

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

October 16th, 2024 6:00PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chair)

3 Cathy Shyer (Vice Chair)

4 Martin Whalen (Secretary)

5 Allen Cockerline (Regular Member)

6 Bob Riva (Regular Member)

7 Dr. Danella Schiffer (Alternate Member)

8

9

Members Absent:

Beth Wells (Alternate Member)

Staff Present

Abby Conroy, Land Use Director (LUD)

Miles Todaro, Land Use Technical Specialist (LUTS)

10 **Brief Items and Announcements**

11 1. Call to Order / Establish Quorum

12 Chair Klemens called the Meeting to order at 6:00PM. A quorum was established with five regular
13 members present (Dr. Michael Klemens, Cathy Shyer, Martin Whalen, Bob Riva, Allen Cockerline).
14 Alternate Member Dr. Danella Schiffer was also present.

15

16 2. Minutes of September 3, 2024

17

18 The Commission deliberated potential changes to the detailed minutes of September 3, 2024.

19

20 **Motion:** To approve the minutes of September 3, 2024.

21 Made by Cockerline, seconded by Riva.

22 Vote: 5-0-0 in favor.

23

24 **Public Hearing - 6:00PM**

25 3. #2024-0257 / Wake Robin LLC & Ms. Serena Granbery (ARADEV LLC) / 104 & 106 Sharon Road
26 & 53 Wells Hill Road / Special Permit for Hotel (Section 213.5) / Map 47/ Lot 2 & 2-1 / DOR:
27 08/05/2024 / DOH: 09/03/2024 *Continue Hearing*

28

29 The public hearing continued at 6:00PM. Chair Klemens provided opening remarks:

30

31 *“Good evening:*

32 *This is the continuation of the public hearing on the ARADEV application for the redevelopment of the*
33 *Wake Robin Inn. I am Michael Klemens, Chair of the Planning & Zoning Commission (PZC). With me*
34 *tonight are Cathy Shyer (Vice Chair), Martin Whalen (Secretary), and regular members Allen Cockerline*
35 *and Bob Riva. One of our alternates, Danella Schiffer was also in attendance.*

36

37 *Despite my cautions to the contrary, I am aware of ex-parte communications directed to at least one PZC*
38 *Commissioner concerning the USER as opposed to the USE. To be clear, the PZC regulates the USE not the*
39 *USER.*

40

41 *Qualifications of the applicant to conduct a project cannot be a legal consideration for the Commission.*
42 *The Commission can, through bonding and other requirements, ensure that if approved the project is*
43 *completed in a satisfactory manner, protecting the Town’s and the public’s interests in the event the*
44 *project is not completed in the manner approved.*

45

46 *Likewise, speculation about future use of the property is just that– speculation. Speculation that the*

47 *property could subsequently be converted to a religious use is not a factor the PZC can legally consider.*
48 *Religious uses are protected by Federal and State statutes. Even speculation concerning religious use*
49 *within the context of these proceedings could expose the Town to legal liability under The Religious*
50 *Land Use and Institutionalized Persons Act. So again—please bear in mind that the PZC regulates the*
51 *USE not the USER. Any subsequent change of use would be subject to the relevant Federal and State laws*
52 *AT THAT TIME.*

53
54 *There have been petitions circulated to the PZC as well as to the Inland Wetlands & Watercourses*
55 *Commission (IWWC) and Conservation Commission (CC) by members of the public. The Commissioners,*
56 *while elected, are not politicians. We must adhere to our Regulations, as well as State and Federal*
57 *statutes. To clarify, the PZC and IWWC are regulatory land use agencies. The CC is advisory—they have*
58 *no regulatory authority.*

59
60 *Our Regulations provide a legal and logical pathway to review all applications. At times the PZC takes*
61 *unpopular positions because that is what the law requires.*

62
63 *The Wake Robin application has been received by the IWWC. Unlike the PZC, the IWWC cannot receive*
64 *any written or verbal public comments on this application as there is no IWWC public hearing. Therefore,*
65 *such communications to the IWWC are ex-parte and jeopardize the integrity of the IWWC's regulatory*
66 *process.*

67
68 *An ex-parte communication is any communication outside of the formal process. It may be a chat with a*
69 *commissioner at LaBonne's after the first night of the hearing but well before the subsequent nights. Ex-*
70 *parte communications may be phone calls, emails or similar communications sent to the PZC commission*
71 *members prior to rendering a decision. Therefore, we ask that all communications be directed through*
72 *the legally appropriate channels, i.e., the Public Hearing and the Land Use Office (LUO). This protects the*
73 *rights of all parties to a fair and equitable process and ensures that any decisions rendered by the Town's*
74 *regulatory Commissions are insulated from any procedural defects that violate due process.*

