

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

March 20th, 2023 6:30PM

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 Dr. Danella Schiffer (Alternate)
7 Debra Allee (Alternate)

Members Absent:

Allen Cockerline (Regular Member)

Staff Present:

Abby Conroy, Land Use Administrator (LUA)

8
9 **Brief Items and Announcements**

10 1. Call to Order / Establish Quorum

11 Chairman Klemens called the meeting to order at 6:30PM. A quorum was established with four regular
12 members present (Michael Klemens, Cathy Shyer, Martin Whalen and Bob Riva). Alternates Danella
13 Schiffer and Debra Allee were also present.

14
15 Chairman Klemens proposed the following amendment:

16 Item #22: Move earlier after Item #16

17
18 2. Approval of Agenda

19 **Motion:** To approve Agenda as amended.

20 Made by Shyer, seconded by Riva.

21 Vote: 4-0-0 in favor.

22
23 3. Minutes of August 1, 2022 – pending

24 4. Minutes of August 15, 2022 – pending

25 5. Minutes of September 7, 2022 – pending

26 6. Minutes of September 19, 2022 – pending

27 7. Minutes of September 20, 2022 – pending

28 8. Minutes of October 4, 2022 – pending

29 9. Minutes of October 17, 2022 – pending

30 10. Minutes of November 7, 2022 - pending

31 11. Minutes of November 21, 2022 - pending

32 12. Minutes of December 12, 2022 - pending

33 13. Minutes of December 19, 2022 - pending

34 14. Minutes of January 17, 2023 - pending

35 15. Minutes of February 6, 2023 - pending

36 16. Minutes of February 21, 2023 - pending

37
38 **Pending Business**

39 22. #2023-0211 / American School for the Deaf (Allied Engineering) / 410 Twin Lakes Road / Site Plan
40 Modification for 818 SF Addition to Existing Staff Dormitory and Camp Kitchen in the LPOD (Section 404)
41 / DOR: 02/21/2023 Map 64 / Lot 8 / Possible Consideration of Modification

42
43 Executive Director (ED) Jeff Bravin joined the meeting to answer questions from the Commission.

44 Chairman Klemens asked if approval was received from Torrington Area Health District (TAHD), ED

45 Bravin replied no, TAHD was investigating a septic tank concern due to an increase in staff members, as
46 new state regulations have increased from thirty-five to fifty gallons per person, potentially requiring a

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47 septic tank expansion. Chairman Klemens asked if a report was received from the Fire Marshal. LUA
48 Conroy replied concurrence with the Fire Marshal could be received as part of the building permit
49 application when floor plans are finalized. Chairman Klemens explained without an approval letter from
50 TAHD the application remains incomplete, and recommended postponing to the next regular meeting
51 scheduled April 17th, 2023. All Commission members were in agreement.

52

53 Chairman Klemens appointed Alternate Debra Allee as voting member.

54

55 **Motion:** To continue application #2023-0211 / American School for the Deaf (Allied Engineering) / 410
56 Twin Lakes Road / Site Plan Modification for 818 SF Addition to Existing Staff Dormitory and Camp
57 Kitchen in the LPOD (Section 404) / on April 17th 2023 via Zoom.

58 Made by Whalen, seconded by Shyer.

59 Vote: 5-0-0 in favor.

60

61 **Presentation**

62 17. Salisbury Pathways Committee Update

63

64 Chris Williams, Chairman of the Salisbury Pathways Committee (SPC) joined the meeting to provide an
65 overview and timeline of recent plans. Mr. Williams shared that the SPC was formed in 2014 with the
66 intent to extend public walkways under Section 8-24 of municipal improvements. The SPC explored
67 concepts connecting Lakeville and Salisbury with sidewalks, and expanding a walkway from Sarum
68 Village to Lion's Head Trailhead. Mr. Williams presented a timeline and map to represent what SPC has
69 completed. Funding was received for the walkways between two villages, and one leg of connection has
70 been completed. Sidewalks on Library Street and Salmon Kill Road were revitalized. Mr. Williams
71 explained that SPC accepted a contractor bid to complete an evacuation route from Salisbury Central
72 School to the Firehouse, construction anticipated to begin in spring.

