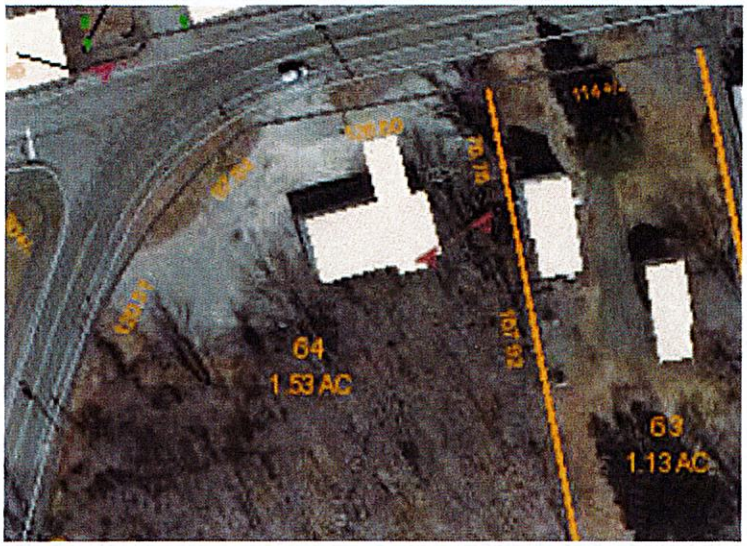
APPLICATION OF SHAHANI INC. FOR VARIANCE FROM FRONT YARD MINIMUM SETBACK AT 416 EH MOODUS ROAD, EAST HADDAM, CT

Zoning Board of Appeals - February 2024



Timothy S. Hollister, Esq.
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Andrew R. Morin, Esq.
amorin@hinckleyallen.com
Hinckley Allen
20 Church Street
Hartford, CT 06103
PHONE: (860) 725-6200

Mohammad Shahin Khan, President
mohammad@shahaniinc.com
Shahani Inc.
53 East Industrial Road, Unit C1
Branford, CT, 06405
PHONE: (203) 483-6464

Roger Nemergut, P.E.
Roger@nemergutconsulting.com
Nemergut Consulting
235 Route 80 – P.O. Box 666
Killingworth, CT 06419
PHONE: (860) 663-2384

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Made in USA

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February 2024

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5. Conceptual Site Plan, October 2021, prepared by North Star Surveying & Engineering LLC
6. Proposed Fueling Canopy Elevation sheet prepared by Ramiz Khoda Consulting & Design, LLC, dated November 12, 2021
7. Property Card for 416 EH Moodus Road, East Haddam, Connecticut
8. Copy of Special Exception Approval dated December 6, 1982 and associated plan depicting former canopy
9. Owner Authorization Letter
10. Photos of Subject Property

Submitted Separately:

$160 check, made out to "The Town of East Haddam" for the filing fee

E-version of all application materials

HINCKLEY ALLEN

20 Church Street
Hartford, CT 06103-1221
p: 860-725-6200 f: 860-278-3802
hinckleyallen.com

Andrew R. Morin, Esq.
Phone: (860) 331-2619
amorin@hinckleyallen.com

February 12, 2024

VIA EMAIL

Diane K. Quinn, Chair
Zoning Board of Appeals
Town of East Haddam
1 Plains Road, P.O. Box 385
Moodus, CT 06469

James G. Ventres, Land Use
Administrator
Town of East Haddam
1 Plains Road, P.O. Box 385
Moodus, CT 06469

Re: Application of Shahani Inc. for Variance from Front Yard Minimum Setback at 416 EH Moodus Road, East Haddam, CT

Dear Chair Quinn, Board Members and Mr. Ventres:

On behalf of our client, Shahani Inc. ("Shahani"), we are pleased to submit an application for a variance from the minimum front yard setback to allow development of three fuel pump islands and a fuel pump canopy within the 30 yard front yard minimum setback at property located at 416 EH Moodus Road, East Haddam, Connecticut (the "subject property"). As detailed further below, Shahani's application meets the legal hardship standard for a variance pursuant to Conn. Gen. Stat. § 8-6.

The Applicant

Shahani Inc. is a family owned and operated business that has been engaging in the wholesale distribution of petroleum and petroleum products since 1993. Shahani currently owns and operates approximately twenty gasoline stations throughout Connecticut, Massachusetts, and Rhode Island. Many of Shahani's gasoline stations include small convenience stores that sell goods such as beverages, snacks, ready-to-eat meals/sandwiches, vehicle maintenance products such as motor oil/windshield fluid, and light grocery items such as milk, eggs, and canned products. Over the course of its thirty years of business, Shahani has developed an impressive reputation for constructing and maintaining the highest quality of gasoline service stations with a focus on serving their customers and greater community.

The Subject Property

The subject property, which totals approximately 1.53 acres, is in the Commercial "C3" zone and located at the merger of CT-Route 151, Moodus Leesville Road into CT-Route 149, EH Moodus Road. The area is transitional in nature, with various residential uses to the south, southeast, and west, and commercial uses to the north and northeast, including C&W Auto Body and Brownell Storage Solutions. There is a structure on the property that was constructed in approximately 1970. *See* Property Card at Tab 7.

The existing 1970 structure was originally a three bay service station called "Dill's service station" which sold gasoline, repaired cars, and sold used cars. *See* Tab 8. In 1982, V.S.H. Realty, eventually merging into Cumberland Farms Inc., obtained special permit approval to use the property "for the sale of gasoline and convenience food items." *Id.* Around that same time, V.S.H. Realty obtained approval to construct four fuel pumps on two separate fuel pump island, with an overarching 24' by 28'canopy attached to the structure via a 24' by 29' concrete pad. *Id.*; *See also* photo of the subject property circa 2008 attached at Tab 10.

Sometime between 2008 and 2011, Cumberland Farms Inc. ceased business operations at the subject property. The former gasoline pumps and associated gas tanks were removed from the subject property in or around 2014. Until Shahani purchased the subject property from Cumberland Farms Inc. in 2021, it has remained stagnant, and the existing structure continues to deteriorate.

The Proposal

Shahani proposes to revitalize the subject property into a thriving business in East Haddam. While the plans are subject to change in this early stage in the redevelopment process, Shahani proposes to redevelop the property by renovating and restoring the existing structure to continue its prior use as a convenience store and sell gasoline; construct three gasoline pump islands; delineate nine parking spaces on preexisting concrete; install two new underground fiberglass fuel tanks; implement handicap accessible features such as ramps, concrete walks leading to the structure, and handicap accessible parking; and create two, one way lanes immediately south of the structure to facilitate the drive-through sale of deli foods/sandwiches.

It is important to note that in order to redevelop the subject property, Shahani will need both variance approval from the front yard setback and East Haddam Planning and Zoning Commission approval of its intended use and proposed physical improvements. This application focuses exclusively on the legal hardship associated with strictly complying with the existing 30 foot front yard setback minimum. The Zoning Board of Appeal's purview here concerns legal hardship arising from the property's physical site characteristics compared to the applicable lot dimension requirements in the East Haddam Zoning regulations (the "Regulations").

The proposed site, when constructed, will comply with all other lot, landscaping, and signage standards in the Regulations.

Legal Hardship

Conn. Gen. Stat. § 8-6 provides that a variance is appropriate where strict application of the zoning regulations would result in unusual hardship peculiarly affecting land. Shahani asserts that strict compliance with the front yard minimum setback would result in an unusual hardship because the (1) topography of the site restricts where improvements can be sited and (2) it would be prevented from rebuilding a nonconforming structure.

Attached to this application at Tab 3 is a letter from Shahani's consulting engineer describing how steep slopes south and southeast of the subject property restrict siting improvements further back into the lot. The extensive setback on the property's front yard and steep terrain on its rear year create a narrow pocket that would be extremely difficult to site any building, let alone a gasoline station.

