

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

JULY 19, 2021 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)

3 Cathy Shyer (Regular Member)

4 Dr. Danella Schiffer (Alternate)

5 Allen Cockerline (Regular Member)

6 Martin Whalen (Secretary)

7 Jon Higgins (Alternate)

8

9 **Brief Items and Announcements**

10

11 1. Call to Order/Approval of Agenda

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

13

14 Item 11a was moved ahead of item 8 on the agenda.

15

16 2. Seating of Members & Alternates

17 The regular members present were seated. Alternate Higgins was seated for Commissioner Riva.

18

19 *Motion:* To approve the agenda as amended

20 Made by Cockerline, seconded by Whalen

21 Vote: 5-0-0.

22

23 3. Minutes of June 21, 2021

24

25 Lines 55, 63, 79, 83, 89 replace "Shiffer" with "Schiffer" on

26 Line 64 replace "wanted" with "coached"

27 Move lines 83-85 after lines 87-90

28 Move lines 127-128 after line 134

29 Line 169 should read "review the floor plans, number of toilets, and configuration of the units for
30 safety"

31

32 *Motion:* To approve minutes of June 21, 2021 as amended.

33 Made by Cockerline, seconded by Higgins.

34 Vote: 4-0-1.

35 Commissioner Shyer abstained

36

37 4. Correspondence

38

39 LUA Conroy noted that no correspondences were received for the meeting.

40

41 **New Business**

42

43 5. #2021-0140 / Reiland (Capecelatro/Hackett) / 63 Washinee Heights Road / Site Plan Application
44 to Develop Single Family Residential Lot in the LPOD (Section 404) / Map 67 / Lot 02-2 / DOR
45 07/19/2021 / Reception, Possible Consideration
46

47 Attorney Mark Capecelatro was present to represent the Reilands on the application. He gave an
48 overview of the documents submitted, including prior approvals from the IWWC, TAHD, a review
49 conducted by Town Engineer, Tom Grimaldi, and he identified that the Town has collected an escrow to
50 be held for the duration of construction for inspections.
51

52 Chairman Klemens inquired about the house placement. The proposed house location is over an access
53 easement. Attorney Capecelatro clarified that the Reilands are the owner of both lots, and that the
54 easement is to serve the second lot. It was requested by the Chairman that the easement be
55 extinguished and map revised to reflect the change. Attorney Capecelatro agreed to the change.
56

57 Chairman Klemens then asked about the location of the proposed future basketball court. He identified
58 that the court does not meet the setback from the beach access right of way. Attorney Capecelatro
59 indicated that the court could be moved or removed from the plan all together.
60

61 Chairman Klemens further inquired about the plans for vegetation. Attorney Capecelatro explained that
62 the intent is for the vegetation between the house and lake to remain largely in place. However, the
63 forester has provided a plan for ongoing stewardship activities including selectively cutting specimen as
64 well as invasive species removal. It was emphasized that a long-term commitment to preserving a
65 vegetative buffer would fulfill the intent of the Lake Protection Overlay Regulations. Possible approaches
66 to lake shore protection were discussed.
67

68 Attorney Capecelatro clarified the scope of work to be covered by the application
69

70 Alternate Schiffer, asked about the driveway and access locations including vegetation removal in the
71 driveway corridor.
72

73 Chairman Klemens expressed hesitancy to act on the proposal. The Commission discussed several
74 changes to the plan including extinguishment of the access right of way, the basketball court location,
75 dock site, and the preservation of a minimum 25' vegetative buffer.
76

77 Commissioner Higgins was concerned about conditioning the Site Plan approval, and emphasized that the
78 changes should be made to the plan. He offered a special meeting to move the application along.
79 Chairman Klemens agreed and added that the pool house required a Special Permit for accessory
80 apartment.
81

82 The Commission agreed that the changes should be made to the plan prior to issuing an approval and
83 arranged for a special meeting to be held, in person on Tuesday July 27th at 9:00 in the upstairs meeting
84 room of Town Hall contingent upon the map changes. The matter was tabled until the special meeting or
85 until a final plan becomes available.
86

87 6. #2021-0141 / Burger (Allee Design) / 23 Harrison Street / Special Permit Application to Convert an
88 Existing Accessory Structure to Contain an Accessory Apartment (Section 208) / Map 45 / Lot 11-1
89 / DOR 07/19/2021 / Reception, Schedule Public Hearing
90

91 No one was present to represent that application. LUA Conroy gave a brief overview explaining that the
92 proposal is to convert an existing accessory building to a detached apartment. Therefor, it was
93 established that a public hearing would be required.
94

95 *Motion:* to schedule a public hearing August 16, 2021 at 6:45 on application #2021-0142 / Burger (Allee
96 Design) / 23 Harrison Street / Special Permit Application to Convert an Existing Accessory Structure to
97 Contain an Accessory Apartment (Section 208) / Map 45 / Lot 11-1

