

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)  
3 Cathy Shyer (Vice Chair)  
4 Bob Riva (Regular Member)  
5 Martin Whalen (Secretary)  
6 Dr. Danella Schiffer (Alternate)  
7

**Staff Present:**

Abby Conroy, Land Use Administrator (LUA)

**Members Absent:**

Allen Cockerline (Regular Member)  
Debra Allee (Alternate)

8 **Brief Items and Announcements**

9 1. Call to Order/ Establish Quorum

10 Chairman Klemens called the meeting to order at 6:30 p.m. With four regular members and one  
11 alternate present (Chairman Klemens, Vice Chair Shyer, Commissioner Riva, Secretary Whalen, and  
12 Alternate Schiffer), a quorum was established. Alternate Schiffer was seated as a voting member.  
13

14 2. Approval of Agenda

15 Chairman Klemens amended the agenda with the addition of the following two points:

16 Amendment #1: Point 22 – Zoning Maps Progress Update

17 Amendment #2: Point 23 – RFP Review  
18

19 ***Motion:*** To approve the agenda as amended

20 Made by Riva, seconded by Shyer

21 Vote: 5-0-0  
22

23 3. Minutes of February 22, 2022

24 4. Minutes of March 7, 2022

25 5. Minutes of March 8, 2022

26 6. Minutes of March 21, 2022 – *Pending*

27 7. Minutes of April 4, 2022 – *Pending*

28 8. Minutes of April 12, 2022 - *Pending*

29 9. Minutes of April 18, 2022 – *Pending*

30 10. Minutes of May 2, 2022 – *Pending*

31 11. Minutes of May 16, 2022 - *Pending*  
32

33 Vice Chair Shyer, Commissioner Riva, Secretary Whalen, and Alternate Schiffer were not able to review  
34 the minutes from the February 22, March 7, and March 8 meetings. Chairman Klemens tabled the  
35 review of the three sets of minutes until the next meeting.  
36

37 12. Correspondence

38 There was no correspondence for review.  
39

40 13. Public Comment – Public comment is restricted to items that are neither on the agenda nor the

41 subject of any pending Planning and Zoning application or action and are limited to three minutes

42 per person.

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

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

44

45 Bruce Palmer commented on the importance of being aware of individuals in attendance for both in-  
46 person and virtual public meetings. Chairman Klemens read the names of the individuals in attendance  
47 as follows: Bill Manasse, CATV6, Ian Findlay, John Sprague, Lobna Elsarafy, Nick Brazzale, Peter Findlay,  
48 William Grickis, and Peter Hollatz (Purple Toothbrush LLC).

49

50 **Public Hearing(s): 6:45 p.m.**

51 14. #2022-0174/ Brazzale (Grickis)/ 17 Railroad Street/ Contractor Equipment Storage/ Map 54/ Lot  
52 58/ DOR: 04/18/2022

53

54 Secretary Whalen read the call for the public hearing at 6:44 p.m. Chairman Klemens stated that the  
55 applicant obtained a setback variance from the Zoning Board of Appeals.

56

57 Attorney William Grickis (Grickis Law Offices – Lakeville) represented Nick Brazzale for the special  
58 permit application. Attorney Grickis reviewed the history of the special permit application as a  
59 response to a neighbor’s complaint regarding the presence of construction equipment within their line  
60 of site along the property line. Attorney Grickis confirmed that a yard setback variance was granted by  
61 the Zoning Board of Appeals. He stated that the structure would be 1,500 square feet (30’x50’) with a  
62 maximum building height of 16 feet. He also presented correspondence addressing how the  
63 application meets requirements of Zoning Regulation 213.4 for Contractor Equipment Storage.

64

65 Chairman Klemens noted that the proposed equipment storage structure is located on the opposite  
66 end of the property from the Elsarafy’s property line. Mr. Brazzale confirmed that the portion of the  
67 property facing the Elsarafy has been cleaned up. Secretary Whalen asked for the location of the  
68 entrance into the equipment storage structure. Mr. Brazzale stated that there would be two garage  
69 doors on the northern and eastern sides of the proposed structure.

