

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Virtual Meeting Notice & Agenda
Thursday, April 1, 2021 7:30 PM

Join Zoom Meeting

Zoom Meeting Information

<https://us02web.zoom.us/j/82068162931?pwd=UVVJVUdtTzV0VjZza1lsODYvSUtYZz09>

Meeting ID: 820 6816 2931 Passcode: W2Lw86

By Phone: (646) 876 9923 Meeting ID: 820 6816 2931 Passcode: 270321

AGENDA

1. **Call to Order & Roll Call by Roland Klee, Chairman**
2. **Administrative Actions/Requests**
 - 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #7 "Other Business" requires Commission vote
 - 2.3 Approval of the Minutes from the **March 18, 2021.**
3. **New Application(s) for receipt, if any:**
 - 3.1 Application **[PZ-2021-06]** Rockville Retail LLC, requests a special permit approval, pursuant to Section 4.23.5.6 (warehousing) of the Town Zoning Regulations for the creation of an indoor, temperature controlled, storage facility located at 33 & 35 West Main St., (Assessor's ID: Map 40, Block 0090, Parcel 00002).
4. **Public Hearing(s) and Action on Applications:**
(Continued from March 18, 2021)
 - 4.1 Application **[PZ-2021-02]** Krause Realty Trust, requests a zone change for two parcels, one located at 34 Acorn Rd. (Assessor's ID: Map 01, Block 159A, Parcel 00002) and the other located at 42 Acorn Rd. (Assessor's ID: Map 01, Block 159A, Parcel 00001). Both parcels are currently zoned R-27. The requested change is to rezone 1.1457 acres of the parcels to Commercial, in order to merge that portion into adjacent Commercial land to provide additional inventory parking at an automobile dealership, and to rezone 1.2407 acres of the parcels to Open Space Zone.
 - 4.2 Application **[PZ-2021-03]** Krause Realty Trust, requests a site plan of development approval for the expansion of parking areas for inventory storage at an automobile dealership, one located at 6 Hartford Tpke., (Assessor's ID: Map 01, Block 0159, Parcel 0001B), another located at 34 Acorn Rd., (Assessor's ID: Map 01, Block 0159A, Parcel 00002), and the last at 42 Acorn Rd., (Assessor's ID: Map 01, Block 0159A, Parcel 00001). **Action only**
5. **8-24 Referrals, If any**
6. **Plan of Conservation and Development Update**
 - 6.1 Introduction of Future Land Use Map and Planning Area Summaries

7. **Other Business/Discussion-**

7.1 Extension of **[PZ-2016-20]**, Richard Korris, a site plan, located at 129 & 145 Talcottville Rd.

8. **Adjournment**

Roland Klee, Chairman

Planning & Zoning Commission

DRAFT MINUTES

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Thursday, March 18, 2021 7:30 PM

VIA Zoom

Draft Minutes

1. **Call to Order & Roll Call by Roland Klee, Chairman**

- Regular members present: Roland Klee, Robin Lockwood, Joseph Miller, Iris Mullan, and Susan Reudgen (arrived 7:34 PM)
- Alternate Member: Carl Bard, sitting for Jesse Schoolnik
- Absent Members: - Mike Mitchell, Jesse Schoolnik
- Staff present: George McGregor, Town Planner, Shaun Gately, EDC/Asst. Planner
- Recording secretary: Jill Rocco

2. **Administrative Actions/Requests**

- 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #7 "Other Business" requires Commission vote

Robin Lockwood moved to **ADOPT** the agenda as written. Joseph Miller seconded and the motion carried unanimously.

- 2.3 Approval of the Minutes from the **March 4, 2021**.

Robin Lockwood moved to **APPROVE** the minutes from March 4, 2021. Joseph Miller seconded and the motion carried unanimously.

3. **New Application(s) for receipt, if any:**

- 3.1 Application [**PZ-2021-05**] of Shaun Gately, Economic Development Coordinator, to amend the zoning regulations to permit temporary, permanent and seasonal outdoor dining.

George McGregor, Town Planner explained the details of Application [**PZ-2021-05**] a staff generated text amendment to permit seasonal outdoor dining due to COVID.

Robin Lockwood moved to **RECEIVE** the application at the April 15, 2021 meeting. Joseph Miller seconded and the motion carried unanimously.

4. **Public Hearing(s) and Action on Applications:**

- 4.1 Application [**PZ-2021-02**] Krause Realty Trust, requests a zone change for two parcels, one located at 34 Acorn Rd. (Assessor's ID: Map 01, Block 159A, Parcel 00002) and the other located at 42 Acorn Rd. (Assessor's ID: Map 01, Block 159A, Parcel 00001). Both parcels are currently zoned R-27. The requested change is to rezone 1.1457 acres of the parcels to Commercial, in order to merge that portion into adjacent Commercial land to provide additional inventory parking at an automobile dealership, and to rezone 1.2407 acres of the parcels to Open Space Zone.

4.2 Application [PZ-2021-03] Krause Realty Trust, requests a site plan of development approval for the expansion of parking areas for inventory storage at an automobile dealership, one located at 6 Hartford Tpke., (Assessor's ID: Map 01, Block 0159, Parcel 0001B), another located at 34 Acorn Rd., (Assessor's ID: Map 01, Block 0159A, Parcel 00002), and the last at 42 Acorn Rd., (Assessor's ID: Map 01, Block 0159A, Parcel 00001).

- Chairman Roland Klee read the following teleconference rules into the record:
 1. Any member of the public who wishes to provide public comment may participate remotely via computer with a microphone and ZOOM link or via telephone call-in number
 2. We ask that all participants "MUTE" their phones and that the meeting organizer may mute participants if excessive noise or feedback interrupts the meeting.
 3. Speakers are encouraged to use the ZOOM Chat function to alert the host that they would like to speak.
 4. At the appropriate time, the Chairman will call for public comment. Speakers should unmute their phones by pressing *6 and then clearly identify their name and address.
 5. Speakers should direct their comments through the Chairman
 6. Please be patient.
- Town Planner, George McGregor, read the public notice into record.
- Legal notice was published in the Journal Inquirer on March 6, 2021 & March 13, 2021.
- The Town of Manchester was notified and the Council of Government.
- Commissioner Robin Lockwood recused herself from the hearing.
- Dorian Famiglietti of Kahan, Kerensky & Capossela, LLP 45 Hartford Tpke. Vernon, representing the applicant, requested a continuation of the Public Hearing until the April 1, 2021 meeting. They would like a full commission to hear their application.

Susan Reudgen moved to **CONTINUE** the hearing until April 1, 2021. Iris Mullan seconded and the motion carried unanimously.

- Chairman Roland Klee explained there would be no public comments this evening.

5. **8-24 Referrals, If any**

NONE

6. **Plan of Conservation and Development Update**

Town Planner, George McGregor stated that he would reach out to SLR in regards to the April 1st meeting, due to the hearing for Application [PZ-2021-02 & PZ-2021-03] being continued. SLR will have a draft for Land Use Plan available for review.

7. **Other Business/Discussion**

NONE

8. **Adjournment**

Robin Lockwood moved to ADJOURN at 7:44 PM. Susan Reudgen seconded and the motion carried unanimously.

Jill Rocco
Recording Secretary

APPLICATION

For Receipt

TOWN OF VERNON PLANNING & ZONING COMMISSION (PZC)**APPLICATION**

This form is to be used to apply to the Vernon Planning & Zoning Commission (PZC) for a change of zoning district, amendment of the Zoning Regulations, Site Plan of Development (POD), Special Permit(s), amendment of the Subdivision Regulations, and/or approval of a (re) subdivision, or DMV location approval. Provide all the information requested.

The applicant must be the property owner, the property owner's agent, the Town of Vernon, or someone with a direct financial interest in the subject property; said interest shall be explained and written permission for this application must be obtained from the property owner and submitted with this application if the applicant is not the property owner (ZR Section 2.3).

The list of approvals and the references to sections of the Regulations are for informational purposes only to assist with preparation of the PZC application and are not a definitive statement of the sole requirements that may apply to a specific project.

The applicant understands that the application is complete only when all information and documents required by the PZC have been submitted and, further, that any approval by the PZC relies upon complete and accurate information being provided by the applicant. Incorrect information provided by the applicant may make the approval invalid. The PZC may require additional information to be provided by the applicant in the course of reviewing the application and during the monitoring of the project.

Provide all the information requested:

I. APPLICANT:

Name: Jeremiah Boucher
Title: Owner
Company: Rockville Retail
Address: 33-35 West Main St.
Vernon CT 06066
Telephone: 860-375-4377 Fax: _____
E-mail: Diane@patriot holdings.com

II. PROPERTY OWNER (S):

Name: Jeremiah Boucher
Title: CEO
Company: Patriot Holdings
Address: 4023 Dean Martin Dr
Las Vegas, NV 89103
Telephone: 702-550-3808 Fax: _____
E-mail: jeremiah@patriot holdings.com

05/05/2015

III. PROPERTYAddress: 33-35 West Main St. Vernon CT 06066

Assessor's ID Code: Map # _____ Block # _____ Lot/Parcel # _____

Land Record Reference to Deed Description: Volume: _____ Page: _____

Does this site contain a watercourse and/or wetlands? (See the Inland Wetlands Map and IWR Section 2.14, 2.15, 2.23, 2.24, 3.11; 4)

☒ No☐ Yes☐ No work will be done in regulated area
☐ Work will be done in the regulated area☐ IWC application has been submitted
☐ IWC application has not been submitted

Zoning District: _____

Is this property located within five hundred (500) feet of a municipal boundary?

☒ No
☐ Yes:☐ Bolton
☐ Coventry
☐ Ellington
☐ Manchester
☐ South Windsor
☐ Tolland

Check if Historic Status Applies:

☐ Located in historic district:☒ Rockville
☐ Talcottville☐ Individual historic property

IV. PROJECTProject Name: Rockville Self Storage

Project Contact Person:

Name: Diane Cyr

Title: _____

Company: Cyr ManagementAddress: 12 Bradco StKeene, NH 03431Telephone: 603-357-7760 Fax: _____E-mail: Diane@patriot holdings.com

V. PZC APPLICATION PROJECT SUMMARY

Describe the project briefly in regard to the purpose of the project and the activities that will occur. Attach to this application a complete and detailed description with maps and documentation as required by the "Town of Vernon Zoning Regulations" and "Town of Vernon Subdivision Regulations".

Purpose: Temperature Controlled Storage
 General Activities: Indoor storage facility
in one of the retail center units

VI. APPROVAL (S) REQUESTED

Subdivision or Resubdivision

- ☐ Subdivision (Sub. Sec. 4, 5, 6)
- ☐ Resubdivision (Sub. Sec. 4, 5, 6)
- ☐ Minor modification of subdivision or resubdivision (Sub. Sec. 4.6)
- ☐ Town acceptance of a road (Sub. Sec. 6.5-6.8 & 9)
- ☐ Amendment of Subdivision Regulations (Sub. Sec. II)

See Subdivision Regulations Sec. 4 for application fee schedules.

Soil Erosion and Sediment Control Plan (ESCP) (ZR Sec. 2.117; 18) (Sub. 6.14)

☒ Site Plan of Development (POD) (ZR Sec. 14)

- ☐ POD approval (ZR Sec. 14.1.1.1; 14.1.2)
- ☐ Modification of an approved POD (ZR Sec. 14.1.1.1)
- ☐ Minor modification of a site POD (ZR Sec. 14.1.1.2)

Special Permit(s) (ZR Section 17.3)

- ☐ Special Permit in an aquifer area (ZR Sec. 2.4; 2.5; 2.119; 20)
- ☐ Special Permit for excavation (ZR Sec. 2.52; 2.79; 15)
- ☐ Special Permit for use in a district (ZR Sec. 1.2 & 4)
- ☐ Special Permit for lot coverage (ZR Sec. 1.2; 2.61; 2.68; 4)
- ☐ Special Permit for signs (ZR Sec. 1.2; 2.106-115; 4; 16; 21.7)
- ☐ Special Permit for parking (ZR Sec. 4; 12; 21.4)
- ☐ Special Permit for elderly housing (ZR Sec. 2.60; 17.4)
- ☐ Special Permit for Bed & Breakfast (B & B) (ZR Sec. 2.9; 17.3.4)
- ☐ Special Permit for serving alcohol (ZR Sec. 2.103; 17.1)
- ☐ Special Permit for massage (ZR Sec. 2.76-78; 4)
- ☐ Special Permit for telecommunications (ZR Sec. 2.21; 3.23 & 23)
- ☐ Special Permit for dumps and/or incinerators (ZR Section 8)

____ Other Special Permit(s). Cite ZR Section and describe activity:

____ Special Permit modifications (ZR Sec. 17.3.2.2). Cite ZR Section and describe activity.

____ **Zoning:**

____ Site specific change of zoning district and map (ZR Sec. 1.2; 1.3; 4)

____ Amendment of Zoning Regulations (Sec. 1.2; 1.3; 4)

____ Site specific change to the Aquifer Protection Overlay Zone Map (ZR Sec. 20.3.2)

See Zoning Regulations Section 22 for application fee schedules.

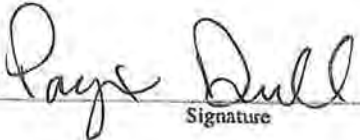
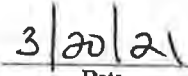
____ Dealer or Repairer License (location approval for DMV)

Per Connecticut General Statutes (CGS) Section 8-26: If an application submitted to the Planning & Zoning Commission (PZC) involves any activity or area regulated under the wetlands statutes, an application for this activity must be filed with the Inland Wetlands Commission (IWC) on or before the day the Planning & Zoning Commission (PZC) application is filed by the applicant. (IWR Sec. 3.11)

Per CGS Sec. 8-31: If the proposed activity is to take place within a watershed of a Water company, the applicant is required to file a copy of the application with the Water Company via certified mail within seven (7) days of the date of the application (IWR Sec. 4.3.6).

The applicant, undersigned, has reviewed the "Town of Vernon Planning and Zoning Regulations and Inland Wetlands and Watercourses Regulations" and has prepared this application with complete and accurate information:

Property Owner, Applicant, or Applicant's Agent:

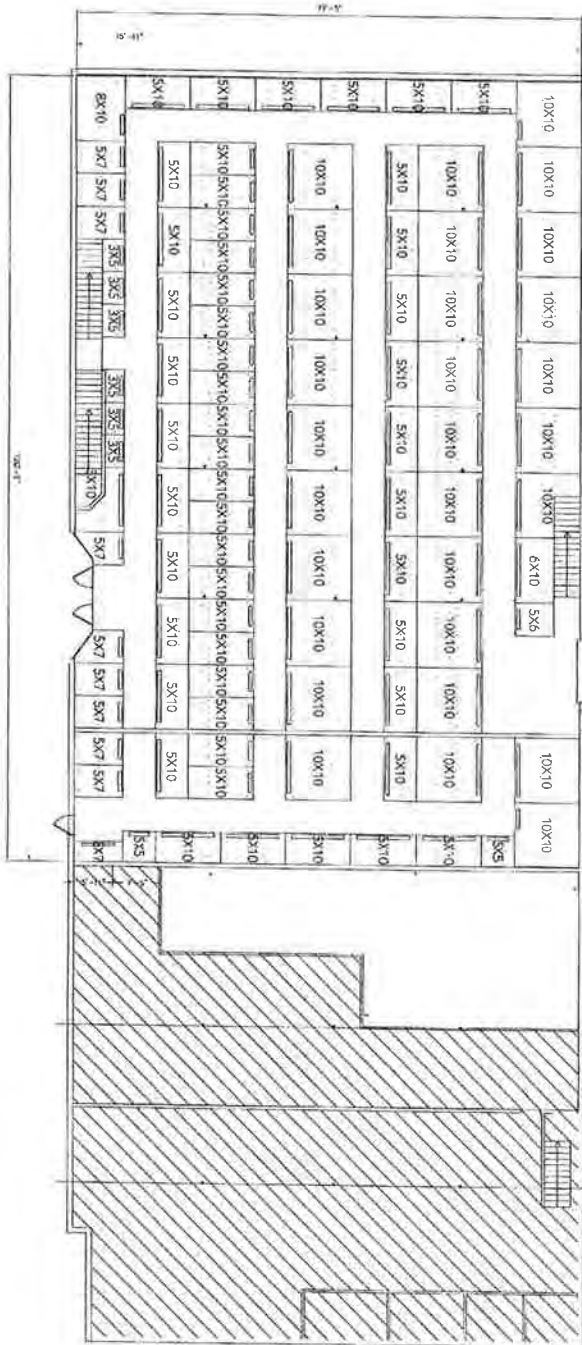
 _____ Signature	 _____ Date
_____ Signature	_____ Date

TO BE FILLED IN BY THE PLANNING DEPARTMENT

Date Application Submitted _____

Date Application Received by Commission _____

PZC File: _____



Case No.	Door Detail				Total SF	Total Wk
	Full Doors	Slung Doors	Location	Total SF		
1	5	1	10	10	50	21
2	5	1	10	10	50	21
3	5	1	10	10	50	21
4	5	1	10	10	50	21
5	5	1	10	10	50	21
6	5	1	10	10	50	21
7	5	1	10	10	50	21
8	5	1	10	10	50	21
9	5	1	10	10	50	21
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12	5	1	10	10	50	21
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93	5	1	10	10	50	21
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95	5	1	10	10	50	21
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97	5	1	10	10	50	21
98	5	1	10	10	50	21
99	5	1	10	10	50	21
100	5	1	10	10	50	21

STORAGE³
128 North Center Street
Adrian, MI 49221

128 North Center Street
Adrian, MI 49921

Adrian, MI 49221



Self Storage Facility
10,000 sq. ft.
40 West Main Street, Vernon CT
Call 860-865-1111

40 West Main St. Ste. 1000
Columbus, OH 43215
Columbian Plan

Conversion Plan

(7)

APPLICATION

2

TOWN OF VERNON PLANNING & ZONING COMMISSION (PZC)

APPLICATION

This form is to be used to apply to the Vernon Planning & Zoning Commission (PZC) for a change of zoning district, amendment of the Zoning Regulations, Site Plan of Development (POD), Special Permit(s), amendment of the Subdivision Regulations, and/or approval of a (re) subdivision, or DMV location approval. **Provide all the information requested.**

The applicant must be the property owner, the property owner's agent, the Town of Vernon, or someone with a direct financial interest in the subject property; said interest shall be explained and written permission for this application must be obtained from the property owner and submitted with this application if the applicant is not the property owner (ZR Section 2.3).

