

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

DECEMBER 13TH, 2021, 5:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

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Members Present:

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

Staff Present:

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

Members Absent: N/A

Brief Items and Announcements

1. Call to Order/ Seating of Members

Chairman Klemens called the meeting to order at 5:32 p.m. All regular members were in attendance (Chairman Klemens, Secretary Whalen, Vice Chair Shyer, Commissioners Cockerline and Riva) which established a quorum for the meeting.

2. Approval of Agenda

Due to the nature of the special meeting, the agenda was not eligible for amendment.

Motion: To approve the agenda for the December 13, 2021 Planning & Zoning (P&Z) meeting

Made by Cockerline, seconded by Riva

Vote: 5-0-0

3. Seating of Alternates

With all regular Commission members in attendance (Chairman Klemens, Secretary Whalen, Vice Chair Shyer, Commissioners Cockerline and Riva), alternates were not seated for the meeting.

4. ZP#2021-0052- 181 Interlaken LLC (Grickis)/ 181 Interlaken Road/ Temporary Zoning Permit Application for Playscape/ Map 40/Lot 22/ DOR 6/15/2021/ *Request for 6-Month Extension* (6/16/2022)

William V. Grickis (Grickis Law Offices) represented 181 Interlaken LLC at 181 Interlaken Road in Lakeville for submission of a six-month extension of a temporary zoning permit for a playscape. LUA Conroy indicated that Mr. Grickis was not in attendance. Chairman Klemens and LUA Conroy indicated that a Commission consensus rather than a motion was acceptable for approval of the permit extension. All regular Commission members (Chairman Klemens, Secretary Whalen, Vice Chair Shyer, Commissioners Cockerline and Riva) verbally consented to the approval of the six-month extension for the temporary zoning permit application for a playscape at 181 Interlaken Road in Lakeville.

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41 5. Minutes of October 18th, 2021

42
43 Vice Chair Shyer abstained from comment on the October 18, 2021 minutes.

44
45 Commissioner Cockerline presented one comment:
46 Amendment #1 (Line 402): Modification of the word “weeding” to “wedding”

47
48 **Motion:** To approve the minutes of October 18th, 2021 with one amendment
49 Made by Cockerline, seconded by Riva

50 Vote: 4-0-1 (Abstention: Vice Chair Shyer)

- 51
52 6. Minutes of November 9th, 2021 – Pending
53 7. Minutes of November 15th, 2021 -Pending
54 8. Minutes of November 29th, 2021 – Pending

55
56 The minutes were not available for consideration.

57
58 Chairman Klemens indicated that, while the new Land Use Assistant was training, the minutes for
59 Planning and Zoning meetings will undergo review by himself and LUA Conroy prior to distribution to
60 the rest of the Commission for approval at subsequent meetings.

61
62 **Public Hearings – 5:45 p.m.**

- 63
64 9. #2021-0149 / Smith / 119 & 121 Long Pond Road / Special Permit Application Philanthropic Use
65 (Section 212.3) / Map 2 / Lots 16 & 28 / DOR 09/20/2021 / DOH 10/18/2021 (extension granted
66 to 12/13/2021) – *Continue Hearing & Possible Consideration*

67
68 Alternate Allee recused her position for the continued hearing and possible consideration of special
69 permit application #2021-0149 at 119/ 121 Long Pond Road in Lakeville.

70
71 Chairman Klemens provided the following opening remarks:

72
73 *“Given the significant public interest in this application, I would like to make the following remarks to*
74 *frame the continuation of the public hearing. The Planning and Zoning Commission operates in*
75 *accordance with statute. We welcome public comments and engagement. However, the decisions we*
76 *make are not determined by the number of letters and oral testimony, for or against, a particular*
77 *project. To simply deny this application because people have voiced their desire that we do so vacates*
78 *our responsibility to achieve the balance between a land owner’s desire for feasible use of their*
79 *property, in balance with their neighbors’ expectations, for the peaceful enjoyment of their own*
80 *properties.*

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81

82 *I would encourage respectful dialogue between all parties. The fact that we allow, by statute,*
83 *philanthropic uses by special permit in rural residential zones, results in a reasonable expectation on an*
84 *applicant's part to receive such a permit. If such a permit is issued, it is conditioned upon the*
85 *Commission's examination of the record, which includes the applicant's testimony, testimony received*
86 *by the land use office in written form, as well as oral testimony during public hearings. Ex parte*
87 *communications on the merits of this application between any party and the members of this*
88 *Commission are illegal, and could jeopardize the integrity of the hearing and our decision. Please*
89 *respect and adhere to that caveat.*

