

SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
November 15, 2021, 5:30 PM
Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)
3 Cathy Shyer (Vice Chair)
4 Martin Whalen (Secretary)
5 Allen Cockerline (Regular Member)
6 Bob Riva (Regular Member)
7 Dr. Danella Schiffer (Alternate)
8 Debra Allee (Alternate)
9

Staff Present:

Abby Conroy, Land Use Administrator (LUA)
Alison Forman, Land Use Assistant

Members Absent:

10 **Brief Items and Announcements**

11

12 1. Call to Order / Establish Quorum

13

14 Chairman Klemens called the meeting to order at 5:32 p.m. with five regular members and two
15 alternates in attendance.

16

17 2. Annual Organizational Meeting – Election of Officers & 2022 Proposed Meeting Dates

18

19 Commissioner Cockerline offered a slate of officers Dr. Michael Klemens as Chairman, Cathy Shyer as
20 Vice Chair and Martin Whalen as Secretary. Chairman Klemens asked for acceptance from the
21 individuals, all accepted.

22

23 *Motion:* to elect Dr. Michael Klemens as Chairman, Cathy Shyer as Vice Chair and Martin Whalen as
24 Secretary.

25 Made by Cockerline, second by Riva

26 Vote: 5-0-0.

27

28 Chairman Klemens reviewed the proposed meeting dates for 2022 and asked LUA Conroy if the POCD
29 meeting were included. She indicated that they were and are denoted in the italic font. It was
30 explained that there will be two meetings a month through June and the meetings would be changing
31 back to 6:30pm start on the March 21, 2022, meeting.

32

33 *Motion:* to approve the 2022 meeting dates.

34 Made by Cockerline, second by Riva

35 Vote: 5-0-0.

36

37 3. Approval of Agenda

38

39 Chairman Klemens asked the Commissioners for any adjustments to the agenda, none had
40 amendments.

41

42 *Motion*: to approve the agenda.
43 Made by Cockerline, second by Whalen
44 Vote: 5-0-0.

45
46 4. Resolution Recognizing Jon Higgins Years of Service
47

48 Chairman Klemens addressed the Commission recognizing the years of service and contributions from
49 Jon Higgins to the Town of Salisbury. He added that Mr. Higgins sent a letter stating he did not want to
50 serve as an Alternate for the next term. He suggested at a minimum a formal resolution to
51 acknowledge his years of commitment to the Commission. Vice Chair Shyer suggested a public and
52 lasting acknowledgment for him maybe in the form of a tree planting in Town. Commissioner Riva
53 suggested putting a bench by the Town Hall as a monument. Alternate Schiffer inquired about the
54 photos in the Town Hall recognizing residents for their service to the Town and if that could be an
55 option. The Chairman agreed something more than a resolution would be warranted to recognize his
56 dedication and service. Commissioner Whalen added that Mr. Higgins was already on the Commission
57 when he started and believes he had served for 38 years. It was agreed that Vice Chair Shyer would
58 speak to staff at the Town Hall to investigate what can be done for recognition.
59

60 At this time the Chairman gave a brief overview of the POCD review session and explained how he and
61 LUA Conroy edited the list into *problems* and ask the Commissioners to please add comments if they
62 feel misrepresented. LUA Conroy added that the special meeting on November 29 at 5:30pm will be
63 another review of the POCD.
64

65 **Public Hearing – 5:45 p.m.**
66

67 5. #2021-0145 / Ramcharran (LRC Group) / 24 Cleaveland Street / Special Permit for Vertical
68 Expansion of a Nonconforming Dwelling in the Aquifer and Flood Plain Overlay Districts (Section
69 401, 403 & 503.2) / Map 49 / Lot 116 / DOR 08/16/2021 *Continue Public Hearing and Possible*
70 *Consideration*
71

72 John Wagenblatt, civil engineer and principal at the LRC Group, James Brucz, architect and Troy
73 Ramcharran, owner represented the application. Mr. Wagenblatt explained revisions to the plans as
74 requested by the Town’s consulting engineer Tom Grimaldi. He identified that most of the requests
75 were related to the sewer line proposed to be bored under Factory Brook and the surrounding
76 wetlands. LUA Conroy stated that IWWC had granted approval.
77

78 Mr. Wagenblatt explained that the proposed sewage will be pumped out of the basement into a
79 pressurized sewer line that will be bored a minimum of 10 feet below Factory Brook and the adjacent
80 wetlands. He further explained the location of the areas of open construction of the new line and the
81 areas of deposit on the west side of Factory Brook where this lateral will be joined to the municipal
82 sewer main.
83

84 The Chairman inquired if the width of the new lateral line is greater than or equal to the existing? Mr.
85 Wagenblatt stated that the new line is only 1.5” in diameter with a forced main as where the old line is

86 5" or 6" in diameter and is gravity fed. The Chairman inquired if WPCA had signed off on the project,
87 LUA Conroy stated that they have not received sign off yet as they still need a zoning permit to start
88 work. The Chairman asked if there was a decommissioning plan for the existing sewer. Mr. Wagenblatt
89 replied that it will be hand dug, cut and capped off on the east side of the stream.