75
76 *The only regulatory land use agency within the Town that can and will continue to receive public*
77 *commentary on this matter is the PZC. I have sketched out a rough timeline to bring some clarity to the*
78 *process.*

79
80 *The PZC has two regular meetings scheduled on October 29th and November 4th. I am not anticipating*
81 *that this application will be on our agenda for those meetings.*

82
83 *We will continue the public hearing at our regular meeting on November 18. As this is a regular meeting*
84 *with other agenda items the duration of the public hearing that evening may be limited.*

85
86 *Anticipating that the IWWC will render a decision on this application in late November, the PZC will likely*
87 *hold a continuation of this public hearing after the IWWC's meeting. **Please be advised that these dates***
88 ***are our best estimates and could change subject to a variety of factors.***

89
90 *We have received the following information into the record since our last Meeting:*

91
92 - *Correspondence from Chair Klemens regarding Sewer Questions* – added 9/19/2024

93

94 - Letter from the Applicant Regarding an Extension – added 9/23/2024

95

96 - Correspondence from PZC counsel Attorney Andres concerning the PZC’s ability to regulate hours
97 of operation – added 10/2/2024

98

99 - Comment Response Letter from the Applicant – added 10/10/2024

100

101 - Applicant’s Response Letter to Chair Klemens – added 10/10/2024

102

103 - Applicant’s Schematic Site Plan Alternative – added 10/10/2024

104

105 - Third-Party Traffic Impact Study Review – added 10/15/2024

106

107 - Memo from LUD Conroy and Chair Klemens Regarding Amendments to the Salisbury Zoning
108 Regulations – added 10/15/2024

109

110 Letters Batches 3 and 4:

111

112 - **Batch Four** (Added 10/15/2024): Letters of Support and Letters with Questions and Concerns

113

114 - **Batch Three** (added 10/3/2024): Letters of Support and Letters with Questions and Concerns

115

116 As in previous hearings the applicant will go first, followed by questions from the Commissioners, and
117 then the public will have an opportunity to provide testimony.

118

119 **In the interests of fairness to all who wish to speak I am requesting the following:**

120

121 1. Please do not repeat information that you have provided via a letter or email.

122

123 2. Please do not repeat at length the same information that others have already entered into the record.

124

125 3. To accommodate all who wish to speak there will be a 4-minute time limit on testimony.

126

127 4. I reserve the right to cut short any testimony that is illegal or offensive.

128

129 **Finally, the use of the chat function is only for the public to communicate with staff concerning**
130 **technical difficulties. It is not for making any comments about the proceedings.”**

131

132 Landscape Architect Mark Arigoni of SLR Consulting and Land Use Attorney Joshua Mackey represented
133 the application. Mr. Arigoni introduced a slideshow presentation in response to concerns raised by the
134 public and clarification of application improvements. He reviewed documents and information that were
135 previously submitted and are in progress. In response to a concern raised by Chair Klemens regarding
136 the property’s sewer and the Town’s Water Pollution Control Authority (WPCA), Mr. Arigoni explained
137 the property will continue to be metered. Any existing laterals in use from 53 Wells Hill Road or the

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138 Wake Robin Inn will be replaced with new laterals. Mr. Arigoni explained the eight-inch main connected
139 to 104 and 106 Sharon Road was in good condition with no impediments observed, and the main
140 connected to 53 Wells Hill Road had root intrusion. He explained the root intrusion can be resolved as
141 part of a routine maintenance plan or undertaken when an issue is observed.
142

143 Attorney Mackey explained a letter was submitted in response to comments and questions from
144 members of the public. The applicant team reached out to over thirty individuals who expressed
145 concerns and hosted several on-site meetings, Zoom interviews, and phone calls to discuss. He explained
146 proposed adjustments were submitted with a newly proposed site plan in an attempt to address all
147 concerns.
148

