



AGENDA

Regular Meeting

Canton Inland Wetlands and Watercourses Agency

Thursday, August 11, 2016 at 7:00 p.m.

Library Community Center, Room F

40 Dyer Avenue, Canton, CT

CALL TO ORDER:

ROLL CALL:

PUBLIC COMMENT NOT RELATED TO AGENDA ITEM:

OLD BUSINESS:

1. **File #06-16-1140;** 211 Albany Turnpike; Assessor's Map 31; Parcel 1010211; Zone B; request to designate 56 parking spaces for lease to a car dealership for parking; Fred Gabrielle, applicant; 211 Albany Turnpike, LLC, owner

NEW BUSINESS:

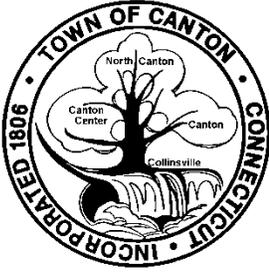
OTHER BUSINESS:

1. Approve Minutes of the July 14, 2016 Regular Meeting
2. Applications Received After Agenda Posted
3. Authorized Agent
4. Any Other Recent Enforcement Issues
5. Staff Report

ADJOURNMENT:

NOTE TO PERSONS WITH SPECIAL NEEDS:

The Town of Canton does not discriminate on the basis of disability. Individuals who need auxiliary aids or an interpreter at a Town meeting must notify the appropriate department in advance of the meeting as soon as they are able.



TOWN OF CANTON
LAND USE OFFICE

4 Market Street, Collinsville, Connecticut 06022

Memorandum

To: Inland Wetlands and Watercourses Agency

From: Emily Anyzeski, Assistant Town Planner, ZEO, IWWA (860) 693-7892

Re: **File #06-16-1140**; 211 Albany Turnpike; Assessor Map 31; Zone R2; Parcel 1010211;
Request to designate 56 parking spaces for lease to a car dealership for parking; Fred
Gabrielle, applicant; 211 Albany Turnpike, LLC, owner.

Date: July 7, 2016

Background and Proposal

On March 10, 2016, a Notice of Violation was issued by the ZEO as a response to a complaint regarding excessive vehicular storage at 211 Albany Turnpike. The property was in violation of the approved site plan, showing the area not to hold more than 10 vehicles.

As a response to the Notice of Violation, the applicant is applying for a Site Plan Modification through the Planning and Zoning Commission. However, upon more research, it was recognized that the proposed area for the storage of vehicles is on the edge of a wetland boundary, thus submerged in the Upland Review Area. As a result, the applicant was asked to submit an application with the IWWA.

Applicant is seeking approval for the storage of approximately 56 motor vehicles on proposed stone paving in the area shown on the plans.

A silt fence is proposed along the northernmost edge of the proposed parking and the existing dumpster area.

Waivers

Waivers are being sought from Sections 7.4h (Names and addresses of land owners within 100 feet of property boundary) and 7.5f (Analysis of chemical or physical characteristics if any fill material).

Exhibits

The following exhibits have been received:

List of Drawings – Submitted June 1, 2016

1. L-1; Cover Sheet – Response to Notice of Violation 2010 & 2016 Special Permit for Parking; 211 Albany Turnpike; Prepared by LADA, P.C.; Prepared for 211 Albany Turnpike, LLC; dated 5/5/16
2. Revised Site Plan; 211 Albany Turnpike; Prepared by David Whitney Consulting Engineers; Prepared for Peter Delisa; dated 7/28/92
3. Schematic Site Plan; 211 Albany Turnpike; Prepared by David Whitney Consulting Engineers; Prepared for Monro Muffler Brake, Inc.; dated 5/22/07; revised 7/12/07
4. L-2; Existing Conditions – Response to Notice of Violation 2010 & 2016 Special Permit for Parking; 211 Albany Turnpike; Prepared by LADA, P.C.; Prepared for 211 Albany Turnpike, LLC; dated 7/15/13
5. L-3; Existing Conditions – Response to Notice of Violation 2010 & 2016 Special Permit for Parking; 211 Albany Turnpike; Prepared by LADA, P.C.; Prepared for 211 Albany Turnpike, LLC; dated 7/15/13
6. L-4; Proposed Violation Solution – Response to Notice of Violation 2010 & 2016 Special Permit for Parking; 211 Albany Turnpike; Prepared by LADA, P.C.; Prepared for 211 Albany Turnpike, LLC; dated 5/5/16
7. L-5; Proposed Construction – Response to Notice of Violation 2010 & 2016 Special Permit for Parking; 211 Albany Turnpike; Prepared by LADA, P.C.; Prepared for 211 Albany Turnpike, LLC; dated 5/5/16
8. L-6; Details – Response to Notice of Violation 2010 & 2016 Special Permit for Parking; 211 Albany Turnpike; Prepared by LADA, P.C.; Prepared for 211 Albany Turnpike, LLC; dated 4/21/16

Correspondence:

1. Town of Canton Planning/IWWA Application – File 306-16-1140; 211 Albany Turnpike; Assessor's Map 31; Parcel 1010211; Zone B; request to designate 56 parking spaces for lease to a car dealership for parking; Fred Gabrielle, applicant; 211 Albany Turnpike, LLC, owner
2. Copy of Payment; Check # 1950
3. Letter to Neil Pade from Phil Doyle regarding the application; dated 5/19/16
4. Copy of Warranty Deed for 211 Albany Turnpike
5. Copy of Conservator's Deed for 211 Albany Turnpike
6. Copy of Conservator's Deed for 213 Albany Turnpike
7. Copy of Planning and Zoning application; dated 6/1/16
8. Copy of Notice of Violation sent to 211 Albany Turnpike, LLC; dated 3/10/16
9. Copy of Notice of Violation sent to Peter Delisa; dated 10/1/10
10. Copy of Notice of Violation sent to Peter Delisa; dated 4/27/10
11. Copy of Notice of Violation sent to Peter Delisa; dated 10/1/10
12. Email from David Whitney to Roland Klee and Neil Pade regarding automobile storage; dated 1/17/11

13. Minutes from the 8/17/05 regular meeting of the Zoning Commission
14. Copy of approval letter for File #22; Apln #1120; dated 7/28/05

Inventory of Regulated Areas

The wetlands boundaries are shown on the Existing Conditions- Response to Notice of Violation for 2010 and 2016 Plan

Permitted Uses as of Right and Non-Regulated Uses

All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading... shall require a permit from the Agency in accordance with Section 6 of these regulations. (Section 4.3)

Activities Regulated by the State

n/a

Application Requirements

- 7.1 Application Form – Submitted
- 7.2 Subdivision/Re-Subdivision – N/A
- 7.3 Other information and fee – Submitted
- 7.4 Application Requirements – Staff has reviewed the information submitted by the applicant, and it meets the requirements of this section
- 7.5 Significant Impact Activity Requested – To be determined by the Agency.
- 7.6 Adjoining Municipality Buffer – N/A
- 7.7 Copies of Plans – Submitted
- 7.8 Renewal or Amendment of Existing Permit – N/A
- 7.9 Renewal of Existing Permit – N/A
- 7.10 Subject to a Conservation Restriction or Preservation Restriction – N/A
- 7.11 Waivers – Discussed on page 1

Public Hearings

A petition has not been filed. The Agency should determine if the proposal is a significant impact activity under Section 2.cc. A site walk is recommended prior to making such a determination.

Feasible and Prudent Alternatives

The determination of a significant impact activity has not yet been made. If there is any concern from the Agency that wetlands may be negatively affected by the proposed activities, feasible and prudent alternatives or an explanation of other alternatives considered.

Statutory Time

This application was received at the July 14, 2016. The Agency has 65 days to take action on this application or schedule a public hearing (September 17, 2016).

LADA, P.C.

Land Planners

Land Development Consulting, Site Planning, Landscape Architects, Planners, Corridor Studies, Visual Assessment, Environmental Impact Statements, Erosion Control Specialists, Streetscapes, Recreation, and Master Planning

July 12, 2016

Mr. Neil Pade, AICP
Director of Planning and Community Development
PO Box 168
4 Market Street
Collinsville, CT. 06022

Ms. Emily Anyzeski
Inland Wetlands & Watercourses Agent
Zoning Enforcement Officer

**CANTON TOWN HALL
LAND USE OFFICE**

JUL 12 2016

Re: 211 Albany Turnpike
Applications for Inland Wetlands and
Planning and Zoning Special Permit

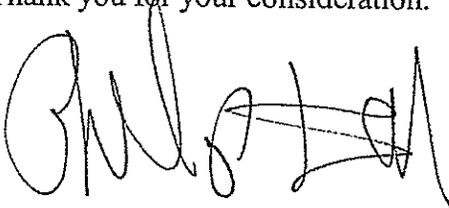
DATE OF RECEIPT IN OFFICE

Dear Neil and Emily,

We are in receipt of a letter written by Attorney David Markowitz for his client Donovan and Marie Valley, dated June 30, 2016, which makes certain property claims upon the lands of my client. My client has retained Attorney TJ Donohue to address the above referenced letter. Mr. Donohue does not feel it appropriate to take the time of either the Wetlands Agency or the Planning and Zoning Commission to address these property right issues and has requested I postpone discussion of the Wetland application scheduled for this Thursday the 14th of July until August. It is the desire of the owner of 211 Albany Turnpike to have matters raised in the Markowitz letter addressed prior to discussion of the merits of the applications.

Accordingly, no representative of 211 Albany Turnpike shall attend the Wetland Agency meeting this week and we request no discussion take place until a representative of 211 Albany Turnpike can attend.

Thank you for your consideration.



Philip Doyle
representing the applicant

June 30, 2016

CANTON TOWN HALL
LAND USE OFFICE

JUL 05 2016

Neil Pade, AICP
Director of Planning and Community Development
P.O. Box 168
4 Market Street
Collinsville, CT 06022

DATE OF RECEIPT IN OFFICE

Emily Anyzeski
Inland Wetlands & Watercourse Agent
Zoning Enforcement Officer
P.O. Box 168
4 Market Street
Collinsville, CT 06022

Re: Application of 211 Albany Turnpike, LLC for Special Permit to Allow the Use of 56 Parking Spaces for a Lease to a Car Dealership with Parking, Thereby Increasing the Total Permitted Parking on the Site from 67 to 83 and the Related Wetland Application

Dear Neil and Emily:

As you know, I represent Donovan and Marie Valley, the owners of 213 Albany Turnpike, which is to the rear and north of 211 Albany Turnpike. My clients' property has access through 211 Albany Turnpike. I am writing to express concerns with the applications that have been filed on behalf of 211 Albany Turnpike and its owner and want to address certain statements in the application narrative. I request that copies of this letter be placed in both the wetland application file and the special permit application file and that they both be read onto the record of both agencies when the applications are heard.

When Peter Delisa acquired 211 Albany Turnpike, the property was conveyed subject to a perpetual right of way. The underlying perpetual right of way, 50 feet in width, is recited in the conservator's deed to Mr. Delisa. That right of way is for the benefit of 213 Albany Turnpike. When Donovan and Marie Valley acquired 213 Albany Turnpike, it was "together with a right of way, 50 feet in width, set forth in the conservator's deed to Peter Delisa, which is recorded in Volume 180 at Page 599 of the Canton Land Records." Both the conservator's deed to Peter Delisa and the conservator's deed to the Valleys are a part of the application for the special permit. It should also be noted that the prior approved site plans for 211 Albany Turnpike clearly show the 50 foot right of way. The new drawings provide that the easement is to benefit Valley's Lawn and Landscapes, LLC. That is not accurate, as the easement is in favor of 213 Albany Turnpike, of which Donovan and Marie Valley are the owners.

Donovan Valley's company, Valley's Lawn and Landscape, LLC, had indeed used a portion of the parking along the northerly property line of 211 Albany Turnpike for some time for some of its employees. It had done so for years prior to the current owner acquiring it, as Peter Delisa and the Valleys had an excellent relationship and Peter Delisa gave his consent to the parking. As the applicant has requested that my client's company not use its property for parking, it will cease such use.

