

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**August 15th, 2022, at 6:30PM**

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

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

**Members Absent:**

Bob Riva (Regular Member)

**Staff Present:**

Abby Conroy, Land Use Administrator (LUA)

8

9 **Brief Items and Announcements: 6:30PM**

10 1. Call to Order / Establish Quorum

11 Chairman Klemens called the meeting to order at 6:29PM. With four regular members (Dr. Michael  
12 Klemens, Cathy Shyer, Martin Whalen, Allen Cockerline) and two alternates (Dr. Danella Schiffer and  
13 Debra Allee) present, a quorum was established. Dr. Danella Schiffer was seated to vote in place of  
14 absent Bob Riva.

15

16 2. Approval of Agenda

17 Chairman Klemens proposed the following amendment:

18 Add Items #16 “#2022-0180 / Taylor / 47 Dimond Road / Temporary Zoning Permit” and #17 “#2022-  
19 0181 / 105 Interlaken Road / Temporary Zoning Permit” under “New Business”

20

21 **Motion:** To approve Agenda as amended.

22 Made by Cockerline, seconded by Shyer.

23 Vote: 5-0-0 in favor.

24

25 3. Minutes of June 6, 2022 – *pending*

26 4. Minutes of June 21, 2022 – *pending*

27 5. Minutes of June 29, 2022 – *pending*

28 6. Minutes of July 18, 2022 – *pending*

29 7. Minutes of August 1, 2022 – *pending*

30 8. Correspondence

31 No correspondence received.

32

33 **Public Comment**

34 9. Public Comment - Public Comment is restricted to items that are neither on the agenda nor the  
35 subject of any pending Planning & Zoning application or action and are limited to three minutes  
36 per person

37 No public comments received.

38

39 **Other Business**

40 10. #2021-0136 / Indian Mountain School (Lenard Engineering/Parsons) / 211 Indian Mountain Road  
41 / Minor Modification to Site Plan Approval 2021-0122 to Construct a Field House and Artificial  
42 Turf Athletic Field / Map 1 / Lot 20 / *Construction Update*

43

44 Todd Parsons of Lenard Engineering presented an update of construction at Indian Mountain School.

45 This project was originally approved on March 21<sup>st</sup>, 2021, and included a twenty-two thousand square  
46 foot field house, synthetic turf field, and adjustments to parking lots and sidewalks. An amendment to

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47 the project was approved on June 21st, 2021. Parsons explained construction status, the foundation,  
48 concrete slab, under-slab plumbing, geothermal wells and steel structure of the field house are  
49 complete. The roof, exterior walls and insulation are near completion. Work in progress included interior  
50 masonry, framing, plumbing, electrical, and water main entering site. Synthetic field, sidewalks,  
51 windows, HVAC and trim work is anticipated to be completed in October 2022, with cleanup work  
52 required afterward. Since the previous amendment in June, further adjustments were made to the  
53 plans:

54 Shifted geothermal wells

55 Widened athletic field from two hundred feet to two hundred ten feet, length remained the same

56 Relocation of sewer line adjusted to accommodate wider athletic field

57 Shifted one sidewalk from twenty feet to twenty-five feet from east side of building

58 Added removable netting on ends of field to trap athletic balls/equipment

59 Chairman Klemens and LUA Conroy advised that the applicant should provide an update to the  
60 Commission before they were comfortable granting any additional administrative approvals for  
61 modifications to the approved site plans. Secretary Whalen asked if the building inspector was notified  
62 of the changes. Parsons explained these adjustments are to the site plan, not the building, but are still  
63 reported to the inspector. Alternate Allee asked if the changes created additional impervious surfaces  
64 and Parsons replied it is indistinguishable. Vice Chair Shyer commented that she was comfortable with  
65 the administrative approval of minor modifications if Chairman Klemens and LUA Conroy were satisfied  
66 with the proposed changes. Chairman Klemens mentioned this institution has exhibited a pattern of  
67 continual site-plan modifications after Commission approval. Chairman Klemens is comfortable with  
68 further approval, pending a stipulation to require authorization by the Commission if two or more  
69 changes occur again. Alternate Schiffer asked if written documentation and illustrations were provided.  
70 LUA Conroy confirmed she has received correspondence from Parsons throughout the process, including  
71 summaries and revised site-plans. The Commission expressed no additional concerns.

