

December 5, 2024

Planning & Zoning Commission
Town of Salisbury
27 Main Street
PO Box 548
Salisbury, CT 06068

SLR Project No.: 22100.00001

**RE: 2024-0257 Wake Robin, LLC - Special Permit Application
Salisbury, Connecticut**

Dear Members of the Commission:

This letter has been prepared on behalf of the applicant in the above referenced matter and is presented in response to the report entitled "Planning Analysis 104-106 Sharon Road and 53 Wells Hill Road, Salisbury, CT" dated November 22, 2024, prepared by The Miller Planning Group (Miller), the PowerPoint presentation and verbal comments that were presented at the public hearing on December 2, 2024. In spite the length of the report, which includes the reprinting of parts of the Zoning Regulations, the substance of the report is contained in a number of findings appearing in Section 7 of the report, many of which are inaccurate, exaggerations, and not supported by the maps, plans, and data submitted to the Planning & Zoning Commission by the applicant. We offer the following comments for the Commission's consideration:

Comparison of Existing Conditions to Proposed Development

In Section 7.1, the Miller report illustrates existing conditions and the extent of the proposed development as well as tables showing the differences in the nature of the facilities proposed by the applicant. We note that Zoning Regulations do not address the number of rooms, total floor area, or other factors identified in the Miller report. However, the Regulations limit the ground coverage of buildings as a percent of the total area of the property. The ground area of the existing buildings is 24,490 square feet or 4.1% of the total area. The ground area of the proposed redevelopment plan (includes existing and additional buildings) will be 40,690 square feet or 6.8% of the total area of the property, well below the maximum coverage permitted by the Regulations in the RR1 Zone. In addition, all buildings meet the building setback requirements expressed in the Regulations.

While existing trees will be removed as part of the redevelopment of the property, the existing vegetation along the edges of the property within the Zoning setback lines will be generally preserved. In those limited areas where there will be regrading within the setback area, those disturbed areas will be replanted using a mix of native trees and shrubs, **The report neglects to indicate that the proposed building coverage and building setbacks meet the standards set forth in the Zoning Regulations.**

Mixed-Use Development Not Permitted by Zoning

Contrary to the assertion in Section 7.2 of the Miller Report, the proposed use of the property is for a single use, a contemporary hotel, and is not a mixed-use development. In current land use parlance, "... mixed use is a type of urban development, urban design, urban planning and/or a zoning classification that blends multiple uses, such as residential, commercial cultural, institutional or entertainment, into one space." (*Mixed-Use Zoning – Sustainable Development Code*, <https://sustainablecity.org>). The applicant has proposed a number of hotel components dispersed throughout the property but that will function as a single use. They are neither designed nor intended to be separate businesses. To suggest that the use is not consistent with the intent of the RR-1 Zone is clearly not correct since hotels are expressly permitted in this zone subject to the approval of a site plan and special permit by the Commission. In addition, **all of the buildings and amenities are clearly defined under the definition of "hotel" in the Salisbury Zoning Regulations, thus any claims that an "event barn" or "spa" are not permitted is truly false and inaccurate.**

Impact of Individual Uses

In Section 7.3 of the report, the author raises a number of issues that may occur, generally related to noise and alcohol consumption, when the hotel becomes operational. These are purely hypothetical designed to put a scare factor into the discussion of the application. In reality, the issue of noise or similar issues are one of enforcement. As represented in the applicant's submission, private security will be provided for events where alcohol will be served and other special events to supplement hotel staff. Moreover, the Commission has enforcement tools and staff to address such issues in the unlikely event that there is a problem in the exact same manner as it would enforce permit requirements for any other land use in the town.

Affordable Housing

While housing affordability may be a concern in the Town of Salisbury, as it is throughout Connecticut, that issue is not germane to this specific application. As stated previously, **the proposed use is permitted in the RR-1 Zone and there are no requirements related to housing affordability set forth in the Regulations related to this use or zone.**

Traffic Impacts and Pedestrian Transportation

When a zoning commission establishes a permitted use for a particular zone, it can be assumed that the commission has considered the adequacy of infrastructure, including the transportation system, serving the zone. If a special permitted use would have a significantly greater impact on traffic congestion and if it can be established that the proposed use will adversely affect the function of the road, a commission may require improvements at the frontage of the property. However, a Commission may not extend those improvements to locations that are more remote from the property.

In the Wake Robin matter, the applicant has submitted a traffic report to the Commission that demonstrates that, aside from sight line improvements at the entrance drive, the traffic conditions will not adversely impact the system. The review of the applicant's traffic report by



the Commission's own consultant, F.A. Hesketh, concurred with the findings of the applicant's study.

While the Connecticut Department of Transportation (CTDOT) may aspire to have more "complete streets" as identified in the Miller report, that desire starts with locations where pedestrian activity is significant. The notion of making roads more pedestrian friendly is supported in Salisbury in the draft Plan of Conservation and Development (POCD) for the established village centers in the town.

