

**SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 7, 2022, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

Members Present:

1 Dr. Michael Klemens (Chairman)
2 Cathy Shyer (Vice Chair)
3 Martin Whalen (Secretary)
4 Bob Riva (Commissioner)
5 Allen Cockerline (Commissioner) – Joined at 5:36 PM
6 Dr. Danella Schiffer (Alternate)
7 Debra Allee
8 (Alternate)
9

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/ Establish Quorum

Chairman Klemens called the meeting to order at 5:31 p.m. Commissioner Cockerline was absent for the beginning of the meeting. Alternate Schiffer was seated for Cockerline. With five members present, (Chairman Klemens, Vice Chair Shyer, Secretary Whalen, Commissioner Riva, and Alternate Schiffer), a quorum was established for the meeting.

2. Approval of Agenda

Motion: To approve the agenda as written

Made by Whalen, seconded by Riva

Vote: 5-0-0

3. Minutes of December 13, 2021 - *Pending*

4. Minutes of December 20, 2021 - *Pending*

5. Minutes of December 28, 2021 - *Pending*

6. Minutes of January 18, 2022 – *Pending*

7. Minutes of January 31, 2022 - *Pending*

The minutes were not available for consideration.

New Business:

8. #2022-0160 / Cassidy & Teti / 9 Academy Street / Special Permit - Change of Use to Hotel (Section 205.2) and Use Rendering a Lot More than 30% Impervious in the Aquifer Protection Area (Section 403.4.c.) / Map 54 / Lot 74 / DOR: 02/07/2022 / *Receive & Schedule Hearing*

Aiden Cassidy (Cassidy and Teti Interiors) represented the application for the special permit. Mr. Cassidy stated that the property is within the CG-20 zone. His intention is to expand the attic space and convert the structure into a three-unit hotel for short term rental. The proposed hotel units would each contain one bedroom, one bathroom, a kitchenette, and outdoor balcony space. Chairman Klemens stated the use of the building for short term rental would be classified as a hotel rather than

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41 multifamily housing, an allowed use within a CG-20 zone. He continued that an application had been
42 submitted to the Salisbury Historic District Commission for review. LUA Conroy stated that the
43 Salisbury Historic District Commission will discuss the application at their next meeting on March 1st
44 2022.

45
46 Commissioner Cockerline joined the meeting at 5:36 p.m. Alternate Schiffer stepped down from the
47 voting panel.

48
49 **Motion:** To schedule a public hearing for application #2022-0160 / Cassidy & Teti / 9 Academy Street /
50 Special Permit - Change of Use to Hotel (Section 205.2) and Use Rendering a Lot More than 30%
51 Impervious in the Aquifer Protection Area (Section 403.4.c.) / Map 54 / Lot 74 / DOR: 02/07/2022 on
52 March 7th, 2022 at 5:45 p.m. via Zoom.
53 Made by Shyer, seconded by Cockerline
54 Vote: 5-0-0

55
56 9. #2022-0161 / Lime Rock Park II, LLC (SLR Consulting) / Site Plan Modification – Construct Paddock B
57 Garages and Infield Kitchen/Concession Building (Section 221.2) /Map 04 / Lot 16 / DOR: 02/07/2022 /
58 *Receive & Schedule Hearing*

59
60 Bill Rueckert (General Partner – Lime Rock Park Group LLC), Engineer Todd Ritchie (SLR Consulting – PE,
61 Certified Environmental Engineer, Flood Plain Manager), and Dicky Riegel (President and CEO of Lime
62 Rock Park LLC) represented Lime Rock Park II LLC for a site plan modification.

63
64 Engineer Ritchie oriented the Commission to the locations of the proposed paddock B garages and
65 concessions building via an aerial view of the track with the floodplain boundary line. He stated that
66 the proposed garages would be outside of the 100-year flood plain, above the 100-year flood elevation
67 line, and would have a finished floor at the 500-year flood plain elevation. He indicated the location of
68 a proposed swale to redirect stormwater from the existing slope, as well as new underground
69 detention areas underneath the asphalt paddock area. A septic system and well (150 feet apart) are to
70 be installed behind the garage to service restrooms and provide water to the new building. Due to the
71 volume of septic discharge (exceeding 7,500 gallons per day), Engineer Ritchie clarified that the septic
72 systems for Lime Rock Park are under the jurisdiction of the Connecticut DEEP rather than Torrington
73 Area Health District (TAHD).

