

PLANNING & ZONING
COMMISSION

Telephone: 860-435-5190
Fax: 860-435-5172
Email: landuse@salisburyct.us



TOWN OF SALISBURY
CONNECTICUT

Town Hall
P.O. Box 548
27 Main Street
Salisbury, Connecticut 06068

From: Abby Conroy, Land Use Director & Michael Klemens, Chair on behalf of the Salisbury Planning & Zoning Commission

Date: October 15, 2024

Re: [#2024-0257 / Wake Robin LLC & Ms. Serena Granbery \(ARADEV LLC\) / 104 & 106 Sharon Road & 53 Wells Hill Road / Special Permit For Hotel \(Section 213.5\) / Map 47/ Lot 2 & 2-1 / DOR: 08/05/2024 /](#) and Amendments to the Salisbury Zoning Regulations – Hotels (Effective May 20, 2024).

It is the understanding of the Land Use Office that the Applicant, ARADEV LLC, has been holding meetings with neighboring property owners to discuss neighborhood concerns regarding their proposed Wake Robin project. Some of these concerns fall beyond the purview of the Planning & Zoning Commission (PZC). The PZC appreciates ARADEV LLC and neighbors' efforts to collaboratively address certain issues of mutual concern. As part of ARADEV's consultation with the neighbors, it is our understanding that concerns and questions continue to arise concerning the public process of amending the Zoning Regulations effective May 20, 2024.

Pre-application Process

One of the customary functions of the Land Use Office is to provide access to property records and answer questions about Regulations. Staff (and at times the PZC Chair) assist potential purchasers in understanding the requirements of the Land Use regulatory process. This preapplication option is available to any prospective applicant. The preapplication process may include answering questions concerning which rules and regulations may apply to a particular property, what various permit processes involve, and the anticipated duration of the approval process. During the preapplication process, the potential applicant is advised about which preliminary studies and investigations (engineering, environmental etc.) that the various land use commissions may require as part of their review. Connecticut General Statutes (CGS) §7-159b allows for a pre-application review.

Pre-application reviews are beneficial to all parties as they usually result in applications that more fully comply with the requirements of the various land use commissions and reflect the goals of the Plan of Conservation and Development (POCD). Consistent with this process, at the request of the potential buyer (ARADEV LLC), the Land Use Office and the PZC Chair together had pre-application discussions with ARADEV LLC.

As part of this preapplication process, ARADEV LLC drafted a change to the Regulations, as is allowed by Section 911 of the Zoning Regulations. The draft regulation was specifically tailored to benefit the Wake Robin Inn property. During this preapplication consultation, PZC staff and the Chair expressed that the draft language was not an acceptable solution as it likely constituted spot zoning (a zone change that benefits a single property) and was not broadly applicable to the entire Town. Draft language proposed by applicants invariably needs to be refined by PZC staff for the benefit of the general community. Consequently, ARADEV LLC chose not to submit an amendment to the Regulations.

Need for Regulatory Changes

Over the last several years, the Commission has had numerous discussions regarding inconsistencies, contradictions, and outdated language in the Zoning Regulations. Contemplating the long history of confusion and resultant problems concerning transient accommodations, staff recommended and the PZC concurred that there was a public need to amend the Zoning Regulations to update and revise the standards for transient accommodations.

Rationale/Process for Zoning Amendments

The PZC has broad discretion to enact or amend its Regulations as long as a zoning authority regulates matters that are authorized under General Statutes § 8-2. In these instances, the PZC is exercising its zoning authority and acting legislatively (*Parks v. Planning & Zoning Commission*, 178 Conn. 657 (1979)). The PZC may modify its Regulations whenever time, experience and responsible planning for contemporary or future conditions reasonably indicate the need for a change.

Since 2020, there have been four Zoning Regulation amendments, as well as a comprehensive zoning map update. These text amendments have been undertaken to either address required State legislative changes or to respond to land use challenges that have broad applicability within the Town. Each of these actions has conformed with the statutory requirements including referral to the Regional Council of Governments, a noticed public hearing, and published notice of decision. In addition, all these amendments are reviewed by PZC counsel to ensure their conformance with Statute and procedure prior to adoption.

The Zoning Amendments

The proposed regulations were referred to the Northwest Hills Council of Governments for a mandatory review that ensured that these amendments were consistent with regional planning goals. This was followed by a duly noticed public hearing to consider these amendments on Monday May 6th 2024 at 6:45PM. As with all the PZC hearings since 2020, it was held via Zoom. At least one member of the public spoke at the hearing and her questions were satisfactorily addressed. The Commission members deliberated and rendered a decision to adopt the Regulations. The subsequent decision was published in the Lakeville Journal and was not appealed. The amendments have been codified in the following sections of the Salisbury Zoning Regulations:

205.1 “Table of Uses – Residential Zones”

205.2 “Table of Uses - Rural Enterprise; Commercial & Industrial Zones”

213.5 “Hotels in Residential Zones”

703.11 “Table of Parking Requirements”

Definitions of “Hotel” and “Motel.”

Conclusion

Although ARADEV LLC’s request provided the impetus for the PZC to initiate a regulation amendment, the PZC ultimately adopted their own language which addressed a number of long-standing regulatory problems concerning transient lodging. These amendments were far more expansive than ARADEV’s initial request. The PZC complied with all statutory requirements in their drafting and adoption of these amendments.

For future reference, in accordance with the provisions of Section 8-7d of the Connecticut General Statutes, the Salisbury Planning and Zoning Commission (PZC) has established a “public notice registry” to inform interested property owners, electors, and non-profit organizations of certain applications **initiated by the Commission**.

Individuals and organizations who sign up for the registry will be notified of the commencement of public hearings on PZC-initiated amendments to the Subdivision and/or Zoning Regulations, changes to the Zoning Map, and adoption of or amendments to the POCD. Notifications will be sent by e-mail unless delivery by U.S. Postal Service is specifically requested (contact the Land Use Office to request this). Notices will be sent at least seven days prior to the beginning of the public hearing.

Disclaimer: These registry notices will cover only those applications initiated by the Planning and Zoning Commission; notices will not be sent regarding applications submitted by applicants other than the Commission themselves (e.g., individuals or corporations).

The registry is available at the very bottom of the following webpage.

<https://www.salisburyct.us/planning-zoning-commission/plan-of-conservation-and-development/>