

SALISBURY PLANNING AND ZONING COMMISSION
MEETING MINUTES
Monday May 19, 2025 – 6:30 PM
Remote Meeting by Live Internet Video Stream and Telephone

Members Present:

Cathy Shyer (Vice Chair)
Martin Whalen (Secretary)
Bob Riva (Regular Member)
Allen Cockerline (Regular Member)
Dr. Danella Schiffer (Alternate Member)
Beth Wells (Alternate Member)

Members Absent:

Dr. Michael Klemens (Chair)

Staff Present:

Abby Conroy (Land Use Director)
Miles Todaro (Land Use Technical Specialist)

Brief Items and Announcements

1. Call to Order / Establish Quorum

Vice Chair Shyer noted that Dr. Klemens would not be attending the meeting, and that he asked her to Chair in his place. Vice Chair Shyer called the meeting to order at 6:32pm with four regular members present (Vice Chair Shyer, Secretary Whalen, Regular Member Riva, Regular Member Cockerline). Alternate Members Schiffer and Wells were also present. Alternate member Wells was seated to vote.

2. Approval of the Agenda

Motion: To approve the agenda

Made by Cockerline, seconded by Riva

Vote: 5-0-0

3. Minutes of April 7, 2025

The Commission had no amendments for the minutes of April 7, 2025.

Motion: To approve the minutes of April 7, 2025

Made by Riva, seconded by Whalen

Vote: 5-0-0

4. Minutes of April 21, 2025

The Commission had no amendments for the minutes of April 21, 2025.

Motion: To approve the minutes of April 21, 2025

Made by Riva, seconded by Whalen

Vote: 3-0-2

Regular Member Cockerline and Alternate Member Wells abstained from voting since they were not present at the meeting of April 21, 2025.

5. Minutes of May 5, 2025 Special Meeting

Alternate Member Schiffer asked if Executive Sessions are recorded. LUD Conroy answered that they are not.

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Motion: To approve the minutes of May 5, 2025
Made by Cockerline, seconded by Riva
Vote: 5-0-0

6. Minutes of May 5, 2025 – *pending*

7. 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.

There was no public comment.

The Commission moved to agenda item 9.

New Business

9. #2023-0220 / Indian Mountain School (Haley Ward – Parsons) / 211 Indian Mountain Road / Modification of Approved Site Plan for Servery and Dining Area (Section 800.4) / Map 1 / Lot 20 / DOR: 05/19/2025 / *Reception and Consideration as Possible Minor Modification*

Engineer Todd Parsons of Haley Ward Engineering explained that Indian Mountain School is requesting a modification of a site plan approved in 2023 for changes to the assembly area. Luca Segato of VMA Architects presented the application. He explained that a portion of the project approved in 2023 has recently been completed, so the current application is regarding “phase 2B” (the renovation of the servery and the conversion of the assembly into a dining hall). Mr. Segato presented plans showing the details of phase 2B. Additionally, Mr. Segato pointed out the areas where the plans changed since they were initially approved in 2023. These changes included expanding the dining area and servery in place of previously planned classrooms, storage, and a counseling suite. Mr. Segato also noted that comments on the plans from the Building Office have been addressed, and Torrington Area Health District (TAHD) approval is pending.

LUD Conroy commented that she believed these changes were relatively minor, but since TAHD approval has not yet been obtained, and another project at Indian Mountain School was planned, she asked the applicant to bring it all to the Commission at once. Mr. Parsons confirmed that TAHD has not yet finished reviewing the plans, as Sanitarian Cathy Weber has been out of the office.

Regular Member Riva asked if the Fire Marshal has also reviewed the plans. Mr. Segato answered that the third-party reviewer provided some comments which were addressed. The Commission had no other questions.

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Motion: To approve, conditioned on Torrington Area Health District Approval, minor modifications to site development plans associated with Site Plan #2023-0220 approved July 17, 2023 by owner Indian Mountain School to renovate interior of assembly area and construct two small additions.
Made by Cockerline, seconded by Riva
Vote: 5-0-0

Public Hearing – 6:45 PM

8. #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 / *Open Hearing, Possible Consideration*
LUD Conroy explained that the notices to the abutting property owners had been sent, and Torrington Area Health District approval has been submitted. She also explained that the applicant is proposing to construct second floor dormers on the main house, which does not meet front yard setback requirements. Vice Chair Shyer read the call to open the public hearing at 6:49pm.

