

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**JUNE 21, 2021 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)

3 Debra Allee (Alternate)

4 Dr. Danella Schiffer (Alternate)

5 Allen Cockerline (Regular Member)

6 Martin Whalen (Secretary)

7 Jon Higgins (Alternate)

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9 **Brief Items and Announcements**

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11 1. Call to Order/Approval of Agenda

12 Chairman Klemens called the meeting to order at 6:30 p.m.

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14 2. Seating of Members & Alternates

15 The Regular Members present were seated. Alternates Schiffer and Allee were seated.

16 Vote: 5-0-0 in favor

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18 *Motion:* To approve the agenda.

19 Made by Cockerline, seconded by Allee

20 Vote: 5-0-0.

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22 3. Minutes of May 17, 2021

23 Line 97 change to "In compliance with section...was substituted for the term dark sky compliant"

24

25 Alternate Higgins inquired about the "process concerns" identified on lines 164 and 165.

26

27 *Motion:* To approve minutes of May 17, 2021 as amended.

28 Made by Cockerline, seconded by Whalen.

29 Vote: 5-0-0.

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31 4. Correspondence

32 LUA Conroy noted that no correspondences were received for the meeting.

33

34 **Old Business**

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36 5. #2021-0127 / Cohan (Capecelatro) / 331 Housatonic River Road / Site Plan Approval for the

37 Reconstruction of a Nonconforming Garage (Section 504) / Map 08 / Lot 52 / DOR: 03/15/2021 /

38 *Possible Consideration*

39

40 Attorney Capecelatro was present for the application. Two new items received for the record: an

41 updated letter from the previous owner, Gloria Parker and a revised survey showing existing conditions.

42 Attorney Capecelatro reviewed the 2018 survey noting changes in impervious surface and structures. He

43 explained that the request was to replace the previously demolished garage with a new slightly smaller  
44 building. The new building would reduce the nonconformity in minimum separation distance between  
45 structures. He identified that the original letter submitted with the application was confusing and  
46 requested a clarifying statement from Ms. Parker which emphasized that she did not intend to abandon  
47 her right to rebuild a garage on its former footprint.

48  
49 Referring to the updated survey, Chairman Klemens asked about an above ground propane tank which  
50 does not appear to meet the setback required by State Building Code.

51  
52 Commissioner Cockerline asked about the proposed height of the structure which will be in the side yard  
53 setback. The architectural drawings were referenced and a height of less than 15' was confirmed.

54  
55 Commissioner Shiffer asked about the south side of the building. It was confirmed that there would be a  
56 screened-in "potting shed".

57  
58 Chairman Klemens polled the Commission on the intent to abandon identifying that the new statement  
59 from the prior owner contradicted her original statement. He expressed that he read an intent to  
60 abandon in the original statement and wasn't moved by a revised, clearer statement solicited by the  
61 applicant's counsel in hindsight.

62  
63 Commissioner Shiffer offered that in her personal experience the prior owner could be somewhat vague  
64 so that when pushed to articulate her intent more clearly (not what Attorney Capecelatro wanted her to  
65 say) Ms. Parker provided a valid intent to rebuild.

66  
67 Chairman Klemens emphasized his disagreement with the position, identifying that when the first  
68 statement did not meet muster, a different one was provided. The reconstruction of a second statement  
69 when the first one doesn't make it, seems like an attempt to rewrite the facts.

70  
71 Commissioner Cockerline asked if there were any other outstanding issues on the property.

72  
73 Chairman Klemens acknowledged that the wall encroaching in the Town right of way was a Selectman  
74 issue and that the propane tank does not appear to meet the setback required by State Building Code.

75  
76 Attorney Capecelatro stated that the new building must be rebuilt within the existing footprint. An as-  
77 built would be provided demonstrating compliance and the propane tank could be moved as needed.

78  
79 Chairman Klemens asked Commissioner Shiffer to clarify for the record that her involvement as the  
80 president of the Amesville Association in no way influenced her position on the application. She  
81 confirmed.

82  
83 LUA Conroy called the roll. Members Shiffer, Allee, and Cockerline cast in favor and Commissioner  
84 Whalen and Chairman Klemens opposed. Commissioner Allee clarified her vote as being predicated on  
85 the changes presented by the applicant and that the propane tank be moved.

86

87 *Motion:* To approve #2021-0127 / Cohan (Capecelatro) / 331 Housatonic River Road / Site Plan  
88 Approval for the Reconstruction of a Nonconforming Garage (Section 504) / Map 08 / Lot 52 /  
89 Made by Cockerline, seconded by Shiffer.  
90 Vote: 3-2-0.