70

71 Chairman Klemens opened the meeting for public comment at 6:56 p.m.

72

73 Mr. Elsarafy requested that his comments submitted to LUA Conroy prior to the public hearing be  
74 placed on the public record for the special permit application. LUA Conroy displayed Mr. Elsarafy  
75 correspondence which read as follows:

76

77 *The purpose of the following commentary is to clarify expectations in order to minimize the likelihood*  
78 *of future issues. The current proposal before the Commission is to resolve a prolonged and ongoing*  
79 *issue and establish a path forward. It is thus critical that the path does indeed lead forward and not*  
80 *eventually allow for digression from its intended purpose or a regression to the current status quo.*

81

82 *What is meant by that is businesses eventually grow and evolve, and 1,500 square feet of space could*  
83 *become insufficient. During the ZBA meeting in February, the Commission asked Mr. Brazzale if he*  
84 *thought 1,500 square feet would be sufficient for his future needs. He responded in the affirmative and*

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

85 *also that such a storage size was all that the lot could handle. These are forward-looking statements. Of*  
86 *course, such assessment can prove to be incorrect in the future. However, the liability for incorrect*  
87 *business assessments is solely that of the business owner, that is, the person who secures a profit from*  
88 *the enterprise. No other person, in a capitalist economy, can bear responsibility for incorrect estimates*  
89 *related to their enterprise other than the entrepreneur. In addition, had the statement been made in*  
90 *the negative – namely that 1,500 square feet would not suffice for future needs – the ZBA’s decision in*  
91 *granting a variance could very well have been different. Further, our position on the proposal could very*  
92 *well have also been different.*

93  
94 *As such, it cannot be the case that in a few months or a few years’ time, we begin to again see*  
95 *commercial equipment outdoors, along the property lines, pr being worked on and stored in the garage*  
96 *on 12 Indian Cave Road because the storage became full or business needs have evolved. If at any point*  
97 *the storage becomes insufficient, it should then be reasonably clear to all parties that the business has*  
98 *grown so successfully that is has simply done what every businessowner hopes to accomplish when*  
99 *starting a business: outgrow their initial location...*

100  
101 *With that being said, we are hopeful that this solution will allow all parties to move forward in a way*  
102 *that meets their needs and are looking forward to its implementation in the fastest time possible. In the*  
103 *meantime, all activity currently occurring that is causing ongoing issues – noise, traffic, aesthetics –*  
104 *should be done at an absolute minimum. We are ready to move forward in good faith, but the solution*  
105 *being proposed and considered on June 6, 2022 must be one that permanently moves us forward rather*  
106 *than merely act as a temporary fix, a building block for greater commercial aspirations, or a hedge*  
107 *against incorrect business assumptions. Any digression and regression from what is currently being*  
108 *proposed and considered will be documented and shared with the Commission – we reserve this right*  
109 *without hindrance.*

110  
111 *Recap of Main Expectations:*

- 112 • *All commercial equipment on 12 Indian Cave Road and 17 Railroad Street be stored within the*  
113 *proposed structure at all times.*
- 114 • *The garage on 12 Indian Cave Road no longer be used for any commercial storage,*  
115 *maintenance, and activity.*
- 116 • *The entry/exit points of the structure, where equipment can be viewed, should face railroad*  
117 *street to facilitate ease of movement, to promote aesthetics with respect to the neighboring*  
118 *property on 16 Indian Cave Road.*
- 119 • *Per discussions from the fall, a fence should be erected, consistent with other storage facilities,*  
120 *in Salisbury and Lakeville.*

121  
122 Attorney Grickis stated that the original idea of a fence along the property line was presented to  
123 improve the aesthetics for the neighboring Elsarafy property. With the construction of the equipment  
124 storage structure to house all of the applicant’s construction equipment, Attorney Grickis stated that a  
125 fence would no longer be needed. Mr. Brazzale stated that his efforts would be put towards  
126 construction of the equipment storage structure rather than a fence at this time, but that he would

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

127 consider adding a fence in the future. Attorney Grickis added that Mr. Brazzale’s proposed equipment  
128 storage structure’s estimated cost is \$150,000, with these funds going directly to address the  
129 complaint submitted by the Elsarafy family. Mr. Elsarafy stated that the addition of a fence would allow  
130 the property to remain consistent with other construction storage facilities within Salisbury and  
131 Lakeville.

