

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

October 4th, 2022 9:00AM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)
3 Martin Whalen (Secretary)
4 Bob Riva (Regular Member)
5 Allen Cockerline (Regular Member)
6 Dr. Danella Schiffer (Alternate)

Members Absent:

Cathy Shyer (Vice Chair)
Debra Allee (Alternate)

Staff Present:

Abby Conroy, Land Use Administrator

7
8 **Brief Items and Announcements**

9 1. Call to Order / Establish Quorum

10 Chairman Klemens called the meeting to order at 9:03AM. With four regular members present (Dr.
11 Michael Klemens, Martin Whalen, Allen Cockerline, Bob Riva) and one alternate (Dr. Danella Schiffer)
12 appointed as voting member, a quorum was established.

13
14 **Motion:** To approve Agenda.

15 Made by Cockerline, seconded by Whalen.

16 Vote: 5-0-0 in favor.

17
18 2. Minutes of June 21, 2022 – *pending*

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

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

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

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

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

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

25 9. Minutes of September 20th, 2022 - *pending*

26
27 **Public Hearing(s) - 9:15AM**

28
29 10. #2022-0193 / Stevenson (Hackett) / 130 Taconic Road / 3 Lot Residential Resubdivision / Map 19
30 / Lot 15 / DOR: 07/18/2022 / Continue Hearing Opened August 15, 2022 / *Possible Consideration*

31
32 The public hearing continued at 9:15AM. Chairman Klemens reviewed progress since the last meeting.
33 New plans were drawn and submitted to the Land Use office, and Chairman Klemens drafted a
34 resolution in response to the property owner’s waiver request. Verbiage in the resolution monuments
35 the viewshed as open space. The open space can be maintained in 2 ways: Haying seasonally; or brush
36 hogging once per year between December 1st-March 1st to prevent upgrowth.

37
38 Property owner Jon Stevenson, Engineer Pat Hackett, Attorney Michael Citrin, and Biologist Dennis
39 Quinn joined the meeting. Attorney Citrin presented an updated site map, which now contains a 1.747-
40 acre area proposed as open space, identified by the community as a viewshed. Previous discussion of
41 the acreage suggested slightly over 2 acres of land, but the formal calculations added up to 1.747 and
42 are still consistent with the requested area. Chairman Klemens asked if the bright green line present on
43 the map represented a transition from lawn to field, Pat Hackett responded this line represents the
44 present woodline. There were no further comments or questions from the public.

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46 Chairman Klemens reviewed the draft resolution for approval by the Commission. . Regulations required
47 no less than 15% of subdivided property be placed into open space, exclusive of wetlands and previously
48 decided easements. The applicant requested a waiver. The total amount of required dry land habitat
49 would be 37.123 acres, but the applicant has placed just shy of 31 acres, or 12.5% of the upland portion
50 of the site. The applicant requested that just over 6 acres, or 2.5%, of the wetland portion of the site be
51 counted toward the open space requirement as well. In addition, the applicant conserved additional
52 open space in the wetlands area, bringing the entire open space area preserved at 20.7% of the site.

53

54 Commissioner Cockerline asked if the Commission should vote on the wetland requirement waiver
55 before the resolution. Chairman Klemens replied that conversation must turn to the applicant and the
56 public to comment on resolution requirements firsthand. Attorney Citrin asked Jon Stevenson if he is
57 comfortable with the resolution, Mr. Stevenson replied yes. Member of the public David Bright joined
58 the meeting to thank the Commission and community for the time and dedication required to resolve
59 this matter.

60

61 Chairman Klemens reviewed the draft of proposed open space restrictions to summarize land use
62 restrictions and allowances in Conservation Zone 2. Commissioner Cockerline asked if haying and
63 seasonal maintenance will be required in all conserved areas or the viewshed only, Chairman Klemens
64 responded that maintenance is permitted in the bog turtle habitat alongside the viewshed. LUA Conroy
65 mentioned that agriculture will remain permitted if bog turtles are eventually found on site. LUA Conroy
66 questioned labeling the area "Conservation Zone 2" as it differs from Engineer Mat Kiefer's description,
67 and language in land records must coincide with each other. Chairman Klemens clarified that
68 maintenance can constitute a combination of haying and brush hogging in different areas, as long as all
69 required areas are maintained.

70

71 Chairman Klemens reviewed the draft of proposed viewshed open space restrictions. Property owner
72 Mr. Stevenson acknowledged that planting of new trees and shrubs is prohibited, but mentioned there
73 is a row of tall hardwood trees alongside Taconic Road. If one or all were to come down, he believed the
74 property should reserve the right to replant in the existing footprint of the current trees. Chairman
75 Klemens explained that restricting planting of trees and shrubs will remain on the restriction, but
76 verbiage will be added to the map to include same species replacements of trees if warranted by natural
77 causes.