73

74 Mr. Williams shared that SPC hoped to receive a Transportation Rural Improvement Program (TRIP)
75 grant available through Northwest Hills Council of Governments (NHCOG), which required all anticipated
76 projects drawn up and engineering accomplished. The engineering process consisted of three phases:

77 Phase One: Completing the connection between the firehouse and newly installed sidewalk.

78 Phase Two: Constructing a connection between Sarum Village and the center of Salisbury.

79 Phase Three: Constructing a sidewalk on Lower Cobble Road.

80 Vice Chair Shyer asked where the Lower Cobble Road sidewalk will connect to, Mr. Williams replied a
81 connection can be made towards Sarum Village, the Railroad Ramble trailhead, and a sidewalk
82 anticipated to be constructed on Route 44 in the future, where the State would install a flashing beacon
83 crosswalk. Chairman Klemens asked if SPC has been in communication with Colliers Engineering who has
84 orchestrated a traffic study in Lakeville, Mr. Williams replied yes.

85

86 Engineer Dave Batista of Lenard Engineering joined the meeting and began a review of Phase One with
87 site plan drawings. Mr. Batista explained the magenta line represented a sidewalk recently completed in
88 2022, ending at Brook Street. The yellow line represented anticipated sidewalk construction, heading
89 west from Salisbury Central School to Brook Street. This addition would create a continuous sidewalk
90 from Salisbury Central School to Salisbury Village near Scoville Memorial Library.

91

92 Chairman Klemens asked if the Department of Public Works (DPW) will plow and maintain the sidewalks,

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93 Mr. Batista replied Connecticut Department of Transportation District #4 will require the town to
94 perform maintenance, instead of property owners. Chairman Williams replied the SPC will sign a
95 Management in Upkeep Agreement with the State of Connecticut. LUA Conroy asked if there are
96 additional street crossing areas proposed, Mr. Batista replied no. Vice Chair Shyer asked for the length of
97 the proposed sidewalk, and if the width differs from the previously constructed sidewalk, Mr. Batista
98 replied this reach is 2300-feet long, and is the same width at five feet across, meeting state
99 requirements. Alternate Allee mentioned a previous transportation engineer survey discovered an
100 existing sidewalk underneath the area in discussion. Chairman Williams confirmed there is a historic
101 gravel base walkway, originally utilized as a sidewalk which connected Salisbury and Lakeville villages,
102 and the proposed sidewalk will follow the same trail.

103
104 Chairman Klemens asked if a plan is established to replace trees with root systems intersecting the site.
105 Mr. Batista replied removal of large specimen trees will be avoided, and reviewed a more detailed
106 design plan which showed the sidewalk alignment moving around mature trees. There are a few sapling
107 trees located between pavement and property lines that will need to be removed. Chairman Klemens
108 asked if outreach to affected property owners has occurred, Mr. Batista replied no, but noted he has
109 communicated with First Selectman Curtis Rand about hosting a public meeting with neighbors to
110 discuss plans and individual details. Alternate Schiffer asked if land will be seized from property owners
111 to accomplish the sidewalks. Mr. Batista replied no, but temporary easements to work on private
112 property during construction may be required.

113
114 Engineer Dave Batista reviewed Phase Two of the engineering process with a site map. Pre-existing
115 sidewalks come up to a yellow line, which represents the proposed sidewalk, and will pick up and run
116 along the westerly side of the road, crossing over Conklin Street across Route 41 where there is ample
117 sight distance in both directions. Continued on the easterly side of the roadway, the sidewalk will run up
118 Cobble Road and connect with a pre-existing sidewalk in Sarum Village. Vice Chair Shyer asked for a
119 summary of construction costs and inquired what expenses will be covered by grant funding. Mr. Batista
120 replied a cost estimate for both Phase One and Two is close to one million dollars, and the TRIP grant will
121 cover all construction, but the Town is responsible to pay for design costs.

