

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

July 31st, 2023 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

Members Present:

Dr. Michael Klemens (Chair)
Cathy Shyer (Vice Chair)
Martin Whalen (Secretary)
Dr. Danella Schiffer (Alternate)
Debra Allee (Alternate)

Staff Present:

Abby Conroy, Director of Land Use
Miles Todaro, Land Use Technical Specialist

Members Absent:

Bob Riva (Regular Member)
Allen Cockerline (Regular Member)

1

2 **Brief Items and Announcements**

3 1. Call to Order / Establish Quorum

4 Chair Klemens called the meeting to order at 6:33pm. With three regular Commission members
5 present, a quorum was established. Alternates Allee and Schiffer joined the meeting at 6:34pm, and
6 were seated as voting Alternates.

7 **New Business**

8 2. #2023-0222 / Kosakow / 4 Lime Rock Hollow / Site Plan Application to Replace a
9 Nonconforming Concrete Pad with Deck / Map 28 / Lot 05 / DOR: 07/26/2023 / Possible
10 Consideration

11 Chair Klemens described the application as a cement pad which was previously a garage. The applicant
12 would like to replace the pad with a ground level deck in the same footprint. LUA Conroy added that
13 the garage was demolished in the late 2000s, and was non-conforming in regards to right-of-way
14 setbacks. The building plans and photographs of the site were shown to the Commission.

15 There were no questions from the Commission.

16 **Motion:** To approve site plan #2023-0222 / Kosakow / 4 Lime Rock Hollow / Site Plan Application to
17 Replace a Nonconforming Concrete Pad with Deck / Map 28 / Lot 05 /

18 Made by Whalen, seconded by Shyer

19 Vote: 5-0-0

20 **Other Business**

21 3. #2021-0126 / 178 South Shore LLC (Lenard Engineering/Parsons) / 178 South Shore Road /
22 Request to Modify Planting Plan in Connection with Approved Site Plan to Demolish and Build
23 New a Single-Family Dwelling and Associated Site Improvements in the Lake Protection Overlay
24 District (Section 404) / Map 60 / Lot 22 / DOR: 03/1/2021 / *Reception and Possible*
25 *Consideration*

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26 Chair Klemens directed the Commission's attention to a memo he wrote and the response by Eric
27 Mendelsohn of the Salisbury Garden Center. Mr. Mendelsohn and Engineer Todd Parsons joined the
28 meeting at 7:31pm.

29 LUA Conroy explained that the application was originally approved in March of 2021, and they now
30 would like to revise the planting plan. She showed the original planting plan to the Commission, along
31 with the revised plan Engineer Parsons put together and planting schedule by the Salisbury Garden
32 Center. The applicant received a temporary Certificate of Occupancy, and posted a bond for
33 outstanding improvements.

34 LUA Conroy asked if the only change to the rain garden was substituting big bluestem, Mr. Mendelsohn
35 confirmed.

36 Chair Klemens expressed confusion regarding Mr. Mendelsohn's response to his memo. Mr.
37 Mendelsohn clarified that he had misunderstood Chair Klemens' point about the lawn area.

38 Chair Klemens expressed that he thinks the approved plan should be planted, since that's what was
39 approved. The Commission silently reviewed the two letters. Chair Klemens directed attention to
40 points 2 and 3 in his memo, and emphasized the importance of those points.

41 Chair Klemens asked where the Norway spruce were on the original planting plan. Mr. Mendelsohn
42 pointed them out. Chair Klemens expressed that the original plan has a more diverse array of species
43 than the proposed changes. Mr. Mendelsohn responded that the diversity could easily be increased on
44 the new plan. He also added that all of the plants on the new plan (except for the big bluestem) are
45 pulled from the old plan.

