

September 20, 2024

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To:

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Town of Salisbury, The Land Use Office
Planning & Zoning Commission
Inland Wetlands and Watercourses Commission
Conservation Commission

REGARDING: #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

Dear Commission Members and Ms. Conroy,

Please accept this written statement as part of the evidentiary record for the above referenced Application and refer my concerns to the Land Use Commissions. I am grateful for your service and dedication to our Town and the qualities that make it a healthy and wonderful place to live.

Although I have previously expressed concerns (as a resident and abutter) in Public Hearings (9/3, 9/17) and co-signed a letter expressing concerns about, among other things, matters of public safety, health and 803.2/803.3 considerations, I believe those remarks are now amply reinforced in the public record. Respecting Dr. Klemens' guidance to the public, I do not wish to belabor these issues in this correspondence. Instead, I am writing to share four critical concerns that I have not yet seen in correspondence (and that I believe the Applicant should fully address). These concerns relate broadly (but not exclusively) to the protection of our Town's environment and natural resources. They are:

1. **No Analysis of the Cumulative Impacts** of two development projects:
 - a. (approved) The construction, maintenance, and operation of an AT&T telecommunications facility located at 106 Sharon Road (reference [here](#) for docket materials and site plan); and,
 - b. (proposed) The Applicants own development.

For example, although the Applicant has said it will coordinate with AT&T in the phased development, it has not demonstrated the cumulative impact of both projects. Consider that the AT&T development alone, according to its site plans, will:

- Remove 29 trees over 6" diameter breast height (DBH) of which at least 10 will be over 14" DBH
- Remove earthwork volume cut of 405 cubic yards (w/ fill of 136 for net cut of 269 cubic yards)
- Create and/or expand both permanent and temporary access roads

Action Requested: (1) require that the Applicant produce a comprehensive report detailing the cumulative environmental impacts of both projects. (2) Hold the Applicant accountable to regulatory metrics as they *will be* inclusive of impacts already approved on this land (but not yet realized).

2. **Incomplete / inaccurate wetland and watercourse boundaries** as reflected in the Applicant's site plans. I am concerned that the applicant's placement of wetland features / boundaries in its plans is not accurate given discrepancies and/or omissions as compared to site plans for the AT&T project referenced above and linked [here](#) (e.g., varying distances to aquifer protection zone and wetland / watercourse boundaries).

Action Requested: insist on an independent verification of wetland and watercourse features and boundaries to ensure completeness and accuracy (particularly as it relates to establishment of Upland Review Areas (URA) and the siting of parking lots, spa, pool house, and pool proposed adjacent to Wells Hill Road).

3. **Upland Review Area impact to watercourse exiting at Catch Basin GR: 796.9.** To avoid redundancy, I do not specifically raise concerns in this letter about this development's impact with respect to the Lake Wononscopomuc watershed because I am hopeful that the Commissions will already be aware of and acting upon such concerns. However, it is important that the Land Use Commissions are aware of a different URA impact to a very important watercourse that is not yet adequately planned or **mitigated**. Consider:
 - a. Although not shown on the Applicant's plan, the existing watercourse adjacent to Wells Hill Road does not terminate at Catch Basin GR: 796.9. Instead, it passes under Wells Hill Road through a 15-inch diameter pipe that feeds a seasonal stream.
 - b. This seasonal watercourse passes through three abutting properties (along the shared border of #34 and #40 Wells Hill properties and passing through our #50 Wells Hill property) before continuing under Farnum road to Factory Brook, Spruce Swamp Creek, and Salmon Creek, etc.
 - c. This watercourse is an under-recognized and valuable natural resource linking diverse ecosystems and habitats (Picture 1):
 - i. It passes through a rare geologic feature: a schist ravine (as suggested in the bowl-shaped contour lines of topographic Picture 2) that includes cool, damp rocky seeps and which contributes to...
 - ii. ...a unique native flora (adapted to neither too much nor too little moisture) that shelters an assortment of small mammals, birds, lizards and toads.
 - iii. After only 0.31 inches rain in all of September, and as many other local creeks have dried to dust, this watercourse is **still flowing today** at the Farnum pipe exit near Cleveland St. as pictured (Picture 3)

Action Requested: require Applicant to site parking lots, structures and pool outside of watercourse URA. Enforce true setbacks to actual boundaries. Absent Town regulations and/or policies restricting non-point source pollution from parking lots, require as a

condition of any Special Permit that the Applicant monitor parking lots and remove vehicles that are leaking pollutants such as oil and antifreeze (see also Issue #4). Ensure that Applicant properly mitigates impacts of its development and storm run off such that the watercourse in question will not be negatively impacted by erosion, pollutants, changes in volume, temperature, historical flow etc. Existing plan with structures and parking lots in URA and proposed detention basin should be a non-starter. [Notably, this issue also relates to 803.3 concerns already cited such as effect on value].

