

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**September 18th, 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)  
Bob Riva (Regular Member)  
Allen Cockerline (Regular Member)  
Dr. Danella Schiffer (Alternate)

**Staff Present:**

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

**Members Absent:**

Debra Allee (Alternate)

1 **Brief Items and Announcements**

2 1. Call to Order / Establish Quorum

3 Chair Klemens called the meeting to order at 6:30pm. Commissioner Allee was not present.

4 2. Approval of Agenda

5 Chair Klemens asked that a discussion about Lime Rock Catering and Events be added to the agenda  
6 after item 17.a.

7 **Motion:** To approve the agenda as amended.

8 Made by Riva, seconded by Cockerline

9 Vote: 5-0-0

10 3. Minutes of February 21, 2023

11 Vice Chair Shyer asked if everything was included in the list beginning on line 92. Land Use Technical  
12 Specialist (LUTS) Todaro confirmed, and stated that the list was copied from the slides shown in the  
13 meeting. Alternate Schiffer asked why Chair Klemens is sometimes referred to by "Dr. Klemens" and  
14 sometimes by "Chair Klemens" or "Chairman Klemens." LUTS Todaro responded that the minutes using  
15 "Dr. Klemens" are from when Chair Klemens wasn't serving as Chair. Otherwise, "Chair Klemens" is  
16 used in minutes.

17 **Motion:** To approve the minutes of February 21, 2023

18 Made by Cockerline, seconded by Whalen

19 Vote: 5-0-0

20 Agenda items 4-11 were skipped.

21 12. Public Comment - *Public Comment is restricted to items that are neither on the agenda nor the*  
22 *subject of any pending Planning & Zoning application or action and are limited to three minutes*  
23 *per person*

24 There was no public comment. The Commission returned to agenda item 10.

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25 10. Minutes of August 21, 2023

26 **Motion:** To approve the minutes of August 21, 2023

27 Made by Cockerline, seconded by Riva

28 Vote: 3-0-2

29 Commissioners Shyer and Whalen were not present at the 08/21/2023 meeting and abstained.

30 Agenda item 11 was skipped.

31 13. #2023-0221 / H + R Holdings LLC (Churchill) / 14 Main Street / Change of Use to Professional  
32 Office and Special Permit for Parking Flexibility (Sections 800.4 & 703.8) / Map 54 / Lot 17 – 1 /  
33 DOR: 07/17/2023/ Possible Consideration

34 Chair Klemens asked if the hearing was properly noticed. LUA Conroy confirmed this and showed the  
35 Commission the mailing receipts sent by the applicant. Vice Chair Shyer stated that she wasn't present  
36 at the first hearing, but has watched the recording. Chair Klemens chose to seat her. Chair Klemens  
37 asked if applicant Rafe Churchill had any additional information for the public hearing. LUA Conroy  
38 explained that there is presently an apartment in the building as well. Mr. Churchill joined the meeting  
39 at 6:48pm.

40 Mr. Churchill explained a letter which outlines the building permit history for the building, including  
41 inspections and Certificates of Occupancy (COs). Despite the lack of Zoning history, the building  
42 permits and COs include the language of "retail" and "office" so the use of the building is established  
43 on official record with the Building Department and approved in the form of a CO. A drawing by  
44 architect Elizabeth Slotnick also references existing office space on the second floor. LUA Conroy asked  
45 what the note on the drawing stated about Zoning. Mr. Churchill responded that there were no notes  
46 about Zoning. He added that the building record shows use as office/mercantile space is precedented  
47 and goes back 33 years. Chair Klemens asked for confirmation that there are COs but no zoning  
48 permits. LUA Conroy confirmed, and added that there are no Zoning signatures on the COs.

49 Chair Klemens asked for clarification on the apartment. Mr. Churchill explained that he's not sure  
50 which space was used as apartment space originally, but it was not used as such by the previous  
51 owner. He added that the previous owner used the building to support four businesses, including a  
52 staff of nine for office space and daily patrons. He reiterated that they're asking for 10-12 employees,  
53 which could be interpreted as less parking demand.