90

91 *Analysis of this application should determine where exactly the Commission should focus attention*
92 *versus those activities that could be, and are being conducted, as of right. The term, "community*
93 *character," cannot be legally used as a justification to deny this application.*

94

95 *The agricultural status of these properties gives broad leeway to those uses customary and incidental to*
96 *agriculture, which includes livestock rearing, housing for farm hands, and the sale of agricultural*
97 *products. The continuance and expansion of these activities are not grounds for denying this*
98 *application.*

99

100 *Salisbury does not regulate short-term rentals (e.g., Air BnBs). Many residents operate these types of*
101 *activities within their residences. The continuation of these activities **as they are now** is not justification*
102 *for denial.*

103

104 *What the applicant seeks is a special permit for educational activities associated with philanthropic use.*
105 *In doing so, they are inviting oversight of activities that some of their neighbors are allowed to do and*
106 *have done, with or without an event permit, including large gatherings and weddings.*

107

108 *With this special permit, many activities can be regulated. These types of activities can be tightly*
109 *defined, as well as the number of people, number of activities, noise generation, lighting, traffic,*
110 *parking, hours of operation, and number of overnight versus daytime attendees. These issues, and*
111 *others, are all on the table, and can be incorporated into the conditions of a special permit should it be*
112 *issued. If the consensus is that this will become a destination, as was articulated by one neighbor in*
113 *previous testimony, how can we assure that this destination can be managed to safeguard the*
114 *neighborhood?*

115

116 *Rather than requesting that we deny this application out right, I would encourage neighbors to consider*
117 *how this can be accomplished by the imposition of conditions in a manner that protects the interest of*
118 *all parties.*

119

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120 *Finally, as before, I encourage the public to avoid the use of repetition, to stay on focus with the*
121 *mandate of the Commission, and to try to constructively address items that could become provisions of*
122 *a special permit if it is granted.”*

123

124 Linda Smith (applicant and property owner), Jennifer Carlin (daughter of applicant), and James White
125 (grandson of Park Smith), represented the application for the Special Permit for Philanthropic Use at
126 119 & 121 Long Pond Road in Lakeville. Ms. Smith began her presentation with an opening statement
127 as follows:

128

129 *“My name is Linda Smith, and I am writing on behalf of Park, myself, and our family. We’ve had a*
130 *lifelong commitment to philanthropic efforts, and as we enter our next stage in life, our goal is to*
131 *continue our legacy. Having lived here since 1978, it has been a special place for us to enjoy the serenity*
132 *and beauty of this land. So, we’ve decided to continue our philanthropic efforts while preserving the*
133 *land, and make it self-sustaining, which was the catalyst for us to apply for this special philanthropic*
134 *zoning permit. In both farm and land, the goal being to make the property self-sustaining, preserving*
135 *the natural beauty, and quality that exists already, and to utilize it philanthropically to help others for*
136 *generations to come. Our goal is that the land will always stay as is, not to be subdivided or developed.*
137 *We are making it so that it will be self-sufficient as a whole and to continue our philanthropic efforts*
138 *through this property.*

139

140 *To conclude our opening statement, Long Pond Cellars and Farms LLC is registered as a farm business,*
141 *and is connected to the ongoing and already approved activity under the existing AG Farm Land*
142 *Registration. The Park and Linda Smith Foundation is a separate and independent entity. Given the*
143 *relationship of the two parties, the farm will be in a position financially to benefit directly by our*
144 *foundation. We have read and responded to all questions, comments, and concerns from those with the*
145 *opposition views. We have submitted them and they are online on your website. We see a general*
146 *pattern of concern that we are attempting to turn our property into a business similar to Lion Rock; we*
147 *want to make it perfectly clear we have no intent of anything even remotely close to this. We would like*
148 *to reply to the repeated opposing views throughout all of the letters in the following format below:*

149

150 *‘Opposing View/Reply from The Smiths*

151

152 *Opposing View #1: Wedding Venues/*

153 *Our intention is to preserve the serenity and beauty of our property by creating a self-sustaining farm,*
154 *and use it for philanthropic use, working with schools (including the FFA), camps, and nonprofits. We*
155 *will not be having any weddings.*

