

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**August 21st, 2023 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

**Members Present:**

Dr. Michael Klemens (Chair)  
Bob Riva (Regular Member)  
Allen Cockerline (Regular Member)  
Dr. Danella Schiffer (Alternate)  
Debra Allee (Alternate)

**Staff Present:**

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

**Members Absent:**

Cathy Shyer (Vice Chair)  
Martin Whalen (Secretary)

1

2 **Brief Items and Announcements**

3 1. Call to Order / Establish Quorum

4

5 Chair Klemens called the meeting to order at 6:33 PM. Commissioners Riva and Cockerline were  
6 present. Alternate Schiffer joined the meeting at 6:34 PM and was seated a voting Alternate.  
7 Vice Chair Shyer, Secretary Whalen, and Alternate Allee were not present.

8

9 2. Approval of Agenda

10

11 Chair Klemens announced two items of business to add to the agenda; The first was the draft  
12 Plan of Conservation and Development (POCD), and the other being a request from the  
13 Salisbury Association for a referral letter regarding land acquisition. The Chair recommended  
14 that they be added to the end after the minutes (items #23 and 24).

15

16 **Motion:** To approve agenda as amended.

17 Made by Cockerline seconded by Riva

18 Vote: 4-0-0

19

20 3. Report of Minor Site Plan Modification (Section 811) ZP-23-11 / 343 MS Restoration LLC  
21 (Colgan) / 343 Main Street / Relocate Handicap Ramp and Restore Front Porch / Map 45 / Lot  
22 26 /

23

24 LUA Conroy explained that historical documentation was provided showing that the building's  
25 ramp used to be a covered front porch. The owner would like to turn the access ramp back into  
26 a covered porch and move the ramp to the side of the building closer to the parking. LUA  
27 Conroy and Chair Klemens felt it would be appropriate to approve it as a minor site plan  
28 modification. The Commission had no questions.

29

30 **Public Comment**

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

34

35 There was no public comment.

36

37 Alternate Allee arrived at 6:40 PM, and was seated as voting Alternate.

38 The Commission decided to temporarily move ahead to “Brief Items and Announcements –  
39 Continued”

40

41 11. Minutes of December 12, 2022

42

43 The Commission had no comments.

44 **Motion:** To approve the Minutes of December 12, 2022

45 Made by Cockerline, seconded by Riva

46 Vote: 5-0-0

47

48 12. Minutes of December 19, 2022

49

50 The Commission had no comments.

51 **Motion:** To approve the Minutes of December 19, 2022

52 Made by Cockerline, seconded by Riva

53 Vote: 5-0-0

54

55 22. Minutes of July 31, 2023

56

57 Line 34 – Replace “bluestem,” with “bluestem;”

58 Line 124 – Delete the paragraph spacing and reconnect this line with the rest of the sentence.

59 Line 156 – Replace “,” with “;”

60 **Motion:** To approve the Minutes of July 31, 2023 as amended.

61 Made by Schiffer, seconded by Allee

62 Vote: 3-0-2 (Commission members Riva and Cockerline abstained)

63

64 **Public Hearing**

65 5. #2023-0221 / H + R Holdings LLC (Churchill) / 14 Main Street / Change of Use to

66 Professional Office and Special Permit for Parking Flexibility (Sections 800.4 & 703.8) / Map 54 /

67 Lot 17 – 1 / DOR: 07/17/2023/ *Possible Consideration*

68

69 Chair Klemens read the public hearing notice opening the hearing at 6:47 PM. Applicant Rafe  
70 Churchill and Casey Sunderland joined the meeting. Mr. Churchill explained their application,  
71 and showed the Commission a map of Main Street indicating 93 possible street-parking spaces

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72 near the property.

73

74 Alternate Schiffer asked if parking permission was obtained from LaBonne's. Mr. Churchill  
75 explained that they decided against that because permission can be temporary, and they feel  
76 the 93 street spaces is adequate. Chair Klemens asked if the applicant had proof of mailings for  
77 the Public Hearing Notices, and added that those should be brought to the Land Use Office. Mr.  
78 Churchill confirmed that notices were sent out, and listed the properties that they were sent to.  
79 He also agreed to give proof of mailing to the Land Use Office, but clarified that he did not have  
80 them on hand for the meeting. LUA Conroy confirmed that the properties Mr. Churchill listed  
81 are the abutting properties, and some extra properties that did not legally need to receive  
82 notice. Chair Klemens asked if the notices were sent Certified Mail Return Receipt Requested.  
83 Mr. Churchill said yes, but he did not have access to the receipts at the moment. Chair Klemens  
84 asked that the receipts be sent to LUA Conroy.

