

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 27, 2022 – 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  
Diba Khan-Bureau  
Carl S. Fontneau  
Jennifer Lindo  
Gary Closius, Alternate (*seated*)

**ABSENT**

John Gadbois, Vice Chairman  
Thomas Reith  
Walter Volberg  
Dave Knopf, Alternate  
Steven Shelley, Alternate

**ALSO PRESENT**

Town Planner Justin LaFountain

**1. CALL TO ORDER**

Chairman Smith called the meeting to order at 7:06 p.m.

**2. PLEDGE OF ALLEGIANCE**

*Alternate Commissioners Closius was seated for Full Member Commissioner Gadbois.*

**M/S/C: Lindo/Khan-Bureau, to move Item 8, Zoning Enforcement Officer's  
Report/Inland Wetlands and Conservation Commission Report, to precede Item 3,  
Public Comment. Discussion: All subsequent item numbers will be revised  
accordingly. Voice vote, 5-0, all in favor.**

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

Chairman Smith recited the Zoning/Wetland Officer's (ZWEO) Report and the Cease & Desist Order addressed to the owner of the property located at 343 Old Colchester Road for the operation of an unpermitted recreational club in the form of a public motocross track, into the record.

Also included in the ZWEO's report is a Notice of Violation that was issued for unpermitted lumbering at 630 West Road. The property owner might be seeking a Regulation Amendment.

Commissioner Lindo noted that the Cease & Desist Order does not provide a date by which the Property Owner(s) must comply and questioned whether that would impact the Town's enforcement abilities. Town Planner LaFountain stated that he did not know what the impact would be. He noted that the letter states that the Owner(s) is "hereby ordered to immediately cease and desist...and may appeal this Notice to the Zoning Board of Appeals within 30 days." Per State Statute, an Appeal must be granted. While unsure, he believed the letter was reviewed by the Town Attorney. Should the Owner(s) not appeal the Notice or submit an application to the Commission for a Special Exception, the Town could file a court proceeding with, possibly, an injunction.

**4. PUBLIC COMMENT:**

Chairman Smith recited the difference between a Public Comment and Public Hearing, as provided by the Town Planner. The Public Comment portion of the meetings are periods during which the Commissioners listen to the public's concerns regarding land use issues and not a period during which the Commissioners and the public engage in a question and/or answer period or conversation. Comments made by the Commissioners that are not before them could jeopardize any future legal actions. It is important for the Commissioners to maintain their (appearance of) objectivity and unbiasedness.

Sue Coffee, 10 Saunders Hollow, Old Lyme, owner of five (5) Salem properties, including 365 Old Colchester Road, spoke with respect to the activities taking place at 343 Old Colchester Road. While understanding the need for due process, she expressed her frustrations with the lack of speed of progress. The track appears to be increasing in size and improvements are being made weekly. Considerable material has been removed and added to the site and the activities continue to be advertised. In addition to the noise, she stated her concerns with the property owner's clearing of trees and vegetation and its potential for erosion runoff into the wetlands and possible reduction of wildlife habitat. She felt that the Town Officials should have first-hand knowledge and witness the activities occurring on the property.

*A copy of her e-mail has been submitted under correspondence.*

**5. PUBLIC HEARING: None**

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

**a. Regular Meeting Minutes of September 13, 2022**

**M/S/C: Lindo/Closius, to approve the Planning & Zoning Commission Regular Meeting Minutes of September 13, 2022. Discussion: None. Voice vote, 5-0, all in favor.**

**7. OLD BUSINESS**

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

Town Planner LaFountain stated that a draft of the POCD must be submitted to the Southeastern (SCCOG) and Lower Connecticut River Valley (RiverCOG) Connecticut Council of Governments and Board of Selectmen for review no later than 65 (sixty-five) days before the scheduled Public Hearing date. In addition, a Notice must be received by the Town Clerk's office and posted on the Town website at least 35 (thirty-five) days before the Public Hearing. Considering these requirements, the earliest possible Regular Meeting date to schedule the Public Hearing is Tuesday, December 13. Changes that do not substantially change the nature of the document, itself, may be made prior to the final adoption of the document.

