

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 12, 2023 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

**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
John Gadbois, Vice Chairman
Walter Volberg, Secretary
Gary Closius
James Jorgensen
Martin Stoken
Pat Donovan, Alternate
Mark Medrzychowski, Alternate

ABSENT

Diba Khan-Bureau

ALSO PRESENT

Town Planner Nicole Haggerty

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Alternate Commissioner Medrzychowski was seated for Commissioner Khan-Bureau.

3. PUBLIC COMMENT

Sue Coffee, owner of 365 Old Colchester Road, 10 Saunders Hollow Lane, explained and provided copies and photographs of the formal complaint regarding the failure of the Erosion & Sedimentation (E&S) Controls installed at 343-R and 349 Old Colchester Road that was submitted on Monday, December 11.

Town Planner Haggerty reported that, per the Conditions of Approval, they are awaiting the receipt of the inspection report of the E&S Control measures following this past weekend's rainfall event. Property Owner John Diamantini has informed her that he is conducting repairs to the silt fence and submitted photographs. It is unknown which area the repairs were conducted.

Ms. Coffee added that the runoff to her property has been exacerbated due to the installation of a trench and expressed her willingness to work with the Property Owner(s) to re-route the run-off.

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

a. Regular Meeting Minutes of Tuesday, November 14, 2023

M/S/C: Gadbois/Volberg, to approve the Tuesday, November 14, 2023 Planning & Zoning Commission Regular Meeting Minutes. Discussion: None. Voice vote, 7-0, all in favor.

5. OLD BUSINESS

a. Discussion of Existing Cannabis Moratorium

Town Planner Haggerty provided a brief overview of the Moratorium and additional materials for review. The Commission approved a regulation to establish a moratorium (Section 3.26) that will expire on February 28, 2024. Should the Commissioners wish to work on the regulation, the Public Notices would need to be submitted by January 24, 2024. Should the moratorium expire and no action be taken, it will be presumed prohibitive and the Commission may revisit the regulation at a later date. She reviewed the types of licenses available, adding that the Commission would not be able to regulate medical retailers and delivery services. While consumption is not part of the Zoning Regulations, the Town may pass Ordinances related to consumption in public spaces. Per State Law, private citizens are allowed to grow a limited number of plants on their personal property. In her research, she found that, like tobacco, several towns have prohibited its consumption in public spaces through the Clean Air Act and Fire Codes. She was unaware of any existing ordinances for the consumption of tobacco on Town- or public properties.

Discussion ensued regarding whether to extend the moratorium or allow it to expire and, possibly, revisit the regulation at a later date. To date, no inquiries have been received from prospective applicants. The draft regulations created by Commissioner Closius several months ago as a starting point will be re-sent to the Chairman and Town Planner. The draft is based on those of surrounding towns that had passed regulations. Town Planner Haggerty will also compile the regulations of those towns that either extended their moratorium or prohibited such establishments.

6. NEW BUSINESS

a. Election of Officers

M/S/C: Gadbois/Volberg, to nominate and re-elect Chairman Smith as the Chairman of the Planning & Zoning Commission. Discussion: None. Voice vote, 7-0, all in favor.

M/S/C: Smith/Volberg, to nominate and elect Commissioner Jorgensen as the Vice Chairman of the Planning & Zoning Commission. Discussion: None. Voice vote, 7-0, all in favor.

M/S/C: Smith/Gadbois, to nominate and re-elect Secretary Volberg as the Secretary of the Planning & Zoning Commission. Discussion: None. Voice vote, 7-0, all in favor.

b. 2024 Meeting Dates

M/S/C: Gadbois/Volberg, to approve the 2024 Planning & Zoning Commission Regular Meeting Dates. Discussion: None. Voice vote, 7-0, all in favor.

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

8. TOWN PLANNER REPORT

Town Planner Haggerty reminded the Commissioners to complete the required four (4) hours of training by the end of the year and provided additional online training opportunities. This evening's Affordable and Fair Housing Training will fulfill one (1) of the four (4) required hours. The newer members must complete their training one year from the date of their appointment. Commissioners who complete a training session(s) were requested to send her the details of the session to receive credit. Should a Commissioner(s) not complete the training, decisions made by the Commission could be appealed. She is investigating the possibility of holding a training session with Atty. Byrne.