72

73 **Public Hearing(s): 6:45**

74 11. #2022-0179 / 343 MS Restoration LLC (Colgan) / 343 Main Street / Special Permit for Change of  
75 Use – Multifamily, High Turnover Restaurant, Mixed Use Commercial, and a Use Rendering More  
76 than 30% of the Lot Impervious (Sections 205.2, 209.2, 403.4) / Map 45 /Lot 26 /  
77 DOR:05/16/2022 / *Continue Hearing Opened July 18, 2022, Possible Consideration*

78

79 The public hearing continued at 6:46PM. Bill Colgan of MS Restoration LLC presented a plan to restore  
80 and renovate this property, including:

81 Reduced size of the front main building, which will increase the driveway opening to twenty-four feet  
82 wide, allowing two cars to pass

83 One thousand two hundred square foot Ice Cream Parlor/Dessert Restaurant in the front main  
84 building

85 Conversion of two existing apartments located on the upper level to five smaller apartments,  
86 featuring three 1-bedroom, two 2-bedroom and one studio apartment.

87 Creation of a multi-use annex building with two 1,900 square foot floors and basement intended for  
88 office space and possible fitness related business, all setback and height requirements are met

89 Remove three deteriorated barns to accommodate additional parking

90 Mr. Colgan introduced a stormwater plan for the buildings and parking lot composed by Engineer Keith  
91 Bodwell (not present). Alternate Schiffer asked if outdoor seating will be featured. Mr. Colgan explained  
92 outdoor benches will be included in front of the main building and a covered porch featured as well.

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93

94 Completed projects on the property included cleanup and debris removal and two environmental  
95 abatement projects. Chairman Klemens asked if the plans were submitted to the Fire Marshal. Mr.  
96 Colgan was not sure but said that he would ensure the Town records are complete.

97

98 Vice Chair Shyer questioned if the parking lot or driveway will access through the adjoining property on  
99 12 Porter Street. The idea was discussed during planning but did not come to fruition, however Mr.  
100 Colgan explained there is a designated area in the parking lot for drivers to turn around comfortably.  
101 Vice Chair Shyer mentioned the dumpsters are close to Route 44 and inquired if they could be moved  
102 elsewhere. Mr. Colgan will discuss relocating the dumpsters closer to the annex building with his  
103 engineer. Alternatively, he offered to work with a landscaper to put shrubbery or a fence in place.

104

105 Alternate Schiffer asked if asphalt would be used throughout the site rather than just in the handicapped  
106 parking. Both Schiffer and Chairman Klemens agree if gravel is used in the entryway driveway, debris on  
107 Route 44 could be problematic, and Secretary Whalen added it will be required to partially pave a  
108 certain distance from the highway regardless. Mr. Colgan agreed to change from a gravel to paved  
109 driveway.

110

111 Chairman Klemens asked about snow removal. Mr. Colgan explained that they intend to push the snow  
112 beyond the rear parking lot, but identified that alternative plans, such as installing radiant tubes  
113 underneath the parking area, were being explored.

114

115 Vice Chair Shyer asked for estimated rental rates for the apartments. Mr. Colgan replied that those  
116 numbers were not yet finalized. Alternate Allee asked if it would be possible to ensure the apartments  
117 won't be utilized as short-term rentals. Although that is not a desired plan for the apartments, Mr.  
118 Colgan is not able to provide comments on how they will be utilized.

119

120 The floor was opened to the public for comment. LUA Conroy read public comment letters from Barbara  
121 Douglas and from SallyAnne McCartin into the record. There was no further comment from the  
122 Commission or public.

123

124 **Motion:** To continue public hearing on September 6th, 2022, 6:45PM via Zoom.

