

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, APRIL 25, 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 (7:06 p.m.)
Diba Khan-Bureau
Jennifer Lindo
Martin Stoken
Walter Volberg
Gary Closius, Alternate (*seated*)
James Jorgensen, Alternate (*seated*)

ABSENT

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 and Jorgensen were seated for the vacant Full Commissioner position and Commissioner Gadbois, respectively.

3. PUBLIC COMMENT:

Sue Coffee, Owner of 365 Old Colchester Road, reported that the owner of 343 Old Colchester Road has been excavating their property without a permit for the past two months. As a result of the recent heavy rains, the woodchips they placed on the property have washed out the bank and traveled down the road into her pond. She submitted photographs of the damage.

Chairman Smith informed Ms. Coffee that the Commissioners are aware of the activities, which were brought to their attention during their last meeting.

4. PUBLIC HEARING: none

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

a. Regular Meeting Minutes of Tuesday, April 11, 2023

M/S/C: Lindo/Khan-Bureau, to approve the Tuesday, April 11, 2023 Regular Meeting Minutes. Discussion: None. Voice vote, 6-0-1. Voting in Favor: Commissioners Closius, Khan-Bureau, Lindo, Stoken, Volberg, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Jorgensen.

6. OLD BUSINESS:

a. Discussion of potential cannabis establishment regulations

Extensive discussion ensued regarding the prohibition, legalization, legalization with restrictions, or placement of a moratorium for cannabis establishments — all of which would require a text amendment to their regulations and a Public Hearing. A memo regarding Cannabis Establishments and Regulations that includes the data on the types of available permits and the status of neighboring towns was provided to the Commissioners during their last meeting.

Commissioner Closius, who has begun researching the actions taken by neighboring towns, recommended they place a moratorium and form a subcommittee that could conduct additional research resulting in an informed decision. Commissioners Gadbois, Jorgensen, Khan-Bureau, Lindo, Stoken, and Volberg concurred. While there is no required time limit for the moratorium, Town Planner Haggerty recommended they set either a six (6) month or one (1) year moratorium, extending it as necessary. Chairman Smith reminded the Commission that this is an election year and the Commission's make-up could change. As such, he recommended the Commission decide within six (6) months so that the current Commissioners would make the decision. Commissioner Lindo stated that she maintains her position in favor of a moratorium regardless of the make-up of the Commission. Chairman Smith expressed his opposition to a moratorium, stating his wish for the current Commission to decide on the matter; he felt there is no benefit in allowing the sale of recreational cannabis in the Town of Salem.

Town Planner Haggerty informed the Commission that a draft text amendment to the regulations would be required to establish a moratorium. The draft would be sent to the Town Attorney, SCCOG (Southeastern Connecticut Council of Governments), and adjoining municipalities for review and comment. The Commission would then schedule a Public Hearing before approving the text amendment..

Applications received before the establishment of any cannabis regulations would be treated as the next closest use. Should the Commission opt to prohibit cannabis establishments, resident(s) may petition the town to hold a referendum to allow such establishments. Should the referendum pass, the town would have no recourse and would

be required to treat an application(s) as the next closest use. Chairman Smith was reasonably confident that, should a referendum be held, the townspeople would oppose the allowance of such establishments in the Town of Salem. Commissioner Closius reminded the Commission that the regulations would not only include cannabis sales, but also manufacturing, cultivating, distribution, transporting, etc. of cannabis. He cautioned the Commissioners, stating that they should carefully consider their options and research the matter and, possibly, control where and/or to what extent the activity would be allowed. Commissioner Lindo concurred and stated her discomfort with making any decisions without the public's consensus. Commissioner Khan-Bureau concurred. Town Planner Haggerty reminded the Commission that all of the options would require a Public Hearing, during which the public would have the opportunity to voice their opinions. Commissioner Jorgensen proposed the possibility of soliciting the public for their thoughts prior to making any decisions. Discussion ensued regarding the possibility of conducting a survey. Commissioner Closius, while favoring the idea, questioned its effectiveness, reminding them of the limited number of responses they received from the POCD (Plan of Conservation and Development) Survey and the number of residents who vote in the Budget Referendums.

Discussion ensued regarding drafting a text amendment for a moratorium that includes language prohibiting cannabis activities following the moratorium's expiration. Town Planner Haggerty will create a draft text amendment for a moratorium for the Commission to review.

7. NEW BUSINESS:

- a. **SD 23-03 Colchester Construction, LLC.** Re-subdivision application for 343 Old Colchester Road for the creation of one new lot. (*Acceptance of application and scheduling of public hearing for May 23, 2023*)

Town Planner Haggerty stated that the site plan application proposes the subdivision of a lot, located in the Commercial Zone, for the purpose of constructing a commercial building on the new lot, was submitted.

