

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

December 10th, 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)
- 6 Bob Riva (Regular Member)
- 7 Dr. Danella Schiffer (Alternate Member)

**Members Absent:**

- Beth Wells (Alternate Member)

**Staff Present:**

- Abby Conroy, Land Use Direction (LUD)
- Miles Todaro, Land Use Technical Specialist (LUTS)
- Attorney Charles Andres

10 **Brief Items and Announcements**

11 1. Call to Order / Establish Quorum

12 Chair Klemens called the meeting to order at 5:30PM. A quorum was established with five regular  
13 members present (Dr. Michael Klemens, Cathy Shyer, Martin Whalen, Allen Cockerline, Bob Riva).  
14 Alternate Member Dr. Danella Schiffer was also present.

16 **Motion:** To approve the agenda.  
17 Made by Cockerline, seconded by Riva.  
18 Vote: 5-0-0 in favor.

- 20 2. Minutes of October 29, 2024 – *pending*
- 21 3. Minutes of November 4, 2024 – *pending*
- 22 4. Minutes of November 18, 2024 - *pending*

24 **Public Hearing – 5:30PM**

25 5. #2024-0257 / Wake Robin LLC & Ms. Serena Granbery (ARADEV LLC) / 104 & 106 Sharon Road  
26 & 53 Wells Hill Road / Special Permit for Hotel (Section 213.5) / Map 47/ Lot 2 & 2-1 / DOR:  
27 08/05/2024 / Hearing Opened 09/03/2024 / *Possible Close of Hearing*

29 The public hearing continued at 5:30PM. Chair Klemens provided opening remarks and introduced  
30 himself, the Commission, Land Use Office (LUO) Staff and counsel Attorney Charles Andres. LUTS Todaro  
31 read titles of the additional documents received since the last public hearing. Chair Klemens asked the  
32 Applicant to provide updates and an overview of project changes.

34 Present to represent the application were Mark Arigoni of SLR Consulting, Attorney Joshua Mackey of  
35 Mackey Butts & Whalen, Civil Engineer Todd Ritchie of SLR Consulting, Development Team Project  
36 Partners Steven Cohen and Jonathan Marrale, Traffic Engineer Neil Olinski, Real Estate Expert Dave  
37 Jones, SLR Consulting US Manager of Ecology Matthew Sanford, SLR Consulting Environmental Scientist  
38 Marlee Antill, Acoustic Engineers Damien Bell and Nick Block, and Architect Tim Eagles.

40 Mr. Arigoni introduced a slideshow presentation and provided an overview of additional application  
41 information submitted. He shared a table of project information to clarify potentially inaccurate data  
42 cited by the public, counsel or the Intervenor. Mr. Arigoni explained the inaccuracy and corrected  
43 information for each item in the table.

45 Engineer Todd Ritchie provided a civil engineering rebuttal summary. Mr. Ritchie explained twenty-four-  
46 foot drive aisles were included for all ninety-degree parking on the revised site plans. Loading and

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47 unloading space for the Event Barn and Restaurant was provided in front of the storage building. He  
48 explained a concrete sidewalk access to the service door is located on the revised site plans.  
49 Additionally, all permeable pavement was removed so soil testing was not necessary. Mr. Ritchie  
50 explained the Applicant-prepared stormwater analysis and design compliant with 2024 Connecticut  
51 Department of Energy and Environmental Protection (CT DEEP) Stormwater Quality Manual guidelines  
52 alongside a revised Drainage Report. Soil samples were obtained from test pits and analyzed by the  
53 Applicant for infiltration rates using a falling head permeameter. He said the falling head permeameter is  
54 listed as an acceptable infiltration test method in the CT DEEP Stormwater Quality Manual. Mr. Richie  
55 explained the design for the proposed stormwater conveyance piping within the Connecticut  
56 Department of Transportation (CT DOT) right-of-way was revised to provide necessary separation from  
57 existing utilities, avoiding pipe conflicts.

