

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

July 11, 2024 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

Members Present:

Dr. Michael Klemens (Chair)
Cathy Shyer (Vice Chair)
Martin Whalen (Secretary)
Allen Cockerline (Regular Member)
Bob Riva (Regular Member)
Dr. Danella Schiffer (Alternate Member)

Members Absent:

Beth Wells (Alternate Member)

Staff Present:

Abby Conroy, Land Use Director (LUD)

Brief Items and Announcements

1. Call to Order / Establish Quorum

Chair Klemens called the meeting to order. Chair Klemens, Vice Chair Shyer, Regular Member Riva, and Regular Member Cockerline were present and seated to vote. Alternate Member Schiffer was also present and seated to vote. Secretary Whalen was present, but did not attend the public hearing on the June 17, 2024 and was ineligible to vote.

Pending Business

2. #2024-0244 / Town of Salisbury (Salisbury Housing Trust) / 26 & 28 Undermountain Road / Special Permit Application for New Multi-Family Housing Construction in the Multifamily Housing Overlay District (Section 405) / Map 56 / Lot 05 and Lot 06 / DOR: 04/15/2024 / OH: 05/20/2024 extension granted through 07/15/2024 / *Possible Consideration*

Motion: to Approve the following Resolution:

**RESOLUTION OF THE TOWN OF SALISBURY PLANNING AND ZONING
COMMISSION REGARDING APPLICATION FOR A SPECIAL PERMIT TO
CONSTRUCT TWO AFFORDABLE DWELLING UNITS ON A PROPERTY WITHIN
THE MULTIFAMILY HOUSING DISTRICT (MFH) AND THE AQUIFER
PROTECTION OVERLAY DISTRICT (APOD)**

APPLICATION #2024-0244

26 & 28 UNDERMOUNTAIN ROAD

WHEREAS on April 14, 2024, the Salisbury Housing Trust Inc. filed an application for Special Permit under Section 405 (Multi-Family Housing and Pocketknife Square Overlay Districts) of the Town of Salisbury Zoning Regulations (the Regulations) to construct two affordable dwelling units on property consisting of 0.85 acres located at 26 & 28 Undermountain Road, Salisbury, CT;

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

July 11, 2024 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

WHEREAS the Town of Salisbury is the owner of record and First Selectman Curtis Rand authorized the application in an email dated April 5, 2024;

WHEREAS the site consists of two Assessor's parcels: Assessor's Map 56 Lot 05 and Assessor's Map 56 Lot 06;

WHEREAS, the Applicant provided documentation that the two Assessor's parcels constitute a single lot;

WHEREAS, on February 5, 2024 the Commission 8-24 review found that the use of the property for two affordable dwelling units and a minipark complied with the Plan of Conservation and Development:

*SALISBURY PLANNING AND ZONING COMMISSION RESOLUTION CONCERNING 8-24
REVIEW OF ASSESSOR'S PARCELS 56-05 & 56-06*

The proposal of the Salisbury Housing Trust to utilize municipally owned land for two homes affordable for homebuyers below 80% of the area median income is deemed consistent with the Town's 2012 POCD and 2024 POCD (in process). These combined parcels are shown on "Map Prepared for Salisbury Housing Trust Undermountain Road Route 41 Salisbury, Connecticut dated January 31, 2008" by Mathias Kiefer, RLS.

Although not yet adopted, the 2024 POCD (in process), and the Salisbury Village Planning Study (2024, Colliers), include recommendations to maintain and improve mini park open spaces in our village centers. Therefore, the preservation of the open space mini park at the rear of the property would align with long-term community development objectives.

The layout and design for these two affordable homes is subject to Special Permit review standards including but not limited to that they are in keeping with the development pattern of the surrounding neighborhood. Specifically, this affordable housing development should respect the street wall, with one house fronting on Undermountain Road, and the second house sited behind the first house.

WHEREAS the Application proposes the construction of two affordable dwelling units and associated uses for a property in the R20 residential zone, Multi-Family Housing Overlay District (MFH), and Aquifer Protection Overlay District (APOD);

WHEREAS consistent with past practice in reviewing applications proposing affordable housing, the Commission has considered this application proposing two single family "affordable" houses on a single lot as multi-family housing;

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

July 11, 2024 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

WHEREAS the Applicant provided plan sets prepared by Patrick R. Hackett, P.E. dated April 10, 2024 including Site Plan Options 1 and 2, accompanied by Erosion & Sedimentation Control Plans. These plans were revised on April 23 to include stormwater management;

WHEREAS a subsequent revision dated June 13, 2024 included a design labeled by the Commission as “Option 3” with Erosion & Sediment Control Plans; and a supplemental PowerPoint presentation introduced on July 1, 2024 featuring conceptual design alternatives labeled by the Commission as “Options 3a and 3b”;

WHEREAS the Commission deemed the application complete and opened a public hearing on May 20, 2024, subsequently continued to June 3, June 17, and July 1, 2024;

WHEREAS the Applicant granted an extension for the public hearing through July 15, 2024;

WHEREAS the Commission determined that it had sufficient information in the record and voted unanimously to close the public hearing on July 1, 2024;

WHEREAS the Application includes five proposed options:

- Option 1 comprised of public parking in the front, two single-family residences centered on the lot, and public open space in the rear.
- Option 2 comprised of two single-family residences on the front portion of the lot and public open space in the rear (no public parking).
- “Option 3” the existing trees and parking area remaining with the houses pushed into the center of the lot, and with a small open space/viewshed at the rear of the lot. There were two subsequent variants of “Option 3” (“Options 3a and 3b”);

