

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

October 18, 2021, 5:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)

3 Cathy Shyer (Regular Member)

4 Martin Whalen (Secretary)

5 Allen Cockerline (Regular Member)

6 Bob Riva (Regular Member)

7 Jon Higgins (Alternate)

8 Dr. Danella Schiffer (Alternate)

9

Staff Present:

Abby Conroy, Land Use Administrator (LUA)

Members Absent:

Debra Allee (Alternate)

10 **Brief Items and Announcements**

11

12 1. Call to Order / Seating of Members and Alternates

13 Chairman Klemens called the meeting to order at 6:30 p.m., all regular members were in attendance.

14

15 2. Approval of Agenda

16 The Chairman asked to add a section under #3 to be distinguished as #3.a. entitled "Chairman's
17 Comments Concerning Public Hearing."

18

19 *Motion:* To approve the agenda as amended.

20 Made by Cockerline, seconded by Riva

21 Vote: 5-0-0.

22

23 3. Correspondence from Attorney Janet Brooks Referred by Staff

24

25 Chairman Klemens addressed the Commission regarding a correspondence from Attorney Janet Brooks
26 circulated to the Inland Wetlands & Watercourses Commission (IWWC). He highlighted and
27 summarized the second item in the letter for the Commission. "*Whether members of the Commission*
28 *are obliged to disclose private contract information (email address, telephone numbers) to members of*
29 *the public.*" There is no obligation for members to engage with the public outside of a meeting, instead
30 any correspondences should go through the staff of the Commission. Participation in such
31 communications could constitute a violation of the Freedom of Information Act and could be used as a
32 legal argument to overturn the Commission's decision on matters.

33

34 The Chairman asked for confirmation of members that they have read and understand the text, the
35 members responded yes.

36

37 3.a Chairman's Comments Concerning Public Hearing

38

39 The Chairman disclosed guidelines for public hearings.

40

- 41 1) Fundamental fairness is insured when all comments concerning a pending application are
42 addressed at a public hearing. He explained that transparency is key for an open government.
43
- 44 2) Fundamental fairness is violated when a member of the public attempts to sway any member of
45 the Commission outside of the public hearing processes. Such has occurred with application 2021-
46 0149, preemptive commentary was received at the Land Use Office. The comments have been held
47 but will be introduced into the record at the appropriate time during the public hearing.
48
- 49 3) Several comments have been received by the Chair and at least one other Commissioner and will
50 be introduced at the public hearing under the heading of *ex parte communications*.
51
- 52 4) Fundamental fairness is when the applicant and the public have the opportunity to see all
53 documents submitted to both the Land Use Office and via *ex parte*.
54
- 55 5) The public should be assured that they can and will be heard, filibustering is not helpful.
56 Comments should not be repetitive nor be outside of the Commission's statutory authority.
57
- 58 6) If a significant number of individuals from the public wish to comment the Chair reserves the
59 right to limit comments to five minutes each and to remind commentators when they are being
60 repetitive or have strayed beyond the statutory authority of the Commission.
61
- 62 7) Zoom results in some challenges to our meetings. Many people sign on under unspecified names
63 or telephone numbers, the Chair will ask the speaker to identify themselves for the record.
64 Provision of an address is appreciated but not required.
65

66 **New Business**

- 67
- 68 4. #2021-0154 / Madsen (Vail) / 10 North Beaver Dam Road / 2-Lot Resubdivision / Map 23 / Lot
69 17-1 / DOR 10/18/2021 *Reception, Consideration of Completeness, and Schedule Hearing*
70

71 Attorney Emily Vail represented the Madsens on the application. She addressed the Commission
72 describing the resubdivision of Lot 17-1, explaining that the existing lot includes a residence off of
73 North Beaver Dam Road and a horse farm with a residential apartment, stables, barns and riding areas
74 on Under Mountain Road. The resubdivision would separate the dwelling from the farm so that the
75 Madsens could convey the farm to their daughter.
76

77 Chairman Klemens informed the Commission that he and LUA Conroy had met with Attorney Vail to
78 discuss the setbacks shown on the site plan. Due to the nature of a family transfer the open space
79 requirements are nullified. The Chair and LUA Conroy agreed the application appears to be complete.
80

81 *Motion:* To schedule a public hearing for application #2021-0154 / Madsen (Vail) / 10 North Beaver
82 Dam Road / 2-Lot Resubdivision / Map 23 / Lot 17-1 on November 15, 2021, at 5:45pm via Zoom.