Our Supreme Court has recently held that hardship exists where zoning regulations prohibit a property owner from rebuilding a non nonconforming structure, meaning one that does not conform with applicable zoning regulations but was lawfully in existence prior to the adoption of the prohibitive regulation. In *Mayer-Wittmann v. Zoning Bd. of Appeals of City of Stamford*, 333 Conn. 624 (2019), a nonconforming cottage, in that it was sited within various setbacks, was damaged in a hurricane and the board granted a variance because strict enforcement of the regulations would have deprived the owner of the protected right to continue non-conforming use of the cottage. Shahani proposes a modest gasoline service area in the approximate footprint of where the former canopy and gasoline pumps were. While the former outdated gasoline pumps, tanks, and canopy were removed, Shahani has the right to use improved, more efficient and modern equipment as long as the improvements are used to pursue the original use. *See De Felice v. Zoning Bd. of Appeals of Town of E. Haven,* 130 Conn. 156 (Conn. 1943); *High Watch Recovery Ctr., Inc. v. Plan. & Zoning Comm'n of Town of Kent*, 223 Conn. App. 424 (2024).

Consistency with Plan of Conservation and Development

It is noteworthy that Shahani's plan furthers a number of goals outlined in the 2019 East Haddam Plan of Conservation and Development ("POCD"), such as increasing the commercial share of the tax base while maintaining the rural character and values of the Towns. (POCD at 73). Specifically, Shahani proposes a thriving business, on land that has historically been reserved for commercial use, and of which the town has derived no tax revenue from in more than a decade. The POCD also states that businesses in Moodus Center have "suffered due to low traffic volumes…." and suggests resolving the issue by encouraging redevelopment of raw/vacant land. (POCD at 64). The POCD specifically lists the subject property as a great opportunity for redevelopment. *Id.* Redeveloping the subject property will facilitate the Moodus revitalization in a number of ways:

- "In order for Moodus' revitalization to be successful it must provide retail that aligns with the resident's day-to-day shopping needs….[I]t is essential for services such as grocery…to be available inside town limits for resident convenience." *Id.* Shahani's intention to redevelop the subject property into a convenience store/deli is precisely the type of amenities the POCD indicates will align with residents' needs.

- "Moodus Center has also been hampered by the appearance and aesthetics of both public and private spaces. It will require effort by both the Town and private property owners to create an inviting environment for patrons to frequent and shop." *Id.* The subject property is located at the highly trafficked Route 151/149 merger yet has remained in a dilapidated condition for many years. Shahani proposes redeveloping the subject property into an attractive business that will encourage travelers to stop, purchase gasoline, light grocery items, etc.

Conclusion

Shahani submits that, pursuant to General Statutes § 8-6, the hardship standard has been met and a variance is appropriate here.

We look forward to presenting this application to the Board at its March 5th regular meeting.

Very truly yours,

Andrew R. Morin

Attachments

cc: Mohammad Khan, (w/att.)
Timothy Hollister, Esq. (w/att.)

TOWN OF EAST HADDAM
ZONING BOARD OF APPEALS VARIANCE/APPEAL/OTHER APPLICATION

For Internal Use Only:

MEETING DATE:_____ **APPLICATION NO.** _____

CONTINUED DATE: _____ **Date Granted/Denied:**_____

APPLICATION FEE PAID: _____

*For this application to be heard at the next Zoning Board of Appeals regularly scheduled meeting, it needs to be filled out completely.

*All of the items noted below in Paragraphs 1 through 4 must be filled out completely, regardless.

*The Zoning Board of Appeals' Secretary will review your application and contact you if your application is missing pertinent information. If she cannot get in touch with you before the deadline for the submission of the legal notice, your application will be denied without prejudice because it is incomplete. You may resubmit your new application after completing the missing information for the next regularly scheduled meeting with the Zoning Board of Appeals' Secretary. This will require the standard fee and waiting period.

If help is needed in any part for the completion of this application, please call the Land Use Office at 860-873-5031. Email - landuse@easthaddam.org

****

1. Please check below which applies to your reason for submitting this application:

I (we) hereby apply to the Zoning Board of Appeals for the following:

_X_ A Variance for the following sections of the Zoning Regulation: Section 10.1 Minimum front yard setback for properties in C-3 Zone

OR

_____ To Appeal a ruling/action of the Zoning Enforcement Officer relating to: _____

OR

_____ Other: _____

2. ***This section needs to be filled out completely:*** **LOCATION OF AFFECTED PREMISES:**

Property Location 416 EH Moodus Road, East Haddam, Connecticut

Assessor's Map No. 64 **Lot No.** 064 **Deed Reference: Volume** 1131 Page 303

Location on the south **side of** East Haddam Moodus Road **Street/Road/etc**

0 **feet distance from the intersection of** Route 149.

Section of Town: Moodus **Zone:** C-3

Owner/Applicant Name Shahani Inc. **Phone#** (203) 483-6464

Owner/Applicant Email mohammad@shahaniinc.com

Owner Shahani Inc. **Mailing Address** 53 East Industrial Road, Unit C-1, Branford, CT

Appellant(s) _____ Address _____

Lessee _____ Address _____

Agent Andrew R. Morin, Esq. Address 20 Church Street, Hartford, CT
Hinckley Allen

3. If no previous appeals have been made to this property, please mark *N/A* here: N/A

But if a PREVIOUS APPEAL(S) has been made with respect to this property, please supply the Application No. _____ and the Date that it was Approved/Denied: _____.

4. Describe the nature of the variances as it relates to the zoning regulations (this must be filled out so the Board understands the purpose of the application):

Variance from front yard setback to accommodate canopy and gasoline pumps within 9 feet from the property line.

5. This application relates to:

_____area; ____number of family units; _____signs; _____street frontage; _____yard dimension ; ____ or other (please explain):_____

6. Please state any deed restrictions (if there are none, please write N/A): N/A

7. Is this property within 500 feet of Colchester, Salem, Old Lyme, Haddam or East Hampton? If yes, which town(s) (if not, write N/A) : N/A

8. With respect to any VARIANCE of the Zoning Regulations, which is requested, please complete the (a), (b) and (c) below:

(a) Strict application of the regulations would produce an UNDUE HARDSHIP because:
Please see attached Transmission and Overview Letter

(b) The hardship created is UNIQUE and not shared by all other properties alike in the neighborhood because: Please see attached Transmission and Overview Letter

(c) The variance would not change the CHARACTER OF THE NEIGHBORHOOD because:
Please see attached Transmission and Overview Letter

9. With respect to an APPEAL from a ruling or action of the Zoning Enforcement Officer, the appeal should be sustained because: N/A

10. You must mail a letter to all adjoining Property owners within 100 feet of your property lines, including across the street, by certified mail/return receipt at least 14 days prior to the scheduled Public Hearing date. (See Page 5 of this application which can be used as the letter.

(a) LIST the abutting property owners that you are required to notify in #11 of this application.

(b) YOU MUST PRESENT the "Certificate of Mailing" return receipts at the Public Hearing in order for your appeal to be heard. This is your proof that you notified the required property owners within the required time frame by law.

11. List ALL ADJOINING PROPERTY OWNERS within 100 feet of your property lines, including across the street. Please supply mailing addresses. You may use the back of this sheet if necessary.

Map 55	Lot 68	Name	ANNINO CODY W & SKINNER REBECCA	Address	397 TOWN ST EAST HADDAM, CT 06423
Map 64	Lot 46	Name	DUTCH LOWER MILL PROPERTIES LLC	Address	PO BOX 464 MOODUS, CT 06469
Map 64	Lot 63	Name	ACD PROPERTY LLC	Address	232 COUNTY LANE MADISON, CT 06443
Map 64	Lot 65	Name	MELON LAVERNE & WILSON	Address	406 EH MOODUS RD MOODUS, CT 06469
Map	Lot	Name		Address	
Map	Lot	Name		Address	

Map_____ Lot_____ Name _____Address_____

Map_____ Lot_____ Name _____Address_____

Map_____ Lot_____ Name _____Address_____

12. A PLOT PLAN is required to show the property lines, building lines, location of septic system, well and other structures on property along with your proposed addition, garage, shed, i.e. or whatever else your variance is needed for must also be indicated on the PLOT PLAN as well as the distances from <u>all</u> property lines. The Board, at its discretion, may require an A-2 survey on any application.

13. Submit this completed application with <u>Site Plan drawn to A-2 standard</u> (but not required to be surveyor or engineer certified) **<u>and Application/Appeal fee of $160.00</u>** to the Zoning Board of Appeals mailbox located in the Land Use Office at least 17 days before the next scheduled public hearing in order to be placed on the agenda for that hearing. Failure to submit your application, map, and payment will be a cause for the application to be incomplete. See the chart below to make sure you have your application in on time.

Date Filed: 2/12/2024

Waajid Khan

Signed by Property Owner(s)

Andrew Morin, Esq.

