

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

**ABSENT**

Thomas Reith  
Dave Knopf, Alternate  
Steven Shelley, Alternate

**ALSO PRESENT**

Town Planner Nicole Haggerty

**1. CALL TO ORDER**

Chairman Smith called the meeting to order at 7:03 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chairman Smith informed the public that, due to the transition between Town Planners, the Public Hearing for the Plan of Conservation and Development (POCD) was not properly noticed and will be rescheduled.

**M/S/C: Lindo/Volberg, to reschedule the Public Hearing for the Plan of Conservation and Development (POCD) for Tuesday, January 10, 2022, at 7:00 p.m. The Public Hearing will be held at Salem Town Hall, Conference Room 1. Discussion: None. Voice vote, 6-0 all in favor.**

**3. PUBLIC COMMENT:**

Sue Spang, Hartford Road, questioned whether both a Town Meeting and Public Hearing would be held for the POCD, as required, and the deadline date to submit the document to the State. She thanked the Commission for providing copies of the document for the public.

*The Commissioners believed that the POCD must be approved by the legislative body, i.e., the Board of Selectmen, and a Town Meeting was not required. Chairman Smith stated that it was his hope to submit the document by the year's end.*

*Alternate Commissioner Closius was seated for Full Commissioner Reith.*

**4. PUBLIC HEARING:**

- a. **Plan of Conservation and Development.** The Salem Planning and Zoning Commission has drafted an updated 2022 Plan of Conservation and Development. This is a 10-year plan, required by the State, which provides guidance for the Town.  
*See above; Public Hearing re-scheduled for Tuesday, January 10, 2022.*

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

- a. Regular Meeting Minutes November 22, 2022  
**M/S/C: Lindo/Khan-Bureau, to approve the Planning & Zoning Commission Regular Meeting Minutes for November 22, 2022. Discussion: None. Voice vote, 6-0-1. Voting in Favor: Commissioners Gadbois, Fontneau, Khan-bureau, Lindo, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Closius.**

**6. OLD BUSINESS:**

- a. **Plan of Conservation and Development.** The Salem Planning and Zoning Commission has drafted an updated 2022 Plan of Conservation and Development. This is a 10-year plan, required by the State, which provides guidance for the Town.  
**M/S/C: Smith/Closius, to add the following item under Item 7, New Business, to the Agenda:**  
**7(a) Plan of Conservation and Development Working Group**  
**Discussion: The items that follow on the Agenda will be renumbered accordingly. Voice vote, 7-0, all in favor.**

**7. NEW BUSINESS:**

- a. **Plan of Conservation and Development Working Group**  
The Commissioners reviewed the proposed revisions/clarifications submitted by Commissioners Closius and Smith to the draft POCD:

Page 15, Question 34:

There were 265 responses to this question. *Just under half (48%) felt the Town should consider reorganizing the fire and ambulance services to maintain public safety and control increasing budgets. Of the remaining responders, or were unsure (15% responded NO and 35% responded they were UNSURE). However, just under half (48%) felt the town should consider reorganizing the fire and ambulance services.*

Page 16, Key Takeaways from the 2021 POCD Survey:

The sources of each of the Key Takeaways were added. For example:

1. Salem's population growth has slowed over the last decade. (*Chapter 2, Page 4, Changes and Trends in Salem: Population*)

**M/S/C: Smith/Lindo, to approve the proposed amendments to the Plan of Conservation and Development, as discussed. Discussion: It was agreed that the proposed amendments are insignificant and would not affect the public notice. Voice vote, 7-0, all in favor.**

- b. SD22-01 – John Diamantini:** Subdivision application for 343-R Old Colchester Road, Salem, for the creation of one new lot. Receipt of Application and Public Hearing scheduling.

Town Planner Haggerty reported that the Application, which was received on November 22, 2022, is significantly incomplete. As such, she recommended the Commission not accept the Application, as submitted.

Commissioner Khan-Bureau reported that the Applicant also submitted an application to the Inland Wetlands & Conservation Commission and was also requested to provide additional, more detailed, information regarding the existing and proposed development.