LUD Conroy explained the applicant has done interior demolition, and is on the construction phase. Vice Chair Shyer asked if the only reason this application needs Planning and Zoning Commission review is the north side dormers. LUD Conroy confirmed those dormers are the reason, and presented the application plans showing the expansion. She also suggested the Commission keep in mind projects like these when reviewing the regulations. Secretary Whalen commented that a Special Permit seems like it shouldn't be necessary for vertical expansion. Vice Chair Shyer agreed, and expressed favorability for changing the regulations in the future to reflect this. Vice Chair Shyer asked if there were any comments from the public. There were no comments from the public. Alternate Member Wells asked for the height of the house. LUD Conroy answered that the dormers won't affect the overall height as calculated based on the regulations.

Motion: To close the public hearing at 6:55pm
Made by Cockerline, seconded by Whalen
Vote: 5-0-0

Motion: To approve application #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 /
Made by Cockerline, seconded by Whalen
Vote: 5-0-0

New Business

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9. #2025-0288 / Indian Mountain School (Haley Ward – Parsons) / 211 Indian Mountain Road / Site Plan Application for Conversion of Faculty Housing to Dormitory (Section 803.5) / Map 1 / Lot 20 / DOR: 05/19/2025 / *Reception and Possible Consideration*

Mr. Parsons explained that this project is for the conversion of faculty housing into student housing inside the main building complex. Ryan Schicker of edmStudio Architects provided an overview of the plans. He noted that the bulk of the work for the project is taking place on the second floor of the Richards building, with some changes on the first and third floor. Mr. Schicker also noted that the majority of the work is interior, with no planned site changes.

Vice Chair Shyer asked how many faculty apartments are being removed. Mr. Schicker answered that there will be one less faculty apartment. Mr. Parsons added that there is a net reduction of 6 faculty bedrooms and a net increase of 8 student dorm rooms, when factoring in other projects on campus. He explained the wastewater flow rates of faculty housing versus dorm housing had to be balanced to maintain the current rate of wastewater flow.

Vice Chair Shyer asked where the faculty rooms will be made up. Mr. Parsons answered that they are not being made up. Vice Chair Shyer emphasized that the Planning and Zoning Commission would prefer projects to be applied for all at once rather than piecemeal, and asked for confirmation that this is the case with this application. Mr. Parsons confirmed that there are not currently plans for additional faculty housing. Vice Chair Shyer asked if the additional dorms and dining room space are planned because of an increase in the number of students attending Indian Mountain School. Mr. Parsons answered that there is an increased demand for boarding students. LUD Conroy asked if the balancing of the housing wastewater flows means the review occurs at the local level with Torrington Area Health District rather than the State. Mr. Parsons confirmed that the review would be at the local level.

Motion: To approve, conditioned on Torrington Area Health District approval, application #2025-0288 / Indian Mountain School (Haley Ward – Parsons) / 211 Indian Mountain Road / Site Plan Application for Conversion of Faculty Housing to Dormitory (Section 803.5) / Map 1 / Lot 20 /

Made by Whalen, seconded by Riva

Vote: 5-0-0

Pending Business

10. #2025-0285 / Deer Friends LLC (Ackerly Brown, LLC - Vail) / 15 Undermountain Road (The White Hart) / Site Plan Application to Temporarily Operate Food and Beverage Service (Sections 207.19) / Map 56 / Lot 33 / DOR: 05/05/2025 / *Possible Consideration*

Regular Member Cockerline recused himself from this application. Vice Chair Shyer seated Alternate Member Schiffer as a voting member in his place at 7:08pm. Attorney Emily Vail, representing Deer Friends LLC, explained that her client believes outdoor dining as a use is pre-existing, so they are only seeking a temporary permit to operate the pizza oven. Vice Chair

