

**SALISBURY PLANNING AND ZONING COMMISSION**

**SPECIAL MEETING MINUTES**

**September 20th, 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 Martin Whalen (Secretary)

5 Bob Riva (Regular Member)

6 Allen Cockerline (Regular Member)

7 Dr. Danella Schiffer (Alternate)

8

9 **Brief Items and Announcements**

10 1. Call to Order / Establish Quorum

11 Chairman Klemens called the meeting to order at 6:31PM. With four regular members present (Dr.  
12 Michael Klemens, Cathy Shyer, Martin Whalen, Allen Cockerline, Bob Riva) and one voting alternate (Dr.  
13 Danella Schiffer) a quorum was established.

14

15 2. Minutes of June 21, 2022 – *pending*

16 3. Minutes of June 29, 2022 – *pending*

17 4. Minutes of July 18, 2022 – *pending*

18 5. Minutes of August 1, 2022 – *pending*

19 6. Minutes of August 15, 2022 – *pending*

20 7. Minutes of September 7, 2022 – *pending*

21 8. Minutes of September 19, 2022 - *pending*

22

23 **New Business**

24 9. #2022-0201 / Salaway (Capecelatro) / 300 Between the Lakes Road / Two-Lot Residential  
25 Resubdivision / Map 67 / Lot 7 / DOR: 09/19/2022 / Reception, Consideration of Completeness,  
26 Schedule Hearing

27

28 LUA Conroy confirmed the application is complete, having received approval from Torrington Area  
29 Health District, a report provided by the Inland Wetlands and Watercourses Commission, and a  
30 subdivision map and site development plan submitted by the property owner.

31

32 **Motion:** To schedule hearing for #2022-0201 / Salaway (Capecelatro) / 300 Between the Lakes Road /  
33 Two-Lot Residential Resubdivision / Map 67 / Lot 7 / DOR: 09/19/2022 / on October 17th, 2022 at  
34 6:45PM via Zoom.

35 Made by Cockerline, seconded by Riva.

36 Vote: 5-0-0 in favor.

37

38 10. #2022-0202 / Block / 4 Main Street / Special Permit for Vertical Expansion of a Nonconforming  
39 Structure & Attached Accessory Apartment (Section 503.2 & 208) / Map 54 / Lot 15 / DOR:  
40 09/19/2022 / Reception, Consideration of Completeness, Schedule Hearing

41

42 Janet Block successfully acquired a variance from the Zoning Board of Appeals, but was not able to  
43 gather all materials required to schedule the hearing. This business will be continued to the upcoming  
44 meeting on October 17th, 2022 via Zoom.

45

46 Pending Business item #15 was moved prior to the scheduled public hearings.

**Members Absent:**

Debra Allee (Alternate)

**Staff Present:**

Abby Conroy, Land Use Administrator

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

September 20th, 2022 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

47

48 **Pending Business**

49 15. #2022-0197 / 145 TR LLC (Lenard Engineering and Great Falls Construction) / 145 Taconic Road  
50 / Site Plan for New Construction Single Family Dwelling, Barn, Pool and Associated Site  
51 Improvements in the Lake Protection Overlay District (Section 404) / Map 19 / Lot 19 / DOR:  
52 09/06/2022 / Possible Consideration

53

54 Todd Parsons of Lenard Engineering joined the meeting. This application included a house, barn,  
55 swimming pool, and septic system. The site plan was approved by the Inland Wetlands and  
56 Watercourses Commission, and Torrington Area Health District provided approval for the septic system.  
57 Three rain gardens were included to collect stormwater and runoff from the property. Excess water  
58 runoff will flow into an existing stone plunge pool in the north east corner of the site, or overland into  
59 wetlands. On November 10th 2020, an ordinary high-water setback line was established when  
60 Chairman Klemens and LUA Conroy visited this property. All proposed activity is well outside of the  
61 high-water setback line: the barn is 130 feet from the high-water line, the house is 222 feet, the  
62 driveway is 89 feet and the rain gardens are 73 feet. The proposed septic system is also positioned  
63 beyond 150 feet of the ordinary high-water line. This property plan includes 3.4% impervious surface  
64 coverage, well within limits from the Lake Protection Overlay District.

