

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**DECEMBER 20<sup>TH</sup>, 2021, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

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**Members Present:**

Dr. Michael Klemens (Chairman)  
Martin Whalen (Secretary)  
Bob Riva (Regular Member)  
Cathy Shyer (Vice Chair)  
Dr. Danella Schiffer (Alternate)  
Debra Allee (Alternate)

**Staff Present:**

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

**Members Absent:**

Allen Cockerline (Regular Member)

**Brief Items and Announcements**

1. Call to Order/ Seating of Members and Alternates

Chairman Klemens called the meeting to order at 5:30 p.m. Commissioner Cockerline was absent from the meeting. Alternate Schiffer was seated for Commissioner Cockerline. With four members present, (Commissioners Whalen, Riva, Klemens, and Alternate Schiffer) Chairman Klemens established a quorum to begin the meeting.

2. Approval of Agenda

**Motion:** To approve the agenda for the December 20, 2021 Planning & Zoning (P&Z) meeting

Made by Riva, seconded by Whalen

Vote: 4-0-0

3. Minutes of November 9, 2021

Alternate Schiffer was unable to read the minutes from November 9<sup>th</sup>, 2021 and abstained from commentary.

**Motion:** To approve the minutes of November 9, 2021 as presented

Made by Riva, seconded by Whalen

Vote: 3-0-0 with Alternate Schiffer abstaining

4. Minutes of November 15, 2021

5. Minutes of November 29, 2021

6. Minutes of December 13, 2021

The minutes were tabled.

**New Business**

7. #2021-0156/Easton (Churchill)/104 Interlaken Road/Special Permit for Detached Apartment on Single Family Residential Lot (Section 208)/Map 39/Lot 17/ DOR: 12/20/21

**SALISBURY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES**  
**DECEMBER 20<sup>TH</sup>, 2021, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

41 Seth Churchill (Churchill Builders, Contractor), Kevin Wolfe (Architect), and Chuck Tuz (Churchill  
42 Builders) represented the Easton property on the proposal for the special permit for a detached  
43 apartment. Churchill and Tuz oriented the Commission to the architectural blueprints of the Easton  
44 property for their presentation.

45  
46 Churchill and Tuz explained the plans achieve a calculated residential living space of less than 2,000 ft<sup>2</sup>.  
47 Plans for the first and second floors included bringing the interior walls inward by 14 inches. Tuz and  
48 Churchill indicated that the basement level below the guesthouse would serve as an additional storage  
49 for the principal residence. It is inaccessible from the accessory apartment, therefore preventing it  
50 from being used as a portion of the accessory apartment. The proposed renovation to the detached  
51 accessory apartment yields a total livable area of 1,997 ft<sup>2</sup>.

52  
53 Commissioner Whalen asked a question regarding the use of the space around the perimeters of the  
54 room with the proposed interior wall modification. Tuz confirmed that the space between the existing  
55 and proposed interior walls would be filled with insulation. Alternate Schiffer asked a question  
56 regarding the presence of an enclosure around or an overhang above the deck on the first floor. Tuz  
57 indicated that the deck is absent of an enclosure or overhang, possessing a single railing around the  
58 perimeter, and sits atop pressure-treated stilts.

59  
60 Land Use Administrator Conroy confirmed with Chairman Klemens that the application was complete.

61  
62 **Motion:** To schedule a public hearing for application #2021-0156/Easton (Churchill)/104 Interlaken  
63 Road/Special Permit for Detached Apartment on Single Family Residential Lot (Section 208)/Map  
64 39/Lot 17 on January 18th, 2022 at 5:45 p.m. via Zoom.

65 Made by Riva, seconded by Whalen

66 Vote: 4-0-0

67

68 8. #2021 – 0157/ Murphy/ 157 Lime Rock Road/ Special Permit for Detached Apartment on Single  
69 Family Residential Lot (Section 208)/ Map 3/ Lot 6-3/ DOR: 12/20/21

70

71 Greg Murphy (applicant and property owner) represented himself for the proposal of the special  
72 permit for a detached apartment at 157 Lime Rock Road. Murphy presented an A2 survey and  
73 discussed the conversion of an existing barn on the property to contain a total living area of 960 ft<sup>2</sup>.  
74 Murphy indicated he had received approval for a second septic system from Torrington Area Health  
75 District.