83 Made by Cockerline, seconded by Riva

84 Vote: 5-0-0.

85 5. #2021-0155 / Salisbury School Inc (Boyer) / 250 Canaan Road / Site Plan Modification to
86 Develop Golf Facility / Map 16 / Lot 5 / DOR 10/18/2021 *Reception and Possible Consideration*

87

88 Bill Boyer represented the Salisbury School for the proposed construction of a 20'x30' shed for a golf
89 driving range. Using the site plan, he delineated the proposed area north of the existing soccer fields
90 on the north side of route 44 at 250 Canaan Road.

91

92 Chairman Klemens asked if the proposed structure is within the Lake Protection Overlay District and its
93 proximity to any wetlands. LUA Conroy stated it is more than 300 feet from the lake and wetlands are
94 100 feet away with a vegetative buffer outlining the "no touch" zone.

95

96 Mr. Boyer shared a rendering of the proposed structure stating that the height will be approximately
97 25 feet at its peak.

98

99 The Commissioners agreed that the information was sufficient, and the proposed development
100 appeared to meet Regulations.

101

102 *Motion:* to approve site plan application #2021-0155 / Salisbury School Inc (Boyer) / 250 Canaan Road /
103 Site Plan Modification to Develop Golf Range and Shed / Map 16 / Lot 5

104 Made by Cockerline, seconded by Riva

105 Vote: 5-0-0.

106

107 **Public Hearing – 6:45**

108

109 6. #2021-0145 / Ramcharran (LRC Group) / 24 Cleaveland Street / Special Permit for Vertical
110 Expansion of a Nonconforming Dwelling in the Aquifer and Flood Plain Overlay Districts
111 (Section 401, 403 & 503.2) / Map 49 / Lot 116 / DOR 08/16/2021 *Public Hearing and Possible*
112 *Consideration*

113

114 Chairman Klemens introduced the application and continuation of hearing opened on September 20,
115 2021. James Brucz the project architect, engineers Richard Reynolds and John Wagenblatt of the LRC
116 Group, and Mr. Ramcharran, the owner, were present for the application.

117

118 The Chairman informed the stakeholders that even though they were not present at the last meeting
119 the Commission discussed their proposal. Mr. Brucz indicated that they had responded to the concerns
120 identified in their absence with a letter of explanation for the proposed generator location and the
121 alternative location which had been explored.

122

123 Commissioner Cockerline expressed satisfaction that the proposed elevation of the generator is shown
124 above the 500-year floodplain and that the sewer line will be drilled under the brook. LUA Conroy
125 added that running the sewer line under the brook is a condition of the IWWC approval based on
126 preference by the Water Pollution Control Authority. The proposed sewer connection will include a
127 grinder pump, which dictates a greater need for a generator. Commissioner Cockerline voiced concern
128 over the pitch of the proposed sewer line but agreed that with a grinder pump it should be adequate.

129 LUA Conroy reported that a letter had been added to documents on the Town website identifying the
130 proposed conditions of Tom Grimaldi the Town's consulting engineer. Richard Reynolds explained that
131 Mr. Grimaldi is looking for specific construction details including additions to the plan that instruct the
132 contractors e.g., erosion controls. Chairman Klemens identified that #9 in Grimaldi's letter, frack-out
133 (accumulated drilling fluids), is important and needs to be addressed. Mr. Reynolds explained the
134 original design was for a gravity sewer lateral that was only approximately 1 foot under the brook, the
135 consulting contractor for the boring recommended adding a low-pressure forced main under the brook
136 to minimize potential of frack-out.