132

133 Lobna Elsarafy stated that the original plans to address the complaint included both the construction of  
134 an equipment storage structure and a fence. She also requested clarification of whether additional  
135 sheds would be built along the property line, and if so, requested their location to be identified on the  
136 proposed site plan. Attorney Grickis stated that the original plan was to erect an equipment storage  
137 structure of 750 square feet which was determined to be insufficient to meet the needs of the  
138 applicant’s equipment. The applicant proceeded to obtain a variance to build a structure greater than  
139 750 square feet from the Zoning Board of Appeals to accommodate the storage needs for his  
140 equipment. Attorney Grickis stated that the addition of a fence was not part of the original plan. Mr.  
141 Brazzale stated that the shed depicted on the site plan would be moved to the rear of the house to  
142 serve as a garden shed, with no additional sheds to be added along the property line.

143

144 Alternate Schiffer asked if there was a rendering available of the proposed equipment storage  
145 structure. Mr. Brazzale did not have a rendering of the structure available, but explained that the  
146 structure would have vertical wooden siding with a slightly pitched metal roof. Vice Chair Shyer asked  
147 if all of the applicant’s vehicles will be stored in the proposed structure each evening with the garage  
148 doors closed. Mr. Brazzale stated that two vehicles (pick-up trucks) would remain outside of the  
149 proposed structure in the existing gravel parking area, along with two personal vehicles on the eastern  
150 side of the applicant’s home parked on an asphalt driveway. Mr. Brazzale stated that there are large  
151 pine trees along the eastern property line that serve as a natural fence between his property and the  
152 Elsarafy’s property.

153

154 Mr. Elsarafy read the correspondence from Attorney Grickis from the September 17, 2021 meeting.  
155 The correspondence indicated that an eight-foot fence would be erected along the property line in  
156 addition to the construction of the equipment storage structure. Chairman Klemens requested that  
157 this correspondence letter be added to the record at the next public hearing for continued discussion  
158 and deliberation. Attorney Grickis stated that continuing the discussion at the next public hearing is  
159 unnecessary due to the efforts and financial investment put forth by the applicant to address the  
160 complaint. Because the Elsarafy family purchased their home in a commercial zone, Attorney Grickis  
161 stated that commercial structures and activities should be expected within their line of site.

162

163 **Motion:** To close the public hearing for application #2022-0174/ Brazzale (Grickis)/ 17 Railroad Street/  
164 Contractor Equipment Storage/ Map 54/ Lot 58 at 7:30 p.m.

165 Made by Riva, seconded by Schiffer

166 Vote: 2-3-0 Riva and Schiffer voted in favor, Klemens, Shyer and Whalen Opposed. The motion to close  
167 the hearing failed.

168

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

169 Chairman Klemens stated that the public hearing stays open for the application until the Commission  
170 views the correspondence letter written by Attorney Grickis from September 17, 2021.

171  
172 Vice Chair Shyer stated that she commends the efforts of the applicant and desires to see the letter  
173 from September 17, 2021 prior to making a final decision on the application.  
174

175 LUA Conroy displayed the correspondence letter from Attorney Grickis dated September 17, 2021  
176 which read as follows:

177

178 *Dear Abby,*

179

180 *Thank you for meeting with Mr. Brazzale and me at the above captioned property last Tuesday. Your*  
181 *visit and discussions were very helpful in explaining to Mr. Brazzale what is expected from him and his*  
182 *business operations in order to comply with the current zoning regulations. To that end, it appears that*  
183 *Mr. Brazzale has not applied for a zoning permit to operate his landscaping business from the property,*  
184 *which he also uses as his personal residence.*

185

186 *We are aware that his equipment storage on the property has drawn the attention and concern of one*  
187 *or more of his immediate neighbors. In that regard, I must remind the Commission that the property is*  
188 *located in a CG-20 zone, the same zone in which the complaining neighbors apparently reside.*

189

190 *Having reviewed the Regulations following receipt of the Notice of Potential Violation from your office*  
191 *and having reviewed the property with Mr. Brazzale previously and with you on this past Tuesday, we*  
192 *contend that Mr. Brazzale's current accessory use of the property is consistent with the current*  
193 *Regulations. Specifically, Table 205.3 [ More than one commercial vehicle and/or equipment storage];*  
194 *Section 207.12 [Commercial Vehicle and Equipment Storage]; and Section 224.4 [ Commercial Vehicle*  
195 *and Equipment Storage].*

