

**SALISBURY PLANNING AND ZONING COMMISSION**  
**SPECIAL MEETING MINUTES**  
**MARCH 8, 2022, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)  
3 Martin Whalen (Secretary)  
4 Allen Cockerline (Regular Member)  
5 Bob Riva (Regular Member)  
6 Dr. Danella Schiffer (Alternate)  
7

**Staff Present:**

Abby Conroy, Land Use Administrator (LUA)

**Members Absent:**

Debra Allee (Alternate)  
Cathy Shyer (Vice Chair)

8 **Brief Items and Announcements**

9 1. Call to Order/ Establish Quorum

10 Chairman Klemens called the meeting to order at 5:30 p.m. With four regular members and one  
11 alternate present (Chairman Klemens, Commissioner Cockerline, Commissioner Riva, Secretary  
12 Whalen, and Alternate Schiffer), a quorum was established.

13

14 2. Approval of Agenda

15

16 **Motion:** To approve the agenda as presented

17 Made by Schiffer, seconded by Riva

18 Vote: 5-0-0

19

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

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

22 5. Minutes of January 18, 2022 – *Pending*

23 6. Minutes of January 31, 2022 – *Pending*

24 7. Minutes of February 7, 2022 – *Pending*

25 8. Minutes of February 22, 2022 – *Pending*

26 9. Minutes of March 7, 2022 - *Pending*

27

28 **Public Comment**

29 10. Public comment is restricted to items that are neither on the agenda nor the subject of any  
30 Planning & Zoning application or action and are limited to three minutes per person.

31

32 Chairman opened the meeting for public comment at 5:32 p.m.

33

34 There was no public comment.

35

36 **Other Business**

37 11. #2022-0164 / 281 Wells Hill Rd, LLC (Freudenberg) / 281 & 283 Wells Hill Road / Site Plan  
38 Modification - Replace Nonconforming Stoop (Section 504) / Map 33 / Lot 28 / DOR:03/07/2022 /  
39 *Possible Consideration*

40

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41 Please see the minutes from March 7, 2022 regarding this application.

42

43 12. ZP# 2021-0069 / 281 Wells Hill Road, LLC (Freudenberg) / 281 & 283 Wells Hill Road / Temporary  
44 Zoning Permit – to occupy the barn while main residence is completed in accordance with PZC  
45 authorization under section 906 of the Regulations / Expires 03/24/2022 / *Request for 6-Month*  
46 *Permit Renewal*

47

48 Please see the minutes from March 7, 2022 regarding this application.

49

50 13. ZP# 2021-0099 / 281 Wells Hill Road, LLC (Freudenberg) / 281 & 283 Wells Hill Road / Temporary  
51 Zoning Permit – to temporarily place a generator in the front yard setback in accordance with PZC  
52 authorization under section 906 of the Regulations / Expires 03/24/2022 / *Request for 6-Month*  
53 *Permit Renewal*

54

55 Please see the minutes from March 7, 2022 regarding this application.

56

57 14. Draft Regulation Revision

58

59 LUA Conroy introduced the drafted regulations for Outdoor Food and Beverage Service. She stated that  
60 State Statutes must be met to have outdoor food and beverages services at a restaurant. She  
61 continued that the drafted regulations may need to be adapted to accommodate restaurants located  
62 in different zones. She added that the language of the drafted regulations was either taken directly  
63 from Connecticut State Statute or modeled after neighboring town Zoning regulations.

64

65 The draft regulations with Commissioners' commentary and discussion are as follows:

66

67 *“Outdoor food and beverage service during regular business hours, but no later than 9:00 p.m. is*  
68 *permitted by Site Plan as an accessory use of a food establishment, as defined by Conn. Gen. Stat. §8-*  
69 *1cc, that is a legally conforming use under these Zoning Regulations. The area designated for outdoor*  
70 *food and beverage service shall not exceed 50% of the interior dining area. For the purposes of meeting*  
71 *the parking requirements, the area used for outdoor food and beverage service is not calculated*  
72 *towards total floor area. Any structure for the purposes of outdoor food and beverage service must*  
73 *comply with all requirements of the underlying zone.”*

