

CURTIS RAND
FIRST SELECTMAN

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TOWN OF SALISBURY
CONNECTICUT

Christian Williams
Donald Mayland
Selectmen

Town Hall
P.O. Box 548
27 Main Street
Salisbury, Connecticut 06068

BOS – Minutes – 9.13.2021

The Board of Selectmen Meeting minutes of September 13, 2021.

Present: Curtis Rand, First Selectman; Christian Williams, Selectman; Donald Mayland, Selectman; Emily Egan, Secretary; members of the press and public.

The meeting was **called to order** at 5:00pm.

C. Williams made a motion to **approve the agenda** with the addition of #6f. Tax Collector Refunds. D. Mayland seconded, and the motion was approved unanimously.

C. Williams made a motion to **approve the minutes** of July 9th, 2021 (Special) and the July 12th, 2021 (Regular) meetings. D. Mayland seconded, and the motion was approved unanimously.

Old Business:

- a. C. Rand gave a brief update on the status of the Salisbury sidewalk project, connecting Salmon Kill Road to Library Street. Plans are out to 3 firms; we are waiting on proposals that are due by the end of September.

C. Rand mention there are a few contractors who are still putting together proposals for the flashing beacons to be installed in the village of Salisbury. Installation should be completed by spring 2022.

C. Rand also mentioned a letter he sent recently to the CT Department of Transportation (CTDOT) requesting a lowering of the speed limit through the crosswalks from 30 mph to 20 mph, and adding median islands at both entrances into the towns of Lakeville and Salisbury along Route 44.

- b. The Connectivity Grant for a pedestrian bridge and sidewalk to connect Lincoln City Road to Brook Street will require a watershed analysis, costing approximately \$25,000-\$30,000 in additional engineering fees. D. Mayland made a motion to approve the funding for the watershed analysis. C. Williams seconded, and the motion was approved unanimously.

New Business:

- a. C. Rand summarized a recent update from the Planning and Zoning Commission: **Update on Plan of Conservation and Development (POCD)** - Submitted RFPs to 5 firms: One was unresponsive and three did not have time to respond or do the POCD. The only proposal was many orders of magnitude greater than what our budget allows.

As a result, we are considering a rewrite in-house with support from consultants.

Legislative Changes - 2021 was a busy year. The Planning & Zoning (P&Z) Chairman and Land Use Administrator are working on integrating the required changes in our regulations. The legislature adopted changes with implications for outdoor dining, recreational cannabis, accessory apartments, the zoning enabling act, training for municipal land use agencies, and duration of permits. The changes have different effective dates, the first being the accessory apartment legislation. We have to adopt changes to our Regulations or opt out by January 1, 2022 to avoid the imposition of standards and mandates that may not be appropriate for the Town of Salisbury. At the August 30th meeting of the Planning and Zoning Commission, the Commission unanimously voted to initiate a public dialogue for the opt out process by scheduling a hearing to discuss the matter on October 4, 2021. Opting out has implications for the manner in which Planning & Zoning permits and regulates accessory apartments, but also impacts the Water Pollution Control Authority (WPCA). Recently, the WPCA in collaboration with the Land Use Office (and P&Z) worked to enact a definition for use and revised the fee schedule for accessory apartments. If, after holding a hearing, the P&Z affirmatively decides to opt out of the accessory apartment legislation, the municipal legislative body (Town Meeting) must also vote to complete the opt out process.

The Selectmen were unanimous in their support of the P&Z positions.

- b. The Selectmen discussed the need for appointments and a charge for the Pope “Design” Committee. C. Rand will work on completing a draft of the charge for the committee later this week. At this time the Selectmen have decided to appoint the following as members of the committee: Lisa McAuliffe, Recreation Director; Tim Sinclair, Recreation Commission member; Elizabeth Slotnick, Salisbury Affordable Housing Commission (SAHC) member; Vivian Garfein, SAHC member and Inland Wetlands & Watercourses Commission Alternate; and Ray McGuire. D. Mayland made a motion to appointment those listed to the Committee. C. Williams seconded, and the motion was approved unanimously. The Selectmen will explore ways of receiving funding for the predevelopment phase of this project. D. Mayland requested that the WPCA be included in any of the housing design phase.
- c. The Selectmen had expected to discuss the appointments and charge for a new advisory Conservation Commission; this discussion was tabled until a new Conservation Commission ordinance can be approved at a future Town Meeting. C. Rand will work with the attorney to draft the new ordinance.
- d. D. Mayland made a motion to appoint Chip Carleton as Deputy Fire Marshal. C. Williams seconded, and the motion was approved unanimously.
- e. Wall encroachment at 331 Housatonic River Road. The Selectmen discussed a recommendation from the Planning & Zoning Commission respectfully discouraging the Board of Selectman from allowing this and any future encroachments. M. Capecelatro,

Attorney, represented the owner of the establishment of a stone wall in the Town right-of-way. (**See attachment 1**) After discussion, C. Williams made a motion to send a letter to the owners to move the stone wall. D. Mayland seconded, and the motion was approved unanimously.

f. Tax Collector Refunds: (**See attachment 2**)

C. Williams made a motion to approve the tax refunds in the amount of \$3,142.40. D. Mayland seconded and the motion was approved unanimously.

