

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 26, 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 Stoken (7:34 p.m.)
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 Jorgensen and Closius were seated for Commissioners Stoken and the vacant position, respectively.

Chairman Smith expressed his appreciation to Tom Vernon for providing the audio equipment for this evening's meeting in response to the public comments regarding their inability to hear. The Town is investigating the possibility of purchasing and installing a sound system for the conference room.

3. PUBLIC COMMENT: *none*

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

a. Regular Meeting Minutes of Tuesday, September 12, 2023

**M/S/C: Khan-Bureau/Volberg, to approve the Tuesday, September 12, 2023
Planning & Zoning Commission Regular Meeting Minutes, with the
following amendment:**

Page 5, Item 7, last paragraph:

Commissioner Khan-Bureau added that the Inland Wetlands & Conservation Commission issued a Cease & Desist Order *and Show Cause* 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 approval was not for the specific area in question. Furthermore*, the Commissioners felt that the installation of pipes and the filling of an intermittent stream with gravel and asphalt millings constituted a potential violation.

Discussion: None. Voice vote, 6-0-1. Voting in Favor: Commissioners Closius, Gadbois, Khan-Bureau, Stoken, Volberg and Smith. Voting in Opposition: None. Voting in Abstention: Commissioner Lindo.

5. PUBLIC HEARING

- a. **SE 23-03 American Property Group** 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 23-03 American Property Group 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. Discussion: None. Voice vote, 7-0, all in favor.

Attorney William McCoy, Heller, Heller & McCoy, 736 Norwich-New London Turnpike, Uncasville, representing the Applicant, stated that the original application for the multi-family residential development, comprised of 24 units housed in six (6) buildings on a 54-acre parcel, that was previously presented to the Commission was withdrawn to address the public's comments and suggestions. The current application incorporates those comments. He requested that the Public Hearing remain open to provide the Applicant with the necessary time to address the comments that were received today by the Town's consulting Engineer, Nathan L. Jacobson & Associates, Inc. In addition, Appraiser Howard Russ, who provided a report and was not able to attend this evening's meeting, may be present at their next scheduled meeting to respond to any questions the Commissioners might have regarding the submitted report. He added that the project is consistent with the Town's Plan of Conservation & Development (POCD), which encourages multi-family dwellings to promote the housing diversity of the community. He also invited the Commission to heed the opinions submitted by the Town Attorney regarding the application.

Ellen Bartlett, P.E., Principal, CLA Engineers, Inc., representing the Applicant, stated

that the property is located at the intersection of Route 85 and Woodchuck Road. The proposal includes the division of a 54-acre property into three (3) lots. Lots 1 and 2 would each be developed with three (3) multi-family housing units comprised of four (4) two-bedroom townhouses each. Lot 3 would house a single-family residence. The property is zoned Residential A, which allows for the development of multi-family housing, with a Special Exception. The project would accomplish one of Salem's visions, as stated in the Town's POCD:

Housing in Salem will:

Housing in Salem will:

- 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.

The development would provide affordable rental housing for young adults and senior citizens in addition to four (4) ADA-accessible units for elderly and/or disabled residents. The Town provides a very limited amount of two-family housing units. The project proposes the installation of three (3) permanent stormwater basins that will collect the runoff from the developed areas and provide a slight reduction in flow following the completion of the development. The design of the water quality basins meets and exceeds the volumes as indicated in CT DEEP's (Connecticut Department of Energy and Environmental Protection) Stormwater Manual by three to six times. The drainage calculations and plans were submitted, reviewed, and approved by the Town Engineer. The comments received today pertain to a new proposed crossing on Woodchuck Road; all other comments have been addressed.

The Application was previously withdrawn to address the public's following comments:

Flooding issues on Woodchuck Road following large storm events. To address the issues, the Applicant is proposing the installation of a new crossing. The road includes two (2) cross culverts, comprised of a 48" pipe fed by Horse Pond Brook and a 12" cross culvert located at the low point of the road. Both are sized correctly when viewed independently but, because they are fed by the same wetlands system, the smaller culvert is not adequately sized to handle the overflow from the larger culvert. As such, they are proposing to replace the smaller culvert with a 2' x 6' box culvert which, based on their calculations, is estimated to be sufficient to handle a 100-year storm. The crossing was presented to and approved by the Inland Wetlands & Conservation Commission (IWCC) and three (3) comments were received from the Town Engineer requesting that the type of guardrail be specified, the drainage model be adjusted, and the clerical error in the spot elevations be corrected.

