

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

September 17th, 2024 6:00PM

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)
- 8 Beth Wells (Alternate Member)

Members Absent:

Staff Present

- Abby Conroy, Land Use Director (LUD)
- Miles Todaro, Land Use Technical Specialist (LUTS)

10 **Brief Items and Announcements**

11 1. Call to Order / Establish Quorum

12 Chair Klemens called the Meeting to order at 6:00PM. A quorum was established with five regular
13 members present (Dr. Michael Klemens, Cathy Shyer, Martin Whalen, Bob Riva, Allen Cockerline).
14 Alternate Members Dr. Danella Schiffer and Beth Wells were also present.

16 **Other Business**

17 3. Enforcement Updates

18 a. 144 Salmon Kill Road

19
20 LUD Conroy explained the Land Use Office (LUO) had not received additional correspondence from the
21 property owner. The LUO initially received a response with a survey completed in 1954. She explained
22 the existing main dwelling is not properly configured on the current Survey. LUD Conroy said a driveway
23 was installed, but the curb cut on the survey had not been altered. She mentioned a pond was also
24 constructed sometime between 2018 and 2024. Chair Klemens asked if the pond is connected to a
25 nearby stream. LUD Conroy said she was unsure.

27 b. 349 Main Street

28
29 LUD Conroy explained the property owner had until the end of September to respond to the LUO. She
30 discussed the matter at an Interdepartmental Meeting with the Fire Marshal present. LUD Conroy
31 explained the unprotected propane tanks on this property are a significant safety issue. LUD Conroy had
32 requested a current survey but the property owner has not provided one. LUD Conroy added that the
33 building and fire code also require a survey to demonstrate the location is compliant with setback
34 requirements from structures, other propane tanks, and property lines. Chair Klemens expressed
35 concern for public health and safety and suggested investigating temporary measures to shut down the
36 business until the issue is resolved. LUD Conroy responded that she will contact the Building Official for
37 additional recommendations regarding temporary safety measures for the public.

39 c. 16 Woodland Drive

40
41 LUD Conroy explained the owner of 16 Woodland Drive decided to reapply to the Zoning Board of
42 Appeals (ZBA). The structure that was built encroached beyond what was granted by the initial variance.
43 LUD Conroy explained she will update the ZBA application form to clarify that a foundation As-Built
44 survey will be required before the rest of the project can be approved.

45
46

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47 d. 24 Woodland Drive

48

49 LUD Conroy explained that the property owners are looking to perform a lot line revision to move a
50 propane tank from 24 Woodland Drive to 16 Woodland Drive.

51

52 LUD Conroy utilized time before the public hearing to provide guidance to the public regarding accessing
53 information and navigating the Town website.

54

55 Chair Klemens called a brief recess. The meeting continued at 6:45PM.

56

57 **Public Hearing - 6:45PM**

58 2. #2024-0257 / Wake Robin LLC & Ms. Serena Granbery (ARADEV LLC) / 104 & 106 Sharon Road
59 & 53 Wells Hill Road / Special Permit for Hotel (Section 213.5) / Map 47/ Lot 2 & 2-1 / DOR:
60 08/05/2024 / DOH: 09/03/2024 *Continue Hearing*

61

62 The public hearing continued at 6:45PM. Chair Klemens provided opening remarks.

63

64 *“Good evening - This is a continuation of the Public Hearing for the redevelopment of the Wake
65 Robin Inn. This continuation will adjourn no later than 9 PM tonight. I will request as necessary an
66 extension from the Applicant. I have some brief commentary to remind all gathered of the following.*

67 *The Commissioners, while elected, are not politicians. We must adhere to our Regulations, as well
68 as State and Federal statutes. At times we must take unpopular positions because that is what the law
69 requires. We are here to balance the legitimate interests of the neighbors of the Wake Robin Inn with the
70 property rights of the Applicant. Our Regulations provide a legal and logical pathway to review a large
71 volume of material. We ask for your cooperation in not being repetitive, nor in making speculative or
72 illegal arguments.*

