

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, MAY 23, 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  
Diba Khan-Bureau  
Jennifer Lindo  
Martin Stoken  
Walter Volberg  
James Jorgensen, Alternate (*seated*)

**ABSENT**

John Gadbois, Vice Chairman  
Gary Closius, Alternate  
Steven Shelley, Alternate

**ALSO PRESENT**

Town Planner Nicole Haggerty

**1. CALL TO ORDER**

Chairman Smith called the meeting to order at 7:04 p.m.

**2. PLEDGE OF ALLEGIANCE**

*Town Planner Haggerty was congratulated on passing her American Institute of Certified Planners (AICP) exam.*

**3. PUBLIC COMMENT:**

Sue Coffee, owner of 365 Old Colchester Road, 10 Saunders Hollow Lane, expressed her disappointment with the town's handling of the excavation, fill, and motocross track at 343 and 343-R Old Colchester Road. After being shuffled around from department to department, taking and submitting photographs and videos, and conducting water tests, she did not feel that the town did its due diligence to remedy the issues.

*Alternate Commissioner Jorgensen was seated for the Full Commissioner Gadbois.*

**4. PUBLIC HEARING:**

- a) **SE 23-02 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.

**M/S/C: Khan-Bureau/Volberg, to open the Public Hearing for Application SE 23-02 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. Discussion: None. Voice vote, 6-0, all in favor.**

Ellen Bartlett, P.E., Principal, CLA Engineers, Inc., representing the Applicant, presented the Application for a Special Exception and Site Plan for the proposed multi-family residential development to be located at 496 New London Road. The 54-acre property, which is located at the intersection of New London Road/Route 85 and Woodchuck Road, will be divided into three (3) lots. Lots 1 and 2 will include the multi-family developments and Lot 3 will include a single-family residence. The property is located in the Rural A (RUA) Zone which allows multi-family developments with the approval of a Special Exception. The project would accomplish the town's goal to "Accommodate our unmet housing needs by permitting a variety of housing types and configurations that encourage Salem's residents, including senior citizens and young adults, to remain in the community." (POCD (Plan of Conservation and Development), Chapter 3, page 18). Lots 1 and 2 will include three (3) buildings, each with four (4) 2.5-story townhouse rental units with a garage, storage area, and walk-out basement. The buildings are laid out to maintain the existing vegetation that would serve as a natural buffer to the neighboring properties. Four (4) of the 24 units will be ADA-accessible and, as such, will have a different façade in comparison to the other buildings. The buildings will be soft gray with navy blue doors and trimmings. The Fire Marshal's comments, which were received this evening, will be addressed. These comments include the height of the buildings and the paving requirement of the visitor parking and turnaround areas.

Erosion Control Plan: Three (3) permanent basins will be installed. Each basin is designed to provide a zero increase in runoff from the site and exceeds the water quality volumes required by both the 2004 and Updated versions of CT DEEP's (Connecticut Department of Energy and Environmental Protection) Stormwater Quality Manual and the requirement for soil and sedimentation control. The basins will also be used as temporary sedimentation basins. The EMS (Environmental Management Systems) will be regularly monitored and inspected by a professional engineer or soil scientist.

Approval Process: The Uncas Health District has approved the proposed septic systems on the site. All of the comments received by the CT DOT (Connecticut Department of Transportation) have been addressed, the sight lines have been approved, and a final review letter of the proposed plans was issued. Their final approval is dependent upon the town's approval for the project and the plans, contractor's insurance, and bonding, as is the standard practice. As an artillery road, Route 85 was built to handle the traffic that would be generated from the site. The proposed project was presented to and reviewed by the town's Inland Wetlands & Conservation Commission. Adjustments were made to the plans to address the Commission's comments and the application

was, subsequently, approved by the Commission. The plans were also submitted to Nathan L. Jacobson & Associates, Inc., for an independent engineering review and all of their comments have been addressed. The project was also submitted to and reviewed and approved by the City of New London Public Utilities due to the location of the site near a waterway that flows into the city's reservoir system. The city's engineer found the application acceptable with a request to take extra caution during and after construction. Following the Commission's approval, the plans will be submitted to CT DEEP for a general permit for the stormwater runoff.

