

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

AUGUST 30, 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 Allen Cockerline (Regular Member)
5 Bob Riva (Regular Member)
6 Martin Whalen (Secretary)
7 Jon Higgins (Alternate)
8 Debra Allee (Alternate)
9 Dr. Danella Schiffer (Alternate)

Staff Present:

Abby Conroy, Land Use Administrator (LUA)

10

11 **Brief Items and Announcements**

12

13 1. Call to Order/Approval of Agenda
14 Chairman Klemens called the meeting to order at 6:31 p.m.

15

16 2. Seating of Members & Alternates
17 The regular members present were seated.

18

19 *Motion:* To approve the agenda.
20 Made by Cockerline, seconded by Riva
21 Vote: 5-0-0.

22

23 3. Minutes of July 27, 2021

24

25 Alternate Higgins was seated to make a quorum for consideration of the minutes from July 27, 2021.

26

27 Line 35 insert "plan" after "engineering"
28 Line 45 replace "revised survey done by Mat Kiefer" with "Proposed Improvement Location Survey
29 dated July 23, 2021 by Lamb Kiefer Land Surveyors"

30

31 *Motion:* To approve minutes of July 27, 2021 as amended.
32 Made by Cockerline, seconded by Higgins.
33 Vote: 3-0-3
34 Commissioners Riva, Whalen and Shyer abstained.

35

36 4. Minutes of August 16, 2021

37

38 The minutes were tabled as they were not distributed for review.

39

40 5. Correspondence

41

42 There was no correspondence received.

43 **Public Comment**

44

45 6. Public Comment

46

47 No one from the public came forward with comments.

48

49 **Other Business**

50

51 7. Staff Updates

52

a. Legislative Updates

53

- Status of Remote and Hybrid Meetings

54

- Commissioner Training

55

- Accessory Apartments as of Right – opt out

56

- “Community Character”

57

- Outdoor Dining

58

59 LUA Conroy gave a brief overview of the recently adopted legislation which enables the Commission to
60 continue holding meetings via Zoom. The Commission may hold meetings entirely in person, remotely, or
61 via a hybrid option. The Commissioners were polled on their preferences and there was a discussion
62 regarding the pros and cons of moving back to in-person. The Commission emphasized a willingness to
63 move forward via Zoom but expressed an interest in having access to paper copies of the plans submitted
64 with applications.

65

66 The Zoning Enabling Act was also modified. It was requested that staff bring proposed revisions to the
67 Regulations that incorporate the new requirements. “Cottage food”, minimum floor area, “community
68 character”, bond process, and minimum parking requirements were discussed. The Regulations will need
69 to be revisited to resolve conflicts caused by the use of the term “community character” and the parking
70 requirements modified for conformance with the legislative update.

71

72 LUA Conroy outlined the deadlines and key features of the adopted accessory apartment legislation. The
73 Regulations will need to either be revised prior to January 1, or the Commission can opt out before the
74 statutory updates would usurp the local requirements. The Commissioners had a discussion of options,
75 were polled, and concluded that the matter should be brought to hearing.

76

77 *Motion:* To schedule a public hearing Monday October 4, 2021 at 6:30pm via Zoom to hear from the
78 public and consider the options, benefits, and drawbacks of an opt out from the accessory apartment
79 legislation.

80

Made by Cockerline, seconded by Riva.

81

Vote: 5-0-0 in favor.

82

83 The legislative changes related to outdoor dining were also explained by LUA Conroy. It was requested
84 that a timeline be developed to simplify the upcoming deadlines so that the Commission could better
85 prioritize the necessary changes.

86

87 b. Interdepartmental (Inter-commission) Communication/Collaboration

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2

88 Chairman Klemens reported that he attended the August 23, 2021 meeting of the Salisbury Inland
89 Wetlands and Watercourses Commission (IWWC) to explain and answer questions related to the Plan of
90 Conservation and Development (POCD) and Lake Protection Overlay District (LPOD). He reported that it
91 was a very constructive meeting and because they were unable to cover everything, he will also attend
92 the September 13th meeting for further discussion.

