

**SALISBURY PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
AUGUST 16, 2021 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

**Members Present:**

1 Dr. Michael Klemens (Chairman)  
2 Cathy Shyer (Regular Member)  
3 Dr. Danella Schiffer (Alternate)  
4 Allen Cockerline (Regular Member)  
5 Bob Riva (Regular Member)  
6 Martin Whalen (Secretary) – Departed at 7:39 p.m.  
7 Debra Allee (Alternate)  
8

**Staff Present:**

Abby Conroy, Land Use Administrator (LUA)

**Members Absent:**

Jon Higgins (Alternate)

**Brief Items and Announcements**

1. Call to Order/Approval of Agenda

Chairman Klemens called the meeting to order at 6:31 p.m.

2. Seating of Members & Alternates

The regular members present were seated.

*Motion:* To approve the agenda.

Made by Cockerline, seconded by Riva

Vote: 5-0-0.

3. Minutes of July 19, 2021

Page 1 footer date correction replace "06/21/2021" with "07/19/2021"

Line 39 replace "no correspondences were received" with "there was no correspondence received"

Line 48 replace "IWWC" with "Inland Wetlands and Watercourses Commission (IWWC)"

Line 48 replace "TAHD" with "Torrington Area Health District (TAHD)"

Line 65 insert "District (LPOD)" after "Lake Protection Overlay"

Line 92 correct the spelling of "therefore"

Line 118 replace "POCD" with "Plan of Conservation and Development (POCD)"

Line 199 replace "URA" with "Upland Review Area (URA)"

Line 122 replace "S&E" with "Erosion and Sedimentation (E&S)"

Line 124 replace "PZC" with "Planning & Zoning Commission (PZC)"

Line 185 replace "NRI" with "Natural Resource Inventory (NRI)"

*Motion:* To approve minutes of July 19, 2021 as amended.

Made by Whalen, seconded by Cockerline.

Vote: 3-0-2.

Commissioners Riva and Shyer abstained

4. Minutes of July 27, 2021

43 The minutes were tabled due to a lack of quorum of members in attendance.

44

45 5. Correspondence

46

47 Item 5 was tabled due to the scheduled public hearing at 6:45

48

49 **Public Hearing – 6:45**

50

51 6. #2021-0141 / Burger (Allee Design) / 23 Harrison Street / Special Permit Application to Convert an  
52 Existing Accessory Structure to Contain an Accessory Apartment (Section 208) / Map 45 / Lot 11-1  
53 / DOR 07/19/2021 /

54

55 Commissioner Whalen read the hearing notice. The Chairman identified that the notices to abutters had  
56 not been done in accordance with the Regulations.

57

58 *Motion:* to continue the public hearing to September 20, 2021 at 6:45 on application #2021-0141 /  
59 Burger (Allee Design) / 23 Harrison Street / Special Permit Application to Convert an Existing Accessory  
60 Structure to Contain an Accessory Apartment (Section 208) / Map 45 / Lot 11-1 / DOR 07/19/2021

61 Made by Whalen, seconded by Riva

62 Vote: 5-0-0.

63

64 **Public Comment**

65

66 7. Public Comment

67

68 No one from the public came forward with comments.

69

70 **New Business**

71

72 8. #2021-0143 / Richardson & Spiliotopoulos (Connors) / 14 Laddie Lane / Special Permit Application  
73 to Construct a detached Accessory Apartment (Section 208) / Map 7 / Lot 11-2 / DOR 08/16/2021

74

75 Stephen Connors gave a brief overview of the application indicating that there is an existing pole barn  
76 structure that will be demolished and replaced with a larger structure which will accommodate a guest  
77 house/accessory apartment.

78

79 *Motion:* to schedule a public hearing September 20, 2021 at 6:45 p.m. for application #2021-0143 /  
80 Richardson & Spiliotopoulos (Connors) / 14 Laddie Lane / Special Permit Application to Construct a  
81 detached Accessory Apartment (Section 208) / Map 7 / Lot 11-2 / DOR 08/16/2021

82 Made by Cockerline, seconded by Riva.

83 Vote: 5-0-0.

84

85 9. #2021-0144 / Reiland (Capecelatro) / 63 Washinee Heights Road / Special Permit Application to  
86 Construct a detached Accessory Apartment (Section 208) / Map 67 / Lot 02-2 / DOR 08/16/2021 /

87

88 Attorney Mark Capecelatro represented the application providing a brief overview of the proposed pool  
89 house structure.