65

66 Alternate Schiffer asked if a plan was established for salt and sand runoff as the driveway appears  
67 steep. Mr. Parsons replied the driveway will drain downhill from Taconic Road, but there is a definitive  
68 lip present at the top of the driveway so road runoff will flow elsewhere. Runoff from the driveway  
69 itself will be captured and treated in the rain gardens and stone lined plunge pool before contacting  
70 wetlands. Commissioner Cockerline asked who will be performing inspections on this site. Mr. Parsons  
71 answered that a total of three inspections are required by Consulting Town Engineer Tom Grimaldi at  
72 the beginning, middle and end of the project.

73

74 **Motion:** To approve #2022-0197 / 145 TR LLC (Lenard Engineering and Great Falls Construction) / 145  
75 Taconic Road / Site Plan for New Construction Single Family Dwelling, Barn, Pool and Associated Site,  
76 Improvements in the Lake Protection Overlay District (Section 404) / Map 19 / Lot 19 including  
77 conditions requested by consulting engineer Tom Grimaldi.

78 Made by Cockerline, seconded by Whalen.

79 Vote: 5-0-0.

80

81 **Public Hearing(s)**

82 11. #2022-0195 / Gleeson-Ryan Funeral Home / 255 Main Street / Special Permit for Change of Use  
83 – Funeral Home and Residence (Section 205.1) / Map 50 / Lot 17 / DOR: 08/15/2022 / Continue  
84 Hearing Opened September 6, 2022, Possible Consideration

85

86 The continued public hearing was opened at 6:47PM. Christopher Ryan and John Ryan joined the  
87 meeting to represent the application. Christopher Ryan explained the building was originally used as a  
88 funeral home, changed to residential only, and now the family would like to reopen the funeral home.

89

90 The floor was opened to the public for comment. A letter of correspondence was reviewed from  
91 neighboring property owner Bonnie Gallogly. She expressed concerns over potential impacts to  
92 property values and traffic. Patti Majesky expressed support for the application. Her mother lives in the

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

September 20th, 2022 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

93 house on 255 Main Street and she visits this residence weekly. Ms. Majesky said she does not  
94 encounter traffic concerns when she visits, and also noted Mrs. Gallogly does not reside in the home  
95 currently being sold. There was no further comment from the Commission or public.

96

97 **Motion:** To close the public hearing at 6:54PM.

98 Made by Cockerline, seconded by Riva.

99 Vote: 5-0-0 in favor.

100

101 Vice Chairman Shyer expressed concern about the parking for the proposed business. Secretary Whalen  
102 confirmed that the application stated there would be room for 25 cars to park. LUA Conroy noted that  
103 there are no specific parking requirements for funeral homes in the Zoning Regulations.

104

105 **Motion:** To approve application #2022-0195 / Gleeson-Ryan Funeral Home / 255 Main Street / Special  
106 Permit for Change of Use – Funeral Home and Residence (Section 205.1) / Map 50 / Lot 17 /

107 Made by Cockerline, seconded by Riva.

108 Vote: 5-0-0 in favor.

109

110 12. #2022-0196 / Rakpraja / 30 Indian Mountain Road / Special Permit for Detached Apartment on  
111 Single Family Residential Lot (Section 208) / Map 40 / Lot 24 / DOR: 08/15/2022 / Continue Public  
112 Hearing Opened September 6, 2022, Possible Consideration

113

114 The continued public hearing was opened at 6:59PM. Tanya Rakpraja joined the meeting to represent  
115 the application. The floor was opened to the public for comment. Neighbor Mary Davidson asked for  
116 the number of people anticipated to live in the proposed detached apartment. Ms. Rakpraja responded  
117 that although this project is not estimated to be completed immediately, the plan is to create a  
118 temporary residence for her father when he comes to visit. If this one-bedroom unit were made into a  
119 long-term rental in the future, Ms. Rakpraja estimates there would be two people at most present in  
120 the apartment at one time.

