

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

April 17th, 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 Allen Cockerline (Regular Member)
- 6 Bob Riva (Regular Member)
- 7 Danella Schiffer (Alternate)

Members Absent:

Debra Allee (Alternate)

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 three regular
12 Commission members present (Michael Klemens, Bob Riva and Allen Cockerline). Alternate Danella
13 Schiffer was also present.

14
15 2. Approval of Agenda

16 **Motion:** To approve Agenda.

17 Made by Cockerline, seconded by Riva.

18 Vote: 3-0-0 in favor.

19
20 Vice Chair Shyer and Secretary Whalen joined the meeting at 6:31PM.

21
22 3. Minutes of August 15, 2022

23 Vice Chair Shyer proposed the following amendment:

24 Line 230: Added "and" after "the map,"

25
26 Commissioner Riva recused himself from voting because he was not present at this meeting.

27
28 **Motion:** To approve Minutes of August 15, 2022 as amended.

29 Made by Cockerline, seconded by Shyer.

30 Vote: 4-0-0 with Riva recusing himself.

31
32 4. Minutes of September 7, 2022 – *pending*

33 5. Minutes of September 19, 2022 – *pending*

34 6. Minutes of September 20, 2022 – *pending*

35 7. Minutes of October 4, 2022 – *pending*

36 8. Minutes of October 17, 2022 – *pending*

37 9. Minutes of November 7, 2022 - *pending*

38 10. Minutes of November 21, 2022 - *pending*

39 11. Minutes of December 12, 2022 - *pending*

40 12. Minutes of December 19, 2022 - *pending*

41 13. Minutes of January 17, 2023 - *pending*

42 14. Minutes of February 6, 2023 - *pending*

43 15. Minutes of February 21, 2023 – *pending*

44 16. Minutes of March 20, 2023 – *pending*

45 17. Minutes of April 3, 2023 - *pending*

46

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47 **Public Comment**

48 18. Public Comment - Public Comment is restricted to items that are neither on the agenda nor the
49 subject of any pending Planning & Zoning application or action and are limited to three minutes per
50 person

51

52 **New Business**

53 20. #2023-0215 / Project Sage Inc (Hackett) / 13A Porter Street / Special Permit for a Use Rendering
54 More Than Thirty Percent (30%) of the Total Lot Area in Impervious Surfaces (Section 403.4c) / Map 45 /
55 Lot 39 / DOR: 04/17/2023/ *Consideration of Completeness and Schedule Hearing for 05/15/2023*

56

57 LUA Conroy introduced the application explaining that the property owner would like to improve the
58 parking area. The property is located in the Aquifer Protection Area and must meet all requirements.
59 Plans by Engineer Pat Hackett have been provided accompanied with a list of abutting property owners.

60

61 **Motion:** To schedule hearing for #2023-0215 / Project Sage Inc (Hackett) / 13A Porter Street / Special
62 Permit for a Use Rendering More Than Thirty Percent (30%) of the Total Lot Area in Impervious Surfaces
63 (Section 403.4c) / Map 45 / Lot 39 / on May 15, 2023 at 6:45PM via Zoom.

64 Made by Cockerline, seconded by Shyer.

65 Vote: 5-0-0 in favor.

66

67 21. #2023-0216 / Sheil (Churchill) / 63 Millerton Road / Site Plan for an Attached Accessory Apartment
68 (Section 208) / Map 45 / Lot 15 / DOR: 04/17/2023/ *Consideration of Completeness*

69

70 LUA Conroy explained that the applicant has received Torrington Area Health District (TAHD) approval,
71 but that no motion is required at this time. The property owner is looking to construct a carriage house
72 addition attached to the dwelling by a breezeway. The proposed addition consists of a downstairs garage
73 and complete apartment upstairs. LUA Conroy reviewed and shared photographs of the site, floorplans,
74 an erosion and sedimentation control plan, and a letter from the sewer department.

