

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

August 5th, 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 Allen Cockerline (Regular Member)

6 Bob Riva (Regular Member)

7 Dr. Danella Schiffer (Alternate Member)

8 Beth Wells (Alternate Member)

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 five regular
13 members present (Dr. Michael Klemens, Cathy Shyer, Martin Whalen, Allen Cockerline, and Bob Riva).
14 Alternate Members Dr. Danella Schiffer and Beth Wells were also present.

15

16 2. Approval of Agenda

17

18 **Motion:** To approve the agenda.

19 Made by Cockerline, seconded by Riva.

20 Vote: 5-0-0 in favor.

21

22 3. Minutes of July 15, 2024 - *pending*

23 4. Minutes of July 29, 2024 - *pending*

24

25 **Other Business**

26 12. Enforcement Updates

27 a. 253 Indian Mountain Road

28

29 LUD Conroy explained the Land Use Office (LUO) issued a Notice of Potential Violation. The property
30 owners since came to the LUO and applied for a Zoning Permit. After approval is received from
31 Torrington Area Health District (TAHD), the property will return to compliance.

32

33 b. 144 Salmon Kill Road

34

35 LUD Conroy explained the LUO is waiting to receive a survey and wetlands delineation in order to bring
36 the property back into compliance. The property owners contacted LUD Conroy and explained they are
37 working on acquiring this information. LUD Conroy reminded the Commission the next step of
38 enforcement is to send a Notice of Violation after sixty days.

39

40 c. 263 Millerton Road

41

42 LUD Conroy explained the property owners came to the LUO and posted bond. LUD Conroy reached out
43 to the property owners again and explained the next steps.

44

45 d. 349 Main Street

46

Members Absent:

Staff Present

Abby Conroy, Land Use Director (LUD)

Miles Todaro, Land Use Technical Specialist (LUTS)

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

August 5th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

47 LUD Conroy explained a Notice of Potential Violation was sent regarding installation of propane tanks.
48 LUD Conroy said this property had an existing propane tank without sufficient fire protection measures
49 required by the fire code. The property owner then applied for a Building Permit for a second propane
50 tank. LUD Conroy explained a second unprotected propane tank was installed without a Building Permit.
51 The tanks were installed next to a dumpster without any physical protection and could present a safety
52 hazard. LUD Conroy mentioned a Staff Meeting will occur on Wednesday, where she will follow up with
53 other departments regarding this property.

54

55 e. 16 Woodland Drive

56 f. 24 Woodland Drive

57

58 Chair Klemens explained agenda items e. and f. are related and should be addressed together. LUD
59 Conroy explained that a few years ago the property owner applied for and received a variance from
60 front yard setback requirements for the addition of a garage on the property. LUD Conroy explained a
61 buried propane tank was approved on the property. Instead, an as-built survey was received that
62 showed the propane tank was installed above ground on a neighboring vacant lot, 24 Woodland Drive.
63 LUD Conroy explained a freestanding propane tank on this vacant property could not be permitted, as it
64 is considered an accessory use without a principal use. Additionally, the propane line runs across
65 properties that are under two different ownerships with no easements in place, and was installed in a
66 location that was not approved by TAHD. In addition to the propane tank, LUD Conroy added the
67 structure built was almost five feet longer than the variance was granted for, further encroaching into
68 the front yard setback. Additionally, LUD Conroy mentioned plantings were required along the edge of
69 the wetlands, which have not been completed. LUD Conroy explained a Notice of Potential Violation was
70 sent, but the LUO has not yet received correspondence from the property owner.

71

72 **Public Comment**

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

76

77 There was no public comment.

78

79 Chair Klemens announced that, for applications submitted 1-3 days prior to a scheduled meeting, the
80 Commission has the right to accept the application but hold discussion to an upcoming meeting.

81

82 Chair Klemens called a 5-minute recess. The Meeting continued at 6:45PM.

83

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

85 5. #2024-0248 / Mendelsohn (Citrin) / Canaan Road / Site Plan Application for Nursery Use / Map 15 /
86 Lot 47 / DOR: 05/06/2024 / *Open Hearing, Possible Consideration*

87

88 The Public Hearing opened at 6:45PM. LUD Conroy read the legal notice. Attorney Michael Citrin joined
89 the meeting to represent the application and LUD Conroy presented the application documents. Chair
90 Klemens explained a document was submitted that reflected the proposed apron on the driveway
91 entrance.

