

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On March 20, 2023 – remotely via telephone conference –

Pursuant to Governor Lamont's Executive Order No. 7B regarding suspension of In-Person Open Meeting requirements, the State Properties Review Board conducted its Regular Meeting at 9:30AM on March 20, 2023 remotely via telephone conference at (860)-840-2075 and use passcode 284890492#.

Members Present:

Edwin S. Greenberg, Chairman
Bruce Josephy, Vice Chairman
John P. Valengavich, Secretary
Jack Halpert
Jeffrey Berger
William Cianci

Members Absent:

Staff Present:

Dimple Desai
Thomas Jerram

Guests Present

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 March 16, 2023 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

PRB #	23-021
Transaction/Contract Type:	RE – Voucher
Origin/Client:	DOT/DOT
DOT Project #:	158-215-004
Grantor:	Joan M. Hyde
Property:	Westport, Post Road East (582)
Project Purpose:	Intersection Improvements on U.S. Route 1
Item Purpose:	Voucher

SITE DESCRIPTION:

The subject site consists of a 21,488± square foot parcel with 110' of frontage on the southerly side of Post Road East (US Route 1). Ingress/egress to the property is from the south side of Post Road East (Route 1). There are 3 curb cuts providing access to the site, of which the most easterly curb cut is signalized and includes a reciprocal access easement with the easterly

abutter. The site includes a total of 36 asphalt-paved parking spaces.

The property is located in the General Business District zone. Zoning Regulations require one (1) parking space for every 180 square foot of gross floor area is required for retail use, or 19 spaces, required for the subject property. It appears 7 angled parking spaces located in front of the building do not meet the minimum setback requirements per zoning regulations based on 60 degree angle requirements. The property is considered legal non-conforming due to the noted deficiencies.

The site is improved with a one-story commercial building constructed in 1939. The building contains $3,335 \pm$ square feet and appears to be in average condition based on an exterior inspection. The building layout includes 3 retail units.



Courtesy: Google Maps



Highest and Best Use – As Vacant: Commercial development.

Highest and Best Use – As Improved: Continued retail use.

VALUATION: The DOT appraisal was completed on January 9, 2023 by DOT Appraiser John P. Kerr.

The valuation of the subject property is subject to the following Extraordinary Assumptions and Hypothetical Conditions:

EXTRAORDINARY ASSUMPTIONS: Covid limitations

HYPOTHETICAL CONDITIONS:

The methodology used in this report is a standard State appraisal format in the form of a before and after valuation appraisal used for eminent domain purposes. The appraisal considers that there is a willing seller in an acquisition by eminent domain and has

disregarded any effect on the market value brought on by the State's project. The appraisal report was based on the hypothetical condition that the proposed road project will be completed as currently proposed in the Department of Transportation construction plans, on the day after the "as of" date. No other conditions were necessary to arrive at a value.

Before Land Valuation: Based on the sales comparison approach, the appraiser considered three sales (2019-2021) of similarly zoned land, with a similar highest and best use, as follows:

LAND SALES SUMMARY OF ADJUSTMENTS - BEFORE						
ITEM	SUBJECT	COMPARABLE #1	COMPARABLE #2	COMPARABLE #3		
Unadjusted Sale Price Per Sq. Ft.	\$12 Port Road East (RT1), Westport	\$39.56	\$40.66	\$44.01		
ADJUSTMENTS	DESCRIPTION	% ADJ.	DESCRIPTION	% ADJ.	DESCRIPTION	% ADJ.
PROPERTY RIGHTS CONVEYED	Fee Simple		Fee Simple		Fee Simple	
FINANCING	N/A		Commercial		Commercial	
CONDITIONS OF SALE	N/A	Arm's Length	Arm's Length	Arm's Length		
MARKET CONDITIONS	As of 5/15/2023	As of 5/15/2020	11/1/2021	4/22/2019		
ADJUSTED SALE PRICE		\$39.56	\$40.66	\$44.01		
LOCATION	Good RT1		Good RT1		Good RT1	
SIZE	0.491± Ac.	1.625± Ac.	+7.91	1.499± Ac.	+8.13	0.919± Ac.
FRONTAGE/ACCESS	110' Good	210.05' Average	+1.98	201.85' Good		115' Average
TOPOGRAPHY	Mostly Level	Level	Level	Level		
ZONE	GBD (Commercial)	GBD (Commercial)	GBD (Commercial)	GBD (Commercial)		
UTILITIES	All Public Avail.	All Public Avail.	All Public Avail.	All Public Avail.		
AVERAGE DAILY TRAFFIC	20,400	20,600		20,600		18,000
ENCUMBRANCES-SHAPE	Utility ROW/Rect.	ROW Irreg.	+1.98	DBRW/Welded Rect.	+2.03	Highway Slope Rect.
PRESENT USE	Retail	Appt/Apartments		Improved Office		Appt. Daycare
HIGHEST AND BEST USE	Commercial	Commercial		Commercial		Commercial
TOTAL ADJUSTMENT		+11.87		+10.16		+12.10
ADJUSTED SALE PRICE PER Sq. Ft.		\$51.43		\$50.82		\$56.11

