

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

December 2nd, 2024 5:30PM

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) *arrived 5:33PM*

6 Bob Riva (Regular Member)

7 Dr. Danella Schiffer (Alternate Member)

8 Beth Wells (Alternate Member)

9

10

11

12 **Brief Items and Announcements**

13 1. Call to Order / Establish Quorum

14 Chair Klemens called the meeting to order at 5:30PM. A quorum was established with four regular
15 members present (Dr. Michael Klemens, Cathy Shyer, Martin Whalen, Bob Riva). Alternate Members Dr.
16 Danella Schiffer and Beth Wells were also present.

17

18 At 5:30PM Chair Klemens appointed Alternate Member Schiffer as voting alternate.

19

20 2. Approval of Agenda

21

22 **Motion:** To approve the agenda.

23 Made by Riva, seconded by Shyer.

24 Vote: 5-0-0 in favor.

25

26 3. Election of Officers

27 Chairman Klemens introduced Alternate Member Schiffer to assist with the election of officers. Alternate
28 Member Schiffer had contacted each officer to ask if they wished to serve another term. Chairman
29 Klemens, Vice Chair Shyer, and Secretary Whalen agreed. Alternate Member Schiffer explained she also
30 contacted the remaining Commissioners to see if they wished to be considered for an officer position. All
31 declined.

32

33 **Motion:** To nominate for election the full slate of officers: Dr. Michael Klemens as Chair, Cathy Shyer as
34 Vice Chair, and Martin Whalen as Secretary in 2025.

35 Made by Riva, seconded by Shyer.

36 Vote: 5-0-0 in favor.

37

38 Commissioner Cockerline joined the meeting at 5:33PM and replaced Alternate Member Schiffer as a
39 voting member.

40

41 4. Adopt Meeting Dates 2025

42

43 **Motion:** To approve Meeting Dates 2025.

44 Made by Cockerline, seconded by Riva.

45 Vote: 5-0-0 in favor.

46

Members Absent:

Staff Present:

Abby Conroy, Land Use Director (LUD)

Miles Todaro, Land Use Technical Specialist (LUTS)

Attorney Charles Andres

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47 5. Minutes of September 30, 2024

48

49 The Commission edited the detailed minutes of September 30, 2024.

50

51 **Motion:** To approve the minutes of September 30, 2024 as amended.

52 Made by Cockerline, seconded by Riva.

53 Vote: 5-0-0 in favor.

54

55 6. Minutes of October 7, 2024

56

57 The Commission edited the detailed minutes of October 7, 2024.

58

59 **Motion:** To approve the minutes of October 7, 2024 as amended.

60 Made by Riva, seconded by Shyer.

61 Vote: 5-0-0 in favor.

62

63 7. Minutes of October 16, 2024

64

65 The Commission edited the detailed minutes of October 16, 2024.

66

67 **Motion:** To approve the minutes of October 16, 2024 as amended.

68 Made by Riva, seconded by Shyer.

69 Vote: 5-0-0 in favor.

70

71 8. Minutes of October 29, 2024 – *pending*

72 9. Minutes of November 4, 2024 – *pending*

73 10. Minutes of November 18, 2024 - *pending*

74

75 **Public Hearing – 5:45PM**

76 11. #2024-0267 / Rand / 358 Undermountain Road / Special Permit Application for Vertical Expansion of

77 a Nonconforming Residential Structure (Section 503.2) / Map 18 / Lot 23 / DOR: 11/4/2024 / *Open*

78 *Hearing*

79

80 The public hearing opened at 5:44PM. Secretary Whalen read the legal notice. Curtis Rand joined the
81 meeting to present the application. Mr. Rand explained the dwelling had two upstairs bedrooms and a
82 steep staircase. His proposal included adding a dormer on the north side of the dwelling to allow for a
83 bathroom upstairs without expanding the structure's footprint. Mr. Rand noted the structure is located
84 partially within a required zoning setback. He added that the three abutting properties were notified and
85 a letter of support was received by Richard Feiner and Annette Stover.