92

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

August 5th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

93 Attorney Citrin explained the application was submitted for a vacant lot owned by Eric Mendelsohn. Mr.
94 Mendelsohn wants to utilize this lot for seasonal shrub and tree storage. Attorney Citrin explained
95 structures would not be built and retail would not occur on-site. This property would be used as
96 additional storage for the property owner's garden center on a neighboring lot. Chair Klemens asked if
97 all irrigation and watering would be provided by hoses at the garden center, Attorney Citrin replied yes.

98
99 Commissioner Cockerline asked if the property was designated as a building lot prior to storage use.
100 Attorney Citrin replied Mr. Mendelsohn wished to keep the property as a distinct lot, but has used the
101 land as described for ten years. Chair Klemens asked if additional parking would occur on the property.
102 Attorney Citrin replied there is no intention for on-site visitors, and the lot will be used exclusively for
103 storage during spring, summer and fall.

104
105 Chair Klemens opened the floor to the public for comments and questions. There were no further
106 comments or questions from the Commission or public.

107
108 **Motion:** To close the Public Hearing at 6:54PM.
109 Made by Cockerline, seconded by Whalen.
110 Vote: 5-0-0 in favor.

111
112 **Motion:** To approve application #2024-0248 / Mendelsohn (Citrin) / Canaan Road / Site Plan Application
113 for Nursery Use / Map 15 / Lot 47.
114 Made by Cockerline, seconded by Riva.
115 Vote: 5-0-0 in favor.

116
117 6. #2024-0251/ AHMR Inc / 11-15 Farnum Road / Special Permit Application to Install Propane Tanks in
118 the Flood Plain Overlay District (Section 401) / Map 49 / Lot 12 / DOR: 06/17/2024 / Open Hearing by
119 8/21/2024 / *Open Hearing, Possible Consideration*

120
121 The Public Hearing opened at 6:56PM. Secretary Whalen read the legal notice. The applicant was not
122 present. Chair Klemens asked if the LUO received the notifications to abutters from the applicant. LUTS
123 Todaro replied no. Chair Klemens suggested continuing the Public Hearing to an upcoming meeting.
124 Commissioner Cockerline mentioned the applicant has continually been delinquent and asked if the
125 application can be denied. LUD Conroy commented that additional information was submitted by the
126 applicant. An updated site plan was submitted which showed the propane tank buried in a different
127 location, still within the Flood Zone. LUD Conroy explained the applicant must demonstrate code
128 compliance.

129
130 Chair Klemens expressed support to deny this application without prejudice, to allow the applicant to
131 resubmit the application with more supporting information. Vice Chair Shyer preferred the public
132 hearing remain open and to notify the applicant rather than closing. Chair Klemens advised the applicant
133 must perform at the next meeting with proper public notice or the application will be denied.

134
135 **Motion:** To continue the public hearing to August 19, 2024 at 6:45PM via Zoom.
136 Made by Shyer, seconded by Whalen.
137 Vote: 5-0-0 in favor.

138

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

August 5th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

139 **New Business**

140 7. #2024-0255 / McCord (Michael Trapp Inc) / 514 Wells Hill Road / Special Permit Application for an
141 Accessory Apartment (Section 208) / Map 30 / Lot 04 / DOR: 08/05/2024 / *Reception, Consideration of*
142 *Completeness, and Schedule Hearing*

143
144 LUD Conroy explained the property had a single-family residence that was torn down in 2017. The
145 applicant wants to build a new house on the property, and has come to the Commission for a Special
146 Permit for a detached accessory apartment. LUD Conroy presented the Town GIS Map to describe
147 complications with the application. The property owner also owns 510 Wells Hill Road. During her initial
148 review, LUD Conroy noticed a driveway which begins on 514 Wells Hill Road also services an accessory
149 building on 510 Wells Hill Road. This driveway does not comply with shared driveway regulations. The
150 accessory building on 510 received a permit but it did not include approval for the driveway. The
151 driveway and buried utilities pass through a strip of land owned by another entity. There is no easement
152 for this crossing between 510 and 514 Wells Hill Road. LUD Conroy summarized that many of these
153 factors can be handled through the Land Use Office and that the PZC's focus must only be on Lot 514.

154
155 LUD Conroy presented site plans and additional documents submitted with the application. Alyssa
156 Fournier of Michael Trapp Inc joined the meeting to present the application. Ms. Fournier explained the
157 property owner agreed to abandon the portion of the driveway that crosses over another property to
158 510 Wells Hill Road. Commissioner Cockerline asked about the buried utilities that cross over property
159 lines. Ms. Fournier responded that she was under the impression that the utilities did not actually cross
160 property lines, but she will check with the property owner to confirm. Commissioner Cockerline asked if
161 retaining walls are present along the driveway. Ms. Fournier replied yes, there are two retaining walls
162 with a planting bed on the left side of the driveway. LUD Conroy explained most of the project could be
163 handled administratively as a single-family dwelling and associated driveway after the applicant
164 completed an As-Built Survey and abandoned the shared component of the driveway. She explained the
165 Commission could approve the accessory apartment application with the condition of eliminating any
166 shared portion of the driveway. LUD Conroy added that the applicant should provide an As-Built Survey
167 that includes driveway grades.