54 Commissioner Cockerline asked for clarification with regards to the availability of the three-year  
55 window for Zoning Issues. LUA Conroy explained that the protection only relates to the location of a  
56 structure with regards to setbacks, not use of the building. She added that the request for building  
57 code modification Elizabeth Slotnick made to the State of Connecticut included a note that her request  
58 was pending zoning approval. She added that this had been discussed with the applicant a few months

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59 ago. The applicant was informed that if they provided documentation of the use having been approved  
60 by the Commission, that would have been satisfactory. Otherwise, new applications would have to be  
61 made. The applicant instead chose to go forward with the application to establish an official use for the  
62 record. Chair Klemens asked if the letter submitted by Mr. Churchill functions as the required  
63 documentation. LUA Conroy clarified that the letter does not prove the use is preexisting non-  
64 conforming, but rather gives a history of the building to show the Commission that it has had  
65 comparable uses over the years and parking shouldn't be an issue. Mr. Churchill confirmed this  
66 intention.

67 Commissioner Cockerline commented that the building use seems well-established. LUA Conroy added  
68 that the question of parking flexibility is the primary concern. Several other similar commercial  
69 reactivations of buildings have occurred, and those applicants were required to pursue the appropriate  
70 parking permits.

71 Chair Klemens asked Mr. Churchill if he was able to find alternative parking for his employees that  
72 wasn't on Main Street. Mr. Churchill replied that he has not, and as he understands it the lot behind  
73 LaBonne's is not available to rent. He feels that the outlined parking on village streets is sufficient. His  
74 business' hours would not overlap with the Church or with the dinner rush of local restaurants.

75 Commissioner Riva expressed that he's still concerned about all-day parking impacting retail  
76 businesses.

77 Chair Klemens asked if Mr. Churchill spoke with Mary Obrien, owner of 1 Main Street about using her  
78 parking. Mr. Churchill feels that a rental parking arrangement would be temporary by nature and  
79 misrepresent the goals of the commission.

80 Alternate Schiffer asked Chair Klemens if he spoke with the Economic Development Committee (EDC).  
81 Chair Klemens confirmed that he did, but clarified that they spoke generally about the various building  
82 uses in town (residential, office, and retail). He added that EDC Chair Janet Graaff would like to discuss  
83 the possibility of two-hour parking limits.

84 Vice Chair Shyer acknowledged Mr. Churchill's concerns about entering into leases, and expressed that  
85 she still shares Commissioner Riva's concerns. She would prefer Mr. Churchill to confirm that his  
86 employees wouldn't all park on Main Street directly in front of the building. Mr. Churchill said that at  
87 his offices in Sharon they already make an effort to park farther away to not interfere with businesses,  
88 and they would do the same in Salisbury. Chair Klemens added that part of the approval for the Fern  
89 Restaurant was that they couldn't park within 500 feet of the restaurant. He also asked LUA Conroy  
90 what happens if the Commission doesn't approve parking flexibility on this application. LUA Conroy  
91 was not sure. She and Vice Chair Shyer then clarified that the Fern Restaurant parking restrictions were  
92 not 500ft, but rather an agreement that employees would not park in front of the restaurants on Ethan  
93 Allen Street.

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94 The Commission reviewed a letter with concerns submitted by Saint Johns Episcopal Church  
95 neighboring 14 Main Street.

96 Chair Klemens asked for an update regarding the dumpster on the property. Mr. Churchill explained  
97 that it's been moved to the back of the building, temporarily occupying one of the three on-site  
98 parking spaces.

99 Mr. Churchill responded to the letter. He explained that he did send them the previous Public Hearing  
100 notice and that he included the tracking information showing it was received. He added that the  
101 dumpster was not on Church property, and has been moved regardless. There are currently two  
102 available parking spaces.

103 The hearing was opened to public comment at 7:12pm. Lilly Rand joined the meeting and explained  
104 that she wanted to speak for the good things Mr. Churchill has done. Ms. Rand owns property in  
105 Sharon and lives in Salisbury, and feels Mr. Churchill revitalized Sharon during their time together on  
106 the Sharon Economic Development Commission.

