

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

November 18th, 2024 5:30PM

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

Members Absent:

Staff Present:

Abby Conroy, Land Use Director (LUD)

Miles Todaro, Land Use Technical Specialist (LUTS)

Attorney Charles Andres

10 **Brief Items and Announcements**

11 1. Call to Order / Establish Quorum

12 Chair Klemens called the Meeting to order at 5:30PM. 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 Chair Klemens proposed the following amendment:

17 Remove Item #7 Application #2024-0268, as it was withdrawn.

18

19 **Motion:** To approve the agenda as amended.

20 Made by Riva, seconded by Cockerline.

21 Vote: 5-0-0 in favor.

22

23 2. Minutes of September 30, 2024 - *pending*

24 3. Minutes of October 7, 2024 - *pending*

25 4. Minutes of October 16, 2024 - *pending*

26 5. Minutes of October 29, 2024 - *pending*

27 6. Minutes of November 4, 2024 - *pending*

28

29 **New Business**

30 8. #2024-0269 / Sievert and Eliza McCabe / 21 Mount Riga Road / Special Permit for Vertical Expansion
31 of a Nonconforming Residential Structure (Section 503.2) / Map 14 / Lot 17 / DOR: 11/18/2024 /
32 *Reception and Scheduling of Public Hearing*

33

34 The Applicant was not present to represent the application. LUD Conroy explained a construction project
35 on the property was underway and the Applicant decided to pursue a vertical expansion of the non-
36 conforming structure. Chair Klemens recommended scheduling a public hearing and advised that the
37 Applicant should resolve issues with the application. LUTS Todaro explained that the Applicant plans on
38 adjusting the plans based on a discussion with Cathy Weber of Torrington Area Health District (TAHD).

39

40 **Motion:** To schedule a public hearing for application #2024-0269 / Sievert and Eliza McCabe / 21 Mount
41 Riga Road / Special Permit for Vertical Expansion of a Nonconforming Residential Structure (Section
42 503.2) / Map 14 / Lot 17 / on January 6, 2025 at 5:45PM via Zoom.

43 Made by Cockerline, seconded by Riva.

44 Vote: 5-0-0 in favor.

45

46 **Pending Business**

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47 9. #2024-0264 / 280 BTLR, LLC (Great Falls Construction) / 280 Between the Lakes Road and 300
48 Between the Lakes Road / Site Plan Application for a Single-Family Residential Construction and
49 Associated Site Development in the Lake Protection Overlay District (Section 404) on Lot 280 and a
50 driveway passing through lot 300 / Map 67 / Lot 07 and 07-02 / DOR: 10/07/2024 / Possible
51 Consideration

52

53 Todd Parsons (project engineer from Haley Ward) joined the meeting to represent the application. Mr.
54 Parsons explained the application includes a proposed driveway, house, septic system and well. A rain
55 garden and infiltration trench are proposed along the driveway for stormwater management. He
56 explained the portion of the property within the Lake Protection Overlay District (LPOD) is where the
57 septic system will be located. Mr. Parsons presented plans to show erosion controls for the septic
58 system and stormwater management controls. The application was reviewed by Town Consulting
59 Engineer Tom Grimaldi and has received approval from TAHD and the Inland Wetlands and
60 Watercourses Commission (IWWC).

61

62 Chair Klemens asked if there would be an easement for the driveway on 300 Between the Lakes Road,
63 Mr. Parsons replied yes. The Commission reviewed the IWWC approval letter, and there were no further
64 questions or comments.

65

66 **Motion:** To approve application #2024-0264 / 280 BTLR, LLC (Great Falls Construction) / 280 Between
67 the Lakes Road and 300 Between the Lakes Road / Site Plan Application for a Single-Family Residential
68 Construction and Associated Site Development in the Lake Protection Overlay District (Section 404) on
69 Lot 280 and a driveway passing through lot 300 / Map 67 / Lot 07 and 07-02 / subject to the following
70 conditions:

71

1. Final approved plans shall have live signature and embossed seal of the Engineer and Surveyor of
72 record. These shall be submitted to the Town of Salisbury Land Use Administrator prior to any
73 construction.

74

2. The Driveway Right of Way and Drainage Easement Agreement, in draft form, shall be reviewed
75 and approved by the Salisbury Town Attorney prior to filing in the Town of Salisbury Land
76 Records.

77

3. The Erosion & Sedimentation (E & S) Control Measures Bond shall be \$43,450.00 plus 10%
78 (\$4,345.00) for contingency for a bond total of \$47,795.00. The bond shall be a cash by payable
79 to the "Town of Salisbury".

80

4. A Pre-Construction Meeting with Town staff prior to the start of construction to inspect E & S
81 control measures and to discuss construction sequencing/phasing.

