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Hon. Albert M. Rosenblatt

September 3, 2025

*VIA EMAIL*

Planning and Zoning Commission  
Town of Salisbury, Connecticut  
PO Box 548  
27 Main Street  
Salisbury, CT 06068

RE: Responses to Questions and Comments from Hearing  
Application #2025-0287, Wake Robin Inn Redevelopment

We represent ARADEV LLC. On their behalf, ARADEV, LLC, offers the following responses to the questions and comments to the Hearing on August 26, 2025.

## **Questions & Comments from Commission Members:**

*C1: What is the height of the post and fixture for the parking lot?*

R1: As shown on page 23 of the 2025-0287-Additional-Lighting-Specifications-and-Details, the parking lot lighting will utilize an 8-foot pole with a 2-foot-1-inch fixture mounted on top. This results in a total height of 10'-1" from ground to the top of the fixture, with the light source itself positioned at approximately 9 feet above grade.

*C2: Is there a 24/7 phone number which residents can call? Which staff member will physically remove people from the property? Who on the staff would respond to the complaints?*

R2: The applicant has consistently emphasized at each public hearing that safety and strict compliance with all applicable regulations are top priorities. Equally important is the commitment to ensuring that neighbors and members of the public are not subject to inconvenience. As set forth on page 4 of the Project Narrative dated April 29, 2025 and since revised on September 3, 2025, the applicant has pledged that, upon hiring a General Manager, neighbors will be provided with the Manager's direct phone number and email address to facilitate open communication and prompt resolution of any concerns. Furthermore, all hotel staff will be thoroughly briefed and trained to respond appropriately to any complaint on the property, including taking immediate corrective action and, if necessary, removing individuals whose conduct creates a disturbance. There will be staff on property 24/7 to observe the grounds, oversee guests, and respond to any situations that need attention.

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*C3: The applicant hasn't talked about the impact of swimming pool, open air, 40-50 guests, open until 8pm at night:*

R3: The newly constructed, residential-sized swimming pool is comparable in scale to typical pools found throughout the Northwest Corner of Connecticut, including the pool offered at the Interlaken Inn. Historically, the Wake Robin Inn also maintained a pool, previously located along Wells Hill Road where Cottage 2 now stands. In designing the current plan, the applicant has strategically placed the pool in a more central location on the property, consistent with the siting of most other structures, to create a natural buffer and maximize separation from neighboring properties.

While the pool has a design capacity of 40–50 persons, actual use is expected to reach such levels only during limited peak times (primarily on summer weekends, and for short durations). Cavanaugh Tocci April 29, 2025 report estimated pool activity sound levels ranging between 3 and 20 dBA at residential property lines, well below the daytime ambient sound level produced by non-Inn sound sources such as traffic, wind through foliage, etc.

*C4: How many units could you put on that site using 830g? How would that balance the noise that the neighbors are concerned about?*

R4: Based on the preliminary approved sewer capacity analysis prepared by SLR Consulting (report dated April 28, 2025) and reviewed and signed off by Tighe & Bond as the Town's third-party engineer, the property has an approved design flow of 19,770 gallons per day (see page 6 of the report). Applying the Department of Public Health guideline of 150 gallons per day per unit (the highest category for residential uses: "residential motels/hotels, per room"), this would equate to the ability to construct approximately 131 multifamily housing units on the site under C.G.S. § 8-30g.

As discussed at the August 26th hearing, it is important to note that such an 8-30g application would be governed primarily at the state level, with the Town having very limited discretion to impose conditions beyond public health and safety standards. The applicant has reviewed this alternative with its consultants and continues to evaluate it as a viable option.

In terms of noise and neighborhood impacts, a 131-unit affordable housing development would likely result in far greater intensity than the proposed Wake Robin redevelopment. Such a project would involve a larger physical footprint, more buildings situated closer to roads and neighboring properties, and a substantially higher residential population generating daily activity. Unlike the current special permit application, an 8-30g development would not be subject to

the same locally enforceable noise controls, including the proposed 32 dBA nighttime standard. Accordingly, the Wake Robin plan represents a significantly more controlled and less disruptive use for the neighborhood.

*C5: Member of the public Attorney Capecelatro mentions that the applicant did not address whether the 53 Wells Hill Rd parcel of land was properly part of this application? He acknowledges that a new entity purchased the property recently, but that entity is not part of Aradev and that the lots have not been merged so therefore they cannot be part of this application as the 53 Wells Hill lot does not meet the 213.5 regulations. He states “by including 53 Wells Hill Rd, it is an expansion of a commercial use into what was a residential property”.*

R5: The applicant has consistently included 53 Wells Hill Rd in its filings, beginning with the original application (withdrawn in December 2024), and continuing through the present application. It is industry standard and a common practice in Connecticut for lot mergers to occur as a condition of approval, once all zoning entitlements have been secured. Connecticut General Statutes § 8-2 authorizes zoning commissions to regulate land uses and impose “conditions and safeguards” on special permit approvals. Connecticut General Statutes § 8-25 further provides the authority for commissions to approve or require the merger or resubdivision of lots. Together, these provisions confirm that a zoning lot merger may properly be made a condition of approval. Additionally, the Connecticut Supreme Court in *Norris v. Planning & Zoning Comm’n*, 156 Conn. 592, 596-97 (1968), held that it is proper for related planning issues – such as merger – and zoning issues – such as special permits – to be considered at the same time, particularly when they are part of the same project or development.

