

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

July 15th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**
2 Dr. Michael Klemens (Chair)
3 Martin Whalen (Secretary)
4 Allen Cockerline (Regular Member)
5 Bob Riva (Regular Member)

Members Absent:
Cathy Shyer (Vice Chair)
Dr. Danella Schiffer (Alternate Member)
Beth Wells (Alternate Member)

Staff Present
Abby Conroy, Land Use Director (LUD)
Miles Todaro, Land Use Technical Specialist (LUTS)

10 **Brief Items and Announcements**

11 1. Call to Order / Establish Quorum

12 Chair Klemens called the meeting to order at 6:30PM. A quorum was established with three regular
13 members present (Chair Klemens, Secretary Whalen, Regular Member Riva).

15 2. Approval of Agenda

17 **Motion:** To approve the agenda.
18 Made by Riva, seconded by Whalen.
19 Vote: 3-0-0 in favor.

21 3. Minutes of June 3, 2024

23 The Commission edited the detailed minutes of June 3, 2024.

25 **Motion:** To approve the minutes of June 3, 2024 as amended.
26 Made by Whalen, seconded by Riva.
27 Vote: 3-0-0 in favor.

29 Commissioner Allen Cockerline joined the meeting at 6:36PM and was appointed as a voting member.

31 4. Minutes of June 17, 2024

33 The Commission edited the detailed minutes of June 17, 2024. Secretary Whalen was not present at the
34 meeting and abstained from voting.

36 **Motion:** To approve the minutes of June 17, 2024 as amended.
37 Made by Riva, seconded by Cockerline.
38 Vote: 3-0-1

40 5. Minutes of July 1, 2024 - *pending*

42 **Pending Business**

43 7. #2024-0253 / Hedman (Hackett/Ebersol) / 116 South Shore / Site Development Activities in the Lake
44 Protection Overlay (Section 404) / Map 60 / Lot 10 / *Possible Consideration*

46 Attorney Charles Ebersol joined the meeting to represent the application. LUD Conroy explained an A-2

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47 Survey was not requested for this application, and the Inland Wetlands & Watercourses Commission
48 (IWWC) granted an approval with conditions. The IWWC requested the applicant leave as many tree
49 stumps intact as possible after the clearing required by Torrington Area Health District (TAHD). The
50 IWWC also requested that the applicant minimize disturbance to the property and include supplemental
51 plantings and native trees after construction.
52

53 Commissioner Cockerline asked to review the lot coverage percentage change. LUD Conroy presented
54 the Site Plan and explained the impervious surface percentage decreased as the property owner
55 purchased additional land that was merged with the parcel. Chair Klemens asked if the applicant had any
56 concerns regarding the conditions given by the IWWC. Attorney Ebersol replied no.
57

58 **Motion:** To approve application #2024-0253 / Hedman (Hackett/Ebersol) / 116 South Shore / Site
59 Development Activities in the Lake Protection Overlay (Section 404) / Map 60 / Lot 10 /
60 Made by Cockerline, seconded by Riva.
61 Vote: 4-0-0 in favor.
62

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

64 6. #2024-0252 / Fraxinus Holdings Trust (Architect Christine Gray) / 272 Undermountain Road / Special
65 Permit for a Detached Accessory Apartment (Section 208) / Map 18 / Lot 09 / DOR: 06/17/2024 / *Open*
66 *Hearing, Possible Consideration*
67

68 The Public Hearing opened at 6:44PM. Secretary Whalen read the legal notice. Architect Christine Gray
69 joined the meeting to represent the application. Ms. Gray explained an existing guest house on the
70 property was constructed in the 1960s prior to accessory apartment regulations, and the most recent
71 Zoning Permit for it is from the 1990s. LUD Conroy presented a Site Plan for the Commission to review.
72 The plans for the guest house included an additional thirty square feet on the second floor of the
73 dwelling, with the footprint remaining unchanged. TAHD has provided approval for the application, and
74 Ms. Gray noted additional parking will not be needed. Ms. Gray said the current floor area of the guest
75 house is one-thousand twenty-eight square feet, and after the proposed change will be one-thousand
76 sixty square feet.
77

78 All members of the Commission were comfortable with the proposed application.
79

80 Chair Klemens opened the floor to the public. There were no further questions from the public or
81 Commission.
82

83 **Motion:** To close the Public Hearing at 6:50PM.
84 Made by Cockerline, seconded by Whalen.
85 Vote: 4-0-0 in favor.
86

87 **Motion:** To approve application #2024-0252 / Fraxinus Holdings Trust (Architect Christine Gray) / 272
88 Undermountain Road / Special Permit for a Detached Accessory Apartment (Section 208) / Map 18 / Lot
89 09
90 Made by Cockerline, seconded by Riva.
91 Vote: 4-0-0 in favor.
92

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93 **Public Comment**

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

96
97 There was no public comment.