**M/S/C: Lindo/Khan-Bureau, to schedule the Public Hearing date for the proposed amendments to the 2012 Plan of Conservation and Development (POCD) for Tuesday, December 13, 2022. Discussion: None. Voice vote, 5-0, all in favor.**

**8. NEW BUSINESS:**

**a. Request for Extension of Site Plan Approval: SP 10-1-17, Self-Storage Development at 89 New London Road**

Chairman Smith recited the Applicant's Letter of Request for an extension of the Site Plan Approval for Application SP 10-1-17.

Town Planner LaFountain stated that, per State Statutes, site plans are valid for five (5) years. An extension of up to five (5) years may be requested by the Applicant and granted by the Commission. He reminded the Commission that site plans meeting the Regulation requirements must be approved. The Application was originally approved in November 2017. He also noted that there are no wetlands on the site.

Processing of Gravel & Stone (Commissioner Fontneau) – Any processing of materials would require a separate application and approval. Excavation for the purpose of construction is permitted. Commissioner Fontneau stated that a sorter is located on the property. Commissioner Lindo recalled a conversation regarding the amount of material that would need to be removed from the property due to the bank.

Expiration of Site Plan Approval (Commissioners Closius & Fontneau) – The Applicant would be required to adhere to the “old” regulations, should they be amended. While the Application could be extended for less than five (5) years, the Applicant may return annually for an extension. The maximum number of years the approval would be valid is ten (10) years.

**M/S/C: Closius/Lindo, to approve the Request for Extension of Site Plan Approval: SP 10-1-17, Self-Storage Development at 89 New London Road for a period of five (5) years. Discussion: None. Voice vote, 4-1. Voting in Favor: Commissioners Closius, Khan-Bureau, Lindo, and Smith. Voting in Opposition: Commissioner Fontneau.**

Commissioner Fontneau stated that his opposition to the extension is due to his belief that projects that are not completed in a timely matter could hinder the property from being developed for other potential projects and the Town’s economic development.

- 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)**

*The item was tabled.*

## **9. TOWN PLANNER REPORT**

630 West Road is located in the Rural A (RUA) Zone. While the other zones that allow properties to be used for forestry also include lumbering, the RUA Zone only includes forestry. As such, the Owner(s) might submit a Regulation amendment application to include the allowance of lumbering within the zone. In response to Chairman Smith who questioned the definition of forestry, Town Planner LaFountain stated that the Town’s Regulations do not define forestry. As such, the State’s definition of the term would apply.

A notice was received from the Applicant’s Engineer stating their plans to present an application for a proposed housing development on Woodchuck Road to the Inland Wetlands & Conservation Commission. If presented and approved, the Applicant(s) will also present their application to the Commission.

Town Planner LaFountain reported that the Recreation Commission will be holding a Site Walk to view the proposed changes to the Disc Golf Course on Thursday, September 30. He cautioned the Commissioners from attending the meeting due to issues related to FOIA (Freedom of Information Act) requirements. Once the plans are solidified, the application is expected to be presented to the Inland Wetlands & Conservation and Planning & Zoning Commissions for review and approval.

**11. CORRESPONDENCE**

- a. An e-mail correspondence received from Sue Coffee and Friends, dated September 26, regarding the activities taking place at 343-R Old Colchester Road
- b. An e-mail correspondence from John Hummel, dated September 15, regarding the activities taking place at 343-R Old Colchester Road

**12. PUBLIC COMMENT – *none***

**13. PLUS DELTAS – *none***

**14. ADJOURNMENT**

**M/S/C: Lindo/Khan-Bureau, to adjourn the meeting 7:38 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**