196

197 *Mr. Brazzale does recognize, however, that both Sections 207.12b and 224.4a require that vehicles and*  
198 *equipment storage "must occupy a combined area of less than 750 square feet, with no one vehicle or*  
199 *piece of equipment occupying more than 250 square feet." Mr. Brazzale believes that the equipment*  
200 *now stored on his property comprises less than 750 square feet, although business needs from job to*  
201 *job do make the volume of stored equipment somewhat of a moving target.*

202

203 *To accommodate the Commission and enhance the Compliance with the Regulations, Mr. Brazzale is*  
204 *prepared to undertake the following actions within a reasonable time frame to achieve:*

- 205 1. *Apply for a zoning permit, if one is not already in place;*  
206 2. *His mother will transfer ownership of the property to him, if required by the Commission;*  
207 3. *Erect an 8-foot fence along the entire southern property boundary to provide screening of stored*  
208 *equipment from the neighboring residential property;*  
209 4. *Reduce the wood pile adjacent to his house to the level needed for personal heating and fire wood;*  
210 5. *Sell the large boat on the north side of the property;*

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

211 6. *Burn the brush pile to the rear of his house;*

212 7. *Use large tarps to cover the equipment on the south side of the property.*

213

214 *The bigger picture for Mr. Brazzale is to apply very shortly for a setback variance that will allow him to*  
215 *erect a tasteful barn to the rear of his house for the purpose of storing all vehicles and equipment and*  
216 *eliminate any claim of unsightliness or nuisance.*

217

218 *As the Commission well knows, there is a dearth of commercially owned space in Salisbury and that real*  
219 *estate prices in general have soared, making acquisition of another property beyond the reach of hard-*  
220 *working small businessmen like Mr. Brazzale. I am very confidence that the Town of Salisbury and the*  
221 *Commission very much want to encourage successful entrepreneurs to operate from commercially*  
222 *zoned properties. I am hopeful that the Commission will cooperate with Mr. Brazzale in finding an*  
223 *equitable and fair solution to the current contention.*

224

225 *With regard to the complaining neighbors, it is worth noting that such neighbors have a private right of*  
226 *action against the neighbor who purportedly has created nuisance conditions by filing a nuisance tort*  
227 *law suit in the Superior Court. As the bar to prove an actual nuisance exists is very high, it is not*  
228 *surprising that aggrieved neighbors will seek to employ taxpayer dollars in attempting to leverage the*  
229 *Commission to be as vigilant as Odysseus in resisting these siren calls. The Commission is tasked with*  
230 *interpreting and enforcing the Regulations consistently and equitably within the tenor of the*  
231 *Regulations, not as would be manipulated by a neighbor unwilling to commit personal resources to*  
232 *redress a perceived wrong.*

233

234 *Very Yours Truly,*

235

236 *William V. Grickis*

237

238 Chairman Klemens reviewed the seven potential action steps outlined in the correspondence letter. He  
239 noted that actions steps four through six were complete, with step seven no longer applicable due to  
240 the plan to construct an equipment storage facility. LUA Conroy stated that the above letter was an  
241 outline of temporary measures to resolve the neighbor's complaint, with the future intention to build  
242 an equipment storage structure dependent upon the issuance of a set-back variance.

243

244 **New Motion:** To close the public hearing for application #2022-0174/ Brazzale (Grickis)/ 17 Railroad  
245 Street/ Contractor Equipment Storage/ Map 54/ Lot 58 at 7:39 p.m.