After adjusting for Transactional, Locational and Physical characteristics, the Appraiser concluded that the fair market value of the subject land was \$52/sf, calculated as follows:

Item	Calculation	Value
Land Valuation (Fee Simple)	21,488 sf x \$52/sf	\$1,117,376
Site Improvements	Contributory Value	\$25,000
	Total	\$1,142,376
	Rounded	\$1,142,500

The appraiser estimated the contributory value of the site improvements –

Site improvements that were included in the sales comparison approach are as follows: Asphalt paved surface parking, asphalt sidewalk with curbing, and a landscaped bed. The depreciated/contributory value of all site improvements is estimated at \$25,000. It is noted that this appraiser's work file contains additional information for the breakdown value of the site improvements. (Source: Marshall & Swift Valuation Service)

Before Building Valuation

Sales Comparison Approach:

Based on the sales comparison approach, the appraiser considered four sales (2021-2022) of similarly improved properties, as follows:

IMPROVED SALES SUMMARY OF ADJUSTMENTS - BEFORE							
ITEM	SUBJECT	COMPARABLE #1	COMPARABLE #2	COMPARABLE #3	COMPARABLE #4	COMPARABLE #5	COMPARABLE #6
Unadjusted Sale Price	NA	\$1,225,000		\$1,300,000	\$1,300,000	\$1,225,000	
Unadjusted Sale Price Per SF		\$277.11		\$294.84	\$292.33	\$241.91	
ADJUSTMENTS	DESCRIPTION	± ADJ.	DESCRIPTION	± ADJ.	DESCRIPTION	± ADJ.	DESCRIPTION
PROPERTY RIGHTS CONVEYED	Fee Simple		Fee Simple		Fee Simple		Fee Simple
FINANCING	NA	Conventional	Conventional	Conventional	Conventional	Conventional	
CONDITIONS OF SALE	NA	As Is, Length	As Is, Length	As Is, Length	As Is, Length	As Is, Length	
MARKET CONDITIONS	As of 1-9-2023	As of 5/13/2021	As of 6/27/2022	As of 10/27/2022	As of 6/4/2021		
ADJUSTED SALE PRICE		\$273.33		\$296.94	\$292.33	\$241.91	
LOCATION/ZONE	Grid GBD	Avg. Grid GBD	Grid GBD/A	Avg Grid GBD	Avg Grid GBD	Avg Grid GBD	
LOT SIZE	0.4931 Acre	0.14 Acre	0.16 Acre	0.45 Acre	0.257 Acre	0.247	0.34 Acre
LAND/BUILDING RATIO	6.44:1	3.58:1	2.72:1	4.28:1	+14.85	2.63:1	+45.35
STORY/ACCECS	110' GBD	57.37' Avg	27.21	115' Avg	+7.42	211.56' Avg	+15.12
TOPOGRAPHY	Mostly Level	Mostly Level		Slope Level/Roll	+14.85	Mostly Level	Mostly Level
AGE/CONDITION	1939/Average	1970/Average	1940/Average	+29.69	1938/Average	1973/Average	
BUILDING SIZE	3,335 Sq. Ft.	4,114 Sq. Ft.	+27.21	4,374 Sq. Ft.	+29.69	4,300 Sq. Ft.	+10.23
CONSTRUCTION QUALITY	Average	Average		Average	Average	Average	
BASIMENT	Sub	Sub	Sub	Sub	1,793 Sq. Ft.	-15.12	Sub
HEATING/COOLING	Old FA Bush-In Wall	Geo-FA Central AC	-4.80	Geo-FA Central AC	-7.42	Geo-FA Central AC	-7.56
UTILITIES	All Public	All Public		All Public	All Public	All Public	
INCUMBRANCES	Utility ROW Exemptions	None Noted		Utility Exmt	None Noted	None Noted	
SITE UTILTY	Good	Good		Good	Good	Good	
PRES-ENT USE	Retail	Retail		Retail Office	Retail	Retail	
HIGHEST AND BEST USE	Commercial	Commercial		Commercial	Commercial	Commercial	
AVERAGE DAILY TRAFFIC	ADT 10,400	ADT 19,600		ADT 20,400	ADT 14,900	ADT 18,300	
TOTAL ADJUSTMENT		+102.05		+89.08	+105.81	+113.39	
ADJUSTED SALE PRICE		\$374.18		\$386.82	\$408.34	\$389.89	