149 Development team project partners Steven Cohen and Jonathan Marrale joined the meeting to overview
150 operations and programming adjustments. Mr. Cohen explained the number of guest rooms was
151 reduced from seventy-one to sixty-five, and the pool area will be open to hotel guests only with no
152 public access. He explained maximum guest capacity in the Event Barn was reduced from two-hundred
153 seated or standing individuals to one-hundred twenty-five. Mr. Cohen explained the Connecticut
154 Department of Transportation (DOT) sightline improvement work will be completed and signed off prior
155 to commencement of the project. He explained all outdoor music will be kept at an ambient level with
156 facility ownership to implement a master volume control. Outdoor live music shall be limited to piano,
157 stringed instruments and acoustic guitar that will be amplified at an acceptable level measured at the
158 property line. Mr. Cohen explained ADA ramping and entryway to the Event Barn will be located on the
159 northern elevation, and all outdoor events, music and service will be moved indoors at 9:00PM. He
160 explained amplified sound inside the Event Barn will cease by 10:30PM, and emergency egress and
161 ingress are to be designed with panic hardware that will sound an alarm if opened outside of an
162 emergency event. He explained tented events are not allowed except in the case of rain, and moderate
163 microphones are permitted for wedding officiants and couples only. He explained private events hosted
164 in the Event Barn that serve alcohol would be required to hire a Connecticut State Trooper for the
165 duration of the event with completion of documentation and forms. Mr. Cohen explained hours of
166 operation were reduced from what was originally proposed.
167

168 Mr. Arigoni presented a revised Site Plan showing the schematic conceptual rendering of the proposed
169 project. Mr. Arigoni pointed out along Wells Hill Road, there are five cottages on piers where the pool
170 was previously proposed. Additionally, four cottages are located where the spa facility was previously
171 proposed. He explained three of the cottages and the primary parking area will remain as is. He
172 explained the pool area and restroom facility is located where the Event Barn was previously proposed,
173 with the spa facility relocated behind the expanded Inn structure. Additionally, the Event Barn is now
174 proposed to be facing the Inn structure where cabins were previously placed. He explained the nearby
175 cell tower and storage area will be accessible for maintenance and limited to staff parking only. Mr.
176 Arigoni explained stormwater management will remain the same as the previous proposal.
177

178 Chair Klemens asked if the maximum guest room count included capacity for the cottages. Mr. Cohen
179 confirmed that it did. Chair Klemens asked if one of the cottages is a pre-existing structure on the
180 existing Wells Hill Road property. Architect Arigoni confirmed "cottage 5" will be converted from the
181 pre-existing structure.
182

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183 Vice Chair Shyer asked if the Event Barn will continue to host a casual restaurant. Mr. Arigoni confirmed
184 that a restaurant accessible to the public is proposed.

185 Secretary Whalen believed the applicant covered a majority of concerns expressed by the public and
186 complimented the improved plan.

187

188 Commissioner Cockerline asked if the Event Barn will be a multi-level building and inquired about the
189 kitchen's location. Mr. Arigoni confirmed the Event Barn will be two stories with the event space located
190 on the second floor. The kitchen space will be on the first floor in the rear of the structure and serviced
191 through a back door for access to a nearby storage barn. Commissioner Cockerline asked for additional
192 detail regarding reduction of sound levels anticipated during weddings and hosted events.

193

194 Mr. Arigoni explained measures including window location and manufacturing, construction style, and
195 type of insulation are being considered. He said details and final decisions are anticipated during the
196 building permit process. Mr. Marrale explained structures will be designed and high-quality insulation
197 used to reduce sound transmission within an acceptable Sound Transmission Class (STC) rating.

198

199 Commissioner Riva asked if water runoff and flooding concerns for nearby properties on Sharon Road
200 could be addressed. Mr. Arigoni explained there should be no stormwater runoff increase and the site
201 improvements would meet DEEP guidelines improving on the current stormwater management without
202 increasing runoff. Commissioner Riva asked if the total number of parking spaces was adjusted. Mr.
203 Arigoni replied the goal is to maintain a number close to the initial proposal but it could be reduced once
204 the Site Plan is finalized. Commissioner Riva asked for clarification on tree removal due to the proposed
205 entrance and exit. Mr. Arigoni replied the proposed driveway is eighteen feet wide and will result in
206 removal of a rock face structure and trees. He said stormwater concerns are anticipated to improve with
207 installation of a catch basin.

208

209 Alternate Member Schiffer asked if the number of cottages had changed. Mr. Arigoni replied that it did
210 not change. Alternate Member Schiffer asked for the maximum occupancy of the proposed cottages
211 located near Wells Hill Road. Mr. Marrale replied total occupancy has not been determined. He said the
212 cottages will alternate between one-bedroom with an occupancy of two or two-bedroom with an
213 occupancy of five. Alternate Member Schiffer asked if those in the cottages would be able to utilize
214 nearby outdoor space. Mr. Marrale replied cottage entry doors face Wells Hill Road but patio and
215 outdoor recreation space will face inward within the property towards the Inn structure and wetlands.

216

217 All Commission members agreed the updated Site Plan showed improvement in comparison to the
218 previously proposed plan.

