

**TOWN OF SALEM  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 12, 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  
Martin Stoken  
Walter Volberg  
Gary Closius, Alternate (*seated*)  
James Jorgensen, Alternate (*seated*)

**ABSENT**

Jennifer Lindo  
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**

**3. PUBLIC COMMENT:**

Norm Rabe, Valley Drive, spoke concerning the inferior sound system in the Conference Room. Depending on the level of a speaker's voice, it is often very difficult to hear them speaking unless they are facing you. He requested that the system be improved before their next public hearing and felt that, should the issue not be remedied by then, the public hearing not be held.

*Chairman Smith stated that his comment is well taken, though he was unsure whether it would be a reason to delay the upcoming public hearing.*

Sue Coffee, owner of 365 Old Colchester Road, 10 Saunders Hollow Lane, agreed with Mr. Rabe regarding the sound in the Conference Room. She requested that a letter that was sent to the Connecticut Army Corps of Engineers from REMA Ecological Services regarding the potential environmental impacts of the activities that took place at 343-R Old Colchester Road be read into the record. She noted that the letter was recited at the recent Inland

Wetlands & Conservation Commission Meeting. Copies of the letter and a map were provided to the Commission.

*Commissioner Stoken read the letter into the record.*

*Alternate Commissioners Closius and Jorgensen were seated for Commissioner Lindo and the vacant position, respectively.*

**AMENDMENT TO THE AGENDA:**

**M/S/C: Smith/Khan-Bureau, to add the following item to the Agenda:**

**4(b) Amendment to Approval of Tuesday, July 25 2023 Regular Meeting Meetings.**

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

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

**a. Regular Meeting Minutes of Tuesday, August 22, 2023**

**M/S/C: Khan-Bureau/Jorgensen, to approve the Tuesday, August 22, 2023**

**Planning & Zoning Commission Regular Meeting Minutes. Discussion:**

**None. Voice vote, 5-0-2. Voting in Favor: Commissioners Closius, Gadbois, Khan-Bureau, Jorgensen, and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Stoken and Volberg.**

**b. Amendment to Approval of Tuesday, July 25, 2023 Regular Meeting Minutes**

**M/S/C: Smith/Khan-Bureau, to amend the approval of the Tuesday, July 25, 2023 Regular Meeting Minutes, with the following amendments:**

**Page 4, Item 7, New Business:**

- a. SP 23-05 Poyant Signs Site Plan modification application including new drive thru lane components, height detector and order point canopy with digital menu board and new sign package at 1 New London Road for Dunkin Donuts ~~(Acceptance of application).~~**

**Page 5, Item 7(a):**

**M/S/C: Khan-Bureau/Volberg, to ~~accept~~ approve Application SP 23-05 Poyant Signs – Site Plan modification application including new drive thru lane components without the canopy and with a digital menu board and new sign package at 1 New London Road for Dunkin’ Donuts. Discussion: None. Voice vote, 7-0, all in favor.**

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

**5. OLD BUSINESS: none**

**6. NEW BUSINESS:**

**SP 23-06 Colchester Construction** – Site plan application for a commercial development at 343 Old Colchester Road (to be known as 349 Old Colchester Road).

