

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

January 2nd, 2024 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chair)

3 Martin Whalen (Secretary)

4 Allen Cockerline (Regular Member)

5 Bob Riva (Regular Member)

6 Danella Schiffer (Alternate Member)

7 Beth Wells (Alternate Member)

8

9 **Brief Items and Announcements**

10 1. Call to Order / Establish Quorum

11 Chair Klemens called the meeting to order at 5:33PM. A quorum was established with four regular
12 members present (Dr. Michael Klemens, Martin Whalen, Bob Riva and Allen Cockerline). Alternate
13 Members Dr. Danella Schiffer and Beth Wells were also present. Chair Klemens appointed Alternate
14 Member Schiffer as voting member.

15

16 2. Approval of Agenda

17 Chair Klemens proposed the following amendment:

18 Add item 4.A. "Debra Allee Letter"

19

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

21 Made by Cockerline, seconded by Riva.

22 Vote: 5-0-0 in favor.

23

24 3. Minutes of November 20, 2023

25 Alternate Member Schiffer proposed the following amendments:

26 Line 14: Replace "shyer" with "Shyer"

27 Line 40: Add "to" after "applicants"

28 Line 91: Replace "require" with "requires"

29

30 Chair Klemens proposed the following amendment:

31 Line 340: Add "charging" after "EV"

32

33 Commissioner Cockerline recused himself from voting as he did not review the minutes.

34

35 **Motion:** To approve the Minutes of November 20, 2023 as amended.

36 Made by Whalen, seconded by Riva.

37 Vote: 4-0-0, with Commissioner Cockerline recusing himself.

38

39 4. Minutes of December 4, 2023

40 Chair Klemens proposed the following amendments:

41 Replace all "Chairman" with "Chair"

42 Line 24: Replace "to assist with the Election of Officers" with "to present the slate of Officers"

43

44 **Motion:** To approve the Minutes of December 4, 2023 as amended.

45 Made by Cockerline, seconded by Riva.

46 Vote: 5-0-0 in favor.

Members Absent:

Cathy Shyer (Vice Chair)

Staff Present:

Abby Conroy, Land Use Director (LUD)

Miles Todaro, Land Use Technical Specialist (LUTS)

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47 4.A. Debra Allee Letter

48

49 Chair Klemens explained that he composed a letter to Debra Allee to express gratitude for her service.
50 He requested that the Commission review it.

51

52 Alternate Member Schiffer proposed the following amendments:

53 Line 1: Add “members” after “Commission”

54 Line 1: Replace “wishes” with “wish”

55

56 Chair Klemens proposed the following amendment:

57 Line 4: Replace “I” with “we”

58

59 **Motion:** To authorize Chair Klemens to send a letter of thanks to Debra Allee for her years of service.

60 Made by Cockerline, seconded by Riva.

61 Vote: 5-0-0 in favor.

62

63 **Public Comment**

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

66

67 There was no public comment.

68

69 **Pending Business**

70 6. #2023-0233 / Hotchkiss School (Bryant) / 11 Interlaken Road / Site Plan Modification for Dining Hall
71 Renovations / Map 6 / Lot 8 / DOR: 10/30/2023 / Possible Consideration

72

73 Hotchkiss School Director of Facilities (DOF) John Bryant joined the meeting to represent the application.
74 Commissioner Cockerline recused himself from voting. Chair Klemens appointed Alternate Member
75 Wells as voting member for this application. LUD Conroy explained the Commission discussed Consulting
76 Town Engineer Tom Grimaldi’s original review letter at a previous meeting. LUD Conroy presented a
77 response to this review letter from Tighe & Bond Engineers, who represented the Hotchkiss School.
78 Chair Klemens asked if this letter indicated compliance with all of Engineer Grimaldi’s requests. DOF
79 Bryant replied yes. LUD Conroy presented revised plans and an additional review letter from Engineer
80 Grimaldi. LUD Conroy explained that a final plan set and bond estimate are outstanding. DOF Bryant
81 confirmed the plan and estimate are in progress, and the estimated time for project completion is
82 eighteen months. LUD Conroy advised that Engineer Grimaldi or a third-party should perform
83 inspections over the course of this project, and be present for the pre-construction meeting. Chair
84 Klemens questioned if use of a third-party is necessary. LUD Conroy shared, per Engineer Grimaldi’s
85 recommendations, that a third-party inspection firm would be preferred for this project.