4. **The presence of an established nest of breeding threatened bald eagles** and potentially other threatened or endangered species. An active, breeding eagle nest has thrived for at least five years now on the abutting property at 64 Wells Hill. To the aggravation of our local crow population, these eagles commonly perch atop our Norway Spruce (4' BHD). That the base of this tree perch is less than 70 ft from the current proposed parking lot (and new non-point source pollution)—should, at a minimum, trigger an adequate environmental assessment. While bald eagles are no longer listed as endangered species, they are protected by federal statute. Based on my observations of their breeding and feeding, I am concerned that operation of the proposed Facility and construction (blasting?) may interfere with the eagles' lifestyle. This will also be true of unprotected species such as deer and bears (Picture 4) where existing wildlife corridors through the porous roadside bramble are proposed to be replaced by a continuous retaining wall and fence that would have the effect of dangerously trapping animals between an impervious barrier and the flow of traffic.

Action Requested: ensure that an adequate assessment of the surrounding environment has been performed. We have historically been in communication with a state DEEP wildlife biologist regarding the presence of nesting eagles, but we also want to ensure the Applicant is aware of this presence in the event that future enforcement action requires them to remediate or pay reparations for some aspect of their development.

Finally, I refer you to a photo (Picture 5) that I captured today of a service vehicle adjacent to the proposed "emergency" exit via the 53 Wells Hill property easement. Here, I violate my commitment to avoid redundant mention of traffic concerns, but I believe the picture may help Commission members visualize an important one. In this picture, you can see, from a driver's perspective, how difficult it would be to pass the service vehicles without putting oneself in harm's way from a driver speeding blindly downhill (oncoming traffic).

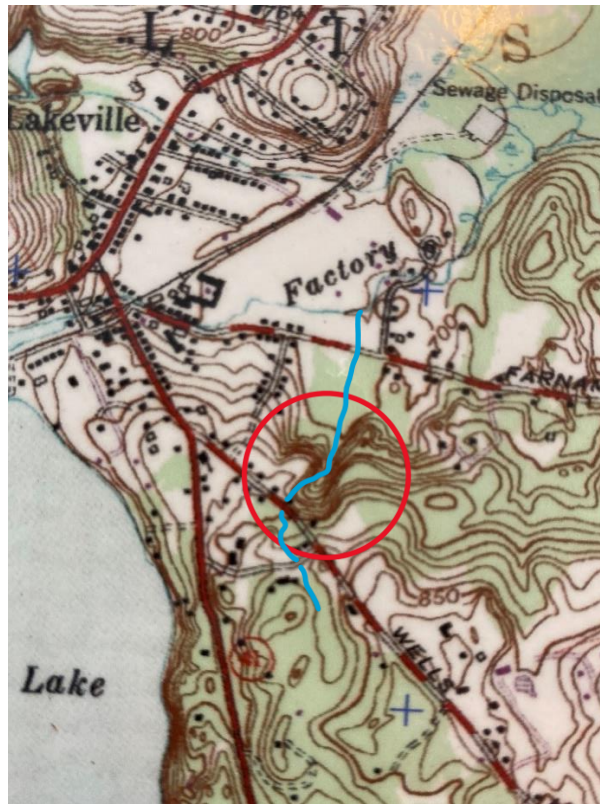
In conclusion, I am hopeful that by distributing these (mostly) environmental concerns to the appropriate Commissions, the Chairs, Members and Alternates may review the requested actions and, if deemed appropriate and necessary, hold the Applicant accountable for the work it must do to prove to the Town and its residents that we are not courting irreparable harm to our most fragile, connected and under-appreciated resources that are, quite literally, in our own backyards.

Sincerely,
Greg Wilmore
50 Wells Hill Road

Picture 1: looking downhill northward from #40 WHR (the continuation of the watercourse exiting at Catch Basin GR: 796.9) and overlooking the ravine that connects the seasonal stream, rocky seep and fragile wetlands with Farnum exit to Factory Brook and beyond:



Picture 2: detail from USGS map showing the unique geological feature [red circle] through which the watercourse [blue line attempted to show approximate route] descends to Factory Brook and beyond:



Picture 3: 9/20 active water flow at Farnum watercourse exit (to Furnace Brook) after long dry spell:



Picture 4: existing wildlife corridors along Wells Hill Road where proposed barriers would create new wildlife and traffic strike hazards:



Picture 5: today: 9/20 – to illustrate blind site line hazard at “emergency” exit adjacent to 53 WHR:

