

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

Monday March 3rd, 2025 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

Members Present:

Dr. Michael Klemens (Chair)

Martin Whalen (Secretary)

Allen Cockerline (Regular Member)

Bob Riva (Regular Member)

Dr. Danella Schiffer (Alternate Member)

Beth Wells (Alternate Member)

Members Absent:

Cathy Shyer (Vice Chair)

Staff Present

Abby Conroy, Land Use Director (LUD)

Miles Todaro, Land Use Technical Specialist (LUTS)

Brief Items and Announcements

1. Call to Order / Establish Quorum

Chair Klemens called the meeting to order at 5:30PM. A quorum was established with four regular members present (Dr. Michael Klemens, Martin Whalen, Allen Cockerline, Bob Riva). Alternate Members Dr. Danella Schiffer and Beth Wells were also present.

Chair Klemens appointed Alternate Member Schiffer as voting alternate.

2. Approval of the Agenda

Chair Klemens proposed the following amendments:

Remove Item #9 (application 2024-0270) - Tabled

Remove Item #11 (application 2025-0276) - Withdrawn

Motion: To accept the agenda as amended.

Made by Cockerline, seconded by Riva.

Vote: 5-0-0 in favor.

3. Minutes of January 6, 2025

Motion: To approve detailed minutes of January 6, 2025.

Made by Whalen, seconded by Riva.

Vote: 5-0-0 in favor.

4. Minutes of January 21, 2025 – *pending*

5. Minutes of February 3, 2025 – *pending*

6. Minutes of February 18, 2025 – *pending*

7. Public Comment: Public Comment is restricted to items that are neither on the agenda nor the subject of any pending Inland Wetlands application or action and are limited to three minutes per person.

Pending Business

8. 2024-0270 / NOTSERO LLC (Hackett) / 95 Preston Lane / Site Plan for Demolition and Reconstruction of Single Family Residence in the Lake Protection Overlay District (Section 404) / Map 69 / Lot 32 / DOR: 12/16/2024 / Extension Granted / *Possible Decision*

Engineer Pat Hackett joined the meeting to present the application. Chair Klemens explained approval was received from the Inland Wetlands & Watercourses Commission (IWWC). Mr. Hackett presented a Site Plan and noted that the new septic system is proposed in roughly the same area as the existing.

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Additionally, a path will be cut that extends to a moderately leveled area by the lake. Eco-Grass from Prairie Moon Nursery was proposed for planting, and a bond amount for the application was posted.

Chair Klemens asked for impervious surface percentages. Mr. Hackett replied impervious surfaces would increase from 3% pre-development to 8.8% post-development. LUD Conroy asked if the altered driveway was included in impervious surface calculations. Mr. Hackett replied no, a gravel driveway would be installed. Chair Klemens asked if the gravel driveway would be constructed to infiltrate water and avoid compaction. Mr. Hackett replied no, but a deeper section of gravel could be included at the base of the driveway to encourage additional infiltration. Chair Klemens suggested including six to eight inches of coarse gravel topped with finer gravel for improved infiltration. Commissioner Cockerline suggested crowning the driveway to divert water runoff into coarser material on either side of the driveway. Secretary Whalen and Commissioner Riva agreed. Alternate Member Schiffer asked if driveway improvements would be a hardship for the applicant. Mr. Hackett replied no. Alternate Member Wells suggested paving the driveway and reducing impervious surface area of the proposed dwelling to remain within Lake Protection Overlay District (LPOD) requirements.

Chair Klemens suggested the applicant return with a redesign of the gravel driveway. Commissioner Cockerline said Town Regulations currently recognize gravel driveways as impervious and the application was approved by Town Consulting Engineer Tom Grimaldi. He suggested to approve the application and leave a potential impervious surface solution up to Mr. Hackett's discretion. Secretary Whalen and Commissioner Riva agreed. LUD Conroy presented conditions of approval from the IWWC. Alternate Member Schiffer suggested adding a condition to allow improvements of the gravel driveway's permeability to avoid overreaching the impervious surface limit. The Commission agreed.