74

75 Chairman Klemens stated that the phrase, “outdoor food and beverage service,” was taken directly  
76 from State Statute. Commissioner Cockerline and Commissioner Riva agreed that outdoor food and  
77 beverage service should conclude by 9:00 p.m. Commissioner Riva recommended adding a note for  
78 extended outdoor food and beverage service hours during the summer months. LUA Conroy stated  
79 that outdoor food and beverage service policies do not apply to non-conforming dining locations. She  
80 continued that outdoor food and beverage services areas should not exceed 50% of the interior dining

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81 area per the definition of *accessory* use. She also added that the addition of outdoor food and  
82 beverage service to a restaurant does not require additional parking areas.

83

84 LUA Conroy stated that the Planning & Zoning Commission’s legal counsel, Attorney Charles R. Andres  
85 (Barclay Damon LLP) clarified that the orientation of tables and chairs is not included under Zoning  
86 Regulations, but appropriate use of a patio or pergola must meet Zoning setback requirements.  
87 Chairman Klemens stated that there is a desire to regulate permanent outdoor structures within the  
88 Regulations (e.g., chimneys and barbecues).

89

90 *1. General Guidelines*

91 *a. Heaters, busing stations, trash receptacles, food preparation stations, and amplified sound*  
92 *are prohibited in the outdoor food and beverage service area.*

93

94 Commissioner Cockerline, Chairmen Klemens, Commissioner Riva, and Alternate Schiffer disagreed  
95 with the inclusion of heaters as a prohibited item for outdoor food and beverage service areas. LUA  
96 Conroy omitted heaters from the drafted regulation.

97

98 *b. Lighting and exterior illumination shall comply with Section 702 of these Regulations.*

99

100 *c. Premises shall be kept clean at all times. No food waste or liquid spillage should remain on*  
101 *patios and other outdoor food and beverage service areas so as not to attract insects and*  
102 *vermin.*

103

104 LUA Conroy stated that point “c” is a reiteration of a Health Department guideline.

105

106 *d. Waste should be deposited in the food establishment’s garbage facility. No separate*  
107 *garbage facilities are allowed for the outdoor food and beverage service area.*

108

109 *e. Trash or debris shall be contained to the outdoor food and beverage service area and never*  
110 *blown, swept, or otherwise deposited into adjoining parcels.*

111

112 Alternate Schiffer believed that proposed general guideline points “d” and “e” contradicted each other.  
113 Chairman Klemens presented the following amendment to point “e”:

114

115 *“Trash or debris shall not be blown, swept, or otherwise deposited onto adjoining parcels.”*

116

117 *f. Adequately secured umbrellas and awnings are allowed. These cannot be used as de facto*  
118 *signage to advertise products or the dining establishment.*

119

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120 Alternate Schiffer inquired whether the proposed outdoor food and beverage service regulations  
121 applied to an establishment without an indoor dining area (i.e., the Bistro Box). LUA Conroy stated that  
122 the State Statutes do not contain regulations on those types of dining establishments.

123  
124 *g. Signs shall comply with Section 704 of these regulations.*

125  
126 *h. Fire Marshall and Torrington Area Health District Approval is required.*

127  
128 **2. Locations for Outdoor Food and Beverage Service**

129 *Outdoor food and beverage service must be restricted to the same parcel containing the principal food*  
130 *establishment with the following exceptions:*

- 131  
132 *a. On abutting public sidewalks and other pedestrian pathways subject to the following:*
- 133 *• a pathway no less than four feet in width, not including any area on a street or public*  
134 *highway, shall remain unobstructed for pedestrian passage and,*
  - 135 *• sufficient space for pedestrian passage shall remain on the sidewalk in compliance*  
136 *with accessibility guidelines as per the Federal Americans with Disabilities Act, 42*  
137 *USC 12101, et seq., as amended, and*
  - 138 *• no portion of the sidewalk occupied by outdoor food and beverage service area shall*  
139 *be used for vehicular access/egress and,*
  - 140 *• conditions imposed by the municipal official or agency that issues right-of-way or*  
141 *obstruction permits;*

142  
143 LUA Conroy stated that the Connecticut Department of Transportation would be the regulating body  
144 for State right-of-way scenarios. She questioned whether the Board of Selectmen or Public Works  
145 would be the municipal office or agency for Town right-of-way scenarios. She also questioned whether  
146 Town property could be used privately for profit. Chairman Klemens believed that the Salisbury Board  
147 of Selectmen should be the municipal agency for Town right-of-way scenarios.

148  
149 *b. On off-street parking spaces associated with the permitted use, notwithstanding any*  
150 *municipal ordinance or zoning regulation establishing minimum requirements for off-street*  
151 *parking;*

152  
153 *c. on any lot, yard, yard setback, or open space abutting the area permitted for principal use,*  
154 *provided:*

- 155 *• Such lot, yard, setback, yard setback, or open space is located in a zoning district where*  
156 *the operation of food establishments is permitted. Such use is in compliance with any*  
157 *applicable requirements for access or pathways pursuant to physical accessibility*  
158 *guidelines under the Federal Americans with Disabilities Act, 42 USC 12101, et seq., as*  
159 *amended, and*

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- *the licensee or permittee obtains written authorization to engage in such service from the owner of such lot, yard, setback, yard setback, or open space, and provides a copy of such authorization to the Zoning Commission, and retains the consent of such owner during the entire period when this area is used for outdoor food and beverage service authorized by this section of the regulations.*

Chairman Klemens stated that the proposed regulations are to be applied to future outdoor food and beverage services areas rather than for the identification of non-compliance within previously established food service areas. LUA Conroy stated that the approval of the proposed regulations would lead to incremental progress towards compliance with existing food service establishments. Commissioner Cockerline asked whether Torrington Area Health had any pertinent additions to the Zoning regulations for outdoor food and beverage service. LUA Conroy recommended that the drafted regulations be sent to Torrington Area Health and the Town of Salisbury Fire Marshal for review.

**Motion:** To send the amended proposed drafted regulations to the Northwest Hills Council of Governments (COG), Town of Salisbury Fire Marshal, and Torrington Area Health District for comments on 3/9/2022  
Made by Cockerline, seconded by Riva  
Vote: 5-0-0

**Motion:** To schedule the public hearing on drafted regulations for outdoor food and beverage services on Tuesday April 12, 2022 at 6:45 p.m.  
Made by Cockerline, seconded by Riva  
Vote: 5-0-0

LUA Conroy presented amendments to Article II, Article III, and Article V of the Planning and Zoning Regulations. The proposed amendments and Commission discussion are as follows:

Proposed Article II Amendments:

1. The removal of the phrases, *“commercial or non-profit,”* from the title of Section 214.1.
2. The removal of the following terminology from 214.1b:  
*“...exclusive of the area of any lake, pond, or other year-round standing water body.”*
3. The removal of the phrases, *“permanently protected,”* from Section 214.1c.
4. The following amendment of Section 214.1e:

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199 *“There shall be no permanent outdoor loudspeakers, public address systems, or illumination of*  
200 *trails.”*

201

202 5. The following amendment to Section 214.1f:

203 *“Accessory buildings and uses shall be those considered customary and incidental to outdoor*  
204 *recreational facilities.”*

205

206 6. The removal of *“Y.M.C.A’s, camps, scout camps”* from Section 214.2.

207

208 7. The removal of the following terminology from 214.2a:

209 *“...exclusive of the area of any lake, pond, or other year-round standing water body.”*

210

211 8. The revision of the section title to read as follows:

212 *“Section 215: Temporary Events – Personal and Commercial in All Zones.”*

213

214 9. The following drafted additions to Section 215:

215

216 *215.1: Temporary events not exceeding three days for personal enjoyment do not require a zoning*  
217 *permit. Personal events exceeding three days require a temporary zoning permit in accordance with*  
218 *Section 906 of these Regulations.*

219

220 *215.2: Any temporary event for commercial or fundraising purposes requires a temporary zoning permit*  
221 *in accordance with Section 906 of these Regulations. For the purposes of this section, fundraising events*  
222 *held at private residences or properties are considered commercial uses.*