74
75 Engineer Ritchie continued the presentation with the proposed remodeling of the concession stand to
76 accommodate the campus kitchen, two outdoor seating areas, a gravel driveway, two handicap
77 accessible parking spaces, and a sidewalk to access the seating areas. He continued that a new septic
78 system would be installed adjacent to the building to accommodate wastewater from the kitchen and
79 the employee restroom. Chairman Klemens requested that Engineer Tom Grimaldi (R.R. Hiltbrand
80 Engineers and Surveyors) review the modified site plan prior to application approval.

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81 Chairman Klemens inquired of the nitrogen levels in the discharge from the septic systems. Engineer
82 Ritchie was unable to provide exact numbers, however he did indicate that this system would be for
83 limited events per year rather than daily use.

84

85 **Motion:** To schedule a public hearing for application #2022-0161 / Lime Rock Park II, LLC (SLR
86 Consulting) / Site Plan Modification – Construct Paddock B Garages and Infield Kitchen/Concession
87 Building (Section 221.2) /Map 04 / Lot 16 / DOR: 02/07/2022 on March 7th, 2022 at 5:45 p.m. via Zoom.
88 Made by Cockerline, seconded Riva
89 Vote: 5-0-0

90

91 **Public Hearing:**

92 10. #2022-0158 / Suratt (Parsons/Lenard Engineering) / 105 Belgo Road / Tennis Court - Special Permit
93 for Setback from Wetland (Section 305.2) & Accessory Structure Outside of Buildable Area (Section
94 302.5) / Map 10 / Lot 05-1 / DOR: 01/18/2022 / *Open Hearing & Possible Consideration*

95

96 Chairman Klemens explained that the hearing was for a special permit application for a tennis court
97 less than 50 feet from a wetland and outside of a buildable area at 105 Belgo Road in Lakeville.
98 Secretary Whalen opened the hearing at 5:50 p.m. with the reading of the call. Engineer Todd Parsons
99 (Lenard Engineering) and Cameron Surratt (Property Owner) represented the permit application.

100 Cameron Suratt introduced the proposal, stating that herself and her husband (Daniel Suratt) have
101 been residents of the Town of Salisbury for 11 years. She stated that they have been working closely
102 with appropriate Commissions and Engineer Parsons to ensure that the addition of the tennis court to
103 their property is done in a responsible and ecologically sound manner.

104

105 Engineer Parsons reviewed the plans and presented a permit request for an accessory structure
106 outside of a buildable area. He identified the eligibility for special permit because the lot predates
107 Zoning requirements. Due to the topography and slope of the property, the proposed tennis court
108 cannot be constructed within a buildable area. He presented the second permit request for a reduced
109 setback from a wetland. The Regulations indicate that an accessory structure must be placed no closer
110 than 50 feet from a watercourse or body of water unless a special permit is obtained. He indicated that
111 the southwestern portion of the tennis court would be within the 50- foot setback from a wetland
112 area. The proposed tennis court construction site is currently occupied by the septic system of the
113 principal residence. A new septic system was proposed north of the tennis court and outside of the 75-
114 foot Inland Wetlands and Watercourses Commission's upland review area.

115

116 Due to the slope of the property, Engineer Parsons stated that the use of a retaining wall and fill would
117 be required around the perimeter of the court. He specified that the erosion control plan included the
118 presence of a retaining wall; filter sock along the northern, eastern, and southern edges of the
119 proposed tennis court; a sedimentation trap on the western edge of the tennis court site with a

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120 diversion channel; erosion control blankets along the new embankment areas; and filter socks along
121 the temporary stockpile area on the northeastern portion of the construction site. He stated that level
122 spreaders on the southern edge of the tennis court would contribute to the infiltration and collection
123 of up to one inch of runoff from the tennis court area. He also highlighted the presence of a vegetative
124 buffer designed by Blue Spade Landscaping to provide further runoff remediation. He highlighted that
125 only 13% of the proposed tennis court would be within the 50-foot setback area, and that the surface
126 of the tennis court will be a low pollutant asphalt surface.