Motion: To approve application 2024-0270 / NOTSERO LLC (Hackett) / 95 Preston Lane / Site Plan for Demolition and Reconstruction of Single Family Residence in the Lake Protection Overlay District (Section 404) / Map 69 / Lot 32 / DOR: 12/16/2024 / with the following conditions:

1. To enhance and improve the driveway perviousness.
2. Final approved plans shall have live signature and embossed seal of the Engineer and Surveyor of record. These shall be submitted to the Town of Salisbury Land Use Administrator prior to any construction.
3. The Erosion & Sedimentation Control Measures Bond shall be a cash bond set at \$17303.00, which includes 10% to account for inflation. The bond shall be a cash bond payable to the "Town of Salisbury"
4. A Pre-Construction Meeting with the Town staff is required prior to the start of construction to inspect E & S control measures and to discuss construction sequencing/phasing.
5. The Design Engineer shall inspect all phases of the Site work and provide a monthly report with photographs to the Land Use Administrator.
6. During the construction process, the Owner/Developer/Contractor shall add erosion and sedimentation control measures as deemed necessary by the Town of Salisbury staff and/or the Consulting Town Engineer.
7. Daily inspections and required maintenance of all erosion & sedimentation control measures shall be completed by the General and/or the Site Contractor until a permanent vegetated cover is established. Repairs shall be made immediately after inspections.
8. An escrow shall be provided for three inspections by the Consulting Town Engineer, prior to the commencement of work.

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- 93 9. An As-Built Site Improvement and Grading Plan, which shall include topography/locations of
94 all altered areas within the limit of disturbance, shall be submitted to the Land Use Adminis-
95 trator after all the site work is completed, and prior to requesting a Certificate of Occupancy.
96 Said map shall prepared by a State of Connecticut Registered Land Surveyor.
97 10. A final site inspection shall be completed by the Land Use Administrator and/or the Consult-
98 ing Town Engineer prior to the release of the Erosion & Sedimentation Control Bond and/or
99 the issuance of a Certificate of Occupancy.

100 Made by Cockerline, seconded by Riva

101 Vote: 5-0-0

102
103 **New Business**

104 10. 2025-0277 / Lemon Properties, LLC / 160 Dugway Road / Site Plan for New Single Family Dwelling in
105 the Housatonic River Overlay District (Section 402) / Map 8 / Lot 28-13 / DOR: 03/03/2025 / *Reception*
106 *and Possible Consideration*

107
108 Chair Klemens explained the property is located within the outer corridor of the Housatonic River
109 Overlay District (HROD) which required Site Plan approval from the Commission. Jason Lemon joined the
110 meeting to present the application. LUD Conroy explained this parcel is the northernmost part of a
111 recent three-lot subdivision. She also noted that approval was received from Torrington Area Health
112 District (TAHD) for the septic system.

113
114 Chair Klemens asked if there were concerns with installing utilities. Mr. Lemon replied no and mentioned
115 electricity connection would commence shortly. Commissioner Cockerline asked if the proposed
116 driveway would be shared with a neighboring lot. Mr. Lemon replied no. Mr. Lemon explained erosion
117 and sediment control plans were established. Alternate Member Schiffer asked for the length of the
118 proposed driveway, which Mr. Lemon explained would be several hundred feet. Alternate Member
119 Schiffer mentioned excessive sand and salt in driveway runoff could potentially impact the nearby
120 Housatonic River. Mr. Lemon explained a depression is present where water pools on the eastern side of
121 the bottom eighty to ninety feet of the driveway, so it would not cross over Dugway Road. He added
122 sand and salt from Dugway Road pose a much greater impact on the watershed compared to the
123 proposed driveway.

124
125 **Motion:** To approve application 2025-0277 / Lemon Properties, LLC / 160 Dugway Road / Site Plan for
126 New Single Family Dwelling in the Housatonic River Overlay District (Section 402) / Map 8 / Lot 28-13 /
127 DOR: 03/03/2025.