Signed by Appellant(s) or <u>Agent</u>

This form adopted by East Haddam Zoning Board of Appeals by resolution dated 12/28/06.

NEMERGUT CONSULTING

235 ROUTE 80 - P.O. BOX 666
KILLINGWORTH, CT 06419

January 4, 2024

Diane K. Quinn, Chair
Zoning Board of Appeals
Town of East Haddam
1 Plains Road, P.O. Box 385
Moodus, CT 06469

James G. Ventres, Land Use Administrator
Town of East Haddam
1 Plains Road, P.O. Box 385
Moodus, CT 06469

Re: Moodus Food Stop
416 East Haddam-Moodus Road
Moodus, Connecticut

To all:

As the site design engineers for the Moodus Food Stop project, we have reviewed the site with respect to the limitations on the location of the canopy required above the proposed gas pumps.

The slope in the area of the existing building and proposed gas pumps and canopy is relatively flat (2- 5%). Immediately behind the building, the grade increases dramatically to 20%+. This explains why the existing building was originally built in its present location.

The distance between the existing building and property (street) line is only 50 feet. This area must accommodate a 5 foot sidewalk, 12 foot vehicle lane and 24 foot canopy. This leaves only 9 feet between the proposed canopy and the streetline, which condition determined the magnitude of our recent setback variance request.

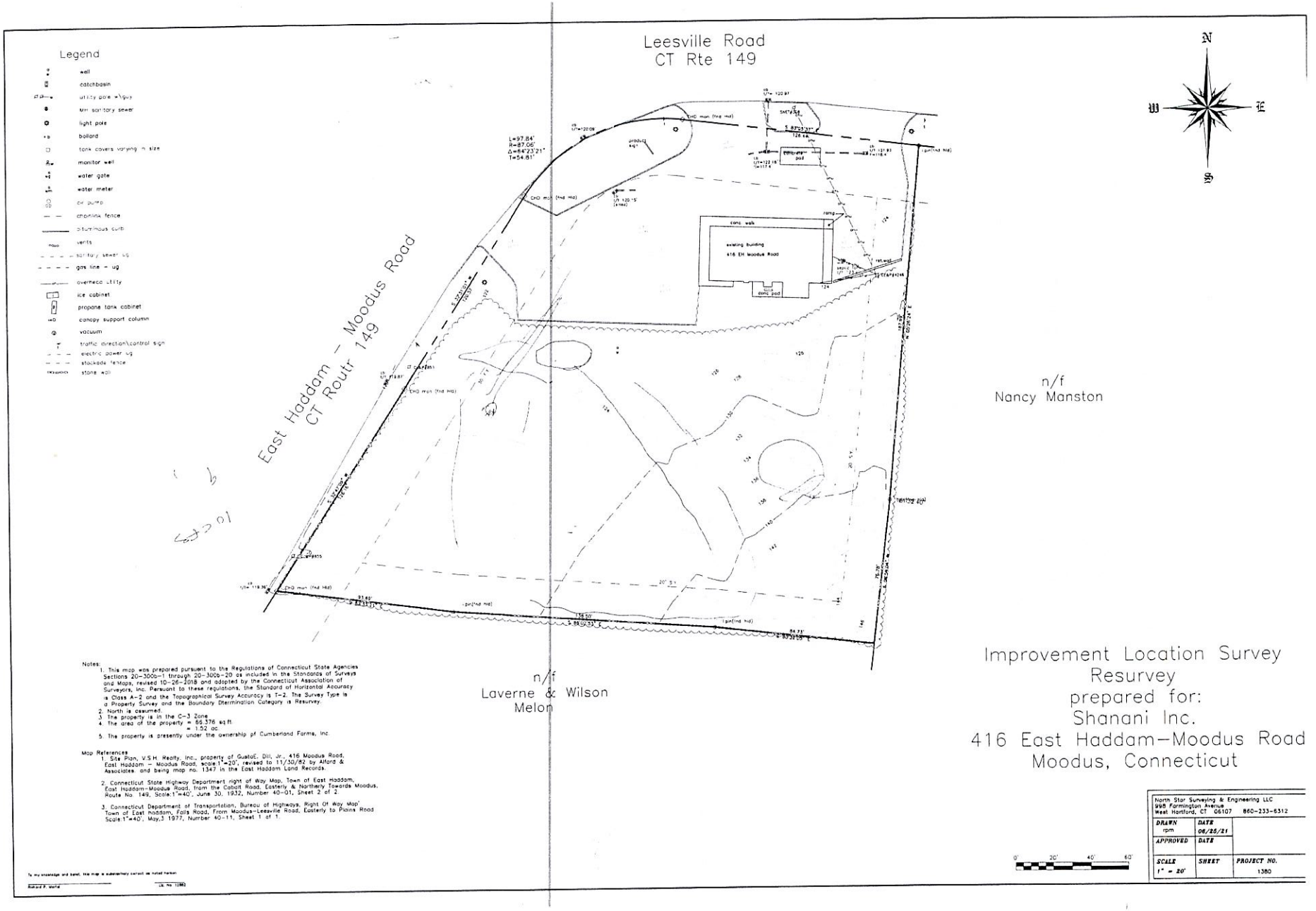
The building setback requirement (which also applies to the canopy) for this site is 30 feet. In order to avoid the need for a variance, a new building would need to be 71 feet from the street line. This would locate the building over 20 feet further north of the existing building location and into the area of 20%|+ grades. In our opinion, it is neither prudent nor feasible to construct a new building north of the existing building due to topographical site limitations.

Please let us know if you require any additional information regarding this matter.

Sincerely,

Roger Nemergut P.E.

PHONE (860) 663-2384 EMAIL: ROGER@NEMERGUTCONSULTING.COM



Notes:

1. This map was prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 as included in the Standards of Surveys and Maps, revised 10-26-2018 and adopted by the Connecticut Association of Surveyors, Inc. Pursuant to these regulations, the Standard of Horizontal Accuracy is Class A-2 and the Topographical Survey Accuracy is T-2. The Survey Type is a Property Survey and the Boundary Determination Category is Resurvey.
2. North is assumed.
3. The property is in the C-3 Zone.
4. The area of the property = 66,376 sq.ft.
   = 1.52 ac.
5. The property is presently under the ownership of Cumberland Farms, Inc.

Map References

1. Site Plan, V.S.H. Realty, Inc., property of Gustuf. Dill, Jr., 416 Moodus Road, East Haddam - Moodus Road, scale:1"=20', revised to 11/30/82 by Alford & Associates, and being map no. 1347 in the East Haddam Land Records.
2. Connecticut State Highway Department right of Way Map, Town of East Haddam, East Haddam-Moodus Road, from the Cobalt Road, Easterly & Northerly Towards Moodus, Route No. 149, Scale:1"=40', June 30, 1932, Number 40-01, Sheet 2 of 2.
3. Connecticut Department of Transportation, Bureau of Highways, Right Of Way Map' Town of East haddam, Falls Road, From Moodus-Leesville Road, Easterly to Plains Road Scale:1"=40', May,3 1977, Number 40-11, Sheet 1 of 1.

To my knowledge and belief, this map is substantially correct as noted hereon.

