

TOWN OF DARIEN
PLANNING & ZONING DEPARTMENT

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September 1, 2020

VIA E-MAIL AND
REGULAR MAIL

Amy E. Souchuns, Esq.
John W. Knuff, Esq.
Hurwitz Sagarin Slossberg & Knuff, LLC
147 North Broad Street
Milford, CT 05460

Re: *Proposed Amendments to Darien Zoning Regulations (COZR #4-2020), Business Site Plan Application #128-B, Special Permit Application #314, 7-Eleven, Inc., 306 Boston Post Road.*

Dear Amy & John:

Enclosed please find a copy of Section 1040 of the Zoning Regulations as a reminder of your responsibility to notify property owners within 100 feet of the 306 Boston Post Road property of this pending application. A copy of the Legal Notice is enclosed for your use in this process. You must send the mailings between September 2, 2020 and Saturday, September 12, 2020. **Our office is providing you with the attached mailing list that you should use for the required mailings.** NOTE: A recent order from the Governor allows the mailings to be completed by regular mail, rather than certified/return receipt requested.

Once you have sent the mailings, you are required to submit the following to the Planning and Zoning Office *by the Wednesday prior to the public hearing*: a copy of one (1) of the letters sent to the property owners within 100 feet, with the enclosure which was sent to them; and a list of those property owners within 100 feet.

The public hearing on this application has been scheduled for **Tuesday, September 22, 2020 at 8:00 P.M. in Darien Town Hall** and via GoToMeeting. A login number for GoToMeeting will be provided to both you and the general public a few days prior to the meeting via the Town of Darien web site. Should you have questions, or if we can assist in any way, please feel free to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fred Doneit", is written over the word "Sincerely,".

Fred W. Doneit, AICP, GISP
Senior Planner

Enclosures

SECTION 1040 - NOTIFICATION TO ABUTTING PROPERTY OWNERS

1041. Background and Purposes

The purpose of this notification procedure is to alert those owners of each parcel or property 100 feet or less distant from the perimeter of the applicant's property, of an application pending before the Planning and Zoning Commission in order that they may have the opportunity to review the application and make their opinions and comments known at the public hearing.

1042. Applicant Responsible for Notification

The applicant, or their legal representative, shall be responsible for notifying owners of property or parcels within 100 feet of the perimeter of the subject property of any pending application for a Coastal Site Plan Review; Special Permit; Site Plan approval; and/or Amendment of the Zoning Map and/or Regulations involving a single property or properties with a total area of less than five acres. Any applicable notice requirements for Zoning Map and/or Regulation amendments are in Section 1110 et. seq. of these Regulations. With the submission of any such application to the Planning and Zoning Commission, the applicant shall provide:

- a. A list of the names, addresses, and tax map/lot numbers of owners of property within 100 feet of the subject property. The latest records of the Darien Tax Assessor shall be used to determine the required information.
- b. If the application shall be scheduled for a Public Hearing before the Planning and Zoning Commission the applicant shall notify each owner of property within 100 feet of the perimeter of the subject property of the time, place, date, and purpose of the hearing. This notification shall also include a description of the application and the nature of the proposed activity. Such notice shall be mailed not less than ten (10) days nor more than twenty (20) days prior to the first scheduled public hearing. Notice shall be sent as per Subsection 1043. Any applicable notice requirements for Zoning Map and/or Regulation amendments are in Section 1110 et. seq. of these Regulations.
[Amended 7/29/2007]

1043. Notification Procedures

- a. Notices from the applicant to the property owners within 100 feet of the perimeter of the subject property (see Section 1042) shall be sent via U.S. Mail. The applicant shall obtain proof of mailing in the form of stamped U.S. Postal Service Certificates of Mailing or Certified Mail Receipts. Notices sent "Return Receipt Requested" are not required.
- b. At least three business days prior to the commencement of the first Public Hearing, the applicant, or their legal representative, shall submit a list showing the names and addresses of the owners of specified properties including their respective tax map and lot numbers, one copy of the notification (including attachments) which was mailed and evidence of the required mailing in the form of stamped Certificates of Mailing or Certified Mail Receipts.

LEGAL NOTICE

The Darien Planning and Zoning Commission will hold a PUBLIC HEARING on Tuesday, September 22, 2020 at 8:00 P.M. in Room 206 of Darien Town Hall at 2 Renshaw Road, Darien and via GoToMeeting, on the following:

Proposed Amendments to Darien Zoning Regulations (COZR #4-2020), Business Site Plan Application #128-B, Special Permit Application #314, 7-Eleven, Inc., 306 Boston Post Road. Proposal to amend Sections 210, 755, 904, and 1056 of the Darien Zoning Regulations relative to Motor Vehicle Service Stations, including gas stations. The intent of the proposed Regulation amendments are to distinguish gas stations from repair shops and to modernize standards to reflect customary, accessory convenience store and food related offerings. The full text of the proposed amendment is on file and available in the Town Clerk's office and the Planning and Zoning Office for inspection, and online at www.darienct.gov/pzcpendingapplications. Proposal to raze the existing Duchess Restaurant on the site and to redevelop the site as a 7-Eleven gas station with associated convenience retail and an accessory quick-service restaurant in a new 4,050+/- square foot building; and to perform related site development activities. Twelve self-service fueling positions, with an overhead canopy, would occupy the site. The 1.04+/- acre subject property is located on the south/east side of Boston Post Road, approximately 125 feet north/east of its intersection with Birch Road, and is shown on Assessor's Map #32 as Lot #9 in the Service Business (SB) Zone.

(S) James H. Rand
Secretary
9/9 & 9/16

| ID | Site Address | Owner Name | Co-Owner Name | Owner Address | Owner City | Owner State | Owner Zip | Map-Lot |
|-------|----------------------|-----------------------------|----------------------|-----------------------|------------------|-------------|-----------|----------|
| 05586 | 319 BOSTON POST ROAD | BDQ LLC | | 42-08 BELL BOULEVARD | BAYSIDE | NY | 11361 | 13 1 & 2 |
| 06415 | 275 BOSTON POST ROAD | GRUSS/LESSER PROPERTIES LLC | C/O SIDRA GRUSS | 6557 LAS FLORES DRIVE | BOCA RATON | FL | 33433 | 13 3 |
| 11085 | 354 BOSTON POST ROAD | MASONIC CLUB OF DARIEN INC | C/O 320 BPR HOLDINGS | 320 BOSTON POST ROAD | SUITE 110 DARIEN | CT | 06820 | 32 12* |

Subject Property

04413 306 BOSTON POST ROAD DUCHESS FAMILY RESTAURANT O C/O ATTY JACK SAMOWITZ 306 BOSTON POST ROAD DARIEN CT 06820

verified 8/25/2020