223

224 *215.3: Tag Sales, Bazaars, and Flea Markets*

225 *a. Tag sales which are limited to no more than three days per event do not require a zoning permit.*  
226 *Such tag sales are limited to two events per year, per property. Tag sale signage must be removed*  
227 *within 48 hours after completion of the activity per Section 704.2.1 of these Regulations.*

228

229 *b. Bazaars, flea markets, or tag sales where income is derived from tenting, booths, tables, or other*  
230 *outdoor space are considered commercial events requiring a temporary zoning permit in accordance*  
231 *with Section 906 of these Regulations.*

232

233 Commissioner Cockerline inquired whether temporary event permits required Commission  
234 consideration and approval. LUA Conroy confirmed that temporary event permits would require  
235 Commission consideration and approval. Commissioner Cockerline recommended an exception for  
236 long standing Town events (e.g., The Lobster Sale at the Masonic Temple; The Salisbury Fall Festival) to  
237 be granted a three-to-five-year duration temporary event permit that could be renewed by the  
238 Commission upon expiration. LUA Conroy inquired whether certain temporary events would qualify as

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239 accessory use and operations, thus bypassing the need for a temporary event permit. Chairman  
240 Klemens stated that the drafted additions were created due to concern about temporary events in  
241 residential zones and the use of property within residential zones for commercial events (e.g., Lion  
242 Rock Farm). Alternate Schiffer recommended adding the specification of "within residential zones" to  
243 Section 215.2. The Commission agreed to give further consideration to Section 215.1-215.2 with the  
244 focus of providing distinction between personal, commercial/fundraisers, and tag sales within  
245 temporary event regulations.

246

247 10. The removal of the following terminology from Section 215:

248 *An event held by a local church, school, civic association, special club, volunteer fire department, or*  
249 *other non-profit organizations shall NOT require a zoning permit provided the length of the event does*  
250 *not exceed ten (10) days.*

251

252 *An event which is held for more than ten (10) days shall require a zoning permit, subject to the approval*  
253 *of the Commission.*

254

255 11. The removal of the *Section 218 - Non-Profit Organizations.*

256

257 Proposed Article III Amendments:

258

259 1. The insertion of the "Tables of Dimensional Requirements for Residential Zones, Rural Enterprises,  
260 Commercial, and Industrial Zones" within the referenced sections (300.1 – 300.3).

261

262 LUA Conroy stated that the Zoning Use Tables were under revision and would be added to the  
263 Regulation text upon completion and Commission review.

264

265 2. The following amendment to the title of Section 302:

266

267 *Section 302: Minimum Buildable Area Requirements for New Lots in RR-1, RR-IV, RR-3, MR, RE, and LA*  
268 *Zones.*

269

270 3. The following amendment to the introductory statement of Section 302:

271

272 *Each lot created after XX/XX/2022, including those created by first cut, shall contain at least one*  
273 *BUILDABLE AREA which shall be a minimum of 20,000 square feet.*

274

275 4. The removal of drafted Sections 302.1 – 302.6.

276

277 LUA Conroy stated that the amendment of the introductory statement and the removal of Sections  
278 302.1 – 302.4 would allow for application to new lots without affecting pre-existing developed lots

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279 outside of the regulations. Alternate Schiffer requested clarification of the definition of a “buildable  
280 area.” LUA Conroy presented the following definition of a “buildable area:”

281

282 *Buildable Area shall be a rectangular area of a lot that meets all setback requirements, contains no*  
283 *inland wetlands or watercourses, as well as no utility, conservation, or access easements or right of*  
284 *way, and where not more than 5% of such rectangular area consists of naturally occurring slopes*  
285 *exceeding 25% as measured using 2-foot contour intervals established based on field survey.*

286

287 Commissioner Cockerline questioned whether the recommended minimum buildable area of 20,000  
288 square feet could be total for a parcel rather than found in one rectangle. LUA Conroy and Chairman  
289 Klemens stated that a buildable area of 20,000 square feet must be within one rectangle for new cuts  
290 of land. Alternate Schiffer requested clarification on whether a buildable area could be defined by lot  
291 acreage. Chairman Klemens stated that the zone location of a specific property defines the acreage  
292 requirement. The Commission agreed that the removal of Sections 302.1 – 302.6 was an acceptable  
293 amendment.

