



TOWN OF SALISBURY
CONNECTICUT

P.O. Box 548
Salisbury, Connecticut 06068

Conservation Commission


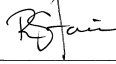
Town of Salisbury, Conservation Commission, Application for Regulated Activity Permit

- 1) Applicants name: Great Falls Construction
- 2) Applicants home address:
- 3) Applicants business address: 117 Dublin Road, Falls Village, CT 06031
- 4) Applicants Home Phone #: Business Phone #: 860.824.7128
- 5) Owner of property: Name: 280 BTLR LLC
Address: 23721 NE 48th Ave #H7
Phone #: Okeechobee, FL 34972

Signature of property owner consenting to this application:



- 6) Applicants interest in the land: Contractor
- 7) Geographical location of property: Lat 42.0283°, Lon -73.3939°
Description of the land: See attached
Computation of wetland area or watercourse disturbance: Wetland impact for road realignment 2,100 SF
Upland review impact 0.67 acres
- 8) Purpose and description of the proposed activity:
Relocate a portion of Between the Lakes Road and install drainage improvements.
Also includes relocation of a portion of the open space.
- 9) Alternatives considered by applicant:
The applicant considered various road alignments including an alignment closer to the existing road
Why this proposal to alter wetlands was chosen:
This alternative was chosen to save the sycamore trees along the road
- 10) Site plan showing existing and proposed conditions in relation to wetlands and watercourses:
(Attach map and plans to application) See Attachment
- 11) Names and addresses of adjacent property owners:
North:
South:
East: See Cover Sheet of the proposed site plans
West:

- 12) Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through inaccurate or misleading information:
Signature:  _____
- 13) Authorization for the commissioners and agents of the Commission to inspect the property, at reasonable times, both before and after a final decision has been issued:
Signature:  _____
- 14) DEEP Reporting Form 22A-39-14 provided by applicant (Rev. 3/2013)
- 15) Any other information the Commission deems necessary to the understanding of what the applicant is proposing:
- 16) Section 7.6 Requirements, if stipulated by agent
- 17) Filing Fee: As defined in current Regulations
- 18) For activities involving a significant activity as determined by the Commission and defined in Section 2 of the regulations the provisions of Article 7.6 must be submitted with the application. (Attach documents).
- 19) If the affected property is within 500 feet of an adjacent municipality the applicant is responsible for providing documentation that the provisions of 8.9 of the regulations have been satisfied: (Attach documents).

DATE FILED: _____

DATE RECEIVED BY COMMISSION: _____

ACTION: a) INSIGNIFICANT ACTIVITY

CONDITIONS:

DATE OF APPROVAL:

b) SIGNIFICANT ACTIVITY

PUBLIC HEARING DATE:

PUBLIC HEARING DATE + 65 DAYS:

CHECK LIST:

A. PUBLIC NOTICE:

DATES PUBLISHED:

B. PROOF THAT APPLICANT HAS MAILED COPIES OF PUBLIC NOTICE TO ABUTTING PROPERTY OWNERS:

C. PROOF OF PROVISIONS OF SECTION 8.2 (IF APPLICABLE):

Road Realignment

280-300 Between the Lakes Road, Salisbury

Introduction

This project involves realignment of a portion of Between the Lakes Road and construction of stormwater improvements along the shoreline of Lake Washining. It also involves relocation of a portion of the open space approved as part of a recent subdivision. The open space relocation will allow the road realignment to occur. The applicant intends to undertake the work in the fall of 2024 after all approvals are in place.

Existing Conditions

Between the Lakes Road descends from the north and crosses the applicant's property directly adjacent to the shoreline of Lake Washining. Runoff travels down the east edge of the road and carries sediment which eventually gets deposited in the lake.

280 BTLR is 4.406 acres and 300 BTLR is 2.262 acres. Both are in the RR-1 Zone. A significant portion lies within the Lake Protective Overlay District (LPOD). The property includes a very narrow strip of land on the east side of Between the Lakes Road. It also includes open fields, and existing house, and a wooded area on the west side. The property was recently approved as a building lot as part of a two-lot subdivision.

