

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chair)

3 Cathy Shyer (Vice Chair)

4 Martin Whalen (Secretary)

5 Bob Riva (Regular Member)

6 Allen Cockerline (Regular Member)

7 Dr. Danella Schiffer (Alternate Member)

8 Beth Wells (Alternate Member) *arrived 6:34PM*

Members Absent:

Staff Present:

Abby Conroy, Land Use Director (LUD)

Miles Todaro, Land Use Technical Specialist (LUTS)

9
10 **Brief Items and Announcements**

11 1. Call to Order / Establish Quorum

12 Chair Klemens called the meeting to order at 6:29PM. A quorum was established with four regular
13 members present (Dr. Michael Klemens, Cathy Shyer, Martin Whalen, Allen Cockerline, Bob Riva).
14 Alternate Member Dr. Danella Schiffer was also present.

15
16 2. Approval of Agenda

17 Chair Klemens proposed the following amendment:

18 To replace Item #4 "Detailed Minutes of June 3, 2024" with "Plan of Conservation and Development
19 (POCD) Update from Staff"

20
21 **Motion:** To approve the Agenda as amended.

22 Made by Cockerline, seconded by Riva.

23 Vote: 5-0-0 in favor.

24
25 3. Minutes of May 6, 2024 - *Accept*

26 Chair Klemens proposed the following amendments:

27 Line 121: Replace "legitimize" with "legalize"

28 Line 253: Change "floor" to "Floor"

29
30 **Motion:** To approve Minutes of May 6, 2024 as amended.

31 Made by Cockerline, seconded by Whalen.

32 Vote: 3-0-2 in favor.

33
34 Vice Chair Shyer and Commissioner Riva were not present for the entire May 6 meeting and abstained
35 from voting.

36
37 4. Plan of Conservation and Development (POCD) Update from Staff

38
39 LUD Conroy explained the draft POCD was sent to Glenn Chalder who has been contracted to assist with
40 formatting and ensure all statutory obligations are met. LUD Conroy explained the POCD should be
41 delivered by July 15 for a review by the Commission at the Special Meeting July 29, 2024.

42
43 Alternate Member Beth Wells joined the meeting at 6:34PM.

44
45 LUD Conroy requested a Special Meeting be scheduled on July 29 in order to discuss and refine the
46 preliminary POCD draft. Target dates of August 30 and September 30 are set for public informational

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

47 meetings so members of the community can review and ask questions about the POCD draft. LUD
48 Conroy explained another workshop meeting will occur on October 7 so the Commission can reflect on
49 the two public meetings. The sixty-five-day notice period for the Public Hearing will begin on October 7
50 and will be referred to the Council of Governments and Board of Selectmen. LUD Conroy explained
51 December 16 is the target date for the Public Hearing for adoption of the POCD document.

52

53 5. Detailed Minutes of June 17, 2024 - *Pending*

54

55 6. Correspondence Regarding 280 Between the Lakes Road

56

57 LUD Conroy explained the Land Use Office (LUO) received multiple letters from members of the public
58 addressed to the Planning & Zoning Commission for a pending application with the Inland Wetlands &
59 Watercourses (IWWC) Commission. LUD Conroy explained the correspondence was received from
60 neighbors responding to a proposed road realignment; all were in favor of the proposal.

61

62 7. Report on Minor Modification to Site Plan - ZP-24-59 / 500 Twin Lakes Road / Salisbury School /
63 Demolition of two small accessory buildings in the Lake Protection Overlay District

64

65 LUD Conroy explained Salisbury School recently acquired this property and has proposed the demolition
66 of two small accessory buildings. LUD Conroy explained the buildings are less than two-hundred fifty
67 square feet and located in the Lake Protection Overlay District (LPOD). Both buildings are over seventy-
68 five feet away from the wetlands area, so LUD Conroy and Chair Klemens determined this application did
69 not need formal review by the Commission. LUD Conroy explained the LUO granted approval for
70 demolition of both small accessory buildings. Vice Chair Shyer asked how Salisbury School will utilize the
71 property. LUD Conroy replied the space is intended for faculty housing.