The list of approvals and the references to sections of the Regulations are for informational purposes only to assist with preparation of the PZC application and are not a definitive statement of the sole requirements that may apply to a specific project.

The applicant understands that the application is complete only when all information and documents required by the PZC have been submitted and, further, that any approval by the PZC relies upon complete and accurate information being provided by the applicant. **Incorrect information provided by the applicant may make the approval invalid.** The PZC may require additional information to be provided by the applicant in the course of reviewing the application and during the monitoring of the project.

Provide all the information requested:

I. APPLICANT:

Name: The Krause Realty Trust

Title: _____

Company: _____

Address: 24 Hartford Turnpike

Vernon, CT 06066

Telephone: 860-649-6550

Fax: _____

E-mail pkrause@krausecars.com

II. PROPERTY OWNER (S):

Name: Same as applicant

Title: _____

Company: _____

Address: _____

Telephone: _____ Fax _____

E-mail: _____

III. PROPERTY

Address: 34 and 42 Acorn Road

Assessor's ID Code: Map # * Block # * Lot/Parcel # * *See attached Addendum

Land Record Reference to Deed Description: Volume: * Page *

Does this site contain a watercourse and/or wetlands? (See the Inland Wetlands Map and IWR Section 2.14, 2.15, 2.23, 2.24, 3.11; 4)

 No X Yes

 No work will be done in regulated area

 X Work will be done in the regulated area

 X IWC application has been submitted (approved by IWC on 1/26/2021)

 IWC application has not been submitted

Zoning District R-27

Is this property located within five hundred (500) feet of a municipal boundary?

 No
 X Yes:

 Bolton
 Coventry
 Ellington
 X Manchester
 South Windsor
 Tolland

Check if Historic Status Applies:

 Located in historic district:

 Rockville
 Talcottville

 Individual historic property

IV. PROJECT

Project Name: Subaru Zone Change

Project Contact Person:

Name: Dorian R. Famiglietti

Title: Attorney for Applicant

Company: Kahan, Kerensky & Capossela, LLP

Address: 45 Hartford Turnpike

Vernon, CT 06066

Telephone: 860-646-1974 Fax: 860-647-8302

E-mail: dfamiglietti@kkc-law.com

V. PZC APPLICATION PROJECT SUMMARY

Describe the project briefly in regard to the purpose of the project and the activities that will occur. Attach to this application a complete and detailed description with maps and documentation as required by the "Town of Vernon Zoning Regulations" and "Town of Vernon Subdivision Regulations".

Purpose: Zone Change of subject parcels - see attached Addendum

General Activities: _____

VI. APPROVAL (S) REQUESTED

 Subdivision or Resubdivision

- Subdivision (Sub. Sec. 4, 5, 6)
- Resubdivision (Sub. Sec. 4, 5, 6)
- Minor modification of subdivision or resubdivision (Sub. Sec. 4.6)
- Town acceptance of a road (Sub. Sec. 6.5-6.8 & 9)
- Amendment of Subdivision Regulations (Sub. Sec. II)

See Subdivision Regulations Sec. 4 for application fee schedules.

 Soil Erosion and Sediment Control Plan (ESCP) (ZR Sec. 2.117; 18) (Sub. 6.14)

 Site Plan of Development (POD) (ZR Sec. 14)

- POD approval (ZR Sec. 14.1.1.1; 14.1.2)
- Modification of an approved POD (ZR Sec. 14.1.1.1)
- Minor modification of a site POD (ZR Sec. 14.1.1.2)

 Special Permit(s) (ZR Section 17.3)

- Special Permit in an aquifer area (ZR Sec. 2.4; 2.5; 2.119; 20)
- Special Permit for excavation (ZR Sec. 2.52; 2.79; 15)
- Special Permit for use in a district (ZR Sec. 1.2 & 4)
- Special Permit for lot coverage (ZR Sec. 1.2; 2.61; 2.68; 4)
- Special Permit for signs (ZR Sec. 1.2; 2.106-115; 4; 16; 21.7)
- Special Permit for parking (ZR Sec. 4; 12; 21.4)
- Special Permit for elderly housing (ZR Sec. 2.60; 17.4)
- Special Permit for Bed & Breakfast (B & B) (ZR Sec. 2.9; 17.3.4)
- Special Permit for serving alcohol (ZR Sec. 2.103, 17.1)
- Special Permit for massage (ZR Sec. 2.76-78; 4)
- Special Permit for telecommunications (ZR Sec. 2.21; 3.23 & 23)
- Special Permit for dumps and/or incinerators (ZR Section 8)

____ Other Special Permit(s). Cite ZR Section and describe activity:

____ Special Permit modifications (ZR Sec. 17.3.2.2). Cite ZR Section and describe activity.

 X **Zoning:**

 X Site specific change of zoning district and map (ZR Sec. 1.2; 1.3; 4)
 Amendment of Zoning Regulations (Sec. 1.2; 1.3; 4)

 Site specific change to the Aquifer Protection Overlay Zone Map (ZR Sec. 20.3.2)

See Zoning Regulations Section 22 for application fee schedules.

 Dealer or Repairer License (location approval for DMV)

Per Connecticut General Statutes (CGS) Section 8-26: If an application submitted to the Planning & Zoning Commission (PZC) involves any activity or area regulated under the wetlands statutes, an application for this activity must be filed with the Inland Wetlands Commission (IWC) on or before the day the Planning & Zoning Commission (PZC) application is filed by the applicant. (IWR Sec. 3.11)

Per CGS Sec. 8-31: If the proposed activity is to take place within a watershed of a Water company, the applicant is required to file a copy of the application with the Water Company via certified mail within seven (7) days of the date of the application. (IWR Sec. 4.3.6).

The applicant, undersigned, has reviewed the "Town of Vernon Planning and Zoning Regulations and Inland Wetlands and Watercourses Regulations" and has prepared this application with complete and accurate information:

Property Owner, Applicant, or Applicant's Agent:

Signature

Date

Signature

Date

TO BE FILLED IN BY THE PLANNING DEPARTMENT

Date Application Submitted _____

Date Application Received by Commission _____

PZC File: _____

ADDENDUM TO ZONE CHANGE APPLICATION

Applicant: Krause Realty Trust
Property: 34 Acorn Road
 42 Acorn Road
Date: February 16, 2021

Properties involved:

34 Acorn Road Zone: R-27
Assessor's Parcel: 01-159A-00002
Vernon Land Records: Volume 2662, Page 61

42 Acorn Road Zone: R-27
Assessor's Parcel: 01-159A-00001
Vernon Land Records: Volume 2662, Page 61

The Krause Realty Trust (the "Applicant") is the owner of the two (2) above referenced properties, having acquired the same in June, 2020. The Applicant seeks to use a portion of these properties to provide additional inventory parking (for new cars) for its Subaru dealership, which is operated on adjacent properties at 6, 14 and 24 Hartford Turnpike. The details of the proposed parking area are set forth on sheets 5 and 6 of the attached plan set, for informational purposes. Note – a separate Application for Site Plan Approval to create the proposed parking area is being submitted for the Commission's consideration and approval simultaneously herewith.

To accomplish this objective, the Applicant proposes to reconfigure the lots lines of the subject parcels (as shown on sheet 2 of the attached plan set) into Parcels A and B, such that:

- Parcel A, containing 1.1457 acres of the subject parcels, will then be merged into adjacent property of the Applicant at 6 Hartford Turnpike; and
- Parcel B, containing 1.2407 acres of the subject parcels, will remain as a separate lot.

It should be noted that the lot line reconfiguration does NOT require zoning, subdivision or resubdivision approval because no new lots are being created. Two (2) lots exist today (34 and 42 Acorn Road) and one (1) lot will exist after the lot line reconfiguration.

This application requests approval of a zone change (as shown on sheets 3 and 4 of the attached plan set) as follows:

- **Parcel A will be changed from R-27 to Commercial; and**
- **Parcel B will be changed from R-27 to the Open Space Zone.**

In addition, to further protect Parcel B from future development, the Applicant proposes to place a Conservation Easement over Parcel B.

Upon approval of the Commission of the proposed zone change, the Applicant will file with the Town Clerk a lot line reconfiguration map reflecting the adjustments shown on sheet 2 of the plan set. Per the attached legal opinion issued by Town Attorney Louis A. Spadaccini, dated

October 2, 2017, the Commission has the authority to condition the zone change upon the subsequent filing of the lot line adjustment map.

The Applicant does not expect the proposed zone change to have a negative impact on traffic on the surrounding roadways. The proposed parking area will be used for storage of additional inventory only and, as such, will not generate additional trips to the dealership. Furthermore, the proposed parking area will be accessed solely by means of the existing curb cut and driveway areas associated with 6 Hartford Turnpike and will not require the creation of a new access drive from Acorn Road. Still further, with the rezoning of Parcel B to the Open Space Zone, it will eliminate the possibility of a driveway associated with future development of that lot from Acorn Road. Instead, Parcel B will remain undeveloped and there will be no need for vehicular access to the same from Acorn Road.

The Applicant and its consultants will make a full presentation of the application at the public hearing.

Blackwell & Spadaccini LLC
Attorneys at Law

David H. Blackwell, Esq.
Louis A. Spadaccini, Esq.

October 2, 2017

Shaun Gately, Economic Development Director
Marina Rodriguez, Director of Planning
Town of Vernon
14 Park Place
Vernon, CT 06066

Re: Proposed Zone Change – Suburban Subaru, Hartford Turnpike

Dear Shaun and Marina:

You have asked that I provide a legal opinion regarding a couple of issues concerning a proposed zone change of two rear lots owned by Suburban Subaru that are currently zoned residential. As part of the proposed zone change, Suburban Subaru seeks to adjust the lot lines between the residential rear lots and the abutting commercial dealership parcel so that the two rear lots would be eliminated with one conforming residential lot remaining and the balance of the land merged into the adjacent dealership parcel.

You have asked whether Suburban Subaru must first complete a lot line adjustment prior to seeking the zone change or can the Vernon Planning and Zoning Commission make its zone change approval subject to a condition requiring the lot line adjustment. It is my opinion that the zone change can be conditioned upon the subsequent filing of a lot line adjustment. This is a sensible way to handle this matter given that the lot line adjustment would not be necessary if the zone change is not approved.

A lot line adjustment does not require approval from the Planning and Zoning Commission. "[a] minor lot line adjustment between two existing lots, whereby no new lot is created, does not constitute a 'subdivision' as defined by [General Statutes] § 8-18 and, thus, does not require municipal approval" Goodridge v. Zoning Board of Appeals, 58 Conn.App. 760, 765-66, 755 A.2d 329 cert. denied, 254 Conn. 930, 761 A.2d 753 (2000); McCann v. Town Plan & Zoning Commission, 161 Conn. 65, 70, 282 A.2d 900 (1971).

While a Planning and Zoning Commission cannot make a zone change conditional upon the approval of a separate public agency, it may attach conditions to an approval so as to bring an application into conformity with the regulations. *See, R.Fuller, 9 Connecticut Practice Series: Land Use and Law Practice (4th Ed. 2015) Sec. 22.16.* A condition that Suburban Subaru file a lot line adjustment to make the boundary lines of the properties consistent with the zone change is appropriate as it does not require the approval of any other agency. Requiring the lot line adjustment prior to the approval of the zone

Page 2.

Shaun Gately, Economic Development Director

Marina Rodriguez, Director of Planning

October 2, 2017

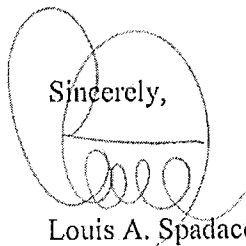
change potentially creates an undesirable split zoning of the parcel containing the dealership if the zone change is not approved.

You have also asked whether the Plan of Conservation and Development is binding upon the Planning and Zoning Commission when considering a zone change. It is my opinion that the Plan of Conservation and Development is advisory only.

The Connecticut Supreme Court has repeatedly recognized that "a town plan is merely advisory. Lathrop v. Planning & Zoning Commission, 164 Conn. 215, 223, 319 A.2d 376 (1973); Spada v. Planning & Zoning Commission, 159 Conn. 192, 200, 268 A.2d 376 (1970); Dooley v. Town Plan & Zoning Commission, 154 Conn. 470, 473, 226 A.2d 509 (1967). The purpose of the [town] plan is to set forth the most desirable use of land and an overall plan for the town.... [S]ee Mott's Realty Corporation v. Town Plan & Zoning Commission, 152 Conn. 535, 538, 209 A.2d 179 (1965). Purtill v. Town Plan & Zoning Commission, 146 Conn. 570, 572, 153 A.2d 441 (1959)." (Citation omitted.) Smith v. Zoning Board of Appeals, 227 Conn. 71, 87-88, 629 A.2d 1089 (1993), cert. denied, 510 U.S. 1164, 114 S.Ct. 1190, 127 L.Ed.2d 540 (1994). The development plan is the planning commission's recommendation on the most desirable uses of all land within the community, including all public and private uses from street layouts to industrial sites. *T. Tondro, Connecticut Land Use Regulation* (2d Ed.1992) pp. 203-204. Because the overall objectives contained in the town plan must be implemented by the enactment of specific regulations, the plan itself can operate only as an interpretive tool. See, e.g., Raybestos-Manhattan, Inc. v. Planning & Zoning Commission, 186 Conn. 466, 475, 442 A.2d 65 (1982). Smith v. Zoning Board of Appeals, supra, at 88, 629 A.2d 1089." Avalonbay Communities, Inc. v. Town of Orange, 256 Conn. 557, 574-575 (2001).

If you have any questions or need any further information, please do not hesitate to call.

Sincerely,

A handwritten signature in dark ink, appearing to read "Louis A. Spadaccini", written over a horizontal line.

Louis A. Spadaccini

USE THIS FORM ONLY IF THE REQUIREMENTS OF
8.3(a)/22-a-42a(b) OF THE C.G.S. MUST BE MET

RECEIPT FOR DOCUMENTS SUBMITTED FOR PUBLIC INSPECTION

TO: VERNON TOWN CLERK
FROM: Dorian R. Famiglietti
REFERENCE: Zone Change Application - 34 and 42 Acorn Road
DATE: February __, 2021

The attached documents, consisting of:

1. Copy of Zone Change Application, Applicant = The Krause Realty Trust
Property = 34 and 42 Acorn Road, Vernon
2. Copy of Zone Change Plans prepared by Messier Survey, LLC, dated

Are being submitted for public inspection under CGS 8-3(a)/22a-42a (b).

Received: _____

Vernon Town Clerk _____
Signature

Date: _____

Return to:
Krause Realty Trust
24 Hartford Turnpike
Vernon, CT 06066

STATUTORY FORM WARRANTY DEED

IT, **ANTHOS ACORN 32-34, LLC**, a Connecticut limited liability company, having a place of business in the Town of Nanuet, and State of New York (the "Grantor"),

for the consideration of SIXTY-FIVE THOUSAND AND 00/100 DOLLARS (\$65,000.00) paid grants to **KRAUSE REALTY TRUST**, having a place of business in the Town of Vernon, County of Tolland and State of Connecticut (the "Grantee")

with WARRANTY COVENANTS:

A certain piece or parcel of land, situated in the Town of Vernon, County of Tolland and State of Connecticut, known as 34 Acorn Road (Parcel No. 01159A00002) and 42 Acorn Road (Parcel No. 01159A00001), and more fully described in Schedule A attached hereto and made a part hereof.

Said premises are subject to any and all provisions of any ordinance, municipal regulation, or public or private law.

Said premises are subject to Taxes due the Town of Vernon on the List of October 1, 2019, which taxes the Grantee herein assumes and agrees to pay as part consideration for this conveyance.

Said premises are subject to the following:

As to both 34 Acorn Road 42 Acorn Road:

- (a) A utility easement in favor of The Connecticut Light and Power Company dated June 4, 1956 and recorded June 21, 1956 in Volume 107 at Page 30 of the Vernon Land Records.
- (b) Caveat dated June 15, 1978 and recorded June 21, 1978 in Volume 336 at Page 10 of the Vernon Land Records.
- (c) Notice dated August 15, 1980 and recorded August 18, 1980 in Volume 388 at Page 163 of the Vernon Land Records.
- (d) Certificate of Taking dated October 22, 1980 and recorded October 22, 1980 in Volume 394 at Page 264 of the Vernon Land Records.
- (e) Certificate of Notice of Assessments and Deferral of Payments recorded April 3, 1991 in Volume 828 at page 246 of the Vernon Land Records.

CONVEYANCE TAX RECEIVED
STATE \$ 4487.50
LOCAL \$ 4162.50
KAREN C. DAIGLE
TOWN CLERK OF VERNON

- (f) Affidavit dated December 27, 2008 and recorded December 28, 2007 in Volume 1971 at page 239 of the Vernon Land Records.
- (g) Building lines, notes, sanitary easements and 20' conservation easement to be deeded to the Town of Vernon as shown on map.

As to 42 Acorn Road only:

- (h) Certificate of Notice of Installment Payment of Assessment of Benefits recorded March 23, 1983 in Volume 451 at page 129 of the Vernon Land Records.

As to 34 Acorn Road only:

- (i) Certificate of Notice of Installment Payment of Assessment of Benefits recorded March 23, 1983 in Volume 451 at page 127 of the Vernon Land Records.
- (j) Certificate of Notice of Installment Payment of Assessment Benefits recorded March 23, 1983 in Volume 451 at page 128 of the Vernon Land Records.

(signature page to follow)

Signed this 10 day of June, 2020.

Signed, sealed and delivered
in the presence of:

Cheryl Adler

ANTHOS ACORN 32-34, LLC

By: [Signature]
Haralambos Kostopoulos
Its Member, duly authorized

STATE OF NEW YORK)

) ss.

