

**SUMMARY APPRAISAL REPORT**

**325 Commerce Drive**

**Canton, Connecticut**

**DATE OF VALUATION**

**January 8, 2013**

**PREPARED FOR:**

**Mr. Robert Skinner  
Chief Administrative Officer  
Town of Canton  
4 Market Street  
Collinsville, Connecticut 06022**

**Prepared by:**

**J. F. Mulready Company LLC  
One Financial Plaza Suite 1975  
Hartford, Connecticut 06103**

## J.F. MULREADY COMPANY, LLC

*Real Estate Appraisers and Municipal Consultants*

January 25, 2013

Mr. Robert Skinner  
Chief Administrative Officer  
Town of Canton  
4 Market Street  
Collinsville CT 06022

Dear Mr. Skinner:

At your request this office has appraised a property owned by Canton Commerce Center Associates Inc. located at 325 Commerce Drive in Canton. The property is a vacant lot with 4.75 acres of land zoned in the Industrial Park District and is planned for development by the Town of Canton for municipal use. This zone does not allow for the development of municipal, community, or public facilities. This creates a hypothetical condition. A hypothetical condition is defined by the Uniform Standards of Professional Appraisal Practice (USPAP) as a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

This report submitted represents a Summary Appraisal Report in accordance with the Uniform Standards of Professional Appraisal Practices (USPAP). The purpose of this appraisal is to provide an opinion of value as of January 8, 2013.

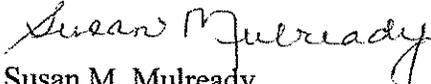
Data on the subject properties was obtained through various sources including physical inspection of the properties, review of municipal data, discussions with market participants, and discussions with municipal officials. Market data utilized was developed through searching various sources including brokers, published sales records, public records and published reports.

The analysis undertaken in this appraisal report included the development of the Sales Comparison Approach. The Cost Approach and Income Approach to Value were considered but not utilized. The Sales Comparison Approach is the most common method of valuing vacant land. The information and opinions contained in the report set forth the appraiser's best judgment in light of the information available at the time of the preparation of this report.

Based on the all the data as fully explained in this report it is my opinion that the property has a market value as of January 8, 2013 of \$448,700.

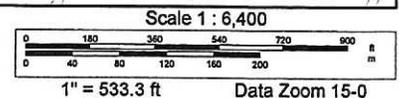
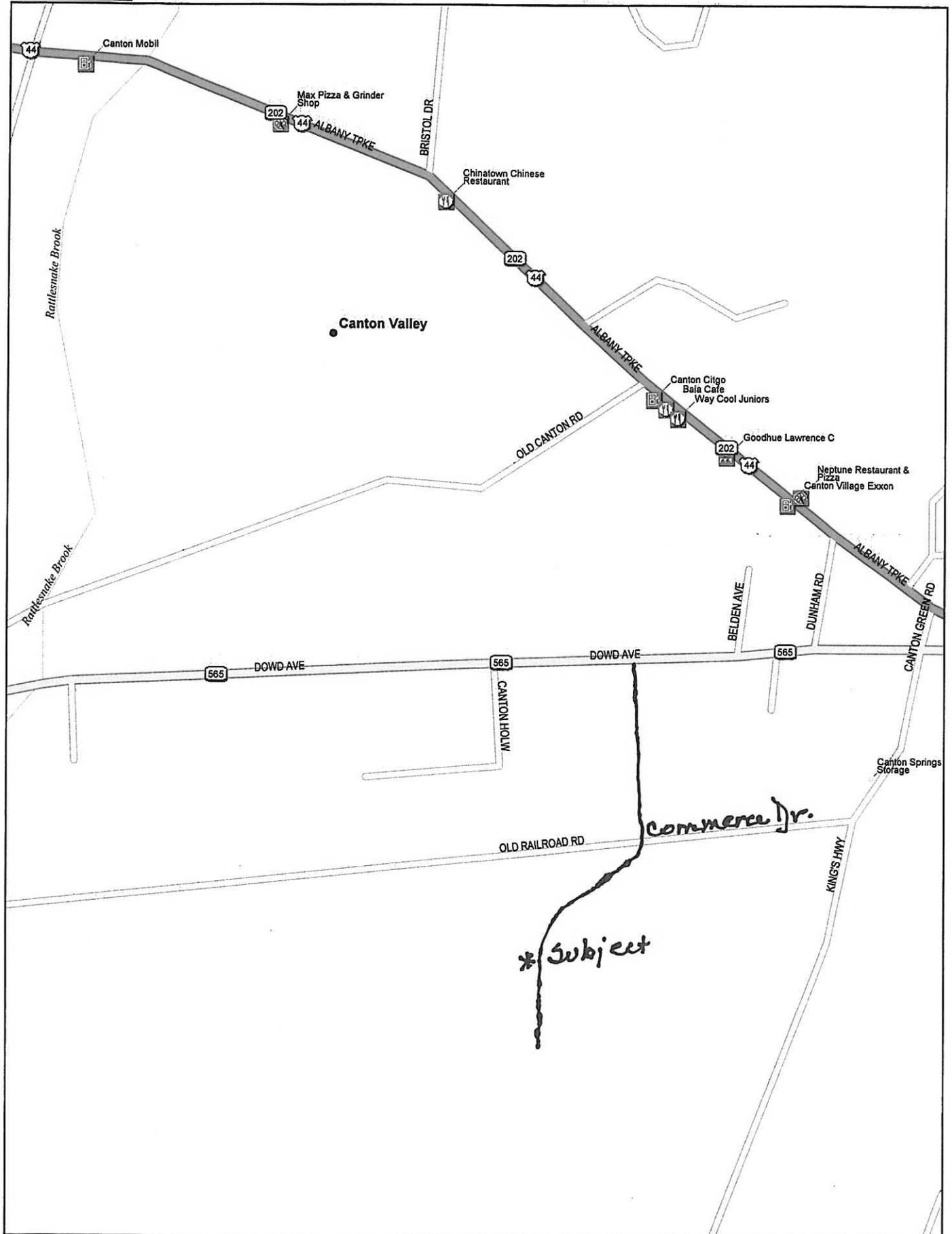
If I may provide more information to assist you regarding this property please feel free to call me.

Sincerely,

  
Susan M. Mulready  
CT Certified General Appraiser #1093

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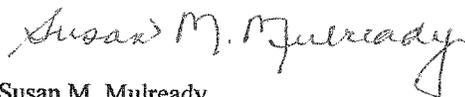




## Certification

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions;
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved;
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of the Professional Appraisal Practice of the Appraisal Institute.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- I have provided no services, as appraisers or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding acceptance of this assignment.
- Susan M. Mulready personally inspected the exterior and interior of the subject properties and reviewed all of the comparable sales from the exterior.
- As of the date of this report Susan have completed the requirements for continuing education for the State of Connecticut.



Susan M. Mulready  
CT CG #1093 Exp. 4/30/2013

## Statement of General and Limiting Conditions

This report has been prepared under the following assumptions and limiting conditions:

- Information furnished by others is assumed to be true, factually correct, and reliable. No effort has been made to verify such information and no responsibility for its accuracy is assumed by the appraiser. *Should there be any material error in the assumptions in this report, the results of this report are subject to review and revision.*
- All mortgages, liens and encumbrances have been disregarded unless so specified within this report. The subject property is analyzed as though under responsible ownership and competent management. It is assumed in this analysis that there were no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering, which may be required to discover them. No responsibility is assumed for legal matters existing or pending, nor is opinion rendered as to title, which is assumed to be good.
- It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless non-compliance is noted.
- It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the analysis.
- It is assumed that all required licenses, consents or other legislative or administrative authority from any local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- Possession of this report, or a copy thereof, does not carry with it the right of publication.
- The appraiser assume that there is no hazardous waste contaminating the subsoil or improved property. The appraiser is not qualified to detect such substances on the property or to evaluate the effect of such substances on the value of the property.
- Unless prior arrangements have been made, the appraiser, by reason of this report, is not required to give further consultation or testimony, or to be in attendance in court with reference to the property that is the subject of this report.
- The conclusions apply only to the property specifically identified and described herein.
- The appraiser has made no legal survey nor have they commissioned one to be prepared. Therefore, reference to a sketch, plat, diagram or previous survey appearing in the report is only for the purpose of assisting the reader to visualize the property unless otherwise stated.

- Disclosure of the contents of this report is governed by the Bylaws and Regulations of the Appraisal Organizations with which the appraisers are affiliated with.
- The signatory of this appraisal is a fully qualified appraiser who have been involved in the valuation and/or review of similar properties. The education and experience in valuing and reviewing similar properties satisfies the competency provision of USPAP. Steps taken by the appraiser to familiarize themselves with this specific product included; interviews with active market participants, review of comparable sales and review of relative costs for the developmental lot method. The qualifications of the appraiser is attached.
- This appraisal report sets forth all of the limiting conditions imposed by the terms of our assignment or by the undersigned affecting the analysis, opinions and conclusions contained herein.
- The State of Connecticut requires the registration of all underground storage tanks. Unless otherwise stated, the appraisers have not verified compliance. The stated value conclusion does not reflect any loss on value resulting from undisclosed, unknown or unregistered underground storage tanks.
- If the appraisal is made for insurance purposes only, values reported do not necessarily represent market values. In the event that this appraisal is used as a basis to set a market price, no responsibility is assumed for the seller's inability to obtain a purchaser at the value reported within.
- Neither all, nor part of the contents of the report, or copy thereof (including conclusions to any professional appraisal organizations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgages or its successors and assigns, mortgage insurers, consultants, professional appraisal financial institutions, any department, agency or instrumentality of the United States or any state or the District of Columbia, without the previous written consent of the appraisers; nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent and approval of the appraisers.
- The Americans with Disabilities Act (ADA) became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance with the requirements of the ADA in estimating the value of the property. The appraisers are not experts in the requirements for compliance with the ADA and that the owner is responsible for compliance with this act. The appraisers

recommend an inspection by a qualified individual be made, as we do not have the qualifications to determine compliance to this act.

## **Identification of Subject Property**

Owner: Canton Commerce Center Associates LLC

Location: 325 Commerce Drive, Canton, Connecticut

## **History of Appraisal**

In developing a real property appraisal Standard 1-5 states that the appraiser must also consider and analyze prior and/or pending transfers or related listings or options having occurred within the past three year period. There is a sign at the entrance to Commerce Drive listing the property is for sale.

## **Purpose of Appraisal**

The purpose of this appraisal is to estimate the market value of the subject properties as of January 8, 2013.

## **Scope of Work**

Data on the subject property was obtained through various sources including an inspection of the property and a search of the town's records of the Town of Canton. Market data utilized was generally developed through searching various sources, those being residential brokers, published records and public records.

The scope of this report involves a process in which the valuation problem is defined, the necessary procedures are planned, and the required data is gathered and interpreted. In determining the estimated market value of the fee simple interest in the subject property, the Sales Comparison Approach was utilized by the appraiser. The Cost Approach and the Income Approach were considered but not utilized. The Sales Comparison Approach is the method most used to value vacant land.

The appraiser looked for sales of vacant land zoned for industrial use in the Farmington Valley. No industrial property in Canton sold in the last two years. The appraiser also searched for vacant lot sales in industrial parks where roads and utilities were already in place.

