

SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
APRIL 12, 2022, 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

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Members Present:

Dr. Michael Klemens (Chairman)
Cathy Shyer (Vice Chair) – arrived 6:32pm
Martin Whalen (Secretary)
Allen Cockerline (Regular Member)
Bob Riva (Regular Member) – arrived at 6:52pm
Dr. Danella Schiffer (Alternate)

Staff Present:

Abby Conroy, Land Use Administrator (LUA)

Members Absent:

Debra Allee (Alternate)

Brief Items and Announcements

1. Call to Order/ Establish Quorum

Chairman Klemens called the meeting to order at 6:30 p.m. With three regular members and one alternate present (Chairman Klemens, Commissioner Cockerline, Secretary Whalen, and Alternate Schiffer). Alternate Schiffer was seated and a quorum was established.

2. Approval of Agenda

Motion: To approve the agenda as presented

Made by Cockerline, seconded by Schiffer

Vote: 4-0-0

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

4. Minutes of January 18, 2022

5. Minutes of January 31, 2022 – *Pending*

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

7. Minutes of February 22, 2022 – *Pending*

8. Minutes of March 7, 2022 – *Pending*

9. Minutes of March 8, 2022 – *Pending*

10. Minutes of March 21, 2022 – *Pending*

11. Minutes of April 4, 2022 - *Pending*

Commissioner Cockerline presented the following amendments to the January 18, 2022 minutes:

Line 372: Revision of the term “coalition” to “collating”

Vice Chair Shyer joined the meeting at 6:32 p.m.

Motion: To approve the minutes of January 18, 2022 as amended

Made by Cockerline, seconded by Whalen

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

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41 12. Correspondence

42 LUA Conroy presented three letters of correspondence from the Town of Mount Washington, MA.
43 These concerned three land-use applications being heard by their Planning Board. The Commission
44 took note of these hearings and concluded that there were no actions required by Salisbury Planning
45 and Zoning Commission.

46

47 Chairman Klemens reviewed the Table of Uses within the Zoning Regulations. LUA Conroy asked the
48 Commission to determine whether the proposed categorization of special permits and site plan
49 requirements was appropriate for principal and accessory uses. Chairman Klemens asked the
50 Commission to give further consideration to Temporary Special Event regulations and scenarios for a
51 Special Permit requirement.

52

53 **Public Hearing – 6:45 p.m.**

54 13. Town of Salisbury/ Regulation Amendment/ Outdoor Food and Beverage Service/ *Open Hearing,*
55 *Possible Consideration*

56

57 Secretary Whalen opened the public hearing with the reading of the call.

58

59 LUA Conroy displayed the Table of Uses for Hospitality, Restaurants, Hotels, and Related Services. Low
60 and high turnover restaurants within the RR-IV, RE, C-20, and CG-20 zones require submission and
61 approval of a site plan for outdoor food and beverage service. The creation of a low-turnover
62 restaurant, high-turnover restaurant, or accessory outdoor food and beverage services are not
63 permissible within the R-10, R-20, RR-3, MR, LA, and LI zones. Within the R-IV Zone, accessory outdoor
64 food and beverage services of a low turnover restaurant may be added with submission and approval
65 of a site plan.

66

67 Commissioner Riva joined the meeting at 6:52 p.m. Alternate Schiffer continued to participate in the
68 meeting as a non-voting member.

69

70 LUA Conroy presented the followed drafted regulations:

71

72 *Proposed Regulations for Outdoor Food and Beverage Service*

73 *207.19 Outdoor Food and Beverage Service. During regular business hours, but no later than 9:00 PM,*
74 *outdoor food and beverage service is permitted by Site Plan as an accessory use to food a food*
75 *establishment, as defined by Conn. Gen. Stat. §8-1cc, that is a legally conforming use under these*
76 *Zoning Regulations. The area designated for outdoor food and beverage service shall not exceed 50% of*
77 *the interior dining area. For the purposes of meeting parking requirements, the area used for outdoor*
78 *food and beverage service is not calculated towards floor area. Any structures for the purposes of*
79 *outdoor food and beverage service must comply with all requirements of the underlying zone.*