98
99 **Other Business**

100 9. 102 South Shore Road Lot Split (Riiska)

101
102 Attorney Riiska joined the meeting to represent the application. Chair Klemens explained the Town
103 Attorney agrees that the lot would qualify for a first cut. The Town Attorney noted that a report
104 calculating compliance with the Zoning Regulations should be requested, as should a simplified version
105 of the Map, finally the property owner must submit an Affidavit. LUD Conroy explained the submitted
106 map represented various configurations of the land over time, and does not demonstrate compliance
107 with the Zoning requirements. Additionally, the zoning compliance table does not include all of the
108 requirements of the Lake Protection Overlay District (LPOD).

109
110 Chair Klemens expressed concern regarding the possible creation of a nonconformity. An accessory
111 structure, cannot be separated from the principal use with a lot split. LUD Conroy explained the principal
112 house was permitted as the main dwelling, but there was no discussion of the accessory structure. She
113 believes that a septic system for the accessory structure was never approved by TAHD. With no
114 approved septic system, the structure was treated as an accessory building for storage.

115
116 Chair Klemens added that the property owner must file an Affidavit for adoption of Attorney Riiska's
117 Affidavit.

118
119 Property owner Jose Suarez joined the meeting to answer questions. Chair Klemens explained the
120 simplest course of action would be to permit the accessory structure as a separate house. Attorney
121 Riiska explained property owner Mr. Suarez has a septic plan for the accessory structure. Chair Klemens
122 asked if approval from TAHD was received for the separate septic system. Mr. Suarez replied the septic
123 system was approved by TAHD at the same time as the main house. However, the system was never
124 installed and the planned kitchen in the cottage was removed so it would not be considered a dwelling.
125 Mr. Suarez added that a new septic plan for each structure has been submitted to TAHD.

126
127 Attorney Riiska suggested scheduling a meeting with LUD Conroy and Mr. Suarez at the Land Use Office
128 (LUO) to further discuss options and how the applicant wished to proceed. LUD Conroy explained that
129 the main takeaway was the confirmation that this lot is eligible for a first cut. Chair Klemens advised that
130 Mr. Suarez can choose between converting the accessory structure into a dwelling, or demolishing it.
131 Attorney Riiska replied he will conduct a discussion with his client, schedule a meeting with LUD Conroy
132 and will obtain a simplified map.

133
134 10. Section 803.5 Amendment or Modification of Special Permit #2022-0174 / Brazzale (Grickis) / 17
135 Railroad Street / Contractor Equipment Storage / Map 54 / Lot 58 /

136
137 LUD Conroy explained she has not received contact from the property owner since the last meeting. She
138 planned to meet with Cathy Weber of TAHD to confirm if TAHD approval has been acquired. Chair

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139 Klemens asked if a notice of potential violation was issued. LUD Conroy replied no, she does not have
140 interest in enforcement if the property owner has been making progress with the pending taxes, TAHD
141 approval, or the Fire Marshal approval. Chair Klemens expressed concern about the Site Plan
142 modification on the property. He explained a location adjustment of the recently constructed barn and a
143 large gravel parking lot creates a potential violation within the Aquifer Protection Overlay District
144 (APOD).

145
146 Secretary Whalen asked if equipment was being stored outside on the gravel parking lot. LUD Conroy
147 replied the equipment is stored within the barn, but employees take equipment to job sites and leave
148 their personal vehicles parked on the property daily. Commissioner Cockerline asked what the setbacks
149 were for the property. LUD Conroy explained that a variance was granted for the setbacks. The property
150 is located in a CG20 Zone and the setbacks are twenty feet in the front yard, twelve feet for side yards,
151 and thirty feet in the rear.