122
123 Commissioner Riva asked if a flashing crossing light will be installed west of Conklin Street, Mr. Batista
124 replied Connecticut Department of Transportation (DOT) has the jurisdiction to determine if one is
125 required, but personally believed it is not needed due to ample sight distance. Commissioner Riva asked
126 why pedestrian crossing does not occur in front of the White Hart Inn to avoid a second crosswalk across
127 Route 41. Chairman Klemens added that a sidewalk running through neighborhoods could be more
128 desirable than nearby cemetery grounds. Mr. Williams commented sidewalk additions on the cemetery
129 side would be non-disturbing to homeowners, as they have received negative feedback in the past
130 adding sidewalks to neighborhood areas. Commissioner Whalen added if the sidewalk is located on the
131 other side, a problem could occur on the corner near Sarum Village.

132
133 Member of the SPC Kathy Trahan joined the meeting and added there are several small streets that
134 come into Route 41 on the neighborhood side, which would require multiple additional crossings. Mr.
135 Batista explained more street trees and fence removals must be taken into consideration, and less
136 collateral damage would occur on the cemetery side. Chairman Klemens and Vice Chair Shyer expressed
137 further concern installing an additional crosswalk, Mr. Williams added it is up to the State of Connecticut
138 whether this design is up to standard.

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139 First Selectman Curtis Rand joined the meeting and provided recommendations to avoid the White Hart
140 Inn entrance due to high traffic, and explained a sidewalk could continue towards Sarum Village and pick
141 up on Grove Street, to eventually install sidewalks on both sides of the street.

142

143 Chairman Klemens and LUA Conroy will draft a conceptual letter of support to share with the SPC prior
144 to the grant application, as well as insert this progress and target dates into the new POCD for the fiscal
145 year. All Commission Members are in agreement of this plan.

146

147 **Other Business**

148 Chairman Klemens announced Other Business #18 be delayed due to time restraints before Public
149 Hearing at 7:45PM.

150

151 19. Minor Site Plan Modifications (Section 811)

152 a. #ZP23-14 / Interlaken Inn / 74 Interlaken / Lift in the Lobby of the Interlaken

153 b. #ZP23-? / Indian Mountain School / 204 Interlaken / Stone Dust Path Around Outdoor Recreation
154 Facilities

155

156 LUA Conroy reviewed #19a. was a modification of an existing building footprint. The Interlaken Inn
157 would like to install a lift in their lobby for accessibility. Section 811 of the Zoning Regulations permits
158 administrative approval for minor site plan modifications providing accessibility. Facilitating access to a
159 multi-story building for people who otherwise would not be able to take the stairs, qualified.

160

161 LUA Conroy reviewed #19b. a modification of the Indian Mountain School lower school campus to
162 construct a stone dust path around the outdoor recreational area. LUA Conroy considered this a
163 landscaping issue, approved administratively.

164

165 20. Temporary Zoning Permit

166 a. #ZP23-23 / Saint Martin of Tours Parish Corp / 80 Sharon Road / The Corner Food Pantry / Temporary
167 Zoning Permit for Philanthropic Use in the R20 Zone (Section 906) / Authorization by the Commission for
168 the Zoning Administrator to Issue Temporary Permit

169

170 LUA Conroy presented a site map and explained The Corner Food Pantry soup kitchen has been
171 operating without proper permits. The soup kitchen location where operations occur is on church
172 property, but they utilize parking on a separate parcel of land. LUA Conroy and Chairman Klemens met
173 with the directors to discuss future improvements and plans. To avoid disruption of food pantry
174 operations, this application is for a temporary zoning permit validating their use for six months while
175 pursuing the full special permit. The temporary permit can be renewed for an additional six months.
176 Chairman Klemens polled Commissioners, all are in agreement to issue this permit.

