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December 10, 2024

Via: Email [landuse@salisburyct.us](mailto:landuse@salisburyct.us)

Dr. Michael Klemens, Chairman  
Salisbury Planning and Zoning  
Salisbury Town Hall  
27 Main Street  
PO Box 548  
Salisbury, CT 06068

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

Dear Members of the Commission:

On behalf of the Intervenors I am responding to the response of Joshua Mackey dated December 9, 2024 to your question as follows:

- 1. The event barn appears to be the genesis of many (but not all) of the neighbor's concerns, including traffic, noise, parking and lighting. Can this project function if the event barn were completely eliminated ?**

Of course, the project could function if the event barn were eliminated. It would be smaller. Aradev may consider that smaller is damaging the profitability of the project. However, the profitability of a project is not a consideration for the Planning and Zoning Commission.

The following cases supports the proposition that maximum possible enrichment of a developer is not a controlling purpose of zoning: Sonn v. Planning Commission 172 Conn 156, 161 "The maximum possible enrichment of a particular developer is not the controlling purpose of zoning. *Damick v. Planning & Zoning Commission*, 158 Conn.



78, 83, 256 A.2d 48; *State National Bank v. Planning & Zoning Commission*, 156 Conn. 99, 239 A.2d 528; 92 Am.Jr.2d, Zoning and Planning, §36.

The Intervenor's and public's main concern has been the intensification of the non-conforming use in this sensitive location. Whether or not the project is profitable is not a consideration for the Planning and Zoning Commission. The question for the Planning and Zoning Commission is simply whether the approval of the Application would sufficiently protect the public health, safety and welfare. The experts hired by the Intervenor have shown that special exception applications 803.2 and 803.3 have not been met and therefore for the various reasons cited by the experts, Intervenor and public, the Application should not be approved irrespective of its size.

The answer by Mr. Mackey to question 3 reflects the existing banquet facility is a significant asset. He also admits that the current banquet facility has significantly fewer restrictions on the proposed maximum of seated and standing events of 125 persons in the new facility. He admits that the current banquet facility could serve as the location for events in the existing facility. Likewise, the answer to question 5 appears to reflect that the project needs the cottages as "an important element to the program." Again, that desire of the Applicant is insufficient to override the obligation of the Commission to enforce its Regulations for the public health, safety and welfare of the community.

Respectfully submitted:

Intervenor

Mr. and Mrs. William Cruger

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Their Attorney

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