

SALISBURY PLANNING & ZONING COMMISSION

SPECIAL MEETING

MAY 17, 2021

6:30 P.M.

10 CHAIRMAN: Dr. Michael Klemens

11 MEMBERS PRESENT: Dr. Michael Klemens

12 Bob Riva

13 Cathy Shyer

14 Martin Whalen

15 Allen Cockerline

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17 STAFF PRESENT: Abby Conroy

18 Chuck Andres, Esq.

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1 (The P&Z Commission dealt with
2 Commission business.)

3 CHAIRMAN KLEMENS: We are now going to move to
4 deliberations -- discussion, rather, of deliberation and
5 the resolution that Chuck, Abby and myself prepared at
6 your direction for your consideration.

7 It's going to come up on the screen
8 momentarily. At this point, could you please move
9 Mr. Higgins, Dr. Schiffer and Ms. Allee out of the room
10 so we have the five commissioners, Land Use Administrator
11 and our counsel here.

12 (The alternate Commissars were
13 removed from the virtual room.)

14 CHAIRMAN KLEMENS: Chuck, do you want to walk
15 us through this? Or Abby?

16 MR. ANDRES: Abby, you can. You have it in
17 front of you.

18 MS. CONROY: Okay.

19 MR. ANDREWS: I'll jump in when we get to the
20 options because I drafted that at the end.

21 MS. CONROY: Okay. So we've got -- you can see
22 the screen; right?

23 MR. ANDRES: Yes.

24 MS. CONROY: So we have several whereas items
25 that address -- the first one addresses what this current

1 application was. The second addresses that they had
2 previously submitted an application that was withdrawn.
3 Third Whereas is a description of the parcel. Third and
4 fourth I should say.

5 Then the fifth includes some of the principal
6 documents that were received as part of the application
7 and that some of the findings were based on. Then we
8 identify that the Applicant has an interest and option to
9 lease the property for this purpose. And then we
10 establish our hearing dates. We identify that there was
11 a petitioner on the basis of historic resource.

12 MR. COCKERLINE: I believe there were five
13 petitioners, not four.

14 MS. CONROY: That's a good question.

15 MR. COCKERLINE: On one of the documents, the
16 fifth petitioner was on the second page. There was a
17 page break.

18 MS. CONROY: Okay.

19 MR. COCKERLINE: And I could see how that would
20 happen, but --

21 MS. CONROY: Okay. Let's see. We can look at
22 that right now; right?

23 MR. COCKERLINE: Okay.

24 MS. CONROY: One, two, three, four, five. I'm
25 assuming those were the people; right?

1 MR. COCKERLINE: Those are them.

2 MS. CONROY: One, two, three, four --

3 MR. COCKERLINE: That's the page.

4 MS. CONROY: Oh, there's no space. Yeah.

5 Okay. Yep.

6 MS. SHYER: That was a good catch, Allen.

7 MS. CONROY: Yes, it was.

8 Let me get my motion.

9 CHAIRMAN KLEMENS: I believe what this are
10 misspellings.

11 MS. CONROY: Let me see if I can just open it
12 and edit. Nope.

13 MR. COCKERLINE: That's a pretty simple
14 amendment we can acknowledge in any motion we make.

15 MS. CONROY: Yeah. So far. Short list.
16 Unfortunately I can't open it tonight. I don't know why.

17 There. Okay. So five petitioners.

18 The deed of gift of the property to the Town
19 and now that identified future re-development of the site
20 and identified the establishment of the Historic
21 District. The Commission determined that it had
22 sufficient information in the record and voted to close
23 the hearing on April 14th. During the public hearing
24 issues raised by the public and Intervenor or the
25 Commission include fundamental fairness of the Webinar

1 format; possible bias or predisposition of Commission
2 members; traffic, parking, pedestrian safety, massing,
3 lighting and aesthetics.

4 During the public hearing the Commission
5 received verbal testimony and written comments regarding
6 traffic, lighting, parking, property values, public
7 health and safety, the deficit of affordable housing in
8 town and aesthetics.

9 During deliberations on April 28th the
10 Commission found Intervenor -- Should that be O-R?

11 CHAIRMAN KLEMENS: There's two ways to spell
12 it. How do you want to do it, Chuck?

13 MR. ANDRES: I think we did E-R. I have a
14 question, but it could be either way. So...

15 CHAIRMAN KLEMENS: Which page are you on?

16 MS. CONROY: Two.

17 CHAIRMAN KLEMENS: I found one misspelling.
18 I'm in Word now, so --

19 MS. CONROY: So for consistency sake, let's see
20 what we identified here. So that's E-R here. Where is
21 your misspelling?

22 CHAIRMAN KLEMENS: William is missing --
23 William Walter. There's no I.

24 MS. CONROY: First page?

25 CHAIRMAN KLEMENS: No, it's fourth page.

1 MS. CONROY: Okay. Later. Okay.

2 CHAIRMAN KLEMENS: Yes.

3 MS. CONROY: All right.

4 So the Commission found that the Intevenor did
5 not meet their burden. Commission finds that the
6 Applicant is eligible for a density bonus on the basis of
7 50 percent affordable units.