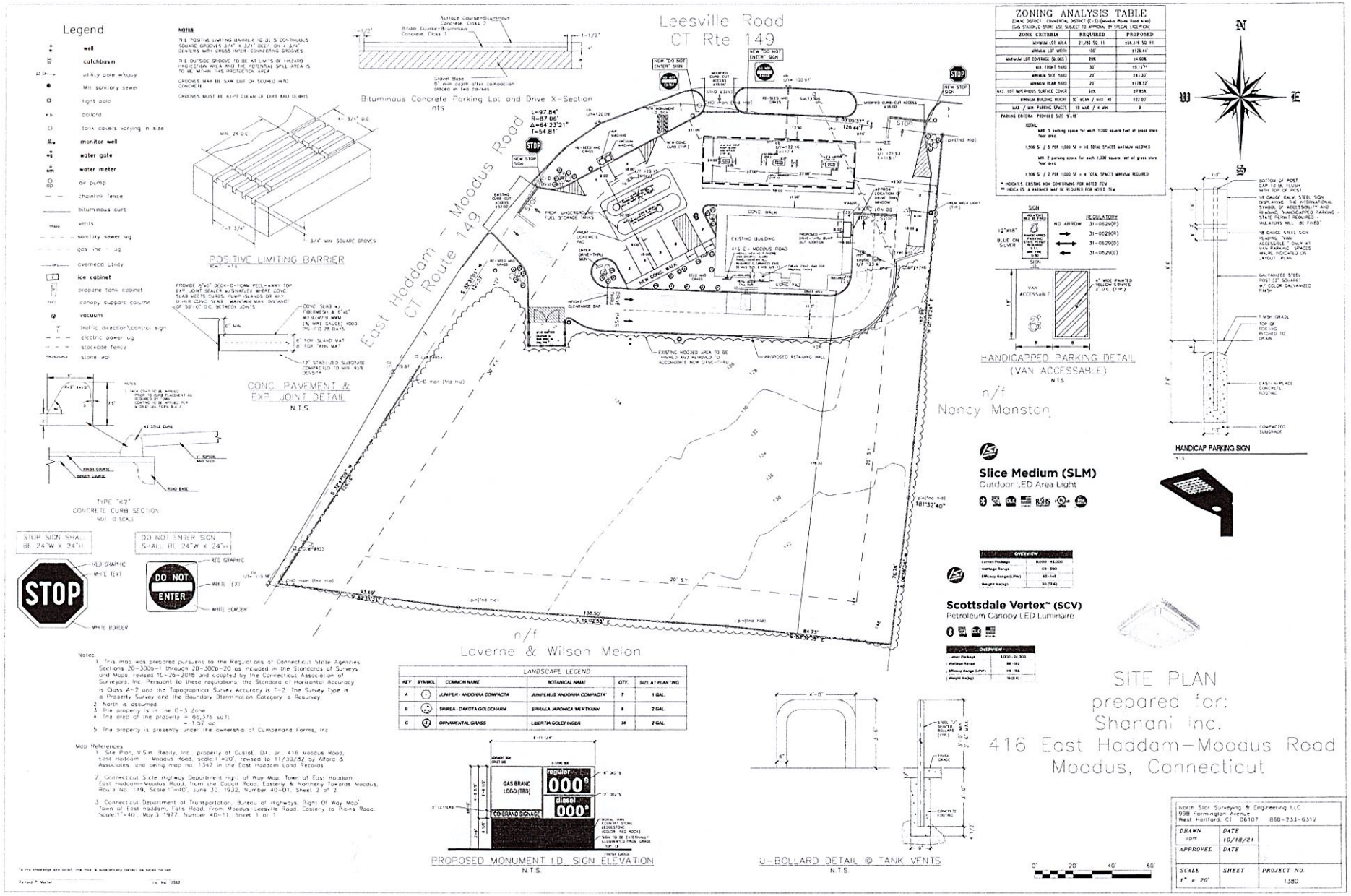
Richard P. Mellor Lic. No. 11982

Improvement Location Survey
Resurvey
prepared for:
Shanani Inc.
416 East Haddam-Moodus Road
Moodus, Connecticut

0' 20' 40' 60'

North Star Surveying & Engineering LLC
998 Farmington Avenue
West Hartford, CT 06107 860-233-6312

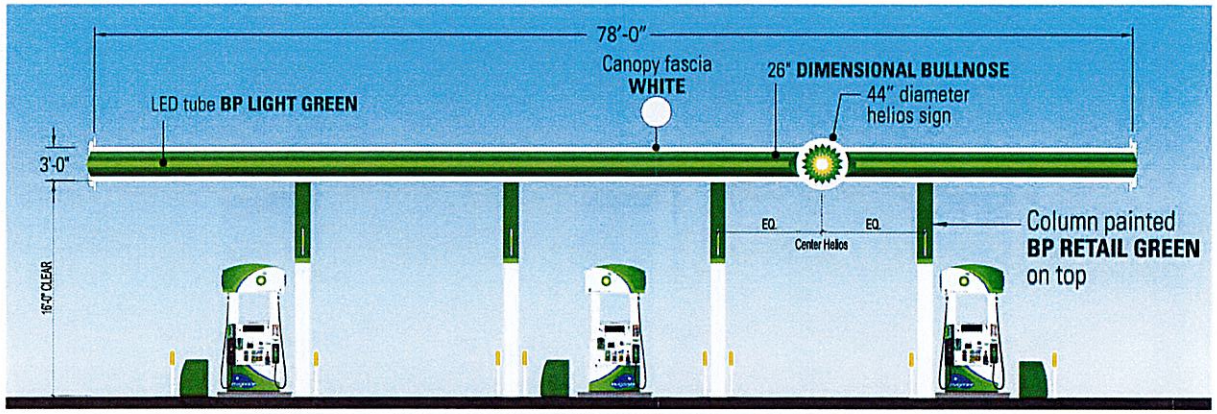
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rpm	06/25/21	
APPROVED	DATE	
SCALE	SHEET	PROJECT NO.
1" = 20'		1380



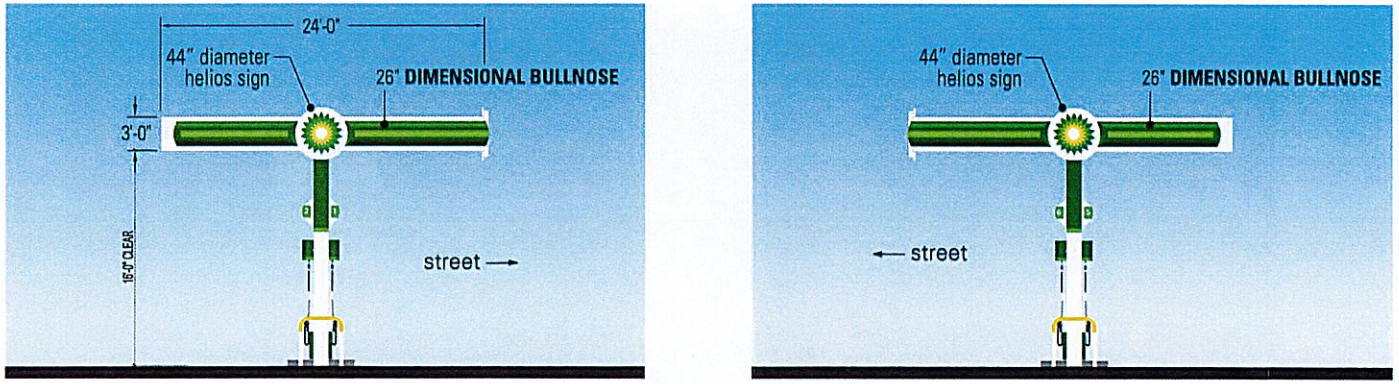
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2. North is assumed.
3. The property is in the C-3 zone.
4. The area of the property = 88,376 sq.ft. = 1.92 ac.
5. The property is presently under the ownership of Cumberland Farms, Inc.

Map References:
1. Site Plan, V.S.H. Realty, Inc. property of Cusick, Dr. Jr., 416 Moodus Road, East Haddam - Moodus Road, scale 1"=20', revised to 11/30/82 by Alford & Associates and being map no. 1347 in the East Haddam Land Records.
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To the knowledge and belief, this map is substantially correct as noted hereon.
Richard P. Martel
L.S. No. 7562



1 PROPOSED FRONT / REAR FUELING CANOPY ELEVATION
SCALE: 1/4" = 1'-0"



2 PROPOSED LEFT / RIGHT FUELING CANOPY ELEVATION
SCALE: 1/4" = 1'-0"

DRAWN: RK	CHECKED: RK
NOTES:	

NO.	REVISION/ISSUE	DATE

SCALE:

ARCHITECT:
Rama Khoda
Consulting & Design, LLC
19046 BRUCE B DOWNS BLVD - SUITE 2197
TAMPA, FL 33647
TEL: (863) 860-1788

OWNER:
SHAHANI INC.
53 E. INDUSTRIAL ROAD - #C-1
BRANFORD, CT 06405
(203) 483-6464

APPLICANT:
SHAHANI INC.
53 E. INDUSTRIAL ROAD - #C-1
BRANFORD, CT 06405
(203) 483-6464

PROJECT:
CONVENIENCE STORE
RENOVATIONS
416 EAST HADDAM MOODUS ROAD
MOODUS, CT 06469

DRAWING TITLE:
PROPOSED
FUELING CANOPY
ELEVATIONS

RKCD PROJECT #: 21-02	DRAWING NO. A-202
ISSUE DATE: 11/19/2021	
SCALE: AS NOTED	

416 EH MOODUS RD

Location	416 EH MOODUS RD	**Mblu**	M64/ / L064/ /
Acct#	00278200	**Owner**	SHAHANI INC
Assessment	$119,210	**Appraisal**	$170,300
PID	3320	**Building Count**	1