156 *Opposing View #2: Unnecessary Traffic, Noise, Odor, Decreasing Property Values/*

157 *Our intention is to enhance the beauty of our property, preserving its natural state, both visible from*
158 *the road as well as the many internal private acres. We will not increase any traffic, noise, odor, or*

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159 *decrease property values. We have and always will abide by all sections and ordinances which are set*
160 *up to preserve what we all hold dear.*

161
162 *Opposing View #3: Dishonestly Running our Foundations/ Farm LLC/*

163 *The Farm LLC and the Foundation are two separate entities with two different purposes. Our intention*
164 *is to allow the farm and land to become both economically and ecologically self-sufficient through the*
165 *Farm LLC, and to give back to education, non-profits, and wetland preservation through the*
166 *Foundation.*

167
168 *Opposing View #4: Store and Dining Club/*

169 *The fact is we are going to have an online store (which is not an on-site store). We are in the process of*
170 *writing a cookbook which will be called, Sunday Dinners, as its title, and it will hopefully be published in*
171 *2022. This is based on farm-to-table from our lands.'*

172
173 *Our day-to-day activities would be even less of an impact on our neighborhood than that of Camp*
174 *Sloan, who has been a great neighbor in our neighborhood for years, not harming the integrity of the*
175 *community of which we are being falsely accused.*

176
177 *We would accept reasonable conditional approval from the Board to address neighbor concerns.*

178
179 *That is the opening statement."*

180
181 Ms. Smith continued her dissertation with a revised Statement of Purpose:

182
183 *"The Statement of Purpose:*

184 *Written by Park Smith and wife Linda Smith*

185
186 *I, Dr. Park B. Smith, with my wife, Linda, reside at 119/121 Long Pond Road in Lakeville, CT 06039.*
187 *While there are two addresses above, there is one physical piece of property that I am in the process of*
188 *merging into one address which would be 121 Long Pond Road in Lakeville, CT 06039. Currently, both*
189 *properties are classified as farm land, prescribed by the Department of Agriculture. Our currently active*
190 *farm is operating under Long Pond Cellars and Farms LLC, which is registered as a farm business. Our*
191 *philanthropic activity will be funded by the Park B. and Linda Smith Foundation Incorporated registered*
192 *in the State of Connecticut. It is our intention to work in complete transparency with the Zoning Board*
193 *every step of the way, as we have from the beginning, for the sake of accountability, which will ensure*
194 *that everything is done in the best interest of all of our neighbors. We also as neighbors will be and*
195 *have always abided by all ordinances. Now at this stage in our life, we are committed to continue and*
196 *physically volunteer with the focus on education, including the FFA, camps, non-profits, and the local*
197 *community which includes the fire department and ambulance squad.*

198

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199 *The purpose of our philanthropic venture is to empower deserving individuals to make positive and*
200 *sustainable changes to their life, helping them to discover and fulfill their potential. Our farm will allow*
201 *for programs which will create a safe environment for people to learn and explore the maximum*
202 *potential of their capabilities in lowering their carbon footprint without the distracting stresses of daily*
203 *life. We intend to have programs which include education of self-sustaining living and farming, which*
204 *includes the following:*

- 205
- 206 *1. Our husbandry program will consist of beehives for purposes of honey, honey comb, and propolis;*
207 *Nigerian goats for purposes of milking and breeding; miniature Jersey cows for purposes of milking and*
208 *breeding; draft horses for purposes of caring for and riding; and chickens for purposes of fresh eggs.*
 - 209
 - 210 *2. Our agricultural programs will consist of varietal apple, peach, and pear orchards; decades-old maple*
211 *trees for maple syrup harvesting; sunflowers for purposes of food and flower; pumpkins for purposes of*
212 *food and decoration; and raised herb and garlic gardens.*

213

214 *We currently have four buildings plus our main residence (which is private). We are currently working*
215 *with the Salisbury Building Inspector preparing to build our miniature cow and draft horse barn. We are*
216 *currently working with Kathy Weber of the Torrington Department of Public Health on the additional*
217 *septic system needed to proceed with our plans for a kitchen in one of our existing buildings. The*
218 *purpose of our kitchen is to have all proper equipment to process our dairy products, honey, and*
219 *everything else that will be produced on our property. We are currently working with Ralph Stanton*
220 *Engineering LLC on required testing for a stocked 1.5-acre pond used for both fishing and water for our*
221 *cattle.*