107 EDC Chair Janet Graaff joined the meeting at 7:14pm. EDC Chair Graaff welcomed Mr. Churchill to the  
108 community, and explained that she will be speaking as a member of the public rather than a  
109 representative of the Committee. She had not yet had an opportunity to meet with the Committee.  
110 Ms. Graaff explained that she's never had any trouble parking in Salisbury, and believes that the town  
111 can currently handle the proposed parking increase from the application. She believes that it's very  
112 important that there is courtesy extended to the retail businesses with regards to parking for their  
113 daily clients. However, she also believes that if there were several more similarly sized businesses  
114 opening, then Salisbury would have a parking issue. Chair Klemens expressed that he agrees, and  
115 added that with this decision the Commission will be setting precedent. EDC Chair Graaff suggested  
116 that it could also be viewed as an application that currently works with regards to parking, but perhaps  
117 future similar applications won't. She believes the Commission should plan for the next steps and think  
118 about additional town parking. She reiterated that these are her personal views, not those of the  
119 committee. Chair Klemens reiterated that he's still concerned about the precedent it sets.

120 Secretary Whalen asked which land the Town could acquire for a parking lot. EDC Chair Graaff  
121 acknowledged that it could be a tricky task, and that it would require further consideration. She named  
122 one possibility in 41 Grove Street, which is used informally by White Hart employees. Chair Klemens  
123 suggested that if the parking area behind LaBonne's were straightened out, more parking could be  
124 acquired there. Vice Chair Shyer commented that the Grove Street property has been identified a  
125 number of times as a potential site for housing. She agrees with Chair Klemens about the parking area  
126 behind LaBonne's.

127 Builder Seth Churchill joined the meeting at 7:23pm and explained that Mr. Churchill is his brother but  
128 that doesn't necessarily influence his opinion about this application. He's had personal experience with

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129 existing buildings with similar parking concerns. He feels it's important to keep in mind that the  
130 building has been there over 100 years, and in essence has a right to the use of the village. New  
131 structures and businesses outside of the precedented uses are where the planning and regulation  
132 should come in. He believes that Rafe wants to comply with the off-site parking, and his business  
133 would bring in a lot of clientele to the community. He feels that this isn't setting a precedent, since the  
134 building already had a commercial use, even if it wasn't official. Builder Churchill went on to explain  
135 that when he was considering the firehouse, he struggled with parking because at that time the Town  
136 was considering the affordable housing within 500ft of the firehouse. He feels new buildings and new  
137 spaces in the community have the greatest impact. He feels that business instead should be welcomed  
138 into the existing structures. He reiterated that the building is old enough to have a right to the village,  
139 and that Mr. Churchill manages his business parking well in Sharon.

140 Robert Highsmith joined the meeting at 7:29pm, and explained that he's known Mr. Churchill for  
141 roughly decade. He was excited to see this application. Based on Mr. Churchill's businesses in Sharon,  
142 he believes Mr. Churchill will bring positive change and elevate the quality of the building. Mr.  
143 Highsmith also mentioned that as a resident of Main Street he has never had an issue with parking in  
144 town. Only at weekend events and on Sundays is parking ever an issue for him. He feels that if permits  
145 are denied based on parking now, when parking is not an issue, it'll discourage businesses from coming  
146 to town. Mr. Highsmith also commented that parking should be a long-term concern for the  
147 Commission, along with issues like EV charging stations. He added that expanding the sidewalk has  
148 helped some people walk to town instead of using their cars.

149 Chair Klemens announced to Ms. Rand that meeting attendees cannot use the Zoom chat function  
150 during a hearing, as it is not recorded on the record. He added that she may verbalize her comments  
151 for the record after Mr. Highsmith has finished.