8 MS. SHYER: Abby, I have a question about that.
9 50 percent? Not 100 percent?

10 MS. CONROY: It includes a minimum of 50
11 percent affordable. So that makes it eligible.

12 MS. SHYER: Okay. And we're missing the word
13 "of the site" in the next sentence. Characteristics of
14 the site.

15 MS. CONROY: Okay.

16 MS. SHYER: You could write "site."

17 MS. CONROY: Construction materials. Windows
18 and lighting are essential features to the style and
19 appearance of the building but they are -- the Commission
20 is amenable to low maintenance modern materials as long
21 as they maintain the architectural integrity of the
22 structure as a contributing feature in the District.

23 Whereas the Commission finds proposed uses
24 conforms with the requirements set forth in 403.6 of the
25 regulations. So that's Aquifer Protection Overlay

1 District part.

2 The Commission considered claims that the
3 proposed use will unreasonably deprive surrounding
4 property owners of public parking. So based on parking
5 study, historical area photographs, Commission members'
6 personal experience, the Commission found that existing
7 parking lot on the site was generally underutilized;
8 identified that though there might be short-term parking
9 challenges during construction, the proposed development
10 will not unreasonably impair parking for neighboring
11 uses. Observed that 8 outdoor parking spaces will be
12 available for public use as represented by the Applicant,
13 and that those 8 spaces exceed the normal past usage of
14 the site.

15 The Commission finds that the Applicant has
16 failed to establish the proposal violates any existing
17 zoning approvals. And to the extent the approvals
18 referred to in the record relied on the site for parking,
19 the 8 spaces reserved for public use satisfy or exceed
20 any specific numbers approved as part of those prior
21 approvals.

22 The front yard setback requirement, the
23 Commission found that the proposed building meets the
24 front yards and existing street wall. The proposed
25 building will be in conformance with the dimension and

1 design requirements of Section 405.6 of the regulations.
2 The Commission's considered Section 803 and finds size
3 intensity, design to be related harmoniously to the
4 terrain, use, scale and siting of existing buildings in
5 the vicinity. The use will not create nuisance to
6 neighboring properties. The proposed use is not in
7 conflict and does not constitute unreasonable decrease in
8 property values.

9 Conditions. With the conditions enumerated in
10 the resolution, a reasonable effort has been expended to
11 balance concerns of the neighbors with the Applicant's
12 property rights and the need for affordable housing.

13 The Commission -- we had -- you probably
14 remember had a discussion about the excavation filling
15 and grading. The Commission found that this wasn't
16 applicable because the -- Because of the way the
17 regulations are written, that would only be applicable on
18 an approval that was issued administratively by me.

19 803 [Verbatim]. Section 800.3 of the
20 regulations, stormwater calculations, access ways,
21 parking areas shall be prepared by a Connecticut
22 registered engineer.

23 Whereas our Special Permit application form
24 provides that the design, layout and computations shall
25 also be completed by a registered engineer or where

1 qualified to do so, a Connecticut registered landscape
2 architect.

3 Landscape architect licensed by the State of
4 Connecticut is specifically authorized to render services
5 for site planning under the Connecticut General Statutes,
6 which, as you know, are our authorizing statutes.

7 CHAIRMAN KLEMENS: Abby --

8 MS. CONROY: Yeah?

9 CHAIRMAN KLEMENS: Abby --

10 MR. ANDRES: Yeah. These series of -- This is
11 Chuck. These series of paragraphs on this page, the one,
12 two, three, four, five whereases, they are addressing --
13 remember the Intevenor had an engineer who raised -- some
14 of them were fairly technical claims. One of the -- the
15 regulations say hey, the site plan's supposed to be
16 prepared by an engineer. Your guy was a landscape
17 architect, so you're violating regulations. That's the
18 claim.

19 The response is, sort of going through this,
20 that first of all it wasn't just prepared by a landscape
21 architect. They did have an engineer, they did a storm
22 drainage report. So that was part of that and you
23 reviewed that application as part of all of this. And
24 also pointing out that the application form says you can
25 have a landscape architect.

1 So this is just doing the -- you know, doing
2 the, you know, buttoning things up on the technical
3 claims and a finding that they -- that all the plans were
4 prepared by the appropriate professional and satisfy the
5 regulations. That's essentially what these four, five
6 paragraphs are about.

7 CHAIRMAN KLEMENS: Are we moving to the
8 Applicant's materials? Abby?

9 MS. CONROY: The Applicant's -- Yeah, whereas
10 the Applicant's materials submitted?

11 CHAIRMAN KLEMENS: I would think -- Yes. For
12 example, is todesign spelled that way? Lower spelled
13 that way? Lower case?