98 Made by Cockerline, seconded by Higgins

99 Vote: 5-0-0.
100

101 7. #2021-0142 / Salisbury School Inc (Huestis Tucker Architects) / 251 Canaan Road / Site Plan
102 Application for Additions and Renovations to Existing Chapel / Map 15 / Lot 41 / DOR 07/19/2021
103 / Reception, Possible Consideration
104

105 Bob Tucker of Huestis Tucker Architects was present to represent the application. He gave a brief
106 overview of the campus identifying the location of the chapel and wetlands. Mr. Tucker explained that
107 the proposal is to construct two small additions and a new driveway access point. The plans were
108 reviewed and architectural renderings discussed.
109

110 *Motion:* to approve application #2021-0142 / Salisbury School Inc (Huestis Tucker Architects) / 251
111 Canaan Road / Site Plan Application for Additions and Renovations to Existing Chapel / Map 15 / Lot 41 /
112 Made by Cockerline, seconded by Shyer.

113 Vote: 5-0-0.
114

115 **Other Business**

116
117 11.a. Inland Wetlands and Watercourses Regulation Revisions

- 118 • Recommendation to Align with 2012 POCD Strategies
- 119 • Definitions – High Water Mark, Buffer VS URA, Fens, Vernal Pools, Headwaters, Soil Scientist,
120 Submerged Lands, Intermittent Watercourse
- 121 • Upland Review Areas
- 122 • Overlapping Jurisdictions – Stormwater, Watercourses, Lakes, S&E, Docks, High Water Mark
123

124 LUA Conroy reviewed a draft letter of recommendation to the IWWC from the PZC identifying tasks from
125 the POCD for consideration in their regulation rewrite. The Commission made minor adjustments to the
126 language.
127

128 *Motion:* to approve the draft letter to the IWWC as amended.

129 Made by Higgins, seconded by Cockerline.

130 Vote: 5-0-0.

131 8. Update on 331 Housatonic River Road / Wall / Referral to Board of Selectmen

132

133 LUA Conroy relayed that the letter from the Commission has been provided to the Board of Selectmen
134 and that Chairman Klemens followed up with the First Selectman to ensure the matter is not forgotten.

135

136 9. Regulation Clarification

137 9.a. Generators/Mechanicals/Tanks – Permits Requirements

138

139 The Commission had an extensive dialogue related to accessory structures and required setbacks from
140 property lines. It was established that generators and other mechanicals are not eligible for reduced
141 setbacks as they are not storage accessory buildings of 250 square feet or less. The Commission
142 reiterated that the intent of setbacks is to provide adjoining property owners a buffer from potential
143 nuisances occurring on a neighboring property. Different approaches were discussed such as possible
144 thresholds for as of right structures versus those which require a zoning permit. The Commission
145 requested that the Land Use Administrator and Chairman propose regulation changes that provide clarity
146 for setback requirements. While business as usual dictates that no zoning permits will be required for
147 mechanicals, at this time all structures except those specifically exempted by the Regulations must meet
148 the setbacks in their district.

149

150 At 9:03pm Commissioner Shyer left the meeting and Alternate Schiffer was seated.

151

152 9.b. Wetlands VS Watercourses – Setback Requirements

153

154 Land Use Administrator Conroy, asked for clarification related to section 305. Alternate Higgins expressed
155 that the historic interpretation by the Commission has included all wetlands. Chairman Klemens added
156 that a waterbody is a specialized subset of a wetland. Wetlands and watercourse are dynamic systems
157 and the purpose for the setback is to minimize impacts to wetlands or watercourses. It was identified
158 that this section of the Regulations should also be clarified.

159

160 10. Draft Scope of Work for POCD

161

162 The Commission asked questions about the draft, suggested additions and requested minor changes
163 including assigning numbers or letters for structure in lieu of bullet points. Permission was granted, by
164 consensus, to advance the scope out to consultants.

165

166 11. Staff Updates

167

11.b. Legislative Updates

168

- Status of Remote and Hybrid Meetings

169

- Commissioner Training

170

- Accessory Apartments as of Right

171

- “Community Character”

172

- Short Term Rentals

173

11.c. Interdepartmental Communication/Collaboration

174

175 Items 11b. and 11.c. were tabled to the next meeting.

176

177 12. Discussion Concerning More Ecologically-Effective Application of LPOD Regulations

178

179 Item 12 was tabled to the next meeting.

180

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

184

185 Russ Conklin asked about the status and location of copies of the updated NRI and Vernal Pool study
186 referenced in the POCD. Chairman Klemens identified that the NRI still needed a few finishing touches.
187 LUA Conroy explained that a copy of the vernal pool study is available in hard copy for review. Mr.
188 Conklin suggested that when drafting the task matrix in the new POCD, the commission consider
189 assigning some responsibilities to the Lake Associations.

190

191 Anita Jorgensen thanked the Commission for their dedication and inquired about how to Town could
192 implement regulations related to clear cutting.

193

194 **Adjournment**

195

196 *Motion:* To adjourn the meeting at 9:46 p.m.

197 Made by Cockerline, seconded by Whalen.

198

Vote: 5-0-0 in favor.

199

200 Respectfully submitted,

201

202 Abby Conroy,

203

Land Use Administrator