

DRURY, PATZ & CITRIN, LLP

ATTORNEYS AT LAW

7 CHURCH STREET

P.O. Box 101

CANAAN, CONNECTICUT 06018

LINDA M. PATZ[†]
MICHAEL P. CITRIN^{*†}

GEOFFREY DRURY - OF COUNSEL

TELEPHONE (860) 824-7777
FACSIMILE (860) 824-7622
lpatz@drurypatz.com
mcitrin@drurypatz.com

[†]ALSO MEMBER OF RI BAR
[†]ALSO MEMBER OF MA BAR
^{*}ALSO MEMBER OF NY BAR

May 29, 2024

Dr. Michael Klemens, Chairman
Town of Salisbury
Planning & Zoning Commission
27 Main Street
Salisbury, CT 06068

RE: SITE PLAN REVIEW FOR PROPERTY LOCATED ON TAX MAP 15, LOT 47

Dear Chairman Klemens:

This letter is a follow-up to our Application of May 1, 2024, requesting a site plan review for the property identified on Tax Map 15, Lot 47.

The sole question before you is whether my client, Eric Mendelsohn, owner of the above-referenced parcel can use it to seasonally store trees and shrubs as he has for the last decade. No construction will occur on this parcel. No structure will be placed on this parcel.

The parcel in question is a vacant lot located on the corner of Route 44 and Prospect Mountain Road. The lot is located in Zone RR-1. Section 205.1 of the Table of Uses under "Open Space/Farm Related" allows for a nursery in this zone upon site plan review. The zoning regulations define a nursery as "a place where plants are grown commercially, either for sale direct to the public or to other retailers".

The Applicant uses the vacant lot in question to store summer plantings, exclusively trees and shrubs in burlap. This use only occurs in spring through fall. The plants are associated with landscape installation projects and are delivered from the subject parcel to the buyer. It is not used as a customer "browse" area, as the area is particularly wet and often has deep mud. This use is consistent with the definition of a nursery. It should be noted, the Applicant is the Principal in a commercial greenhouse business that abuts the subject parcel. The abutting business has structures, including greenhouses and retail space, that were approved when built. The abutting business is a distinct use from the subject parcel as it has structures, a broader business plan, conducts business on the premises, and is open almost year round (February

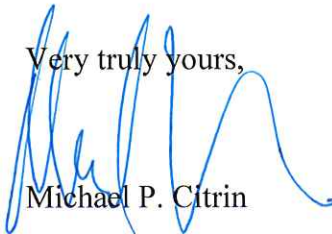
Dr. Michael Klemens, Chairman
Town of Salisbury
Planning & Zoning Commission
May 29, 2024
Page Two of Two

through December). The subject vacant parcel, in contrast, simply holds trees and shrubs until they are delivered to buyers.

It should also be noted that the Table of Uses under RR-1 allows farming with no permit whatsoever in this zone. Accordingly, a tree farm would be permitted without a permit. If planted trees would be allowed on this parcel without a permit, it is only rational that the Applicant's use of the property to seasonally store trees and shrubs be allowed as well.

Please let me know if you have any questions.