14 MS. CONROY: Yes, I think it is. It's an odd
15 one.

16 CHAIRMAN KLEMENS: William is a misspelling
17 there.

18 MS. CONROY: Oh, I see. Okay.

19 CHAIRMAN KLEMENS: Is Balskus spelled
20 correctly?

21 MS. CONROY: Hold on.

22 CHAIRMAN KLEMENS: I'm trying to find these
23 misspellings.

24 MS. CONROY: Their traffic report was part of
25 the initial I think. Let's see. It's so slow tonight.

1 I don't know why. I don't know if it's the web site or
2 if it's my internet.

3 MR. ANDRES: That's the way we spelled it in
4 the fourth whereas as well.

5 CHAIRMAN KLEMENS: The way things are coming
6 out, certain things are coming out fine. There's some
7 spellcheck errors I think.

8 MS. CONROY: I think it's the web site.

9 CHAIRMAN KLEMENS: You can't get to the web
10 site?

11 MS. CONROY: No, I mean I think it's the web
12 site that's the issue of being very slow.

13 CHAIRMAN KLEMENS: Is that the team you're
14 putting up?

15 MS. CONROY: Yes.

16 CHAIRMAN KLEMENS: I have too many screens up.

17 MS. CONROY: See todesign?

18 CHAIRMAN KLEMENS: Yep. That's fine. Who is
19 that?

20 MS. CONROY: I'm looking for --
21 B-A-L-S-K-U-S.

22 VOICE: Correct.

23 CHAIRMAN KLEMENS: Would you look at Arcari and
24 Petitto. Make sure they're spelled right.

25 MS. CONROY: Carley; right? That was the other

1 one?

2 CHAIRMAN KLEMENS: Arcari.

3 MR. COCKERLINE: Carley, yes.

4 CHAIRMAN KLEMENS: Arcari.

5 MS. CONROY: I thought you said Carley.

6 CHAIRMAN KLEMENS: No. No one can understand
7 me any more.

8 MS. CONROY: Arcari but we also wanted Carley;
9 right?

10 CHAIRMAN KLEMENS: No-- yeah, I want to make
11 sure we spell these people correctly.

12 MS. CONROY: Yep. Those are spelled right.

13 CHAIRMAN KLEMENS: Arcari, Petitto, we are
14 putting an I in William. Tunsky is correct. Balskus --
15 Benesch I know is correct. McCoy. Okay.

16 MS. CONROY: And then Carley was L-E-Y.

17 CHAIRMAN KLEMENS: Yep. There's one other
18 misspelling, but we'll get there when we get there.

19 MS. CONROY: Okay.

20 So the following --

21 MR. COCKERLINE: Number 3 granite blocks. I
22 think we should just specify stone. Because they're
23 using stone in some places and granite blocks; and stone
24 covers both, but --

25 CHAIRMAN KLEMENS: Where is this?

1 MR. COCKERLINE: It's number 3.

2 CHAIRMAN KLEMENS: We're going backwards?

3 MS. CONROY: Should we start just that one?

4 MR. COCKERLINE: That's fine with me.

5 MS. CONROY: The conditions?

6 CHAIRMAN KLEMENS: These are the conditions
7 now.

8 MS. CONROY: The 8 -- the finding -- we have
9 the finding about parking and this is a condition that
10 the parking space be designated and open and available
11 for public use.

12 CHAIRMAN KLEMENS: Right. Oh, you were running
13 along. Chimney is lower case. Correct?

14 MR. COCKERLINE: Correct.

15 MS. CONROY: We included the provision that
16 provided that the reduction did not violate State
17 Building Code.

18 CHAIRMAN KLEMENS: Where is that?

19 MS. CONROY: Right here. To better meet
20 surrounding architecture provided that such reduction
21 does not conflict with --

22 CHAIRMAN KLEMENS: The problem is I'm looking
23 at this on a Word document. What number are we talking
24 about?

25 MS. CONROY: Oh. Two.

1 CHAIRMAN KLEMENS: Thank you.

2 I'm looking for spelling errors as we go
3 through here. Two, chimney, lower case. Right? You got
4 that; correct?

5 MS. CONROY: Yes.

6 CHAIRMAN KLEMENS: Thank you.

7 MS. CONROY: Three, Allen has identified --

8 MR. COCKERLINE: I say stone not granite
9 blocks. There are granite blocks and there is stone and
10 I think they'll be using both; but I think we need --

11 CHAIRMAN KLEMENS: Put granite blocks and
12 stone.

13 MR. COCKERLINE: Okay. That's good.

14 MS. CONROY: Additional cladding shall be added
15 as needed to cover modern concrete walls proposed on
16 ground floor elevations and southern garage base. That
17 was a hot topic during the discussion.

18 Four, the white window treatments.

19 CHAIRMAN KLEMENS: Will be. Not should be.

20 MR. COCKERLINE: Shall be.

21 MR. ANDRES: Shall be.

22 CHAIRMAN KLEMENS: Shall be. Whatever.

23 MR. ANDRES: Should to shall.

24 CHAIRMAN KLEMENS: We're making very clear
25 conditions here. Remember the Applicant did not come

1 forward when I asked them for any mitigation, so we're
2 making the mitigation.