121

122 **Motion:** To close the public hearing at 7:05PM.

123 Made by Cockerline, seconded by Riva.

124 Vote: 5-0-0 in favor.

125

126 **Motion:** To approve application #2022-0196 / Rakpraja / 30 Indian Mountain Road / Special Permit for  
127 Detached Apartment on Single Family Residential Lot (Section 208) / Map 40 / Lot 24 /

128 Made by Riva, seconded by Cockerline.

129 Vote: 5-0-0 in favor.

130

131 13. #2022-0193 / Stevenson (Hackett) / 130 Taconic Road / 3-Lot Residential Resubdivision / Map  
132 19 / Lot 15 / DOR: 07/18/2022 / Continue Hearing Opened August 15, 2022/ Possible  
133 Consideration

134

135 The continued public hearing was opened at 7:07PM. LUA Conroy reminded the Commission a draft of  
136 proposed open space restrictions and activities was submitted at the last meeting that needs review,  
137 and the applicant has submitted a revised set of plans completed by Mat Kiefer. Chairman Klemens  
138 announced that due to the length of this hearing, the public will have an opportunity to speak first.

**SALISBURY PLANNING AND ZONING COMMISSION**

**SPECIAL MEETING MINUTES**

**September 20th, 2022 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

139 Mark Shearer joined the meeting and thanked the Commission. Mr. Shearer explained he understands  
140 the Commission is considering granting a waiver to include wetlands in the open space calculations of  
141 this property. Mr. Shearer noted that a lot of the wetlands are located in the interior of the property  
142 and will not be enjoyed by public spectators, but considers the viewshed located on Lot Two the  
143 pinnacle of the property that is enjoyed by the public daily. Mr. Shearer suggested exchanging 2.5 acres  
144 of the proposed open space with the 2.5 acre viewshed to protect both wildlife and public views, and  
145 avoid a potential appeal. Chairman Klemens asked:

- 146 1. If he was in contact with the Stevenson's personally, Mr. Shearer replied no.  
147 2. How he had calculated the amount of the viewshed as 2.5 acres. The discussion continued to try and  
148 establish the exact location and dimensions of the viewshed. Reference was made to the Lot 2 sales  
149 listing, the photographs submitted into record by the Chairman and LUA along with the site plan. Mr.  
150 Shearer described the area as a million-dollar view and suggested a win-win would be achieved for the  
151 public and the applicant if this was protected before the property is sold.  
152

153 David and Joan Bright joined the meeting and thanked Chairman Klemens and LUA Conroy for visiting  
154 and taking pictures of the viewshed. As their letter submitted on September 11th, 2022 stated, they are  
155 requesting the Commission safeguard the 2.25 acre viewshed on Lot 2 to accommodate the public and  
156 local community's wishes. Mr. Bright asked if the Commission planned to grant a waiver for the  
157 property owner regarding open space requirements, and to consider expanding and strengthening this  
158 protection by preserving the public viewshed. Mr. and Mrs. Bright supported member of the public  
159 Mark Shearer's suggestion of preserving the viewshed. Chairman Klemens asked if they were in contact  
160 with the Stevensons' personally, Mr. Bright replied yes, and received a response he characterized as  
161 "preserving the viewshed was not on the table". Alternate Schiffer asked if they supported Mark  
162 Shearer's suggestion of a tradeoff between wetlands and viewshed acreage. Mr. Bright replied they  
163 believe a solution should accommodate both preservation and public views and are not supportive of a  
164 tradeoff.  
165