After adjusting for Transactional, Locational and Physical characteristics, the Appraiser concluded that the fair market value of the subject building was \$380/sf x 3,335 sq.ft. = \$1,267,300, rounded to \$1,270,000.

Income Capitalization Approach: The Appraiser analyzed four closed rentals and six listings in the local market as follows:

Rental Comparables

Tenant	SF	Lease Start Date	PSF	Type
Retail	1,000	2/2022	\$37.00	NNN
Retail	2,157	6/2021	\$49.00	NNN
Retail	941	5/2021	\$50.00	NNN
Retail	2,000	11/2019	\$45.00	NNN
Retail	800	Listing	\$46.00	Modified Gross
Retail	1,600	Listing	\$42.00	Modified Gross
Retail	1,765	Listing	\$28.00	NNN
Retail	2,400	Listing	\$36.00	NNN
Retail	2,951	Listing	\$45.00	NNN
Retail	2,000	Listing	\$34.00	NNN

After analyzing the Locational and Physical characteristics, the Appraiser concluded that the fair market rental value of the subject building was \$35/sq.ft.

After fully supporting market-based vacancy, operating expenses and capitalization rate, the Appraiser estimated Net Operating Income and market value as follows:

Income	
Gross Building Area	3,335 Square Feet
Potential Gross Income	\$116,725 (3,335 sq. ft. x \$35/sq. ft.)
Less: Vacancy & Collection Loss at 5%	(\$5,836)
Effective Gross Income	\$110,889
Expenses	
Management (3% of EGI)	\$3,327
Reserves (3% of EGI)	<u>\$3,327</u>
Total Expenses	(\$6,654)
Net Operating Income	\$104,235
Overall Capitalization Rate	0.0750
Income Approach Value Conclusion	\$1,389,800
Value Conclusion (rounded)	\$1,390,000
Value Per SF of GBA	\$416.79/sq. ft.

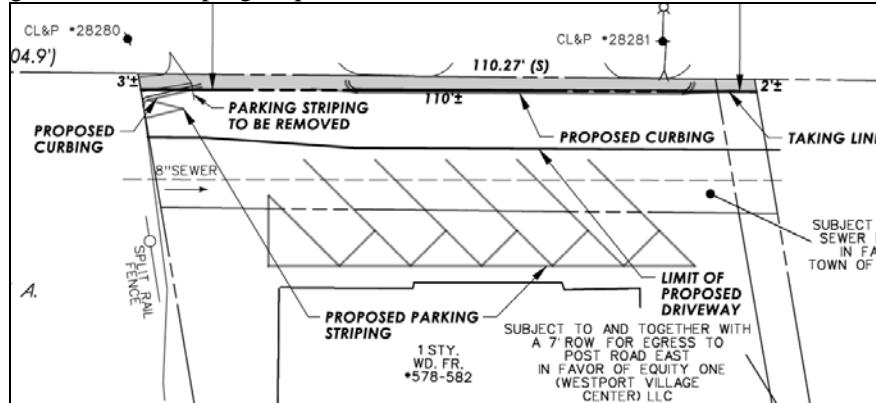
Reconciliation and Value Conclusion - Before

Approach	Opinion of Market Value
Sales Comparison Approach - Land	\$1,142,500
Income Capitalization Approach – Building	\$1,390,000
Sales Comparison Approach Building	\$1,270,000
Conclusion of Market Value	\$1,300,000

TAKING DESCRIPTION:

DOT requires acquiring the following:

- A partial take in fee-simple of 279± square feet;
- A right to construct driveway and install bituminous concrete lip curbing acquired over an area of 1,101± square feet;
- A right to removing striping acquired; and
- A right to install striping acquired.



