

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 13, 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  
John Gadbois, Vice Chairman  
Diba Khan-Bureau  
Carl S. Fontneau  
Jennifer Lindo  
Walter Volberg  
Gary Closius, Alternate (*seated*)

**ABSENT**

Thomas Reith  
Dave Knopf, Alternate (*seated*)  
Steven Shelley, Alternate (*seated*)

**ALSO PRESENT**

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 was seated for Full Member Commissioner Reith.*

**3. PUBLIC COMMENT:**

Sue Snarski Coffee, 365 Old Colchester Road, owner of the property adjacent to the motocross motorcycle events, expressed her concerns regarding the noise emitted from the motorcycles. The noise is also heard at Sna-Z-Spot Campground, which she partially owns. She is also concerned with the vicinity of the activity to the nearby cemetery. The events are promoted on social media sites and a sign is placed in front of the property. The owner(s) were also charging a fee and are now accepting donations as a not-for-profit organization. She welcomed the Commissioners to her property to witness the activity.

Ed Artale, 359 Round Hill Road, a 40-year resident, also commented on the noise emitted from the motocross motorcycles. The loud, constant, and obnoxious sounds are heard throughout the weekend from Friday night through Sunday. The noise is akin to living across from the Waterford Speedbowl and prohibits the residents from enjoying a nice, quiet afternoon. According to the Zoning Department, the property is not zoned for the

activity. He felt that a Noise Ordinance would not be supported by the residents and, if supported, would be a long process before it is established.

Wade Turner, 313 Old Colchester Road, stated that he did not wish to hinder the owners from doing what they would like to do on their property. He has spoken with the Diamantinis, who had informed him that the activity would be small and private. He is opposed to the activity becoming a commercial entity, which could devalue their properties.

Marty Stokin, 305 Old Colchester Road, concurred with Mr. Turner and expressed his concerns that the activity would grow and become more consistent and constant. He questioned the town's ability to place limitations on such activities.

In response to Chairman Smith who questioned the number of motorcycles they estimate on the property, Carrie Turner, 313 Old Colchester Road, reported that they have witnessed approximately five to ten trucks and several vehicles with trailers enter the property. The parking area is not visible from the road.

Sue Coffee stated that she has taken a video depicting 12 individuals doing jumps. The racing takes place in heats and is comprised of numerous motorcycles. She expressed her concerns about the reduction of their property values and the odors emitted from the motorcycles in addition to the noise. She also did not feel that the residents' tax dollars should be helping fund the ambulance service that would be servicing individuals who are injured as a result of the activity, especially since they are engaging in an unpermitted activity.

**4. PUBLIC HEARING:** *None*

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

**a. Regular Meeting Minutes of August 23, 2022**

**M/S/C: Fontneau/Khan-Bureau, to approve the Planning & Zoning Commission Regular Meeting Minutes of August 23, 2022. Discussion: None. Voice vote, 4-0-3. Voting in Favor: Commissioners Closius, Fontneau, Khan-Bureau, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioners Gadbois, Lindo, and Volberg.**

**M/S/C: Khan-Bureau/Lindo, to move Item 7(a), New Business, Request for Letter of Support from the Salem Land Trust, regarding the purchase of 460 Old New London Road to precede Item 6, Old Business. Discussion: The item numbers will be adjusted accordingly. Voice vote, 7-0, all in favor.**

**6. NEW BUSINESS**

**a. Request for Letter of Support from the Salem Land Trust, regarding the purchase of 460 Old New London Road**

Salem Land Trust (SLT) President Linda Schroeder stated that the Land Trust is in the process of applying for an Open Space and Watershed Land Acquisition (OSWA) Grant to fund the purchase of the Stahlschmidt property, located at 460 Old New London Road. The requirements for the Grant include the submission of Letters of Support from the Inland Wetlands and Planning & Zoning Commissions, Southeastern Council of Government, and First Selectman. All of the properties owned by the Land Trust are open to the public for recreation, education, and scientific research. The 47.53-acre property borders the Towns of East Lyme and Montville. The property has approximately 800' of frontage on Old New London Road and approximately 1500' of frontage on the former Route 11 roadcut, which is owned by CTDOT (Connecticut Department of Transportation). The property is surrounded by forest land and includes forestry wetlands with a stream that empties into Latimer Brook, an important headwater stream of the Niantic River Watershed. The wetlands are located a walkable distance from the parking area, making it an ideal property for education. The owners were initially prepared to sell the property to the State as part of the now-defunct Route 11 Greenway and continue to be interested in conserving the property. The property is designated as PA-490 land and is taxed for \$373.82. As a non-profit entity, the land would no longer be taxed.

