

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, MARCH 28, 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
Diba Khan-Bureau
Jennifer Lindo
Martin Stokes
Walter Volberg
Gary Closius, Alternate
James Jorgensen, Alternate (*seated*)

ABSENT

Carl S. Fontneau
Steven Shelley, Alternate

ALSO PRESENT

Town Planner Nicole Haggerty

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 Commissioner Fontneau.

3. PUBLIC COMMENT:

Melissa Bezanson, 12 Woodchuck Road, received a notice as an abutting resident regarding the application for the proposed multi-family residential development at 496 New London Road that was scheduled on March 14 and re-scheduled due to inclement weather. She questioned why there was no formal Public Notice or re-notice to the abutting residents within the ten (10) day period.

Town Planner Haggerty stated that a second Public Notice was published in The Day newspaper, as required. Commissioner Lindo added that, per state statute, a Public Notice must be published within a certain time period. Should the meeting be continued, there is no statutory requirement for the Public Hearing to be re-noticed. Out of courtesy, the Public Hearing was re-noticed.

4. PUBLIC HEARING:

- a. SE 23-01: American Property Group Salem, Inc.** Application for a special exception and associate site plan at 496 New London Road for a multi-family residential development proposing 24 – two-bedroom, residential units. Each unit has one garage.

M/S/C: Khan-Bureau/Gadbois, to open the Public Hearing for Application SE 23-01: American Property Group Salem, Inc. Application for a special exception and associate site plan at 496 New London Road for a multi-family residential development proposing 24 – two-bedroom, residential units. Each unit has one garage. Discussion: None. Voice vote, 7-0, all in favor.

Town Planner Haggerty reported and Commissioner Volberg recited a letter, dated March 13, 2023, submitted by CLA Engineers, Inc., requesting to continue the Public Hearing to the next regularly scheduled meeting on Tuesday, April 11, to allow additional time for the Fire Company(ies) and New London Public Water to review and submit their comments regarding the Application.

M/S/C: Lindo/Volberg, to continue the Public Hearing for Application SE 23-01: American Property Group Salem, Inc. to Tuesday, April 11, 2023, 7:00 p.m. at Salem Town Hall. Discussion: None. Voice vote, 7-0, all in favor.

- b. SE 23-02: Sean Smith.** Application for a special exception and associated site plan for firewood materials processing at 630 West Road.

M/S/C: Gadbois/Volberg, to open the Public Hearing for Application SE 23-02: Sean Smith. Application for a special exception and associated site plan for firewood materials processing at 630 West Road. Discussion: None. Voice vote, 7-0, all in favor.

Town Planner Haggerty reviewed the submitted documents, including the application, Statement of Use, Request for Waivers, the proposed Site Plan, and the staff memo.

Laura Smith, representing Applicant, stated that the Statement of Use is the on-site processing of firewood, measuring 16” to 18” in length, to be sold to the public on an existing farm. They expect to process a maximum of 10 cords per day; a maximum of 250 cords would be stockpiled at any given time. Approximately five (5) daily trips will be made in and out of the property in a pick-up truck during peak firewood season. No more than three (3) employees will be on-site at any given time. The equipment that will be used includes a firewood processor, chainsaw, skid steer, log splitter, and a pick-up truck. The site plan reflects that adequate measures were taken to guard against erosion and sedimentation from the stockpiling of materials. In addition, the access roads and storage of materials and equipment are located in an area that would

minimize any adverse impacts on the surrounding properties. There are no buildings associated with the proposed operation. The Applicant is also seeking waivers for the submission of required documents, per the Special Exception Regulations.

The Commissioners reviewed the application and the following items were discussed/clarified:

Abutting Property Owners (Commissioner Jorgensen) – The listed names on the Statement are the owners of the properties directly abutting the property in question.

Setbacks (Commissioner Stoken) – The minimum 100' setback requirement indicated in the Regulations (Section 4.2.22.B.3) is from any property line.

Location of Machinery (Chairman Smith) – The machinery was originally located approximately 410' from West Road and less than 100' from the neighboring property on the south and was not viewable from the road. The machinery will now be located approximately 250' from West Road and 175' from the neighboring property on the south and will be viewable from the road.

Buffering (Commissioners Khan-Bureau, Lindo, Stoken, and Smith) – The property is currently bordered by a boxed-wire fence, with a 12' locked gate. The Applicants were agreeable to installing a visual and/or sound buffer, natural or otherwise, along West Road and the (south) side of the property. Photographs of the property were shown to the Commissioners.