M/S/A: Lindo/Volberg, to accept Application SD 23-03 Colchester Construction, LLC. Re-subdivision application for 343 Old Colchester Road for the creation of one new lot and schedule a Public Hearing for Tuesday, May 23, 2023, 7:00 p.m., at Salem Town Hall. Discussion: Discussion ensued regarding the possibility of setting the Public Hearing on a later date due to the other item(s) on the agenda for the evening. Based on the requirement to hold the Public Hearing within 65 days of the acceptance of the application, the Commission agreed to amend the motion and hold the Public Hearing on Tuesday, June 13, 2023.

M/S/C: Lindo/Volberg, to accept Application SD 23-03 Colchester Construction, LLC. Re-subdivision application for 343 Old Colchester Road for the creation of one new lot and schedule a Public Hearing for Tuesday, June 13, 2023, 7:00 p.m., at Salem Town Hall. Voice vote, 7-0, all in favor.

- b. SP 23-01 Colchester Construction, LLC.** Site Plan Application for a new commercial building at 343 Old Colchester Road. (*Acceptance of application*)

Town Planner Haggerty will request the missing items, including the elevations, floor plans, and site plan for the signage, as required, from the Applicant.

M/S/C: Lindo/Khan-Bureau, to accept Application SP 23-01 Colchester Construction, LLC. Site Plan Application for a new commercial building at 343 Old Colchester Road. Discussion: None. Voice vote, 7-0, all in favor.

- c. SP 23-02 Kaylee Shilosky.** Application for Site Plan Modification at 595 Norwich Road (*Acceptance of application*)

Town Planner Haggerty stated that the Application is to modify an existing site plan for the property to depict the location of a mobile coffee trailer and to approve the proposed use on the property.

M/S/C: Khan-Bureau/Jorgensen, to accept Application SP 23-02 Kaylee Shilosky. Application for Site Plan Modification at 595 Norwich Road. Discussion: None. Voice vote, 7-0, all in favor.

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

Chairman Smith recited the Zoning/Wetlands Enforcement Officer's (ZWEO) Report. In response to Commissioner Lindo, who enquired about the activity at 343 Old Colchester Road, Town Planner Haggerty stated that she spoke with the ZWEO regarding the Commission's concerns. He informed her that, before engaging in any type of enforcement action, the submission of an application would be requested, which was received. Whether the application was received before or after the excavation activity will be investigated. In addition, because there are no wetlands located within 75 feet of the proposed activity, a wetlands application was not required. Commissioner Khan-Bureau expressed her concerns regarding the stormwater runoff. Town Planner Haggerty stated that the Commission might be able to refer the application to the Inland Wetlands & Conservation Commission for their comments as part of their review of the application. It was noted that the CTDOT (Connecticut Department of Transportation) denied their driveway permit application as the Town has not yet issued the same, which is standard practice. Town Planner Haggerty will send an e-mail to the ZWEO to reiterate the Commission's concerns and ensure that

erosion sedimentation controls are in place. The photographs submitted by Ms. Coffee will also be provided to the ZWEO.

9. TOWN PLANNER REPORT

Town Planner Haggerty informed the Commission that she will be out of the office until May 11 and will not be available for the May 9, 2023, Regular Meeting. In addition, the Conference Room will be set up for the town's annual Budget Referendum. As such, the Commission agreed to cancel their next Regular Meeting. A Cancellation Notice will be posted.

10. CORRESPONDENCE – none

11. PUBLIC COMMENT

Sue Coffee, Owner of 365 Old Colchester Road, expressed her concerns regarding the possible continued activity on the property located at 343 Old Colchester Road and the additional dirt and debris that would be distributed in her pond as a result. She questioned how the activity could continue without the receipt of a permit to conduct the work. She invited and urged the Commissioners to visit her property and view the damage first-hand.

In response to Commissioner Khan-Bureau, Ms. Coffee stated that the pond eventually feeds into the Eightmile River.

Commissioner Jorgensen cited Section 17.4.2 of the Salem Zoning Regulations, which states:

The Zoning Enforcement Officer may send violation notices and/or Cease and Desist Orders to the individual or entity who owns property where a violation is seen or reasonably suspected. Such orders must give the owner(s) of the property a period of time, not less than ten (10) days, in which to cure or terminate the illegal activity on the property, except that in the case of violations involving grading of land, the removal of earth, or soil erosion and sediment control said notice shall order that the illegal activity be cured or terminated immediately.

The Commissioners discussed the need and process of sending a Cease-and-Desist Order to the Property Owner. Chairman Smith stated that he would speak with the ZWEO regarding the issuance of such an Order. Town Planner Haggerty recited an e-mail, dated April 10, 2023, sent to John Hummell and cc'd to Ms. Coffee from the ZWEO stating that a notice has been issued to the Property Owner regarding the premature and unpermitted work that was taking place. Town Planner Haggerty will include the Commission's request to issue a Cease-and-Desist Order to the Owner of the property in the aforementioned e-mail to the ZWEO. Discussion ensued regarding the Commission's expectations of the ZWEO's report

and the difficulties with taking enforcement actions and the like as a result of the ZWEO's limited hours.

12. PLUS DELTAS – *none*

13. ADJOURNMENT

**M/S/C: Closius/Khan-Bureau, to adjourn the meeting at 8:06 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**