90
91 Commissioner Whalen inquire if a grinder pump would be installed. Mr. Wagenblatt confirmed, a
92 grinder pump would be used and that there will be a backup generator to ensure proper function in
93 the event of a power outage. Mr. Wagenblatt indicated that the generator pad will be elevated as
94 requested to be 18" above the 500-year flood.

95
96 Vice Chair Shyer requested an explanation for areas of hatching displayed on the plans. Mr.
97 Wagenblatt indicated that those are areas of disturbance and grading which will be planted with grass
98 seed. Chairman Klemens asked for clarification of the triangular area displayed on the plans and if it
99 was a retention basin or a rain garden. Mr. Wagenblatt confirmed that it is a rain garden and presented
100 the details in the plan.

101
102 LUA Conroy presented Mr. Grimaldi's letter describing his conditions. It was agreed that the conditions
103 are acceptable to all parties.

104
105 The Chairman opened the discussion for public comment. No one from the public came forward.

106
107 *Motion:* to close the public hearing
108 Made by Whalen, seconded by Riva
109 Vote: 5-0-0.

110
111 *Motion:* to approve application #2021-0145 / Ramcharran (LRC Group) / 24 Cleaveland Street / Special
112 Permit for Vertical Expansion of a Nonconforming Dwelling in the Aquifer and Flood Plain Overlay
113 Districts (Section 401, 403 & 503.2) / Map 49 / Lot 116 / DOR 08/16/2021 including technical
114 conditions and comments from consulting engineer Tom Grimaldi.
115 Made by Cockerline, seconded by Riva
116 Vote:5-0-0.

117
118 6. #2021-0153 / Firehouse Place LLC (Capecelatro) / 9 & 9A Sharon Road / Special Permit for
119 Parking Flexibility and Satellite Parking Associated with a Change of Use from Low Turnover
120 Restaurant, Retail and Office to Low Turnover Restaurant and Apartment (Section 703.7 &
121 703.8) / Map 49 / Lot 27-2 / DOR 10/04/2021 *Continue Hearing & Possible Consideration*

122
123 LUA identified Attorney Mark Capecelatro, Attorney William Grickis, and Seth Churchill (current owner)
124 as representing the application.

125
126 Attorney Capecelatro represents the prospective owners and is working with Attorney Grickis who is
127 representing the current owner. Attorney Capecelatro gave a brief description of the application and
128 the proposed change of use. The existing site consists of a gym and a high turnover restaurant on the

129 first floor. The second floor is used for yoga and massage. The new proposed use would be a low
130 turnover restaurant on the entire first floor and the second floor will have a two-bedroom apartment.
131 The Chairman queried if the applicant had considered having two apartments upstairs. Attorney
132 Capecelatro informed the Commission that although this idea was explored it did not work with the
133 layout of the building and their intent of the two-bedroom apartment upstairs would provide some
134 employee housing. He informed the Commission that certified mail notices had been mailed to all 19
135 abutters and of those 16 have returned the green cards acknowledging their receipt of the notification.
136 He added that he had invited the abutters to contact him, but none did. The Chairman inquired if
137 notice requirements been met, both attorneys Capecelatro and Grickis confirmed that this had been
138 done correctly.

139
140 Attorney Capecelatro stated that he and LUA Conroy reviewed the parking needs and determined
141 approximately 50 spaces are needed. George Johannesen of Allied Engineering was contracted for a
142 parking analysis of the surrounding area and only looked at using existing parking spaces and not
143 adding new parking. It was determined that 87 parking spaces were available, 14 on site and 73 in the
144 vicinity. Chairman Klemens inquired if this included parking at Community Field. Attorney Capecelatro
145 specified that it did not include spaces at Community Field or the Holley Block. Commissioner Shyer
146 inquired about the eight spaces closest to the intersection of Route 41 and Route 44 and if their layout
147 was going to be changed. Attorney Capecelatro informed the Commission that the eight spaces were
148 not included in the count because they are on State property and out of their control. He noted that
149 even if the orientation was changed to parallel parking, decreasing the count to 4 or 5 or eliminated,
150 they would still have 78 spaces in the vicinity.