90

91 *Motion:* to schedule a public hearing on September 20, 2021 at 6:45 p.m. for application #2021-0144 /  
92 Reiland (Capecelatro) / 63 Washinee Heights Road / Special Permit Application to Construct a detached  
93 Accessory Apartment (Section 208) / Map 67 / Lot 02-2 / DOR 08/16/2021 /

94

95 Made by Cockerline, seconded by Riva.

96 Vote: 5-0-0.

97

98 10. #2021-0145 / Ramcharran (LRC Group) / 24 Cleaveland Street / Special Permit for Vertical  
99 Expansion of a Nonconforming Dwelling in the Aquifer and Flood Plain Overlay Districts (Section  
100 401, 403 & 503.2) / Map 49 / Lot 116 / DOR 08/16/2021

101

102 James Brucz of the LRC Group was present to explain the application. He identified that the existing  
103 dwelling is nonconforming with regard to setbacks to watercourses and the front property line. The  
104 Ramcharrans are proposing to construct a second story addition which requires a public hearing due to  
105 vertical expansion of the nonconforming structure. Mr. Brucz explained that the Zoning Board of Appeals  
106 approved a variance for the front yard setback and that they have an application pending with the Inland  
107 Wetlands and Watercourses Commission.

108

109 Chairman Klemens asked about the proposed pavement encroaching on the shared accessway. Mr. Brucz  
110 responded that the homeowner has been in communication with the neighbors and that the abutting  
111 neighbors have provided letters in support of the improvements.

112

113 Mr. Brucz clarified that the proposed deck is smaller than a deck that was destroyed in a storm due to  
114 poor construction. The new footings are proposed outside of the 100-year flood zone.

115

116 Chairman Klemens inquired about the location of the air conditioning condensers, proposed generator  
117 and the 500-year flood elevation. Mr. Brucz explained that they had considered locating the mechanicals  
118 in a different location but due to the setbacks on the property, it could not be done. One possible  
119 solution would be to raise the elevation of concrete pad by a foot and a half.

120

121 *Motion:* to schedule a public hearing on September 20, 2021 at 6:45 p.m. for application #2021-0145 /  
122 Ramcharran (LRC Group) / 24 Cleaveland Street / Special Permit for Vertical Expansion of a  
123 Nonconforming Dwelling in the Aquifer and Flood Plain Overlay Districts (Section 401, 403 & 503.2) /  
124 Map 49 / Lot 116 / DOR 08/16/2021

125

126 Made by Cockerline, seconded by Riva.

127 Vote: 5-0-0.

128

129 11. #2021-0146 / Bendit / 493 Twin Lakes Road / Site Plan to Replace Nonconforming Building  
130 Destroyed by Fire (Section 504.1) / Map 70 / Lot 10 / DOR 08/16/2021 /

131

132 Karyn Bendit represented the application. One of three cabin structures was destroyed by fire and the  
133 applicant is proposing to rebuild the building on the same footprint. Commissioner Whalen inquired  
134 whether the structure could be built in a conforming manner. Mrs. Bendit thought it could be, but that  
135 the option had not been considered. The request being made is to replace the building to what it was.  
136 The structure is statutorily protected and may be rebuilt on its former nonconforming footprint.

137  
138 *Motion:* to approve application #2021-0146 / Bendit / 493 Twin Lakes Road / Site Plan to Replace  
139 Nonconforming Building Destroyed by Fire (Section 504.1) / Map 70 / Lot 10 / DOR 08/16/2021 /  
140

141 Made by Cockerline, seconded by Riva.

142 At 7:39 p.m. it was recognized that Commissioner Whalen was no longer present. The Commission  
143 delayed action for a few minutes to allow an opportunity for him to reconnect. At 7:43 p.m. Alternate  
144 Debra Allee was seated in place of Commissioner Whalen.

145 Vote: 5-0-0

146

#### 147 **Other Business**

148

149 ~~11.~~ 12. Enforcement / Brazzale / 17 Railroad Street / Notice of Potential Violation of 901.1 / Map 54 / Lot  
150 58

151

152 Chairman Klemens gave a brief overview of the subject, explaining that he (together with LUA Conroy)  
153 has met separately with Mr. Brazzale and his abutting neighbors to discuss the matter at Town Hall.

154

155 Attorney Grickis was in attendance to address the Commission. Chairman Klemens asked Attorney Grickis  
156 if it was the intent of his client to file an application for the September meeting of the Planning & Zoning  
157 Commission. Attorney Grickis responded affirmatively. He explained that he was retained on short notice  
158 and had not been able to fully review the violation with his client. He requested that the issue be tabled  
159 to the September meeting to affording him an opportunity to prepare and be responsive to the  
160 Commission. The Commission elected to postpone advancement of enforcement action with assurances  
161 from Attorney Grickis that a plan would be submitted to the Commission for consideration at their next  
162 regularly scheduled meeting.