Commissioner Khan-Bureau reported that SLT President Schroeder provided a similar presentation to the Inland Wetlands and Conservation Commission last week. The Commission unanimously approved the drafting of a Letter of Support, which she will be signing on their behalf.

Town Planner LaFountain stated that there is very little likelihood that the property would be used for development and felt that drafting a Letter of Support for the Salem Land Trust to purchase the property would be beneficial to the town.

Commissioner Closius cited the POCD (Plan of Conservation & Development) survey results in which many of the respondents were in favor of maintaining the rural nature of the town.

Commissioner Fontneau stated that the Route 11 Greenway is connected to other forest blocks that are not immediately apparent when viewing the aerial maps. As the POCD will report, the Town currently has approximately 31% of land in Open Space and, as noted by Commissioner Closius, the respondents of the survey stated that they were in favor of having additional Open Space that is accessible to the public. As such, he expressed his support.

**M/S/C: Fontneau/Khan-Bureau, to approve the drafting of a Letter of Support for the acquisition of 460 Old New London Road by the Salem Land Trust as it is consistent with the past and forthcoming Plan of Conservation & Development and 2007 Open Space Plan. Discussion: Commissioner Fontneau suggested the Town Planner draft the Letter of Support. Voice vote, 7-0, all in favor.**

**M/S/C: Khan-Bureau/Closius, to move Item 7(b), New Business, Executive Session, to precede Item 6, Old Business. Discussion: None. Voice vote, 7-0, all in favor.**

- b. Executive Session: Update and potential settlement discussions on court cases pertaining to 45 Forest Drive (HHD-CV-21-61489990-S and KNL-CV-22-6057967-S)**

**M/S/C: Closius/Volberg, to enter into Executive Session for an update and potential settlement regarding the court cases pertaining to 45 Forest Drive (HHD-CV-21-61489990-S and KNL-CV-22-6057967-S) at 7:43 p.m. Discussions to include the Planning & Zoning Commission, Town Planner Justin LaFountain, and Town Atty. Steven Byrne. Discussion: None. Voice vote, 7-0, all in favor.**

**M/S/C: Smith/Volberg, to exit from Executive Session at 8:32 p.m. No votes were taken during Executive Session. Discussion: None. Voice vote, 7-0, all in favor.**

## **7. OLD BUSINESS:**

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

The Commission discussed the POCDs date of completion. Town Planner LaFountain strongly encouraged the Commission to submit the completed document by the end of the year. Revisions may be made to the document after it is submitted thereby extending the 10-year lifespan of the document. Having missed the initial deadline, the town is required to submit a letter stating that the POCD has not yet been completed with any grants they wish to apply for; the town could be denied a grant as a result. Commissioner Closius recommended they review the document, correct any “fatal flaws”, and begin the approval process. A list of any items that arise may be conglomerated and addressed at a later date. Commissioner Fontneau reminded the Commissioners that the Housing Plan, which will be included as an Appendix in the POCD, will also need to be updated every 5-years. Town Planner LaFountain also reminded the Commission that minor revisions may be made before the document is presented to the public at the Public Hearing.

Town Planner LaFountain reported that, due to the abundance of information, he took the liberty of reorganizing the chapters such that Chapter 1 contains the Executive Summary and Introduction, Chapter 2 includes the Changes and Trends in Salem, and

Chapter 3 includes the Vision Statement. He also reviewed and confirmed that all of the census data was consistent throughout the document. The mistranslation of the information included in the table from the Excel to the Word document will be corrected. Commissioners Lindo and Khan-Bureau were pleased with the layout and organization of the chapters.

Chapter 4: Natural Resources and Chapter 5: Agriculture and Forestry – Commissioner Fontneau stated that a draft including his suggested additions should be completed by Monday for review by the Town Planner. The draft will be available via Google Docs.

