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September 9, 2025

Vía Email: landuse@salisburyct.us
Dr. Michael Klemens, Chairman
Town of Salisbury
Planning & Zoning Commission
27 Main Street
P.O. Box 548
Salisbury, CT 06068

RE: Aradev, LLC Special Permit Application for 104 & 106 Sharon Road & 53 Wells Hill Road – Map 47 – Lot 2 & 2-1
Our File No.: 1308.0001

Dear Chairman Klemens:

Please allow this to serve as ARADEV's summation in this matter.

Introduction

This Application represents a thoughtful and well-documented effort to bring the Wake Robin Inn into full conformity with Salisbury's current zoning framework while ensuring that its continued operation is a benefit—not a burden—to the community. The Applicant has provided comprehensive expert evidence demonstrating compliance with every applicable standard under Sections 801, 803, 804 and 805 of the Regulations and all applicable laws. Through detailed technical studies, responsive revisions, and commitments to operational controls, the Applicant has gone beyond what is minimally required to meet the burden of proof for issuance of a special permit.

Unlike its current status as a longstanding nonconforming use, approval of this special permit will place the Wake Robin Inn under a modern regulatory framework that empowers the Commission to impose enforceable conditions on noise, lighting, traffic, environmental protections, and operations. This creates safeguards for the community that do not exist today.

The record further establishes that the Applicant's case is supported by a team of qualified experts in traffic, acoustics, environmental science,

engineering, community planning, landscape architecture, and architecture—professionals whose data-driven findings carry significant probative value. In contrast, opposition testimony has largely been anecdotal and speculative. While the Commission rightly values citizen participation, it must weigh evidence according to its credibility, with expert analysis controlling on technical issues.

Finally, the project will not diminish property values, as some have suggested, but rather enhance them. By revitalizing and regulating the Wake Robin Inn with significant private investment, the project will improve the surrounding neighborhood through stronger controls, higher design quality, and preservation of community character.

This Application provides the Commission not only with compliance under the law, but with a unique opportunity to transform a historic, nonconforming use into a community asset that is improved, regulated, and safeguarded for generations to come.

Adoption of Hotel and RR-1 Amendments

A significant amount of attention by opponents to this application has been given to the Town's adoption of the Hotel and RR-1 amendments in May 2024. The opponents raise "spot zoning" as a reason why the Commission should deny the application. There are no grounds for the Commission to deny this application based upon spot zoning. As articulated by the Court in *Pierrepont v. Zoning Comm'n*, spot zoning "is the reclassification of a small area of land in such a manner as to disturb the tenor of the surrounding neighborhood." Further, according to the Court in *Blaker v. Planning and Zoning Comm'n,* for spot zoning to exist, there must be a zone change. Fuller's Land Use Law & Practice states that spot zoning occurs when there is an "enactment of a change in zoning regulations or the boundaries of zoning districts." **None of that is happening in this Application.**

This application does not ask to reclassify land. Thus, the spot zoning argument by the opponents is nothing more than a red herring.

As the Commission knows, this application is for *Special Permit under Sections 804 and 805 of the Regulations*. A special permit, if issued, would not equate to spot zoning under any circumstances.
It is apparent that the opponents desperately want to argue "spot zoning" because there is nothing that can be said to rebut the Applicant's clear and concise satisfaction of the requirements under Sections 801, 803, 804 and 805 of the Regulations There is simply no concern of spot zoning in this application.

The Applicant Has Met Its Burden of Proof – And Then Some

The Applicant has clearly and convincingly demonstrated compliance with every element of the special permit and site plan standards set forth in Sections 801, 803, and 804 of the Regulations. In doing so, the Applicant has not simply met the baseline threshold of proof but has exceeded it by providing detailed expert testimony, comprehensive studies, and responsive revisions that directly align with the Commission's charge to protect the health, safety, and welfare of the community.

The record before the Commission shows:

· **Traffic & Safety:** A full traffic study was prepared and peer-reviewed by the Town, demonstrating that the proposed improvements will not create unsafe conditions or unreasonable congestion. Adjustments to circulation and parking were incorporated to strengthen this outcome.

· **Noise, Acoustics & Lighting:** The Applicant engaged a professional acoustical engineer to conduct a comprehensive noise and sound study, including baseline sound measurements, projected impacts from hotel operations and events, and modeled scenarios for outdoor gatherings. The results confirm that sound levels will remain within acceptable regulatory thresholds and, in most instances, will not exceed typical ambient levels already present in the area. In addition, noise-mitigating design features—such as directional placement of gathering areas, natural vegetative buffers, and architectural elements—have been integrated into the site plan. The Applicant has also committed to enforceable operational limits, including restricted hours for outdoor events and use of low-decibel amplification technology. Together, these measures ensure that acoustics have been proactively addressed and will not create a nuisance to nearby properties.

· **Environmental Protection:** Habitat and wetlands assessments were conducted by qualified professionals, confirming that sensitive resources will be preserved. The Wetlands Commission approved Applicant's plan by unanimous vote. Stormwater management exceeds regulatory requirements by incorporating best practices for infiltration and treatment, thereby reducing the potential for runoff or pollution. Further, the WPCA approved water capacity for Applicant's plan.

· **Compatibility:** The architectural design, scale, and layout have been refined to respect the site's history and surrounding community. The Wake Robin Inn's long standing role as a hospitality use is not only maintained but improved, with a design that strengthens the Town's vision under the 2024 POCD.