222

223 *We intend on running our farm with the support of family, volunteers, and contract 1099 services for*
224 *our projects on a plan-by-plan basis. Our activities will be run on an approved program-by-program*
225 *basis. It is not open to the public for walk-ins/ drive-ins.*

226

227 *We have minimal accommodations of five bedrooms for overnight stays for the purpose of educational*
228 *planned retreats. One house on the 119 Long Pond Road property has three bedrooms. One building,*
229 *the gathering barn, on the 121 Long Pond Road property has two bedrooms. There are no*
230 *accommodations available in the main house as that is private. Additionally, we will apply to host an*
231 *Annual Harvest Community Event with the purpose of fund raising for our local community, such as the*
232 *local fire department, ambulance team, and any other causes that come up or are in need. The events*
233 *of that will feature harvesting honey, apples, fall vegetables, education of husbandry, basically things*
234 *from our farm."*

235

236 *Chairman Klemens inquired about the ownership of the land and the use of the family's private*
237 *residence. Ms. Smith indicated that Park Smith (husband of applicant) is the property owner. She*
238 *continued that the residence is going to continue to be used privately, and that she and Mr. Smith*

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239 owns and operates a farm business, Long Pond Farm and Cellars. The main house would remain
240 separate from the philanthropic uses set forth in the permit application.

241
242 LUA Conroy clarified that the majority of the land associated with 119/121 Long Pond Road is classified
243 as PA 490. Typically, buildings associated with private residence are carved out on a two-acre section
244 of property with the remaining land being classified as open space for agricultural use. She continued
245 that a portion of the Smith family's agricultural space is proposed to be used for philanthropic
246 purposes. Chairman questioned whether the proposal meets the definition of philanthropic use.

247
248 Commissioner Cockerline inquired of Chairman Klemens whether this matter had been discussed with
249 the Commission's attorney. Chairman Klemens indicated that he did not seek prior legal counsel on this
250 matter.

251
252 Commissioner Cockerline stated that his property consists of a two-acre private residence under PA
253 490, as well as a retail farm store. He also shared that he meets with school groups for educational
254 purposes, which he indicated is an allowable form of conduct within an RR1 zone. Ms. Carlin clarified
255 the difference between Commissioner Cockerline's and the Smith family's land use purposes from an
256 accounting perspective. She indicated that Commissioner Cockerline was running a business to sustain
257 his activities on a philanthropic level, while the Smith family has a foundation that will sustain the
258 philanthropic level. By obtaining the special permit, she stated that the foundation can apply for grants
259 that will benefit the operations of the intended activities. Ms. Carlin added that the proposed
260 construction of the draft horse and miniature cow barn would fall under agricultural use.

261
262 Commissioner Cockerline inquired of the Commission's role in determining the financing and
263 operations of the Smith Family foundation. He also highlighted an absence of disclosure of the
264 Foundation's assets, and expressed concern regarding growth outside of the original intentions of the
265 Foundation. Vice Chair Shyer clarified that the Planning and Zoning Commission's role was to
266 determine whether the buildings on the premises would fit under the Special Permit for Philanthropic
267 Use. LUA Conroy displayed the Zoning Regulation 212.3: Building for Religious or Philanthropic Use,
268 Library, or Museum Operated by a Non-Profit Organization.

269
270 Mr. White indicated that the Long Pond Cellars and Farms LLC was established for liability protection
271 and community support rather than as a profitable business endeavor. He stated that funds earned
272 within the LLC would be transferred into the Park B. and Linda Smith Foundation to be used for
273 philanthropic endeavors and public benefit. With approval of the special permit, the Park B. and Linda
274 Smith Foundation Inc. would be eligible to apply for grants. Mrs. Smith clarified that they sought
275 approval of the Special Permit for Philanthropic Use because it was their impression that they would be
276 exceeding the bounds of their farming operations without permission from the Commission.

277

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278 Commissioner Cockerline offered an alternative to remain as an agricultural LLC and to lease the land
279 to the philanthropic organization. Vice Chair Shyer questioned whether this type of counsel was within
280 the bounds of the Planning and Zoning Commission.