**Commissioner Comments/Questions:**

Distance to nearest residences on Woodchuck Road (Chairman Smith) – The nearest residence is approximately 100' from the driveway and the second nearest residence is located approximately 150'.

Erosion Control Plan (Chairman Smith) – Silt fences and wood chips backed by silt fences will be installed and monitored to ensure that it is maintained. The silt fence will be inspected prior to the start of work, after each storm event, and weekly. Once the area is stable, it will be inspected monthly until the growth has completely stabilized the area. Reports will be submitted to CT DEEP and the town, by request.

Lot 2 Detention Basin Location (Commissioner Lindo) – The detention basin on Lot 2 is located approximately 20' from the property line. There was less concern with the distance from the property line on the other side of the lot due to the wetlands.

Stormwater Runoff and Flooding (Commissioner Khan-Bureau) – The project was reviewed by the Town Engineer and CT DEEP, who will also be monitoring the runoff.

**Public Comments/Questions:**

Timothy Frick, 40 Valley Drive, who also submitted a letter, expressed his opposition to the proposed application. He questioned the footprint and square feet of each building. He also questioned the reasoning behind the Inland Wetlands & Conservation Commission's request to relocate one of the buildings.

*CLA Principal Bartlett stated that the footprint for each building is 2,240 square feet. The average unit will be comprised of 818 SF on the first level and 477 SF on the second level for a total of 1,295 SF of living space.*

*Commissioner Khan-Bureau, who also serves on the Inland Wetlands & Conservation Commission, stated that the Commission was concerned about the amount of impervious surface due to the long driveway near the water body. As a result, one of the buildings was moved adjacent to the building on Lot 2.*

Mr. Frick felt that Commissioner Khan-Bureau's position on both the Inland Wetlands & Conservation Commission and Planning & Zoning Commission constituted a

conflict of interest. He stated that the two buildings and excavation and drainage field on Lot 2 will be located in close proximity to the back of his property line with no apparent buffer, resulting in a clear line of sight to the buildings when the foliage is not full. The activities, noise, cars, etc. that the neighboring properties would also be subject to throughout the year would be more than expected from a single-family residence. He felt that the development is not consistent with the established residences in the area, the market value of the existing homes would be negatively affected and is in direct conflict with the following Findings stated in Section 11.4, Special Exception, Findings, of the Salem Zoning Regulations:

- 11.4.3 The proposed use will not impair the movement of through-traffic along the adjoining streets by creating congestion or reducing street capacities.
- 11.4.4 The proposed use will not result in a fragmentation of the area's development pattern, and will not create unnecessary additional points of vehicular conflict with the adjoining streets and will not adversely affect the orderly development of surrounding properties.
- 11.4.5 The proposed use will not depreciate adjacent property values, and the nature and extent of the proposed development will be in harmony with the existing use of adjoining properties.
- 11.4.7 The proposed use will not result in the loss of any existing buffering between the subject site and adjacent properties and when different uses exist on adjacent land, adequate buffering is provided.

The Commission must determine that all of the eight (8) conditions are satisfied for the Special Exception to be granted. He respectfully requested that the Commission exercise its due diligence. He reiterated that the proposed placement and location of the apartment buildings are out of character with the surrounding neighborhood. The future of land development and its subsequent effects on the rural character of the Town of Salem will depend on their decision.

Melissa Bezanson, 12 Woodchuck Road, stated her opposition to the proposed development and recited her prepared statement and provided photographs of the unnamed stream located at the end of Woodchuck Road. The images depict the resulting flood conditions from a recent rainstorm, the significant street erosion, and other road conditions which would only exacerbate should the proposed development be approved. In addition, the images contradict the road study conducted by CLA Engineers, Inc. According to the Zoning Regulations, the required net buildable area of Lot 1 should be approximately 13.77 acres. The lot is currently 12 acres. She stated that the proposed development does not meet Section 11.4.3, as previously mentioned, and contradicts the core principles outlined in the town's 2022 POCD. Woodchuck Road consists of three homes and varies in width from approximately 22' to 18' at an old,

crumbling culvert constructed of stone and cinderblock. During rainy periods, the water significantly pools at the south side of the culvert and, with no guardrail, wall, or curbing, poses a hazard to pedestrians and vehicles, alike.

