

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, MARCH 12, 2024 – 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
James Jorgensen, Vice Chairman (7:12 p.m.)
Walter Volberg, Secretary
Gary Closius
Diba Khan-Bureau
Martin Stoken
Mark Medrzychowski, Alternate (*seated*)

ABSENT

John Gadbois
Pat Donovan, Alternate

ALSO PRESENT

Town Planner Liz Burdick

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL/SEATING OF ALTERNATES

Alternate Commissioner Medrzychowski was seated for Commissioner Gadbois.

4. PUBLIC COMMENT – *none*

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

a. Regular Meeting Minutes of Tuesday, February 27, 2024

M/S/C: Closius/Volberg, to approve the Tuesday, February 27, 2024 Planning & Zoning Commission Regular Meeting Minutes. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Closius, Khan-Bureau, Medrzychowski, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Stoken.

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6. PUBLIC HEARING/DISCUSSION & DECISION

- a. Public Hearing: Application #ZRA-24-1 – Zoning Regulation Text Amendment to Amend Section 3.26.2 (Temporary & Limited Moratorium on Cannabis Establishments – Effective Date/Term) – Applicant, Town of Salem Planning & Zoning Commission [Date of Receipt 02/13/24 – Commission Action Set PH for 03/12/24]**

M/S/C: Khan-Bureau/Volberg, to open the Public Hearing for Application #ZRA-24-1 – Zoning Regulation Text Amendment to Amend Section 3.26.2 (Temporary & Limited Moratorium on Cannabis Establishments – Effective Date/Term) – Applicant, Town of Salem Planning & Zoning Commission. Discussion: None. Voice vote, 6-0, all in favor.

Town Planner Burdick recited the Public Notice and entered the following exhibits, into the record:

1. Application for the proposed Zoning Regulation Text Amendment to Section 3.26.2 (Temporary & Limited Moratorium on Cannabis Establishments)
2. Referral to the Southeastern Connecticut Council of Governments (SCCOG), dated February 7, 2024
3. Referral to the Lower Connecticut Valley Council of Governments (RiverCOG), dated February 7, 2024
4. Town Planner Staff Report for the Planning & Zoning Commission February 13, 2024 Regular Meeting
5. Response from RiverCOG, dated February 13, 2024
6. Notice of the Public Hearing, published in *The Day* newspaper on March 1, 2024 and March 8, 2024
7. Town Planner Staff Report for the Planning & Zoning Commission February 27, 2024 Regular Meeting
8. Response from SCCOG, dated March 5, 2024
9. Town Planner Staff Report for the Planning & Zoning Commission March 12, 2024 Regular Meeting

The purpose of the application, posted in the Town Clerk's Office on February 26, is to extend the currently established Temporary and Limited Moratorium on Cannabis Establishments. Though the Commission's Regular Meeting on February 13 was canceled, the application was automatically received. Applications submitted by the Commission are exempt from the decision requirement dates. The current Moratorium has been revised. While cannabis establishments shall be presumed to be not allowed in any zones if no action is taken within the required timeframe, it was recommended that a regulation be established prohibiting such establishments to avoid any potential litigation. The application was referred to the SCCOG, who submitted a letter stating

that “the proposed amendments are not likely to have a negative inter-municipal impact.” The LowerCOG, similarly, found that “there will be no significant inter-municipal impacts if the moratorium is adopted as proposed.” The application complies with all of the legal requirements.

There being no members of the public present and, hence, no comments, the Public Hearing was closed and a decision was rendered.

M/S/C: Khan-Bureau/Volberg, to close the Public Hearing for Application #ZRA-24-1 – Zoning Regulation Text Amendment to Amend Section 3.26.2 (Temporary & Limited Moratorium on Cannabis Establishments – Effective Date/Term) – Applicant, Town of Salem Planning & Zoning Commission. Discussion: None. Voice vote, 6-0, all in favor.

Commissioner Jorgensen entered the meeting at 7:12 p.m.