168
169 Chair Klemens asked if the As-Built Survey should be brought back to the Commission upon completion.
170 LUD Conroy explained she would be more comfortable issuing a Zoning Permit after she received
171 confirmation the driveway is compliant. Chair Klemens agreed and suggested the application be
172 considered for completeness at an upcoming meeting after additional materials are provided. All
173 Commission members agreed.

174
175 8. #2024-0256 / McGlone (Nelson) / 54 Farnum Road / Site Plan Application to Turn Second Floor into an
176 Attached Accessory Apartment (Section 208) / Map 49 / Lot 113 / DOR: 08/05/2024 / *Reception, Possible*
177 *Consideration*

178
179 Property owner Thomas McGlone and Architect Raymond Nelson joined the meeting to present the
180 application. LUD Conroy explained the applicant proposed an attached accessory apartment. A flood
181 zone area is located along Factory Brook (which is at the rear of the property), but Federal Emergency
182 Management Agency (FEMA) maps do not show where floodplains are in relation to structures on the
183 property. LUD Conroy explained site topography documents were submitted that represented the
184 structure is unlikely to be located within a floodplain. Additional information is required to confirm this.

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

August 5th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

185 LUD Conroy asked the Commission if they wish to receive an additional survey demonstrating the extent
186 of the floodplain, or if they are comfortable with the documents provided. Mr. McGlone explained the
187 property has a steep downhill grade along the rear portion of the lot from the dwelling down to Factory
188 Brook. Chair Klemens replied documents submitted for the application do not represent this and
189 additional contours should be provided.

190

191 Mr. McGlone presented plans showing the proposed second floor attached apartment addition on the
192 existing dwelling. Two second-floor bedrooms and storage areas are pre-existing, and the addition will
193 include a kitchen, bathroom and an outdoor raised deck. An outdoor staircase will be added for a
194 separate entrance. Mr. McGlone said the first floor of the dwelling will remain as-is. Secretary Whalen
195 asked if the apartment will be accessible from the interior of the first floor. Mr. McGlone replied an
196 existing interior stair will remain intact but the primary egress will be the second story deck. Chair
197 Klemens advised the applicant to return with the floodplain superimposed on the submitted plans to
198 more accurately show their location relative to the exiting dwelling.

199

200 Other Business

201 11. Section 803.5 Amendment or Modification of Special Permit #2022-0174 / Brazzale (Grickis) / 17
202 Railroad Street / Contractor Equipment Storage / Map 54 / Lot 58 / *Update*

203

204 Attorney William Grickis joined the meeting to represent Mr. Brazzale and provide an update. He
205 explained that delinquent taxes have now been paid and approval from TAHD was received. However,
206 the location of the storage building was altered without approval or accurate impervious surface
207 calculations. Attorney Grickis explained the applicant is awaiting a response from a surveyor to ensure
208 the impervious surface percentage does not exceed the threshold permitted within the Aquifer
209 Protection Overlay District (APOD). Attorney Grickis explained the applicant chose to construct the
210 structure twenty feet further into the lot than what was approved due to safety concerns of vehicles
211 entering and exiting the driveway. Attorney Grickis reminded the Commission the applicant initially
212 applied in response to neighborhood complaints and requests to store equipment in a secure place on
213 the property. He explained Mr. Brazzale made a poor judgment call in a good faith attempt to attenuate
214 safety issues that resulted in inappropriate relocation of the structure.

215

216 Chair Klemens appreciated the perspective provided by Attorney Grickis, but noted that the Commission
217 must determine if constructing the structure in a different location constitutes a minor or major Site Plan
218 modification. He added that a change of twenty feet is significant. Attorney Grickis argued the material
219 impact of the applicant's decision was minor as the property is still in full compliance with setback
220 requirements.

221

222 Vice Chair Shyer recused herself from the application. Secretary Whalen disagreed with Attorney Grickis
223 and believed the applicant should return to the Commission for an updated special permit.

224 Commissioner Cockerline expressed preference to approve the application as a Site Plan modification.

225 Commissioner Riva explained he previously believed this adjustment should not be considered a minor
226 Site Plan modification. He expressed acknowledgement for all perspectives of the applicant and fellow
227 Commissioners, and commented that any decision made will set a precedent for future applications.