85

86 Mr. Churchill described his application for the hearing. He explained that he purchased the  
87 building and then discovered that there were no zoning records on file for the property. The  
88 building use was not established and there was no established parking. He explained that  
89 they're applying to establish the use of the building as office space. The application also  
90 includes establishing parking for the employees. There are three possible spaces on the  
91 property, with a dumpster currently occupying one of them. Chair Klemens asked if that space  
92 is in the greenspace along Main Street. Mr. Churchill clarified that it is located just to the right  
93 of the greenspace.

94

95 Mr. Churchill explained that they performed a parking study to determine where employees  
96 can legally park nearby, and 93 street parking spaces were found. This number was found based  
97 on real observations throughout a week. They found that at no point were all 93 spaces taken,  
98 however Sunday morning was the busiest. Chair Klemens asked for clarification on how many  
99 employees will be using spaces. Mr. Churchill answered that there will be 10-12 full-time  
100 employees, and added that clients will rarely visit and never on Sundays.

101

102 Chair Klemens asked what the building's use was before "Passports." Mr. Churchill responded  
103 that it was retail use. He added that Passports had office space for 6-7 people, even though it  
104 wasn't on record. Commissioner Cockerline asked how much of the employees' days are spent  
105 in the office. Mr. Churchill responded that they're in the office full time, so it will be 10-12  
106 people five days a week. Chair Klemens asked if they have given any thought to parking options  
107 off of Main Street, such as renting parking. He feels that 10-12 vehicles parked 9:00 AM - 5:00  
108 PM is a lot for Main Street. Mr. Churchill reiterated that he knows there were six to seven office  
109 spaces in Passports, since he removed the desks.

110

111 Alternate Allee expressed that she feels there is enough parking on Main Street for the  
112 business. She added that parking may become slightly less convenient, not impossible.

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113 Commissioner Riva said he's concerned about employees using spaces currently available to  
114 retail customers. He'd like to see the employees park further from retail businesses so  
115 customers are able to park close. Alternate Schiffer asked if the Commission can specify where  
116 employees can park, and how many can park there. Chair Klemens asked how that requirement  
117 could be enforced. Mr. Churchill suggested that he could ask the employees to use parking sites  
118 further away. Alternate Schiffer suggested that it could be a condition of approval. She would  
119 prefer to see it framed as informal assigned parking (if available), not just a suggestion.  
120 Commissioner Cockerline added that parking flexibility is subjective by nature, so he's not sure  
121 how it would be conditioned. Chair Klemens pointed out that the special permit for the  
122 firehouse restaurant in Lakeville, was conditioned so employees don't take parking close by.

123  
124 The Commission had no further questions. Chair Klemens opened the discussion to the public.  
125 There was no public comment.

126  
127 LUA Conroy noted that she did not receive the proper public hearing notice receipts. Chair  
128 Klemens added that he would like to refer this to the Economic Development Committee. Mr.  
129 Churchill asked what that would be for. Chair Klemens explained that they're an advisory body,  
130 and could provide input on the concept of creating a large office space in what has traditionally  
131 been a retail space. LUA Conroy clarified that they won't meet until after the next Planning &  
132 Zoning meeting. She added that if the Commission feels that the applicant meets the  
133 requirements of the Regulations, the Economic Development Committee's input would be  
134 about potential future applications. Alternate Schiffer asked Chair Klemens if he is suggesting  
135 restricting commercial use in favor of retail use. Chair Klemens said that Commissioner Riva had  
136 the same concern, and added that perhaps less retail space and more office space is the future.

137  
138 Mr. Churchill added that as a former chairperson of the Sharon Economic Development  
139 Committee he feels the number one goal is mixed use, which is exactly what their application is  
140 providing.

141  
142 LUA Conroy clarified that on advice of Town Counsel, the hearing could not be closed until the  
143 proof of notice has been provided.