58  
59 Mr. Ritchie explained the average daily effluent flow of the project was revised to one-hundred fifty  
60 gallons per day per bedroom based on Connecticut Department of Public Health Standards. The  
61 proposed sewer flow estimate was revised to 24,925 gallons per day. He explained that public water is  
62 supplied to the existing Wake Robin Inn by an existing twelve-inch water main located on the property  
63 frontage on Sharon Road, along with a six-inch water main located along the property frontage on Wells  
64 Hill Road. He added the Fire Marshal submitted a comment that water pressure and flow should be  
65 adequate for the site. Mr. Ritchie explained the existing Inn was connected to the sanitary sewer system  
66 and the Applicant has coordinated with the Water Pollution Control Authority (WPCA). WPCA will assess  
67 the capacity of the existing sewer to accept the sanitary flows from the proposed development. Mr.  
68 Ritchie explained the Applicant provided emergency vehicle access turning movement plans for large  
69 vehicles shown on plan sheets provided on revised Site Plans. He explained adequate space for  
70 emergency vehicles was provided. He explained a minimum horizontal distance of ten feet was provided  
71 between the proposed water mains, sanitary mains and sewer services in accordance with Connecticut  
72 Department of Public Health Standards. Mr. Ritchie concluded cottages are included as hotel use and are  
73 permitted as a Special Permit use.

74  
75 Dave Jones of Dave Jones Realty explained the Town's real estate market is one of the most robust in  
76 Litchfield County. He believed thoughtful development such as the project proposed enhances the area's  
77 appeal and improves property value rather than diminishing it. He compared the application to Winvian,  
78 a successful project that he believed positively transformed the community of Bantam Lake by  
79 significantly boosting the area's visibility and desirability.

80  
81 Mr. Jones mentioned property sales in Town are well above appraised values and assessments and  
82 added that the sale price to list price ratio in December 2024 was at one-hundred two percent. He said  
83 successful integrations of new developments encourage positive community growth while contributing  
84 amenities.

85  
86 Neil Olinski of SLR Consulting explained he filled in for Dave Sullivan who was unable to attend the  
87 meeting and provided a summary of traffic engineering points. Mr. Olinski reiterated that the driveway  
88 connected to Wells Hill Road would be emergency access only. He said CTDOT was in the process of  
89 approving improvements to Sharon Road through a formal Encroachment Permit process. The Town's  
90 peer traffic reviewer concurred with the Applicant's traffic study and findings.

91  
92 Damien Bell of SLR Consulting presented rebuttal topics in response to a letter submitted by Brooks

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93 Acoustics. Mr. Bell explained Brooks Acoustics cited three factors that could potentially result in  
94 undesirable noise: building systems, guest behavior, and vehicle sounds. He replied that hosted events  
95 emit brief transient sounds that are not expected to cause a widespread community nuisance. Mr. Bell  
96 believed vehicle sound emissions cited in the letter are significantly higher than what would occur. The  
97 Applicant anticipated to take behavior of unruly guests seriously with cameras present throughout the  
98 facility and dedicated staff. Mr. Bell said neighbors are welcome to establish communication to  
99 management and staff if excessive noise occurs.

100

101 Environmental Scientist Matt Sanford mentioned the Applicant's Listed Plant Survey canvassed the  
102 entire property at a sufficient time of year between June and July 2024. He explained one species, *Carex*  
103 *oligocarpa* (Few-Fruited Sedge), was identified on the property. The Applicant coordinated with DEEP  
104 Botanist William Moorehead for a final relocation plan. Mr. Sanford said the Applicant coordinated with  
105 the United States Fish and Wildlife Service Regional Field Office to discuss recommendations on the  
106 Northern Long Eared Bat. Acoustic bat surveys are not required for private development projects. He  
107 added that the application is projected to have minimal disturbance to the extreme northern limits of  
108 the three-hundred-acre habitat block. Mr. Sanford stated the project is not an unreasonable destruction  
109 of natural resources, and received approval from the Inland Wetlands & Watercourses Commission  
110 (IWWC).

111

112 Mark Arigoni explained the Wake Robin Inn had been continuously operational for twenty-five years,  
113 with thirty-eight rooms. Numerous outdoor tented events have been hosted for upwards of two-  
114 hundred guests with live music ending at 10:00PM and no neighborhood complaints. Mr. Arigoni  
115 explained all elements of the proposed redevelopment are either currently present or have been  
116 historically part of the Wake Robin Inn program and operation. He explained all elements of the project  
117 are industry standard for upscale hotels and can be found at comparable properties in the area, such as  
118 Interlaken Inn (Salisbury), Troutbeck (Amenia NY), and Winvian (Morris, CT). Mr. Arigoni explained the  
119 Event Barn was designed to move currently outdoor tented events indoors. The Event Barn and hotel  
120 each need their own respective back of house kitchen and storage spaces, and they cannot be  
121 combined. He explained that in accordance with the Zoning Regulations, a hotel is permitted via Special  
122 Permit in the RR1 Zone. Mr. Arigoni explained the Applicant was not opposed to constructing a six-foot  
123 solid panel decorative fence within a planted area surrounding the north parking lot along Wells Hill  
124 Road if the Commission felt it would be an added benefit. Mr. Arigoni explained six bedrooms are  
125 currently present on the Granberry parcel including two large rooms in the existing residential structure.  
126 The proposed cottages in that area will have ten bedrooms in total.