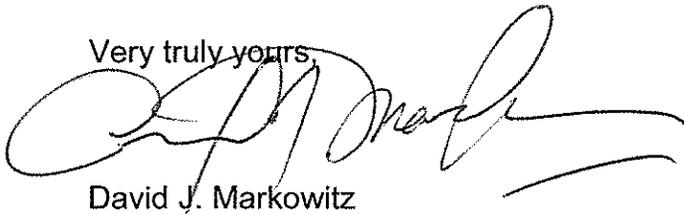
My clients and I have some substantive concerns with the application for Special Permit. First and foremost is the impact of these applications on my clients' perpetual right of way. Current development on 211 Albany Turnpike will have to be modified and parking spaces eliminated when my clients' 50 foot easement right is taken advantage of. The Valleys do not consent to any activity which might adversely affect their rights which, as noted, are perpetual. In addition, not taking that easement into consideration could have a dramatic impact on 211 Albany Turnpike, as the future use of that easement would necessarily require substantive modifications to current development on that property and potential future use of that property.

Second, I might be wrong, but the way I read Section 4.1.C.11.a it does not permit the requested relief. That section reads (emphasis added), "off street parking beyond the limitations of 4.1.B.7.d subject to provisions of 7.2 except that this provision shall not apply to developments or subsequent modifications to developments initially approved by the commission prior to May 12, 2014." To my knowledge, all development on 211 Albany Turnpike was approved prior to May 12, 2014.

For the foregoing reasons, I believe it would be a serious error to grant the requested special permit. It is likely to have a substantive and adverse impact on the value of my clients' property and its potential future uses and does not appear to be consistent with the plan of conservation and development.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "David J. Markowitz", written over a horizontal line.

David J. Markowitz

DJM/sez

Cc: Philip Doyle

Donovan Valley via email

LADA, P.C.

ORIGINAL
WETLAND
APPLICATION
PACKAGE

Land Planners

Land Development Consulting, Site Planning, Landscape Architects, Planners, Corridor Studies, Visual Assessment, Environmental Impact Statements, Erosion Control Specialists, Streetscapes, Recreation, and Master Planning

May 19, 2016

Mr. Neil Pade, AICP
Director of Planning and Community Development
PO Box 168
4 Market Street
Collinsville, CT. 06022

Ms. Emily Anyzeski
Inland Wetlands & Watercourse Agent
Zoning Enforcement Officer

Re: 211 Albany Turnpike
Response to Notice of Violation
Special Permit for Parking

Mr. Pade and Ms. Anyzeski:

In the role of Zoning Enforcement Officer, Ms. Anyzeski issued a Notice of Violation and a Request for Voluntary Compliance on March 10, 2016. The current property owner, 211 Albany Turnpike, LLC, represented by Dr. Gabrielle of Simsbury, requested LADA,PC investigate activities on the site and prepare a comprehensive response to remedy the noted violations. Attached, please find a description of activities found on the property and a description of violation remedies proposed. The remedies include both the removal of certain activities and a request for approval for one activity. The request for approval involves Inland Wetland and Planning and Zoning action.

The Town Staff has been very helpful in making the Town Planning and Zoning and Building Department files available for review and duplication and in discussions regarding site compliance.

We look forward to meeting with the Town Land Use Department Staff, the Planning and Zoning Commission and the Inland Wetland Agency.

Sincerely,



Philip Doyle, RLA

CANTON TOWN HALL
LAND USE OFFICE

JUN 01 2016

DATE OF RECEIPT IN OFFICE

Notice of Violation:

Response to March 10, 2016 Notice of Violation and Request for Voluntary Compliance, 211 Albany Turnpike

The Notice of Violation contains two identified concerns:

1. Parking of automobiles by Acura of Avon,
2. Parking of unregistered vehicles along the western border of the site.

The response to the specific complaint follows:

1. The parking of Automobiles by Acura of Avon is generally within and around the area defined as "Future Parking" on previously approved site plans and, the parking for Acura of Avon has not been approved by the Town of Canton. The property owner is filing a Special Permit and Site Plan Modification application to seek approval for the activity. Should the applications be approved, the requirements of the permit will be implemented and the parking will remain. Should the applications be denied, the property owner has the option of seeking a variance from the Zoning Board of Appeals. The parking will be removed if all applications are denied. In this proposed course of action, the applicant recognizes the existing parking is within an upland review area of the Inland Wetland Agency and an application for work in this area is required and attached.
2. Unregistered vehicles and vehicles in disrepair were found on the site. The applicant does not own the vehicles and has requested the Manager of Monro Muffler remove the vehicles from the site. As of this date, the vehicles in disrepair have been removed.

The property owner has identified an additional issue to be addressed, not noted by the Town Staff.

The applicant has found at least eight, sometimes more, vehicles of employees of Valley Lawn and Landscape, 213 Albany Turnpike, parked near the western boundary of the property in paved spaces previously approved only for use of occupants of 211 Albany Turnpike. The applicant has requested Valley Lawn and Landscape immediately remove all parking from 211 Albany Turnpike. 213 Albany Turnpike has no legal right nor has any municipal land use approval to park on lands of 211 Albany Turnpike.

Description of Action:

The present owner of 211 Albany Turnpike purchased the property in March of 2015, believing that all activities on the property were correctly approved, this expectation was not correct and a apology is offered to the Town.

Town Staff has provided copies of plans and approvals for numerous activities on the land. The Town records indicate the building was initially constructed on 1960 and used as a restaurant. Few documents remain in Town files from that period. Numerous approvals have been granted from around 1992 when the building was enlarged for more office, personal service, and automotive uses, copies of approval resolutions and plans are attached. The land had previously been partially zoned B-1, now entirely zoned B. Most approvals were granted under the B-1 zoning where all uses required Special Exceptions. Special Exception approvals have been granted to the site for: Restaurant, Day Care, Personal Service, Automotive Repair, Office, Retail. The most recent approval from 2007 allows the site to be occupied by a Day Care requiring 22 parking spaces; a nail salon (Personal Service) requiring 6 parking spaces, an automotive repair facility (Monro Muffler) requiring 10 parking spaces. Per the 2007 plan, the approved uses required 38 parking spaces and 46 paved parking existed on the site. The plan indicates 21 future parking spaces are approved for a total of 67 approved parking spaces (see attached 2007 site plan).

The Day Care 3,300 sf +/- portion of the building is not occupied, the owner requests an approval to occupy that area for either office or retail use, depending upon market conditions. Retail occupancy would require 11 parking spaces while office use would need 7 parking spaces.

Assuming a worst case retail use of the space, 11 parking spaces would be needed, the approved Personal Service space requires 6 spaces, the automotive repair use requires 10 spaces for a grand total of 27 parking spaces. Per the latest approved site plan, 67 total parking spaces are approved for the site.

The applicant requests a Special Permit be granted under section 4.1.C.11.a to allow the use of 56 parking spaces for lease to a car dealership for parking. This request would increase the total permitted parking on the site from 67 to 83.

The applicant believes the site contains excess available B zoned land which could be leased to a local automobile dealership for parking of stock vehicles. There being no automobile sales on the property, this application would allow a business relationship between two companies for parking.

The parking would occupy the area generally approved for future parking and conforms closely to the area presently used for such parking. The total site disturbance would not exceed previously approved disturbances. A 4' tall stockade fence is proposed to screen the parking and a wood guide rail proposed to limit the extent of parking to the north. The area used for parking was once a gravel surface but, has not been maintained. The plan proposes bituminous paving an area for vehicle maneuvering and installing a solid gravel parking base for the parking of the 51 stock vehicles. Five existing paved parking spaces would be leased to allow cars to be moved on the property.

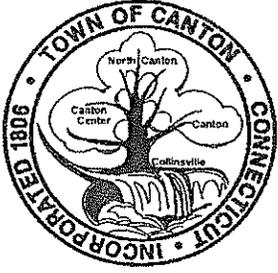
Trash containers will be placed on paved pads. The previously approved, and disturbed trash container area will be used for work staging. This area will be graded and seeded following construction. Erosion barriers will be installed during construction. The site is flat and no new drainage measures are proposed.

The area proposed for disturbance is within the upland review area of a wetland. The Inland Wetland Agent must determine if the action will be subject to review at Staff or Agency level, both types of application are filed herein. No wetlands will be disturbed by the action. Disturbance will remain at least 10' from a wetland. On this site, wetland Upland Review Areas have previously been approved for disturbance associated with parking and a consolidated trash collection area; this area previously approved, totals approximately 20,000 sf. The additional Upland review Area disturbance proposed with this application is 2,200 +/- sf or, 3% +/- of the Upland Review Area. Within the Upland Review Area, approximately 11,200 +/- sf of area will be repaved for vehicle parking (2,200 +/- sf of requested disturbance and 9,000 +/- sf of previously approved disturbance. Wetlands were previously identified by Henry Moeller and shown on the site plan via survey.

Current FEMA maps show the rear of the site to contain a 100 year flood plain. The flood plain area includes some of the space currently used for approved parking. Parking is a permitted use in a flood plain, no changes to grades are proposed. Approximately, 3,200 sf of parking for dealer parking would lie in the flood plain.

The property owner could have chosen to remedy the parking violation by seeking a variance from the Zoning Board of Appeals but believes it is preferable both for the property and the Planning and Zoning Commission to initially approach the matter as a Special Permit.

Notice of Violations 2010 through 2016



**TOWN OF CANTON
LAND USE OFFICE**

4 Market Street, Collinsville, Connecticut 06022

March 10, 2016
211 Albany Turnpike LLC
331 Bushy Hill Road
Simsbury, CT 06070

**Re: Notice of Violation and Request for Voluntary Compliance
211 Albany Turnpike, Canton, CT**

Dear 211 Albany Turnpike LLC Associates,

It has come to the attention of our office that the above referenced property violates the Town's Zoning Regulations.

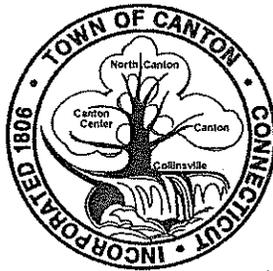
A complaint was received in the Land Use Office regarding concerns of excessive storage of motor vehicles, apparently all owned by Acura of Avon. There also appear to be a series of unregistered vehicles in disrepair stored on the western side of your property. After conducting an inspection and reviewing our files, it appears that the property is in violation of the approved site plan, which shows that this area was designed to hold no more than 10 vehicles.

While reviewing the files, it was also recognized that this same violation occurred in 2010, and it appears that no Special Exception was granted since then to permit this large storage of vehicles on your property. I am attaching the letters from 2010 for your reference.

As the Town of Canton's Zoning Enforcement Officer, it is my duty to inform you of this violation. This letter is a request that you bring your property into compliance with the Zoning Regulations by removing these vehicles from the property.

This is not a Cease and Desist Order, but failure to remedy this situation within **30 days** will lead to the issuance of such an order. If a Cease and Desist Order is issued and you fail to comply with it, the Town may consider legal action in accordance with Section 8-12 of the Connecticut General Statutes. In that event, you will be subject to potentially significant financial risk, including fines for each day that each violation continues, as well as Town attorney's fees and costs in bringing enforcement proceedings. We trust that you will take advantage of this opportunity to avoid such future actions and costs.

Your anticipated cooperation in this matter is greatly appreciated. Please call me at (860) 693-7892 so that we may discuss the situation further.



LAND USE OFFICE

Canton, Connecticut INC. 1806

4 Market Street, Canton, Connecticut 06019

Mr. Peter Delisa
175 Gracey Road
Canton, CT 06019

**RE: NOTICE OF VIOLATION AT 211 ALBANY TURNPIKE, ASSESSOR'S
MAP 4-5, LOT 28**

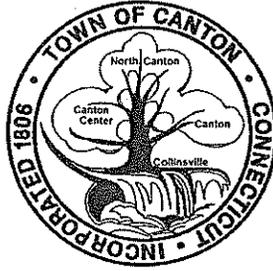
October 1, 2010

Dear Mr. Delisa:

Last April, I issued a Notice of Violation for the above property, citing the storage of vehicles as a violation of a previously approved site plan and too far distant from the Acura dealership for which they were stored. Subsequently, the Zoning Commission ruled that I had misinterpreted the distance requirement but recommended that you apply for a Special Exception as a parking lot under Section 31.2.4 of the Zoning Regulations. You then hired David Whitney, Consulting Engineer, to prepare plans so that an application could be made.

