

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

December 4th, 2023 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

- 2 Dr. Michael Klemens (Chairman)
- 3 Cathy Shyer (Vice Chair)
- 4 Allen Cockerline (Regular Member)
- 5 Bob Riva (Regular Member)
- 6 Danella Schiffer (Alternate Member)
- 7 Beth Wells (Alternate Member)
- 8 Martin Whalen (Secretary)

Staff Present:

- Abby Conroy, Land Use Director (LUD)
- Miles Todaro, Land Use Technical Specialist (LUTS)

9
10 **Brief Items and Announcements**

11 1. Call to Order / Establish Quorum

12 Chairman Klemens called the meeting to order at 5:30PM. A quorum was established with four regular
13 members present (Dr. Michael Klemens, Cathy Shyer, Bob Riva and Allen Cockerline). Alternates Dr.
14 Danella Schiffer and Beth Wells were also present.

15
16 2. Approval of Agenda

17 **Motion:** To approve Agenda.

18 Made by Cockerline, seconded by Riva.

19 Vote: 4-0-0 in favor.

20
21 Chairman Klemens seated Alternate Member Schiffer as a voting member.

22
23 3. Election of Officers

24 Chairman Klemens introduced Alternate Member Schiffer to assist with the Election of Officers.

25 Alternate Member Schiffer shared that she had contacted each officer to ask if they wished to serve
26 another term. Chairman Klemens, Vice Chair Shyer, and Secretary Whalen all replied yes and are eager
27 to serve. Alternate Member Schiffer also contacted the remaining Commissioners to ascertain if they
28 wished to be considered for an Officer slot. Commissioners Riva and Cockerline replied no.

29
30 Chairman Klemens recused himself from voting.

31
32 **Motion:** To nominate the full slate of officers, Dr. Michael Klemens as Chair, Cathy Shyer as Vice Chair,
33 and Martin Whalen as Secretary.

34 Made by Cockerline, seconded by Riva.

35 Vote: 4-0-0 in favor, with Chairman Klemens recusing himself.

36
37 4. Minutes of April 17, 2023

38 Alternate Member Schiffer proposed the following amendment:

39 Line 121: Remove “-ing” from “addressing”

40 Line 305: Replace “referred” with “referring”

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41 Line 306: Replace “reliable” with “varietal”

42

43 Vice Chair Shyer proposed the following amendment:

44 Line 227: Add “and” after “Use Administrator”

45 Line 304: Add “joint” after “an annual”

46 Chairman Klemens recused himself from voting as he did not review the minutes.

47

48 **Motion:** To approve Minutes of April 17, 2023 as amended.

49 Made by Cockerline, seconded by Riva.

50 Vote: 4-0-0 in favor, with Chairman Klemens recusing himself.

51

52 5. Minutes of May 1, 2023

53 Chairman Klemens recused himself from voting as he did not review the minutes.

54

55 **Motion:** To approve Minutes of May 1, 2023.

56 Made by Cockerline, seconded by Shyer.

57 Vote: 4-0-0 in favor, with Chairman Klemens recusing himself.

58

59 6. Minutes of October 30, 2023

60 Vice Chair Shyer proposed the following amendment:

61 Line 325: Add “on” after “taking action”

62 Line 326: Remove “meeting”

63

64 **Motion:** To approve Minutes of October 30, 2023.

65 Made by Cockerline, seconded by Riva.

66 Vote: 4-0-0 in favor, with Chairman Klemens recusing himself.

67

68 7. Minutes of November 20, 2023 - *pending*

69

70 **Public Comment**

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

73

74 There was no public comment.

75

76 **Pending Business**

77 9. #2023-0233 / Hotchkiss School (Hanecak) / Site Plan Modification for Dining Hall Renovations / Map 6
78 / Lot 8 / DOR: 10/30/2023 / *Pending Town Consulting Engineer Review, Possible Consideration*

79

80 Commissioner Cockerline recused himself from voting. Director of Facilities (DOF) at Hotchkiss School

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81 John Bryant joined the meeting to represent the application. The Commissioners reviewed a letter from
82 Consulting Town Engineer Tom Grimaldi dated November 30, 2023. LUD Conroy explained one of the
83 comments where Engineer Grimaldi requested to observe additional deep pit testing. DOF Bryant asked
84 if the deep pit test must be completed before the next meeting. LUD Conroy replied yes, testing is
85 required beforehand because if soil quality is poor, the design must be changed. DOF Bryant introduced
86 engineer Charles Croce, and architects Richard Salopek and Marc Sklenka for discussion. The design
87 team indicated they do not have questions regarding this review and will address concerns quickly.
88 Pending the completion of this requirement, the applicant will return at the next regular meeting on
89 December 18, 2023, or January 2, 2024.

90

91 **New Business**

92 10. #2023-0236 / 327 Main ST Lakeville LLC (Pinnacle Peak Inc – Nettleton) / Site Plan Application for
93 Change of Use from Low Turnover Restaurant to Professional Office and Apartment / Map 49 / Lot 33 /
94 DOR: 11/20/2023 / *Possible Consideration*

95

96 Chairman Klemens identified the subject property as a business, the Klemm Real Estate Office. The
97 property owner has requested a change of use and asked to renovate the front steps. Chairman Klemens
98 and LUD Conroy agreed that since the new steps are within the footprint of the old steps, reconstruction
99 may proceed. Property Owner Graham Klemm joined the meeting to represent the application.