152 Ms. Rand rejoined the meeting and apologized for using the chat to make comments. Chair Klemens  
153 explained that this Zoom feature has created a management problem for the Commission, and there  
154 was no need to apologize. Chair Klemens read her comments from the chat aloud for the record. Her  
155 comments communicated that Mr. Churchill has a viable business which Salisbury should be  
156 welcoming. She acknowledged that Zoning is important for parking, and asked why only for this  
157 building. Additionally, Ms. Rand commented that she felt it was unfair for the parking to be an issue if  
158 the building was already purchased and approved for building. LUA Conroy clarified that the title  
159 search company was notified that there were no Zoning Approvals on file, and any applicant would  
160 likely have to pursue permits through the Commission. Additionally, the Land Use Office has authorized  
161 Mr. Churchill to begin work on the windows and siding of the building, in an effort to help Mr. Churchill  
162 move his project along. LUA Conroy also explained that Salisbury had historically had an issue with  
163 building permits being issued without zoning approval. This has largely been curbed since the  
164 acquisition of online permitting. Chair Klemens read the second comment from Ms. Rand, which  
165 expressed that she feels it's unfair to set a precedent with a building that's already been purchased

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166 and approved. Ms. Rand responded that LUA Conroy answered this comment with her previous  
167 statement.

168 There were no further comments from the public.

169 Vice Chair Shyer asked for clarification regarding the apartment. Mr. Churchill responded that his  
170 business provides housing to employees relocating for work, and they also run an internship program  
171 that offers housing. Vice Chair Shyer asked if that means it doesn't add any parking pressure since the  
172 apartment will house employees. Mr. Churchill responded that this is correct. Chair Klemens asked if  
173 the application includes the presence of the accessory apartment. Mr. Churchill responded that it is  
174 not shown on the plans, but was included in an email to LUA Conroy and in the letters mailed to the  
175 abutters. Chair Klemens commented that there may need to be a condition on getting the accessory  
176 apartment properly documented. LUA Conroy commented that in the past similar apartments have  
177 been treated as single-family, and allowed under a Zoning Permit.

178 Commissioner Riva commented that if Mr. Churchill speaks to his employees about making sure their  
179 parking is conscientious of the retail businesses on the street, he would be okay with it. He also wanted  
180 to add to the record that he feels the Commission should talk to First Selectman Curtis Rand about  
181 adding a parking area to the town-owned land near the ski-jumps. He believes this area could be  
182 parking for local businesses. Chair Klemens asked LUA Conroy if this area included in the Colliers Study  
183 area for Salisbury. LUA Conroy suggested that this meeting's recorded be sent to Colliers.

184 Alternate Schiffer asked if the Commission has any recourse if retail business owners complain about  
185 the lack of parking after an approval of this application. Chair Klemens answered that there is no  
186 recourse after parking flexibility has been approved. Alternate Schiffer expressed that she is  
187 disappointed that Mr. Churchill didn't pursue other parking options. She also asked if it is possible that  
188 employees could move their cars during the workday to accommodate parking. Mr. Churchill explained  
189 that they'll be asking employees to park away from businesses to begin with. Chair Klemens added that  
190 he feels moving cars would not be practical from a business standpoint or from an enforcement  
191 standpoint. He feels that designating parking would be more practical. Alternate Schiffer concurred  
192 that she would like more specificity with regards to designating parking spaces to staff. Mr. Churchill  
193 explained that there are 12 spaces from the Church north on Route 44. If the church gets three, that  
194 leaves the exact number of spaces they need.

195 Commissioner Cockerline expressed that he is not in favor parking being designated. If parking  
196 flexibility is being granted, that just what it is. Vice Chair Shyer concurred, and expressed that she  
197 would not support a motion that designates parking.

198 There were no further comments from the public or the Commission.

199

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200 **Motion:** To close the public hearing at 7:51pm.

201 Made by Cockerline, seconded by Riva

202 Vote: 5-0-0

203 The Commission agreed that adequate information has been given to proceed with a potential  
204 approval. Chair Klemens commented that Vice Chair Shyer and Commissioner Cockerline were not in  
205 favor of designating parking spaces. Commissioner Riva expressed that he is also not in favor of  
206 designating parking. He also reiterated his support for a parking area on the Town-owned land near the  
207 ski jumps. Secretary Whalen expressed that has some concerns about parking, but is willing to accept  
208 what Mr. Churchill has promised. Therefore, he would not support designating parking.