86

87 There were no questions or comments from the Commission or public.

88

89 **Motion:** To close the public hearing at 5:50PM.

90 Made by Cockerline, seconded by Riva.

91 Vote: 5-0-0 in favor.

92

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93 **Motion:** To approve application #2024-0267 / Rand / 358 Undermountain Road / Special Permit
94 Application for Vertical Expansion of a Nonconforming Residential Structure (Section 503.2) / Map 18 /
95 Lot 23 /.
96 Made by Cockerline, seconded by Riva.
97 Vote: 5-0-0 in favor.

98
99 12. #2024-0266 / Lestelle and Stephens (Matt Schwaikert) / 28 White Hollow Road / Special Permit
100 Application for a Propane Tank and Generator in the Flood Plain Overlay District (Section 401) / Map 28 /
101 Lot 22 / DOR: 10/07/2024 / Hearing Opened: 11/04/2024 / *Possible Consideration*

102
103 The public hearing continued at 5:53PM. Matt Schwaikert joined the meeting to present the application.
104 LUD Conroy explained the application involved a proposed propane tank and generator within the Flood
105 Plain Overlay District (FPOD). She explained a special permit was required for filling, and structures must
106 be elevated at least one foot above base flood elevation. Burying the propane tank was discussed, but
107 must comply with Building Code requirements for securing the tank underground. LUD Conroy said
108 materials were provided for this proposed plan but not for the generator installation.

109
110 Mr. Schwaikert explained a recent survey marked where the generator would be installed and elevated
111 three feet from the ground. He said a deck style structure was proposed to be built above flood level
112 with four-by-four posts placed in the ground below the frost line. Chair Klemens asked if a generator can
113 be placed safely on a deck structure. Mr. Schwaikert replied Building Official Michael Carbone has
114 reviewed and approved the application.

115
116 There were no questions or comments from the Commission or public.

117
118 **Motion:** To close the public hearing at 5:58PM.
119 Made by Cockerline, seconded by Riva.
120 Vote: 5-0-0 in favor.

121
122 **Motion:** To approve application #2024-0266 / Lestelle and Stephens (Matt Schwaikert) / 28 White
123 Hollow Road / Special Permit Application for a Propane Tank and Generator in the Flood Plain Overlay
124 District (Section 401) / Map 28 / Lot 22 /.
125 Made by Cockerline, seconded by Riva.
126 Vote: 5-0-0 in favor.

127
128 13. #2024-0257 / Wake Robin LLC & Ms. Serena Granbery (ARADEV LLC) / 104 & 106 Sharon Road & 53
129 Wells Hill Road / Special Permit for Hotel (Section 213.5) / Map 47/ Lot 2 & 2-1 / DOR: 08/05/2024 /
130 Hearing Opened 09/03/2024 / *Continue Hearing*

131
132 The public hearing continued at 6:00PM. Chair Klemens provided opening remarks and introduced
133 himself, the Commission, Land Use Office (LUO) Staff and counsel Attorney Charles Andres. Chair
134 Klemens explained the sixth and final public hearing date would occur on December 10th, 2024. Once
135 the public hearing is closed, new information cannot be received, and the Commission has sixty-five days
136 to render a decision on the application. He explained deliberations among Commissioners would occur
137 in a public meeting.

138

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139 Chair Klemens explained the Intervenor should present their experts and make their case. Following the
140 presentation, Commissioners could address questions to the Intervenor, and then the Applicant could
141 address questions to the Intervenor. The Applicant should present updates to their submissions,
142 followed by Commission questions, and then the Intervenor could address questions to the Applicant.
143

144 Chair Klemens explained allegations of the Intervention were submitted with a large volume of material.
145 He said all information provided by the Intervenor would be submitted to the record regardless if the
146 material pertains to the Intervention. Chair Klemens commented several of the documents were only
147 made available to the LUO and Commission the morning of this meeting.
148