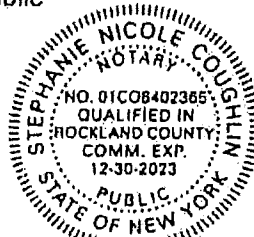
June 10 2020

COUNTY OF Rockland

On this 10 day of June, 2020, before me, Stephanie Coughlin, the undersigned officer, personally appeared Haralambos Kostopoulos who acknowledged himself to be the Member of ANTHOS ACORN 32-34, LLC, and that he as such Member, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Member, duly authorized.

[Signature]
Notary Public

Grantee's Address:
24 Hartford Turnpike
Vernon, CT 06066



SCHEDULE A

LEGAL DESCRIPTION

A certain piece or parcel of land situated in the Town of Vernon, County of Tolland and State of Connecticut, shown as "LOT 1" on a map entitled "ACORN ROAD VERNON, CONNECTICUT REAR LOT APPLICATION 2.68 ACRES, ALL LOTS - ZONE R-27 PREPARED FOR HOMEOWNERSHIP ASSISTANCE 649 BURNSIDE AVE EAST HARTFORD, CT JOB NO: 04-P34 DRAWN BY: T.I. DESIGNED BY: T.I. CHECKED BY: T.I. DATE: 3/1/06 SCALE: 1" = 40' DRAWING NO: C1 ENGINEERS: INGA CONSULTING ENGINEERS ANDREW T. INGA 139 WHITNEY STREET HARTFORD, CONNECTICUT REG. 14894 PHONE 860-233-4991 SURVEYOR: OSWALD BUNT REGISTERED LAND SURVEYOR WINDSOR, CONNECTICUT REG. 12048 REVISIONS 0 3/1/06 1 6/7/06 Conservation easement, driveway turn around 2 7/21/06 Relocate Road and Detention Basin" said map has been filed as map #5036 in the land records of the Town of Vernon where a more particular description may be had.

A certain piece or parcel of land situated in the Town of Vernon, County of Tolland and State of Connecticut, shown as "LOT 2" on a map entitled "ACORN ROAD VERNON, CONNECTICUT REAR LOT APPLICATION 2.68 ACRES, ALL LOTS - ZONE R-27 PREPARED FOR HOMEOWNERSHIP ASSISTANCE 649 BURNSIDE AVE EAST HARTFORD, CT JOB NO: 04-P34 DRAWN BY: T.I. DESIGNED BY: T.I. CHECKED BY: T.I. DATE: 3/1/06 SCALE: 1" = 40' DRAWING NO: C1 ENGINEERS: INGA CONSULTING ENGINEERS ANDREW T. INGA 139 WHITNEY STREET HARTFORD, CONNECTICUT REG. 14894 PHONE 860-233-4991 SURVEYOR: OSWALD BUNT REGISTERED LAND SURVEYOR WINDSOR, CONNECTICUT REG. 12048 REVISIONS 0 3/1/06 1 6/7/06 Conservation easement, driveway turn around 2 7/21/06 Relocate Road and Detention Basin" said map has been filed as map #5036 in the land records of the Town of Vernon where a more particular description may be had.

RECORDED IN
VERNON LAND RECORDS
KAREN C. DAIGLE
VERNON TOWN CLERK
ON JUN 22 2020 AT 03:01 PM



+

-

34 acorn

No results found



Posted 2/16/2021

RECEIVED
VERNON TOWN CLERK

USE THIS FORM ONLY IF THE REQUIREMENTS OF
8.3(a)/22-a-42a(b) OF THE C.G.S. MUST BE MET

21 FEB 16 PM 1:01

RECEIPT FOR DOCUMENTS SUBMITTED FOR PUBLIC INSPECTION

TO: VERNON TOWN CLERK
FROM: Dorian R. Famiglietti
REFERENCE: Zone Change Application - 34 and 42 Acorn Road
DATE: February 16, 2021

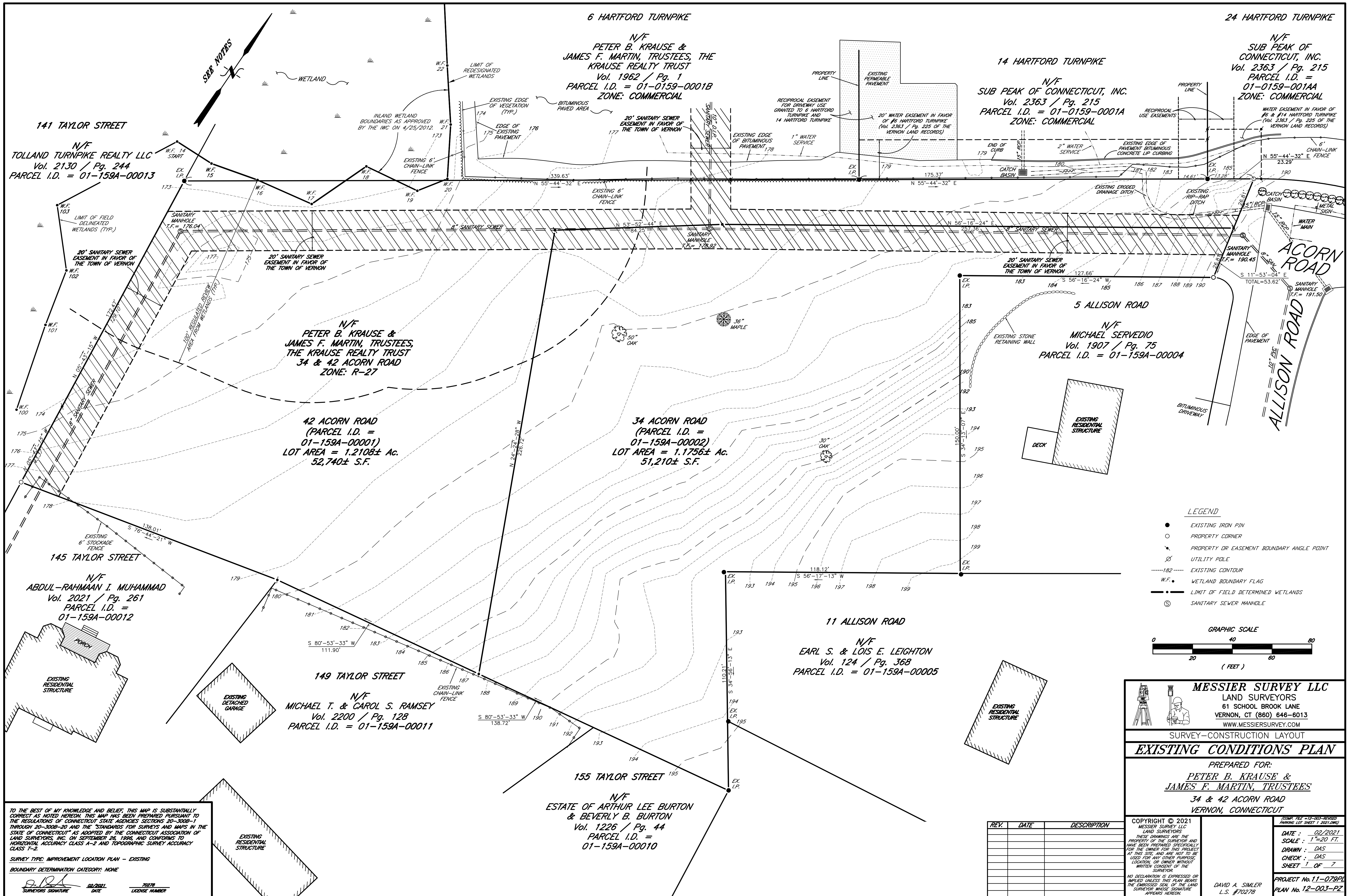
The attached documents, consisting of:

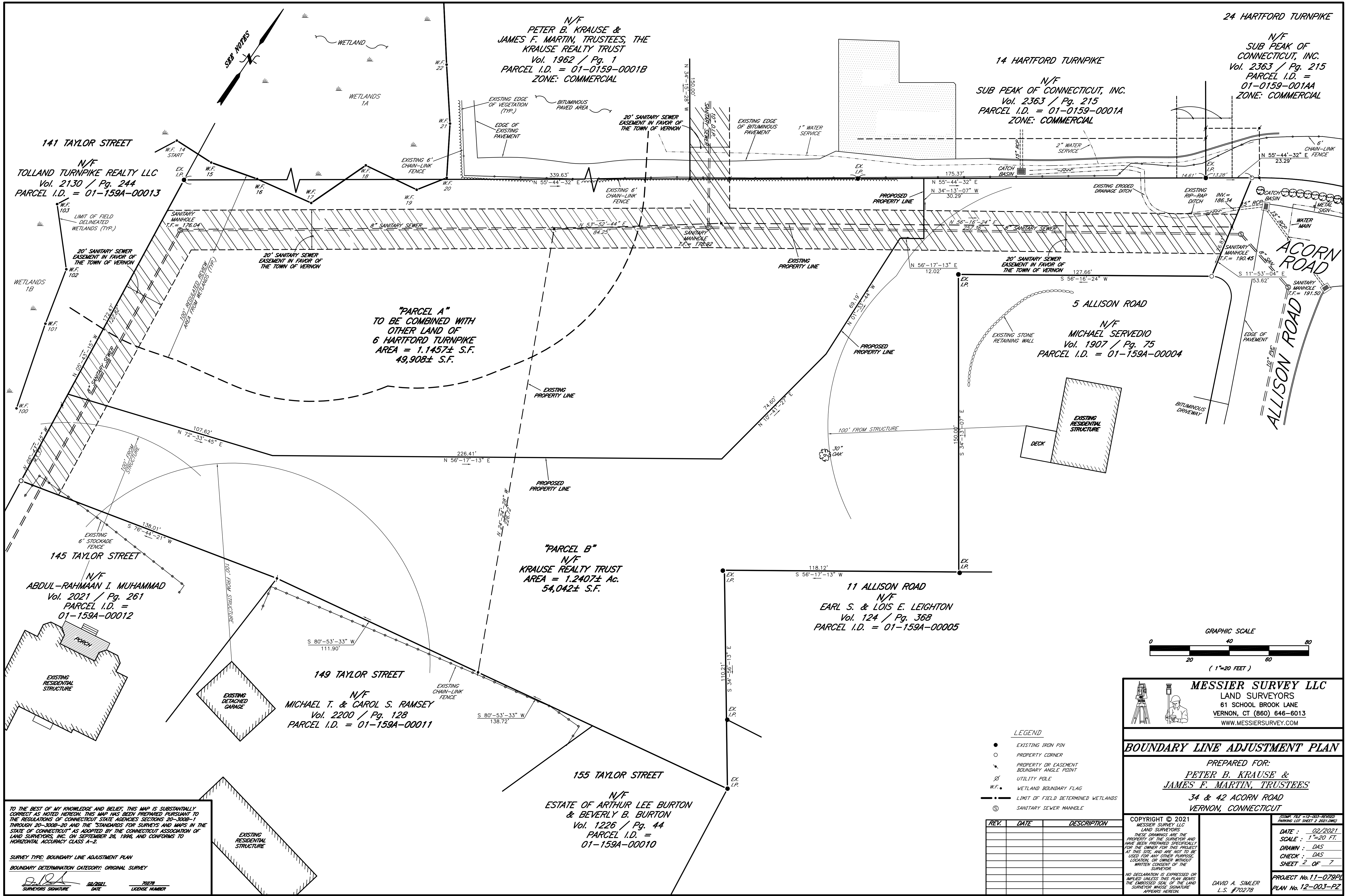
1. Copy of Zone Change Application, Applicant = The Krause Realty Trust
Property = 34 and 42 Acorn Road, Vernon
2. Copy of Zone Change Plans prepared by Messier Survey, LLC, dated 02/2012
(7 sheets)

Are being submitted for public inspection under CGS 8-3(a)/22a-42a (b).

Received: Zone Change Application - Krause Realty
Vernon Town Clerk [Signature]
Signature
Date: Feb. 16, 2021

See Town Clerk for full text.





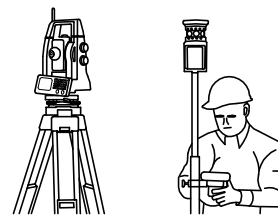
TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON. THIS MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300B-1 THROUGH 20-300B-20 AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 28, 1996, AND CONFORMS TO HORIZONTAL ACCURACY CLASS A-2.

SURVEY TYPE: BOUNDARY LINE ADJUSTMENT PLAN
BOUNDARY DETERMINATION CATEGORY: ORIGINAL SURVEY

David A. Simler 02/2021 70278
SURVEYORS SIGNATURE DATE LICENSE NUMBER

- LEGEND
- EXISTING IRON PIN
 - PROPERTY CORNER
 - PROPERTY OR EASEMENT BOUNDARY
 - BOUNDARY ANGLE POINT
 - ⊕ UTILITY POLE
 - W.F. WETLAND BOUNDARY FLAG
 - LIMIT OF FIELD DETERMINED WETLANDS
 - ⊙ SANITARY SEWER MANHOLE

REV.	DATE	DESCRIPTION



MESSIER SURVEY LLC
LAND SURVEYORS
61 SCHOOL BROOK LANE
VERNON, CT (860) 646-6013
WWW.MESSIERSURVEY.COM

BOUNDARY LINE ADJUSTMENT PLAN

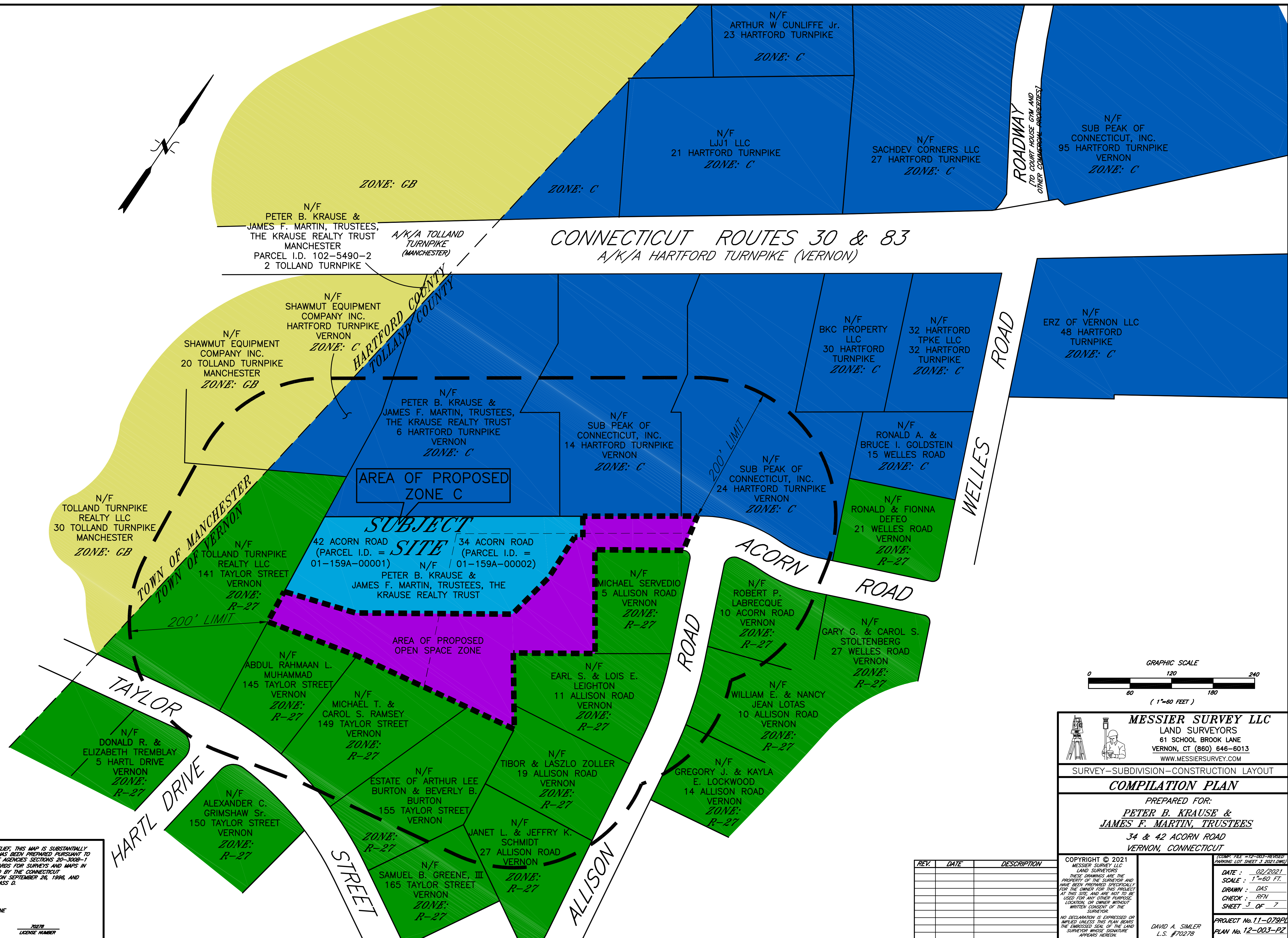
PREPARED FOR:
**PETER B. KRAUSE &
JAMES F. MARTIN, TRUSTEES**
34 & 42 ACORN ROAD
VERNON, CONNECTICUT

COPYRIGHT © 2021
MESSIER SURVEY LLC
LAND SURVEYORS
THESE DRAWINGS ARE THE
PROPERTY OF THE SURVEYOR AND
HAVE BEEN PREPARED SPECIFICALLY
FOR THE OWNER FOR THIS PROJECT.
AT THIS SITE AND ARE NOT TO BE
USED FOR ANY OTHER PURPOSE,
LOCATION, OR OWNER WITHOUT
WRITTEN CONSENT OF THE
SURVEYOR.
NO DECLARATION IS EXPRESSED OR
IMPLIED UNLESS THIS PLAN BEARS
THE EMBOSSED SEAL OF THE LAND
SURVEYOR WHOSE SIGNATURE
APPEARS HEREON.