246 Made by Riva, seconded by Whalen

247 Vote: 5-0-0

248

249 **Motion:** To approve application #2022-0174/ Brazzale (Grickis)/ 17 Railroad Street/ Contractor  
250 Equipment Storage Building/ Map 54/ Lot 58

251 Made by Riva, seconded by Schiffer

252 Vote: 5-0-0

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

253 15. #2022-0173/ Sprague/ 120 & 126 Dugway Road/ 3-Lot Residential Subdivision/ Map 8/ Lot 28-1/  
254 DOR: 04/18/2022

255

256 Secretary Whalen read the call, opening the hearing at 7:43pm. John Sprague (Applicant and Property  
257 Owner) and Attorney Bill Manasse (Manasse, Slaiby, and Leard, LLP) represented the application. LUA  
258 Conroy presented the following letter from the applicant:

259

260 *Dear Sirs,*

261

262 *By this letter, my wife, Elizabeth, and I, formally request permission to subdivide our property in the*  
263 *following manner and for the following reasons.*

264

265 *We propose to divide our 94.172 acres into four parts. There would be three lots plus a fourth portion*  
266 *(88.856 acres) that would be designated as a Forever Wild Nature Conservancy. The visions would be as*  
267 *follows: Lot #1, consisting of 3.041 acres; Lot #2, consisting of 6.417 (containing our house, our guest*  
268 *house, and our barn); and Lot #3, consisting of 2.275 acres.*

269

270 *Our intention is to put lots #1 and 3 on sale in the near future. We have been working with the Salisbury*  
271 *Land Trust with the advice and assistance of John Landon and Harry White, to immediately submit our*  
272 *application to designate the 88.856 into a Forever Wild Nature Conservancy which would still be owned*  
273 *and maintained by ourselves or the future owners of our property. Of that 88.856 acres, 6.417 acres*  
274 *would be designated as open space as required by the City of Salisbury.*

275

276 *Please accept this request for your approval.*

277 *Sincerely,*

278

279 *John and Elizabeth Sprague*

280

281 Chairman Klemens asked for the distance from the proposed Lot #1 to a nearby wetland area. LUA  
282 Conroy stated that the wetland was greater than 100 feet away from the proposed Lot #1, residing  
283 outside of the Wetlands Upland Review. While the proposed Lot #1 meets the current Wetlands  
284 Upland Review Regulations, she continued that future lot development and/or amendments to the  
285 Regulations may result in a larger Wetlands Upland Review in the future. Mr. Sprague stated that there  
286 has been an absence of overflow of the wetland during his time residing on the property. Chairman  
287 Klemens asked whether the Inland Wetlands and Watercourses Commission completed an  
288 investigation on the species of flora and fauna living within the wetland area. LUA Conroy stated that  
289 an investigation had not been completed due to the absence of development. Chairman Klemens  
290 asked if proposed lots one and three had undergone a perc test. Mr. Sprague confirmed that both lots  
291 had a completed a perc test. LUA Conroy stated that the property was within the RR-1 zone. Chairman  
292 Klemens noted the presence of a septic reserve within proposed conservation area (Lot #2) on the  
293 map. LUA Conroy displayed the Area Summary of Proposed Lot #2 to provide clarification on the  
294 presence of the septic reserve within the conservation area. The Area Summary read as follows:

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

295 *Proposed Area of Dedicated Open Space: 18.383 +/- acres*

296 *Proposed Restriction Portion Lot #2: 64.056 +/- acres*

297 *Proposed Unrestricted Area: 6.417 acres +/- acres*

298 *Total Area: 88.856 +/- acres*

299

300 Mr. Sprague stated that the location of the proposed septic area within Lot #2 was selected to meet  
301 Torrington Area Health District requirements.

302

303 Attorney Manasse stated that the applicant is negotiating for a conservation easement with the  
304 Salisbury Land Trust. He continued that no agreement has been reached at the present time. He stated  
305 that under the conservation easement, the land in proposed Lot #2 would still be owned by the Mr.  
306 Sprague. Chairman Klemens stated that the septic reserve area would be better suited within the  
307 property lines of proposed Lot #3 rather than within the conservation area of proposed Lot #2. LUA  
308 Conroy clarified that the proposed septic reserve within conservation area is not for proposed Lot #3,  
309 but is for the applicant on their unrestricted portion of land.

310

311 LUA Conroy recommended having Bill Colby and the Salisbury Land Trust come to a future meeting to  
312 discuss the reasoning of placement of a septic reserve within the proposed conservation area.  
313 Chairman Klemens recommended presenting an alternative map to display details that note the areas  
314 of space for the conservation easement, open space, and the subdivision plan. LUA Conroy provided  
315 clarification to the applicant that the Commission is requesting the creation of a second map that does  
316 not display the Proposed Restriction Portion of Lot #2. She requested that the applicant submit a  
317 written statement granting permission for an extension to continue the hearing on the July 18, 2022  
318 meeting.