149 Chair Klemens explained some members of the public have used the chat function for public comment,
150 when it should only be used to communicate technical difficulties. He cautioned that if this behavior is
151 repeated, staff would remove those individuals from the meeting.
152

153 Chair Klemens stated that contacting Commissioners by mail, phone, email or in person to discuss merits
154 of the application are illegal, *ex-parte* communications. He explained attempts to sway or intimidate
155 Commissioners jeopardizes the integrity of the application process.
156

157 LUTS Todaro read the titles of submissions received since the last public hearing from the Applicant,
158 Intervenor, and letters with questions and concerns from members of the public.
159

160 Intervenor William Cruger provided an opening summary. Mr. Cruger explained he has owned abutting
161 property 88 Wells Hill Road for over thirty years. He learned about the proposed development before
162 Labor Day via a certified letter delivered to their apartment in New York. Mr. Cruger commented the
163 project included a drastic increase in footprint, operations, noise emissions, and addition of structures
164 and uses. Mr. Cruger believed the proposed application represents transformation of a non-conforming
165 use in an RR1 Zone. He expressed concern derived from prior experience with events hosted at the
166 Wake Robin Inn. Noise from events was intrusive and diminished the ability to enjoy his property. Mr.
167 Cruger said an expansion of this magnitude will increase noise and disruption. He expressed concern
168 about the environmental impacts from clearing trees and blasting to create adequate sight lines. A letter
169 was submitted to the Commission to express that the proposed expansion would reduce the usefulness,
170 enjoyment and value of their property.
171

172 Mr. Cruger engaged professionals to assist in establishing tangible and quantitative measures of specific
173 projected impacts on characteristics of the surrounding area as they pertain to standards for Special
174 Permits. Attorney Grimes at the law firm Cramer & Anderson was engaged to help identify relevant laws,
175 statutes and regulations. Brian Miller of Miller Planning Group was engaged to help analyze the
176 proposed development in the context of Town governance, including the existing and pending Plans for
177 Conservation and Development (POCD). Roger Rawlings of Resource Valuation Group was engaged as a
178 real estate appraiser to analyze the potential impact on neighboring property values. Bennett Brooks of
179 Brooks Acoustics Corporation was engaged to comment on issues related to noise. George Logan and
180 Sigrun Gadwa of Rema Ecological Services were engaged to assess potential environmental impact.
181 Dainius Virbickas of Artel Engineering Group was engaged for an engineering assessment. Mr. Cruger
182 believed the experts provide a clear assessment that the proposed development would negatively
183 impact the enjoyment, usefulness and value of neighboring properties, and violate the requirements for
184 a Special Permit.

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185

186 Mr. Cruger explained the scale of the expansion has remained unchanged. He said the impact of noise
187 and light pollution, and traffic flow are directly correlated to the volume of the proposed expansion. He
188 added that experts believed there is insufficient detail, lack of a baseline for comparison, and inaccurate
189 analyses.

190

191 Brian Miller explained negative impacts to this application are present and he must recommend that this
192 application not be approved. Mr. Miller provided a presentation of critical land use analysis. He
193 explained the application should not be considered an expansion of a non-conforming use, but an
194 establishment of a large commercial use.

195

196 Mr. Miller explained guest rooms would have a 150% increase and total building space a 593% increase.
197 Mr. Miller stated the application was introduced as hotel use, but he believed the project should be
198 categorized as a mixed-use development. He explained mixed-use developments typically have several
199 distinct uses which have a symbiotic relationship. The event barn, spa facility and restaurant operate
200 independently from each other and the hotel. He explained none of these proposed facilities are
201 permitted in the RR1 Zone. Mr. Miller also commented on the absence of affordable housing and
202 suggested the service workers to be employed by the Applicant will be unable to live nearby.

203

204 Mr. Miller explained traffic impact reports are traditionally based on noise, speed and limitations of use.
205 He commented that increased traffic on Sharon Road during certain times of day would create difficulty
206 for citizens to walk, jog or bike along the road. This would result in a detrimental impact on the
207 resident's quality of life. He added a traffic impact report typically addresses the capacity of a road
208 opposed to the impact of the community. Mr. Miller acknowledged possible installation of a sidewalk
209 along Route 41 from Hotchkiss School to Lakeville Center. He commented that the Applicant expressed
210 support for the installation but is unsure who will be financially responsible for the project.