46 LUA Conroy asked if the commission is considering the plans with two separate areas in mind: the front
47 of the property and behind the house. Vice Chair Shyer agreed that that's a good way to look at it, and
48 that the area between the house and the lake should be the focus. She also added the Commission
49 should take into consideration the maintenance involved in the plantings, especially since the applicant
50 won't be at the residence full time.

51 Chair Klemens emphasized that the buffer concept is integral to the Lake Protection Overlay District.
52 He reiterated that, from a policy stand point, he doesn't like the idea of applicants being able to
53 change plans for the worse after being approved. He pointed specifically to the significant increase in
54 lawn coverage on the newly proposed plans. Mr. Mendelsohn said Salisbury Garden Center is always
55 favorable to additional planting. LUA Conroy pointed out that the curve in the lawn of the original plan
56 could serve to slow down water runoff. Engineer Parsons said the slope of the property means water
57 will be running off across the whole yard, however the planned rain gardens will capture most of the
58 developed portion's runoff. Vice Chair Shyer asked if the size of the rain garden is changing, which
59 Engineer Parsons responded that they are not. Vice Chair Shyer asked if hydrangea are typically used in
60 rain gardens. Mr. Mendelsohn clarified that the hydrangea are actually planned for along the side of

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61 the house like in the original plan, not the rain garden. There are also some hydrangea planned for the
62 other side of the rain garden.

63 Chair Klemens acknowledged the six Norway spruce in front of the house, and then asked Mr.
64 Mendelsohn about the three behind the house, in the lake buffer. Mr. Mendelsohn explained that he
65 was asked by the clients to preserve the rain gardens and decrease the cost, so the new plans keep
66 more of the existing environment for cost efficiency. He also explained that he moved some of the
67 spruce to create a screen for the neighboring property, and that lawn currently goes down all the way
68 to the water. Vice Chair Shyer asked if there are any photos on file. LUA Conroy agreed that photos
69 would be helpful, and Engineer Parsons affirmed that he could provide some.

70 LUA Conroy asked the Commission if the area between the house and the lake is the primary area of
71 concern, as opposed to the front of the house. The Commission agreed. The change in the rain garden
72 substituting big bluestem is not a concern either, and the Commission's preference would be for the
73 native sambuca.

74 Chair Klemens expressed concern that the presence of pines means that location is not a great place
75 for a lawn. He feels the other plan is better in that respect, and more natural. Vice Chair Shyer
76 expressed that she agrees with Chair Klemens' policy concerns, and feels the curve of the original
77 plan's lawn would better protect the lake. Chair Klemens reiterated his concern that this change is too
78 large of a departure from what was originally approved.

79 Alternate Allee asked for clarification on what the next steps would be. Chair Klemens followed up by
80 asking if the Planning and Zoning Commission requests changes, how does it affect the Inland
81 Wetlands and Watercourses Commission's decision. LUA Conroy said it doesn't affect their decision.

82 Engineer Parsons said they will take the concerns under advisement, get some photos of the areas of
83 interest, resubmit, and take a look at the next Planning and Zoning meeting. Chair Klemens reiterated
84 that photos of the existing landscape would be helpful. Mr. Mendelsohn asked Chair Klemens what he
85 would think of taking the original plan's lawn footprint amended with fewer herbaceous plants. Chair
86 Klemens said the most important aspect is diversity, and that there are many native shrubs that could
87 be added that could help with this.

88 Chair Klemens proposed the Commission table this application to the next meeting, pending more
89 information. He added that a site walk is possible, but not needed at the moment, and that IWWC will
90 see this before the next Planning and Zoning meeting. Chair Klemens asked if the same documents will
91 be sent to IWWC, which LUA Conroy confirmed.

92 4. Enforcement Updates:

93 a. Review of Reports of Potential Violations

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94 LUA Conroy explained that the Land Use Office has received about a dozen reports of potential
95 violations. Most of these were submitted with a universal form adopted in early 2022 for potential
96 violation reports. LUA Conroy then summarized the status of each report.