72

73 **Public Hearing - 6:45PM**

74 8. #2024-0244 / Town of Salisbury (Salisbury Housing Trust) / 26 & 28 Undermountain Road / Special
75 Permit Application for New Multi-Family Housing Construction in the Multi-Family Housing Overlay
76 District (Section 405) / Map 56 / Lot 05 and Lot 06 / DOR: 04/15/2024 / OH: 05/20/2024 Close by
77 06/24/2024 / *Continue Public Hearing*

78

79 The Public Hearing continued at 6:45PM.

80

81 Chair Klemens provided Opening Remarks:

82

83 *"This is the third night of testimony (Public Hearing) on this Application. Since the last Public Hearing we*
84 *have received additional letters support (3) from Mary Close Oppenheimer, Mieke Armstrong, and*
85 *Margaret Vail. We have received a single letter with questions or concerns from (1) Susan McQuillan.*
86 *There is also a written exchange between myself and the First Selectman in the record dated July 1.*
87 *I remind everyone that the 8-24 review found that two affordable houses as well as the preservation of*
88 *the mini park were consistent with the POCD. The 8-24 review also made some comments about the*
89 *Special Permit process as regards to arranging the houses in compatibility with the surrounding*
90 *neighborhood.*

91

92 ***Consultation with Counsel***

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

93 *Since the last Public Hearing, LUD Conroy and I had a discussion with the Planning & Zoning*
94 *Commission's legal counsel.*

95
96 *1. Although the Applicant has withdrawn Options 1 and 2, they are a matter of public record relative to*
97 *this matter and can still be considered in the Planning and Zoning Commission's analysis.*

98
99 *2. Concerning Option 3, which was presented at the last hearing in response to concerns about the trees,*
100 *while it is possible to create a separate lot for Municipal use, it would be an undersized lot. The Town*
101 *would have to make an application to the Commission to legalize the parking lot use on the newly*
102 *created parcel. As the newly created parcel is undersized, such an application would legally have to be*
103 *denied.*

104
105 **Public Hearing Process**

106 *It is my intention to close the public hearing this evening. The Commission can deliberate on the*
107 *application tonight, or it has sixty-five days from the close of the Public Hearing to render its decision. As*
108 *has been the practice in the previous two nights of hearings, the Applicant will present additional*
109 *information, followed by the Commission, and then the public. Concerning the public comments, please*
110 *raise your hand if you wish to speak and please keep your hand raised until you are recognized. Also, the*
111 *Chat function should not be used for any type of commentary. The sole function of the Chat function is to*
112 *communicate with LUO staff about technical issues related to the Zoom webinar. I also ask the public to*
113 *try to limit their comments to new material, not repetitions of what is already in the record from the past*
114 *two nights of Public Hearings.*

115
116 **Certification of Voting Members**

117 *I am now going to certify the voting members who will be voting on this application."*

118
119 Chair Klemens asked the following questions of the Commission members: "Have you attended the
120 previous two public hearings? If that is not the case, please affirm that you have reviewed the tapes of
121 any Public Hearing sessions you may have missed or only partially attended."

122
123 Vice Chair Shyer confirmed that she attended the public hearings. Secretary Whalen confirmed that he
124 did not review recording of the meeting of June 17, which he did not attend. Mr. Cockerline confirmed
125 that he attended the public hearings. Mr. Riva confirmed that he attended the public hearings. Chair
126 Klemens confirmed that he attended and chaired these hearings. Based on the answers, he explained
127 there will be four Commission members eligible to vote on the application (Vice Chair Shyer, Regular
128 Member Cockerline, Regular Member Riva, and Chair Klemens).

129
130 Chair Klemens continued his opening remarks:

131
132 **"Ex-parte and Freedom of Information Act (FOIA)**

133 *Please note that while our two Alternate Members (Dr. Schiffer and Ms. Wells) as well as Secretary*
134 *Whalen are participating in the Public Hearing process, once the Hearing is closed, they will not*
135 *participate in deliberations. Once the Hearing is closed no new information can be incorporated into the*
136 *record. Please also note that if deliberations continue to another Commission meeting, ex-parte*
137 *communications from members of the public to any Commissioner or to LUO on the merits or in*
138 *opposition to this application are illegal and a violation of the FOIA which governs how open meetings*