137

138 Chairman Klemens further expanded on Mr. Grimaldi's requests including conditions such as: continue
139 to have staff monitor site, a cross section of the roadway, restoration repairs, size, location and
140 stockpiles of boring entry and exit pits, etc. The Chairman added these actions have not yet been
141 completed and recognized the need to continue the hearing. LUA Conroy informed the Commission
142 that after November the applicant would need to grant an extension. Mr. Wagenblatt confirmed that
143 they could have the revised plans submitted within a week.

144

145 Commissioner Shyer inquired about the generator pad (raised 18" to elevation 691.8) and if that was
146 sufficient. The Chair asked to have both the 100- and 500-year flood lines delineated, and mechanicals
147 elevated above the 500-year flood.

148

149 *Motion:* to Continue application #2021-0145 / Ramcharran (LRC Group) / 24 Cleaveland Street / Special
150 Permit for Vertical Expansion of a Nonconforming Dwelling in the Aquifer and Flood Plain Overlay
151 Districts (Section 401, 403 & 503.2) / Map 49 / Lot 116 on November 15, 2021, at 5:45pm

152 Made by Cockerline, seconded by Riva

153 Vote: 5-0-0.

154

155 7. #2021-0147 / Red Mountain Properties, LLC (Higgins) / 14 Red Mountain Road / 4-Lot
156 Subdivision / Map 3 / Lot 5-2 / DOR 09/20/2021 *Public Hearing and Possible Consideration*

157

158 Alternate Jon Higgins was removed from the panel due to a conflict of interest. Commissioner Whalen
159 read the hearing notice. Adam Higgins, agent for Red Mountain Properties LLC addressed the
160 Commission regarding the proposed four-lot subdivision. He explained the intent is to sell some of the
161 lots enabling he and his family to live in Salisbury. He further explained measures taken to determine
162 wetlands, plant and animal diversity noting he had gone in front of the IWWC, and a memo was sent to
163 the Commission regarding the conditions. Higgins explained his NDDDB (Natural Diversity Data Base)
164 submission and the bog turtle study done by Dennis Quinn which identified the absence of such
165 species on the proposed lots.

166

167 Chairman Klemens explained that prior to development each individual lot would require review by the
168 IWWC. Commissioner Cockerline asked for clarification on lot #3 and the proposed right of way
169 through lot #4. Adam Higgins explained lot #4 was his residence and an easement would be given to lot
170 #3 for a shared driveway access. The Chairman asked for the Commission to direct their attention to
171 the areas reserved for open space adding he considers the proposed subdivision ecologically resilient
172 and useful to open space preservation because of the proximity to conserved land.

173 At this time the Chairman queried the Commissioners for any other questions or concerns related to
174 the application, there were no additions. He also inquired if there were any public comments.

175
176 Karen Sunnarborg, the abutter at 2 Red Mountain Road expressed her concerns over the proposed
177 subdivision including removal of trees and vegetation to maintain existing views as well as the size of
178 the houses to be developed. She was hoping the Town could help mitigate changes made by new
179 development to the viewshed and tree screening. She asked to submit written comments and to visit
180 the Land Use Office to review the plans in relation to her property. She was informed that she was
181 notified prior to the meeting and had sufficient time to view and submit such documents. Clarification
182 was also given that the Commission is here to review the proposed subdivision not individual lot
183 development.

184
185 Chairman Klemens addressed Ms. Sunnarborg concerns of the viewshed and the tree screening along
186 the property asking Mr. Higgins if these could be maintained. Mr. Higgins replied that he had no intent
187 to remove the trees, but with a new owner this would be out of his control.

188
189 Ms. Sunnarborg inquired if Mr. Higgins intended to developed the lots himself. Mr. Higgins addressed
190 the Commission remarking he did not intend to develop the lots but rather sell them adding he would
191 like to see them done in a tasteful and environmentally-friendly manner.

192
193 Commissioner Shyer inquired if Ms. Sunnarborg could see Mr. Higgins home on lot #4/ She stated yes,
194 she could. LUA Conroy added that the Commission's regulatory authority pertaining to Ms.
195 Sunnarborg's concerns is limited to the open space requirements in the regulations.