211

212 Mr. Miller explained sewer capacity was a concern due to uncertainty that the Town's current sewer
213 system was able to serve additional capacity. He believed the proposed development could overwhelm
214 the existing sewage treatment plant. If capacity is available, the project could utilize a large majority that
215 should be dedicated for higher priority needs in Town. Mr. Miller recommended all questions regarding
216 sewer capacity should be answered before the Commission acts upon the application.

217

218 Mr. Miller explained the proposed project would be surrounded by existing single family houses and is a
219 representation of commercial sprawl. He mentioned the recent draft Plan of Conservation &
220 Development (POCD) document did not include recommendations to permit intensive commercial
221 developments in rural residential areas. Commercial development has been kept confined to designated
222 village areas identified in the 2024 draft POCD.

223

224 Mr. Miller presented examples within the Zoning Regulations including section 803 "Standards for
225 Special Permits" and 803.2 "Relation of Buildings to Environment." Mr. Miller pointed out that
226 regulations reflect that nuisance to neighboring properties shall not be created by noise, water pollution,
227 offensive odors, dust, smells, vibrations, lightings, or other effects.

228

229 Roger Rawlings of Resource Valuation Group explained he was initially reluctant to provide an evaluation
230 because locating a situation with comparable data and valuation is almost impossible. He noted traffic

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231 makes an impact on residential value, and the Applicant stated increased traffic would occur at 10% or
232 25%. Mr. Rawlings explained he accessed state of Connecticut data for traffic counts of state highways,
233 and the grand list from the Town Assessor and sorted it by street. He took all properties on Wells Hill
234 Road, Sharon Road, Millerton Road, Undermountain Road, East Main Street and Main Street and found
235 each site and neighborhood indexes. Mr. Rawlings presented a spreadsheet that represented all average
236 site indexes for Wells Hill Road and Sharon Road. He explained increased traffic patterns have an impact
237 on value in regards to assessments of neighboring properties. Mr. Rawlings concluded valuations in
238 Town, especially along Wells Hill Road, will be adversely affected by this application.

239

240 Chair Klemens called a 5-minute recess at 7:05PM. The meeting resumed at 7:10PM.

241

242 George Logan of Rema Ecological Services explained he and Sigrun Gadwa provided an ecological review
243 which identified two potential impacts. These impacts included onsite and offsite surface and
244 groundwater quality, and environment and ecology of the nearby area featuring natural resources and
245 species of wildlife. The review was conducted in consideration of Article VIII of Town Zoning Regulations.

246

247 Mr. Logan explained the property is 13.8 acres with roughly eight acres impacted by the proposed
248 project. Mature forest was present, with five acres of all-type forest in the southern portion of the
249 property. The northern portion connected to a contiguous forested area around three-hundred acres
250 extended to Racetrack Road. Mr. Logan explained the property is within the "Marble District," which is
251 associated with numerous listed species and critical habitats. He explained that critical habitats may be
252 isolated within the property and would require an expert to map and determine their location. Mr.
253 Logan commented that the survey of listed species that the Applicant released did not include spring or
254 late summer species, a wildlife survey, or a survey route.

255

256 Mr. Logan believed the property had components of high ecological value given the forest's maturity,
257 geology, bedrock outcrops, and wealth of resources corollary to the surrounding habitat. He believed
258 alternative development layouts more sensitive to high quality resources should be explored and
259 presented. He commented that there is a reasonable likelihood that destruction of valuable high quality
260 natural resources on the property would occur.