It has now been five months and no Special Exception application has been submitted to the Zoning Commission. Mr. Whitney has not returned my calls on the matter and cars are still being stored on the site. In my capacity as Zoning Enforcement Officer, I am requesting that you submit this Special Exception application to the Zoning Commission or remove the vehicles from the site.

This is not a Cease and Desist Order, but failure to remedy this situation within thirty (30) days will lead to the issuance of such an order. If a Cease and Desist Order is issued and you fail to comply with it, the Town may consider legal action in accordance with Section 8-12 of the Connecticut General Statutes. In that event, you will be subject to potentially significant financial risk, including fines for each day that each violation



LAND USE OFFICE
Canton, Connecticut INC. 1806
4 Market Street, Canton, Connecticut 06019

Mr. Peter Delisa
175 Gracey Road
Canton, CT 06019

**RE: NOTICE OF VIOLATION AT 211 ALBANY TURNPIKE, ASSESSOR'S
MAP 4-5, LOT 28**

April 27, 2010

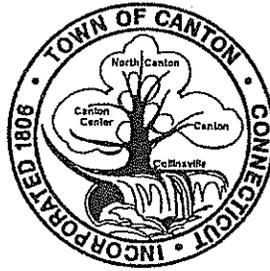
Dear Mr. Delisa:

Per your brother Tom's request, this letter clarifies the Notice of Violation that was sent to you on April 20, concerning the status of the vehicles that Acura of Avon has been storing on the above property. That Notice cited Section 62.3 of the Zoning Regulations which stipulates that vehicles be parked no more than 300 feet from the use to which they are appurtenant.

On April 21, 2010, Town Planner Neil Pade discussed this matter with the Zoning Commission. It was the consensus of the Commission that Section 62.3 had been misinterpreted by the Zoning Enforcement Officer. The Commission's interpretation of the 300 foot requirement is that it applies to the parking of customer and employee vehicles but not to the off-site storage of vehicles for sale. The Commission then recommended that you apply to the Zoning Commission for a Special Exception under Section 31.2.11, Parking lot or garage for more than five vehicles.

I talked to David Whitney yesterday and he expects to prepare a proposal and meet with us shortly concerning this matter. If you have any further questions, please feel free call me at (860)693-7892

10



LAND USE OFFICE
Canton, Connecticut INC. 1806
4 Market Street, Canton, Connecticut 06019

Mr. Peter Delisa
175 Gracey Road
Canton, CT 06019

**RE: NOTICE OF VIOLATION AT 211 ALBANY TURNPIKE, ASSESSOR'S
MAP 4-5, LOT 28**

October 1, 2010

Dear Mr. Delisa:

Last April, I issued a Notice of Violation for the above property, citing the storage of vehicles as a violation of a previously approved site plan and too far distant from the Acura dealership for which they were stored. Subsequently, the Zoning Commission ruled that I had misinterpreted the distance requirement but recommended that you apply for a Special Exception as a parking lot under Section 31.2.4 of the Zoning Regulations. You then hired David Whitney, Consulting Engineer, to prepare plans so that an application could be made.

It has now been five months and no Special Exception application has been submitted to the Zoning Commission. Mr. Whitney has not returned my calls on the matter and cars are still being stored on the site. In my capacity as Zoning Enforcement Officer, I am requesting that you submit this Special Exception application to the Zoning Commission or remove the vehicles from the site.

This is not a Cease and Desist Order, but failure to remedy this situation within thirty (30) days will lead to the issuance of such an order. If a Cease and Desist Order is issued and you fail to comply with it, the Town may consider legal action in accordance with Section 8-12 of the Connecticut General Statutes. In that event, you will be subject to potentially significant financial risk, including fines for each day that each violation

continues, as well as the Town's attorneys fees and costs in bringing enforcement proceedings. We trust that you will take advantage of this opportunity to avoid such future actions and costs.

Your anticipated cooperation in this matter is greatly appreciated. If you have any further questions, please feel free call me at (860)693-7892

Sincerely,



Roland R. Klee, AICP
Assistant Town Planner/Zoning Enforcement Officer
4 Market St
P.O. Box 168
Collinsville, CT 06022
860-693-7892
rkle@TownofCantonCT.org
www.TownofCantonCT.org

Cc: Kenneth Slater, Town Attorney
Neil Pade, Town Planner
Robert Skinner, CAO
Richard Barlow, First Selectman
Acura of Avon
David Whitney, Consulting Engineer
Zoning Board of Appeals
Zoning Commission

Brodeur, Sue

From: DAVID F. WHITNEY [dfwengineers@sbcglobal.net]
Sent: Monday, January 17, 2011 12:46 PM
To: Klee, Roland; Pade, Neil
Cc: Brodeur, Sue
Subject: Peter Delisa, 211 Albany Turnpike, Canton, Ct
Attachments: PETER DELISA SITE PLAN.pdf

Roland, Neil: Hello,

I apologize for the delay in responding back to your telephone calls. Attached with this email (as a pdf) is a copy of a site plan showing the Automobile Storage Area for Peter Delisa at 211 Albany Turnpike in Canton. I also sent a full-size copy of the plan in the mail to both you and Peter Delisa today.

In addition, in the envelope mailed today I included a copy of the original approved site plan for this property, with the automobile parking area superimposed in color on the plan. It appears that the existing gravel parking lot (i.e. the automobile storage area) does **not** encroach any further towards the wetlands than was allowed by the original permit, so going forward it seems Mr. Delisa should not have to make an application to the Inland Wetlands/Watercourses Agency. Would you agree?

At your convenience please do not hesitate to call or email with any questions or comments.

Thank you,

--Dave W. w 860-673-8412

1/18/2011

2005 Approval Resolution



ZONING COMMISSION

Canton, Connecticut INC. 1806

4 Market Street Canton, Connecticut 06022

July 28, 2005

Mr. Peter Delisa
175 Grassy Road
Canton, CT 06019

Certified Mail R/R 7005 0390 0004 1152 3154
RETURN RECEIPT REQUESTED

RE: File #22, Appl. #1120, 211 Albany Turnpike, Zone B1, Map 4-5, Lot 28, Special Exceptions for enlargement of restaurant use, and Modification of Site Development Plan for construction of front deck, Peter Delisa, applicant/owner.

Dear Mr. Delisa:

At a regular meeting on Wednesday, July 20, 2005, at the Library Community Center in Canton, CT, the Canton Zoning Commission approved the above captioned item as follows:

Modification of the Site Development Plan subject to the following conditions:

- 1) Condition approval limited to construction of front deck.
- 2) No other changes shown on the Site Development Plan are part of this approval.

Special Exception for enlargement of the restaurant use.

The Zoning Commission finds their decision to be in accordance with Section 52, Section 51 and Section 31.2.5 of the Canton Zoning Regulations.

The action of the Commission is not effective until 15 days after publication of the decision in the Hartford Courant on Tuesday, July 26, 2005.

LIST OF DRAWINGS

- Site Plan, dated 7/28/97, revision dated 5/13/05, prepared by David Whitney.

RECORDING YOUR APPROVAL

Enclosed you will find the Certificate of Action. In order to validate the action of the Commission, you must bring the original Certificate of Action to the Canton Town Clerk for recording on the Canton Land Records. In addition you must provide one (1) fixed line mylar, one (1) mylar and three (3) paper copies of each approved plan for signature by the Chairman and/or Secretary. Once signed, you will be contacted to bring the filing mylar(s) to the Canton Town Clerk for recording within one (1) year of the end of the appeal period for this approval. Recording fees may be obtained by calling the Town Clerk's office at 693-7870.

Maps to be filed on the land records of the Town Clerk must meet the following standards:

Must be produced by 1) wash-off photographic polyester film, 2) fixed-line photographic polyester film, 3) original ink drawing on polyester film or linen, the process used must be certified by a stamp in red indelible ink, 1" x 2", and include name of producer and process used. Polyester films ("mylar") must be matted on at least one side. Maps shall be 24" x 36".

OTHER PERMITS

The Certificate of Action is not a permit to commence with your plans. It entitles you to make application for a Building Permit, a Sign Permit or any other permit.

Please call this office if you need any further details: 693-7891.

Sincerely,



Sarajane S. Picken, AICP
Director of Planning and Community Development

c. David Whitney

CERTIFICATE OF ACTION

CANTON ZONING COMMISSION

OWNER OF RECORD:

Mr. Peter Delisa
67 Elderberry Hill Road
Canton, CT 06019

ZONING FILE No. 22
APPLICATION No. 11120
ZONE B1
MAP 4-5 LOT 28
APPLICANT Peter Delisa
LOCATION 211 Albany Turnpike
Canton, CT 06019

SPECIAL EXCEPTION AND SITE DEVELOPMENT PLAN

File #22, Appl. #11120 211 Albany Turnpike Zone B1 Map 4-5 Lot 28. Special Exceptions for enlargement of restaurant use, and Modification of Site Development Plan for construction of front deck. Peter Delisa, applicant/owner.

Modification of the Site Development Plan subject to the following conditions:

- 1) Condition approval limited to construction of front deck.
- 2) No other changes shown on the Site Development Plan are part of this approval.

Special Exception for enlargement of the restaurant use.

The action of the Commission is not effective until 15 days after publication of the decision in the Hartford Courant on Tuesday, July 26, 2005.

Dated at Canton, Connecticut on July 28, 2005.


Sandra A. Trionfimi, Secretary
CANTON ZONING COMMISSION

Canton Zoning Commission
Regular Meeting Minutes
Wednesday, August 17, 2005, 7:30p.m.
Library Community Center at 40 Dyer Avenue, Canton, CT

CALL TO ORDER: The meeting was called to order at 7:37 p.m.

ROLL CALL: Christopher Winsor, Chairman; Jay Weintraub, Vice Chairman; Sandra Trionfini, Secretary; Leesa Lawson; Glen Barger, Alternate (seated for Mark Podesla). **Not Present:** Kathy Hooker and Mark Podesla **Also Present:** Sarajane S. Pickett, Town Planner, Jean Kelley, Recording Clerk.

OLD BUSINESS:

1. **File #392, Apln. #1121;** 101 & 107 Albany Turnpike, Zone SB, Map 3-4; Lot 11/12; Special Exceptions for retail use, restaurant use, parking, increase to 56% impervious surface coverage and consideration of this application under the ATOD regulations and Site Development Plan Approval for 30,000s.f. building; Canton Realty, LLC and New Broadway Realty, LLC, owners; LADA, P.C., applicant.

The public hearing for this item was opened on June 15, 2005 and continued to tonight due to an increase in impervious surface and consideration under the ATOD regulations. The advertisement has been done and a letter was received from the applicant requesting that the Public Hearing be continued to the September 21, 2005 Public Hearing.

Philip Doyle, L.A.D.A., stated that Attorney Sherwood requested that Mr. Doyle write a letter to extend the Public Hearing to September 21, 2005.

Ms. Pickett stated that the applicant will have 37 days left after today on the original application. Mr. Winsor expressed concern that the Public Hearing would have to be closed next month, to which Ms. Pickett reaffirmed that it would need to be. Mr. Winsor stated that the Site Development Plan will have to be completed, and Mr. Doyle stated that he believes that this will happen and that the application could be withdrawn and re-submitted if complications arise.

MOTION: Ms. Trionfini moved to continue File #392 Apln.# 1121 of the Public Hearing to the September 21, 2005 Public Hearing. Ms. Lawson seconded.

VOTE: Winsor -Yes; Weintraub-Yes; Trionfini-Yes; Lawson-Yes; Barger-Yes

REGULAR MEETING

PUBLIC HEARING ACTIONS:

1. **File #392, Apln. #1121;** 101 & 107 Albany Turnpike, Zone SB, Map 3-4; Lot 11/12; Special Exceptions for retail use, restaurant use, parking, increase to 56% impervious surface coverage and consideration of this application under the ATOD regulations and Site Development Plan Approval for 30,000 s.f. building; Canton Realty, LLC and New Broadway Realty, LLC, owners; LADA, P.C., applicant.