127

128 Chair Klemens asked for clarification of the guest occupancy. Steven Cohen explained the occupancy  
129 estimate of 309 guests is based on Scenario 5 parking analysis and incorporated the Inn at 80%  
130 occupancy, a hosted Event, restaurant guests, and bar guests. Chair Klemens asked if the conversion of  
131 permeable pavers to a concrete sidewalk was reflected in the stormwater calculations. Todd Ritchie  
132 confirmed it was. Chair Klemens asked if valet parking would be used for events to reduce noise of  
133 slamming car doors, idling vehicles and guest ingress or egress. Jonathan Marrale commented that valet  
134 parking can be utilized for all events.

135

136 Chair Klemens asked if potential plants growing on rock outcrops were studied at the appropriate time  
137 of year. Matt Sanford confirmed they were. Chair Klemens asked if *Carex oligocarpa* would be relocated  
138 on the property. Matt Sanford replied they would, on the southeast side of the property. Chair Klemens

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139 asked which four threatened, special concern and endangered plant species were searched for on the  
140 property. Matt Sanford replied the endangered *Pellaea glabella* (Smooth Cliff Brake Fern), threatened  
141 *Asplenium ruta muraria* (Wall-rue Spleenwort Fern) and special concern *Carex formosa* (Handsome  
142 Sedge). *Carex oligocarpa* (Few-Fruited Sedge) was found and identified. Chair Klemens asked if the  
143 threatened and endangered species were detected at the appropriate time of year. Matt Sanford  
144 confirmed they were, in June and July, within the appropriate growing season of May through  
145 September. He explained the species would have been readily identifiable on rock outcrops if present.  
146

147 Chair Klemens asked if removal of large outdoor tented events could be conditioned. Jonathan Marrale  
148 confirmed that would be acceptable. Mark Arigoni explained outdoor wedding ceremonies during the  
149 day would be maintained and moved indoors during evening hours.

150  
151 Commissioner Cockerline asked if the revised Sewer Plan affected preliminary approval from the WPCA.  
152 Mark Arigoni replied a formal WPCA approval process has not occurred. The Applicant and WPCA have  
153 been in discussion since March 2024 with revisions submitted. Commissioner Cockerline asked Dave  
154 Jones if he is a certified Appraiser. Mr. Jones explained he is not, but he is a Real Estate Broker.  
155 Commissioner Cockerline explained Wells Hill Road is the shortest route to the property from Route  
156 112/Route 7 and asked how diminished traffic would be possible. Neil Olinski replied Google Map  
157 routing was investigated from several separate locations and Sharon Road was offered as the main  
158 routing option. Commissioner Cockerline advised that sound containment details for the Event Barn  
159 should be presented with careful analysis and architectural verification. Mark Arigoni replied the Event  
160 Barn will be designed with acoustics as a priority and recommended the Commission add it as a  
161 condition. He added that the Applicant was committed to design the Event Barn as acoustically sensitive  
162 as possible.  
163

164 Vice Chair Shyer asked the Applicant team to identify the Americans with Disabilities Act (ADA)  
165 compliant entrance on the Event Barn. Mark Arigoni highlighted the accessible ramp system on the Site  
166 Plan. Vice Chair Shyer asked how outdoor deck space on the Event Barn would be utilized. Jonathan  
167 Marrale explained the deck space would be for the fast casual restaurant and pre-function gathering  
168 between a ceremony and the indoor event such as a cocktail hour.  
169

170 Secretary Whalen asked for clarification of a conflict with the stormwater basin. Todd Ritchie replied  
171 that updates to base mapping occurred after obtaining estimated GIS-based water main information  
172 from Aquarion. He said the revised design and layout pinpointed the concern and avoids conflict of a  
173 shallow sanitary sewer and water main.  
174