163

164 *Motion:* to continue Enforcement / Brazzale / 17 Railroad Street / Notice of Potential Violation of 901.1 /  
165 Map 54 / Lot 58 to the September meeting with a clear understanding that the Commission would be in  
166 receipt of a plan for what Mr. Brazzale intends to do with the property.

167

168 Made by Cockerline, seconded by Riva.

169 Vote: 5-0-0

170

171 ~~12.~~ 13. Introduction & Preapplication Discussion - Lime Rock Park

172

173 Chairman Klemens explained that he and LUA Conroy have had initial discussions with three of the  
174 partners at Lime Rock Park: Charles Malloy, Richard 'Dicky' Riegel, and Bill Rueckert. The Chairman  
175 requested that members of the Commission and the public give the new owners a chance to work with  
176 the community and approach their proposals with an open mind.

177 Mr. Rueckert and Mr. Riegel presented a PowerPoint introducing stakeholders and the organization. They  
178 also provided observations and objectives of the group, and proposed a master plan for discussion. After  
179 the presentation the Commission followed up with several questions.

180  
181 Commissioner Riva inquired about a potential timeline for the proposed master plan. Mr. Riegel  
182 responded that the group hopes to move on the Event Chalet, Infield Kitchen and B Paddock Garages  
183 within the next year.

184  
185 Commissioner Shyer expressed that she was surprised there were so few members of the public in  
186 attendance to listen to the presentation. She inquired if the Lime Rock Citizens Council had been made  
187 aware of the presentation. Mr. Riegel responded that several of their contacts within the Council had  
188 been informed, but emphasized that this was just one of the many public outreach efforts being made by  
189 Lime Rock Park.

190  
191 Commissioner Shyer than inquired about the use of the term “entertainment” used by the presenters.  
192 Mr. Riegel clarified that motorsports are considered entertainment and that his group does not intend to  
193 change the Park into some other type of entertainment venue.

194  
195 Alternate Schiffer asked for clarification on the duration of events. She explained that previously much of  
196 the activity was seasonal and asked Mr. Riegel if the plan was to make the Park a year-round-venue. Mr.  
197 Riegel explained that they would like the Park to be active year-round but not twenty-four hours a day,  
198 seven days a week. They seek only to operate within the appropriate hours of operation. Any changes  
199 would require appropriate permitting. Mr. Riegel expressed that lodging would be a very good thing for  
200 the Park but that there were no plans to integrate his prior Airstream business with the Park. Rather,  
201 partner Charles Mallory brings the hotel and hospitality experience to the group.

202  
203 The Chairman emphasized transparency in process and expressed that he would like to hold public  
204 hearings on all Commission applications related to Lime Rock Park to ensure dialogue with the  
205 community.

206  
207 ~~13-~~ 14. Preapplication Discussion - 50 Channel Road – Vertical Expansion of a Nonconforming Structure

208  
209 Adam Zimmerman, Architect was present for the preapplication. The Commission agreed that the site  
210 would not be subject to the Lake Protection Overlay District regulations. It was explained the principal  
211 structure is nonconforming with regard to setbacks to property line and the wetland. However, the  
212 property would be eligible for vertical expansion of a nonconforming structure under Section 503. There  
213 was discussion regarding which properties should be subject to the notice requirements for the hearing.  
214 The Commission requested an A-2 survey of the property to accompany the application.

215  
216 ~~14-~~ 15. ZP#2021-0069 / 281 Wells Hills Rd LLC / 281 Wells Hill Road / Request for Temporary Zoning  
217 Permit to Reside in Detached Barn Structure While Principal Dwelling is Under Construction – Kitchen in  
218 Barn to be Demolished upon completion of New Home. (Section 906) / Map 33 / Lot 28

219  
220 LUA Conroy gave an overview of the permit history on the property. The principal dwelling was proposed  
221 to be fully renovated and a nonconforming barn demolished with a new barn to be constructed in a

222 conforming location. The barn is complete but the house is still under construction. Though the barn was  
223 permitted without a kitchen, one was installed with the intent to reside in the barn until the construction  
224 on the principal dwelling is complete. Property owner, Mr. Richard Turnure was present and agreed with  
225 the characterization of the situation.

226

227 Chairman Klemens was concerned that the front yards were inappropriately assigned on the survey. The  
228 property is a corner lot which should have two front yard setbacks. LUA Conroy echoed the concern. The  
229 prior Zoning Official issued a permit for the construction of a patio in the northwestern corner of the  
230 property which may encroach on a forty-foot front yard setback however, the appeal period for the  
231 decision has expired.

232

233 Chairman Klemens then moved to discuss the meter panel and generator located in the front yard  
234 setback on the northeastern corner of the property. Those structures did not appear to be permitted  
235 however, LUA Conroy identified that generators and other mechanical units have not historically received  
236 zoning permits.

