

From: Doris Fillion <outdoorlady29@yahoo.com>
Sent: Sunday, January 31, 2021 9:43 PM
To: Rob Phillips <phillipsr@southington.org>
Subject: OBJECTION TO CLASS ACT AUTOWASH, LLC

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OBJECTION to Class Act Autowash, LLC
By: Doris A. Fillion, Owner @ 1644 Meriden Avenue, Southington CT 06489
Phone: 860-805-6041 Email: outdoorlady29@yahoo.com

REASONS FOR OBJECTION:

My family, Kugelman / Kufta / Fillion built my home @ 1644 Meriden Avenue in 1935; we have continuously updated and maintained the house & property; my family has an 85-year “grandfather right” to our private, peaceful, tranquil, quiet, odor-free enjoyment of our home, property, and yard—all of which rights the proposed huge carwash operation would eliminate.

The proposed carwash would be injurious to my protected legal interest as adjacent property owner, as this major noisy commercial operation would totally border two sides of my property.

My well, which is the sole water supply to my property @ 1644 Meriden Ave, is located in my back yard, adjacent to the property of the proposed carwash. This immense commercial operation has the deadly potential of producing cleaning fluids, chemicals, vehicle emissions, and tainted water runoff into the ground—which could fatally contaminate my well water.

The “stacking” of vehicles waiting in line for the various carwash services would definitely result in harmful fumes, odors, and exhaust being emitted from the vehicles and trucks.

The owners of this colossal carwash would have no way to prevent vehicles' excessive noise, odors, fumes, and exhaust from escaping their property—thereby prohibiting the legal rights of adjacent residential families, and exposing them to serious detrimental health and safety effects.

The proposed monstrous carwash, comprising 3 separate properties, would insert itself into the middle of 5 surrounding residential properties: Fillion – Blanchette – Maskaitis – Conable – Gochewicz, thereby interfering with the legal rights of all 5 residential properties, as a loud, foul smelling nuisance.

This immensely intrusive, noisy, constant-moving-vehicle, commercial business would be in direct opposition to the rural character of the neighboring residential properties and businesses..

The insertion of this horrendous, continuously alarming noise-and-fume-producing operation would greatly devalue surrounding residential properties—especially mine @ 1644 Meriden Ave.

The Traffic Impact Study regarding this mammoth carwash proposal indicates approximately 233 vehicles will be traveling each day parallel with my property—destroying my 85-year “grandfather right” to private, tranquil, quiet, odor-free enjoyment of our home, property, and yard.

The Traffic Impact Study states the following false, inaccurate conclusions: “...not expected to adversely affect the safety conditions of the adjacent roadways....The development is expected to produce limited traffic impact on area roadways.”

There is already an extensive traffic problem @ the intersection of Rt 120 (Meriden Avenue) with Rt 322 (Meriden-Waterbury Turnpike). Traffic waiting for the light on Rt 120 is often backed up beyond my property @ 1644 Meriden Ave. Vehicles speed down the hill of Rt 322, beginning @ the 691 ramps. There will definitely be frequent rear-end crashes into vehicles unexpectedly stopping on this downward hill to enter the carwash operation.

Regarding proposed plans for a double-lane driveway exiting onto Meriden Avenue, it is always very risky taking a left out of my driveway—because vehicles speed around the corner from Meriden-Waterbury Turnpike onto Meriden Avenue. Allowing vehicles exiting the car wash to turn left onto Meriden Ave would be extremely hazardous—as they would need to attempt avoiding a crash with oncoming speeding traffic. Depending on traffic backup at the 4-way light—left turns could be impossible. Trucks absolutely could not maneuver a left turn onto Meriden Ave.

There is absolutely no need—or logical reason—for a monstrosity car wash to be allowed to adversely insert itself into our rural residential neighborhood. Located exactly 2.9 miles straight down Meriden-Waterbury Turnpike is E-Wash America @ 1395 Meriden-Waterbury Turnpike, Milldale, intersecting with Old Turnpike Road.

Another critical problem is icing on Meriden-Waterbury Turnpike, which frequently occurs beginning on the hill @ the 691 ramps—which I have personally fearfully experienced. Exiting the proposed huge carwash, water draining off vehicles, especially off trucks, would add to the already dangerous icing problem. (This icing problem is currently occurring @ E-Wash America, at the intersection of Meriden-Waterbury Turnpike & old Turnpike Road, Milldale.)

There certainly is a business / or businesses to occupy the 3 commercial properties in the proposed location—which would be less intrusive, produce less noise, produce less fumes and exhaust, involve fewer constantly-moving vehicles, present less health and safety dangers, and avoid detrimental impact on the legal-right enjoyment of the surrounding residential neighborhood.

Upon thorough deliberation of the above valid disqualifications—please adamantly deny the extensive intrusive proposed carwash plan @ the proposed location.

PERTINENT CONNECTICUT CASE LAW PRECEDENT

Maker v. Zoning Board Of Appeals 150 Conn. 391, 190A 2d 45-Conn: Supreme Court 1963

“...the use...would have a serious detrimental effect on the surrounding residential properties.”