M/S/C: Volberg/Closius, to APPROVE Application PZ #ZRA 24-1 – to amend Section 3.26.2 (EFFECTIVE DATE/TERM –Temporary & Limited Moratorium on Cannabis Establishments) of the Salem Zoning Regulations as follows: “3.26.2 EFFECTIVE DATE/TERM. This temporary and limited moratorium shall become effective on March 18, 2024 and shall remain in effect for a period of 180 days until September 18, 2024 or until such time as the Planning and Zoning Commission adopts regulations concerning Cannabis Establishments, whichever is earlier.” Discussion: The recommendation to establish a regulation regarding Cannabis Establishments before the moratorium expires on September 18 was reiterated. Voice vote, 7-0, all in favor.

7. OLD BUSINESS

a. Discussion of Regulation of Cannabis Establishments

Town Planner Burdick provided the following items for review:

- 1) Research Bulletin, dated October 27, 2021, issued by the Connecticut Conference of Municipalities (CCM) regarding Recreational Cannabis
- 2) White Paper from the Western Connecticut Council of Governments (WestCOG)
- 3) Memorandum from Berchem Poses, P.C.
- 4) Proposed amendments from various municipalities
- 5) Link to a list of municipal cannabis zoning changes, posted by the State of Connecticut (https://portal.ct.gov/cannabis/Knowledge-Base/Articles/Municipal-cannabis-zoning-changes-reported-to-DCP?language=en_US)

The Commission planned to review the materials and discuss the regulation on Tuesday, April 23. After a direction is established, the Town Planner agreed to draft the regulation.

8. NEW BUSINESS – none

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

Town Planner Burdick reported that the Zoning/Wetlands Officer resigned from the position and she has agreed to serve as the Town's Interim Zoning Officer (ZEO). She is in the process of reviewing the current job description and will also assist the Town with the search for a new ZEO.

343-R Old Colchester Road – While the owner of the property repaired the existing Erosion & Sedimentation Controls, as requested, the continuing rain and resulting saturation of the earth continue to cause soil erosion and stormwater runoff on the neighboring property(ies). The owner's Soil/Environmental Scientist CLA Engineers, Inc., Bob Russo has agreed to contact the owner regarding devising a plan to resolve the issues. She has emphasized the importance of not utilizing the property for dirt biking until it is stabilized to the owner, who appears to be amenable and agreeable to resolving the issues.

9. TOWN PLANNER REPORT

Town Planner Burdick stated that the SCCOG's Regional Planning Commission, comprised of representatives from each of the region's Planning and/or Zoning Commissions, provides an opportunity for Commissioners to meet, provide updates, and network with their colleagues. The meetings are held quarterly via Zoom on Monday evenings at 7:00 p.m. Chairman Smith volunteered to represent the Town as a member of the Commission and Commissioner Closius agreed to serve as an alternate member.

M/S/C: Khan-Bureau/Volberg, to appoint Chairman Smith as the Town's liaison and Commissioner Closius as the alternate liaison to the Southeastern Connecticut Regional Planning Commission. Discussion: None. Voice vote, 7-0, all in favor.

Regulation Amendment(s) (Commissioner Stoken) – Commissioner Stoken suggested the possibility of amending the Zoning Regulations regarding Multi-Family Dwellings to clarify the special exception requirements, specifically Section 15.2.5, citing the issue(s) that arose with the application related to the New London Road development.

Commissioner Closius noted that other regulations are also in need of revision, namely the signage regulation. Town Planner Burdick also recommended the Commissioners review the zoning regulations for any possible allowances for housing that is affordable, for example, allowing higher density zones, including mobile manufactured home communities. Commissioner Volberg stated the importance of educating the town. Town Planner Burdick also noted the possibility of holding training sessions for Commissioners on handling contentious or controversial matters.

Planning & Zoning Commission vs. Planning Commission and Zoning Commission
(Commissioner Closius) – Because the Town will be updating the Town Charter, the possibility of separating the Commission to enable them to devote more time to planning was proposed and discussed. The issue of the lack of volunteers was raised.

10. CORRESPONDENCE

- a. Notice of Exempt Modification – 399 West Road, Salem, CT – Verizon Wireless Telecommunication Facility – Antenna replacement**

11. PUBLIC COMMENT – *none*

13. ADJOURNMENT

M/S/C: Closius/Volberg, to adjourn the meeting at 7:56 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