Ellen Bartlett, P.E., Principal, CLA Engineers, Inc., representing the Applicant, stated that the 2.67-acre property, created by the recently approved one-lot subdivision, was recently purchased by RMD Land Development, LLC. While there are no wetlands on the site, itself, there are wetlands on the neighboring property that were flagged by George Logan, the neighboring property owner's Wetlands/Soil Scientist, and Robert Russo, CLA Engineers' Soil/Environmental Scientist. In addition, though no work is being proposed within the 100' Upland Review Zone, the application was presented to and approved by the Inland Wetlands & Conservation Commission. Located in the town's Business Zone, the Applicant is proposing the construction of a 10,080 SF metal commercial building comprised of office and garage space to store landscaping and snow plowing equipment for the age-restricted housing development on Norwich Road (Route 82) and the recently constructed multi-family development on Old Colchester Road. All of the clean roof drainage will be collected and travel through an infiltration system. According to their calculations for a two- through 100-year storm event, there will be no increase in flows leaving the site following construction. Both the drainage calculations and plans have been reviewed by Joseph M. Dillon, P.E., Nathan L. Jacobson & Associates, Inc., the town's consulting engineering firm, and all of his comments have been addressed. The site plan application has also been reviewed and approved by the Uncas Health District for the on-site septic system and well. The CT DOT (Connecticut Department of Transportation) has issued a conditional letter of approval, pending the Commission's final approval in addition to their previously approved permit for the site line improvements. All of the Town Planner's comments have been addressed. During their previous meetings, discussions regarding the installation of a more robust Erosion and Sediment (E&S) Control System comprised of a silt fence with a wood chip berm in front and a stone berm, which acts as a filtration system, were heeded and installed. The system was inspected by the town's Zoning/Wetlands Officer Matt Allen and CLA Engineers' Soil/Environmental Scientist Russo following its installation and following each of the large storm events that have occurred since. The system continues to appear stable. A landscape buffer has been installed at the rear of the property, per the town's Zoning Regulations. Parking will be provided and all of the equipment will be stored inside the building.

Type of Equipment that will be Stored (Commissioner Closius) – Such vehicles as Ford F-350 and Ford F550 with plows and sanders, landscape trailers, and bobcats will be stored in the building. The building will also be used to store construction equipment, e.g., ladders, stagings, planks, etc.

Repair Activities (Commissioner Closius) – No repairs will be conducted on-site. There will be no floor drains or cleaning of vehicles on the premises.

Mitigation for Possible Oil/Fuel Leakages (Commissioner Closius) – Speedy Dry Buckets will be on hand for any potential leaks as well as special kits, which include blankets, to absorb the oil, per OSHA (Occupational Safety and Health Administration) requirements. The building will be similar to the metal building located at R&W Heating Energy Solutions, which also houses several trucks. An additional, similar structure is under construction in the vicinity. The trucks would contain a maximum of 32 gallons of fuel with no tanks behind the vehicle; no fuel will be stored on the premises or the vehicles.

Employees (Chairman Smith) – There will be one full-time employee and workers will arrive in the morning and depart in the late afternoon.

Signage (Commissioner Jorgensen) – There is no intention to install any signage at this time; the building will not be open to the public.

Equipment Rental (Chairman Smith) – There are no plans to rent equipment at this time. Should their plans change, a Change of Use application will be submitted.

Office Space (Chairman Smith) – The office space will be approximately 2,500 SF and on one level.

Sand & Salt Storage (Commissioner Closius) – All sand and salt will be retrieved from Adelman Sand & Gravel, Bozrah, as necessary; no sand or salt will be stored on-site.

Landscaping (Commissioner Khan-Bureau) – Pine trees were planted along the front of the property. The Applicant is open to planting additional (native) plantings. All of the plantings are deer-resistant. The front of the property will be graded and grass will be planted following the installation of the power lines by the power company. The grass will be regularly maintained so as not to hinder the sightlines. He is considering installing a cedar fence between his and the neighboring property with, possibly, plantings inside the fence.

Construction Start Date (Chairman Smith) – Should the Commission approve the application this evening, the Applicant hopes to acquire a foundation-only permit from the Building Department and immediately begin work. He hopes to complete the project before the snowy season.

E&S Control Measures (Chairman Smith) – CLA Engineers' Soil/Environmental Scientist Russo stated that the controls continue to operate properly. Though an accumulation of sedimentation was evident as a result of the recent rains, it was not to the extent that would require its removal. They will continue to inspect the system following heavy storms, as requested by the Applicant and per the Commission's conditions. The system will remain in place once the site and plantings are established – generally approximately one year.