· **Public Input & Responsiveness:** At each stage, the Applicant has listened carefully to both Commission feedback and public comment. Adjustments—including building placement, traffic circulation, acoustic controls, and operational commitments—demonstrate good faith responsiveness and a genuine effort to integrate the project into the community fabric.

In sum, the Applicant has not left the Commission to assume or speculate on compliance. Instead, the Applicant has provided concrete, verifiable evidence on each statutory and regulatory standard. This clearly satisfies the legal burden of proof required for issuance of a special permit and provides the Commission with a well-supported record for approval.

Comparison of Current Nonconforming Use vs. Special Permit Controls

As mentioned by the Court in *High Watch Recovery Center Inc. v. Planning and Zoning Commission of the Town of Kent*, "the goal of zoning is to eventually bring all land uses into conformity with the current zoning plan and to discourage the perpetuation of non-conforming uses."

It is important to note that the Wake Robin Inn, as a long-standing legal nonconforming use, currently operates with minimal regulatory oversight. Under its existing status, there are no enforceable limits on the number of events, hours of operation, outdoor gatherings, lighting, or amplified sound. The property could, as of right, continue to host weddings, banquets, and similar activities without the Commission's ability to impose site-specific conditions to mitigate potential impacts.

By contrast, approval of this application under a **special permit** framework allows the Commission to exercise oversight and establish enforceable conditions that bring the Wake Robin into conformity with today's zoning expectations. These conditions include, but are not limited to:

· **Noise & Acoustics:** Restrictions on outdoor amplified sound, decibel-level limits, event curfews, and acoustical design standards.

· **Lighting:** Mandatory use of dark-sky compliant fixtures, shielding, and limits on hours of illumination.

· **Traffic & Parking:** Defined circulation patterns, designated parking areas, and valet/event management plans to prevent overflow into neighborhoods.

· **Environmental Protections:** Required adherence to engineered stormwater systems, tree preservation plans, and habitat safeguards.

· **Operational Controls:** Caps on guest room counts, event sizes, and operating hours, along with mechanisms for ongoing enforcement.

In sum, the Applicant's request for a special permit does not expand the Wake Robin Inn's rights beyond what has historically occurred; rather, it channels them into a **modern regulatory structure** that allows the Commission to manage, condition, and refine the use in ways that protect the surrounding community.

Expert Testimony vs. Speculation

In assessing whether the Applicant has met the burden of proof, it is important for the Commission in its role as fact finder to distinguish between ***credible expert evidence*** *and* ***unsubstantiated public speculation.*** The Applicant has retained a team of qualified professionals—including engineers, traffic consultants, acoustical specialists, environmental scientists, community planners, landscape architects, and architects—who have prepared written reports, conducted technical studies, and presented sworn testimony addressing each regulatory standard. These submissions are grounded in measurable data, accepted methodologies, and best practices in their respective fields.

By contrast, while the Commission has heard from members of the public and certain opponents of the project, their comments have largely been anecdotal, speculative, or based on personal opinion rather than technical analysis. Under Connecticut law, as held by the Court in *Tanner v. Conservation Comm'n of City of Norwalk*, an agency such as yours "cannot disbelieve experts unless there is evidence in the record which undermines the experts' credibility or their final conclusions." Lay testimony cannot outweigh or substitute for the probative value of expert evidence. The fact that an individual may be a longstanding resident or neighbor does not transform personal observations into credible evidence on matters requiring

professional evaluation, such as traffic safety, stormwater management, or acoustics.

The Commission is therefore entitled to and indeed required to give greater weight to the **substantial expert record** submitted by the Applicant in support of this application. It is this body of professional work that demonstrates compliance with Sections 801, 803, and 804 of the Regulations and confirms that the Applicant has more than satisfied its burden of proof for issuance of the special permit.

Property Values and Community Benefit

Another point of concern raised in opposition is the fear that the redevelopment of the Wake Robin Inn will negatively affect surrounding property values. To the contrary, the voluminous record including expert testimony and the nature of the proposal demonstrate the opposite outcome. Well-managed, high-quality hospitality projects such as this are proven to enhance the attractiveness of a community by bringing investment, design improvements, and ongoing property maintenance to a site of historic significance.

The proposed redevelopment will transform a long-standing nonconforming use into a regulated, modern operation with enforceable conditions that protect neighborhood character. Far from creating adverse impacts, these improvements—such as traffic controls, noise mitigation, architectural upgrades, and enhanced landscaping—will preserve the quiet enjoyment of neighboring homes and elevate the overall aesthetic of the area.

In real estate markets, properties benefit when nearby assets are revitalized and operated to high standards. The Wake Robin Inn project represents precisely that type of enhancement: a substantial private investment that will not only maintain, but **strengthen property values in the vicinity** by ensuring the Inn remains a vibrant, well-controlled, and desirable community feature.

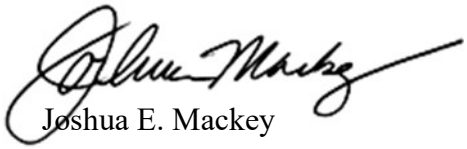
Conclusion

The Applicant will be the next steward of this storied property and with that comes great responsibility to the property and the community at large. The Applicant takes this role seriously as demonstrated by it conduct in these proceedings and the “no expense spared” effort in presentation of the plan by best-in-class professionals.

We thank you for your diligence with this application and wish you well in your deliberations.

Sincerely,

MACKEY BUTTS & WHALEN, LLP



Joshua E. Mackey

cc: ARADEV LLC