281

282 Chairman Klemens asked whether the Long Pond Farms LLC was classified as a non-profit. Mrs. Smith
283 indicated that the Long Pond Farm LLC is a for-profit rather than non-profit business. Chairman
284 Klemens indicated that the issuance of the permit would require evidence that the proposed
285 educational activities on the property would be philanthropic in nature.

286

287 Mrs. Smith asked Chairman Klemens for counsel on how to allow for the Special Permit for
288 Philanthropic Use to be approved. Chairman Klemens restated Commissioner Cockerline's suggestion
289 to remain an agricultural LLC and lease the land to the philanthropic organization. Ms. Carlin stated
290 that the Park B. and Linda Smith Foundation and Long Pond Cellars and Farms LLC require a contractual
291 relationship to be able to apply for the desired grants.

292

293 Chairman Klemens noted that the primary access point to the philanthropic section of the land is the
294 driveway of the private residence at 121 Long Pond Road. He stated that the driveway to the intended
295 philanthropic section of land needs to be 50 feet away from the adjacent property. Commissioner
296 Cockerline questioned whether the zoning designation needed to be modified if the property is
297 currently zoned RR1 and is leased to the Foundation for philanthropic use. Chairman Klemens stated
298 that the property would remain zoned as RR1. LUA Conroy stated that the Smith family would not be
299 able to merge 119 and 121 Long Pond Road at the present time due to the creation of non-
300 conformities. She continued that the properties could be merged if the property was used as one
301 entity (e.g., a campus) for philanthropic use.

302

303 Chairman Klemens noted that the intended philanthropic activities in the revised statement of purpose
304 would fall under the domain of agricultural endeavors. He continued that these educational activities
305 may be classified as accessory operations of a farm rather than the Special Permit for Philanthropic
306 Use. He also stated that their intention for an Annual Harvest Community Event would require a
307 temporary event permit. Commissioner Cockerline agreed with Chairman Klemen's interpretation of
308 the revised Statement of Purpose.

309

310 Alternate Schiffer inquired whether the Commission needed to consider potential adverse effects of
311 the proposed philanthropic activities on the surrounding community. Chairman Klemens stated that, as
312 long as the property remains under the umbrella of the farming business (Long Pond Cellars and Farms
313 LLC), and the intended philanthropic activities fall under the category of accessory operations to a
314 farm, the consideration of adverse effects would no longer be applicable. Commissioner Cockerline
315 added that many of the philanthropic activities presented are ongoing activities within their current
316 farm business, which would imply a minimal impact to the surrounding community.

317

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318 Commissioner Cockerline requested an approximate number of attendees for a given philanthropic
319 activity and/or event. Mrs. Smith stated that they would cap the number of visitors for a philanthropic
320 event to ten individuals. She continued that if they were to hold a larger event, it would be in line with
321 an Annual Harvest Festival which would require a special event permit. LUA Conroy highlighted the
322 Zoning Regulation 215 for a Short-Term Event in application to their proposed Annual Harvest Festival.
323

324 Mrs. Smith restated that her intention for the permit was to ensure all operations are legal. There are
325 gray areas in what types of uses and activities can take place on a farm. She continued that she wanted
326 to avoid abuse of the AG Farm Land Registration via the Special Permit for Philanthropic Use
327 application.
328

329 Chairman Klemens inquired of the Commission for strategies to provide assurance that the events
330 intended at 119/121 Long Pond Road would not have an adverse effect on the surrounding
331 community. Commissioner Cockerline proposed an agreement of mutual consent for the size of the
332 proposed events. Chairman Klemens clarified that the Commission does not establish agreements of
333 mutual consent. Commissioner Cockerline proposed an alternative to set a limit for the number of
334 guests for the different types of philanthropic activities, and to have these values reflected within the
335 statement of purpose. LUA Conroy suggested that these recommendations be considered in Zoning
336 Regulation revisions. If the Commission rules the activities are customary and incidental to the
337 agricultural operation than no permit, upon which conditions may be imposed, would be required
338

339 Alternate Schiffer believed that abandonment of the need for a permit would be the relinquishment of
340 the Commission's control over potential adverse impacts and quality of life of community residents.
341 She also indicated the potential for loss of control of zoonotic disease transmission as a result of
342 ongoing programs and visitors to the property. Commissioner Cockerline indicated that farmers who
343 expose their animals to the public and/or outside visitors are required to have their animals vaccinated
344 for communicable diseases. Mrs. Smith confirmed that a visiting veterinarian makes regular visits to
345 their farm, with all of their animals up to date on their wellness needs.
346