151
152 Mr. Churchill explained the history of the site and thought that the State Department of Transportation
153 might consider a proposal for parallel parking along Sharon Road. Angled parking in that area was
154 discussed and it was reported that the First Selectman did not favor it for safety reasons.
155 Commissioner Shyer asked about the intended use of the small building and parking spaces. Mr.
156 Churchill informed the Commission that he uses the building for storage / workspace, and the parking
157 would be available. He added that the private road (Factory Lane) also has additional parking spaces
158 not included in the original count.

159
160 Commissioner Shyer requested the total occupancy of the proposed restaurant. Mr. Churchill specified
161 there could be a total of 93 seats. LUA Conroy questioned if this total had been approved by the Fire
162 Marshal. Attorney Capecelatro acknowledged it had not yet been approved but suggested adjustments
163 could be made if necessary.

164
165 Commissioner Whalen indicated that 30+ parking spaces could potentially be needed for employees.
166 Mr. Churchill suggested that they might park at Community Field, but it was accepted this is not
167 currently available. Chairman Klemens recommended considering outdoor dining capacity recognizing
168 the potential to reduce seating to address parking concerns.

169
170 The Commission recognized potential problems with parking not only for occupancy but also for
171 employees. It was also acknowledged that traffic and safety may become a concern in the area with an

172 increase of deliveries and traffic. Both Attorney Capecelatro and Mr. Churchill predicted that deliveries
173 would be done early in the day and access could be gained from the private road (Factory Lane).

174
175 At this time, the Chairman opened the meeting for public comment.

176 Mr. Pat Hackett, representing Adrienne De Polo the owner of the adjoining Pocketknife Factory
177 building had questions regarding the proposed application. His concerns included the proximity to his
178 client's property line, stairs, the buffer area (noting evergreens had been requested), identification on
179 site plans to the location of the dumpster / loading dock, and retaining wall.

180
181 The Chairman asked Mr. Churchill if any of these concerns have been addressed. Mr. Churchill
182 responded that the buffer did get cut back but evergreens were not planted, he noted that the stairs
183 were never built. He stated that the dumpster will be screened by the buffer and there is no loading
184 dock. The Chairman expressed that the Commission might require evergreens to be planted as a
185 buffer. Mr. Hackett added that the retaining wall concerns date back to 2014. A new wall was
186 requested but never built.

187
188 Chairman Klemens informed Mr. Hackett that if he intended to introduce new items for review, they
189 should have been submitted prior to the meeting. Mr. Hackett replied that he was hoping that hearing
190 would be continued to allow for his client to appear. The Chairman requested Mr. Hackett use the
191 screen share function to display his documents Mr. Hackett displayed the 2014 site plan and spoke to
192 the issue of the stairs that were never built. LUA Conroy recognized this was the initial site plan
193 submitted and it did not necessarily represent the proposed work for the current application. The
194 Chairman requested a date to identify the document exclaiming Mr. Hackett's presentation was
195 difficult to follow and no stairs are proposed for the current application. Mr. Hackett spoke to the
196 Commission explaining he assumed the information and photographs would be sufficient supplemental
197 materials.

198
199 Commissioner Cockerline stated that the property lines on the document are difficult to distinguish.
200 Mr. Hackett explained this showed half of the firehouse and half of the Pocket Knife Factory property
201 including the 14-foot right of way. Mr. Hackett noted that he does not feel the available parking is
202 adequate and it would be beneficial to encourage pedestrian use. Additionally, he detailed a buffer
203 along his client's property line would be appreciated. Attorney Capecelatro identified there was no
204 need for excavation and his client would be happy to maintain what was there. Commissioner Riva
205 and the Chairman both expressed dismay at Mr. Hackett's disorganized presentation.

206
207 The Chairman requested a five-minute recess.

208
209 Chairman Klemens requested that the applicant provide an accurate up-to-date site plan depicting the
210 proposed conditions including both handicapped and parallel parking, outdoor seating and a buffer.
211 LUA Conroy also requested the placement of the dumpster be identified. Mr. Churchill pointed out that
212 parking is available on Factory Lane the Chairman requested these be displayed on the site plan. Mr.
213 Churchill informed the Commission that he had never seen such an extensive parking plan needed on
214 private property. LUA Conroy inquired if these spaces were delineated in the field and if they are up to
215 code. Mr. Churchill replied that they are not delineated, nor did he know if they are up to code, and

216 they are on private property. He acknowledged the site plan displays parking on site as the Google
217 earth image details the availability in the surrounding area. The Chairman did not feel the parking
218 spaces were detailed appropriately and asked for further clarification on a revised site plan.