196
197 *Motion:* to close the public hearing
198 Made by Cockerline, seconded by Riva
199 Vote: 5-0-0.

200
201 LUA Conroy alerted the Chairman that another member of the public was requesting to comment.
202 Chairman Klemens requested a motion to re-open the public hearing.

203
204 *Motion:* to re-open public hearing
205 Made by Shyer, seconded by Cockerline
206 Vote: 5-0-0.

207
208 The public comment continued with attendee Alden Briscoe. He inquired whether there were height
209 restrictions on buildings in the Town. LUA Conroy explained that there are restrictions for heights and
210 continued to clarify that the application being considered is only for a subdivision of property and not
211 for development of the lots. She further added that each lot would go through the Zoning and Building
212 application process and the IWWC as developments of each lot was proposed.

213
214 *Motion:* to close the public hearing
215 Made by Cockerline, seconded by Riva
216 Vote: 5-0-0.

217 The Commission discussed the proposed subdivision and agreed that it complies with regulations. The
218 Chairman explained that IWWC has requested a review of development for each lot. He inquired
219 whether The Nature Conservancy had been given any correspondence as they are an abutter. LUA
220 Conroy stated they had not replied. The Chairman requested a motion to approve the application
221 including the IWWC conditions of individual review for each lot's development and to maintain the
222 open space requirements as proposed.

223

224 *Motion:* to approve application #2021-0147 / Red Mountain Properties, LLC (Higgins) / 14 Red
225 Mountain Road / 4-Lot Subdivision / Map 3 / Lot 5-2 / DOR 09/20/2021 requiring IWWC conditions are
226 met for each lot as development is proposed and the designated open space areas show on the
227 subdivision site plan shall be kept in its natural state.

228 Made by Cockerline, seconded by Riva

229 Vote: 5-0-0.

230

231 Alternate Jon Higgins rejoined the group as a panelist.

232

233 8. #2021-0148 / McBride Builders LLC (Rice) / 64 Hammertown Road / 2-Lot Resubdivision / Map
234 23 / Lot 37-9 / DOR 09/20/2021 *Public Hearing and Possible Consideration*

235

236 Commissioner Whalen read the hearing notice. Alternate Higgins identified a potential defect in the
237 notice, it should read **resubdivision** not **subdivision**. It was discussed among the Commission and
238 applicant Peggy Rice that this could potentially be a problem leading to an appeal.

239

240 Ms. Rice explained the changes made to the plan including the building envelope, open space
241 requirements and displayed the proposed areas intended for driveway, utility and building site,
242 including the right of way and proximity to water bodies.

243

244 The floor was opened to the public.

245

246 Attorney Grickis inquired about the appeal process and if documents such as deeds and easements
247 would be included in the subdivision file before the approval becomes final? LUA Conroy explained the
248 appeal process and that the documents would be required prior to the mylar being endorsed and filed.
249 Attorney Grickis also inquired about open spaces requirements, if they need to be on the deed
250 formally or is it sufficient to be show on the map. LUA Conroy replied that conservation restrictions will
251 be on the deed as part of a Schedule A.

252

253 At 8:10pm the Chair asked for the Commission to take a 5-minute recess.

254

255 The Commission reconvened at 8:15pm and public comment continued.

256

257 Attorney Emily Vail representing Ms. Rice addressed the Commission referring to section 13.1.29 of the
258 regulations as it states that "resubdivision is included in the term subdivision". She and her client
259 believe that this should be suitable to proceed. The Chairman proposed that they move forward on

260 the item despite risks of a potential appeal due to noticing defect, provided the applicant is
261 comfortable doing so.

262
263 No other members from the public came forward with comments.

264
265 *Motion:* to close the public hearing
266 Made by Cockerline, seconded by Riva
267 Vote: 5-0-0.

268
269 The Chairman continued to discuss the item with the Commission identifying that Ms. Rice has been
270 very responsive to their concerns. The building envelope has been enlarged to be more realistic, the lot
271 is very flat, and the building area seems appropriate. He continued that the language needs to be
272 crafted for the open space and asked the Commission for their input. Commissioner Whalen asked for
273 clarification of the number of lots and the potential for future resubdivision of the back lot. LUA Conroy
274 noted that with a lot line revision it could potentially be resubdivided. The Chairman asked for a
275 motion for approval with a condition that the open space is allowed to be maintained for agricultural
276 use or in its natural state.