144  
145 **Motion:** To continue the hearing to the next regularly scheduled meeting on September 18,  
146 2023.

147 Made by Cockerline, seconded by Riva

148 Vote: 5-0-0

149  
150 6. #2023-0224 / Colaric (Griffing/Timberland Custom Homes) / 67 Old CNE Road / Site Plan  
151 Application to Demolish Nonconforming Garage and Rebuild in Conforming Location, Parking  
152 Area and Utility Improvements in the Lake Protection Overlay District (Section 404) / Map 40 /  
153 Lot 30 / DOR: 08/21/2023 / *Reception and Possible Consideration*

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154 Property owner BJ Colaric joined the meeting at 7:23 PM to represent the proposal. LUA Conroy  
155 introduced the application. The applicant has received Torrington Area Health District (TAHD)  
156 approval to reconstruct a garage in a new location. The current garage does not meet zoning  
157 setback requirements, but the applicant would like to build the new garage in a conforming  
158 location. The property is located in the Lake Protection Overlay District. Chair Klemens asked  
159 what the difference in footprint is between the current and proposed garage. BJ Colaric  
160 explained that the new garage is larger but the plan eliminates a zoning non-conformity and  
161 overall reduces impervious surface coverage. LUA Conroy explained that given the unusual  
162 nature of this application relative to what the Commission usually sees, she wasn't sure if it  
163 would be sufficient information for a decision to be rendered. Chair Klemens and Commissioner  
164 Cockerline agreed that there was sufficient information presented. Commissioner Cockerline  
165 asked for clarification on the septic system. LUA Conroy pointed out the septic tank on the  
166 plans, and explained that TAHD had the applicant perform a B100A to show a code compliant  
167 reserve area. Alternate Schiffer asked if the driveways are delineated on the plan. LUA Conroy  
168 pointed them out to the Commission.

169  
170 Chair Klemens asked if the existing generator is fueled by propane. Mr. Colaric responded yes.  
171 Chair Klemens asked where the tank is. Mr. Colaric explained that the tank is on the north side  
172 of the house. Chair Klemens asked if the generator could be moved, since it is also in the  
173 noncompliant with regards to setbacks. Mr. Colaric replied that the generator was permitted  
174 and installed two years ago by Riga Construction. LUA Conroy explained that the Commission  
175 could ask that it be moved. Chair Klemens asked what would be involved in moving it. Mr.  
176 Colaric responded that it would involve digging new trenches and gas lines. Mr. Colaric also  
177 described where the gas lines and utilities are buried. Chair Klemens acknowledged that moving  
178 the generator was involved, and that it would be a hardship to move. Commissioner Cockerline  
179 said he views the generator as preexisting non-conforming. Alternate Schiffer said she feels the  
180 topic of the generator isn't relevant to the application. Chair Klemens pointed out that it is still  
181 within the Commission's right to ask that it be moved, so he feels they should be clear about it  
182 on the approval of this application. Commissioner's Allee, Schiffer, and Riva did not have a  
183 problem with allowing the generator to remain. Chair Klemens asked if the Commission would  
184 like to consider this application for potential approval.

185

186 **Motion:** To approve application #2023-0224 / Colaric (Griffing/Timberland Custom Homes) / 67  
187 Old CNE Road / Site Plan Application to Demolish Nonconforming Garage and Rebuild in  
188 Conforming Location, Parking Area and Utility Improvements in the Lake Protection Overlay  
189 District (Section 404) / Map 40 / Lot 30 / DOR: 08/21/2023 on the basis that:

- 190 1. demolition of the existing garage will eliminate a nonconformity with regard to
- 191 setbacks, and
- 192 2. the relocation of the garage will reduce impervious surface area in the Lake Protection
- 193 Overlay District by 1.3%.

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194 The Commission also recognizes the generator as preexisting nonconforming; moving it creates  
195 a hardship.

196 Made Cockerline, seconded Riva

197 Vote: 5-0-0

198

199 7. #2023-0223 / Indian Mountain School (Parsons) / 211 Indian Mountain Road / Site Plan  
200 Modification to Establish New Ropes Challenge Course (Section 800) / Map 01 / Lot 20 / DOR:  
201 08/21/2023 / *Reception and Possible Consideration*

202

203 Engineer Todd Parsons of Haley Ward and Cheryl Sleboda of Indian Mountain School joined the  
204 meeting at 7:40 PM. Chair Klemens explained that this application was approved by the Inland  
205 Wetlands and Watercourses Commission (IWWC). LUA Conroy clarified that the IWWC  
206 authorized an Agent Approval of the application.