73 *The Planning and Zoning Commission regulates the USE not the USER. Please consider this when
74 providing testimony. Qualifications of the Applicant to conduct a project of this magnitude are not a legal
75 consideration for the Commission. The Commission can, through bonding and other requirements, ensure
76 that the project is completed in a satisfactory manner, protecting the Town’s and the public’s interests in
77 the event the project is not completed in the manner approved.*

78 *Speculation about future use of the property is just that--speculation. One of the most legally-
79 alarming speculations that has been raised is the possibility that the property could subsequently be
80 converted to a religious use. I term it alarming because religious uses are protected by Federal and State
81 statutes. Even speculation concerning religious use within the context of these deliberations could expose
82 the Town to legal liability under RLUIPA—The Religious Land Use and Institutionalized Persons Act—a
83 federal law that is administered by the Department of Justice. I have entered into the record a recent
84 case from Cromwell, CT provided by Town legal counsel that resulted in a 5 million dollar (reduced to 2
85 million dollars) fine levied on that municipality.*

86 *So again—to conclude we regulate the USE not the USER. Any subsequent change of use would
87 be subject to the relevant Federal and State laws AT THAT TIME.*

88 *The Public Hearing will first begin with the Applicant summarizing what is new in the record,
89 followed by Commission questions, and then Public Comment. To ensure that everyone in attendance*

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90 *has an opportunity to speak should they wish, preference will be given to recognizing individuals that*
91 *have not spoken or submitted written testimony this evening.*

92 *As Chair, I reserve the right to limit comments if they become repetitive or to interject cautionary*
93 *corrections to protect the integrity of this process if illegal issues are raised.”*

94 Landscape Architect Mark Arigoni of SLR Consulting joined the meeting to represent the application.
95 Architect Tim Widman was also present. Mr. Arigoni introduced a slideshow presentation, which
96 included responses to concerns raised by the public and the Commission at the previous hearing. He
97 explained this presentation would cover Zoning conformance, building height, traffic and circulation,
98 adjustments to the entrance of the facility, noise and acoustics, viewshed renderings, and a lighting and
99 photometric study.

100

101 Land Use Attorney Joshua Mackey, representing the applicant team, joined the meeting. Attorney
102 Mackey explained a response was submitted to the letter Attorney Grimes submitted on behalf of his
103 clients Angela and Bill Cruger. The letter from Attorney Grimes objected to the expansion of a non-
104 conforming use. Attorney Mackey explained the applicant’s design team recognized the need to remain
105 in conformity with building height regulations. Attorney Mackey explained the newly submitted plan
106 called for building heights within thirty-five feet as required by the building height regulations. Architect
107 Widman explained the Zoning Regulations are structured to reduce or eliminate non-conforming issues,
108 but some situations are stipulated where adjustments and modifications can be made to an existing
109 building. Mr. Widman explained modifications can be made as long as the non-conforming element of
110 the structure is not increased. The proposed project has reworked grading for the main structure’s
111 volume to ensure they fall within requirements for primary building height regulations. Mr. Widman
112 explained the primary addition of the building will be twenty-eight feet, and the elevator overrun and
113 mechanical penthouse thirty-one feet in height.

114

115 Landscape Architect Arigoni explained a full traffic report has been submitted and a third-party traffic
116 engineer review is anticipated to address additional concerns. Upon further investigation of the existing
117 access on Sharon Road, the applicant proposed a new solution on a revised site plan that is under review
118 with the Connecticut Department of Transportation (CTDOT). Mr. Arigoni explained the existing
119 driveway onto Sharon Road will be a one-way entrance. Due to sightline concerns, the exit traffic will
120 follow a new one-way driveway that will exit one-hundred feet further away from the existing entry
121 driveway. Mr. Arigoni said the revised plan is fully engineered with completed grading and an altered
122 drainage system, landscaping, and lighting plan. The gated emergency access on Wells Hill Road would
123 remain as is. Mr. Arigoni explained to achieve an improved sightline, hillside removal and the
124 construction of a retaining wall would be required on state owned property.