## **Property Rights Appraised**

Fee Simple – Absolute ownership unencumbered by any other interest or estate subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

## **Personal Property**

The real estate value estimates presented within this report exclude all items of personal property.

## **Exposure Period**

Exposure time is defined by the *Standards of Professional Appraisal Practice* of the Appraisal Institute, Statement on Appraisal Standards No. 6, printed in January, 1995 and revised as of January 1, 2012 as follows:

“The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.”

The typical exposure period for properties comparable to the subjects is estimated to be 6 to 12 months, assuming competent marketing efforts and an appropriate asking price relative to the market value estimate.

## **Date of Value Estimate**

The effective date of value for the value estimate developed in this report is January 8, 2013. The appraisal report is dated January 25, 2013.

## **Intended Users**

This report is for use by the Town of Canton and their legal counsel. The information and opinions contained in this appraisal sets forth the appraiser's best judgment in light of the information available at the time of the preparation of this report. Any use of this appraisal by any other person or entity or any reliance or decisions based on this appraisal are the sole responsibility and at the sole risk of the third party. The appraiser accepts no responsibility for damages suffered by any third party as a result of reliance on or decisions made or actions taken based on this report.

## Definition of Market Value

"Market Value" means the most probable price, which a property should bring in a competitive and open market under all conditions, requisite to a fair sale, the buyer and the seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) Buyer and seller are typically motivated;
- (2) Both parties are well informed or well advised, and acting in what they consider their own best interests;
- (3) A reasonable time is allowed for exposure in the open market;
- (4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Source: Federal Register, Vol. 55, No. 161  
August 20, 1990 Rules and Regulations  
Federal Deposit Insurance Corporation  
12CFR Part 323.2

Assessment

The subject property is assessed for the October 1, 2011 Grand List as follows:

	100% Value	70% Value
Land	\$ 14,240	\$ 9,970

The taxes for the period from July 1, 2012 to June 30, 2013 are \$263.41 based on the current mill rate of 26.42 mills.

## **Regional, Town and Neighborhood Data**

The subject property is located in Canton, part of the Capital District Regional Planning area. Nearby towns within this planning area include Avon, Farmington, and Simsbury. The dominant municipality within this region is the city of Hartford, which is a primary provider of sources of employment and retail goods and services. The westerly portion of the Capital Planning Region is primarily composed of residential suburbs, with limited supporting retail facilities and a scattering of local employment.

The Town of Canton has an estimated population of 10,335 people. The town is 25 square miles with a population density of 421 people per square mile. The town is governed by a First Selectman – Town Meeting form of government.

The Town of Canton was incorporated in 1806. The Collins Axe Company was one of the first ax factories in America and the factory buildings are located in Collinsville. An employee, Elisha Root invented the industrial technique of die casting to make the ax heads.

The subject property is located in an industrial park off Dowd Avenue. This is approximately one half mile from US Route 44. The industrial park is mostly undeveloped. Commerce Drive leads into a residential subdivision.

<b>Central Connecticut Area Demographics</b>					
<b>Town</b>	<b>1990 Population</b>	<b>2000 Population</b>	<b>2011 Estimated Population</b>	<b>2016 Projected Population</b>	<b>Projected % Increase 2011-2016</b>
Avon	13,937	15,832	18,175	18,658	0.5%
Barkhamsted	3,369	3,494	3,831	3,858	0.1%
Burlington	7,026	8,190	9,282	9,511	0.5%
Canton	8,268	8,840	10,335	10,564	0.4%
Farmington	20,608	23,641	25,523	26,556	0.8%
Granby	9,369	10,347	11,364	11,504	0.2%
New Hartford	5,769	6,088	6,882	6,887	0.0%
Simsbury	22,023	23,234	23,438	23,751	0.3%
Hartford County	851,783	857,183	902,919	938,438	0.8%
State of CT	3,287,116	3,405,565	3,610,073	3,754,486	0.8%

Source: CERC (formerly Connecticut Economic Resource Center)

<b>Regional Economy</b>							
<b>Town</b>	<b>Median Household Income 2011</b>	<b>Median Residential Sale 2009</b>	<b>Unemployment Rate 2011</b>	<b>Number of Households 2011</b>	<b>Median Age 2011</b>	<b>Existing Housing Units 2009</b>	<b>New Permits 2009</b>
Avon	\$114,224	\$520,000	5.5%	7,056	39	7,242	116
Barkhamsted	\$92,332	\$247,500	8.3%	1,497	46	1,547	3
Burlington	\$119,571	\$330,000	7.1%	3,291	39	3,263	21
Canton	\$86,613	\$322,000	6.5%	4,180	40	4,203	9
Farmington	\$84,597	\$330,000	6.6%	10,638	39	10,609	23
Granby	\$101,790	\$322,250	6.6%	4,229	38	4,247	4
New Hartford	\$81,062	\$262,250	7.4%	2,642	43	2,653	16
Simsbury	\$114,670	\$335,000	6.5%	8,768	39	9,055	3
Hartford County	\$65,589	\$232,250	9.2%	355,517	40	368,391	810
State of Connecticut	\$70,705	\$265,000	8.9%	1,391,975	40	1,452,007	3,786

Source: CERC (formerly Connecticut Economic Resource Center)

## SECTION 58 - INDUSTRIAL PARK DISTRICT (IPD)

Amended 10/21/98 and 8/16/00 to update entire Section.

Update 07/23/12 to entire Section 58 to correct Scribner's error.

### 58.1 Establishment of District:

- 58.1.1 A petition requesting establishment of an Industrial Park District shall be submitted by the owner or owners of one or more adjacent lots with a total area of fifty (50) acres. Such petitions shall be accompanied by a preliminary district development plan. The Zoning Commission shall consider the petition at a public hearing.
- 58.1.2 Establishment of the District shall be tentative and no Zoning Permits may be issued pending Zoning Commission approval of an Overall District Development Plan for the District. Such tentative District designation shall expire thirty six months from the date of approval.
- 58.1.3 Upon approval by the Zoning Commission of the Overall District Development Plan, the Industrial Park District shall become permanently designated. Upon permanent designation of the District, Zoning Permits may be issued upon approval by the Zoning Commission of Site Development Plans submitted in accordance with the provisions of Section 51 for the individual lots to be developed.

### 58.2 Permitted Uses: Within the Industrial Park District, no building or premises shall be used and no building or group of buildings shall be erected or used except for one or more of the following uses or purposes:

- 58.2.1 Executive, administrative, business and professional office buildings, or experimental, analytical, research, pharmaceutical and commercial laboratories including theoretical research and product development/engineering and sales development.
- 58.2.2 Fabrication, processing, assembly and packaging of products, such as: light machine parts, electrical components, electronic and photo-optic devices, office or business equipment, plastic components, printing, woodworking, sheet metal working, and distributive storage and warehousing of such items. Other comparable uses may be approved by the Zoning Enforcement Officer if the applicant successfully demonstrates that a proposed use is no more detrimental or intrusive than the uses specified in this subparagraph. The Zoning Enforcement Officer may refer an applicant to the Commission for determination of a permitted use.
- 58.2.3 Accessory uses customary with and incidental to any aforesaid permitted use.
  - a. Truck loading docks, truck parking, ground or wall mounted mechanical equipment (heating and air conditioning towers, compressed gas tanks, silos, etc.) and outside storage shall be considered as restricted accessory uses.

### 58.3 Special Exception Uses:

- 58.3.1 Adult Establishments meeting the requirements set forth in Section 41.3.6.  
Amended: 1/5/2010 to add paragraph
- 58.3.2 Licensed medical marijuana producer provided that:
  - a. All cultivation, processing and storage of marijuana plants be conducted indoors.  
Amended: 09/19/2012 to add 58.3.2

### 58.4 Standards:

- 58.4.1 Minimum size
  - a. An Industrial Park District shall consist of not less than fifty (50) acres. Flood Plain and designated wetlands within the District may be utilized as a part of the required separation and buffer within or adjoining the permitted uses.

- b. Industrial lots within the district for permitted uses listed above shall be not less than two (2) acres, exclusive of Flood Plain and designated Wetlands, and have a minimum of 200 feet of frontage on the street.

58.4.2 Yards and Setbacks: Yards and setbacks shall be provided at each lot with the following minimum yard and setback from the lot line with landscaping buffer located within the yard setback:

- a. Front yard
  - 1. Where a use other than residential is located on the opposite side of the street, the front yard shall be seventy-five (75) feet. Provide a 75' setback to accessory uses. Provide a 25' setback to automobile parking. If no parking is located in the front yard, provide a 40' buffer of type "B" density. If parking is located in the front yard, provide a 15' buffer of type "A" density.
  - 2. Where a residential district or pre-existing residential use is located on the opposite side of the street, the front yard shall be 100'. Provide a 100' setback to accessory uses. Provide a 50' setback to automobile parking. If no parking is located in the front yard, provide a 40' buffer of type "B" density. If parking is located in the front yard, provide a 15' buffer of type "A" density.
- b. Side and rear yards
  - 1. Where an existing use other than residential abuts, side and rear yards shall be 25'. Provide a 25' setback to driveways and accessory uses (including parking lots). Provide a 10' buffer of type "C" density in side and rear yards to screen buildings, paved areas or accessory uses other than restricted accessory uses. Provide a 15' buffer of type "A" density in setbacks to restricted accessory uses.
  - 2. The yard and setback requirements do not apply to driveways and parking areas which are part of a coordinated development scheme between two or more lots, providing that said yard and setback requirements are observed for the entire unified site and provided that proper provision has been made to assure the maintenance and common utilization of common areas for parking, traffic flow and pedestrian travel required in the Site Development Plan.
  - 3. Where a residential zone abuts, side and rear yards shall be 50' and there shall be a 25' setback to driveways and accessory uses (including parking lots) with a six (6) foot high landscaped berm topped with a 15' buffer of type "A" density. Where no paving or accessory uses occur, provide a 40' buffer of type "B" density in side and rear yards to screen buildings.
  - 4. The Commission may modify the requirements for landscaped buffers when established buffers that meet or exceed the required buffers exist on adjacent property within the Industrial Park District or if unique characteristics of the proposed development provide a suitable alternative to landscape buffers. Nothing in these regulations shall restrict adjoining property owners from working cooperatively to install a common buffer meeting the requirements of both developed properties, provided that each property owner is responsible for the maintenance and survival of trees and shrubs on their respective properties.

58.4.3 Buffer Requirements: Density of buffers shall be as follows:

- a. Type "A" density: two rows of suitable evergreen trees, 8' - 10' in height, spaced 15' apart, staggered in adjoining rows spaced 12' apart. Use evergreen or deciduous shrubs to screen gaps between trees.
- b. Type "B" density: mixed plantings of suitable evergreen and deciduous trees and shrubs, arranged in groupings, at a density of one tree per 300 square feet of type

"B" buffer area and one shrub per 200 square feet of type "B" buffer area. Up to 1/3 of type "B" buffer area may be grasses or ground cover. Trees are to be 2" - 2 1/2" in caliper for deciduous trees and 8' - 10' in height for evergreen trees.

- c. Type "C" density: one row of suitable evergreen trees, of species and spacing to form a visual barrier from ground level to 10' above ground with two rows of evergreen or deciduous shrubs to screen gaps between trees.
- d. Use of existing natural growth is encouraged for buffers. Additional trees and shrubs shall be added to achieve comparable density.
- e. The Commission may allow designated flood plain and wetlands within the District to be utilized as part of the required setbacks, provided that the required buffers are achieved through existing vegetation or additional landscaping.