82

5. During the construction process, the Owner/Developer/Contractor shall add erosion and
83 sedimentation control measures as deemed necessary by the Town of Salisbury staff and/or the
84 Consulting Town Engineer.

85

6. Daily inspections and required maintenance of all Erosion & Sedimentation Control Measures
86 shall be completed by the General Contractor until a permanent vegetated cover is established.
87 Repairs shall be made immediately after inspections.

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7. Inspection requirements, by the Consulting Town Engineer, shall be determined by the Commission.
8. An As-Built Site Improvement and Grading Plan, prepared by a State of Connecticut Registered Land Surveyor (to A-2 standards), shall be submitted to the Land Use Administrator after all the site work is completed, and prior to requesting a Certificate of Occupancy.
9. A final site inspection shall be completed by the Land Use Administrator and/or the Town Engineer prior to the release of the Erosion & Sedimentation Control Bond and/or the issuance of a Certificate of Occupancy.

Made by Cockerline, seconded by Riva.
Vote: 5-0-0 in favor.

Public Hearing

10. #2024-0257 / Wake Robin LLC & Ms. Serena Granberry (ARADEV LLC) / 104 & 106 Sharon Road & 53 Wells Hill Road / Special Permit for Hotel (Section 213.5) / Map 47 / Lot 2 & 2-1 / DOR: 08/05/2024 /
Continue Hearing

The public hearing continued at 5:45PM. Chair Klemens provided opening remarks and introduced himself and members of the Commission stating that the Land Use Office (LUO) received a petition for Intervenor Status from Attorney Perley Grimes on behalf of Angela and William Cruger and that the petition had been distributed to the Commission for review. Chair Klemens explained upon acceptance of the Intervention by the Commission, the Intervenor gained party status. The Intervenor was able present their case with experts testifying on their behalf. He said the Intervenor may cross-examine the Applicant’s witnesses, and likewise the Applicant may cross-examine their witnesses. He continued the Commission may question the Intervenor and their experts in the same manner they have been questioning the Applicant.

Chair Klemens said copies of all documents produced by the Applicant must be sent directly to the LUO and the Intervenor’s Counsel, Attorney Grimes. Likewise, the Intervenor must furnish copies of all documents to the LUO and the Applicant’s Counsel, Attorney Joshua Mackey. He clarified that it is not the responsibility of the LUO to ensure that documents are appropriately exchanged between parties.

Chair Klemens asked that members of the Commission and public familiarize themselves with the allegations of the Intervention. He clarified that allegations concerning the Town’s Regulations raised by Attorney Grimes in a letter received on November 8, 2024 are not part of the Intervention nor should the allegations influence the Commission’s review and decision. He explained the application at hand must be reviewed under the existing regulations. Chair Klemens asked the Commission to pass a motion to accept the Intervention.

Motion: To accept the Intervention.
Made by Cockerline, seconded by Riva.
Vote: 5-0-0 in favor.

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139 Chair Klemens explained the format for the public hearing. The Applicant will make a presentation that
140 should be no more than thirty minutes, presenting data relative to the project. He clarified that this
141 section is not a forum for the Applicant to argue legalities of the letters from Attorney Grimes. The
142 Commission will then ask the Applicant questions. The Intervener may also ask questions of the
143 Applicant at that time, and will then provide their presentation as described in the Intervention. Chair
144 Klemens explained there will not be a time limit, but he requested that the Applicant be concise and that
145 their presentation strictly follow the allegations of the Intervention. The Commission and Applicant will
146 then ask questions of the Intervenor. Chair Klemens added that the public will be recognized after these
147 presentations and questions. Chair Klemens concluded that he intends to end the meeting by 9:30pm,
148 for a total of four hours. The hearing will then be continued to December 2, 2024.

149
150 LUTS Todaro presented a list of documents that have been entered into the record since the last public
151 hearing.

152
153 Landscape Architect Mark Arigoni of SLR Consulting, Civil Engineer Todd Ritchie of SLR Consulting, Land
154 Use Attorney Joshua Mackey, and Development Team Project Partners Steven Cohen and Jonathan
155 Marralle were in the meeting to present the application. Mr. Arigoni provided a slideshow presentation
156 to review the revised application materials.

157
158 Mr. Arigoni explained a revised photometric plan was submitted based upon the revised layout of the
159 project. The Applicant was awaiting a formal second round of comments from Town Consulting Engineer
160 Grimaldi. Mr. Arigoni said the engineering concept document and plans were formalized and submitted.
161 He presented the revised Site Plan and explained the previous adjustments made.