125

126 Landscape Architect Arigoni explained a resolution was composed to alleviate noise concerns and ensure
127 decibel levels remain acceptable for the nearby community with a senior acoustics Engineer.
128 Adjustments were made to the plan including closing the pool area at 8:00PM and relocating the
129 proposed gym to the main Hotel structure. The Event Barn will have limited North, South and West
130 facing acoustic rated windows installed, with the primary access doors facing East towards the existing
131 great lawn. All outdoor events will be moved inside the Event Barn before 9:00PM to further reduce
132 outdoor sound levels. Mr. Arigoni explained the Applicant is committed to maintain thirty to forty
133 decibel levels at any property line, comparable to typical conversational sound.

134

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135 ARADEV Development Team Project Partners Steven Cohen and Jonathan Marrale joined the Meeting.
136 Mr. Cohen explained food and alcohol service will conclude at 11:00PM. These hours may be extended
137 to 1:00AM-2:00AM depending on day of the week according to the Connecticut Liquor Control Act. Mr.
138 Cohen explained the gym will only be accessible to Hotel guests. Dining at the Hotel would be accessible
139 to guests and the public, and all outdoor dining will be moved indoors by 9:00PM and closed by
140 11:00PM. Mr. Cohen said private events may allow for extended bar and restaurant hours alongside a
141 required contract. Golf carts will be provided to Hotel staff for minimized usage of cars through the
142 property.

143
144 Mr. Cohen explained Event Barn hours would be flexible depending on the private event hosted. All
145 private events will require a written contract prior to the hosted event. Estimated capacity of the Event
146 Barn is one-hundred seventy-four seated individuals. A restaurant open to the public and hotel guests
147 will be located inside the event barn open from 11:00AM to 9:00PM. The restaurant will be closed when
148 a private event is hosted. Mr. Cohen explained the restaurant will be accessible on the Event Barn patio,
149 with an estimated ten tables of outdoor seating. He said private security is required for Event Barn
150 rental, and security would oversee traffic control, alcohol compliance, door opening and closing for
151 sound reduction, and overall safety of guests and the public. All staff will be certified in serve-safe
152 alcohol training to prevent overserving and promote responsible alcohol consumption.

153
154 Mr. Cohen presented a floor plan of the Event Barn. He explained a vestibule was created on the main
155 entrance to reduce sound after events are moved indoors. Sliding glass doors are present and can be
156 used by guests until 9:00PM where they will be closed and locked, and the only entrance in and out of
157 the barn after 9:00PM will be through the noise-controlled vestibule. Chair Klemens asked if this will be
158 the only exit provided for guests during an emergency situation. Mr. Marrale explained the sliding doors
159 have an outdoor lock, but indoor panic hardware will be installed to maintain adequate emergency
160 egress.

161
162 Mr. Cohen explained the Spa facility will be open from 7:00AM to 7:00PM and open to the public by
163 advanced reservation only, depending on hotel guests given priority booking. Estimated capacity of the
164 Spa is ten to twelve individuals, with four treatment rooms and one couples room. He added the Spa
165 included a tranquility reading room, locker room, outdoor jacuzzi, cold plunge, and sauna. Hotel guests
166 will be allowed to purchase up to five day-passes depending on the capacity of treatments booked, and
167 guests are not allowed to stay in the Spa for more than two hours at a time. Members of the public are
168 not able to purchase day passes.

169
170 Mr. Cohen explained the seasonal pool area will be open from 9:00AM to 8:00PM, and accessible to
171 hotel guests only. Estimated capacity of the pool is forty-five to fifty people depending on the number of
172 lawn chairs provided. He said light snacks and beverages will be served through a bar on the far side of
173 the pool.

