

December 10, 2024

To: Commissioners, Applicant, Intervener, and other parties.

Fr: Dr. Michael W. Klemens, Chair of the Salisbury P and Z.

In Re: Email chain received today.

This morning an email chain (attached) was submitted to the record. Two individuals on that email chain (Intervenor Angela Cruger and First Selectman Curtis Rand) immediately requested that they be removed from the chain. In addition, Mr. Rand requested that all public officials be removed from the chain.

That email chain, equating the Applicant (and possibly the PZC and the Land Use Office) to the Axis powers in WW II has gone beyond the pale of civil public discourse and constitutes inflammatory hate speech. Hate speech will not be tolerated in the proceedings of Salisbury's Planning and Zoning Commission.

I state unequivocally that the Planning and Zoning Commission will not be intimidated by this vitriol or by the numbers of neighbors opposing the project.

The PZC will render its decision based solely upon the regulations. Another letter we received was chiding us for even entertaining the application. Every citizen is entitled to apply for land use permits, and those permits are reviewed against the regulations.

A decision on ARADEV's application will be based on the information in the record and the regulations—that is the law—and we are a State and nation that upholds the rule of law.

Re: WAKE ROBIN

From Angela Cruger <angelacruger@gmail.com>

Date Tue 12/10/2024 10:47 AM

Cc David Jones <dagj@mac.com>; Pamela Wilson <pkwilson01@gmail.com>; Susan Galluzzo <svgalluzzo@sbcglobal.net>; mary taylor <mtaylor039@gmail.com>; Anne Day <anne@anneday.net>; G. Brian Goodall <gbgoodall@gmail.com>; George Mason <gmason01@comcast.net>; Hollie Gray <hsg@dmrslaw.com>; Katherine Kiefer <kkiefer@salisburyct.us>; Sophia deBoer <sophiadb@gmail.com>; anne@annedayphotography.com <anne@annedayphotography.com>; Chris Williams <cwilliams@salisburyct.us>; ed.herrington@herringtons.com <ed.herrington@herringtons.com>; gwilmore@gmail.com <gwilmore@gmail.com>; jisler@yahoo.com <jisler@yahoo.com>; Land Use <landuse@salisburyct.us>; ldeboer2@gmail.com <ldeboer2@gmail.com>; leefpotter@gmail.com <leefpotter@gmail.com>; ndisesa@mac.com <ndisesa@mac.com>

could you also delete me from this list? thank you

Angela Cruger

Angelacruger@gmail.com

1-917-520-6926

On Dec 10, 2024, at 9:19 AM, Curtis Rand <crand@salisburyct.us> wrote:

Good morning, please take any public officials off of the email chain, thank you

Curtis Rand

Sent from my iPhone

On Dec 10, 2024, at 9:14 AM, David Jones <dagj@mac.com> wrote:

I would ask Tom question.

Sent from my iPhone

On Dec 10, 2024, at 8:45 AM, Pamela Wilson <pkwilson01@gmail.com> wrote:

Could we ask the Lakeville Journal to print Tom's letter? if the answer is no, we could offer to buy an ad.

Pam

On Tue, Dec 10, 2024 at 7:24 AM David Jones <dagj@mac.com> wrote:

I have written my own note, using a number of the facts highlighted in Tom's letter. We should all send one to the P&Z email address.

Thanks Tom
Sent from my iPhone

On Dec 10, 2024, at 7:19 AM, Anne Day <anne@anneday.net> wrote:

I agree — this letter is so well researched and so powerful — it really needs to reach more than the people on Tom's list — I passed it on to some people but there is so little time — the deal on the sale of the property closes in two weeks!

Sent from my iPhone

On Dec 9, 2024, at 7:54 PM, G. Brian Goodall <gbgoodall@gmail.com> wrote:

Never mind about most of what I said tonight. After I wrote my email about how splintered all the communication about this matter is, our dinner guests showed up and the first thing they commented on was Tom's incredible letter. These people were not on the email chain that sent Tom's letter to us. So for all my complaints about the separate silos of

communication, apparently the silos are sharing information back and forth with each other. It's not the best organizing model from my standpoint, but in this digital world, communication has become very organic and splintered. I'll just have to accept that and hope that this way of communicating works in our favor.

Brian Goodall

P. O. Box 1950

Lakeville, CT 06039

917.863.4255

On Mon, Dec 9, 2024 at 5:50 PM G. Brian Goodall <gbgoodall@gmail.com> wrote:

I agree that it's an excellent letter. And so well researched. Thank you, Tom; I learned a lot.

One of the things I find so frustrating is that there appear to be unconnected silos or groups of people who communicate their frustration to each other. Why isn't there a mass movement of all the concerned citizens working together and communicating with each other to fight this battle? It seems to me it should be fought like the Allies in WW2 did against the Axis. Where is our Roosevelt or Churchill?

Worse yet. . . where are the voices of the many prominent people in this Town who seem to be silent? Maybe they're in their own cloistered silo. For sure, I don't see the names of a lot of the people whom I have in mind appearing in the Lakeville Journal voicing their concerns.

When all is said and done, this seems like a very splintered effort to me. And I'd love to hear that I'm wrong about this.

Brian Goodall

P. O. Box 1950

Lakeville, CT 06039

917.863.4255

On Mon, Dec 9, 2024 at 4:38 PM Sophia deBoer <sophiadb@gmail.com> wrote:

Yes, thanks, Tom. Great letter.

xxx,

Sophia

Sent from my iPhone

On Dec 9, 2024, at 2:03 PM, David Jones <dagj@mac.com>
wrote:

Thank you.

On Dec 9, 2024, at 1:37 PM, Hollie Gray
<hsg@dmrslaw.com> wrote:

See attached letter from Mr. Murphy. Thank
you.

