

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**Monday May 5th, 2025 6:30PM**

Remote Meeting by Live Internet Video Stream and Telephone

**Members Present:**

Dr. Michael Klemens (Chair)  
Cathy Shyer (Vice Chair)  
Martin Whalen (Secretary)  
Allen Cockerline (Regular Member)  
Bob Riva (Regular Member)  
Dr. Danella Schiffer (Alternate Member) -  
*present but unable to participate*  
Beth Wells (Alternate Member)

**Members Absent:**

**Staff Present:**

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

**Brief Items and Announcements**

1. Call to Order / Establish Quorum

Chair Klemens called the Meeting to order at 6:37PM. A quorum was established with five regular members present (Dr. Michael Klemens, Cathy Shyer, Martin Whalen, Allen Cockerline, Bob Riva). Alternate Member Wells was also present. Alternate Member Schiffer, although present, was unable to participate in discussion due to technical issues.

2. Approval of the Agenda

**Motion:** To approve the agenda.

Made by Cockerline, seconded by Riva.

Vote: 5-0-0 in favor.

3. Minutes of April 7, 2025 - *pending*

4. Minutes of April 21, 2025 - *pending*

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

Member of the public Elyse Harney expressed her wishes for meetings to be held in-person instead of online via Zoom. LUD Conroy replied the greatest hurdle to in-person meetings is lack of staff. She added that online meetings have allowed the Commission to avoid cancellations due to weather, and recordings of the meetings provide improved accessibility to the public. LUD Conroy explained hosting meetings via Zoom ensures that staff and Commission members are able to carry out business in a predictable way. Chair Klemens and LUD Conroy confirmed that in-person meetings would be discussed further at a later date.

**Public Hearing – 6:45 PM**

6. #2025-0279 / Sievert and Eliza McCabe / 21 Mount Riga Road / Special Permit for Vertical Expansion of a Nonconforming Residential Structure (Section 503.2) / Map 14 / Lot 17 / DOR: 03/17/2025 / OH: 04/21/2025 / *Open Hearing, Possible Consideration*

The Public Hearing opened at 6:47PM. Secretary Whalen read the Legal Notice. Property owners Sievert and Eliza McCabe explained the proposed application involved the vertical expansion of a pre-existing, non-conforming structure by forty-nine inches without expanding the footprint. Approval had been

**SALISBURY PLANNING AND ZONING COMMISSION**

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received from Torrington Area Health District (TAHD) with updated public hearing notices sent to abutters.

Commissioner Cockerline asked if an A-2 As-Built Survey would be performed. LUD Conroy replied yes. There were no further questions or comments from the Commission or public.

**Motion:** To close the public hearing at 6:45PM.

Made by Whalen, seconded by Cockerline.

Vote: 5-0-0 in favor.

**Motion:** To approve application #2025-0279 / Sievert and Eliza McCabe / 21 Mount Riga Road / Special Permit for Vertical Expansion of a Nonconforming Residential Structure (Section 503.2) / Map 14 / Lot 17

Made by Shyer, seconded by Riva.

Vote: 5-0-0 in favor.

7. #2025-0280 / Richard and Linda Cantele / 204 Between the Lakes Road / Special Permit for Accessory Structures Located Less than Fifty (50) Feet from a Waterbody or Watercourse (Section 305). Minor Modification of Approved Site Plan for Development Activities in the Lake Protection Overlay District (Section 404) / Map 58 / Lot 03 / DOR: 04/07/2025 / *Open Hearing, Possible Consideration*

The public hearing opened at 6:56PM. Secretary Whalen read the Legal Notice. Property owner Richard Cantele explained a teardown and new build occurred on the property, and three structures were installed that do not conform to setback requirements and were not on the previously approved plan. A stone patio on pea gravel was extended eighteen inches larger than originally submitted for erosion and aesthetic purposes. A hatchway was installed north of the patio area on the rear of the structure. Mr. Cantele said the hatchway was the only access point to a crawl space underneath the dwelling for mechanical access. He added that air-conditioning units were intended for installation behind the garage next to a generator but the location was found to be inefficient, and were relocated and hardwired with a shelf foundation for piping and electricity.

Mr. Cantele explained impervious surface calculations were originally calculated at fifteen percent, and had been reduced to thirteen percent due to smaller driveway parameters. Vice Chair Shyer and Commissioner Cockerline thanked Mr. Cantele for his effort and reduction of impervious surface. There were no further questions or comments from the Commission or public.

**Motion:** To close the public hearing at 7:06PM.

Made by Cockerline, seconded by Riva.

Vote: 5-0-0 in favor.