128 Made by Cockerline, seconded by Riva.

129 Vote: 5-0-0 in favor.

130
131 **Other Business**

132 12. Pre-Application Meeting Per (CGS) §7-159b RE: New Staff Housing for Camp Sloan at 162 Indian
133 Mountain Road / Camp Sloane YMCA, Inc. / *“Such preapplication review and any results or information*
134 *obtained from it may not be appealed under any provision of the general statutes, and shall not be*
135 *binding on the applicant or any authority, commission, department, agency or other official having*
136 *jurisdiction to review the proposed project.”*

137
138 Chair Klemens explained the potential applicant wished to build a second dwelling on the Camp

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Director's parcel, separate from the Camp Sloan parcel. Chair Klemens and LUD Conroy believed the proposed construction may best be considered as a Special Permit for an accessory dwelling unit. Commissioner Cockerline asked if both parcels are owned by Camp Sloan, Chair Klemens replied yes. All Commission members agreed the applicant should come forward with a Special Permit for a detached apartment accessory to a single family dwelling.

13. Pre-Application Meeting Per (CGS) §7-159b RE: Establish private art studio at 9+9a Sharon Road / 9 Sharon Road, LLC / *"Such preapplication review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or any authority, commission, department, agency or other official having jurisdiction to review the proposed project."*

Chair Klemens explained the Commission previously approved a restaurant with parking flexibility, and a small building also present on the property was to be used for storage purposes. He said the building had recently been rented to an artist who wished to utilize the space as an art studio. Chair Klemens believed using the building as an art studio would not constitute a change of use as long as art exhibitions or sales do not occur. Owner Teepoo Riaz presented a letter from artist Rina Banerjee to clarify the intended use and explained that customers would not be visiting the studio for retail purposes. Secretary Whalen and Commissioners Cockerline and Riva expressed they were comfortable not considering this a change of use.

Alternate Member Schiffer believed the studio space should be considered a workspace rather than storage and asked if parking would be required with this use. LUD Conroy replied professional office use was the closest matching description in the Zoning table of uses, where parking spaces are required. Chair Klemens asked the Commission if the conversion to an art studio would be considered a change of use, understanding that Zoning Regulations of a professional office are different from the proposed use. Alternate Member Schiffer believed there was a change of use and the space should not be considered as storage. Mr. Riaz explained the building had been utilized as a storage area and workspace to construct Adirondack chairs since 2017. He believed the artist's utilization of the space should not be considered a change of use. Commissioner Cockerline believed that commission action was not necessary. LUD Conroy suggested the application could be considered an amendment or minor modification to the approved Site Plan.

Motion: Per Section 803.5 of the Zoning Regulations, the Commission accepts that the modification of the use from storage to a workspace/studio does not materially alter the special permit for parking flexibility, and constitutes a minor modification to the site plan.

Made by Cockerline, seconded by Riva

Vote: 5-0-0

14. Discussion Regarding Establishing a POCD Implementation Committee

LUD Conroy explained the conclusion of the Plan of Conservation and Development (POCD) contained a recommendation to establish a POCD Implementation Committee (implementation committee). Chair Klemens said three Town entities have reached out wishing to be involved with implementing strategies, including the Salisbury Pathways Committee (SPC), Salisbury Affordable Housing Commission (SAHC), and IWWC. He also suggested one member of the Commission volunteer as a representative of the

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implementation committee.

Secretary of the SPC Natalia Smirnova explained the vision of SPC is to connect the villages of Salisbury and Lakeville and increase walkability throughout Town. She volunteered to be established as a member of the implementation committee.

LUD Conroy recommended a staff-based Committee with a primary representative from the Planning & Zoning Commission, while calling in alternative representatives for other projects. Commissioner Cockerline suggested reaching out to Town Committees and Commissions to ask for one designee to advise the implementation committee. All Commissioners supported establishing and implementation committee.

Adjournment

Motion: To adjourn the meeting at 7:28PM.

Made by Cockerline, seconded by Whalen.

Vote: 5-0-0 in favor.

Respectfully Submitted,

Erika Spino

Secretary of Minutes