162
163 Mr. Arigoni explained a revised Drainage Report was submitted. The Applicant was able to maintain the
164 primary areas of stormwater management, so they have not changed compared to the previous layout
165 and design. He said the stormwater management plan was created in accordance with Connecticut
166 Department of Energy and Environmental Protection (DEEP) 2024 stormwater quality guidelines.

167
168 Mr. Arigoni presented revised architectural plans of the Dining Pavilion and Event Barn. Dimensions of
169 the structure were reduced. He explained the Event Barn included a kitchen, main dining room, two
170 bathrooms, an entry lobby coat check room, and a staircase leading to a half foundation basement for
171 additional storage. Mr. Arigoni also presented revised architectural plans for the pool building. He
172 explained the pool area will be surrounded by a wooden fence, and the building had two bathrooms and
173 a storage area.

174
175 Mr. Arigoni presented a tree preservation report by Bartlett Tree Experts. He explained over eight-
176 hundred trees were located, identified and assessed on the property. A survey and inventory of trees
177 involved with the cell tower project on the property was included. Mr. Arigoni said the Applicant
178 attempted to adjust the plan to mitigate, minimize and limit removal of as many trees as feasible. He
179 presented an overlay of the proposed project alongside the tree inventory survey. Trees will be removed
180 during construction of the parking area, roadway, Event Barn, and expansion of the Inn structure. He
181 explained the spa facility architecture was adjusted to conform to nearby topography and trees. The
182 walking paths between amenities, hot tub, cold plunge, and sauna areas are proposed on elevated decks
183 over the existing grade. Mr. Arigoni shared that an arborist will be on staff through construction to
184 provide guidance.

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Mr. Arigoni explained that Attorney Mackey submitted a full comment response letter to address concerns from the Commission and public. He noted that two meetings have been held on site with abutting property owners, the Kalisons and Watsons.

Chair Klemens asked for the tree preservation report to include common names and indicate native versus invasive species. Commissioner Cockerline asked for the condition and number of trees planned to be removed during construction.

Alternate Schiffer asked if the spa facility had been relocated from the main hotel building to a freestanding structure. Mr. Arigoni replied a gym that was previously proposed within the spa facility was relocated into the main structure. The spa facility was relocated closer to the main structure. There were no further comments or questions from the Commission.

Attorney Perley Grimes, representing the Intervenor, did not have questions or comments. Attorney Grimes explained five experts on behalf of the Intervenor are planning to propose reports and address the Commission at the upcoming public hearing on December 2, 2024. He explained experts have not yet been able to familiarize themselves with all revised plans and reports filed since November 7, 2024. Chair Klemens asked when the reports are planned for submission. Attorney Grimes replied they will be ready several days in advance of the hearing on December 2, 2024.

Attorney Grimes asked the Commission if their experts could proceed first at the December 2, 2024 public hearing. Attorney Mackey expressed concerns about the Applicant's ability to respond to issues made prior to the final meeting. Attorney Mackey believed the request was prejudicial and explained project revisions are less intensive with less environmental impact compared to the initial proposed plan.

Chair Klemens reminded the public to refrain from using the Zoom chat function other than to discuss technical difficulties with Land Use staff. Chair Klemens opened the floor to the public for comments and questions. He asked to limit all public comment to four minutes in duration, and to avoid repetitive comments and questions.

Intervenor Bill Cruger explained the experts hired by him and Attorney Grimes hope to be fully prepared to provide a presentation. He explained the proposition to present first was intended to be informative, not prejudicial.

Member of the public Elyse Nelson provided a response to comments from Attorney Mackey. Ms. Nelson reviewed the revised project and commented that the maximum occupancy of the Inn was reduced by eight people. She stated the number of units was reduced and the number of cabins was not reduced. Ms. Nelson believed the community has perceived the process of this application to be unfair and prejudicial.

Member of the public Lowell Goss joined the meeting and expressed support of the project. Mr. Goss believed the community should maintain vibrancy, growth and be commercially viable over the long term. He expressed interest in further development of the Town provided there are mitigations of pollution and environmental concerns. He explained encouraging commercial areas and promoting jobs

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231 adds value to the community, and believed the impacts on traffic would be seasonal and minimal.

232

233 Chair Klemens mentioned a Zoom chat between member of the public Erik Tomaino and LUD Conroy and
234 explained that after a public hearing is opened, discussing the merits of an application with the
235 Commissioners or LUO staff is not appropriate. LUD Conroy agreed and stated staff tries to limit
236 discussion to understanding process.

237

238 Member of the public Greg Wilmore joined the meeting and expressed concern that the revised plans
239 would unreasonably affect the enjoyment of his abutting property. Mr. Wilmore said the project is
240 described as a renovation but he believed it is a large-scale commercial development in a rural
241 residential neighborhood. He explained the building space is proposed to increase from ten-thousand
242 square feet to seventy-thousand square feet not including the additional structures, parking lots and
243 roadways. Mr. Wilmore asked the Commission to deny this application.