277
278 *Motion:* to approve application #2021-0148 / McBride Builders LLC (Rice) / 64 Hammertown Road / 2-
279 Lot Resubdivision / Map 23 / Lot 37-9 / DOR 09/20/2021 with the condition that the designated open
280 space is maintained as agriculture or in its natural state.
281 Made by Cockerline, seconded by Riva
282 Vote: 5-0-0.

283
284 9. #2021-0149 / Smith / 119 & 121 Long Pond Road / Special Permit Application Philanthropic
285 Use (Section 212.3) / Map 2 / Lots 16 & 28 / DOR 09/20/2021 *Public Hearing and Possible*
286 *Consideration*

287
288 Commissioner Whalen read the public hearing notice. Chairman Klemens briefly reviewed the public
289 hearing guidelines for all attendees. He clarified he would begin the public comment with those that
290 submitted written correspondence and then move to attendees. The Chairman asked Ms. Smith if she
291 had any professional representation with her at the meeting, she replied no but that she was joined by
292 two members of her family, Jennifer Carlin and James White. LUA Conroy reviewed the documentation
293 provided by the applicant and acknowledged that only one abutter was unresponsive. The IRS
294 determination letter for the Park B and Linda Smith Foundation was also included.

295
296 Ms. Smith gave an overview of her proposed application for the two-lot property. She explained her
297 intent is to merge the two lots, acquire more farm animals, and expand the agricultural aspects of the
298 property in order to establish an educational foundation for farming including training in cheese
299 making, soap making, horse and goat husbandry. She continued that this was just an idea of a
300 foundation and the beginning of a more detailed plan.

301
302 The Chairman inquired if and how the commercial and nonprofit ventures would be separated? Ms.
303 Smith stated it would all be all nonprofit and there would be a separation between the foundation and

304 the farm. The Chairman questioned whether the existing wine cellar and Air B&B profits would go back
305 to the foundation and if the existing website depicted her intentions for the property? She responded
306 that profits would be reinvested in the property through the foundation. She further explained that the
307 idea has evolved from a venue that may host small weddings to an educational foundation hosting
308 retreats and homesteading and husbandry classes. The website does not directly reflect this. Ms. Carlin
309 added that for the location to self-sustain it would be dependent on the Foundation's ability to receive
310 grants ensuring the perpetuity of the property. Additional financial support would be obtained through
311 retreats and programs.

312
313 Chairman Klemens requested that LUA Conroy introduce the public correspondence and explained it
314 will be on the Town of Salisbury website the following day. Commissioner Cockerline asked if letters
315 are sent for or against should those letters be available now? The Chairman explained these will not be
316 available until after the public hearing. Mr. Cockerline expressed that this seems like it will guarantee a
317 continuation. LUA Conroy explained some of the parameters may not pertain to the application or may
318 not be within the purview of the Commission.

319
320 Commissioner Cockerline noted that this has been established as a 501(C)(3) not- for- profit. Alternate
321 Higgins explained the intent of the regulations was to encompass a wider variety of nonprofits.
322 Alternate Schiffer queried if the Commission is being asked to approve the application for philanthropic
323 use before the applicant has been definitive with their plans and the proposal seems very broad. The
324 Chairman agreed it needs to be clearer.

325
326 Ms. Smith added that she agrees with the Commission that the purpose statement needs to be more
327 organized and specific about the intended philanthropic uses. Ms. Carlin added that the philanthropic
328 uses will be dependent on acquiring grants as they can be very specific.

329
330 Commissioner Shyer asked about the statement in the description that it would be family run with no
331 employees? Ms. Smith replied that most of the help would be volunteer-based but that eventually they
332 may need to hire employees.

333
334 Alternate Schiffer inquired as to the target audience? Ms. Smith replied: young people.