58.4.4 Maximum coverage:

- a. Building area (including structures enclosing accessory uses) shall not exceed 33% of the lot area. More than one building may be permitted on a lot, but the building area is the aggregate area of all buildings and structures on the lot.
- b. Impervious surface area (including structures and paving) shall not exceed 50% of lot area.

58.4.5 Off-street parking and loading: Provide paved parking in accordance with the requirements of Section 62, except as follows:

- a. Laboratory or office area - one space per employee or one space per 250 square feet gross area for this use, whichever is greater.
- b. Storage or manufacturing area - one space per employee or one space per 1,500 square feet gross area for this use, whichever is greater.
- c. Parking areas shall be designed for proper drainage, efficient maintenance and snow removal, and to be in harmony with the park-like character of the district. Capacity of the parking area shall not exceed 75 cars, and where more parking is required, two or more facilities shall be provided, a minimum of 20' apart, with suitable landscaped area between.
- d. Buildings or additions thereto, containing 10,000 square feet or more of manufacturing or warehouse floor area, hereafter erected or established shall have on the premises one permanently maintained loading space with dimensions as specified in Section 62.2, and one additional loading space of the same size, for each additional 20,000 square feet of manufacturing or warehouse floor area, or portion thereof, excluding basements.

58.4.6 Roads and Streets:

- a. Roads shall be arranged to provide convenient and adequate traffic circulation from existing major roads outside of the Industrial Park District. Safety for both vehicular and pedestrian traffic shall be a primary consideration of road layout. Design and construction of roads shall conform to subdivision regulations of the Planning Commission.

58.4.7 Signs: Signs shall be built in accordance with Section 63 except as provided below.

- a. The Industrial Park District may have one identification sign, not larger than 32 square feet, located at the primary road entrance to the District. Such sign may be located on or adjacent to the public right-of-way with the written authorization of the owner of the land on which the sign is to be located (including the Town of Canton or the State of Connecticut)
- b. Identification signs shall only pertain to the business, product or principal use on the lot. They must: be at least 30' from any side property line; be related by design and materials to the principal buildings; be suitably landscaped; and not detract

from the park-like setting. Indirect illumination is permitted, but no animated, flashing or rotating lights or signs are allowed.

58.4.8 Utilities:

- a. All new utilities, including electrical and telephone primary and secondary services, shall be installed underground in the street right-of-way (or recorded utility easement) and to the buildings on each lot with underground service connection.
- b. All buildings shall be connected to a public sewerage treatment system as approved by the Public Health Officer.
- c. All buildings shall be connected to a public or private water supply system as approved by the Public Health Officer and the Fire Marshal. No use of well water or process for cooking purposes shall be permitted.
- d. Switching gear cabinets, transformers and similar above-ground utility equipment are to be installed as shown on the site development plan and shall be screened from view from the street(s) with landscaping.

58.4.9 Restricted Accessory Uses

- a. No loading docks, truck operations, mechanical equipment or outside storage shall be allowed in the required front yard. Such uses may be permitted in the side and rear yards, subject to required setbacks. Restricted accessory uses shall be screened from view from any street line, residential district or residential use.

58.4.10 Building standards

- a. The building facade(s) facing the street(s) shall be substantially finished in brick, decorative block, stone, wood or other similar architecturally finished material compatible with a park-like setting.
- b. Rooftop mounted mechanical units shall be screened from view from the street(s) with landscaping, architectural screening, building design or a combination thereof.

Amended: 5/19/99 to add section.

58.5 Overall Site Development Plan:

- 58.5.1 The Preliminary District Development Plan shall be schematic in nature, and shall show boundaries of the proposed district, proposed locations of roads and utilities and drainage, locations of industrial lots, and provisions for future expansion. A scale of 1"=100' and a contour interval of ten feet or less is suggested. Affected properties within 500 feet of the District shall be identified on a key map at 1" = 1,000' scale.
- 58.5.2 The Overall District Development Plan for the District shall be further refined, and show boundaries of the District, locations of roads, utilities, storm drainage systems, sanitary sewer and water distribution systems. Usage of lots, yards, setbacks, signage, size and locations of buffers and areas of natural landscaping shall be shown as they are required for the perimeter of the District. Approximate area of individual lots will be developed to establish feasibility and conformance to these Regulations. All elements of the Overall District Development Plan shall consider future development of the Industrial Park District and also provide capability for future growth of adjoining areas outside the boundaries of the District. The Subdivision Regulations of the Town of Canton shall be conformed with. A scale of 1" - 40' is suggested and contour interval of 2' is required.
- 58.5.3 The Developer shall submit an estimate of costs, satisfactory to the Town Engineer, for the construction of roads, storm drainage systems, sewer systems and utilities. Upon approval of the Overall District Development Plan the Developer shall deposit such bonds or surety to insure completion and maintenance of the roads and other improvements in accordance with the Subdivision Regulations of the Planning Commission.

- 58.5.4 The Site Development Plan for an individual lot shall be prepared in conformance with Section 51 and shall show boundaries, utilities, easements, buffers, yards and setbacks, signage, proposed building locations, accessory uses, landscaping, exterior lighting, parking and paving areas. Building areas, occupancy, use, parking count, and plans and exterior elevations and perspective view of proposed construction shall be furnished. Information shown on the approved Site Development Plan shall be incorporated onto an amended Overall District Development Plan.
- 58.5.5 Upon good and sufficient cause, the Developer may request the revision or modification of an approved Overall District Development Plan or Lot Site Development Plan, and the Zoning Commission may review and grant such modification or revision. If the Zoning Commission considers such revision or request as minor or inconsequential, it may grant such change without referral to the Planning Commission or holding of a public hearing.
- 58.5.6 To insure continuity of development where two or more owners have submitted an Overall Site Development Plan, the owners shall prepare and execute a joint development agreement in a form acceptable and approved by the Zoning Commission.
- 58.6 **Site Development Plan:** Site Development Plan: Prior to the issuance of a Special Exception or Zoning Permit for a use permitted under this section, a Site Development Plan shall be submitted and approved in accordance with the provisions of Section 51.

Amended: 1/05/2010 to add section

## **Flood Plain**

The subject sites is located on the federal flood zone map 09003C 0309F dated September 26, 2008. The properties are located in Zone X which is land that is located outside the Special Flood Hazard Area.

## **Description of Site**

The subject property is located in an industrial park off Dowd Avenue. The site is 4.748 acres of land on the west side of Commerce Drive with 220 feet of frontage. The site is level at the street and falls off. The elevation at the street is 402 feet above sea level and it falls off to 350 feet above sea level. There is a storm basin at the western end of the property that will not hinder development. The soil type found on the site is Melt-out Till. There are wetlands at the western edge of the property.

There is an access easement along the north side of the property in favor of the subject lot over the lot immediately to the north. There is also a drainage easement along the north and west sides of the lot. These easements do not affect the value of the property.

The site has public water and sanitary sewers, natural gas, storm sewers, electricity, telephone, cable, and improved roads. The Town of Canton would like to purchase this property and build a Public Works garage. The current zoning would need to be changed to Municipal, Community and Public Facilities District. The proposed zoning regulations can be found in the Appendix after the legal description.

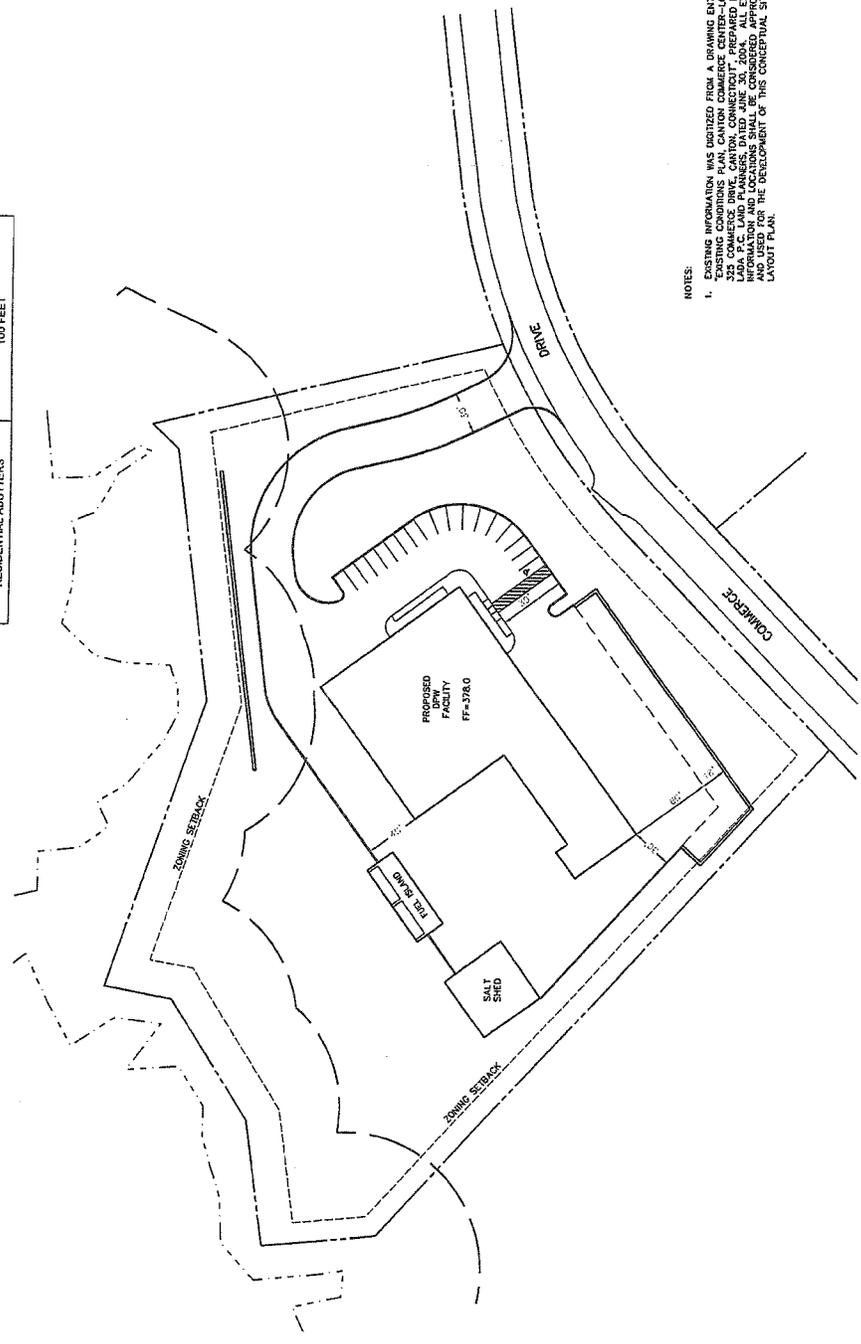


BUILDING FOOTPRINT	
DPW BUILDING	19,882 SF
SALT SHED	7,500 SF
FUEL	1,472 SF
<b>TOTAL</b>	<b>23,854 SF</b>

ZONING SETBACK (MCPF DISTRICT)	
MINIMUM FRONT YARD	20 FEET
MINIMUM SIDE YARD	15 FEET
MINIMUM REAR YARD	25 FEET
RESIDENTIAL ADJUTTERS	100 FEET

BUILDING AND IMPERVIOUS SURFACE COVERAGES - MCPF DISTRICT		
COVERAGE PERCENTAGE	BUILDING SURFACE AREA	MIN. REQUIRED LOT SIZE TO MEET ZONING DIMENSIONAL REQS
BUILDING: 25%	BUILDING: 23,854 SF	97,456 SF or 2.19 ACRES
IMPERVIOUS SURFACE: 50% (BY SPECIAL EXCEPTION ONLY)	IMP SURFACE: 86,700 SF	173,400 SF or 3.98 ACRES
BUILDING: 60%	BUILDING: 23,854 SF	39,773 SF or .91 ACRES
IMPERVIOUS SURFACE: 60% (BY SPECIAL EXCEPTION ONLY)	IMP SURFACE: 86,700 SF	144,500 SF or 3.32 ACRES

TOTAL AVAILABLE LOT AREA: APPROXIMATELY 206,910 SF or 4.75 ACRES



NOTES:  
1. EXISTING INFORMATION WAS DIGITIZED FROM A DRAWING ENTITLED, 'EXISTING CONDITIONS PLAN, CANTON COMMERCE CENTER-LOT 12, 333 COMMERCE STREET, CANTON, CT 06030', PREPARED BY LADA, P.C. LAND PLANNERS, DATED JUNE 20, 2004. ALL EXISTING INFORMATION AND CONDITIONS SHOWN ON THIS DRAWING ARE APPROXIMATE AND USED FOR THE DEVELOPMENT OF THIS CONCEPTUAL LAYOUT PLAN.