166 Anita Jorgensen joined the meeting and thanked the Commission. Ms. Jorgensen fully supported the  
167 comments and correspondence submitted by David and Joan Bright and Mark Shearer, and expressed  
168 concern about a waiver being provided regarding wetlands and the open space requirement which  
169 could lead to predictable, unintended consequences for the future and other properties. Ms. Jorgensen  
170 provided a reminder that maintaining rural character is important for the community of Salisbury and  
171 losing this 2.25-acre public viewshed would be a tremendous loss, gone forever and asked to preserve  
172 the million-dollar view for the public. Chairman Klemens asked if she was in contact with the  
173 Stevenson's personally, Ms. Jorgensen replied no.  
174

175 Mark Weinbaum joined the meeting. Mr. Weinbaum noted his property abutted a portion of the  
176 Stevenson's property and is in support of correspondence provided by Anita Jorgensen, David and Joan  
177 Bright and Mark Shearer. Chairman Klemens asked if he was in contact with the Stevenson's personally,  
178 Mr. Weinbaum replied no.  
179

180 Thomas Whitridge joined the meeting and restated his support of protecting the 2.25 acre public  
181 viewshed. Chairman Klemens asked if he was in contact with the Stevenson's personally, Mr. Whitridge  
182 replied no.

183 Carey and Kim Fiertz, residents of Taconic Road joined the meeting. Mr. and Mrs. Fiertz wholeheartedly  
184 endorsed the correspondence given by David and Joan Bright and Mark Shearer and preferred the 2.25

**SALISBURY PLANNING AND ZONING COMMISSION**

**SPECIAL MEETING MINUTES**

**September 20th, 2022 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

185 public viewshed be protected. Chairman Klemens asked if they were in contact with the Stevenson's  
186 personally, Kim replied yes and described a lack of concession to preserving the viewshed. She added  
187 that she hopes the Stevensons will think about doing the right thing for the neighbors.  
188

189 Property owners Jon and Savannah Stevenson and Attorney Michael Citrin joined the meeting. Attorney  
190 Citrin provided a brief overview of changes throughout the hearing. Site maps were presented to show  
191 alterations made since the last two meetings, potential proposed building lots on Lot #1 were removed  
192 and language for roads present on the property changed to "existing gravel farm road" and "existing  
193 farm road" to clarify use for agriculture. Attorney Citrin reiterated that open space proposed on the  
194 property equals 49.5 acres, (representing 20 % not 15 % as required by the regulations), alongside 80  
195 acres already designated as conservation area. Chairman Klemens asked what percentage of the open  
196 space is wetlands, and asked additionally if accommodation can be reached to protect the viewshed,  
197 considering their initial request for the Commission to waive dry land open space requirements.  
198 Engineer Pat Hackett joined the meeting and answered that wetlands percentage data is not currently  
199 available. Chairman Klemens summarized what had been achieved in the previous two meetings and  
200 clarified that tonight's meeting was to consider the viewshed in Lot 2 and whether an agreement can be  
201 reached.  
202

203 The discussion reverted to the value of wetlands versus dry land, and whether development had taken  
204 place historically on wetlands in Salisbury. Chairman Klemens shared his perspective that a certain  
205 amount of dry land is required and the only reason we are prepared to consider some waiver is because  
206 of the value of these wetlands. Subdivision Regulation 5.3.2 was displayed for review, note was made of  
207 subsection A. referencing views from public roads, and subsection C where it was noted that the  
208 requirement for open space could be waived by a 2/3rds vote from the Commission. Dr Klemens asked  
209 if the they currently have 15 % of dry land in open space and Pat Hackett replied he did not know but  
210 did not think so.  
211

