

PRESENTATION BY STEVEN CALLAHAN TO PLANNING AND ZONING COMMISSION OF THE TOWN OF SALISBURY CT AT THE PUBLIC HEARING RELATING TO THE APPLICATION (THE “APPLICATION”) BY THE OWNERS OF 62 ROCKY LANE (THE “SUBJECT PROPERTY”) FOR A SPECIAL PERMIT TO “BUILD A SINGLE-FAMILY HOME, AN ACCESSORY BUILDING WITH APARTMENT.”

Background

I am a co-owner of the property located at 30 Cedar Crest Road which abuts a significant portion of the westerly boundary of the Subject Property. I have owned 30 Cedar Crest Road for over 40 years. 30 Cedar Crest Road has a higher elevation than the Subject Property and has views of the Subject Property. 30 Cedar Crest Road also has (i) deeded rights to various mapped roads located on the Subject Property and (ii) a shared right of access to and use of the “Park Reserve” along the shore of Lake Washining located on 59 Rocky Lane. Some 20 other properties, including the Subject Property, share this right of access to and use of the “Park Reserve” on 59 Rocky Lane.

Standing Water and Saturated Soil on the Subject Property

For a significant portion of any calendar year, there are large sections of the Subject Property that have visible standing water and water saturated soil (see photographs included with this presentation) making it difficult to traverse these sections. In the winter months the standing water freezes and creates a sheet of ice in a large area behind and to the north of the existing red house on the Subject Property. I believe these water conditions result from underground springs located in the southwestern section of the Subject Property. In the northwest corner of the Subject Property, there is an underground spring that flows year-round into the wetlands area located on the northeast corner of the Subject Property and which then drains along the westerly side of Rocky Lane in front of 80 Rocky Lane and crosses under Rocky Lane and flows into Lake Washining. Vadney Construction, a contractor working on the Subject Property for the applicants, acknowledged to me these persistent water conditions when performing tree removal on the Subject Property last year.

Water Run-off from the Subject Property

For many years the Subject Property has been maintained as a wooded lot with limited improvements. However, the owner who sold the Subject Property to the current owners (1) cleared a number of trees on the Subject Property including, without legal permission, in the

aforementioned wetlands area on the Subject Property, (2) installed a driveway without necessary approvals and permits and which did not include provision for proper diversion of water runoff and (3) removed considerable ground cover and vegetation in connection with an attempt at poison ivy eradication which eliminated natural filters for the water run-off. The applicants engaged Vadney Construction last year to remove many of the remaining trees on the Subject Property in anticipation of development. This tree removal resulted in the considerable disruption of soil surface conditions over much of the Subject Property. Only after this tree removal activity last year was brought to the attention of town officials were appropriate silt fences installed to protect against run-off and erosion from the Subject Property. All of these activities have contributed to a significant amount of water run-off originating from the Subject Property that exceeds the capacity of the storm water collection and diversion structures designed to handle storm water, including a culvert pipe under Rocky Lane and a swale on 69 Rocky Lane. On many occasions the storm water run-off from the Subject Property washed over Rocky Lane and onto areas on the other side of Rocky Lane, including areas on 69 and 59 Rocky Lane, resulting in significant erosion on, and damage to, those properties. As a result of this run-off, the storm water diversion swale on 69 Rocky Lane recently had to be repaired and enlarged at considerable expense paid by the owner of 69 Rocky Lane and the owners with rights of access to and use of the "Park Reserve" located on 59 Rocky Lane. The culvert pipe under Rocky Lane and the storm water diversion swale on 69 Rocky Lane cannot be increased or enlarged further to handle any more water run-off from the Subject Property.