174
175 Landscape Architect Arigoni presented photo-simulation images from Wells Hill Road looking into the
176 site for a visualization of the property including landscaping and the proposed retaining wall. He
177 explained a detailed photometric plan was submitted and available for viewing on the Town website.

178
179 Chair Klemens asked if the retaining wall facing Wells Hills Road is within the right of way. Mr. Arigoni
180 replied all components of the wall will be located on private property. Chair Klemens asked for the

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181 height of overhead lighting structures. Mr. Arigoni replied all outdoor parking lights have a lamp
182 mounting height of twelve feet. Chair Klemens mentioned the intense use of 53 Wells Hill Road which
183 was formerly a residential property. He asked if the Applicant had given thought to previous remarks
184 made regarding a tree preservation plan and potentially relocating elements of the property to de-
185 intensify the amount of use abutting a residential neighborhood. Chair Klemens suggested relocating the
186 pool area and relocating cottages along Wells Hill Road instead.

187
188 Chair Klemens advised the applicant team to respond to all Commissioner and public questions in writing
189 following the meeting.

190
191 Vice Chair Shyer asked if parking spaces alongside the pool area could be reduced. Mr. Arigoni replied
192 that parking was strategically placed to avoid one large parking lot, and this lot would be utilized for
193 satellite and valet attendance parking.

194
195 Commissioner Riva asked if concerns from abutting property owners regarding stormwater runoff were
196 addressed. Mr. Arigoni replied a primary stormwater management system will be located near the area
197 of concern, and soils tested nearby were in good condition. He added Engineer Todd Ritchie could
198 respond to this concern in more detail.

199
200 Commissioner Cockerline asked if additional sound containment on the outdoor portion of the Event
201 Barn could be included and suggested surrounding the patio with sound rated glass. Commissioner
202 Cockerline asked for additional construction details of the Event Barn including materials used.

203
204 Alternate Member Schiffer expressed disappointment that relocation of the pool and spa and potential
205 elimination of cottages had not been considered. She also asked how enforcement will be addressed
206 regarding the rules and limitations outlined by the applicant team.

207
208 Alternate Member Wells asked how many hotel guests can be accommodated overnight. Mr. Cohen
209 replied the Hotel will have a total of seventy-one rooms, with around one-hundred forty guests
210 accommodated overnight. Alternate Member Wells expressed continued concern about noise, cars and
211 lights affecting the nearby residential area past 10:00PM.

212
213 Chair Klemens opened the floor to the public for comments and questions.

214
215 LUD Conroy mentioned written correspondence including letters of support and questions and
216 comments from the Public have been uploaded to the Town website for viewing.

217
218 Member of the public Mark Hochberg joined the meeting and explained he is the co-owner of 97 Sharon
219 Road. Mr. Hochberg mentioned the newly proposed circulation for vehicle entry and exit would remove
220 a barrier of trees between his property and the proposed Event Barn. Mr. Hochberg believed increasing
221 the size of the Wake Robin Inn will create a change in the neighborhood's residential environment, but
222 commented the Inn is underutilized and deserved revitalization. Mr. Hochberg explained the project
223 should be downsized. He suggested the applicant and development team meet with the neighborhood
224 group and attempt to reach a solution together.

225
226 Member of the public Faith Hochberg joined the meeting and explained she is also an owner of 97

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227 Sharon Road. Ms. Hochberg mentioned there are regulations that must be followed including Regulation
228 802.2, 803.2 and 803.4.F. She added the newly proposed driveway entrance and exit could decrease
229 water runoff concerns but would not resolve issues for nearby downhill neighbors with steep driveways.
230 Ms. Hochberg believed the Event Barn should be moved into the hotel structure to better utilize space
231 and regulate noise. She believed the driveway location has a steep grade and many trees will need to be
232 removed that would provide a natural sound barrier. Ms. Hochberg expressed opposition to the newly
233 proposed driveway and believed it should be considered a separate application. She asked how many
234 trees would be removed and where headlights would shine. Ms. Hochberg believed the proposed Event
235 Barn is too big, the number of guests accommodated is too high, and hours of operation are too late.
236 She suggested all events should end strictly at 9:00PM. Ms. Hochberg concluded that Commissioners
237 should assess the regulations prior to approving the Special Permit.
238