**Motion:** To approve application #2025-0280 / Richard and Linda Cantele / 204 Between the Lakes Road / Special Permit for Accessory Structures Located Less than Fifty (50) Feet from a Waterbody or Watercourse (Section 305). Minor Modification of Approved Site Plan for Development Activities in the Lake Protection Overlay District (Section 404) / Map 58 / Lot 03 /

Made by Shyer, seconded by Riva.

Vote: 5-0-0 in favor.

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**Monday May 5th, 2025 6:30PM**

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84 **New Business**

85 8. #2025-0285 / Deer Friends LLC (Ackerly Brown, LLC - Vail) / 15 Undermountain Road (The White Hart)  
86 / Site Plan Application to Temporarily Operate Food and Beverage Service (Sections 207.19) / Map 56 /  
87 Lot 33 / DOR: 05/05/2025 / *Possible Consideration*  
88

89 Commissioner Cockerline recused himself from this application. Chair Klemens appointed Alternate  
90 Member Wells as voting alternate. Attorney Emily Vail explained the White Hart Inn has requested a  
91 temporary permit to operate an outdoor pizza oven as utilized last year. The pizza oven is a temporary  
92 piece of equipment that supplements pre-existing outdoor dining, and would be removed from the  
93 property when not in use. She noted that Commission discussion occurred last year requesting the Inn  
94 apply for a special permit for continued use.  
95

96 LUD Conroy explained that the Town had a provision in place that temporary zoning permits cannot  
97 exceed six months. Additionally, legislation was changed following COVID to make outdoor dining an as-  
98 of-right site plan activity. Outdoor dining is considered allowable provided Site Plan requirements are  
99 met and the use itself is conforming. LUD Conroy said she was unable to locate permits for the White  
100 Hart Provisions, and the property is located within the Aquifer Protection Area (APA) which required a  
101 Special Permit for thirty percent or more impervious surface.  
102

103 Chair Klemens suggested Attorney Vail and Town Attorney Charles Andres discuss this application  
104 amongst themselves prior to returning to the Commission. Attorney Vail agreed.  
105

106 9. #2025-0286 / 343 MS Restoration LLC (William Colgan) / 343 Main Street / Modifications to the  
107 Parking Area of an Approved Site Plan (Sections 803.5 and 811) associated with Special Permit #2023-  
108 0209 for Multifamily, High Turnover Restaurant, Mixed Use Commercial, and a Use Rendering More than  
109 30% of the Lot Impervious (Sections 205.2, 209.2, 403.4) / Map 45 / Lot 26 / DOR: 05/05/2025 / *Possible*  
110 *Consideration*  
111

112 William Colgan joined the meeting to present the application. LUD Conroy explained the property  
113 previously received approval for renovation of the pre-existing building with a few minor exterior  
114 changes for inclusion of multi-unit apartments, a high-turnover restaurant, and an office building  
115 proposed in the rear. The proposed office building was since removed from the Site Plan. She added that  
116 the applicant also received permission for egress over a neighboring property onto Porter Street. LUD  
117 Conroy noted that a previous point of concern was the width of the ingress and egress off of Route 44,  
118 and the newly proposed access would enable one way traffic from Route 44 and egress to Porter Street  
119 and back to Rte. 44  
120

121 Chair Klemens believed the adjustments promoted less intensification of use and provided a solution for  
122 traffic circulation concerns. Secretary Whalen asked if added egress would intensify traffic pressure on  
123 Porter Street. Mr. Colgan replied traffic would be increased, but the neighboring Post Office does not  
124 generate significant traffic during evening hours and it would encourage additional pedestrian use of  
125 nearby businesses. Secretary Whalen mentioned roadside parking on Porter Street may negatively affect  
126 site line visibility.  
127

128 Mr. Colgan mentioned a right-of-way easement would be submitted with 12 Porter Street LLC as a legal  
129 document to represent the traffic egress permanent agreement. Chair Klemens suggested a condition of

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**Monday May 5th, 2025 6:30PM**

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approval to include the easement. All Commission members expressed support for the application changes.

**Motion:** To approve application #2025-0286 / 343 MS Restoration LLC (William Colgan) / 343 Main Street / Modifications to the Parking Area of an Approved Site Plan (Sections 803.5 and 811) associated with Special Permit #2023-0209 for Multifamily, High Turnover Restaurant, Mixed Use Commercial, and a Use Rendering More than 30% of the Lot Impervious (Sections 205.2, 209.2, 403.4) / Map 45 / Lot 26 / with the following condition:

1. The easement with 12 Porter Street shall be filed in the Office of the Town Clerk.

Made by Shyer, seconded by Whalen.