This item was continued to the September 21, 2005 Public Hearing

OLD BUSINESS:

1. **File #22, Apln. #1120;** 211 Albany Turnpike; Zone B1, Map 4-5, Lot 28; Modification of Site Development Plan for paving of parking lot; Peter DeLisa, applicant/owner.

Ms. Pickett stated that the only outstanding item was that the graveled area needed to be paved, and that Mr. DeLisa has been to IWWA for approval. IWWA approved the application with the following conditions: 1) The plans need to reflect the diversion of the water run off so that it goes directly into the wetlands, 2) The dumpsters must be placed upon the asphalt itself, 3) Front elevations must be shown throughout the plans; 4) There is to be a gravel swale between the edge of the asphalt and a berm that is to be built behind it. She suggested that these same conditions could be included in the approval tonight.

Peter DeLisa, owner/applicant, spoke about the maintenance of berms and drains, and stated that the maintenance could be difficult due to plowing and dumpster drivers. Ms. Pickett stated that the berms will be easier to maintain if the dumpsters are moved on the asphalt. She suggested that Mr. DeLisa write a letter to the tenants and carbon copy the Town of Canton to make sure that dumpsters are placed on asphalt. Mr. Winsor recommended that Mr. DeLisa's land surveyor address issues with the berm to IWWA and that it is Mr. DeLisa's responsibility to ensure that the conditions as set forth by IWWA be met.

MOTION: Mr. Weintraub moved to approve File #22 Apln. #1120 Minor Modification of the Site Development Plan as submitted subject to the conditions that were previously read tonight as imposed by the IWWA. Ms. Trionfini seconded.

VOTE: Winsor -Yes; Weintraub-Yes; Trionfini-Yes; Lawson-Yes; Barger-Yes

Wetland Application

Submitted to Land Use Office:

TOWN OF CANTON
Inland Wetlands and Watercourses Agency (IWWA)
APPLICATION FOR PERMIT

Office Use Only

CANTON TOWN HALL

FILE #: 06-16-1140

Fee: \$160.00

PAID: Cash Bank (Check #)

#1959

LAND USE OFFICE

First Wetlands meeting date 07/14/16

Status: JUN 01 2016

Second Wetlands meeting date ___/___/___

Status: DATE OF RECEIPT IN OFFICE

Any Waivers Requested? Y N

Note: If this application is not completed in the proper form, it can be summarily rejected by the Agency

Applicant Name: 211 ALBANY TURNPIKE, LLC

Address: 331 BUSHY HILL ROAD
SUNSBURY, CT 06070

Bus. Phone: 860 658 1704

Home Phone: SAME

Owner of Record: SAME

Address: _____

Bus. Phone: _____

Home Phone: _____

Contractor Name: NONE

Bus. Address: _____

Bus. Phone: _____

Fax: _____

Consultant Name: LADA PC

Expertise: PLANNER & LANDSCAPE ARCHITECT

Bus. Address: 104 WEST ST
SUNSBURY CT 06070

Bus. Phone: 651 4971

Fax: 651 6153

Site Description

Address: 211 ALBANY TURNPIKE

Assessors Map 31 Lot 101 Recorded Volume 417 Page 1001-1010 Acreage 4.3 Zone B

>>> Attach a location map or vicinity map at a scale of 1" = 1000' to help locate the property <<<<

Describe Existing Uses: AUTOMOTIVE, PERSONAL OFFICE, PARKING

Describe Proposed Activity/Purpose: APPROVAL FOR CAR DEALER PARKING

Describe How Wetlands and Watercourses Will Be Disturbed: NO DISTURBANCE OF WETLAND OR WATERCOURSE

Quantify Earth Work in Regulated Area: Volume 370± cu. ft. Depth of Fill 1' ft. Slope 0°
CUT IN UPLAND REVIEW AREA

(Include materials moved/removed/disturbed) Area 11,200± sq. ft. Percent of total area: 13%+

SIGNIFICANT ACTIVITY INFORMATION N/A

Complete this portion if your proposal is considered to be significant pursuant to Section 2.1 cc of the Canton IWWA Regulations.

1. Describe further the general character of the land in sufficient detail to characterize the wetlands and watercourses, including soil types. Refer to any plans that may be enclosed: _____

2. State the function that the wetlands/watercourses currently serves and the effect that the proposed activity may have on that function. Those functions should include surface and ground water quality, flood control, and wildlife habitat: _____

3. State in more detail or by specific locations, depths to which removal or deposition operations are proposed and the percent of slope, including kinds of materials removed and/or deposited and sides of channels or excavations resulting from removal or filling operations: _____

4. State manner in which material will be removed or deposited and /or in which any structure will be erected, and/or use carried out, including a description of the nature of the use proposed: _____

5. State the anticipated time and sequence of construction and length of construction period(s): _____

6. List (or attach on a separate sheet) the titles of site plans, drawings, and cross-sections, with latest revision dates and any other reports that are part of this application and are accompanying this form: _____

7. List (or attach on a separate sheet) all abutting property owners and downstream and down-gradient property owners as may be required. Give both names and addresses: _____

8. Identify previous permits or certificates for existing activities on the property giving name and current address and phone number of the permit holder, dates of issuance and expiration of the permit, and the agency file number: _____

SUBMIT PLANS IN THE FOLLOWING FORMATS ONLY:

1. 24" x 36"
2. 18" x 24"
3. 12" X 18"

Attach a site plan scaled at sufficient detail to show existing and proposed conditions, including maximum building areas relative to regulated areas, measures proposed to mitigate potential adverse impacts and a listing of soil types.

If considered a significant activity, you may be required to attach maps at prescribed scales showing the location of proposed activities, adjacent lands and regulated areas, upstream/downstream areas, property lines, roads and drives, existing buildings and utilities, topography, published and or found soil survey types, wetlands limits, watercourses and buffer areas, existing open space lands and private/public conservation easements, and types of vegetative cover. Consult the regulations for details.

DISCUSS WHY THIS PROPOSAL WAS CHOSEN OVER ANY ALTERNATIVES. LIST ALL ALTERNATIVES (use separate sheet if necessary):

N/A

OWNER'S CONSENTING SIGNATURE:

The undersigned, as owner of the property, hereby consents to necessary and proper inspections of the property that is subject to this application by agents of the Canton Inlands Wetlands and Watercourses Agency at reasonable times, both before and after a final decision has been issued by this Agency.



Signature

6/3/16
Date

APPLICANT'S SIGNATURE:

The undersigned is familiar with all of the information provided in this application and is aware that any permit obtained through deception, or inaccurate or misleading information, is subject to revocation. The applicant further understands that any violation of any provision of a permit may result in orders to cease and desist from any and all work at the site. If an agent's name has been specified as the primary contact person on the front of this application, the applicant authorized that agent to act on his/her behalf before the Canton Inland Wetlands and Watercourses Agency in matters regarding this application.



Signature

6/3/16
Date

REQUEST FOR WAIVERS
(per IWWA Regulations effective 09/01/11)

In accordance with Section 7.11 of the Canton Inland Wetlands and Watercourses Agency Regulations, a request is made that the following application requirements be waived (check those section numbers requested for waiver):

 Section 7.4d (The geographical location and description of the land in sufficient detail to allow identification of the properties, the wetlands, the watercourses, the area to be disturbed – waiving only identification of soil types and wetland vegetation).

 Section 7.4e (3) (The purpose and description of the activity, proposed E&S controls management practices, mitigation measures – waiving only identification of measures to restore, enhance and create productive wetland or watercourse resources)

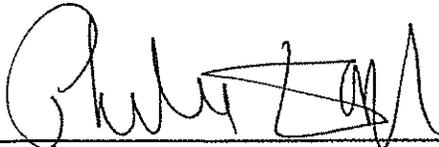
 Section 7.4 g (Site plan on a scale of at least 1" = 40' showing proposed activity, existing and proposed conditions relating to wetlands and watercourses, associated or inevitable activity that may impact wetlands or watercourse).

 Section 7.4 h (Names and addresses of land owners within 100 feet of property boundary) N/A if significant impact activity determined or public hearing called.

 Section 7.4m (Any other information the Agency deems necessary)

 Section 7.5 f (Analysis of chemical or physical characteristics of any fill material).

The undersigned, as owner or duly authorized applicant, has reviewed the above information provided to the Canton Inland Wetlands and Watercourses Agency and certifies it is true and correct to the best of his/her knowledge and belief.



Signature **AGENT FOR APPLICANT**

 5.23.16
Date

Deeds

Doc ID: 001189080004 Type: WARR
BK 417 PG 1007-1010

After recording return to:
PAUL E. POTANKA, ESQ
P.O. BOX 215
CANTON, CT 06019-0215

WARRANTY DEED

To All People To Whom These Presents Shall Come, Greeting:

KNOW YE, That MRPD LLC, a Connecticut Limited Liability Company with an office in the Town of Westbrook, County of Middlesex and State of Connecticut (hereinafter referred to as the "Grantor") for the consideration of SEVEN HUNDRED FIFTY THOUSAND AND 00/100 (\$750,000.00) DOLLARS, received to its full satisfaction of 211 ALBANY TURNPIKE LLC, a limited liability company with an office at 331 Bushy Hill Road in the Town of Simsbury, County of Hartford and State of Connecticut (hereinafter referred to as the "Grantee"), does give, grant, bargain, sell and confirm unto the said Grantee herein, all right, title, interest, claim and demand whatsoever as it the said Grantor herein has or ought to have in or to the following described real property:

A certain piece or parcel of land together with all buildings and improvements thereon, located at 211 Albany Turnpike, Canton, Connecticut, and being more particularly described in SCHEDULE A attached hereto and made a part hereof and subject to those matters described in Schedule A and Schedule B attached hereto and made a part hereof

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee, its successors and assigns forever, to it and their own proper use and behoof.

And also, it the said Grantor does for its successors and assigns, covenant with the said Grantee, its successors and assigns, that at and until the ensealing of these presents, it is well seized of the premises as a good indefeasible estate in fee simple; and it has good right full power and lawful authority to bargain, convey and sell the same in manner and form as is above written; and that the same is free from all encumbrances whatsoever, except as hereinbefore mentioned.

**SCHEDULE A
PROPERTY DESCRIPTION**

Property Address: 211 Albany Turnpike, Canton, Connecticut

A certain piece or parcel of land, with the buildings and improvements thereon, located on the northerly side of Albany Turnpike (also known as Route 44), in the Town of Canton, County of Hartford and State of Connecticut, and commonly known as 211 Albany Turnpike, and shown as Parcel "B" on a map entitled: "Map Showing Property Owned by Anna Regish Albany Turnpike Canton, Conn. Scale 1" = 40' April 11, 1955", which map is certified substantially correct by John P. Delbone, Land Surveyor, and is recorded as Map #376F in the Canton Town Clerk's Office. Said premises are more particularly bounded and described as follows:

Beginning at an iron pin located on the northeasterly highway line of Albany Turnpike, which iron pin marks the southwesterly corner of land now or formerly of James M. Gilbert and which iron pin is also located 26.12 feet southeasterly of a C.H.D. monument; thence running southeasterly along said highway line 226.60 feet to an iron pin; thence turning an interior angle of 103° 53' and running in a northeasterly direction 180.23 feet to an iron pin; thence turning an interior angle of 256° 13' and running in a southeasterly direction 125.0 feet to an iron pin, the last two courses being along land now or formerly of Claude Rotondó, et al; thence turning an interior angle of 97° 59' and running in a northeasterly direction 664.38 feet to an iron pin; thence turning an interior angle of 136° 09' and running in a northerly direction 185.45 feet to an iron pin; thence turning an interior angle of 48° 15' 30" and running in a southwesterly direction 333.33 feet to an iron pin; thence turning an interior angle of 192° 33' 30" and running in a southwesterly direction 351.50 feet to an iron pin, the last two courses being along land now or formerly of Anna Regish; thence continuing in the same course and running in a southwesterly direction 199.22 feet to an iron pin; thence continuing in the same course and running in a southwesterly direction 175.42 feet to the point and place of beginning, the last two courses being along land now or formerly of James M. Gilbert.