209

210 **Motion:** To approve application #2023-0221 / H + R Holdings LLC (Churchill) / 14 Main Street / Change  
211 of Use to Professional Office and Special Permit for Parking Flexibility (Sections 800.4 & 703.8) / Map  
212 54 / Lot 17 –1 / DOR: 07/17/2023/

213 Made by Shyer, seconded by Riva

214 Vote: 5-0-0

215

216 14. #2023-0225 / Elbow Partners LLC (Allied Engineering) / 77 Beaver Dam Road / Special Permit for  
217 Detached Apartment on Single Family Residential Lot (Section 208) / Map 23 / Lot 07-1 / DOR:  
218 08/29/2023 / Open Hearing, Possible Consideration

219 Engineer Geroge Johannesen and Builder Seth Churchill joined the meeting. Secretary Whalen read the  
220 public hearing notice at 8:00pm. Chair Klemens asked LUA Conroy if the public hearing was properly  
221 noticed by the applicant. LUA Conroy confirmed and showed the receipts to the Commission. Engineer  
222 Johannesen explained the application for the public hearing. The proposal includes a single-family  
223 home and swimming pool/pool house at the rear of the lot, and a carriage house and future hay barn  
224 near the road. The proposed structures meet the Zoning Requirements and only require a Zoning  
225 Permit. An apartment is proposed above the carriage house, which requires a Special Permit. Chair  
226 Klemens commented that this means the only part of the plan to be discussed by the Commission is at  
227 the front of the lot. Engineer Johannesen confirmed and directed the Commission's attention to the  
228 plan showing the close up of the carriage house. Additionally, he pointed out that the architectural  
229 plans show the total living space in this building as 1585 sq ft, well within the maximum allowed.

230 Chair Klemens asked if Torrington Area Health District (TAHD) approvals have been obtained. Engineer  
231 Johannesen responded that they have not. He elaborated that approval is pending with TAHD  
232 Sanitarian Cathy Weber who has been away for two weeks. LUA Conroy commented that the Zoning

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233 Permit couldn't be issued until TAHD approval was granted, and Engineer Johannesen agreed. The  
234 Commission had no further questions.

235 Chair Klemens open up the Hearing to public comment at 8:09pm, and neighboring property owner  
236 Tad Floridis joined the meeting. He explained that lives on the property adjacent to 77 Beaver Dam  
237 Road on the east. Mr. Floridis commented that the wetlands in the center of the property often  
238 experience significant ponding, extending almost to the property lines on the east and west.  
239 Additionally, he's observed a swale/large pipe that comes close to the wetland and passes underneath  
240 his property, draining to the east. He wanted to know who owns/manages the swale, and how the  
241 proposed plans would affect water disposition and drainage on his property. Chair Klemens  
242 commented this is more a question for the Inland Wetlands and Watercourses Commission (IWWC).  
243 LUA Conroy pointed out that IWWC did not look at this application because all activity is occurring  
244 outside of the upland review area. Engineer Johannesen explained that the open culvert appears to be  
245 on Mr. Floridis's property. The proposed owners of 77 Beaver Dam Road are having an A-2 survey  
246 completed. He added that proposed owners are conscious of the wetness of the lot, and the concern is  
247 being heard. Chair Klemens added that this discussion is not within the jurisdiction of the Commission,  
248 and likely not within IWWC jurisdiction either. Mr. Floridis asked whose jurisdiction this matter would  
249 be under. Engineer Johannesen responded that it will be a Zoning Permit with the Land Use  
250 Department. Chair Klemens responded that there is no regulatory nexus for this specific concern. LUA  
251 Conroy responded that this is likely a civil concern. Mr. Floridis asked that presuming the culvert end is  
252 on his neighbor's property and issues with drainage occur, is that simply a civil issue between two  
253 neighbors. Chair Klemens confirmed, and suggested that Mr. Floridis discuss this issue with the  
254 Engineer, and if a satisfactory conclusion is not reached legal pursuits would be the next option.

255 Mr. Floridis also observed that there is a considerable ecosystem of fauna on this property, and asked  
256 if there was any environmental impact study on how the project will affect this ecosystem. Engineer  
257 Johannesen answered that the potential owners will be using the property for agriculture, and are  
258 keen on enhancing and promoting the natural state of the property. He explained that the property  
259 will mostly stay the same as it is now. Mr. Floridis asked if what was meant by agriculture could be  
260 clarified. Chair Klemens commented that this concern is far beyond the jurisdiction of the Commission,  
261 and suggested Mr. Floridis call Engineer Johannesen with this question.