93

94 c. 331 Housatonic River Road – Wall

95

96 LUA Conroy and Chairman Klemens are to attend the Board of Selectman meeting, also on September
97 13th to discuss as needed, the illegally constructed wall at 331 Housatonic River Road.

98

99 8. Draft Regulations

100

a. General Changes

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b. Section 304 – Exceptions to Yard Requirements for Accessory Storage Buildings

102

c. Section 305

103

d. Definitions

104

105 LUA Conroy reviewed draft changes to the Regulations. At the request of the Commission, some changes
106 have been drafted and LUA Conroy sought clarification from the Commission on their preferences.
107 She identified general proposed changes. The index pages have been renumbered to reflect the text, and
108 the term “Salisbury Inland Wetlands and Watercourses Commission” inserted in place of “Conservation
109 Commission”. LUA Conroy suggested a formatting change to call out defined terms as they are used
110 throughout the text to further clarify the language.

111

112 The language in Section 304 and 305 was modified for clarity and the Commission provided feedback in
113 favor of allowing flexibility and reduced setbacks for undersized lots.

114

115 The Commission unanimously supported clarifying that Section 305 applies to all wetlands but that the
116 final bullet point under 305.2.a. is only applicable in the LPOD. The Commission expressed interest in
117 revisiting the concept of maximum impervious surface outside of the LPOD at a future date.

118

119 LUA Conroy suggested moving definitions from the text into the “definition” section of the Regulations.

120

121 The “impervious surface lot coverage” definition was discussed in detail but without conclusion. The
122 matter will be revisited at a future date.

123

124 The “structure” definition was also discussed in detail. There were suggestions to modify the language to
125 include playsets, generators and basketball courts. It was requested that LUA Conroy investigate how
126 other towns define the term.

127

128 9. Discussion Concerning More Ecologically-Effective Application of Lake Protection Overlay District
129 (LPOD) Regulations

130

131 Chairman Klemens asked the Commission to consider alternative approaches to regulating development
132 in the LPOD. He identified that there may be a way to relax the impervious surface maximum in exchange

133 for maintaining or improving natural vegetative buffers. He expressed that encouraging natural
134 vegetative buffers could do more for the lake resources than the current “count the boulder” exercises.
135
136 Alternate Higgins asked how that approach might be quantified. Chairman Klemens explained that he
137 had not considered the idea in depth but was seeking feedback from the group to determine if the idea
138 was worthy of further exploration.

139
140 The other members were in favor of investigating an approach which incentivizes better lake and land
141 management.

142
143 10. Plan of Conservation and Development (POCD) Request for Proposal (RFP) Responses
144

145 Chairman Klemens reported that of the five RFPs sent, only one firm responded. That proposal included a
146 budget of \$150,000. LUA Conroy offered that the project might be accomplished in-house provided some
147 professional guidance be procured. Chairman Klemens explained that Glenn Chalder of Planimetrics, the
148 consultant that worked on the prior POCD, did not have the resources to be fully involved with this
149 rewrite but offered technical guidance if the Commission elected to revise the POCD in-house.

150
151 Commissioner Shyer asked if it was possible to get an extension on the POCD deadline expressing
152 concern over rushing through the revision. LUA Conroy agreed to look into the possibility of obtaining an
153 extension through the Office of Policy Management. Alternate Higgins expressed that in his experience
154 on three prior plans, this would not be the first time the Town has been late to adopt revisions. He felt it
155 was better to do the job thoroughly than to be overly concerned with the deadline.

156
157 11. Citation Ordinance
158

159 LUA Conroy explained that the concept of a citation ordinance as an enforcement tool has been
160 mentioned on several occasions and that Attorney Mark Capecelatro has offered to draft an ordinance.
161 She asked the Commission how they would like to approach investigating and potentially adopting one.
162 Chairman Klemens pointed out that the Board of Selectman is integral to adopting ordinances thus, they
163 should be involved early on. The Commission requested additional information on what other towns
164 have done.

165
166 **Adjournment**
167

168 *Motion:* To adjourn the meeting at 9:07 p.m.

169 Made by Cockerline, seconded by Shyer.

170 Vote: 5-0-0 in favor.

171
172 Respectfully submitted,

173
174
175 Abby Conroy,
176 Land Use Administrator