PLAN  
SCALE: 1"=40'

## Highest and Best Use

The Highest and Best Use analysis follows a site and additionally an improvement analysis and involves the evaluation of probable uses of the site as though vacant and unimproved, and the property as improved, if applicable.

Highest and Best Use is:

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity." (The Dictionary of Real Estate Appraisal, fourth edition, Appraisal Institute 2002)

While the current edition of The Dictionary of Real Estate Appraisal defines Highest and Best Use well, earlier editions of The Appraisal of Real Estate and The Dictionary of Real Estate Appraisal add additional data viewed as salient.

"The definition immediately above applies specifically to the highest and best use of the land as vacant and land as improved. It is to be recognized that in cases where a site has existing improvements on it, the highest and best use may very well be determined to be different from the existing use. The existing use will continue, however, unless and until land value in its highest and best use exceeds the total value of the property in its existing use.

Implied within these definitions is recognition of the contribution of that specific use to community environment or to community development goals in addition to wealth maximization of individual property owners. Also implied is that the determination of highest and best use results from the appraisers judgment and analytical skill, i.e., that the use determined from analysis represents an opinion, not a fact to be found. In appraisal practice, the concept of highest and best use represents the premise upon which value is based. In the context of most probable selling price (market value) another appropriate term to reflect highest and best use would be most probable use. In the context of investment value, an alternative term would be most profitable use."<sup>1</sup>

This definition implies that "... the determination of highest and best use results from the appraisers' judgment and analytical skill, i.e., that the use determined from analysis represents an opinion, not a fact found."<sup>2</sup> Highest and best use must be reasonable, probable, and proximate (likely to occur soon, if not immediately). It is not speculative or conjectural. It may or may not be the present use of either the site or improved property.

Highest and best use is divided into two analyses, the highest and best use of the site as though vacant and unimproved and the highest and best use as improved. The conclusions from each of these analyses are not necessarily the same use. It should be noted, however, if the site is

improved, that the existing use of the site "... will continue unless and until land value in its highest and best use exceeds the sum of the value of the entire property in its existing use and the cost to remove improvements."3

1 The Appraisal of Real Estate (Illinois: American Institute of Real Estate Appraisers, 1983), 8th Edition, p. 244

2. Byrl N. Boyce, Real Estate Appraisal Terminology, (Massachusetts: Ballinger Publishing, 1984), p. 132

3. Boyce, p. 78.

## **Site as Vacant**

### ***Physically Possible***

The subject site is located in an industrial park off Dowd Avenue with 4.748 acres of land. The soil appears to be adequate for development. Natural gas, municipal water and sanitary sewers, electricity, telephone, cable, and improved roads are available. Behind the property are some wetlands but this does not inhibit development. It is physically possible to develop the land for industrial purposes.

### ***Legally Permissible***

The subject sites appear to be a legally conforming lot of record. A variety of legally permissible uses exist within the subject properties prescribed zoning district as well as the proposed zoning change.

### ***Financially Feasible***

The subject site is located in an area of commercial and industrial properties. The financially feasible use of the subject site as though vacant appears to be for industrial development.

### ***Maximally Productive***

Which of the feasible uses for the subject produces the highest present value? The highest and best use of the land as though vacant appears to be for industrial development.

## **The Appraisal Process**

Estimation of the market value of rights in real property involves a process in which the problem is defined; the work necessary to solve the problem is planned; and the required data is acquired, classified, analyzed and interpreted to derive an estimate of market value.

The Sales Comparison Approach utilizes the sales of similar properties as the basis for an indication of market value for the subject. Direct comparisons are made between the sale properties and the subject property for differences in property rights conveyed, financing, sale conditions, market conditions, income production, and physical differences. Adjustments are made to the sale prices of the comparable properties to estimate the probable sale price for each on the date of the value estimate, if each were essentially similar to the subject property. These final adjusted sale prices then are reconciled into a market value indication.

The Income Approach estimates the present worth of anticipated future benefits, i.e., future income streams and/or reversions that would accrue to the property owner over a typical holding period. The first step is to estimate the income producing potential of the property, which is based on the estimated market rents in the valuation of fee simple interests and contract rents in the valuation of leased fee interests. Operating expenses, excluding debt service and depreciation, then are deducted to derive an estimate of the property's annual net income or series of cash flows. The market value is estimated by capitalizing the net income of the property for the first year's stabilized NOI, or through a series of discounted cash flows plus a reversionary value. This approach is not utilized as leases and sales of leased schools are not available in the market place.

In the Cost Approach, the appraiser estimates the market value of the subject site by the sales comparison approach. The reproduction cost of the subject improvements, including both direct and indirect costs, and then is estimated as if the improvements are in new condition. Accrued depreciation from all sources is identified and estimated. Addition of the estimated market value of the site and the reproduction cost of the improvements plus a profit factor less depreciation indicates the subject property's market value. This approach is not utilized since cost of construction is not a major consideration in the marketing and selling of property similar to the subject.

The final step in the appraisal process is reconciliation of the market value indications. In this reconciliation analysis, the applicability and limitations of each approach are evaluated in terms of the subject property and the data analyzed. This evaluation is the basis for the final estimate of market value.

### **Valuation of the Fee Simple Interest in the Real Estate**

In estimating the as-is market value of the fee simple interest in the subject property all three basic approaches to value were considered by the appraisers. The analysis undertaken in this report included the development of the Sales Comparison Approach to Value.

## **Sales Comparison Approach – Fee Simple Interest Valuation**

Sales Comparison Approach, also referred to as the Market Data Approach, is based on the following premise:

**Market Data Approach** - "Traditionally, an appraisal procedure in which the market value estimate is predicated upon prices paid in actual market transactions and current listings, the former fixing the lower limit of value in a static or advancing market (price wise), and fixing the higher limit of value in a declining market; and the latter fixing the higher limit in any market. It is a process of analyzing sales of similar recently sold properties in order to derive an indication of the most probable sales price of the property being appraised. The reliability of this technique is dependent upon (a) the availability of comparable sales data, (b) the verification of the sales data, (c) the degree of comparability or extent of adjustment necessary for time differences, and (d) the absence of non-typical conditions affecting the sales price. In essence, any approaches to value (particularly when the purpose of the appraisal is to establish market value) are market approaches since the data inputs are presumably market derived."

(Source: *Appraisal of Real Estate*, Appraisal Institute)

In completing the sales comparison approach, the subject property is compared to similar properties that have sold in the same or in a similar market in order to derive a value indication for the property being appraised. The basic steps in this procedure are as follows:

1. Research the market to identify similar properties for which sales, listings and/or offerings data is available.
2. Qualify the sales data as to terms, motivating forces, and bona fide (arm's length) nature.
3. Compare each of the comparable property's important attributes to the corresponding ones of the property being appraised, under the general categories of property rights conveyed, financing, conditions of sale, market conditions, physical characteristics, and income characteristics.
4. Analyze all dissimilarities and adjust for their probable effect on the price of each property to estimate final adjusted sale prices.
5. Reconcile the final adjusted sale prices to estimate the market value of the subject property.

Comparable Sale #1

Location: 89 Farmington Valley Drive, Plainville, Connecticut

Grantor: FCP-Two LLC

Grantee: JC Corporate Avenue LLC

Date: June 10, 2011

Reference: Volume 534 page 910

Sale Price: \$144,000,

Land Data: 1.61 acres

Topography: The lot is at street grade

Zone: RI

Utilities: Electricity, municipal water and sanitary sewers, natural gas, telephone, cable, and road are available to the site

Comments: This lot is located in an industrial park adjacent to Johnson Airport in Plainville less than one mile from the Farmington town line. The industrial park has underground utilities including natural gas. The lot has 140 feet of frontage and is rectangular in shape. There are some wetlands at the rear of the property and a very small are in the 100 year floodplain. This does not affect the value of the property. After the purchase, a concrete block warehouse was built on the property.

