

September 2, 2025

Dr. Michael Klemens, Chairman
Planning & Zoning Commission
Town of Salisbury
PO Box 548, 27 Main Street
Salisbury, CT 06068

SLR Project No.: 141.22100.00001

**RE: Response to Planning Analysis from the Miller Planning Group
Application for Wake Robin Inn Redevelopment
Application No. 2027-0287
Salisbury, Connecticut**

Dear Dr. Klemens and Members of the Commission:

This letter is presented in response to the report entitled “Planning Analysis, Application for Wake Robin Redevelopment, 104-106 Sharon Road and 53 Wells Hill Road, Salisbury, CT”, prepared by The Miller Planning Group, dated August 25, 2025 (the Miller Report) as well as the comments made by Mr. Miller at the August 26 public hearing. In spite the length of the report that includes the reprinting of a November 2024 report, the substance of the report is contained in a number of findings, many of which are inaccurate, exaggerations, and not supported by the maps, plans, and data submitted to the Commission by the applicant. We offer the following comments for the Commission’s consideration:

Comparison of Existing Conditions to Proposed Development

Section 4.1 of the Miller Report provides illustrations comparing the limits of the existing site development to the proposed limits of disturbance, as well as tables showing the differences in the nature of the facilities proposed by the applicant. The graphic showing the existing conditions neglects to include the structures on the Granbery property. The graphic of the proposed condition includes land that will be restored post-construction. More importantly, however, the report neglects to indicate that the proposed building coverage and building setbacks meet the standards set forth in the Salisbury Zoning Regulations (the Regulations) and that there will be extensive landscape improvements in areas of the site disturbed by the construction of the improvements particularly along and the boundaries of adjacent properties.

Mixed Use Development Not Permitted by Zoning

As we have noted previously and contrary to the assertion in Section 4.3 of the Miller Report, the proposed use of the property will continue to be a single use, a contemporary inn, and is not a mixed use development. In current land use parlance, “...mixed use development combines multiple land uses on a single property” (<https://urbanplan.uli.org/resources/key-topics/mixed-use>). The applicant has proposed a number of inn components dispersed throughout that will function as a single use. These components are neither designed nor intended to operate as

separate businesses. To suggest that the use is not consistent with the intent of the RR-1 Zone is clearly not correct since hotels and their related components are expressly permitted in this zone subject to the approval of a site plan and special permit by the Commission.

Impact of Individual Uses

In Section 4.2 of the report, the author offers a speculative opinion on number of issues that may occur, generally related to hours of operation, noise, and alcohol consumption. The concerns that have been raised are purely hypothetically designed to put a scare factor into the discussion of the application. The author fails to acknowledge that these same issues could exist at the existing Wake Robin Inn today. The author also fails to note that the applicant has volunteered to place limits on the hours of operation and the number of large events, has designed controls on lighting to be Dark Sky compliant, and, in the absence of a local noise ordinance, has agreed to manage noise levels well below what is required by the State of Connecticut.

Affordable Housing

In Section 4.5 of the report as well as his presentation at the August 26 public hearing, Mr. Miller argues that the proposed redevelopment of the Wake Robin Inn will contribute to the lack of affordable housing. That same argument could be made about any business that would like to come to Salisbury where the annual salary of the employees would fall below 80 percent of the median income of the area in which the town is located (the standard used for measuring affordability under Section 8-30g of the Connecticut General Statutes). More to the point, while housing affordability may be a concern in the Town, as it is throughout Connecticut, that issue is not germane to this specific application. As stated previously, the proposed use is permitted in this zone and there are no requirements related to housing affordability set forth in the Regulations for this use or zone.

During the public hearing, Mr. Miller suggested that an alternative use of the Wake Robin property could be for affordable housing prompting Commission Chairman Klemens to wonder about the number of housing units that could be supported on the property under Section 8-30g. Generally, infrastructure limitations such as sewer capacity is among the few reasons that restrict development under Section 8-30g. Using the 20,000 gallons per day (gpd) sewer capacity of the sewer approved by the Water Pollution Control Authority (WPCA) for the Wake Robin property and 150 gpd per bedroom, it is conceivable that 133 one-bedroom dwellings could be constructed on the property. Even if the number of bedrooms were less than the 133 that the sewer system could accommodate, suffice it to say that the number of dwellings that could be proposed under an 8-30g application would have a significantly greater impact on the surrounding properties than what is now proposed by the redevelopment of the Wake Robin Inn.

Traffic Impacts and Pedestrian Transportation

When a zoning commission establishes a permitted use for a particular zone through amendments to its regulations, it can be assumed that the commission considered the infrastructure, including the transportation system, serving the zone is adequate. If it can be established that there will be deficiencies in the road system directly attributable to the proposed use of a property in the immediate vicinity of that property, a planning and zoning commission



may require improvements at the frontage of the property. However, a commission may not extend those improvements to locations that are more remote from the property.

In the Wake Robin matter, the applicant has submitted a traffic report to the Commission demonstrating that aside from sight line improvements at the entrance drive, the traffic conditions will not adversely impact the system. The review of the traffic report by the Commission's own consultant, F.A. Hesketh, concurred with the findings of the applicant's study.