Road Realignment

The applicant intends to realign Between the Lakes Road so it is farther away from the lake. Beginning at the north end of the property, the new road will turn to the west and run across the property approximately 50 feet (center to center) west of the existing road. It will then turn east and reconnect with the existing road at the south end of the property.

The road will be constructed with 12 inches of compacted processed aggregate and crowned in the middle. New driveways will be constructed to serve properties owned by Jill Esterson & Peter Peirce and David Rogers & Karen Vrotsos.

Erosion control measures include a filter sock along the toe of the new road embankment and along the shoreline. Sedges will be planted along the shoreline.

The road realignment will impact 2,100 SF of wetlands and 0.67 acres within the upland review area. It will impact 1.0 acres within the Lake Protective Overlay District.

A small portion of the open space area will be relocated to allow for the road realignment.

Stormwater Management

The applicant proposes a stormwater management system to improve the quality of the runoff entering the lake. Specifically, the applicant proposes the following:

Clean and Restore Existing Culvert: The applicant proposes that the Town clean and restore the capacity of an existing cross-culvert approximately 450 feet north of the

northern property line. This will allow runoff from the east side of the road to cross to the west side, reducing the volume running along the road edge causing erosion.

Install Catch Basins: The applicant proposes to build two catch basins, one on each side of the road at the north end of his property. These will capture runoff before it can run into the lake. The catch basins will pipe the runoff into a riprap swale on the west side of the new road and eventually into a stormwater pond.

Construct Stormwater Ponds: The applicant proposes to construct two stormwater ponds that will treat the runoff before it is directed to the lake. The ponds have been designed to capture the Water Quality Volume.

Resubdivision

A resubdivision application will be filed with the Planning & Zoning Commission in order to relocate the open space. No new lots are proposed and no changes to the configuration of the existing lots are proposed.

Adjacent Property Owners

The road realignment may impact the following properties in addition to 280-300 Between the Lakes Road. The applicant has sought comment from the owners.

Map	Lot	Owner
67	27	Jill Esterson and Peter Peirce
67	26	David Rogers and Karen Vrotsos
67	25	Joseph R. Meehan, Trustee
67	24	Ann Smith and Richard Horton



Photo locations

LEGEND

 = PHOTO LOCATION



PHOTO 1 - Looking down driveway to lake from roadway



PHOTO 2 - Roadway shoulder washout



PHOTO 3 - Roadway washout onto private property

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

September 19, 2024

Jeffrey Keenan, Member
280 BTLR, LLC
127 Washinee Heights Road
Salisbury, CT 06068

RE: Parcels Located at 280 & 300 Between The Lakes Road

Mr. Keenan:

You have requested an opinion letter regarding your “standing” to seek regulatory action regarding the location of Between The Lakes Road in the area immediately abutting 280 Between The Lakes Road and 300 Between The Lakes Road. This opinion is for your personal use only and is based upon my review of our title work and information contained in the land records located at the Clerk’s Office for the Town of Salisbury.

280 BTLR LLC owns the above-referenced parcels pursuant to two (2) deeds. 280 Between The Lakes Road was conveyed to 280 BTLR LLC by a Warranty Deed dated November 17, 2023, and found in Volume 272 at Page 403 of the Salisbury Land Records. That deed provides the following description of that parcel:

All that certain piece or parcel of land situated in the Town of Salisbury, County of Litchfield and State of Connecticut, shown as “PROPOSED LOT #2 4.406± ACRES 191,911 S.F.” on a map entitled “PROPOSED SUBDIVISION MAP PREPARED FOR ABIGAIL RAYMOND SALAWAY #300 BETWEEN THE LAKES ROAD SALISBURY, CONNECTICUT SCALE 1” = 40’ SEPTEMBER 2, 2022 TOTAL AREA = 6.668± ACRES” which map is filed with the Salisbury Town Clerk as Map No. 2766.