207

208 Engineer Parsons described the application to the Commission as a ropes course structure  
209 made of seven telephone poles with guy-wires, with the ropes course strung between the  
210 poles. Minor clearing will be needed to install the guy-wires. The poles will be in an area that's  
211 already cleared, and installed with an auger to drill holes. Construction is estimated to take 5-7  
212 days.

213

214 Commissioner Riva asked if this in the same area as the original ropes course. Engineer Parsons  
215 replied that the original is further up the mountain and less accessible. This new course would  
216 be safer. Alternates Schiffer and Allee asked what a rope challenge is, and if it was like ziplining.  
217 Ian Doak, the installer, explained that participants climb through obstacles either by themselves  
218 or with a partner up at height. It's part of the physical education component of the school. The  
219 Commission had no further questions.

220

221 **Motion:** To approve application #2023-0223 /Indian Mountain School (Parsons) / 211 Indian  
222 Mountain Road / Site Plan Modification to Establish New Ropes Challenge Course (Section 800)  
223 / Map 01 / Lot 20 / DOR: 08/21/2023

224 Made by Cockerline, seconded by Riva

225 Vote: 5-0-0

226

227 **Pending Business**

228 8. #2021-0126 / 178 South Shore LLC (Lenard Engineering/Parsons) / 178 South Shore  
229 Road / Request to Modify Planting Plan in Connection with Approved Site Plan to Demolish and  
230 Build New a Single-Family Dwelling and Associated Site Improvements in the Lake Protection  
231 Overlay District (Section 404) / Map 60 / Lot 22 / DOR: 03/1/2021 / *Possible Consideration*

232

233 Chair Klemens explained that, since the plan had been modified to look more like the originally  
234 approved plan. LUA Conroy showed the Commission the photos of the property's existing

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235 conditions submitted by Engineer Parsons. Chair Klemens commented that he had thought  
236 there was more understory vegetation, but it's actually mostly lawn. He feels that it makes the  
237 restoration plan more important. Engineer Parsons is proposing a mix of predominantly native  
238 low maintenance flowering shrubs and trees. He also indicated that it has been approved by  
239 IWWC as a modification to the original planting plan, with no specific conditions. Chair Klemens  
240 expressed that he feels this plan is an improvement over the plan submitted at the last  
241 meeting, and is good enough. Alternate Schiffer asked for clarification on the non-natives in the  
242 plan. Engineer Parsons explained that there are hydrangeas and boxwoods around the  
243 foundation of the house, and some Norway spruce in the front and back yard. Chair Klemens  
244 pointed to the plans showing where those non-natives will be located. He reiterated that the  
245 main area of concern for the Commission at the last meeting was between the house and the  
246 lake.

247

248 **Motion:** To approve the modification for application #2021-0126 / 178 South Shore LLC (Lenard  
249 Engineering/Parsons) / 178 South Shore Road / Request to Modify Planting Plan in Connection  
250 with Approved Site Plan to Demolish and Build New a Single-Family Dwelling and Associated  
251 Site Improvements in the Lake Protection Overlay District (Section 404) / Map 60 / Lot 22 /  
252 DOR: 03/1/2021

253 Made by Cockerline seconded by Allee.

254 Vote: 5-0-0

255

256 9. #2023-0217 / Bendit (Allied Engineering) / 101 Taconic Road / Site Plan Review for a  
257 New Single-Family Dwelling, Septic and Well in the Lake Protection Overlay District (Section  
258 404) / Map 19 / Lot 11 / DOR: 05/01/2023 / Possible Consideration

259

260 Engineer George Johannesen joined the meeting at 8:01 PM. He pointed out the changes that  
261 were made in response to comments from the IWWC and the Town Engineer. He also explained  
262 that the application does not yet have IWWC approval or the final letter from the Town  
263 Engineer. The Commission continued the application to the next meeting. Chair Klemens  
264 explained that the Planning and Zoning Commission will be able to act on this application once  
265 IWWC approves it.