75

76 **Public Hearing – 6:45pm**

77 19. #2023-0209 / 343 MS Restoration LLC (Colgan) / 343 Main Street / Special Permit for Change of Use –
78 Multifamily, High Turnover Restaurant, Mixed Use Commercial, and a Use Rendering More than 30% of
79 the Lot Impervious (Sections 205.2, 209.2, 403.4) / Map 45 /Lot 26 / DOR:02/21/2023 / *Continue*
80 *Hearing, Possible Consideration*

81

82 The hearing continued at 6:45PM. Bill Colgan of MS Restoration LLC joined the meeting to represent the
83 application. Chairman Klemens shared correspondence from member of the public Barbara Douglas, and
84 reviewed additional letters from Mr. Colgan and Town Consulting Engineer Tom Grimaldi. There were no
85 further comments or questions from the Commission or public.

86

87 Commissioner Cockerline recused himself from voting because he was not present at a previous hearing.
88 Chairman Klemens seated Alternate Schiffer in his place.

89

90 **Motion:** To close the public hearing at 6:51PM.

91 Made by Riva, seconded by Whalen.

92 Vote: 5-0-0 in favor with Cockerline recusing himself.

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93 Mr. Colgan stepped down and returned to meeting attendees. Chairman Klemens and LUA Conroy
94 composed a formal resolution with conditions, and reviewed the draft with the Commission. Chairman
95 Klemens explained that Mr. Grimaldi deferred to the Commission to determine inspection requirements
96 by the Town Consulting Engineer. The Town Consulting Engineer is to be included as Town staff required
97 to attend a Pre-Construction Meeting. Alternate Schiffer commented that there are sufficient controls in
98 place to ensure the project is properly represented. All other Commission members are in agreement.
99 LUA Conroy suggested requesting a monthly report, with a set date scheduled each month. The
100 Commission agreed on the first day of each month.

101

102 For clarification, LUA Conroy explained if any changes are required in the future, the changes may be
103 referred to the Town Consulting Engineer. Additional anticipated site visits from the Town Consulting
104 Engineer must be paid for by the applicant. LUA Conroy can obtain a cost estimate from Engineer
105 Grimaldi, alongside dates for scheduling the Pre-Construction Meeting, when the escrow for that work is
106 anticipated to be received.

107

108 **Motion:**

109 To approve application #2023-0209 / 343 MS Restoration LLC (Colgan) / 343 Main Street / Special Permit
110 for Change of Use – Multifamily, High Turnover Restaurant, Mixed Use Commercial, and a Use Rendering
111 More than 30% of the Lot Impervious (Sections 205.2, 209.2, 403.4) / Map 45 / Lot 26 /.

112

113 Whereas, on February 21, 2023, 343 MS Restoration LLC filed its second application for Special Permit
114 under Sections 209.2 (Conversion of Existing Structure to Multi-Family Dwelling), 205.2 (Uses in C-20
115 Commercial Zone), and 403.4 (Uses Requiring a Special Permit in the Aquifer Protection Overlay District)
116 of the Town of Salisbury Planning and Zoning Regulations for the creation of a high-turnover restaurant,
117 four apartments, construction of a new multi-use Annex building and associated site improvements;

118

119 Whereas, on September 20, 2022 the Planning & Zoning Commission had denied, without prejudice, the
120 applicant's first application received May 16, 2022, citing that additional time was needed to make plan
121 modifications and addressing a variety of concerns, including but not limited to consistency between
122 plan sheets, parking, handicap access, and waste management;

123

124 Whereas, the site consists of a single parcel, Assessor's Map 45 Lot 26 (343 Main Street), located in the
125 C-20 Zone, Multi-family Housing Overlay District, and Aquifer Protection Overlay District;

126

127 Whereas, the site presently contains a principle building with a restaurant on the main floor and two
128 apartments upstairs, and three derelict barns which are located within the side yard setback, and
129 therefore are pre-existing non-conforming structures;

130

131 Whereas, the Application included a statement of proposed use, a plan set dated August 2022 consisting
132 of six plan sheets which included a survey, site development plans, related drawings and documents,
133 hydrograph report, precipitation and frequency report by Bodwell Engineering; preliminary floor plans
134 dated December, 19, 2022 for the proposed Annex building by Clapper Structural Engineering; existing
135 conditions and floor plans for the main building and barns; revised site plans dated April 3, 2023 by
136 Bodwell Engineering; and additional supporting documentation including but not limited to additional
137 renderings, and photographs;