300 Between The Lakes Road was conveyed to 280 BTLR LLC pursuant to a Warranty Deed dated July 24, 2024, and recorded in Volume 273 at Page 583 of the Salisbury Land Records. The description of that lot is as follows:

All that certain piece or parcel of land, with all improvements thereon, situated in the Town of Salisbury, County of Litchfield and State of Connecticut, and as more particularly described as

“PROPOSED LOT #1 2.262± ACRES 98,553 S.F.” and as shown on a map entitled “PROPOSED SUBDIVISION MAP PREPARED FOR ABIGAIL RAYMOND SALAWAY #300 BETWEEN THE LAKES ROAD SALISBURY, CONNECTICUT SCALE 1” = 40’ SEPTEMBER 2, 2022 TOTAL AREA = 6.668± ACRES” which map is filed with the Salisbury Town Clerk as Map No. 2766.

The descriptions of the above-referenced parcels are both derived from a survey entitled “PROPOSED SUBDIVISION MAP PREPARED FOR ABIGAIL RAYMOND SALAWAY #300 BETWEEN THE LAKES ROAD SALISBURY, CONNECTICUT SCALE 1” = 40’ SEPTEMBER 2, 2022 TOTAL AREA = 6.668± ACRES” which is on file with the Salisbury Town Clerk as Map No. 2766. In reviewing the map, it shows the boundary line to the parcels includes ownership to approximately the center line of the road bed and stretches for 599 linear feet along the length of the road; it also includes the entire road bed for an additional 262.268 linear feet.

Note 13 on Map No. 2766 further provides the history of the lot lines and reflects that they have existed in this manner since at least 1948:

“13. Property line shown along Between The Lakes Road is as described in Salisbury Land Records Vol. 207, Pg. 419 (Abigail Raymond Salaway to Abigail Raymond Salaway and Steven Peter Salaway, Recorded 8-31-2005) and shown on Salisbury Town Clerk Maps #640. Refer also to parcel creation deed, Salisbury Land Records Vol. 67, Pg. 380 (Helen W. Miles to Edward C. Raymond and Elizabeth H. Raymond, dated September 10, 1948).”

In addition, Note 14 reflects that the property line of these lots includes ownership of a portion of the road bed for 599 feet, and the entire road bed for the remained of the property boundary:

“14. Current deed (Salisbury Land Records Vol. 207, Pg. 419; Abigail Raymond Salaway to Abigail Raymond Salaway and Steven Peter Salaway, recorded 8-31-2005) claims ownership to center of Between The Lakes Road for 599 feet along northeastern boundary of parcel. Ownership of entire road is claimed in area where deeded land abuts Between The Lakes Road to the west and Lake Washining to the east. No rights of public to Between The Lakes Road are referenced in aforementioned deed.”

Earlier deeds and surveys, notably a survey entitled “PROPERTY OF H.W. MILES, SALISBURY LITCHFIELD CO. CONN. TO BE CONVEYED TO EDWARD C. & ELIZABETH H. RAYMOND, SCALE 1” = 100’, AUG. 13, 1948 AREA ±8.2 ACRES S.Y.N. ROCKEFELLER C.E.” on file with the Salisbury Town Clerk as Map No. 442, further support that historically, the boundary lines of these parcels have remained the same for generations and include the road bed as described.

Accordingly, 280 and 300 Between The Lakes Road include fee ownership to the center line of the road for approximately 2/3 of the parcels’ boundaries and total ownership of the entire road for approximately 1/3 of the parcels’ boundary.

Jeffrey Keenan, Member
280 BTLR, LLC
September 19, 2024
Page Three of Three

The question posed is whether you have “standing” to move the road in question. “Standing” in a legal context usually means standing to sue, which has been defined as a party having sufficient stake in controversy to obtain a judicial resolution. Sierra Club v. Morton, 405 U.S. 727 (1972). Standing is a jurisdictional issue showing a party has a stake in a litigation.