9. CORRESPONDENCE

a. Town of Montville 8-7(d)f Referral

A referral was received from the Town of Montville for zoning regulation amendments that would place them in compliance with the State Statutes.

b. Town of Lyme Referral

The Town of Lyme is proposing zoning regulation amendments to allow new multi-family dwellings under special use permits.

10. PUBLIC COMMENT – *none*

11. AFFORDABLE AND FAIR HOUSING TRAINING FOR LAND USE COMMISSIONERS

Town Planner Haggerty provided a one-hour Affordable and Fair Housing Training session, which will fulfill one (1) of the four (4) required training hours.

Housing is considered affordable if a household can live without sacrificing their day-to-day essentials and is paying no more than 30% of their income towards housing costs.

Affordable housing includes rentals and ownership and is restricted to residents with low or moderate income. Qualified families are eligible to receive government subsidies to rent or own properties with deed restrictions. The types of members in the community in need of affordable housing vary and include teachers, recent college graduates, first responders, veterans, non-profit employees, single-parent households, municipal employees, etc. She provided a brief history of the zoning laws, segregation, and the Fair Housing Act as related to Affordable Housing. Redlining and restrictive covenants led to the Civil Rights Act, which was expanded in 1968 to include the Fair Housing Act. Connecticut State Statutes also have specific requirements related to housing and zoning, namely the Affordable Appeals Act (§8-30(g)), which was passed in the 1980s. Other legislation encouraging housing diversity includes PA 17-170, requiring municipalities to adopt Affordable Housing Plans (2017); the Zoning Enabling Act (§8-2), which includes items that can/cannot be included in the zoning regulations, and; Public Act 21-29, which includes items that zoning regulations cannot include. Per §8-30(g), 10% of each municipality's housing stock must qualify as affordable housing. Otherwise, development projects are not subject to local zoning regulations and can only be denied in very limited situations. Towns are eligible to achieve a temporary four-year moratorium on §8-30(g) applications based on a points system. Salem would need to earn 50 points to achieve a moratorium, which amounts to 17 to 100 new affordable homes, depending on their size, availability, and restrictions. The goal of the regulation is to encourage towns to proactively seek creative housing solutions to diversify their communities and foster more inclusive housing by offering various housing types. Many municipalities have zoning policies and regulations that impact housing, including minimum lot sizes and setbacks, prohibition of accessory dwelling units, prohibiting multi-family housing or requiring a special use permit, and the like. Common recommendations to create housing that is affordable in the community include the allowance of duplexes, identifying possible multi-family housing sites, adoption of regulations for single-family cluster developments, and working with housing land trusts or non-profit organizations.

Commissioner Stoken questioned the §8-30(g) requirements in relation to Inland Wetlands Regulations. The Town of Salem includes a significant amount of protected lands and wetlands and its lack of access to public water and sewer prohibits developments and makes compliance difficult. Commissioner Volberg stated the importance of educating the public regarding affordable housing and changing the negative connotation(s) and perception(s). The Commissioners discussed ways in which the town could actively encourage developers to include affordable housing in their proposed developments, including working with Habitat for Humanity to rehabilitate a home(s) for qualified low to moderate-income owner-occupants. Town Planner Haggerty stated the importance of towns making an effort to create affordable housing to avoid the possibility of stricter state rulings.

12. PLUS DELTAS

Chairman Smith thanked everyone for attending this evening's meeting.

The Commissioners expressed their appreciation to the Town Planner for providing the training session.

13. ADJOURNMENT

M/S/C: Closius/Volberg, to adjourn the meeting at 8:45 p.m. Discussion: None. Voice vote, 7-0, all in favor.

Respectfully Submitted by:

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

**A VIDEO RECORD OF THE MEETING CAN BE FOUND ON THE TOWN'S
WEBSITE UNDER BOARDS & COMMISSIONS – PLANNING & ZONING
COMMISSION – MEETING VIDEOS**