She cited Sections 11.4.3 and 11.4.5 of the Findings, which, she believed, the application does not meet. As shown in the submitted photos, Woodchuck Road is not designed to sustain any additional traffic and would “impair the movement of through traffic along the adjoining streets”. As previously noted, the deteriorated condition of the road poses several safety hazards. At a minimum, the road should be widened, culvert replaced, and a guardrail or wall installed to prevent injury or death. The proposed development is also not in harmony with the adjoining single-family residences. Once the proposed development ages, the property values of the adjoining properties would depreciate. She questioned whether the current adjoining property owners would have any assurances that the units would not be rented to vacationers or have short-term leases, would be maintained in perpetuity, and not fall into disrepair. She also questioned the developer’s history with such developments.

Ms. Bezanson also cited the 2022 POCD which states the continued relevance of the “Protection of the rural character and agricultural appearance of Salem” (Page 2) and noted that three-quarters of the respondents to the POCD Survey cited that it was for this reason that they reside in Salem. As a former agricultural field with historic rock walls, the property adds to the rural character of the town that the residents love. The proposed development would result in the overdevelopment of one of the few remaining undeveloped parcels in the town and would place additional pressure on the town's infrastructure and resources. While she urged the Commission to deny the application, she requested that, should the Commission approve the application, they place the following conditions:

1. substantial improvement of the road, including the replacement of the culvert
2. widening of the road
3. require references
4. require a surety bond to ensure its maintenance in perpetuity
5. revise the Zoning Regulations to restrict noise, refuse, and vandalism
6. plantings, i.e., arborvitae, be planted between the buildings to help minimize the noise from Route 85
7. require bear-proof trash receptacles
8. conduct site work on the south side of the driveway entrance to Building 4 to improve the sight line

She expressed her wish to preserve the neighborhood and felt that the proposed development would not be in harmony with the area. She noted that, though the town hired the services of Nathan L. Jacobson & Associates, Inc., for a third-party engineering review of the application, the town regularly utilizes the services of CLA

Engineers, Inc., and CLA Principal Bartlett. As such, she expressed her concerns for a fair and objective review of the application.

Norm Rabe, 33 Valley Drive, concurred with Mr. Frick's comments, adding that Section 11.4 of the Regulations states that "A Special Exception *shall* not be granted until the Commission has determined that *all* of the following conditions have been satisfied". He maintained that the proposed development would negatively affect their property values and would not be in harmony with the existing use of the adjoining properties (Finding 11.4.5). As such, the Commission cannot grant the Special Exception.

Dahlia Pena-Thomas, 260 West Road, expressed her opposition to the application. While she does not reside in the neighboring area, she stated that she would be negatively affected by the traffic the development would impose on Route 85. According to her calculations and experience, the average trip generation stated in the submitted traffic analysis is incorrect. The road consists of blind turns and multiple speeders who consistently attempt to beat the school buses. The additional vehicles resulting from the development would further augment the safety of the road. While she was in favor of the need to offer additional housing options, she felt that the development could depreciate the adjacent property values. She also expressed her confusion with the existence of one of the proposed buildings and felt that the ADA-accessible units should be located at the front of the property, which would provide easier and quicker access for emergency personnel and public transportation. She further questioned the timing of the construction of the development in relation to the state's Route 85 Road Improvement Project and how long the construction of the development would take.