Sharon Road (Connecticut SR 41) is a two-lane road that is now marginally suitable for pedestrians as are most roads in the town outside the village centers of Salisbury. The applicant acknowledges that Sharon Road is used by students at the Hotchkiss School walking from the school to Lakeville. Because Sharon Road is a scenic road (according to the current POCD, widening or other improvements to the road, other than those needed for traffic safety (sight lines, for example) may not be approved. We understand that the Town of Salisbury is working with the school to make needed pedestrian improvement. The applicant has agreed to participating in that effort in the vicinity of its property.

Sanitary Sewers

The Miller report suggests that by approving this application the capacity of the existing sewer system will be reduced. As the Commission is aware, the applicant has had discussions with the Water Pollution Control Authority (WPCA), which has indicated that there is sufficient capacity to handle the flow from the proposed development. As is the custom with the WPCA, a final decision would be made at the time following the Planning & Zoning Commission's approval and prior to the commencement of construction.

Commercial Sprawl, Spot Zoning, Non-conforming Use

The Miller report characterizes the redevelopment of an existing hotel site of approximately 13 acres as a commercial center. "Commercial center means a group of contiguous lots organized into a shopping center, strip mall, business park, office condominium or similar grouping that share mutual access, ingress and egress easements." (Commercial Center Definition | Law Insider, <https://www.lawinsider.com>) The hotel and its various components are organized on a single site for a single use. There are several other similar uses that can be found in Litchfield County that are stand alone uses that have not in any way induced sprawl as the Miller report implies.

The Miller report erroneously brings into the discussion the term "spot zoning". In Connecticut, there are two elements in determining whether a zoning map amendment is considered spot zoning: (1) A change of zone affecting only a small area of land; (2) A change which is out of harmony with the comprehensive plan for the good of the community as a whole. (*Fuller, Robert A., Connecticut Practice, Volume 9 - Land Use Law and Practice, Second Edition, St. Paul, Minnesota, 1999*). The application before the Commission is for an existing permitted use on a 13-acre property in an already established zone. The two conditions described by Fuller do not apply. **This application is not a change to the zoning map and is not spot zoning.**



In the Conclusions section, the Miller report highlights sections of the Zoning Regulations related to non-conforming uses, implying that the proposed development is not consistent with the Sections 501 and 503 of the Regulations. This is simply incorrect. The Wake Robin Inn has existed for a long period of time, certainly since the adoption of the current Zoning Regulations. Hotels are a permitted and conforming use in the RR-1 Zone subject to the standards and criteria published in the Zoning Regulations. **The site exceeds the minimum requirement of 10 acres, has more than 150 feet of frontage, and has access from a state highway.** While the height of the existing hotel building exceeds the current maximum height of 35 feet, all proposed additions to the building and all new buildings meet the requirements of the RR-1 Zone.

Parking

The applicant undertook a detailed analysis of the parking demands for the proposed hotel and has submitted the analysis for the Commission's review. One of the applicant's objectives was not to over-park the site but to make sure what parking is provided will be adequate for the various peak use periods. **The Miller report arbitrarily suggests the per car occupancy should be lower than what the applicant has presented in its analysis. In the absence of a detailed analysis to the contrary, the Miller recommendation should be ignored.**

Environmental Factors

The Miller report identifies tree removal, site grading and construction activities as environmental factors as to why the application should be considered unacceptable. Following an evaluation by a certified arborist who evaluated the condition of the trees, key trees will be preserved to the extent possible while accommodating the new buildings. However, the site plans show that there will be significant areas of landscaping using native, or cultivars of native plants. The report expresses concern about the extent of regrading including "a projected 269 cubic yards" of material to be exported from the site (approximately 15 trucks.) To reduce impacts, all of the small 'cottage' buildings will be constructed on piers, The applicant has provided a detailed grading plan that includes the creation of new, stabilized slopes and a detailed erosion and sedimentation control plan meeting the Commission's and CTDEEP's standards as well as acceptable site construction practices. In short, there is nothing extraordinary about the construction methods to be used in the development of this site.

Very truly yours,

SLR International Corporation



Vincent C. McDermott, FASLA, AICP
Principal Landscape Architect and Planner
vmcdermott@slrconsulting.com

Attachment: Vincent C. McDermott Resume

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Vincent McDermott has over 50 years of experience with planning, engineering, and land development firms, as well as with governmental and academic institutions. He is responsible for technical oversight on such projects as streetscape improvements, land use planning, parks and recreational facilities, bikeways and greenways, community and master planning, and site development for commercial and residential facilities. He is routinely involved in community development and public outreach programs.

Vince has contributed to the recognition and advancement of landscape architecture through his extensive service on the Connecticut Board of Landscape Architects and his leadership and involvement as President of the Council of Landscape Architecture Registration Board. He was elected a Fellow of the American Society of Landscape Architects in 1997. He was presented the Lifetime Achievement Award from the State of Connecticut Greenways Council in 2018.