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

139 *are conducted in our State.”*

140

141 President of the Salisbury Housing Trust (SHT) John Harney and Vice President of the Salisbury Housing
142 Committee (SHC) Jocelyn Ayer joined the meeting to present the application. Engineer Pat Hackett was
143 also present for assistance with Site Plan questions. Ms. Ayer presented a Site Plan previously shown at
144 the June 16th meeting. Ms. Ayer explained that updates were made to prioritize the protection of
145 mature white oak trees and maintain Open Space in the rear of the parcel. Retaining the parking area in
146 front of the parcel was not interpreted as a priority of the Commission. Ms. Ayer presented two revised
147 Site Plan options, “3A” and “3B.” She explained these options provide more distance from the mature
148 white oak trees. The driveway was adjusted further south from the northern parcel boundary for
149 protection of trees on a neighboring property. Ms. Ayer said all three options comply with Multi-Family
150 Housing Overlay Zone Requirements, Option 3A, Option 3B, and Option 2 (first presented at a previous
151 meeting). Ms. Ayer explained Site Plan Options 3A and 3B prioritize and protect mature trees, retain a
152 Viewshed Easement in the rear of the parcel, and are compliant with the front yard setback of forty feet.

153

154 Ms. Ayer explained after one of the Site Plan Options is approved by the Commission, the plan will go to
155 Town meeting where a public vote will occur to determine whether the parcel should be donated to the
156 SHT. Ms. Ayer said the SHT understands public parking would not be allowed as municipal use on this
157 site. She added the Town’s POCD and Affordable Housing Plan (AHP) reflect support of this site being
158 used to construct two affordable homes in the Village Center.

159

160 Chair Klemens asked for dimensions of the Viewshed Easement in Site Plan Options 3A and 3B. Engineer
161 Hackett replied both Options are fifty-five feet wide and ninety-nine feet in length. Commissioner
162 Cockerline mentioned the rear area of the parcel, intended for public use, was previously presented as
163 sixty-two feet wide and had diminished in size. Engineer Hackett confirmed this, and replied the area is
164 no longer considered Open Space. It is now a Viewshed Easement.

165

166 Engineer Hackett explained driveway access for Options 3A and 3B will utilize the pre-existing driveway
167 access that leads to Undermountain Road. Ms. Ayer explained Options 3A and 3B were composed to
168 keep the driveway and dwellings as far away from the mature trees as possible. Ms. Ayer mentioned the
169 retained space facing Undermountain Road could be considered for Open Space or a Conservation
170 Easement, as public parking will no longer be included.

171

172 Secretary Whalen and Commissioner Riva did not have questions or comments. Commissioner
173 Cockerline asked if the parcel would be considered one all-encompassing parcel, including two dwellings,
174 Viewshed Easement, and former public parking area. Chair Klemens replied the front of the parcel could
175 be separated for municipal purposes, but public parking on the front parcel would not be permitted.
176 Commissioner Cockerline asked why the Zoning Regulations would not allow parking on the separated
177 parcel. LUD Conroy explained that while it would be legal to create the parcel, the only uses permitted
178 under current Regulations would be Agriculture or Open Space. Commissioner Cockerline asked if this
179 application will lead to diminished Town public parking. Chair Klemens replied yes, and neighboring
180 businesses must adjust their parking accordingly. Commissioner Cockerline stated he is not in favor of
181 any Site Plan eliminating public parking.

182

183 Alternate Member Schiffer asked how the Viewshed Easement in Options 3A and 3B will be utilized. She
184 mentioned these Site Plan options represent elimination of parking and Open Space, including a slide

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

185 and swing set utilized by the public. Ms. Ayer replied the Viewshed Easement area would remain as-is.
186 Alternate Member Schiffer asked if existing playground equipment will be removed. Ms. Ayer replied the
187 playground equipment is not properly maintained and would be removed. Alternate Member Schiffer
188 asked why this area is now considered Viewshed Easement instead of Open Space. Ms. Ayer replied the
189 area could still be considered Open Space, but explained the Viewshed Easement term was determined
190 to be more appropriate. Alternate Member Schiffer asked if public use of the playground was
191 documented to better determine how often the area is utilized. Ms. Ayer replied no formal study of the
192 playground was performed, but neighbors have discussed current usage in previous meetings. Alternate
193 Member Schiffer asked if the use of public parking had a negative impact on the mature trees on site.
194 Mr. Harney explained the Town Tree Warden Mat Kiefer noted the majority of tree roots underneath
195 the parking area were destroyed from impaction. Ms. Ayer reiterated the SHT does not have a position
196 or preference for public parking existing on site. She said the SHT's primary interest is to construct two
197 homes so that two families located in Town can acquire an affordable place to live.