Ron Bates, Norwich Resident, who has worked as a realtor for approximately 38 years, stated his support for the Application, stating that, based on his understanding and experience, he did not feel that the proposed development would negatively impact the value of the surrounding residences. While there might be short-term dips in the market, prices of single-family residences would only continue to climb due to the housing shortage. While some good points have been made, he is very familiar with the developer, who is deeply religious, cares about the community, and builds quality rental units for those who are not yet ready or able to purchase a home and would like to continue residing in Salem. He added that an individual who builds or purchases a single-family residence could also run down a property thereby depreciating the neighboring properties.

David Wordell, 509 New London Road, stated his strong opposition to the proposed application and felt that the developer should be present to respond to their detailed questions, including the number and age of the individuals who would be permitted to reside in the proposed units. He stated that their taxes could be affected depending upon

the number of schoolchildren residing in the units. He recited his submitted letter, which states his experiences as a long-time resident of the 240-year-old Ransom Pond, which is located directly across the street from the proposed development. He also reported on the history of his property, which included the land on which the proposed development would be located, the town's history, and his concerns with the proposed development, including the negative effects it would have on the rural character of the neighborhood. In addition, per Section 15.1, Multi-Family Dwelling, General Regulation, the Commission "shall be especially concerned with possible pollution of ground and surface waters from sewage disposal systems, public health and safety, *traffic congestion* and the *preservation of property values*."

Robert Cullinen, 26 Valley Drive, stated his concerns with the proposed application as stated in his submitted letter. His concerns include the inaccuracies and excluded information in the submitted plan, the incorrect address that was indicated on the original application and the possibility of approvals being based on the incorrect address, the number of previously approved cluster rental townhouses in predominantly wetland areas, the mitigation of toxic materials entering the waterways, the limitation of the number of vehicles on the property, the population density per acre, septic and public safety concerns, the salting and sanding of the roads, and the distance between the well and wetlands.

David Ritchie, 4 Valley Drive, expressed his concerns regarding the effects of the proposed development on his well due to its proximity to the property line. He questioned whether the Commissioners would opt to create a town with rental units rather than single-family residences and how the town would benefit from granting the Special Exception. He felt that the proposed development would negatively affect their property values and change the overall character of the town.

Tom McGovern, 4 Valley Drive, felt that their "word is their bond" and that, when the current residents purchased their property, they entered into a contract with the Town of Salem and the existing Zoning Regulations. By approving the application, the town would be breaking its word, i.e., contract, with the residents to maintain their properties in its current environment. He felt that there was no reason to develop the land and place stress on the town's financial stability and infrastructure.

Former First Selectman and member of the Commission Larry Reitz stated that, during his tenure on the Commission, he worked on drafting the net buildable area requirements regulations and suspected that the proposed development did not meet these regulations. He also questioned how the development would be good for Salem.

Andrew McGurer, 63 Valley Drive, who is also a realtor, disagreed with Realtor Bates and strongly urged the Commission to consider the negative effect the proposed development would have on the neighboring properties. He cited a neighboring

property that was recently sold at a lesser value due to the proposed development. He stated that existing and prospective residents would not favor a view of such a large development from their homes during the fall and winter months when there is no foliage. The necessity for the Applicant to request a Special Exception speaks to the fact that the town had drafted those regulations to prevent such developments from being constructed.

Sue Coffee, owner of 365 Old Colchester Road, 10 Saunders Hollow Lane, Old Lyme, questioned whether a bond has been set, the amount of the bond, and who would be setting the bond.

*The following letters were recited by Chairman Smith and Commissioner Volberg:*

Lois Wordell, 509 New London Road, stated her strong opposition to the application for several reasons, including the lack of age or population restrictions, unknown number of schoolchildren who would reside on the property, increased traffic, increased number of septic systems in an area with a high-water table, increased amount of runoff, possible pollution of their waters, and degradation of their property values.

Kathleen Roderick, 56 Horse Pond Road, stated her support for the proposed application. As a resident and small business owner, she felt that the project would improve the town's economy and result in a positive impact on the town's tax base. She cited the successful completion of similar projects in Norwich by the same developer and the POCD.