237

238 Mr. Turnure explained that the size of the structures (generator and meter panel) has been dictated by  
239 the demand of the photovoltaic system installed on site and the corresponding requirements of the  
240 power company (Eversource). The long-term plan is for the generator to be donated to Indian Mountain  
241 School once a permanent electrical storage solution (i.e., battery) becomes available for the photovoltaic  
242 system. The meter panel will remain in its location.

243

244 The discussion moved to the kitchen in the barn. LUA Conroy explained that only one accessory  
245 apartment is allowed per lot and the original zoning permit included one in the principal dwelling  
246 therefore, the barn could not be used as such. Additionally, there is a maximum of 2,000 square feet  
247 allowed for accessory apartments and the barn exceeds that. Thus, a special permit for detached  
248 accessory apartment could not be issued to legalize a dwelling unit in the barn.

249

250 It explained that there was a temporary CO issued for the barn, including the kitchen, without the benefit  
251 of a zoning certificate of compliance, which further complicates this matter.

252

253 Commissioner Shyer asked Mr. Turnure if the kitchen would be removed from the barn once the house  
254 was complete. Mr. Turnure responded that he would like to be a good neighbor and work with the  
255 Commission to resolve the concern. The hope is that the main house will be completed sometime  
256 between Thanksgiving and the New Year, but it is ultimately dependent on the ability to procure building  
257 materials and contractors to finish the work.

258

259 Chairman Klemens suggested that two temporary zoning permits be issued each for a duration of six  
260 months. The first, for the barn requiring the removal of the kitchen, and a second for the generator. If it  
261 appears the work cannot be completed within the six months, Mr. Turnure could come back and have a  
262 discussion with the Commission at which time an extension of an additional six months might be  
263 considered.

264

265 *Motion:* to authorize the LUA to issue two temporary zoning permits:

266

267 The first permit enabling the owners to reside in the detached barn structure while the principal dwelling  
268 is under construction conditioned upon the removal of the kitchen from the barn within six months.

269  
270 The second permit to allow the generator in the front yard setback for six months.

271  
272 Made by Cockerline, seconded by Riva.

273 Vote: 5-0-0

274  
275 15. Regulation Clarification Discussion / Section 304.2.a. / 129 Taconic Road

276  
277 Beth Wells, Architect was present to explain the contradiction between the text of 304.2.a. and the use  
278 tables. The Commission agreed that the text is confusing and should be clarified, they advised that the 5-  
279 foot requirement in the text should prevail.

280  
281 16. Regulation Clarification Discussion / Section 305.2.a. /

282  
283 LUA Conroy sought clarification relative to the final bullet point under 305.2.a which calls for a maximum  
284 of 10% impervious surface on lots in all districts. The Commission elected to continue the discussion to a  
285 later date.

286  
287 Chairman Klemens suggested a special Planning meeting to discuss the remaining items on this agenda.

288  
289 17. Staff Updates

290 a. Legislative Updates

- 291 • Status of Remote and Hybrid Meetings
- 292 • Commissioner Training
- 293 • Accessory Apartments as of Right
- 294 • "Community Character"
- 295 • Short Term Rentals

296 b. Interdepartmental Communication/Collaboration

297 c. 331 Housatonic River Road – construction of a retaining wall and backfilling within the Town's  
298 right of way

299  
300 Chairman Klemens asked for a brief overview of the legislative change relative to accessory apartments  
301 as of right. LUA Conroy explained that the intent of the change was to facilitate a diversity of housing  
302 options which are many times more affordable than home ownership. The trend of accessory apartments  
303 in Salisbury does not tend to create more affordable housing options instead they seem to further  
304 increase the economic divide. Chairman Klemens and Commissioner Shyer agreed that the development  
305 trends in Salisbury do not result in the creation of attainable housing options. Commissioner Cockerline  
306 requested additional discussion at a future date.

307  
308 *Motion:* to schedule a special planning meeting to discuss the last five items on the agenda on August  
309 30<sup>th</sup> 6:30 p.m. via Zoom.

310 Made by Cockerline, seconded by Riva.

311 Vote: 5-0-0

312  
313 15. Regulation Draft Regulations  
314 15.a. Generators/Mechanicals/Tanks – Permits Requirements  
315 15.b. Waterbodies vs Wetlands and Watercourses – Setback Requirements  
316  
317 Tabled  
318  
319 16. Discussion Concerning More Ecologically-Effective Application of Lake Protection Overlay District  
320 Regulations  
321  
322 Tabled  
323  
324 **Adjournment**  
325  
326 *Motion:* To adjourn the meeting at 9:4 p.m.  
327 Made by Cockerline, seconded by Allee.  
328 Vote: 5-0-0 in favor.  
329  
330 Respectfully submitted,  
331  
332  
333 Abby Conroy,  
334 Land Use Administrator