127
128 Per the discussion of alternatives, Engineer Parsons stated their consideration to move the court to an
129 alternative location on the property. He indicated that moving the court to the southern portion of the
130 property would place the court closer to the wetland, while the northern portion of the property
131 provided inadequate space between the principal structure and a swimming pool. He stated that the
132 property owner agreed to reduce the size of the tennis court by four feet within each of the runout
133 areas (56 ft by 116 ft versus 60 ft by 120 ft standard court size) to decrease both the proximity of the
134 court to the wetland area and approximately 10% of total impervious surface. The wetlands
135 enhancement plan included removal by hand of invasive species (honeysuckle, multiflora rose, privet,
136 and bittersweet vine) on approximately 1.1 acres of the property around the perimeter of the tennis
137 court.

138
139 Engineer Parsons reviewed Section 803 of the Regulations, stating that the placement of the structure
140 in a pre-disturbed area will limit additional disturbance to the property. He highlighted the absence of
141 the roadway visibility, outdoor lighting, waste generation, energy use, and impact on community public
142 services with the proposed plan. He indicated that the plan would have a minimal impact on
143 neighboring properties. He also explained that an adjoining property owner supported the proposal
144 and agreed to a property line boundary adjustment. Engineer Parsons specified the addition of native
145 species plantings to the vegetative buffer on the southern side of the court and within invasive species
146 removal areas.

147
148 Engineer Parsons reviewed the application package for the permit, which included a written
149 description and plans for grading; alternatives considered; planting; erosion control; invasive species
150 management and removal; and stormwater management. He stated receipt of pre-approval by both
151 TAHD for the new septic system placement and the Salisbury Inland Wetlands and Watercourses
152 Commission for the construction plan. He also stated that Engineer Tom Grimaldi (R.R. Hiltbrand
153 Engineers and Surveyors) reviewed and approved the site plan with ten specific contingencies that the
154 applicant is willing to meet.

155
156 Alternate Allee asked about the presence and proposed height of a fence around the perimeter of the
157 court and the direction of the court's pitch. Engineer Parsons stated that there would be an eight-foot-
158 high fence with two gates on the northeastern and northwestern corners of the southward-pitched
159 court.

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160 Secretary Whalen inquired about the depth of the level spreader trenches. Engineer Parsons indicated
161 that the trenches would be a two-foot depth, with design of both the trenches and the retaining wall
162 resulting in a sheet flow for runoff.

163
164 Vice Chair Shyer asked for additional clarification on the visibility of the tennis court from Belgo Road.
165 Engineer Parsons stated that the placement of the tennis court behind both a vegetative buffer and a
166 heavily wooded wetland area would make it difficult to see from the roadside.

167
168 Commission Cockerline asked about the height of the retaining wall along the southwestern edge of
169 the tennis court. Engineer Parsons stated that the retaining wall at its highest point would be 6.7 feet.
170 Alternate Schiffer requested clarification of the "RB" designation within the vegetative buffer
171 schematic. Engineer Parsons stated that the "RB" represented river birch trees.

172
173 Chairman Klemens reviewed the ten conditions of approval given by Engineer Grimaldi for approval of
174 the application. Engineer Parsons confirmed that all conditions of approval have been met within the
175 current plan.

176
177 Chairman Klemens opened the floor for public comment at 6:18 p.m.

178 No one from the public came forward with comments.

179
180 **Motion:** To close the public hearing for application #2022-0158 / Suratt (Parsons/Lenard Engineering) /
181 105 Belgo Road / Tennis Court - Special Permit for Setback from Wetland (Section 305.2) & Accessory
182 Structure Outside of Buildable Area (Section 302.5) / Map 10 / Lot 05-1 at 6:19 p.m.