78

79 There were no further comments or questions from the Commission or public.

80

81 **Motion:** To close the public hearing at 9:45AM.

82 Made by Cockerline, seconded by Riva.

83 Vote: 5-0-0 in favor.

84

85 **Motion:** To approve the waiver of open space requirements, allowing the applicant to include wetlands
86 in the calculation.

87 Made by Cockerline, seconded by Riva.

88 Vote: 5-0-0 in favor.

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Motion: To adopt the resolution dated October 4th, 2022

WHEREAS, Jon and Savannah Stevenson (the Applicants) seek to subdivide a 247.486± acre parcel located at 130 Taconic Road, pursuant to a Map entitled “Compilation Plan Prepared for John C. Stevenson and Savannah L. Stevenson #130 Taconic Road, Salisbury, CT September 29, 2022” into three lots.

WHEREAS, 80.096 acres of the western portion of this parcel are already subject to a conservation easement in favor of The Nature Conservancy, and therefore cannot be used as part of the open space calculation.

WHEREAS, in addition to the typical subdivision requirements, the Applicant retained herpetologist Dennis P. Quinn to study the wetlands on the property for the presence of actual or potentially restorable habitat for the Federally-threatened and State-endangered bog turtle, *Glyptemys muhlenbergii*. That report is incorporated into the record of these proceedings.

WHEREAS, a public hearing was held over four dates on August 15, September 6, and September 20, and October 4, 2022 and at each date significant progress was made to resolve concerns of the Planning and Zoning Commission and the public, the latter having presented written and verbal testimony at the public hearing.

WHEREAS, at the conclusion of the August 15 hearing the Applicant agreed to protect the wetlands identified as potential or restorable bog turtle habitat with a 300-foot upland buffer to be managed in accordance with the Federal Bog Turtle Recovery Plan (USFWS 2001: Bog turtle (*Glyptemys muhlenbergii*) northern population recovery plan).

WHEREAS, at the conclusion of the second continuation of the public hearing the Applicant agreed to remove three “theoretical building sites” on the western side of the central wetland because the Salisbury Inland Wetlands and Watercourses Agency had not approved either of the wetland crossings to access those “theoretical building sites.”

WHEREAS, at the conclusion of the third continuation of the public hearing the Applicant agreed to grant a 1.747± acre westward-facing view-shed easement responding to the concerns of the public to protect that view from the high spot-on Taconic Road westward to the Taconic Uplift.

WHEREAS, Section 5.3.2 of the Town of Salisbury’s Subdivision Regulations requires no less than 15% of the subdivided property to be placed in open space exclusive of wetlands and previously granted conservation easements.

WHEREAS, the Applicant has sought a waiver of that requirement placing 15% percent (37.123 acres) of the upland portion of the site into open space. The Applicant has placed 30.979 acres (12.5%) of the upland portion of the site and is requesting that 6.144 acres (2.5%) of the wetland portion of the site to

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132 be calculated as a portion of the required open space. The total open space conserved on this site is
133 51.279 acres (20.7%) which includes additional wetland acreage.

134
135 WHEREAS, the Applicant has agreed to monument the boundaries of the conserved open space by
136 having a Connecticut Licensed Surveyor place iron pins flush to the ground surface approximately every
137 200 feet or less, at the discretion of the Connecticut Licensed Surveyor.

138
139 NOW THEREFORE BE IT RESOLVED THAT, on Application #2022-0193 the Planning and Zoning
140 Commission grant a waiver as requested by the Applicant finding that the conserved wetlands placed
141 into open space are recognized by the State of Connecticut and Federal government as wetlands of
142 exceptional conservation value, that those wetlands have been fully protected by extensive upland areas
143 of open space, and the Applicant has graciously accommodated the requests of the neighbors by
144 protecting in perpetuity the aforementioned view-shed.

145
146 NOW THEREFORE BE IT RESOLVED THAT this subdivision is approved on October 4th, 2022, governed by
147 the most recent plan set revision dated August 31, 2022, to be presented as a mylar for filing on the
148 Town land use records, contingent upon the Applicant providing suitable language to govern the various
149 portions of open space, specifically the bog turtle conservation zones and the view-shed.

150
151 and approve application #2022-0193 / Stevenson (Hackett) / 130 Taconic Road / 3 Lot Residential
152 Resubdivision / Map 19 / Lot 15 /

153 Made by Cockerline, seconded by Riva.

154 Vote: 4-1-0 (Cockerline, Riva, Schiffer, Klemens in favor, Whalen opposed *)

155
156 *It was later determined that Whalen's opposition/negative vote was based on a misunderstanding of
157 the motion.

158
159 **Adjournment**

160
161 **Motion:** To adjourn meeting at 9:50AM.

162 Made by Cockerline, seconded by Riva.

163 Vote: 5-0-0 in favor.

164
165 Respectfully Submitted,
166 Erika Spino
167 Secretary of Minutes