97 Two reports were received from one person against the Interlaken Inn. One was for loud music, the
98 other was for a non-fenced dumpster area with a bear issue. Chair Klemens asked if this was submitted
99 with a form, which LUA Conroy confirmed.

100 A report for a neon sign at 329 Main Street was resolved after a notice was sent.

101 A report was received for a shed extension erected at 22 Lincoln City Road without building or zoning
102 permits. LUA Conroy feels this is a good report to prioritize, as it involves two departments.

103 A report was received for a short-term rental at 12 Perry Street. LUA Conroy informed the Commission
104 that the Town Attorney suggested the Land Use Office not pursue this, and that it's better regulated by
105 ordinance. LUA Conroy added that rentals are discussed indirectly in the POCD, but could be discussed
106 more. Chair Klemens added that while the Land Use Office can't do much at this point, a complaint can
107 be filed with Airbnb. He added that the Selectmen aren't in favor of an ordinance, and that the subject
108 is something in flux that isn't going away anytime soon.

109 Two wetlands related complaints on Stateline Road were received. LUA Conroy Investigated one and
110 couldn't find evidence of the described violation.

111 A complaint about campers parked in a front yard on Main Street has been resolved.

112 Three complaints between neighbors on South Shore Road were received. Two of the complaints were
113 about a fence erected on one property, and the owner of the fence filed a complaint about an RV
114 parked on one of the other properties. LUA Conroy displayed the Zoning Regulations regarding fences
115 to the Commission, and showed that one neighbor took measurements showing parts of the fence
116 taller than eight feet. LUA Conroy also showed the submitted photos of the fence to the Commission,
117 which was reported to have one side finished nicer than the other. The property owners received a
118 building permit, but were not supposed to build the fence taller than eight feet. Chair Klemens stated
119 that he has received two other similar fence disputes, and asked if the Commission feels this sort of
120 complaint is a high priority. Chair Klemens also expressed that he feels the neighbors should talk to one
121 another instead of going to the Land Use Office. Alternate Allee agreed that this should not be a high
122 priority for the Commission. LUA Conroy explained that her interpretation of the regulations would
123 mean that both sides of the fence in question would be considered finished.

124 A report was received for a shed within five feet

125 of property line. LUA Conroy explained that this situation would require a Zoning Permit, and the Land
126 Use Office could write a letter asking the property owner to apply. Vice Chair Shyer stated that the
127 shed is actually gone now. She clarified that it's not her complaint, but she just happened to notice.

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128 A report was received about a campground at 230 Salmon Kill Road. The owner is no longer operating
129 the campground, however camping structures remain. The Land Use Office is working with Torrington
130 Area Health District to get the necessary permits.

131 A report was received about an extension of an approved business from 17 Railroad Street operating at
132 12 Indian Cave Road. The business is in the process of constructing a barn to house equipment at 17
133 Rail Road Street in accordance with the terms of their approval. LUA Conroy noted that progress on the
134 barn was delayed because there were back taxes on the property that had to be paid before barn
135 construction began. The report cited noise concerns related to landscaping equipment allegedly being
136 repaired/serviced in the garage of an abutting Salisbury Housing Trust property at 12 Indian Cave Road.
137 The Land Use Office engaged with the Housing Trust to address concerns. The ground lease prohibits
138 commercial businesses from operating on Housing Trust property. A letter was received from the
139 Housing Trust granting the property owner a grace period until September 15th to remove the
140 equipment or it will be considered a violation of the lease.

141 A verbal complaint was received about Salisbury Garden Center expanding onto a neighboring
142 property. LUA Conroy asked for a written Report of Potential Violation to be submitted.