Selectmen's Reports

C. Williams commented on the quality and effectiveness of the bear proof containers placed around town.

D. Mayland mentioned the WPCA will be discussing rate increases this October. He also mentioned that over \$60,000 in back sewer fees are owed to the WPCA and he urged residents who were behind on payments to get caught up.

Citizen Comments:

None

Adjourn: 5:42pm

ATTACHMENT 1

May 18, 2021

Memo To:

Town of Salisbury
Board of Selectman
PO Box 548
Salisbury, CT 06068

At the March 15th 2021 meeting of the Salisbury Planning and Zoning Commission an application to reconstruct a previously demolished nonconforming garage at 331 Housatonic River Road was received. Attorney Capecelatro was present representing owners Jane and James Cohan. A survey dated 07/17/20218 by Lamb Kiefer Land Surveyors was presented to the Commission. During the deliberation it was established that a relatively substantial amount of site work had been conducted and that the survey did not sufficiently reflect existing conditions. One item of concern included grading and establishment of a stone wall in what appeared to be the Town right-of-way. Land Use records indicate that no permits had been issued for the work and there was concern that the filling and grading may have altered the stormwater runoff from the site onto adjoining Town and First Light properties.

The Commission requested a current survey in order to ensure that no new nonconformities resulted from the work and that the reconstruction of the demolished garage would not result in additional nonconformities. The new survey, dated May 17, 2021 also by Lamb Kiefer clearly shows that the wall and grading encroach substantially on Town property and would constitute a new encroachment.

It is the consensus of this Commission that the Town should not be in the practice of allowing new encroachments on Town property. Not only does this have implications for the Town from a liability standpoint but also, allowing this type of activity to occur sets a precedent for which there are no established standards such as:

Who should/will be allowed to encroach on Town property?

What is the scope of encroachment permitted?

Under what circumstances should the Board of Selectman permit a private individual an exclusive right to improve/use/occupy land in the public trust?

There are three mechanisms for use or occupancy of real property.

1. License – which is usually temporary and can be revoked at any time. For example, a license might be issued for cutting the Town Road to run utilities to the other side.

2. Lease – Also, temporary or for a limited duration. For example, a lease might be granted to a farmer to raise and harvest crops on Town owned land but the Town retains the right to enter the property for inspection etc....
3. Easement – is a permanent interest in real property granting the use for a specific purpose. An example of this might be a shared driveway agreement that allows someone a right to pass over privately owned land. Conversely, some easements confer possessory interest such as in the case of cell phone towers where the tower occupies the land.

Under what mechanism and to whom might the BOS grant use/occupancy of Town Land?

Connecticut General Statutes 8-24 (below), states that no municipal agency or legislative body shall improve, sell or lease municipally owned property until the proposal has been sent to the Planning Commission for a report. It is the statutory role of the Planning and Zoning Commission to review municipal improvements.

On behalf of the Salisbury Planning and Zoning Commission we respectfully discourage the Board of Selectman from allowing this and any future encroachments.

Sec. 8-24. Municipal improvements. No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.

Dr. Michael Klemens

Chairman of Planning & Zoning

ATTACHMENT 2

JEAN F. BELL
TAX COLLECTOR



TOWN OF SALISBURY
CONNECTICUT

Town Hall
P.O. Box 338
27 Main Street
Salisbury, Connecticut 06068

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August 30, 2021

Selectmen

Town of Salisbury

Dear Selectmen:

The following accounts are overpaid and a refund due:

2019 Grand List Real Estate:

- | | |
|------------------------------|-----------|
| 1. 311 IMR, LLC | \$1434.63 |
| 2. Wells Lynton and Margaret | \$ 23.28 |

2019 Grand List Motor Vehicle:

- | | |
|----------------------|-----------|
| 1. Houghton, Peter | \$ 18.00 |
| 2. Gurr Judith | \$ 256.34 |
| 3. Honda Lease Trust | \$ 15.36 |

2020 Grand List Real Estate

- | | |
|--------------------------------------|----------|
| 1. CoreLogic Tax Services (Belchman) | \$993.03 |
| 2. Pacicco Michael | \$ 27.00 |
| 3. Private Trust Co. (Leech) | \$160.60 |

2020 Grand List Motor Vehicle

- | | |
|------------------|-----------|
| 1. Daimler Trust | \$ 128.09 |
| 2. Vault Trust | \$ 86.07 |

TOTAL \$3,142.40

Thank you.
Jean F. Bell
Jean F. Bell, CCMC