86

87 Chair Klemens asked if any progress has been made with Connecticut Department of Transportation
88 (DOT) regarding crosswalk safety improvements. DOF Bryant replied they are still waiting for an
89 inspection to be performed. DOT estimated a two week wait but it has been three to four weeks since
90 their request submission. Chair Klemens noted recent road work occurred nearby. DOF Bryant confirmed
91 contractors were performing maintenance on the blinking lights. Chair Klemens asked for an update in
92 plans for managing safety. DOF Bryant replied they will add more light for improved visibility once DOT

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93 responds and allows for additional improvements. A crossing guard will be stationed from 7:00AM to
94 8:30PM every day. The crossing guard will have reflective gear and an illuminated stop sign, and will
95 ensure traffic is stopped before inviting pedestrians to cross. Chair Klemens asked if a system is in place
96 ensuring coverage when the full-time guard needs a break. DOF Bryant replied yes, there are plans for
97 daily relief and construction of a warming shed to provide shelter from cold temperatures.

98

99 LUD Conroy asked if the warming shed will only be present for the duration of this project. DOF Bryant
100 replied yes. DOF Bryant explained the shed will be constructed on the west side of Route 41, on
101 Hotchkiss School property, after removing rails from a pre-existing fence. LUD Conroy explained this
102 structure is not included in the site plan design and requires a temporary zoning permit, which expires
103 after one year. Chair Klemens mentioned temporary zoning permits should not be relied on for a long-
104 term project.

105

106 LUD Conroy suggested the applicant request an extension in order to allow for more time to submit
107 decommissioning plans, include additional details in the site plan, and compose an estimate for the
108 bond. Chair Klemens explained authorizing a temporary CO will allow the project to progress. Secretary
109 Whalen asked when Hotchkiss School plans to start using the temporary dining hall, DOF Bryant replied
110 students arrive back tomorrow. Chair Klemens asked if the warming shed will be heated by electricity,
111 DOF Bryant replied yes. There were no further comments or questions from the Commission.

112

113 LUD Conroy summarized: DOF Bryant will request an extension and collaborate with their engineers on
114 the bond estimate, details for the warming hut, and decommissioning plan for the tennis courts. LUD
115 Conroy planned to get an estimate from Engineer Grimaldi for consulting engineer visits and to compose
116 a resolution with Chair Klemens. Chair Klemens explained a vote is not required and this application will
117 be continued at the next meeting: January 16th, 2024.

118

119 Commissioner Cockerline rejoined the meeting, Alternate Member Wells stepped down, and Chair
120 Klemens reappointed Alternate Member Schiffer as voting member.

121

Other Business

7. As-Built Checklist

124 Chair Klemens introduced the As-Built Checklist and explained feedback was received after review from
125 multiple parties including himself, LUD Conroy, Surveyor Mat Kiefer, and Engineer Tom Grimaldi.

126

127 LUD Conroy explained this Checklist will be used as a reference document for the Land Use Office. As-
128 Built Surveys are required for all new houses or major renovation projects. LUD Conroy explained that in
129 previous years permits were issued without surveys, resulting in a large amount of non-conformities. She
130 added that the checklist will be distributed so the public is aware of what is expected when an As-Built
131 Survey is required. This checklist could help in 2024 when working on regulations to develop standards
132 for what is required on site plans. LUD Conroy explained the Commission has also encountered
133 situations where engineers complete work that surveyors should be performing, which resulted in
134 unequal treatment of applicants.

135

136 LUD Conroy reviewed the comments made by Surveyor Kiefer. Under Line 5-9, Surveyor Kiefer
137 recommended waiving a full survey requirement on large parcels if construction only occurs on a small
138 portion of the property. LUD Conroy provided a recent example of this. At Indian Mountain School: the

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139 Commission accepted a survey based on the two boundary lines that were closest to the construction
140 work area. LUD Conroy suggested that a waiver request must be made by the surveyor and should
141 include the unique circumstances to the parcel which, in the opinion of the licensed professional,
142 warrant a partial survey.
143

144 Commissioner Cockerline asked if a partial survey request could be made by a property owner. Chair
145 Klemens replied no, it needs to be determined by professionals or the Commission when necessary.
146 Commissioner Cockerline asked if all As-Built Surveys will require a T-2 Topographic survey. LUD Conroy
147 replied no. On Line 15 of the Checklist, Chair Klemens suggested adding “may be required” after “survey
148 accuracy standards.” Commissioner Cockerline commented that Lines 3-5 imply a T-2 Topographic
149 survey is required for all zoning permits. Secretary Whalen and Chair Klemens agreed. LUD Conroy
150 suggested citing the current regulations to replace verbiage, the Commission agreed.
151

