

**SALISBURY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MAY 2, 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) – Joined at 6:33 p.m.
Allen Cockerline (Regular Member)
Dr. Danella Schiffer (Alternate)
Debra Allee (Alternate)

Staff Present:

Abby Conroy, Land Use Administrator (LUA)

Members Absent:

Martin Whalen (Secretary)
Bob Riva (Regular Member)

Brief Items and Announcements

1. Call to Order/ Establish Quorum

Chairman Klemens called the meeting to order at 6:30 p.m. With Chairman Klemens and Commissioner Cockerline present and Alternate Schiffer and Alternate Allee seated, a quorum was established.

2. Approval of Agenda

It was requested that item #3 be removed from the agenda.

Motion: *To approve the agenda as amended.*

Made by Cockerline, seconded by Schiffer

Vote: 4-0-0

Vice Chair Shyer joined the meeting at 6:33 p.m.

Commissioner Cockerline questioned whether the absence of minutes would result in a violation of the Freedom of Information Act (FOI). LUA Conroy stated that the video recordings posted on the Town website keeps the Planning and Zoning Commission in compliance with FOI.

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

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

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

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

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

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

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

10. Minutes of April 4, 2022 – *Pending*

11. Minutes of April 12, 2022 - *Pending*

12. Minutes of April 18, 2022 – *Pending*

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

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42 Chairman Klemens opened the meeting to public comment at 6:35 p.m.

43
44 There was no public comment.

45
46 **Pending Business**

47 14. #2022-0166/Primoff (Arthur Howland and Associates)/ 105 Interlaken Road/ Site Plan – Demolish
48 and Build a New Single-Family Residence and Associated Site Improvements in the Lake Protection
49 Overlay District (Section 404)/ Map 38/ Lot 11/ DOR: 03/21/2022/ *Possible Consideration*

50
51 Jim McTigue (Senior Project Manager - Arthur Howland and Associates) represented the site plan
52 application. He acknowledged his receipt of recommendations from the Planning and Zoning
53 Commission’s Consulting Engineer Tom Grimaldi (R.R. Hiltbrand Engineers and Associates), presented
54 his correspondence letter in agreement with all proposed recommendations, and provided a walk-
55 through of the modified site plan to acknowledge the recommendations. He also presented
56 photographs of the pre-existing deck (15’x22’) along the waterfront. He noted the deck’s elevation, the
57 amount of vegetation growing underneath the deck, and the gaps between the boards to allow for
58 stormwater infiltration.

59
60 Per her site visit, Vice Chair Shyer stated that the width of the gaps between the boards on the deck
61 meets the requirements for a pervious surface. Chairman Klemens agreed that the deck would meet
62 requirements for lateral permeability. Vice Chair Shyer noted the saturation level of the ground in front
63 of the deck and requested the location of the ordinary high watermark delineation. Mr. McTigue noted
64 a two-foot elevation between the water’s edge and the bottom step of the deck. He stated that the
65 lake is unlikely to rise an additional two feet due to dam control. Vice Chair Shyer also asked about
66 potential tree removal on the property. Mr. McTigue stated that the addition rather than removal of
67 trees (e.g., flowering fruit trees and evergreen trees) was part of the site plan.

68
69 LUA Conroy asked the Commission whether the deck changing area adjacent to the proposed principal
70 structure would be categorized as a storage accessory building. Because the proposed permeable deck
71 changing area lacked a roof, the Commission did not believe it qualified as an accessory storage
72 building. Alternate Schiffer inquired whether the proposed garage was attached or detached to the
73 principal structure. Mr. McTigue stated that the garage was attached to the principal structure via a
74 breezeway.