In his prior report referenced in the current report, Mr. Miller argues for pedestrian improvements between Lakeville and Hotchkiss School. We note that Sharon Road (SR 41) is a two-lane road that is now marginally suitable for pedestrians as are most roads in the town outside the village centers of Salisbury. While the Connecticut Department of Transportation (CTDOT) may aspire to have more "complete streets," that desire starts with locations where pedestrian activity is significant. In fact, because Sharon Road has been considered to be a scenic road, widening or other improvements may not be approved except within the established villages. Nonetheless, the applicant has agreed to participate with the Town and the CTDOT in constructing a sidewalk, which may be on the opposite side of the road, from its entrance drive northerly to connect to the sidewalk near the intersection of Sharon Road and Wells Hill Road.

Sanitary Sewers

In Section 4.8, the Miller report suggests that by approving this application it will reduce the capacity of the existing sewer system. As the Commission is aware, the redevelopment of the Wake Robin Inn has received approval from the WPCA after it conducted a study of the adequacy of the existing system. It can be assumed that the WPCA, in its deliberations, considered the impacts of proposed improvements at the Wake Robin Inn on the operations of the Wastewater Treatment Facility.

Commercial Sprawl, Spot Zoning, Non-Conforming Use

In Section 4.9, the Miller report, as it did in the 2024 report, characterizes the redevelopment of an existing hotel site of approximately 13.79 acres as a commercial center. By definition, the term commercial center means "... a group of contiguous lots organized into a shopping center, strip mall, business park, office condominium or similar grouping that share mutual access, ingress and egress easements." (*Commercial Center Definition | Law Insider*, <https://www.lawinsider.com>). The redevelopment of the Wake Robin Inn and its various components are organized for a single use. There are several other similar uses that can be found in Litchfield County that are stand-alone uses that have not in any way induced sprawl as the Miller report implies.

The Miller report erroneously brings into the discussion the shibboleth of "spot zoning". In Connecticut, there are two elements in determining whether a Zoning Map Amendment is considered spot zoning: (1) A change of zone affecting only a small area of land; (2) A change which is out of harmony with the comprehensive plan for the good of the community as a whole. (*Fuller, Robert A., Connecticut Practice, Volume 9 - Land Use Law and Practice, Second Edition, St. Paul, Minnesota, 1999*). The application before the Commission is not for an amendment to the Zoning Map but for the redevelopment of an existing permitted use on a



13.79-acre property in an already established zone. The two conditions described by Fuller do not apply. This is not spot zoning.

Parking

In Section 4.10, the Miller report suggests, without any objective basis, the per car occupancy should be lower than what the applicant has proposed. The report mis-characterizes the proposed use of valet parking, suggesting that cars will be parked on the two roads adjoining the property.

The applicant undertook a detailed analysis of the parking demands for the proposed hotel and has submitted the analysis for the Commission's review. One of the applicant's objectives was not to over-park the site but to make sure what parking is provided will be adequate for the various peak-use periods. The purpose of the valet parking system is for the convenience and safety of the hotel guests so that parking in the northerly, more remote lot will be safe and efficient. To suggest that there will be parking on the adjacent streets is simply an aberration.

In the absence of a detailed objective analysis to the contrary, the Miller comments on parking should be ignored.

Environmental Factors

In Section 4.11, the Miller report references the 2024 report that identifies tree removal, site grading and construction activities as environmental factors as to why the application should be considered unacceptable because "most of the site will be regraded, paved, and built upon". This is simply not accurate.

As shown on the site plans accompanying the application, only 6.1 percent of the property will be covered by buildings (up to 10 percent is permitted by the Zoning Regulations) and there will be a total of 18.3 percent total ground area coverage. (The Regulations do not have a total ground area coverage limitation). Yes, there will be tree removal and regrading is necessary to accommodate the proposed improvements. However, the applicant has provided a detailed planting plan, a grading plan that includes the creation of new, stabilized slopes, and a detailed erosion and sedimentation control plan meeting the Commission's and Connecticut Department of Energy & Environmental Protection's (CTDEEP's) standards consistent with acceptable site construction practices. In short, there is nothing extraordinary about the development of this site.

Enforcement of the Zoning Regulations

In Section 4.13 of the report, Mr. Miller argues that Salisbury does not have the resources to "ensure that all the representations of the applicant will be followed". As has been stated previously, when any town adopts zoning to manage land use, it assumes the responsibility to enforce its regulations. Similarly, under Connecticut case law, an applicant is entitled to the presumption that it will comply with any representations made as part of its application and all conditions that a commission may impose as part of its approval of an application.

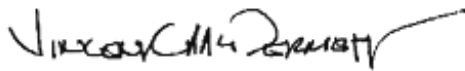
With respect to this application, the applicant has agreed to a number of conditions of approval to reduce the potential of problems related to lighting and noise including requiring private security for larger events at the Inn, limiting hours of operation for outdoor activities, monitoring noise levels to demonstrate the effectiveness of noise controls, and offering to provide dimmers



on the lighting of the larger parking areas. If there are violations, the Commission may rely first on the authority of its Zoning Enforcement Officer to investigate complaints and issue cease and desist notices if there are actual violations. Since the applicant has voluntarily placed limits on noise as part of its application, the Zoning Enforcement Officer does indeed have the authority to enforce this condition. In the unlikely event there are more persistent problems, the Commission can seek other remedies established in Chapter 124 of the Connecticut General Statutes.

Very truly yours,

SLR International Corporation



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