DATE : 02/2021
SCALE : 1"=20' FT.
DRAWN : DAS
CHECK : DAS
SHEET 2 OF 7

PROJECT No. 11-079PL
PLAN No. 12-003-P2

DAVID A. SIMLER
L.S. #70278



TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON. THIS MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300B-1 THROUGH 20-300B-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996, AND CONFORMS TO HORIZONTAL ACCURACY CLASS D.

SURVEY TYPE: COMPILED PLAN
BOUNDARY DETERMINATION CATEGORY: NONE

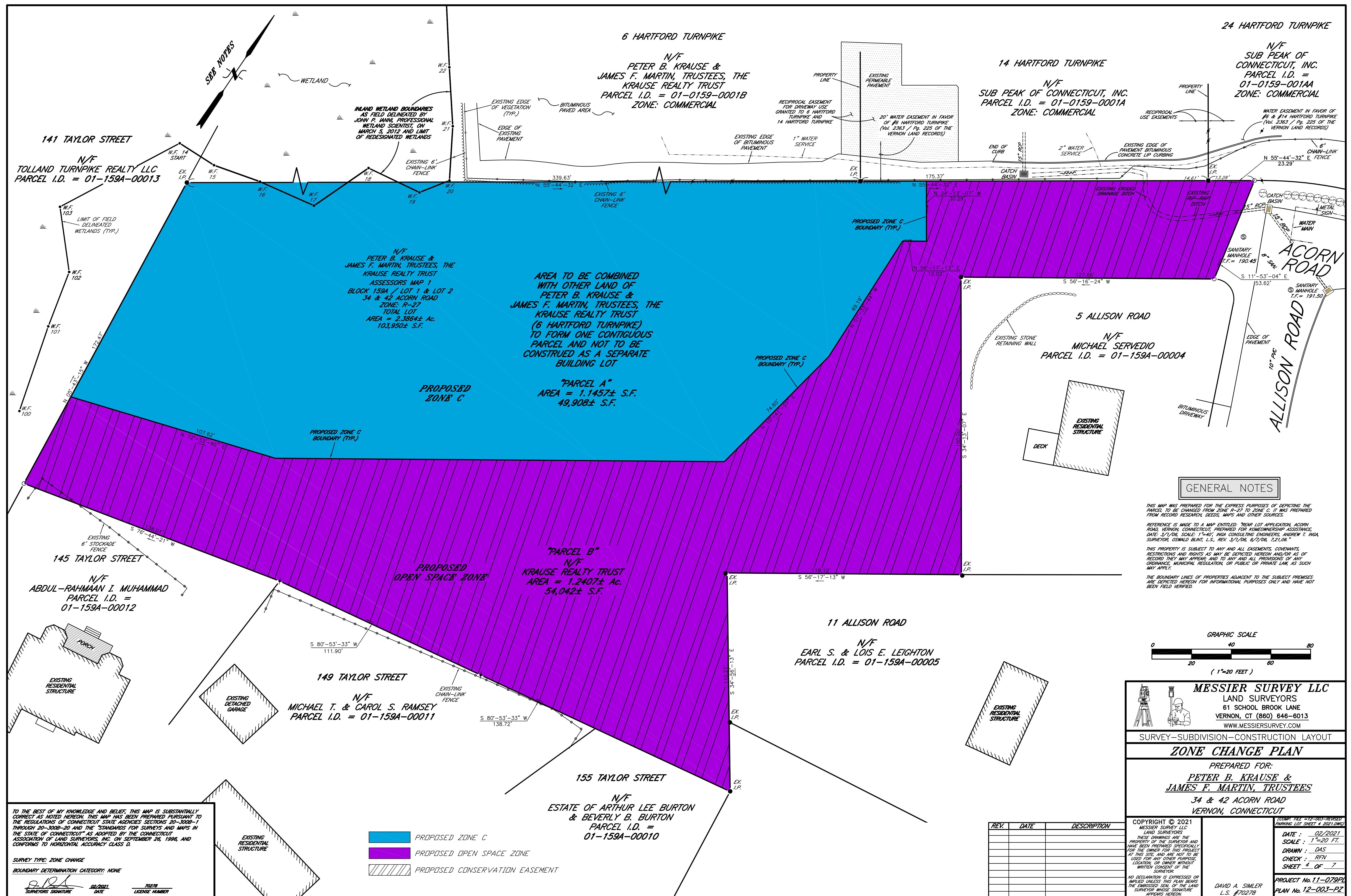
[Signature] 02/2021 70278
SURVEYORS SIGNATURE DATE LICENSE NUMBER

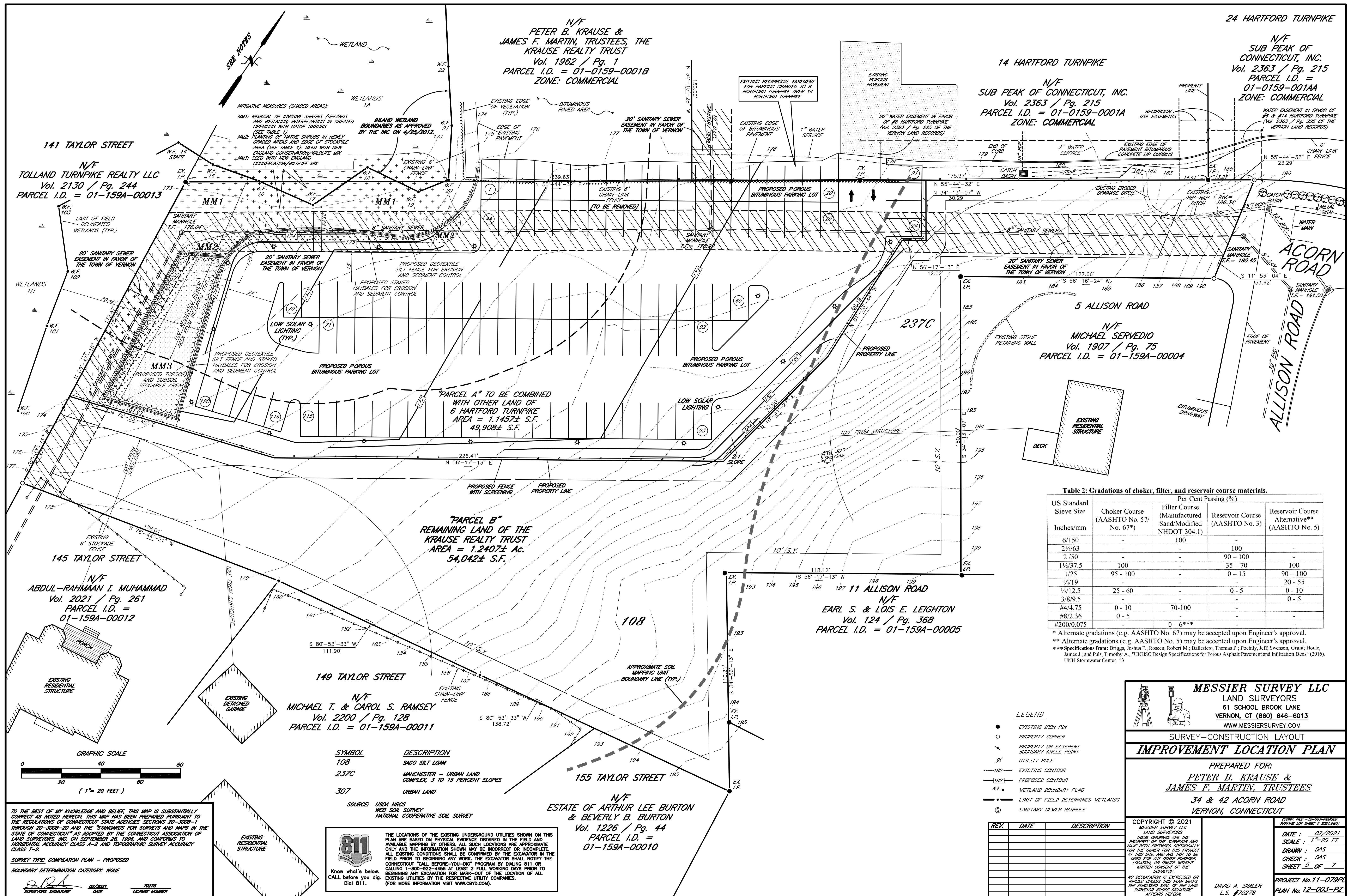
REV.	DATE	DESCRIPTION

COPYRIGHT © 2021
MESSIER SURVEY LLC
LAND SURVEYORS
THESE DRAWINGS ARE THE PROPERTY OF THE SURVEYOR AND HAVE BEEN PREPARED SPECIFICALLY FOR THE OWNER FOR THIS PROJECT AT THIS SITE AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE, LOCATION, OR OWNER WITHOUT WRITTEN CONSENT OF THE SURVEYOR.
NO DECLARATION IS EXPRESSED OR IMPLIED UNLESS THIS PLAN BEARS THE EMBOSSED SEAL OF THE LAND SURVEYOR WHOSE SIGNATURE APPEARS HEREON.

DAVID A. SIMLER
L.S. #70278

(COMP. FILE #12-003-BEYOND) PARKING LOT SHEET 3 2021(LWS)
DATE : 02/2021
SCALE : 1"=60' FT.
DRAWN : DAS
CHECK : RFN
SHEET 3 OF 7
PROJECT No. 11-079PL
PLAN No. 12-003-P2





US Standard Sieve Size Inches/mm	Per Cent Passing (%)			
	Choker Course (AASHTO No. 57/ No. 67*)	Filter Course (Manufactured Sand/Modified NHDOT 304.1)	Reservoir Course (AASHTO No. 3)	Reservoir Course Alternative** (AASHTO No. 5)
6/150	-	100	-	-
2½/63	-	-	100	-
2/50	-	-	90 - 100	-
1½/37.5	100	-	35 - 70	100
1/25	95 - 100	-	0 - 15	90 - 100
¾/19	-	-	-	20 - 55
½/12.5	25 - 60	-	0 - 5	0 - 10
3/8/9.5	-	-	-	0 - 5
#4/4.75	0 - 10	70-100	-	-
#8/2.36	0 - 5	-	-	-
#200/0.075	-	0 - 6***	-	-