198
199 Alternate Member Wells asked for the size and square footage of both proposed dwellings. Engineer
200 Hackett replied both homes follow a Cape design with three bedrooms, and each will be less than two-
201 thousand square feet. Alternate Member Wells expressed favor for Option 3A and explained she
202 appreciated the protected Viewshed Easement in the front and rear of the parcel.

203
204 Chair Klemens opened the floor to the public for comments and questions.

205
206 Member of the public Ethan Casey joined the meeting and mentioned proposed work area is listed as
207 protected open space by the Town and Connecticut Department of Energy and Environmental Protection
208 (DEEP). Mr. Casey asked for clarification of an "open space statute" established in 2011, and asked why it
209 was not considered. Mr. Harney replied a Title Search was performed and the area is under Town
210 ownership with no use restrictions. LUD Conroy explained some Town maps show land as open space
211 even if the land is not permanently deed restricted. She added without firm restriction, typically found
212 through Title Search, not all Open Space is considered permanently protected.

213
214 Member of the public Karen Sunnarborg joined the meeting and strongly urged the Commission to
215 approve this application. Ms. Sunnarborg explained the Town desperately needs affordable housing, and
216 anticipated the concern will continue to increase as the affordability gap increases. Ms. Sunnarborg
217 believed all Site Plan options conform to the Town's affordable housing plan, meet smart growth
218 principles, and comply with the "missing middle" concept. Ms. Sunnarborg explained the SHT has made
219 significant good faith efforts to address community concerns and issues as they have arisen.

220
221 Member of the public Robin Roraback joined the meeting and mentioned she is an abutting property
222 owner and had a personal discussion with Mat Kiefer. Chair Klemens reiterated the Commission cannot
223 accept characterization of Mr. Kiefer's testimony in the absence of his presence. Ms. Roraback instead
224 quoted the report Mr. Kiefer submitted, which she said supported the rejection of all Site Plan options
225 due to potential harm of mature trees. Ms. Roraback believed the proposed construction should be
226 further away from the mature trees. Ms. Roraback explained she utilizes the park daily to walk her dogs
227 and the playground is often used by neighborhood children. Ms. Roraback believed the dwellings are not
228 a proper fit for the neighborhood due to lack of private space and increased noise. Ms. Roraback
229 encouraged Commission members to speak to Mr. Kiefer regarding his personal opinion about the
230 mature trees and Site Plans. Chair Klemens advised that this would be against the Freedom of

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

231 Information Act (FOIA) and Open Meetings Law. Ms. Roraback encouraged Commission members to
232 reread the letters submitted by Mr. Kiefer.

233
234 Member of the public Elizabeth Mastopietro joined the meeting and expressed support for statements
235 made by Ms. Roraback. Ms. Mastopietro also expressed support for Commissioner Cockerline's opinion
236 and stated this parcel is too small for any of the proposed Site Plan options. Ms. Mastopietro stated this
237 application does not make sense.

238
239 Member of the public Dmitri Fedorjaczenko joined the meeting and expressed support for statements
240 made by Ms. Roraback. Mr. Fedorjaczenko explained based on his research, damage to tree root systems
241 is not dependent on surface activity. He said construction of homes and installation of utilities would
242 impact the mature trees regardless of location. Mr. Fedorjaczenko believed Options 3A and 3B do not
243 provide sufficient buffers to adjoining residences. Mr. Fedorjaczenko suggested the parcel should be
244 enhanced with updated playground equipment and utilized as a Town gathering area instead of
245 affordable housing. Mr. Fedorjaczenko asked if a Town meeting would occur to discuss this issue. LUD
246 Conroy explained the Planning and Zoning Commission (PZC) will determine whether the Site Plan
247 complies with Zoning Regulations. If approved by PZC, the application will go to Town meeting where a
248 vote will occur based on the approved Site Plan. Mr. Fedorjaczenko encouraged Commission members
249 to contact him and visit the site while he is present. Chair Klemens advised this suggestion is against
250 FOIA and Open Meeting Laws.

251
252 Member of the public Louis Tomaino joined the meeting and explained the Site Plan Options that include
253 the Viewshed Easement should not be considered. Mr. Tomanio explained it is painful to speak against
254 affordable housing and believed both concepts are important, but as a neighboring property he wished
255 to speak in support of Mr. Kiefer's recommendation to avoid construction on this site altogether.