152 Commissioner Cockerline added that a large majority of information shared in this document is part of
153 an A-2 Boundary survey, and questioned if the Checklist is necessary. LUD Conroy explained this
154 document provides a surveyor with all information required for the Land Use Office as quite often
155 surveys are incomplete or do not show distances to property lines. Chair Klemens explained the goal is
156 to provide a checklist for surveyors to utilize and avoid submitting surveys that are incomplete.
157 Commissioner Cockerline added the Commission should be careful when receiving plans from engineers
158 who are not surveyors. LUD Conroy mentioned that she would have a discussion with Cathy Weber of
159 Torrington Area Health District (TAHD) regarding setback requirements to wetlands noting that they are
160 frequently not being “flagged” by a soil scientist. Alternate Member Wells asked how wetlands are
161 identified on a property. Chair Klemens replied the Land Use Office staff provides the determination for
162 whether an application must go through the Inland Wetlands & Watercourses Commission. LUD Conroy
163 added that she looks at general resources, aerial photographs, site specific data, and site visits to
164 determine if wetlands are present on a property.
165

166 Referring to Line 19, Commissioner Cockerline commented that reset and re-certification of
167 monumentation that is not “existing” can take six to eight weeks to accomplish; a long period of time for
168 a property owner waiting for a Certificate of Occupancy. LUD Conroy explained that this is another
169 example of how requiring these steps up front could provide benefit. Commissioner Cockerline
170 expressed that he believes all requirements beyond Line 17 to be onerous. Chair Klemens disagreed and
171 replied that if they’re done up front, the price of a survey does not compare to costs of overall
172 development. Alternate Member Wells added that the cost is correlated to lot size.
173

174 On Line 27, Alternate Member Schiffer asked what “volume” refers to. LUD Conroy replied the Town
175 Clerk’s volume and page includes the deed for descriptions and references to adjoining parcels. Chair
176 Klemens suggested adding “Town Clerk’s” before “volume and page reference.” On Line 57,
177 Commissioner Cockerline asked if Surveyor Kiefer commented on the percent grade of driveway and
178 cross slope. LUD Conroy replied yes and commented that the regulations could be improved.
179 Commissioner Cockerline added building footprints are mentioned on Line 34 and asked how these are
180 measured. LUD Conroy replied Surveyor Kiefer uses the ground areas enclosed by walls with setback
181 regulations that allow for one foot of architectural overhang.
182

183 Commissioner Riva asked for an example of this process being utilized beyond new home constructions.
184 LUD Conroy replied a non-conforming situation would require this process. Commissioner Riva

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185 questioned if providing additional detail would allow for additional security. Chair Klemens replied
186 defining and listing conditions could be a hindrance. LUD Conroy shared that TAHD’s code does not
187 require that a surveyor complete an A-2 As-Built for a septic system. LUD Conroy explained that TAHD is
188 able to accept these surveys, but LUD Conroy questioned if imposing a greater standard than TAHD is
189 desirable. Chair Klemens replied he does not want to pursue that.

190

191 Chair Klemens said no motion is required for this business, and concluded that he and LUD Conroy will
192 try to incorporate Commissioner Cockerline’s comments and alter the introduction for better
193 clarification.

194

195

196 8. Plan of Conservation and Development – Draft “Infrastructure” Chapter Discussion

197

198 Chair Klemens introduced the chapter discussion and shared that the draft still has gaps. Chair Klemens
199 and LUD Conroy received the Salisbury Study from Colliers Engineering, spent time reviewing it, and sent
200 it back to Colliers requesting it be finalized for tonight’s meeting. This afternoon, LUD Conroy received a
201 request from Colliers that a meeting must be scheduled to discuss comments. In addition, they are
202 waiting for the recreation study to be completed.

203

204 Chair Klemens called a brief recess at 7:12PM, the meeting resumed at 7:20PM.

205

206 On Line 21, Alternate Member Schiffer considered “recreation” to be more appropriate under “built
207 infrastructure” than “green infrastructure.” She also suggested changing the verbiage to “parks and
208 preserves.” Commissioner Cockerline noted that recreation refers to sports fields or open green space.
209 Chair Klemens added many recreation areas provide ecosystem services, and decided this best matched
210 green infrastructure. Alternate Member Schiffer suggested replacing “these” with “many” on Line 50 to
211 soften language regarding private road maintenance. On Line 75, Alternate Member Schiffer
212 recommended replacing “Most, if not all” to “There are many” to further soften language. On Line 90,
213 Chair Klemens suggested adjusting grammar and including specifics about municipal parking.