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Shyer explained that when the pizza oven temporary permit application was applied for last year, Deer Friends LLC was asked to apply for permits that would resolve nonconforming uses on the property. Vice Chair Shyer specifically mentioned Provisions as lacking the necessary permits. Attorney Vail informed the Commission that the 2016 building permit for Provisions had “NR” written under the “zoning permit” section, which she assumes to mean “not required.” Therefore, she believes there was a Zoning Review at the time of the 2016 application, and a zoning permit was deemed unnecessary. LUD Conroy asked if the Zoning Enforcement Officer has signed the permit, or if an unknown individual wrote “NR.” Attorney Vail showed the Commission the application in question. LUD Conroy expressed that she did not believe that could be accepted as Zoning sign-off, and noted that uses are not statutorily protected unless they predate Zoning. Attorney Vail commented that the outdoor dining use predates Zoning. Attorney Vail also asked why Provisions would be treated separately under Zoning, when it is a part of the Inn operations. She clarified that the Inn has always had a restaurant that served breakfast, lunch, and dinner. LUD Conroy asked if the high turnover restaurant was always part of the use. Attorney Vail did not agree that Provisions met the definition of high turnover. Vice Chair Shyer commented that she believes work was done in 2016 in order to allow for high turnover.

Attorney Vail directed the Commission attention to a stamp on the plans submitted with the 2016 application which read “RECEIVED May 13 2016 PZC OFFICE SALISBURY CT.” Vice Chair Shyer acknowledged the stamp and commented that it is very strange that there is no signature from the Land Use Office. LUD Conroy commented that this discussion of potential nonconformities could be postponed to another day, since the applicant has actually applied for a temporary zoning permit.

Alternate Member Schiffer asked for clarification on what was meant by “temporary.” Attorney Vail referred to where section 906 of the Zoning Regulations mention “seasonal uses.” LUD Conroy noted that the Commission has authorized her to issue temporary zoning permits a few times, but she is not aware of any cases where the Commission has authorized temporary zoning permits more than once for the same use.

Regular Member Riva asked if Attorney Vail had spoken to Town Attorney Charles Andres. Attorney Vail confirmed she did speak with Attorney Andres, and he had no suggestions other than the paths that have been discussed with the Commission. She also clarified that the Special Permit she and Attorney Andres discussed would be for the Inn as a whole. Vice Chair Shyer asked if a temporary zoning permit can be issued tonight. LUD Conroy showed the Commission section 906 of the Zoning Regulations (Temporary Zoning Permits). Attorney Vail noted that Torrington Area Health District requires a weekly approval for this use, as it will be considered a weekly event. The Commission and Attorney Vail deliberated what was meant by “seasonal uses” in the zoning regulations.

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Secretary Whalen agreed that the Provisions discussion should be postponed to another meeting. Attorney Vail reiterated that she believed the documents she provided show that Provisions was submitted for Zoning Review in 2016. Secretary Whalen commented that Attorney Vail may not be correct that “NR” stands for “Not Required.”

Alternate Member Wells expressed that the temporary zoning permit for the pizza oven could be granted an extension. Alternate Member Schiffer agreed. Vice Chair Shyer suggested authorizing the temporary zoning permit with the understanding that Deer Friends LLC will formally document Provisions with the Land Use Office. Attorney Vail stated that she would have to discuss that condition with her clients. LUD Conroy noted that the Commission’s decision can be appealed. Alternate Member Schiffer suggested noting in the motion that the authorization is for a pizza oven specifically not food and beverage in general. LUD Conroy pointed out that there is a planned outdoor bar area. Alternate Member Schiffer maintained her position that the vote should be on the pizza oven specifically, since she believed that is what was being asked for. Attorney Vail suggested including the associated outdoor beverages with the authorization.

Motion: To authorize the Land Use Administrator to issue a temporary zoning permit for this season for an outdoor pizza oven.