125 Made by Cockerline, seconded by Whalen.

126 Vote: 5-0-0 in favor.

127

128 12. #2022-0190 / Depaolo / 18 Burton Road / Special Permit for Detached Apartment on Single  
129 Family Residential Lot (Section 208) / Map 10 / Lot 11-1 / DOR: 07/18/2022 / *Open Hearing,*  
130 *Possible Consideration*

131

132 Secretary Whalen read the Legal Notice and Chairman Klemens opened the hearing at 7:16PM. Property  
133 owners Judy and Paul DePaolo joined the meeting. LUA Conroy presented via GIS map the property's  
134 location and building for the proposed apartment. In 2005 this building was approved by the  
135 Commission for use as a home office. The following narrative was included in the application:

136 a. Statement of Purpose:

137 Our house is located at 18 Burton Road - Salisbury, Connecticut. Our home was built in 1985 and  
138 the home office was built in 2005 and was completed in 2006. Since that time, it has been used

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139 as a home office. We are currently in the process of converting the home office into an accessory  
140 apartment.

141 b. The main house is owner occupied and will remain the same size, 1,839 square feet.

142 c. The studio apartment is four hundred eighty square feet.

143 d. There is no change of footprint of the studio building.

144 e. The only internal modification is the addition of a small kitchenette.

145 A floor plan was presented, as well as an approval notice from Catherine Weber of Torrington Area  
146 Health District. Alternate Schiffer and Chairman Klemens disclosed that Paul DePaolo has performed  
147 computer services for them as individuals but that the relationship will not affect their ability to act fairly  
148 on the application.

149  
150 The floor was opened to the public for comments. Pat Hackett expressed support for the proposal. There  
151 was no further comment from the Commission or public.

152  
153 **Motion:** To close the public hearing at 7:24PM.

154 Made by Cockerline, seconded by Whalen.

155 Vote: 5-0-0 in favor.

156  
157 **Motion:** To approve #2022-0190 / Depaolo / 18 Burton Road / Special Permit for Detached Apartment  
158 on Single Family Residential Lot (Section 208) / Map 10 / Lot 11-1 /

159 Made by Cockerline, seconded by Whalen.

160 Vote: 5-0-0 in favor.

161  
162 13. #2022-0193 / Stevenson (Hackett) / 130 Taconic Road / 3-Lot Residential Resubdivision / Map 19  
163 / Lot 15 / DOR: 07/18/2022 / *Open Hearing, Possible Consideration*

164  
165 Secretary Whalen read the Legal Notice and Chairman Klemens opened the hearing at 7:28pm. Property  
166 owner Jon Stevenson, Engineer Pat Hackett, Consulting Biologist Dennis Quinn, and Attorney Michael  
167 Citrin joined the meeting to present the application. Mr. Hackett explained the parcel of land is located  
168 on the west side of Taconic Road, and is slightly over 247 acres. The property owners are requesting to  
169 split the land into three parcels. The first is largest at 171 acres and wraps around from the northern to  
170 southern section. The second is 41 acres and includes a pond and existing house, guest house, and  
171 office. The third is 35 acres in the southern section of the parcel. Construction is proposed on the third  
172 parcel as part of the wetland application. Mr. Hackett presented a subdivision map to be reviewed. He  
173 also included a letter from Torrington Area Health District indicating septic suitability for all three  
174 parcels; Lot Two will have a system repaired and Lot One and Three will have new systems installed. A  
175 letter from the Department of Energy and Environmental Protection (DEEP) regarding the Natural  
176 Diversity Database (NDDDB) was also presented. The DEEP required a survey be completed to determine if  
177 the wetlands on site contain habitat for bog turtles, a Federally threatened species. Mr. Hackett  
178 disclosed that the proposed open space includes wetlands consisting of 17.3% of the total land proposed  
179 for subdivision. The minimum required open space is 15% however, counting wetlands towards open  
180 space requires two thirds vote of the Commission to waive these regulations.

181  
182 Attorney Michael Citrin clarified that forty-two acres are proposed as open space, and twenty of those  
183 are wetlands. Mr. Citrin explained that eighty acres of this parcel will be utilized as a conservation area,  
184 so slightly over 50% of the parcel will remain unbuildable.