Tomasso Bros., Inc. v. October Twenty-Four, Inc. 221 Conn. 194, 203, 602A. 2d 1011 – 1992

“...the sound...annoying and unacceptable...and constituted a nuisance.”

Barberino Realty & Development Corp. v. Planning And Zoning Commission 222 Conn. 607, 610A 2d 1205-Conn: Supreme Court 1992

“The Commission denied the plaintiff’s application...because...was not in keeping with the scale of adjacent homes; that the development...was too intense; and that the proposed driveway...was located too close to the adjacent property.”

Jaeger v. Connecticut Sitting Council 18A. 3d 693 52 Conn. Supp. 14-Conn: Supreme Court 2010

“...not be in keeping with the rural character of the surrounding area...major negative impact on surrounding residential area....The marketability of the plaintiff's property would be severely diminished...injury to an interest protected by legislation...”

Oakwood Development Corp. v. Zoning Board Of Appeals 20 Conn. App. 458-Conn: Appellate Court 1990

“...the Board denied...for the following reasons: (a) That it could tend to create or aggravate a traffic or fire hazard; (b) That it could block or hamper the Town pattern of highway circulation: and (c) It could tend to depreciate the value of the property in the neighborhood, or be otherwise detrimental to the neighborhood or its residents, or alter the neighborhood's essential characteristics.”

Cambodian Buddhist v. Planning & Zoning 941A. 2d 868-Conn: Supreme Court 2008

“...the proposed use...shall not create additional congestion or a traffic hazard on existing streets...the proposed use shall not substantially impair property values in the neighborhood...the architectural design of the proposed buildings shall be in harmony with the design of other buildings in the neighborhood...the proposed use shall not create a health or safety hazard to persons or property on or off the lot on which the use is proposed.”

A. Aiudi & Sons, LLC v. Planning & Zoning Commission 267 Conn. 192-Conn: Supreme Court 2004

“...the proposed character and appearance of the proposed use...shall be in harmony with the character and appearance of the surrounding neighborhood, and will not adversely affect the general health, safety or welfare of the inhabitants...such uses might undermine the residential character of the neighborhood.”

Zoning Commission v. Lescynski 188 Conn. 724-Conn: Supreme Court 1982

“...operation generated traffic, noise, and odors, all of which interfered with the quiet enjoyment of their properties, and diminished their value thereof.”

Connecticut Health Facilities, Inc. v. Zoning Board Of Appeals 29 Conn. App. 1 - Conn: App. 1 613A 2d 1358-Conn: Appellate Court 1992

“...a land use of this character and intensity would dramatically change the character of the neighborhood...the proposed use would be in conflict with the goal ...to prevent unwarranted intrusions into sound residential neighborhoods...concerns over increased traffic, adverse impact on the neighborhood, and no need for such a use.”

Mobil Oil Corporation v. Zoning Commission 30 Conn. App. 816, 622A 2d 1035-Conn: Appellate Court 1993

“...streets have heavily congested traffic...the possible stacking of cars into the streets would cause safety and traffic problems...self-serve would be too intensive and dangerous for the heavily travelled streets...the stacking of cars waiting for self-service would create detrimental noise, smoke, odors and fumes....Standards set forth...must protect the public health, safety, convenience, and property values.”

PERTINENT SOUTHLINGTON ZONING LAWS

Chapter 300: Noise

Section 300-1 Purpose “The making, creation or maintenance of unreasonably loud or disturbing noises...affects and is a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the Town of Southington. The purpose of this article is to protect, preserve and promote the public health, safety and welfare insofar as they are affected by the creation and maintenance of excessive, unnecessary or unreasonably loud noise....”

Section 300-3 Definitions Mobile Sources of Noise

“...shall include, but are not limited to, such sources as automobiles, trucks and other vehicles....”

Section 300-5 Noise Zone Standards

A. “No person shall cause or allow the emission of excessive noise...beyond the boundaries of his/her noise zone...on a receptor's tract or parcel of land....The source of noise measured shall be the responsibility of the owner or operator of the premises from which the noise commences.”

B. Mufflers. "No person shall discharge into the open air the exhaust of any...air compressor equipment...motor vehicle, or other power device which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device."

C. Trucks, other vehicles or mobile sources of noise "No braking device or dynamic braking device shall operate or be operated so as to squeal, screech or otherwise create a noise which would cause discomfort or annoyance to a reasonable person of normal sensitiveness."

Section Four Business Zone Requirements

Section 4-00

a. "No principal or accessory use shall be detrimental to the public welfare by reason of noise, vibration, smoke, dust, fumes or odor."

e. Noise Abatement "All machinery and devices such as ventilation fans, drying fans, air compressors, air-conditioning units, etc. shall be shielded and insulated in a manner which shall deaden noise and deflect sound waves away from abutting premises."

Section 4-03.2

B. Bus, Truck and Car Washes "The Commission shall require...a statement of water use. Private water supplies for washing shall be encouraged."

CONNECTICUT GENERAL STATUTES

Section 8-8 (a) (1): "...owning land within 100 feet of any portion of land involved in a zoning decision gives the landowner statutory standing in a zoning appeal."