212 Property owner Jon Stevenson stepped forward to comment he loves the property and viewshed, and  
213 has no personal intention to change or build on it, what we are talking about is possible future owners.  
214 He added they were keen to progress this and asked what was being asked of them. Attorney Citrin  
215 added that within this 2.5 acre viewshed area is a 60-foot wide protected, unbuildable corridor present  
216 due to required setbacks on the proposed lots. Attorney Citrin included there are three pre-existing  
217 structures present on Lot #2 and if future owners of the property do wish to build another structure,  
218 they must be considered by the Commission. Chairman Klemens asked again if the viewshed area could  
219 be restricted to please the community. Commissioner Cockerline expressed discomfort with further  
220 restriction, considering the likelihood of another building being erected as slim, and a tremendous  
221 amount of land is dedicated to conservation already. Vice Chair Shyer acknowledged the Stevenson's  
222 have provided an immense amount of service to the community, but empathized with the neighbors  
223 and is in favor of protecting the viewshed. Vice Chair Shyer asked if a tradeoff could occur. Chairman  
224 Klemens suggested trading acreage of wetlands out of open space to accommodate the viewshed.  
225 Secretary Whalen argued this matter of viewshed protection is a neighborhood issue, not community,  
226 and the viewshed is not well known outside of Taconic Road. Vice Chair Shyer disagreed as she  
227 personally enjoys the viewshed as a spectator, not neighbor.  
228

229 Attorney Citrin asked the Commission for recommendations of continuing this process and reminded  
230 the Commission that the applicant had increased the amount of open space as per the Commissions

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

September 20th, 2022 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

231 direction which amounted to an additional 12 acres being added to the open space.

232

233 Commissioner Cockerline suggested closing the hearing to take a vote. Commissioner Riva personally  
234 viewed the area as unbuildable when considering setbacks and viewing the property location on google  
235 earth, and asked if this is sufficient enough for fellow Commissioners to feel comfortable approving.  
236 Chairman Klemens preferred to see the area permanently preserved. Chairman Klemens requested a  
237 straw poll to anticipate voting results, as this application requires 2/3rds vote in favor due to the  
238 waiver. Chairman Klemens and Vice Chair Shyer are not in favor of approving the waiver.

239

240 Mr. Stevenson asked the Commission if the hearing could be closed or must be extended, and if so how  
241 to approach the upcoming deadline from the transfer station. LUA Conroy stated up to 65 days of  
242 extension could be granted. Attorney Citrin asked for clarification on what amount of land would be  
243 sufficient to dedicate to a viewshed, as the submission from David and Joan Bright indicates an area  
244 that appears to exceed 2 acres. The Commission reviewed the site maps and determined that when  
245 considering setbacks under current regulations, slightly over 2 acres will need to be added to open  
246 space. Attorney Citrin asked if the Commission notices any shortcomings to this approach, or if there  
247 are any outstanding requests from the Commission. LUA Conroy mentioned the draft of proposed open  
248 space restrictions needs to be completed before approval, and a third section representing the  
249 viewshed must be added, designating no plantings and maintenance. Chairman Klemens requested  
250 percentages of dry land and wetland areas for open space to ensure a waiver can be approved. The  
251 Commission agreed to schedule a special meeting to accommodate the continuation of this hearing.  
252 Mr. Stevenson listed 4 takeaways return with at the upcoming meeting:

253

254 Revised Site Maps

255

255 Revised description and addition of the viewshed in Open Space Requirements

256

256 Breakdown of dry land VS wetlands in open space area

257

257 Send an email to LUA Conroy requesting an additional extension

258

259 Anita Jorgensen joined the meeting and requested an explanation for the potential waiver and what it  
260 means for the future of the community. Chairman Klemens explained the significance of this waiver,  
261 what it entails, and how waivers have been utilized in the past.

262

263 No further comment from the Commission or public.

264

265 **Motion:** To continue public hearing on October 4th 2022, 9:00AM via Zoom.