262 Mr. Floridis asked if the accessory building could be separately sold sometime in the future. LUA  
263 Conroy confirmed that the property is large enough for a subdivision, but that would involve another  
264 public hearing that the neighbors would be notified of. Engineer Johannesen commented that the  
265 potential owners have no intention of subdivision. Chair Klemens clarified that regardless of intentions,  
266 the answer is that the property could be subdivided. He emphasized that a subdivision would require  
267 another public hearing, and the Commission would have more jurisdiction than just the accessory  
268 apartment.



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269 Lisa and Eric Chamberlain joined the meeting at 8:23pm. Ms. Chamberlain explained that they live on  
270 69 Beaver Dam Road, and would like clarification on where their property is in relation to the plans  
271 being displayed, and whether the carriage house and hay barn are separate buildings. Engineer  
272 Johannesen explained that the buildings are well beyond the required zoning setbacks and confirmed  
273 that the carriage house and hay barn are separate buildings. The hay barn is planned for more in the  
274 future, but Engineer Johannesen wanted to show it on the plan anyway. Engineer Johannesen pointed  
275 out on the plans where 69 Beaver Dam Road is located, explained the location of the future hay barn,  
276 carriage house, and septic system. Engineer Johannesen also provided the footprint size of the two  
277 buildings in question.

278 For future reference, Ms. Chamberlain asked how they might have been able to see the plans in  
279 advance. Chair Klemens commented that the notice explained that the plans are available to be  
280 examined during business hours in the Land Use Office. Ms. Chamberlain explained that they did not  
281 receive that information in the letter. LUA Conroy clarified that the letter provides information on how  
282 to join the meeting, and does not necessarily describe how to inspect the plans ahead of time. She  
283 added that since 2020, all application materials have been available on the Town Website. Ms.  
284 Chamberlain commented that the Town doesn't tell anybody that. Commissioner Cockerline explained  
285 that the public is informed via the newspaper, and that there are strict rules regarding the period in  
286 which it is noticed. Ms. Chamberlain commented that she was not aware of this, and expressed that it  
287 would be helpful in the future to know where that's available.

288 There was no further public comment.

289 **Motion:** To close the public hearing at 8:29pm

290 Made by Cockerline, seconded by Whalen

291 Vote: 5-0-0

292 **Motion:** To approve application #2023-0225 / Elbow Partners LLC (Allied Engineering) / 77 Beaver Dam  
293 Road / Special Permit for Detached Apartment on Single Family Residential Lot (Section 208) / Map 23  
294 / Lot 07-1 / DOR: 08/29/2023 /

295 Made by Cockerline, seconded by Riva

296 Vote: 5-0-0

297 **New Business**

298 15. #2023-0226 / Salisbury Housing Trust (Johannesen) / 17 Perry Street / Special Permit for New  
299 Construction Multifamily in the Multifamily Housing Overlay District (Section 405.3) / Map 47 /  
300 Lot 37 / DOR: 09/18/2023 / Reception, Consideration of Completeness, and Schedule Hearing

301 Engineer Johannesen commented that John Harney is also on this application. LUA Conroy clarified  
302 that Mr. Harney is not at the meeting. Engineer Johannesen described the subject property as a 28,314

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303 square foot parcel in the Multifamily Overlay District and Aquifer Protection Overlay District. The  
304 proposal is to build two single family affordable homes with required parking. Landscaping was added  
305 to shield the property from the neighbors.

306 Chair Klemens asked LUA Conroy when the meeting with the Salisbury Housing Trust occurred. LUA  
307 Conroy answered that it was roughly a year ago. Chair Klemens commented that at that meeting there  
308 was discussion about how to maximize the use of that land. He expressed concern that this application  
309 is not making the best use of the parcel. He asked if the plans preclude the additional use of the parcel.  
310 Engineer Johannesen responded that the plans are based on discussions with the Salisbury Housing  
311 Trust and Association, and he believes this is the most that can fit on the property given the existence  
312 of test wells in the back of the property. Chair Klemens asked if after the wells are gone could more be  
313 built on this property. Engineer Johannesen responded that he has not looked into that. Chair Klemens  
314 commented that given what was discussed with the Housing Trust he feels it's disappointing that the  
315 plans for this property couldn't include more housing. Engineer Johannesen responded that he could  
316 discuss the future possibility with the Housing Trust.