100

101 Upon review of the property's use, LUD Conroy noted the last Zoning use on file was for a "Low Turnover
102 Restaurant." Therefore, the ongoing use for business was not permitted and this application is intended
103 to remedy that. LUD Conroy explained no parking issues have been documented in the past three years,
104 the structure is not within the historic district, and a survey is on file at the Town Clerk's office. LUD
105 Conroy shared the site plan, which was submitted for change from "Restaurant" to a less intensive use of
106 "Office." There is also an apartment in the building. LUD Conroy shared the calculations for parking
107 needs based on 1,300 square feet of office use and two additional parking spaces for the apartment.
108 Chairman Klemens asked if there are any accessibility issues on the property. Mr. Klemm replied a
109 handicapped ramp is present. There were no further questions from the Commission.

110

111 **Motion:** To approve #2023-0236 / 327 Main ST Lakeville LLC (Pinnacle Peak Inc – Nettleton) / Site Plan
112 Application for Change of Use from Low Turnover Restaurant to Professional Office and Apartment /
113 Map 49 / Lot 33

114 Made by Riva, seconded by Shyer.

115 Vote: 5-0-0 in favor.

116

117 **Other Business**

118 11. Plan of Conservation and Development - Draft Chapter 4 Review

119

120 Chairman Klemens introduced the Draft Chapter 4 Review of the Plan of Conservation and Development

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121 (POCD). Chairman Klemens explained the process of developing the majority of Chapters, which involved
122 interacting with each topic's relevant Commissions. Chapter 4: Governance, Administration and
123 Comprehensive Planning does not have a Commission for guidance, so Comptroller Joe Cleaveland
124 reviewed the chapter. In addition, this topic was previously two separate chapters but information was
125 highly interrelated and ultimately combined.

126
127 Commissioner Cockerline disagreed with the use of the word "growth" on Line 3, and commented that
128 the Town population has not grown significantly. Chairman Klemens explained this word could be used
129 to indicate growth of services, grand list, and other areas. Commissioner Cockerline suggested adding
130 "growth/change." On Line 9, Commissioner Cockerline suggested removing "obsolete" to avoid
131 derogatory references. Vice Chair Shyer and Commissioner Cockerline suggested that "rather than at
132 cross purposes" on Line 24-25 be removed. LUD Conroy suggested alternatively changing it to "rather
133 than independently." The Commission agreed.

134
135 Chairman Klemens commented the "Sustainable Salisbury" Chart on Page 2 will need to be redone or
136 removed. Commissioner Cockerline added that the Poland Report mentioned is fourteen years old and
137 Zoning regulations have been rewritten twice since its completion. Commissioner Cockerline supported
138 the Poland Report but suggested the information may be too outdated for appropriate referencing. On
139 Line 49 Commissioner Cockerline questioned the word "many" and asked for examples of current
140 operating procedures inconsistent with legal requirements. Chairman Klemens and LUD Conroy provided
141 examples, and Alternate Member Schiffer suggested replacing "many" with "there are." The Commission
142 discussed Lines 65-76 and deliberated softening language and removing the mention of Town staff, but
143 ultimately left the verbiage unchanged.

144
145 Vice Chair Shyer asked about Freedom of Information Act (FOIA) requests and how many are received
146 through the Land Use Office. LUD Conroy replied she has processed two in the past three years, and
147 other departments have received FOIA requests as well. On Line 116-117, Vice Chair Shyer suggested
148 removing a sentence referencing the typical age range of serving Commission members. Alternate
149 Member Wells agreed and added that there was a previous statement that anticipated a majority of
150 Commissioners upcoming retirement. She felt it was not necessary to reiterate.

151
152 On Line 129, LUD Conroy replaced "neglected" with "lack support staff and training" to soften language.
153 Vice Chair Shyer asked for an example of "statutorily mandated Commissions that have been neglected
154 or are nonexistent." LUD Conroy replied both the Aquifer Protection Program and Hazard Mitigation
155 Plan have statutorily mandated aspects that have been neglected. Alternate Member Schiffer suggested
156 strengthening the language regarding the concept of enforcement on Lines 154-160. Commissioner
157 Cockerline agreed and added the Commission has made clear that an ordinance which encourages
158 compliance through citations is preferred.

159
160 Regarding Line 236, Alternate Member Schiffer suggested rewording it to express the need to establish

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161 enforcement procedures promoting compliance with regulations and ordinances. Chairman Klemens
162 suggested adding the verbiage: “as a method to ensure compliance without resorting to court actions.”
163 The Commission agreed with this verbiage. Vice Chair Shyer mentioned the proposed yearly Planning &
164 Zoning Commission (PZC) special meeting dedicated to evaluating the POCD, and asked if the meeting is
165 by invitation only or open to the public. LUD Conroy replied it is a public meeting, but the goal is to
166 engage in dialogue with whoever is tasked with certain strategies.

167
168 Vice Chair Shyer left the meeting at 7:13PM. Commissioner Cockerline asked how often the Commission
169 should meet for the Aquifer Protection Program. LUD Conroy replied once annually. Commissioner
170 Cockerline asked if Aquifer Protection regulations can be adopted by the PZC. LUD Conroy replied yes, it
171 should be an easy task that can be assigned to LUTS Todaro. Chairman Klemens remarked other
172 regulations that require updating include Zoning, Subdivision, Aquifer Protection, and Inland Wetlands.
173 LUD Conroy added some ordinances should be updated as well. At 7:19PM, Secretary Whalen joined the
174 meeting and explained that he had been present for a majority of the meeting but was unable to join as
175 a panelist.

176

177

178 **Motion:** To adjourn meeting at 7:23PM.

179 Made by Cockerline, seconded by Whalen.

180 Vote: 5-0-0 in favor.

181

182

183 Respectfully Submitted,

184 Erika Spino

185 Secretary of Minutes