Years of Experience

36 years with the firm | 18 years with other firms

Professional Registrations

- Landscape Architect - CT, MA, SC
- Certified Planner, American Institute of Certified Planners

Education

- MLA, Landscape Architecture, University of Massachusetts
- BS, Plant Science, University of Connecticut

Project Experience

Comprehensive Zoning Regulations Update, Avon CT

Senior Advisor for the comprehensive update to the Town's Zoning Regulations. The Town's Regulations dated from the 1950s and had been amended multiple times resulting in inconsistencies, duplications, and redundancies. Focus was on legal issues, changes required per state statute, and overall technical review.

Comprehensive Plan and Zoning Regulatory Update, Derby, CT

Principal Planner for amending plans and zoning regulations including implementing the Downtown Revitalization Plan and developing special development districts, flood management regulations, and marijuana land use regulations for the City of Derby.

Comprehensive Zoning Regulatory Update, Weston, CT

Project Director to prepare updated and amended zoning regulations to include village district standards and site development standards for the Town of Weston.

Mansfield Tomorrow Plan of Conservation and Development, Mansfield, CT

As part of a team of consultants, functioned as Senior Advisor in the development of the Town's 2015 Mansfield Tomorrow – Plan of Conservation and Development. SLR was responsible for conducting an assessment of the development permitting process, assisting with data collection, and participating in the public participation components of the project.

Comprehensive Zoning Regulatory Update, Mansfield, CT

Project Director to review zoning regulations to identify opportunities to clarify, modernize, and update them to respond to current land use issues, provide for desirable development opportunities and goals, and ensure compliance with recent case law for the Town of Mansfield.

Downtown Mansfield Master Plan, Mansfield, CT

Developed a master plan for the Mansfield downtown area to include a mix of residential and nonresidential uses typically found in collegiate communities. An analysis was completed of existing conditions of the downtown areas, and additional services included researching the market conditions, developing a target market strategy for the area, and developing the master plan.

Fairfield Hills Development, Newtown, CT

Reuse development of a state-owned former medical institution located on approximately 185 acres. The proposed plan calls for a mixed use of commercial, retail, residential, and open space.

Buckland Gateway & I-291 Zones Development / Redevelopment Plans, Manchester, CT

Prepared a plan for the development of the Buckland Gateway and I-291 zones. The project involved the analysis and overall land use, acquisition proposals, relocation, infrastructure improvements, and financing.

Ft. Trumbull Environmental Impact Evaluation / Municipal Development Plan, New London, CT

Conducted an Environmental Impact Evaluation and prepared a Municipal Development Plan for this \$64 million, 75-acre redevelopment area along the Thames River in an area subject to coastal flooding.

State Pier Municipal Development Plan, New London, CT

Developed a Municipal Development Plan for approximately 125 acres which includes a variety of land uses. The project goal was to improve the efficiency of the multimodal port facility by removing incompatible land uses to provide sites for warehouses and port-related manufacturing. Studies of infrastructure capacity, traffic, environmental conditions, and housing relocation were included in the plan.

Woodruff Hill Industrial Park Environmental Impact Evaluation & MDP, Oxford, CT

Working with the Oxford Economic Development Commission, an Environmental Impact Evaluation was completed and a Municipal Development Plan prepared for a proposed industrial park consisting of 18 lots and approximately 310 acres of industrial-zoned, town-owned property. The project area is served by approximately 5,000 linear feet of new road and improvements to existing infrastructure that will create the appropriate access around the nearby Oxford Airport and aid in the proposed development.

Industrial Park Expansion Municipal Development Plan, Killingly, CT

Prepared a Municipal Development Plan for a proposed industrial park expansion adjacent to the town's existing industrial park.

Litchfield Courthouse Environmental Impact Evaluation, Litchfield, CT

Conducted an Environmental Impact Evaluation in accordance with the Connecticut Environmental Policy Act to evaluate potential impacts associated with the development of a regional courthouse facility in the Town of Litchfield.

State Pier Needs & Planning Deficiencies Study (CTDOT Project No. 94-247), New London, CT

Principal-in-Charge for planning phase efforts to identify constraints and opportunities in connection with developing an RFP for a new port operator. Engaged stakeholders and interviewed operators to understand pier needs and deficiencies and developed short, mid, and long-term plans to rehabilitate and re-energize the dated facility in an effort to attract investment and generate income for the port.

Ridgefield Center Study, Ridgefield, CT

Project Director to conduct a study of the Main Street area to evaluate existing parking conditions, vehicular and pedestrian circulation systems, and wayfinding techniques.

Context Sensitive Solutions, Connecticut Department of Transportation, Statewide, CT

Participated as an expert in the training of Department of Transportation personnel and consultants in the principles of the FHWA Context Sensitive Solutions initiative. He was a founding member of ASLA's CSS professional interest group.