Brian and Gayle Ewald, 37 Corrina Lane, stated their opposition to the proposed application, citing the many questions the application poses. They cited the failed initial percolation tests and the possibility of negatively affecting the surrounding residents' existing well and septic systems, waterways, and watersheds. They questioned who would be maintaining the systems and the long-term effects of the development, including any proposed limitations to the number of individuals and vehicles for each unit, the maintenance plan of the buildings, and the look of the buildings. They felt that the number of units did not fit the area and the town's rural character and cited Section 15.1 and the limited amount of information provided by the applicant.

Anthony Helstosky, 89 Valley Drive, stated his opposition to the proposed plan and suggested requiring improvements for the safety and quality of life of the residents. He also questioned the history and practice of the developer and applicant and the details of the application. He also commented on the number of roadways along Route 85 within a short distance, the limited line of sight and the steep angle of the entry from Woodchuck Road, and the number of automobile accidents along the road. He also requested that the comments and questions that were posed by the Inland Wetlands and Conservation Commission be addressed.



**Responses to Public Comments/Questions:**

Plans for Woodchuck Road – The majority of the road measures approximately 22' and narrows towards the culvert. The construction of a cul-de-sac to allow vehicles to turn around, replace the culvert, and widen the road would be a reasonable condition. With the exception of the area near the culvert, the road complies with the town's Road Ordinance.

Construction Vehicles – The request for bonds to be placed during construction would be a reasonable request.

Cul-de-sac – The Fire Marshal has requested that a cul-de-sac, which would result in the widening of the road to allow for a turnaround, be constructed. Conditions for road improvements can be placed as part of the Special Exception approval.

Culvert Piping – The culvert piping measures approximately 24".

Use of CLA Engineers, Inc. – CLA Principal Bartlett stated that she has never conducted any reviews for the town and acknowledged that other individuals from the firm might have done so in the past. It is common practice for towns, like Salem, which do not have a staff Engineer to utilize the services of a third-party firm.

Route 85 Road Improvement Project – The project, which is slated to begin in 2024, involves various safety improvements and does not involve the entire road.

Length of Construction – The first phase of the project would include the construction of Buildings 1 to 3 and will begin after all of the approvals have been received. They hope to begin construction in Spring 2024 and estimate that the project will be completed in 9 months.

Capacity for Stormwater Runoff – While the capacity for the runoff where the silt fence and woodchips would be placed is dependent on the Regulations, one-quarter inch or more is the average.

Required Location of Wells – The proposed location of the well and septic systems and their distances from the buildings have been reviewed and approved and meet the public health code. It was also noted that the Town of Salem has higher restrictions in comparison to other towns.

Previously Failed Percolation Test – *to be investigated*

Net Buildable Area – CLA Engineers Principal Bartlett stated that, prior to the start of the project, she met with the former Town Planner and the Zoning/Wetlands Officer to discuss the Net Buildable Area for the multi-family dwellings. It was their opinion that the project met the required minimum.

Bond – A bond has been set for the cul-de-sac. Additional public improvements, including the culvert or improvements to Woodchuck Road, would require a revised bond. The bond amount is set by the Engineer and approved by the Town Engineer. It has not been set at this time.

**Commissioners' Comments/Questions:**

Location of Detention Basin from Mr. Frick's property (40 Valley Drive)

(Commissioner Khan-Bureau) – The detention basin is located less than 20' from the property line in question. CLA Engineers Principal Bartlett was agreeable to moving the basin and planting a double row of evergreens, along with maintaining the existing vegetation, as a buffer to the adjacent property.

Heating System (Commissioner Lindo) – *to be investigated*

Lighting Plan (Commissioner Lindo) – Each garage and front door will be equipped with residential sensor lights. Each driveway will also have a residential light that will be no higher than 6'. Each end of the buildings will also have lighting that will also light the dumpster(s). All of the lights will face downwards.

Landscaping (Commissioner Lindo) – Additional landscaping to provide additional buffering will be investigated.

Visibility of Buildings from the Road (Chairman Smith) – Very little of Building 4, which will be located approximately 100' from the property line, will be visible from Route 85. Building 1 will be located approximately 60' from the property line and approximately 30' of undisturbed woodlands will remain. Additional native and deer-resistant plantings may be planted to provide additional buffering.

