

# STATE PROPERTIES REVIEW BOARD

## Minutes of Meeting Held On November 18, 2024

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Pursuant to CGS §1-225a, the State Properties Review Board conducted a Regular Meeting beginning at 9:30AM. Pursuant to the statute, this Meeting was held solely by means of electronic equipment – via Microsoft TEAMS or Call-In Conference.

### Members Present – solely by means of electronic equipment:

Bruce R. Josephy, Chairman  
Jeffrey Berger, Vice Chairman  
John P. Valengavich, Secretary  
Jack Halpert  
Mark A. Shiffrin

### Members Absent:

William Cianci

### Staff Present – solely by means of electronic equipment:

Thomas Jerram  
Jyoshna Rath

### Guests Present – solely by means of electronic equipment:

Mr. Valengavich moved and Mr. Halpert seconded a motion to enter into Open Session. The motion passed unanimously.

## OPEN SESSION

### 1. ACCEPTANCE OF MINUTES

Mr. Valengavich moved and Mr. Berger seconded a motion to approve the minutes of the November 14, 2024 Meeting. The motion passed unanimously.

### 2. COMMUNICATIONS

### 3. REAL ESTATE- UNFINISHED BUSINESS

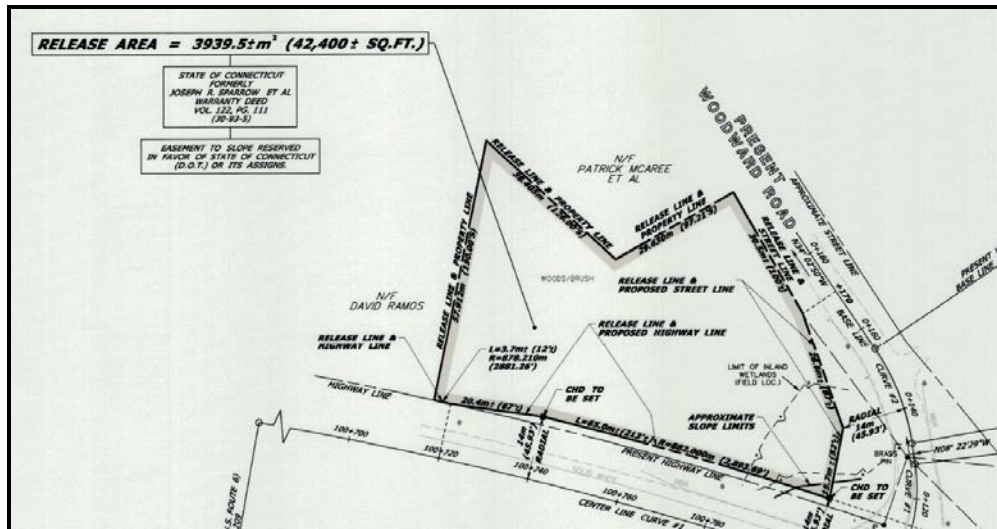
### 4. REAL ESTATE – NEW BUSINESS

<b>PRB #</b>	24-185
<b>Transaction/Contract Type:</b>	RE – Sale
<b>Origin/Client:</b>	DOT/DOT
<b>DOT Project #:</b>	030-093-005A
<b>Grantee:</b>	Patrick McAree & Laura Davis
<b>Property:</b>	Columbia, Woodward Rd @ Rd 6 – 42,400± Sq.Ft.
<b>Project Purpose:</b>	Sale by Abutter Bid
<b>Item Purpose:</b>	Quit Claim Deed

Sale Price: \$20,500 plus \$1,000 Admin Fee

Under this Proposal (PRB #24-185) DOT seeks Board approval of a Sale by Abutter conveying approximately 42,400± sq.f.t of land to the Abutter at 12 Woodward Road in Columbia, for \$20,500, plus a \$1,000 administrative fee.

**Description** – The Release Parcel consists of an irregularly shaped parcel containing 42,500 sf with 280± feet of frontage along the northerly side of Route 6 and 239± feet of frontage along Woodward Road. The release is an unimproved, generally level lot with the easterly portion encumbered by inland wetland soils. The property is located in the RA zone and is non-conforming regarding minimum lot size (50,000 sf required).