Indicated value per acre: \$89,574.26



**89 Farmington Valley Drive, Plainville**



Comparable Sale #2

Location: Farmington Valley Drive, Plainville, Connecticut

Grantor: FCP-Two LLC

Grantee: Planeview Property LLC

Date: August 31, 2011

Reference: Volume 536 page 1208

Sale Price: \$1,000,000

Land Data: 15.36 acres

Topography: The lot is at street grade

Frontage: 229.18 feet

Zone: RI

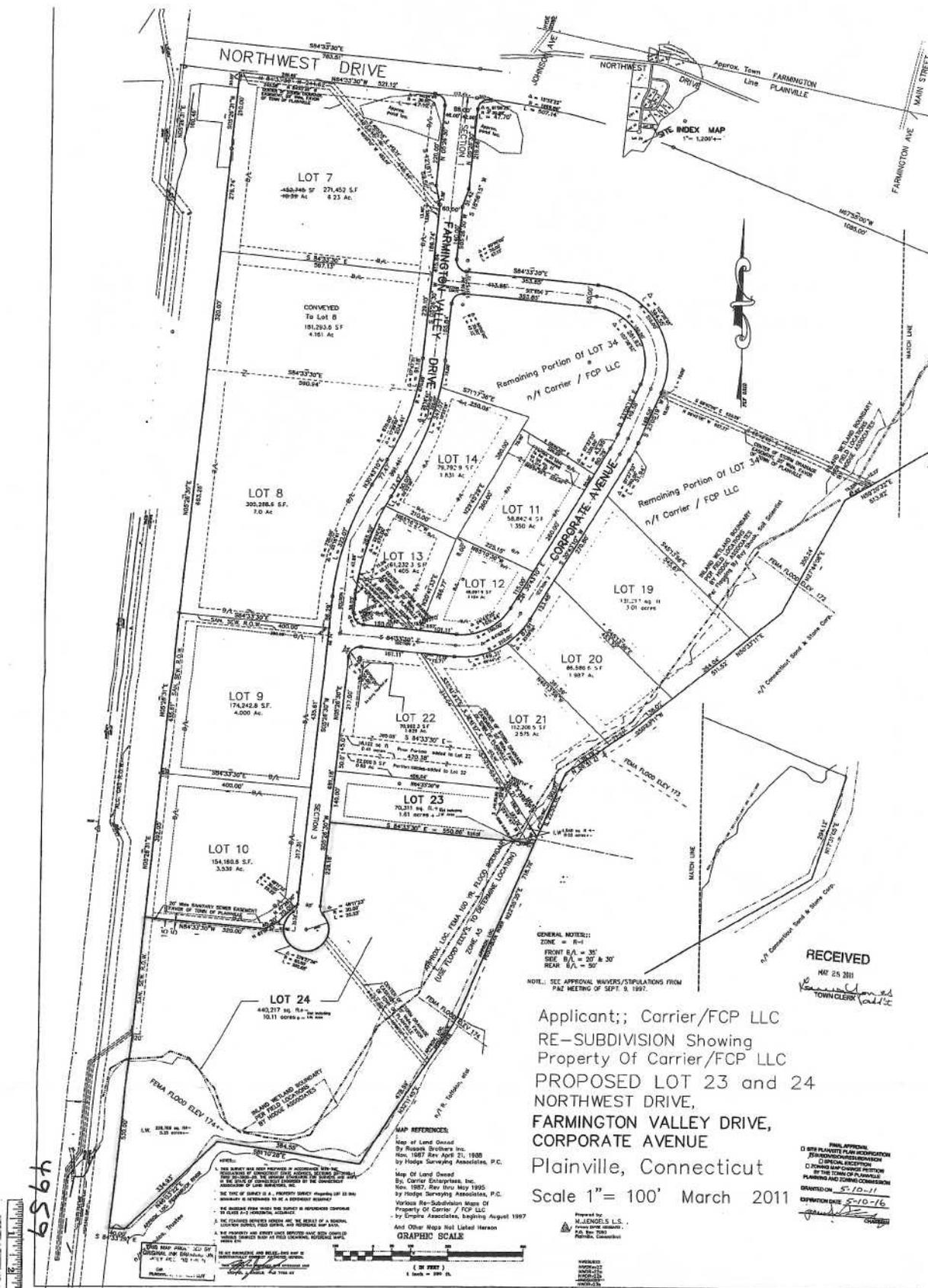
Utilities: Municipal water, sanitary sewers, natural gas, electricity, telephone, cable and road are available to the site

Comments: The site is next to sale #1 in the same industrial park. The lot is irregular in shape and wraps around the cul-de-sac. The lot has 5.25 acres of wetlands at the back of the property which is also in the 100 year floodplain. It is adjacent to the Pequabuck River. The adjusted value per acre after removing the wetlands is \$98,911.96 per acre for the 10.11 usable acres.

Indicated value per acre: \$98,911.96



**Farmington Valley Drive, Plainville**



GENERAL NOTES:  
 ZONE = R-1  
 FRONT E.A. = 35'  
 SIDE E.A. = 20' & 30'  
 REAR E.A. = 50'

NOTE: SEE APPROVAL WAIVERS/SUPPLEMENTAL FROM  
 PAZ MEETING OF SEPT. 9, 1997.

RECEIVED  
 MAY 25 2011  
*Kenneth J. ...*  
 TOWN CLERK

Applicant; Carrier/FCP LLC  
 RE-SUBDIVISION Showing  
 Property Of Carrier/FCP LLC  
 PROPOSED LOT 23 and 24  
 NORTHWEST DRIVE,  
 FARMINGTON VALLEY DRIVE,  
 CORPORATE AVENUE  
 Plainville, Connecticut  
 Scale 1" = 100' March 2011

MAP REFERENCES:  
 Map of Land Owned  
 by Russo Brothers Inc.  
 Nov. 1987 Rev. April 21, 1998  
 by Hedge Surveying Associates, P.C.  
 Map of Land Owned  
 by Carrier Enterprises, Inc.  
 Nov. 1987 Rev. May 1995  
 by Hedge Surveying Associates, P.C.  
 Various Re-Subdivision Maps Of  
 Property Of Carrier / FCP LLC  
 by Empire Associates, beginning August 1997  
 And Other Maps Not Listed Hereon



FINAL APPROVAL  
 PLANNING AND ZONING COMMISSION  
 CLERK  
 PLANNING AND ZONING COMMISSION  
 DATE: 5/10/11  
 5/10/16

6567

Comparable Sale #3

Location: 37 Executive Drive, Farmington, Connecticut

Grantor: Hyde Road Development LLC

Grantee: DiTommaso Associates LLC

Date: April 17, 2012

Reference: Volume 1034 page 528

Sale Price: \$256,700

Land Area: 2.57 acres

Topography: The lot is level at the street

Frontage: 50 feet

Zone: C1

Utilities: Municipal water, sanitary sewers, natural gas, electricity, telephone, cable and road are available to the site.

Comments: This property is located in an industrial park in the southern portion of the town about one mile from the first two comparable sales in Plainville. The lot is long and narrow in shape. The owner of the property owns property adjacent to some of the strip of land where he has developed two soccer fields.

Indicated value per acre: \$99,883.27



**37 Executive Drive, Farmington**



Comparable Sale #4

Location: 32 & 38 Kripes Road, East Granby, Connecticut

Grantor: John Barberino

Grantee: SB Connecticut Holdings LLC

Date: March 14, 2012

Reference: Volume 188 Page 456

Sale Price: \$986,000

Land Data: 11.01 acres

Topography: The lots are at grade with the street

Frontage: 590.73 feet of frontage on Kripes Road and approximately 700 feet of frontage on Nicholson Road

Zone: CP

Utilities: Electricity, municipal water, sanitary sewers, natural gas, telephone, cable and road are available to the site.

Comments: These properties were bought together and are located in an industrial park that is adjacent to Bradley International Airport. The lots are rectangular in shape. 38 Kripes Road has been developed with a 14,960 square foot warehouse with 24 loading docks. The two lots have a 30 foot wide gas easement line running across them. There is also a conservation easement area with DeGraves Brook running through it. This location is superior to the subject and the three other comparable sales. At the end of Kripes Road is Route 20, which leads into Bradley International Airport and also I-91.

Indicated value per acre: \$89,554.95



**32 & 38 Kripes Road, East Granby**





## Value Analysis and Adjustments

The Sales Comparison Approach requires adjustments to the sales to appropriately develop an opinion of value. The analysis of the sales within the Sales Comparison Approach is broken down into two areas as listed below. The first sets of adjustments are to bring the comparable sales up to market

- Adjustments for property rights
- Adjustments for financing terms
- Adjustments for condition of sale (buyer/seller motivation)
- Adjustments for expenditures immediately after the sale
- Adjustments for market conditions

The above adjustments, as is appropriate, are made consecutively and performed in the order listed. The next list of adjustments will be made, as necessary, as a combined group. These adjustments make the sales comparable to the subject property.

- Adjustment for location
- Adjustments for physical characteristics
- Adjustments for economic characteristics
- Adjustments for use/zoning or highest and best use
- Adjustment for non-realty components

### *Adjustments for Property Rights*

No adjustment is necessary for property rights.

### *Adjustments for Financing Terms*

No adjustments are required for financial terms. This category is usually more significant during periods when mortgage rates are high and owner financing is necessary, when a buyer is seeking a premium price for his property and a lower than market mortgage rate is arranged or the purchaser is able to assume a mortgage at lower than market rates. Conversely, if the mortgage rate is higher than the market, the sales price often is lower than it would otherwise be.

### *Adjustments for Conditions of Sale*

There are no adjustments made for Conditions of Sale, as this category is usually associated with sales that are not considered arms-length transactions. Either the seller needs to raise cash quickly to avoid being foreclosed, or the buyer needs the property to complete an assemblage for a project and pays more than the market value.

### *Adjustments for Expenditures Immediately After Sale*

None of the sales require an adjustment for improvements made immediately after the purchase.

### *Adjustments Made for Market Conditions*

An adjustment for market conditions is usually made if property values have either appreciated or depreciated since the effective date of appraisal due to inflation or deflation or a change in investors' perceptions of the market over time. There is no adjustment for market conditions as the market in Canton is considered to be stable.

### *Location*

The subject and all of the comparable sales are located in industrial parks. However comparable sale #4 is located approximately one mile from Bradley International Airport. The Windsor Locks – East Granby area around the airport is the only place in Hartford County that did not have an increase in vacancy due to the recession. It also has easy access to the interstate system. It has been given a -10% adjustment.

### *Physical Characteristics*

All of the comparable sales and the subject property are in industrial parks. Three of the sale properties have underground utilities; the property in East Granby has above ground utilities. The property in East Granby also has a 30 foot wide gas line easement running across the two lots. It has been given an adjustment of 10% because nothing can be built on the easement. However, it is my opinion that this does not affect the value of the property.

### *Economic Characteristics*

Economic characteristics include all the attributes of a property that directly affect its income. Such characteristics include operating expenses, quality of management, tenant mix, rent concessions, lease terms, lease expiration dates, renewal options, and lease provisions such as rent recovery clauses.

### *Use/Zoning*

There is no adjustment made zoning or for highest and best use.

### *Non-realty Components of Value*

Non-realty components of value include business concerns and other items that are not real property but are included in either the sales price or ownership interest. There is no adjustment made for non-realty components.

Comparable Sales Adjustments

	89 Farmington Valley Drive, Plainville	Farmington Valley Drive, Plainville	37 Executive Drive, Farmington	32 & 38 Kripes Road East Granby
Sale Date	6/10/2011	8/31/2011	4/17/2012	3/14/2012
Sale Price	\$ 144,000.00	\$ 1,000,000.00	\$ 256,700.00	\$ 986,000.00
Acres	1.61	10.11	2.57	11.01
Sale Price per Acre	\$89,574.26	\$98,911.96	\$99,883.27	\$89,554.95
Property Rights	\$-			
Financing Terms	\$-			
Conditions of Sale	\$-			
Expenditures after Sale	\$-			
Market Adjustment	\$-			
Physical Characteristics	\$-			\$ 98,600.00
Location	\$0.00	\$0.00	\$0.00	\$ (98,600.00)
Condition	\$0.00			
Economic Conditions				
Use/Zoning				
Non Realty Components				
Final Adjusted Value	\$89,574.26	\$98,911.96	\$99,883.27	\$89,554.95
Average value per acre	\$94,481.09			
Rounded value per acre	\$94,500.00			

## **Summary and Conclusion**

After adjusting the comparable sales for location the average value per square foot for the four comparable sales is \$94,481.09 per acre rounded to \$94,500 per acre. The subject property has 4.748 acres. It is my opinion that the subject property has an indicated value of \$448,686 rounded to \$448,700 as of January 8, 2013.