The matters you have brought before the Salisbury Town Boards, strictly speaking, are not a “controversy” or litigation. Despite that, as a fee owner in the road, it is clear you have a stake in issues affecting the road, including its location. Even without the above surveys, it is a general principal of Connecticut law that owners of land abutting a road are presumed to have fee ownership to the center line of the road. Peck v. Smith, 1 Conn. 103, 132 (1814). Even in situations where the general public has rights to travel the road, title to the property continues in the owner. Peck v. Smith, *supra*. The public right to travel over a road is distinct from a private ownership of the road itself. *supra*.

The above analysis confirms that you have fee ownership in the road. As a fee owner in Between The Lakes Road, you clearly have a stake in matters affecting that portion of the road that bounds your property. Both the Inlands Wetlands and Watercourses Commission and the Planning and Zoning Commission should accept your applications regarding a proposed relocation of Between The Lakes Road.

Please let me know if you have other questions.

Very truly yours,



Michael P. Citrin

Salisbury Planning & Zoning Commission
and
Salisbury Inland Wetlands & Watercourses Commission
27 Main Street
P.O. Box 548
Salisbury, CT 06068

Dear Commissioners:

I am in favor of the road realignment project proposed by 280 BTLR, LLC and consent to the applications as depicted in the plan set:

"Between the Lakes Road Realignment, 280 Between the Lakes Road, Salisbury, Connecticut", Sheets 01 through 06, dated June 18, 2024, prepared by Haley Ward, Inc.

Respectfully,



Ann Smith and/or Richard Horton

Salisbury Planning & Zoning Commission
and
Salisbury Inland Wetlands & Watercourses Commission
27 Main Street
P.O. Box 548
Salisbury, CT 06068

Dear Commissioners:

I am in favor of the road realignment project proposed by 280 BTLR, LLC and consent to the applications as depicted in the plan set:

“Between the Lakes Road Realignment, 280 Between the Lakes Road, Salisbury, Connecticut”, Sheets 01 through 06, dated June 18, 2024, prepared by Haley Ward, Inc.

Respectfully,

Joseph Cortese (for my Dad Joseph R. Meehan)

Joseph R. Meehan

From: BOB STAIR <bobstair@comcast.net>
Sent: Monday, June 24, 2024 1:31 PM
To: Todd Parsons
Subject: Fwd: Re: Meehan

Great Falls Construction, LLC
Robert G. Stair, General Contractor
117 Dublin Road
Falls Village, CT 06031
O: 860.824.7128

----- Original Message -----

From: PETER PEIRCE <peterpeirce@comcast.net>
To: BOB STAIR <bobstair@comcast.net>
Date: 06/24/2024 9:34 AM EDT
Subject: Re: Meehan

Joe Meehan's Son: Joe Cortese, wife(?) Mary Upton
in Lynfield, MA. 508-529-6705. josephradio@gmail.com

I don't think it would be right for me to go so far as representing them. It is my strong impression that they would approve this, but I can't do it for them.

Below is what I'm sending to P&Z. I'm going to hand deliver it, I think there is some advantage to face-to-face.

Peter Peirce & Jill Esterson

328 Between The Lakes Road

Salisbury, CT 06068

tel. 860-824-7242

June 24, 2024

Salisbury Planning and Zoning Commission

Salisbury Inland Wetlands and Watercourses Commission

27 Main Street

PO Box 548, Salisbury, CT 06068

Dear Commissioners,

We are in favor of the road realignment and dredging project proposed by 280 BTLR, LLC.

We have seen a plan set dated May 7, 2024, prepared by Haley Ward, Inc. We have not seen the current plan set, which we understand it has been altered in ways that we consider to be an improvement over the original, with more of the existing gravel road removed, and a preferable access to our property via right-away being included.

The proposal would improve the health of the lake, and provide us additional privacy on our property. We feel it is to everyone's benefit.

Peter Peirce & Jill Esterson

On 06/24/2024 8:46 AM EDT BOB STAIR <bobstair@comcast.net> wrote:

Peter,

I never heard from Joe's son. Will you be able to represent him in this?