There are two logical abutters:

**Before Assemblage (Abutter's):** There are 2 abutter properties that are contiguous to the release parcel. The first abutter property is located directly to the west of the release parcel fronting along Route 6. The property is owned by David Ramos and is identified as 13 Route 6. The property contains 1.0± acre per assessor and has 175± feet of frontage along Route 6 per deed description. The property is improved with a ranch style dwelling that was built in 1986 and contains 1.104± square feet per assessor records. The lot is upward sloping from the Route 6 frontage and the shape is slightly irregular. The frontage of the property is encumbered with a slope easement in favor of the State of Connecticut DOT. The property is located in the RA zone and utilizes a well and septic system. The property was last conveyed on May 24, 2022 for \$292,000. The property is non-conforming in regards to minimum lot size and frontage requirements of the RA zone. The second abutter property is located northwesterly of the release parcel and fronts along Woodward Road. The property is owned by Patrick Mcaree and Laura Davis and is identified as 12 Woodward Road. The property contains 0.98± acre per assessor records and has 345.56± feet of frontage per deed description. The property is improved with a cape style dwelling that was built in 1986 and contains 1.618± square feet per assessor records. The lot is upward sloping from Woodward Road and the shape of the property is irregular. The property is located in the RA zone and utilizes a well and septic system. The property was last conveyed on February 5, 2020 for \$240,000. The property is non-conforming in regards to the minimum lot size requirements of the RA zone.

**Logical Abutter Determination:** Of the two aforementioned abutter properties, the logical abutter is considered to be property owned by David Ramos located at 13 Route 6. This property consists of a 1.0± acre lot that has 175 feet of frontage along the northerly side of Route 6. Upon assemblage of the release parcel, this property would meet the frontage and minimum lot size requirements of the RA zone. Additional benefits would include an expanded side yard east of the existing dwelling allowing for an addition to the home or the construction of a garage which the property lacks. The abutter property located at 12 Woodward Road consists of 0.98± acre and has 345± feet of frontage. Given the existing frontage and configuration of this property in relation to the release parcel, assemblage to this property is considered to be less beneficial. After giving consideration to both abutter properties, the highest and best use of the release parcel is considered to be assemblage to the westerly abutter property owned by David Ramos located at 13 Route 6.

The Appraiser concluded: Assemblage to 13 Route 6 is the highest and best use.

As assembled, the subject lot area increases from 1.0 acre (43,560 sf) to 1.97 acres (85,960 square feet) with the site continuing to have irregular shape.

**Before Valuation** – With the release of this parcel via a Sale by Abutter Bid, John P. Kerr appraised the abutter property, as of October 19, 2023. Based on the sales comparison approach, the Appraiser utilized three similarly-zoned sales of land in Columbia that sold between 2021 and 2023.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	13 Route 6 Columbia	Route 87 East (Map 31 Lot 26) Columbia		10 Wells Woods Rd Columbia		420 Route 66 Columbia	
Proximity to Subject		3.44 miles SE		4.16 miles S		3.91 miles S	
Sales Price	\$ Per Lot		\$ 75,000		\$ 59,900		\$ 65,000
Price	\$		\$		\$		\$
Data Source	Inspection/Town Rec.	Land Records/Inspection		Land Records/MLS/Inspection		Land Records/Inspection	
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION	+(-)\$ Adjust.	DESCRIPTION	+(-)\$ Adjust.
	N/A	5/9/2023		2/16/2021		5/10/2021	
Location	Average/Heavy Traffic	Average/Light Traffic	-10,000	Average/Low Traffic	-15,000	Average/Mod. Traf.	-5,000
Site/View	1.00± Acre/Res.	2.688± Acres/Res.	-10,000	2.03± Acres/Res.	-5,000	3.75± Acres/Res.	-15,000
Topography/Shape	Above Grade/Irregular	Mostly Level/Irreg.	-5,000	Mostly Level/Irreg.	-5,000	Mostly Level/Irreg.	-5,000
Zone/Frontage	RA/175± FF	RA/25.02± FF	+5,000	RA/150± FF		RA/34.77± FF	+5,000
Highest & Best Use	Residential Dev.	Residential Dev.		Residential Dev.		Residential Dev.	
Utilities	Electric	Electric		Electric		Electric	
Sales or Financing Concessions	Slope Esmt.	Utility/Drainage Esmt.		Driveway Easement		Wet/Conserv. Esmt.	+5,000
Net Adj. (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ -20,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ -25,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ -15,000
Indicated Value of Subject		<b>Net 26.7 %</b>	\$ 55,000	<b>Net 41.7 %</b>	\$ 34,900	<b>Net 23.1 %</b>	\$ 50,000

After adjusting for transactional, locational and physical characteristics the appraiser concluded the fair market value of the subject land was \$45,000.