80

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81 *a. General Standards*

- 82
- 83 1. *busing stations, trash receptacles, food preparation stations, and amplified sound is*
- 84 *prohibited in the outdoor food and beverage service area.*
- 85 2. *lighting and exterior illumination shall comply with Section 702 of these Regulations.*
- 86 3. *premises shall be kept clean at all times. No food waste or liquid spillage should remain on*
- 87 *patios and other outdoor food and beverage service areas so as not to attract insects and*
- 88 *vermin.*
- 89 4. *waste should be deposited in the food establishment's garbage facility. No separate*
- 90 *garbage facilities are allowed for the outdoor food and beverage service area.*
- 91 5. *trash or debris shall not be blown, swept, or otherwise deposited onto adjoining parcels.*
- 92 6. *adequately secured umbrellas and awnings are allowed. These cannot be used as de facto*
- 93 *signage to advertise products or the dining establishment.*
- 94 7. *signs shall comply Section 704 of these Regulations.*
- 95 8. *Fire Marshal and Torrington Area Health District Approval is required.*
- 96

97 *b. Locations for Outdoor Food and Beverage Service*

98

99 *Outdoor food and beverage service must be restricted to the same parcel containing the principal*

100 *food establishment with the following exceptions:*

- 101
- 102 1. *on abutting public sidewalks and other pedestrian pathways subject to the following:*
- 103 • *a pathway no less than four feet in width, not including any area on a street or public*
- 104 *highway, shall remain unobstructed for pedestrian passage and,*
- 105 • *sufficient space for pedestrian passage shall remain on the sidewalk in compliance with*
- 106 *accessibility guidelines as per the Federal Americans with Disabilities Act, 42 USC 12101,*
- 107 *et seq, as amended and,*
- 108 • *no portion of the sidewalk occupied by outdoor food and beverage service area shall be*
- 109 *used for vehicular access/egress and,*
- 110 • *conditions imposed by the municipal official or agency that issues right-of-way or*
- 111 *obstruction permits;*
- 112
- 113 2. *on off-street parking spaces associated with the permitted use, notwithstanding any*
- 114 *municipal ordinance or zoning regulation establishing minimum requirements for off-street*
- 115 *parking;*
- 116
- 117 3. *on any lot, yard, setback, yard setback, or open space abutting the area permitted for*
- 118 *principal use, provided:*
- 119 • *such lot, yard, setback, yard setback, or open space is located in a zoning district where*
- 120 *the operation of food establishments is permitted*

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- *such use is in compliance with any applicable requirements for access or pathways pursuant to physical accessibility guidelines under the Federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended, and*
- *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.*

LUA Conroy submitted the drafted regulations to Northwest Hills Council of Governments, the Town of Salisbury Fire Marshal, and Torrington Area Health District for review. She presented the following comments from Cathy Weber (Torrington Area Health District) regarding the drafted guidelines for outdoor food and beverage service:

Attached are guidelines for outdoor patios. One thing that is not in there is if people are taking food to go, they can sit at tables that do not have a ground cover. If they are being served, ground cover is required. We have no limitation on the number of seats.

Highlights from the attached Torrington Area Health District outdoor patio regulations were as follows:

There must be adequate ground cover in all areas of the patio. This may be in the form of gravel, pavers, brick, asphalt, etc. Exposed grass and/or dirt are not acceptable means of ground cover.

The patio is only to be used a food service area. Food preparation, outdoor cooking, and dispensing of beverages from an outdoor bar are strictly prohibited.

A plot plan of the proposed patio must be submitted at the time the patio request application is given to the Torrington Area Health District.

There must be adequate means for disposing of trash generated from service on such patio. The trash receptacles must be covered at all times except when in immediate use, be non-absorbent, and must not attract flies, rodents, etc.

LUA Conroy also presented the following comments from Robin Denny (Town of Salisbury Fire Marshal):

As we discussed, the proposed regulations look fine, just need to make sure as you stated in area h., that Fire Marshal approval is required.