EROSION AND SEDIMENT CONTROL PLAN AND CONSTRUCTION SEQUENCE

- THE PROPOSED DEVELOPMENT ON THIS PROPERTY WILL INCLUDE THE CONSTRUCTION OF A NEW PARKING AREA, THE WORK ON THE SITE WILL INVOLVE REMOVAL, DEPOSITION AND REGRADING OF SOIL ON THE PROPERTY.
2. CONSTRUCTION IS EXPECTED TO COMMENCE DURING THE SUMMER OF 2021 AND BE COMPLETED AT A DATE TO BE DETERMINED.
3. DURING THE ENTIRE PERIOD OF WORK ON THE SITE, VEHICULAR ACCESS AND EGRESS TO THE WORK AREA SHALL BE BY THE EXISTING DRIVEWAY LOCATION ENTERING THE SITE FROM 6 HARTFORD TURNPIKE.
4. PRIOR TO ANY CONSTRUCTION ACTIVITY COMMENCING ON THE SITE, A STAKED GEOTEXTILE SILT FENCE SEDIMENT BARRIER SHALL BE INSTALLED DOWN-GRADIENT OF AND SURROUNDING THE WORK AREA.
5. IN GENERAL, EROSION AND SEDIMENT CONTROL MEASURES AND CONSTRUCTION PRACTICES SHALL BE AS DESCRIBED HEREIN AND/OR AS SHOWN ON THE PROJECT DRAWINGS, AND AS FURTHER DETAILED IN THE 2002 CONNECTICUT GUIDELINES FOR EROSION AND SEDIMENT CONTROL BY THE CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION IN COOPERATION WITH THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, DEP BULLETIN 34."
6. AFTER THE INITIAL EROSION AND SEDIMENT CONTROL MEASURES ARE IN PLACE, THE CONSTRUCTION SHALL PROCEED IN THE FOLLOWING RECOMMENDED SEQUENCE:
- A. CLEAR AND GRUB AREAS OF PROPOSED WORK, INCLUDING ANY NECESSARY REMOVAL OF EXISTING SITE FEATURES AND DISCONNECTION OF EXISTING UTILITY SERVICES. DISPOSE OF MATERIALS REMOVED OFF-SITE.
- B. STRIP AND STOCKPILE ANY EXISTING TOPSOIL FROM WORK AREAS. RING STOCKPILES WITH A PROTECTIVE BARRIER OF STAKED GEOTEXTILE SILT FENCE AND/OR STAKED HAYBALES.
- C. EXCAVATE AND ROUGH GRADE FOR NEW & MODIFIED PARKING AREA; PERMANENTLY STABILIZE FINISHED CUT & FILL SLOPES.
- D. EXCAVATE FOR NEW PARKING LOT. REMOVE EXCESS SUBSOIL FROM SITE AND/OR STOCKPILE ON-SITE AS DESCRIBED FOR TOPSOIL STOCKPILES.
- E. COMMENCE CONSTRUCTION OF PARKING LOT SUPERSTRUCTURES.
- F. TEMPORARILY STABILIZE DISTURBED AREAS WHERE PERMANENT STABILIZATION IS NOT YET POSSIBLE OR FEASIBLE.
- G. INSTALL AND GRADE BASE FOR PARKING LOT.
- H. PLACE BINDER COURSE OF PAVEMENT FOR PARKING LOT.
- I. BACKFILL, SPREAD TOPSOIL AND FINISH GRADE REMAINING DISTURBED AREAS.
- J. PERMANENTLY REESTABLISH ALL RESTORED DISTURBED AREAS AND PERFORM LANDSCAPING.
- K. PLACE FINISH PAVEMENT COURSE ON PARKING LOT.
- L. MAINTAIN AND REPAIR PERMANENTLY STABILIZED AREAS AS NECESSARY.
- M. REMOVE AND DISPOSE OF TEMPORARY EROSION & SEDIMENT CONTROL BARRIERS AND DISPOSE OF ACCUMULATED SEDIMENT.
7. ALL AREAS NOT OTHERWISE TREATED SHALL BE RESTORED BY PLACEMENT OF TOPSOIL AND ESTABLISHMENT OF GRASS COVER IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:
- A. PLACE, SPREAD & FINE GRADE TOPSOIL TO OBTAIN A MINIMUM SETTLED DEPTH OF 6 INCHES. RAKE THE SURFACE TO REMOVE LARGE STONES AND OTHER DEBRIS.
- B. APPLY LIMESTONE TO THE PREPARED TOPSOIL AT A RATE OF 3 TONS/ACRE OR 135 LBS./1000 SQUARE FEET.
- C. APPLY 10-10-10 OR EQUIVALENT FERTILIZER AT A RATE OF 300 LBS./ACRE OR 7.5 LBS./1000 SQUARE FEET, OR AS OTHERWISE ESTABLISHED BY LABORATORY TESTING OF SAMPLES OF THE ACTUAL TOPSOIL PLACED AND SPREAD ON THE AREAS TO BE PLANTED.
- D. WORK LIME AND FERTILIZER INTO THE TOPSOIL UNIFORMLY TO A DEPTH OF 4 INCHES BY HAND OR WITH SUITABLE EQUIPMENT, FOLLOWING THE FINISH CONTOURS, UNTIL A REASONABLY UNIFORM, FINE SEEDBED IS PREPARED.
- E. SMOOTH AND FIRM THE PREPARED TOPSOIL AND REMOVE ALL LARGE STONES AND ALL OTHER EXTRANEEOUS DEBRIS AND SOIL CLUMPS FROM THE AREA. NOTE: NO VEHICULAR TRAFFIC IS PERMITTED FROM EXCISING THE AREAS WHERE THE SEEDBED HAS BEEN PREPARED AND IS READY FOR SEEDING. SEEDING SHOULD OCCUR WITHIN 7 DAYS AFTER THE SEEDBED PREPARATION IS COMPLETE.
- F. SPREAD GRASS SEED UNIFORMLY ON THE PREPARED TOPSOIL SURFACE BY HAND OR MECHANICAL MEANS AND LIGHTLY RAKE IN BY HAND TO OBTAIN A MAXIMUM OF 1/4 INCH-1/2 INCH OF SOIL COVER OVER THE SEED.
- G. THE SEED MIXTURE AND APPLICATION RATE FOR ALL FINISHED PERMANENT LAWN AREAS SHALL BE AS FOLLOWS:
- | GRASS SEED TYPE | PROPORTION BY WEIGHT | SEEDING RATE |
|---------------------|----------------------|----------------------------|
| KENTUCKY BLUEGRASS | 45% 20 LBS./ACRE | 0.45 LBS./1000 SQUARE FEET |
| CREEPING RED FESCUE | 45% 20 LBS./ACRE | 0.45 LBS./1000 SQUARE FEET |
| PERENNIAL RYEGRASS | 10% 5 LBS./ACRE | 0.10 LBS./1000 SQUARE FEET |
- ONLY "CERTIFIED" SEED VARIETIES SHALL BE USED, AS LISTED IN ARTICLE M.13.04 OF CONNECTICUT D.O.T. FORM 8144, AS AMENDED.
- THE GRASS SEED MIXTURE MAY BE APPLIED BY ANY AGRONOMICALLY ACCEPTABLE METHOD. THE SEEDING RATE SHALL BE INCREASED BY 10 PERCENT WHEN HYDROSEEDING OR FROST GRASS SEEDING.
- SEEDING SHOULD BE PERFORMED ONLY DURING THE PERIODS OF APRIL AND MAY.
8. IF FINAL GRADING WILL BE DELAYED FOR MORE THAN 30 DAYS AFTER THE INITIAL LAND DISTURBANCE ACTIVITIES ARE COMPLETED AND/OR IF NOT SEASONALLY POSSIBLE TO PERFORM PERMANENT SEEDING, AND/OR IF INCOMPATIBLE WITH ONGOING CONSTRUCTION OPERATIONS, TEMPORARILY SEED THE DISTURBED AREAS WITH PERENNIAL BERMGRASS HAVING A MINIMUM PURITY OF 98 PERCENT AND A MINIMUM GERMINATION OF 90 PERCENT, APPLIED AT A RATE OF 2 LBS./1000 SQUARE FEET; AND/OR APPLY MULCH CONSISTING OF WEED-FREE STRAW OR HAY OR AIR-DRIED WOOD CHIPS FREE OF COARSE MATTER, APPLIED AT A RATE OF 70-90 LBS./1000 SQUARE FEET FOR STRAW OR HAY, OR 185-275 LBS./1000 SQUARE FEET FOR WOOD CHIPS. PLANTING DATES FOR TEMPORARY SEEDING SHALL BEGIN MARCH 15 TO JUNE 15 AND END BY OCTOBER 15. THIS MEASURE SHALL ALSO APPLY TO STOCKPILED TOPSOIL AND SUBSOIL.
9. WHETHER PERMANENTLY OR TEMPORARILY STABILIZED, MAINTAIN AND REPAIR ALL NEWLY RESTORED AREAS UNTIL VEGETATION IS WELL ESTABLISHED AND GROWING SELF-SUFFICIENTLY.
10. INsofar AS POSSIBLE, DISTURBANCE OF THE LAND SHALL BE LIMITED TO THE MINIMUM AMOUNT NECESSARY TO COMPLETE THE PROPOSED WORK. THE LIMITS OF DISTURBANCE SHALL BE ESTABLISHED IN THE FIELD PRIOR TO STARTING ANY ACTUAL CONSTRUCTION ACTIVITIES AND SHALL BE GENERALLY AS SHOWN BY THE PROPOSED WORK ON THE IMPROVEMENT LOCATION PLAN DRAWINGS.
11. GRADING TAKING PLACE AS THE SITE WORK PROGRESSES SHALL BE DONE IN A MANNER TO ALLOW DRAINAGE TOWARD DIVERSION DITCHES AND EROSION AND SEDIMENT CONTROL BARRIERS. SILT FENCING AND/OR EROSION AND SEDIMENT CONTROL CHECKS SHALL ALWAYS BE PLACED IMMEDIATELY AFTER A CUT SLOPE HAS BEEN GRADED AND BEFORE A FILL SLOPE HAS BEEN MADE. CONCENTRATED RUNOFF SHALL NOT BE PERMITTED TO OVERFLOW NEWLY GRADED AREAS, SEDIMENT BARRIERS OR OTHER EROSION AND SEDIMENT CONTROL MEASURES. SOIL STOCKPILES SHALL BE PLACED IN LOCATIONS AWAY FROM NATURAL OR CREATED WATERWAYS AND DITCHES AND RINGED WITH A PROTECTIVE SILT FENCE OR HAYBALE SEDIMENT BARRIER.
12. ALL DISTURBED AREAS, REGARDLESS OF THEIR LOCATION ON THE SITE, SHALL BE FINE GRADED AND STABILIZED AS SOON AS PRACTICABLE FOLLOWING SUBSTANTIAL COMPLETION OF SURFACE CONSTRUCTION. WHERE SEASONABLY POSSIBLE AND WHERE ONGOING CONSTRUCTION ACTIVITIES PERMIT, THE DISTURBED AREAS SHALL BE PERMANENTLY STABILIZED AS DESCRIBED ABOVE. WHEN PERMANENT STABILIZATION IS NOT TIMELY OR POSSIBLE, THE DISTURBED AREAS SHALL BE TEMPORARILY STABILIZED AS ALSO DESCRIBED ABOVE.
13. STOCKPILING OF BUILDING MATERIALS SHALL BE CONFINED TO THE AREAS OF DISTURBANCE. VEHICULAR MOVEMENT SHALL BE LIMITED TO ESTABLISHED DRIVEWAY AND PARKING AREAS. NO UNNECESSARY ENCRoACHMENT OF CONSTRUCTION EQUIPMENT OR OTHER VEHICLES SHALL BE ALLOWED IN NON-CONSTRUCTION PORTIONS OF THE SITE. CONSTRUCTION ACTIVITIES OUTSIDE THE LIMITS OF DISTURBANCE SHALL BE RESTRICTED TO THE MINIMUM NECESSARY TO PERFORM ESSENTIAL AND REQUIRED ACTIVITIES.
14. DURING THE PERIOD OF CONSTRUCTION, ALL DISTURBED AREAS OF THE CONSTRUCTION ACTIVITY THAT HAVE NOT BEEN PERMANENTLY STABILIZED, STRUCTURAL CONTROL MEASURES, OR LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE, AND ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AT LEAST WEEKLY, IMMEDIATELY AFTER EACH RAINSTORM WITH A RAINFALL TOTAL OF ONE-HALF INCH OR GREATER, AND AT LEAST DAILY DURING A MAJOR STORM EVENT OR DURING A PERIOD OF PROLONGED RAINFALL. ACCUMULATED DEPOSITS OF SEDIMENT AND SILT FROM CONSTRUCTION ACTIVITIES REMOVED FROM THE UPSTREAM SIDE OF THE EROSION AND SEDIMENT CONTROL CHECKS, AND UPON ESTABLISHMENT OF PERMANENT SEEDING AND MULCHING, SUCH MATERIALS REMOVED SHALL BE TRANSPORTED FROM THE IMMEDIATE WORK AREA AND SPREAD AND STABILIZED IN NON-WETLAND AREAS WHICH ARE NOT SUBJECT TO EROSION, OR WHICH ARE NOT TO BE PAVED OR BUILT UPON.
15. SILT FENCING AND SEDIMENT CONTROL MEASURES SHALL BE REPLACED AS NECESSARY THROUGHOUT THE DURATION OF THE WORK ON THE SITE IN ORDER TO MAINTAIN COMPLETE AND INTEGRAL EROSION AND SEDIMENT CONTROL PROTECTION. ALSO THROUGHOUT THE DURATION OF THE WORK ON THIS SITE, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES BEYOND THOSE PREPARED, PLACED, AND OPERATED BY THE TOWN SHALL BE IMPLEMENTED AS MAY BE DEEMED NECESSARY BY SITE CONDITIONS AND/OR AS OFFERED BY THE TOWN OF SOUTH WINDSOR. ONCE IN PLACE, ALL EROSION AND SEDIMENT CONTROL FACILITIES AND MEASURES ARE TO REMAIN IN PLACE AND IN PROPER FUNCTIONING CONDITION, AND BE CONTINUOUSLY MAINTAINED, UNTIL ALL DISTURBED AREAS ARE PREPARED FOR SHD FACILITIES ARE PERMANENTLY STABILIZED, OR UPON THE CESSATION OF USE IS AUTHORIZED BY THE TOWN IN THE ONGOING DEVELOPMENT. FOLLOWING SUCH PERMANENT STABILIZATION, THE FACILITIES SHALL BE DISMANTLED, REMOVED AND DISPOSED OF IN AN APPROVED MANNER.
16. IF DE-WATERING OPERATIONS ARE NECESSARY IN ORDER TO PERFORM THE REQUIRED WATER PUMPED FROM THE EXCAVATION AND OTHER POORLY DRAINED AREAS SHALL BE FREE FROM SILT AND SHALL BE DISCHARGED TO TEMPORARY SEDIMENT/STILLING BASINS PRIOR TO RELEASE TO PROPERLY PROTECTED DRAINAGE SYSTEMS OR WETLANDS AREAS. AS A MINIMUM, DISCHARGE WATER SHALL BE DIRECTED TOWARDS SECURELY INSTALLED HAYBALE EROSION AND SEDIMENTATION CHECK DAMS, OR OTHER ACCEPTABLE SEDIMENT TRAPPING MEASURES, PRIOR TO ENTERING ANY DRAINAGE SYSTEMS OR WETLANDS AREAS.
17. PRIOR TO COMMENCING ANY DISTURBANCE OF THE SOIL OR PERFORMING ANY OTHER WORK ON THIS SITE, THE PROPERTY OWNER SHALL DESIGNATE A PERSON TO BE PERSONALLY RESPONSIBLE FOR IMPLEMENTING THIS EROSION AND SEDIMENT CONTROL PLAN AND ENFORCING THE PRESCRIBED EROSION AND SEDIMENTATION CONTROL SAFEGUARDS DURING THE PERIOD OF OPERATIONS ON THIS SITE. THIS RESPONSIBILITY INCLUDES THE INSTALLATION AND MAINTENANCE OF CONTROL MEASURES THROUGHOUT THE WORK PERIOD, INFORMING ALL PARTIES ENGAGED ON THE SITE OF THE REQUIREMENTS AND OBJECTIVES OF THE PLAN, NOTIFYING THE PROPER TOWN AGENCIES AND OFFICIALS OF ANY TRANSFER OF THIS RESPONSIBILITY AND CONVEYING A COPY OF THE EROSION AND SEDIMENT CONTROL PLAN IF THE TITLE TO THE LAND IS TRANSFERRED, THE PERSON SO DESIGNATED FOR THE STATED RESPONSIBILITY SHALL PROVIDE THE TOWN OF WINDSOR WITH TELEPHONE NUMBERS OR OTHER MEANS BY WHICH HE/SHE MAY BE CONTACTED AT ALL TIMES.

GENERAL INSTALLATION SEQUENCE & CHECKLIST

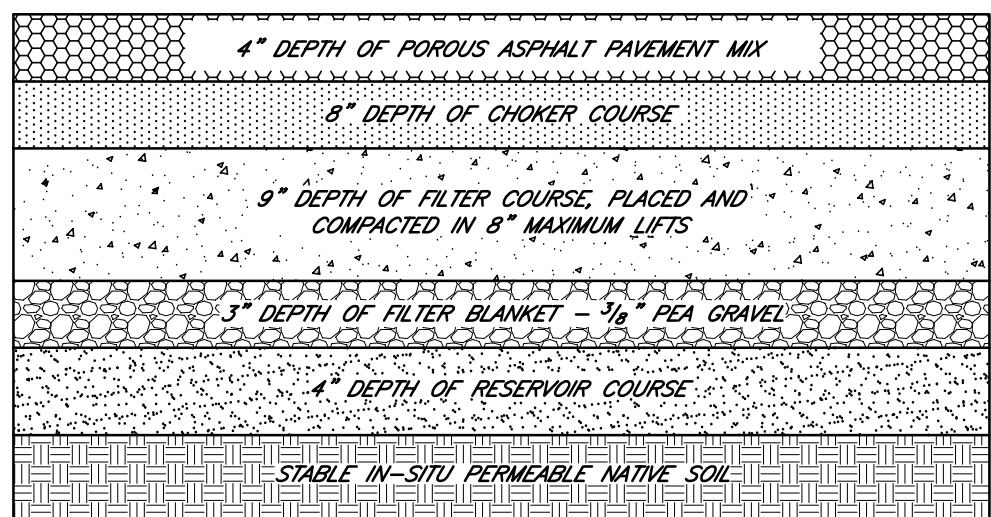
WORK DESCRIPTION/EROSION & SEDIMENT CONTROL MEASURES	LOCATION	DATE MEASURES INSTALLED	INITIALS OF INSTALLER	DATE MEASURES REMOVED	INITIALS OF PERSON REMOVING MEASURES
INSTALL SEDIMENT BARRIERS	DOWNSLOPE OF AREAS TO BE DISTURBED				
CONSTRUCT NECESSARY TEMPORARY DIVERSION BERMS AND SHALES FOR DRAINAGE CONTROL DURING ROUGH GRADING OPERATIONS	WHERE REQUIRED				
CLEAR & GRUB	AREAS TO BE DEVELOPED				
STRIP AND STOCKPILE TOPSOIL FROM WORK AREAS; STOCKPILE ANY EXCESS SUBSOIL NOT REMOVED FROM SITE; PLACE SEDIMENT BARRIERS AROUND STOCKPILES & STABILIZE PILES	WORK AREAS				
PLACE TOPSOIL AND ESTABLISH PERMANENT VEGETATIVE COVER FOR ALL CUT AND FILL SLOPES	WHERE REQUIRED				
INSTALL ADDITIONAL EROSION & SEDIMENT CONTROL MEASURES AS REQUIRED OR ORDERED	WHERE REQUIRED				
INSPECT AND MAINTAIN AS NECESSARY ALL EROSION & SEDIMENT CONTROL MEASURES; REMOVE ACCUMULATED SEDIMENT FROM BEHIND HAYBALE & SILT FENCE BARRIERS	ENTIRE SITE				
TEMPORARILY STABILIZE DISTURBED AREAS WHERE PERMANENT STABILIZATION IS NOT YET POSSIBLE OR FEASIBLE	ROUGH - GRAZED AREAS OUTSIDE OF PARKING AND DRIVEWAY LOCATIONS				
INSPECT AND MAINTAIN AS NECESSARY ALL EROSION & SEDIMENT CONTROL MEASURES; REMOVE ACCUMULATED SEDIMENT FROM BEHIND HAYBALE & SILT FENCE BARRIERS	ENTIRE SITE				
PLACE TOPSOIL, COMPLETE FINAL GRADING AND PERMANENTLY STABILIZE ALL REMAINING DISTURBED AREAS	ENTIRE SITE				
LANDSCAPE SITE	AS REQUIRED				
MAINTAIN AND REPAIR ALL RESTABILIZED AREAS UNTIL PERMANENT VEGETATIVE COVER IS COMPLETELY ESTABLISHED AND SELF-SUSTAINING	ENTIRE SITE				
REMOVE AND DISPOSE OF TEMPORARY SEDIMENT CONTROL BARRIERS AND DISPOSE OF ACCUMULATED SEDIMENT	ENTIRE SITE				

CHECKLIST FOR MAINTENANCE OF MEASURES

<u>LOCATION</u> <u>MAINTENANCE</u>	<u>DESCRIPTION</u>	<u>DATE OF</u> <u>MAINTENANCE</u>	<u>INITIALS OF RESPONSIBLE</u> <u>PERSON</u>
SEDIMENT BARRIERS AND TEMPORARY SEDIMENT TRAPS	INSPECT REGULARLY AND DURING AND AFTER RAIN STORMS		
	REPAIR OR REPLACE AS REQUIRED		
	REMOVE ACCUMULATED SEDIMENT AND DEBRIS		
ENTIRE SITE	MAINTAIN TEMPORARY VEGETATIVE AND OTHER MEASURES AS REQUIRED		
	MAINTAIN ALL PERMANENTLY STABILIZED AREAS UNTIL SECURE		

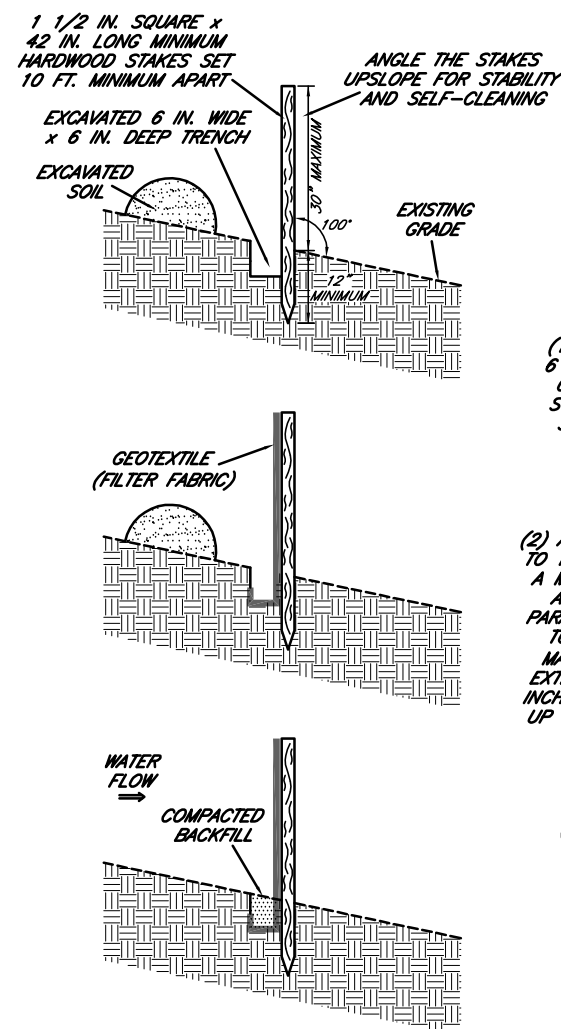
PROJECT DATES

<u>DESCRIPTION</u>	<u>DATE</u>	<u>INITIALS</u>
DATE OF GROUND BREAKING FOR PROJECT		
DATE OF TEMPORARY STABILIZATION		
DATE OF FINAL STABILIZATION		

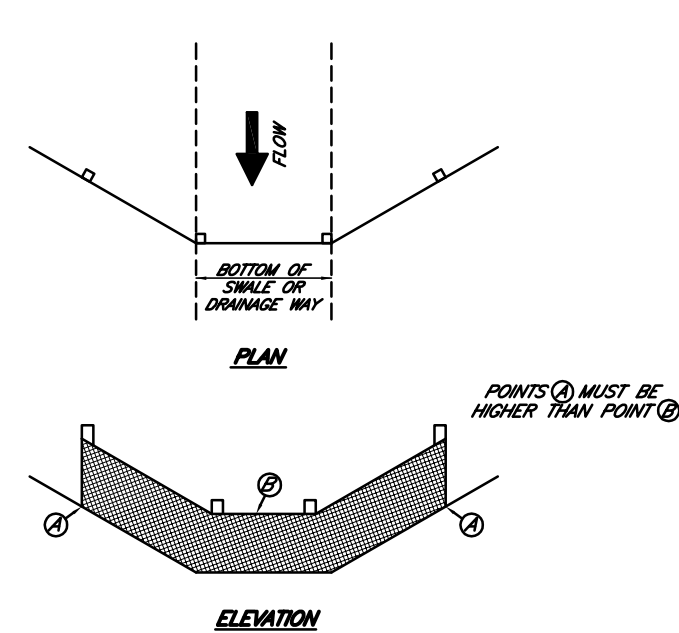


PERVIOUS PAVEMENT CROSS SECTION
(NOT TO SCALE)

