

SALISBURY PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES

September 6th, 2022 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)
3 (Alternate) Cathy Shyer (Vice Chair) left at 8:51PM
4 Martin Whalen (Secretary)
5 Bob Riva (Regular Member)
6 Allen Cockerline (Regular Member)
7 Dr. Danella Schiffer (Alternate)

Members Absent:

Debra Allee

Staff Present:

Abby Conroy, Land Use Administrator (LUA)

8
9 **Brief Items and Announcement**

10

11 1. Call to Order / Establish Quorum

12 Chairman Klemens called the meeting to order at 6:30 p.m. With five members present (Dr. Michael
13 Klemens, Martin Whalen, Cathy Shyer, Bob Riva, and Allen Cockerline) a quorum was established.
14 Alternate Dr. Danella Schiffer was also present.

15

16 2. Approval of Agenda

17

18 **Motion:** To approve Agenda.

19 Made by Cockerline, seconded by Riva.

20 Vote: 5-0-0 in favor.

21

22 3. Minutes of June 6, 2022 - *pending*

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

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

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

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

27 8. Minutes of August 15, 2022 - *pending*

28 9. Correspondence

29

30 **Public Comment**

31

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

35

36 **New Business**

37

38 11. #2022-0197 / 145 TR LLC (Lenard Engineering and Great Falls Construction) / 145 Taconic Road
39 / Site Plan for New Construction Single Family Dwelling, Barn, Pool and Associated Site
40 Improvements in the Lake Protection Overlay District (Section 404) / Map 19 / Lot 19 / DOR:
41 09/06/2022 / *Reception*

42

43 LUA Conroy stated this item of business should be tabled at the request of the Applicant. The
44 Applicant requested to continue the matter to the next meeting in order to acquire approval from the

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45 Inland Wetlands and Watercourses Commission before addressing the Planning & Zoning Commission.

46

47 16. #2022-0198 / Lakeville (75 Sharon Road) LLC / Site Plan Modification of #2022-0159 to
48 Demolish and Build New Single Family Dwelling and Associated Site Improvements in the Lake
49 Protection Overlay District (Section 404) / Map 47 / Lot 17 / DOR: 09/06/2022 / *Reception and*
50 *Possible Consideration*

51

52 Chairman Klemens and Vice Chair Shyer recused themselves from the application and stepped down
53 from panelists to attendees. Alternate Schiffer was designated a voting member for this application.
54 Bob Riva chaired the item. LUA Conroy introduced the application, presented a memo and explained
55 her recommendation to have the Commission review the revised plans due to the scope of the
56 requested changes. Property owners Nicole and John Franchini presented a site map with
57 modifications to be reviewed. Overall, they wish to reduce the size of a few impervious coverage items
58 due to cost and safety concerns. In the north wing, plans for a game/recreation room were eliminated
59 and replaced as a grassy outdoor area with space for pool equipment, about five hundred forty-two
60 square feet. The south court parking area about two thousand eight hundred and thirteen square feet
61 was omitted and also replaced with landscaping. A portion of the oil/stone driveway is extended by
62 four hundred sixty-two square feet as there is a slight slope and the permeable paver system would
63 not be as effective. A west side roof overhang was slightly increased by forty-three square feet for
64 structural reasons. Alternate Schiffer inquired about rainwater coming from the extended roof, the
65 property owner stated water will drain into the front lawn. The changes result in a decrease of
66 impervious coverage by .32%.

67

68 **Motion:** To approve modifications of #2022-0198 / Lakeville (75 Sharon Road) LLC / Site Plan
69 Modification of #2022-0159 to Demolish and Build New Single Family Dwelling and Associated Site
70 Improvements in the Lake Protection Overlay District (Section 404) / Map 47 / Lot 17 /
71 Made by Cockerline, seconded by Whalen.

72 Vote: 4-0-0.

73

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

75

76 12. #2022-0179 / 343 MS Restoration LLC (Colgan) / 343 Main Street / Special Permit for Change of
77 Use – Multifamily, High Turnover Restaurant, Mixed Use Commercial, and a Use Rendering More than
78 30% of the Lot Impervious (Sections 205.2, 209.2, 403.4) / Map 45 / Lot 26 /
79 DOR:05/16/2022 / Continue Hearing Opened July 18, 2022

80

81 Chairman Klemens and Vice Chair Shyer rejoined the meeting as voting members for a continuation of
82 the meeting. Alternate Schiffer stepped down from voting, and Applicant Bill Colgan joined the
83 meeting. The public hearing was continued at 6:45PM. LUA Conroy presented a review letter from
84 Town consulting engineer Tom Grimaldi with comments and list of conditions. The Commission and
85 Applicant discussed the letter. Although an extension was granted for a special permit which expires
86 on October 26th, Mr. Colgan estimates it will not be feasible to complete the list of required changes
87 within the allotted time. Chairman Klemens encouraged a meeting between both engineers to discuss
88 the concerns prior to the next meeting. Mr. Colgan was unexpectedly disconnected from the meeting

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89 and the Commission decided to move to the next agenda item.

90

91 **Motion:** To continue public hearing on September 20th 2022, 6:45PM via Zoom.