219
220 *Public Comment:*

221
222 Bruce Palmer addressed the Commission expressing he had two questions/concerns at this time.
223 Number one was a concern regarding fire lanes as he did not see any delineated and was wondering if
224 they were needed with residences in the vicinity. Number two was regarding Holley Place and if it
225 would be impacted by this project? Chairman Klemens informed Mr. Palmer the Fire Marshal would be
226 contacted regarding code requirements, and he could not comment concerning Holley Place due to
227 ongoing litigation.

228
229 The Chairman acknowledged if they keep the public hearing open, they could require supplementary
230 material. The Commission agreed more information is needed for the application including an updated
231 site plan, updated parking plan showing handicapped and parallel spaces (on the shoulder of Sharon
232 Road), the evergreen screening, the location of the dumpster and loading area as well as the outdoor
233 dining location.

234
235 Chairman Klemens, LUA Conroy and the Fire Marshal would coordinate a site visit to make sure these
236 requirements are met for plans and codes. He added the value of a special permit allows the
237 Commission to require conditions of approval. It was agreed by both the stakeholders and the
238 Commission to continue the public hearing until December 13, 2021. Attorney Grickis added that he
239 would work with the applicant and the Commission to achieve approval.

240
241 *Motion:* to continue public hearing until December 13, 2021, at 5:45 PM for application #2021-0153 /
242 Firehouse Place LLC (Capecelatro) / 9 & 9A Sharon Road / Special Permit for Parking Flexibility and
243 Satellite Parking Associated with a Change of Use from Low Turnover Restaurant, Retail and Office to
244 Low Turnover Restaurant and Apartment (Section 703.7 & 703.8) / Map 49 / Lot 27-2 / DOR
245 10/04/2021

246 Made by Cockerline, seconded by Riva.

247 Vote: 5-0-0.

248
249 7. #2021-0154 / Madsen (Vail) / 10 North Beaver Dam Road / 2-Lot Resubdivision / Map 23 / Lot
250 17-1 / DOR 10/18/2021 *Open Public Hearing and Possible Consideration*

251
252 Commissioner Whalen read the hearing notice. Emily Vail introduced herself as the attorney
253 representing the applicant. Chairman Klemens gave a brief overview reminding the Commission that
254 this is a family transfer which nullifies the open space requirements.

255
256 Attorney Vail reviewed the application explaining the separation between the existing residence and
257 the farm operations including an apartment, stables, and riding area. She confirmed the plan meets the
258 setback requirements and wetlands have been delineated. The Chairman inquired if there is or was a
259 stream in that area. Vail responded that the wetlands were delineated and it was determined that

260 there was not a stream. Vice Chair Shyer questioned if there is access to both lots A and B? Vail
261 responded that lot A has an existing access off Beaver Dam Road and lot B has existing access off of
262 Route 41.

263

264 At this time the Chairman asked if the Commission had any further questions. Then opened the forum
265 to public comment. No one from the public came forward.

266 *Motion: to close the public hearing*

267 Made by Whalen, seconded by Riva

268 Vote: 5-0-0.

269

270 *Motion: to approve application #2021-0154 / Madsen (Vail) / 10 North Beaver Dam Road / 2-Lot*
271 *Resubdivision / Map 23 / Lot 17-1 / DOR 10/18/2021 Family Resubdivision with no open space*
272 *requirements.*

273 Made by Cockerline, seconded by Riva

274 Vote: 5-0-0.

275

276 **Public Comment**

277

278 8. *Public Comment - Public Comment is restricted to items that are neither on the agenda nor the*
279 *subject of any pending Planning & Zoning application or action and are limited to three minutes*
280 *per person*

281

282 Chairman Klemens opened the meeting for public comment.

283

284 Bruce Palmer expressed concern over a lack of regulations pertaining to tree clearing. He identified
285 that this concern has also brought up under public comment before the Inland Wetlands &
286 Watercourses Commission. The Chairman informed Mr. Palmer that this has been identified as a
287 problem that the PZC intends to address in the 2022 POCD.

288

289 **Other Business**

290

291 9. Enforcement / Brazzale / 17 Railroad Street / Notice of Potential Violation of 901.1 / Map 54 /
292 Lot 58

293

294 Attorney Grickis represented Nick Brazzale providing a summary of the steps to be taken by his client
295 to address the storage of equipment, brush, fire wood, boat and trailer. Attorney Grickis stated some
296 have been removed and Brazzale has made significant progress and will apply for a yard variance to
297 erect a storage building for his equipment. He added that the survey had just been completed and that
298 it appears some of the abutting complainant's items are on his client's property.