183 Made by Cockerline, seconded by Shyer

184 Vote: 5-0-0

185
186 **Motion:** To approve application #2022-0158 / Suratt (Parsons/Lenard Engineering) / 105 Belgo Road /
187 Tennis Court - Special Permit for Setback from Wetland (Section 305.2) & Accessory Structure Outside
188 of Buildable Area (Section 302.5) / Map 10 / Lot 05-1 contingent on fulfillment of ten appended
189 conditions provided Tom Grimaldi (R.R. Hiltbrand Engineers and Surveyors) via written correspondence
190 on February 3rd, 2022.

191 Made by Cockerline, seconded by Riva

192 Vote: 5-0-0

193

194 **Old Business**

195

196 9.#2022-0159 / Lakeville 75 Sharon Road LLC (Capecelatro & McMorrow/Berkshire Engineering) / 75
197 Sharon Road / Demo and Build New Single-Family Dwelling and Associated Site Improvements in the
198 Lake Protection Overlay District (Section 404) / Map 47 / Lot 17 / DOR: 01/18/2022 / *Possible*
199 *Consideration*

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200 Commissioner Shyer recused her position as a voting member on this application as she is a neighbor.
201 Chairman Klemens seated Alternate Schiffer as the voting member.

202

203 Attorney Mark Capecelatro, Dennis McMorrow (Berkshire Engineering and Surveying), and John and
204 Nicole Franchini (property owners) represented the site plan application to demolish and build a new
205 single-family dwelling with associated site improvements in the Lake Protection Overlay District
206 (LPOD).

207

208 Attorney Capecelatro presented the following site plan modifications:

- 209 1. The pool utilities structure within the northern portion of the side yard was relocated to comply
210 with the side yard setback requirements.
211 2. The generator pad in the southern portion of the side yard was relocated to comply with the side
212 yard setback requirements.

213

214 Engineer McMorrow presented the following site plan modifications to the stormwater treatment
215 system on the southwestern corner of the property:

- 216 1. The plunge pool was moved 25 feet upslope from the lakeshore.
217 2. The rock slope height was reduced by two (2) feet (Highest Point: Four (4) feet) with a two-foot-
218 high taper on either end of the slope.
219 3. The crushed stone at the top of the slope was removed and replaced with grass to serve as
220 additional lawn space.
221 4. Two stone infiltration trenches along the hillside leading down to the lakefront were added to
222 the site plan.
223 5. A 57% increase in additional plantings within the vegetative buffer around the plunge pool,
224 which increased the total planting coverage area from 69.5% (630 ft²) to 73.8% (995 ft²).
225 6. The addition of soil and plantings of *Aster novae-angliae* (8 @ 1 gallon) and *Iris versicolor* (8 @ 1
226 gallon) within the voids of rock slope.

227

228 Engineer McMorrow continued with the following additional site plan modifications:

- 229 7. The principal structure and garage were moved to comply with the setback requirements.
230 8. The total impervious surface within the LPOD was reduced from 13.06% (9,502 ft²) to 9.96% (7,265
231 ft²) per the construction design of the driveway.

232 He continued that the driveway serves as an additional stormwater treatment feature, with complete
233 detention of a 2-year storm within the proposed driveway design.

234

235 Chairman Klemens requested to view a colored rendering of the proposed site plan from the lakefront.
236 LUA Conroy presented a hand-illustrated drawing created by the Franchinis of the proposed lakefront
237 view. Chairman Klemens commented that the hand-illustrated drawing did not accurately represent
238 the planting plan proposed within the modified site plan. Attorney Capecelatro stated that the drawing
239 was not meant to be an exact depiction of the vegetative buffer, but rather an artistic rendering of the

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240 softening of the southern end of the property with additional vegetation. Mr. Franchini indicated that
241 with the reduction of the height of the stone slope, the addition of tall grasses would allow for the
242 majority of the stone slope to be hidden from the waterfront view. Chairman Klemens also asked
243 about the replacement of the proposed grass at the top of the stone slope with additional vegetation.
244 Attorney Capecelatro stated that the grassed areas would allow for additional lawn space and outdoor
245 seating. Mr. Franchini specified that all of the plantings within the 25-foot vegetative buffer along the
246 shoreline would be native plants.

