Ex 30

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Comments on the Proposed Shahani, Inc. Project
"Reconstruction of an Existing
Gas Station/Convenience Store
With a Drive-Through Window"
at 416 E Haddam Moodus Rd.

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Prepared for the East Haddam
Planning and Zoning Commission Meeting
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I'm Nicholson Baker, and I'm here with my wife Margaret Brentano. We live next door to the Shahani property, at 406 E Haddam Moodus Rd. We moved here this past May, because we really like the town, we like the people, we like the whole area. We thought it was great that Moodus had been working away on a big Master Plan that aimed to foster a feeling of, quote, "pedestrian-friendly walkability embracing a classic New England village aesthetic."

Of course we noticed the boarded-up building right on the corner. We knew we were in a commercial zone, a so-called C-3 zone, and we checked the zoning regulations to find out what that might mean. We read that the C-3 regulations aim to "perpetuate the historic character which contributes so much to East Haddam's charm." How great is that! The zoning regulations actually itemize what sorts of light commercial enterprises are allowed in a C-3 zone—real estate offices, antique stores, restaurants, country inns. All good, all very reassuring.

Imagine our surprise then, when, in the middle of October, my wife saw in the East Haddam paper an announcement of a meeting of the Planning and Zoning Commission to evaluate a proposal to construct a gas station and drive-through convenience store on that very same next door lot. We'd gotten no notice in the mail about it. When I looked up the specifics of the plan, I found that they wanted to have six gas pumps with a drive-through fast food window.

I'm sure that the Shahani company has built and managed some excellent convenience store gas stations, so I mean no disrespect when I say that this particular Moodus proposal would be a mistake. I think it would lose Shahani money, in fact. This is an awkward corner property, tightly situated out in front of a rocky slope, with residential houses all around it. It's just not the right location for a business of this type.

And I do wonder why anyone would feel that this this store is necessary. There's a well-run 7-Eleven thirty seconds up the road. How can it be that only a few months after the publication of the Moodus Master Plan this past October—which took so much thought and public discussion and focus-grouping, with all its admirable language about walkability and classic village esthetics—how can it be that we are now, tonight, seriously considering, as our major first post-Master Plan decision, giving a thumbs up to an application that jams a fast food mart and a brightly-lit, 24-hour gas station with a vast 78-foot wide, 19-foot high flying wing of a canopy into the town's welcoming Western Gateway?

Here's some historical context. In July of 1972, Gustaf Dill petitioned the East Haddam Planning and Zoning Commission for a special zoning exception in order to open a gas station at the corner of Route 149 and the Moodus-Leesville road. The zoning board said yes. Dill's Chevron station began selling gas from three pumps. They also repaired cars.

Ten years later, in July of 1982, Dill sold his gas station to Cumberland Farms's expanding realty acquisitions arm, V.S.H Realty, which had at that time more than a thousand stores. They applied for a new special zoning exception in order to expand the service station from three pumps to four pumps. They also wanted to keep the store open late, until 11 p.m., 7 days a week, which Gustaf Dill wasn't doing, and they wanted to build a 28-foot canopy. In addition to gas, they wanted to sell convenience store items—soda, cigarettes, snacks, ice cream. The zoning board held a public meeting to which almost nobody came and they voted unanimously to approve the application, even though, coincidentally, they'd just written into law the regulations covering the C-3 zone that are still in force. There was some talk about the underground fuel tanks—and the man from VSH Realty said that they intended to replace the steel tanks with fiberglass ones. The commission added a requirement: "If the gas tanks are abandoned, they must be removed."

So then, for a lot of years, 1983 to roughly 2010, Cumberland Farms sold gas and lottery tickets and Gatorade and etcetera. But then, after the 7-Eleven opened at a better location a third of a mile away, Cumby's business declined, and by 2011 the store was boarded up, with a

no trespassing sign affixed to one of its two double pumps.

Unfortunately they hadn't replaced the fuel tanks, and after a few years, when they'd abandoned their business, the tanks failed. On a state list of hazardous waste sites from 2017, the former Cumberland Farms propery is listed as having "leaking underground storage tanks," with remediation measures begun. The tanks were dug up, the pumps were removed, the contaminated soil was emended.

But even so, when the Shahani company bought the property from Cumberland Farms, also in 2017, the contract included an Exhibit A1, a strongly-worded warning in all capital letters to the new owners that the property may have been contaminated by petroleum products and other chemicals, and requiring that any redevelopment must include the installation of a vapor barrier and sealed sumps to quote "prevent the migration of any hazardous materials." Any new well, they said, must be drilled deeper than thirty feet, through bedrock, and cased to prevent infiltration of shallow groundwater. So, in other words, 416 E Haddam Moodus Rd was, and remains, a classic brownfield site, a once-contaminated area that has undergone remediation, at major expense. After all that work, some of the wells in the area have been tested (including our well) and they've been pronounced acceptably free of petroleum-based toxins. So that's good.

But now, and this is what depresses me, people want to dig it up all over again. Build another gas and diesel fuel convenience store, following the old footprint, again disturbing the now remediated but still tainted brownfield soil. They want to excavate big time, in order to install two new 12,000 gallon fiberglass underground fuel tanks, plus a one thousand

gallon grease interceptor tank, a twelve hundred gallon septic tank, and a thousand gallon sewage pumping tank. Just because a tank is fiberglass doesn't mean it can't fail. Diesel fuel and ethanol formulas of gas are said to be particularly corrosive of pumps and fittings. We really don't need or want to go through all this again. Let sleeping hydrocarbons lie.