299

300 The Chairman questioned if there is a fence. Attorney Grickis confirmed that there is not. LUA Conroy
301 mentioned that there is some discrepancy between home occupation, storage of equipment and a
302 contractors' yard. Attorney Grickis suggested it may fall into the 750 square footage area allowed in
303 regulations for storage of equipment stating Mr. Brazzale does not run his business at the home nor is

304 it a contractor's yard. Commissioner Cockerline requested the 750 square foot area be verified. LUA
305 suggested it could be verified on the survey if everything was to scale.

306
307 The Chairman noted that he was pleased with the progress and identified the next steps would be to
308 look for the variance and come back to this issue to evaluate progress, but that Mr. Brazzale needs to
309 comply. LUA Conroy reminded all parties that the Commission has asked for actions on items including
310 the fence, wood pile, brush and equipment. Alternate Schiffer requested documentation of progress
311 and the Chairman confirmed that he and LUA Conroy would be conducting a site visit.

312
313 10. Enforcement / Salisbury Housing Trust & Brazzale / 12 Indian Cave Road / Notice of Potential
314 Violation of 901.1 / Map 54 / Lot 60-12T

315
316 The Chairman recognized another enforcement issue related to Mr. Brazzale's business on an adjoining
317 property. LUA Conroy explained it has also been addressed in the letter from Attorney Grickis.
318 Chairman Klemens explained the complaint is an issue of parking lawn maintenance equipment in the
319 garage on the property.

320
321 Attorney Grickis stated that he does not see a violation with the fact that his client parks his equipment
322 in a garage on a family-owned property. The Chairman asked for a \$500 escrow to consult the town
323 attorney. Mr. Brazzale agreed he would provide the requested escrow.

324
325 11. Permit Update / 281 Wells Hills Rd LLC / 281 Wells Hill Road / Request for Temporary Zoning
326 Permit ZP#2021-0069 to Reside in Detached Barn Structure While Principal Dwelling is Under
327 Construction – Kitchen in Barn to be Demolished upon completion of New Home. (Section 906)
328 / Map 33 / Lot 28 / *Possible Enforcement under Section 901.3*

329
330 The Chairman asked if the Land Use Office has received the permit application. LUA Conroy responded
331 no and gave the Commission an update. In August the LUA was authorized to grant temporary zoning
332 permits for a generator in the front yard (that would ultimately be removed) and for the temporary
333 occupancy of the barn (accessory structure that was not supposed to have a kitchen). She explained
334 that she has tried to reach out on three separate occasions and still has not received applications for
335 either temporary zoning permit.

336
337 She specified the applicant's attorney reached out to her sending a draft for a zoning application yet
338 still has not received a check or the supplementary materials needed. Both the Chairman and LUA feel
339 they have been given more than one chance to comply. Commissioner Cockerline suggested giving the
340 applicant ten days or a cease and desist. Chairman Klemens responded that he would like to begin
341 enforcement tonight as they have had plenty of time to complete the application and to submit the
342 needed documentation. He recommended that the LUA issue a notice of violation which will result in
343 stopping the building officer from issuing a CO.

344
345 The Commissioners discussed a previous problem concerning a power box within the Town right away,
346 it was recognized that it was an Eversource meter and was allowed. The Commission agreed to
347 proceed with enforcement.

348 Chairman Klemens further noted that the applicant and attorney are trying to dictate the terms of the
349 temporary zoning permit and that he has run out of patience stating they have wasted two of the six
350 months and have been giving ample opportunity to comply. Commissioner Cockerline suggested
351 deferring to the town lawyer on thoughts of the four vs. six-month duration of the temporary zoning
352 permit. Alternate Schiffer inquired as to why they have not complied. LUA Conroy said she hesitated to
353 assign intent. Chairman Klemens added that it is to their advantage to drag this out as they may get
354 more time out of the temporary zoning permit. The Chairman confirmed that a notice of violation will
355 be issued which will result in a CO not being able to be issued due to the property being under
356 enforcement.

357

358 12. Minutes of October 4, 2021

359 13. Minutes of October 26, 2021

360

361 LUA Conroy addressed the Commission that the minutes were not yet available, and the Chairman
362 requested that they be tabled until the next meeting.

363

364 14. Correspondence

365

366 None

367

368 **Adjournment**

369

370 *Motion:* To adjourn the meeting at 8:49 p.m.

371 Made by Cockerline, seconded by Riva.

372 Vote: 5-0-0 in favor.

373

374 Respectfully submitted,

375

376 Alison Forman, Land Use Assistant