

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**February 5th, 2024 5:30PM**

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

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

**Members Absent:**

**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 Chair Klemens called the meeting to order at 5:30PM. A quorum was established with five regular  
13 members present (Dr. Michael Klemens, Cathy Shyer, Martin Whalen, Allen Cockerline and Bob Riva).  
14 Alternate Members Dr. Danella Schiffer and Beth Wells were also present.

15

16 2. Opening Remarks

17 Chair Klemens stated the following:

18 Good evening. I am Michael Klemens Chair of the Salisbury Planning & Zoning Commission. With  
19 me tonight are voting members Vice Chair Cathy Shyer, Secretary Martin Whalen, Regular  
20 members Allen Cockerline and Bob Riva, and Alternates Danella Schiffer and Beth Wells.

21

22 There are a variety of items on tonight’s agenda that are, judging by articles and letters in the  
23 Lakeville Journal as well as communications that have been received by the Land Use Office  
24 (LUO), of heightened public interest and concern.

25

26 Some time ago I instituted the public comment part of our regular meetings in an effort to hear  
27 the concerns of the citizens that we serve. However, this public comment must be limited to  
28 items that are neither on the agenda nor the subject of any pending Planning and Zoning  
29 Commission application or action, and are limited to three minutes.

30

31 Simply stated, if we were to allow any comments on the agenda or pending actions, we have  
32 created an illegal public hearing. So to be clear, the sole public hearing this evening is the EV  
33 Charging Station Regulation Amendment—number 6 on the agenda. All are invited to participate  
34 in this hearing.

35

36 Items that we cannot legally hear any comments about are as are follows:

37

38 7. The 8-24 referral from the Salisbury Housing Trust, or any other concerns about the Grove  
39 Street proposed affordable housing site. Tonight’s planning action is simply to affirm, as required  
40 by Statute, whether the proposed use of affordable housing development is consistent with our  
41 POCD (Plan of Conservation and Development). This is a consistency determination, and is not an  
42 approval in any way, shape, or form. The actual layout and development of that property would  
43 be subject to additional Zoning Actions. Under current Zoning Regulations, a Special Permit and  
44 required public hearing would be held for Multifamily use of this property.

45

46 9. The Colliers Engineering and Design’s Salisbury Study. The Planning and Zoning Commission, in

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47 their planning capacity, have contracted several studies to identify long-term community needs  
48 as part of the Commission’s update of the POCD (the Town’s 10-year plan). Colliers is the outside  
49 firm preparing those studies. Any comment concerning Collier's Salisbury Village Planning Study,  
50 which includes discussion about the Pope property, should be reserved for a time when that  
51 topic is not on the agenda or pending before the Commission. Some of the concepts and  
52 recommendations from Colliers may be included in the POCD. Adoption of the POCD will require  
53 a public hearing. That would be a better forum to comment, as the Commission may not  
54 necessarily endorse all of Colliers’ recommendations or wish them all to be in the POCD.  
55

56 Any comment about the affordable housing development known as Dresser’s Woods. This is not  
57 only discussed in the Salisbury Village Planning Study, but is an accepted application with the  
58 public hearing opening at our February 20th regular meeting. At that time, we will be expecting  
59 to hear from the public.  
60

61 I am requesting your cooperation to avoid making any comments on these matters. I will, as the  
62 presiding officer, request that any speaker violating these guidelines stop and/or be removed  
63 from the virtual meeting room.  
64

65 Finally, if you raise your hand using the Zoom “raise hand” function, please keep it raised until  
66 you are recognized and brought into the virtual hearing room. We have had some confusion  
67 caused by potential speakers raising their hand and then lowering it. We don’t want to overlook  
68 anyone. You will be called on and audio capabilities will be enabled at the appropriate time in the  
69 meeting. Thank you.  
70

71 3. Approval of Agenda  
72

73 **Motion:** To approve Agenda.