**Susan M. Mulready**

**Experience**

**2001 – Present P. B. S. Systems LLC, Hartford CT**  
Project Coordinator, Certified Land/Residential, Lister  
Town of Farmington Town of Avon  
Town of East Haddam Town of Canton  
Town of Plymouth Town of Simsbury

1982 – Present J. F. Mulready Company, Hartford CT  
Appraiser, Fiscal Officer

**1996 – 2001 Pottle Hill, Inc. Mechanic Falls ME**  
Executive Assistant, Training Coordinator

**1991 – 1996 Western Reg. Council on Alcoholism**  
Lewiston ME  
Executive Assistant, Training Coordinator

**1983 – 2000 Legislative Management, Hartford CT**  
1987 – 2000 Education Committee Administrator  
1985 – 1987 Finance Committee Bonding Clerk  
1983 – 1985 Labor Committee Clerk

**Education**

1982 St. Ambrose College, Davenport Iowa  
BA in Accounting

1977 Greater Hartford Community College, Hartford CT  
AD in Liberal Arts

**Professional Education**

CCMA Course IIB – June 2001 University of Connecticut  
Real Estate Principles & Practices – August 2001 UCONN  
Appraisal I – October 2001 UCONN  
USPAP – February 2011 – AI  
CT Appraisal Law Update – March 2011  
Appraisal II – December 2001 UCONN  
Basic Income Capitalization – September 2003 Appraisal Institute  
Appraising High Value and Historic Homes – November 2004 AI  
Appraising Local Retail – June 2006 AI  
Advanced Sales Comparison & Cost – March 2007 AI  
Apartment Appraisal Concepts & Applications – April 2012  
Business Practice and Ethics – May 2012

**Certifications**      CT Certified Land/Residential, Commercial/Industrial Revaluation,  
Supervisor #809  
CT Certified General Appraiser #1093  
VT Temporary Real Estate Appraiser 004-0000265

**Clients:**      Tilcon, Connecticut, Inc.      City of Hartford  
City of Bridgeport      Rensselaer Polytechnic Inst.  
Town of East Haddam      Town of Farmington  
Town of Rocky Hill      Town of Wethersfield  
Gould, Larson, Bennet, PC      Rome McGuigan, PC  
New Boston Fund, Inc.      Cornerstone Properties, Inc.  
Tomasso Group, Inc.      Day Pitney  
Covenant Village      Pullman & Comley  
O'Grady & Parks, LLC      Town of Watertown

# APPENDIX

Schedule A

Two (2) certain pieces or parcels of land, with all the improvements thereon and appurtenances thereto, situated in the Town of Canton, County of Hartford and State of Connecticut, shown as Parcels A and B-1 on a map entitled, "MAP OF LAND OWNED BY MARIO J. MAGLATY DOWD AVE. AND ABANDONED C.N.E. RAILROAD R.O.W. CANTON, CONNECTICUT TO BE CONVEYED TO TOWN OF CANTON SHEET 1 OF 1 SCALE 1" = 100' DATE NOV., 1983 M-83-78 12-13-85 - REVISED PARCEL A AND PARCEL C & C-1," which map is on file in the Canton Town Clerk's Office, and which premises are more particularly bounded and described as follows:

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FIRST PARCEL: PARCEL A located southerly of the abandoned Central New England Railroad (CNERR) Right of Way, land now of the Town of Canton, being more particularly described as follows:

Beginning at an iron pin on the southerly line of said land now of the Town of Canton, said point being the northwest corner of the premises herein described and is located 68.00 feet N 84° 16' 07" E from a point that marks P.C. 1172 + 87.12, and which point of beginning is the northeast corner of land now or formerly of Michael D. and Constance Murphy;

Thence running N 84° 16' 07" E 2,677.41 feet to an iron pin that marks the northeast corner of the described parcel and the northwest corner of land now or formerly of Clark S. Rainey;

Thence running S 07° 07' 55" W 196.52 feet to an iron pin;

Thence running S 71° 35' 50" E 76.23 feet to a concrete monument that marks the northwesterly corner of land now or formerly of Laureen J. Evans;

Thence running S 07° 19' 40" W 221.30 feet to a point;

Thence running S 08° 25' 40" W 171.28 feet to a point which marks the northeasterly corner of Parcel C as shown on said map;

Thence running N 80° 43' 23" W 275.80 feet to a point which marks the northwesterly corner of said Parcel C;

Thence running S 06° 07' 55" W 258.94 feet to a point;

Thence running S 12° 51' 25" W 162.10 feet to a point;

Thence running S 19° 30' 30" W along the westerly line of said Parcel C and Parcel C-1 as shown on said map, partly along each, 346.53 feet to a point that marks the southwesterly corner of the parcel herein conveyed and is the northerly line of land now or formerly of Arthur F. D'Amato, et al., and also marks the southwesterly corner of said Parcel C-1;

Thence running S 76° 34' 53" W 656.64 feet to an iron pin that marks the northwesterly corner of land now or formerly of Arthur F. D'Amato et al., and the northeasterly corner of land now or formerly of Edward C. and Genevieve L. Bart;

Thence running N 76° 56' 30" W 462.00 feet to an iron pin;

Thence running N 12° 50' 15" E 127.41 feet to an iron pin;

Thence running N 13° 04' 50" E 29.72 feet to a point;

Thence running S 70° 12' 10" W 183.86 feet to a point;

Thence running along a curve to the left with a radius of 715.21 feet, 218.14 feet to a point;

Thence running S 52° 43' 40" W 273.40 feet to a point;

Thence running along a curve to the right with a radius of 452.22 feet, 225.27 feet to a point;

Thence running S 81° 16' 10" W 82.93 feet to a point that marks the southwesterly corner of the premises herein described and the common corner with lands now or formerly of Edward C. and Genevieve L. Bart and Marie E. Viering;

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Thence running N 02° 15' 30" E 327.10 feet to an iron pin;

Thence running N 75° 00' 30" W 410.62 feet to an iron pin which marks the common corner of lands now or formerly of Adam J. and Evelyn Albrycht and Marie E. Viering;

Thence running S 72° 37' 00" W 85.10 feet to an iron pin which marks the southeasterly corner of land now or formerly of Pauline D. Spielman;

Thence running N 13° 28' 30" E 116.50 feet to an iron pin;

Thence running N 17° 26' 40" E 67.98 feet to an iron pin;

Thence running N 14° 11' 25" E 42.90 feet to a point;

Thence running N 13° 10' 40" E 180.21 feet to a point;

Thence running N 12° 27' 40" E 149.62 feet to a point;

Thence running N 20° 41' 45" E 13.40 feet to an iron pin;

Thence running N 76° 14' 15" E 7.70 feet to a point;

Thence running S 82° 18' 10" E 74.10 feet to an iron pin;

Thence running N 13° 23' 00" E 03.80 feet to an iron pin;

Thence running N 09° 46' 50" E 04.56 feet to an iron pin;

Thence running N 73° 00' 50" W 67.74 feet to an iron pin which marks the southeast corner of land now or formerly of Michael D. and Constance Murphy;

Thence running N 01° 25' 53" E 226.52 feet to an iron pin on the southerly line of land of the Town of Canton, which marks the point or place of beginning. Said pin marks the northeasterly corner of said land now or formerly of Michael D. and Constance Murphy and the northwesterly corner of the premises herein described.

Parcel A contains 71.41 acres.

Said Parcel A is bounded:

- NORTH:** by land of the Town of Canton, land now or formerly of Clark S. Rainey and land now or formerly of Pauline D. Spielman, partly by each;
- EAST:** by land now or formerly of Clark S. Rainey, land now or formerly of Laursen J. Evans and Parcels C and C-1 as shown on said map, partly by each;
- SOUTH:** by Parcel C as shown on said map, land now or formerly of Arthur F. D'Amato et al., land now or formerly of Edward C. and Genevieve L. Bart, land now or formerly of Marie E. Viering, land now or formerly of Adam J. and Evelyn Albrycht and land now or formerly of Pauline D. Spielman, partly by each; and
- WEST:** by land now or formerly of Edward C. and Genevieve L. Bart, land now or formerly of Marie E. Viering, land now or formerly of Pauline D. Spielman and land now or formerly of Michael D. and Constance Murphy, partly by each.

Together with a right of way, in common with others, for all purposes for which a right of way is ordinarily used, over and across a strip of land about 50 feet in width extending from Atwater Road in a southerly direction, and being adjacent to land now or formerly of Donald and Marie Viering, as reserved in a Warranty Deed from Charles and Mary Bart to Edward C. and Genevieve L. Bart, dated March 9, 1953, and recorded in the Canton Land Records in Volume 48, Page 423, and being more particularly bounded and described as follows:

- NORTHERLY** by Atwater Road, 53.5 feet;
- EASTERLY** by land now or formerly of Marie E. Viering, Parcel "A" as shown on a map entitled, "Map of Land Owned by Marie E. Viering Atwater Road Canton, Connecticut Scale 1" = 100' - April 1969" and certified substantially correct by Edward F. Reuber, W.F. Grunewald, Surveyors, and by the 16' right of way hereinafter described, in all, 160.4 feet;
- SOUTHERLY** by land now or formerly of Edward C. and Genevieve L. Bart, 50.0 feet; and
- WESTERLY** by land now or formerly of Donald and Marie Viering, 167.2 feet.

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Together with a right of way, in common with others, for all purposes for which a right of way is ordinarily used, over and across the land designated on the aforesaid map of land of Marie E. Viering as a 16' right of way extending to land now or formerly of Caroline E. Humphrey, as reserved in a Warranty Deed from Charles and Mary Bart to Edward C. and Genevieve L. Bart, dated March 9, 1953, and recorded in Volume 48, Page 423 of said Land Records.

**SECOND PARCEL:** PARCEL B-1 is a seventy (70.00) foot wide strip extending from Dowd Avenue southerly to the abandoned CNERR Right of Way, land now of the Town of Canton, being more particularly described as follows:

Beginning at the northeast corner of the parcel hereinafter described, being also the northwest corner of the property now or formerly of LeRoy Bradley, said point being an iron pin on the southerly line of Dowd Avenue, State Highway number 565;

Thence running S 04° 43' 10" W 732.28 feet to an iron pin on the abandoned CNERR Right of Way, land now of the Town of Canton, being also the southeast corner of the parcel herein described and the southwest corner of land now or formerly of LeRoy Bradley;

Thence running S 84° 16' 07" W 70.69 feet along the northerly ROW line of the abandoned CNERR Right of Way of to an iron pipe, which iron pipe is at the southwesterly corner of the herein described parcel and the southeast corner of Parcel B, other land of the Grantor herein;

Thence running N 04° 43' 10" E 447.75 feet to an iron pin, which iron pin is at the northwesterly corner of said other land of the Grantor herein and the southeast corner of land now or formerly of Paul Foley;

Thence running N 04° 41' 31" E 290.46 feet to an iron pin, which iron pin is at the northwesterly corner of the parcel herein described and the northeasterly corner of land now or formerly of Paul Foley and is in the southerly line of Dowd Avenue;

Thence running N 89° 04' 04" E 70.00 feet along the southerly line of Dowd Avenue to the iron pin which marks the point or place of beginning.

Parcel B-1 contains 1.17 acres.

Said Parcel B-1 is bounded:

**NORTHERLY:** by Dowd Avenue, a State Highway;

**EASTERLY:** by land now or formerly of LeRoy Bradley;

**SOUTHERLY:** by the abandoned CNERR Right of Way, land now of the Town of Canton; and

**WESTERLY:** by other land of the Grantor herein and land now or formerly of Paul Foley, in part by each.

The Grantor herein, for himself, his heirs and assigns, reserves the right to use said Parcel B-1 for all purposes for which a public highway may be used, including the installation of utilities therein, as an appurtenance to other land of the Grantor shown as Parcel B on said map, and to any portion thereof should said Parcel B be divided into two or more parts.