Chapter 2: Changes and Trends in Salem – Upon Chairman Smith’s suggestion, Commissioner Closius will revise the chapter to include the survey responses for questions 34 (reorganization of the fire and ambulance services) and 35 (authority of local zoning issues).

Town Planner LaFountain will review the calendar to confirm the scheduling of the Public Hearing for December.

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

343 Old Colchester Road – A Notice of Violation has been issued for the motocross event(s). Chairman Smith recited the update provided by the Zoning Enforcement Officer. The date of the Notice is not stated in the report.

Edwina Callaghan questioned the consequence(s), if any, should the owner(s) ignore the Cease-and-Desist Order. It was clarified that a Notice of Violation was issued and not a Cease-and-Desist Order. Discussion ensued regarding the process. Town Planner LaFountain explained the process as outlined in the Zoning Regulations. Commissioner Khan-Bureau stated that it appears the owner(s) has not yet addressed either a Notice of Violation or Cease-and-Desist Order. Atty. Steven Byrne explained the court process should the order be appealed.

Commissioner Khan-Bureau stated that it is her understanding that the property is home to a stream and wetlands and expressed her concerns that the Inland Wetlands & Conservation Commission (IWCC) was not informed about the activity.

Mr. Turner reported that he informed the ZWEO regarding the excavation of material from the site. Depending upon how much material was excavated, the activity could constitute a violation.

Ms. Coffee invited the Commissioners to view the property from her property. She stated that the land is regularly groomed and reiterated her concerns regarding any damage that has incurred to the nearby cemetery(ies) (DeWolf Cemetery I and DeWolf Cemetery II).

Deb Artale, 359 Round Hill Road, questioned who would investigate whether the activity is a sufficient distance from the wetlands.

Commissioner Khan-Bureau stated that the IWCC could schedule a site walk to view the property with the owner's permission. They could also task the Wetlands Officer to view the property in their stead. It was noted that the property could also be viewed from Zemko Pond. She suggested the residents draft a letter addressed to the IWCC to request that the item be placed on their next meeting agenda.

Other items in the report include:

630 West Road – A Notice of Violation was issued for unpermitted lumbering use.

45 Forest Drive – The willful violation of a three-year old Cease & Desist Order of an unpermitted resort/event facility persists.

## **9. TOWN PLANNER REPORT**

Town Planner LaFountain informed the Commission that there is room conflict for the Commission's November meeting due to the elections. Alternatives include the Salem Free Public Library and Salem School.

A letter was received from CTDOT (Connecticut Department of Transportation) regarding additional revisions to be made to the application for the 496 New London Road (Woodchuck Road) property.

An Affordable Housing Solutions Seminar will be held next Tuesday, September 20, at the Mystic Hilton. The Seminar is free of charge and open to the public. Town Planner LaFountain will be attending the event and a report drafted by himself will be distributed to the attendees.

## **11. CORRESPONDENCE – none**

## **12. PUBLIC COMMENT**

Wade Turner, 313 Old Colchester Road, questioned whether the Zoning Officer's Report should have included the zoning issues with the motocross motorcycles on Old Colchester Road.

*Chairman Smith informed Mr. Turner that the item is included in the report, but was discussed separately.*

Ed Artale, 359 Round Hill Road, requested clarification regarding whether a Notice of Violation or Cease & Desist Order was issued to the owner(s) of motocross motorcycle property.

*The ZWEO's Report states that a Notice of Violation was issued.*

Sue Snarski Coffee, 365 Old Colchester Road, questioned the next steps in dealing with the motocross motorcycle issue(s).

*Town Planner LaFountain recommended sending any photos and/or videos to the ZWEO. Any questions regarding the matter should also be directed to the ZWEO. Commissioner Fontneau suggested the residents create a log of the activity they witness at the site. A copy of the Notice of Violation or Cease & Desist Order may be requested from the ZWEO.*

**13. PLUS DELTAS**

Chairman Smith was pleased with this evening's meeting and their discussions.

Commissioner Lindo thanked the Commissioners for their prayers and expressions of concern for her father, who is doing better.

**14. ADJOURNMENT**

**M/S/C: Volberg/Lindo, to adjourn the meeting 9:05 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**