

# SALISBURY PLANNING AND ZONING COMMISSION

## MEETING MINUTES

Monday June 2, 2025 – 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

### Members Present:

Dr. Michael Klemens (Chair)  
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:

### Staff Present:

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

### **Brief Items and Announcements**

#### 1. Call to Order / Establish Quorum

Chair Klemens called the meeting to order at 6:33pm. Chair Klemens, Vice Chair Shyer, Secretary Whalen, Regular Member Riva, and Regular Member Cockerline were present and seated to vote. Alternate Members Schiffer and Wells were also present.

#### 2. Approval of the Agenda

Chair Klemens requested that agenda item 11 "Position Statement Regarding Commission Meeting Format" be replaced with "Reaffirming Setback Policy for Structures." He clarified that the Position Statement may be ready for consideration at the next meeting.

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

Made by Cockerline, seconded by Riva

Vote: 5-0-0

#### 3. Minutes of May 5, 2025 – *pending*

#### 4. Minutes of May 19, 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.

There was no public comment.

### **Public Hearing – 6:45 PM**

6. #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 / APPLICATION  
*WITHDRAWN*

Chair Klemens noted that this application was withdrawn.

### **New Business**

7. #2025-0289 / Kenneth and Elizabeth Burdick (Haley Ward – Parsons) / 152 South Shore Road / Remove Existing House and Construct New Single Family Residence, Septic System and Driveway in

the Lake Protection Overlay District (Section 404) / Map 60 / Lot 17 / DOR:06/02/2025 *Reception and Possible Consideration*

Engineer Todd Parsons presented the plans showing the proposed demolition and new house, driveway, and septic system. He noted that Torrington Area Health District (TAHD) approval and Inland Wetlands and Watercourses Commission (IWWC) approval have been obtained. IWWC also sent the project for review by the Consulting Town Engineer, whose concerns have been satisfied. Mr. Parsons commented that the entire property is in the Lake Protection Overlay District, and the proposed house will be 88 feet from the lake, which is roughly ten feet further than the existing house. He noted that alternative configurations were considered, but decided against them based on disturbance in the Lake Protection Overlay District. Mr. Parsons pointed out the erosion control measures and construction entrance on the plans. He also noted the reduction in impervious surface area, primarily driven by replacing an existing parking area with a permeable stone surface.

Chair Klemens asked if the new house has the same footprint as the existing house. Mr. Parsons answered that it is not. Chair Klemens asked if the house would need to meet the 10% impervious surface maximum since it is in a new footprint. LUD Conroy answered that this has not been the practice of the Commission, which instead usually focused on the reduction of nonconforming impervious surface area. Mr. Parsons pointed out the stormwater management aspects of the plan. Chair Klemens asked to see the letter from the Town Consulting Engineer. LUD Conroy showed the Commission the letter and noted that the IWWC typically budgets for three inspections by the Town Consulting Engineer. LUD Conroy also asked Mr. Parsons to clarify the recent change in the septic system. Mr. Parsons explained that the system they planned on utilizing was unexpectedly discontinued and replaced with a system with minor dimensional changes. The change was sent to TAHD, per the request of the Town Consulting Engineer.

Mr. Parsons showed the Commission the proposed planting plan. Chair Klemens asked if the proposed plants were native or cultivars. Mr. Parsons believed they were all natives, and noted that Sally Spillane of the IWWC also reviewed the plant list. Chair Klemens suggested that ensuring the plants are non-cultivar native species could be a condition of approval. Alternate Member Schiffer asked why the septic leeching field could not be relocated to where the proposed parking area is. Mr. Parsons answered that the parking area location is restricted by the required distance from the well. Other portions of the property are restricted by proximity to the house and alignment with the contours. He also noted that the septic system meets the 50-foot setback from the lake required by TAHD. LUD Conroy noted that the septic system also needs to be 75 feet from wells on neighboring property, which can restrict the available locations. Mr. Parsons noted that the new house will have the same number of bedrooms as the existing house. Mr. Parsons showed the Commission the breakdown of impervious surface coverage. Chair Klemens asked for more details on the replacement of the existing parking area. Mr. Parsons showed the detailed plans for the new permeable stone surface. Regular Member Cockerline commented that the Commission should look at the capacities of permeable surfaces like the one proposed by Mr. Parsons to help develop better Lake Protection Overlay District criteria. Chair Klemens agreed.

Vice Chair Shyer asked how the Commission can approve an application for a project above the 10% required impervious surface maximum. She also commented that she had thought South Shore Road had been replaced with a permeable surface. Regular Member Cockerline clarified that it was just one section of South Shore Road that had been replaced for a different property on a prior application. Vice

Chair Shyer reiterated that she is not comfortable with the impervious surface coverage. Chair Klemens asked if the driveway could be made permeable like the parking area that's being replaced. Mr. Parsons answered that those permeable systems require areas that are less steep than most of the driveway. Vice Chair Shyer reiterated her impervious surface concerns and asked that the driveway's impervious surface coverage be reduced by as much as is feasible. Vice Chair Shyer expressed concern regarding an existing sand area on the lakefront. Mr. Parsons answered that a curb could be added to help keep the sand from going into the lake. Regular Member Cockerline asked for additional details on how the stone infiltration area along the driveway works. Mr. Parsons explained the system's function for the Commission.

Chair Klemens noted that Regular Member Riva and Vice Chair Shyer left the meeting at 7:15pm, due to a power outage. Chair Klemens commented that he believes the Commission is not ready to approve the application, and would like to see the amount of paving reduced and the sand on the shoreline contained. Regular Member Riva returned at 7:17pm. Chair Klemens also requested that Mr. Parsons confirm that the planting plan contains no cultivars. The Commission had no further comments.

