

**TOWN OF SALEM
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JANUARY 23, 2024 – 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
James Jorgensen, Vice Chairman
Gary Closius
John Gadbois
Diba Khan-Bureau
Martin Stoken
Pat Donovan, Alternate (7:02 p.m.)
Mark Medrzychowski, Alternate (*seated*)

ABSENT

Walter Volberg, Secretary

ALSO PRESENT

Town Planner Liz Burdick
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 Commissioner Medrzychowski was seated for Commissioner Volberg.

Chairman Smith introduced the town's new Town Planner Liz Burdick. Town Planner Burdick stated her familiarity with the town, having worked as the Zoning & Wetlands Enforcement Officer (ZWEO) for approximately four-and-a-half years. She was recently hired by the Southeastern Connecticut Council of Governments (SCCOG) as the Director of Municipal Services and the Town Planner for the Town of Salem. Town Planner Haggerty will still be available as a resource.

3. PUBLIC COMMENT

Sue Coffee, owner of 365 Old Colchester Road, 10 Saunders Hollow Lane, presented her third formal complaint regarding the damage caused by the January 9/10 storm, including photographs and a map. She reported that she will be meeting with the First Selectman regarding the issue on February 15, as recommended by the Inland Wetlands & Conservation Commission (IWCC). She expressed her ongoing concerns regarding the failure of the Erosion & Sedimentation (E&S) Control measures that were installed at 343 and 343-R Old

Colchester Road following every significant rain event, the lack of enforcement, and the establishment of a long-term solution to protect the adjacent properties from the runoff resulting from the unpermitted activity. Sufficient evidence has been provided by herself, REMA Ecological Services' Soil Scientist, who she retained to review the property, and CLA Engineers, Inc., Soil/Environmental Scientist Bob Russo in his submitted reports. In addition to the ongoing failures of the E&S Control measures, there is evidence of a trench that was dug to divert the water that is not being captured by the E&S Control Measures. She also questioned the status of the Bond and requested that she continue to receive CLA Engineers' Reports regarding the E&S Control Measures and the possibility of meeting with CLA Engineers' Soil/Environmental Scientist Russo during his next inspection to review and discuss the runoff and damage on her property.

John Hummel, Orchard Drive, Uncasville, referred to CLA Engineers' Soil/Environmental Scientist Russo's December 29 Inspection Report in which he recommends "corrective mitigation and wetland cleanup" as well as the Inspection Report submitted following the January 10 rainstorm which states that much of the E&S perimeter needs to be completely restored and internal controls such as water bars need to be added. He also referred to the Commission's July 25, 2023, Regular Meeting Minutes, which recognized that the controls were insufficient or additional problems were evident and further action may be necessary. He felt that the statement made during the same meeting that the disturbances occurred on the landowner's property was untrue, based on the submitted photographs that reflect the gully between the stone wall and silt fence. He felt that the issue should be discussed and resolved by either the Planning & Zoning and/or the IWCC.

Town Planner Burdick reported that she has communicated with Mr. Hummel, Town Planner Haggerty, and CLA Engineers' Soil/Environmental Scientist Russo regarding the matter and is working with the First Selectman and ZWEO to devise a resolution until the area is stabilized. She acknowledged Mr. Hummel's statement regarding Soil/Environmental Scientist Russo's identification of a wetlands disturbance and expressed her willingness to meet with both Soil/Environmental Scientist Russo and the ZWEO at the site, if necessary, to make observations. She clarified that any notices, Cease & Desist Orders, etc., must be issued by the ZWEO.

Commissioner and IWCC Chairperson Khan-Bureau reported that she became aware of Ms. Coffee's complaint and received copies of Soil/Environmental Scientist Russo's Report just before the IWCC's January Regular Meeting. She assured them that the IWCC will be discussing the matter during their next Regular Meeting.

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

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

M/S/C: Closius/ Medrzychowski, to approve the Tuesday, December 12, 2023

Planning & Zoning Commission Regular Meeting Minutes. Discussion:

None. Voice vote, 6-0-1. Voting in Favor: Commissioners Closius, Gadbois,

**Jorgensen, Medrzychowski, Stoken, and Smith. Voting in Opposition: None.
Voting in Abstention: Commissioner Khan-Bureau.**

5. OLD BUSINESS

a. Cannabis Moratorium Discussion

Town Planner Haggerty provided a brief overview of the Moratorium, which expires on January 24, 2024. A Public Notice regarding any regulation amendments must be made by the expiration date. The Commission has three (3) options:

- 1) Allow the moratorium to expire, prohibiting cannabis establishments
- 2) Extend the moratorium for a set time period, allowing them to continue their discussions and draft regulations
- 3) Write and adopt regulations for cannabis establishments

Discussion ensued regarding the options. Town Planner Burdick recommended the Commission opt to extend the moratorium for no longer than six (6) months and take the time to review and discuss Commissioner Closius' draft and the Town of Franklin's recently adopted regulation. Commissioner Closius stated that the draft regulation is a starting point and includes elements found in the regulations of surrounding towns. Town Planner Burdick, who previously worked as the Director of Land Use and Planning for the Town of Montville, informed the Commission that a set of legally defensible regulations was also provided to Montville's Planning & Zoning Commission by their Town Attorney as a starting point; the draft regulation, which is currently being reviewed by the Commission and Town Council, is available online. She stated the possibility that the Town's Attorney might also have a set of regulations that were drafted for another town that could be referred to.