317 Chair Klemens asked where this application is in the 8-24 referral process. LUA Conroy responded that  
318 they haven't received one. Chair Klemens commented that 8-24 review will be necessary, and this  
319 question will be asked then.

320 Commissioner Cockerline asked for clarification on the life of the test wells. Engineer Johannesen  
321 explained that the site has been determined clean enough for housing, but the wells need to remain  
322 for a certain period of time. He was not sure of the exact period of time. Chair Klemens asked that  
323 Engineer Johannesen add a "phantom house" to the plans, showing what could be added after the life  
324 of the wells. Engineer Johannesen replied that he would discuss this with the Housing Trust. LUA  
325 Conroy commented that the 8-24 review considers whether or not affordable housing is supported by  
326 the POCD. The Commission is supposed to determine if the proposed design complies. Chair Klemens  
327 commented that given the location in the Multifamily Housing Overlay District, he would prefer to see  
328 the use of the property maximized. Vice Chair Shyer concurred. Engineer Johannesen commented that  
329 he'll get clarification on this topic before the public hearing.

330 The Commission deemed the application complete. Secretary Whalen asked LUA Conroy if the land  
331 needed to be turned over to the Salisbury Housing Trust first. LUA Conroy explained that the land  
332 owner authorized the application. Chair Klemens added that the Housing Trust has been authorized to  
333 seek approvals, and then the conveyance of land will be accompanied by an 8-24 review.

334 **Motion:** To accept application #2023-0226 / Salisbury Housing Trust (Johannesen) / 17 Perry Street /  
335 Special Permit for New Construction Multifamily in the Multifamily Housing Overlay District (Section  
336 405.3) / Map 47 / Lot 37 / DOR: 09/18/2023 / as complete and  
337 to set the public hearing date as October 16, 2023 at 6:45pm via Zoom.

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338 Made by Cockerline, seconded by Riva  
339 Vote: 5-0-0

340 **Other Business**

341 16. #ZP-23-47 / Karcheski / 22 Channel Road / Temporary Zoning Permit for Storage Building  
342 (Section 906) / Map 69 / Lot 05 / DOR: 05/10/2023 / Possible Grant of Extension

343 Chair Klemens explained that this agenda item involved extending a temporary zoning permit another  
344 six months. LUA Conroy explained that the applicants plan to apply in the spring to build the house that  
345 the storage building will be accessory to, but given the waterfront location they wanted the storage  
346 available for water-dependent recreational items this season. Commissioner Cockerline commented  
347 that this seems to be more of an administrative procedure.

348 **Motion:** To authorize the Zoning Official to extend an additional six months the temporary Zoning  
349 Permit #ZP-23-47 / Karcheski / 22 Channel Road / Temporary Zoning Permit for Storage Building  
350 (Section 906) / Map 69 / Lot 05 / DOR: 05/10/2023

351 Made by Cockerline, seconded by Riva  
352 Vote: 5-0-0

353 17. Enforcement and Reports of Potential Violation:

354 a. 497 Lime Rock Road - Lime Rock Park

355 Chair Klemens explained that a number of complaints from neighbors were received about the drifting  
356 event at Lime Rock Park. He added that one neighbor reported it to the State, as has a representative  
357 of Torrington Area Health District (TAHD). LUA Conroy commented that this issue does not seem to  
358 have any relation to Zoning. She added that she would have shared this issue with TAHD if it had not  
359 already been reported to them, and Sanitarian Weber witnessed the smoke from the drifting event and  
360 forwarded on the concern to the CT State DEEP. LUA Conroy added that there is no formal update  
361 otherwise.