Landscape buffers to adjacent properties. The buildings were laid out to maintain the existing vegetation, providing a natural buffer. To augment and enhance the natural, existing buffers, CT DEEP-recommended deer-resistant evergreen trees will be planted. The locations of the buildings and their corresponding existing and/or proposed landscaping buffers were explained/described.

Section 15.2.5, Multi-Family Dwellings, Design Standards, of the Salem Zoning Regulations, states:

15.2.5 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.

During a preliminary design meeting with the Zoning/Wetlands Enforcement Officer (ZWEO) and former Town Planner, the Regulation was discussed specifically in relation to Lot 1, which consists of 12 (twelve) units on approximately 12 (twelve) acres. Based on past precedent, it was felt that the project would meet the Regulations. She has since located two projects, Crystal Lake Condominiums, which is comprised of 70 units on 14 acres, and the recent three-unit development on Old Colchester Road on 1.9 acres. The exact time period in which the Condominiums were approved/constructed is unknown.

Kathy LaCombe, KML Architects, LLC, Preston, presented the general overview of the buildings and their design. The Property Owner's primary request was to be true to the single-family residential scale and maintain the traditional New England vernacular. The development includes two (2) styles of units: Type B and Standard units. The Type B unit, which is ADA-accessible) is 1.5 stories and provides provisions for living, eating, sleeping, and parking on one level. The total living area of each of these units is 1,295 SF, with a 272 SF garage. The total footprint for all four (4) of the Type B units is 3,404 SF. These units are located in Buildings 1 and 6. The Standard unit, which is 2.5 stories, is comprised of a total living area of 1,224 SF, with a 612 SF garage with a utility room. The total footprint for all 20 (twenty) Standard units is 4,234 SF.

Commissioner Stoken entered the meeting at 7:34 p.m.

CLA Engineers' Principal Bartlett stated that the following approvals have been received:

Uncas Health District – Approvals for the original plans and new approvals pertaining to the shifting of the building and reserve area to accommodate the revised buffer areas for Buildings 5 & 6.

CT DOT (Connecticut Department of Transportation) – Conditional Approval, pending the Town's approval

Salem Inland Wetlands & Conservation Commission – Approvals for the original plans and the upgrades to the crossing on Woodchuck Road.

Town Planner – All of the Town Planner's comments have been addressed.

Nathan L. Jacobson, Inc. – All of the Town's Consulting Engineer's original comments have been addressed; the recent comments received for the proposed crossing will be addressed.

City of New London Public Utilities – The proposed plans were reviewed and found to be acceptable. It was requested that extra caution be taken and that the Erosion & Sediment Control System be monitored during and post-construction. The proposed development is located in the watershed of Latimer Brook and Beckwith Pond, which are part of the City's reservoir system.

CT DEEP – Due to the size of the project, CT DEEP requires that the project be monitored and inspected, at least, monthly by a third-party firm and after every rainfall measuring over 1/2". The reports may be sent to the Town by request. The inspection dates may be adjusted to accommodate for weekends and holidays.

COMMISSIONER COMMENTS/ENQUIRIES:

Elevations (Commissioner Jorgensen) – The buildings include walk-out/drive-out basements and garages. The original elevations were measured from the bottom elevation of the garage to the peak of the building and exceeded the allowable amount. However, when measured from the top of the building to the building's average grade, per the Zoning Regulations, the elevations are well under the 35' requirement.

Buildings 5 & 6 Vegetative Buffer Area (Commissioner Jorgensen) – It was confirmed that the buffer area stops at the wetlands area on the west side and extends beyond on the other side to accommodate the septic system.

Stormwater Basins (Commissioners Closius, Jorgensen, and Khan-Bureau) – The basins are open basins. During the springtime when the groundwater level is higher, the basins may house 1' or more of standing water. In response to Nathan Jacobson's concerns regarding the safety of the basin, a 10' wide shelf will be installed allowing individuals to crawl out of the basin, per CT DEEP's Stormwater Manual. Based on the soils, the water should only be standing in the basin for a short period – not long enough for mosquitos or similar beings to breed. Thick, native shrubs may be planted around the basin to provide a natural fence and prevent children from falling in. The maintenance plan for the basins is included in the plans and has been submitted to CT DEEP. The basins would be maintained by the Property Owner.