175 Alternate Member Schiffer supported Commissioner Cockerline's concern for noise mitigation and  
176 believed intention versus actuality is not a strong basis for approval. Alternate Member Schiffer asked  
177 what hosted Events would be deemed appropriate versus inappropriate. Attorney Charles Andres  
178 commented that the Commission regulates the use not the user and the Applicant included weddings,  
179 bar mitzvahs, celebrations and corporate Events. Attorney Joshua Mackey commented that proposed  
180 events would not deviate from what currently takes place on the property.  
181

182 Chair Klemens opened the floor to the public for comments and questions.  
183

184 Aimee Bell commented that Mark Arigoni's statement regarding the Granberry parcel having six

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185 bedrooms was false and only four bedrooms are present. Ms. Bell also commented that Winvian Farm is  
186 one-hundred thirteen acres, Troutbeck is two-hundred fifty acres, and Interlaken is thirty acres, versus  
187 the Applicant's twelve-acre property. She mentioned Neil Olinski's statement that Wells Hill Road is a  
188 country back road and commented that adding nine cottages to the area will diminish that element. Ms.  
189 Bell believed the noise from the proposal would negatively affect her quality of life.

190  
191 Laurie Fendrich commented that Lakeville is a small village with a population of eight-hundred eighty-six  
192 people. Ms. Fendrich explained the capacity of the proposed hotel could potentially be half of the  
193 nearby village's population. Ms. Fendrich added that LED lights from increased traffic on Wells Hill Road  
194 would negatively affect her quality of life.

195  
196 Shaffin Shariff explained he is one of the current owners of the Wake Robin Inn. Mr. Shariff explained  
197 the existing hotel hosting three-hundred guests is not uncommon when considering the thirty-eight  
198 rooms and maximum of two-hundred guests for outdoor hosted events.

199  
200 Peter Oliver explained he has performed six weddings at the existing Wake Robin Inn where over two-  
201 hundred guests were present. Mr. Oliver commented that an architect could design Event Barn walls to  
202 ensure the sound transmission coefficient is high. Once plans are received for construction by the  
203 Building Official, the Commission can ensure the best possible practice for acoustics control could be  
204 followed.

205  
206 Mary Ward explained she became the owner of 64 Wells Hill Road in September 2024. Ms. Ward said  
207 she never received notice from the Town regarding this application. She expressed concern regarding  
208 light and noise pollution and believed the rural quality of life they desired would be affected. Ms. Ward  
209 explained she is a licensed architect and believed the submitted plans are not complete and found the  
210 use difficult to decipher.

211  
212 John and Nicole Franchini, the owners of 75 Sharon Road said their property is located directly across  
213 from the Wake Robin entrance and explained they are regularly directed through Wells Hill Road when  
214 using a GPS system for routing. He believed the Special Permit requirements are not met as the  
215 application does not avoid detriment or nuisance to the surrounding area. He expressed appreciation for  
216 attempted accommodations but believed there is inadequate ability to enforce all good intentions  
217 expressed from the Applicant.

218  
219 Darryl Peck expressed concern that public hearings are nearing conclusion with close to forty new  
220 documents uploaded to the Town website in the past twenty-four hours. Mr. Peck believed it is not  
221 possible for the public to participate fairly with Site Plans and testimony changing rapidly. He believed a  
222 majority of the community was against the application. Mr. Peck believed the Commission is guided by  
223 fear of legal action by the Applicant and the action taken in May 2024 to change Zoning Regulations is  
224 legally troublesome. He explained the application would adversely affect the enjoyment, usefulness and  
225 value of neighboring properties. Mr. Peck believed noise control and enforcement would not be  
226 possible.

227  
228 Lori Shepard explained she is against the proposed project and believed the application should be  
229 denied.