347 Vice Chair Shyer requested clarification regarding traffic levels and the level of streetside parking with
348 the proposed philanthropic activities. Mrs. Smith indicated that participants will be able to park
349 completely on the property and will not be visible from the roadside. The Commission reviewed the
350 purpose statement and determined that the proposed uses identified constitute activities which are
351 customarily incidental to agriculture and under that a special permit for philanthropic use would not be
352 required
353

354 Mrs. Smith added that under these pretenses, they would like to abandon the application for Special
355 Permit of Philanthropic Use. Chairman Klemens stated that a formal letter of withdrawal will need to
356 be submitted to the Land Use Office. He added that a public hearing was no longer necessary for the
357 proposed permit application due to their request for withdrawal.

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358

359 **Motion:** To close the public hearing for #2021-0149 / Smith / 119 & 121 Long Pond Road / Special
360 Permit Application Philanthropic Use (Section 212.3) / Map 2 / Lots 16 & 28 / DOR 09/20/2021 / DOH
361 10/18/2021 (Extension granted to 12/13/2021) due to permit application withdrawal

362 Made by Cockerline, seconded by Riva

363 Vote: 5-0-0

364

365 Chairman Klemens requested a five-minute recess until 7:20 p.m.

366 Alternate Allee returned to the meeting at 7:20 p.m.

367

368 10. #2021-0153 / Firehouse Place LLC (Capecelatro) / 9 & 9A Sharon Road / Special Permit for
369 Parking Flexibility and Satellite Parking Associated with a Change of Use from Low Turnover
370 Restaurant, Retail and Office to Low Turnover Restaurant and Apartment (Section 703.7 &
371 703.8) / Map 49 / Lot 27-2 / DOR 10/04/2021 / DOH 10/26/2021 - *Continue Hearing & Possible*
372 *Consideration*

373

374 Mark Capecelatro (Mark J. Capecelatro LLC, Attorney and Counselor at Law), Teepoo Riaz, and Luciano
375 Valdivia represented Firehouse Place LLC at 9/9A Sharon Road in Lakeville for the Special Permit for
376 Parking Flexibility and Satellite Parking associated with Change of Use from Low Turnover Restaurant,
377 Retail, and Office to Low Turnover Restaurant and Apartment.

378

379 Mr. Capecelatro presented the following modifications to the proposed site plan to meet Planning and
380 Zoning parking regulations:

381

382 1. Four parallel parking spaces along Route 41 for streetside parking

383 2. Nine parking spaces directly in front of the restaurant/apartment building with one designated
384 handicap space

385 3. Four parking spaces adjacent to the storage building on the southern edge of the property (one
386 handicap space, one residential tenant space, one compact parking space, and one overflow business
387 space)

388 4. Five parking spaces along Factory Village Lane

389 Mr. Capecelatro clarified that Factory Village Lane is part of the 9/9A Sharon Road Property and is not a
390 public roadway.

391

392 Mr. Capecelatro noted the addition of evergreen shrubs to the site plan to provide the requested
393 buffer line between the 9/9A Sharon Road and the Pocket Knife Square properties. He continued that
394 the existing concrete outdoor seating on the southern portion of the Firehouse Building, as well as the
395 concrete patio and lawn areas directly facing Route 41, would remain unmodified.

396

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397 Mr. Capecelatro indicated that the proposed use requires 50 parking spaces but that only 19 spaces
398 exist on site. Therefore, the applicant is requesting a special permit for satellite parking in accordance
399 with sections 703.7 & 703.8 of the Zoning Regulations.

400

401 Chairman Klemens inquired about a potential reduction in seating to account for available onsite and
402 satellite parking spaces. Commissioner Cockerline requested the total number of seats in the proposed
403 restaurant floor plan. Mr. Valdivia confirmed a total of 163 seats (48 outdoor seats, 27 bar seats, and
404 88 indoor dining seats). He was open to reducing the number of seats to coincide with available onsite
405 and satellite parking options. LUA Conroy stated, per her discussion with Cathy Weber (Torrington Area
406 Health District), the final number of seats would be relative to the total area of the kitchen. She
407 continued that she did not receive confirmation from the Town of Salisbury Fire Marshal regarding a
408 safe maximum capacity level. Mr. Valdivia stated that the proposed site plan for the interior seating of
409 the restaurant was to be a conceptual idea rather than a firm representation of their restaurant. He
410 indicated that the maximum occupancy would be finalized with approval from the Town of Salisbury
411 Fire Marshal prior to granting a certificate of occupancy.