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186 Dennis Quinn presented a habitat survey map. On August 5th, 2022, Dennis Quinn conducted a Phase-1  
187 habitat assessment for the bog turtle. Mr. Quinn explained Lot One is a historic bog turtle site; a  
188 calcareous fen where four individuals were recorded in a 1985 survey. Since then, this area has  
189 degraded, and no bog turtle individuals have been documented since. Lot Two has wetlands in the  
190 extreme northeast corner of the property, although small, this portion is essential to maintain proper  
191 hydrology of the specialized wetland system. Lot Three does not contain wetlands suitable for the bog  
192 turtle.

193

194 Mr. Quinn presented another map referencing the zones contained in the Federal Recovery Plan for the  
195 bog turtle. He explained that Zone One, in blue, was fully protected and Zone Two, in pink, was partially  
196 protected for recovery, restoration, and hopeful reintroduction of the species. He explained that areas  
197 overlapping the agricultural fields do not need to be protected.

198

199 Chairman Klemens asked if any septic systems were proposed in Zone Two. Mr. Quinn replied there is a  
200 pre-existing septic, but the others will be installed elsewhere. Chairman Klemens asked if there are  
201 structures, stormwater or sedimentation basins, residences, driveways, parking lots, or other structures  
202 present in Zone Two. Mr. Quinn replied there is a pre-existing farm road. Chairman Klemens asked if  
203 mining occurs in Zone Two, Mr. Quinn replied no. Chairman Klemens asked about herbicide, pesticide, or  
204 fertilizer application in Zone Two. Mr. Quinn commented that all organic products are utilized. Chairman  
205 Klemens asked if any farming other than light to moderate grazing occurs in Zone Two. Mr. Quinn replied  
206 no. Chairman Klemens asked if streambank stabilization occurs in Zone Two. Mr. Quinn replied the farm  
207 road does dam up the pond, which is a potential cause of the turtle population decline. LUA Conroy  
208 asked if the farm road existed before the 1985 study. Mr. Quinn replied yes.

209

210 Chairman Klemens stated that he would prefer if Zone Two was completely protected, which would alter  
211 the ratio of land to be in closer conformance with subdivision regulations. The property owner, Jon  
212 Stevenson was comfortable designating the entirety of Zone Two as open space provided hay production  
213 and agricultural use could continue.

214

215 LUA Conroy inquired about an access point for Lot One and whether there were any flood zones located  
216 on the property. Engineer Pat Hackett responded that the northern farm road is where utilities cross,  
217 and some portion of the flood zone is present but not indicated. Commissioner Cockerline asked about  
218 three dwellings located on Lot One. Mr. Hackett explained these plans were designed to ensure building  
219 feasibility of the parcel, and language on the map included: "feasible well", "feasible septic" and  
220 "feasible house" to clarify. Commissioner Cockerline suggested making this detail more easily visible on  
221 the map. Attorney Citrin reiterated there was no established building plan for Lot One and the current  
222 point of focus was Lot Three, and questioned if lot lines and open space configuration on the map could  
223 be clarified further. Chairman Klemens suggested altering Lot One's property line to accommodate  
224 further protection of Zone Two. Mr. Stevenson preferred that Zone Two be considered additional open  
225 space to keep lot lines intact. Vice Chair Shyer and Commissioner Cockerline agreed that this request  
226 was reasonable.

227

228 Chairman Klemens requested that Biologist Quinn acquire a final determination letter from the NDDB  
229 which included Zone Two as open space. LUA Conroy requested that the applicant include flood zones  
230 on the map, draft language for permissible uses in Zone Two's open space. Considering the ecological

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231 sensitivity, Alternate Schiffer suggested restricting any further subdivisions after these three potential  
232 subdivisions are approved.

233

234 The floor was open to the public for comment. Mark Weinbaum stepped forward to note he owns  
235 property within 200 feet north of the Stevenson property but not shown on the subdivision map. He  
236 suggested a viewshed analysis be performed for the proposed dwellings on Lot One.

237

238 Commissioner Cockerline read a summary of anticipated requirements for the applicant:

239 a. Clear designation, recalculation, and addition of language regarding Open Space.

240 b. Lot designations be listed as Alternates 1-4.

241 c. Clear designation of 100-year Flood Zones.