76

77 Chairman Klemens inquired which side of Lime Rock Road the property is on. Murphy clarified that the  
78 structure was on the Coyote Hill Nursery side of Lime Rock Road. Commissioner Riva asked where the  
79 property was in relation to the power lines. Murphy confirmed that the power lines go through the  
80 Coyote Hill Nursery Section of the property, away from the barn. Commissioner Riva also asked a

**SALISBURY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES**  
**DECEMBER 20<sup>TH</sup>, 2021, 5:30 PM**

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81 question regarding the boundary line of the property, to which Murphy confirmed the boundary line of  
82 the property was along Red Mountain Road.

83

84 Vice Chair Cathy Shyer joined the meeting at 5:54 p.m. and Alternate Schiffer was no longer a voting  
85 member.

86

87 **Motion:** To schedule a public hearing for application #2021 – 0157/ Murphy/ 157 Lime Rock Road/  
88 Special Permit for Detached Apartment on Single Family Residential Lot (Section 208)/ Map 3/ Lot 6-3  
89 on January 18th, 2022 at 5:45 p.m. via Zoom.

90 Made by Whalen, seconded by Riva

91 Vote: 5-0-0

92

93 **Public Comment**

94

95 9. Public Comment - Public Comment is restricted to items that are neither on the agenda nor the  
96 subject of any pending Planning & Zoning application or action and are limited to three minutes  
97 per person

98

99 There was no public comment.

100

101 **Other Business**

102

103 10. Clarification of Zoning Regulation Section 501: Change of Non-Conforming Use

104

105 George Johannesen of Allied Engineering requested clarification of Section 501.1 of the Zoning  
106 Regulations with regard to the Stateline Carwash at 440 Millerton Road in Lakeville. Johannesen  
107 requested clarification on whether the utilization of a portion of the three bay garage area for a six-  
108 washer laundromat would fall under Section 501.1 as a Change of Non-Conforming Use.

109

110 Chairman Klemens cited the last line of section 501.1, inquiring whether the proposed change would  
111 result in an increase in activity on the property. Commissioner Shyer asked about the similarity  
112 between this proposed project and the pre-existing laundromat on Ethan Allen Street in Lakeville with  
113 regards to levels of activity at the proposed site. Land Use Assistant Forman indicated that Rory  
114 O'Connor is the owner of the laundromat on Ethan Allen Street, stating that there are approximately  
115 12 washers and dryers on the premises. Alternate Schiffer inquired about the site's use of town sewer.  
116 Mr. Johannesen indicated that the site utilized a septic system.

117

118 LUA Conroy summarized that Mr. Johannesen would need to provide a site plan application to proceed  
119 with the change from one non-conforming use to the other. She also indicated that Mr. Johannesen  
120 would have to demonstrate the current non-conforming use of the site and the impact that the site's

**SALISBURY PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
DECEMBER 20<sup>TH</sup>, 2021, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

121 use has on the “character, nature, purpose, and scope of the proposed change compared to the  
122 existing non-conforming use” (Zoning Regulations Section 501.1).

123

124 Mr. Johannesen indicated that the proposed septic system was outside of the inland wetland upland  
125 review area. Chairman Klemens concluded that a site plan application and a referral to State of  
126 Connecticut DEEP would be the appropriate course of action for the addition of the laundromat to the  
127 site. Chairman Klemens also inquired about whether the Town of Millerton would also need to be  
128 notified of this modification, and requested that this be determined.

129

130 11. Plan of Conservation and Development (POCD) Discussion

131 A. Agriculture:

132 One previously perceived problem included agriculture viability, which specifically was in reference to  
133 aging of the current farming population.

134

135 LUA Conroy read a statement from Commissioner Cockerline regarding his comments on the state of  
136 agriculture in the Town of Salisbury. His statement read:

137

138 *“Assuming we to preserve/ encourage agriculture in town, here are some of my perceived problems:*

139 *1. Aging Farmers;*

140 *2. Challenging Economics –Capital intensive business, weather reliant, sometimes low return, with  
141 housing costs on top of all of that;*

142 *3. Farm Stand Regulations may be out of date;*

143 *4. With an increase in weekend residents, new more restrictive expectations may limit farm  
144 activities.”*

145

146 Chairman Klemens commented that additional perceived problems could be identifying ways to  
147 increase diversity of use of farmland, attracting younger people to become the next generation of  
148 farmers, and provision of tools to assist with diversification within the next generation of farmers.