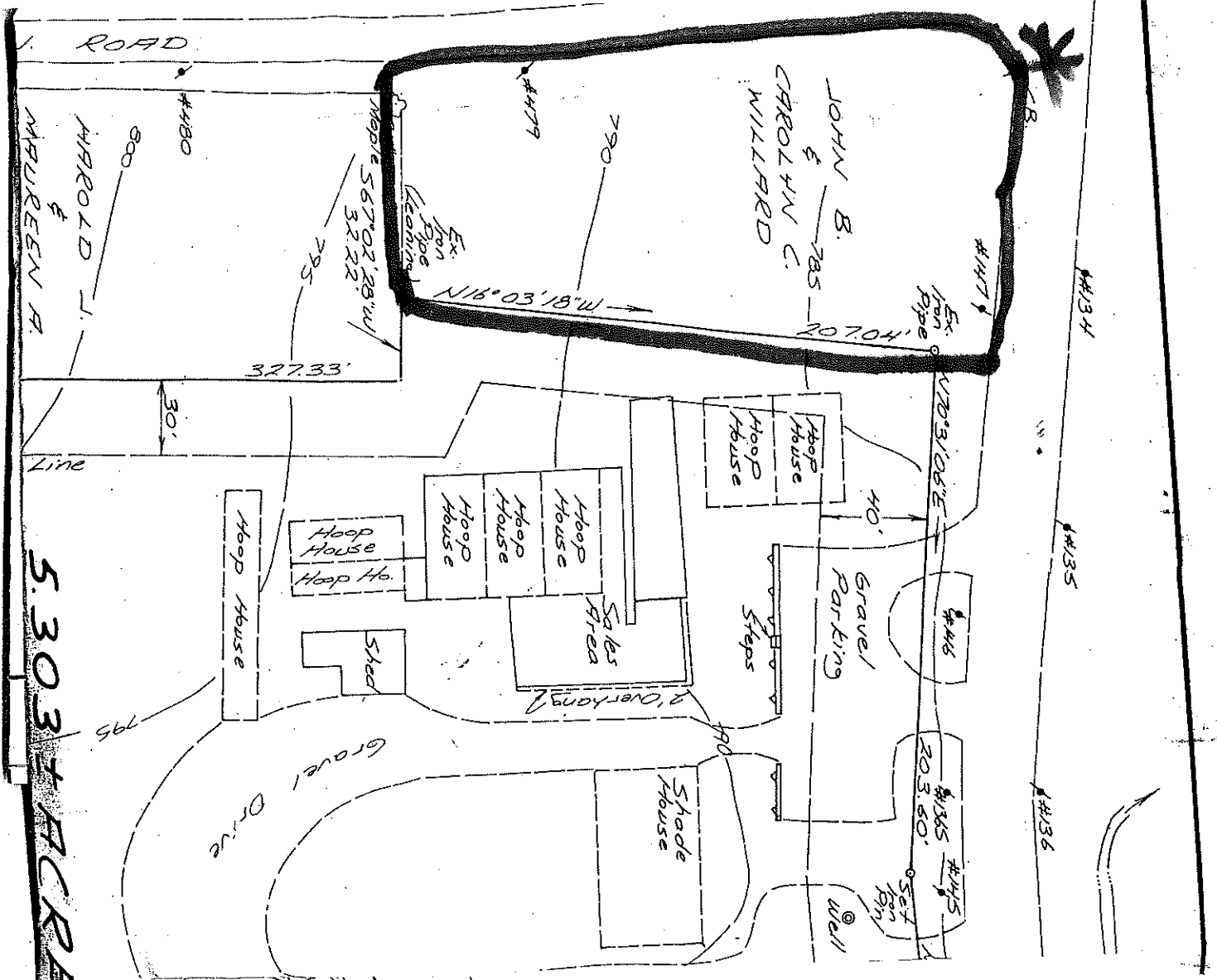
Very truly yours,



Michael P. Citrin

CC: Erik Mendelsohn
Enc. Site Plan

MPC/nes
W:\Real Estate\Mendelsohn Eric - 2024 Ltr to Planning and Zoning Commission 5.28.2024 (1) (2).docx



JOHN B. & CAROLYN C. WILLARD

ARNOLD J. & MAUREEN R.

5.3034 ACRES

N16°03'18"W

327.33'

207.04'

795'

790'

170.31'06"E

40'

203.50'

490'

30'

Gravel Drive

Gravel Parking

Shade House

Sales Area

Hoop House

Hoop House

Hoop House

Hoop House

Hoop House

Hoop House

Shed

Well

Ex. Iron Pipe (Leakage)

Ex. Iron Pipe

Maple 567'02" 28"W
32.22'

#4180

#4179

#4178

#4134

#4135

#4136

#416

#4185

#4185

Self Iron Pin