Building 4 Driveway Entrance (Commissioner Stoken) – To provide an adequate sight line, per CT DOT requirements, at least 750' of vegetation will be cleared to the left of the driveway and at least 500' of vegetation will be cleared to the right of the driveway.

Floor plan Issues (Commissioner Stoken) – The building plans are preliminary and conceptual at this time. The plans will be finalized after the application is approved.

Directional or Other Signage (Commissioner Lindo) – Rows of boulders will be placed at sensitive areas, i.e., septic systems. Signage could be placed to prevent individuals from parking along the sides of the driveways.

Culvert Safety (Commissioner Diba Khan-Bureau) – Per the Town Engineer, a 10' bench will be placed along the water level. Fencing may be installed, per request. The size of the piping may also be adjusted to avoid ponding.

Section 15.2.5, Multi-Family Dwellings (Commissioner Stoken) – Per the Zoning/Wetlands Enforcement Officer (ZWEO), the proposed application meets Section 15.2.5 of the Regulations, which states:

For multiple family dwellings using subsurface sewage disposal systems, no more than four (4) family units shall be located on any four (4) acres of land.

Discussion ensued regarding the Regulation. CLA Engineers Principal Bartlett stated that the submission of the application was specifically based on the provided interpretation. Commissioners Khan-Bureau and Lindo agreed with Commissioner Stoken's interpretation, rather than that of the former Town Planner and Zoning/Wetlands Officer. Town Planner Haggerty reported that ZWEO Allen stated in an e-mail, dated May 15, 2023, that both the former Town Planner and he offered their opinion of the Regulation and that it is under the Commission's purview to apply their interpretation of the Regulation. The Town Attorney will be consulted for an opinion and the approval of previous multi-family developments will be investigated.

Realtor Ron Bates, Norwich Resident, informed the Commission that it is not the normal practice of the developer to disturb the existing stone walls on the properties he develops, as was previously indicated.

David Wordell, 509 New London Road, questioned whether the Commission is required to decide upon the information that has been presented thus far or would allow revisions to be made such that the application conforms to an approval.

*Town Planner Haggerty explained that the process is such that the Applicant presents the proposed application to the Commission and the public during a Public Hearing. Because additional questions were posed, the Public Hearing would remain open to provide the town and the Applicant to address those questions and provide any necessary additional information. Two (2) applications were submitted by the applicant – a Subdivision Application, received on April 11, which must be acted upon on or before June 15, and Special Exception Application, which was also received on April 11. The Public Hearing for the latter Application must be closed on or before June 27 and action must be taken within 65 days of the closing of the Public Hearing. Extensions are also allowable, per state statutes.*

**M/S/C: Lindo/Khan-Bureau, to continue the Public Hearing for Application SE 23-02 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 to the June 13 Planning & Zoning Commission Regular Meeting. Discussion: None. Voice vote, 6-0, all in favor.**

*A short recess was taken at 9:28 p.m. Chairman Smith resumed the meeting at 9:35 p.m.*

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

**a. Regular Meeting Minutes of Tuesday, April 25, 2023**

**M/S/C: Khan-Bureau/Stoken, to approve the Tuesday, April 25, 2023 Regular Meeting Minutes. Discussion: None. Voice vote, 6-0, all in favor.**

**6. OLD BUSINESS:**

**a. SP 23-02 Kaylee Shilosky Application for Site Plan Modification at 595 Norwich Road.**

Town Planner Haggerty reported that the Applicant is requesting to park a mobile coffee trailer at 595 Norwich Road for the purpose of selling coffee, tea, and pre-packaged baked goods during the spring and summer of 2023. The submitted site plan indicates the location of the trailer and generator. While it is an allowable use, it is currently not an allowed use on the property. The Application has been reviewed and approved by the Fire Marshal and the Uncas Health District and meets their Zoning Regulations. The trailer measures approximately 30' to 40'. The approval would only pertain to this particular trailer.