**After Valuation** – Based on the sales comparison approach, the Appraiser considered the same three sales of land as in the Before Valuation and after adjusting for transactional, locational and physical characteristics concluded the fair market value of the subject land, as assembled, was \$60,000.

**Release Value**

Item	Value
After Valuation	\$60,000
Before Valuation	\$45,000
Release Value	\$15,000

DOT provided the following narrative in support of this Proposal:

Attached are the deed and release map for the proposed release of vacant land consisting of 3939.5+/- square meters (42,400 square feet). The subject property is situated on the northern side of Present Willimantic Road (U.S. Route 6), in the Town of Columbia to be released to the abutting owner, Mr. Patrick McAree and Ms. Laura Davis (Buyers).

On October 19, 2023, an appraisal was prepared by staff appraiser, John Kerr who determined the value of the State Land to be Fifteen Thousand Dollars (\$15,000.00). An abutter bid held on April 24, 2024, two property owners were informed of the bid and asking price of Nineteen Thousand Dollars (\$19,000.00).

There was one bid received and submitted by the Buyers in the amount of Twenty Thousand and Five Hundred Dollars (\$20,500.00) and accepted by the Division of Rights of Way. There is a One Thousand Dollar (\$1,000.00) administrative fee added; therefore, the subject State Land will be release to the Buyers at a cost of Twenty-one Thousand and Five Hundred Dollars (\$21,500.00)

**Recommendation** – Staff recommend approval of this Proposal - Sale by Abutter Bid - in the amount of \$20,500 (plus a \$1,000 Admin Fee = \$21,500 in QC Deed).

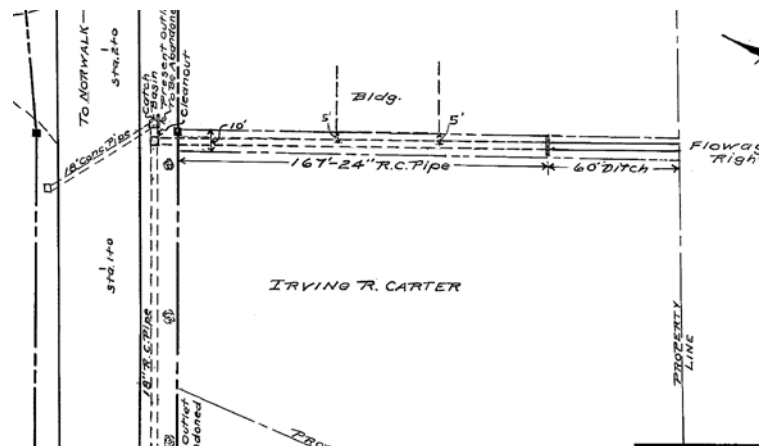
- The proposed sale complies with Sections §3-14b, and §13a-80 of the CGS in that the Town declined to purchase and the legislative delegation received the required notification on October 14, 2023.
- The release value of \$20,500 is 137% of the appraised value, and it will return the property to the Town's tax rolls and relieve the State of all future expenses.
- The description in the Quit Claim Deed is consistent with the survey map to be filed in the local Land Records.

**PRB #** 24-186  
**Transaction/Contract Type:** RE – Exchange  
**Origin/Client:** DOT/DOT  
**DOT Project #:** 035-000-010B  
**Grantee:** 1852 Darien I, LLC  
**Property:** Darien, Boston Post Rd (54)  
**Project Purpose:** Release of Drainage Right-of-Way (1,250 sf)  
**Item Purpose:** Release of Easement Deed / Easement Deed

**Release Price:** \$73,000 (plus a \$1,000 Administrative Fee)

#### Project Background

The subject DROW was acquired by the Department of Transportation (Department) in 1936 from Irving Carter in conjunction with the construction of Interstate 95. The 10-ft wide drainage right-of-way is a total of 227' long (2,270 sf), of which 167' includes a 24" reinforced concrete pipe. The Releasee states there is additional 36" reinforced concrete pipe within the DROW.