247
248 Alternate Schiffer asked whether the presence of a fire pit along the shoreline on the existing property
249 would remain. Attorney Capecelatro stated that the fire pit would be removed.

250
251 Chairman Klemens expressed concern that the proposed modifications would not remain in perpetuity
252 and requested that these be protected by deed on the land records. Attorney Capecelatro stated that
253 the Franchinis had no intention of modifying the proposed plan but did not desire to encumber the
254 deed to their property. Chairman Klemens also stated that, per the recommendation of Tom Grimaldi
255 (R.R. Hiltbrand Engineers and Surveyors), an Erosion and Sedimentation Control Measures (E&S) Bond
256 of \$5,000 should be placed on the property due to the significant amount of construction activities
257 along the lakefront. Mr. Franchini stated that they would comply with the placement of the E&S bond
258 on the property to be able proceed with the proposed site plan but requested to see a written
259 statement from Engineer Grimaldi recommending the E&S Bond. Chairman Klemens recommended
260 that the bond proposal be put in writing by Engineer Grimaldi prior to moving forward with approval of
261 the application.

262
263 Attorney Capecelatro asked the Commission whether the site plan application could be approved with
264 the contingency that Dennis McMorrow and Tom Grimaldi determine the appropriate E&S Bond
265 amount. LUA Conroy stated that the application could be considered for approval with the proposed
266 contingency, and that the E&S Bond would not need to be given to the Land Use Office until the time
267 of construction. She continued that the mylar of the approved site plan would need to be filed in the
268 Town Clerk's Office.

269
270 Chairman Klemens proposed that the E&S Bond be capped at \$10,000 for the motion. Commissioner
271 Cockerline stated that he was in support of approving the site plan as presented with the previously
272 stated contingencies. Commissioner Riva, Alternate Schiffer, and Secretary Whalen agreed with
273 Commissioner Cockerline to move forward with approval of the site plan.

274
275 Alternate Schiffer inquired about the potential legal ramifications of conditionally approving the site
276 plan application. Chairman Klemens was unable to give legal counsel, but agreed with LUA Conroy that
277 it would be best to delay approval of the site plan until a written statement regarding the E&S Bond
278 was delivered to the Land Use Office. Attorney Capecelatro believed that there would be no legal risk
279 to the Commission if they approved the site plan contingent upon setting the E&S Bond amount and

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280 providing a mylar of the approved site plan. Chairman Klemens expressed discomfort moving forward
281 with approval due to incompleteness of the E&S bond and misrepresentation of the perviousness of the
282 driveway.

283

284 **Motion:** To approve the site plan for application #2022-0159 / Lakeville 75 Sharon Road LLC
285 (Capecelatro & McMorrow/Berkshire Engineering) / 75 Sharon Road / Demo and Build New Single-
286 Family Dwelling and Associated Site Improvements in the Lake Protection Overlay District (Section 404)
287 / Map 47 / Lot 17 at 7:06 p.m. with the following two contingencies:

- 288 1. An E&S Bond posted in an amount not to exceed \$10,000.
289 2. A mylar of the approved site plan be submitted for filing on the land records

290

291 Made by Cockerline, seconded by Riva

292 Vote: 4-1-0

293 Cockerline, Riva, Whalen, and Schiffer in favor; Klemens opposed.

294

295 **Public Comment**

296 12. Public Comment – Public comment is restricted to items that are neither on the agenda nor the
297 subject of any Planning & Zoning application or action and are limited to three minutes per person.

298

299 There was no public comment.

300 **Adjournment**

301 *Motion:* To adjourn the meeting at 7:10 p.m.

302 Made by Cockerline, seconded by Whalen

303 Vote: 5-0-0

304

305 Respectfully Submitted,

306

307 Sara C. Woloszyn, Recording Secretary