138

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139 Whereas, the proposal is to continue the restaurant use in the form of a high turnover ice cream and
140 dessert take-out facility, and renovate the upper floor of the main building into four apartments, to
141 demolish the southwestern portion of the principle building for improved ingress/egress, construct a
142 new Annex building for office and/or mixed use fully conforming to Section 300.3 of the Salisbury Zoning
143 Regulations (Table of Dimensional Requirements – Rural Enterprise, Commercial and Industrial Zones),
144 and demolish the three derelict barns, thereby eliminating a non-conformity on this lot;

145
146 Whereas, the Commission held a public hearing on the matter on March 20, 2023, April 3, 2023, and
147 April 17, 2023;

148
149 Whereas this site will contain a mixture of residential, office, and retail uses, all desirable goals to
150 increase the vitality of Lakeville and in accordance with the Plan of Conservation and Development;
151 Whereas, the Commission encourages the adaptive reuse of buildings for housing and mixed use to add
152 to the vitality of Lakeville and the improvement of the aesthetic features of existing buildings, both of
153 which goals are satisfied by this application;

154
155 Whereas, the proposed building is in the C-20 zone where such uses are allowed;

156
157 Whereas, the Applicant has (in consultation with the Commission’s Consulting Engineer) revised the site
158 plans for consistency and to manage effectively stormwater on the site;

159
160 Whereas the Commission received written comments from a member of the public on March 16, 2023
161 requesting that the Commission review the application for completeness in regard to Section 800.3 of
162 the Zoning Regulations “Site Plan Application Requirements”;

163
164 Whereas, the Commission, has determined that Sections 800.3h and 800.3i can be addressed as
165 conditions of approval;

166
167 Whereas the Commission’s Consulting Engineer concurred on April 3, 2023 that the applicant has
168 addressed “all of our comments” and “take[s] no exception with the revised plan set” provided certain
169 standard conditions of approval are included in this resolution;

170
171 Whereas, the Commission finds that, with the conditions set forth below, the application satisfies the
172 requirements of the Zoning Regulations;

173
174 Now therefore be it resolved that, Special Permit #2023-0209 for multifamily, high turnover Restaurant,
175 mixed use Commercial, and a use rendering more than 30% of the lot impervious in the Aquifer
176 Protection Overlay District is approved, as the Applicant has taken necessary steps to minimize the
177 impacts of the use, stormwater, and impacts to the aquifer; and

178
179 Resolved that the special permit is approved with the following conditions:

180
181 The applicant shall provide details of the types and locations of exterior lighting, ensuring that they
182 conform to the “Dark Skies” design set forth in Section 702 of the Regulations, which limits light spillage
183 by having downward directed lighting. These shall be submitted to the Land Use Office prior to the
184 issuance of any zoning permits and certificate of occupancy.

185

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186 The applicant shall provide details of the types and locations of signage in compliance with Section 704
187 of the Zoning Regulations. These will be submitted to the Land Use Office prior to the issuance of any
188 zoning permits and certificate of occupancy.

189
190 On Sheet 4 of 6 revised April 3, 2023 by Bodwell Engineering, the Zoning Table shall be revised to reflect
191 that the property is also in the Multi-Family Housing Overlay District

192
193 The Land Surveyor of Record shall stake the northerly and southerly property lines prior to the
194 installation of the Construction Fencing.

195
196 The Bond for the Erosion & Sedimentation Control Measures shall be set at \$8,500.00. The bond includes
197 maintenance costs throughout the project duration and the required 10% for the inflation factor per
198 Article VIII of the Town of Salisbury Planning & Zoning Regulation, Section 810 Bond. The Bond shall be a
199 cash bond and submitted to the Town of Salisbury Land Use Director prior to the commencement of any
200 construction.

201
202 A Pre-Construction Meeting with Town staff and Town Consulting Engineer is required prior to the start
203 of construction to inspect E & S control measures and to discuss construction sequencing/phasing. The
204 Design Engineer, Site Contractor, and property owner shall be present at this meeting.