Vice Chair Shyer requested clarification of the appropriate course of action for a neighboring resident of an adjacent unclean outdoor food and beverage service area. Chairman Klemens stated that the

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161 neighbor would report the observation to the Land Use Office as a zoning violation. LUA Conroy added
162 that the incident would also be enforceable by Torrington Area Health District.

163
164 Secretary Whalen inquired whether The Woodland would be permitted to have outdoor food and
165 beverage services. LUA Conroy stated that The Woodland was authorized to utilize outdoor dining
166 services for the remainder of the year per State of Connecticut executive order. Once the executive
167 order expires, she stated that The Woodland would not be eligible to obtain a permit for outdoor food
168 and beverage services as a nonconforming restaurant.

169
170 Chairman Klemens opened the meeting to public comment at 7:09 p.m.

171
172 Lori Shepard asked whether the drafted regulations applied to private catering businesses. Chairman
173 Klemens stated that the regulations were written for accessory use to a restaurant within previously
174 specified zones. LUA Conroy added that these regulations only pertain to conforming restaurant
175 establishments.

176
177 **Motion:** To close the public hearing for the Town of Salisbury Regulation Amendment of Outdoor Food
178 and Beverage Service on April 12th 2022 at 7:11 p.m.

179 Made by Cockerline, seconded by Shyer

180 Vote: 5-0-0

181
182 **Motion:** To approve the Town of Salisbury Zoning Regulations Section 207.19 – Outdoor Food and
183 Beverage Service to be made effective May 15th 2022 (completed April 12th 2022 at 7:14 p.m.,)

184 Made by Cockerline, seconded by Riva

185 Vote: 5-0-0

186
187 **Other Business**

188 14. Plan of Conservation and Development (POCD) Survey Results – *Continued Discussion*

189
190 Chairman Klemens opened the discussion of the POCD survey results by requesting the review of
191 Alternate Schiffer’s analysis of the survey response data.

192
193 A summary of Alternate Schiffer’s POCD survey data analysis is as follows:

- 194
195 1. According to the 2020 Census, the Town of Salisbury has a total population of 4,195 residents. With
196 681 total respondents for the POCD survey, this equates to a 16% total response rate.
197
198 2. Respondents of the POCD primarily heard about the survey via word of mouth (46%), followed by
199 online/social media/website use (31%). Only 8% of respondents heard about the survey from the

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200 local newspaper. The potential implication is that notification via email could be an effective tool
201 for sharing information with the public.

202

203 3. Question 6 was skipped by 177 respondents (35% of total respondents), while Question 10 was
204 skipped by 208 respondents (44% of total respondents). The pattern of skipped questions stemmed
205 from questions that required greater than one response choice.

206

207 4. High numbers of respondents chose “Not Sure” as their answer option for three of the survey
208 questions (Question 10 - 38% of respondents; Question 16 - 46% of respondents; Question 17, 54%
209 of respondents). The potential implication is that respondents likely needed more information to
210 answer the questions.

211

212 5. There was a small percentage of survey respondents who expressed concern that the survey
213 questions were written in a biased fashion. In acknowledgement of the individuals who expressed
214 this concern, she stated that the survey could have been presented to dispel any negative
215 impression. She provided the following sample disclaimer statement for future surveys:

216

217 *“Please note that the issues presented are those faced by many communities in CT. While some*
218 *may have been raised at meetings in Salisbury, they are not offered as the official views of*
219 *Salisbury’s hired personnel, commissions, committees, or boards.*

220

221 6. There was an overall positive response to perceived quality of life within the Town of Salisbury
222 (63% - Excellent; 34% - Good), with 51% of respondents “pleased” with the overall performance of
223 Town government. In contrast, she noted that 51% of respondents answered “not sure” to the
224 Town’s efforts to address presented issues. The potential implication is that there is a gap in
225 communication between the Town Hall and residents of Salisbury.