239 Member of the public Sarah Virden joined the meeting and explained she is the owner of 77 Wells Hill
240 Road. Ms. Virden asked if noise mitigation can be addressed for the main hotel structure. Ms. Virden
241 asked if a maximum number of private events hosted could be provided.
242

243 Member of the public Laurie Fendrich joined the meeting. Ms. Fendrich believed the retaining wall and
244 buildings were pushed against Wells Hill Road unnecessarily and should be moved. She believed the
245 proposed retaining walls appeared industrial and did not fit in with the residential area.
246

247 Member of the public Greg Wilmore joined the meeting and described himself as part of an expanding
248 coalition of concerned residents united together in opposition of the application. Mr. Wilmore felt
249 deceived by the applicant's presentation and the position of the Commission. He mentioned the
250 Commission and LUO changed the definition of Hotel in the regulations without mentioning the
251 application. Mr. Wilmore believed the proposal is not economically viable and the applicant does not
252 have an understanding of the Town and its resources. He commented there is no police enforcement in
253 Town that could be utilized for security and traffic. Mr. Wilmore asked for the applicant's business plan
254 and model. He believed the development is not designed to follow the rules of economics, and there is
255 no intention of drawing hospitality demand from the Town. Mr. Wilmore believed a member of the
256 public could be killed due to the development's proposed traffic plan.
257

258 Member of the public Brian O'Hagan joined the meeting and explained he is the owner of 117 Sharon
259 Road. Mr. O'Hagan expressed concern with the management of increased traffic on Sharon Road and
260 explained he currently struggles with egress from his driveway due to the high speed of traffic. He asked
261 how increased traffic will be properly addressed by the applicant.
262

263 LUD Conroy advised the public that the hearing will not be closed after this meeting. Chair Klemens
264 noted that the Commission has chosen to prioritize comments from members of the public who have
265 not written letters first.
266

267 Member of the public David Kamp joined the meeting and explained he is the owner of 40 Wells Hill
268 Road. Mr. Kamp appreciated the response and changes from the applicant after the previous Meeting.
269 He believed these adjustments are not enough to fit within a residential neighborhood and shared a
270 number of concerns previously stated by members of the public.
271

272 Member of the public Paul Serbaniewicz joined the meeting and explained he is the owner of 67 Sharon

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273 Road and shared a number of concerns previously stated by members of the public. Mr. Serbaniewicz
274 expressed concern regarding traffic, influx of vehicles and increased chance of vehicular accidents. He
275 mentioned the traffic study should be improved as it only acknowledged certain days of the week and
276 included an error of Sharon Road's posted speed limit. Mr. Serbaniewicz believed a cap on private events
277 and closure at 10:00PM should be considered to better accommodate the residential neighborhood.

278
279 Member of the public Bill Cruger joined the meeting and asked if all letters of correspondence will be
280 reviewed by Commission Members. LUD Conroy confirmed that all Commissioners qualified to vote will
281 agree to a statement that all materials were reviewed and the decision was rendered based on all
282 documents submitted.

283
284 Member of the public John Moller joined the meeting and explained he is the owner of 34 Wells Hill
285 Road and shared all concerns previously stated by members of the public. Mr. Moller mentioned the
286 sewer system has clogged in the past and caused backflow into his residence. He explained the applicant
287 mentioned positive feedback on the adequacy of sewer capacity, but an evaluation of the Town sewer
288 system and capacity have not been submitted. Mr. Moller said there has been no acknowledgement
289 whether the Town's system capacity can handle additional demand. He asked if the Town's current
290 sewage treatment plant can handle additional sewage that will potentially be generated from this
291 property.