The 2.135 acre (93,017 sf) was improved in 1992 with a 12,000± square foot restaurant building leased for approximately 30 years to Bertucci's Restaurant. In September 2022, the lease was terminated and the property was surrendered to the owner, Cook Family Limited Partnership.

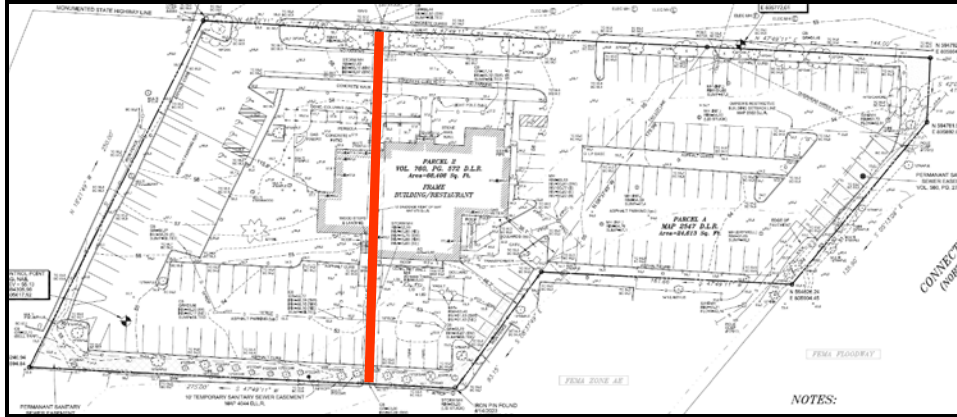
On August 8, 2023, Cook Family LP sold the property to 1852 Darien I, LLC for \$5,250,000 (\$56.44/sf).

On October 8, 2024, the owner received entitlements described as follows:

Proposal to redevelop the property, formerly occupied by Bertucci's Restaurant, as a new car wash, including a 5,150+/- square foot building with wash bay, 34 exterior self-service "detailing" spaces and 5 employee parking spaces; and to perform related

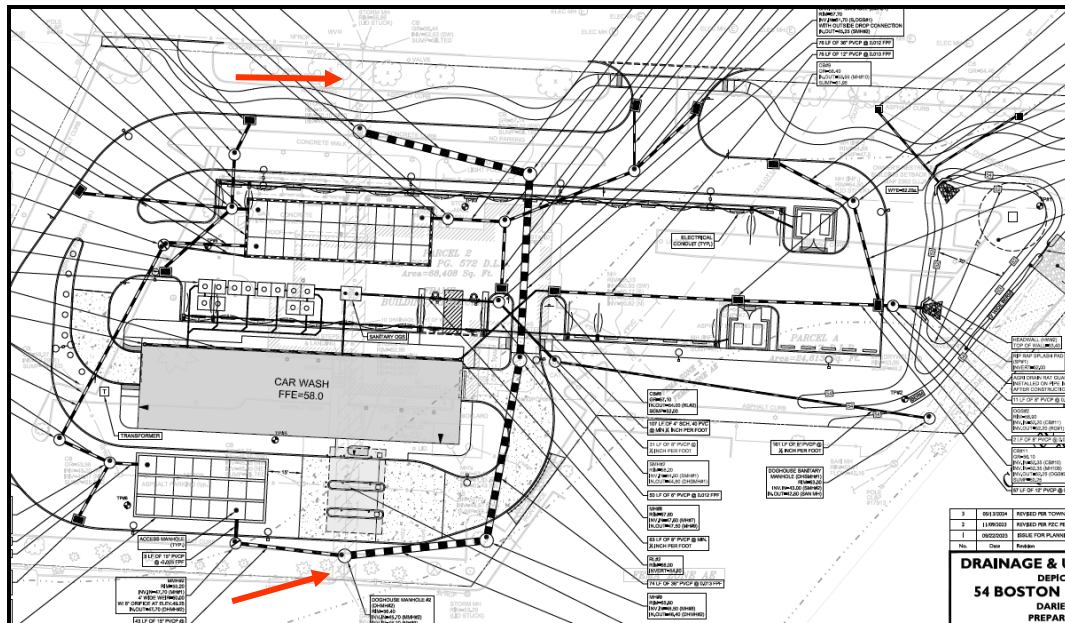
site development activities within a regulated area, including installation of stormwater management and on-site landscaping.