3 MS. CONROY: So Chuck had a recommendation on
4 this number 5.

5 CHAIRMAN KLEMENS: Who?

6 MS. CONROY: Chuck.

7 MR. ANDRES: Number 5. Number 5 says exterior
8 lighting shall be in keeping with the Federal style of
9 the District and dark sky compliant including internal
10 and external garage lighting. My suggestion is that I
11 don't know what dark sky compliant is. It's not, in my
12 mind, a common understanding of what the requirements are
13 to be dark sky compliant. That said, your regulations
14 are dark sky compliant. They provide for full cutoff
15 type fixtures, you know, preventing light trespass.
16 There's a number of provisions in there, and there are
17 specific standards. I think they are designed as dark
18 sky regulations.

19 So my suggestion would be striking the word
20 "dark sky compliant" and substituting "in compliance with
21 Section 702 of the Zoning Regulations".

22 CHAIRMAN KLEMENS: Fine.

23 MR. ANDRES: So we know what it is we're
24 talking about.

25 CHAIRMAN KLEMENS: In compliance with Section

1 702. Fine. Then I think Federal should be capitalized.

2 MS. SHYER: You are missing the word "in". It
3 should read: Exterior lighting shall be in keeping with
4 the Federal style.

5 CHAIRMAN KLEMENS: Exterior lighting shall be
6 in keeping with the Federal, capital F, of the District
7 and whatever Chuck just said.

8 MS. CONROY: And in compliance with Section 702
9 or seven oh --

10 MR. ANDRES: Correct.

11 MS. CONROY: 702 of the Zoning Regulations.
12 Okay.

13 Six. True divided light windows.

14 MR. COCKERLINE: So that was the one I brought
15 up and it does refer back to one of the whereases. I
16 keep thinking it was the fifth whereas. I almost feel
17 like we should number the whereases.

18 CHAIRMAN KLEMENS: Let's go -- whereases...

19 MR. COCKERLINE: It had to do with -- No.
20 Stop. I think go up a little bit.

21 MS. CONROY: Down here. Windows, lighting or
22 essential features.

23 MR. COCKERLINE: Yeah.

24 CHAIRMAN KLEMENS: Yes.

25 MR. COCKERLINE: As long as they maintain the

1 architectural integrity. I think in some way if we could
2 make a reference to that note in number 5 -- Number 6.
3 Sorry.

4 CHAIRMAN KLEMENS: Why do we have amenable to
5 low maintenance modern materials?

6 MR. COCKERLINE: Because we were saying that
7 it's probably going to cost them 50 to \$70,000 to go with
8 high-end windows, true divided light windows.

9 MS. CONROY: You also had a discussion about
10 the hardy board and stuff.

11 MR. COCKERLINE: Right.

12 CHAIRMAN KLEMENS: I guess here again the
13 District -- maybe "District" should be capitalized in
14 that whereas. It's a proper noun.

15 MR. COCKERLINE: And then whereas -- so the
16 issue is we left it that we were setting a very high
17 standard for the approval of the application. But we
18 recognize that that may not be attainable and they may
19 come back to us for modification.

20 CHAIRMAN KLEMENS: I would hope they don't.

21 MR. COCKERLINE: No, but that was specifically
22 what we talked about when we were discussing this.

23 MR. ANDRES: And that's the [Unintelligible].

24 CHAIRMAN KLEMENS: [Unintelligible].

25 MR. WHALEN: Are we talking about the lighting?

1 MR. COCKERLINE: Is that covered in that
2 whereas? That's the only question I have.

3 CHAIRMAN KLEMENS: I don't think there's
4 anything that prevents us in that whereas requiring true
5 divided light windows.

6 MS. SHYER: I think that's something that needs
7 to relate back, Allen.

8 MR. COCKERLINE: How do we relate back to
9 unnumbered whereases?

10 CHAIRMAN KLEMENS: It doesn't relate back to
11 it, Allen.

12 MR. COCKERLINE: But I believe in our
13 discussion it did very clearly. When I brought the issue
14 up of true divided lights, I realized it's a huge burden.
15 If there's some way they can accomplish the effect
16 through the use of other modern materials, I would
17 support that. But I really -- I would love to see true
18 divided lights, but if it's 50 to \$70,000 more, I don't
19 quite know how they're going to do that. But that's not
20 a concern --

21 CHAIRMAN KLEMENS: How do you know if you don't
22 know anything about their finances? You're making a lot
23 of assumptions here.

24 MR. COCKERLINE: I'm not making a lot of
25 assumptions, but I am making assumptions that true

1 divided light windows are far more expensive than
2 inexpensive windows that will be put into low cost
3 housing.

4 CHAIRMAN KLEMENS: Right. Well the bottom line
5 is they have a massive wall in the rear. They did not
6 chamfer it like they did in the front, and the true
7 divided light windows are at least going to lessen that
8 appearance.