74 Made by Cockerline, seconded by Shyer.

75 Vote: 5-0-0 in favor.  
76

77 4. Minutes of January 16, 2024 - *pending*

78 5. Minutes of January 2, 2024 - *pending*  
79

80 **Other Business**

81 10. Vernal Pool Study Update  
82

83 Chair Klemens explained a second season of the Town’s Vernal Pool Study (VPS) is beginning and will be  
84 coordinated by the LUO in cooperation with the Planning and Zoning Commission, Conservation  
85 Commission (CC), and Inland Wetlands & Watercourses Commission (IWWC). Chair Klemens encouraged  
86 Commission members to volunteer as citizen scientists. Volunteers must join an informational session  
87 and field training exercise. Each volunteer will be assigned one or two vernal pools that must be visited  
88 at least twice to count egg masses, examine species, and take photographs. Chair Klemens advised  
89 anyone interested in volunteering to contact LUTS Todaro at the LUO.  
90

91 Commissioner Cockerline asked if beaver ponds are included in this study. Chair Klemens replied beaver  
92 ponds often result in cryptic vernal pools where some vernal pool species are present in shallow waters,

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93 unless the beaver pond is shallow overall.

94

95 Chair Klemens explained the goal of the study is to perform biological analysis. As the vernal pools are  
96 surveyed, they will be mapped using GIS and coded by three tiers based on ecological importance. Chair  
97 Klemens provided a hypothesis that most valuable vernal pools will be present in large fragmented  
98 blocks of farmland and forest, and pools closer to subdivided portions of the Town will show a reduction  
99 in productivity and landscape integrity.

100

101

102 **Public Hearing - 5:45PM**

103 6. EV Charging Station Regulation Amendment / Town of Salisbury - *Continue Hearing, Possible*  
104 *Consideration*

105

106 The hearing continued at 5:45PM. Chair Klemens explained that all the changes requested by the  
107 Commission at the previous hearing have been completed. LUD Conroy clarified that publicly accessible  
108 electric vehicle (EV) charging stations are accessory electrical components permitted by site plans in all  
109 zones. Pre-existing parking lots that wish to include EV chargers are not obligated to add the maximum  
110 required, but newly constructed or substantially improved parking lots must be brought into compliance.  
111 Chair Klemens explained substantial improvements included fifty percent or more of a parking area  
112 being paved, repaved or reconfigured.

113

114 Secretary Whalen asked if enforcement will occur when non-electric vehicles are parked in public spaces  
115 intended for EV charging. LUD Conroy replied this concern is shared by the First Selectman and currently  
116 there is no plan for enforcing use of the spaces. Commissioner Cockerline asked for an update on  
117 setbacks. Chair Klemens replied EV chargers are non-structural and do not have setback requirements.  
118 Alternate Member Wells asked if there are requirements for newly constructed parking lots with twenty  
119 spaces. LUD Conroy replied there will be no EV charging requirements for parking lots under thirty  
120 spaces. Alternate Member Wells believed at least one EV charger should be required for all newly  
121 constructed parking lots for accessibility. LUD Conroy suggested once the POCD is completed this  
122 concept can be revisited and made more inclusive, and a planned rewrite of the Zoning Regulations  
123 could provide further opportunity for changes.

124

125 Chair Klemens opened the floor to the public for comments and questions. Member of the Salisbury  
126 Economic Development Committee (SEDC) Robert Schaufelberger joined the meeting. Mr.  
127 Schaufelberger explained all concerns from the SEDC were addressed and he is in support of the  
128 Commission proceeding. Member of the public Margaret Monaco joined the meeting. Ms. Monaco  
129 asked if considerations have been made regarding the Town's limited public parking availability, as  
130 restricted EV charging stations can diminish parking capabilities for non EVs. Chair Klemens replied these  
131 spaces will not be forbidden for non EVs and all members of the public can utilize them when parking is  
132 limited. There were no further comments or questions from the Commission or public.

133

134 **Motion:** To close the public hearing at 6:02PM.