219

220 Chair Klemens opened the floor to the public for comments and questions.

221

222 Member of the public Aimee Bell explained that she owned property on Wells Hill Road, and expressed
223 concern about ambient noise and closing hours. Ms. Bell asked when music will be allowed to be played
224 and if noise testing will occur. She also asked if the applicant could further expand the facility in the
225 future if additional properties on Wells Hill Road were purchased. Chair Klemens responded that the
226 applicant would return to the Commission if expansion on additional property was desired.

227

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228 Member of the public David Kamp asked if light and noise pollution from the nine cottages facing Wells
229 Hill Road will be mitigated and controlled.

230

231 Member of the public Inge Heckel explained she previously wrote a letter expressing concern to the
232 Commission and had a scheduled meeting with the applicant for discussion. Ms. Heckel asked for noise
233 pollution and traffic concerns to be addressed due to the large volume of the project.

234

235 Member of the public Greg Wilmore expressed that he believed the newly proposed design and layout
236 does not constitute an appropriate development in character with the neighborhood. Mr. Wilmore
237 explained hundreds of residents have signed a petition in opposition and believed the application does
238 not meet standards for a special permit. He believed development of the property would cause a
239 nuisance of noise, light pollution, traffic, and adversely affect the enjoyment and value of neighboring
240 properties. He commented that responses from the applicant were misleading, superficial and false. Mr.
241 Wilmore expressed that he believes the Commission should deny the permit and refocus efforts on
242 facilitating residential housing in the residential Zone.

243

244 Member of the public Joe Costa asked for confirmation that the reduced number of units on the new site
245 plan corresponds to a reduction in total occupancy for the Inn and cottages. Mr. Costa also requested
246 disclosure from the Commission. He explained a Commissioner stated in a previous public hearing they
247 possessed a personal friendship with a seller. He believed this would be a conflict of interest. Mr. Costa
248 asked if *ex-parte* discussions are limited to the public or if it extends to the applicant as well. Chair
249 Klemens replied that all discussion between the Commission and the applicant occurs during public
250 hearings.

251

252 Member of the public Andy Plessner explained he owned property on Wells Hill Road and believed the
253 proposed project scale is unacceptable. Mr. Plessner explained the Event Barn was reduced from 12,000
254 to 9,600 square feet and believed a facility of this size cannot be policed to a capacity of one-hundred
255 twenty-five people.

256

257 Member of the public Angela Cruger explained a request for extension was submitted. She believed a
258 formal response was not provided from the Commission. Chair Klemens replied the applicant previously
259 requested an extension that was granted.

260

261 Member of the public Glenn Kalison explained he is speaking on behalf of his parents who reside at 33
262 Wells Hill Road. Mr. Kalison explained the great lawn was reduced in size and was previously relied on
263 for thirty-nine spillover parking spaces. He mentioned the parking analysis calculations do not address
264 the ninety-four employee parking spaces required in a peak scenario. Mr. Kalison asked how employee
265 parking will be accommodated with the reduction of the great lawn and decreased parking spaces.

266

267 Member of the public Robin Leach complimented the proposed Site Plan changes.

268

269 Member of the public Michelle Castellano expressed concern about traffic and noise pollution. Ms.
270 Castellano asked if a view study can be provided from Wells Hill Road to the cottage area nearby. She
271 also asked if a breakaway fence will be installed at the emergency entrance to Wells Hill Road. She
272 expressed concern about traffic when the facility is at full capacity and asked if events will be hosted

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273 throughout the week or restricted to weekends only. Ms. Castellano also asked if the cabins will be
274 limited to nightly rentals or if they can be occupied for long-term periods.

275
276 Member of the public Heidi Hoeller, owner of 67 Sharon Road explained she shared concerns about
277 noise pollution from the cottage area and Event Barn, and asked how decibel levels will be tracked and
278 controlled. She also expressed concern with the Town sewer system accommodating the additional
279 capacity alongside the nearby affordable housing project. Ms. Hoeller believed police should be present
280 after evening events to monitor for drunk drivers to ensure neighborhood safety. She believed the
281 environment and local wildlife would be negatively impacted by this proposed project.

282
283 Member of the public Carol Kalikow asked for the current Zone of the property. Chair Klemens replied
284 that it is RR1.

285
286 Member of the public John Moller expressed concern about the Town sewer capacity. Mr. Moller
287 explained he reviewed WPCA Meetings and commented that the Town sewer system can handle two-
288 hundred additional hookups. He believed this application, the nearby affordable housing project and
289 stormwater spikes in sewer flow will exceed the anticipated capacity. Mr. Moller believed the sewer
290 system concern should be addressed and the affordable housing projects should be prioritized over this
291 application.