9 MR. COCKERLINE: I guess the only thing that I
10 say is this is not from the discussion that we had a
11 couple weeks ago. This was -- it was my understanding --

12 CHAIRMAN KLEMENS: We I disagree.

13 MR. COCKERLINE: Well we disagree on that.

14 CHAIRMAN KLEMENS: Cathy brought up the fact
15 that the back particularly was massive, there was no
16 ability to chamfer and that true divided light windows
17 would at least greatly -- a whole discussion about the
18 light -- flat panes [Verbatim].

19 MR. COCKERLINE: In the whereas, whichever
20 number that is, where did that come from? Because that
21 came directly from the conversation we had there. We
22 said that if it is not -- that we would specify a high
23 standard and if they -- if it is not attainable, they
24 could come back for an amendment.

25 MR. ANDRES: Allen, this is Chuck Andres again.

1 MR. COCKERLINE: Yeah.

2 MR. ANDRES: Look at condition number 24. If
3 you look at 24, I think that's sort of the last condition
4 and that's what we say there. We say that if any of the
5 requirements of the decision are unattainable, the
6 Applicant -- the Applicants may seek a modification of
7 this approval from the Commission. Applicant's advised
8 that any modifications will require a full public
9 process.

10 MR. COCKERLINE: That's the note I'm talking
11 about. So it --

12 CHAIRMAN KLEMENS: That's --

13 MR. COCKERLINE: It isn't in the whereas.
14 Okay.

15 MR. ANDRES: Right. It's at the end, though.

16 CHAIRMAN KLEMENS: No, they can come back if
17 they can't do it, but there will be a full public
18 process.

19 MR. COCKERLINE: Okay.

20 That's fine.

21 CHAIRMAN KLEMENS: Which I think -- Go ahead.

22 MR. COCKERLINE: That's fine. I would agree to
23 that.

24 MS. SHYER: Abby, do you want to change the
25 spelling of Intervenor to be consistent with --

1 MS. CONROY: Yes.

2 MR. ANDRES: Why don't we make it O throughout,
3 because I think their paperwork used O.

4 MS. SHYER: Therefore we need to change the
5 minutes as well, Chuck? Because we just changed our
6 minutes to have E-R.

7 CHAIRMAN KLEMENS: Wait a second. I need to
8 get out of this Word document so I can see what Bob --
9 just the last misspelling, Abby, on 19. If you can go
10 there and Benesch is misspelled.

11 MS. CONROY: S-C-H?

12 CHAIRMAN KLEMENS: Do you see it?

13 MS. CONROY: It should be S-C-H; right?

14 CHAIRMAN KLEMENS: B-E-N-E-S-C-H. I'm getting
15 out of this Word document. How can I get back in the
16 meeting.

17 MR. COCKERLINE: I think we're on number 7.

18 CHAIRMAN KLEMENS: I'm trying to get --

19 MS. CONROY: Yes.

20 CHAIRMAN KLEMENS: Okay. This is very small,
21 Abby. Can you make it larger? Some of us are getting
22 old. Thank you.

23 MR. COCKERLINE: Oh, that's nice.

24 MR. ANDRES: Abby, are you still reviewing them
25 or -- we're on number 7?

1 MS. CONROY: Oh, sure. Number 7, the building
2 color, grey with white trim, shall be depicted -- be as
3 depicted on slide 16. You remember we went through the
4 slides and there was discussions about the different
5 shades.

6 The planting plan. There was a revised
7 planting plan in the documentation and there was also
8 initially some discussion about shrubs and sight lines.
9 So this condition, it shares compliance with the
10 regulations.

11 MR. COCKERLINE: That covers it.

12 MS. CONROY: Number 9. No loading or unloading
13 permitted on Millerton Road, Route 44. Loading and
14 unloading is permitted on Holley Street and on on-site
15 parking lot.

16 CHAIRMAN KLEMENS: I would say loading and
17 unloading of vehicles is only permitted --

18 MS. CONROY: Okay.

19 CHAIRMAN KLEMENS: -- on Holley Street and the
20 onsite parking lot. That was Mr. Van Deusen I think was
21 very concerned about that as well as some other people.

22 MS. CONROY: The --

23 MR. WHALEN: Wasn't there discussion about the
24 UPS guys -- he's not going to go around back. He's going
25 to go to the front on Millerton Road because that's where

1 that office is.

2 MR. COCKERLINE: He'll have to walk around the
3 corner.

4 MR. WHALEN: They don't do it, though. They
5 don't do it and you know it.

6 CHAIRMAN KLEMENS: You know what, that's what
7 it is. I think the majority of people will.

8 MS. CONROY: You also had some discussion about
9 the school buses, too, and that was -- that had clearly
10 been --

11 CHAIRMAN KLEMENS: What we didn't want to
12 happen was the front of the building which are parking
13 spaces being taken up by a lot of deliveries, other than
14 ones you mentioned, and moving in and moving out.
15 Obviously one can't control people's behavior. But
16 certainly no moving trucks, nothing relative to the
17 maintenance of the building. You can't really control
18 Fed Ex and UPS people.