Sincerely,

Hollie

Hollie Gray, F.R.P.

hsg@dmrslaw.com

for T.N. Murphy, Jr., Esq.

tmurphy@dmrslaw.com

Dickenson, Murphy, Rex & Sloan

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<Land Use Ltr 12.9.24 .pdf>

***THOMAS N. MURPHY, JR.
277 Under Mountain Road
Salisbury, CT 06068***

December 9, 2024

VIA EMAIL: landuse@salisburyct.us

Planning and Zoning Commission
27 Main Street
Salisbury, CT 06068

RE: Wake Robin Development

To Planning and Zoning Commission:

These are the facts as I know them, having reviewed all the 2024 Commission meetings:

1. Aradev, the company seeking a special permit for the WR expansion, apparently had multiple private discussions with Ms. Conroy and/or the P&Z chairman Dr. Klemens starting in late '23 or early '24. No one in the town knew anything about these discussions. To my knowledge Aradev is not the owner of the real property in question. Do you know who has a contract to purchase the property? Aradev? Another party?
2. The P&Z website indicates that Aradev provided a draft to Ms. Conroy of Amendments to the WR RR 1 zoning that would allow the WR property, then a non-conforming use, to apply for a special permit to expand its footprint exponentially. The operative provisions of the RR-1 zoning had prohibited the expansion of a non-conforming use of Wake Robin.
3. Dr. Klemens and Ms. Conroy advised the Aradev principals (and/or other interested parties) that they themselves would draft Amendments to the Salisbury zoning laws that would allow expansion by special permit only (see 3-18-24 P and Z minutes). It appears that neither of them ever explained the reasons for their draft Amendments to the Commission.
4. Ms. Conroy's memo and draft letter prior to the March meeting was sent to the Northwest Hills Council of Government ("NHCOG") instead of the Town Clerk for further dissemination to the residents of Salisbury or for publication in the local paper.
5. That at the 5-6-24 P and Z meeting Ms. Conroy presented the letter and memo with draft language that she had sent to NHCOG, an entity that neither I nor, I am sure, any other Salisbury taxpayer has ever even heard of. And what did that body do with Conroy's letter? Send a copy to all Salisbury residents? Publish this referral letter in the local paper? No.

6. Why did Ms. Conroy and the chairman chose this method of notification? I and many other interested Salisbury residents believe that their intent was to keep this entire subject matter “under wraps” until the permit process had proceeded to the point where Aradev had provided significant site/building plans to the Planning Office, and public hearings had commenced. By that time, of course, the P&Z could say that Aradev’s plans were in compliance with the amended RR-1 zoning ordinance. And that now the only thing left were public hearings and the vote of the Commission: “Yes or No”.

7. It was not until October that the Salisbury residents became aware of this WR permitting process and the May, 2024, Amendments. At that May meeting the record shows that only 1 Salisbury resident, Mrs. Eliot, asked a question. The other P&Z members’ questions were, at best, perfunctory.

8. Long before the last Commission meeting on 12-2-24 the Commission was aware of the legal and practical reasons that the Aradev permit should be denied even with the incorporation of Ms. Conroy’s and Dr. Klemen’s zoning changes. From our attendance at the December Zoom Commission meeting it appears that the chairman and some members of the Commission have supported the Aradev position all along and paid scant attention to the overwhelming opposition by the Salisbury residents to this preposterous plan of exponential expansion: enlarging a commercial enterprise by 600%.

9. One opponent, Wells Hill residents, Mr and Mrs Cruger, have gone so far as to hire counsel who sent a letter in November to the Commission that, to my knowledge, has never been answered. Attorney Grime’s questions and observations are chilling and damning. He detailed the procedural and substantive deficiencies in the preparation of and vote on the Amendments.

10. I would have thought that one of the mandates of this Commission is to allow the residents of the town to be heard. And, yet, during the last 2 meetings not one resident was given this opportunity. Why?

11. This Commission understands that the Amendments to the Zoning Code, Sections 205.1; 205.2;213.5 and 703.11, created a monster in the sense that, if approved, Aradev will build a large commercial enterprise in the middle of a rural, residential community that dwarfs the present WR footprint.

12. The Commission has received expert testimony from the Crugers’ that this Aradev project is not only inimical to the neighbors, but, also, to the very nature, of our community.

13. Salisbury itself is to blame for this debacle, since its laws provide for an elected Commission that unilaterally decides and has sole power to amend our zoning laws to benefit a private enterprise. We all are asking, “Why”? Who benefits from these Amendments that have allowed Aradev to apply for a special permit? Not the WR neighbors. Not the town. Only Aradev or the ultimate owner of the “new and improved WR.

14. CT Gen Statutes, Section 8.2(b)(1) states, in pertinent part, “Zoning Regulations shall . . . be designed to: (A) lessen congestion in the streets (the Amendments increased the potential for congestion as Aradev permit demonstrates); (B) secure safety from fire, panic, flood, and other dangers (the Amendments increase the probability of accidents); (C) promote health and the general welfare (the WR neighbors and the town itself do not in any way benefit from the permit); (D) promote adequate light and air (this clause means natural light; “air” is the absence of buildings); (E) protect the state’s environmental resources (the permit would diminish environmental resources); (F) facilitate the adequate provision for . . . sewage . . . ” (this Aradev plan adds unnecessary pressure to the town’s sewer system).

This sad saga should end with a rejection of this permit application. And the persons who drafted the Amendments and the Commission members should amend the Zoning Amendments passed in May to permanently prevent the expansion of non-conforming uses in RR-1 zoning.

Sincerely,

Thomas N. Murphy, Jr. _____

Thomas N. Murphy, Jr.