IMPACT OF THE TAKING:

After the acquisition, the subject property is reduced in size by 279± square feet and consists of 21,209± square feet or 0.4869± acres with 110± feet of frontage. The site is improved with a one-story retail building constructed in 1939 that contains 3,335± square feet. Ingress and egress for the property is from the south side of Post Road East (Route 1). The curb cuts providing access to the site have been reduced from 3 to 2 curb cuts due to the removal of the middle curb cut. It is noted that the most easterly curb cut is signalized and includes a reciprocal easement with the easterly abutter for ingress/egress.

As a result of the fee taking, the distance from the curbing in front of the building to the proposed curbing along the frontage will be reduced from $34\pm$ feet to $31\pm$ feet. It is noted that the required setback distance of the 60 degree angled parking per Westport zoning requirements is 38 feet. The fee taking results in a further non-conformity of the required setback of the 7 parking spaces in front of the building. Per DOT Engineering, the reduced setback will impact the turning radius of the 7 parking spaces and will not allow them to function without a vehicle extending over the proposed curbing along the frontage of the property when backing out of a parking space. As a result, the 7 parking spaces in front of the building will require realignment. The 7 parking spaces are currently angled at approximately 60 degrees and will require to be angled at 45 degrees to function in the "after" scenario per DOT Engineering. It is noted that the setback requirement for 45 degree parking is 30 feet per Westport zoning requirements. As a result of the re-alignment to 45 degrees, the available parking spaces will be reduced from 7 to 5 spaces resulting in a net loss of 2 parking spaces in front of the building. The on-site parking serving the property has been reduced from 36 spaces to 34 spaces. It is additionally noted that the striping for a parallel parking space on the westerly property boundary will be removed and re-striped south or away from the Post Road East frontage by approximately $3\pm$ feet. The existing length of the parallel space approximates $22\pm$ feet and will be reduced to $19\pm$ feet. The required length of a parallel parking space according to Westport zoning regulations is 22 feet. The reduction in the length of the parking space results in a non-conforming parking space with diminished utility. Additional impacts as result of the project include the closure of the middle curb cut that presently serves the property. The loss of the middle curb cut limits the ingress/egress of the site and affects the internal traffic flow and on-site utility.

It is the opinion of the appraiser that the loss of the 2 parking spaces in front of the building and the non-conformity of the parallel parking space, coupled with the loss of the middle curb cut results in severance damages to the remainder property on a permanent basis.

AFTER VALUATION:

After Land Valuation: Based on the sales comparison approach, the appraiser considered the same sales as in the Before Valuation and concluded that the fair market value of the subject land was unchanged at \$52/sf, calculated as follows:

Item	Calculation	Value
Land Valuation (Fee Simple)	21,209 sf x \$52/sf	\$1,102,868
Site Improvements	Contributory Value	\$23,500
	Total	\$1,126,368
	Rounded	\$1,126,500

Site improvements that were included in the sales comparison approach are as follows: Asphalt paved surface parking, asphalt sidewalk with curbing, and a landscaped bed. The depreciated/contributory value of all site improvements is estimated at \$25,000. It is noted that this appraiser's work file contains additional information for the breakdown value of the site improvements. (Source: Marshall & Swift Valuation Service) As a result of the acquisition, various site improvements will be impacted to include asphalt pavement and curbing along the frontage and a portion of landscape bed along the westerly property boundary. The after-site improvements have an estimated contributory value of \$23,500.

After Building Valuation

After Sales Comparison Approach

Based on the sales comparison approach, the appraiser considered the same four sales as in the Before Valuation and after adjusting for Transactional, Locational and Physical characteristics, the Appraiser concluded that the fair market value of the subject building was reduced by \$30/sf for diminished site utility to \$350/sf x 3,335 sq.ft. = \$1,167,250, rounded to \$1,170,000.