230

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231 Mary Ward explained she does not believe the Site Plans are complete enough to judge use of the  
232 property. Ms. Ward said property use was not clear and changes can occur during the building permit  
233 process. She expressed confusion with the placement of cottages and lights facing the road. Ms. Ward  
234 urged the Commission to deny the application.  
235

236 Gerry Freedman explained he owned a lakeside property on Millerton Road. Mr. Freedman believed  
237 additional noise pollution from the proposed use would cross the lake and affect his property similarly to  
238 sounds emitting from the Interlaken Inn and Hotchkiss School. He believed the project would negatively  
239 affect real estate instead of raising value.  
240

241 Judy Gafney expressed concern that the Applicant has prepared this project behind the scenes. Ms.  
242 Gafney believed the project was too large to be enforced. She believed there are issues with spot zoning.  
243 Ms. Gafney asked how the application would mitigate drought and environmental changes as a result of  
244 climate change. She believed the application should be tabled or rescinded until more information is  
245 shared.  
246

247 Karen Lundeen, a resident of 336 and 338 Wells Hill Road believed the application would not benefit the  
248 community and could potentially overwhelm volunteer services such as the ambulance and fire station.  
249 She expressed agreement with all other concerns expressed by the public and believed the application  
250 should be denied.  
251

252 Tom Murphy asserted that no explanation was received from the Commission regarding the draft  
253 amendments to Zoning Regulations. Chair Klemens replied he wrote a letter that was not acknowledged  
254 and additional response was posted on the Town website. Mr. Murphy rebutted that the Commission  
255 did not explain prohibition against the enhancement of a non-conforming use in an RR1 Zone, and this  
256 Special Permit application is based upon a change that proceeded through the LUO without public  
257 knowledge. He believed if the public had sufficient time to respond to this change, the application would  
258 not have reached its current stage. Mr. Murphy believed the application should be denied.  
259

260 Darryl Peck mentioned a forty-room inn that may be proposed at Lime Rock Park. Mr. Peck believed the  
261 Town is unable to support over one-hundred hotel rooms and the Applicant does not have a chance at  
262 commercial success. He believed the Applicant would ultimately abandon the project and the  
263 development would be run by a non-profit organization depriving the Town of tax revenue. He believed  
264 the application could create enormous strain on Town infrastructure. Mr. Peck expressed frustration  
265 with correspondence received by Attorney Mackey concerning Public Comment. He believed the  
266 Commission and LUO staff are stretched beyond their means and the current situation is not sustainable  
267 for the Town. Mr. Peck believed the application does not adhere to current or past Zoning Regulations.  
268

269 Peter Oliver explained Town Zoning Regulations were first drafted in the 1950s and recognized a light  
270 industrial zone to allow for factory buildings. Mr. Oliver explained the Wake Robin Inn has been present  
271 since 1914 and was recognized as non-conforming. He explained the Commission did not create new  
272 Zoning Regulations for the application.  
273

274 Elyse Harney explained she is opposed to the application. Ms. Harney believed the project does not align  
275 with a community who appreciates a quiet residential area. She commented that the application is not  
276 appropriate for the community and should be scaled down in size.

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278 Chair Klemens called a brief recess at 8:04PM. The meeting resumed at 8:12PM. Chair Klemens asked  
279 the Intervenors to join the meeting to provide a rebuttal.

280

281 Bill Cruger opined that the Applicant did not address Special Permit requirements specifically that the  
282 use may not adversely affect the neighborhood. Mr. Cruger explained the intervening experts will  
283 comment on the noise value, environment and Town planning. The experts would state that their  
284 professional opinion is that the proposed expansion does not comply with requirements of a Special  
285 Permit. He believed a proposed expansion of this scale should not have reached this point of an  
286 application process without assurance from the WPCA regarding adequate sewer capacity.

287

288 Bennett Brooks of Brooks Acoustics Corporation explained he submitted four documents for the record  
289 in rebuttal to the Applicant. Mr. Brooks believed the application provided information containing errors  
290 and omissions and must meet more restrictive requirements for a Special Permit. He believed the  
291 Applicant should demonstrate that every feature of the proposal complies.

292

293 Brian Miller of Miller Planning Group believed the Applicant's certified planner did not respond to the  
294 overall impact and the project is not compatible with the surrounding neighborhood.

295

296 Roger Rawlings of Resource Valuation Group explained the Applicant's statements that a robust real  
297 estate market in Town would not be affected are incorrect. Mr. Rawlings believed their analysis does not  
298 correlate with the current market conditions and only addressed how traffic would adversely affect  
299 properties located on Wells Hill Road and Sharon Road. He added that GPS routing would direct drivers  
300 through Wells Hill Road and increase traffic.

301

302 George Logan of Rema Ecological Services explained he submitted three reports. Mr. Logan said the  
303 mature forest on the subject property contributes to the overall ecology of the surrounding watershed.  
304 He commented that water quality basin number 130 did not have proper soils and the redesign for  
305 detention basin number 210 was suboptimal. Mr. Logan believed the proposed stormwater quality  
306 system was inadequate.