205
206 The Design Engineer will inspect all phases of the site work and shall provide written correspondence on
207 the first day of each month to the Land Use Director indicating general progress and the completion of
208 and permanent stabilization of each project phase.

209
210 The Owner/Developer/Contractor shall add erosion and sedimentation control measures as deemed
211 necessary by the Town of Salisbury staff and/or Consulting Town Engineer.

212
213 All erosion and sedimentation control measures shall be maintained by the Site Contractor and shall
214 remain in place until a permanent vegetative cover is established (70% turf establishment).

215
216 The applicant shall be required to obtain a State of Connecticut Department of Transportation
217 Encroachment Permit for modification of the existing curb cut and to enter the State Highway to extend
218 the water and sewer service laterals for the proposed building. *This shall be obtained prior to issuance of*
219 *a zoning permit.*

220
221 As the local municipal water utility company (Aquarion) may require a more detailed plan/profile for the
222 extension of the water service lateral to the Annex Building, the applicant is responsible for contacting
223 Aquarion and meeting their requirements.

224
225 Any modifications to the approved plan set due to review by the State of Connecticut Department of
226 Transportation and/or one of the local utility companies shall be submitted to the Town of Salisbury

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227 Land Use Director made part of the file for this project.

228

229 An As-Built Site Improvement and Grading Plan, prepared by a State of Connecticut Registered Land
230 Surveyor, shall be submitted to the Land Use Director after all of the site work is completed, and prior to
231 requesting a final sign-off from the Land Use Director and/or a Certificate of Occupancy. The As-Built
232 must include the information required by Section 910.2 of the Zoning Regulations.

233

234 Prior to requesting a final sign-off from the Land Use Director and a Certificate of Occupancy, the design
235 engineer shall provide a letter to the Land Use Director indicating that all improvements including
236 stormwater and drainage systems have been installed and are functioning as designed.

237

238 A final site inspection shall be completed by the Land Use Director and the Consulting Town Engineer
239 prior to requesting the release of the Erosion & Sedimentation Control Bond and/or a Certificate of
240 Occupancy.

241 Made by Shyer, seconded by Riva.

242 Vote: 5-0-0 in favor.

243

244 **Other Business**

245 22. Plan of Conservation and Development Draft Review / Chapters 1, 2, 7 & 8 / Discussion of
246 Referral

247

248 Chairman Klemens introduced a draft of the Plan of Conservation and Development (POCD) to receive
249 comments and corrections from the Commission. After editing, the POCD will be sent to the Affordable
250 Housing Commission (AHC) for review of Chapter 2, and the Inland Wetlands & Watercourses
251 Commission (IWWC) for review of Chapters 7-8. The meetings to receive feedback from these
252 Commissions have been scheduled. Alternate Schiffer asked for the Plan's target audience. Chairman
253 Klemens replied this document should be used as an informative guide for the Town's elected officials
254 and staff. LUA Conroy added the initial target audience is for those governing the community, but also
255 for the public to utilize as well.

256

257 The Commission reviewed Chapter 1: Introduction. On Line 76, Vice Chair Shyer asked for a definition of
258 "sustaining diversity". Commissioner Cockerline replied this is inclusive to economic, cultural and ethnic
259 diversity. On Line 76, LUA Conroy changed "development with a focus on sustaining diversity" to "focus
260 on quality of life, economic stability and sustaining diversity".

261

262 Vice Chair Shyer mentioned a bar graph on Page 5, the percentage of Connecticut youth is described at
263 23%, but should be 25%. LUA Conroy responded the housing profiles for these graphs are outdated, and
264 she will investigate updated figures for more accurate data. Alternate Schiffer mentioned the bar graph
265 colors are difficult to distinguish and would find benefit changing to alternating colors. LUA Conroy
266 replied the bar graphs could be recreated to accommodate this request. Vice Chair Shyer noted a chart
267 on Page 9, the data for "Population Change in Past 3 Years" showed population numbers that differed
268 from what the census published for Salisbury, Litchfield County and Connecticut in 2020. LUA Conroy
269 replied the source came from the Connecticut Department of Health, and census information was not
270 released when this chart was created, another instance of needing to obtain updated data.