Bob

Great Falls Construction, LLC
Robert G. Stair, General Contractor
117 Dublin Road
Falls Village, CT 06031
O: 860.824.7128

David Rogers and Karen Vrotsos
382 Between the Lakes Road
Salisbury, CT 06068
vrotsosrogers@gmail.com

To: Todd Parsons and Bob Stair

RE: Road Realignment and Dredging 280 BTLR LLC

Date: June 24, 2024

As property owners of a lakefront parcel whose access and shore area would be affected by the proposed road realignment and dredging project, we are writing to express our support for the project, based on the Annotated Site Plan prepared by Haley Ward, Inc., dated May 7, 2024, and follow-up discussions with Bob Stair and Jeffrey Keenan.

We understand, having spoken to local lake ecology experts, that erosion of the road along the shoreline is a longstanding problem requiring a solution, and that removing the road and road materials from the shore would be beneficial to the lake ecosystem. We further understand that dredging, if properly done and maintained, could benefit the health of the lake as well as its use for recreation.

We also understand that right-of-way access to our property would be assured through the allocation of an easement, should the proposed relocation occur, and that we would have a say in any future decision about where and how that access would be provided.

In our three years of residence, we have witnessed continuing erosion along the shoreline, and we look upon the realignment proposal as a way to address an urgent community concern and to help protect a valued natural resource.