149

150 Commissioner Whalen commented that farming in the Salisbury area is a high investment project;  
151 farming pursuits are often difficult for younger individuals to begin without significant capital.

152

153 Commissioner Riva indicated that younger farmers finding a “niche” crop would increase their  
154 likelihood of being viable and successful in the area.

155

156 Vice Chair Shyer added that the cost of land could be a significant barrier to the next generation of  
157 farmers in the Salisbury area. LUA Conroy suggested reaching out to the agriculture department at  
158 Housatonic Valley Regional High School for additional comments related to agriculture preservation in  
159 the area.

160

**SALISBURY PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
DECEMBER 20<sup>TH</sup>, 2021, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

161 The Commission concluded with the following problem statements:

162 "Maintain agriculture as a viable activity, not as a landscape amenity."

163 "Incentives/tools for farmers to diversify."

164 "How do we ensure the next generation of farmers?"

165

166 B. Volunteer-based commissions and services versus paid public officials:

167

168 Alternate Schiffer opened the discussion by stating that the absence of term limits prevents younger  
169 generations and/or newer members with diverse backgrounds from participating in town governance.  
170 She also added that there is a potential for too much political control on individual participation  
171 opportunities within commissions and public official positions. Chairman Klemens followed this point  
172 by stating that simply encouraging more people of any age and background to participate in the  
173 governance of the Town of Salisbury would be a positive step. LUA Conroy inquired whether the  
174 absence of newer members on Town commissions and in governance is that people need to be asked  
175 or encouraged to participate.

176

177 On the topic of a need for ongoing training by commissioners, Commissioner Whalen commented on  
178 whether volunteer commissioners should be as knowledgeable as staff. Chairman Klemens stated that  
179 ongoing training should encompass topics such as conduct, limitations of power within a given  
180 committee, Freedom of Information (FOI) standards, and due process protocols.

181

182 LUA Conroy and Chairman Klemens also commented that there are unreasonable demands on  
183 availability of staff within Town Hall to be able meet the current needs of town residents, especially  
184 within the Land Use Department.

185

186 The Planning and Zoning Commission concluded with the following potential perceived problem  
187 statements from the POCD discussion on volunteer-based commissions and services versus paid public  
188 officials:

189 "Insufficient turnover and new blood on Town commissions."

190 "Pathway to nominations and appointment to committees is narrow and too politicized."

191 "Special interest groups lobbying elected and appointed officials."

192 "Many commissioners and committee members need ongoing training."

193 "Increase resident demands to services and unreasonable access to staff."

194

195 Alternate Debra Allee joined the meeting at 6:54 p.m.

196

197 C. Enforcement:

198

199 Alternate Schiffer opened the discussion by inquiring whether there were alternatives to financial  
200 penalties for willful violation of regulations that could be imposed on individuals who might be

**SALISBURY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES**  
**DECEMBER 20<sup>TH</sup>, 2021, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

201 unaffected by a financial penalty. She also questioned whether using citations or fines would increase  
202 legal fees for the town. Alternate Allee commented that a financial penalty as a consequence may help  
203 to reinforce town regulations. Chairman Klemens and Commissioner Riva asked whether the residents  
204 of the Town of Salisbury would support an ordinance with a financial penalty for violating local  
205 regulations.

206

207 The Planning and Zoning Commission concluded with the following problem statement and survey  
208 question about citation ordinances:

209 "Lack of adherence to town regulations and lack of cooperation with authorities."

210 "Does the public support a citation ordinance with financial penalties for those who refuse to  
211 comply with local regulations?"

212

213 D. Infrastructure:

214

215 Commissioner Riva opened the discussion by highlighting the high speed with which traffic flows  
216 through the town. He suggested that an absence of police enforcement may be a contributing factor to  
217 the traffic concerns. Chairman Klemens commented on the absence of safe walkways for pedestrians  
218 within the villages. Commissioner Whalen added that being able to cross the street safely is a major  
219 concern in the village of Lakeville. On the topic of parking availability, Alternate Allee shared her  
220 observation that the main parking areas in Lakeville are limited and are often behind business  
221 establishments. Vice Chair Shyer followed up this comment by stating that the deeper issue is the  
222 inappropriate placement of parking within the village centers.