266

267 **Other Business**

268 10. #2021-0123 / Salisbury Housing Committee / 11 Holley Street / Minor Modification of  
269 Site Plan (Section 803.5) Associated with Special Permit to Construct 12-Unit Multifamily  
270 Dwelling in the PKSQ District and Aquifer Protection Area / Map 45 / Lot 2 / *Reception and*  
271 *Possible Consideration*

272

273 Jocelyn Ayer, Peter Halle, and Rocco Petitto joined the meeting at 8:05 PM.

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274 Alternate Schiffer asked if the Commission is allowed to consider an application if it's under  
275 litigation. Chair Klemens clarified that the litigation is over. They are proceeding as the Town  
276 Attorney has recommended, on the basis that this is minor modification of a site plan.  
277

278 Mr. Petitto showed the Commission the requested minor modifications including revised  
279 chimney height, alternative divided light windows, and eliminated building overhang over the  
280 driveway. Commissioner Cockerline and Chair Klemens both expressed that the overhang was  
281 something that they had been concerned about. Mr. Petitto added that they've begun to also  
282 modify the back of the building, to break up the visual mass. He pointed to the architectural  
283 plans that showed the modifications. Ms. Ayer noted that the change in chimney height was in  
284 response to concerns that they were too tall. Mr. Petitto also showed roughly how high the  
285 chimneys were before the changes. Chair Klemens noted that they appear to have been almost  
286 twice as high. Mr. Petitto noted where the overhang had been, and where they modified the  
287 back of the building to break up the mass. The Commission was shown information on the  
288 divided light "Marvin Ultimate" windows planned for the building. Ms. Ayer explained that the  
289 windows chosen are more energy efficient than true divided light windows, and still meet State  
290 Historic District standards. Chair Klemens clarified that the building does not need to meet  
291 those standards, but it will help it blend in with the surrounding buildings.  
292

293 **Motion:** It is the consensus of the Commission that this is a minor site plan modification.  
294 Made by Cockerline, seconded by Riva  
295 Vote: 5-0-0  
296

297 **Motion:** to approve a minor modification to the approved site plan associated with special  
298 permit #2021-0123 by the Salisbury Housing Committee, Inc to construct a 12-unit multifamily  
299 residential development in the PKSQ Overlay District and Aquifer Protection Overlay District in  
300 accordance with section 803.5 of the Salisbury Zoning Regulations. 11 Holley Street / Map 45 /  
301 Lot 2  
302 Made by Cockerline, seconded by Allee  
303 Vote: 5-0-0  
304

305 **Brief Items and Announcements – Continued**

306  
307 13. Minutes of January 17, 2023  
308 The Commission had no comments.

309 **Motion:** To approve the minutes of January 17, 2023.  
310 Made by Cockerline, seconded by Riva  
311 Vote: 5-0-0  
312



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313 14. Minutes of February 6, 2023

314 The Commission had no comments.

315 **Motion:** To approve the minutes of February 6, 2023.

316 Made by Cockerline, seconded by Riva

317 Vote: 5-0-0

318

319 Agenda items 15 – 21 were not available for the Commission to review, and were skipped.

320

321 23. Salisbury Association Letter

322

323 Dr. Klemens explained that John Landon asked the Commission for a letter supporting a Land  
324 acquisition by The Salisbury Association. The Land Use Office was not able to prepare a draft  
325 letter for the Commission to review, so Chair Klemens was hoping that the Commission would  
326 authorize him to write and send the letter. Commissioners Cockerline and Riva expressed  
327 support of Chair Klemens taking executive action in writing the letter.

328

329 **Motion:** The Commission agrees that Dr. Michael Klemens will write a letter in support of the  
330 Salisbury Association purchase of the Boyett parcel, due to its important natural features.

331 Made by Cockerline, seconded by Riva

332 Vote: 4-0-1 (Chair Klemens abstained)

333

334 24. POCD Discussion

335 The Commission agreed a Special Meeting was needed to discuss the POCD, and scheduled the  
336 meeting on August 29<sup>th</sup>, 6:00 PM.

337

338 **Motion:** To adjourn the meeting at 8:35 PM.

339 Made by Schiffer, seconded by Allee

340 Vote: 5-0-0