177

178 **Public Hearing – 7:45pm**

179 21. #2023-0209 / 343 MS Restoration LLC (Colgan) / 343 Main Street / Special Permit for Change of Use –
180 Multifamily, High Turnover Restaurant, Mixed Use Commercial, and a Use Rendering More than 30% of
181 the Lot Impervious (Sections 205.2, 209.2, 403.4) / Map 45 / Lot 26 / DOR:02/21/2023 / Open Hearing,
182 Possible Consideration

183

184 At 7:43PM, Alternate Allee recused herself and stepped down from panelist to attendee. Chairman

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185 Klemens seated Alternate Schiffer as voting member. The hearing opened at 7:47PM, Secretary Whalen
186 recited the legal notice. Bill Colgan of MS Restoration LLC joined the meeting to represent the
187 application. LUA Conroy presented a letter from Town Consulting Engineer Tom Grimaldi, which
188 provided commentary, questions, and a request to meet with Mr. Colgan’s engineer for further
189 discussion.

190
191 Mr. Colgan expressed frustration having received Engineer Grimaldi’s additional letter the day of
192 application, and reiterating that this occurred on his last application. He believed that this revised
193 proposal was up to standard. Mr. Colgan presented a revised plan proposal and explained the goal of
194 this project is to restore the property at 343 Main Street which consists of a building with a restaurant,
195 two apartments, and three derelict barns in the rear. Their plan is to restore the front building and
196 construct a high turnover dessert restaurant. Mr. Colgan recognized access to the rear parking area is
197 limited and shared by a neighboring dry-cleaning facility, so they chose to expand the driveway entrance
198 by demolishing a portion of the building in front. This will allow two cars width of space for vehicle
199 passing. The proposal has included twenty-one parking spaces and improved landscaping. Mr. Colgan
200 explained the two current apartments would be converted into four apartments, three 1-bedroom and
201 one 2-3 bedroom. The three non-conforming barns behind the building would be demolished and
202 replaced with a setback-conforming office building, utilized by a digital media company.

203
204 Chairman Klemens and Vice Chair Shyer expressed encouragement for this application to continue and
205 shared equal frustration over the delayed process. Chairman Klemens stated he and LUA Conroy will
206 meet with Engineer Grimaldi for discussion, and organize a time for Mr. Grimaldi and Mr. Colgan’s
207 engineer to meet directly, with a resolution anticipated before the next scheduled Commission meeting.
208 All Commissioner’s left their comments and questions for the upcoming meeting on April 3rd 2023.

209
210 Member of the public Janet Graaff joined the meeting and asked the Commission to consider a gesture
211 of goodwill to cover the expenses of the applicant’s further engineering costs. Chairman Klemens replied
212 this request would be precedent setting and is not a legal course of action. LUA Conroy noted that an
213 email correspondence dated March 16th 2023, from Barbara Douglas is on the website for public
214 viewing and will be presented at the next meeting.

215
216 **Motion:** To continue public hearing on April 3rd 2023, at 6:45PM via Zoom.
217 Made by Klemens, seconded by Riva.
218 Vote: 5-0-0 in favor.

219
220 **Other Business**

221 18. #2020-0188 / Lassy (Hackett) / 140 South Shore Road / Request for Site Plan Modification for
222 Driveway in the LPOD (Section 404) / Map 60 / Lot 14 / Possible Consideration

223
224 Engineer Pat Hackett joined the meeting to represent the application and present a modified site plan.
225 Engineer Hackett shared that the property owners would like to change the configuration of the
226 driveway to a loop, and use bituminous open gradation pavement in lieu of pavers, to be more
227 consistent and anticipate less maintenance. Chairman Klemens asked how much paving would be added,
228 and if additional “layer cake” designs will be included. Engineer Hackett replied there is ninety-two
229 additional square feet of porous pavement, and the extension will include additional filtration
230 underneath the surface. Secretary Whalen asked if stone pavers will still be in use, Engineer Hackett

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231 replied the entire surface will be porous, bituminous pavement with an open gradation, replacing the
232 stone pavers. There were no further comments or questions from the Commission.

233

234 **Motion:** To approve application #2020-0188 / Lassy (Hackett) / 140 South Shore Road / Request for Site
235 Plan Modification for Driveway in the LPOD (Section 404) / Map 60 / Lot 14 /.