256
257 Member of the public Holly Leibrock joined the meeting and expressed support for statements made by
258 Commissioner Cockerline and some members of the public. Ms. Leibrock mentioned Options 3A and 3B
259 protect the mature trees but are inconsistent with the neighborhood and recommendations on the 8-24
260 Review. She explained the 8-24 called for two homes and a public park. Ms. Leibrock explained Option 2
261 maintained consistency with the neighborhood, but will not protect the trees. Ms. Leibrock stated
262 several good efforts were made for this application but believed none of the Sites Plan will work on this
263 parcel.

264
265 Member of the public Lori Shepard joined the meeting and wished to make commentary on mature tree
266 preservation based on her personal knowledge of horticultural work. Ms. Shepard explained when
267 construction occurs, multiple arborists are often consulted to determine best options for trees present
268 on-site. Ms. Shepherd stated with appropriate planning, protection, and supervision, the mature trees
269 could survive and potentially thrive after construction. Ms. Shepard said regardless of affordable housing
270 or conservation being pursued, arborists retain the skill set to give all existing trees a fair chance to
271 survive.

272
273 Member of the public Bridget Clarke Saylor joined the meeting and thanked the Commission for their
274 consideration and hard work. She hoped a Site Plan option can be chosen due to the incredible lack of
275 housing in Town.

276

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

277 Member of the public Robin Roraback rejoined the meeting and quoted additional comments from Mr.
278 Kiefer's tree report.

279
280 Ms. Ayer addressed the concern about privacy for neighboring properties. Ms. Ayer explained the SHT
281 will plan for landscaped buffers to be installed for privacy neighbors, but the purpose and priority of this
282 presentation was to receive feedback on which option is most compliant with the Multi-Family Overlay
283 District requirements.

284
285 Ms. Ayer commented that the SHT would love to construct additional single-family houses on parcels in
286 Town, but does not know of additional Town-owned parcels that could accommodate two homes. Ms.
287 Ayer explained the SHT is open to any individual who is willing to donate land for the purpose of
288 affordable housing installation.

289
290 Member of the public Louis Tomaino rejoined the meeting and reiterated that Mr. Kiefer's tree report
291 stated that any potential construction or installation of buildings would damage the trees.

292
293 There were no further comments or questions from the public.

294
295 **Motion:** To close the Public Hearing at 8:10PM.

296 Made by Cockerline, seconded by Riva.

297 Vote: 4-0-0 in favor.

298
299 Chair Klemens expressed favor for Option 2 due to the inclusion of a larger open space at the rear of the
300 parcel and believed it follows Planning and Zoning principles more accurately. Commissioner Cockerline
301 agreed that Option 2 is the best representation of the 8-24 Review guidelines.

302
303 Vice Chair Shyer expressed favor for Option 3A due to limited changes to the existing driveway and
304 believed it is the best attempt to retain the mature trees on the parcel. Vice Chair Shyer acknowledged
305 that altering the open space into a small Viewshed Easement would be a sacrifice to the neighboring
306 properties who utilize the public space.

307
308 Commissioner Riva explained his initial preference was retaining public parking and preserving trees on
309 the site, but now preferred Option 2.

310
311 Commissioner Cockerline expressed interest in a separate concept that minimized construction to
312 include only one dwelling on the parcel. Commissioner Cockerline explained that he is not in favor of any
313 of the Site Plan options presented.

314
315 Chair Klemens asked Vice Chair Shyer if she would be in support of Option 2 in regards to preparing a
316 draft Resolution. Vice Chair Shyer replied yes, she is in support of Option 2 on the basis of the 8-24
317 Review. She acknowledged the parcel is sufficient for construction of two houses and inclusion of Open
318 Space.

319
320 Chair Klemens explained a draft Resolution will be composed and voted on by the Commission at an
321 upcoming meeting.

322

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

323 Chair Klemens called a brief recess at 8:25PM. The meeting resumed at 8:30PM.

324

325 Secretary Whalen left the meeting at 8:30PM.

326

327 **Pending Business**

328 9. #2024-0248 / Mendelsohn (Citrin) / Canaan Road / Site Plan Application for Nursery Use / Map 15 /
329 Lot 47 / DOR: 05/06/2024 / *Possible Consideration*

330

331 Attorney Citrin joined the meeting to present the application. LUD Conroy explained that after a
332 discussion with the Town Attorney regarding this parcel, it was decided that the application should be
333 considered a freestanding Site Plan for nursery use. LUD Conroy mentioned there are no minimum
334 parking requirements for nursery use. Chair Klemens expressed being comfortable approving the
335 application without parking, as the property's primary use is for storage of plantings and materials.
336 Property Owner Eric Mendehlson joined the meeting and confirmed retail sales will not occur on this
337 parcel.