335
336 *Public Comment:*

337
338 Brian Meersma addressed the Commission in opposition of the application stating he is a fifth-
339 generation resident of Lakeville and the Long Pond area. He agreed with the Commission about the
340 lack of direction of the proposal. He referred to 802.1 in the regulations and feels the proposed use
341 does not meet the existing residential conditions and could negatively impact property values. Mr.
342 Meersma also pointed out that the connection between the 501(c)(3) and the use of the land is not
343 clear. He would like the Commission to consider conditional approval to ensure the defined use of the
344 applicant complies with the zoning requirements. He requested that if the use changes from what has
345 been proposed the applicant be required to seek new approval and broad use should not be approved.

346

347 The Chairman asked Mr. Meersma why he considers his neighborhood predominantly residential as
348 Indian Mountain School and Camp Sloane are both in the vicinity. Mr. Meersma responded that
349 besides those it appears to be residential.

350

351 Robert Clark feels the application is vague allowing for a broad spectrum of practices. He expressed his
352 discontentment for another venue such as Lion Rock Farm (in nearby Sharon) adding that a 501(c)(3)
353 with no economic activity is concerning. Mr. Clark stated that if the intent is to preserve the nature of
354 the farm there are other options to do so like conservation easements, and feels the intended use is a
355 disguise.

356

357 Dennis Mincieli described his proximity to the applicant's property, adding in his professional career he
358 was an urban planner and is very familiar with the concept of *destinations* as described in the
359 application. He believes this an application for a commercial destination and not cultural destination
360 fearing it will lead to increased traffic in the area. He continued that the proposed use for commercial
361 activities involving "Sunday night dinners" make this more like a low turnover restaurant, a use not
362 allowed in the RR1 zone. Mr. Mincieli added the request for the special permit as philanthropic use is
363 deficient. The activities requested do not meet zoning regulations, they are predominately commercial,
364 are not permitted *as of right* and should not be allowed in the RR1 zone. He feels the proposal would
365 destroy the residential character of the Lakeville area citing problems related to noise, lighting, traffic
366 circulation, parking, wetlands, and endangered species. He advocates for the Commission to refuse the
367 application.

368

369 Cameron Marshall addressed the Commission describing his location in relation to the applicant's
370 property and his regard for the quite rural setting. He expressed his apprehensions for the project
371 including matters of increased traffic, generating a precedent exploiting the special permit process and
372 the description of philanthropic use within regulations. He encouraged the Commission to refuse the
373 application.

374

375 The Chairman asked the public commenters to remember to limit their comments to five minutes and
376 not to repeat points already made by previous speakers.

377

378 Kathy Stratton, 71 Long Pond Road agreed with her neighbors' comments in opposition of the
379 application. She asked for clarification of the site plan the total area of acreage is not consistent.

380

381 Emily Louise Elliot thanked the Commission for the opportunity to speak adding she had submitted
382 letters to both the Land Use Office and Ms. Smith. She expressed distress for both public and animal
383 health mentioning rabies and salmonella as well as other transmittable diseases that can become
384 profound public health concerns. She questioned the Commission if the permit is granted for events
385 will the permit stay with the property and not the philanthropic foundation?

386

387 Chairman Klemens and LUA Conroy confirmed the special permit would stay with the property but
388 would be within the confines of the conditions. If it is approved the Commission could set parameters
389 that would have to be followed as the permit would be issued based on what has been indicated.

390

391 Jeff Crampton and his wife Laurie Hess expressed concerns with the application such as traffic and
392 noise. Ms. Hess addressed the Commission explaining her credentials as a certified avian veterinarian
393 and expressed her concerns for public health and farm animals in the proposed use, noting specific
394 requirements to mitigate potential adverse health concerns.
395

396 Bill Yarnell described his property location and family lineage to the area, stating the increase volume
397 of traffic as a major concern. He also expressed that the lack of precise details pertaining to the
398 anticipated use is insufficient for granting the special permit and urged the commission not to allow
399 the special permit until a satisfactory plan is submitted.
400