319

320 Mr. Sprague asked the Commission for clarification on the 15% requirement for dedicated open space  
321 within the proposed conservation area. Secretary Whalen clarified that the request for a subdivision  
322 requires a portion of land to be dedicated for open space, even if a portion of the subdivision is being  
323 used as a wildlife conservation area. Mr. Sprague stated that he would provide the necessary  
324 information to the Commission for the July 18, 2022 meeting.

325

326 16. #2022-0180/ Findlay/ 42, 44, 79, & 81 Prospect Mountain Road/ 2-Lot Residential Subdivision/ Map  
327 15/ Lot 58/ DOR: 05/16/2022/

328

329 Secretary Whalen read the call opening the hearing at 8:22 p.m. Because the proposed subdivision is a  
330 family subdivision, Chairman Klemens stated that there is no requirement for dedicated open space.  
331 LUA Conroy displayed the proposed subdivision map for Commission review and noted the areas of the  
332 property previously under conservation easement by the Salisbury Land Trust.

333

334 Attorney Bill Manasse (Manasse, Slaiby, and Leard, LLP) represented the subdivision application. He  
335 stated that the applicant seeks to establish a two-lot subdivision to divide out Proposed Lot #1 to  
336 separate the residential area of the applicant's son, Ian Findlay.



**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

337 Chairman Klemens opened the hearing for public comment at 8:27 p.m. There were no public  
338 comments.

339

340 **Motion:** To close the public hearing for application #2022-0180/ Findlay/ 42, 44, 79, & 81 Prospect  
341 Mountain Road/ 2-Lot Residential Subdivision/ Map 15/ Lot 58 at 8:27 p.m.

342 Made by Whalen, seconded by Shyer

343 Vote: 5-0-0

344

345 **Motion:** To approve application #2022-0180/ Findlay/ 42, 44, 79, & 81 Prospect Mountain Road/ 2-Lot  
346 Residential Subdivision/ Map 15/ Lot 58 at 8:28 p.m.

347 Made by Shyer, seconded by Schiffer

348 Vote: 5-0-0

349

350 17. #2022/0176/ Tomaino/ 56 East Main Street/ Special Permit to Convert an Accessory Building to  
351 Contain a Detached Apartment on a Single-Family Residential Lot (Section 208)/ Map 57/ Lot 10/  
352 DOR: 05/02/2022

353

354 Secretary Whalen read the call opening the hearing at 8:30 p.m. Erik Tomaino (Applicant and Property  
355 Owner) presented the special permit application. LUA Conroy displayed the following written  
356 statement from the applicant:

357

358 *The proposed use of the structure at 56 East Main Street in Salisbury:*

359 *Renovation of the existing approximately 650 square foot structure and change of use to comply with*  
360 *all accessory apartment regulations. Visible changes from the road to existing structure will consist of*  
361 *the removal of existing garage doors and replacement with a front door and a window. The design will*  
362 *remain consistent with the character of the neighborhood. Replacement siding will remain as is and the*  
363 *cedar clapboard siding will be repatched after removal of garage doors.*

364

365 *The dwelling will be a one bedroom, one bathroom apartment with a full kitchen including radiant heat*  
366 *and air conditioning. The roof has already been replaced. The design is consistent with the character of*  
367 *the neighborhood.*

368

369 *My intention is to remain in the main dwelling and provide the accessory apartment to a local resident.*  
370 *The accessory building will be connected to the utilities in the main dwelling. This building will not have*  
371 *a separate water or electric service. In addition, there are six parking spaces total for both dwellings.*

372

373 *I believe my purpose falls within the requirements as this garage is existing.*