75
76 **Motion:** *To approve application #2022-0166/Primoff (Arthur Howland and Associates)/ 105 Interlaken*
77 *Road/ Site Plan – Demolish and Build a New Single-Family Residence and Associated Site Improvements*
78 *in the Lake Protection Overlay District (Section 404)/ Map 38/ Lot 11 contingent upon:*

79 1. *Final Review by Town Consulting Engineer Tom Grimaldi*

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80 2. *Provision of an Erosion and Sedimentation Control bond as recommended by Town Consulting*
81 *Engineer Tom Grimaldi.*

82 *Made by Cockerline, seconded by Schiffer*

83 *Vote: 5-0-0*

84

85 15. #2022 – 0169/ American School for the Deaf (Allied Engineering)/ 410 Twin Lakes Road/ Site Plan
86 Modification - to construct Two New Cabins, Two New Athletic Fields, Vegetative Shoreline Buffer,
87 and Storm Water Improvements in the Lake Protection Overlay District (Section 404)/ Map 64/ Lot
88 8/ DOR: 04/04/2022 *Possible Consideration.*

89

90 Engineer George Johannesen (Allied Engineering) represented the site plan modification application for
91 Camp Isola Bella for the American School of the Deaf. He stated that the Inland Wetlands and
92 Watercourses Commission approved the proposed septic area and an approval letter was pending
93 from Cathy Weber (Torrington Area Health District). He also noted the addition of ADA compliant
94 ramps outside of each proposed cabin on the site plan.

95

96 ***Motion:*** *To approve application #2022 – 0169 / American School for the Deaf (Allied Engineering)/ 410*
97 *Twin Lakes Road/ Site Plan Modification - to construct Two New Cabins, Two New Athletic Fields,*
98 *Vegetative Shoreline Buffer, and Storm Water Improvements in the Lake Protection Overlay District*
99 *(Section 404)/ Map 64/ Lot 8 contingent upon approval from Torrington Area Health District.*

100 *Made by Cockerline, seconded by Allee*

101 *Vote: 5-0-0*

102

103 **New Business**

104 16. #2022-0176/ Tomaino/56 East Mean Street/ Special Permit to Convert an Accessory Building to
105 Contain a Detached Apartment on a Single-Family Residential Lot (Section 208)/ Map 57/ Lot 10/
106 DOR: 05/02/2022/ *Reception, Consideration of Completeness, Schedule Hearing*

107

108 Erik Tomaino (Applicant and Property Owner) represented the special permit application for the
109 conversion of a pre-existing garage into an accessory apartment. Per Section 208 of the Regulations,
110 LUA Conroy stated that an accessory structure converted to an apartment does not need to meet the
111 setback requirements if the structure pre-dates 2001. She displayed the Assessor's card from June
112 1990 for proof of construction of the accessory structure (650 sq. feet) prior to 2001. The proposed
113 apartment is a one bedroom, one bathroom residence with full kitchen, radiant heat and air
114 conditioning, and connected to the utilities of the principal structure (1,921 sq ft.). Mr. Tomaino stated
115 that he had submitted the necessary paperwork and \$3,500 fee to the Water Pollution Control
116 Authority for approval. He continued that the apartment would be rented to a local resident rather

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117 than be utilized as an Air BnB. Chairman Klemens and LUA Conroy confirmed that the special permit
118 application was complete.

119 **Motion:** *To schedule the public hearing for application #2022-0176/ Tomaino/56 East Mean Street/
120 Special Permit to Convert an Accessory Building to Contain a Detached Apartment on a Single-Family
121 Residential Lot (Section 208)/ Map 57/ Lot 10 on June 6, 2022 at 6:45 p.m. via Zoom.*

122 *Made by Cockerline, seconded by Schiffer*

123 *Vote: 5-0-0*

124

125 17. #2022-0177/ Demmert and Brown (Arroyo)/ 342 & 344 Main Street/ Site Plan Application for a
126 Change of Use from an Art Gallery to Professional/Business Office/ Financial Institution including
127 Garage/Barn (Section 205.2)/Map 49/ Lot 7/ DOR: 05/02/2022/ *Reception and Possible
128 Consideration*

129

130 Luis Arroyo (Project Manager) represented the application for James E. Demmert and Velda V. Brown
131 at 342 & 344 Main Street in Lakeville. LUA Conroy presented the survey for the special permit
132 application. Mr. Arroyo stated that the two-story building at the front of the property is intended to be
133 used as an office space for wealth management services. He continued that the barn in the rear section
134 of the property would be converted from multiple offices to a garage for personal vehicle storage. Mr.
135 Arroyo stated that Mr. Demmert has the intention to make the garage space suitable for rent as a
136 future endeavor.