Current Value

Appraisal			
Valuation Year	**Improvements**	**Land**	**Total**
2022	$38,800	$131,500	$170,300
Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2022	$27,160	$92,050	$119,210

Owner of Record

Owner	SHAHANI INC	**Sale Price**	$150,000
Co-Owner		**Certificate**	
Address	53 E INDUSTRIAL RD UNIT C-1 BRANFORD, CT 06405	**Book & Page**	1131/0303
		Sale Date	09/20/2021
		Instrument	25

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
SHAHANI INC	$150,000		1131/0303	25	09/20/2021
CUMBERLAND FARMS INC	$0		0212/0104	29	05/28/1986

Building Information

Building 1 : Section 1

Year Built:	1970
Living Area:	1,740
Replacement Cost:	$258,862
Building Percent Good:	15
Replacement Cost Less Depreciation:	$38,800

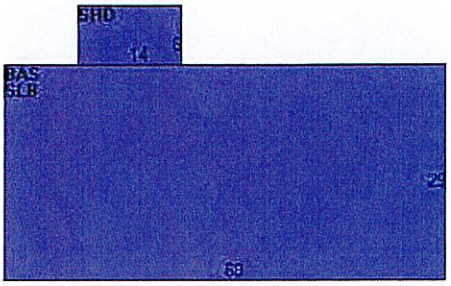
Building Attributes	
Field	**Description**
Style:	Gas Mart
Model	Comm/Ind
Grade	C
Stories:	1
Occupancy	1.00
Exterior Wall 1	Brick
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Asphalt
Interior Wall 1	Drywall
Interior Wall 2	
Interior Floor 1	Linoleum
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Forced Hot Air
AC Percent	100
Foundation	Slab
Bldg Use	Commercial
Total Rooms	0
Total Bedrms	0
Total Fixtures	
% Sprinklers	0
Bsmt Area	0
1st Floor Use:	
Heat/AC	Typical
Frame Type	Masonry
Baths/Plumbing	Average
Ceiling/Wall	Typical
Rooms/Prtns	Average
Wall Height	10.00
% Comn Wall	0.00

Building Photo



(https://images.vgsi.com/photos/EastHaddamCTPhotos/\00\00\69\33.jpg)

Building Layout



(https://images.vgsi.com/photos/EastHaddamCTPhotos//Sketches/3320_3

Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	1,740	1,740
SHD	Attached Shed	112	0
SLB	Slab	1,740	0
		3,592	1,740

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code	201
Description	Commercial
Zone	C3
Neighborhood	COMM
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	1.53
Frontage	
Depth	
Assessed Value	$92,050
Appraised Value	$131,500

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	**Improvements**	**Land**	**Total**
2021	$122,700	$181,990	$304,690
2020	$122,700	$181,990	$304,690
2018	$122,700	$181,990	$304,690

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2021	$85,890	$127,390	$213,280
2020	$85,890	$127,390	$213,280
2018	$85,890	$127,390	$213,280

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Planning & Zoning Commission
Town Office Building
East Haddam, Connecticut 06423

Telephone: 873-9433

LEGAL NOTICE

TOWN OF EAST HADDAM

At its Special Meeting on December 6, 1982, the Planning and Zoning Commission took the following action:

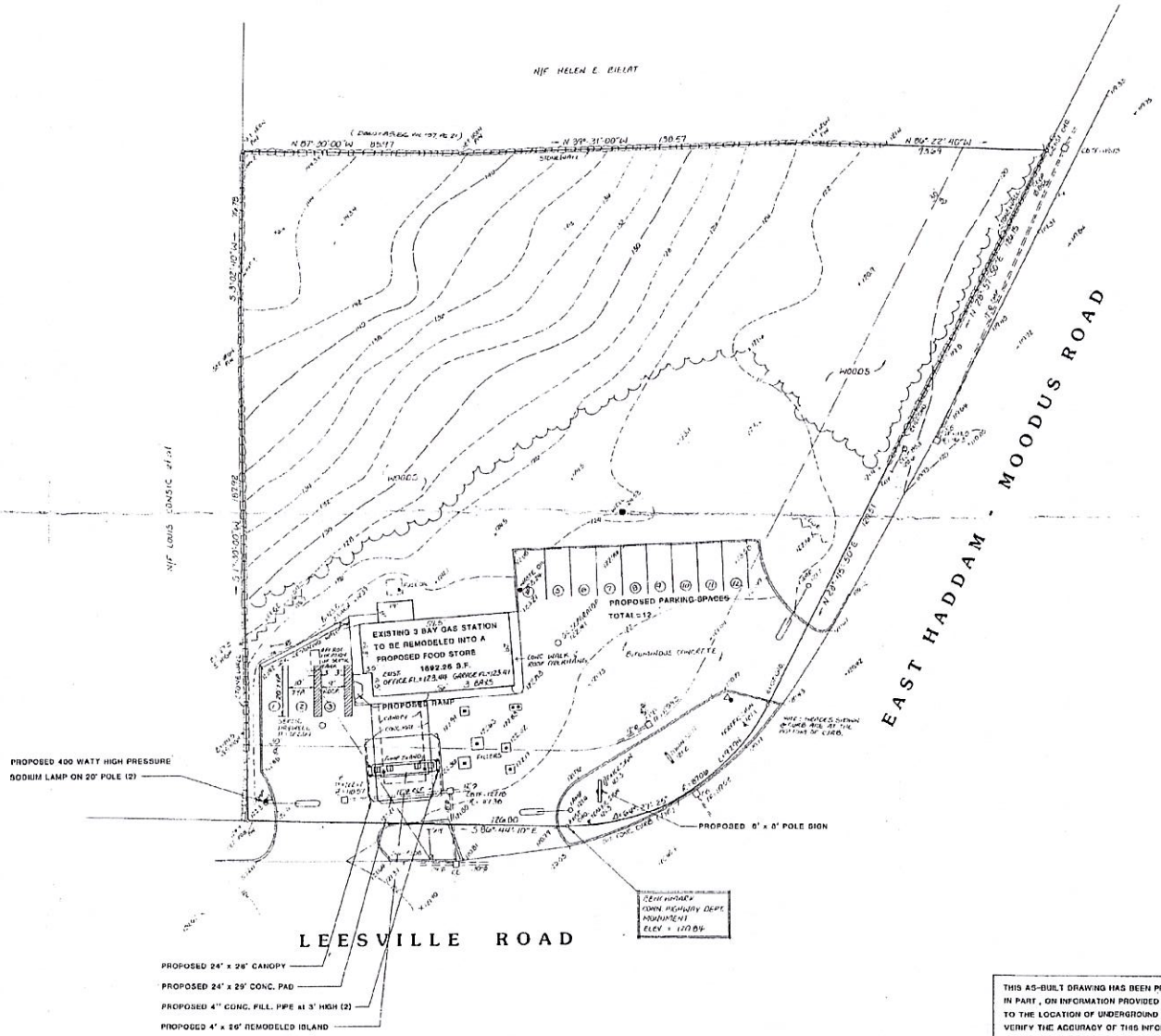
27.82 APPROVED, V.S.H. Realty, Inc., 777 Dedham Street, Canton, Massachusetts, request for Special Exception per Section 7.21 and 8.3 of the Zoning Regulations to use existing structure known as Dill's Service Station for the sale of gasoline and convenience food items, with the following stipulations: (1) That they meet the zoning regulations regarding signs. (2) That the dumpster location is enclosed. (3) That if the gas tanks are abandoned they must be removed. (4) That the waste oil tank will be removed. (5) That there will be no outside storage. (6) Prior to a Certificate of Occupancy being issued a Pressure Test Certificate will be presented to the Zoning Enforcement officer. Subject property is owned by Gustaf E. Dill, Jr. and located on East Haddam Moodus Road in the R-½ Zone. (Assessor's map 64, Lot 6)

Susan H. Gelston, Chairman
East Haddam Planning & Zoning Commission

Dated at East Haddam this
6th day of December, 1982

Middletown Press: Please print the above legal notice, one time only, on Wednesday, December 8, 1982. Please send affidavit of publication to: Mrs. Peggy Ziobron, Town Office Building, East Haddam, Ct. 06423. Thank you.