**M/S/C: Khan-Bureau/Volberg, to not accept Application #SD22-01 – John Diamantini: Subdivision application for 343-R Old Colchester Road, Salem, for the creation of one new lot due to the receipt of a significantly incomplete Application. Discussion: None. Voice vote, 7-0, all in favor.**

- c. Discussion of Potential Zoning Regulation Text Amendments**

The Commissioners reviewed and discussed Commissioner Lindo's draft of a proposed text amendment to the Salem Zoning Regulations (*see attached*). Proposed is a new section to be added to Section 4.2, Rural Zone A, Special Exceptions, entitled *Firewood Materials Processing*. Commissioner Lindo noted that the proposed draft derived from existing regulations from a neighboring town; some of the items might not be relevant to the processing of firewood. The Commissioners also reviewed and considered the suggestions provided by the Lower Connecticut River Valley Council of Governments (RiverCOG) in their letter, dated October 26, 2022.

It was noted that ZEO Allen maintains his position that the lumbering is not an appropriate use for the zone.

The Commissioners briefly discussed the process for proposed text amendments. To expedite the process, the Commissioners agreed to revise the text, as discussed, and set the Public Hearing date for January 24, 2023. Additional proposed revisions may be discussed during the Public Hearing.

**M/S/C: Gadbois/Khan-Bureau, to set the Public Hearing date of January 24, 2023 for the proposed text amendment to the Salem Zoning Regulations.**  
**Discussion: None. Voice vote, 7-0, all in favor.**

**d. 2023 Planning & Zoning Commission Meeting Dates**

**M/S/C: Khan-Bureau/Volberg, to approve the 2023 Planning & Zoning Commission Regular Meeting Schedule, with the following amendments:**

**March ~~25~~ 28, 2022**

**November 8 14, 2023**

**Discussion: None. Voice vote, 7-0, all in favor.**

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

**9. TOWN PLANNER REPORT**

Town Planner Haggerty thanked the Commissioners for their patience while she gets acclimated to her new role.

**10. CORRESPONDENCE**

- a. Invoice from Byrne & Byrne, LLC for legal services

**11. PUBLIC COMMENT**

Application #ZRA 22-01 Applicant Laura Smith requested clarification regarding the Special Exception process and whether it would be possible to request a different set of setback requirements.

*Commissioner Lindo explained that an applicant may apply for a Special Exception for a specific location for a specific use. The Special Exception would be considered the permit and the Applicant would be responsible for recording the item with the Town Clerk in the Town's Land Records.*

*Site Plan Requirements – All Special Exceptions require the submission of a site plan, completed by a professional Surveyor. All Applicants must meet the setback requirements, which are measured from the property line.*

*Public Hearing Process – Town Planner Haggerty explained that there is a 30-day waiting period after the revised Regulations are received by the Town Clerk's office. An aggrieved party may submit an appeal to the Commission's decision within 15 days of the posting of the public notice. The 15 days is contained within the 30-day waiting period. An application may be submitted for the Special Exception following the waiting period.*

Carol Carlson, 630 West Road, questioned whether the neighborhood stands that sell firewood to the public alongside the road would also require a Special Exception.

Frank Zeleznicky, 630 West Road, questioned where the minimum setback of 500' derived from.

*Chairman Smith stated that the minimum setback requirement of 500' derived from their Zoning Regulation requirement for kennels. He invited the public to join the Public Hearing for further discussion regarding the proposed text amendment.*

Sue Spang, Hartford Road, stated that, per the Town Charter, the Town Meeting, rather than the Board of Selectmen, is the legislative body of the Town.

*Town Planner Haggerty recited the State Statute, which reads:*

At least sixty-five days prior to the public hearing on adoption, the commission shall submit a copy of such plan or part thereof or amendment thereto for review and comment to the legislative body or, in the case of a municipality for which the legislative body of the municipality is a town meeting or representative town meeting, to the board of selectmen. The legislative body or board of selectmen, as the case may be, may hold one or more public hearings on the plan and shall endorse or reject such entire plan or part thereof or amendment and may submit comments and recommended changes to the commission. The commission may render a decision on the plan without the report of such body or board. *[Section 8-23(h)(2)]*

Spang stated the importance of the document and encouraged them to send out an e-blast to the residents informing them of the Public Hearing.

## **12. PLUS DELTAS**

Chairman Smith thanked everyone for attending the meeting and apologized for the error with the Public Hearing for the Plan of Conservation and Development.