294

295 5. The following amendment to Section 303 – Minimum Square Requirements:

296 *Each lot shall be of a size and shape that contains a square meeting the minimum square side*  
297 *dimensions specified in the Tables of Dimensional Requirements with one side placed on the front yard*  
298 *setback line.*

299

300 LUA Conroy supported maintaining the Minimum Square Requirement regulation to prevent the  
301 creation of misshapen lots.

302

303 6. The addition of the “*Line of Site Triangle Illustration*” into Section 304.4 – *Line-of-Site Triangle*  
304 *Requirements in Yards at Street Intersections.*

305

306 LUA Conroy stated that she would create a new illustration with specified measurements (20-feet) for  
307 each side of the line-of-site triangle.

308

309 7. The following amendments to Section 305:

310

311 *305 – Setback from Wetlands and Watercourses:*

312

313 *No principal building shall be located within seventy-five (75) feet, and no attached deck or detached*  
314 *accessory building or structure shall be located within fifty (50) feet of wetland or watercourse*  
315 *regulated by the Salisbury Inland Wetlands and Watercourses Commission except as follows.*

316



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317 *305.1 Exceptions for Accessory Buildings or Structures – An accessory building or structure may be*  
318 *located less than fifty (50) feet from a wetland or watercourse subject to obtaining a Special Permit*  
319 *which meets all of the requirements of the following subsections (a-d):*

320

321 *a. The proposed accessory building or structure:*

- 322 • *Shall be a minimum of twenty-five (25) feet from all property lines;*
- 323 • *Shall not be equipped with sanitary facilities, water service, or otherwise be designed for*  
324 *human habitation or for housing animals*
- 325 • *Shall be no more than fifteen (15) feet in height*

326

327 *b. The proposed site development plan shall minimize the area of LAND DISTURBANCE and include a*  
328 *Sedimentation and Erosion Control (S&E) plan, meeting the requirements of Section 600 of these*  
329 *Regulations. The S&E plan must be implanted prior to any LAND DISTURBANCE and development, and*  
330 *be monitored and maintained until the site is permanently stabilized.*

331

332 *c. The proposed site development plan shall include a Stormwater Management Plan meeting the*  
333 *requirements of Section 602 of these regulations, which:*

- 334 • *protects existing drainage patterns;*
- 335 • *protects wetlands and watercourses;*
- 336 • *protects natural vegetation;*
- 337 • *includes low impact development (LID) stormwater treatment techniques.*

338

339 *d. The proposed site development plan shall maintain or create a minimum 25-foot-wide WETLANDS*  
340 *AND WATERCOURSES BUFFER which maintains water quality, and slows and treats the flow of water*  
341 *run-off into a wetland:*

- 342 • *if the natural buffer is absent or compromised, the proposal shall include a landscape*  
343 *planting plan using native and/or non-invasive cultivars.*
- 344 • *To ensure the permanency of the WETLANDS AND WATERCOURSES BUFFER, it must be*  
345 *recorded on Mylar filed in the Office of the Town Clerk and made a condition of the*  
346 *Special Permit.*

347

348 LUA Conroy stated that the proposed amendment allows for standardization of regulations for  
349 setbacks from wetlands and watercourses across all zones. She continued that the proposed language  
350 provides flexibility to build closer to an inland wetland or watercourse as long as the natural resource  
351 remains protected. She added that these regulations mirror other sections of the regulations to allow  
352 for standardization of the text.

353

354 LUA Conroy stated that maintenance of a wetland and watercourses buffer in perpetuity could be  
355 achieved through specification within the deed of a property or via a special zoning permit. Chairman  
356 Klemens recommended 90% vegetative buffer coverage of a wetland or watercourse interface.

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357 Commissioner Cockerline recommended 60% vegetative buffer coverage of a wetland or watercourse  
358 interface. The Commission reached a compromise of 75% vegetative buffer coverage of a wetland and  
359 watercourses portion of property. Alternate Schiffer recommended that the proposed planting plan  
360 include a specified percentage of native species. The Commission agreed that a proposed planting plan  
361 should contain at least 75% native species. The regulation was amended to read as follows:

362

363 *“If the natural buffer is absent or compromised, the proposal shall include a landscape planting plan*  
364 *using 75% native and the remaining non-invasive cultivars.”*

365

366 8. The removal of the term “building footprint” from *Section 307 – Maximum Building Coverage* and  
367 added to the appendix of definitions.