143 Vice Chair Shyer asked if the Report of Potential Violation form has been helpful. LUA Conroy
144 confirmed that it has been, however people typically want to see immediate results. She added that
145 Land Use Technical Specialist Miles Todaro is helping the Land Use Office catch up, and by December
146 the Land Use Office will be in a better position to take on reports. Chair Klemens pointed out that
147 there's a legal process that needs to be followed, which contributes to a lack of immediate results. He
148 added that a cease-and-desist letter is not the goal, fixing the issue is the goal. Chair Klemens thanked
149 the Housing Trust for engaging with the ground lease.

150 Chair Klemens stated that enforcement is discretionary. The Commission isn't bound to follow up on
151 any report they don't think is a priority. He added that health and safety of the general public is of
152 higher priority than fence issues between neighbors. Vice Chair Shyer asked if LUA Conroy had what
153 she needed from the Commission regarding the reports, which LUA Conroy confirmed.

154 Chair Klemens stated that the situation on Indian Cave Road is slowly resolving itself, and the
155 campground issue has a lot of aspects that make it take longer. Alternate Schiffer suggested that when
156 responding to written reports, the letter shouldn't be dismissive, it should be empathic and matter of
157 fact. Chair Klemens suggested that a letter be drafted with this in mind, and perhaps be reviewed by
158 Alternate Schiffer.

159 5. POCD Update

160 Chair Klemens explained that the Land Use Office is hoping the Commission feels these chapters of the
161 POCD are fairly complete. Vice Chair Shyer expressed that she likes the POCD's title. LUA Conroy
162 explained that some chapters have been merged, and that each chapter now has just two sections
163 (Inventory and Assessment has been merged). She also explained that the infrastructure chapter will

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164 be incorporating data from multiple Town studies, including the Collier's Lakeville Study. Chair Klemens
165 explained that the Conservation Commission's review of the Agriculture and Natural Resources
166 sections will be the last of the Commission reviews.

167 LUA Conroy explained that each chapter starts with a short vision statement. She also explained that
168 Salisbury is supposed to consider the Regional and State goals when writing the POCD, and expressed
169 that they have been naturally aligning with Salisbury's POCD. Of the first goal on the NHCOC list,
170 Alternate Schiffer asked what NHCOC considers a young resident, and if that is really their number one
171 goal. LUA Conroy clarified that they're not in order of importance, and she doesn't know their
172 definition of young resident. Alternate Schiffer suggested that adjectives like "young" should be
173 defined. LUA Conroy clarified that she thinks it's relative, since the northwest corner has the oldest
174 relative population in the state. Chair Klemens added that it should be made known the goals are not
175 listed by priority. LUA Conroy suggested a disclaimer be added.

176 LUA Conroy stated that based on Salisbury records, the POCD seems to have historically not been the
177 guiding document it's supposed to be, and that there needs to be a vision for how Salisbury wants to
178 grow. She feels that sending the POCD drafts for review by other Commissions has helped accomplish
179 this. Chair Klemens agreed.

180 Vice Chair Shyer asked if it was true that over 50% of housing is second homeowners, and where she
181 may have heard that statistic. Secretary Whalen explained that that figure came from the Salisbury
182 Housing Trust, and it was 46%.

183 LUA Conroy explained that there is a lot of information in the affordable housing plan, so the Housing
184 chapter of the POCD covers what that doesn't. She added that the Housing chapter was used to
185 transition into the Vibrant Villages chapter, since the two are related.

186 LUA Conroy and Chair Klemens explained that they met with the Economic Development Commission,
187 and discussed what components are missing from Salisbury's villages. Chair Klemens considers
188 Salisbury to be hampered by parcel-by-parcel zoning and wants to look into larger scale planning. LUA
189 Conroy explained that this chapter also introduces some outcomes of the Collier's Study, but those
190 results will also be in the Infrastructure chapter. Chair Klemens added that there is some discussion of
191 the study outcomes in the Natural Resources chapter as well, however the bulk is in Infrastructure. He
192 added that although the Planning and Zoning Commission didn't think highly of the concept of a Town
193 brand, the Economic Development Committee was highly in favor, so it was included in the POCD.

