leading up to the approval of the regulation in 2007 to determine the possible reasoning. While he has investigated and reviewed some of the minutes from the meetings leading up to the approval of the regulation to no avail, Town Planner LaFountain stated that he will confirm and delve further into the matter. In response to Commissioner Khan-Bureau, he stated that the applicant is a farmer who is interested in applying for the Special Agricultural Overlay Zone over his property and, eventually, establishing a non-roadside farm store that is slightly larger than is allowable by right in his zone (RUA). The property does meet the acreage requirements. The application is expected to be presented to the Commission next year and would be a multi-stage process, involving a Public Hearing to amend the regulation and, following the amendment, approval for his application for the Special Overlay Zone.

While agreeing with Commissioner Fontneau regarding the need to be cautious with respect to taking an unofficial consensus that might be considered prejudicial in a court of law should any issues arise regarding the application, the Commissioners were in agreeance to review the meeting minutes leading up to its inclusion in the regulation prior to making any final decisions regarding its removal.

c) 2022 Plan of Conservation and Development (POCD)

Chairman Smith has reviewed the document and reported that he has had some preliminary discussions with the Bicentennial Committee, Congregational Church, Historical Society, and Economic Development Commission regarding the possibility of making any revisions or additions to the relevant sections. Commissioner Fontneau stated that the primary purpose of updating the POCD is to include any new information, goals, and policies regarding land use due to any new developments, including the gas line that was recently installed.

7. NEW BUSINESS

a) Salem Land Trust Grant Application

Chairman Smith recited a letter received from the Salem Land Trust (SLT) regarding the purchase of 55 acres of land located on Darling Road from Ransom Brook House, LLC. The property would expand their current 4-acre Alfred & Sylvia Bingham Preserve. Over half of the funds have been secured and they are in the process of preparing an application to receive a Connecticut Department of Energy and Environment Protection (CT DEEP) Open Space and Watershed Land Acquisition Grant, which, if awarded, would provide most of the balance of the funding. They are requesting a letter of support from the First Selectman, Planning & Zoning Commission, Inland Wetlands and Conservation Commission, and SECCOG to show that the acquisition of the property is consistent with the town's POCD and Open Space Plans.

SLT President Linda Schroeder, with the help of Commissioner Gadbois who displayed the GIS (Geographic Information System) mapping of the area on his screen, provided a brief background of the property to be purchased. The Ransom Brook House, LLC, will retain

approximately 15 acres, including the existing buildings, house, and pond. The land is contiguous with the 4-acre property they currently own, with the exception of Darling Road, which cuts across the property. It was estimated that approximately 30% to 40% of the property is wetlands.

SLT Member Tony Griggs stated that the Land Trust has acquired appraisals to validate the \$225,800.00 purchase price of the property and have and will be able to secure the necessary funds. The letters of support are an important aspect of the grant to ensure that the acquisition is consistent with the town's POCD and Open Space Plans and would not detract from the town's business opportunities. Due to the current competitive nature of grants, the Land Trust hopes to be awarded approximately 40% of the purchase price. SLT President Schroeder added that the Grant funds derive from the Community Investment Act and is made up of funds received through the land records fees. Private foundations and the community will be appealed to for the remaining funds. Those who contribute funds to the organization are listed in the organization's Tax Return Form 990 for non-profit organizations.

In response to Commissioner Khan-Bureau, it was confirmed that the property is also designated as part of the Audubon CT's Important Bird Area and is connected to other hiking trails, including the Nehantic State Forest. SLT Member Griggs added that it is an excellent piece of property that has great conservation value and a very diversified habitat.

Commissioner Khan-Bureau also reported that her students, under her guidance, regularly conduct rapid bio-assessments of the Brook and consistently finds the water quality to be excellent; it is one of the most pristine brooks in town. SLT President Schroeder added that the property is also very accessible from the road and is ideally located for school field trips to study its environment in comparison to other properties that require long hikes.

Commissioner Caron voiced her support. Chairman Smith also voiced his support, but was concerned with the removal of the land from the town's Grand List. SLT Member Griggs stated that, while there is buildable land on the property, it is his understanding that the seller is desirous of selling the property to an individual(s) or organization who would not develop the property and destroy its natural beauty. SLT President Schroeder added that the property has been classified as Forestland (PA490) for several years and the taxes received by the town for the property is minimal. In addition, the buildable area is somewhat difficult to access and the potential owner/builder would be required to go through the subdivision process and install a long driveway, raising the cost of developing the property.

Commissioner Reith departed from the meeting at 8:27 p.m. and expressed his support.

M/S/C: Khan-Bureau/Gadbois, to approve the drafting of a letter of support for the Salem Land Trust for the application of a Connecticut Department of Energy and Environmental Protection (CT DEEP) Open Space and Watershed Land Acquisition Grant for the purchase of a 55-acre property of undeveloped land located on Darling Road from the Ransom Brook House, LLC. The letter will state that the acquisition is consistent with the Town of Salem's Plan of

Conservation and Development and Open Space Plans. Discussion: SLT President Schroeder stated that the property is located within Area I of the town's Open Space Plan, per the January 30, 2007 Town Meeting. The letter will be drafted by Town Planner LaFountain. Roll Call vote, 6-0, all in favor. Voting in Favor: Commissioners Caron, Fontneau, Gadbois, Khan-Bureau, Volberg, and Smith. Voting in Opposition: None.

SLT President Schroeder and Member Griggs expressed their appreciation to the Commission for their time and support. The Commissioners, likewise, thanked them for their time.

8. ZONING ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT – *no report*

9. TOWN PLANNER REPORT

Town Planner LaFountain thanked the Commission for attending the meeting via Zoom and reported that the town is required to adopt an Affordable Housing Grant Plan by October 2022. The Plan may be incorporated into the town's POCD, which must be completed by March 2022. The SECCOG has applied for a non-matching grant opportunity through the State Department of Housing to secure funding to develop the plan for the three towns that are staffed by SECCOG.

10. CORRESPONDENCE: *none*

11. PUBLIC COMMENT: *none*

12. PLUS DELTAS:

Commissioner Caron expressed her pride in the Commissioners for their ability to hold the meeting via Zoom.

Commissioner Khan-Bureau commended and expressed her appreciation to Commissioner Gadbois for displaying and sharing his screen so that they could all view the GIS mapping of the Ransom Broom House, LLC, property.

In response to Commissioner Gadbois regarding the possibility of holding an in-person meeting, Town Planner LaFountain stated that no decisions have been made and would be dependent upon the SECCOG, who is not allowing any of their employees to participate in any in-person meetings, and the First Selectman. The status of the SECCOG July Regional Planning Commission Meeting is unknown.

Commissioner Walsh departed from the meeting at 8:38 p.m. due to technical issues.

13. ADJOURNMENT

M/S/C: Caron/Khan-Bureau, to adjourn the meeting at 8:40 p.m. Discussion: None. Voice vote, 5-0, all in favor. Meeting adjourned.

Respectfully Submitted by: Agnes T. Miyuki, Recording Secretary for the Town of Salem