

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

APRIL 19, 2021 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

Members Present:

Dr. Michael Klemens (Chairman)
Debra Allee (Alternate)
Dr. Danella Schiffer (Alternate)
Martin Whalen (Secretary)
Cathy Shyer (Regular Member)
Jon Higgins (Alternate)
Allen Cockerline (Regular Member)

Member Absent:

Bob Riva (Regular Member)

Staff Present:

Abby Conroy, Land Use Administrator (LUA)

Brief Items and Announcements

1. Call to Order/Approval of Agenda

Chairman Klemens called the meeting to order at 6:30 p.m.

2. Seating of Members & Alternates

The Regular Members present were seated. Alternate Allee was seated.

Vote: 5-0 in favor

Motion: To approve the agenda with the removal of Item 5.

Made by Cockerline, seconded by Shyer.

3. Minutes of March 15, 2021

Line 87 spelling correction to Rathbun

Line 126 add "allowed LPOD"

Line 145 add "former"

Line 149 replace "potentially" with "maybe"

Line 150 add "there also appears"

Motion: To approve minutes of March 15, 2021 as amended.

Made by Allee, seconded by Cockerline.

Vote: 4-0-1 Shyer abstained.

4. Minutes of March 22, 2021

Line 158 typo "units"

Preferred spelling of "intervener"

Line 59, 63, 68, 188, 182 "alternate" was referred to as "commissioner"

Line 60 strike line

Line 127 add "of" those

Line 218 add "(alleged)"

Line 224 add "in business"

Salisbury Planning & Zoning Commission Minutes

04/19/2021

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Motion: To approve minute of March 22, 2021 as amended.

Made by Cockerline, seconded by Allee.

Vote: 4-0-1 Shyer abstained.

5. Minutes of April 14, 2021 - removed from agenda

Public Hearings – 6:45 pm

6. #2021-0120 / Asinari / 110 Sharon Road / Special Permit for Detached Apartment on a Single-Family Residential Lot (Section 208) / Map 47 / Lot 09 / DOR: 01/11/2021 / Continuation, Possible Consideration

The hearing was reopened at 6:50 p.m. It was confirmed that proper notices were sent to abutters. There were no questions or comments from the public.

Motion: To close the public hearing #2021-0120 / Asinari / 110 Sharon Road / Special Permit for Detached Apartment on a Single-Family Residential Lot (Section 208) / Map 47 / Lot 09

Made by Cockerline, seconded by Allee.

Vote: 5-0-0 in favor.

Motion: To approve application #2021-0120 / Asinari / 110 Sharon Road / Special Permit for Detached Apartment on a Single-Family Residential Lot (Section 208) / Map 47 / Lot 09 as meeting the Regulations.

Made by Cockerline, seconded by Shyer.

Vote: 5-0-0 in favor.

7. #2021-0128 / Peruzzi (Churchill) / 136 Interlaken Road / Special Permit Approval for Detached Apartment on Single Family Residential Lot (Section 208) / Map 39 / Lot 21 / DOR: 03/15/2021 / Open Hearing, Possible Consideration

The hearing was opened at 6:55 p.m. and the notice of the hearing was read aloud

Christine Gray reviewed the plan noting the main house will be owner occupied. The architecture will be in keeping with the main house. The site plan was reviewed. The application was submitted to TAHD and is awaiting approval. The property is outside of the LPOD. The group confirmed that the detached apartment will be less than 60 percent of the size of the main dwelling.

The floor was opened to question to the public.

Bruce Palmer questioned whether all return receipts were provided. The receipts were confirmed received. He asked about the power lines. Gray reported that the lines will be underground with one pole from the main house. Water will be run from the main house as well.

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Motion: To close the public hearing #2021-0128 / Peruzzi (Churchill) / 136 Interlaken Road / Special Permit Approval for Detached Apartment on Single Family Residential Lot (Section 208) / Map 39 / Lot 21

Made by Cockerline, seconded by Shyer.

Vote: 5-0-0 in favor.

Motion: To approve application #2021-0128 / Peruzzi (Churchill) / 136 Interlaken Road / Special Permit Approval for Detached Apartment on Single Family Residential Lot (Section 208) / Map 39 / Lot 21 as meeting the Zoning Regulations, subject to approval by TAHD.

Made by Cockerline, seconded by Shyer.

Vote: 5-0-0 in favor.

Old Business

8. #2021-0127 / Cohan (Capecelatro) / 331 Housatonic River Road / Site Plan Approval for the Reconstruction of a Nonconforming Garage (Section 504) / Map 08 / Lot 52 / DOR: 03/15/2021 / Continuation, Possible Consideration

Mark Capecelatro came forward and reported that mapping has not yet been completed. He will provide the Commission with a written request for extension.