135 Made by Shyer, seconded by Whalen.

136 Vote: 5-0-0 in favor.

137

138 LUD Conroy asked the Commission to suggest an effective date for the Regulations. The Commission

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139 agreed on February 15th, 2024.

140

141 **Motion:** To add Subsection 207.20 “Publicly Accessible Electric Vehicle Charging Stations (EVCS) to  
142 Section 207 “Accessory Use, Buildings and Structures” and add Subsection 703.11 “Electric Vehicle  
143 Charging Stations” to Section 703 “Parking and Loading Requirements” to the Town’s Regulations  
144 effective February 15th, 2024.

145 Made by Cockerline, seconded by Riva.

146 Vote: 5-0-0 in favor.

147

148 **New Business**

149 7. 8-24 Referral – Salisbury Housing Trust

150

151 Chair Klemens presented a referral request letter. Chair Klemens clarified this is a statutory requirement  
152 and does not represent an approval for a structure. The Commission agreed that providing affordable  
153 housing on the municipally owned parcel is consistent with the POCD. LUD Conroy presented a draft  
154 motion for the Commission to review.

155

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156

**RESOLUTION CONCERNING 8-24 REVIEW OF ASSESSOR’S PARCELS 56-05 & 56-06**

157

158 The proposal of the Salisbury Housing Trust to utilize municipally owned land for two homes affordable  
159 for homebuyers below 80% of the area median income is deemed consistent with the Town’s 2012 POCD  
160 and 2024 POCD (in process). These combined parcels are shown on “Map Prepared for Salisbury  
161 Housing Trust Undermountain Road Route 41 Salisbury, Connecticut dated January 31, 2008” by Mathias  
162 Kiefer, RLS.

163

164 Although not yet adopted, the 2024 POCD (in process), and the Salisbury Village Planning Study (2024,  
165 Colliers), include recommendations to maintain and improve mini park open spaces in our village centers.  
166 Therefore, the preservation of the open space mini park at the rear of the property would align with long-  
167 term community development objectives.

168

169 The layout and design for these two affordable homes is subject to Special Permit review standards  
170 including but not limited to that they are in keeping with the development pattern of the surrounding  
171 neighborhood. Specifically, this affordable housing development should respect the street wall, with one  
172 house fronting on Undermountain Road, and the second house sited behind the first house.

173

174

175 **Motion:** To adopt Salisbury Planning & Zoning Commission Resolution Concerning an 8-24 Review of  
176 Assessor’s Parcels 56-05 & 56-06.

177 Made by Cockerline, seconded by Riva.

178 Vote: 5-0-0 in favor.

179

180 **Public Comment**

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

183

184 Member of the public Robin Roraback joined the meeting and expressed confusion about the  
185 Commission not allowing comments regarding Grove Street. Chair Klemens explained there was a

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186 consistency determination and if development is pursued, a public hearing will be scheduled to allow for  
187 public comment and discussion.

188

189 **Other Business**

190 9. Colliers Engineering Salisbury Study Discussion

191

192 Chair Klemens presented the Salisbury Village Planning Study composed by Colliers Engineering for the  
193 Commission to review and provide comments. Vice Chair Shyer any changes were adopted as a result of  
194 the Salisbury Village Center study completed by Allee King Rosen & Fleming Consulting (AKRF) in 2018.  
195 LUD Conroy replied no. LUD Conroy commented Colliers did perform public outreach and had at least  
196 one meeting with stakeholders which does not appear as a citation. She suggested that information  
197 would be beneficial to include. Vice Chair Shyer asked if the stakeholder meeting was hosted virtually or  
198 in person and how many people attended. LUD Conroy was unsure and indicated she will document all  
199 questions to share with Colliers.