338

339 Chair Klemens asked if hoses from the neighboring property would be used for planting maintenance.
340 Mr. Mendehlson replied yes. Chair Klemens asked how plantings intended for storage will be
341 transported onto the parcel. Mr. Mendehlson explained there is access through an entrance on Prospect
342 Mountain Road. He said materials are also delivered from the garden center, which requires crossing
343 over a small portion of a neighboring property, with permission from the property owner. Chair Klemens
344 asked if the Prospect Mountain Road entrance can be utilized exclusively going forward. Mr.
345 Mendehlson replied yes. Chair Klemens asked the applicant if he is willing to install an apron on the
346 entrance to minimize tracking mud and debris onto Prospect Mountain Road. Mr. Mendehlson replied
347 yes. Chair Klemens asked Mr. Mendehlson to return with an updated site plan, but explained an A2
348 survey will not be required. There were no comments or questions from the Commission. LUD Conroy
349 requested an extension from the applicant, and advised them to contact the Assessor's Office to
350 determine the parcel's street number.

351

352 **Motion:** To schedule a Public Hearing for application #2024-0248 / Mendelsohn (Citrin) / Canaan Road /
353 Site Plan Application for Nursery Use / Map 15 / Lot 47 / for August 5, 2024 at 6:45PM via Zoom.

354 Made by Cockerline, seconded by Riva.

355 Vote: 4-0-0 in favor.

356

357 10. #2024-0251 / AHMR Inc / 11-15 Farnum Road / Special Permit Application to Install Propane Tanks in
358 the Flood Plain Overlay District (Section 401) / Map 49 / Lot 12 / DOR: 06/17/2024 / Open Hearing by
359 8/21/2024 / *Consideration of Completeness, Set Public Hearing Date*

360

361 Chair Klemens explained the LUO has not received information to address the concerns of propane tanks
362 located in the Flood Plain Overlay District (FPOD), and suggested a Public Hearing be scheduled.

363

364 **Motion:** To schedule a Public Hearing for application #2024-0251 / AHMR Inc / 11-15 Farnum Road /
365 Special Permit Application to Install Propane Tanks in the Flood Plain Overlay District (Section 401) / Map
366 49 / Lot 12 / for August 5, 2024 at 6:45PM via Zoom.

367 Made by Cockerline, seconded by Riva.

368 Vote: 4-0-0 in favor.

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

369 11. #2024-0253 / Hedman (Hackett/Ebersol) / 116 South Shore / Site Development Activities in the Lake
370 Protection Overlay (Section 404) / Map 60 / Lot 10 / *Determination of Completeness - Pending IWWC*
371 *Approval*

372
373 Attorney Ebersol and Engineer Pat Hackett joined the meeting to present the application. Chair Klemens
374 mentioned this property is located in the LPOD. He asked the Commission if they believed an A2 survey
375 with impervious surface calculations should be required for this application. LUD Conroy explained a
376 survey completed in 2012 was submitted, but the property owner has since acquired additional land for
377 installation of a new septic system. LUD Conroy said the additional land improved non-conformities as
378 the property previously exceeded impervious surface percentage allowed. Commissioner Cockerline
379 asked why the newly adjoined lot was not shown as merged. LUD Conroy replied there is a deed with the
380 merger, but an updated survey has not been completed.

381
382 Attorney Ebersol explained the property owner acquired an adjoining half acre from the Harris Family
383 Trust, located south of this property. He said a Site Plan was submitted that shows both properties
384 merged together.

385
386 **Motion:** To waive the A2 Survey Requirement for application #2024-0253 / Hedman (Hackett/Ebersol) /
387 116 South Shore / Site Development Activities in the Lake Protection Overlay (Section 404) / Map 60 /
388 Lot 10 /
389 Made by Cockerline, seconded by Riva.
390 Vote: 4-0-0 in favor.

391
392 **Public Comment**
393 12. Public Comment - Public Comment is restricted to items that are neither on the agenda nor the
394 subject of any pending Planning & Zoning application or action and are limited to three minutes per
395 person.

396
397 There was no Public Comment.