WHEREAS during the public hearing, issues raised by the public, Applicant and/or the Commission included: use of Town-owned land for affordable housing, continuance of public parking, density and compatibility with the surrounding neighborhood, preservation of open space including the entire parcel, health of two large oak trees, utility and vehicular access, and screening;

WHEREAS during the public hearing, the Commission received not only oral testimony but written comments from the public regarding the need for affordable housing and concerns related to public parking, open space, density, trees, as well as a no-build alternative;

WHEREAS the Commission finds that the proposed multifamily use conforms with the standards for the Multifamily Housing Overlay District set forth in Section 405 of the

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

July 11, 2024 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

Regulations and that all of the proposed buildings conform with the required yard setbacks of the more restrictive underlying Zoning Regulations;

WHEREAS the Applicant has committed to retaining the rear portion of the lot as open space/viewshed in all options but also finds that Option 2 maximizes that open space to the benefit of the adjoining properties;

WHEREAS the Commission received claims that the public parking at the front of the lot is needed in the Village Center.

- Option 1 included a municipal parking lot formalizing the present *ad hoc* parking use as part of the application.
- Option 2 abandoned the *ad hoc* parking in favor of a street wall.
- “Options 3, 3a, and 3b” were predicated on creating a separate undersized lot for municipal use that could serve both access and parking. However, the Commission recognized parking could not be legally established on that the undersized municipal lot. Therefore, “Options 3, 3a, and 3b” effectively rendered parking on that newly-created municipal lot impermissible.

WHEREAS the Commission has considered the Tree Warden’s reports dated June 10 and 24, 2024, that raised concerns about development and use of the lot. The Tree Warden noted that compaction or cutting of tree roots extending beyond the dripline of the two large oak trees would be injurious to their health and long-term survival;

WHEREAS the Commission received statements from other qualified individuals that compaction of soil is deleterious to the surficial roots of trees. “Options 3a and 3b” were the most protective of the trees locating the proposed structures well beyond the dripline of the trees. However, the Commission noted that these options greatly reduced the open space/viewshed area at the rear of the lot;

WHEREAS Section 403 Aquifer Protection Overlay District requires a Special Permit for a use rendering more than thirty percent (30%) of the total lot area in impervious surfaces and retaining less than thirty percent (30%) of the total lot area in vegetative ground cover. The Commission finds that impervious surface calculations presented in:

- Option 1 did not appear to include the compacted *ad hoc* parking area in the impervious surface calculations. Therefore, it is not possible to ascertain whether a Special Permit in accordance with Section 403 was required.

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

July 11, 2024 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

- Option 2 conforms with the standards set forth in Section 403 and does not require a Special Permit.
- “Options 3, 3a, and 3b” did not include impervious surface calculations. Therefore, it is not possible to ascertain whether a Special Permit in accordance with Section 403 was required.

WHEREAS the Commission concluded that their regulatory obligations in Sections 403, 405, 801, 802 and 803 of the Regulations outweigh the protection of an individual tree(s);

WHEREAS the Commission finds that the protection of a significant portion of open space/viewshed at the rear of the parcel minimizes the impacts of the development to the abutting properties. Therefore, the layout of the proposed housing in Option 2 best maintains the overall development pattern of the neighborhood;

WHEREAS the Commission also finds that Option 2 best complies with the 8-24 Resolution of February 5, 2024;

WHEREAS, the Commission has considered the standards set forth in Section 403, 405, 801, 802, and 803 of the Regulations and finds that the size and intensity, as well as the design, of the proposed project in Option 2 has been related harmoniously to the terrain and to the use, scale, and siting of existing buildings in the vicinity of the site; the use does not create an unreasonable nuisance to neighboring properties, whether by noise, air, or water pollution, lighting, or other effects; the proposed use also is not in conflict and does not constitute an unreasonable decrease in property values or a detriment to the present and potential use of the area in which it is located. The Commission finds that, with the conditions enumerated in this resolution, a reasonable effort has been expended to balance the concerns of the neighbors with the need for affordable housing and the Applicant's property rights;

NOW THEREFORE BE IT RESOLVED THAT, Special Permit 2024-0244 be approved with the following conditions:

1. The layout and development shall be built in accordance with Option 2, as more particularly depicted on the drawing entitled “SALISBURY HOUSING TRUST, UNDERMOUNT ROAD, SALISBURY CONNECTICUT, SITE PLAN OPTION 2”, Sheet 2 of 4, Engineer: Patrick R. Hackett, P.E., 16 East Street Lakeville, Connecticut 06039, Surveyor: Lamb-Kiefer Land Surveyors, 55 Selleck Road, Salisbury, Connecticut 06068, Date: April 10, 2024”. All other site plan options presented are explicitly disapproved.

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

July 11, 2024 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

2. No zoning permit shall be issued until all required approvals are obtained including approval from the Fire Marshal and from Aquarion Water Company for the design and connection of the development.
3. Exterior lighting shall comply with Section 702 of the Regulations. Exterior lighting shall be turned off after hours whenever feasible and/or be equipped with motion sensors.
4. If any of the decision's requirements are unattainable, the Applicant may seek a modification of this approval from the Commission. The Applicant is advised that any modifications may, at the Commission's discretion require a full public process.

Made by Shyer, seconded by Riva.

Vote: 4-1-0

Regular Member Cockerline opposed.

Adjournment

Motion: To Adjourn the meeting at 5:56pm

Made by Cockerline, seconded by Riva.

Vote: 5-0-0