200

201 Commissioner Cockerline suggested identifying areas on a diagram as “parking” instead of “public  
202 parking.” Alternate Member Schiffer requested a definition of shared parking. LUD Conroy replied this  
203 parking is shared between multiple uses, such as one parking lot for both a restaurant and apartment.  
204 Alternate Member Schiffer asked if “a parking bank developing fees” implied the possibility of installing  
205 public parking meters in Town. Chair Klemens clarified that a parking bank would be a fund to construct  
206 a municipal lot that property owners could buy into rather than providing parking on their own lot. LUD  
207 Conroy suggested changing verbiage to “fee in lieu of” for clarification. Commissioner Cockerline advised  
208 removing the sentence: “Residential uses should be secondary and supportive of commercial uses.”  
209 Commissioner Riva added that the Library Street/Academy Street One-Way System Alternative is a  
210 positive change when considering increased traffic flow. The Commission agreed.

211

212 Commissioner Cockerline expressed support for creating a road with two-way traffic extending from  
213 Railroad Street to Salmon Kill Road. He believed this concept deserved careful consideration to alleviate  
214 current and future traffic concerns. Vice Chair Shyer mentioned sight lines may be of concern in this  
215 area.

216

217 Alternate Member Schiffer suggested removing “There is no fee simple access to the property.”  
218 Commissioner Cockerline suggested using a more generic term for “Bridge” and advised box culverts  
219 may be an appropriate alternative to a bridge. Chair Klemens agreed and suggested replacing “bridge”  
220 with “Update Existing Stream Crossing” and including box culverts as a recommendation. Commissioner  
221 Cockerline asked where the stormwater near Labonne’s parking lot discharges water. LUD Conroy  
222 replied piping continues underground and outlets in the field owned by the Salisbury Winter Sports  
223 Association.

224

225 Vice Chair Shyer expressed support for the improved pedestrian walkways. She suggested a policy be  
226 adopted to deter use of electric recreational devices such as electric bicycles, scooters, and skateboards.  
227 Chair Klemens suggested signage could be installed or textured surfaces used to deter use of electric  
228 motorized vehicles in pedestrian ways. Commissioner Cockerline added children should avoid roadway  
229 use and be allowed to utilize pedestrian walkways for recreational bicycling. Alternate Member Wells  
230 asked if improved outdoor lighting fixtures in the Salisbury Village Center would be turned off at night.  
231 LUD Conroy replied she is unsure and will have to clarify if existing lighting fixtures shut off after 10PM.

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232

233 LUD Conroy believed the conclusion missed an opportunity to summarize recommendations that  
234 pertained to multiple areas in Town. Chair Klemens suggested he and LUD Conroy edit and compose a  
235 more detailed conclusion with bullets and examples. There were no further comments or questions from  
236 the Commission.

237

238 **Motion:** To accept the Salisbury Village Planning Study by Colliers Engineering as amended by the  
239 Commission on February 7th, 2024.

240 Made by Cockerline, seconded by Riva.

241 Vote: 5-0-0 in favor.

242

243 11. Land Use Office A-2 Survey Checklist Discussion

244

245 LUD Conroy noted the LUO A-2 Survey Checklist is not complete and discussion was postponed.

246

247 12. Correspondence

248 a. Connecticut Federation of Planning & Zoning Agencies Quarterly Newsletter

249

250 The Commission reviewed the quarterly newsletter. There were no questions or comments.

251

252 b. Spencer Barry 01/30/2024

253 The Commission reviewed a letter from member of the public Spencer Barry. LUD Conroy explained that  
254 she received numerous emails on the same topic, which she believes stem from a Facebook post by the  
255 Lakeville Conservancy. The letter by Spencer Barry was the only one addressed to the Commission. Mr.  
256 Barry expressed concern regarding paving areas of Community Field. Chair Klemens clarified that paving  
257 a parking lot in a portion of Community Field is a concept that has not been adopted or approved.

258

259 **Adjournment**

260

261 **Motion:** To adjourn meeting at 7:45PM.

262 Made by Shyer, seconded by Cockerline.

263 Vote: 5-0-0 in favor.

264

265

266 Respectfully Submitted,

267 Erika Spino

268 Secretary of Minutes