374

375 *Thank You,*

376

377 *Erik Tomaino*

378

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

379 Chairman Klemens asked whether construction had begun for the conversion to the accessory  
380 apartment in absence of a Zoning Permit. With a Building Permit previously obtained, Mr. Tomaino  
381 stated that the construction process has started for the creation of the accessory apartment with  
382 regards to exterior modifications (e.g., roof and siding repairs; removal of the garage doors), but the  
383 interior of the garage has not undergone any modifications. Chairman Klemens requested further  
384 clarification of heating. Mr. Tomaino admitted that radiant heat and insulation had been installed  
385 under a permit issued by the building department. Chairman Klemens asked if there was a construction  
386 drawing available for the proposed accessory apartment. Mr. Tomaino did not have a construction  
387 drawing present, but stated that the 650 square foot garage space would have a kitchen, one  
388 bathroom, living area, one bedroom, and a laundry room connected to Town water and sewer. Mr.  
389 Tomaino stated that he had submitted the necessary paperwork and \$3,500 fee to the Water Pollution  
390 Control Authority for approval. Chairman Klemens commented that the application process has been  
391 pursued out of order. The applicant has installed the sewer connection, obtained building permits and  
392 now the applicant is pursuing the zoning approval.

393

394 Alternate Schiffer asked the applicant for details on the proposed use of the accessory apartment. Mr.  
395 Tomaino stated that he would be renting the accessory apartment to a local resident or family member  
396 for long term use. He continued that the accessory apartment will not be used for Air BnB. Vice Chair  
397 Shyer requested clarification on the presence of a second story to the proposed accessory apartment.  
398 Mr. Tomaino stated that the window seen in the front of the garage leads into uninsulated attic  
399 storage and would not be part of the living space of the proposed accessory apartment. He added that  
400 he would be moving the parking area for both personal and potential tenant vehicles to the front of  
401 the principal structure to allow for a small yard space in front of the proposed accessory apartment.  
402 LUA Conroy stated that changing the parking arrangement on the property would trigger the need for  
403 a site plan modification with the presence of an accessory apartment. She stated that at least three  
404 parking spaces are required for the property (two spaces for the principal residence and one space for  
405 the accessory apartment).

406

407 Chairman Klemens opened the floor for public comment at 9:14 p.m. There was no public comment.

408

409 Chairman Klemens requested that the applicant provide a drawing to show the removal of the area of  
410 parking directly in front of the accessory apartment and its conversion to a garden area, as well as  
411 preservation of the three-space parking area to the east of the principal dwelling, for the next meeting.  
412 Mr. Tomaino stated that he would provide written consent for an extension to continue the hearing at  
413 the July 18, 2022 meeting.

414

**Pending Business**

415 18. #2022-0160/ Cassidy and Teti/ 9 Academy Street/ Special Permit - Change of Use to a Hotel  
416 (Section 205.2) and Use Rendering a Lot More than 30% Impervious Surface in the Aquifer  
417 Protection Area (Section 403.4.c.)/ Map 54/Lot 74/ DOR: 02/07/2022  
418

419

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

420 LUA Conroy presented a draft resolution regarding the special permit application for the Change of Use  
421 to a Hotel at 9 Academy Street. Chairman Klemens stated that the draft resolution was created to  
422 clarify permissible zones for hotel establishment, provide guidance for addressing pre-existing hotels  
423 and motels in residential zones, and provide clarification for the thought process behind the  
424 determination of the permissibility of the establishment of a hotel at 9 Academy Street. The draft  
425 resolution read as follows:

426

427 *Whereas a building used exclusively for short term transient rentals is considered a hotel or a motel;*

428

429 *Whereas hotels and motels are not allowed in residential zones and are restricted to the following*  
430 *zones: RE, C20, and CG 20;*

431 *Whereas the proposed building (9 Academy Street) will be used exclusively for short term transient*  
432 *rentals and is therefore deemed to be a hotel;*

433 *Whereas the proposed building is in the C20 zone where such uses are allowed; and*

434 *Whereas the applicant has revised plans to accommodate the abutting property owners and comply*  
435 *with directives of the PZC engineer; and*

436

437 *Whereas the applicant has received approval from the Salisbury Historic Commission to renovate the*  
438 *structure.*

439

440 *Resolved that the special permit to create a hotel at 9 Academy Street is approved in accordance with*  
441 *the regulations of the Town of Salisbury; and*

442

443 *Resolved that the special permit to exceed 30% lot coverage in the Aquifer Protection Overlay District is*  
444 *simultaneously approved as the applicant has taken necessary steps to minimize impacts to the aquifer;*  
445 *and*

446

447 *Resolved that these permits are conditioned upon the applicant providing full-size paper plans of the*  
448 *final approved plan (accompanied by a Mylar copy for filing on the land use records) as well as full sized*  
449 *paper plans of each iteration of said plans that were reviewed by the PZC and its consultants to comply*  
450 *with FOI record keeping; and be it*

451

452 *Resolved that no zoning or building permits will be issued until the applicant files all necessary full size*  
453 *paper copies of each reviewed plan set to the Land Use Office.*

454

455 Chairman Klemens stated that the proposed draft resolution has been reviewed by the Planning and  
456 Zoning Commission's legal counsel.