261

262 Mr. Logan mentioned there would be more than five acres of disturbance on the property which would
263 trigger additional review under Connecticut's Stormwater General Permit. He explained adherence to
264 guidelines, criteria, recommendations and requirements of the Stormwater Quality Manual is advised.
265 He believed following Manual guidelines could result in the best outcomes to protect surface and
266 groundwater resources. Mr. Logan explained a large portion of the project's stormwater will be
267 discharged towards the nearby lake (Lakeville Lake). Mr. Logan commented the proposed water quality
268 basins are small and questioned if their capacity could handle infiltrating all stormwater and providing
269 the requisite water quality renovation to protect nearby resources. Mr. Logan commented infiltration
270 tube samples were done above the topographical level of the bottom of the detention basins and should
271 be corrected. He added basin 220 would be insufficiently placed in bedrock by one to two feet.

272

273 Mr. Logan suggested the concrete interlocking pavers proposed not allowed within the Aquifer
274 Protection Area (APA) unless receiving clean roof runoff. Mr. Logan believed the application does not
275 meet the 2024 Stormwater Quality Manual guidelines. He added that the effect of polluting surface and
276 groundwater quality on-site and off-site should be considered.

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277

278 Bennett Brooks of Brooks Acoustics Corporation believed the proposed development should be subject
279 to extensive engineering design that has not been provided by the Applicant. He explained three factors
280 cause intrusive sound: the building and its systems, human behavior, and traffic. Mr. Brooks believed the
281 project has potential to be highly intrusive and not compatible with the existing neighborhood. Mr.
282 Brooks interpreted the application as incomplete. He explained specific noise, background, or source
283 level measurements have not been provided for the neighborhood, with no established baseline for
284 current sound levels compared to the proposed changes.

285

286 Mr. Brooks explained that acoustical engineering numerical calculations for the event barn were not
287 provided. He mentioned the application does not include consideration of unruly guests during or
288 leaving hosted events. Noise intrusion activities include the event barn, loud guests, entertainment,
289 vehicular traffic, outdoor seasonal pool activities, fitness classes with outdoor loudspeakers, open air
290 bar, cleanup and mechanical systems. Mr. Brooks explained a generator is proposed for placement close
291 to the hotel structure, but the Event Barn and other buildings will have noise-emitting mechanical
292 systems with heating and cooling that have not been addressed by the Applicant. He reviewed potential
293 acoustic exceedance relating to the hours of operation, facility planning and design, and motor vehicles.
294 Mr. Bennett mentioned vehicle sound emissions were concerning and presented disturbance to
295 properties neighboring the parking lots. Mr. Brooks believed the application has proposed buildings still
296 to be designed, human behavior that must be regulated, and vehicle impacts that may not be able to be
297 mitigated.

298

299 Dainius Virbickas of Artel Engineering Group provided a peer reviewed summary of Zoning Regulation
300 compliance. Mr. Virbickas noted access to the site and driveway width were inconsistent and varied
301 throughout the property between eighteen, twenty-two and twenty-four feet wide. Zoning Regulations
302 require driving aisles for parking areas to be twenty-four feet wide. Remote parking to the far north of
303 the development was compliant but all other parking areas required adjustment. Mr. Virbickas explained
304 sixty-five parking spaces are required for hotel guests, twenty-eight spaces for restaurant parking, and
305 forty estimated employee spaces. A total of one-hundred thirty-three parking spaces required by Zoning
306 Regulations exceed the one-hundred eleven permeable or paved spaces proposed by the Applicant.

307

308 Mr. Virbickas requested additional detail be provided regarding the thirty-nine overflow parking spaces
309 on the great lawn. He explained ten percent of spaces are required for electric vehicles, with less than
310 five percent accommodation proposed. He mentioned four handicapped spaces are proposed but the
311 means of access are via a basement door with a hallway leading to the elevators. The handicapped
312 spaces are proposed on permeable pavers without required soil testing. Mr. Virbickas mentioned a
313 loading door on the west facing side of the hotel structure does not indicate a loading space required by
314 Zoning Regulations.