214

215 Commissioner Cockerline remarked on the sewer system and suggested that future development of the
216 Pope property be served by septic. The land is well drained and level with a gravel base, and if there is a
217 way to utilize it, Commissioner Cockerline believed it should be considered. LUD Conroy added this area
218 is outside of the Aquifer Protection Overlay District. Chair Klemens supported this idea and included a
219 note to consider the feasibility in response to the Town’s dwindling sewer capacity. On Line 213,
220 Alternate Member Schiffer suggested replacing “is” with “currently has significant inadequacies among
221 them being” in order to further soften language but retain examples. On Line 224, Chair Klemens
222 replaced “our” with “the Town’s”.

223

224 LUD Conroy noted Lines 226-234 are works in progress. Alternate Member Schiffer asked for specific
225 strategies on Line 324 to be emphasized LUD Conroy agreed, noting that some sentences may be read
226 over if not emphasized. Alternate Member Wells asked if the Town has any jurisdiction around private
227 roads. LUD Conroy replied not necessarily. There would be a huge cost to taxpayers if the Town decided
228 to take over private roads, but LUD Conroy suggested it may be beneficial to develop a partnership
229 where citizens can apply for town assistance to upgrade private roads that have significant safety
230 concerns. Alternate Member Schiffer advised to replace “recs” with “recommendations” for clarification

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231 on Lines 339-340.

232

233 LUD Conroy asked if sub-standard private roads should be permitted. She also considered the suggestion
234 of altering requirements so private road standards are on par with Town road standards. Commissioner
235 Cockerline agreed that private road standards need to be upgraded but does not agree they should be
236 the same as Town roads. On Lines 347-349, “abandon its practice of allowing the development of new
237 substandard private roads” was replaced with “revisit road design standards for private roads,”
238 “adequate” was added after “ensuring” and “future” was added after “potential.”

239

240 Chair Klemens replaced “whenever” with “when” on Line 354. On Line 364 #12, LUD Conroy suggested
241 replacing “Whenever road improvements are undertaken, consider pedestrian and bicyclist safety” to
242 “Road improvements should incorporate consideration of pedestrian and bicyclist safety.”

243

244 Commissioner Riva mentioned the wastewater treatment plant nearing capacity, and asked if Town
245 sewer pipes were recently relined. LUD Conroy replied she needs to speak with WPCA Superintendent
246 Charles Humes to discuss and gain access to recent studies. Commissioner Riva commented relining
247 pipes could be the least expensive route to gain capacity. Chair Klemens added that relining could
248 provide some relief, but usage year-round has already increased. He added that before pursuing
249 affordable housing, the Towns’ current sewer capacity must be improved further.

250

251 Acknowledging recommendations from the Colliers Engineering Lakeville Study, Chair Klemens pointed
252 out that there are a number of options to redevelop the Train Station Plaza, and the Commission must
253 make note of which will be utilized. Commissioner Cockerline felt strongly about connecting the Rail Trail
254 to the Farnum Road area, an alternative which was not addressed in the Colliers report. LUD Conroy
255 added “#16. Explore connecting the Rail Trail to the Farnum Road area.” On Line 447 Chair Klemens
256 suggested adding “strategic” before “lighting” to reflect desire to limit excessive light pollution.
257 Alternate Member Schiffer asked if the POCD indicated that the Town’s fire chief should serve as Fire
258 Marshal as well. Chair Klemens replied if there is a transition to paid positions then the fire chief could
259 serve as Fire Marshal. On Line 471, Commissioner Cockerline suggested adding “substantial” before
260 “financial” to detail and show support regarding financial incentives for volunteers. Alternate Member
261 Schiffer requested to include verbiage about removing invasive species including the Tree of Heaven.
262 LUD Conroy confirmed this information is included in the Natural Resources chapter.

263

264 There were no further comments from the Commission. Commissioner Cockerline asked if this is the last
265 chapter that required completion. LUD Conroy replied an introduction and conclusion must be
266 composed, then it will be assembled as a whole document, and finally the draft will go to public hearing.
267 Secretary Whalen asked when the POCD is due to be submitted to the state of Connecticut. Chair
268 Klemens replied it was originally required in 2022, but the Commission has been granted relief and
269 extensions. The target goal for submission is by July 1, 2024. LUD Conroy anticipated discussion with
270 Chair Klemens about this chapter next week, and Commission members must review the Colliers study
271 individually prior to discussion at the February 5, 2024 meeting.

272

273

274

275 **Adjournment**

276

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277 **Motion:** To adjourn the meeting at 8:40PM.

278 Made by Cockerline, seconded by Whalen.

279 Vote: 5-0-0 in favor.

280

281

282

283 Respectfully Submitted,

284 Erika Spino

285 Secretary of Minutes