Effect of Proposed Development on Water Run-off from the Subject Property

The proposed plans and materials submitted to the Planning and Zoning Commission in connection with the Application do NOT indicate any attempt to address the considerable standing water and soil saturation on, and water run-off and erosion from, the Subject Property. The proposed construction and related installations (including the septic fields and grade changes resulting therefrom) proposed by the applicants will significantly increase the volume of storm water run-off from the Subject Property and overwhelm the limited capacity of the existing storm water collection and diversion structures designed to handle storm water from the Subject Property and prevent erosion therefrom.

Request for Planning and Zoning Commission in connection with the Application

As a result of the matters described in this Presentation, I respectfully request for the Planning and Zoning Commission, prior to taking action on the Application, to require the

applicants to present to the Commission a proposed storm water retention and management plan, and to undertake as part of any construction on the Subject Property necessary installations for such a plan, so that any storm water will not render impassable the mapped roads on the Subject Property and will not overwhelm the existing storm water collection and diversion structures outside the Subject Property that are designed to handle storm water from the Subject Property and prevent erosion caused by such storm water.

Support for Presentation by SKW Associates LLC in connection with the Application

I concur with the concerns raised by SKW Associates LLC in connection with the Application, together with the supporting videos submitted by SKW Associates LLC to the Planning and Zoning Commission.

Proposed Development and Applicable Zoning Regulations

From the submission, dated January 2, 2026, from applicants' engineer, George Johannesen to the Land Use Coordinator of the Town of Salisbury (see Exhibit A to this Presentation), the original expectation of the applicants (4 individuals) was that they could subdivide the Subject Property into two separate parcels, with 2 of these individuals owning one parcel and constructing a house and other structures on their parcel and the other 2 individuals owning the other parcel and constructing another house and other structures on this other parcel. Apparently, such a subdivision is not possible under the applicable zoning regulations of the Town of Salisbury.

In addition, the applicable Agreed-Upon Rules and Regulations for the Access Path, Park Reserve and Community Dock relating to the right of access to and use of the "Park Reserve" on Rocky Lane include a provision expressly stating the intention of the owners of properties with such rights of access to and use of the "Park Reserve" that:

"All owners recognize and agree that legally subdividing any property having deeded rights to the access path and Park Reserve shall not be done in a manner that will increase the burden on all the other deeded rights to the access path and Park Reserve by increasing the number of (I) properties entitled to such rights and/or (II) parties entitled to exercise such rights. The underlying principle is that a single right to the access path and Park Reserve was originally granted to a specific property, parcel or lot and any legal subdivision of such property, parcel or lot shall not create more than a single right to the access path and Park Reserve. Which portion of any legally subdivided property, parcel or lot shall be entitled to the single right to the access path and Park

Reserve shall be in the sole discretion of the owner of the property, parcel or lot being so subdivided.”

As I understand it, the applicants are attempting to achieve their objective of building two houses on the Subject Property by seeking a “special permit” for “a single-family home, an accessory building with apartment” under the applicable zoning regulations of the Town of Salisbury. Clearly, from the Site Plan accompanying the Application, the proposed structures on the Subject Property will include two completely distinct homes, each with an independent garage, well, septic tank and other separate improvements, albeit with such homes partially sharing a driveway off Rocky Lane and connecting to a shared septic field. This “special permit” approach strikes me as manipulating a permissible means of building additional living quarters (for example, an apartment in a garage or living space in a pool house) on a single-family residential lot, to instead permit construction of multiple, independent homes in what is otherwise a single-family area.

Since the current owners of the Subject Property are four individuals, if those four individuals continue to own the Subject Property during any development, then they will jointly own all of the improvements to be constructed on the Subject Property. I suspect that this arrangement is not sustainable and will be modified through some legal means to segregate and allocate the ownership and use of the proposed homes to the separate individual owners. This strikes me as a back-handed way to achieve a “subdivision” of the Subject Property that is otherwise prohibited. Perhaps the applicants can explain their intentions regarding how ownership will be handled going forward so we can all know that their approach is consistent with the applicable zoning regulations for a single-family residential lot at Twin Lakes.

Thank you for your consideration of this presentation.

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