Regional Shopper: Please print the above legal notice the week of December 13, 1982. Thank you.



notes-

1. AREA OF PARCEL = 66,905 ± S.F. = 1.53 ACRES.
2. ELEVATIONS BASED ON NATIONAL GEODETIC DATUM.
3. REFERENCE DEED: VOL. 151 PAGE 19.
4. ZONED: R-½
   MINIMUM YARD REQUIREMENTS:
   FRONT - 30'
   SIDE - 20'
   REAR - 20'

THIS AS-BUILT DRAWING HAS BEEN PREPARED BASED, IN PART, ON INFORMATION PROVIDED BY OTHERS RELATING TO THE LOCATION OF UNDERGROUND SERVICES. WE CANNOT VERIFY THE ACCURACY OF THIS INFORMATION AND SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE INCORPORATED HEREIN AS A RESULT.

LOCATED UNDERGROUND UTILITIES ARE BASED ON AVAILABLE DATA. THE LOCATIONS ARE APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN. PRIOR TO CONSTRUCTION CONTRACTOR SHALL CALL 1-800-922-4455 AND HAVE ALL UTILITIES MARKED ON GROUND

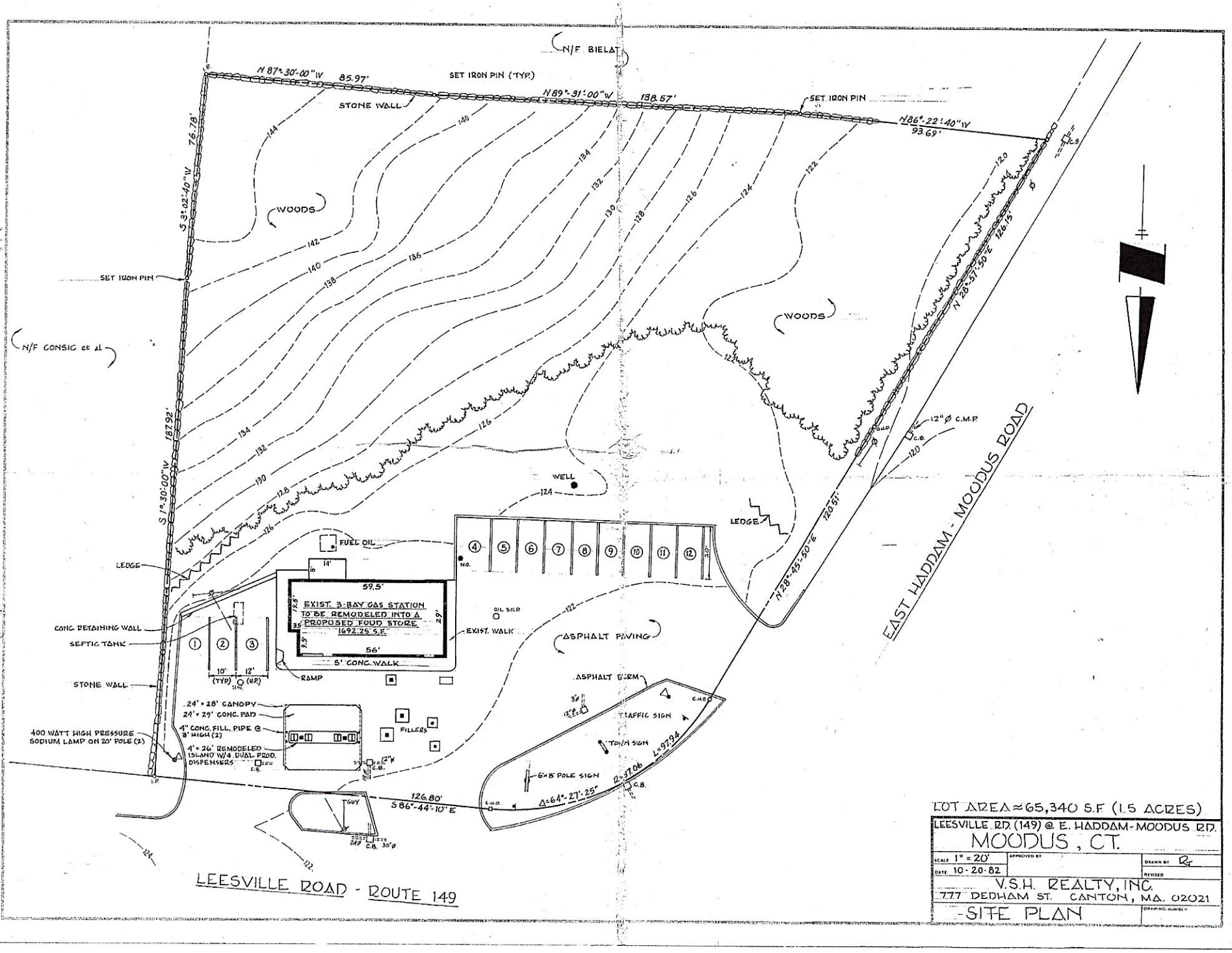
DATE	REVISION
11/30/82	CORRECTED ZONE - FROM COMMERCIAL TO R-½.
12/28/82	ADDED PROPOSED.

I HEREBY CERTIFY THAT THIS MAP COMPLIES WITH A-2 CLASSIFICATION AS DEFINED BY CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC.

Alford Associates Inc. — Civil Engineers — Windsor, Connecticut & Wilton, Connecticut

SCALE: 1 IN. = 20 FT. DATE: OCT. 15, 1982

SITE PLAN
V.S.H. REALTY, INC.
PROPERTY OF
Gustaf E. Dill, Jr.
416 MOODUS ROAD
EAST HADDAM (MOODUS SECTION), CONN.



LOT AREA ≈ 65,340 S.F. (1.5 ACRES)

LEESVILLE RD. (149) @ E. HADDAM-MOODUS RD.

MOODUS, CT.

SCALE 1" = 20' | APPROVED BY | DRAWN BY R.

DATE 10-20-82 | REVISED

V.S.H. REALTY, INC.

777 DEDHAM ST. CANTON, MA. 02021

SITE PLAN | DRAWING NUMBER

Planning & Zoning Commission
Town Office Building
East Haddam, Connecticut 06423

Telephone: 873-9433

December 7, 1982

V.S.H. Realty, Inc.
777 Dedham Street
Canton, Massachusetts 02021

Attn: Mr. Richard Crawford

Dear Mr. Crawford:

At its special meeting held on December 6, 1982, the Planning and Zoning Commission GRANTED your request for Special Exception to use existing structure known as Dill's Service Station for the sale of gasoline and convenience food items on property located on East Haddam Moodus Road (Assessor's Map 64, Lot 6) owned by Gustaf E. Dill, Jr., with the following stipulations:

(1) That they meet the zoning regulations regarding signs.

(2) That the dumpster location is enclosed.

(3) That if the gas tanks are abandoned they must be removed.

(4) That the waste oil tank will be removed.

(5) That there will be no outside storage.

(6) Prior to a Certificate of Occupancy being issued a Pressure Test Certificate will be presented to the Zoning Enforcement Officer.

This decision was made in accordance with Section 7.21 and 8.3 of the East Haddam Zoning Regulations and will be properly warned by legal notice on December 8, 1982. Therefore, the effective date is December 24, 1982. Connecticut State Statutes require that you file your site plan, signed by the Planning and Zoning Commission, within 90 days of the effective date, with the Town Clerk of East Haddam.

Very truly yours,

Susan H. Gelston

Susan H. Gelston,
Chairman

pcz

cc: Town Clerk
Richard F. Crawford, P.O. Box 676, Forest Park Station, Springfield, Mass.
Gustaf E. Dill, Jr., Tater Hill Road, East Haddam, Ct.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TOWN OF EAST HADDAM

APPLICATION FOR ZONING PERMIT

Application # 5-00 pd. rec'd 1-5-83

Date Received by ZEO

In accordance with Section 7.0 East Haddam Zoning Regulations:

Applicant's Name V.S.H. Realty Inc. Phone: 617 828-4900
Address: 777 Dedham St Canton, Mass. 02021 Zone District: R-
Property Location: #46 East Haddam-Moodus Rd. Lot Size: 1.5 acre
Subdivision:
Assessor's Map No. 64 Lot No. 6

1. STRUCTURE TO BE:

a. _____ erected ___X___ altered _____ enlarged _____ moved

b. Description of proposed work: (Summarize briefly and complete attached sketch (plot plan) if detailed plan is not submitted.)