315

316 Mr. Virbickas explained the Applicant proposed fabrics on steeply graded slopes. He noted the access
317 driveway providing egress from the property are exceedingly steep and may require stone or surfacing
318 reinforcement. He suggested the area should be evaluated by a Geotechnical Engineer for a final
319 determination. Mr. Virbickas mentioned cottages 12 and 9 have some portions elevated eight to eleven
320 feet above grade and questioned if the structure can be raised to this height. He said the landscaping
321 plan submitted states the proposed cottage locations are not finalized and subject to be moved and
322 does not believe this should be allowed for a special permit application.

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323

324 Mr. Virbickas explained a storm drain and catch basin were proposed along the east side of Route 41 in
325 close proximity to an existing water main. He explained the Applicant mistakenly utilized a daily flow rate
326 of one-hundred gallons per bedroom per day, whereas the health department code required utilizing
327 one-hundred fifty gallons per bedroom per day. Mr. Virbickas said confirmation from the Fire Marshal
328 must be received to determine that nearby water is adequate for firefighting purposes, and vehicle
329 turning movements provided to show that emergency access can be provided throughout the site.

330

331 Attorney Grimes commented that legal issues involved with this application should be considered.
332 Attorney Grimes stated the burden of proof on whether or not the Regulations are met is not on the
333 neighbors, but the Applicant. He explained there is no requirement that neighbors do anything to show
334 that the Site Plan requirements have not been met. Attorney Grimes said the Applicant has not met the
335 burden of proof and believed the application should be denied.

336

337 Attorney Grimes explained the obligation of the Commission is to weigh all evidence and make a
338 determination on whether or not the application should be granted. He believed the Commission should
339 be obligated to deny the application as it does not meet Town Zoning Regulations. Attorney Grimes
340 explained the Applicant had discussions with the Commission regarding changes to the Zoning
341 Regulations and subsequently submitted a draft amendment for consideration. Attorney Grimes
342 explained the amendments proposed and adopted by the Commission on May 6, 2024 showed all major
343 elements the Applicant initially wanted in the Hotel Development Overlay District without significant
344 input from the public. He believed the Commission should have considered a continuance of the
345 Regulation amendment public hearing to receive more public input prior to adoption.

346

347 Attorney Grimes stated that he and his clients assert that if the Commission adheres to the Regulations
348 after hearing testimony from the public, that the application should be denied. He explained quality of
349 life concerns should be considered, alongside a petition with two-hundred fifty-eight signatories, and
350 sixty-one letters in opposition to this application. Attorney Grimes reserved further discussion to
351 December 10, 2024.

352

353 Chair Klemens and the Commission agreed to withhold comments and questions.

354

355 Attorney Joshua Mackey of Mackey, Butts, & Whalen LLC joined the meeting in representation of the
356 Applicant. Attorney Mackey mentioned the Inland Wetlands & Watercourses Commission (IWWC)
357 recently granted approval of this application by 5-0 vote subject to special conditions. He mentioned the
358 Intervenor in these proceedings did not present before the IWWC.

359

360 Attorney Mackey mentioned George Logan's Report and asked Mr. Logan if he visited the property in the
361 process of generating his report. Mr. Logan replied no. Attorney Mackey asked Mr. Logan if he made
362 submissions to the IWWC regarding this application. Mr. Logan replied he was not asked to. Attorney
363 Mackey asked if old growth forest is located on the property. Mr. Logan replied the forest has mature
364 trees but there was no old growth forest present. Attorney Mackey asked if all trees on the property
365 were examined, Mr. Logan replied no. Attorney Mackey mentioned the "Marble District" and asked Mr.
366 Logan what his basis is on critical species present at the site. Mr. Logan replied numerous species are
367 associated with the property's bedrock geology and stated he has not inspected the site. Attorney
368 Mackey asked if Mr. Logan is a licensed Engineer. He replied no, and stated that he is an Environmental

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369 Scientist and is able to review engineering calculations without licensing.