226

227 7. The write-in responses from the survey were primarily comprised of themes regarding housing
228 prices/affordability; threat to essential medical services; absence of reliable high-speed internet
229 and cellphone service; and concerns regarding “environmental degradation.”

230

231 Alternate Schiffer made the following disclaimer about the next two sections of her data analysis:

232

233 *“Note that Sections 8 and 9 do not necessarily represent a majority of those responding to the survey.*
234 *However, given that so many are unaware of Salisbury issues/activities, it is reasonable for us to*
235 *consider plausible issues going forward that make sense to us (and others in the know) even though*
236 *they are not highlighted in the survey results.”*

237

238 8. Additional Personal Observations from Survey Responses:

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- 239 i. A significant portion of respondents (73%) stated that they would be willing to pay more in property
240 taxes (up to a 0.5 mill increase) to address perceived problems. In contrast, 54% of survey
241 respondents indicated openness to pay up to a one mill increase in property taxes. This raised an
242 important issue for fixed income individuals with significantly increased property values.
243
- 244 ii. The survey results indicated that 42% of respondents would be willing to volunteer on a
245 commission/committee/board, but 38% of respondents required more information prior to becoming
246 a volunteer. The potential implication is that the Town of Salisbury requires improved communication
247 regarding volunteer needs and opportunities.
- 248 9. Issues of Perceived Importance for the Town of Salisbury to Address over the Next Ten Years:
- 249 a. Dwindling mix of housing affordability/availability due to escalating prices
250 b. Environmental degradation, including wetlands, pollution, invasives, clear-cutting, and the
251 impact of climate change.
252 c. The need for essential medical services that are currently under threat.
253 d. The need for adequate access to high-speed internet and cell service.
254 e. Agricultural viability.
255 f. Maintenance of quality public education.
256 g. The need for a citation ordinance with financial penalties for those who violate the Town's Land
257 Use Regulations.
258 h. The need for improved communication between the Town Hall and residents.
259 i. The need to explore the revitalization of business centers, including the assessment of traffic
260 patterns, pedestrian safety, and parking suitability to accommodate residents, visitors, and retail
261 operations.
262 j. Thorough examination of the level (i.e., do we have enough), competence, selection process, and
263 continued training of paid officials, administrative staff, and volunteers who will be addressing the
264 issues presented within the POCD survey.

265
266 Chairman Klemens stated that the Town needed to separate high-speed internet and cellphone service
267 into two separate issues. He also expressed strong support for a Town Manager as a hired position
268 within Salisbury.

269
270 Vice Chair Shyer recommended that residents working towards the preservation of essential
271 healthcare services be invited to a meeting to discuss strategies in which the Commission could
272 provide assistance. She also requested LUA Conroy obtain more information about the role of a Town
273 Manager.

274

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275 Commissioner Riva inquired whether the Board of Selectmen and the Board of Finance had reviewed
276 the POCD survey results. He asked the Commission if input from the two specified boards would be of
277 value.

278

279 Commissioner Cockerline redirected the Commission to the statistical analysis of the POCD survey
280 results. He highlighted the following top ten issues of greatest concern by survey respondents:

281

282 *Essential medical services (hospitals, doctors, EMTs) are under threat, affecting all segments of the*
283 *populations from babies to seniors.*

284

285 *Habitat loss and fragmentation due to overdevelopment, are a reflection of inadequate regulatory*
286 *oversight and protection, especially of critical wetland resources.*

287

288 *Overabundant and invasive species (plants and animals) are expanding their range and populations*
289 *have gone largely unchecked.*

290

291 *Clear cutting and deforestation threaten the environment and scenic beauty of Salisbury.*

292

293 *Escalating housing costs coupled with lack of housing diversity affecting a broad segment of the*
294 *community.*

295

296 *Modestly priced houses are being bought by investors who convert them into high-priced rentals or*
297 *short-term rentals. This reduces the housing stock below \$500,000 particularly in neighbors that were*
298 *traditionally affordable.*

299

300 *Pollution (e.g., herbicides, pesticides, PCBs, fertilizers, road salts) poses short and long-term threats to*
301 *the environment and human health*