401 Steven Aresty of 17 Long Pond Road informed the commission he had sent letters addressing the issue
402 of a possible weeding venue and stated he is a managing trustee of two 501(C)(3). He brought up that
403 the application was submitted by Park Smith (an individual) and not a registered foundation. He also
404 indicated that the foundation can not just operate at the Smith's residence and will need a business
405 relationship between the individual and the not-for-profit commercial enterprise. Additionally, he
406 stated that the foundation is filed as grant making foundation and believes it cannot operate a not-for-
407 profit business.
408

409 Dr. Inra of 114 Long Pond Road concurs with the other speakers and their concerns. He described an
410 event pertaining to safety, mentioning that a hot air balloon flew over his residence at an elevation not
411 in compliance with FAA regulations. He added that the Smiths have displayed hot air balloons on social
412 media platforms, and he believes that this incident reflects an absence of care and safety precautions
413 by the Smiths.
414

415 Nicole Metzger wanted to highlight deficiencies she observed on the site plan. She pointed out that
416 parking, lighting and signage were not indicated.
417

418 John Willey and Rick Aronstein expressed their distress over increased traffic on Indian Mountain Road
419 posed by a new access road. It is in the immediate vicinity of the IMS pick up and drop off area that
420 already creates traffic congestion during certain times of the day. They also asked whether the access
421 road is compliant with section 212.3 of the Regulations which requires a 50-foot setback for vehicle
422 access.
423

424 John Allee questioned if the applicant has been approved by Torrington Area Health District (TAHD).
425

426 Ms. Smith confirmed that she has had discussions with Cathy Weber (of TAHD). She then went on to
427 refute statements by Dr. Inra regarding her involvement with a hot air balloon. The property has not
428 intentionally been used for the purposes of landing hot air balloons. The event explained by Dr. Inra
429 was an emergency landing.
430

431 The Chairman Requested a motion to continue the public hearing.
432

433 *Motion:* to continue public hearing to 12/13/2021 at 5:45 pm #2021-0149 / Smith / 119 & 121 Long
434 Pond Road / Special Permit Application Philanthropic Use (Section 212.3) / Map 2 / Lots 16 & 28 / DOR
435 09/20/2021
436 Made by Cockerline, seconded by Riva
437 Vote: 5-0-0.

438
439 10. #2021-0151 / Cox (Zimmerman) / 50 Channel Road / Special Permit for Vertical Expansion of a
440 Nonconforming Dwelling (Section 503.2) / Map 68 / Lot 4 / DOR 09/20/2021 *Public Hearing*
441
442 Commissioner Whalen read the hearing notice. The Chairman acknowledged the applicant was still
443 waiting for IWWC approval and asked for a motion to continue until 10/26/2021.
444

445 *Motion:* to continue public hearing to 10/26/2021 at 6:45pm #2021-0151 / Cox (Zimmerman) / 50
446 Channel Road / Special Permit for Vertical Expansion of a Nonconforming Dwelling (Section 503.2) /
447 Map 68 / Lot 4 / DOR 09/20/2021 *Public Hearing*
448 Made by Cockerline, seconded by Riva
449 Vote: 5-0-0.

451 **Public Comment**

452
453 4. Public Comment: *Public Comment is restricted to items that are neither on the agenda nor the*
454 *subject of any pending Planning & Zoning application or action and are limited to three minutes*
455 *per person*

456
457 No one from the public came forward with comments.

459 **Other Business**

460
461 The Chairman requested that items #11, #12 and #13 be tabled until October 26, 2021.

- 462
463 11. Minutes of September 20, 2021
464 12. Minutes of October 4, 2021
465 13. Intercommission subcommittee on matters related to wetlands and watercourses
466

467 *Motion:* to Table the minutes of September 20, 2021 and October 4, 2021 and intercommission
468 subcommittee discussion until October 26, 2021.
469 Made by Cockerline, seconded by Riva
470 Vote: 5-0-0.

472 **Adjournment**

473
474 *Motion:* To adjourn the meeting at 10:14 p.m.
475 Made by Cockerline, seconded by Shyer.
476 Vote: 5-0-0 in favor.

477
478 Respectfully submitted,
479
480
481 Alison Forman,
482 Land Use Assistant