92 Made by Cockerline, seconded by Whalen.

93 Vote: 5-0-0.

94

95 13. #2022-0193 / Stevenson (Hackett) / 130 Taconic Road / 3-Lot Residential Re-subdivision / Map

96 19 / Lot 15 / DOR: 07/18/2022 / Continue Hearing Opened August 15, 2022/ Possible

97 Consideration

98

99 The public hearing was continued at 6:58PM. Chairman Klemens introduced the hearing and identified
100 additional application materials including supplemental bog turtle report and additional plans from
101 engineer Mat Kiefer submitted. Property owner Jon Stevenson, Engineer Pat Hackett and Consulting
102 Biologist Dennis Quinn joined the meeting to represent the application. Mr. Hackett presented the
103 proposed site plan to discuss changes, which included reshaping the open space and altering the
104 floodplain map, and to clarify the three site locations. Proposed Lot One is largest, U-shaped, and
105 mostly composed of protected land with forty-two acres of open space. Proposed Lot Two is a forty-
106 one-acre square parcel beginning in the northeast corner facing Taconic Road, ending at the old
107 railroad bed in the middle of the property and there are four acres of open space. Proposed Lot Three
108 is southernmost and connected by an existing farm road with eight acres of open space.

109

110 Chairman Klemens expressed concern about the northern gravel access road as it cuts through a
111 protected wetland area, and asked if the southern road could be utilized. Mr. Hackett reported that
112 the southern road requires additional wetland disturbance in order to be functional, so the northern
113 road was the preferred access for the rear lot. Attorney Michael Citrin joined the meeting to provide
114 comment, the northern access is a pre-existing farm road with a dam in place. Although development
115 is not proposed on lot one at this time, changing the use from agricultural access road to residential
116 driveway/road would require further permitting. Dennis Quinn understood the desire to eliminate the
117 dam and access road, but explained that with proper maintenance and drainage improvements the
118 goal of restoring this wetland fen could be achieved. The current dam prevents water from flowing
119 underneath the roadway, which could be improved by installing culverts. Chairman Klemens requested
120 that culverts be included with the plan. Mr. Quinn understood the Chairman's request but expressed
121 that he was not in favor of altering the hydrology of a potential bog turtle wetland until further study is
122 conducted in the spring; then hydrology changes and culverts could be discussed.

123

124 Vice Chair Shyer asked what contributing factors led to the degradation of these wetlands. Mr. Quinn
125 explained the first level of fragmentation began when the railroad was erected. The north farm road
126 installation provided further negative impact, as well as the agricultural changes which occurred at that
127 time. A property to the north of these lots appears to possess ideal habitat, but permission to access
128 this landscape has not been granted yet. Mr. Quinn reiterated that bog turtle recovery is dependent on
129 more improvement to habitat than can be achieved on the Stevenson's property alone. Property
130 owner Mr. Stevenson provided comment that the northern road is still active for agriculture use and
131 no development is proposed on the rear fields of Lot One.

132

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133 There was extensive discussion about access to the western portion of Lot 1 and wetlands crossings.
134 However, it was determined that the development of Lot 1 had been demonstrated to be feasible
135 without a need to cross. Discussion concluded in agreement to changes including swapping language of
136 “gravel roads” to “existing farm roads”, ensuring there will be no development to the west of the
137 wetlands and one building site will be located on Taconic Road.

138
139 The Commission then requested public comment. David and Joan Bright joined the meeting to provide
140 correspondence and presented a letter submitted to the Commission on August 22, 2022. Mr. and Mrs.
141 Bright stated their request considers the Town’s zoning regulations and plan of conservation and
142 development, and asked that a viewshed located on Lot 2 be included as a part of the open space
143 calculation for re-subdivision. The Commission reviewed additional correspondence letters from
144 Tatiana and Mark Weinbaum, Matt Shearer, Rachel and Donald Strauber, and Thomas Whitridge.
145 Thomas Whitridge joined the meeting, commenting he does not want to witness further degradation
146 of the scenic value of Taconic Road, and supported formally protecting the specified viewshed area.

147
148 Attorney Citrin restated that Lot Two, where the viewshed is located, is already developed with three
149 structures. Considering this and the amount of land already dedicated to open space, Mr. Citrin does
150 not see purpose in further restricting land. Vice Chair Shyer mentioned she is sensitive to the public’s
151 opinion on protecting the viewshed. Commissioner Cockerline added he does not support this request
152 since the Stevensons have already dedicated a tremendous amount of land to conservation efforts.
153 Chairman Klemens does not anticipate the view will change after subdivision, and mentioned a portion
154 of the viewshed is already restricted by building setbacks. Commissioner Riva commented he is
155 conscientious about the view, but is comfortable with the current plan as there are no proposed
156 structures on Lot Two. Secretary Whalen is opposed to requiring the applicant to conserve the
157 viewshed.

158
159 Helen Scoville joined the meeting and added that while she is respectful of the Stevensons dedication
160 to conservation, the viewshed area is exceptional, important to protect, and therefore supported the
161 open space viewshed request.