INSTALLATION PROCEDURE

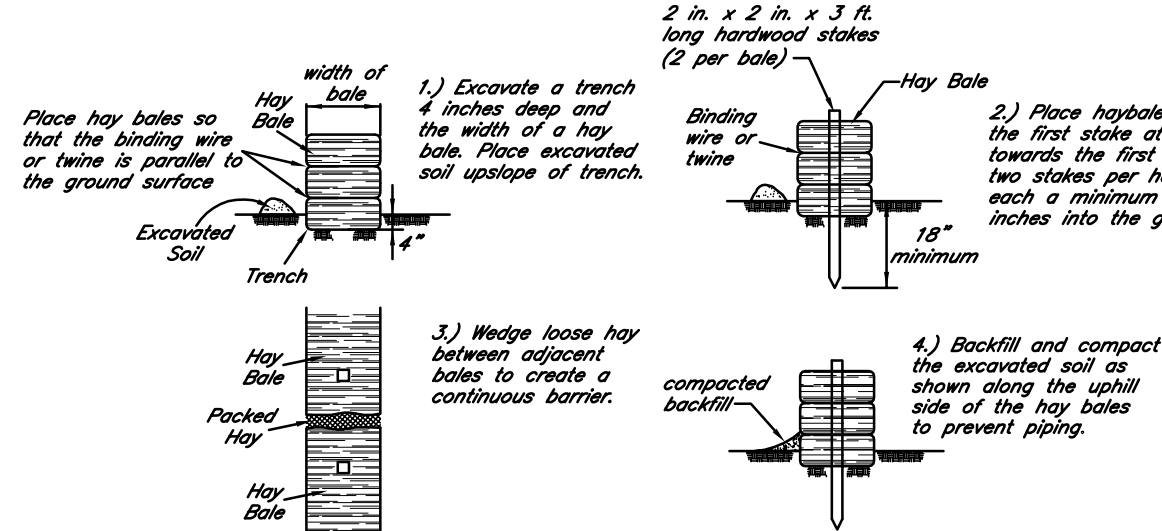


TYPICAL INSTALLATION IN A
SWALE OR DRAINAGE WAY

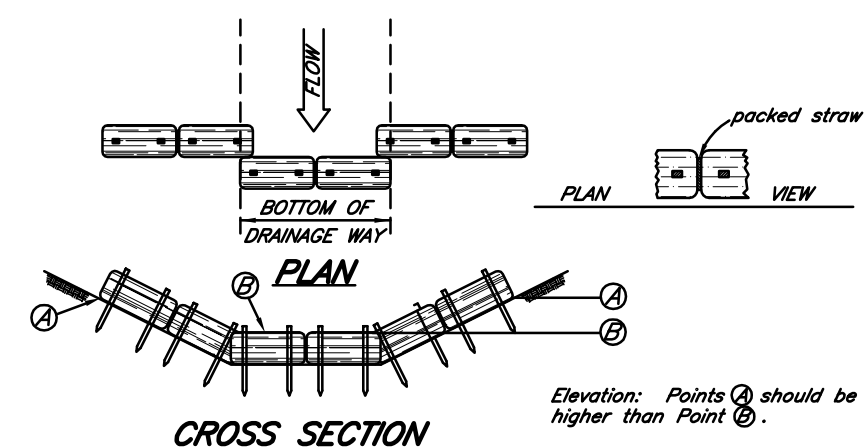


**GEOTEXTILE SILT FENCE SEDIMENT
BARRIER INSTALLATION**

INSTALLATION PROCEDURE



TYPICAL INSTALLATION IN A SWALE OR DRAINAGE WAY



STAKED HAY BALE SEDIMENT BARRIER INSTALLATION
NOT TO SCALE

	<h1 style="margin: 0;">MESSIER SURVEY LLC</h1> <h2 style="margin: 0;">LAND SURVEYORS</h2> <p style="margin: 0;"><u>61 SCHOOL BROOK LANE</u> <u>VERNON, CT (860) 646-6013</u> <u>WWW.MESSIERSURVEY.COM</u></p>
<h3 style="margin: 0;">SURVEY—CONSTRUCTION LAYOUT</h3>	
<h1 style="margin: 0;">EROSION AND SEDIMENT CONTROL</h1> <h2 style="margin: 0;">NOTES AND DETAILS</h2>	
<p style="margin: 0;"><i>PREPARED FOR:</i></p> <p style="margin: 0;"><i><u>PETER B. KRAUSE &</u></i> <i><u>JAMES F. MARTIN, TRUSTEES</u></i></p> <p style="margin: 0;"><i><u>34 & 42 ACORN ROAD</u></i> <i><u>VERNON, CONNECTICUT</u></i></p>	
<p style="margin: 0;">COPYRIGHT © 2021 MESSIER SURVEY LLC LAND SURVEYORS</p> <p style="margin: 0;">THESE DRAWINGS ARE THE PROPERTY OF THE SURVEYOR AND HAVE BEEN PREPARED SPECIALLY FOR THE OWNER FOR THIS PROJECT AT THIS SITE, AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE, LOCATION, OR OWNER WITHOUT WRITTEN CONSENT OF THE SURVEYOR.</p> <p style="margin: 0;">NO DECLARATION IS EXPRESSED OR IMPLIED UNLESS THIS PLAN IS THE EMBOSSED SEAL OF THE LAND SURVEYOR WHOSE APPEARS HEREON.</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p style="margin: 0; font-size: small;">(DRAW. FILE #12-003-REvised PAVING LOT SHEET # 3021 (ONE))</p> </div> <p style="margin: 0;">DATE : <u>02/2021</u> SCALE : <u>AS NOTED</u> DRAWN : <u>DAS</u> CHECK : <u>DAS</u> SHEET <u>7</u> OF <u>7</u></p> <p style="margin: 0;">PROJECT No. <u>11-079PL</u> PLAN No. <u>12-003-PZ</u></p>

STAFF COMMENTS



PLANNING
DEPARTMENT

TOWN OF VERNON

55 West Main St., VERNON, CT 06066
(860) 870-3640
gmcgregor@vernon-ct.gov

MEMORANDUM

TO: Town of Vernon Planning and Zoning Commission

FROM: George K. McGregor, Town Planner

SUBJECT: PZ-2021-02-Zone Change (34 & 42 Acorn Rd., Suburban Subaru)
PZ-2021-03-Site Plan (6 Hartford Tpke., 34 & 42 Acorn Rd.) Suburban Subaru

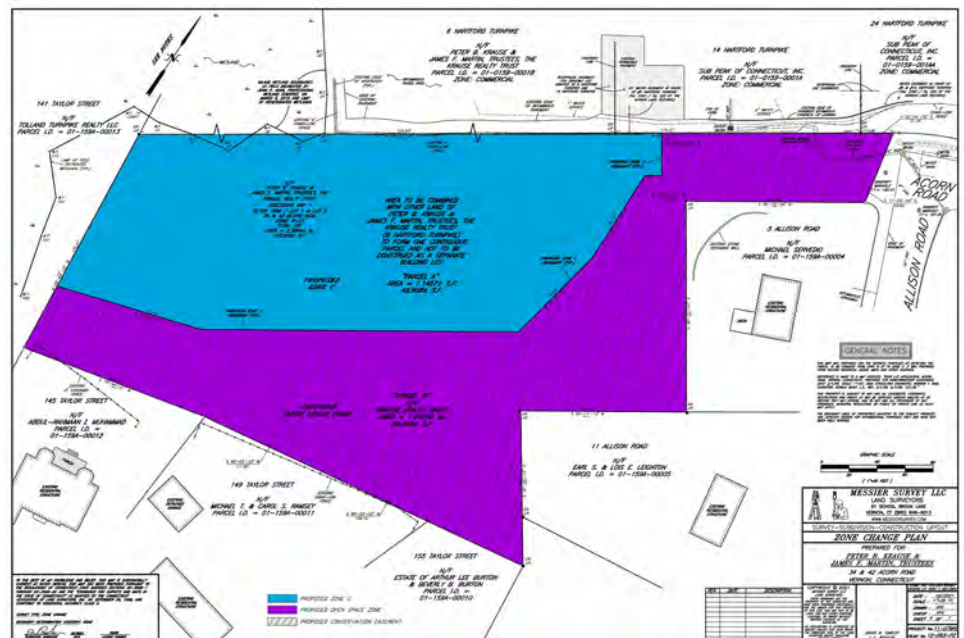
DATE: March 18, 2021

Request

Krause Realty Trust requests a zone change for two parcels, one located at 34 Acorn Rd. (Assessor's ID: Map 01, Block 159A, Parcel 00002) and the other located at 42 Acorn Rd. (Assessor's ID: Map 01, Block 159A, Parcel 00001). Both parcels are currently zoned R-27.

The requested change is to rezone 1.1457 acres of the parcels to Commercial, in order to merge that portion into adjacent Commercial land to provide additional

inventory parking at an automobile dealership, and to rezone 1.2407 acres of the parcels to Open Space Zone.



A Site Plan application [PZ-2021-03] proposing the additional inventory parking lot with +-120 spaces is also requested.

This Staff report addresses both submitted applications.

Background

On January 18, 2018, the PZC denied a Zone Change application from Krause Realty of similar but not identical nature to the pending application. In PZ 2017-20, the applicant proposed a zone change from R-27 to Commercial. Then, the proposed area for commercial would increase by 1.33 acres; today that increase is smaller at 1.14 acres. The 2017 application proposed to leave the balance of 1.07 acres as R-27. The current application would zone the balance—1.24 acres to the Open Space District.

The Commission voted 4-3 to Approve PZ 2017-20. However, due to a submitted Petition in opposition, the application was deemed denied for not achieving a two-thirds majority of the full commission.

A second application [PZ 2018-03] was submitted a few weeks later; on March 1, 2018 the Commission found the application was not substantively different and therefore did not accept the application for review.

Zoning Change

34 and 42 Acorn Rd. are two vacant parcels zoned R-27. They are “flag-shaped” lots each reaching the bend in Acorn Rd. for potential future access. They abut the Suburban Subaru dealership (to the north), owned by the Applicant. The Subaru location has several Hartford Tpke. addresses and is zoned Commercial as is all of this business corridor in the area.

The proposed zone change expands the Commercial zone to the south and utilizes the Open Space Zone to buffer the commercial uses from the established residential neighborhood. The applicant has indicated a willingness to record a conservation easement (or like instrument) to preserve the area in open space.

Plan of Conservation and Development



The 2012 Plan of Conservation and Development designates the area of Acorn Rd. for Low Density Residential uses. POCD policy recommends the protection of residential neighborhoods through the management of adjacent business uses and by ensuring adequate buffers are in place when business and residential uses abut (p. 76).

The policies of compatibility and protection of abutting residential uses must also be reconciled with the Town's commitment to business development and retention. The POCD states, “the Town should continue to promote business development in its commercial and industrial zones and work to retain existing businesses” (p. 88).

Conformity to the Comprehensive Plan

Section 8-2 of the General Statutes provides that zoning regulations “shall be made in accordance with a comprehensive plan.” The basic purpose in requiring conformity with a comprehensive plan—essentially the zoning ordinance and zoning map—is to prevent the arbitrary, unreasonable and discriminatory exercise of the zoning power. The requirement of conformity to a comprehensive plan serves as an effective brake upon spot zoning.¹ A community’s comprehensive plan evolves from the history of zoning in the town by the zoning commission, as reflected in the zoning regulations and zoning map. It is not to be confused with the plan of conservation and development, which is a planning concept within the exclusive control of the planning commission and is a blueprint for recommended future development of the community.²

Inland Wetlands Review

At their January 26, 2021 regular meeting, the Vernon Inland Wetlands Commission approved (3-0) a wetlands permit for the expansion of the inventory parking area based on the Commission's findings that the application presented no adverse impact to wetlands and watercourses as evaluated by the criteria of Section 10.2 of the Vernon Inland Wetlands Regulations. The IWC approval is subject to the following conditions:

1. The property shall be developed in conformance to the plan set (three pages) dated January 9, 2021, prepared by Messier Survey, LLC.
2. Property shall be developed in conformance with the mitigation measures and maintenance steps contained in the letter (five pages) prepared by REMA, LLC dated January 15, 2021. Following completion of the project a letter must be supplied from REMA to document that all mitigation steps were done according to this plan.
3. A P.E. familiar with porous pavement must sign off both on installation and maintenance.
4. Property owner must maintain maintenance logs for the porous pavement to show compliance with the REMA report dated January 15, 2021.
5. Plan will be modified to include erosion control of the topsoil stockpile during construction and sequence of construction.

The permit shall expire on January 26, 2026 unless otherwise extended by the Inland Wetlands Commission.

Site Plan Review

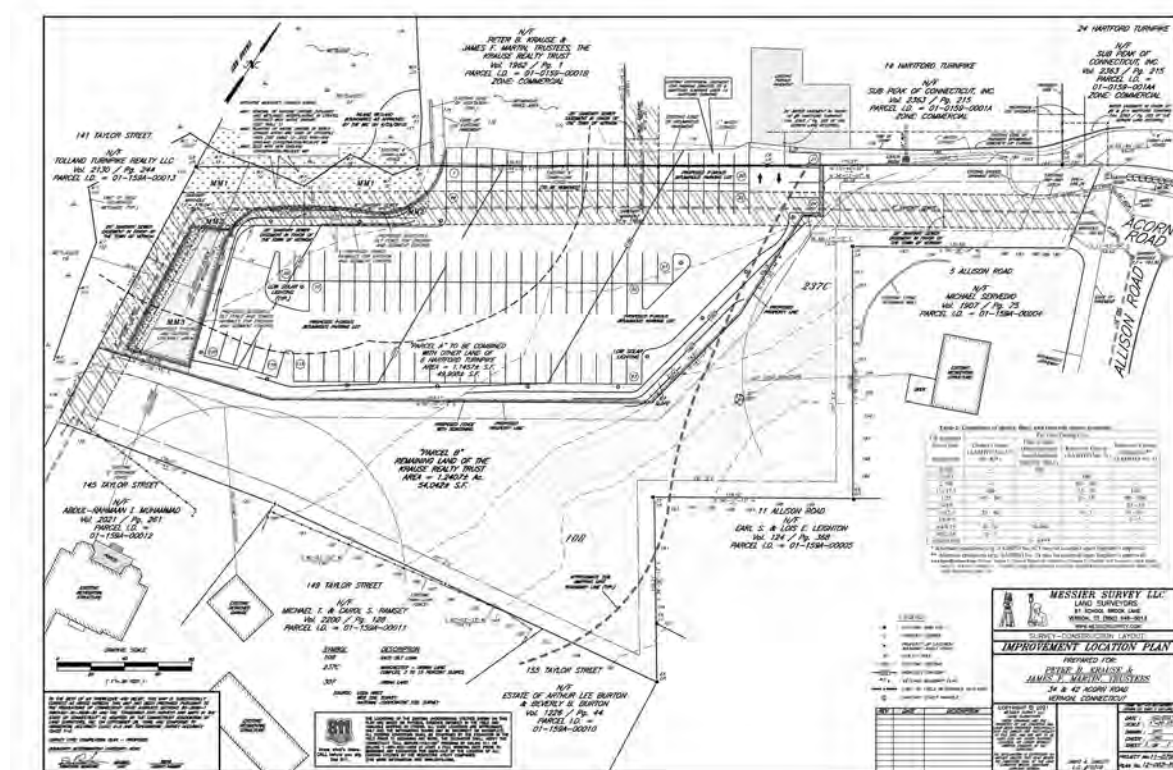
Note: The Zone Change Application PZ-2021-02 must be approved prior to action on the site plan.

The Applicant has submitted a site plan application showing +-120 space parking area to the rear of the Suburban Subaru dealership intended for new car inventory storage. The spaces will be 100% pervious pavement across the area. No new access points are proposed as the parking area will be accessed via

¹ Connecticut Land Use Law and Practice, Third Edition, Volume 9, 2007, § 4:3, pp. 62 & 63.

² Connecticut Land Use Law and Practice, Third Edition, Volume 9, 2007, § 4:4, pp. 65 & 66.

The Site plan meets the requirements of Section 14-Site Plans and meets the Zoning requirements of the Commercial district, Section 4.9.



A lot line adjustment will be required in order to combine the two rear lots (34 & 42 Acorn) into one lot (with a portion combined with the commercial parcel at 6 Hartford Tpke). That action may be accomplished by a condition of approval for the Zone Change.

There are no Staff related outstanding issues from the Zoning Official, Building Official, Fire Marshal, or Police Chief. For the site plan, the Town Engineer recommends the same conditions recommended for the Inlands Wetlands Application with one minor clarification.

Regarding the Zone Change, protecting residential neighborhoods when commercial uses encroach in our corridors should be balanced with the community's commitment to supporting local businesses. Most of Vernon's commercial businesses fall along the Route 83 and Route 30 corridors. A great many of those businesses have little opportunity to grow or expand due to the abutting residential uses. There is POCD policy to support the retention of businesses; allowing careful, planned expansion for these

businesses is a practical method for ensuring they can be successful in Vernon. Therefore, so long as an adequate buffer area is provided to protect the residential uses, the impacts can be mitigated.

The 1.24-acre parcel proposed as an Open Space Zone helps to accomplish this, providing a natural separation between the commercial use and the residential use. It is difficult to find other examples in Vernon where a buffer width of this size and amount of vegetation separates commercial from residential.

Draft Commission Specific Conditions for Consideration- In the event the PZC considers approval, Staff recommends the following:

PZ 2021-02 Zone Change

1. Subsequent to the Zone Change, The Applicant shall record a lot-line adjustment in substantial conformance to the "Boundary Line Adjustment Plan" prepared by Messier Survey LLC, dated 02/21 and identified as Sheet 2 in the submitted plan set.

PZ 2021-03 Site Plan

1. The property shall be developed in conformance to the Site plan set (seven pages) dated February, 2021, prepared by Messier Survey, LLC.
2. Property shall be developed in conformance with the mitigation measures and maintenance steps contained in the letter (five pages) prepared by REMA, LLC dated January 15, 2021. Following completion of the project a letter must be supplied from REMA to document that all mitigation steps were done according to this plan.
3. A professional engineer, familiar with porous pavement, must sign off both on installation and a maintenance plan for porous pavement. The maintenance plan shall be submitted to the Town Engineer prior to land disturbance on site.
4. Property owner must maintain maintenance logs for the porous pavement to show compliance with the REMA report dated January 15, 2021.
5. Plan will be modified to include erosion control of the topsoil stockpile during construction and sequence of construction.