## **13. ADJOURNMENT**

**M/S/C: Lindo/Khan-Bureau, to adjourn the meeting 8:34 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**

## **Text Amendment to Rural Zone A, Special Exception**

### Section 4.2.~~19~~ 22 Firewood Materials Processing

- A. Purpose – To allow limited firewood materials processing for commercial sale.
- B. General Requirements – No Firewood Materials Processing *for commercial sale* shall occur without a valid Special Exception. Special Exceptions for Firewood Materials Processing may be issued for periods not exceeding two (2) years and may be renewed for periods not exceeding two (2) years. All Firewood Materials Processing operations shall require a public hearing on the initial application. Renewals of Special Exceptions for Firewood Materials Processing may be issued by the Zoning Enforcement Officer after staff review only if the applicant can demonstrate that the operation has been conducted in compliance with the provisions of these Regulations and all conditions of the Special Exception. The Zoning Enforcement Officer may refer a renewal request to the Commission for review and a determination of whether a public hearing is required. Renewal applications shall be accompanied by proof of notice to abutters as prescribed by Section \_\_\_\_\_ of these Regulations. In order to be eligible for a Special Exception for Firewood Materials Processing, the site and operation shall meet all of the following criteria:
1. Such Firewood Materials Processing operations, and associated activities (including delivery of materials), may only be conducted Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M., excluding the celebrated day of the following holidays: January 1st, Memorial Day, July 4th , Labor Day, Thanksgiving Day, and Christmas Day.  
*The hours of operation required for quarries may be used for reference.*  
*Commissioner Closius proposed the possibility of limiting the hours for the processing of material only.*
  2. The Firewood Materials Processing operation must be conducted on a site containing a minimum of ten (10) contiguous acres of land, as evidenced by a deed recorded in the office of the Town Clerk.
  3. A minimum ~~300'~~ 500' setback requirement must be provided from all neighboring properties for all Firewood Materials Processing operations and associated activities, including access ways, storage of materials and processing- *and a minimum 300' setback requirement for the storage of materials.*
  4. ~~No Firewood Materials Processing shall be permitted within one thousand (1,000) feet of the border of any neighboring town. Further, any activity permitted within twelve hundred (1,200) feet of any neighboring town border shall comply with any and all buffering requirements of such neighboring town.~~  
*It was noted that neighboring towns would be notified regarding the text amendment.*
  5. The Commission may attach conditions that require buffering, including but not limited to additional landscaping, vegetation, and fencing, to adjacent uses and Streets.

6. Statement of Use – In addition to any other application requirements of these Regulations, an application for Special Exception to conduct a Firewood Materials Processing operation shall contain a detailed Statement of Use, which shall include the following information:

*It was clarified that the application would request the following information; no limitations or restrictions would be included.*

- a. ~~The type of material being processed and a~~ A description of the material prior to processing and after.  
*Differentiation should be made between material that is brought in and processed onsite and sold, which would be considered commercial, or material that derives from and is processed on the site, which would be considered forestry. It was agreed that the diameter of the wood would not be necessary.*
- b. The maximum volume of material which could be processed on a daily basis.
- c. The maximum volume of processed firewood to be stockpiled on-site at any one time.
- d. The number of employees.
- e. The number of anticipated truck trips to and from the site on a daily *basis*, during maximum processing.
- f. ~~The hours and days of processing activity.~~  
*Redundant.*
- g. The ~~type, number, make, model, and maximum operational capacity of~~ equipment proposed to be used.
- h. Any other uses, existing or proposed, on-site.
- i. ~~A detailed Class 2 Site Plan in accordance with Section \_\_\_\_ of these Regulations and modified as necessary.~~  
*Redundant; is required of all Special Exception Applications.*
- j. The Site Plan shall show that adequate measures are to be taken to guard against Erosion and Sedimentation from the stockpiling of materials both before and after processing.
- k. ~~A written plan with sufficient detail shall be submitted to the Commission showing dust control measures to be instituted and the best management practices to be followed.~~  
*It was agreed that concerns regarding dust control is more relevant to excavation plants.*
- l. Location for access Roads, stockpiling, and equipment storage shall be selected to minimize adverse effects to surrounding properties. Such locations shall be shown on the Site Plan accompanying the Special Permit application.