

**SALISBURY PLANNING AND ZONING COMMISSION**

**SPECIAL MEETING MINUTES**

**December 28, 2021, 9:00 am**

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)

3 Cathy Shyer (Vice Chair)

4 Debra Allee (Alternate)

5 Dr. Danella Schiffer (Alternate)

6 Martin Whalen (Secretary) joined at 9:03

7 Allen Cockerline (Regular Member) joined at 9:05

8

9 **Brief Items and Announcements**

10 1. Call to Order / Seating of Members & Alternates.

11

12 Chairman Klemens called the meeting to order at 9:00 am, acknowledging the attendance of himself,  
13 Vice Chair Shyer, Alternate Allee, Alternate Schiffer, LUA Conroy, and Land Use Assistant/Recording  
14 Secretary Forman. He seated both Alternates Schiffer and Allee as voting members.

15

16 **Public Hearing – 9:00am**

17 2. Public Hearing to Consider Opt out of the Accessory Apartment Provisions of Section 6 of Public Act  
18 No. 21-29 *Public Hearing and Possible Consideration*

19

20 Chairman Klemens read the public hearing announcement. He inquired if any additional materials had  
21 been submitted. LUA Conroy noted that no new materials had been submitted. He requested a motion  
22 for the pertinent documents concerning this matter from the October 4, 2021 P&Z meeting be  
23 incorporated in their entirety into these proceedings.

24

25 *Motion: to include the entire record of the file from the 10/04/21 P&Z meeting in this meeting.*

26 Made by Shyer, seconded by Schiffer

27 *Vote 4-0-0.*

28

29 The Chair explained that the decision from the 10/04/21 Planning & Zoning Commission meeting was  
30 not published. In order to comply with the Statutes to opt out of the accessory apartment legislation,  
31 this meeting was required to re-hear the matter and subsequently publish the decision.

32

33 It was acknowledged that Commissioner Whalen joined the meeting at 9:03 am and the Chair  
34 recognized a full quorum of five voting members were present.

35

36 Chairman Klemens asked if any of the Commissioners needed a review of the documents and if all  
37 members were familiar with them. Vice Chair Shyer stated that she was acquainted with them and  
38 that the Commission will continue to require a special permit for accessory apartments in Salisbury. No  
39 other Commission members had comments or requested additional information.

40

41 Chairman Klemens explained that the Commission would opt out of the State Statute to maintain  
42 existing regulations relevant to accessory apartments. He noted that by opting out, SWPCA (Salisbury

43 Water Pollution Control Authority) will maintain the authority to recoup fees to cover costs of  
44 increased usage of the municipal sewer system resulting from the construction of such units. The  
45 Chairman further explained that these regulations were created for towns that have exclusionary  
46 zoning regulations which inhibit the creation of affordable housing options and that Salisbury's existing  
47 regulations allow for more flexibility.

48  
49 Commissioner Cockerline joined the meeting at 9:05 am. Chairman Klemens requested that he observe  
50 as a non-voting member, as a voting quorum had been established in his absence.

51  
52 LUA Conroy recognized that there was one attendee from the public. No one from the public came  
53 forward with comments. Chairman Klemens requested a motion to close the public hearing.

54  
55 *Motion: to close public hearing.*  
56 Made by Whalen, seconded by Allee.  
57 Vote 5-0-0

58  
59 The Chair asked the Commission if any further discussion was needed and if they agreed to opt out of  
60 the legislation. No further discussion was requested and the Commission unanimously agreed to opt  
61 out.

62  
63 *Motion: to Opt out of the Accessory Apartment Provisions of Section 6 of Public Act No. 21-29 of the*  
64 *Connecticut 2021 Newly Enacted Accessory Apartment Legislation so Salisbury can maintain its special*  
65 *permit process for the following reasons:*

- 66  
67 *1. The Commission has already adopted regulations to encourage the creation of a broad diversity of*  
68 *housing stock including density bonuses in our multi-family and pocket knife square overlay districts, as*  
69 *well as an as-of-right process to allow for attached accessory dwelling units.*  
70  
71 *2. Detached accessory apartments are already allowed but must meet the special permit criteria.*  
72  
73 *3. By requiring a special permit for detached accessory dwellings, including the conversion of structures*  
74 *which are non-conforming with regard to setbacks, neighbors and other interested parties are alerted*  
75 *to the change in use. This, encourages transparency and public engagement through the public hearing*  
76 *process.*  
77  
78 *4. The Town's regulations allow for greater flexibility with regard to size and scale of accessory units*  
79 *than the new State legislation.*  
80  
81 *5. The new legislation prohibits the Salisbury Water Pollution Control Authority (SWPCA) from*  
82 *recouping fees to cover the cost of increased usage of the municipal sewer system resulting from the*  
83 *construction of such units.*

84  
85 Made by Shyer, seconded by Whalen.  
86 Vote 5-0-0

87 **Other Business**

88

89 LUA Conroy noted that a public notice would be sent to the Republican American for publication, and  
90 the Board of Selectmen would meet on January 30, 2021, to consider our recommendation to opt out.

91

92 3. Minutes of November 15, 2021

93 4. Minutes of November 29, 2021 – *pending*

94 5. Minutes of December 13, 2021- *pending*

95 6. Minutes of December 20, 2021- *pending*

96

97 The Commission did not address minutes on the agenda.

98 **Adjournment**

99 *Motion:* to adjourn.

100 Made by Whalen, seconded by Allee

101 Vote 5-0-0

102

103

104 Respectfully submitted,

105

106 Alison Forman

107 Recording Secretary