Being the same premises conveyed (or intended to have been conveyed) in the following documents: Conservator's Deed from the Estate of Laura E. Neri to Peter M. DeLisa dated January 21, 1992 and recorded January 22, 1992 in Volume 180 at Page 599 of the Canton Land Records; Certificate of Devise from the Estate of Peter M. DeLisa aka Peter DeLisa to Thomas F. DeLisa, Robert J. DeLisa, and Michael A. DeLisa dated February 24, 2014 and recorded March 21, 2014 in Volume 411 at Page 683 of the Canton Land Records; and a Quit Claim Deed from Thomas F. DeLisa, Robert J. DeLisa, and Michael A. DeLisa to MRPD, LLC dated March 12, 2014 and recorded March 21, 2014 in Volume 411 at Page 684 of the Canton Land Records.

EXCEPTING THEREFROM the parcel conveyed from Laura E. Neri to the State of Connecticut recorded August 5, 1980 in Volume 113 at Page 476 of the Canton Land Records.

SCHEDULE B

The Property will be conveyed subject to:

Any restrictions or limitations imposed by governmental authority, including building and setback lines, building zoning and planning rules regulations of the City of or Town, and region or district, if any, in which the Property is situated, and any and all provisions of any ordinance, municipal regulations or public or private law, provided that same are not in violation at the time of the closing.

Taxes, including also fire district taxes, downtown district taxes or any other similar tax, of the City or Town in which the property is situated, which become due and payable after the date of the delivery of the deed, which taxes the Purchaser shall assume and agree to pay as part of the consideration for the deed.

Tidal-wetlands, inland-wetlands and watercourse statutes, ordinances, rules and regulations, both local, State and Federal.

Any riparian or littoral rights of others, whether common law or statutory, in or to any ponds, brooks, rivers, streams or other bodies of water, flowing or otherwise, adjoining or passing in, over, under and through the Property or existing thereon.

Variance granted by the Zoning Board of Appeals recorded 11/27/79 in Volume 111 at Page 716 of the Canton Land Records.

Right of Way and Maintenance Agreement as set forth in a Conservator's Deed dated 1/21/92 and recorded 1/22/92 in Volume 180 at Page 599 of the Canton Land Records.

Special Exception and Simplified Site Plan Modification dated 7/28/92 and recorded 6/2/93 in Volume 191 at Page 444 of the Canton Land Records.

Site Plan Modification dated 10/1/92 and recorded 6/2/93 in Volume 191 at Page 445 of the Canton Land Records.

Special Exception and Site Plan Modification dated 10/1/92 and recorded 6/2/93 in Volume 191 at Page 446 of the Canton Land Records.

Special Exception dated 11/4/93 and recorded 2/25/94 in Volume 198 at Page 707 of the Canton Land Records.

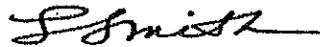
Special Exception and Site Plan Modification dated 10/6/94 and recorded 2/21/95 in Volume 204 at Page 865 of the Canton Land Records.

Special Exception and Site Plan Modification dated 2/14/95 and recorded 2/21/95 in Volume 204 at Page 866 of the Canton Land Records.

Approval of Minor Site Plan Modification dated 2/5/04 and recorded 2/18/04 in Volume 305 at Page 998 of the Canton Land Records.

Permit, certificate of action, and notes as set forth on Subdivision Map #2117A.

Received for Record at Canton, CT
On 03/23/2015 At 1:20:17 pm



CONSERVATORS' DEED

LAURA E. NERI of West Hartford, Connecticut ("Grantor"), by the actions of the co-conservators of her estate, Robert A. Neri and Deborah L. Vitale, for the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) received to the full satisfaction of said co-conservators, does grant, bargain, sell and confirm unto PETER M. DELISA, of Canton, Connecticut ("Grantee"), all the right, title, interest, claim and demand which the said Laura E. Neri has, or which Robert A. Neri and Deborah L. Vitale as co-conservators of the Estate of Laura E. Neri have or ought to have in and to a certain piece or parcel of land located on the northerly side of the Albany Turnpike, Canton, Connecticut as more particularly described on Schedule A attached hereto and made a part hereof.

EXCEPTING AND RESERVING to the Grantor and her heirs and assigns for the benefit of all property now owned or hereafter acquired by the Grantor to the north of the parcel herein conveyed a perpetual right of way 50 feet in width running along the northerly part of the premises herein conveyed as more particularly described on Schedule A, the Grantor reserving the right to use said right of way in common with others who have such right for access. The Grantor, for herself and her heirs and assigns as aforesaid, further reserves the right to make such improvements on said right of way as shall be necessary and required by town planning and zoning regulations, should Grantor or her heirs or assigns decide to develop her/their land.

To HAVE and to HOLD said granted and bargained premises with the appurtenances thereof, unto the said Grantee and his heirs and assigns, for their own proper use and benefit forever. And the said co-conservators do hereby covenant with the said Grantee and his heirs and assigns, that they have full power and authority, as co-conservators of the Estate of Laura E. Neri, to grant and convey the premises described on Schedule A in manner and form aforesaid and do further covenant to warrant and defend the same to the Grantee and his heirs and assigns, against the claims of any person or persons whomsoever, claiming by, from or under Robert A. Neri and Deborah L. Vitale as co-conservators of the Estate of Laura E. Neri.

AND Grantee by the acceptance of this deed covenants and agrees (which covenant is intended to and shall run with the land whether benefited or burdened) to maintain the aforesaid right of way reserved by the Grantor in its present condition until such time as Grantor or her heirs or assigns shall develop the land benefited by such right of

VOL. 180 PAGE 600

way, or any portion thereof, and make improvements to such right of way.

Signed this 21st day of January 1992.

Witnessed by:

Dean Caponi
Sharon Feldstein
SHARON FELDSTEIN

Robert A. Neri
Robert A. Neri,
Co-Conservator of the
Estate of Laura E. Neri

Kevin B. Vitale
Kevin B. Vitale
Robert A. Feiner
Robert A. Feiner

Deborah L. Vitale
Deborah L. Vitale,
Co-Conservator of the
Estate of Laura E. Neri

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF MONTGOMERY : ss. January 17, 1992

Personally appeared Robert A. Neri, signer of the foregoing instrument, and acknowledged the same to be his free act and deed as co-conservator of the Estate of Laura E. Neri, before me.

1,250.00 St. Conveyance Tax pd.
275.00

Beryl W. Cole
ASST:

STATE OF CONNECTICUT :
COUNTY OF HARTFORD : ss. January 21, 1992

Joseph W. Eisasser
Notary Public
Notarial Seal
Joseph W. Eisasser, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires April 16, 1994
Member, Pennsylvania Association of Notaries



Personally appeared Deborah L. Vitale, signer of the foregoing instrument, and acknowledged the same to be her free act and deed as co-conservator of the Estate of Laura E. Neri, before me.

Robert A. Feiner
Notary Public/Commissioner of
the Superior Court

RECORD & RETURN TO
GRANTER:
PETER M. DELISA
175 GRACEY ROAD
CANTON CT 06019

VOL. 180 PAGE 601

DESCRIPTION OF REAL ESTATE - SCHEDULE A

A certain piece or parcel of land located on the northerly side of the Albany Turnpike, also known as Route 44, in the Town of Canton, County of Hartford and State of Connecticut, and commencing at a point on the northerly side of said Albany Turnpike which point marks the southwesterly corner of land now or formerly of Claude Rotundo and Sons, and which point is also marked by an iron pin; thence making an inner angle of $103^{\circ}53'$ in a northeasterly direction 180.23 feet to an iron pin; thence making an interior angle of $256^{\circ}13'$ in a southeasterly direction for a distance of 125.0 feet to an iron pin; thence making an inner angle of $97^{\circ}59'$ in a northeasterly direction 664.38 feet to an iron pin; thence making an inner angle of $136^{\circ}09'$ and going in a northerly direction 185.45 feet to an iron pin; thence making an inner angle of $48^{\circ}15'30''$ in a southwesterly direction 190.0 feet an iron pin; thence in a straight line in a westerly direction to the easterly corner of a lot owned by the Grantor herein on which stands a residence; thence in a southwesterly direction along the southeasterly boundary line of said residential lot, which line also is the northerly line of a right of way leading to the Albany Turnpike, for a distance of 105.0 feet to an iron pin, which iron pin also marks the easterly corner of land now or formerly of James M. Gilbert; thence along the southeasterly boundary line of land now or formerly of James M. Gilbert and which line also is the northerly line of said right of way a distance of 375.14 feet to the Albany Turnpike

PK

VOL. 180 PAGE 602

aforementioned; thence in an easterly direction along the said highway line of said Albany Turnpike a distance of 226.60 feet to the place and point of beginning.

Said premises are subject to a right of way 50 feet in width running along the northerly part of the premises herein conveyed, extending from the Albany Turnpike to a line which is an extension of the boundary line between land of Grantor and land now or formerly of Anna Regish.

The foregoing premises is conveyed subject to the real estate taxes to the Town of Canton on the List of October 1, 1990, not yet delinquent and for all subsequent years, which taxes are assumed by the Grantee as part consideration of this Deed.

RECEIVED FOR RECORD AT CANTON, CONN.
ON 1-22-92 AT 1:39 P.M.
ATTEST: SHIRLEY C. KROMFEGAL, TOWN CLERK

CONSERVATORS' DEED

VOL. 233 - PAGE 978

KNOW ALL MEN BY THESE PRESENTS, that LAURA E. NERI a/k/a Laura Neri of the Town of West Hartford, County of Hartford and State of Connecticut, an incapable person, by the actions of the co-conservators of her estate, Robert A. Neri and Deborah L. Vitale, and by an order of the Court of Probate for the Town of West Hartford approving of such sale, an original of which shall be recorded simultaneously herewith, for and in consideration of the sum of One Hundred Thirty Thousand Dollars (\$130,000.00) received to the full satisfaction of DONOVAN VALLEY and MARIE B. VALLEY, does hereby grant, bargain, sell and confirm unto the said Donovan Valley and Marie B. Valley, jointly with the right of survivorship, all such right, title, interest, claim and demand which said Laura E. Neri has or which Robert A. Neri and Deborah L. Vitale as co-conservators of the Estate of Laura E. Neri have or ought to have in and to a certain piece or parcel of land, together with improvements thereon, situated in the Town of Canton, County of Hartford, State of Connecticut, and being known as 213 Albany Turnpike, as more particularly bounded and described as set forth on Schedule A attached hereto and made a part hereof.

TO HAVE AND TO HOLD, the above granted and bargained premises with the appurtenances thereof, unto Donovan Valley and Marie B. Valley, the said grantees, and their heirs, assigns and legal representatives and to their proper use and behoof. And the undersigned conservators do hereby covenant with the said grantees Donovan Valley and Marie B. Valley, that Deborah L. Vitale and Robert A. Neri have full power and authority as co-conservators of the Estate of Laura E. Neri as aforesaid, to grant and convey the above-described premises in manner and form as aforesaid, and for themselves and their heirs, legal representatives, successors and assigns, do further covenant to warrant and defend the same to the said grantees Donovan Valley and Marie B. Valley against the claims of any person whomsoever claiming by, from or under Deborah L. Vitale and Robert A. Neri as co-conservators of the Estate of Laura E. Neri as aforesaid.

VOL. 233 - PAGE 979
SCHEDULE A

A certain piece or parcel of land located on the northerly side of Albany Turnpike, also known as Route 44, in the Town of Canton, County of Hartford, and State of Connecticut, being shown as Parcel "C" Area = 5.43 ACRES on a certain map or plan entitled "Map Showing Property Owned By Anna Regish North of Albany Turnpike Canton, Conn Scale 1" = 40' June 6, 1955", which map or plan is on file in the Canton Town Clerk's office as Map No. 376 to which reference may be made.

Being a portion of the premises conveyed to the Grantor (Laura E. Neri) by Quit Claim Deed of J & L Corporation dated February 2, 1982 and recorded February 3, 1982 in Volume 117 at Page 560 of the Canton Land Records.