307

308 Sigrun Gadwa of Rema Ecological Services opined that the Applicant's plant surveys were not properly  
309 conducted. Ms. Gadwa explained the survey conducted in the wetlands was minimal and rare plants  
310 would have been difficult to locate amidst invasive species. She added that lighting proposed for the  
311 project could affect moth populations.

312

313 Attorney Pearley Grimes asserted the project could function if the Event Barn was eliminated, but  
314 profitability should not be a consideration by the Commission. He added that the Applicant desires to  
315 override the obligation of the Commission to enforce Regulations of Public health, safety and welfare.

316

317 Dainius Virbickas of Artel Engineering Group explained the Applicant performed soil testing within their  
318 facility rather than in the field, which is not an approved method in the CT DEEP Stormwater Quality  
319 Manual. Mr. Virbickas explained the Applicant's detail sheet and utility sheet have conflicting  
320 information and do not match regarding the stormwater management systems. He added that the  
321 Applicant did not provide adequate information for large emergency vehicle access (such as firetrucks)  
322 to the main hotel structure in an emergency situation.

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324 Chair Klemens asked Roger Rawlings if he believed property values as far away as East Main Street in  
325 Salisbury would be negatively affected by the application. Mr. Rawlings replied neighborhood indexes on  
326 all major roadways would be adversely affected. Chair Klemens asked George Logan if he believed the  
327 designed stormwater system was inadequate. Mr. Logan replied yes, it would not be able to attenuate  
328 the variety of pollutants found in runoff. Chair Klemens asked Sigrun Gadwa if she felt the survey for rare  
329 species was inadequate due to rich limestone and a large assortment of invasive plants. Ms. Gadwa  
330 confirmed this. Chair Klemens mentioned wetlands on the property are protected as ordered by the  
331 IWWC and asked if they would be negatively affected by the project. Ms. Gadwa believed they would be,  
332 and expressed concern with hydrologic issues nearby. Chair Klemens asked if lighting would disrupt  
333 phenology of plants on the site. Ms. Gadwa believed it would.

334

335 LUD Conroy asked Bennett Brooks for clarification of the sound level calculation chart he provided for  
336 the record. Mr. Brooks provided more details on the data shown in the chart. LUD Conroy noted that a  
337 single automobile exceeds State sound level limits, and asked if Mr. Brooks believed that interpretation  
338 should be applied to every Special Permit application. Mr. Brooks replied that the matter is for the  
339 Commission to take into account, and the increase in number of automobiles on site would cause a  
340 significant disturbance. LUD Conroy asked Brian Miller if alignment with State growth management  
341 principles was clear within the Town's draft 2024 Plan of Conservation & Development (POCD). Mr.  
342 Miller replied it was not clear. LUD Conroy asked George Logan to confirm that no permit or safeguards  
343 would be required to preserve resources if the current owner of the Wake Robin Inn wanted to conduct  
344 maintenance of the property. Mr. Logan agreed. LUD Conroy asked if the property was converted to  
345 residential or agricultural use there would likewise be no safeguards in place to preserve resources. Mr.  
346 Logan agreed that would also be the case assuming there is nothing in the regulations to prevent it.

347

348 Commissioner Riva asked George Logan if nitrogen or phosphate concerns would affect runoff into  
349 Lakeville Lake. Mr. Logan replied yes, the drainage watershed is significantly larger.

350

351 Chair Klemens asked the Applicant to join the meeting for a cross-examination of the Intervenor.

352

353 Todd Ritchie asked George Logan if changing the surface of rain gardens to loam and vegetated surface  
354 would be acceptable. Mr. Logan replied it would be an improvement but required additional  
355 accommodations of infiltration capability. Mr. Ritchie asked Dainius Virbickas if the falling head  
356 permeameter test is an acceptable infiltration test on the CT DEEP Stormwater Quality Manual. Mr.  
357 Virbickas replied yes.

358

359 Mr. Ritchie suggested a condition for the application's approval could be modifying the rain gardens with  
360 planted bottoms. In addition to providing a 50% reduction rate in the two-year twenty-four-hour post  
361 development peak stormwater flow rate as required, the proposed on-site stormwater design would  
362 provide reductions in the post development peak flow rates at all points where stormwater discharges  
363 from the site. Mr. Ritchie added the Applicant's opinion is that the proposed stormwater management  
364 design treats and controls flows to the maximum extent of practical and achievable on-site minimum  
365 design criteria included in the CT DEEP Stormwater Quality Manual.