**M/S/C: Volberg/Stoken, to approve Application SP 23-02 Kaylee Shilosky Application for Site Plan Modification at 595 Norwich Road. Discussion: None. Voice vote, 6-0, all in favor.**

**b. SD 23-02 American Property Group Salem, Inc. Subdivision Application for 496 New London Road for the creation of three lots – *not discussed***

**c. Application SE 23-02 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. – *not discussed; Public Hearing continued***

**d. Discussion of Potential Moratorium Language for Cannabis Establishments**

Town Planner Haggerty provided a brief recap of their previous discussions regarding the placement of a moratorium for Cannabis Establishments in their Regulations and presented a draft of the proposed text amendment. Per the text amendment, the moratorium would be placed for a period of 180 days. If not action is taken within the time period, cannabis establishments shall be presumed to be not allowable within the Town of Salem.

The following amendments will be made:

The definition of a **MICRO-CULTIVATOR** will be added.

3.26.1 **APPLICABILITY**.... cannabis establishments shall be prohibited in the Town of ~~Franklin~~ *Salem* and ...

- 3.26.2 **EFFECTIVE DATE/TERM.** This temporary and limit moratorium shall become effective on *September 1*, 2023, and shall remain in effect for a period of 180 days until *February 28, 2024 2023*.

Upon approval, the Commission will set a Public Hearing date and a copy of the draft regulation will be sent to the Connecticut Council of Governments and adjoining towns for comments.

The distinction between an application for a medical dispensary and a recreational dispensary will be confirmed. The moratorium would apply to both uses.

**M/S/C: Lindo/Khan-Bureau, to set the Public Hearing date of Tuesday, July 11, 2023, 7:00 p.m., at Salem Town Hall for the proposed text addition of Section 3.26 Temporary and Limited Moratorium on Cannabis Establishments to the Salem Zoning Regulations. Discussion: None. Voice vote, 6-0, all in favor.**

**7. NEW BUSINESS:** *none*

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

Town Planner Haggerty recited the Zoning/Wetlands Enforcement Officer's Report, which reports that ten (10) Zoning Permits have been issued for various uses; due to a lack of business the Zoning Board of Appeals both the April and May meetings are canceled; his findings during an investigation of a complaint concerning 343-R Old Colchester Road which has resulted in a Cease & Desist Order; the approval of an as-of-right determination for a culvert stream crossing directly related to an agricultural use on Witter Road, and the approval for work to be conducted in the Upland Review Area on Cockle Hill Road by the Inland Wetlands & Conservation Commission, and; the receipt of the campground and quarry renewals, which will be presented to the Commission for approval.

Commissioner Khan-Bureau reported that the Inland Wetlands & Conservation Commission viewed the property located at 343-R Old Colchester Road from 345 Old Colchester Road. The Commissioners were shocked by the amount of work that was conducted for the motocross track, including the amount of excavation and fill that was placed on the property. She recommended the Commission view the property. Town Planner Haggerty stated that the Cease & Desist Order, which was placed on September 22, 2022. She will consult with the ZWEO regarding the status of the Order, the possibility of conducting a further investigation and inspection of the property, and the Commission's request to take further enforcement action.

**9. TOWN PLANNER REPORT** – *none*

**10. CORRESPONDENCE – *none***

**11. PUBLIC COMMENT**

Sue Coffee, 10 Saunders Hollow Road, Old Lyme, reported that she spoke with the ZWEO on May 11, 2023, who informed her that Cease & Desist Orders were issued for both the motocross track and excavation and fill.

In response to Commissioner Khan-Bureau regarding drone footage that was taken of the property, Ms. Coffee reported that the footage she had taken of the property was not accepted by the ZWEO. Town Planner Haggerty informed the Commission that she has reached out to the Town Attorney regarding the Commission's role and acceptance of certain types of evidence to ensure their compliance with the established rules.

**12. PLUS DELTAS – *none***

**13. ADJOURNMENT**

**M/S/C: Volberg/Khan-Bureau, to adjourn the meeting at 10:05 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**