Said premises are conveyed together with a right of way 50 feet in width set forth in a Conservators' Deed from the Estate of Laura E. Neri to Peter M. DeLisa dated January 21, 1992 and recorded January 22, 1992 in Volume 180 at Page 599 of the Canton Land Records.

The foregoing premises is conveyed subject to the real estate taxes to the Town of Canton on the List of October 1, 1997, not yet delinquent and for all subsequent years, which taxes are assumed by the Grantee as part consideration of this Deed.

In Witness Whereof, Laura E. Neri a/k/a Laura Neri, acting through her co-conservators as aforesaid, has hereunto set her hand this 10th day of December, 1998.

Signed and Delivered in the presence of:

WITNESS:

GRANTOR:
Laura E. Neri a/k/a Laura Neri

Sandy Moore
~~Carol [unclear]~~

Sandy Moore
~~Carol [unclear]~~

Richard Fort
~~Richard Fort~~

Gloria Lomas
GLORIA LOMAS

By: Deborah L. Vitale
Deborah L. Vitale, Conservator

By: Robert A. Neri
Robert A. Neri, Conservator

STATE OF FLORIDA)
COUNTY OF SEMIWILE)

Longwood
ss: 265-86-1729

On this the 10th day of December, 1998, before me, the undersigned officer, personally appeared Deborah L. Vitale acting herein as co-conservator of the estate of Laura E. Neri, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that she executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I hereunto set my hand.

 MARGARET H. RACIOPPO
My Comm Exp. 5/08/99
Bonded By Service
No. CC460554
(1) Personally Known

Margaret H. Racioppo
Notary Public
My Commission Expires: 5/8/99

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF MONTGOMERY)

ss: Novristown

On this the 8 day of December, 1998, before me, the undersigned officer, personally appeared Robert A. Neri acting herein as co-conservator of the estate of Laura E. Neri, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I hereunto set my hand.

\$ 650.00 St. Conveyance Tax pd.
\$ 143.00 Conveyance Tax Received
Beryl W. Cole
Town Clerk of Canton

Linda Schwenk
Commissioner of the Superior Court
Notary Public
My Commission Expires:

SEAL

Grantees' Address:

Street and Number

NOTARIAL SEAL
LINDA C. SCHWENK, Notary Public
E. Norriton Twp. Montgomery Cty.
My Commission Expires 3-26-2001

City, State and Zip

RECEIVED FOR RECORD AT CANTON, CT.
ON 12-21-98 AT 12:13 P.M.

MISCELLANEOUS CONSERVATORS' DEED TO VALLEY

ATTEST: SHIRLEY C. KROMPEGAL, TOWN CLERK

The indications on plans or in other contract or bidding documents of pipes, ducts, wells, water and other underground utilities, objects and conditions are supposed to be approximately correct, so far as the knowledge of the Engineer preparing such plans, etc., extend. However, the Engineer and other agents do not warrant or represent the plan to be either approximately correct or complete and it is expressly understood that no contractor shall have any claim or right of action against the Owner or Engineer acting for or with it, in the event that the indications on plans or other contract documents of underground objects, wells, water or other main such investigations as he, they or it deems necessary and for his, their or its own opinion of the materials and obstacles involved.

Utility locations shown on these sheets are approximate and should be verified by the Contractor in the field. The Contractor shall utilize the Call Before You Dig Number, 1-800-922-4455.

The Contractor shall be responsible for the temporary and permanent support of all existing utility services in and adjacent to the construction area and shall comply with all the requirements and special details for the support of utilities required by each utility agency.

This sketch is an accurate representation of the proposed licensed area.
Edward H. Delisa
 APPLICANT
 DATE 2-24-93

SITE DATA		REQUIRED	PROVIDED	REQUIRED	PROVIDED
ZONE:	AR-3		B-1		
Min. Lot Area	87,120	N/A	30,000	± 1 AC.	
Min. Lot Area Rear Lot	130,680	± 3 AC.	40,000	N/A	
Min. Square Footage	180	PROVIDED	50	PROVIDED	
Min. Frontage	200	N/A (Rear Lot)	100	± 225'	
Min. Front Yard	40		50	± 35'	
Min. Side Yard	20	N/A NO PROPOSED BUILDING AT THIS TIME	15	± 26'	
Min. Rear Yard	20		15	± 730'	
Max. Stories	1 1/2		3	1	
Max. Height	35		35	< 35'	
Max. Lot Coverage	10%		25%	± 10%	

* Location of existing building is non-conforming

AUTOMOTIVE REPAIR USE GRANTED BY CANTON ZONING BOARD OF APPEALS AT ITS MEETING ON OCTOBER 19, 1992.
 CHAIRMAN _____ DATE _____

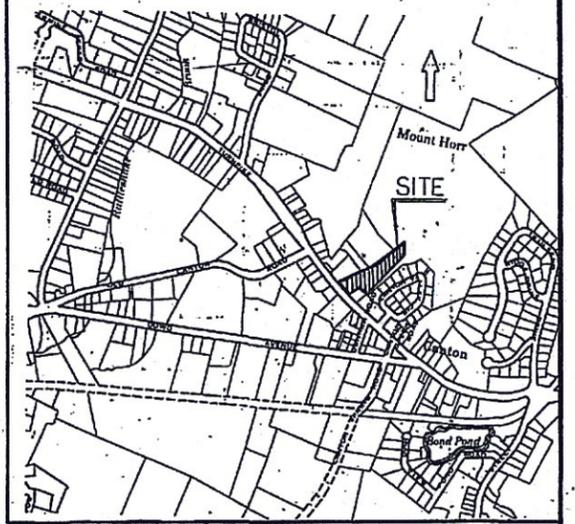
- PARKING DATA**
- EXISTING BUILDING**
 - 1. Existing use = Restaurant
 - 2. Total gross area of building = 3,080 sq. ft.
 - 3. Proposed public floor area = 1,800 sq. ft.
 - 4. Parking spaces required (1 space/50 sq. ft. of public floor area) = 36 spaces
 - PROPOSED ADDITION**
 - 1. Proposed use = Retail and Automotive
 - 2. Total gross area of addition = 3,842 sq. ft.
 - a. Retail use = 1,227 sq. ft.
 - b. Automotive use = 2,455 sq. ft.
 - 3. Parking spaces required:
 - a. Retail use (1 space/200 sq. ft. of gross area) = 6 spaces
 - b. Automotive use (parking requirements supplied by tenant) = 10 spaces
 - TOTAL PARKING SPACES REQUIRED = 52 spaces**
 - TOTAL EXISTING PARKING SPACES = 41**
- Notes:**
- Typical dimensions of parking space = 8' wide x 20' long = 160 sq. ft.
 - Loading space required and provided = 12' wide x 50' long = 1 loading space
 - Two handicap parking spaces provided.
 - Location of existing building = 3,080 sq. ft.

EXISTING BUILDING #211

50' MINIMUM FRONT BUILDING LINE

PROPOSED STAIRS TYPICAL EACH SIDE

PROPOSED RAISED DECK TYPICAL EACH SIDE



KEY MAP
SCALE: 1" = 1000'

- NOTES**
- Site is located in B-1 Business District and AR-3 Residential Zone.
 - Area of site = 187,932 sq. ft. or 4.313 acres.
 - The location of the existing building is non-conforming. The proposed addition conforms to all height, area and yard requirements.
 - Property lines, dimensions, existing building location, topography, utilities and miscellaneous information taken from field survey and plan prepared by Hodge Surveying Associates, P.O., Unionville, Connecticut, May, 1992.
 - Limits of wetlands soil delineated in the field by Henry Moeller, Soils Scientist and located by Hodge Surveying Associates, P.O.
 - Site is served by individual on-site well and public sanitary sewer.
 - AS-BUILT INFORMATION SUBSTANTIALLY CORRECT (NOT A-2).**

CERTIFICATE OF ACTION CANTON ZONING COMMISSION

OWNER OF RECORD Peter Delisa 175 Grassy Road Canton, CT 06029 APPLICANT Same	ZONING FILE # APPLICATION # B-1 District Map # 4-12-18 211 Albany Turnpike
--	--

SPECIAL EXCEPTION AND SITE PLAN MODIFICATION

As Secretary of the Canton Zoning Commission, I certify that on September 14, 1992, the Zoning Commission approved the above captioned application by finding that AUTOMOTIVE REPAIR, OFFICE AND RETAIL USES, per Part 14.14, 14.15 and 14.16 respectively are a secondary use in the proposed zone and that the use of the site as an automotive repair shop is a secondary use in the proposed zone and that the use of the site as an automotive repair shop is a secondary use in the proposed zone and that the use of the site as an automotive repair shop is a secondary use in the proposed zone.

- Sheet 1 of 2, Site Plan dated 7/28/92, rev 7/29/92
- Sheet 2 of 2, Site Plan Details dated 7/28/92, rev 7/29/92
- Sheet 1 of 1, Floor Plans and Elevations for the Mobile Trailer Shop

DECISION

- That the approval and conditions associated with this plan, as amended, and the site plan, are incorporated into this site plan in a way that the more detailed site plan supersedes the site plan and any other that may be provided.
- That the parking requirements be waived to the standard shown on the site plan provided that each parking space in the gravel parking lot be marked by a concrete square.
- That the driveway be widened to show plant materials incorporated into the landscaping between Albany Turnpike and the proposed trailer shop, where only wood chip mulch is proposed, and the curbing should not be decorative, and other miscellaneous revisions according to staff.
- That the signs show the low doors and show the entrance door of the trailer shop be removed from the drawing and not located on the building.
- That the sign on the building of the trailer shop wall facing Albany Turnpike be no larger than 24 square feet in total area.
- That all signs be removed, and the sign be replaced with a sign that reads "DAVID F. WHITNEY CONSULTING ENGINEERS, INC. 211 ALBANY TURNPIKE, CANTON, CT 06029".
- That any matters relating to the plan be referred to the Town Engineer.
- That the hours of operation for the trailer shop shall be 8:00 AM to 6:00 PM, Monday through Saturday.
- That a landscape maintenance bond be established by one year.

As approved with modification, the Commission finds this plan to be conforming, harmonious and in keeping with the general appearance of the neighboring developed area, as provided in Sec. 14.1 of the zoning regulations.

Dated at Canton, Connecticut on October 1, 1992.

OWNER AND APPLICANT:
 Mr. Peter M. Delisa
 175 Grassy Road,
 Canton, Connecticut 06019

REVISIONS:
 6. OCTOBER 6, 1992: AS-BUILT SKETCH; ADD REVISION TO PERMIT.
 7. MAY 13, 2005: ADD FRONT DECK FOR ZONING APPLICATION

5. FEBRUARY 24, 1993: MISC. REVISIONS FOR D.M.V. DEALERS AND REPAIR LICENSE REVISIONS A, NOVEMBER 14, 1992: MISC. REVISIONS AS PER TOWN PLANNER.
 8. OCTOBER 14, 1993: REVISIONS AS PER PLANNING COMM. & TOWN ENGINEER'S OF A PERMIT.
 9. SEPTEMBER 14, 1992: REVISIONS REGARDING ADDITIONAL AREA AND STORM DRAINAGE.
 1. AUGUST 29, 1992: PAVING LOT & DRIVEWAY, ADD LANDSCAPE, MISC. REVISIONS.