242 Chairman Klemens polled the Commission regarding the wetlands waiver before continuing the meeting.

243 Alternate Schiffer was not prepared to waive the requirement. Vice Chair Shyer, Secretary Whalen,

244 Commissioner Cockerline are in favor of waiving.

245

246 **Motion:** To continue public hearing on September 6th, 2022, 6:45PM via Zoom.

247 Made by Cockerline, seconded by Shyer.

248 Vote: 5-0-0 in favor.

249

250 **New Business**

251 14. #2022-0195 / Gleeson-Ryan Funeral Home / 255 Main Street / Special Permit for Change of Use –  
252 Funeral Home and Residence (Section 205.1) / Map 50 / Lot 17 / DOR: 08/15/2022 / *Receive and*  
253 *Schedule Hearing*

254

255 Business owner Chris Ryan presented the proposed application. This property was originally used as a  
256 residence and funeral home but converted to residential use only in the early 2000s. Mr. Ryan would like  
257 to revert back to the original use of residence and funeral home. Per State of Connecticut guidelines, a  
258 preparation room is required at all funeral home locations, although Mr. Ryan anticipated body  
259 preparation would take place at their Torrington branch. LUA Conroy remarked there are no parking  
260 requirements defined in the regulations for the proposed use, but Mr. Ryan provided a statement  
261 clarifying there is sufficient parking to accommodate twenty-five or more vehicles.

262

263 **Motion:** To schedule hearing for #2022-0195 / Gleeson-Ryan Funeral Home / 255 Main Street / Special  
264 Permit for Change of Use – Funeral Home and Residence (Section 205.1) / Map 50 / Lot 17 / on  
265 September 6th, 2022, at 6:45PM via Zoom.

266 Made by Cockerline, seconded by Shyer.

267 Vote: 5-0-0 in favor.

268

269 15. #2022-0196 / Rakpraja / 30 Indian Mountain Road / Special Permit for Detached Apartment on  
270 Single Family Residential Lot (208) / Map 40 / Lot 24 / DOR: 08/15/2022 / *Receive and Schedule*  
271 *Hearing*

272

273 Property owner Tanay Rakpraja presented the application. There is a renovated secondary building on  
274 Rakpraja's property; they wish to add a kitchenette and convert it into an accessory apartment.

275 Chairman Klemens asked if the entirety of the building would be utilized. Ms. Rakpraja replied that a

276 portion of this building is used for her personal home office and the rest is residential space.

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278 **Motion:** To schedule hearing for #2022-0196 / Rakpraja / 30 Indian Mountain Road / Special Permit for  
279 Detached Apartment on Single Family Residential Lot (208) / Map 40 / Lot 24 / on September 6th, 2022,  
280 at 6:45PM via Zoom.

281 Made by Cockerline, seconded by Shyer.

282 Vote: 5-0-0 in favor.

283

284 16. #2022-0180 / Taylor (Sleepy Cow Farm) / 47 Dimond Road / Temporary Zoning Permit

285

286 LUA Conroy explained that the application is for a trailer to be placed on site, with intended use as  
287 temporary office space and living quarters for builders. Construction involves installing a well to tie into  
288 a new farm building.

289

290 **Motion:** To authorize LUA Conroy to issue a temporary zoning permit for Sleepy Cow Farm construction  
291 project.

292 Made by Klemens, seconded by Shyer.

293 Vote: 5-0-0 in favor.

294

295 17. #2022-0181 / / 105 Interlaken Road / Temporary Zoning Permit

296

297 LUA Conroy explained this permit is for the property owners to temporarily reside in the existing  
298 dwelling until construction of their new residence is complete. Chairman Klemens asked where the Lake  
299 Protection Overlay District boundary line is located. LUA Conroy confirmed they will not be exceeding  
300 the impervious surface.

301

302 **Motion:** To authorize LUA Conroy to issue a temporary zoning permit

303 Made by Cockerline, seconded by Shyer.

304 Vote: 5-0-0 in favor.

305

306 **Adjournment**

307

308 **Motion:** To adjourn the meeting at 9:37PM.

309 Made by Cockerline, seconded by Shyer.

310 Vote: 5-0-0 in favor.

311

312

313 Respectfully Submitted,

314 Erika Spino

315 Secretary of Minutes