292
293 Member of the public Glenn Kalison joined the meeting and explained his parents are the owners of 33
294 Wells Hill Road. Mr. Kalison expressed concern with lighting and sound that would potentially emit from
295 the satellite parking lot near Wells Hill Road. He said a vehicle start up can be as loud as seventy to one-
296 hundred decibels and would be impossible for the applicant to adhere to the promised level of thirty to
297 forty decibels. Mr. Kalison mentioned on Page 6 of the Traffic Report submitted described the vertical
298 grade of Wells Hill Road could not be achieved in the northbound direction. He believed although the
299 access road will only be utilized for emergencies, this is a potential danger for public health and safety.
300 Mr. Kalison asked where overflow parking will be accommodated on the property and believed there is
301 not enough parking accommodation for the amount of people and employees.

302
303 Member of the public Barbara Hockstader joined the meeting, explained she and Greg Wilmore are the
304 owners of 40 Wells Hill Road and shared all concerns previously stated by members of the public. Ms.
305 Hockstader explained she submitted a letter of correspondence reflecting extensive concerns about this
306 application. She stated that she felt disturbed and deceived by the application and provided details
307 about her property and the surrounding neighborhood area. Ms. Hockstader believed this application
308 would destroy the enjoyment of their property and will create significant risks to their personal safety.

309
310 Member of the public Angela Cruger joined the meeting and explained she is the owner of 86 Wells Hill
311 Road and shared all concerns previously stated by members of the public. Ms. Cruger expressed shock
312 regarding the number of documents submitted and posted on the Town website regarding this
313 application within a short window of time. She believed it is not possible to process the vast amount of
314 information and provide sufficient comments and questions as a response in less than twenty-four
315 hours. Ms. Cruger also asked if the Development Team could provide information of previous projects
316 they have partnered with.

317
318 Member of the public Elyse Nelson joined the meeting and explained she resides on 120 Wells Hill Road

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319 with Joe Costa. Ms. Nelson said she previously submitted a letter reflecting concerns regarding traffic,
320 proximity of amenities to Wells Hill Road and enforcement issues that were not sufficiently addressed by
321 the applicant. Ms. Nelson asked if the pool area would have speakers for music. She commented the
322 proposed retaining wall could potentially affect wildlife and migratory patterns. Ms. Nelson asked what
323 recourse the Commission has if the application is approved and promised conditions are not adhered to.
324

325 Members of the public Greg Wilmore and Barbara Hockstader rejoined the meeting to continue their
326 comments and concerns. Ms. Hockstader asked if the Development Team has experience constructing
327 and operating a hotel in a similar environment to the local neighborhood. Ms. Hockstader asked how the
328 applicant will locate staff to accommodate the high demand of the hotel business.
329

330 Chair Klemens asked how many extensions can be granted. LUD Conroy replied a total of sixty-five days
331 can be granted. Attorney Josh Mackey offered for the community group to reach to him out via email or
332 phone to schedule an in-person meeting do discussion aspects of the application outside of the
333 Commission's jurisdiction. Chair Klemens suggested a continuation of the public hearing be scheduled as
334 a Special Meeting on Wednesday October 16, 2024 at 6:00PM. Chair Klemens asked if the applicant can
335 commit to submitting all materials for the meeting by Thursday October 10, 2024. Attorney Mackey
336 confirmed that they would.
337

338 **Motion:** To continue the public hearing to October 16, 2024 at 6:00PM via Zoom.

339 Made by Cockerline, seconded by Shyer.

340 Vote: 5-0-0 in favor.

341

342 **Adjournment**

343

344 **Motion:** To adjourn the meeting at 9:00PM.

345 Made by Cockerline, seconded by Whalen.

346 Vote: 5-0-0 in favor.

347

348

349

350 Respectfully Submitted,

351 Erika Spino

352 Secretary of Minutes