REVISED SITE PLAN

For:
PETER M. DELISA
 211 Albany Turnpike
 Canton, Connecticut

DAVID F. WHITNEY, CONSULTING ENGINEERS
 RIVERDALE FARMS
 Route 10, P.O. Box 1605
 Avon, Connecticut 06001
 (203) 678-2067

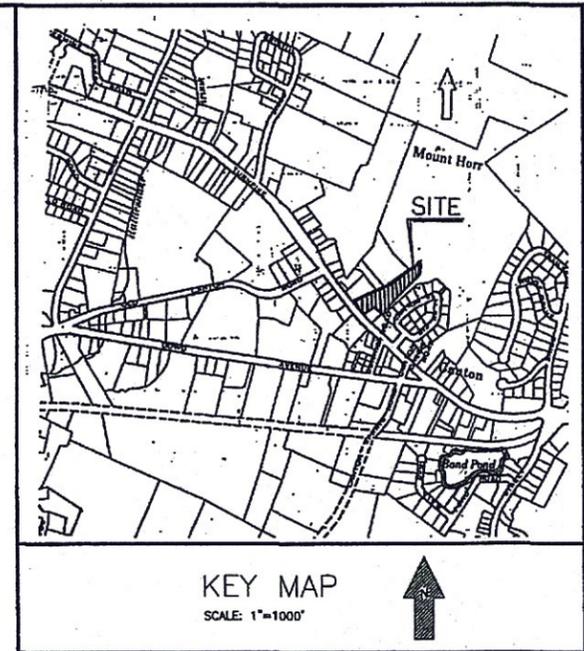
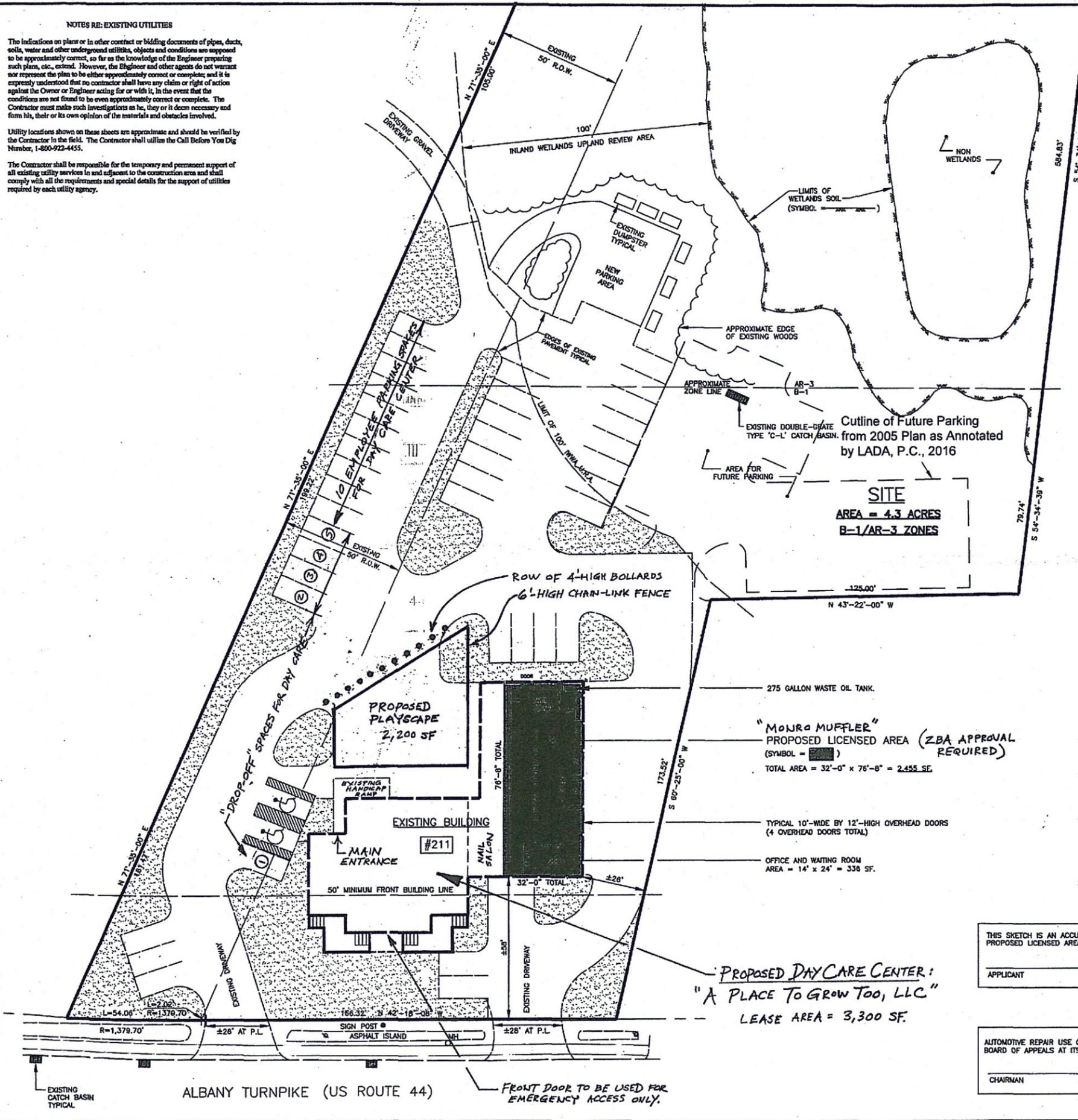
DATE: JULY 28, 1992	SCALE: 1" = 20'	DRAWN BY: GRA	CHECKED BY: DFW	SHEET NO: 1 OF 2	PROJECT NO: 92-47
---------------------	-----------------	---------------	-----------------	------------------	-------------------

NOTES RE: EXISTING UTILITIES

The indications on plans or in other contract or bidding documents of pipes, ducts, soils, water and other underground utilities, objects and conditions are supposed to be approximately correct, so far as the knowledge of the Engineer preparing such plans, etc., extend. However, the Engineer and other agents do not warrant nor represent the plan to be either approximately correct or complete; and it is expressly understood that no contractor shall have any claim or right of action against the Owner or Engineer acting for or with it, in the event that the conditions are not found to be even approximately correct or complete. The Contractor must make such investigations as he, they or it deem necessary and from his, their or its own opinion of the materials and obstacles involved.

Utility locations shown on these sheets are approximate and should be verified by the Contractor in the field. The Contractor shall utilize the Call Before You Dig Number, 1-800-922-4455.

The Contractor shall be responsible for the temporary and permanent support of all existing utility services in and adjacent to the construction area and shall comply with all the requirements and special details for the support of utilities required by each utility agency.



PARKING DATA

1. Day Care Center	Maximum number of employees = 10 employees 1 space/employee required	= 10 spaces
	Maximum number of children = 60 children 1 space/5 children required	= 12 spaces
	Total spaces required	= 22 spaces
2. Beauty Salon (Retail Space)	Existing 1227 s.f. gross area 1 space / 200 s.f. = 1,227 / 200 = 6.1 spaces	= 6 spaces
3. Muffler Shop (Automotive Use)	3 employees, 3 bays, 3 cars in waiting = 9 spaces parking required by tenant	= 10 spaces
4. Total parking spaces required		= 38 spaces
5. Total parking spaces existing		= 46 spaces
6. Total additional future parking spaces		= 21 spaces
7. Total existing and future parking spaces		= 67 spaces

- NOTES**
- Property lines, dimensions, limits of wetlands soil, portion of existing building, existing 50' right-of-way and miscellaneous information taken from Class A-2 survey map entitled 'Map of Land, owned by Peter M. DeLisa, Albany Turnpike (Route 44), Canton, Connecticut, Scale: 1" = 40', April 1992' by Hodge Surveying Associates, P.C., Unionville, Ct.
 - Spot elevations, edge of road, existing asphalt islands, existing utility poles and miscellaneous information along Albany Turnpike taken from field survey and Class A-2 survey map (untitled) prepared by Hodge Surveying Associates, P.C., Unionville, Ct.
 - Existing drives, parking areas and landscaped islands taken from As-Built Sketch prepared in 1993 by David F. Whitney, Consulting Engineers and is approximate only (not A-2 survey).
 - Limits of wetlands soil delineated in the field by Henry Moeller, Soil Scientist, and located by Hodge Surveying Associates, P.C.
 - Site is located in B-1 Business Zone and AR-3 Residential Zone.
 - Total area of site = 187,932 s.f. / 4,313 acres.
 - Existing building is served by public water and public sanitary sewer.
 - The location of the existing building is an existing non-conforming location that predates current zoning regulations and the reconstructed Albany Turnpike.
 - This plan is schematic and subject to revisions as a more accurate survey may require.

THIS SKETCH IS AN ACCURATE REPRESENTATION OF THE PROPOSED LICENSED AREA

APPLICANT _____ DATE _____

AUTOMOTIVE REPAIR USE GRANTED BY THE CANTON ZONING BOARD OF APPEALS AT ITS MEETING ON _____

CHAIRMAN _____ DATE _____

PROPOSED DAY CARE CENTER:
"A PLACE TO GROW TOO, LLC"
LEASE AREA = 3,300 SF.

REVISIONS	
1. JULY 12, 2007: ADD PROPOSED DAY CARE CENTER AND NOTES	
SCHEMATIC SITE PLAN	
FOR: MONRO MUFFLER BRAKE, INC. AND "A PLACE TO GROW TOO, LLC" #211 ALBANY TURNPIKE CANTON, CONNECTICUT	
DAVID F. WHITNEY CONSULTING ENGINEERS, LLC 21 ARCH ROAD P.O. BOX 1605 AVON, CONNECTICUT 06001 (860) 673-8412	
DATE: MAY 22, 2007	SCALE: 1"=20'
DRAWN BY: B.J.L.	CHECKED BY: DFW
SHEET NO. 1 OF 1	PROJECT NO. 05-30

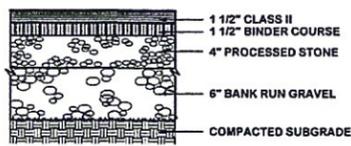
Owner:
 211 Albany Turnpike
 LADA Corporation
 331 Bushy Hill Road
 Simsbury, CT 06070
 And Other Associated Groups

Owner:

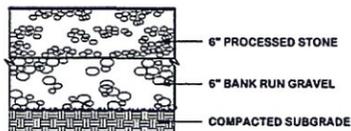
Date	Description	No.
	Revisions	

Details
 Response to Notice of Violation 2010 & 2016
 Special Permit for Parking
 211 Albany Turnpike
 Canton, Connecticut

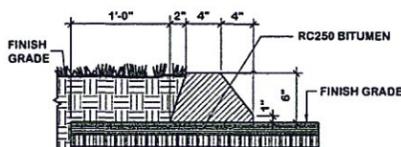
Project: 2009
Scale: N/A
Date: 04/21/16
Drawn by: CB
Checked by: PED
Drawing No.



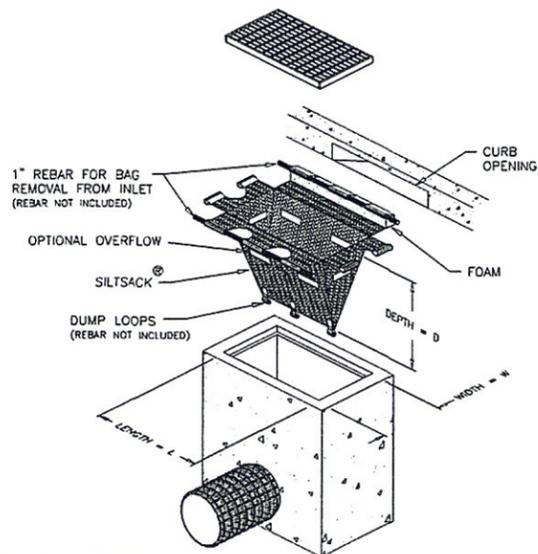
A BITUMINOUS CONCRETE PAVEMENT
 N.T.S. DRIVES AND PARKING



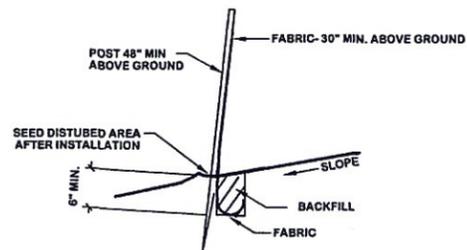
B GRAVEL PAVING
 N.T.S.



1 BITUMINOUS CONCRETE CURB
 N.T.S.

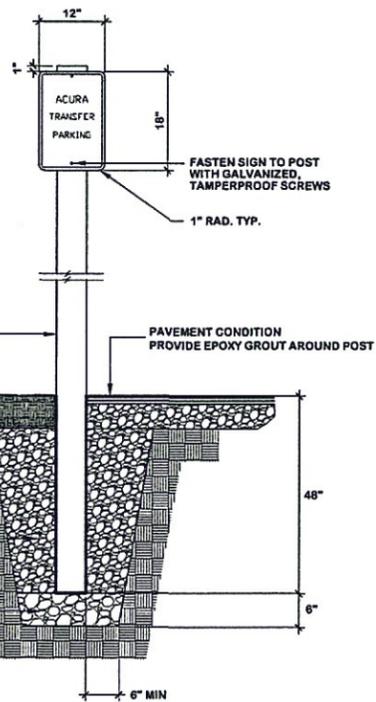


XIV SILT SACK DETAIL
 N.T.S.