New Business

9. #2021-0129 / Arnold / 36 Hillcrest Lane / Special Permit for Detached Apartment on Single Family Residential Lot (Section 208) / Map 7 / Lot 13-4 / DOR: 04/19/2021 / Reception, Consideration of Completeness, Set Public Hearing

Mr. Arnold came forward and reviewed the proposal for an accessory apartment on the second floor. Originally the house and barn were on one lot and the side lot was undeveloped. The undeveloped lot and barn lot were later merged. Recently the lot line was adjusted so that the house and barn are together again and the undeveloped lot is separate. A permitted addition was added to the barn and is not reflected on the survey. Arnold will extinguish the home occupation use on first level.

Motion: To schedule public hearing for May 17, 2021 at 6:45 pm #2021-0129 / Arnold / 36 Hillcrest Lane / Special Permit for Detached Apartment on Single Family Residential Lot (Section 208) / Map 7 / Lot 13-4

Made by Whalen, seconded by Shyer.

Vote: 5-0-0 in favor.

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10. #2021-0130 / O'Hara (Haab) / 254 Twin Lakes Road / Site Plan Modification for Addition and Stormwater Improvements in the LPOD (Section 404) / Map 63 / Lot 01 / Reception, Consideration of Completeness / Possible Consideration

The Commission determined that no one was present for this application. LUA Conroy reported that the applicants have gone to the ZBA and Wetlands with this application. After a site visit by the Chairman and LUA Conroy it was determined that lot coverage and stormwater management should be documented. The plan submitted was determined to be inadequate. The matter was tabled and a call will be scheduled with Pat Hackett, engineer.

11. #2021-0131 / Brothers Boathouse LTD (Stefanopoulous) / 349 Main Street / Site Plan Modification for existing low turnover restaurant including pergola and grading and landscaping for additional outdoor seating area / Map 45 / Lot 24 / Reception, Consideration of Completeness / Possible Consideration

LUA Conroy reported that she received calls about the pergola installation and other work on the site, so she contacted the owners and asked them to come in with a site plan.

Ms. Stefanopoulous explained that they are requesting to level out the yard area for accessibility and seating. There will be no extension of the patio.

LUA Conroy noted concerns with the setback with regard to the pergola. Ms. Stefanopoulous explained that this was an existing awning and this is more aesthetically pleasing to the guests. LUA Conroy reported that within the Regulations a pergola is considered a structure and required permitting. Ms. Stefanopoulous reported that the Building Official has issued a permit for this structure. The group agreed that the applicant would have to figure a way to make the structure compliant.

It was determined that the pergola encroaches into the setback and that the neighboring property garden area is also being used for this site. Ms. Stefanopoulous explained that they would be willing to adjust the lot line to resolve the encroachment. The application will be modified to remove grading as that work is being done on the adjoining property.

Other Business

12. Requested Zoning Interpretation / Strelchun (Capecelatro) / Map 12/ Lot 05/

Mark Capecelatro reviewed his letter dated April 12, 2021. This parcel of land has been treated and taxed as a building lot for 56 years. They have sought easements from the neighboring properties to no avail. The value of the property is gone, as it is rendered unusable. This creates an inverse condemnation if the Commission does not deem this a building lot. A driveway cut can be made within the 22.5 feet available, which is short 2.5 feet the required 25-foot frontage.

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The Commission agreed to ask the Town Attorney to assist in crafting a resolution to resolve this matter. First, Attorney Capecelatro will make another attempt for a property swap with the abutter.

13. Required Regulation Update / Section 221 / Changes Following Lime Rock Supreme Court Decision

It was agreed that the Commission would adopt the redline with regard to the court case.

Motion: To ratify the regulations to comport with the Supreme Court decision of 5/22/2020. Made by Klemens, seconded by Cockerline.

Vote: 5-0-0 in favor.

14. Report of Minor Site Plan Modification to #2021-0126 / 178 South Shore LLC (Lenard Engineering - Parsons) / 178 South Shore Road / Site Plan Approval to Demolish and Build New a Single-Family Dwelling and Associated Site Improvements in the Lake Protection Overlay District (Section 404) / Map 60 / Lot 22 / DOR: 03/1/2021

The Commission was reminded that this was a driveway design question. They had requested that the applicant design a pervious driveway above and beyond the requirements of the regulations. Due to required setbacks to the septic system, a pervious design could not be installed. To compensate, an additional rain garden was designed to treat runoff from the site. Landscaping is considered a minor site plan modification; therefore, it was determined by Chairman Klemens and LUA Conroy that they could administratively approve of the design as an acceptable good faith effort to comply with the Commission's request.

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

Bruce Palmer commended the Commission, Chairman Klemens and LUA Abby Conroy on their good work.

Adjournment

Motion: To adjourn the meeting at 9:02 p.m.

Made by Cockerline, seconded by Whalen.

Vote: 5-0-0 in favor.

Respectfully submitted,

Tai Kern,
Recording Secretary