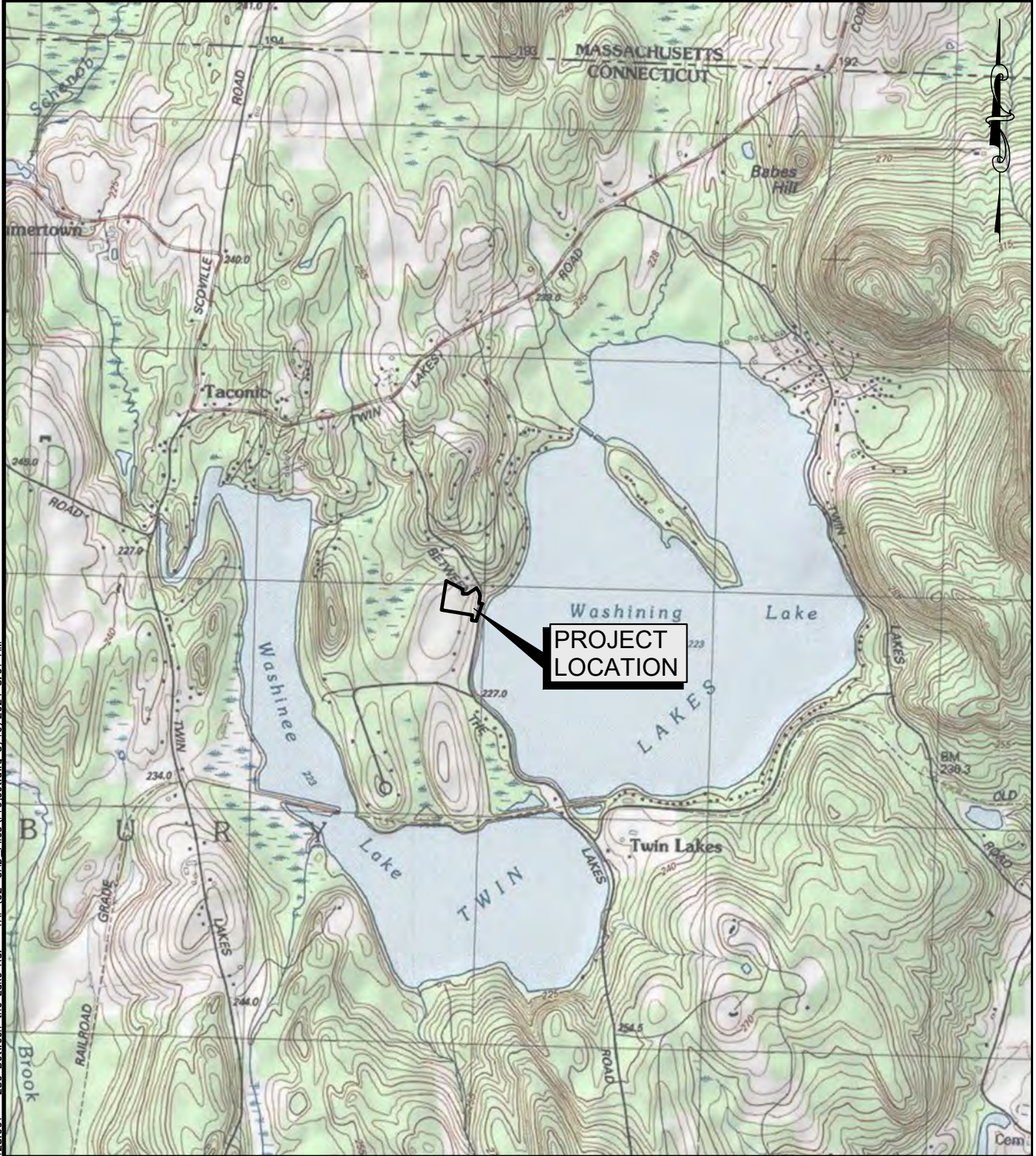
Sincerely,



Karen Vrotsos



David Rogers



P:\CT\4010128-Great Falls Construction\128.001 - 280 Between the Lake Rd. - TAP\02-CAD_Files\Project.dwg 5/10/2024 8:01 AM



Source:
USGS TOPOGRAPHIC MAP
BASH BISH FALLS, MA QUADRANGLE



LOCATION MAP

280 BTLR LLC

280 BETWEEN THE LAKE ROAD

SALISBURY CT

Scale 1:24000



Statewide Inland Wetlands & Watercourses Activity Reporting Form

Please complete and mail this form in accordance with the instructions.
If completing by hand - please print and use the [pdf version](#).
Incomplete or incomprehensible forms will be mailed back to the municipal inland wetlands agency.

PART I: Must Be Completed By The Inland Wetlands Agency

- DATE ACTION WAS TAKEN: year: [Click Here for Year](#) month: [Click Here for Month](#)
- CHOOSE ACTION TAKEN (see instructions for code): [Click Here to Choose a Code](#)
- WAS A PUBLIC HEARING HELD (check one)? yes no
- NAME OF AGENCY OFFICIAL VERIFYING AND COMPLETING THIS FORM:
(type name) _____ (signature) _____

PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant

- TOWN IN WHICH THE ACTIVITY IS OCCURRING (type name): **Salisbury**
does this project cross municipal boundaries (check one)? yes no
if yes, list the other town(s) in which the activity is occurring (type name(s)): _____, _____
- LOCATION (click on hyperlinks for information): [USGS quad map name](#): **Bash Bish Falls, MA** or [quad number](#): **1**
[subregional drainage basin number](#): **6002**
- NAME OF APPLICANT, VIOLATOR OR PETITIONER (type name): **Great Falls Construction**
- NAME & ADDRESS OF ACTIVITY / PROJECT SITE (type information): **280 Between The Lakes Road, Salisbury, CT**
briefly describe the action/project/activity (check and type information): temporary permanent description: _____
Relocate portion of Between the Lakes Road so it is farther away from the lake
- ACTIVITY PURPOSE CODE (see instructions for code): **!**
- ACTIVITY TYPE CODE(S) (see instructions for codes): **9**, [Click for Code](#), [Click for Code](#), [Click for Code](#)
- WETLAND / WATERCOURSE AREA ALTERED (see instructions for explanation, type acres or linear feet as indicated):
wetlands: **0.048** acres open water body: **0.00** acres stream: **0.00** linear feet
- UPLAND AREA ALTERED (type acres as indicated): **0.67** acres
- AREA OF WETLANDS / WATERCOURSES RESTORED, ENHANCED OR CREATED (type acres as indicated): **0.00** acres

DATE RECEIVED:

PART III: To Be Completed By The DEEP

DATE RETURNED TO DEEP:

FORM COMPLETED: YES NO

FORM CORRECTED / COMPLETED: YES NO