Together with a Fifty (50) foot right of way which was conveyed to the Grantor herein by the Grantee herein for roadway easement purposes across the abandoned CNERR Right of Way, and is more particularly described as follows:

Beginning at a point that marks the northeasterly corner of the parcel hereinafter described, said point being located upon the northerly taking line of the abandoned CNERR Right of Way, land now of the Town of Canton, being also ten (10) feet westerly from the iron pin that marks the southeasterly corner of Parcel B-1 above described and the southwesterly corner of land now or formerly of LeRoy Bradley;

Thence running S 84° 16' 07" W 50.84 feet along the northerly line of land of the Town of Canton to a point, said point being the northwest corner of the parcel herein described;

Thence running S 04° 43' 10" W 67.11 feet to a point, said point being the southwest corner of the parcel herein described and located on the southerly line of land of the Town of Canton;

Thence running N 84° 16' 07" E 50.84 feet along the southerly line of land of the Town of Canton to a point, which point is the southeast corner of the parcel herein described;

Thence running N 04° 43' 10" E 67.11 feet to a point on the northerly line of land of the Town of Canton, which point is the point or piece of beginning.

Said Right of Way contains 0.08 acre of land and is noted as "50' Right of Way for Mario J. Maglaty" on said referenced map.

Said Right of Way is bounded:

NORTH: by land of the Grantor herein (Parcel B-1);

EAST: by land of the Town of Canton;

SOUTH: by Parcel A as shown on said map, the First Piece described herein; and

WEST: by land of the Town of Canton.

All of the above-described premises, or portions thereof, are subject to one or more of the following encumbrances:

1. Taxes to the Town of Canton on the October 1, 1999, second half not yet due and payable and Taxes for the October 1, 2000 not yet due and payable, which the Grantee herein assumes and agrees to pay as part consideration for this Deed.
2. A fence maintenance obligation as set forth in a Warranty Deed from Lucian Woodford to John Reirdon dated January 11, 1871, and recorded in Volume 10 at Page 169 of the Canton Land Records.
3. A fence maintenance obligation as set forth in a Warranty Deed from Lucian Woodford to Daniel Rathburn dated December 4, 1871 and recorded in Volume 10 at Page 203 of the Canton Land Records.
4. A fence maintenance obligation as set forth in a Warranty Deed from Daniel Rathburn et al to John Shannon dated April 21, 1881 and recorded in Volume 11 at Page 294 of the Canton Land Records.
5. A pole line easement from Jonesers Hohbeiv to American Telephone & Telegraph Company dated June 18, 1902 and recorded in Volume 16 at Page 203 of the Canton Land Records.
6. A pole line easement from Loyal Higley and Howard Higley to American Telephone & Telegraph Company dated September 22, 1902 in Volume 16 at Page 290 of the Canton Land Records.
7. A pole line easement from John Shannon to American Telephone & Telegraph Company dated September 22, 1902 and recorded in Volume 16 at Page 291, which easement was assigned to the Southern New England Telephone Company by assignment dated December 16, 1948 and recorded in Volume 45 at Page 15 both of the Canton Land Records.
8. A pole line easement from Katie J. Nulty and John Nulty to American Telephone & Telegraph Company dated October 3, 1902 and recorded in Volume 16 at Page 300 of the Canton Land Records.
9. Possible well and pipe rights and a right of way as set forth in a Warranty Deed from Origen R. Lamphier to Walter M. Reed dated November 14, 1911 and recorded in Volume 18 at Page 336 of the Canton Land Records.
10. A right of way reserved in a Warranty Deed from Walter M. Reed to Charles Bart and Mary Bart dated February 23, 1923 and recorded in Volume 26 at Page 578 of the Canton Land Records.

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11. Building and sanitary sewer restrictions as set forth in a Warranty Deed from Anna Koczera to Martin F. Cuatt and Olive E. Cuatt dated October 2, 1943 and recorded in Volume 38 at Page 415 of the Canton Land Records.
12. Certain obligations to indemnify and save harmless the Town of Canton in connection with a right of way granted by the Town of Canton to Alcide Poirer, et al., in an instrument dated October 11, 1962 and recorded in Volume 62 at Page 502 of the Canton Land Records.
13. A sanitary sewer caveat for easement of benefits against Mario J. Maglaty to the Town of Canton dated February 10, 1970 and recorded in Volume 77 at Page 563 of the Canton Land Records.
14. A storm sewer easement from Mario J. Maglaty to Arthur F. D'Amato et al., dated September 4, 1974 and recorded in Volume 92 at Page 296 of the Canton Land Records.
14. Easement for right of way and utilities reserved in a Warranty Deed from Mario J. Maglaty to the Town of Canton dated December 23, 1985 and recorded in Volume 135 at Page 295 of the Canton Land Records.
15. Electric Distribution Easement from the Town of Canton to The Connecticut Light and Power Company dated February 25, 1999 and recorded in Volume 237 at Page 54 of the Canton Land Records.
16. Certificate regarding Section 14-311 of the Connecticut General Statutes from the State Traffic Commission dated September 17, 2000 and recorded in Volume 248 at Page 545 of the Canton Land Records.

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Two (2) certain pieces or parcels of land, with all the improvements thereon and appurtenances thereto, situated in the Town of Canton, County of Hartford and State of Connecticut, shown as Parcels C and C-1 on a map entitled, "MAP OF LAND OWNED BY MARIO J. MAGLATY DOWD AVE. AND ABANDONED C.N.E. RAILROAD R.O.W. CANTON, CONNECTICUT TO BE CONVEYED TO TOWN OF CANTON SHEET 1 OF 1 SCALE 1" = 100' DATE NOV., 1963 M-83-78 12-13-85 - REVISED PARCEL A AND PARCEL C & C-1," which map is on file in the Canton Town Clerk's Office, and which premises are together more particularly bounded and described as follows:

Commencing at a point which marks the northeasterly corner of the parcel herein described, said point being located the following four (4) courses southerly from an iron pin which marks the northeasterly corner of Parcel "A" as shown on said map and is in the southerly line of a sixty-six (66) foot strip of land owned by the Town of Canton, said four (4) courses being along lands now or formerly of Clark S. Rainey and now or formerly of Laureen J. Evens, partly by each, and being

S 07° 07' 55" W 196.52 feet to a 1/2 inch iron pin;

Thence running S 71° 35' 50" E 76.23 feet to a concrete monument;

Thence running S 07° 19' 40" W 221.30 feet to a point;

Thence running S 08° 25' 40" W 171.28 feet to the point which marks the northeasterly corner of Parcel C which marks the point of beginning of this description;

Thence running S 08° 25' 40" W 341.02 feet to a concrete monument;

Thence running S 09° 03' 20" W 278.42 feet to a concrete monument which marks the southeasterly corner of the parcel herein described and the southwesterly corner of land now or formerly of Laureen J. Evens and is in the northerly line of land now or formerly of Arthur F. D'Amato, et al.;

Thence running S 76° 34' 53" W 367.89 feet to a point which marks the southwesterly corner of the parcel herein described;

Thence running N 19° 30' 30" E 346.53 feet to a point;

Thence running N 12° 51' 25" E 162.10 feet to a point;

Thence running N 06° 07' 55" E 258.94 feet to a point which marks the northwesterly corner of the parcel herein described;

Thence running S 80° 43' 23" E 275.80 feet to the point or place of beginning.

Parcels C and C-1 together contain 4.48 acres and are bounded:

NORTHERLY: by Parcel A as shown on said map;

EASTERLY: by land now or formerly of Laureen J. Evens;

SOUTHERLY: by land now or formerly of Arthur F. D'Amato et al.; and

WESTERLY: by Parcel A as shown on said map;

Said premises are subject to the following encumbrances:

1. Any and all provisions of any ordinance, municipal regulation, or public or private law.
2. Taxes to the Town of Canton on the Grand List of October 1, 1999 which the Grantee herein assumes and agrees to pay as part consideration for this Deed, and all subsequent taxes.
3. A pole line easement from Katie J. Nulty and John Nulty to American Telephone and Telegraph Company dated October 3, 1902, and recorded in said Land Records in Volume 16, Page 300.
4. A storm sewer easement from Mario J. Maglaty to Arthur F. D'Amato et al., dated September 4, 1974, and recorded in said Land Records in Volume 92, Page 296.

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Parcels A, B-1, C and C-1, or portions thereof, are subject to one or more of the following encumbrances.

1. Electric Distribution Easement from the Town of Canton in favor of the Connecticut Light and Power Company dated February 25, 1999 and recorded in Volume 237 at Page 54, which easement was modified by Modification Easement dated November \_\_\_\_, 2000 and recorded November \_\_\_\_, 2000 of the Canton Land Records.
2. Sanitary sewer easement and construction easement as further shown on the map known as "TOWN OF CANTON, CONNECTICUT DOWD AVENUE INDUSTRIAL PARK GRAVITY SANITARY SEWER PLAN LOTS 11, 12, 13, AND 14 8 DECEMBER 1997 SHEET 1 OF 1," revised as of October 19, 2000, which map is on file with the Clerk's Office of the Town of Canton
3. Various utility easements (including, but not limited to, electrical, power, telecommunications, natural gas, public water, storm drainage, sanitary sewer, cable television and under drain easements) on those portions of Lot 3 and Lot 5 as further shown on the map known as "TOWN OF CANTON, CONNECTICUT DOWD AVENUE INDUSTRIAL PARK RESUBDIVISION MAP SCALE 1" = 100' 5 MAY 1997 SHEET 1 OF 11," revised as of November 7, 2000.
4. Right of way on those portions of Lots 5 and 6 as further shown on the map known as "TOWN OF CANTON, CONNECTICUT DOWD AVENUE INDUSTRIAL PARK RESUBDIVISION MAP SCALE 1" = 100' 5 MAY 1997 SHEET 1 OF 11," revised as of November 7, 2000.
5. Sanitary sewer easement and construction easement (affecting Lots 6 and 10).
6. Slope rights easement in the area adjacent to the Roadway of Lots 1-5 and 8-14, which Roadway is shown on the map known as "TOWN OF CANTON, CONNECTICUT DOWD AVENUE INDUSTRIAL PARK RESUBDIVISION MAP SCALE 1" = 100' 5 MAY 1997 SHEET 1 OF 11," revised as of November 7, 2000 (affecting Lots 1-5 and 8-14).
7. Temporary cul-de-sac easement in the areas adjacent to the Roadway of Lots 1, 2, 4, 8-14, which Roadway is shown on the map known as "TOWN OF CANTON, CONNECTICUT DOWD AVENUE INDUSTRIAL PARK RESUBDIVISION MAP SCALE 1" = 100' 5 MAY 1997 SHEET 1 OF 11," revised as of November 7, 2000 (affecting Lots 1, 2, 4, and 8-14).
8. Storm drainage easement (affecting Lots 1, 3, 9, 12, 13 and 14).
9. Detention pond easement (affecting Lots 1, 12, 13 and 14).
10. Connecticut Water Company easement(s) (affecting Lots 3, 9 and 9).

RECEIVED FOR RECORD AT CANTON, CT.  
ON 11-14-00 AT 12:36 PM

TEST: SHIRLEY C. KROMPEGAL, TOWN CLERK

## SECTION 27 – MUNICIPAL, COMMUNITY & PUBLIC FACILITIES DISTRICT

- 27.1 **Purpose.** The Municipal, Community, and Public Facilities (MCPF) District is intended to provide for essential services to the community while protecting the character of the town and properties in close proximity to these facilities. These services include public and community uses generally provided by the Town of Canton, community volunteers, or other quasi public entities that serve a public purpose and address a public need. Examples include but are not limited to: a community center; fire stations; public libraries; facilities for public utilities; town park/ recreation fields/ playground; police stations; public schools; public works facility; and other emergency response needs.