Vote: 5-0-0 in favor.

10. #2025-0287 / Wake Robin LLC & Ms. Serena Granbery (ARADEV LLC) / 104 & 106 Sharon Road & 53 Wells Hill Road / Special Permit for Hotel, Redevelopment of the Wake Robin Inn (Section 213.5) / Map 47/ Lot 2 & 2-1 / DOR: 05/05/2025 / *Consideration of Completeness, Possibly Schedule Public Hearing*

Chair Klemens explained the Commission was in receipt of a request (to the Superior Court) of a restraining order prohibiting acceptance of new applications under the hotel Regulations, which are being contested by the neighbors. As the request for restraining order had not been acted upon by a judge, the Planning and Zoning Commission is compelled to accept applications, despite the fact that they may potentially be impacted if the judge approves the request for a restraining order. He clarified that no action would be taken tonight, and that discussion would continue to May 19, 2025 for determination of completeness and potentially to schedule a public hearing date.

Landscape Architect Mark Arigoni of SLR Consulting, representing the Applicant, explained this application was composed after feedback was received from the Commission in a pre-application meeting. Mr. Arigoni said the redevelopment included four residential cottages and fifty-three guest rooms in the renovated Inn structure. The Event Barn was acoustically designed and attached to a rear portion of the Inn with a vestibule area attached to the rear of the Inn-building. He explained a sit-down restaurant, bar, and fast casual provisions would be located within the renovated portion of the existing Inn. The application also included a Spa building constructed on piers with four to five treatment rooms located behind the renovated Inn structure, and an outdoor seasonal pool with a restroom and storage equipment building. He mentioned a central delivery and trash area located to the rear of the facility with a storage building and delivery turnaround parking.

Mr. Arigoni explained infrastructure and site access have not changed since the previous application. He added that discussion with the Connecticut Department of Transportation (DOT) had occurred for final details on site line improvements. The primary parking area received minor changes to circulation and drop-off traffic flow, and a full sound study was performed by a third-party company with field workers and models within proposed conditions. Approval was received from the IWWC and the Town Fire Marshal. Sewer capacity analysis was also completed, which included a field study of inverts and manholes from Sharon Road to the treatment plant. He explained mapping for relocation was filed and is under final review with Connecticut Department of Energy & Environmental Protection (DEEP) and the Natural Diversity Data Base (NDDDB). A deed restriction was developed and submitted by request of the NDDDB.

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**Monday May 5th, 2025 6:30PM**

Remote Meeting by Live Internet Video Stream and Telephone

Chair Klemens explained the Commission would render a decision of completeness on May 19, 2025 and discuss extra consultants needed for reviewing the application. Chair Klemens provided a reminder that public comment must be held until public hearing has opened, and *ex parte* communication between the public and Commissioners must be avoided.

**Pending Business**

11. #2025-0284 / William and Stephanie Colaric (Allied Engineering) / 67 Old CNE Road / Special Permit Application for a Structure Less than 50' from a Waterbody (Section 305.2) and Site Development Activities Including Hardscaping, Landscaping, Stormwater Improvements in the Lake Protection Overlay District (Section 404) / Map 40 / Lot 30 / DOR: 04/21/2025 / *Pending Engineer Review and IWWC Decision, Schedule Public Hearing Possibly June 2, 2025 at 6:45 PM*

LUD Conroy explained the application was tabled due to pending Engineer Review and IWWC decision. She advised the public hearing should be scheduled June 2, 2025, based on scheduled IWWC meetings.

**Motion:** To schedule a public hearing for application #2025-0284 / William and Stephanie Colaric (Allied Engineering) / 67 Old CNE Road / Special Permit Application for a Structure Less than 50' from a Waterbody (Section 305.2) and Site Development Activities Including Hardscaping, Landscaping, Stormwater Improvements in the Lake Protection Overlay District (Section 404) / Map 40 / Lot 30 / on June 2, 2025 at 6:45PM via Zoom.

Made by Cockerline, seconded by Riva.

Vote: 5-0-0 in favor.

**Tabled Business**

12. #2025-0281 / Robert and Robin Easton (UCE Fine Builders) / 104 Interlaken Road / Special Permit for Vertical Expansion of Nonconforming Residential Structure (Section 503.2) / Map 39 / Lot 17 / DOR: 04/21/2025 / *Public Hearing Schedule for May 19, 2025*

Chair Klemens explained the application was tabled.

**Adjournment**

**Motion:** To adjourn the meeting at 8:01PM.

Made by Shyer, seconded by Whalen.

Vote: 5-0-0 in favor.

Respectfully Submitted,

Erika Spino

Secretary of Minutes