91  
92 6. #2021-0130 / O'Hara (Haab) / 254 Twin Lakes Road / Site Plan Modification for Addition and  
93 Stormwater Improvements in the LPOD (Section 404) / Map 63 / Lot 01 / DOR: 04/16/2021 /  
94 *Possible Consideration*  
95

96 Engineer Pat Hackett was present to represent the application. It was established that the plan included  
97 an additional polishing basin for stormwater management. Commissioner Cockerline confirmed that the  
98 Chairman and LUA Conroy have been to the site and that the plan includes the details requested by the  
99 Commission

100  
101 *Motion:* #2021-0130 / O'Hara (Haab) / 254 Twin Lakes Road / Site Plan Modification for Addition and  
102 Stormwater Improvements in the LPOD (Section 404) / Map 63 / Lot 01 / as meeting the Zoning  
103 Regulations of the Town of Salisbury.  
104 Made by Cockerline, seconded by Whalen.  
105 Vote: 5-0-0.

106  
107 7. #2021-0131 / Brothers Boathouse LTD (Stefanopoulous) / 349 Main Street / Site Plan Modification  
108 for existing low turnover restaurant including pergola for expanded outdoor seating area / Map  
109 45 / Lot 24 / DOR: 04/16/2021 / *Possible Consideration*  
110

111 No one was present for the application. LUA Conroy reported that the pergola structure, the subject of  
112 this after-the-fact application, encroached on the setback. Since receipt of the application, a new patio  
113 has been constructed which extends beyond the pergola exacerbating encroachment. The owners are  
114 working with Attorney Emily Vail and Surveyor Mat Kiefer to resolve the encroachment by either lot line  
115 adjustment or merger with the adjoining parcel. Due to statutory time restraints and no resolution in the  
116 immediate future LUA Conroy recommended denial of the application to avoid automatic approval.

117  
118 The Chairman requested a motion for denial. The applicant would have to work with professionals to  
119 develop a solution given the dimensional limitations of the adjoining lot. He concurred that the  
120 application was workable but that the Commission must deny it or the Site Plan would be automatically  
121 approved.

122  
123 Alternate Higgins recalled that the Commission had asked the applicant to stay on the agenda while  
124 working through the matter. He expressed that the process seemed disjointed because the applicant has  
125 already obtained a building permit for the structure albeit after the fact.

126  
127 The Chairman called on each member to cast a vote. The Commission voted unanimously in favor of  
128 denial.

129

130 *Motion:* to deny without prejudice application #2021-0131 / Brothers Boathouse LTD (Stefanopoulous) /  
131 349 Main Street / Site Plan Modification for existing low turnover restaurant including pergola for  
132 expanded outdoor seating area / Map 45 / Lot 24 /  
133 Made by Cockerline, seconded by Allee.  
134 Vote: 5-0-0.

135  
136 8. #2021-0136 / Indian Mountain School (Lenard Engineering/Parsons) / 211 Indian Mountain Road /  
137 Minor Modification to Site Plan Approval 2021-0122 to Construct a Field House and Artificial Turf  
138 Athletic Field / Map 1 / Lot 20 / DOR: 06/21/2021 / *Possible Consideration*

139  
140 Engineer Todd Parsons was present for the application and briefly described the plans. He identified the  
141 application as a minor modification to one approved by the Commission earlier in the year. Proposed  
142 changes include minor construction details such as describing the dimensions of crushed stone to be  
143 used. A generator has been added and the geothermal well field expanded. The HVAC for the field house  
144 demanded more wells than originally anticipated. Mr. Parsons identified that the construction activities  
145 would be occurring hundreds of feet away from the nearest wetlands. The structure was expanded by a  
146 cumulative 800 square feet for two reasons. The structural engineers determined that a pre-engineered  
147 structural system would be more fiscally efficient to construct and the geothermal mechanicals required  
148 additional space. DEEP and TAHD have reviewed and approved of the modified plans.

149  
150 *Motion:* to approve the modifications to the Site Plan, Application 2021-0136, to Construct a Field House  
151 and Artificial Turf Athletic Field / Map 1 / Lot 20 /  
152 Made by Cockerline, seconded by Whalen.  
153 Vote: 5-0-0

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155 **New Business**

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157 9. #2021-0137 / Ingleside Family LLC (Rohn) / 15 Academy Street / Site Plan to Convert Existing  
158 Garage Space to Office/Retail in Mixed Use Building / Map 54 / Lot 73 / DOR 06/21/2021 /  
159 *Possible Consideration*

160  
161 The applicant notified the Land Use Office that they would be unable to attend the meeting. LUA Conroy  
162 gave a brief overview. The owner plans to convert an existing garage to a new retail/office unit. It was  
163 noted that there were no zoning permits on file for any of the present uses and the applicant agreed to  
164 provide details for all of the units to establish a baseline record for the property.