362 Chair Klemens commented that while not a Zoning Issue, the Commission may remember that the  
363 former owner of Lime Rock Park promised to never hold a drifting event again at a public meeting. He  
364 speculated that this may be why the neighbors are upset, and added that he would like to speak to the  
365 current owner about this the next time the chance arises. While new owners are not bound by  
366 promises of the previous, he feels that this is not a good public relations decision by the current  
367 owners.

368 Alternate Schiffer asked if this is a permitted activity. Chair Klemens responded that it is permitted,  
369 given that it is accessory and incidental to a track for racing motor vehicles. Commissioner Cockerline  
370 commented that the general Zoning standards preamble highlights health and public safety. He

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

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371 speculated that if the smoke enters another property and is a known toxic pollutant, the Commission  
372 may have some standing. Chair Klemens replied that there may be some standing, but it depends on  
373 the response from CT State DEEP, the regulatory authority on air quality.

374 a.a. Lime Rock Catering and Events

375 Chair Klemens directed attention to a page on Lime Rock Park's website, which advertised their  
376 catering options. LUA Conroy explained that a Tent Permit application for a wedding came in on a  
377 Friday, the same weekend of the event. The Fire Marshal inspected the tent out of public safety  
378 concerns, but the event was not permitted under Zoning. LUA Conroy explained that this has happened  
379 other times this year. She added that she has discussed with the owner how events such as weddings  
380 would require special permits. Chair Klemens commented that this discussion could be a good segway  
381 to informally discuss the drifting concerns. He also asked who issues the tent permit. LUA Conroy  
382 answered that it is the Building Department, but the Fire Marshal reviews and inspects commercial  
383 tents. Chair Klemens emphasized the need to speak with the owner and acknowledged that applying  
384 for a special permit for every wedding would not be practical. He also suggested a general special  
385 permit that allows for a certain number of weddings each year could be used. Commissioner  
386 Cockerline supported the idea of a generalized special permit with limitations. Chair Klemens added  
387 that this would go to public hearing, which he predicts would be quite robust. He concluded that he  
388 and LUA Conroy will set up a meeting with the Lime Rock Park owner.

389 b. 167 Canaan Road - Salisbury Garden Center

390 Chair Klemens explained that it seems Salisbury Garden Center has expanded storage into an adjacent  
391 lot that they also own. This means they'll need to apply for a Special Permit for expanded use, with one  
392 of the conditions being that the lots are merged. He added that there cannot be an accessory use  
393 without a principal use. LUA Conroy explained that a potential notice of violation would be issued that  
394 would outline the options to remedy the violation. The Commission agreed with this course of action.

395 c. 12 Indian Cave Road - Brazzale

396 LUA Conroy reminded the Commission that the Land Use Office has been through the violation process  
397 with Nick Brazzale's property on Railroad Street. Complaints were received that repair activities were  
398 also occurring in the garage on the adjoining Indian Cave Road property. The Housing Trust  
399 investigated this issue, and noticed the owner about the violation of their ground lease. LUA Conroy  
400 commented that she communicated with John Harney of the Housing Trust about the issue, and he  
401 informed her that they're following up with the owner. Chair Klemens suggested that the Land Use  
402 Office request that John Harney provide a report by the next Planning and Zoning meeting. The  
403 Commission concurred with this suggestion.

404 11. Minutes of August 29, 2023

**SALISBURY PLANNING AND ZONING COMMISSION**  
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- 405 Line 49 – Replace “the that” with “that the”
- 406 Line 95 – Delete “would”
- 407 Line 98 – Add “asked” after “Klemens”
- 408 Line 121 – Replace the whole line with “Secretary Whalen had lost connection to the meeting.”
- 409 Line 143 – Replace “1” with “18”
- 410 Line 133 – Add “the” after “is”
- 411 Line 19 – Change “business” to “businesses”
- 412 **Motion:** To approve the minutes of August 29, 2023 as amended
- 413 Made by Cockerline, seconded by Riva
- 414 Vote: 5-0-0
- 415 **Adjournment**
- 416 **Motion:** To adjourn the meeting at 9:07pm
- 417 Made by Riva, seconded by Cockerline
- 418 Vote: 5-0-0
- 419
- 420 Respectfully Submitted,
- 421 Miles Todaro
- 422 Land Use Technical Specialist