266

266 Made by Riva, seconded by Cockerline.

267

267 Vote: 5-0-0 in favor.

268

269 At 8:34PM, Vice Chair Shyer left the meeting and Alternate Daniella Schiffer was seated in her place.

270

271 At 8:35PM, Chairman Klemens called a 5-minute recess.

272

273 14. #2022-0179 / 343 MS Restoration LLC (Colgan) / 343 Main Street / Special Permit for Change of  
274 Use – Multifamily, High Turnover Restaurant, Mixed Use Commercial, and a Use Rendering  
275 More than 30% of the Lot Impervious (Sections 205.2, 209.2, 403.4) / Map 45 /Lot 26 / DOR:  
276 05/16/2022 / Continue Hearing Opened July 18, 2022 - Continuation

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

September 20th, 2022 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

277 The continued public hearing was opened at 8:41PM. Bill Colgan of MS Restoration LLC joined the  
278 meeting to represent the applicant. Mr. Colgan explained his recent attempts to comply with all  
279 concerns expressed by the Town Consulting Engineer Tom Grimaldi, but has experienced delays and is  
280 considering abandoning the application. LUA Conroy stated no more extensions can be granted. Mr.  
281 Colgan asked if the scope of the application could be reduced to a regular zoning request provided  
282 alterations to the building footprint are abandoned. Mr. Colgan was asking that if he changed his  
283 application so that the building would remain as it is, i.e., contain 2 apartments, a restaurant and an  
284 accessory building what would be required. LUA Conroy explained that the building code required  
285 improving the handicapped parking spaces, in the Aquifer Protection Overlay District which would  
286 trigger limited engineering analysis.

287  
288 Mr. Colgan expressed that he was further dissuaded from pursuing this application after reading  
289 correspondence from member of the public Barbara Douglas. The Commission reviewed Ms. Douglas'  
290 letter which proposed postponing the review of this application due to inconsistencies and lack of  
291 sufficient information for the public. Chairman Klemens opined that some of the requests in the  
292 correspondence were unreasonable or outside of zoning authority.

293  
294 LUA Conroy suggested establishing a meeting between the applicant, design engineer and the Town's  
295 consulting engineer. Mr. Colgan described difficulties communicating with engineers and surveyors,  
296 limited time and resources to achieve engineering requirements, and expressed disappointment with  
297 response from the community. Chairman Klemens and the entire commission sympathized and said the  
298 application could be withdrawn without prejudice with publication fees waived for the future. The  
299 applicant was told there was wide spread community support for this project.

300  
301 Commissioner Cockerline inquired if the handicapped space is required to be paved, and asked if  
302 permeable pavers could be used. LUA Conroy replied the lot is currently non-conforming with the  
303 Aquifer Protection Overlay District requirements therefor if any changes are made, a zero increase in  
304 stormwater runoff must be demonstrated. Chairman Klemens, Alternate Schiffer and Commissioner  
305 Cockerline expressed support and encouragement for this application to continue. It was determined  
306 that it was better to deny this application without prejudice so the applicant could return without  
307 incurring additional fees.

308  
309 No further comment from the Commission or public.

310  
311 **Motion:** To close the public hearing at 9:00PM.

312 Made by Cockerline, seconded by Riva.

313 Vote: 5-0-0 in favor.

314  
315 **Motion:** To deny, without prejudice application #2022-0179 / 343 MS Restoration LLC (Colgan) / 343  
316 Main Street / Special Permit for Change of Use – Multifamily, High Turnover Restaurant, Mixed Use  
317 Commercial, and a Use Rendering More than 30% of the Lot Impervious (Sections 205.2, 209.2, 403.4) /  
318 Map 45 /Lot 26 /.

319 Made by Cockerline, seconded by Riva.

320 Vote: 5-0-0 in favor.

321

322 **Adjournment**

**SALISBURY PLANNING AND ZONING COMMISSION**

**SPECIAL MEETING MINUTES**

**September 20th, 2022 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

323 **Motion:** To adjourn meeting at 9:02PM.

324 Made by Riva, seconded by Cockerline.

325 Vote: 5-0-0 in favor.

326

327 Respectfully Submitted,

328 Erika Spino

329 Secretary of Minutes