See plot plan.

2. USE establishment, enlargement, or extension:

a. Existing Use Description: (if applicable) Service station - selling retail gas, auto repair & used car sales. Commercial

b. Proposed Use Description: Convenience food store with sale of retail gasoline. Commercial

3. Septic:

Is a septic system being installed? use existing system.
If yes, attach Sanitarian's approval _____

4. "I, the undersigned, hereby certify that I am familiar with the Zoning Regulations of the Town of East Haddam, that I will comply with said Zoning Regulations in all respects and I understand that the issuance of this permit shall not be considered to constitute compliance with any other regulations, ordinance or law nor relieve the undersigned from responsibility to obtain any permit thereunder."

Site Plan Approved by Planning & Zoning Commission Special Meeting 12/6/82

OK PD 1-5-83

APPROVED _____ DENIED _____

Signature of Applicant; Date 12-29-82
V.S.H. Realty Inc.

NOTICE

ZONING PERMIT

Approval/Denial

Date Application Received: January 5, 1983

Date Fee Paid: January 5, 1983

Date Permit Issued or Denied: January 5, 1983

THIS IS TO CERTIFY THAT THE APPLICATION SUBMITTED BY

V.S.H. Realty Inc

FOR PROPERTY LOCATED AT East Haddam - Moodus Road

(Dill's Service Station)

MAP # 64 LOT # 6, OWNED BY

Gustaf E. Dill, Jr. (see letter from Mr. Dill)

CONVENIENCE FOOD STORE WITH SALE OF RETAIL GASOLINE

SITE PLAN APPROVED BY THE PZC SPECIAL MEETING DECEMBER 6, 1982, with stipulations*

HAS BEEN EXAMINED AND: SITE PLAN FILED WITH TOWN CLERK

X FOUND IN COMPLIANCE WITH THE ZONING REGULATIONS/PERMIT IS HEREBY ISSUED.

IS DENIED

SPECIAL EXCEPTION NEEDED
SITE PLAN REVIEW NEEDED
VARIANCE NEEDED
CONFLICT WITH SECTION _____ OF ZONING REGULATIONS

* 1. That they meet the zoning regulations regarding signs.
2. That the dumpster location is enclosed.
3. That if the gas tanks are abandoned they must be removed.
4. That the waste oil tank will be removed.
5. That there will be no outside storage.
6. Prior to a Certification of Occupancy being issued, a Pressure Test Certificate will be presented to the Zoning Enforcement Officer.

Paul E. D'Orio

PAUL E. D'ORIO,
ZONING ENFORCEMENT OFFICER

Shahani Inc.
53 East Industrial Road, Unit C-1
Branford, CT 06405

February 2024

Diane K. Quinn, Chair
Zoning Board of Appeals
Town of East Haddam
1 Plains Road, P.O. Box 385
Moodus, CT 06469

James G. Ventres, Land Use Administrator
Town of East Haddam
1 Plains Road, P.O. Box 385
Moodus, CT 06469

Re: Application of Shahani Inc. for Variance from Front Yard Minimum Setback at 416 EH Moodus Road, East Haddam, CT

Dear Chair Quinn, Board Members and Mr. Ventres:

I am authorized signer of Shahani Inc. ("Shahani"), the fee owners of the property at 416 EH Moodus Road. Shahani will be submitting an application for variance approval in connection with the redevelopment of the subject property.

The law firm of Hinckley Allen is Shahani's legal counsel for this application. I hereby authorize Hinckley Allen and its attorneys to execute any application forms or other documents in connection with this application, and to submit documentation pertaining to the application on behalf of Shahani.

Very truly yours,

By: _____
Shahani Inc.
Duly Authorized

INST# 00001916

VOL: 1131 PG: 303

Recorded at the Request of
and When Recorded Return to:
Shahani Inc
53 East Industrial Rd.
Branford CT 06405

Property Address: 415 East Haddam Moodus Rd
Rec. Jur.: East Haddam, Connecticut

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That CUMBERLAND FARMS, INC., a Delaware corporation (hereinafter called "Grantor"), with its principal offices located at 165 Flanders Road, Westborough, MA, 01581 for consideration paid, and in full consideration of One Hundred Fifty Thousand and 00/100 Dollars ($150,000.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, and confirm unto Shahani, Inc., a Connecticut corporation with offices located at 53 Industrial Road Unit C-1 Branford, CT 06405 (hereinafter called "Grantee"), the real property described in Exhibit A attached hereto and made a part hereof (the "Property"), together with any and all servitudes, easements, rights-of-way, licenses and other rights in real property appurtenant thereto, and all improvements located thereon.

TO HAVE AND TO HOLD the Property, together with all appurtenances thereunto belonging, to Grantee, its successors and assigns forever, subject however to (a) liens for property taxes that are not yet due and payable, (b) provisions of any ordinance, municipal regulation and public or private law, (c) any state of facts which an accurate survey would disclose and (d) restrictions, acknowledgments and covenants set forth in **Exhibit A-1** attached hereto and made a part hereof.

Grantor for itself, its successors and assigns hereby covenants with Grantee, its successors assigns, that at and until delivery of this deed, Grantor owns the Property in fee simple absolutely free and clear of all encumbrances whatsoever, by from, through and under Grantor except as stated above, and that Grantor, its successors and assigns will forever warrant specially and defend the same, with the appurtenances thereunto belonging, unto Grantee, its successors and assigns, against the claims of all persons claiming by, from, through or under Grantor, but against no other claims.

Conveyance Tax Received
STATE $ 1875.00
TOWN $ 375.00
Debra H. Denette
East Haddam Town Clerk

IN WITNESS WHEREOF, the said Cumberland Farms, Inc. has caused its corporate seal to be affixed and these presents acknowledged and delivered in the name and behalf of George Fournier its President hereto duly authorized this 8th day of September 2021.

Signed, Sealed and Delivered
in the presence of:

WITNESS:

CUMBERLAND FARMS, INC., a
Delaware corporation

By: _____
George Fournier, President

Grantee's mailing address: 53 Industrial Road Unit C-1 Branford, CT 06405

ACKNOWLEDGEMENT

Commonwealth of Massachusetts
County of Worcester

On this, the 8th day of September, 2021 before me, the undersigned Notary Public personally appeared George Fournier, President of Cumberland Farms, Inc. proved to me through satisfactory evidence of identification, which was through personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as President.

In witness whereof, I hereunto set my hand and official seal.

Notary Public
My Commission expires:

MARY ELLEN SILVA
Notary Public, Commonwealth of Massachusetts
My Commission Expires April 26, 2024

V1011

EXHIBIT A

A certain piece or parcel of land, with the buildings thereon, situated in the Town of Moodus on the south and southeast sides of Connecticut Route No. 149 and also known as Moodus-Leesville Road, more particularly bounded and described as follows:

Beginning at a Connecticut Highway Department monument in the generally southeast line of said Connecticut Route No. 149 and running thence N 28 degrees 57 minutes 50 seconds East along the generally southeast line of said Connecticut Route No. 149 and along a stone wall 126.15 feet to a Connecticut Highway Department Monument; continuing thence North 28 degrees 45 minutes 50 seconds East along said southeast line of Connecticut Route No. 149 and in part along a stone wall 120.51 feet to a point at which a Connecticut Highway Department monument is to be set; running thence northeast along the generally southeast line of Connecticut Route No. 149, which is the arc of a curve to the right (with a radius of 87.05 feet) 97.94 feet to a point at which a Connecticut Highway Department stone is to be set; running thence South 86 degrees 44 minutes 10 seconds East along the south line of said Connecticut Route No. 149 126.80 feet to a nail in a fence post 445.08 feet West of a Connecticut Highway Department stone in the south line of said Connecticut Route No. 149 and 712 feet more or less West of the intersection of the south line of said Connecticut Route No. 149 with the center line of Town Street; running thence South 1 degree 30 minutes 00 seconds West in part along a stone wall 187.92 feet to an angle point in said wall; running thence South 3 degrees 02 minutes 40 seconds West along a stone wall 76.78 feet to a point at a wall corner; running thence N 66 degrees 59minutes 20 seconds West 85.86 feet along a stone wall to an angle point therein; and running thence 89 degrees 31 minutes 00 seconds West along said stone wall 138.57 feet to an angle point in said stone wall; continuing thence along said stone wall North 86 degrees 22 minutes 40 seconds West 93.69 feet to a Connecticut Highway Department monument at the point of beginning, and being bounded:

North	by Connecticut Route No. 149, 126.80 feet;
East	by land now or formerly of Roman Consic et al, 264.70 feet;
South	by land now or formerly of Stanley K. Bielat et al, 318.12 feet;
North-west	by Connecticut Route No. 149, 246.66 feet; and
North, Northwest	by said Connecticut Route No. 149, 97.94 feet.