Estimated Rental Cost (Commissioner Lindo) – The rental units will be priced competitively and will not be considered affordable housing.

Appraisal Report (Commissioner Stoken) – The Appraiser has submitted a report and was not able to attend this evening’s meeting due to a conflicting engagement; he will be able to attend their next regularly scheduled meeting to answer questions.

Town Planner Haggerty stated that all of the submitted documents are open to the public and may be viewed online or e-mailed or viewed in person, by request.

PUBLIC COMMENTS

Robert Cullinen, 26 Valley Drive, recited his letter, dated August 28, expressing his opposition to the proposed development. He requested that the Commission enforce the Regulations and disapprove the request for a Special Exception. He recited an excerpt taken from the internet of an advertisement for the sale of the property, which describes the property and its possible use as a subdivision for “higher-end homes”. He stated that the comments presented to the Commission during the previous Public Hearing remain in effect; the Public Hearing should remain open due to the unresolved and unanswered public comments. His concerns include the devaluation of the surrounding properties, the “clear violation” of Section 15.2.5 of the Salem Zoning Regulations regarding the resulting possible pollution of ground and surface waters from sewage disposal, the need to obtain legal counsel regarding the relaxation of the existing regulations, the lack of enforcement of the newer requirement of the 100’ Upland Review Area for the revised application, the proposed development’s lack of consistency with the existing adjacent properties, the resulting depreciation of adjacent property values, the resolution of unresolved issues presented to the Commission in June 2023, and the out-of-date drawing presented by the Applicant’s Engineering Firm. He reiterated that the Application does not conform with Section 15.2.5 of the Salem Zoning Regulations and “high-density corporate multifamily rental units are inconsistent with adjacent property use and if approved will harm property values.”

In response to Chairman Smith regarding the advertisement, Mr. Cullinen stated that the advertisement was located through a general Google search.

Norm Rabe, 33 Valley Drive, stated his opposition, noting that Section 15.2.5 of the Salem Zoning Regulations reflects the type and distribution of housing that the Town seeks and envisions. The proposed housing is cluster housing and, as such, would negatively affect the adjacent property values. The proposed development is planned around the unbuildable areas of the property. He is also not impressed by the fact that the Regulation was not strongly defended in the past. He stated that “the words are there, we have to obey these words.”

Timothy Frick, 40 Valley Drive, a 30-year resident, expressed his opposition to the Application. Once completed the existing residents will be subjected to increased activity, people, noise, cars, and the like, than would be expected from a reasonably designed subdivision of single-family residences. He felt that the proposed development is not in harmony with the established residences of the area and will result in a negative effect on the existing property values. Furthermore, the Application does not satisfy the following items in Section 11, Special Exceptions, 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.

11.4.5 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. (11/22/22)

He also expressed his concerns regarding the lack of legal counsel on behalf of the Town, citing the presence of the Applicant's legal counsel, and noted the early decisions that were made without the involvement of the Commission. He requested that the Commission exercise its due diligence in the making of its decision. He warned that the future of land development in Salem would be "headed down a slippery slope" if such applications are approved and added that the location for such a development is not in concert with its surrounding neighborhood and its rural character.

Chairman Smith clarified that Section 11.4.5 states that "the proposed development will be in harmony with..." not the same as "the existing use of adjoining properties."

Melissa Bezanson, 12 Woodchuck Road, also spoke in opposition to the Application and wished to present a video taken of the larger culvert, with which her issues lie. She recited her letter of opposition, dated September 26, which restated her concerns regarding the public safety hazard associated with the primary culvert, including its condition, construction, and weight load capacity; drowning hazard; low visibility, and; insufficient turning radius. She requested a legal opinion from the Town Attorney regarding the possibility of overturning the legal precedence cited by the ZWEO during the July 10 IWCC meeting regarding the application for the cross culvert. She also expressed her concerns regarding the width of Woodchuck Road, its lack of harmony with the adjoining properties, its lack of consistency with the Town's rural character and subsequent overdevelopment of the property, and the resulting decrease in property values. Other considerations, based on previous comments, that should be addressed included the resulting stress on the Town's Emergency Services, the issues related

to Section 15.2.5 of the Zoning Regulations, and the square footage of the wetlands located on Lot 1. She reiterated her previous requests to require the developer to substantially improve the road, including replacing the culvert; the developer's references concerning their completed projects and the condition of his/her current rental properties; an escrow, surety bond, or similar requiring the landlord to maintain the development in perpetuity, and; a revision of the Zoning Regulations to restrict noise, refuse, and prevent vandalism. She added that, typically, any substantial changes to the originally approved set of plans would require the Applicant to return to the IWCC for approval. The relocation of one of the buildings, its septic system, and the Regulation change of the Upland Review Area should require the Application to return to the IWCC for review and approval or, at the very least, should be noted on the plans. She felt that the IWCC may not have realized the magnitude of the proposed changes. Any doubts the Commission might have should lead to their denial.