19 MS. SHYER: Do we need to say that the school
20 bus can load and unload there?

21 CHAIRMAN KLEMENS: It's already in there.

22 MS. SHYER: Oh, it is?

23 CHAIRMAN KLEMENS: Yeah.

24 MS. SHYER: Thank you.

25 MS. CONROY: So the right-of-way should not be

1 obstructed and the Applicant is required to install
2 signage in the area to enforce the condition.

3 Elevators to accommodate a stretcher and
4 attendant EMT personnel.

5 Refuse stored in ventilated enclosure to
6 prevent access by wild life and deposited of in the manner
7 as identified in the letter from Welsh Sanitation.

8 Any work in the DOT right-of-way requires
9 review and issuance of an encroachment permit from
10 Connecticut DOT.

11 CHAIRMAN KLEMENS: Permit should be
12 capitalized.

13 MS. CONROY: Back-in only signs should be
14 installed for the two proposed parking spaces located
15 under the southeast corner of the building to ensure
16 visibility for vehicles.

17 I guess we don't -- we wouldn't want to have --
18 visibility for vehicles backing out like they shouldn't
19 be backing out because --

20 MR. COCKERLINE: Correct.

21 MS. CONROY: So to ensure adequate
22 visibility --

23 MR. ANDRES: Exiting.

24 MS. CONROY: For exiting?

25 MR. ANDRES: Right.

1 So delete "backing out of" and insert
2 "exiting".

3 MS. CONROY: Within close proximity to the site
4 entrance.

5 CHAIRMAN KLEMENS: Regulations, capital R?

6 MS. CONROY: 16, snow plowed shall be stored in
7 the planting island or removed from the site as
8 necessary.

9 Prior to issuance of C.O. the Applicant shall
10 provide at NNC (ph.) and contact information of the
11 person who will be the principal point of contact for the
12 Applicant's affordability plan.

13 CHAIRMAN KLEMENS: I would suggest that
14 Certificate of Occupancy be capitalized.

15 MS. CONROY: Yep.

16 Provisions shall be made for preservation of
17 any time capsule or features of historic interest that
18 may be discovered during construction process. These
19 will be relocated into the wall on Holley Street.

20 CHAIRMAN KLEMENS: Needs to be located in the
21 wall along Holley Street so the public be visible.
22 Because there's some very interesting stones and things
23 imbedded. Those should be in the wall where the public
24 can see them.

25 MS. CONROY: Okay. And then 19, the Applicant

1 shall comply with the recommendations contained in the
2 stormwater management report including ENS measures and
3 measures for long-term stormwater quality. This includes
4 parking lot sweeping, installation of catch basins sumps,
5 installation of a hydrodynamic separator. The applicant
6 shall provide a schedule for sweeping and maintenance to
7 the Zoning Administrator prior to the issuance of the
8 zoning permit.

9 CHAIRMAN KLEMENS: And you've taken care of
10 Benesch on this one; right?

11 MS. CONROY: Yes.

12 CHAIRMAN KLEMENS: Thank you.

13 MS. CONROY: Number 20, all site plan documents
14 shall be stamped and signed to conform to Class A-2
15 survey standards in accordance with 800.3.

16 Which I have -- I have the originals in the
17 office. When they send me things digitally it doesn't
18 always include the stamps.

19 A geotechnical report shall be completed and
20 supplied to the Zoning Administrator prior to issuance of
21 a building permit demonstrating that suitable soil
22 conditions for footing, foundation and building
23 construction exists given that the site was previously
24 developed with a structure.

25 CHAIRMAN KLEMENS: And geotechnical, if you are

1 going to capitalize geotechnical, you need to capitalize
2 report.

3 MS. CONROY: Should that go to me though or
4 should that just go to the building official?

5 CHAIRMAN KLEMENS: No, it should go to you.

6 MS. CONROY: And then I convey it to him?

7 CHAIRMAN KLEMENS: Yes.

8 MS. CONROY: Okay.

9 22, no local zoning permit shall be issued
10 until all required prior approvals are obtained?

11 CHAIRMAN KLEMENS: Why do you need "prior"?
12 It's all required approvals are obtained.

13 MS. CONROY: Until all required approvals are
14 obtained including, if required, any approval from the
15 State Historic Preservation Office.

16 CHAIRMAN KLEMENS: This is Chuck's now; right?

17 MS. CONROY: Yes. 23.

18 MR. ANDRES: Yeah, what's going on with this
19 one is remember there was discussion about the overhang,
20 you remember, of the building and being a low height and
21 it could present problems, safety problems for larger
22 vehicles, Fed Ex trucks or emergency vehicles and so
23 forth. And the discussion at the Commission last time
24 was well we can just put bollards in there so they can't
25 go under there, so to prevent them from doing that.

1 The problem with that is that if you put
2 bollards in there, that reduces the width of the aisles
3 and it violates the 24 foot requirement which is in the
4 regulations, I think it's 703.4.