398
399 **Other Business**
400 13. Review of 102 South Shore Road Lot Split (Riiska)

401
402 LUD Conroy explained lot line revisions and first cuts are eligible to be filed in the Town Clerk's Office
403 with an Affidavit stating they are exempt from subdivision requirements. LUD Conroy explained an
404 Affidavit was provided by Attorney Riiska requesting the subject parcel be eligible for a lot line revision
405 or first cut without subdivision. Commissioner Cockerline asked if multiple parcels were combined, one
406 of which never had a first cut, would that become the dominant parcel. LUD Conroy mentioned this issue
407 will be reviewed by the Town Attorney.

408
409 Attorney Riiska joined the meeting and explained that the three parcels in question have not been
410 divided. Attorney Riiska explained the property owners were careful to ensure the two proposed
411 properties comply with Zoning Regulations.

412
413 14. Section 803.5 Amendment or Modification of Special Permit #2022-0174 / Brazzale (Grickis) / 17
414 Railroad Street / Contractor Equipment Storage / Map 54 / Lot 58

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

415 Vice Chair Shyer recused herself and left the meeting at 9:11PM. Chair Klemens explained a building on
416 this property was not constructed in the proper location. Chair Klemens asked the Commission if this
417 application required a Special Permit, or if it would be considered a minor modification requiring a
418 revised Site Plan.

419

420 LUD Conroy explained the building was originally proposed twenty feet further north than where it was
421 constructed. LUD Conroy mentioned a fence was also installed on the property which complied with
422 Regulations, but was not part of the permit conditions. LUD Conroy explained she is seeking to
423 determine whether this property is in compliance with the original plan's approval, considering the
424 location of the building has been significantly altered.

425

426 Commissioner Riva asked if discussion occurred with the property owner for a better explanation of the
427 building relocation. Chair Klemens believed this should not be considered a minor Site Plan modification
428 as the building location is a major departure from the approved plan. Property Owner Nick Brazzale
429 joined the meeting and explained adjustments of the building provided a better sightline. He said if the
430 building was constructed directly on the road, the building would block activity from entering and exiting
431 the property. Mr. Brazzale commented that the location and calculations are correctly documented on
432 the A2 survey. He added that all the equipment which had raised a concern previously is now being
433 stored within the building. Mr. Brazzale planned to leave the installed fence despite now properly
434 storing the equipment.

435

436 Chair Klemens, Commissioner Riva, and Alternate Member Schiffer did not consider this deviation minor
437 and believed Special Permit should be required. Commissioner Cockerline expressed that this could be
438 considered a minor Site Plan modification because the building still complies with setback requirements.
439 LUD Conroy mentioned this property is within the Aquifer Protection Overlay District and questioned if
440 the impervious surface calculations now exceed the percentage allowed due to additional driveway
441 installed to reach the building. Alternate Member Schiffer believed the Commission should not set a
442 precedent for allowing applicants to modify plans to this degree. Commissioner Cockerline agreed with
443 Alternate Member Schiffer.

444

445 LUD Conroy explained she has not signed off on the Zoning Certificate of Compliance, and the Fire
446 Marshal has not completed a final inspection. LUD Conroy asked the Commission what outcome they
447 foresee as a result of the Special Permit Public Hearing. Chair Klemens replied a Public Hearing would
448 reaffirm approval of the building in a different area and identify whether this adjustment exceeds
449 Aquifer Protection Overlay District impervious surface percentages.

450

451 15. Applicability of 207.19 Outdoor Food and Beverage Service

452

453 LUD Conroy explained she received correspondence from Cathy Weber of Torrington Area Health District
454 (TAHD) regarding The White Hart Inn. LUD Conroy explained the Inn has added seasonal activities to
455 their business, including an outdoor bar area and a pizza oven. These activities have not received
456 approval from TAHD. LUD Conroy explained outdoor food and beverage service is allowed within certain
457 parameters. The Commission decided that a Temporary Zoning Permit would be sufficient for this year's
458 activities.

459

460 **Motion:** To authorize the Zoning Enforcement Officer to issue a Temporary Zoning Permit for the White

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 1st, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

461 Hart Inn for their activities on the front lawn provided that Torrington Area Health District and Fire

462 Marshal requirements are met.

463 Made by Klemens, seconded by Cockerline.

464 Vote: 3-0-0 in favor.

465

466 **Adjournment**

467

468 **Motion:** To adjourn the meeting at 9:41PM.

469 Made by Cockerline, seconded by Riva.

470 Vote: 3-0-0 in favor.

471

472

473

474 Respectfully Submitted,

475 Erika Spino

476 Secretary of Minutes