#### **Pending Business**

8. #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 noted that the Commission's legal counsel confirmed that a public hearing date does not need to be set yet. Chair Klemens suggested focusing this meeting's discussion strictly on consideration of completeness of the application. LUD Conroy updated the Commission that she has heard back from several firms able to assist with reviewing the technical material. Vice Chair Shyer returned to the meeting at 7:21pm.

Chair Klemens asked if any Commission member felt the application was incomplete. Regular Member Cockerline noted that written communication from the Salisbury Water Pollution Control Authority (WPCA) is needed. Vice Chair Shyer, Secretary Whalen, and Regular Member Riva agreed that they would consider the application complete once the communication from WPCA is received. Regular Member Cockerline commented that he would like to see more detail on the reference to improving site lines with a retaining wall. Secretary Whalen commented that it may be between the Applicant and the State, since it would be in the State right of way. Regular Member Riva commented that sight lines are an issue at that intersection. Regular Member Cockerline reiterated that he would like to see more detail added in that area. Alternate Members Schiffer and Wells commented that they felt the application is complete.

Chair Klemens asked once more for clarification on if the Commission felt the application is complete enough that a public hearing could be scheduled at the next meeting. The Commission agreed.

#### **Other Business**

9. #ZP-25-43 / Deer Friends LLC (Ackerly Brown, LLC - Vail) / 15 Undermountain Road (The White Hart) / Temporary Zoning Permit for the Operation of an Outdoor Pizza Oven (Section 906) / Map 56 / Lot 33 / DOR: 05/05/2025 / *Possible Consideration*

Regular Member Cockerline recused himself from this application and Alternate Member Wells was seated as a voting member in his place. Chair Klemens explained that he was not present at the last meeting where this application was discussed but he has watched the recording. He explained that the motion for approval was not clear, and the application noticed on the agenda was not correct. LUD Conroy showed the Commission the correct Temporary Zoning Permit application. Chair Klemens suggested authorizing approval of the Temporary Zoning Permit for this year only with the condition that a Special Permit must be obtained for the entire Hotel operation. Attorney Emily Vail asked if conditions can be added to Temporary Zoning Permits. LUD Conroy answered that the Zoning Regulations allow the Commission to impose appropriate safeguards and reasonable conditions for approval. Attorney Vail expressed that she is not sure she will be able to agree to that Condition, since she believes the Inn is operating legally, and asked what the recourse would be if the Special Permit was not obtained. Chair Klemens answered that no more Temporary Zoning Permits would be issued. Attorney Vail commented that she believes a Temporary Permit for a seasonal use is an appropriate permit. Chair Klemens replied that the Commission's decision can be appealed. Vice Chair Shyer agreed with Chair Klemens that his suggested authorization was the intent of the Commission at the last meeting.

**Motion:** To conditionally authorize the Zoning Enforcement Officer to issue temporary Zoning Permit ZP-25-43 for the seasonal operation of an outdoor pizza oven, to serve canned beverages from an outdoor bar, and serve salads and baked goods from the Inn's kitchen, compliant with the Department of Health rules, for a period that extends from June 2025 through October 2025, in accordance with Section 906 of the Regulations. Provided no future temporary zoning permits will be issued unless a Special Permit for the operation of the White Hart Inn is obtained.

Made by Klemens, seconded by Riva

Vote: 5-0-0

#### 10. Possible Adoption of Survey Completeness Checklist

LUD Conroy explained she sent a draft of the Survey Completeness Checklist to several surveyors for feedback, and one surveyor responded. She also tested the draft Checklist against several surveys that were submitted to see if it remedies common issues. Chair Klemens noted that there is the possibility of exceptions built on larger parcels and for special circumstances. Regular Member Cockerline commented that general location of the septic system should be sufficient. LUD Conroy commented that the most recent version of the draft checklist was not available to review or adopt. Chair Klemens asked for the correct version to be sent out to the Commission prior to the next meeting.

#### 11. Reaffirming Setback Policy for Structures

Chair Klemens explained that there is some confusion in the Zoning Regulations regarding whether structures need to meet yard setback requirements. He commented that it has been the policy of the Commission to treat structures as requiring to meet yard setbacks. Given the ambiguity, he requested that the Commission reaffirm this policy. LUD Conroy noted that section 102.c. of the Regulations says that in the event of uncertainty the Commission shall be responsible for interpreting the Regulations. LUD Conroy pointed out that a similar interpretation was made a few years ago regarding propane tanks being treated as storage accessory buildings for the purposes of the Regulations. Chair Klemens noted that setbacks are especially important for structures that may affect the neighbors' quiet enjoyment of their property. He also commented that he and LUD Conroy are planning on beginning a comprehensive rewrite of the Regulations in July.

173  
174 **Motion:** To reaffirm that the Commission's policy has been and will continue to be to apply yard  
175 setbacks to all structures.  
176 Made by Cockerline, seconded by Whalen  
177 Vote: 5-0-0  
178  
179 **Tabled Business**  
180 There was no tabled business.  
181  
182 **Adjournment**  
183  
184 **Motion:** To adjourn the meeting at 7:48pm.  
185 Made by Whalen, seconded by Cockerline  
186 Vote: 5-0-0  
187  
188  
189 Respectfully Submitted,  
190 Miles Todaro  
191 Land Use Technical Specialist