292
293 Member of the public Susan Demelle explained she owns property on Wells Hill Road. Ms. Demelle
294 expressed concern with traffic on Sharon Road and believed the anticipated issues were not properly
295 addressed by the applicant.

296
297 Member of the public Peter Oliver explained he is a resident of Lakeville. Mr. Oliver expressed that he
298 enjoyed the presentation provided by the applicant and applauded their responsiveness to concerns
299 from the public.

300
301 Member of the public Julie Norwell, owner of 63 Sharon Road appreciated responses from the applicant,
302 but believed the project is out of character with the surrounding neighborhood. She reiterated concerns
303 about noise, light pollution and traffic on Sharon Road. Ms. Norwell asked if the applicant could ensure
304 their intent is to benefit the local community.

305
306 Member of the public Mark Mallett mentioned possible impact on the Grove nearby. Mr. Mallett asked
307 if guests would have access to the Grove area. He believed this project could place additional pressure
308 on the facilities and employees of the Grove.

309
310 Member of the public Bill Cruger asked for clarification of the number of rooms included in the newly
311 proposed plan. Mr. Cruger also asked if the *ex-parte* limitation for discussion between the Commission
312 and the applicant was in place after the application was submitted versus prior to the application. Chair
313 Klemens confirmed it was. LUD Conroy added she is able to correspond with the applicant as a Land Use
314 Office employee.

315
316 Member of the public David Bright expressed that he believed the project is too large in comparison to
317 the surrounding neighborhood. Mr. Bright encouraged the Commission to receive detailed third-party

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318 reviews regarding the size of the Event Barn and the applicant's representation of the property's
319 capacity. Mr. Bright also asked if the applicant had the ability to change the capacity of the Event Barn in
320 a future application. He also asked if a porch will be included after adjustments to the Event Barn. Mr.
321 Bright asked for additional clarification regarding ambient music and sound that could be carried
322 throughout the neighborhood and over the lake nearby. He also asked for the definition of an acceptable
323 level of music at the property line. Mr. Bright believed discussion of lighting pollution and its impact
324 should be addressed in additional detail.

325
326 Member of the public Pilar Proffitt expressed support for comments made by David Bright and Heidi
327 Hoeller. Ms. Proffitt expressed concern regarding an addition of sidewalks and asked how potential
328 employees will be retained.

329
330 Member of the public Darryl Peck expressed that he believed the application is the largest development
331 proposed in Town. Mr. Peck believed there is no effective way to enforce operating changes and facility
332 hours. He mentioned alterations to the application did not reduce the scale of the project. Mr. Peck
333 believed the applicant does not have interest in downsizing the project. He believed the scale of the
334 project is inappropriate and will affect all members of Town negatively beyond the surrounding
335 neighborhood.

336
337 Member of the public Aimee Bell asked who could be called when noise pollution is out of control at the
338 facility. Ms. Bell reiterated concerns about traffic alongside other members of the public.

339
340 Member of the Public Glenn Kalison expressed support for comments made by David Bright. Mr. Kalison
341 believed the quiet enjoyment of their nearby property will be affected by noise pollution. He asked what
342 buffer could be provided between the Wells Hill Road property line and nearby parking lot.

343
344 Member of the public John Moller reiterated concerns with the Town's current sewer flow and lack of
345 acknowledgement of a sewage treatment plan.

346
347 Chair Klemens explained a continuation of the public hearing would occur on November 18, 2024 and an
348 additional public hearing date at the end of November is to be determined.

349
350 Vice Chair Shyer asked how the applicant proposed to use the great lawn now that the Event Barn has
351 been relocated. She asked for the applicant to clarify stormwater runoff on the Watson's nearby
352 property. She requested a property walkthrough be performed to address a stormwater waterfall that
353 runs through the property. Mr. Arigoni replied there has been no walkthrough of the Watson property,
354 but the applicant team will reach out to the property owners for discussion with the civil engineering
355 team.

356
357 **Motion:** To continue the public hearing to November 18, 2024 at 5:30PM via Zoom.
358 Made by Cockerline, seconded by Riva.
359 Vote: 5-0-0 in favor.

360
361 **Adjournment**

362

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363 Secretary Whalen left the meeting at 8:20PM.

364

365 **Motion:** To adjourn the Meeting at 8:21PM.

366 Made by Cockerline, seconded by Shyer.

367 Vote: 4-0-0 in favor.

368

369

370

371 Respectfully Submitted,

372 Erika Spino

373 Secretary of Minutes