137

138 Chairman Klemens indicated that a change of use from multiple professional offices into a garage and
139 storage building reduces the level of nonconformity. The current nonconforming office use would
140 therefore not be recoverable, as it would increase the level of nonconformity. Commissioner
141 Cockerline stated that the intention to rent the loft space in the garage may classify the space as an
142 accessory apartment. He continued that renovating the space back to a garage may limit the property
143 owner's ability to create an accessory apartment in the future due to the increase in nonconformity.
144 Commissioner Cockerline inquired about egress and use issues associated with a proposed basement
145 level kitchen in the front office building. Mr. Arroyo stated that the basement kitchen would be utilized
146 for work-based entertainment purposes. Commissioner Cockerline asked whether the basement could
147 be used for an accessory apartment in the future. Mr. Arroyo stated that the space was not usable as
148 an accessory apartment due to the presence of a mechanical room adjacent to the kitchen.

149 Commissioner Cockerline noted that these details were not presented on the site plan.

150 LUA Conroy provided clarification that the basement kitchen area could be classified as staff space, the
151 main floor could be open commercial space for reception and client meetings, and the second-floor
152 loft could be the property owner's private office area. Chairman Klemens and Commissioner Cockerline
153 requested that the site plan be labeled to reflect the intended use of each space within the two

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154 structures on the property. They also requested submission of a written narrative of preexisting
155 conditions of the property prior to the onset of construction.

156

157 **Motion:** *To table the discussion of application #2022-0177/ Demmert and Brown (Arroyo)/ 342 & 344*
158 *Main Street/ Site Plan Application for a Change of Use from an Art Gallery to Professional/Business*
159 *Office/ Financial Institution including Garage/Barn (Section 205.2)/Map 49/ Lot 7 to May 16, 2022.*
160 *Made by Cockerline, seconded by Allee*

161 *Vote: 5-0-0*

162

163 **Other Business**

164 18. Plan of Conservation and Development – *Updates*

165 LUA Conroy asked the Commission to discuss thoughts from their review of the 2009 Poland Consulting
166 Report on the operations and challenges faced by Salisbury’s land use agencies. Commissioner
167 Cockerline and Vice Chair Shyer noted that the Commission was not in compliance with the yearly
168 Commissioner training requirement. Chairman Klemens stated that there was still an increased need
169 for staffing and administrative support within the Land Use Office. LUA Conroy recommended tabling
170 the discussion of the Poland Report to the May 16 meeting.

171

172 19. Regulation Amendments – *Continued Discussion*

173 LUA Conroy presented an amended version of the Table of Uses. Specific revisions and points of
174 discussion were as follows:

- 175 1. The addition of definitions of each zone (R-10, R-20, RR-1, RR-1V, RR-3, MR, LA, RE, C-20, CG-20,
176 and LI Zones).
- 177 2. The addition of the LA Zone.
- 178 3. The addition of the category, “Community Residences” to remain in compliance with State of
179 Connecticut Statute.
- 180 4. Prohibition of residential uses within the LI Zone.
- 181 5. A special permit is required for a detached apartment on a single-family residential lot in all zones
182 except the LI zone.
- 183 6. Farms (as defined by State Statute) do not require a permit in any zone.
- 184 7. Keeping a maximum of three horses on a minimum of three acres requires a Zoning permit, but is
185 prohibited within the LI Zone.
- 186 8. A temporary sawmill requires a temporary zoning permit in all zones, but is prohibited within the LI
187 Zone.

188

189 She asked the Commission to review the drafted Table of Uses for the next meeting.

190

191 **Adjournment**

192 **Motion:** *To adjourn the meeting at 8:54 p.m.*

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193 *Made by Shyer, seconded by Allee*

194 *Vote: 5-0-0*

195

196 Respectfully Submitted,

197

198 Abby Conroy

199 Land Use Administrator