

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, AUGUST 23, 2022 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 2**

**The minutes submitted below have been filed in accordance with
Section 1-225 of the CT General Statutes. They are subject to final approval
with or without amendments by a vote of the Planning & Zoning Commission.
Approval and any such amendments will be detailed in subsequent minutes.**

PRESENT

Vernon Smith, Chair
Diba Khan-Bureau
Carl S. Fontneau
Gary Closius, Alternate (*seated*)
Dave Knopf, Alternate (*seated*)
Steven Shelley, Alternate (*seated*)

ABSENT

John Gadbois, Vice Chairman
Jennifer Lindo
Thomas Reith
Walter Volberg

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.

2. PLEDGE OF ALLEGIANCE

*Alternate Commissioners Closius, Knopf, and Shelley were seated for Full Member
Commissioners Lindo, Gadbois, and Volberg, respectively.*

3. PUBLIC COMMENT: *None*

4. PUBLIC HEARING: *None*

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

a. Regular Meeting Minutes of August 9, 2022

**M/S/C: Fontneau/Closius, to approve the Planning & Zoning Commission
Regular Meeting Minutes of August 9, 2022. Discussion: None. Voice
vote, 4-0-2. Voting in Favor: Commissioners Closius, Fontneau, Knopf,
and Smith. Voting in Opposition: None. Voting in Abstention:
Commissioners Khan-Bureau and Shelley.**

6. OLD BUSINESS:

- a. SP 22-01 Statewide Pawn, LLC:** Application to amend the existing site plan at 1 New London Road to allow outdoor display of merchandise. The Property is zoned General Business. *Continued from July 12, 2022*

The Commission reviewed the revised site plan and photographs. Applicant Regan Tippet stated that the revised plan indicates the area the displayed merchandise would be located. The display will not interfere with the neighboring businesses and/or the sidewalk. Though not indicated on the site plan, but shown in the photographs, an 18”w cart will be placed on the far-right side of the display area. The cart might also be placed on the sidewalk, against the wall of the business.

Fire Marshal Requirements (Chairman Smith) – The Fire Marshal requires access of 42” or 3’6” to/from the doorways. Discussion ensued regarding the placement and location of merchandise. The Commissioners estimated that the area between the door and the driveway is approximately 8’. In addition, the support column, which has a 2’ base would inhibit the placement of items in front of the doorway. First Selectman Chmielewski stated the Town’s support of its local businesses and reminded the Commissioners that their approval would be precluded by the Fire Marshal’s requirements. Commissioner Fontneau suggested the possibility of approving the application with the condition that a minimum of 42” be maintained between the parking lot and the sidewalk.

Canopy (Chairman Smith) – The 8’ x 8’ canopy is temporary to help protect the motorcycle and tools from the elements. Chairman Smith expressed his concerns regarding the location of the tent, which obstructs the line of sight to/from the adjoining unit and whose legs extend beyond the white lines of the parking lot. With respect to the white lines, Applicant Tippet stated that the paving company made an error and did not paint the lines in its original location. Commissioner Khan-Bureau also expressed her concerns regarding the safety of the tent from the wind. Commissioner Shelley reminded the Commission that the Application does not include any verbiage regarding the tent and, as such, is irrelevant. Town Planner LaFountain cautioned against approving the tent based on any requirements the Fire Marshal and/or Building Official might have.

The meeting was interrupted by a power outage due to the storm at 7:19 p.m. The meeting resumed at 7:26 p.m.

Extensive discussion ensued regarding the tent, the possibility of including it as a condition in the motion, and the enforcement of the condition.