Chairman Smith stated that the video may be sent to the Town Planner and submitted into the record for consideration.

In response to Ms. Bezanson, Atty. McCoy clarified that the proposed road improvements on Woodchuck Road are neither required nor related to the proposed development of the property. Rather they are being proposed to improve the overall area in which the development will be located. The creation of a cul-de-sac, which was requested by the Town's Fire Marshal, and the improvements to one of the culverts, which are being made at the request of the public, are, essentially, the responsibility of the Town. The Applicant, he reiterated is proposing to help alleviate the flooding and improve the safety of the area as part of the Application though both items are the responsibility of the municipality. In response to Ms. Bezanson's issues with the larger culvert, CLA Engineers' Principal Bartlett stated that it was her understanding that the issues were related to the flooding, not the safety, of the culverts. As such, she found that the flooding issues occur at the smaller culvert, which is located at the low point of the road, and investigated the various possibilities to help alleviate the issues. A guardrail will be placed at the smaller crossing. In addition to adding the cul-de-sac, which is a safety issue, the Applicant will be donating the land that will be part of the right-of-way to Woodchuck Road to the Town.

Upland Review Area (Commissioner Khan-Bureau) – It was clarified that the IWCC Application was not withdrawn and resubmitted. The Application was approved before the IWCC changed the Upland Review Area from 75' to 100'. The Applicant returned to the IWCC to obtain approvals for the culvert. The shifting of the building and septic reserve area is located outside the 75' Upland Review Area.

It was recalled that the shifting of the building and reserve area was made to add plantings and accommodate one of the neighboring resident's concerns.

List of Changes (Commissioner Stoken) – It is the industry standard to note on the plans that comments were incorporated on the revised plans. A detailed list of the changes is submitted with the revised plans to the Town Planner. Town Planner Haggerty explained that when she reviews the plans, specific sections of the Regulations are called out with her comments. The same holds for any public comments or the Town Engineer's review. In this case, CLA Engineers have submitted their responses to the comments, which are included in their packets.

Width of the Mouth of Woodchuck Road to Route 85 (Chairman Smith) – CT DOT approval would need to be sought to widen the turning radius from Woodchuck Road; the Applicant was willing to accommodate the request. Atty. McCoy noted that CT DOT, which has jurisdiction over the state road, has approved the project, including the ingress and egress onto Woodchuck Road and Route 85 with the proposed traffic increase of 132 trips.

Sightlines (Commissioner Closius) – CT DOT reviewed and approved the sightlines for the driveway and Woodchuck Road. Minor improvements to the vegetation were made to improve the sightlines, as indicated in the plans.

Condition of the Culvert (Commissioner Stoken) – Condition of the Culvert (Commissioner Stoken) – CLA Engineers' Principal Bartlett stated that the condition of the culvert was strong enough to withstand the additional traffic and any heavy equipment that would be crossing the culvert during construction. In addition, the Town Engineer did not note any issues with the condition of the culvert. It will be confirmed whether the Town Engineer conducted a first-hand in-person review of the culvert and, if not, will be requested that he do so.

Town Planner Haggerty recited the Town Attorney's response regarding Section 15.2.5 of the Salem Zoning Regulations and the Commission's adherence to certain rules as they interpret the regulations.

David Wordell, 509 New London Road, Olde Ransom Farm, stated his opposition to the proposed development. He expressed his displeasure and concern with the Property Owner's lack of transparency concerning their plans, specifically the size of the bedrooms and the number of children and adults allowed in the units, which would affect the school and his taxes. He felt that the proposed rental units would not include any age or population restrictions. He questioned why Buildings 1, 2, and 3 have not been relocated when it is his understanding that the three (3) perc tests for those sites failed. He informed the Commissioners that the Town would be receiving a notice from the State Historic Preservation office to conduct an

archaeological survey of the site which houses the foundation of an old historic lodge in the vicinity of Building 4. The location of the foundation has been omitted from the new map. He felt that the development contradicts the Commission's Mission Statement "to promote coordinated development" and questioned the meaning behind American Properties' advertisement, which offers "income-producing rental properties for sale". He felt that the development, should it be allowed, would hurt the character of the neighborhood. He referred to Section 15.1, Multi-Family Dwellings, General, which states that:

..., 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 private and public property values....

