

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

DECEMBER 19th, 2022 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman) *arrived at 5:36PM*
3 Cathy Shyer (Vice Chair)
4 Bob Riva (Regular Member)
5 Allen Cockerline (Regular Member)
6 Dr. Danella Schiffer (Alternate)
7 Debra Allee (Alternate)
8

Members Absent:

Martin Whalen (Secretary)

Staff Present:

Abby Conroy, Land Use Administrator (LUA)

9 **Brief Items and Announcement**

10 1. Call to Order / Establish Quorum

11 Cathy Shyer called the meeting to order at 5:30PM. With three regular members present (Cathy Shyer,
12 Bob Riva, and Allen Cockerline) and two voting alternates present (Danella Schiffer and Debra Allee) a
13 quorum was established.

14

15 2. Approval of Agenda

16 **Motion:** To approve Agenda.

17 Made by Cockerline, seconded by Riva.

18 Vote: 5-0-0 in favor.

19

20 3. Minutes of June 21, 2022 - *pending*

21 4. Minutes of June 29, 2022 - *pending*

22 5. Minutes of July 18, 2022 - *pending*

23 6. Minutes of August 1, 2022 - *pending*

24 7. Minutes of August 15, 2022 - *pending*

25 8. Minutes of September 6, 2022 - *pending*

26 9. Minutes of September 19, 2022 - *pending*

27 10. Minutes of September 20, 2022 - *pending*

28 11. Minutes of October 4, 2022 - *pending*

29 12. Minutes of October 17, 2022 - *pending*

30 13. Minutes of November 7, 2022 - *pending*

31 14. Minutes of November 21, 2022 - *pending*

32 15. Minutes of December 12, 2022 - *pending*

33

34 **Public Comment**

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

38

39 **Pending Business**

40 17. #2022-0205 - Super Sumo Enterprises LLC (Little) / 438 Lime Rock Road / Site Plan
41 Approval for Change of Use from Storage Building to Carpentry or Woodworking, Generator,
42 Driveway and Parking Improvements / Map 27 / Lot 9 / DOR: 11/07/2022 / Possible
43 Consideration

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44 LUA Conroy explained she exchanged correspondence with Attorney Mark Capecelatro regarding this
45 application. He is waiting for the engineering work to be completed. An extension was granted to carry
46 the site plan over to the upcoming meeting on January 17, 2023.

47

48 **New Business**

49 18. #2022-0208 / Skattum (Capecelatro/Hackett) / 27 & 29 West Shore Place / Site Plan to Demolish
50 Two Existing Residences and Construct New Single-Family Residence in the Lake Protection Overlay
51 District (Section 404) / Map 66 / Lot 40 & 41 / DOR: 12/19/2022 / *Reception and Possible Consideration*

52

53 At 5:36PM, Dr. Michael Klemens joined the meeting as voting member and Vice Chair Shyer stepped
54 down as Chair. Alternate Debra Allee stepped down from voting panelist.

55

56 Attorney Mark Capecelatro and Engineer Pat Hackett joined the meeting to represent the application.
57 Attorney Capecelatro reminded the Commission of the previously approved construction of a new
58 dwelling at 27 West Shore Place. After this process, a neighboring property 29 West Shore Place was
59 purchased by Ms. Skattum. Both properties are located in a RR-1 zone and are nonconforming with
60 regard to minimum lot area. 27 West Shore Place is a little over thirty-five thousand square feet and
61 contains a carport and residence located fifty-three feet from the water's edge, with a failing septic
62 system. 29 West Shore Place is forty-seven thousand square feet. The proposed plan is to merge the two
63 non-conforming properties into one conforming lot, and eliminate the non-conforming structures in
64 entirety.

65

66 The application was brought to the Inland Wetlands & Watercourses Commission. Town Consulting
67 Engineer Tom Grimaldi, reviewed the proposal and suggested changes, which were then completed by
68 Engineer Hackett. Attorney Capecelatro presented a letter from Engineer Tom Grimaldi indicating that
69 the revised plans addressed all concerns.

70

71 Chairman Klemens asked if an erosion and sedimentation control measure bond estimate was
72 submitted, Attorney Capecelatro replied yes. Chairman Klemens asked for Lake Protection Overlay
73 District (LPOD) calculations. Attorney Capecelatro replied there is less than 10% impervious surface
74 coverage. Engineer Hackett composed an effective stormwater treatment system, supported by Tom
75 Grimaldi, where water runoff will be treated. As a part of the planting plan, Judy Murphy of Old Farms
76 Nursery included a buffer that will run the entire three hundred thirty-three feet of waterfront, with one
77 cutout to access a pre-existing concrete dock. Chairman Klemens asked for the width of the waterfront
78 buffer, Attorney Capecelatro replied that it varies. Engineer Hackett explained the buffer averages thirty-
79 three feet, and at all points it is at least twenty-five feet in width. Chairman Klemens asked how to
80 ensure the buffer is maintained in the future, Attorney Capecelatro replied the property owner must
81 return to the Inland Wetlands & Watercourses Commission for approval if change or removal is desired.

82

83 The Commission reviewed the site plans. Vice Chair Shyer asked about three concrete pads included in
84 the impervious surface calculations. Attorney Capecelatro explained the pads are near the waterfront,
85 and were installed as anchor points for docks utilized by previous owners. This concrete could be
86 removed, but excavation would impact the water's edge and should be left undisturbed. Vice Chair
87 Shyer asked if these concrete pads will be used as additional docks in the future, Attorney Capecelatro

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88 did not discuss this possibility with the property owners. Vice Chair Shyer asked if there are other
89 structures present on the property, Attorney Capecelatro replied a wood shed is located on the
90 property, constructed by a previous owner after receiving approval from this Commission. Vice Chair
91 Shyer noted the wood shed is not included in the impervious surface calculations. Engineer Hackett
92 explained the shed is just under two hundred-fifty square feet and was not included in calculations as it
93 was constructed with a dry well underneath, allowing rainwater to permeate into the ground.
94

95 Chairman Klemens replied the structure has a roof and is still considered an impervious surface, and the
96 added square footage puts the proposed impervious surface twenty-eight square feet over the 10%
97 allowed. LUA Conroy explained that the treatment of stormwater versus impervious surface are
98 different concepts, this distinction is an appropriate concept to reconsider in the future, but this
99 application must adhere to the standards of the LPOD.

100

101 Chairman Klemens asked if the shed is used for storage. Attorney Capecelatro and Engineer Hackett
102 replied they are unsure. The Commission agreed that the application cannot be considered without
103 following the requirements of the LPOD. Alternate Schiffer asked about the vegetative buffer along the
104 waterfront, and inquired what vegetation will be planted. Attorney Capecelatro referred to the planting
105 plan and schedule included on the site plan. Commissioner Cockerline suggested the property owner
106 could demolish and remove the shed or reduce the size of the proposed home. Attorney Capecelatro
107 asked if the Commission would consider reduction of the shed as opposed to removal, Chairman
108 Klemens replied yes, as long as the LPOD impervious surface threshold is followed.

109

110 LUA Conroy asked Engineer Hackett to provide hard copies of the revised plans to be distributed to
111 Commission members for further review. Chairman Klemens concluded action will not be taken on this
112 application, but will be considered at the next meeting after impervious surface calculations are
113 addressed, and that future approval given will be conditioned upon merging the two lots.

114

115 **Adjournment**

116

117 **Motion:** To adjourn meeting at 6:15PM.

118 Made by Cockerline, seconded by Riva.

119 Vote: 5-0-0 in favor.

120 Respectfully Submitted,

121 Erika Spino

122 Secretary of Minutes