Both properties are located in the RR-1 zone, where hotel use is expressly permitted by special permit under Section 213.5 of the zoning regulations. The Wake Robin Inn parcel (104–106 Sharon Rd) independently satisfies all of the requirements for issuance of a special permit under Section 213.5, and the application is not relying upon the frontage, acreage, or water/sewer characteristics of the 53 Wells Hill parcel to qualify.

With respect to ownership, 53 Wells Hill LLC, the current owner of 53 Wells Hill Rd, is managed and owned by the same principals who manage Aradev LLC. Upon acquisition of the Wake Robin Inn property by Aradev, the parcels will be merged into single ownership, consistent with the representations in this application.

Therefore, the inclusion of the 53 Wells Hill parcel is not an impermissible expansion of use, but rather a lawful inclusion of an adjoining lot in support of a use (hotel) that is permitted in the RR-1 zone by special permit.

*C6: Question/comment from Chairman Klemens: “There has been a significant amount of public comment concerning the former Granbery parcel, specifically about the loss of the residential streetscape on Wells Hill Road by increasing the Wake Robin hotel footprint onto this parcel. There has also been public comment about lack of housing for people working at the proposed hotel facility within Salisbury. There also has been public concern about the on-site manager(s) of the facility.” Chairman Klemens suggested a potential solution could be the following:*

- *Convert the 2,000 sf cottage on the Granbery parcel along Wells Hill Rd into staff housing (could be the managers residence so they are accessible to neighbors and would be affected by any issues similar to the residents on Wells Hill)*
- *Enlarge the cottage beyond the 2,000 sf and turn it into a “modest multifamily housing unit for staff including the hotel manager which could be deemed by the PZC accessory to the hotel. This would be a perk as the cost of housing in Salisbury is expensive*

R6: The applicant has addressed concerns regarding the potential “loss of residential streetscape on Wells Hill Road due to expansion of the Wake Robin hotel footprint onto the 53 Wells Hill property” during the August 18th hearing. The proposed special permit is expected to improve the Granbery parcel in multiple ways (see Slide 3 of the “08/19/2025 Presentation Slides”) and seeks to utilize this parcel in a manner that is expressly allowed by the Zoning Regulations. Additionally, the existing Granbery house is located only 21’ from the property line, which violates the Town of Salisbury’s setback requirements, whereas the proposed Cottage 1 would be situated 68’ from the property line, providing greater conformity with zoning standards.

Further, while the idea of converting the cottage into staff housing has been raised, the applicant does not believe that doing so is necessary. First, the Applicants have already committed to having front-desk staff available 24-hours-a-day. If there are any situations that arise that require staff to act, front desk staff will be able to respond swiftly.

Second, there has been no substantial evidence submitted to indicate that the applicant will do anything other than comply with the special permit conditions. Mere speculation from neighbors that violations may happen at some point in the future – particularly when the purpose of the application is to permit a long-standing nonconforming use for which there are not a plethora of historic complaints – is not evidence at all. The appropriate remedies for dealing with potential future violations of the permit conditions or other regulations or statutes is enforcement at the time. The Zoning Regulations explicitly permit the Zoning Enforcement Officer to rescind a Zoning Permit – necessary for operation – if a

permittee fails to comply with the conditions of a special permit. Baseless speculation, such as that which has been raised by project opponents, cannot be the reason for a commission to deny an application that otherwise complies with the Zoning Regulations; similarly, baseless speculation cannot be used to impose a condition of approval.

Additionally, the Zoning Regulations do not mandate that such staff be housed on site. The substantial evidence overwhelmingly shows that the Application meets the special permit criteria in the Zoning Regulations. There would be no reason to turn part of the parcel into staff housing, particularly when this idea was previously raised and heavily criticized by some members of the Commission.

*C7: Member of the public Attorney Capecelatro mentions in a letter to the P&Z Commission on 9/2/2025 in regards to the CL&P easement, which the “commission cannot enforce this restriction”, that the applicant has not demonstrated that the proposed improvements do not violate the terms of the Easement and that the applicant is asking the Commission to approve a Special Permit to make alterations to the structures and land that may be in violation of the Easement.*

R7: The proposed Wake Robin Inn Redevelopment is intended to preserve the established locations of access and utility easements associated with the recently installed cell tower and underground utilities. While minor revisions to easement language may be necessary to reflect final site conditions and grading, the proposed improvements will in no way impair such easements and, in most instances, will maintain or enhance their functionality.

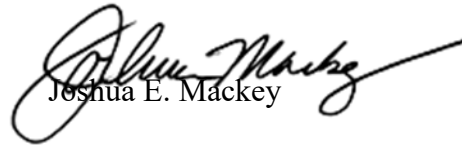
Consistent with the CTDOT encroachment permit and sightline improvement approval process, any modifications to easement language internal to the property will be finalized only after local land use approvals have been obtained. This procedure is standard within the industry. The applicant has, in fact, maintained active communication with the relevant utility providers, as evidenced by correspondence from Eversource dated September 19, 2024, wherein Eric White stated: “I cannot do anything until I have a copy of the planning and zoning approved plans. Do you have an idea of when those will be officially signed off by the town?”

It must be emphasized that the judgement of private rights and obligations between the applicant and CL&P is a matter strictly outside the jurisdiction of the Planning & Zoning Commission. The Commission is neither empowered nor authorized to interpret or enforce such private agreements, and its review must be limited to matters within its statutory land use authority.

Should you have any questions, please feel free to contact me at [jmackey@mbwlawyers.com](mailto:jmackey@mbwlawyers.com).

Sincerely,

**MACKEY BUTTS & WHALEN, LLP**

  
Joshua E. Mackey

cc: ARADEV LLC