The Town of Canton contains a varied topographical landscape, extensive natural resources, limited infrastructure, limited access to water and sewer, and a variety of distinct neighborhoods and communities that are a fundamental component of the Town's unique character. The intent of this MCPF District is to maintain substantial control over where and how such uses will be located and to establish clear standards under which nearby residential and non-residential areas shall be protected.

- 27.2 **Permitted Uses.** The following uses are permitted as of right in the MCPF District with the approval of a site plan:

27.2.1 Municipal parks, recreation fields, and playgrounds, not including buildings.

27.2.2 Buildings, structures and uses necessary for the provision of public utilities, not under the jurisdiction of the Town.

27.2.3 Parking for more than 5 vehicles

- 27.3 **Special Exception Uses.** The following use may be permitted by Special Exception subject to the requirements of this section:

27.3.1 Municipal buildings, structures and uses (excepting correctional institutions or facilities for the mentally disturbed, subject to the provisions of Section 8.3e of the Connecticut General Statutes) as follows:

- a. community centers;
- b. fire stations;
- c. public libraries;
- d. facilities for public utilities under the jurisdiction of the Town;
- e. publicly owned parks, recreation fields and playgrounds including buildings;
- f. police stations;
- g. public works facilities;
- h. waste transfer stations;
- i. other emergency response facilities;
- j. administrative municipal buildings such as Town Halls or Board of Education District Offices; and
- k. other municipal facilities not otherwise identified by this Section.

27.3.2 Educational institutions, public or private schools.

27.3.3 Buildings, structures and uses that serve a public purpose, not including uses carried on primarily for profit, that would normally be constructed by and/or operated by the municipality, but which are under the auspices of a quasi-municipal entity.

27.3.4 Utility facilities, water supply and water pollution control facilities (including treatment and filtration systems, pump stations, storage reservoirs, tanks and stand pipes and appurtenant structures) and other utility facilities and substations (including new facilities and any major expansion of or addition to existing facilities).

27.3.5 Accessory uses:

27.3.5.1 Signs in accordance with Section 63.

27.3.5.2 Any building or accessory use customarily incidental to a permitted use.

27.3.5.3 Reasonable and appropriate off-street parking and loading facilities in accordance with Sections 62 and 27.4.6 and as may be modified by the Commission in each instance based upon a review of the specific location, design and circumstances of the existing and/or proposed use.

27.3.5.4 Accessory food services, consisting of the sale of prepared food for consumption on the premises by visitors and employees.

**27.4 Standards:**

27.4.1 **Access.** Lots designated as a MCPF District may be divided by a public or private road or strip of land provided legal access is established to and from each of the lots.

27.4.2 **Other Considerations.** In determining the appropriateness of the location of MCPF districts the Commission shall consider, in addition to all other applicable regulations, the following factors:

- a. the public need for the facility;
- b. the accessibility to state highways and major town roads;
- c. the physical characteristics of the lot;
- d. the availability of sufficient infrastructure to support the district or the ability of the site to provide new on-site infrastructure to support the MCPF district; and,
- e. the proximity to developments of a similar or dissimilar nature.

27.4.3 **Lot area, frontage, size and coverage** for buildings and other support structure improvements shall be developed in accordance with the following table:

Minimum Lot Area:	None	
Min. Frontage:	→	Lots shall provide unobstructed rights of access to a public highway at least 30 feet in width
Min. Front Yard:	20 ft	
Min. Side Yards:	15 ft	Minimum side and/ or rear yard may be increased by the Commission after finding such increase is necessary to protect the reasonable use and value of adjacent lots. Such increase in side or rear yard setbacks shall not exceed the supplemental setback requirements of section 27.4.7.d
Min. Rear Yard:	25 ft	

Max. Height:	40 ft	The maximum height may be increased by the Commission provided such height does not jeopardize the ability of occupants to escape or be rescued in the event of fire. In order to grant such an increase, the Commission shall require the written opinion of the Fire Marshal as to the fire safety aspects the increased height would involve.
Max. Building Coverage:	25%	The maximum building coverage and impervious surface may be increased, up to no more than 60%, by the Commission provided the Commission finds that such additional coverage will not increase the off site storm water runoff.
Max. Impervious Coverage:	50%	

**27.4.4 Access Streets and Sidewalks.**

- a. The placement, size, arrangement and use of access streets and sidewalks to public or private streets shall be adequate to serve residents and provide no hindrance to the safe use of existing or proposed streets and structures.
- b. At least two sides of a building, excepting accessory structures used for the storage of sand and salt, shall be served by either a roadway, parking lot, or interior walk of sufficient width and construction to serve emergency vehicles and apparatus.
- c. Pedestrian walkways with all-weather surfacing may be required for convenience or safety when such proposal is in proximity to or includes a densely populated area or school.

**27.4.5 Curb cuts and driveway use.** Notwithstanding any other provisions of these Regulations, no site plan shall be approved, which would require a cut in the curb line of Route 44 which did not exist prior to September 27, 1980, unless such new cut would replace one which had existed on the lot prior to September 27, 1980, or would provide for an entrance and/or exit servicing more than one lot, or frontage on another street, or would provide access to a lot which had existed as a subdivision prior to September 27, 1980 but for which no curb cut had previously existed, or unless permission for such additional curb cut is obtained from the Connecticut Department of Transportation.

**27.4.6 Lighting**

- a. Necessary lighting of parking areas shall be permitted, subject to the following standards:
  1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
    - a. prevent direct or objectionable glare or light trespass;
    - b. be shielded to the maximum extent possible;
    - c. employ soft, transitional light levels which are consistent from area to area;
    - d. minimize contrast between light sources, lit areas and dark surroundings; and
    - e. be confined within the target area.
  2. A photometric survey shall be required as part of any proposed site plan;
  3. No externally-mounted, direct light source shall be directed towards or shall be visible at the lot lines at ground level or above;
  4. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall, unless modified by the Commission, be:
    - a. full cut-off type fixtures; or

- b. fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface of the fixture; and
  - c. oriented to be parallel to the ground.
5. Lighting fixtures for building, security, or aesthetics, and any display purposes shall, unless modified by the Commission, be:
    - a. top downward (not upward, sideways, or angled); and
    - b. full cut off or fully shielded/recessed.
  6. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
    - a. their beams fall within the primary playing area and immediate surroundings; and
    - b. no illumination is directed off the site.
  7. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.
  8. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for "photocell on - time clock off" operation.
  9. Lighting for site security, where necessary, may be configured for motion or infrared sensor operation.
  10. The height of luminaires, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of fifteen (15) feet.
  11. In reviewing and approving outdoor lighting, the Commission may utilize recommendations for lighting levels as issued by the Illuminating Engineering Society of North America, the International Dark-Sky Association, or other reference.
  12. The following lighting is exempt from these regulations:
    - a. traditional seasonal lighting;
    - b. temporary lighting used by the Police Department, Fire Department, or emergency services; and
    - c. Site lighting fixed salt sheds and loading areas necessary to support Public Works storm event operations and to be activated only during storms.
  13. The Commission may, by special exception, allow lighting that does not comply with the requirements of this Section provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations, in the following cases:
    - a. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists;
    - b. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
    - c. where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation;
    - d. where special lighting is indicated for historic buildings; or
    - e. where ornamental up-lighting of sculpture, buildings or landscape features shall enhance the character of the area.

**27.4.7 Parking**

- a. Due to the unique nature of the uses and the fact that many of the facilities may serve more than one function or use, and because it is not unusual for such facilities to be the location of special events, the number of on site parking spaces shall be subject to a determination by the Commission regarding the adequacy of such parking for most activities and events to take place on the lot.
- b. All parking shall be set back at least 10 feet from the lot line, except for lot lines which adjoin a residential lot, in which case the parking shall be set back at least 25 feet from such lot line.
- c. Parking lots shall include reasonable and appropriate landscaping, screening and buffering provided in accordance with Sections 62, 27.4.7 & 27.4.8. Parking lots or buildings visible from adjoining residential lots, at the same or similar grade shall be screened from view, insofar as practical, through the use of landscaped berms and landscaped buffer areas, which may include walls, fences and/or existing vegetation or buffer yards, and may be adjusted or eliminated by the Commission in each instance based upon a review of the specific location, design and circumstances of the proposed use. If existing vegetation does not include year round foliage, the Commission may require plantings of conifers such as spruces and firs to maintain year round screening.
- d. Any loading area, outdoor vehicle service area, outdoor material storage areas, or any area that would require repetitious forward and backward movements of large vehicles and heavy equipment shall be located at least 100 feet from any lot lines which adjoin a residential lot. Vehicle circulation necessary to access the above mentioned areas which does not include repetitious forward and backward vehicle movements shall not be subject to the setback identified herein.

**27.4.8 Buffer yards.** Each front, side and rear lot line shall be paralleled by a buffer yard containing landscaped areas.

- a. Buffer yards adjacent to a residential lot shall include a landscaped area at least 25 feet in width, densely planted and designed to minimize year round visual impacts of the development from such adjacent residential lots.
- b. Buffer yards adjacent to a non-residential lot shall include a landscaped area at least 10 feet in width, designed to minimize the visual impacts of the development from such non-residential lots.
- c. Existing vegetation and plant materials may be used to meet all or part of the buffer yard. Existing trees in good condition over 12 inches in caliper shall be preserved unless approved for removal by the approval of the Zoning Enforcement Officer in consultation with the Tree Warden.
- d. Variations to buffer yard: The Commission may require additional landscaping to prevent the depreciation of adjoining residential lots when unusual conditions require:
  - a. more extensive screening; or
  - b. noise abatement.

**27.4.9 Noise Standards:** Compliance with the following noise standards shall be required as part of the evaluation of a special exception use under Section 27.3:

- a. **Stationary Equipment:** Stationary mechanical equipment, including but not limited to, refrigeration equipment, heating, ventilating, and air-conditioning equipment, shall be designed and sited in order to comply with the Connecticut State Noise Regulations (Regulations of Connecticut State Agencies, Title 22a, Sections 22a-69-1 to 22a-69-7.4 "Control of Noise").
  - b. Any stationary mechanical equipment generating noise in excess of 55 decibels, measured at the precise location of the equipment, shall be located, designed, installed, screened, and maintained in such a manner that ensures the decibel levels at the lot lines comply with 27.4.9.a.
- 27.5 **Site Development Plan:** Prior to the issuance of a special exception for a use permitted under this Section, a Site Development Plan shall be submitted and approved in accordance with the provisions of Section 51.
- 27.6 **Enlargement of Special Exception:** No Special Exception use may be enlarged or substantially altered until such time as a new application for a Special Exception has been filed with and approved by the Commission following a public hearing pursuant to all the provisions of Section 52.
- 27.7 **Definitions:** For the purpose of this section the following definitions shall apply:
- 27.7.1 "Residential Lot": a lot containing an existing residence or a lot located in a residential district.
  - 27.7.2 "Residential District": a residence district as described within Article II.
  - 27.7.3 "Non-Residential Lot": a lot located in a district other than Article II, and does not contain an existing residence.