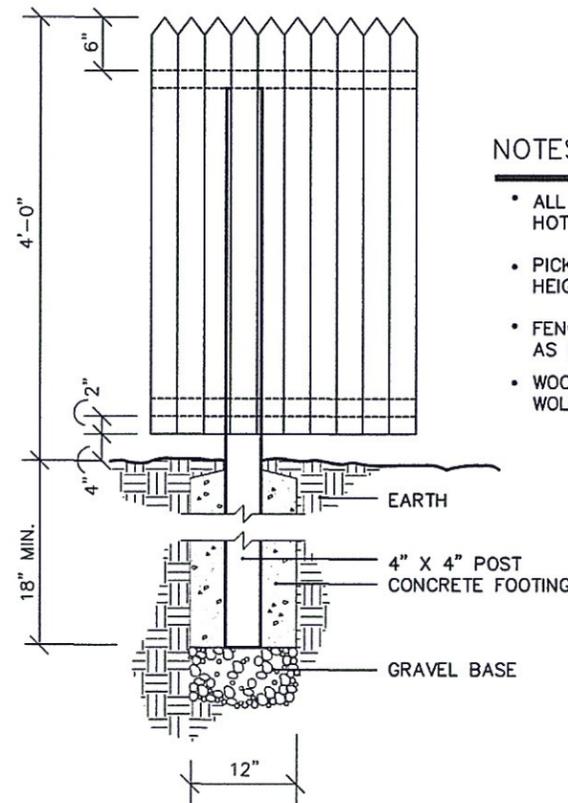
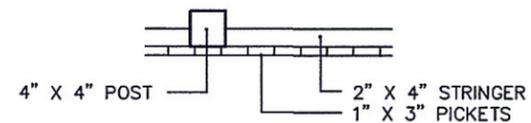


- NOTES: SILT FENCE INSTALLATION:**
1. USE 2" X 2" X 7' STAKES OF WOOD OR METAL SPACED 6' TO 10' APART.
 2. BURY FABRIC ON UPHILL SIDE 6" DEEP WITH FABRIC CURLED UPSLOPE.
 3. SECURE FABRIC TO EACH STAKE. FILTER FABRIC TO BE GEOTAB MATERIAL OR APPROVED EQUAL.
 4. ANGLE STAKES TOWARD WATER SOURCE.
 5. OVERLAP ENDS OF FABRIC TO PROHIBIT WATER FROM ESCAPING AROUND ENDS.

IV SILT FENCE DETAIL
 N.T.S.



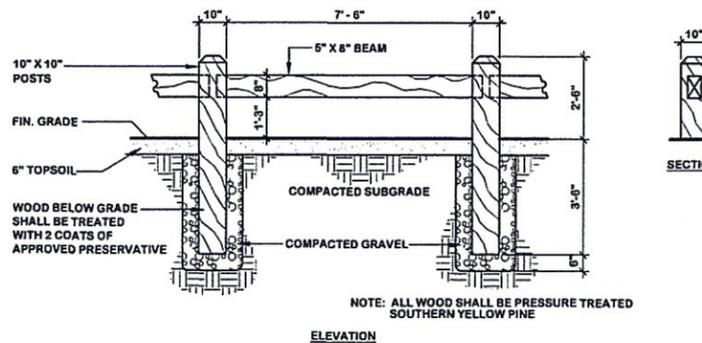
23 ACURA PARKING SIGNAGE & TYPICAL SIGN MOUNTING
 N.T.S.



NOTES:

- ALL NAILS AND HARDWARE TO BE HOT DIPPED GALVANIZED
- PICKETS TO BE HUNG WITH UNIFORM HEIGHT AND SPACING.
- FENCE TO BE PAINTED OR STAINED AS PER SPECIFICATIONS
- WOOD POSTS AND STRINGERS TO BE WOLMANIZED PINE GRADE C OR BETTER

15 STOCKADE FENCE
 N.T.S.



16 WOOD GUIDE RAIL (ON-SITE)
 N.T.S.

C:\CFP\2009\LADA\Feasibility\2009\DWG\2009 Detail.dwg - 3 Date: 4/21/2016 10:18:15 AM

**PRIOR TO START OF CONSTRUCTION
 CALL 1-800-922-4455 BEFORE YOU DIG!**



DRAFT MINUTES

Regular Meeting

Canton Inland Wetlands and Watercourses Agency
Thursday, July 14, 2016 at 7:00 pm
Library Community Center, Room F
40 Dyer Avenue, Canton, CT

CALL TO ORDER – The regular meeting of July 14, 2016 was called to order at 7:04 p.m.

ROLL CALL – Chairman David Shepard, Robert Bahre, Eric Henry and Al Bombassei

ABSENT – Rich Van de Bogart, David Sinish and David Rosenfeld

ALSO PRESENT – Assistant Town Planner Emily Anyzeski and WPCA Superintendent Roger Ignazio

Mr. Henry was seated as a Regular Member.

A quorum of the agency is present.

PUBLIC COMMENT NOT RELATED TO AGENDA ITEM – None

OLD BUSINESS – None

NEW BUSINESS

1. **File #06-16-1140; 211 Albany Turnpike; Assessor's Map 31; Parcel 1010211; Zone B; request to designate 56 parking spaces for lease to a car dealership for parking; Fred Gabrielle, applicant; 211 Albany Turnpike, LLC, owner** – On July 12, 2016 the Land Use Office received a written request from the applicant to postpone discussion of the application until the next regular meeting on August 11, 2016. The Agency agreed to forgo discussion until said meeting, and Ms. Anyzeski provided an overview of the statutory timeframe.
2. **File #06-16-1141; 115 Wright Road; Assessor's Map 11; Parcel 5930115; Zone R-3; request to replace existing driveway culvert; Michael Riley, applicant/owner** – Mr. Riley was present to discuss the application and answer any questions the Agency had. Originally, it was the homeowner's intent to fix the driveway; however, the culvert pipe needs to be replaced due to deterioration. The proposed scope of work was brought before the Agency in December 2015 for general discussion under staff report in order to determine whether a full IWWA permit was required. Based on the discussion that occurred, the homeowner was advised to submit a full permit to the Land Use Office. Mr. Riley briefly discussed the proposals he received and how the stream has been dry for several months. Laurel Engineering was hired to determine the hydrology of the area and design the replacement culvert, which utilizes twin 48" PVC pipes. At this time, no construction sequence has been provided and the Agency discussed next steps and proper procedure. The Agency discussed at length what information shall be provided prior to the commencement of work.

MOTION: D. Shepard moved to APPROVE File #06-16-1141; 115 Wright Road; Assessor's Map 11; Parcel 5930115; Zone R-3; request to replace existing driveway culvert; Michael Riley, applicant/owner, subject to the following conditions:

1. The applicant, owner or agent shall notify the Land Use Office a minimum of forty-eight (48) hours prior to commencing work on the site;
2. Work shall occur during low/no rain forecast periods;

3. A construction plan shall be submitted to the Land Use Office, inclusive of the following information:
 - a. Installation of erosion and sedimentation control measures
 - b. The construction of a sandbag detention basin for water flow
 - c. A pump and hoses must be onsite to divert water from the detention basin around work area
 - d. A full construction sequence, inclusive of the following:
 - i. Removal of asphalt thru removal of pipe and disposal of each
 - ii. Digging out stream bed
 - iii. Filling bed with stone
 - iv. Placing of the new pipe
 - v. Placing of fill around the new pipe
 - vi. Replacement of asphalt
 - vii. Removal of the erosion and sedimentation control measures
4. Granting a waiver on Sections 7.4D, 7.4E, 7.4G, 7.4H, 7.4M and 7.5F of the application; and
5. The permit is valid for a period not to exceed five (5) years from the date of issue.

SECONDED: By A. Bombassei

VOTE: The motion passed unanimously, 4-0-0.

3. **File #07-16-1131; 110 Albany Turnpike; Assessor's Map 36; Parcel 1010110; Zone B; request to conduct well drilling and boring, and possible installation of new force main; Roger Ignazio (WPCA), applicant; W/S Peak Canton Properties, LLC, owner** – WPCA Superintendent Roger Ignazio was present to discuss the application, as well as provide an update to the recent issue that occurred at the Shoppes of Farmington Valley. Mr. Ignazio stated that the wells will be installed for the purposes of sampling and narrowing down the results pertaining to the reason behind the force main failure. It is the intent of the WPCA to replace this section of force main within a year and their consultant engineer has been tasked with moving forward to hire a company for the well drilling and borings. Some work will occur directly in the wetlands and the main concern when boring is locating any ledge that might exist beneath the soil. Although this application focuses primarily on the well drilling and boring, Mr. Ignazio informed the Agency that horizontal drilling beneath the brook to install HDEP piping is intended to occur in the future. Based on recent findings, it appears that the force main might be lying in a bed of water, and salt and chemicals from winter maintenance are percolating through the ground reaching the pipe. Wells will be sampled throughout the year to see what the chloride concentration is throughout the various seasons, along with other chemicals. At this time, the WPCA is looking to install four wells within the next 2-4 weeks.

MOTION: D. Shepard moved to APPROVE File #07-16-1131; 110 Albany Turnpike; Assessor's Map 36; Parcel 1010110; Zone B; request to conduct well drilling and boring, and possible installation of new force main; Roger Ignazio (WPCA), applicant; W/S Peak Canton Properties, LLC, owner, subject to the following conditions:

1. The permit is valid for a period not to exceed two (2) years from the date of issue;
2. The possible installation of a new force main is NOT APPROVED at this time;
3. Granting a waiver on Sections 7.4D, 7.4E, 7.4G, 7.4H, 7.4M and 7.5F of the application; and
4. The spoils of the well drillings shall be removed immediately.

SECONDED: By R. Bahre

VOTE: The motion passed unanimously, 4-0-0.

OTHER BUSINESS:

1. **Approve Minutes of the June 9, 2016 Regular Meeting**

MOTION: D. Shepard moved to approve the minutes of the June 9, 2016 regular meeting as amended. R. Bahre seconded, which passed unanimously 4-0-0.

2. **Applications Received After Agenda Posted** – None
3. **Authorized Agent** – None
4. **Any Other Recent Enforcement Issues** – E. Anyzeski informed the Agency of a phone call she received from DEEP regarding activity at 32 Cherry Brook Road. Apparently the DEEP received an anonymous complaint stating that a generator has been running non-stop at this address, and the complainant believes a pipe might be running into Cherry Brook. Ms. Anyzeski will follow-up with the complaint early next week.
5. **Staff Report**
 - a) **Safety Protocols** – E. Anyzeski asked the Agency if they were able to review the safety protocol guidelines she distributed, and what suggestions they might have. A sample document was provided at the May 2016 meeting pertaining to the establishment of a two-person subcommittee for the purpose of authorizing work within or near a wetlands/watercourse that, if not undertaken promptly, could result in personal endangerment. In order to amend the regulations, a public hearing must be held and said amendments must be submitted in advance to the DEEP for review/comments. The Agency discussed the possibility of designating alternates for the subcommittee in case a lead individual is unavailable. D. Shepard asked the Agency to read through their regulations in order to determine if any changes/suggestions might be necessary.
 - b) **DPW Roadside Management Pesticide Plan** – E. Anyzeski informed the Agency that she met with Director of Public Works Robert Martin, and he stated that DPW is done marking guardrails within the wetlands. He also informed her that DPW will begin spraying around the first or second week of August and they have established a “Do Not” spray list.

ADJOURNMENT

MOTION: D. Shepard moved to adjourn the meeting at 9:04 p.m. A. Bombassei seconded the motion, which passed unanimously 4-0-0.

Respectfully Submitted,
Renee Narducci, Land Use Coordinator