Being the same premises conveyed to Cumberland Farms, Inc., as successor by merger, to V.S.H. Realty, Inc. effective September 30, 1984, by deed of Gustaf E. Dill, Jr., dated January 28, 1983, recorded in Volume 172, Page 60 of the East Haddam Land Records.

EXHIBIT A-1

The Grantee herein covenants and agrees that the following restrictions, acknowledgements, and covenants (collectively, the **"Environmental Restrictions"**): (i) shall run with the Premises and each portion thereof; and (ii) shall bind and restrict the Property and each portion thereof, and (iii) shall bind and inure to the benefit of the parties hereto, including without limitation, Grantor, Grantee, and their respective heirs, devisees, representatives, successors and assigns.

GRANTEE SPECIFICALLY ACKNOWLEDGES THAT IT UNDERSTANDS THE PREMISES HAS BEEN USED FOR COMMERCIAL PURPOSES INCLUDING THE STORAGE, DISTRIBUTION, AND MARKETING OF MOTOR FUELS, PETROLEUM, PETROLEUM-BASED PRODUCTS, AND OTHER CHEMICALS, AND THAT THE ENVIRONMENT, INCLUDING BUT NOT LIMITED TO, SOIL AND SUB-SOIL OF THE PREMISES, AIR, LAND, GROUNDWATER, AND WATER ON, UNDER, NEAR, OR ADJACENT THERETO, AND DRAINS, SEWERS, PIPES, WATER COURSES, AND WATER TABLES AT, ON, UNDER, OR IN THE VICINITY OF THE PREMISES MAY HAVE BEEN CONTAMINATED OR IMPACTED BY MOTOR FUELS, PETROLEUM, PETROLEUM-BASED PRODUCTS AND OTHER CHEMICALS OR OTHER CONTAMINATION.

The Grantee herein covenants and agrees that, if Grantee undertakes any redevelopment of the Premises, Grantee shall, at its sole cost and expense, as part of the redevelopment at Purchaser's sole cost and expense: (i) install a vapor barrier and sealed sumps to prevent the migration of any hazardous materials, petroleum or other contamination into any buildings, underground utilities or storm water retention/detention ponds; and (ii) if required by any governmental agency pursuant to any Environmental Law (defined below), or health or safety law or any other law, regulation, or guidance, or pursuant to the recommendation of an environmental professional exercising due care, install, as part of the redevelopment additional vapor intrusion controls, such as a sub-slab depressurization system ((i) and (ii) collectively the **"Engineering Controls Obligation"**).

Use Restriction. The Premises shall be used solely for industrial or commercial uses and for no other use whatsoever. For the avoidance of doubt, in addition to all other non-industrial or non-commercial uses, the Premises, in whole or in part, shall not be used or occupied (if used or occupied at all) for residential purposes; or for the operation of a child care or elder care facility, a nursing home facility or hospice, a medical or dental facility, a school, a church or other place of worship; or as a park; or a hospital; or for agricultural uses. If applicable state or local laws and regulations define residential use, any use that is deemed to be a residential use by such laws and regulations will be deemed enumerated herein.

Groundwater Use Restriction. Use of shallow groundwater for potable uses is prohibited now and in the future. Any potable use of groundwater shall be limited to groundwater within bedrock, and any wells installed must be to depths greater than 30 feet below grade and cased to prevent infiltration of shallow groundwater.

Duration. The Environmental Restrictions shall run with the Premises and each portion thereof and shall be binding upon and inure to the benefit of Grantor and Grantee and shall remain in full force and effect and bind and restrict the Premises, unless and until the Environmental Restrictions (or any portion thereof) are released in writing by Cumberland Farms, Inc.

Notice of Environmental Restrictions upon Conveyance. Each instrument hereafter conveying any interest in the Premises or any portion of the Premises shall contain a recital acknowledging the Environmental Restrictions and providing the recording location of this Deed upon such conveyance substantially in the following form: "The real Premises described herein is subject to the Environmental Restrictions made by Cumberland Farms, Inc., as Grantor, for its benefit and for the benefit of other parties and persons as set forth therein, and recorded with the _____on the _____ day of _____ 20__, bearing Document ID _____ as if the same were fully set forth herein." Notwithstanding the foregoing, any failure to include such notice shall not, in and of itself, create any right or claim that any of the Environmental Restrictions or this Deed are void, voidable or otherwise unenforceable in accordance with their terms.

Effectiveness. The terms, provisions, covenants, and restrictions set forth in this **Exhibit A-1** vest upon the execution and delivery of this Deed by Grantor. If any of the covenants or restrictions contained herein shall be unlawful, void, or voidable for violation of any other statutory or common law rule(s) or regulation(s) imposing time limits, then any such covenants and restrictions shall continue only for the longest period permitted under such statutory or common law rule(s) or regulation(s).

Future Grantees. The taking title to the Premises (or otherwise succeeding, directly or indirectly, to any of Grantee's right, title or interest in or to the Premises), by any succeeding grantee shall be conclusive evidence of such succeeding grantee's agreement to and acceptance of each and all of the terms, provisions, and conditions of this **Exhibit A-1**, and of such succeeding grantee's agreement to be bound thereby.

Invalidity or Any Term. If any term, provision, condition, covenant, or restriction in this **Exhibit A-1**, to any extent, shall be invalid or unenforceable, the remainder of this **Exhibit A-1** (or the application of such term, provision, condition, covenant, or restriction to persons or circumstances other than in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision, condition, covenant, and restriction set forth in this **Exhibit A-1** shall be valid and enforceable to the fullest extent permitted by law.

Remedies. Grantor shall have all rights and remedies available at law or in equity for any breach by Grantee or any successor or assign of Grantee of the above covenants and agreements. Grantee acknowledges that the breach of any of the covenants or restrictions contained in this **Exhibit A-1** on the part of Grantee will result in irreparable harm and continuing damages to Grantor and that Grantor's remedy at law for any such breach or threatened breach would be inadequate. Accordingly, in addition to such remedies as may be available to Grantor at law or in equity in the event of any such breach, any court of competent jurisdiction may issue an injunction (both preliminary and permanent), without bond, enjoining and restricting the breach or threatened breach of any such covenant or restriction by Grantee. Without limiting the foregoing, Grantor specifically may enforce against Grantee and any subsequent owner, user, or occupier of the Premises the obligations and agreements set forth above. In the event that Grantee or any subsequent owner, user, or occupier of the Premises shall breach any of the covenants or restrictions set forth in this **Exhibit A-1** then Grantee or such subsequent owner, user, or occupier shall pay all of Grantor's costs and expenses (including reasonable attorneys' fees) incurred in enforcing such covenants and restrictions.

"**Environmental Law**" as used herein shall mean any local, tribal, state, or federal statute, rule, regulation, order, judgment, decree, directive, ordinance, or common law pertaining to: (A) the protection of health, safety, and the indoor or outdoor environment; (B) the conservation, protection, management, or use of natural resources and wildlife; (C) the protection or use of surface water and ground water; (D) the management, manufacture, possession, presence, use, generation, transportation, treatment, storage, disposal, release, threatened release, abatement, removal, remediation, or handling of, or exposure to, any Hazardous Materials; or (E) pollution (including any release to air, land, surface water, and ground water).

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Sep 20,2021 03:09P
Debra H. Denette
Town Clerk
VOL: 1131 PAGE: 308

Google Maps 408 CT-149



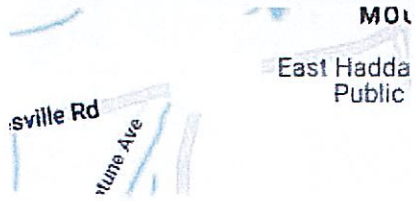
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