228 Alternate Member Schiffer sympathized with the applicant's position, but believed material change of
229 the application should be considered major and the Commission must pursue appropriate enforcement
230 to prevent future applications with similar complications.

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

August 5th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

231 Commissioner Cockerline expressed a change in opinion after hearing fellow Commissioners'
232 perspectives, believing that a Special Permit application should be required. Attorney Grickis suggested
233 that the Commission impose a fine on the applicant as a result of non-compliance. He explained a fine
234 will get the attention of the public, spare the Commission an additional permit process, and will ensure
235 the applicant received consequence for deviation from an approved Site Plan. Chair Klemens believed
236 fining the applicant could set a precedent of undermining the Commission's authority in future
237 applications. LUD Conroy commented that the Planning and Zoning Commission does not have the
238 authority to levy a fine. LUD Conroy explained the applicant must file a Special Permit application based
239 on the As-Built Plan and respond to the outstanding question of impervious surface calculations.

240

241 Commissioner Cockerline asked if future public hearing discussion will be exclusive to the structure's
242 location. Chair Klemens replied that that was his intention.

243

244 Alternate Member Wells left the meeting at 8:15PM.

245

246 9. #2024-0257 / Wake Robin LLC & Ms. Serena Granbery (ARADEV LLC) / 104 & 106 Sharon Road & 53
247 Wells Hill Road / Special Permit for Hotel (Section 213.5) / Map 47/ Lot 2 & 2-1 / DOR: 08/05/2024 /
248 *Reception, Consideration of Completeness, and Schedule Hearing*

249

250 Landscape Architect Mark Arigoni of SLR Consulting joined the meeting to represent the application. Civil
251 Engineer Todd Ritchie of SLR Consulting, Land Use Attorney Josh Mackey, and Development Team
252 Project Partners Steven Cohen and Jonathan Marrale were also present to address additional comments
253 and questions. Mr. Arigoni provided a slideshow presentation to review the application.

254

255 Mr. Cohen explained a plan to improve the Wake Robin Inn has been in process for over a year. The
256 outcome of this project is to renovate the Inn and property restoring its former liveliness, offering
257 various amenities and attractions for visitors and town residents. Mr. Arigoni explained documents
258 submitted with their application included an authorization from current property owners, a project
259 narrative, parking analysis, A-2 survey, full site engineered drawings, drainage report, architectural
260 drawings, and a zoning compliance letter. Mr. Arigoni noted that additional resources will be completed
261 in time for the public hearing including photometric plan, coordination with Water Pollution Control
262 Authority (WPCA) and Aquarion, a traffic study, and the IWWC application. Mr. Arigoni added that there
263 is a request in progress with Connecticut Department of Energy and Environmental Protection (CT DEEP)
264 and to the National Diversity Database (NDDDB) which had requested that the applicant perform botany
265 surveys to locate potential species of concern. Mr. Arigoni explained that these surveys documented the
266 Handsome Sedge on isolated areas of the property and these plants could potentially be relocated
267 before construction.

268

269 Mr. Arigoni reviewed the Zoning Data Table and A-2 Survey. He explained the project is located on two
270 separate parcels. These include 53 Wells Hill Road (a 2.26-acre residential property with three existing
271 structures) and 104/106 Sharon Road (a 11.28-acre property with a hotel structure and accessory
272 garage). Mr. Arigoni explained an AT&T cell tower is planned for construction on this parcel beginning
273 November 2024. A right of way exists to service a landlocked property southeast of the parcels, and an
274 easement is in place over the driveway that services 53 Wells Hill Road. Mr. Arigoni shared images
275 showing the proposed architecture of the Inn, twelve cottages, and an event barn. Mr. Arigoni shared
276 the proposed site plan. A paved driveway will have defined parking, turnaround and drop off area for the

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

August 5th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

277 Inn. The AT&T cell tower has an easement that the applicant will follow and improve with twenty-foot-
278 wide driveway servicing five cottages nearby. Mr. Arigoni added emergency vehicular access will be
279 constructed. Five additional cottages will be constructed along the woods line, serviced by a six-foot-
280 wide pathway connecting to the primary driveway. Mr. Arigoni explained an event barn is proposed near
281 the great lawn area, with a nearby spa building. An existing residential structure will be converted to a
282 pool house, an existing garage expanded, and the existing accessory apartment will remain as is. Mr.
283 Arigoni said the lawn area is existing and improvements will be made to widen nearby roadways. A
284 network of impervious pavement pathways is proposed, ideally kept under 5% grade so all buildings and
285 property amenities are universally accessible. The pathway will cross a wetland corridor with an elevated
286 timber boardwalk system. Mr. Arigoni explained an existing elevated timber crossing from the hotel to
287 the former pool area will be removed and rebuilt. Mr. Arigoni said all stormwater management will
288 follow CT DEEP standards.