He stated the importance of recognizing the regular occurrence of 100-year storms and expressed his concerns with the quality of the sewage system as any failures related to a sewage disposal system during a flood would result in the disposal of the sewage into a reservoir system that feeds water to three (3) towns. He further stated his concerns concerning the added traffic congestion and the preservation of property values. He has owned his property with his wife for 63 years, consistently investing in and making improvements over the years. He stressed the importance of following the rules and regulations as stated in the Salem Zoning Regulations.

Town Planner Haggerty, who holds a degree in Historic Preservation, clarified that the State Historic Preservation Office conducts development reviews for projects involving state or federal funding, not private developments.

Sewage Disposal Systems, Public Health and Safety (Chairman Smith) – *While the Uncas Health District reviews the water and sewage disposal systems, it is under the Commission's purview to determine whether their approvals satisfy the requirements. Atty. McCoy added that the Uncas Health District reviews the septic design and its permeability to ensure that it will not pollute the groundwater and that the effluents will not exceed beyond the reserve area. Their issuance of a permit is substantial evidence that the pollution issue has been dealt with by the proposed subsurface system. The Commission is bound to accept the opinions of the professional experts unless they are presented with contrary expert opinions.*

Robert Cullinen, 26 Valley Drive, noted that Atty. McCoy is separating the functionality of a septic system from Section 15.2.5 of the Regulations, which states that "For multiple family dwellings using subsurface sewage disposal systems, no more than four (4) family units and shall be located on any four (4) acres of land."

Chairman Smith concurred with Atty. McCoy, stating that, based on the Uncas

Health District's approval, the issue regarding the "possible pollution of ground and surface waters from sewage disposal systems, public health and safety,..." would not be in question. Town Planner Haggerty noted the distinction between the two sections (Sections 11, Special Exceptions, and 15, Multi-Family Dwellings) to which Chairman Smith is referring.

Norm Rabe, 33 Valley Drive, spoke concerning the wetlands on the property. The property consists of three (3) dry areas on Lots 1 and 2 on which the proposed buildings will be located. Because each of the dry areas is separated from each other by the wetlands, there is no direct access between them. As a result, any children who reside in the buildings and might wish to play with each other would be forced to cross the wetlands resulting in its degradation. He strongly recommended that the Commission require a strong fence to be located between the buildings to conserve the wetlands.

Estimated Population (Chairman Smith) – Town Planners typically use Demographic Multipliers to determine the estimated average population of adults and children for a given development, based on its per unit price and number of bedrooms.

Brent Ali, 34 Valley Drive, a Salem School teacher who recently moved into Town, expressed his opposition to the Application. As a new member of the community, he stated that he did not receive a notice regarding the Application. He expressed his concerns regarding its possible negative effects on the value of his recently purchased property and questioned whether any consideration was given to the area's existing natural environment and habitat. He also noted the varying water flow of the existing waterway from a trickling stream to a raging river. In addition, he felt that any prior decisions should not automatically result in the same decision, especially if they were made in error. He also questioned whether the height of the trees, when fully grown, would be high enough to hinder the view of the buildings by the neighboring properties. He stated the need to follow the rules at hand.

In response, Commissioner Khan-Bureau, who is also the IWCC Chairperson, provided her professional background and experience and stated that it was confirmed by CLA Engineers' Soil Scientist and Environmental Engineer Bob Russo, who reviewed the wetlands and environmental factors as related to the Application, that there were no endangered species or species of special concern residing in the area when the IWCC reviewed the application.

Kristi Morrison, 82 Valley Drive, a small business owner, and Salem School employee, stated her opposition to the development. She expressed her concerns regarding the resulting decreased property value and the strain the development

would cause on the school. She relayed a recent experience she had related to the installation of a pole and the surrounding wetlands and questioned the ability to construct a 24-unit multi-family development given the requirements and restrictions. She also expressed her concerns regarding the water basins and their invitation for mosquitos, the safety of small children, the increased traffic on Route 85, the rerouting of water to her property, the need for oversight and regular inspections by the Uncas Health District and CT DEEP as a result of the size of the project. The Commission's decision will set a precedent for the Town and, possibly, invite future developers with "bigger, deeper pockets and higher-powered lawyers".