Chairman Smith recalled that Commissioner Closius' draft regulation might be too permissive. To this extent, Town Planner Haggerty referred to the recently adopted regulations for the Town of Franklin which are more restrictive. Her previous memos related to cannabis establishments highlight the allowable uses in different zones for various towns. Town Planner Burdick stated that Montville's draft regulations are, similarly, restrictive. Unlike retail establishments, it was unclear as to whether a cannabis manufacturing operation would increase the town's tax base, with the exception of the building, itself. It was noted that the revenue earned from recreational retail cannabis sales can only be utilized for very specific expenses, including drug prevention programs and social services for the rehabilitation of prisoners. Commissioner Closius referred the Commissioners to a September 2, 2023 article that states how towns are utilizing their tax revenue.

Commissioner Closius, who has researched the matter, found that 42 towns allow cannabis establishments, 33 towns have instituted a moratorium, and 19 towns prohibited cannabis establishments entirely. Town Planner Burdick recommended that all of the information

that has been gathered to date be collated and distributed to the Commission for review. Commissioner Donovan questioned whether it would be useful to also review the regulations related to alcohol. A brief discussion of the effects of cannabis and other drugs, including alcohol, also ensued.

The Commissioners reached a consensus to extend the Cannabis Moratorium by six (6) months and directed the Town Planner to prepare and submit the proper paperwork. The Town Planner will also provide the Commission with draft regulations for review and discussion.

6. NEW BUSINESS

a. FY2024/25 BUDGET

The Commissioners reviewed and discussed their FY2024/25 proposed budget.

M/S/C: Smith/Khan-Bureau, to approve the Planning & Zoning Commission FY2024/25 Proposed Budget as follows:

Line-Item	Proposed	Variance
5-630-224, Legal Services	\$ 25,000.00	+ \$ 5,000.00
5-630-325, ZEO Mileage	\$ 500.00	\$ 0
5-630-425, Other Expenses	\$ 1,500.00	- \$ 300.00
5-630-430, Plan of Conservation & Development (POCD)	\$ 400.00	- \$ 1,300.00
5-630-924, Engineering	\$ 3,000.00	+ \$ 1,400.00
DEPARTMENT TOTAL	\$ 30,400.00	+ \$ 4,800.00

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 ZWEO’s Report. Commissioner Khan-Bureau added that Application IWCC #23-07 for an as-of-right determination for the proposed dredging of a pond was denied as the pond is, in actuality, a river, i.e., Big Brook, which flows into Harris Brook and the Eightmile River.

8. TOWN PLANNER REPORT

Town Planner Haggerty presented her Memo, which includes confirmation regarding the receipt of the E&S Inspection Reports for 343 and 349 Old Colchester Roads, SCCOG staffing update, the status of the Commissioners' Land Use Training, and additional information related to the questions that were raised during the Commission's Affordable Housing Training. Also included in their packet is recently released information from CHFA (Connecticut Housing Finance Authority) regarding the town’s housing data. Any additional questions may be forwarded to her. She expressed her appreciation to the Commission for

their help, support, and hard work during her short tenure. The Commissioners returned the appreciation. Town Planner Burdick also commended her for her exceptional work.

Town Planner Burdick provided hard copies of the POCD, stating that the document was not originally released due to an error in the verbiage related to Question 34 (page 15). A label has been placed to correct the error as follows:

...Half (50%) of the responders did ~~not~~ feel Salem should consider reorganizing the fire and ambulance services to maintain public safety and control increasing budgets...

The Town Attorney was consulted with and found no issues with the solution to correct the error. She recommended making small, periodic updates to both the POCD, which must be updated every ten (10) years, and the Affordable Housing Plan, which must be updated every five (5) years, avoiding the need for large, significant updates and risking the loss of any potential discretionary funds. One such update that can be made immediately is revising the document(s) with the latest Census data. She also recommended reviewing and checking on the status of the tasks annually. Chairman Smith concurred, adding that the Commission discussed sending out a letter to the various entities requesting a status report annually. Discussion ensued regarding the correction. Commissioner Stoken felt that the sentence was correct as written. The Commissioners concurred and agreed to clarify the sentence in the updated document.

Town Planner Burdick and Haggerty also reported that the Bonds for the property located at 343-R and 349 Old Colchester Roads were received and the Bonds for the property located at 496 New London Road are forthcoming.

9. CORRESPONDENCE – none

10. PUBLIC COMMENT – none

12. PLUS DELTAS

Commissioners Closius and Smith commented on a good meeting with good discussions.

13. ADJOURNMENT

**M/S/C: Donovan/Medrzychowski, to adjourn the meeting at 8:43 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**