370

371 Attorney Mackey mentioned Town sewer capacity and asked Brian Miller what his basis of knowing or
372 hearing there were problems with the sewer system. Mr. Miller replied he read some Commission
373 minutes and received information from the Intervenor. Attorney Mackey asked Mr. Miller if he spoke
374 with representatives of the Town Sewer Department. Mr. Miller replied no and explained his conclusion
375 partially based on recommendations in the 2024 draft POCD document. Attorney Mackey asked if the
376 draft POCD provided authority to the Commission to prioritize future development over this application.
377 Mr. Miller replied not directly, and suggested that more analysis and review should be pursued before
378 approval of the application. Attorney Mackey asked Mr. Miller if he believes the Commission can
379 prioritize future development over the current application due to sewer capacity. Mr. Miller replied yes.
380 Attorney Mackey asked if he believed the Town does not have sewer capacity to accommodate the
381 application. Mr. Miller replied there is uncertainty and the application should not be acted upon until
382 concerns are addressed. Attorney Mackey asked if Mr. Miller hosted a discussion with the Water
383 Pollution Control Authority (WPCA). Mr. Miller replied no.

384

385 Attorney Mackey asked Mr. Miller if he visited the property anytime throughout his report. Mr. Miller
386 replied yes, he drove through the site. Attorney Mackey asked if permission was granted by the owner to
387 drive through the property. Mr. Cruger explained he drove a vehicle through the site and did not receive
388 permission.

389

390 Attorney Mackey asked Roger Rawlings why he was initially hesitant to provide a report. Mr. Rawlings
391 replied he lives in Town with a close relationship to an abutting property owner. He added it was difficult
392 to find comparisons to provide a sufficient analysis. Attorney Mackey asked if the report was a certified
393 appraisal. Mr. Rawlings replied no. Attorney Mackey asked if the report was hypothetical. Mr. Rawlings
394 replied the report is a realistic study based on data provided by the Town Assessor. Attorney Mackey
395 asked if the amount of diminution in value was calculated. Mr. Rawlings replied no.

396

397 Landscape Architect Mark Arigoni introduced certified planner Vince McDermott who would provide a
398 written and verbal rebuttal to statements made by Brian Miller. Mr. McDermott addressed the assertion
399 that the application should be considered a mixed-use development. He explained mixed-use is defined
400 by urban development or design that blends multiple uses such as residential, commercial, cultural,
401 institutional and entertainment into one space. Mr. McDermott explained the project is a hotel with a
402 number of components not intended for use as separate businesses. He mentioned potential nuisance of
403 noise and alcohol consumption are hypothetical concerns, and the issue of enforcement has been
404 addressed and represented in the Applicant's submission with private security required for special
405 events. Mr. McDermott agreed affordable housing availability is a Town concern, but not a requirement
406 for the Applicant to address. Mr. McDermott explained the application is not a non-conforming use
407 within the RR1 Zone, other than the pre-existing hotel structure exceeding the thirty-five foot height
408 requirement. He believed parking occupancy recommendations in absence of a detailed analysis should
409 be ignored. Mr. McDermott concluded that Attorney Mackey would summarize why the application
410 meets all Zoning Requirements at the conclusion of the public hearing. Attorney Grimes did not have
411 questions for Mr. McDermott at this time.

412

413 Todd Ritchie of SLR Consulting asked Dainius Virbickas if he placed notes on a plan with no test pit or
414 infiltration test information. Mr. Virbickas replied yes. Mr. Ritchie mentioned the Connecticut

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415 Stormwater Management Manual and asked if the recommended design is based on the dynamic
416 method. Mr. Virbickas replied he is unsure. Mr. Ritchie asked if percolation testing has been used as the
417 basis of infiltration rates. Mr. Virbickas replied no, DEEP requires double ring infiltrometers.

418
419 Mark Arigoni of SLR Consulting said the Applicant has received all information from the Intervenor and
420 was in the process of composing formal responses and rebuttals.

421
422 Tim Armstrong of Bartlett Tree Experts explained an inventory of all trees over eight inches in diameter
423 was recorded on the property in a report. The report provided recommendations for all species that
424 have preservation potential.