M/S/A: Fontneau/Khan-Bureau, to approve Application SP 22-01 Statewide Pawn, LLC: Application to amend the existing site plan at 1 New London

Road to allow the temporary outdoor display of merchandise, with the following stipulation:

- 1. The items are not to extend beyond the white parking lot line.**

Discussion: Chairman Smith questioned whether an additional stipulation regarding the tent should be included in the motion, reviving the discussion. Because the proposed plan does not include a tent, Commissioners Knopf and Shelley felt that the tent should not be included in the motion. Because the Application does not specify that the merchandise would be located in the open air and/or under a tent, Town Planner LaFountain stated that a stipulation that merchandise is not to be located under a tent is acceptable. As such, the motion was amended as follows:

M/S/R: Fontneau/Khan-Bureau, to approve Application SP 22-01 Statewide Pawn, LLC: Application to amend the existing site plan at 1 New London Road to allow the temporary outdoor display of merchandise, with the following stipulations:

- 1. The items are not to extend beyond the white parking lot line.**
- 2. The merchandise is not located under a tent.**

Discussion: Applicant Regan Tippettt stated that, in such case, he wished to withdraw the application and consult with his attorney. Chairman Smith suggested the possibility of placing any sensitive items under the eave, rather than under a tent. Discussion regarding the tent was re-revived, including the definition of the term “temporary”. Because the issue is not the tent, itself, but the line of sight, Commissioner Knopf suggested adding a stipulation that the merchandise not to obstruct the line of sight from/to the adjacent businesses. The Commissioners concurred and the Motion was rescinded.

M/S/C: Shelley/Closius, to approve Application SP 22-01 Statewide Pawn, LLC: Application to amend the existing site plan at 1 New London Road to allow the temporary outdoor display of merchandise, per the site plan, dated August 23, 2022, with the following stipulations:

- 1. The items are not to extend beyond the white parking lot line**
- 2. The displayed merchandise does not obstruct the line of sight of the adjacent businesses**

Discussion: None. Voice vote, 6-0, all in favor.

b. Plan of Conservation and Development (POCD)

Executive Summary & Chapter 2, Mission, Vision, Goals – Commissioner Closius stated that the revised draft includes highlights from each of the chapters, with tables,

and graphs associated with the survey responses. It also includes the Commission's comments, including fixing the timeframes and the addition of the round-a-bout in the Transportation section. The demise of the Route 11 project will also be added. The goal of the chapter is to allow the reader to provide a succinct synopsis of each of the chapters, encouraging them to read the individual chapter for additional information. Some of the visuals, including the coloring and sizing of the pie charts, will be adjusted for readability.

Commissioner Closius noted that the survey responses were not significantly different from the responses received in 2012. He recommended that the Commission aim to receive more responses from the residents in the future, noting that some of the residents responded to only some of the questions. Chairman Smith concurred, adding that more residents responded to the survey than voted on the Town's budget.

Commissioner Khan-Bureau stated that the 2012 POCD Survey was visually pleasing and mailed to each household. This year, a postcard with a link to the survey was mailed to each household. Commissioner Closius and Khan-Bureau felt that it would be beneficial to mail the survey to the residents in the future.

Commissioner Shelley suggested the possibility of, and the Commissioners agreed to, adding the respective chapter numbers in each of the sections.

Commissioner Fontneau suggested adding a column to the PA-490 Chart (page 3) indicating the total farm and forestry acreage. It was agreed not to do so due to the overlap in the amount of acreage that is classified as farm and forestry.

Town Planner LaFountain volunteered to review and ensure that the data noted throughout the document is consistent. Following the edits, the sections will be combined with the other chapters for final review.

The Commissioners commended and expressed their appreciation to Commissioner Closius for his hard work and efforts.

Chapters 3, Natural Resources and 4, Agriculture and Forestry – Commissioner Fontneau stated that he is in the process of adding information to the current drafts. Once completed, he will send the document(s) to the Town Planner for review.

7. NEW BUSINESS

a. **§8-24 Referral: New generator installation at Town Hall (270 Hartford Road)**

First Selectman Chmielewski stated that the Town is seeking to remove the generator inside the garage and install a new generator outside the building. He also anticipates the installation of a safety fence around the generator.

Generator Location (Chairman Smith) – The generator will be located a minimum of approximately 5' from the garage and 10' from the existing oil tank. Though unknown,

the First Selectman felt that there should be enough room for the tents and displays that are set up in the area on election day.