Parking (Commissioner Stoken) – 20 parking spaces will be provided, per the Regulations.

Overhead Door Location (Commissioner Jorgensen) – There is no potential for vehicles exiting out of the back corner of the building to come off of the hard surface. The door is located near the office area and will be used primarily to access the building, rather than for the parking of trailers or trucks.

Exterior Lighting (Commissioner Closius) – The lighting, which is directed downwards, should not negatively affect the neighboring properties.

Fencing (Chairman Smith) – The goal is to install a chain-link fence on one side of the property with a gate to the rear of the property.

Current Location of Equipment (Commissioner Khan-Bureau) – Currently, the equipment is located at different locations, including the Town of Montville.

The revised plans were distributed to the Commissioners.

Town Planner Haggerty confirmed that all of her comments have been addressed, per her memo, and noted that a similar memo was received from Nathan L. Jacobson & Associates.

**M/S/C: Gadbois/Volberg, to approve Application SP 23-06 Colchester Construction – Site Plan application for a commercial development at 343 Old Colchester Road (to be known as 349 Old Colchester Road). Discussion: None. Voice vote, 7-0, all in favor.**

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

The Commissioners reviewed the Zoning/Wetlands Official Report, dated August 24, 2023, which states that 70 zoning permits have been issued, year-to-date, and no Zoning Board of Appeals meetings have been held this year due to lack of business. The report also states that a Notice of Violation was issued for 428 Hartford Road for the open storage of a stockpile of waste materials; an inspection of the E&S controls at 343-R and 349 Old Colchester Road took place on August 14, 2023, and; the unanimous approval, with no conditions, of the modification at 496 New London Road for a three-lot subdivision and multi-family development, and for a commercial development at 349 Old Colchester Road by the Planning & Zoning Commission.

Chairman Smith will request the status of the Notice of Violation at 428 Hartford Road, as requested by Commissioner Lindo, from the ZEO/WEO.

Commissioner Khan-Bureau added that the Inland Wetlands & Conservation Commission issued a Cease & Desist Order for unpermitted work in the wetlands at 10 Music Vale Road. While an As-of-Right Determination for the recreational path/bridge and its future maintenance was approved by the Commission in 2016, the Commissioners felt that the installation of pipes and the filling of an intermittent stream with gravel and asphalt millings constituted a potential violation.

**9. TOWN PLANNER REPORT**

Town Planner Haggerty reminded the Commissioners to inform her of any training sessions they attend.

Commissioner Khan-Bureau reported that Land Use Attorney Mike Ziska has agreed to provide the Commission with a training session later in the year, should they be interested. Atty. Ziska is the author of the widely used and highly regarded book, *What's Legally Required? A Guide to the Legal Rules for Making Local Land Use Decisions in the State of Connecticut*. The (8th) edition of the book was recently released.

Town Planner Haggerty stated that the Land Use office houses the previous edition and copies of the new edition may be ordered at the Commission's request and as their budget allows.

**10. CORRESPONDENCE**

a. Correspondence regarding 496 New London Road.

**11. PUBLIC COMMENT**

Sue Coffee, owner of 365 Old Colchester Road, 10 Saunders Hollow Lane, thanked the Commissioners for dealing with the issues related to the properties located at 343-R & 349 Old Colchester Road. She continues to be concerned as her property is located approximately 12' below the properties in question. She also stated that, currently, there are two (2) excavators, a backhoe, and a shed on the property and questioned whether the shed would remain on the property.

Town Planner Haggerty stated that the shed is indicated on the site plan as a temporary structure and is not part of the application that was presented this evening. Any Zoning or Wetlands Violations that occur following the construction of the building will be handled accordingly.

**12. PLUS DELTAS – none**

**13. ADJOURNMENT**

**M/S/C: Closius/Khan-Bureau to adjourn the meeting at 7:48 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**