Made by Riva, seconded by Whalen

Vote: 5-0-0

11. #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*

LUD Conroy explained that the special permit application package was received at the last meeting, and now that the Commission has had a chance to review the materials, she would like to know what sort of technical guidance the Commission might need in addition to the Town Consulting Engineer. Vice Chair Shyer noted that Allen Cockerline has been reseated as a voting member in place of Alternate Member Schiffer. Vice Chair Shyer asked if a letter from the Water Pollution Control Authority (WPCA) has been submitted. LUD Conroy answered that the application is pending before WPCA. Regular Member Cockerline commented that he would like a Sound Engineer Consultant to review the acoustic information. He added that he would also like another traffic review including an executive summary. Alternate Member Schiffer asked if she could discuss whether or not the application meets the Zoning Regulations. Vice Chair Shyer answered that the discussion at this meeting is about whether the application is complete, and what else would be needed to review it. Secretary Whalen supported hiring a Traffic consultant.

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LUD Conroy explained the application timeline as outlined in the Statute, and noted that she will be reaching out to consultants per the Commission's request. Regular Member Cockerline asked when the permit would be automatically granted if the Commission doesn't act. LUD Conroy clarified that it would not be automatically granted.

Landscape Architect Mark Arigoni, representing the applicant, commented that the traffic generation is reduced from the previous application. Attorney Mackey, also representing the applicant, asked if the Commission will not be scheduling the public hearing until they deem the application complete. Vice Chair Shyer confirmed this, and noted that the only pending item identified is the letter from the WPCA. The Commission discussed possible dates the hearing could be scheduled for. Vice Chair Shyer suggested waiting to schedule the hearing until at least the next regular meeting.

Other Business

12. Position Statement Regarding Commission Meeting Format

Vice Chair Shyer expressed support for much of the Position Statement document. However, she felt improvements could be made to better acknowledge the desires of some of the public to meet in-person. She suggested adding that it could be reconsidered if the resources available to the Commission and the Land Use Office change. LUD Conroy asked if the Commission would rather work on the document together now, or send comments to the Land Use Office and review it again after the comments have been implemented.

Regular Member Cockerline made a motion to adopt the Position Statement as written. Alternate Member Schiffer seconded. Regular Member Riva commented that there has been improved turnout with Zoom Meetings, and many people watch the recordings afterwards. Vice Chair Shyer agreed. Regular Member Cockerline requested to amend his motion to acknowledge that it does not preclude the Commission from having in-person meetings. Secretary Whalen expressed that he has mixed feelings on the topic of the Position Statement. LUD Conroy suggested that meeting format could be revisited annually. Secretary Whalen commented that Salisbury is one of the only Towns in the Northwest Corner of Connecticut with online-only meetings, and disagreed with Regular Member Cockerline's suggestion to adopt the Position Statement as-written. Vice Chair Shyer noted that the other Towns might not have the same volume of applications. Secretary Whalen commented that more staff should be hired to accommodate the volume. Vice Chair Shyer suggested sending in comments to the Land Use Office and revisit the document at the next meeting. Regular Member Cockerline reminded the Commission that there is a motion and a second on the floor. Alternate Member Schiffer clarified that she didn't second the motion, she seconded Regular Member Cockerline's thoughts. She also asked if meeting attendees could see who was in the meeting room. LUD Conroy explained attendees can't see the list, and the Commission can't require attendees to identify themselves. Additionally, the Statute does not require the

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attendees to be listed. Regular Member Riva seconded Regular Member Cockerline's motion, as amended. Regular Member Cockerline withdrew his motion.

13. Survey Completeness Checklist

LUD Conroy noted that she gave the draft to a few surveyors for review, and received comments back from one. Regular Member Cockerline asked for clarification on what was meant by "existing septic system" in the document. LUD Conroy answered that it may depend on the circumstances under which a survey is requested. The Commission agreed that the general area of the septic system should be included in the checklist.

Tabled Business

14. #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, Public Hearing Scheduled for June 2, 2025 at 6:45 PM*

Adjournment

Motion: To adjourn the meeting at 8:27pm
Made by Cockerline, seconded by Whalen
Vote: 5-0-0

Respectfully Submitted,
Miles Todaro
Land Use Technical Specialist