A Demolition Permit was approved on October 22, 2024.



Courtesy: Redniss & Meade  
Red Line = Approximate area of DROW

Under this Proposal (PRB #24-186), DOT seeks SPRB approval to release the drainage right-of-way of 2,270 square feet in exchange for a new Easement Agreement over an undefined area to manage stormwater from the state highways. The negotiated fee for the conveyance is \$72,000 plus a \$1,000 Administrative Fee.



Courtesy: Redniss & Meade  
Red Arrows = Approximate beginning/end of released DROW

The Appraiser stated the highest and best use is considered to be alternate commercial development.

**Land Appraisal** – With the release of this DROW Appraiser Matthew J. Dufour appraised the property, as of April 9, 2024.

Before Valuation

Land Valuation: Based on the sales comparison approach, the appraiser considered three sales (2022-2023) with a similar highest and best use as follows:

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	54 Post Rd Darien, CT 06820	1020 Post Rd E Westport, CT 06880		346 Heights Rd Darien, CT 06820		57 Post Rd Westport, CT 06880	
Proximity to Subject		8.47 miles NE		2.52 miles SW		5.88 miles NE	
Sales Price	\$ N/A	\$ 55.44		\$ 82.87		\$ 52.89	
Price \$/Sq. Ft.	\$	\$ 7,390,000		\$ 14,500,000		\$ 5,750,000	
Data Source(s)	Town Records, Inspection	Town Records, Inspection, Deed		Town Records, Inspection, Deed		Town Records, Inspection, Deed	
ITEM	DESCRIPTION	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.
Date of Sale/Time Adj.	April 9, 2024	August 15, 2023		March 1, 2023		December 19, 2022	
Location	Good+	Good	+5.54	Excellent	-3.29	Good	+5.27
Site/View	93,017± SF / SB	133,294± SF / GBD & A	+1.39	174,981± SF / NH	+4.14	109,123± SF / RCOR1	
Site Utility/Topography	Average / Level-Sloping	Average / Gently Sloping		Good (Corner) / Gen Lvl	-12.43	Good (Corner) / Lvl-Sloping	-5.27
Wetlands/Flood Zones	None / FEMA X & AE	None / NA	-2.77	None / NA	-4.14	None / NA	-2.63
Frontage/Access	469± / Good	309± / Good	+1.11	520± + 140± / Good		460± + 99± / Good	
Esmnts & Encumbrance	Sewer Eamnt & DROW	Various Eamnts & ROW		Typical	-4.14	Typical	-2.63
Sales or Financing Concessions	HBU: Commercial Devel. Apprvd Car Wash	HBU: Commercial Devel. Apprvd Adaptive Re-Use		HBU: Retail / Apts Apprvd 65 Units, 28K SF		HBU: Apartments Proposed 68 units w/ Afford	+7.90
Net Adj. (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$	5.27	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$	-24.86	<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$	2.64
Indicated Value of Subject		\$	60.71	\$	58.01	\$	55.33

After adjusting for transactional, locational and physical characteristics, concluded the value of the underlying land was calculated as follows:

Item	Calculation	Value
Fee Simple Land	90,747 sf x \$58.00/sf =	\$5,263,326
Value of DROW	2,270 sf x \$58.00/sf x 50% =	\$65,830
	<b>Value</b>	<b>\$5,329,156</b>
	<b>Rounded</b>	<b>\$5,330,000</b>

After Valuation

Land Valuation: Based on the sales comparison approach, the appraiser considered the same three sales (2022-2023) as in the before valuation and concluded the value was unchanged, and calculated as follows:

Item	Calculation	Value
Fee Simple Land	93,017 sf x \$58.00/sf =	\$5,394,986
	<b>Rounded</b>	<b>\$5,395,000</b>

**Valuation of Release**

Item	Value
Before Valuation	\$5,330,000
After Valuation	\$5,395,000
Release Value	\$65,000

## Release Negotiations

Attached are a deed and acquisition map for the proposed release of a drainage right of way easement (DROW) and an Easement Agreement on the southerly side of Boston Post Road (54 Boston Post Road), in the Town of Darien.