152
153 Chair Klemens stated that the Building Department must handle this concern. LUD Conroy asked the
154 Commission how these situations should be prevented in the future. Chair Klemens advised LUD Conroy
155 to discuss this issue at an upcoming Town Staff Meeting.

156
157 11. Correspondence from Chairman Regarding - 280 Between the Lakes Road
158

159 Chair Klemens reviewed a letter he composed to Jeffrey Keenan in response to a letter Mr. Keenan
160 wrote. All members of the Commission expressed support for the letter.

161
162 12. Enforcement Updates

163 a. 253 Indian Mountain Road
164

165 LUD Conroy explained that a bathroom was added to an accessory building which Zoning never signed
166 off on at the end of the permit process. LUD Conroy added that a roof overhang, patio, and grill with gas
167 lines were also installed without Zoning or TAHD approval. LUD Conroy explained that a Notice of
168 Potential Violation was issued. LUD Conroy received a message from the property owner last week,
169 confirming they would complete an application to bring the property into compliance with Zoning and
170 TAHD.

171
172 b. 144 Salmon Kill Road
173

174 LUD Conroy explained that this property had a new driveway over seventy-five feet in length. The
175 property is located in a Flood Zone next to Salmon Kill Creek. Due to the driveway length and proximity
176 to the creek, a Special Permit is required. LUD Conroy sent a Notice of Potential Violation, and the
177 property owner responded that they have hired a surveyor to complete the required mapping. LUD
178 Conroy explained a remedy to the Potential Violation is dependent on the outcome of surveys and field
179 investigations.

180
181 c. 263 Millerton Road
182

183 LUD Conroy explained that this steep lot had a dwelling recently constructed. LUD Conroy and the Town
184 Assessor performed a Site Visit in June and discovered more than two acres of the lot was not stabilized.

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185 At the time of the visit the dwelling was furnished and appeared to be lived-in. LUD Conroy engaged in
186 lengthy discussions with the property owners and explained to them that a certificate of Zoning
187 Compliance cannot be issued given the present conditions of the property. LUD Conroy explained the
188 property owner can post a bond to guarantee completion and obtain a permit for stabilization.
189 Afterwards, she could issue a temporary certificate of occupancy until permanent stabilization occurs.
190 Chair Klemens explained that he also sent correspondence to the property owner to reiterate the
191 concern. He advised the property owner that they could come before the Commission for further
192 discussion and questions.

193
194 LUD Conroy said no additional correspondence was received to resolve the violation. Commissioner
195 Cockerline noted that he recently drove by the property after a rain storm and noticed substantial
196 erosion beginning near the driveway. LUD Conroy mentioned that one potential solution to similar
197 problems in the future would be to require bonds up front to guarantee stabilization.

198
199 d. 349 Main Street

200
201 LUD Conroy explained a Notice of Potential Violation is being composed but has not been sent. The
202 property is better known as The Boathouse. LUD Conroy explained that a building permit was not
203 granted for the work because the applicant did not identify proposed locations of two one-thousand-
204 gallon propane tanks. The Fire Marshal performed a routine inspection of the property and noticed that
205 the propane tanks, one old and one new, did not appear to meet the code. The Fire Marshal asked the
206 property owner to remedy the concerns. At a follow up inspection, the Fire Marshal discovered one of
207 the tanks was moved and replaced, again without proper protection. LUD Conroy explained both one-
208 thousand-gallon tanks are in close proximity to a commercial building. She expressed support for the Fire
209 Marshal's requests and acknowledged that the tanks were a potential Site Plan violation as well.

210
211 13. Discussion about Fences

212
213 Chair Klemens explained current regulations require all installed fences with a defined finished side and
214 unfinished side to have the finished side displayed outwards. Chair Klemens believed the regulation
215 should be eliminated as it is a subjective concern. Commissioner Cockerline expressed support and
216 explained the decision is a community ethic and does not need to be specified in the regulations.
217 Secretary Whalen and Commissioner Riva agreed the regulation should be removed.

218
219 **Adjournment**

220
221 **Motion:** To adjourn the meeting at 7:46PM.

222 Made by Cockerline, seconded by Riva.

223 Vote: 4-0-0 in favor.

224
225 Respectfully Submitted,

226

227 Erika Spino
228 Secretary of Minutes