

# MACKEY BUTTS & WHALEN LLP

ATTORNEYS AT LAW

November 26, 2024

Ellen L. Baker  
Robert R. Butts  
Robert B. Dietz  
Richard R. DuVall  
Ian S. MacDonald  
Joshua E. Mackey  
Cara A. Whalen

—  
Christina A. Mazzarella  
Alexander D. Salvato  
Elisabeth A. Schiffbauer

—  
Emily Abrahams  
Tyrone Brown  
Richard J. Olson  
R. Keith Salisbury

—  
Hon. Albert M. Rosenblatt

*Via Email: landuse@salisburyct.us*

Dr. Michael Klemens  
Chairman – P&Z Commission  
Town of Salisbury  
PO Box 548  
27 Main Street  
Salisbury, CT 06068

**Re.: Wake Robin Inn – 104-106 Sharon Road, Lakeville CT  
(Special Permit Application #2024-0257)**

Dear Dr. Klemens,

On behalf of the Applicant, we submit the following in response to public comment on the application for special permit current under review by the Zoning and Planning Commission.

## **1. Tree Evaluation / Preservation Report & Analysis**

A revised Tree Preservation report has been prepared and submitted. The revisions include additional preservation techniques and recommendations for specific tree protection guidance in for proposed areas within the proposed redevelopment. In summary, the Board-Certified Master Arborist identified 527 total trees that would be either suitable or moderately suitable for preservation. 415 of those trees have been labeled as being suitable for preservation (green) and 112 labeled as moderately suitable for preservation. Eastern white pine (*Pinus strobus*) and sugar maple (*Acer saccharum*) make up the largest percentage of these numbers.

The proposed project will remove 282 of those trees and will replant an additional 308 trees with a more diverse variety of native species. This tree replanting plan will ensure a more diverse ecosystem, reduce the possibilities of monocultures, and help to create a more resilient landscape.

It is also noted that the cell tower project has previously removed 26 of those trees surveyed (13 green/13 yellow).

Reply to:

3208 Franklin Avenue  
Millbrook, NY 12545  
P 845.677.6700  
F 845.677.2202

319 Mill Street  
Poughkeepsie, NY 12601  
P 845.452.4000  
F 845.454.4966

81 Main Street  
P.O. Box 308  
Sharon, CT 06069  
P 860.364.6232  
F 860.364.6429

www.mbwlawyers.com

Summary Tree Table:

Existing Trees Suitable/Moderately Suitable Preservation	527
Trees to be Removed (Suitable/Moderately)	282
Trees to be Replanted (Native/Diverse)	308
<b>Net Gain of Trees on Site</b>	<b>+26</b>

Not included in the numbers above, the proposed project will be removing 25 invasive trees (Norway Maples and Black Locust) and 3 non-native trees (Norway Spruce).

**2. The revised occupancy that was presented at the Public Hearing on November 18, 2024 only showed a reduction in guests by 8 persons, is this sufficient?**

The room mix is now designed for a more events focused property. This will change the expected overall occupancy percentage and make the occupancy more cyclical. For example, 6 King/Queen Queen guestrooms has become 1 suite which will primarily be used during events.

**3. WPCA Update**

The applicant and its engineers prepared a detailed analysis of the anticipated annual flow usage and have submitted the documentation to the WPCA for their review. The applicant will continue to coordinate and provide information as requested by the WPCA.

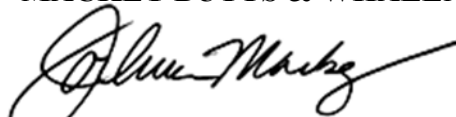
**4. Clarify the exposure of the Spa structures to the Virden property (77 Wells Hill Road)**

The Spa structure has been designed and strategically placed in a location of the property that is heavily wooded. A small portion of the structure features an outdoor deck which faces the corner of the property at 77 Wells Hill Road. The outdoor deck is approximately 134 feet to the property line and 420 feet to the house at 77 Wells Hill Road.

**5. Should the business plan not achieve all of its objectives, is there a remediation plan to turn the property back to its current state?**

Through its conditions/stipulations in the special permit, the commission and its 3<sup>rd</sup> party engineers will ensure that the stormwater management systems are completed. The Town has requested, and the applicant has provided a bond estimate for Sedimentation & Erosion Control installation to the Town Engineering Consultant, Tom Grimaldi, for review.

Sincerely,  
MACKEY BUTTS & WHALEN, LLP



Joshua E. Mackey

JEM/ms

cc: Perley H. Grimes, Jr., Esq. (via email)