223

224 Regarding local healthcare services, LUA Conroy and Chairman Klemens commented that the local  
225 hospital, and other outpatient healthcare services and local emergency personnel (i.e., EMS) may also  
226 be under stress.

227

228 Alternate Schiffer requested additional comment on the development of high-speed internet as it  
229 related to the topic of infrastructure in the Town of Salisbury. LUA Conroy shared information from the  
230 Economic Development Committee. One of the highlighted goals from the Economic Development  
231 Committee read as follows:

232

233 "...Retail and e-commerce businesses are at a competitive disadvantage due to lack of available  
234 high-speed internet and spotty mobile service."

235 (Section A3 – Economic Development Committee Goals)

236

237 Alternate Schiffer followed this statement by saying that the issue extends beyond retail and e-  
238 commerce, but also to individual residents being at a disadvantage without high-speed internet. Vice  
239 Chair Shyer also stated that this matter affects students at the local schools and their ability to  
240 complete their assignments. Chairman Klemens commented that poor cellular service is not a variable

**SALISBURY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES**  
**DECEMBER 20<sup>TH</sup>, 2021, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

241 the Town of Salisbury has the ability to control. Commissioner Riva agrees that focusing on increasing  
242 high speed internet availability in the area is crucial for businesses, schools, healthcare, and many  
243 other facets of town development and growth.

244

245 The Planning and Zoning Commission concluded with the following problem statements:

246 "Speeding in village centers."

247 "Inadequate pedestrian circulation."

248 "Suitability of designated parking in village centers."

249 "Aging infrastructure not designed for climate change resiliency."

250 "Essential medical services under threat (e.g., hospitals, doctors, EMTs)."

251 "Uneven access to communications infrastructure (e.g., reliable and available high-speed  
252 internet and cell service)."

253

254 E. Finance and Economics:

255

256 Chairman Klemens opened the discussion by highlighting the emphasis of a low mill rate as a way to  
257 attract people to the area, but that the low mill rate limits the quality and availability of services for  
258 residents within the Town of Salisbury.

259

260 The Planning and Zoning Committee concluded with the following problem statements:

261 "Overemphasis on maintaining the low mill rate rather than investing in the community and  
262 services."

263

264 F. Demographics

265 Vice Chair Shyer opened the discussion by sharing her observations on the growth of demographic  
266 diversity within the Town of Salisbury. She expressed that objective information on the current  
267 demographics of the Town is key in order to provide adequate services to the community. Vice Chair  
268 Shyer also discussed how the COVID-19 pandemic may cause an increase in demand for both  
269 employment opportunities and affordable housing in the area. Chairman Klemens questioned whether  
270 the demographics of the Town Salisbury are actually in flux, as well as queried which specific resources  
271 would be required to determine the level of change in population demographics. LUA Conroy noted  
272 that a basic census would not provide enough information to give the depth of understanding desired  
273 on the shifting demographics. Alternate Allee added that having a basic understanding of the  
274 demographics of the Town of Salisbury would give greater insight into how to best serve the  
275 community as a whole. Chairman Klemens questioned whether the pandemic-driven population  
276 change was permanent, and speculated whether newer inhabitants may move back to their original  
277 places of residence.

278

279 On the topic of short-term rentals, LUA Conroy inquired whether further regulation on short term  
280 rentals would help to increase housing availability. Chairman Klemens requested that the notes

**SALISBURY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES**  
**DECEMBER 20<sup>TH</sup>, 2021, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

281 regarding short term rentals undercutting housing stock for full time residents be moved to the  
282 “Housing” section of the problem statement document.

283

284 The Planning and Zoning Committee concluded with the following problem statement:

285 “Inadequate demographic data on the changing population of our town which hampers our ability  
286 to plan for the future.”

287

288 LUA Conroy concluded the discussion by stating that she would make the previously discussed edits to  
289 the problem statements under each category, schedule a meeting with Glenn Chalder of Planimetrics,  
290 and begin the creation of a town-wide survey. She confirmed that everyone on the Commission will  
291 have an opportunity to view the survey prior to the survey’s release to the general population of the  
292 Town of Salisbury.

293

294 **Adjournment**

295

296 **Motion:** To adjourn the meeting at 8:13 p.m.

297 Made by Schiffer, seconded by Whalen

298 Vote: 5-0-0

299

300 Respectfully Submitted,

301

302 Sara C. Woloszyn, Recording Secretary