425
426 Chair Klemens asked the Commission to provide questions and comments to the Intervenor and
427 Applicant.

428
429 Vice Chair Shyer asked Bennett Brooks if additional noise could be generated from the proposed cabins
430 without placement on a solid foundation. Mr. Brooks replied that activities within the cabin could vary
431 the outcome, but additional ledges would propagate sound further than with soft soil. Vice Chair Shyer
432 asked if the impact of Lakeville Lake's proximity and noise distribution can be further evaluated. Mr.
433 Brooks replied that sound emitted can travel significantly across the Lake from the event barn located
434 about five-hundred feet away.

435
436 Secretary Whalen commented that he does not believe vehicles leaving a parking lot would create noise
437 above ninety decibels.

438
439 Commissioner Cockerline wished to further evaluate reports and the Applicant's rebuttal anticipated
440 prior to December 10, 2024. He asked Roger Rawlings if property devaluation amounts could be
441 identified. Mr. Rawlings replied diminution of value was not determined and Section 803.3 only specifies
442 devaluation.

443
444 Commissioner Riva asked Roger Rawlings about increased traffic on Wells Hill Road. Mr. Rawlings replied
445 the Applicant included this data in their revised Site Plan. Commissioner Riva asked for additional
446 clarification and investigation. Commissioner Riva asked Brian Miller for clarification on the last
447 paragraph of his report. Mr. Miller replied this response was a reaction to a letter provided by Attorney
448 Mackey describing basic management procedures and minimizing impacts of noise or other activity on
449 site.

450
451 Chair Klemens asked Dainius Virbickas if he is aware of parking flexibility as part of a Special Permit for
452 the application. Mr. Virbickas replied yes. Chair Klemens asked Bennett Brooks if noise pollution
453 concerns stem from inclusion of the event barn. Mr. Brooks replied that behavior and traffic are the
454 major noise source, so the elimination of events would help significantly. Chair Klemens asked the
455 Applicant if the project could be made viable without the event barn and requested a response at the
456 upcoming public hearing.

457
458 Alternate Member Schiffer asked the Applicant what kinds of events would be permitted and hosted at
459 the Event Barn. She asked how events would be screened for potential attraction of crowds, onlookers
460 or protestors. Applicant team member Jonathan Marrale explained the target audience and primary

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

December 2nd, 2024 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

461 intention for events would be celebratory, including weddings, birthdays and graduations. Alternate
462 Member Schiffer asked if criteria for selecting events could be put in writing for the application. Attorney
463 Mackey replied the concept could be investigated. Alternate Member Schiffer asked Vince McDermott if
464 the Town would be involved in enforcement at the property. Mr. McDermott replied if violations of the
465 Special Permit occur, the ability to take action through the Town's Zoning enforcement could be utilized.
466 Mr. McDermott added reporting from the Applicant could be required on a regular basis to discuss how
467 operations are proceeding based on approval of the Special Permit.

468
469 Alternate Member Wells expressed concerns with light emitting from the event barn at late hours. Mark
470 Arigoni replied that photometric plans were submitted for review. The plan focused on the Event Barn
471 and parking lots with zero foot candles at the property line. He mentioned additional information could
472 be provided.

473
474 Chair Klemens asked the Applicant if the project would be viable without the Event Barn. He also asked if
475 a viable project would be possible without utilizing the Granberry parcel. Attorney Mackey replied he
476 wished to provide a response at the upcoming public hearing. Chair Klemens asked if experts provided
477 by the Intervenor could be present at the December 10, 2024 meeting. Attorney Grimes replied all five
478 experts would be available.

479
480 **Motion:** To continue the public hearing to December 10, 2024 at 5:30PM via Zoom.
481 Made by Cockerline, seconded by Riva.
482 Vote: 5-0-0 in favor.

483
484 **Adjournment**

485
486 Chair Klemens stated the meeting adjourned at 9:59PM.

487
488
489
490
491 Respectfully Submitted,

492 Erika Spino

493 Secretary of Minutes