368

369 9. The removal of the term “impervious surface” from *Section 308 – Maximum Impervious Surface* and  
370 added to the appendix of definitions.

371

372 Chairman Klemens proposed the elimination of the following paragraph within Section 308:

373

374 *“In the LA Zone, the maximum total impervious surface on a lot shall be 20%, except for that portion of*  
375 *the LA zone in a Lake Protection Overlay District. The maximum total impervious surface for that*  
376 *portion of a lot in the Lake Overlay District shall be 10%.”*

377

378 Chairman Klemens questioned whether the LA zone was required within the Regulations. LUA Conroy  
379 stated that the LA zone is the only zone in which vertical expansion of a non-conforming building or  
380 structure is permitted. Commissioner Cockerline highlighted the absence of impervious surface area  
381 parameters within the other zones. He continued that the above statement was appropriately placed  
382 within Section 308 to provide parameters for impervious surface within the LA and Lake Protection  
383 Overlay districts. LUA Conroy made a note to have a future discussion on impervious surface  
384 parameters within the LA zone.

385

386 15. The following amendment to *Section 309 – Maximum Building Height*:

387

388 *“309.2b. The building height shall be measured as the vertical distance between a horizontal plane*  
389 *passing through the average elevation of the finished lot grade at the base of the building to:*

390

- 391 • *The mid-point between the eaves and ridge of the highest roof for a gable, hip, or gambrel*  
*roofed building, or*
- 392 • *The highest point of the highest roof (including the top of the parapet) for a flat mansard or*  
393 *any other type of building roof.*
- 394 • *The average elevation of the finished lot grade at the base of the building shall be*  
395 *determined from the measurements taken at the finished grade every five (5) feet along the*  
396 *building walls.*

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398 LUA Conroy stated that Matt Kiefer (Lamb Kiefer Land Surveyor LLC) requested discussion of the  
399 measurement methodology of maximum building height. Commissioner Cockerline stated that a  
400 surveyor completing a survey to A2 standards will modify their measurement methodology for the  
401 specified property. He also stated that height calculations are not always part of an A2 survey but could  
402 be a part of a Class D survey. The Commission agreed to modify the regulation to be a measurement  
403 taken every ten (10) feet.

404

405 Proposed Article V Amendments:

406

407 1. The amendment to the title of Section 500 to read as follows:

408 *“500 – Nonconforming Situations”*

409

410 2. The removal of the numerical designation (“500.1 Definition”) of the Section 500 introductory  
411 statement.

412

413 3. The removal of the definitions of a “nonconforming lot,” “nonconforming building or structure,”  
414 and “nonconforming use” from Section 500 to be added to the appendix of definitions.

415

416 4. The following amendment to Section 500.1 (originally 500.2):

417

418 *Continuance of a Nonconforming Situation:*

419 *As required by Connecticut General Statutes Section 8-2, these regulations do not prohibit the*  
420 *continuance of a nonconforming situation. It is the intent of these Regulations to reduce or*  
421 *eliminate nonconforming situations. Once a nonconforming situation or any portion thereof, has*  
422 *been abandoned or changed so that it conforms to these Regulations, it cannot revert to a*  
423 *nonconforming situation.*

424

425 5. The following amendment to *Section 501 – Change of Nonconforming Use:*

426

427 *Subject to a Special Permit, a nonconforming use may be changed to a different nonconforming use.*  
428 *The Commission must find that the proposed nonconforming use will have no greater impact than*  
429 *the existing nonconforming use. In making this determination, the Commission shall consider the*  
430 *standards of Section 802 of these regulations as well as the nature, purpose, and scope of the*  
431 *proposed change in comparison to the existing nonconforming use. Factors of consideration of any*  
432 *new or increased activity on the property, shall include traffic, noise, stormwater runoff, lighting,*  
433 *odors, and other factors affecting the abutting and surrounding properties.*

434

435 6. The addition of the following section:

436 *Section 502 – Expansion of Nonconforming Use:*

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437 *Subject to a Special Permit, an existing nonconforming use may be expanded. Under no*  
438 *circumstances should this Section circumvent the statutory authority of the Zoning Board of*  
439 *Appeals. In addition, a building or structure containing a nonconforming use may not be enlarged,*  
440 *contravening Section 503 or the zoning tables of these Regulations.*

441  
442 *The Commission shall find that the expansion will be more conforming to zoning including parking*  
443 *and lighting standards. In making this determination, the Commission will consider whether the*  
444 *nature, purpose, and scope of the proposed expansion shall improve existing conditions and reduce*  
445 *adverse impacts to abutting and neighboring properties by:*

- 446 • *improving traffic flow;*
- 447 • *improving health, safety, and the general welfare*
- 448 • *improving stormwater management*
- 449 • *improving stewardship of natural resources.*

450  
451 Commissioner Cockerline stated that the first paragraph of Section 502 was unclear with regards to  
452 expansion of a nonconforming building or structure. LUA Conroy cited Section 503 of the regulations  
453 which stated that a nonconforming building or structure outside of the LA zone can undergo a vertical  
454 expansion. She also noted a question for Attorney Andres regarding measurable criteria for a special  
455 permit per the expansion of nonconforming use versus granting a variance for a hardship. Secretary  
456 Whalen inquired whether the Commission possesses the authority to issue a variance. LUA Conroy  
457 stated that the Zoning Board of Appeals possesses the authority to issue a variance.

- 458  
459 7. The removal of *Section 501.2 – Site Plan.*
- 460  
461 8. The removal of *Section 502 – Abandonment of Non-Conforming Use.*
- 462  
463 9. The amendment of the title to Section 503 to read as follows:  
464 *Enlargement of a Nonconforming Building or Structure.*

- 465  
466 10. The following revision to Section 503.1:  
467  
468 *Except as provided below, a nonconforming building or structure may not be extended to occupy a*  
469 *greater area, space, or portion of such land, than was occupied on the date that its nonconforming*  
470 *status was established.*

- 471  
472 11. The removal of *Section 504.1 – Fire or Other Causality.*

- 473  
474 12. The following amendment to Section 503.1 (originally 504.2) to read as follows:

475 *503.1 Restoration or Replacement of Nonconforming Buildings or Structures*

**SALISBURY PLANNING AND ZONING COMMISSION  
SPECIAL MEETING MINUTES  
MARCH 8, 2022, 5:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

476 *The nonconforming portions of a nonconforming building or structure may be restored or replaced to*  
477 *no more than its previous nonconforming footprint and other exterior dimensions subject to*  
478 *Commission approval of a Site Plan and submission of the following:*

479 *a. Photographs of the nonconforming building or structure;*

480 *b. An A2 survey showing measurements of all exterior dimensions of the existing building or structure in*  
481 *sufficient detail to reconstruct it to no more than its nonconforming foundation footprint and exterior*  
482 *dimensions;*

483 *c. Construction drawings of the proposed replacement building or structure certifying that the proposed*  
484 *foundation footprint and exterior dimensions are no greater than the previous nonconforming building*  
485 *or structure.*

486 LUA Conroy asked the Commission whether the restoration or replacement of a nonconforming  
487 building or structure could be achieved via a minor site plan approval from herself and Chairman  
488 Klemens. Commissioner Cockerline questioned the necessity of the inclusion of construction drawings  
489 due to prior “back of the envelope” style diagrams. LUA Conroy suggested adding a clause that the  
490 construction drawings be completed by a licensed architect. Secretary Whalen indicated that the  
491 presentation of an A2 survey without architect-rendered construction drawings should be sufficient.  
492 LUA Conroy stated that she would combine Sections 503.1 and 503.2 to include the requirement of an  
493 A2 As-Built survey in absence of architect-rendered construction drawings.

494

495 **Adjournment**

496 **Motion:** To adjourn the meeting at 7:58 p.m.

497 Made by Schiffer, seconded by Riva

498 Vote: 5-0-0

499

500 Respectfully Submitted,

501

502 Sara C. Woloszyn, Recording Secretary