194 LUA Conroy explained the Agriculture chapter has been updated and is going back to the Conservation
195 Commission for review. It has been heavily changed since the Planning and Zoning Commission last
196 saw it. Chair Klemens added that specific examples with named properties were originally going to be
197 removed, however the Conservation Commission wanted to keep some of them in. Vice Chair Shyer
198 asked what the Economic Development Committee thinks Salisbury's town brand could be. Chair

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199 Klemens clarified that they would like to explore the possibilities, and that they don't have one specific
200 idea in mind.

201 Vice Chair Shyer asked what the POCD timeline is like now. Chair Klemens explained that they'll receive
202 these chapters presented at the meeting plus Natural Resources next week. That will give the
203 Commission three weeks to review before the next meeting. He added that this will probably be the
204 last time the Commission sees these chapters before scheduling a public hearing.

205 6. Discussion Regarding Traffic Camera Legislation

206 LUA Conroy pointed out that the discussion of enforcement through traffic cameras is related to the
207 Collier's study. We need to think about the complexity of implementing traffic camera enforcement.
208 Secretary Whalen agreed that it would not be as simple as people think it is. LUA Conroy pointed out
209 that the maximum ticket price may not be enough to deter many people from speeding. She added
210 that it may not be enough to cover the cost of implementing the traffic camera system. Vice Chair
211 Shyer expressed that she thinks they can and do work, but maybe not as well in Connecticut as in
212 states like New York which has license points. Alternate Schiffer was surprised at the amount of town
213 staff time that would be required to implement traffic camera fines. Vice Chair Shyer added that the
214 work could be contracted out, and with careful management the cost could be offset by the fees
215 collected. Secretary Whalen pointed out that the Town would have to do a lot of legal work as well.
216 LUA Conroy also pointed out the substantial amount of reporting to the Connecticut Department of
217 Transportation that is required as well.

218 LUA Conroy asked how much emphasis the Commission wants to put on traffic cameras as opposed to
219 physical planning recommendations to calm traffic speed. Vice Chair Shyer said speed along 44 is a
220 critical issue, and traffic cameras are an option that should be pursued. Chair Klemens pointed out
221 that, since ordinances will be needed, it is something for the Governance Chapter. LUA Conroy
222 summarized that there's no consensus on how to deal with traffic speed. Chair Klemens suggested the
223 solution is likely a combination of strategies.

224 **Brief Items and Announcements – Continued**

225 1. Minutes of November 7, 2022
226 The Commission had no changes.
227 **Motion:** To approve the minutes of November 7, 2022.
228 Made by Shyer, seconded by Allee.
229 Vote: 4-0-1

230 2. Minutes of November 21, 2022
231 Line 122 – Replace "sold," with "sold."
232 Line 126 – Replace "correspondences" with "correspondence"
233 **Motion:** To approve the minutes of November 21, 2022 as amended.

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234 Made by Shyer, seconded by Whalen
235 Vote: 5-0-0

236 Minutes 3. – 13. were not available for the Commission to review, and were skipped.

237 14. Minutes of June 20, 2023

238 Line 80 – Add a space between “the” and “Cultecs”

239 Line 147 – Replace “the” with “June”

240 **Motion:** To approve the minutes of June 20, 2023 as amended.

241 Made by Shyer, seconded by Allee

242 Vote: 4-0-1

243 15. Minutes of July 17, 2023

244 Line 140 – Replace “parking, they” with “parking. They”

245 Line 76 – Add “had” before “been”

246 **Motion:** To approve the minutes of July 17, 2023 as amended.

247 Made by Shyer, seconded by Allee

248 Vote: 4-0-1

249 **Adjournment**

250 **Motion:** To adjourn the meeting.

251 Made by Shyer, seconded by Schiffer

252 5-0-0

253

254 Respectfully submitted,

255 Miles Todaro, Land Use Technical Specialist