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By Email

Darien Planning and Zoning Commission
Darien Town Hall
2 Renshaw Road
Darien, CT 06820

RE: COZR #4-2020, BSP #128-B, SP #314

Dear Commissioners:

My firm was just retained by a group of Birch Road neighbors and 320 BPR Holdings, LLC to oppose the pending applications by 7-Eleven, Inc. to open at the Duchess Restaurant site at Exit 13. I have been advised the Commission expects to devote limited time to this matter on Tuesday, November 24, 2020 and will continue the hearing to a later date, possibly December 8, and then close the hearing.

Section 1000 of the Zoning Regulations states that:

“Application for Special Permit shall be made in writing...and shall include: ...e. All approvals from any local, regional, state or federal agency or department having jurisdiction over any aspect of the application.” (Emphasis supplied)

Under Section 1056 of the regulations the ZBA must approve the location of any service station and 7-Eleven, Inc. has recognized ZBA's jurisdiction by seeking its approval in ZBA Cal. No. 15-2020. The ZBA has not rendered a decision on the pending application with the hearing of same continued to December 16, 2020. Closing the PZC hearing before the ZBA decision is rendered will mean the PZC application is incomplete under Section 1003.e. We request that you continue the PZC hearing to a date in January 2021 to allow the ZBA time to decide the pending 7-Eleven ZBA application to avoid technical claims that the application was deficient under Section 1003.e.

We also request that any continued hearing before PZC be scheduled for January to allow my clients the opportunity to engage a traffic expert to review the final reports of the applicant's expert and the town's peer review expert, neither of which is available at this time. At a

minimum such expert reports should be available for public review a reasonable time in advance of the public hearing.

Kindly consider this request as you deliberate on what date to select for the continuation of the PZC hearing.

Sincerely,



Wilder Gleason

Wilder Gleason

cc

cc: Jeremy Ginsberg, by email
Fred Doneit, by email
Darien Zoning Board of Appeals, by email
John W. Knuff, Esq., by email
Amy E. Souchuns, Esq., by email
320 BPR Holdings, LLC, by email
Birch Road Residents, by email
Robert Maslan, Esq., by email