AVON • BLOOMFIELD • BOLTON • BRISTOL • BURLINGTON • CANTON • COVENTRY • EAST GRANBY • EAST WINDSOR • EAST HARTFORD • ELLINGTON
ENFIELD • FARMINGTON • GLASTONBURY • GRANBY • HARTFORD • MANCHESTER • PLAINVILLE • SIMSBURY • SOMERS • SOUTH WINDSOR
STAFFORD • SUFFIELD • WEST HARTFORD • WETHERSFIELD • TOLLAND • VERNON • WILLINGTON • WINDSOR • WINDSOR LOCKS

Date: March 3, 2021

To: George K. McGregor, AICP, Town Planner
Town of Vernon Planning & Zoning Commission

From: Barbara Kelly, Program Coordinator, Registered Soil Scientist, SSSSNE
Certified Erosion Control Professional CPESC #2180
Mindy Gosselin, Natural Resource Scientist

Re: Site Plan of Development, Suburban Subaru, 6 Hartford Turnpike, Vernon, Connecticut –
PZ-2021-03

This review is conducted pursuant to Section 18 of the Town of Vernon Zoning Regulations. The review is limited to certification of the erosion control plan, based on compliance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (Guidelines).

District staff inspected the site on March 3, 2021. Staff reviewed a 7-page plan set titled "Survey-Subdivision-Construction Layout, Prepared for: Peter B. Krause & James F. Martin, Trustees, 34 & 42 Acorn Road, Vernon, Connecticut" (Plan). The Plan was prepared by Messier Survey, LLC, and dated February 2021.

To the rear of the existing developed 6 Hartford Turnpike parcel, the Plan proposes construction of a 33,689 square foot porous bituminous parking lot on a 2.3864 acre reconfigured lot that is being consolidated from 34 and 42 Acorn Road. Proposed work includes the permeable/porous pavement parking lot, security fencing, associated grading, and plantings on the northern portion of the site. The development also proposes a conservation easement along the southern portion of the site.

Background & Site Observations

Based on the Natural Resources Conservation Service Web Soil Survey, soils throughout the majority of the proposed construction area are mapped as Saco silt loam on 0 to 3 percent slopes. Manchester-urban land complex on 3 to 15 percent slopes is also mapped on the site. Where work is proposed, the erosion hazard of these soils is slight.

Currently, both 34 and 42 Acorn Road are wooded parcels with a number of large trees and a fairly open understory. The northern portion of the site, which abuts existing parking at 6 Hartford Turnpike, is relatively flat. The southern portion of the site slopes, gently to moderately, uphill toward the southeast. A wetlands complex is located in the northwest corner.

Comments/Recommendations

The Plan contains a detailed "Erosion and Sediment Control Plan and Construction Sequence" narrative and checklists. Clear guidance is given to promptly providing surface stabilization of any

Comments/Recommendations (cont'd)

disturbed soils. The Plan shows placement of perimeter controls, silt fence/hay bales downslope of proposed work areas and around stockpiles. The proposed routing of construction access through 6 Hartford Turnpike will minimize tracking of sediments onto Hartford Turnpike.

Based on the observed site conditions, the soil erosion and sediment control measures incorporated in the Plan are adequate and appropriate. The District hereby certifies that the Plan complies with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.

Thank you for the opportunity to comment.

From: [Darlene Zoller](#)
To: [McGregor, George](#)
Subject: [EXTERNAL] Krause Realty Zoning Change
Date: Wednesday, March 17, 2021 2:46:04 PM
Attachments: [ATT00001.txt](#)

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Per our phone conversation these are picture of our concerns regarding the reliability of Krause/Subaru.

Promises were made to provide natural obstructions to camouflage the view of the dealership. You will see that the trees that were planted have died (and have been dead for several years) and the fencing is in terrible condition.

We would appreciate if you would screen share these photos during the meetings.

Thank you for your attention to this matter.

From: [Elizabeth Tremblay](#)
To: [McGregor, George](#)
Subject: [EXTERNAL] PZ-2021-02 zone change from Residential to Commercial
Date: Thursday, March 18, 2021 4:44:29 PM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

George,

My name is Elizabeth Tremblay and I reside at 5 Hartl Drive, Vernon, CT. I oppose the zone change based on the impact the continued commercial creep has on residential areas, property values and way of life has on the homes and inhabitants.

The commercial business and travel from route 30/83 along with the reduced buffer has resulted in increased noise, unpleasant view and limited opportunity to increase the value of my home, which we have updated and maintained. During the more temperate months we are not able to enjoy having our windows open due to the noise from the surrounding commercial businesses. We take pride in our homes and neighborhoods and want to have the same enjoyment of our homes and yards as other neighborhoods in the Talcottville area have. The proposed "landscaping" to provide a buffer is not sufficient to reduce or eliminate the impact of losing the existing wooded buffer, further increasing the exposure to noise from route 30/83 and 84. To support my claim I am enclosing several pictures, two which were taken at 6:15 (still dark) this morning out of my bedroom window that show the light pollution and that you can see directly to the commercial businesses and Nissen car dealership, along with two additional pictures taken this afternoon. One that shows the same view out the bedroom window, the other out of the window in my kitchen to the back of the Shawmut equipment location. I am concerned with the continued loss of property value for my home. I sincerely hope the town will reject this proposed zoning change.

From: [Jeffry Schmidt](#)
To: [McGregor, George](#)
Subject: [EXTERNAL] Application (PZ-2021-02) Krause Realty Trust - Zone Change Request
Date: Tuesday, March 16, 2021 10:24:19 PM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Mr. McGregor,

My name is Jeffry Schmidt and my wife's name is Janet. We live at 27 Allison Road in Vernon. We have a few questions and comments we'd like the PZC to be aware of prior to the upcoming public hearing for the Krause Realty Trust Zone Change Request this Thursday, March 18.

1) Does the 100 foot open space buffer outlined in Mr. Krause's site plan start from the property line and extend into Mr. Krause's property or does it start from the back of the houses located on abutting properties (meaning it includes backyard open space)?

2) It is our understanding the proposed new parking area will be paved with permeable material allowing water to filter through to minimize run off. We attended the Inland Wetlands Commission meeting earlier this year and someone on the commission mentioned the most recent (5+ years ago) parking area expansion at Suburban Subaru was also made of this permeable material but is not working as efficiently as it should because it has not been properly maintained. Also, the bushes planted along Acorn Road and the fencing that was installed as part of this most recent expansion have not been maintained. I don't think any of the bushes have survived. The fence has also been damaged by falling branches and not repaired.)

Our concern is should this application be approved and the lots rezoned to commercial the proposed site details such as permeable parking area material and landscaping will not be properly maintained and we will have no legal recourse. What, if any, enforcement mechanism(s) do we (residents of Allison Road) or you (PZC) have to ensure these items are properly maintained over the coming years and not just in the short term? Can the Town/PZC levy fines or force a business to cease operation if proper maintenance is not performed?

Thank you.

Jeffry Schmidt
27 Allison Road
Vernon, CT
860-647-7631

APPLICATION

3

TOWN OF VERNON PLANNING & ZONING COMMISSION (PZC)

APPLICATION

This form is to be used to apply to the Vernon Planning & Zoning Commission (PZC) for a change of zoning district, amendment of the Zoning Regulations, Site Plan of Development (POD), Special Permit(s), amendment of the Subdivision Regulations, and/or approval of a (re) subdivision, or DMV location approval. **Provide all the information requested.**

The applicant must be the property owner, the property owner's agent, the Town of Vernon, or someone with a direct financial interest in the subject property; said interest shall be explained and written permission for this application must be obtained from the property owner and submitted with this application if the applicant is not the property owner (ZR Section 2.3).

The list of approvals and the references to sections of the Regulations are for informational purposes only to assist with preparation of the PZC application and are not a definitive statement of the sole requirements that may apply to a specific project.

The applicant understands that the application is complete only when all information and documents required by the PZC have been submitted and, further, that any approval by the PZC relies upon complete and accurate information being provided by the applicant. **Incorrect information provided by the applicant may make the approval invalid.** The PZC may require additional information to be provided by the applicant in the course of reviewing the application and during the monitoring of the project.

Provide all the information requested:

I. APPLICANT:

Name: The Krause Realty Trust

Title: _____

Company: _____

Address: 24 Hartford Turnpike
Vernon, CT 06066

Telephone: 860-649-6550 Fax: _____

E-mail pkrause@krausecars.com

II. PROPERTY OWNER (S):

Name: Same as applicant

Title: _____

Company: _____

Address: _____

Telephone: _____ Fax _____

E-mail: _____

III. PROPERTY

Address: 6 Hartford Turnpike; 34 Acorn Road; 42 Acorn Road

Assessor's ID Code: Map # * Block # * Lot/Parcel # * *See attached Addendum

Land Record Reference to Deed Description: Volume: * Page *

Does this site contain a watercourse and/or wetlands? (See the Inland Wetlands Map and IWR Section 2.14, 2.15, 2.23, 2.24, 3.11; 4)

 No X Yes

 No work will be done in regulated area

X Work will be done in the regulated area

X IWC application has been submitted (approved by IWC on 1/26/2021)

 IWC application has not been submitted

Zoning District See attached Addendum

Is this property located within five hundred (500) feet of a municipal boundary?

 No

X Yes:

 Bolton

 Coventry

 Ellington

X Manchester

 South Windsor

 Tolland

Check if Historic Status Applies:

 Located in historic district:

 Rockville

 Talcottville

 Individual historic property

IV. PROJECT

Project Name: Subaru Parking Expansion

Project Contact Person:

Name: Dorian R. Famiglietti

Title: Attorney for Applicant

Company: Kahan, Kerensky & Capossela, LLP

Address: 45 Hartford Turnpike

Vernon, CT 06066

Telephone: 860-646-1974 Fax: 860-647-8302

E-mail: dfamiglietti@kkc-law.com

V. PZC APPLICATION PROJECT SUMMARY

Describe the project briefly in regard to the purpose of the project and the activities that will occur. Attach to this application a complete and detailed description with maps and documentation as required by the "Town of Vernon Zoning Regulations" and "Town of Vernon Subdivision Regulations".

Purpose: Expansion of parking areas for inventory storage

General Activities: See attached Addendum

VI. APPROVAL (S) REQUESTED

Subdivision or Resubdivision

- Subdivision (Sub. Sec. 4, 5, 6)
- Resubdivision (Sub. Sec. 4, 5, 6)
- Minor modification of subdivision or resubdivision (Sub. Sec. 4.6)
- Town acceptance of a road (Sub. Sec. 6.5-6.8 & 9)
- Amendment of Subdivision Regulations (Sub. Sec. II)

See Subdivision Regulations Sec. 4 for application fee schedules.

 X **Soil Erosion and Sediment Control Plan (ESCP)** (ZR Sec. 2.117; 18) (Sub. 6.14)

 X **Site Plan of Development (POD)** (ZR Sec. 14)

- X POD approval (ZR Sec. 14.1.1.1; 14.1.2)
- Modification of an approved POD (ZR Sec. 14.1.1.1)
- Minor modification of a site POD (ZR Sec. 14.1.1.2)

Special Permit(s) (ZR Section 17.3)

- Special Permit in an aquifer area (ZR Sec. 2.4; 2.5; 2.119; 20)
- Special Permit for excavation (ZR Sec. 2.52; 2.79; 15)
- Special Permit for use in a district (ZR Sec. 1.2 & 4)

- Special Permit for lot coverage (ZR Sec. 1.2; 2.61; 2.68; 4)
- Special Permit for signs (ZR Sec. 1.2; 2.106-115; 4; 16; 21.7)
- Special Permit for parking (ZR Sec. 4; 12; 21.4)

- Special Permit for elderly housing (ZR Sec. 2.60; 17.4)
- Special Permit for Bed & Breakfast (B & B) (ZR Sec. 2.9; 17.3.4)
- Special Permit for serving alcohol (ZR Sec. 2.103, 17.1)

- Special Permit for massage (ZR Sec. 2.76-78; 4)
- Special Permit for telecommunications (ZR Sec. 2.21; 3.23 & 23)
- Special Permit for dumps and/or incinerators (ZR Section 8)

_____ Other Special Permit(s). Cite ZR Section and describe activity:

_____ Special Permit modifications (ZR Sec. 17.3.2.2). Cite ZR Section and describe activity.

_____ **Zoning:**

_____ Site specific change of zoning district and map (ZR Sec. 1.2; 1.3; 4)

_____ Amendment of Zoning Regulations (Sec. 1.2; 1.3; 4)

_____ Site specific change to the Aquifer Protection Overlay Zone Map (ZR Sec. 20.3.2)

See Zoning Regulations Section 22 for application fee schedules.

_____ Dealer or Repairer License (location approval for DMV)

Per Connecticut General Statutes (CGS) Section 8-26: If an application submitted to the Planning & Zoning Commission (PZC) involves any activity or area regulated under the wetlands statutes, an application for this activity must be filed with the Inland Wetlands Commission (IWC) on or before the day the Planning & Zoning Commission (PZC) application is filed by the applicant. (TWR Sec. 3.11)

Per CGS Sec. 8-31: If the proposed activity is to take place within a watershed of a Water company, the applicant is required to file a copy of the application with the Water Company via certified mail within seven (7) days of the date of the application. (TWR Sec. 4.3.6).

The applicant, undersigned, has reviewed the "Town of Vernon Planning and Zoning Regulations and Inland Wetlands and Watercourses Regulations" and has prepared this application with complete and accurate information:

Property Owner, Applicant, or Applicant's Agent:

	<u>2/16/2021</u>
Signature	Date
<u>Dorian R. Langguth, atty for owner/applicant</u>	
Signature	Date

TO BE FILLED IN BY THE PLANNING DEPARTMENT

Date Application Submitted _____

Date Application Received by Commission _____

PZC File: _____

ADDENDUM TO SITE PLAN APPLICATION

Applicant: Krause Realty Trust
Property: 6 Hartford Turnpike
34 Acorn Road
42 Acorn Road
Date: February 16, 2021

Properties involved:

6 Hartford Turnpike Zone: Commercial
Assessor's Parcel: 01-0159-0001B
Vernon Land Records: Volume 1962, Page 1

34 Acorn Road Zone: R-27
Assessor's Parcel: 01-159A-00002
Vernon Land Records: Volume 2662, Page 61

42 Acorn Road Zone: R-27
Assessor's Parcel: 01-159A-00001
Vernon Land Records: Volume 2662, Page 61

The Krause Realty Trust (the "Applicant") is the owner of the three (3) above referenced properties. The Applicant presently operates a Subaru car dealership on the property at 6 Hartford Turnpike (as well as on properties at 14 and 24 Hartford Turnpike, however the latter 2 properties are not part of this application). The Applicant acquired the properties at 34 and 42 Acorn Road in June, 2020 in order to provide additional parking area for the car dealership.

The Applicant seeks to use a portion of the Acorn Road properties to provide additional inventory parking (for new cars) for its Subaru dealership. The details of the proposed parking area are set forth on sheets 5 and 6 of the attached plan set.

To accomplish this objective, the Applicant proposes to reconfigure the lots lines of the Acorn Road properties (as shown on sheet 2 of the attached plan set) into Parcels A and B, such that:

- Parcel A, containing 1.1457 acres of the Acorn Road properties, will then be merged into the parcel at 6 Hartford Turnpike; and
- Parcel B, containing 1.2407 acres of the Acorn Road properties, will remain as a separate lot.

It should be noted that the lot line reconfiguration does NOT require zoning, subdivision or resubdivision approval because no new lots are being created. Two (2) lots exist today (34 and 42 Acorn Road) and one (1) lot will exist after the lot line reconfiguration.

The Applicant, by separate application, has requested approval of a zone change (as shown on sheets 3 and 4 of the attached plan set) as follows:

- Parcel A will be changed from R-27 to Commercial; and
- Parcel B will be changed from R-27 to the Open Space Zone.

Once Parcel A is rezoned to Commercial, the use of that parcel for parking associated with the car dealership is permitted, subject to site plan approval (see Section 4.9.2.12 of the Zoning Regulations). As such, this application seeks approval of the site improvements necessary to create the additional parking area on Parcel A, the details of which are set forth on sheets 5 and 6 of the plan set. Those site improvements include installation of:

- 33,689 SF of permeable/porous pavement;
- Security fencing (with privacy screening);
- Low level solar lighting mounted on poles approx. 3 ft high (see specifications attached);
- Grading per the attached site plan; and
- Plantings per the attached site plan.

In addition to the proposed improvements, the Applicant proposes to place a Conservation Easement over Parcel B to further protect that parcel from future development.

In addition to the site plan approval, since the plan contemplates the disturbance of over ½ acre of land, the proposal also requires approval of the Erosion and Sediment Control Plan (see Section 18 of the Zoning Regulations). Details of the proposed erosion controls are also shown on sheets 5 and 7 of the plan set.

The Applicant does not expect the proposed improvements to have a negative impact on traffic on the surrounding roadways. The proposed parking area will be used for storage of additional inventory only and, as such, will not generate additional trips to the dealership. Furthermore, the proposed parking area will be accessed solely by means of the existing curb cut and driveway areas associated with 6 Hartford Turnpike and will not require the creation of a new access drive from Acorn Road. Still further, with the rezoning of Parcel B to the Open Space Zone and placement of a Conservation Easement over it, it will eliminate the possibility of a driveway associated with future development of that lot from Acorn Road. Instead, Parcel B will remain undeveloped and there will be no need for vehicular access to the same from Acorn Road.

The Applicant and its consultants will make a full presentation of the application at the Commission's meeting on this application.