162
163 Attorney Citrin requested that the Commission approve a plan subject to removal of the buildings on
164 proposed Lot 1, and that “existing gravel road” language be altered to “existing farm road”.

165
166 The Commission was not prepared to approve, but were not inclined to ask for inclusion of the
167 viewshed into the subdivision open space. At 8:47pm the Commission elected to move on to other
168 business requesting that the hearing remain open and that LUA Conroy and Chairman Klemens
169 produce findings for a draft resolution.

170
171 **Motion:** To continue public hearing on September 20th 2022, 6:45PM via Zoom.

172 Made by Cockerline, seconded by Shyer.

173 Vote: 5-0-0 in favor.

174
175 14. #2022-0195 / Gleeson-Ryan Funeral Home / 255 Main Street / Special Permit for Change of Use
176 – Funeral Home and Residence (Section 205.1) / Map 50 / Lot 17 / DOR: 08/15/2022 *Open*

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177 Hearing, Possible Consideration

178

179 At 8:51PM, Vice Chair Shyer left the meeting and Alternate Danella Schiffer was seated in her place as
180 a voting member. LUA Conroy stated due to a clerical error a re-notice to the abutters is required. The
181 hearing would be opened but immediately continued to the next meeting. Secretary Whalen read the
182 legal notice.

183

184 **Motion:** To continue public hearing on September 20th 2022, 6:45PM via Zoom.

185 Made by Cockerline, seconded by Whalen.

186 Vote: 5-0-0 in favor.

187

188 15. #2022-0196 / Rakpraja / 30 Indian Mountain Road / Special Permit for Detached Apartment on
189 Single Family Residential Lot (Section 208) / Map 40 / Lot 24 / DOR: 08/15/2022 / *Open*
190 Hearing, Possible Consideration

191

192 At 8:56PM Secretary Whalen read the legal notice. Due to a clerical error related to the Zoom
193 invitation a re-notice to the abutters is required.

194

195 **Motion:** To continue public hearing on September 20th 2022, 6:45PM via Zoom.

196 Made by Cockerline, seconded by Riva.

197 Vote: 5-0-0 in favor.

198

199 **New Business – Continued**

200

201 17. #2022-0199 / Mount Riga Incorporated (Conquest) /32 Warner Lane/ Site Plan to Restore or
202 Replace a Nonconforming Cabin (Section 504.2) / Map 17 / Lot 32 / DOR: 09/06/2022 /
203 Reception and Possible Consideration

204

205 Property owner and applicant Gina Bell Conquest joined the meeting and presented a site plan. Ms.
206 Conquest explained they are rebuilding a non-confirming cabin originally built in 1956. The footprint of
207 the structure will not be altered and a septic system will not be installed. The project included
208 demolishing the cabin and replacing.

209

210 **Motion:** To approve application #2022-0199 / Mount Riga Incorporated (Conquest) /32 Warner Lane/
211 Site Plan to Restore or Replace a Nonconforming Cabin (Section 504.2) / Map 17 / Lot 32 /

212 Made by Cockerline, seconded by Riva.

213 Vote: 5-0-0 in favor.

214

215 18. #2022-0200 / Findlay / 42 Prospect Mountain Road / Special Permit for Detached Apartment on
216 Single Family Residential Lot (Section 208) / Map 15 / Lot 58-1 / DOR: 09/06/2022 / *Reception,*
217 *Consideration of Completeness, and Schedule Hearing*

218

219 LUA Conroy presented a site plan with proposed additions to the main house with an established
220 septic system, swimming pool, guest and pool house.

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221 **Motion:** To schedule public hearing for #2022-0200 / Findlay / 42 Prospect Mountain Road / Special
222 Permit for Detached Apartment on Single Family Residential Lot (Section 208) / Map 15 / Lot 58-1 / on
223 September 20th 2022, 6:45PM via Zoom.
224 Made by Cockerline, seconded by Riva.
225 Vote: 5-0-0 in favor.

226

227 **Other Business**

228

229 19. Land Use Complaint Report of Violation

230

231 The Commission reviewed a report of potential violation submitted by James and Elizabeth Whalen,
232 they described parking disputes late at night at 14 Perry Street, a neighboring property utilized as a
233 rental AirBNB. Commissioner Cockerline suggested the property owners contact AirBNB for complaint
234 submission if not done already, and also asked if this location is considered a pre-existing non-
235 conforming business. Chairman Klemens said there have been multiple complaints regarding AirBNB
236 properties throughout Town and is in favor of investigation and enforcement for this potential
237 violation. LUA Conroy explained that short term rentals such as AirBNB should be regulated through an
238 ordinance not by zoning, and asked if the Commission is in support of contacting attorney Charles
239 Andres to develop an ordinance for proposal to the Board of Selectmen. The Commission supported a
240 decision to establish a meeting with the Selectman to discuss regulation of short-term rentals and
241 adoption of a citation ordinance.

242

243 **Adjournment**

244

245 **Motion:** To adjourn meeting at 9:21PM.

246 Made by Riva, seconded by Cockerline.

247 Vote: 5-0-0 in favor.

248

249 Respectfully Submitted,

250

251 Erika Spino

252

253 Secretary of Minutes