165  
166 The Commission discussed parking calculations, encroachment onto adjoining parcels, and that some of  
167 the work to convert the unit had already been done. Several members expressed concern over the size of  
168 the units, capacity, and egress. It was requested that the Fire Marshal and Building Official review the  
169 floor plans and units for safety.

170  
171 Alternate Higgins emphasized that the Zoning Regulations in the commercial districts including the  
172 parking requirements appear to limit the success of businesses. Chairman Klemens agreed that parking  
173 was not an issue but emphasized concern over the safety of the building to accommodate the number  
174 and layout of units.

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*Motion:* to approve the addition of unit A in accordance with application #2021-0137 / Ingleside Family LLC (Rohn) / 15 Academy Street / Site Plan to Convert Existing Garage Space to Office/Retail in Mixed Use Building / Map 54 / Lot 73 / provided the building meets the Fire and Building Codes.  
Made by Cockerline, seconded by Whalen.

Vote: 5-0-0

10. #2021-0138 / Ingles (Rosseter) / 102 Interlaken Road / Site Plan Modification to Add Dormer to Existing Attached Apartment / Map 39 / Lot 16-1 / DOR 06/21/2021 / *Possible Consideration*

Contractor Jim Rosseter was present to represent the application. LUA Conroy explained that the attached apartment was original to the dwelling and received special permit approval in 1995. A dormer addition is proposed that would result in a net increase in floor area of the apartment. Therefore, it was requested that a site plan application be made to modify the apartment in accordance with current Regulations. Chairman Klemens expressed that the application was straightforward. Commissioner Whalen asked if any elevations were available. There were not.

*Motion:* To approve application #2021-0138 / Ingles (Rosseter) / 102 Interlaken Road / Site Plan Modification to Add Dormer to Existing Attached Apartment / Map 39 / Lot 16-1 /  
Made by Whalen, seconded by Cockerline.

Vote: 5-0-0

#### **Other Business**

11. ZP#2021-0052 / 181 Interlaken LLC (Grickis) / 181 Interlaken Road / Temporary Zoning Permit Application for Playscape / Map 40 / Lot 44 / DOR 06/15/2021 / *Authorize LUA to Issue*

Chairman Klemens and LUA Conroy explained that they had previously met with Attorney Grickis to discuss the setback requirements for a playscape including whether the setback is or should be applicable to a right of way. It was noted that the proposed structures would meet the setback from property lines.

*Motion:* To approve authorize the LUA to grant ZP#2021-0052 / 181 Interlaken LLC (Grickis) / 181 Interlaken Road / Temporary Zoning Permit Application for Playscape / Map 40 / Lot 44 /  
Made by Whalen, seconded by Allee.

Vote: 5-0-0

12. Generators, Mechanicals, Tanks and Process Concerns  
Tabled

13. POCD – Preliminary Discussion Regarding Required Updates

LUA Conroy emphasized the need to initiate the POCD rewrite as soon as possible; the new plan needs to be adopted by this time next year. The Chairman and the LUA have individually reviewed the current plan to establish a scope of work for the RFP. There are some things that could be updated in house, whereas others, such as charrettes and mapping would have to be outsourced.

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Alternate Higgins, expressed that the Commission should put forth effort into resolving some of the zoning issues rather than putting them into the POCD yet again. He offered support for a combined approach.

Commissioner Cockerline opined that 80% of the POCD is boiler plate and does not require much reworking. We need to focus on a few key areas including soliciting public input without having to redraft original language for things previously identified.

Chairman Klemens mentioned reprioritization and reassignment of outstanding objectives as an important step in the process.

Commissioner Schiffer offered invasive species management as a local priority for conservation.

Alternate Higgins recommended that the Chairman and LUA model the scope of work and RFP off of the previous POCD.

Commissioner Cockerline suggested a special meeting to review the draft RFP and for the regulation clarification related to generators, tents etc. The Commission scheduled a special, in-person meeting on Tuesday July 6th at 6:30pm with only those two items on the agenda

14. Public Comment: Public Comment is restricted to items that are neither on the agenda nor the subject of any pending Planning & Zoning application or action and are limited to three minutes per person

Russ Conklin inquired about the old POCD and whether the stakeholders identified as champions of tasks ever agreed to the assignments. He also asked who would score or review the tasks from the old plan.

Chairman Klemens confirmed that the draft POCD gets referred to the other boards prior to adoption and that public engagement is sought when the document is drafted. He identified that while many of the Planning & Zoning strategies have been completed much of the wetland’s priorities have not been pursued until now. Chairman Klemens acknowledged that the Inland Wetlands Commission has made significant progress over the past 10 years but much of the POCD priorities remain incomplete.

**Adjournment**

*Motion:* To adjourn the meeting at 8:50 p.m.  
Made by Cockerline, seconded by Whalen.  
Vote: 5-0-0 in favor.

Respectfully submitted,  
  
Abby Conroy,  
Land Use Administrator