302

303 *Lack of access to reliable high-speed internet and cellular phone service impede the safety and*
304 *economic viability of Salisbury.*

305

306 *Pathways to nominations and appointments to Town boards/commissions/committees are overly*
307 *politicized and/or non-inclusive.*

308

309 *Overemphasis on maintaining a low mill rate rather than reinvesting in the community and services*
310 Alternate Schiffer noted minimal response regarding speeding, pedestrian infrastructure, and parking
311 availability within the village centers. Commissioner Riva noted that if the topics of speeding,
312 pedestrian circulation and parking availability were combined into one issue, the statistical data may
313 have shown a stronger public concern for those topics.

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314 Chairman Klemens and Vice Chair Shyer recommended sending the survey results to Town Hall
315 employees and all volunteers on boards/commissions/committees for review, comment, and feedback.
316 LUA Conroy recommended consolidating the statistical analysis into similar issues of concern (e.g.,
317 Issues 8-12 under the umbrella of “environmental degradation”). She also requested specification of
318 employees and board/commission/committee members to respond to the data analysis from the
319 perspective of their designated position in Town rather than from personal perspective. Commissioner
320 Riva recommended writing a cover letter that specified the Planning and Zoning Commission’s
321 observations from the POCD survey results rather than pursuing consolidation of the statistical analysis
322 into an alternate format.
323

324 Vice Chair Shyer left the meeting at 8:28 p.m. Alternate Schiffer was reseated as a voting member.
325 Chairman Klemens asked Janet Graaff for her thoughts on the Commission’s next steps with the POCD
326 survey results. Ms. Graaff recommended that the Commission send POCD survey results pertinent and
327 specified to each Town board/commission/committee (e.g., send information on public support for a
328 higher mill rate up to 0.5 mill to the Board of Finance). She also recommended that each
329 board/commission/committee provide as much background information as possible on the Town
330 issue(s) specific to each group (e.g., latest affordable housing concerns provided by the Affordable
331 Housing Committee) to the Commission.
332

333 Chairman Klemens asked for the Commission’s thoughts on how to proceed with distributing the POCD
334 survey results and statistical analyses to Town boards/commissions/committees and employees.
335 Commissioner Cockerline recommended presented the following six issues of concern to pertinent
336 employees and groups for feedback:
337

338 *Modestly priced houses are being bought by investors who convert them into high-priced rentals or*
339 *short-term rentals. This reduces the housing stock below \$500,000 particularly in neighbors that were*
340 *traditionally affordable.*

341
342 *Escalating housing costs coupled with lack of housing diversity affecting a broad segment of the*
343 *community.*
344

345 *Habitat loss and fragmentation due to overdevelopment, are a reflection of inadequate regulatory*
346 *oversight and protection, especially of critical wetland resources.*
347

348 *Essential medical services (hospitals, doctors, EMTs) are under threat, affecting all segments of the*
349 *populations from babies to seniors.*
350

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351 *Lack of access to reliable high-speed internet and cellular phone service impede the safety and*
352 *economic viability of Salisbury.*

353
354 *Overemphasis on maintaining a low mill rate rather than reinvesting in the community and services*

355
356 Chairman Klemens asked the Commission to consolidate information from the POCD survey into the
357 top five issues of highest perceived importance and to return their interpretation to LUA Conroy by the
358 end of the week. Ms. Graaff recommended that the Commission ask the other
359 boards/commissions/committees for strategies to address the top five issues of highest perceived
360 importance.

361
362 Janet Graaff left the meeting at 8:56 p.m.

363
364 15. Regulation Amendments – *Continued Discussion*

365 The Commission moved the discussion of regulation amendments to the April 18th 2022 meeting.

366
367 **Adjournment**

368 **Motion:** To adjourn the meeting at 8:59 p.m.

369 Made by Cockerline, seconded by Whalen

370 Vote: 5-0-0

371
372 Respectfully Submitted,

373
374 Abby Conroy

375 Land Use Administrator