📞 1-800-985-4129 (tel:1-800-985-4129) | ✉️ sales@outdoorsolarstore.com (mailto:sales@outdoorsolarstore.com)

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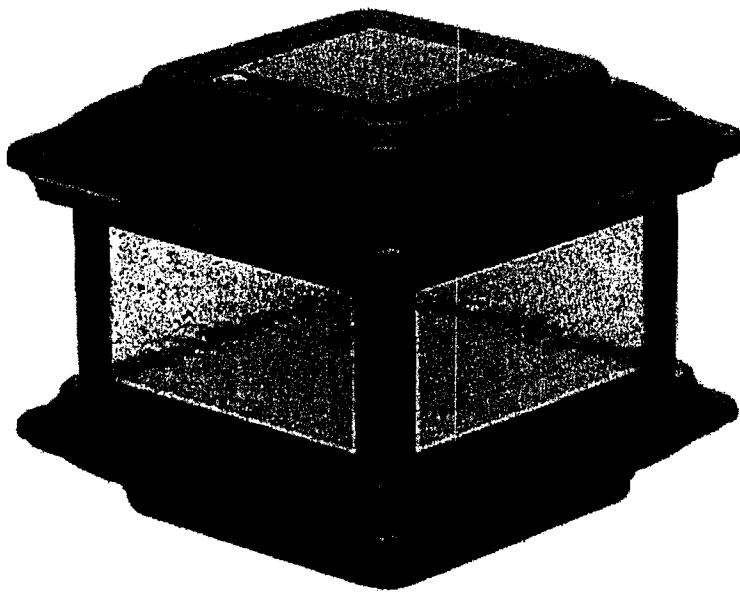


(/pages/shipping-policy)



🛒 0 (/cart)

🏠 (/) / [Solar Fence Cap Lights \(/collections/solar-fence-post-lights\)](/collections/solar-fence-post-lights) / Colonial Solar Cap Light - Black



(//cdn.shopify.com/s/files/1/1670/6415/products/Colonial_Solar_Fence_Light_1024x1024.jpg?v=1521729295)



Colonial Solar Cap Light - Black

Availability: **In Stock** ★★★★★ 8 reviews

Quantity :

-	1	+
---	---	---

\$35.00 Add To Cart

MORE INFO

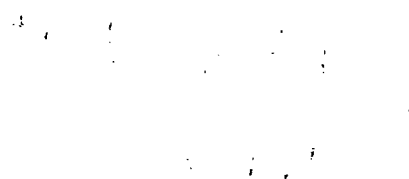
COLONIAL BLACK SOLAR CAP FENCE POST LIGHT

With its cast aluminum construction, black powder coated finish and real pebble style glass panels, the Colonial solar powered fence post light is both stylish and durable.

Get 12 hours of vivid white lighting out of its two super bright, solar powered LED lights and illuminate any outdoor deck, patio or property line!

SPECIFICATIONS:

- Model Number: SL088
- Finish Color: Black
- Material: Heavy Duty Vinyl
- Total LED's: 2 Super Bright LED Lights
- LED Color: White
- Battery: AA Ni- MH rechargeable
- Operating Time: 10-12 hours
- Operation: Auto On/Off (Dusk Till Dawn)
- **Fits These Post Sizes: 3.5" x 3.5"**
- 1X Cap Light
- **1 Year Manufacturer Warranty**



REVIEWS

STATUTORY FORM WARRANTY DEED

HRK ASSOCIATES, LLC, a Connecticut limited liability company having an office in Coral Gables, Florida, formerly known as HRK Associates, for consideration paid, grants to **PETER B. KRAUSE and JAMES F. MARTIN, AS TRUSTEES OF THE KRAUSE REALTY TRUST DATED OCTOBER 30, 2007**, having an address of 24 Hartford Turnpike, Vernon, CT 06066, with **WARRANTY COVENANTS**, those certain pieces or parcels of land, situated in the Towns of Vernon and Manchester, County of Tolland and State of Connecticut, known as 6 Hartford Road, Vernon, and being more particularly bounded and described on Exhibit A attached hereto and made a part hereof.

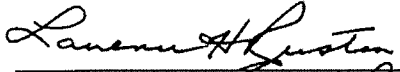
BALANCE OF PAGE INTENTIONALLY LEFT BLANK

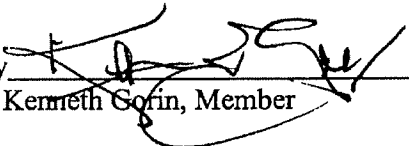
CONVEYANCE TAX RECEIVED
STATE \$ 10070.63
TOWN \$ 2517.66
Bernice K. Dixon
TOWN CLERK OF VERNON

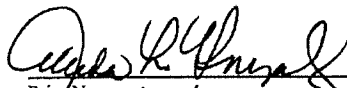
Signed this 30 day of October, 2007.

Witnessed by:

HRK ASSOCIATES, LLC


Print Name: Lawrence H. Rustin

By 
Kenneth Gorin, Member

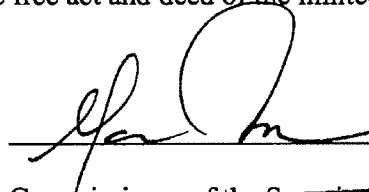

Print Name: Aleida L. Gonzalez

ACKNOWLEDGMENT ON FOLLOWING PAGE

STATE OF FLORIDA)
) ss.
COUNTY OF DADP)

October 30, 2007

Personally appeared, Kenneth Gorin, Member of HRK Associates, LLC a Connecticut limited liability company, signer of the foregoing instrument and acknowledged the same to be his free act and deed as such member and the free act and deed of the limited liability company, before me.



~~Commissioner of the Superior Court~~
Notary Public
My Commission Expires: _____



Grantee's Mailing Address:

24 Hartford Turnpike
Vernon, CT 06066

EXHIBIT A

First Piece

That certain piece or parcel of land located on Route 83 in the Town of Vernon, County of Tolland and State of Connecticut, bounded and described as follows:

- NORTHERLY: by Route #83, Two Hundred (200) feet;
- EASTERLY: by land now or formerly of Ted Trudon, Inc., Two Hundred Twenty-Eight and Thirty-Four One-Hundredths (228.34) feet;
- SOUTHERLY: by land now or formerly of L. P. Fitzgerald, Inc. designated as Lots No. 22, 23 and 24, in part by each in all, Two Hundred (200) feet, as shown on a certain map entitled, "Map of The Country Square Property of Franklin G. Welles Welles Road, Vernon, Conn. Scale 1" = 50' Nov. 8, 1955 Hayden L. Griswold, C.E."; and
- WESTERLY: by land now or formerly of Shawmut Equipment Co., Inc., Two Hundred Twenty-Eight and Thirty-Four One-Hundredths (228.34) feet.

The Northwest corner of the premises herein is at a point situated Seven Hundred Eighty-One and Seventy-Five One-Hundredths (781.75) feet westerly of the intersection of the westerly line of Welles Road with the Southerly line of Route #83, as measured along said Southerly line of Route #83.

Second Piece

That certain or piece or parcel of land situated in the Towns of Manchester and Vernon, in the State of Connecticut, more particularly bounded and described as follows:

Beginning at a Connecticut Highway Department monument on the Southerly street line of Tolland Turnpike, said monument being on the Manchester-Vernon Town Line, thence N 55°44'32" E 12.00' along the Southerly street line of Tolland Turnpike to a point, which point is the Northwest corner of property of Hyman R. and Roslyn M. Goralnick, thence S 5°20'28" E 228.34' along the Westerly property line of Hyman R. and Roslyn M. Goralnick to a point, then N 15°43'21" E 210.62' to a point on the Southerly street line of Tolland Turnpike, the last course running through property of the Shawmut Equipment Company, Inc., thence N 55°44'32" E 32.00' to the point of beginning. Said parcel contains 0.101 acres.

Being a certain piece or parcel of land known as Parcel A as shown on a map or plan entitled: Subdivision Plan for Shawmut Equipment Company, Inc., 20 Tolland Turnpike, Manchester, CT., dated 2-20-86, revised 4-11-86, Fuss & O'Neill, Inc. Consulting Engineers, and recorded in the Manchester Land Records; and as shown on a map entitled: Property Mapped for Shawmut Equipment Company, Inc., 20 Tolland Turnpike, Manchester, CT., dated 2-20-86, Fuss & O'Neill, Inc. Consulting Engineers, and recorded in the Vernon Land Records.

Being the same premises conveyed to HRK Associates by Statutory Form Quit Claim Deed from Hyman R. Goralnick and Roslyn M. Goralnick dated June 9, 1986 and recorded in Volume 580 at Page 315 of the Vernon Land Records and in Volume 1046 at Page 18 of the Manchester Land Records

Third Piece

those three certain pieces or parcels of land, with the buildings and improvements thereon, situated in the Town of Vernon, County of Hartford and State of Connecticut, being Lots 22, 23 and 24 as shown on a survey entitled: "Property Mapped for L.P. Fitzgerald Ford Inc. Rockville, CT 06066 Acorn Road Vernon, Conn. Scale 1" = 50' Job No. 76-323-D Aug. 1976 Sheet No. 1 of 1 Griswold & Fuss, Inc. Consulting Engineers and Surveyors Manchester, Connecticut", which map is on file in the Vernon Town Clerk's Office to which reference may be made and being more particularly bounded and described as follows:

BEGINNING at a point, which point is the northwesterly corner of the premises herein described and is the southwesterly corner of land now or formerly of Austin A. Chambers Co. and which property is also along the easterly boundary of land now or formerly of Garrity Brothers;

THENCE from said point and place of beginning in a general easterly boundary of Lot No. 21 on said map, in a general southerly direction, 150 feet, to a point along the northerly side of a proposed road known as Acorn Road;

THENCE in a general westerly direction along the northerly boundary of the proposed road known as Acorn Road, a distance of 395 feet, to a point on the general easterly boundary of land now or formerly of Garrity Brothers;

THENCE in a general northerly direction along the easterly boundary of land now or formerly of Garrity Brothers, 171.25 feet, to the point and place of beginning.

Said premises are conveyed subject to:

AS TO FIRST PIECE

1. Second half real estate taxes to the Town of Vernon on the List of October 1, 2006 and real estate taxes to the Town of Vernon on the List of October 1, 2007, not yet due and payable, which taxes the Grantees assume and agree to pay as part consideration for this deed.
2. Restrictions set forth in a deed from Franklin G. Welles and Dorothy M. Welles to The Austin A. Chambers Company dated September 8, 1958 and recorded in Volume 105 at Page 246 of the Vernon Land Records.
3. Sewer Easement from Hyman R. Goralnick and Rosalyn M. Goralnick to the Town of Vernon dated October 7, 1980 and recorded in Volume 402 at Page 350 of the Vernon Land Records.
4. Caveat by The Water Pollution Control Authority of the Town of Vernon dated March 22, 1982 and recorded in Volume 429 at Page 257 of the Vernon Land Records.
5. Certificate of Notice of Installment Payments of Assessments Of Benefits recorded on March 15, 1983 in Volume 450, Page 5 of the Vernon Land Records.
6. Developers Permit Agreement between Hyman R. Goralnick and Water Pollution Control Authority dated December 12, 1985 and recorded in Volume 547 at Page 126.

AS TO SECOND PIECE

7. Second half real estate taxes to the Town of Vernon on the List of October 1, 2006 and real estate taxes to the Town of Vernon on the List of October 1, 2007, not yet due and payable, which taxes the Grantees assume and agree to pay as part consideration for this deed.
8. Second half real estate taxes to the Town of Manchester on the List of October 1, 2006 and real estate taxes to the Town of Manchester on the List of October 1, 2007, not yet due and payable, which taxes the Grantees assume and agree to pay as part consideration for this deed.
9. Restrictions set forth in a deed from Charles Lazak and Ethel G. Lazak to Harold W. Garrity and Thomas E. Garrity dated January 2, 1947 and recorded in Volume 183 at Page 427 of the Manchester Land Records.

AS TO THIRD PIECE

10. Second half real estate taxes to the Town of Vernon on the List of October 1, 2006 and real estate taxes to the Town of Vernon on the List of October 1, 2007, not yet due and payable, which taxes the Grantees assume and agree to pay as part consideration for this deed.

RECORDED IN
VERNON LAND RECORDS
Bernice K. Dixon
VERNON TOWN CLERK
ON Nov 01, 2007 AT 11:53A

Return to:
Krause Realty Trust
24 Hartford Turnpike
Vernon, CT 06066

STATUTORY FORM WARRANTY DEED

IT, **ANTHOS ACORN 32-34, LLC**, a Connecticut limited liability company, having a place of business in the Town of Nanuet, and State of New York (the "Grantor"),

for the consideration of SIXTY-FIVE THOUSAND AND 00/100 DOLLARS (\$65,000.00) paid grants to **KRAUSE REALTY TRUST**, having a place of business in the Town of Vernon, County of Tolland and State of Connecticut (the "Grantee")

with WARRANTY COVENANTS:

A certain piece or parcel of land, situated in the Town of Vernon, County of Tolland and State of Connecticut, known as 34 Acorn Road (Parcel No. 01159A00002) and 42 Acorn Road (Parcel No. 01159A00001), and more fully described in Schedule A attached hereto and made a part hereof.

Said premises are subject to any and all provisions of any ordinance, municipal regulation, or public or private law.

Said premises are subject to Taxes due the Town of Vernon on the List of October 1, 2019, which taxes the Grantee herein assumes and agrees to pay as part consideration for this conveyance.

Said premises are subject to the following:

As to both 34 Acorn Road 42 Acorn Road:

- (a) A utility easement in favor of The Connecticut Light and Power Company dated June 4, 1956 and recorded June 21, 1956 in Volume 107 at Page 30 of the Vernon Land Records.
- (b) Caveat dated June 15, 1978 and recorded June 21, 1978 in Volume 336 at Page 10 of the Vernon Land Records.
- (c) Notice dated August 15, 1980 and recorded August 18, 1980 in Volume 388 at Page 163 of the Vernon Land Records.
- (d) Certificate of Taking dated October 22, 1980 and recorded October 22, 1980 in Volume 394 at Page 264 of the Vernon Land Records.
- (e) Certificate of Notice of Assessments and Deferral of Payments recorded April 3, 1991 in Volume 828 at page 246 of the Vernon Land Records.

CONVEYANCE TAX RECEIVED
STATE \$ 487.50
LOCAL \$ 162.50
KAREN C. DAIGLE
TOWN CLERK OF VERNON

(f) Affidavit dated December 27, 2008 and recorded December 28, 2007 in Volume 1971 at page 239 of the Vernon Land Records.

(g) Building lines, notes, sanitary easements and 20' conservation easement to be deeded to the Town of Vernon as shown on map.

As to 42 Acorn Road only:

(h) Certificate of Notice of Installment Payment of Assessment of Benefits recorded March 23, 1983 in Volume 451 at page 129 of the Vernon Land Records.

As to 34 Acorn Road only:

(i) Certificate of Notice of Installment Payment of Assessment of Benefits recorded March 23, 1983 in Volume 451 at page 127 of the Vernon Land Records.

(j) Certificate of Notice of Installment Payment of Assessment Benefits recorded March 23, 1983 in Volume 451 at page 128 of the Vernon Land Records.

(signature page to follow)

Signed this 10 day of June, 2020.

Signed, sealed and delivered
in the presence of:

Cheryl Adler

ANTHOS ACORN 32-34, LLC

By: [Signature]
Haralambos Kostopoulos
Its Member, duly authorized

STATE OF NEW YORK)

) ss.

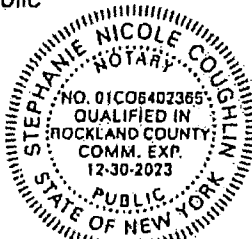
June 10 2020

COUNTY OF Rockland

On this 10 day of June, 2020, before me, Stephanie Coughlin, the undersigned officer, personally appeared Haralambos Kostopoulos who acknowledged himself to be the Member of ANTHOS ACORN 32-34, LLC, and that he as such Member, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Member, duly authorized.

[Signature]
Notary Public

Grantee's Address:
24 Hartford Turnpike
Vernon, CT 06066



VOL: 2662 PG: 64
INST: 1884

SCHEDULE A

LEGAL DESCRIPTION

A certain piece or parcel of land situated in the Town of Vernon, County of Tolland and State of Connecticut, shown as "LOT 1" on a map entitled "ACORN ROAD VERNON, CONNECTICUT REAR LOT APPLICATION 2.68 ACRES, ALL LOTS - ZONE R-27 PREPARED FOR HOMEOWNERSHIP ASSISTANCE 649 BURNSIDE AVE EAST HARTFORD, CT JOB NO: 04-P34 DRAWN BY: T.I. DESIGNED BY: T.I. CHECKED BY: T.I. DATE: 3/1/06 SCALE: 1" = 40' DRAWING NO: C1 ENGINEERS: INGA CONSULTING ENGINEERS ANDREW T. INGA 139 WHITNEY STREET HARTFORD, CONNECTICUT REG. 14894 PHONE 860-233-4991 SURVEYOR: OSWALD BUNT REGISTERED LAND SURVEYOR WINDSOR, CONNECTICUT REG. 12048 REVISIONS 0 3/1/06 1 6/7/06 Conservation easement, driveway turn around 2 7/21/06 Relocate Road and Detention Basin" said map has been filed as map #5036 in the land records of the Town of Vernon where a more particular description may be had.

A certain piece or parcel of land situated in the Town of Vernon, County of Tolland and State of Connecticut, shown as "LOT 2" on a map entitled "ACORN ROAD VERNON, CONNECTICUT REAR LOT APPLICATION 2.68 ACRES, ALL LOTS - ZONE R-27 PREPARED FOR HOMEOWNERSHIP ASSISTANCE 649 BURNSIDE AVE EAST HARTFORD, CT JOB NO: 04-P34 DRAWN BY: T.I. DESIGNED BY: T.I. CHECKED BY: T.I. DATE: 3/1/06 SCALE: 1" = 40' DRAWING NO: C1 ENGINEERS: INGA CONSULTING ENGINEERS ANDREW T. INGA 139 WHITNEY STREET HARTFORD, CONNECTICUT REG. 14894 PHONE 860-233-4991 SURVEYOR: OSWALD BUNT REGISTERED LAND SURVEYOR WINDSOR, CONNECTICUT REG. 12048 REVISIONS 0 3/1/06 1 6/7/06 Conservation easement, driveway turn around 2 7/21/06 Relocate Road and Detention Basin" said map has been filed as map #5036 in the land records of the Town of Vernon where a more particular description may be had.

RECORDED IN
VERNON LAND RECORDS
KAREN C. DAIGLE
VERNON TOWN CLERK
ON JUN 22, 2020 AT 03:01 PM