5 So we came up with some alternatives, basically
6 three alternatives to address this potential safety
7 issue. The first one is essentially saying you address
8 it with signage. In other words, you put it on the wall
9 itself, so as you go in there some low clearance sign
10 that says -- sort of gives the warning to anyone that has
11 a larger vehicle so they know that it's a low clearance.
12 Maybe you put what the actual height is, 7 foot height,
13 or whatever it is. That's sort of option one.

14 Option 2 is to say if you think it's a real
15 safety problem, then you reduce the size of the building,
16 you eliminate the overhang. You eliminate the cantilever
17 so that it -- so then we squeeze the side a bit, make the
18 rooms a little smaller, but you allow a full 24 foot
19 width access without any problem. And there would be no
20 giving any overhang because it would be eliminated, this
21 cantilever that sticks out. You just get rid of that.

22 And Option 3 is no condition at all on the
23 theory that it's an open and obvious condition and anyone
24 driving can see it, so you don't need anything.

25 So I didn't know -- since there wasn't

1 discussion among the Commission about this, we said well
2 we'll throw all three out there and let you guys decide
3 how you want to address it.

4 CHAIRMAN KLEMENS: Actually Chuck, there was a
5 discussion about option 2. We had a discussion about
6 chamfering the corners but we looked at the apartment
7 layouts, what that would look like. There was also --
8 there would be a benefit with the [Unintelligible]. So
9 I'm more apt to go with option 2 personally.

10 MR. COCKERLINE: Yeah, that was the one that
11 potentially eliminated 6 bedrooms.

12 MR. WHALEN: Does anyone know how far that's
13 cantilevered from the building? The overhang? Is it
14 five feet?

15 MR. RIVA: It was five feet.

16 MR. WHALEN: That takes a lot of space, that's
17 about two stories. That will eliminate --

18 CHAIRMAN KLEMENS: It doesn't have to be two
19 stories, Marty. It could be the first story.

20 MR. WHALEN: Well okay, eliminate five feet of
21 living space on the first floor and then every apartment
22 on that side.

23 CHAIRMAN KLEMENS: There's an apartment on that
24 corner.

25 MR. COCKERLINE: I like option 1 myself.

1 MR. RIVA: I like option 1.

2 MR. WHALEN: Me, too.

3 CHAIRMAN KLEMENS: Cathy? Cathy? You want to
4 unmute yourself.

5 MS. SHYER: Sorry. I've got a whistling window
6 which would drive everybody crazy.

7 Yes, let me think. Well I prefer option 2, but
8 I'll go with option 1. I'll go with option 1.

9 CHAIRMAN KLEMENS: I guess I'm out voted.
10 Continue.

11 MR. ANDRES: And then last one is condition 24.
12 That's the one we discussed that if anyone -- any of the
13 requirements of the decision are unattainable, since the
14 application -- change that to the Applicant -- may seek a
15 modification of the approval from the Commission, the
16 Applicant is advised that any modifications will require
17 a public process.

18 MR. COCKERLINE: Full public process. Does
19 that mean like re-application?

20 CHAIRMAN KLEMENS: It's going to mean a process
21 where everyone who has an interest in this will have a
22 chance to weigh in. So it will be administrative,
23 [Unintelligible] approval.

24 MR. COCKERLINE: It will be a hearing?

25 CHAIRMAN KLEMENS: It would be at least one

1 public hearing, yes.

2 MR. COCKERLINE: Okay.

3 CHAIRMAN KLEMENS: Through all this interest,
4 we owe it to the public that if there's any
5 modifications, they are fully apprised of that and have a
6 chance to participate. In plainer words, it's a very
7 strong discouragement that they come back.

8 This all cuts to the very question that I
9 asked, can they do something to mitigate the impact on
10 the site. And Mr. Smith, Attorney Smith did not respond.
11 So we're now creating some mitigation ourselves. It
12 isn't my preferred approach, but the Applicant did not
13 voluntarily proffer any of these mitigations that we are
14 talking about.

15 MR. COCKERLINE: I have no further comments on
16 this resolution. I think it's complete.

17 MS. SHYER: I have a question. I just perused
18 it again, I mean I read it before we did this, but I
19 don't see school buses in here. Am I miss-- Can someone
20 confirm that they are in here, please?

21 CHAIRMAN KLEMENS: I thought they were.

22 MS. CONROY: No, we did not.

23 CHAIRMAN KLEMENS: We didn't?

24 MS. CONROY: No.

25 MR. COCKERLINE: Wasn't the school bus answered

1 that they will do what is most prudent.

2 CHAIRMAN KLEMENS: That's right. The school
3 bus does what the school bus does.

4 MS. SHYER: We all [Unintelligible] very
5 clearly that the school bus would drop off and pick up
6 children on Millerton Road on the south side of the road.
7 And if we are saying that all loading and unloading has
8 to occur on Holley Street or in the parking lot, we are
9 ignoring what we were talking about the school bus route.