The property located at 54 Boston Post Road, Darien, is encumbered by a DROW in favor of the Department of Transportation (DOT). The property owner, 1852 DARIEN I, LLC, has requested the release of the DROW for the proposed development of a car wash. The property is located in the SB Service Business Zone. In exchange for the release of the DROW, the DOT would retain an easement to drain at the site, leaving the property owner the responsibility and liability of the existing and future drainage structure.

On April 9, 2024, an appraisal was prepared by staff appraiser Matthew J. Dufour, who established a value of \$66,000.00.

On March 16, 2024, an offer was made for an asking price of \$73,000 (plus a \$1,000 administrative fee). In a letter dated June 6, 2024, Mr. Jeffery Agosta, 1852 DARIEN I, LLC (Cloud10 Car Wash) submitted a counteroffer in the amount of \$1.00 that was not accepted by the Department. Mr. Agosta was contacted to discuss his offer and the reasons for it not being accepted. In a letter dated June 25, 2024, Mr. Agosta accepted the sale price of \$73,000.00.

Therefore, it is herewith recommended that the DOT release the Drainage Right of Way on the southerly side of Boston Post Road in exchange for an easement to drain. It is proposed that this transfer occur for \$74,000.00 (including \$1,000 administrative fee) and will be forwarded to the Office of Policy and Management, State Properties Review Board and the Office of the Attorney General for approval.

In addition to the Easement Agreement requiring the Owner to fully maintain the Easement Area, it includes the following language,

6. Cancellation of Agreement and Release of Covenants: This Easement Agreement may be terminated solely by the Grantee by the Grantee's mailing to the Grantor a Quit Claim Deed in recordable form which the Grantor will record with the Darien Town Clerk.

Furthermore, the Town of Darien has recorded in the land records (1768/507) the following notice:

### NOTICE OF DRAINAGE MAINTENANCE PLAN

*Business Site Plan Application #104-C  
Special Permit Application #333-A  
Flood Damage Prevention Application #439-A  
Land Filling & Regrading Application #558-A  
(PL-24-77)*

**The subject property is located at: 54 Boston Post Road  
Property owner(s) at the time of application: 1852 Darien 1, LLC**

In accordance with Business Site Plan Application #104-C, Special Permit Application #333-A, Flood Damage Prevention Application #439-A, and Land Filling & Regrading Application #558-A, which was granted with stipulations by the Planning and Zoning Commission on October 8, 2024, a maintenance plan exists for drainage facilities located at 54 Boston Post Road, which property is shown on Assessor's Map #32 as Lots #1 and #2.

This notice is intended to bring to the attention of any new owners of this property that this property contains important and necessary on-site stormwater drainage facilities and that the obligations of drainage maintenance continue even if the ownership changes. The property owner(s) are required to maintain the drainage system in proper functioning order by reviewing the current plan on file in the Planning and Zoning Department and taking the necessary actions to maintain the drainage system. This plan shall remain in effect for as long as the site improvements and/or use exists, and shall only be modified or nullified by subsequent action of the Planning and Zoning Commission.

**Recommendation** – Staff recommend approval of the proposed release of Drainage Right of Way in the amount of \$72,000 (plus a \$1,000 Admin Fee), for the following reasons.

- The proposed sale complies with Sections §13a-80 and the legislative delegation received notification on May 16, 2024; and
- The release value of \$72,000 is reasonable in that it represents 111% of the appraised value.

**5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS**

**6. ARCHITECT-ENGINEER – NEW BUSINESS**

**7. OTHER BUSINESS:**

Chairman Josephy requested a motion to approve Board Fees reimbursement for himself and Vice Chairman Berger for attending the November 15<sup>th</sup> Personnel Committee meeting. Mr. Halpert made the motion, seconded by Mr. Valengavich. The motion passed unanimously.

**8. VOTES ON PRB FILE:**

**PRB FILE #24-185** – Mr. Halpert moved and Mr. Berger seconded a motion to approve PRB FILE #24-185. The motion passed unanimously.

**PRB FILE #24-186** – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #24-186. The motion passed unanimously.

**9. NEXT MEETING** – Thursday, November 21, 2024 – will be held by means of electronic equipment via Microsoft TEAMS and conference call.

The meeting adjourned.

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
John Valengavich, Secretary