457

458 Alternate Schiffer asked for a distinction to be made between a hotel and a bed and breakfast.

459 Chairman Klemens stated that if the structure is being used solely for short term rentals, it would be  
460 classified as a hotel and would need to be within the RE, C20, and CG20 zones. Any short-term rental

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461 that occurs on an intermittent basis within a residential neighbor (typically within someone's home)  
462 would qualify as a bed and breakfast and/or an Air BnB.

463

464 **Motion:** To accept and approve the resolution and application #2022-0160/ Cassidy and Teti/ 9  
465 Academy Street/ Special Permit - Change of Use to a Hotel (Section 205.2) and Use Rendering a Lot  
466 More than 30% Impervious Surface in the Aquifer Protection Area (Section 403.4.c.)/ Map 54/Lot 74 at  
467 9:33 p.m.

468 Made by Shyer, seconded by Riva

469 Vote: 5-0-0

470

471 **New Business:**

472 19. 8-24 Referral/ Town of Salisbury/ Renewal of Apartment Lease – 414 Millerton Road

473

474 **Motion:** To approve referral 8-24/ Town of Salisbury/ Renewal of Apartment Lease – 414 Millerton  
475 Road, at 6:40 p.m.

476 Made by Whalen, seconded by Riva

477 Vote: 5-0-0

478

479 20. 8-24 Referral/ Town of Salisbury/ Property Purchase – Library Street Island Parcel

480

481 Chairman Klemens stated that a portion of Library Street is owned by Aiden Cassidy (15 Library Street).  
482 In order for the Town of Salisbury to continue to use the street, the island parcel in the middle of  
483 Library Street must be purchased by the Town. As determined by Town Meeting, the purchase price for  
484 the island parcel was set at \$30,000.

485

486 **Motion:** To approve referral 8-24/ Town of Salisbury/ Property Purchase – Library Street Island Parcel,  
487 at 6:41 p.m.

488 Made by Riva, seconded by Shyer

489 Vote: 5-0-0

490

491 21. 8-24 Referral/ Town of Salisbury/ Property Transfer to Salisbury Housing Trust – 17 Perry Street

492

493 Vice Chair Shyer questioned whether the Town of Salisbury obtained this property as a result of  
494 default. No information was available to confirm or deny this inquiry.

495

496 **Motion:** To approve the transfer of the 17 Perry Street property to the Salisbury Housing Trust at 6:43  
497 p.m.

498 Made by Riva, seconded by Shyer

499 Vote: 5-0-0

500

501 **Other Business**

502 22. Zoning Maps Project Update

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**June 6, 2022, 6:30 PM**

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503 Chairman Klemens stated that himself and LUA Conroy have been reviewing the accuracy of the zoning  
504 maps. He continued that himself and LUA Conroy are creating a presentation to display their ideas for  
505 updated formatting of the zoning maps that reflect the realities of parcels and aligns with the goals of  
506 the POCD.

507

508 23. RFP Review

509 Chairman Klemens requested that the Commissioners read the three RFP proposals and come with  
510 questions, comments, and observations to the June 20, 2022 planning meeting. Vice Chair Shyer and  
511 Alternate Schiffer stated that they would look at qualifications and experience, previously completed  
512 projects in other towns, and the written proposals as they pertain to the Commission's requests, for  
513 each of the three candidates.

514 Vice Chair Shyer requested that a special meeting be scheduled to review and approve the previous  
515 sets of minutes. Chairman Klemens requested tabling a special meeting for minutes until a future date.

516

517 **Adjournment**

518 **Motion:** To adjourn the meeting at 9:54 p.m.

519 Made by Shyer, seconded by Riva

520 Vote: 5-0-0

521

522 Respectfully Submitted,

523

524 Abby Conroy, Land Use Administrator