10 CHAIRMAN KLEMENS: Where is this thing?
11 Well --

12 MS. CONROY: Number 9.

13 CHAIRMAN KLEMENS: Can we look at it, please.
14 Well you could say something that school buses --

15 MS. CONROY: Unloading of vehicles is only
16 permitted on Holley Street and the onsite parking lot
17 except --

18 CHAIRMAN KLEMENS: It would be desirable if the
19 school buses would do that, too. But we can't control
20 them.

21 MR. WHALEN: School buses can stop right in the
22 middle of the highway.

23 CHAIRMAN KLEMENS: That's true. They stop the
24 traffic.

25 MS. CONROY: They are equipped with their own

1 traffic stopping.

2 MR. WHALEN: Yeah, because it's a school bus.

3 CHAIRMAN KLEMENS: Okay. That's number 9.

4 This does not apply to school buses.

5 MR. ANDRES: Right. Just put that in there.

6 CHAIRMAN KLEMENS: This does not apply to

7 school buses.

8 MR. ANDRES: Condition does not apply to school
9 buses.

10 CHAIRMAN KLEMENS: Anybody else have comments?

11 MR. WHALEN: Number 4. How do you police that?

12 The curtains? I think that's what we're talking about,
13 am I correct? They have to be white in all the
14 apartments on the south side of the building?

15 CHAIRMAN KLEMENS: All sides of the building.

16 MR. WHALEN: Okay.

17 MS. SHYER: That was the curtain lining.

18 People can put whatever they want on the interior side of
19 that.

20 MS. CONROY: I don't know what Hotchkiss looks
21 like. I know when I was in both college and boarding
22 school, that they usually had like a standard pull-down
23 white shade; and so that could be something -- and then
24 you would have whatever you wanted on -- internally.

25 MS. SHYER: Correct.

1 MR. WHALEN: Okay.

2 MS. SHYER: I think window treatment, we did
3 discuss blinds or curtains. I think that's broad enough.
4 I think --

5 CHAIRMAN KLEMENS: It's very common where they
6 have a sheer -- a sheer and then they have colored stuff
7 behind it. It's just so you don't have a hodgepodge of
8 colors.

9 MR. WHALEN: Okay. So that would have to be in
10 -- so they would have to put that in the renters --
11 people who rent these apartments, that have to put that
12 in their lease?

13 CHAIRMAN KLEMENS: No, I think the management
14 ideally should supply the interior window treatments that
15 face out to the street. And the tenants can do what they
16 want to do -- the idea is that there are always two
17 layers.

18 MR. WHALEN: Okay. Okay.

19 CHAIRMAN KLEMENS: Any other comments? Any
20 other comments from any -- Bob Riva?

21 MR. RIVA: No, nothing, Michael. Thank you.

22 CHAIRMAN KLEMENS: Marty, any more questions?

23 MR. WHALEN: No, no more questions, Michael.

24 CHAIRMAN KLEMENS: Allen?

25 MR. COCKERLINE: None from me.

1 CHAIRMAN KLEMENS: Cathy?

2 MS. SHYER: No.

3 CHAIRMAN KLEMENS: Okay. Cathy would you like
4 to make a motion to accept this, please.

5 MS. SHYER: Okay. A motion to accept the
6 resolution of the Town of Salisbury Planning and Zoning
7 Commission regarding application for a Special Permit to
8 construct a 12 unit multi-family dwelling in the
9 Pocketknife Square District and Aquifer Protection Area,
10 application number 2021-0123, 11 Holley Street.

11 CHAIRMAN KLEMENS: Thank you.

12 And can I have a second from Bob or Marty?

13 MR. RIVA: Bob Riva, second, Michael.

14 CHAIRMAN KLEMENS: Thank you. All those in
15 favor?

16 MR. ANDRES: And the motion's to approved as
17 amended; correct?

18 CHAIRMAN KLEMENS: As amended, correct.

19 Let's call the roll. Commissioner Cockerline?

20 MR. COCKERLINE: Aye.

21 CHAIRMAN KLEMENS: Commissioner Riva?

22 MR. RIVA: Aye.

23 CHAIRMAN KLEMENS: Commission Whalen?

24 MR. WHALEN: Aye.

25 CHAIRMAN KLEMENS: Commissioner Shyer?

1 MS. SHYER: Aye.

2 CHAIRMAN KLEMENS: Chairman Klemens, aye.

3 Motion is unanimous.

4 MR. COCKERLINE: Gees, what are we going to do
5 now?

6 CHAIRMAN KLEMENS: We will fill your days
7 with --

8 MS. CONROY: Need you ask?

9 (The Commission continued on with
10 other Salisbury Planning and Zoning
11 Commission matters.)

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C E R T I F I C A T I O N

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I hereby certify that the above and foregoing
is a true and correct transcript of the stenographic
notes of the audio recordings, with the limitations of
the quality of the recordings.

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Dated this 18th day of July, 2021.

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VIKTORIA V. STOCKMAL

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CRR, CSR, RMR

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