289
290 Chair Klemens mentioned that there are elements of this development involving the cell tower and
291 access road that the Commission does not have authority to alter. Mr. Arigoni confirmed the cell tower
292 easement will utilize the existing roadway and construct an additional gravel driveway towards the
293 proposed tower, pad, utilities, and propane tank within a fenced area. Mr. Arigoni explained coordinated
294 screening techniques such as landscaping, fence types, and roadway improvements are proposed to
295 make the area more attractive for guests.

296
297 Vice Chair Shyer asked if the driveway connecting Sharon Road and Wells Hill Road is currently part of
298 the Wake Robin Inn property. Mr. Arigoni replied it is not part of the Wake Robin Inn property but an
299 access easement is in place for the development plan. Mr. Arigoni explained the primary traffic entrance
300 and exit will be on Sharon Road, and the existing road to Wells Hill will be used as emergency vehicle
301 access only. Vice Chair Shyer asked if members of the public could access property amenities with a
302 membership program. Mr. Cohen replied the spa, restaurant and bar will be accessible to the public but
303 memberships will not be offered. Vice Chair Shyer asked for more details on the intermittent streams.
304 Mr. Arigoni confirmed an intermittent watercourse connects two wetland pockets that were delineated
305 on the property, and a trench located near the Sharon Road drainage systems directs water off of the
306 property. Mr. Arigoni explained the plan includes cleaning up the area and converting it into a formalized
307 drainage system to ensure all stormwater flows into an existing catch basin to the right of the access
308 driveway. Engineer Ritchie added there is no formal collection of the discharge from the wetlands
309 systems into the shoulder and gutterline of Sharon Road. He commented it is not a favorable condition
310 for motorists and roadway conditions. Engineer Ritchie explained existing substandard conditions for
311 drainage must be updated to comply with 2024 CT DEEP water quality standards. Engineer Richie said
312 stormwater rates will not be increased on the property and will be infiltrated when possible.

313
314 Secretary Whalen and Commissioner Riva expressed support and did not have questions. Commissioner
315 Cockerline mentioned wedding venues can generate noise and asked the applicant how they plan to
316 address opposition to hosting events. Mr. Cohen replied the Inn currently hosts limited outdoor
317 weddings, but the proposed Event Barn will host indoor events. Mr. Cohen explained guests could host a
318 ceremony and cocktail hour outdoors, but after 9:00PM all festivities must occur indoors with all
319 windows and doors closed.

320
321 Alternate Member Schiffer appreciated the meadowscaping included in the plan and asked for
322 measurements of the great lawn. She asked if other lawns are located on the property and how the

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

August 5th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

323 applicant planned to protect nearby wetlands from lawn maintenance. Mr. Arigoni replied the great
324 lawn is existing and will not be increased, but invasive species and lack of pruning on the edges of the
325 lawn will be managed for improved usability. He noted another significant lawn area is located around
326 the Inn between the existing driveway and rear of the structure. Mr. Arigoni explained the intent is to
327 limit mowing on much of the property to only once annually and preserve woody plants to maintain
328 meadow habitat. He added future communication with the IWWC will solidify details and additional
329 wetland conservation efforts. Alternate Member Schiffer asked how the great lawn will be maintained
330 and utilized. Mr. Arigoni replied the applicant is amenable to creating an integrative pest management
331 plan focusing on organic lawn care practices. Mr. Cohen replied the great lawn can be used for outdoor
332 games, hosting small ceremonies, or overflow parking for larger events.

333
334 **Motion:** To schedule a public hearing for application #2024-0257 / Wake Robin LLC & Ms. Serena
335 Granbery (ARADEV LLC) / 104 & 106 Sharon Road & 53 Wells Hill Road / Special Permit for Hotel (Section
336 213.5) / Map 47/ Lot 2 & 2-1 / for September 3, 2024 at 6:45PM via Zoom.

337 Made by Riva, seconded by Cockerline.

338 Vote: 5-0-0 in favor.

339

340 **Adjournment**

341

342 **Motion:** To adjourn the meeting at 9:07PM.

343 Made by Whalen, seconded by Cockerline.

344 Vote: 5-0-0 in favor.

345

346

347 Respectfully Submitted,

348 Erika Spino

349 Secretary of Minutes