412

413 Vice Chair Shyer inquired about the number of bathrooms required by code to accommodate the
414 proposed seating plan. Mr. Valdivia indicated that the two existing bathrooms would suffice for the
415 proposed seating plan. He continued that the two bathrooms would have genderless designation with
416 one bathroom designed to be handicap accessible.

417

418 Commissioner Riva requested clarification about the ownership of Factory Village Lane, as well as the
419 potential to convert the roadway into a one-way street. Mr. Capecelatro indicated that Factory Village
420 Lane is a private road of the 9/9A Sharon Road property. He continued that the creation of a one-way
421 street would require collaboration between the owners of the Pocket Knife Square properties and 9/9A
422 Sharon Road. He added that the width of Factory Village Lane was greater than residential Pettee and
423 Bostwick streets (21.5 ft vs 20 ft respectively), and thus provided substantial room for onsite parking
424 spaces. Chairman Klemens inquired about the need to excavate and grade on Factory Village Lane to
425 accommodate the proposed parking spaces and a right of way lane. Mr. Capecelatro stated that the
426 removal of the vegetative overgrowth without grading would be required to create the parking area.

427

428 Chairman Klemens requested additional information on the design of the evergreen buffer between
429 9/9A Sharon Road and the Pocket Knife Square properties. Mr. Valdivia indicated that the evergreen
430 buffer would replace the previously removed evergreen buffer. Mr. Capecelatro added that the
431 existing stumps from the previous evergreen buffer would remain in place to prevent collapse of the
432 embankment.

433

434 Vice Chair Shyer requested that the site plan be reviewed for adequate pedestrian access and
435 appropriate street lighting from the proposed satellite parking areas. Commissioner Cockerline
436 suggested the potential installation of downcast lighting on the south side of the storage building

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437 facing Factory Village Lane. He also recommended having dark sky compliant pole lighting around the
438 perimeter of the principal structure. Mr. Riaz stated that they would be open to collaborate with
439 relevant stakeholders to provide adequate street lighting and pedestrian walkways on the property.
440 Mr. Valdivia confirmed that any outdoor lighting on the perimeter of the restaurant could have a shade
441 if needed to provide a downward cast.

442

443 Vice Chair Shyer inquired about the continued use of the property as a school bus stop. Commissioner
444 Whalen confirmed that the school bus stop was on the opposite side of Route 41 (Patco Station) at the
445 present time.

446

447 Chairman Klemens highlighted the business owner's intent to hire 17 employees in relation to their
448 need for flexible and satellite parking accommodations. Commissioner Cockerline suggested an
449 agreement that included financial incentives between the satellite businesses for use of their parking
450 spaces.

451

452 LUA Conroy highlighted the Zoning Regulation Section 703 for shared and satellite parking:

453

454 *"Section 703.6 – Shared Parking*

455

456 *A. A parking area may contain required spaces for several different uses. However, the count of parking*
457 *spaces for one use may not be credited by any other use, unless specifically permitted by the*
458 *Commission as a shared use of parking spaces.*

459

460 *B. The Commission may approve the shared use of parking spaces only where it determines that the*
461 *nature of the uses involves parking demand primarily at different times. Example: A primarily weekday*
462 *office use and a primarily weekend use, such as a church, would be eligible for shared parking.*

463

464 *C. The owner of the lot and applicants for shared use shall sign a statement to the Commission*
465 *explaining how the proposed shared parking plan meets the standards stated above, and provide a*
466 *copy of their agreement to maintain a shared parking arrangement. A change of use or change of*
467 *ownership for any use subject to a shared parking plan permit shall automatically void the permit.*

468

469 *D. An applicant for a shared parking permit may also apply for satellite parking as provided.*

470

471 *Section 703.7 – Satellite Parking*

472

473 *A. If the number of required off street parking spaces cannot be reasonably provided on the same*
474 *lot with the principal use, then the spaces may be provided on separately owned adjacent or*
475 *nearby lots in accordance with these provisions for satellite parking.*

