

1 **Planning and Zoning Meeting Minutes – November 16, 2010**

2 Commissioners Present: Chairwoman, Cristin Rich; Dan Dwyer, Jon Higgins and Martin Whalen.  
3 Alternates Present: Allen Cockerline and Fred Schmidt. Absent: Michael Klemens, Judy  
4 Swanson.

5 Also present: Nancy Brusie, ZEO; citizens.

6 The meeting was called to order at 5:30 by Chairwoman, Cristin Rich.

7 The Agenda was amended to include a discussion and decision on the Lake Association petition for a  
8 zoning text amendment as the first item under Discussion. **The Agenda was then moved by J. Higgins,**  
9 **seconded by A. Cockerline and unanimously approved.**

10 The Minutes of the November 3<sup>rd</sup> meeting were reviewed and amended. **The amended Minutes were**  
11 **then moved by D. Dwyer, seconded by M. Whalen and unanimously approved.**

12 Commissioner, J. Higgins requested that Commissioners and Alternates be distinguished from one  
13 another in the attendance record to help clarify the voting members for each issue.

14 There was a discussion of the proposed P&Z By-Laws.

15 C. Rich reported that the proposed Zoning Penalty Ordinance was voted down in the Town Meeting on  
16 November 9<sup>th</sup>.

17 Jocelyn Ayer gave a brief presentation on the activities of the Northwestern Regional Planning  
18 Collaborative. She noted that two reports are now on-line at their website reporting on the results of  
19 their data collection. The Collaborative is looking at both regional and town specific strategies for  
20 improving village vitality. One grant application being pursued is to Connecticut Main Street for  
21 Wayfinding and Signage. The Collaborative would like to propose Salisbury as one of the pilot towns for  
22 this project. The Commissioners were unanimous in their support of working with the Collaborative as a  
23 pilot town, if the Collaborative should win the grant.

24 There was a brief discussion concerning Lime Rock. The Commission determined that they would like to  
25 schedule a special meeting dedicated to Lime Rock sometime in January.

26 Public Hearing – 6:00

27 Fred Schmidt will continue as the voting alternate for the Public Hearing on vegetation removal in the  
28 Lake Overlay Zone.

29 There was a continuation of the Public Hearing on the requested text amendment to Section 804.4 (e) of  
30 the Salisbury Zoning Regulations, concerning the treatment of vegetation within the 75 foot buffer zone  
31 around the Salisbury lakes.

32 D. Dwyer read communication from Attorney, Charles Andres, dated November 1<sup>st</sup> into the record. C.  
33 Andres expressed two concerns, one a matter of procedure and one concerning the proper jurisdiction

1 for the regulation of tree removal. It is not clear that the Planning and Zoning Commission has the  
2 authority to regulate the removal of trees outside of a specific building project. Some towns have  
3 handled this issue through a town ordinance.

4 Correspondence from Andrew Quale, dated November 10, was also read into the record. A. Quale  
5 expressed concern that the proposed regulation was discriminatory. He also noted that the  
6 Conservation Committee and the Planning and Zoning Commission seemed to be becoming tangled  
7 claiming overlapping jurisdictions in this matter.

8 Bill Littauer presented orally and provided a written list of his comments to the Commission.

9 Other Comments and Questions included the following:

10 Barry Schuman of the Twin Lakes Association spoke to reconfirm their support for the original proposal,  
11 stating that it was a good first step towards protecting the lakefront from overdevelopment.

12 Wendy Hamilton requested that the Commission address the concerns expressed by those citizens who  
13 hold heavily wooded lots.

14 N. Brusie – If a person cuts down three trees within 75 feet of the lake and the disturbed area is more  
15 than 500 feet, then this regulation applies.

16 The measurement is of the disturbed ground, not the canopy.

17 The same regulation applies if 500 square feet of ground is disturbed, or if anything over 500 square feet  
18 is disturbed. You don't have to reapply for every 500 square foot section of ground.

19 There is no contiguous element to this regulation covering subsequent years. One owner may apply for  
20 a site plan to disturb 500 feet one year. The next year, a new owner may apply to disturb another 500  
21 feet. The disturbance is not cumulative.

22 **It was moved by D. Dwyer, seconded by J. Higgins and unanimously voted to close the Public Hearing**  
23 **at 6:50.**

24 **Votes were as follows: For – D. Dwyer, F. Schmidt, J. Higgins, C. Rich and M. Whalen. Against - None.**

25 There was further discussion among the Commission. **It was then moved by D. Dwyer and seconded by**  
26 **F. Schmidt to approve the proposed text amendment to Section 804.4 (e) of the Salisbury Zoning**  
27 **Regulations with the addition of the phrase, "but not limited to," to the second sentence so that the**  
28 **regulation is as follows:**

29 ***The site plan shall also include a Landscape and Storm Water Management Plan for any activity***  
30 ***involving more than 500 square feet of land disturbance or clearing or stripping of vegetation within***  
31 ***75' of the waterfront (ordinary high water mark). The plan shall be designed to demonstrate that***  
32 ***existing and proposed vegetation is located and designed to retain and absorb storm water runoff and***

1 *shall include low impact measures such as, but not limited to, bio-filters, grass swales, rain gardens,*  
2 *and similar measures as needed to reduce the impact of storm water runoff into the lake.*

3 **Also added to the definition section: *Land Disturbance – an area in which natural vegetation is***  
4 ***removed, exposing the underlying soil.***

5 **Votes were as follows: For – D. Dwyer, F. Schmidt, J. Higgins, C. Rich and M. Whalen. Against - None.**

6 The revised Regulations, sections 1-3, were briefly discussed. The Commission requested that N. Brusie  
7 send the proposed revisions to the Connecticut Council of Governments for their review.

8 There was a discussion of the proposed changes to the Zoning Regulations concerning the addition of a  
9 second story in the Lake Overlay Zone. Alternate, A. Cockerline was seated for this discussion.

10 Commissioner, J. Higgins noted that the addition of a second story is currently regulated through the  
11 Special Permit process. He expressed concern about prohibiting the construction of a second story  
12 outright as it takes property rights away from individuals without any consideration. He stated that he  
13 believes the Special Permit process is the correct way to regulate second story additions.

14 **It was moved by D. Dwyer and seconded by A. Cockerline to accept the proposed text amendment to**  
15 **the Salisbury Zoning Regulations prohibiting vertical expansion of non-conforming properties in the**  
16 **Lake Overlay Zone.**

17 **Votes were as follows: For – D.Dwyer, C. Rich Against – M. Whalen, J. Higgins, A.Cockerline**

18 There was a brief discussion of the POCD proposal from the Northwestern Planning Collaborative and  
19 the Northwest Conservation District proposal concerning GIS work in the Lake Overlay Zone. It was  
20 decided to maintain the GIS work with the Housatonic Valley Association.

21 **There was a discussion of the revised Zoning Permit Application. It was moved by A. Cockerline,**  
22 **seconded by M. Whalen and unanimously voted to accept the new application effective, November**  
23 **17<sup>th</sup>, 2010.**

24 Commissioner, M. Whalen reported that he has put in a call to Don Poland concerning his opinion on  
25 imposing a charge back policy for zoning applications, but that he has not yet heard back. It was decided  
26 to table this discussion at until the communication is completed.

27 There was no Correspondence at this time.

28 **It was moved by M. Whalen, seconded by J. Higgins and unanimously approved to adjourn at 7:30.**

29

30 Submitted by Garrett Richardson, 11/18/2010 Approved: 12/7/2010

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