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271 The Commission reviewed Chapter 2: Housing. Commissioner Cockerline commented this section was
272 concise with proper attention to detail. LUA Conroy shared that this section was not completely
273 rewritten, but it is a solid document for future reference when trying to define the impediments for
274 housing. Alternate Schiffer recommended softening the language in places where she felt the message
275 could be misconstrued or inflammatory.

276
277 Chairman Klemens reviewed section "C: Strategies" within the Chapter and explained this portion was
278 added after discussions with Jennifer Clark, Chairman of the AHC, to identify recent complications. LUA
279 Conroy suggested that since the underlying zoning map amendment, overlays should be reviewed.
280 Water, sewer, and other infrastructure should be ascertained to facilitate housing proposals. LUA Conroy
281 added current Regulations consider two-family dwellings to be multi-family. Chairman Klemens
282 suggested adding in an additional Item #3 to explore defining and permitting two-family dwellings.

283
284 Alternate Schiffer mentioned suggested verbiage that the amount of affordable housing should be
285 maximized on the Pope property. LUA Conroy questioned what infrastructure improvements need to be
286 made, alongside how this project will be funded altogether. Chairman Klemens suggested discussing the
287 concept of infrastructure and budget with Debbie Lawlor of Colliers Engineering. Commissioner
288 Cockerline asked if a suggestive statement about maximizing affordable units could be inserted rather
289 than definitive. Vice Chair Shyer suggested adding "Affordable housing should be the primary driver for
290 the development of the Pope property."

291
292 The Commission reviewed Chapter 7: Agriculture. Vice Chair Shyer complimented the detail and effort
293 Commissioner Cockerline put into composing this Chapter. Chairman Klemens suggested adding
294 formatting to match previous Chapters. LUA Conroy responded that consistency and point-of-view
295 within the POCD document needs further adjustments and asked the Commission if they have a
296 structural preference for easier reading. Commissioner Cockerline mentioned he prefers bullet points,
297 Vice Chair Shyer added bullet points can be effective but would prefer if Chapter 7 remained in
298 paragraph structure. Vice Chair Shyer asked for examples of farm accessory uses that are not currently
299 listed. Commissioner Cockerline replied pop-up dinners or events, day camp, farm animal sanctuaries,
300 etcetera, as production farming becomes less of a business in Town.

301
302 The Commission reviewed Chapter 8: Natural Resources, Wetlands and Conservation. Vice Chair Shyer
303 commented she was not aware that this Commission and the Inland Wetlands & Watercourses
304 Commission could host an annual meeting. Alternate Schiffer asked if "all plantings should be native
305 species" referred to buffers that are privately owned. Chairman Klemens replied when a buffer plan is
306 approved, reliable cultivars should not be used. LUA Conroy suggested adding "plans approved by Town
307 Land Use Commissions" after "planting".

308
309 LUA Conroy mentioned the Lake Protection Overlay District (LPOD) topic in this Chapter should be
310 expanded, Chairman Klemens agreed. Alternate Schiffer suggested including verbiage to specify the
311 Town's priority to combat invasive species. Commissioner Cockerline believed a benefit to the Town
312 would be to compose a manual on identifying and controlling invasive species to share with Town crews.
313 LUA Conroy supported this comment and reiterated the target strategy for this chapter could be
314 informing Public Works of invasive species and priority management.

315
316 The Commission concluded review of Chapters 1, 2, 7 & 8. Vice Chair Shyer asked how the POCD

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317 document will be disseminated throughout the community, Chairman Klemens replied through PDF form
318 on the internet or a newsletter. Secretary Whalen added this PDF will be uploaded to the Town's
319 website. Chairman Klemens stated Commission members could access the document for further
320 corrections, but a deadline for edits was set for Thursday, April 20th.

321

322 **Adjournment**

323

324 **Motion:** To adjourn meeting at 9:16PM.

325 Made by Shyer, seconded by Cockerline.

326 Vote: 5-0-0 in favor.

327 Respectfully Submitted,

328 Erika Spino

329 Secretary of Minutes