476

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- 477 B. *All satellite parking shall be located within 500 feet of the building and/or use it serves.*
478
479 C. *The applicant shall provide a written agreement with the owner of the satellite space for the use*
480 *of such parking space. The validity of a satellite parking permit shall be dependent upon*
481 *maintaining the required number of satellite parking spaces."*
482

483 **Public Comment:**

484 Chairman Klemens opened the meeting to public comment at 7:55 p.m.
485

486 Robin Leech (Robinson Leech Real Estate) asked a hypothetical question regarding parking options for
487 patrons visiting adjacent businesses in the case of reaching maximum capacity of the proposed satellite
488 parking spaces. Commissioner Cockerline suggested that the Borden Building parking lot could be
489 contracted to provide satellite parking to the 9/9A Sharon Road property. Mr. Valdivia conjectured that
490 because restaurant patrons tend to come in groups, it would limit the usage of satellite parking spaces.
491 Mr. Leech also questioned the distance individuals would be willing to park to patronize the restaurant.
492 He suggested the idea of a reservation-only business structure to limit the use of satellite parking. Mr.
493 Valdivia stated that their goal is to have a sustainable business that meets the demands of the local
494 clientele and available parking area. He continued that clientele demands and parking availability
495 would impact the final floor plan and seat count within the restaurant. Chairman Klemens indicated
496 that the presentation and discussion of the permit highlights the need for a comprehensive study of
497 parking and pedestrian flow within the village of Lakeville.
498

499 LUA Conroy shared two public comment letters regarding the special permit application.
500

501 One letter, written by Gail and Steven Goldberg, presented the following three concerns for the special
502 permit:
503

- 504 1. Potential congestion of parking in a three bar/restaurant location with the proposed parking plan
505 unable to accommodate the number of seats displayed in the restaurant floor plan
506
507 2. The current need to back out of the parking spaces in front of the establishment into Route 41 with
508 the present congestion at the intersection of Route 41 and Sharon Road.
509
510 3. The current gym and café within the firehouse building are the only businesses of its kind in the area
511 and serve as assets to the Town of Lakeville. The approval of the permit would allow for four bars to be
512 within close proximity to one another within the Lakeville Township, which may be viewed as excessive
513 for the needs of the town.
514

515 There was no comment from the Commission on these proposed concerns.
516

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517 The second letter, written by Adrienne dePolo, highlighted the Zoning Regulations Section 703.4 -
518 Parking Spaces and Aisles, indicating that the proposed parking on Factory Village Lane will disrupt
519 traffic flow. Chairman Klemens stated that the concern was addressed during earlier discussions.

520

521 **Motion:** To close the public hearing for application #2021-0153 / Firehouse Place LLC (Capecelatro) / 9
522 & 9A Sharon Road / Special Permit for Parking Flexibility and Satellite Parking Associated with a Change
523 of Use from Low Turnover Restaurant, Retail and Office to Low Turnover Restaurant and Apartment
524 (Section 703.7 & 703.8) / Map 49 / Lot 27-2 / DOR 10/04/2021 / DOH 10/26/2021

525 Made by Cockerline, seconded by Riva

526 Vote: 5-0-0

527

528 **Motion:** To approve the application #2021-0153 / Firehouse Place LLC (Capecelatro) / 9 & 9A Sharon
529 Road / Special Permit for Parking Flexibility and Satellite Parking Associated with a Change of Use from
530 Low Turnover Restaurant, Retail and Office to Low Turnover Restaurant and Apartment (Section 703.7
531 & 703.8) / Map 49 / Lot 27-2 / DOR 10/04/2021 / DOH 10/26/2021 with six contingencies:

532 1. Approval by the Town of Salisbury Fire Marshal

533 2. Approval by the Torrington Area Health District

534 3. Adequate lighting in proposed parking spaces 14-19 on Factory Village Lane

535 4. That no employee parking be allowed on Ethan Allen Street

536 5. Explore delineation of the four proposed parallel parking spaces along Route 41 with the State of
537 Connecticut DOT

538 6. Submission of an "as-built" A2 site plan by a surveyor be filed in MYLAR form

539 Made by Cockerline, seconded by Riva

540 Vote: 5-0-0

541

542 **Adjournment**

543 *Motion:* To adjourn the meeting at 8:14 p.m.

544 Made by Cockerline, seconded by Whalen

545 Vote: 5-0-0

546

547 Respectfully Submitted,

548

549 Sara C. Woloszyn, Recording Secretary