366

367 Matt Sanford asked Sigrun Gadwa if she performed an on-site visit. Ms. Gadwa replied she had not. Mr.  
368 Sanford asked if she knew the density of Japanese Barberry on site. Ms. Gadwa did not. Mr. Sanford



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369 asked if her observations are speculative. Ms. Gadwa replied her report is based on a report by Marlee  
370 Antill. Mr. Sanford asked how wetlands on site would be impacted by the project. Ms. Gadwa replied  
371 change in artificial lighting and hydraulic regime would impact wetlands.

372  
373 Chair Klemens asked Attorney Grimes to provide a summation.

374  
375 Attorney Grimes thanked the Commission and explained experts were engaged to identify various issues  
376 involved when looking at a complex proposed project in a sensitive residential zone surrounded by  
377 homes. Attorney Grimes commented adjusting buildings on the property would not be a sufficient  
378 solution to the density of the buildings and proposed uses. He noted that the application is called a hotel  
379 application, but the Applicant's narrative called it a boutique hospitality campus. Attorney Grimes  
380 explained Mr. Brook's report addressed the issue of vehicle noise which cannot be mitigated and has not  
381 been challenged. He added the Applicant has not shown baseline noise measurements. Attorney Grimes  
382 explained on November 15th 2024 he composed a letter to the Commission regarding the need for  
383 sewer capacity to be addressed, and no application should be approved without appropriate certification  
384 of adequate capacity. He acknowledged the Town had since engaged engineers to evaluate sewer  
385 capacity of the WPCA plant. Attorney Grimes mentioned the burden of proof for the Site Plan and  
386 special exceptions made is on the Applicant, not the Commission. He added that if the requirements are  
387 not met, the application must be denied. Quality of life of the community is an important factor of the  
388 application that the Commission must protect.

389  
390 Chair Klemens asked Attorney Mackey to provide a summation.

391  
392 Attorney Mackey introduced a slideshow presentation to represent the application timeline. He  
393 reminded the Commission the Wake Robin Inn is an existing and ongoing conforming enterprise that  
394 could perform most, if not all of the services proposed by the Applicant. Physical expansion of the  
395 property was proposed thus warranting a Special Permit application. Attorney Mackey explained the  
396 Applicant has demonstrated compliance with a Special Permit and Site Plan standard set forth in the  
397 Regulations. He explained the Applicant made adjustments in response to concerns articulated by the  
398 Intervenor and public and takes their role seriously as demonstrated by conduct during the past  
399 proceedings. Attorney Mackey believed the Applicant proposed a project that is in harmony with the  
400 area that provides exceptional experience for all.

401  
402 Attorney Andres addressed the Intervenor's burden. He explained only the environmental information  
403 presented by the Intervenor was pertinent to the intervention. He added that during deliberations,  
404 additional finding requirements will be triggered. Attorney Andres clarified *ex-parte* communications. He  
405 explained a decision by the Commission must be based on evidence in the record. Evidence from the  
406 public, applicants, or intervenors received after closing of the public hearing cannot be considered.  
407 Attorney Andres acknowledged voting on this application will be performed by seated Commission  
408 members only.

409  
410 Commissioner Cockerline asked Attorney Andres for clarification on WPCA. Attorney Andres replied the  
411 Commission has discretion to address WPCA via conditions, but they don't have to.

412  
413 Chair Klemens asked the Commission members if they are able to render an impartial decision on the  
414 application. All replied yes.

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

December 10th, 2024 5:30PM

Remote Meeting by Live Internet Video Stream and Telephone

415

416 **Motion:** To close the public hearing at 10:18PM.

417 Made by Whalen, seconded by Riva.

418 Vote: 5-0-0 in favor.

419

420 Chair Klemens explained deliberations on the application begin at 7:00PM on December 12, 2024.

421

422 **Adjournment**

423

424 **Motion:** To adjourn the meeting at 10:25PM.

425 Made by Riva, seconded by Shyer.

426 Vote: 5-0-0 in favor.

427

428

429 Respectfully Submitted,

430 Erika Spino

431 Secretary of Minutes