244

245 A member of the public commented over Zoom Chat that Mr. Wilmore's face is not visible. Chair
246 Klemens explained members of the public are not required to provide video.

247

248 Member of the public Lori Shepard asked if color coding could be included on the tree preservation
249 report. Ms. Shepard asked if a 3D tabletop model of the site could be completed and displayed in Town
250 Hall for the benefit of the public.

251

252 Member of the public Aimee Bell expressed discomfort with nine cottages being constructed in the
253 neighborhood alongside Wells Hill Road. Ms. Bell explained she has enjoyed the quietness of the
254 community for twenty-seven years and is not supportive of development. Ms. Bell said the application is
255 proposed where it is not needed and the project should be located elsewhere. She also commented that
256 finding staff for the Hotel would be difficult.

257

258 Member of the public David Kamp mentioned a letter written in the Lakeville Journal by Peter Oliver. Mr.
259 Kamp asked the Commission if Mr. Oliver is correct in his suggestion that members of the public voicing
260 concerns are more or less ignorant of how the process works and if there are other processes by which
261 the decision could be rendered. Attorney Charles Andres explained that it depended on the type of
262 application being sought. Attorney Andres explained this application was for a Special Permit, so the
263 criteria in Section 800 of the Zoning Regulations is what the Commission must consider.

264

265 Member of the public Brett Mascavage expressed concern regarding noise pollution from potential
266 events hosted at the property. Mr. Mascavage explained he owns property abutting the Interlaken Inn,
267 where noise pollution from the Inn has impacted his quality of life.

268

269 Member of the public Nicole Franchini explained that over two-hundred fifty community members
270 signed a petition that the Special Permit should not be granted for this application due to environmental
271 concerns, noise, light pollution and health and safety issues.

272

273 Member of the public Chris Gunderson explained he is familiar with the flora and fauna of the area and
274 asked if the applicant complied with the Connecticut Endangered Species Act. Chair Klemens suggested
275 Mr. Gunderson avoid presenting on topics that will be covered by the Intervenor.

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277 Member of the public Erik Tomaino commented over Zoom chat "There are wood turtles."

278

279 Member of the public John Moller asked if a Consulting Engineer was hired to evaluate the Town sewer
280 system capacity to handle the proposed expansion. Mr. Moller provided a quote from the WPCA Board
281 Chair, who commented that the additional capacity alongside future affordable housing is a concern.
282 Attorney Andres explained the WPCA is a separate agency with its own process, procedures and reviews.
283 He suggested the applicant address their understanding of the information and compare it to concerns
284 expressed from the WPCA.

285

286 Member of the public Sarah Virden expressed concern about the relocated spa facility and asked if the
287 spa structure will impact or be visible from her abutting property.

288

289 Member of the public Thomas Muldoon stated he is opposed to the application. Mr. Muldoon asked if
290 the Applicant has experience managing or operating a project in a rural residential area. He believed the
291 Applicant is not the right partner for the Town. Chair Klemens replied the qualifications of an applicant is
292 not an aspect the Commission can consider. Attorney Andres confirmed that the Commission is only able
293 to regulate the use, not the user. Mr. Muldoon also asked where employees for this facility will be hired
294 and where parking for employees will be accommodated.

295

296 Member of the public Freya Block believed many concerns expressed at previous public hearings were
297 not addressed by the Applicant. Ms. Block requested that traffic patterns, environmental threats, noise
298 pollution, and the scale of the project be discussed. She asked if the Applicant believed an occupancy
299 reduction of eight people should be considered a solution.

300

301 Member of the public Bradford Palmer believed a lack of development in Lakeville is the appeal of the
302 local community. Mr. Palmer asked if a remediation plan was in place to return the property to its
303 original condition if the project is unsuccessful.

304

305 Chair Klemens asked for an upcoming time frame for the application. Attorney Andres explained the
306 public hearing opened on September 2, 2024 and December 14, 2024 is the maximum amount of
307 extensions allowed. Chair Klemens suggested scheduling a special meeting on December 10, 2024 after
308 receiving information from the Intervenor on December 2, 2024.

309

310 **Motion:** To continue the public hearing to December 2, 2024 at 5:45PM via Zoom.

311 Made by Cockerline, seconded by Riva.

312 Vote: 5-0-0 in favor.

313

314 **Adjournment**

315

316 **Motion:** To adjourn the meeting at 7:21PM.

317 Made by Riva, seconded by Whalen.

318 Vote: 5-0-0 in favor.

319

320 Respectfully Submitted,

321 Erika Spino

322 Secretary of Minutes