CT DEEP (Department of Energy and Environmental Protection) Approval
(Commissioner Khan-Bureau) – The need for a permit or approval from CT DEEP for the generator will be investigated.

Landscaping Barrier (Commissioner Fontneau) – A landscaping barrier to provide a more pleasing visual view and cut down on the noise will be considered.

Grant Funding (Commissioner Fontneau) – The First Selectman did not believe that grant funds would be utilized for the project.

M/S/C: Fontneau/Khan-Bureau, to provide a Favorable Report in accordance with C.G.S. §8-24 for the installation of a new generator and above-ground LP Tank at Salem Town Hall, 270 Hartford Road, Salem, CT, as proposed on the submitted site plan. The Commission recommends the Town consider providing a landscaping barrier to mitigate the visual and auditory impact. Discussion: None. Voice vote, 6-0, all in favor.

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

9. TOWN PLANNER REPORT

Salem Space Station, Route 85 – Town Planner LaFountain informed the Commission that site plan approvals for projects are valid for five years and may be extended by an additional five years, by request. He reported that the proposed Salem Space Station on Route 85, which was approved on November 21, 2017, will be reaching its five-year mark. As such, a letter will be mailed to the Owner/Applicant. In response to Commissioner Fontneau who questioned whether the pandemic allowed for any automatic extensions, Town Planner LaFountain stated that such extensions were provided for certain years. As far as he is aware, extensions are not provided for site plans that were approved in 2017.

The Salem Land Trust will be presenting an item during their next meeting regarding their interest in submitting a grant to purchase property that is currently designated PA-490.

A Motocross Facility was publicized at 343 Old Colchester Road. The Zoning Enforcement Officer has issued a Cease-and-Desist Order to the Owner(s).

Old Salem Feed & Grain (Chairman Smith) – A Text Amendment to permit storage warehouses in the General Business Zone was approved in 2021 to establish a storage unit facility at the old Salem Feed & Grain store on Route 82. Town Planner LaFountain reported that his last correspondence with the Owner/Applicant occurred earlier in the year when they contacted him for guidance. He has not corresponded with them since.

The status of the potential Woodchuck Road Multi-Family Development is also unknown.

The first 12 units of the new 48-unit Age-Restricted Housing Development on Route 82 have been rented. Each unit is comprised of one bedroom, one bathroom, and one garage. The rental rate is \$1,700.00/two-year lease and \$1,800/one-year lease. In response to Commissioner Fontneau who suggested drafting a letter to the school informing them that school-aged children should not be residing in the complex, Town Planner LaFountain stated that he would investigate the existing exceptions for school-age children residing in such developments.

M/S/C: Smith/Khan-Bureau, to add the following item to the Agenda:

- 10. Executive Session for the purpose of discussing pending litigation regarding 45 Forest Drive, LLC.**

Discussion: None. Voice vote, 6-0, all in favor.

- 10. Executive Session for the purpose of discussing pending litigation regarding 45 Forest Drive, LLC.**

M/S/C: Smith/Khan-Bureau, to enter into Executive Session for the purpose of discussing pending litigation regarding 45 Forest Drive, LLC, at 8:39 p.m. Discussions to include the Planning & Zoning Commission and Town Planner LaFountain. Discussion: None. Voice vote, 6-0, all in favor.

M/S/C: Smith/Khan-Bureau, to exit from Executive Session at 8:46 p.m. No votes were taken during Executive Session. Discussion: None. Voice vote, 6-0, all in favor.

- 11. CORRESPONDENCE – none**

- 12. PUBLIC COMMENT – none**

- 13. PLUS DELTAS**

Chairman Smith thanked the Commissioners for their service and ongoing involvement in the community.

Commissioner Fontneau is pleased with the draft of the POCD, which is a group project, involving both former and current Commission Members. The document, he felt, is different and a marked improvement from previous versions.

- 14. ADJOURNMENT**

M/S/C: Khan-Bureau/Smith, to adjourn the meeting 8:49 p.m. Discussion: None. Voice vote, 6-0, all in favor.