236 Made by Whalen, seconded by Riva.

237 Vote: 5-0-0 in favor.

238

239 **New Business**

240 23. #2023-0212 / Saar (Capecelatro/Parsons) / 91 Preston Lane / Site Plan to demolish and Construct
241 New Single Family Dwelling and Associated Site Improvements in the LPOD (Section 404) / Map 64 / Lot
242 8 / DOR: 03/06/2023 / Reception and Possible Consideration

243

244 LUA Conroy presented an approval from the Inland Wetlands & Watercourses Commission,
245 accompanied by a letter from Town Consulting Engineer Tom Grimaldi. Todd Parsons of Haley Ward
246 Engineering and Attorney Mark Capecelatro joined the meeting to present a site plan, and shared
247 approval from Torrington Area Health District (TAHD). Mr. Parsons explained that the property is 0.48
248 acres in a R20 zone with a pre-existing, non-conforming dwelling, a septic system on a hill down one side
249 of the home, and well on the opposite side. The demolition plan included removal of the current home,
250 multiple trees, and erosion control mats installed below the septic system area. Mr. Parsons presented
251 the site plan which included a new dwelling shifted slightly to the south to achieve setback compliance,
252 and featured a deck, patio, new code compliant septic system, and erosion controls. Erosion controls
253 include permanent stormwater management and a turf reinforcement mat on the south side of the
254 property. Mr. Parsons explained a rain garden could not be utilized on a small property with close
255 proximity to a septic system. The planting plan features dense, no-mow grass to help mediate storm
256 water flow, and extensive planting beds along the lakeshore including sedges, flowers and junipers for
257 further stormwater management.

258

259 Chairman Klemens asked what material will be used for the driveway. Mr. Parsons replied gravel. Vice
260 Chair Shyer asked if the mature lake shore trees will be removed, Mr. Parsons replied only a few trees in
261 close proximity to the dwelling will be eliminated. Vice Chair Shyer asked if the owners intend to install a
262 garage in the future, Mr. Parsons replied no. Alternate Schiffer asked why the pre-existing septic system
263 is not being utilized for the new dwelling, Mr. Parsons replied the existing septic system must be moved
264 twenty-five feet from the home, and it is logical to pursue new construction, ensuring the system is up to
265 code. Vice Chair Shyer asked what the red area on the site map indicated, Mr. Parsons replied it
266 represents the temporary construction entrance. There were no further comments or questions from
267 the Commission.

268

269 **Motion:** To approve application #2023-0212 / Saar (Capecelatro/Parsons) / 91 Preston Lane / Site Plan to
270 demolish and Construct New Single Family Dwelling and Associated Site Improvements in the LPOD
271 (Section 404) / Map 64 / Lot 8 /.

272 Made by Riva, seconded by Whalen.

273 Vote: 5-0-0 in favor.

274

275 24. #2023-0213 / Hotchkiss School / 270 Sharon Road / Site Plan Modification to Convert Single
276 Family Faculty Housing to Contain Two Units / Map 06 / Lot 09 / DOR: 03/20/2023/ Reception and

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277 Possible Consideration

278

279 Chairman Klemens stated this business has been accepted by the Commission, but discussion is deferred
280 to an upcoming meeting on April 17th 2023.

281

282 25. #2023-0214 / Super Sumo Enterprises LLC (Little) /438 Lime Rock Road / Site Plan Approval for
283 Change of Use from Storage Building to Carpentry or Woodworking, Generator, Driveway and Parking
284 Improvements / Map 27 / Lot 9 / DOR: 03/20/2023 / Reception and Possible Consideration

285

286 Chairman Klemens stated this business has been accepted by the Commission, but discussion is deferred
287 to an upcoming meeting on April 17th 2023.

288

289 **Public Comment**

290 26. Public Comment is restricted to items that are neither on the agenda nor the subject of any pending
291 Planning & Zoning application or action and are limited to three minutes per person

292

293 **Adjournment**

294

295 **Motion:** To adjourn meeting at 8:50PM.

296 Made by Shyer, seconded by Allee.

297 Vote: 5-0-0 in favor.

298

299 Respectfully Submitted,

300 Erika Spino

301 Secretary of Minutes