Bob McGovern, 4 Valley Drive, stated that, as a former City Council member, he appreciates the Commission for their hard work. He stated his opposition to the application and felt that, as a citizen of the Town and a member of the public, the Public Hearing was "a waste of time" and that it appeared that the Commission had already rendered their decision. Because the Property Owner has the necessary funding to proceed with the project, it will not matter how many citizens voice their opposition to the Application. The development is a "disaster" for the Town, the residents, and the property values. It will cost the town millions of dollars to repair Woodchuck Road, which is not stable enough to handle the increased traffic. The development would also require the Town to invest additional funds for the school and emergency services and would result in an increased number of traffic accidents. He stated that the Commission should obey the Zoning Regulations that each of the Commissioners took an oath to obey.

Dan Sheehan, 92 Valley Drive, expressed his concerns with the presence of an attorney, representing the Applicant, and questioned whether they, too, should hire and have an attorney present. He addressed the neighbors and commended their statements and arguments in opposition to the development. He also questioned why the Commission has not addressed the Regulation that has been raised numerous times during the Public Hearings. He felt that the Application should not be approved because such developments have been approved based on past precedence.

Town Planner Haggerty explained that the purpose of the Public Hearing is for the Commissioners to receive feedback from the residents before making any final decisions. Similarly, the letter received by the Town Attorney provides background information that the Commission may consider during their deliberations.

Chairman Smith stated that the Applicant and the Town have retained an attorney. The retainment of an attorney does not imply guilt. Rather, the attorneys represent the legal interests of their clients. Like the Town Planners and Town Engineers,

they provide their expertise and guidance regarding the matters at hand.

Jamie Morrison, 82 Valley Drive, Salem Little League President, stated that, as elected officials, the Commissioners should heed the citizens' opposition to the development. He urged them to respect the residents, who elected them to do their jobs and fulfill their duties.

Norm Rabe, 33 Valley Drive, stated that the task of the Commission is to decide whether the development will depreciate the property values of the adjacent properties and will be in harmony with the existing use of adjoining properties.

David Wordell, 509 New London Road, Olde Ransom Farm, stated that the Regulations are very clear and questioned why a decision cannot be rendered this evening.

Atty. McCoy reminded the Commission that Land Use Commissions are not in existence to render their decisions based on the number of individuals who attend and “raise their hands”. It is the Commission’s role to render a decision based on the Regulations, taking into account the public’s comments.

Chairman Smith thanked the residents for their comments and explained that the process is not as clear-cut as it may appear. The lengthy process is due to the Commission’s goal to be fair to all of the parties involved and do what they feel is in the best interest of the Town, within the given parameters.

M/S/C: Lindo/Khan-Bureau, to continue the Public Hearing for Application SE 23-03 American Property Group 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 to Tuesday, October 10, 2023, 7:00 p.m., at Salem Town Hall. Discussion: None. Voice vote, 7-0, all in favor.

The Commissioners took a short recess at 9:26 p.m. Chairperson Khan-Bureau resumed the meeting at 9:30 p.m.

6. OLD BUSINESS: *none*

7. NEW BUSINESS:

- a. **SD 23-04 American Property Group** Subdivision application for 496 New London Road for the creation of three lots.

M/S/C: Lindo/Khan-Bureau, to table Application SD 23-04 American Property Group. Subdivision application for 496 New London Road for the creation of three lots. Discussion: None. Voice vote, 7-0, all in favor.

- b. **SE 23-03 American Property Group.** 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.

The Public Hearing was continued to Tuesday, October 10, 2023, per Item 5(a).

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

9. TOWN PLANNER REPORT – *none*

10. CORRESPONDENCE – *none*

11. PUBLIC COMMENT – *none*

12. PLUS DELTAS

Chairman Smith thanked all of the Commissioners.

Commissioner Lindo suggested the possibility of providing a short explanation of the process to the public at the beginning of the Public Hearing to help alleviate some of the hostility that was expressed during this evening’s meeting.

Per Commissioner Stoken’s request, Town Planner Haggerty will reach out to the Town Engineer regarding an in-person review of the culverts on Woodchuck Road.

The possibility of instituting a three-minute limit for public comments was briefly discussed.

13. ADJOURNMENT

M/S/C: Lindo/Volberg, to adjourn the meeting at 9:34 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