Another thing that seems pretty clear from living where we do: This proposed drive-through will make an already worrisome intersection worse. There was an accident there just yesterday. Traffic now zooms around the corner, unsure which way oncoming cars are going to turn. The Shahani project envisions hundreds of cars and trucks entering and leaving the facility at all hours every day. According to the revised Moodus Food Stop plan, the "coffee/donuts & fried chicken" drive-through will service an estimated one hundred takeouts per day. The cars and pickup trucks in the queue for the drivethrough, plus the cars at the six pumps, plus the cars in the parking spaces, will drastically interfere with current sight lines. This plan will create a dangerous traffic mess. This is not a good way to welcome the world to Moodus.

Also, a fast food drive-through, the town's very first, is in direct opposition to the ideal of walkability. Its late-night hours invite crime. And it may very well hurt existing businesses, such as Village Pizza, Hometown Market, Moodus Mud Coffee Roasters, Higher Grounds, and Two Wrasslin' Cats, all good places that need our support. It sets a bad

precedent. It's going in the wrong direction.

Another big thing:

In order to route cars to the takeout window, the project proposes a two lane road that will run behind the building: a drive-through order lane plus a passing lane. Each lane will be 11 feet wide. So we're talking about the creation of a new 22-foot-wide road on the property, made by digging into the rocky slope that's back there. And then, because the new road cuts into the slope, the plans say they're going to need a retaining wall beyond that.

It's not just that they want to add a bumped-out drive-up window —they're increasing the total paved area footprint of this property by about 20 percent. And because there's so much more paved area, they have to construct an elaborate system of drainage swales in the rear of the parcel, so as not to overtax municipal storm drains. To create the swales out back, they have to cut down trees. And then, in order to service the drive-through, they're outfitting a commercial kitchen, with a grill and fryer and steam table—a completely new use for the building. This new kitchen will occupy about a quarter of the floor plan. Cumberland Farms had no kitchen.

Likewise the number of pumps. Instead of four pumps in the Cumberland Farms, it's now six pumps, an increase of fifty percent. Instead of a 28 foot canopy, there's a hootenany of a structure 78 feet wide.

Three times bigger. I'm sorry, it's totally out of scale.

Another thing to remember:

Cumberland Farms decided to close down its store here ages ago. It deliberately ended the business, because business was bad. Shahani's legal counsel is nonetheless trying to claim that their new gas station is grandfathered in. But it isn't grandfathered in, because current East Haddam zoning law says that if there are "substantial changes" to the nature or intensity of the business, then those variances quote "shall be treated as new applications." A substantial change is defined as, quote, "a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area." Obviously a 22-foot-wide road constitutes an extension into additional land or building area. The 78 foot canopy is an enlargement. The change from four to six pumps is a change of intensity. Frying chicken and other fast food in a commercial kitchen and selling it via a drive-through window is a major change of equipment and activity.

And then we come to the new long-distance uphill septic system. Let me explain it to you, and then I'll be done. Behind the existing ruin of a store, which Shahani and Company wants to rebuild, there's the slope of rock, along with brush and mixed hardwood trees. It goes up fairly steeply to our property line, where there's an old stone wall. I'm happy to show anyone here who is curious what it looks like.

Because so much of the Shahani property is rock ledge or very shallow soil, there's no handy place to create a sufficiently large leaching field for waste water. The best spot that the able and conscientious site engineer, Roger Nemergut, was able to find, using his measurements of soil composition and depth—and it is still not ideal—is at the extreme southeastern corner of the parcel, at the very top of the hill, as far away from the store itself as you can possibly get. The sewage, an estimated 690 gallons a day, mostly from the commercial kitchen, will flow from the store into the twelve-hundred-gallon septic tank buried under the new drive-through road, and from there it will go into a pumping tank, also under the road, and then a pump will force it up the rocky incline, against gravity, in a pipe, to two 38-foot wide Geomatrix leaching beds to be dug near our stone wall. Where it will leach out. It seems that the only way Mr Nemergut could make this geologically challenging terrain work was by pumping liquid waste hundreds of feet up a hill of stone and letting it leach into the field above our house. What could possibly go wrong?

Leach fields can fail in several ways, and there are cautionary statements on these engineering plans. "IF FIELD CONDITIONS, (LEDGE, GROUNDWATER, MOTTLING) ARE ENCOUNTERED AT SHALLOWER DEPTHS THAN SHOWN IN THE DEEP TEST HOLE

RESULTS," the plans say, "CONSTRUCTION SHALL BE HALTED AND THE ENGINEER CONTACTED IMMEDIATELY." There's also a reserve leaching area defined in the plans, composed of two more 38-foot locations, also right up by our land, in case the first two leach beds aren't up to the job.

This is all so bafflingly wrong. Wrong for the future of the town and wrong for Shahani Incorporated and wrong for us as next-door neighbors, aesthetically wrong, financially wrong, legally wrong, totally unnecessary, dangerously wrong for motorists.

It shouldn't happen.

Thank you for listening.