Public Comment:

Bill Martin, 104 Music Vale Road, questioned whether a pile of firewood, stacked approximately six (6) to eight (8) feet high, would be considered adequate buffering.

Commissioner Lindo did not feel it would meet the requirements of a permanent buffering.

M/S/C: Khan-Bureau/Gadbois, to close the Public Hearing for Application SE 23-02: Sean Smith. Application for a special exception and associated site plan for firewood materials processing at 630 West Road. Discussion: None. Voice vote, 7-0, all in favor.

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

a. Regular Meeting Minutes February 28, 2023

M/S/C: Khan-Bureau/Lindo, to approve the February 28, 2023 Regular Meeting Minutes, with the following amendments:

Item 7(c), Appointment of New Members for Vacant Seats:

Chairman Smith...introduced and proposed appointing Martin Stoken and James ~~Jorgenson~~ *Jorgensen* to fill the vacancies....

Mr. Jorgenson ~~Jorgenson~~ *Jorgensen* stated that he moved to Connecticut with his family....

M/S/C: Smith/Shelley, to appoint James ~~Jorgenson~~ *Jorgensen* to fill a vacancy as an Alternate Member of the Planning & Zoning Commission....

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

6. OLD BUSINESS: *none*

7. NEW BUSINESS:

- a. SD 23-01: American Property Group Salem, Inc.** Subdivision application for 496 New London Road for the creation of three lots. (Applicant has requested a 30-day extension).

Town Planner Haggerty reported that the Applicant has requested a 30-day extension; the item will be on the Commission's April 11, 2023 Agenda.

- b. SE 23-01: American Property Group Salem, Inc.** Application for a special exception and associated site plan at 496 New London Road for a multi-family residential development proposing 24 – two-bedroom, residential units. Each unit has one garage. (Applicant has requested a 30-day extension).

Similarly, the Application for the Special Exception and Associated Site Plan has been continued to the Commission's April 11, 2023 Agenda.

- c. SE 23-02: Sean Smith.** Application for a special exception and associated site plan for firewood materials processing at 630 West Road.

The Commissioner reviewed and agreed to grant the Applicant's Waiver Requests.

M/S/C: Gadbois/Lindo, to approve the Applicant's Request for the following waivers for Application SE 23-02: Sean Smith. Application for a special exception and associated site plan for firewood materials processing:

Section 11.A.4.2 – Certification of Class A-2 Standard

Section 11.A.4.2 – Seal and Signature of Connecticut Licensed Professional

Section 11.A.4.4 – Locational Map

Section 11.A.4.5 – Locations of all Existing Monuments and Markers

Section 11.A.4.9 – Drainage Impact Report

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

Special Exception Period: Chairman Smith recommended the Commission approve the Special Exception for a period of one year to start. Commissioner Khan-Bureau agreed.

Buffering: The Commissioners discussed acceptable types of buffering. Commissioner Stoken felt that, given the nature of the business, utilizing firewood for buffering would

be acceptable. Commissioner Lindo noted that, allowing the materials storage, i.e. firewood, to be utilized as a buffering would contradict the regulations which require a setback of 100' for the storage of materials. Commissioner Closius questioned whether the utilization of the firewood as a buffer would prohibit them from selling (some of) the wood; he suggested the possibility of allowing the firewood to serve as a buffering and revisiting the issue after one year. The Commissioners concurred and discussed the appropriate dimensions for the buffering. They agreed that the buffering may be constructed of firewood and should be at least 6' in height and approximately 100' in length along West Road in front of the processor. The width may be determined by the Applicant. The buffering will be revisited after one year and adjusted, as necessary.

Findings: The Commissioners reviewed the Findings in Section 11.4 of the Salem Zoning Regulations and agreed that each of the Findings was met.

M/S/C: Lindo/Khan-Bureau, to approve SE 23-02: Sean Smith. Application for a special exception and associated site plan for firewood materials processing at 630 West Road, with the following conditions:

- 1) **The duration of the Special Exception Permit will be for a period of one (1) year. The Permit Renewal will not require a Public Hearing.**
- 2) **The buffering may be constructed of firewood and should be at least 6' in height and approximately 100' in length along West Road in front of the processor. The width may be determined by the Applicant.**
- 3) **A Certificate of Special Exception will need to be filed on the Land Records prior to the approval becoming effective.**
- 4) **A copy of the plans will need to be provided, signed by the Chairman or Secretary, and filed with the town prior to the approval becoming effective.**

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

- d. **Section 8-24: Review Town of Salem Recreation Commission – Disc Golf Project**
Disc Golf Course Committee Liaison Selectman T.J. Butcher thanked the Commissioners for everything they do for the Town of Salem and presented the proposed revisions for the Disc Golf Course. He reported that site walks were conducted with Emergency Services and Public Works and approvals were received by the Inland Wetlands and Conservation Commission for the proposed de-installation and installation of bridges. The Course now begins and ends at Volunteer Park on Forsyth Road and avoids the Salem Community Park Pavilion and holes that appeared unsafe were eliminated. Emergency access paths would be created, with very minimal clearing and disturbance. Before re-opening the Course, a final site walk with Emergency

Services and Public Works will be scheduled to ensure that all of the holes are accessible.

Commissioner Khan-Bureau, who also acts as the Chairperson for the Inland Wetlands & Conservation Commission (IWCC), stated that the IWCC was very pleased with the changes, and no wetlands impact was found.

Maintenance (Commissioner Closius) – The Course would be maintained by volunteers. Should there be any large occurrences, the help of Public Works will be sought.

Parking (Commissioner Closius) – Both the Board of Selectmen and Public Works crew have agreed to enlarge the back parking area for additional parking spaces.

Emergency Exercise (Commissioner Closius) – The ATV would be used prior to opening the course to ensure that all of the baskets and holes are, in fact, accessible.

Signage (Commissioner Khan-Bureau) – Each hole will have the number of the hole and every juncture along the trail will point the player in the direction of the easiest exit. All of the holes will have a QR Code.

M/S/C: Smith/Khan-Bureau, to issue a favorable §8-24 Report for the proposed Disc Golf Course. Discussion: None. Voice vote, 7-0, all in favor.

- e. **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: Gadbois/Volberg, to enter into Executive Session for an update and potential settlement discussions on court cases pertaining to 45 Forest Drive (HHD-CV-21-61489990-S and KNL-CV-22-6057967-S at 8:34 p.m. Discussions to include the Planning & Zoning Commission, Town Planner Nicole Haggerty, and Attorneys Steve Byrne and Nicole Byrne. Discussion: Commissioner Lindo recused herself from the Executive Session and departed from the meeting. Voice vote, 6-0-1. Voting in Favor: Commissioners Gadbois, Jorgensen, Khan-Bureau, Stoken, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Lindo.

M/S/C: Khan-Bureau/Volberg, to exit from Executive Session for an update and potential settlement discussions on court cases pertaining to 45 Forest Drive (HHD-CV-21-61489990-S and KNL-CV-22-6057967-S at 9:39 p.m. Discussions to include the Planning & Zoning Commission, Town Planner Nicole Haggerty, and Attorneys Steve Byrne and Nicole Byrne. Discussion: None. Voice vote, 6-0, all in favor. No votes were taken during Executive Session.

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

9. TOWN PLANNER REPORT – *none*

10. CORRESPONDENCE

- a. **C.G.S. §8-7d(f) Referral** Town of Montville Cannabis Moratorium
- b. **C.G.S. §8-7d(f) Referral** Town of Colchester Amendments regarding Accessory Dwelling Units.

Town Planner Haggerty reported on the correspondence received from the neighboring towns. She did not feel that either of the regulations would have an adverse effect on the Town of Salem. Any questions or comments may be directed to her.

11. PUBLIC COMMENT – *none*

12. PLUS DELTAS

Town Planner Haggerty stated that the continuance of the Public Hearing will be posted on the town website and Town Hall Kiosk. Any Correspondence regarding the matter will be sent to the Commissioners. She will also double-check that the Public Hearing Notices were published in *The Day* newspaper, as required. She also reported on the possible receipt of additional applications or the next meeting. She will inquire the Zoning/Wetlands Officer regarding the activity that has been taking place at 343 Old Colchester Road.

Commissioner Closius reported that the three-unit multi-family dwelling at 116 Old Colchester Road appears to be progressing nicely.

Chairman Smith announced that Commissioner Carl Fontneau passed away on March 17. He asked them to sign the condolence card for his family before departing from the meeting. The family requested that flowers not be sent.

Commissioner Gadbois thanked Chairman Smith for his handling of the court cases.

The new Members were welcomed to the Commission.

13. ADJOURNMENT

**M/S/C: Khan-Bureau/Smith, to adjourn the meeting at 9:50 p.m. Discussion: None.
Voice vote, 6-0, 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