The appraiser concluded the following:

The same adjustments were made to the sales in the "after" scenario with the inclusion of downward adjustments for site utility and miscellaneous items. The downward adjustment for site utility takes into account the reduction in the number of available parking spaces in front of the building from 7 spaces to 5. In addition, one (1) parallel parking space located along the westerly property boundary will be reduced in size by 3± rendering it non-conforming with diminished utility. Additional impacts include the closure of the middle curb cut that presently serves the property. The loss of the middle curb cut limits the ingress/egress of the site affecting the internal traffic flow and on-site utility.

After Income Capitalization Approach: The Appraiser analyzed the same rentals and listings of available commercial properties and concluded the fair market rental value of the subject building was diminished by 10%, or \$3.50/sf to \$31.50/sq.ft.

The appraiser concluded the following:

Based on the above information, the rent for each of the subject units is estimated at \$35/sq. ft. on a NNN basis. It is noted that the estimated rent for each unit will be reduced in the "after" scenario as a result of the acquisition. The fee taking reduces the number of available parking spaces in front of the building from 7 spaces to 5. In addition, one (1) parallel parking space located along the westerly property boundary will be reduced in size by 3+- rendering it non-conforming with diminished utility. Additional impacts include the closure of the middle curb cut that presently serves the property. The loss of the middle curb cut limits the ingress/egress of the site affecting the internal traffic flow and on-site utility. As a result of the acquisition, it is the opinion of this appraiser that the market rent would be impacted and has been reduced to \$31.50/square foot. The estimated "after" potential gross income for the subject property and estimated expenses are shown on the following pages.

After fully supporting market-based vacancy, operating expenses and capitalization rate, the Appraiser estimated Net Operating Income and market value as follows:

INCOME APPROACH SUMMARY	
<u>Income</u>	
Gross Building Area	3,335 Square Feet
Potential Gross Income	\$105,053 (3,335 sq. ft. x \$31.50/sq. ft.)
Less: Vacancy & Collection Loss at 5%	<u>(\$5,253)</u>
Effective Gross Income	\$ 99,800
<u>Expenses</u>	
Management (3% of EGI)	\$2,994
Reserves (3% of EGI)	<u>\$2,994</u>
Total Expenses	<u>(\$5,988)</u>
Net Operating Income	\$93,812
Overall Capitalization Rate	<u>0.0750</u>
Income Approach Value Conclusion	\$1,250,827
Value Conclusion (rounded)	\$1,250,000
Value Per SF of GBA	\$374.81/sq. ft.
INCOME APPROACH CONCLUSION	
Estimate Market Value by this Approach	\$1,250,000 rd (\$93,812/.0750)
	<u>-\$ 16,000</u> (*Fee Taking/Impacted Site Improvements)
	\$1,234,000
*Fee Taking/Impacted Site Improvements = \$16,000 (279+/- Sq. Ft. Taking x \$52/Sq. Ft. = \$14,500 rd + \$1,500 Impacted Site Improvements)	

Reconciliation and Value Conclusion – After

Approach	Opinion of Market Value
Sales Comparison Approach - Land	\$1,126,500
Income Capitalization Approach – Building	\$1,234,000
Sales Comparison Approach Building	\$1,170,000
Conclusion of Market Value	\$1,190,000

Calculation of Permanent Damages

Item	Value
Before Valuation	\$1,300,000
After Valuation	\$1,190,000
Permanent Damages	\$110,000

RECOMMENDATION: Staff recommend the Board approval this proposal in the amount of \$110,000 for the following reasons:

1. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes.
2. The acquisition value is supported by the DOT appraisal report.
3. The Appraiser's underlying land valuation is consistent with that approved under PRB #22-138 and PRB #22-173.

PRB # 23-023
Transaction/Contract Type: RE – Voucher
Origin/Client: DOT/DOT
DOT Project #: 089-129-003
Grantor: Edward Bassett Bretschger, Jr. et al
Property: New Canaan, Ponus Ridge Road (1497)
Project Purpose: Rehabilitation of Bridge No. 05002 Ponus Ridge Road over Collins Pond
Item Purpose: Voucher

DAMAGES: \$5,300



SITE DESCRIPTION: The subject property consists of an irregular-shaped, 2.28 acre (99,317 sf) site with approximately 541' of frontage on the northeasterly side of Ponus Ridge Road. A portion of the property consists of Collins Pond (155'), along with responsibility for the maintenance of the 240' dam along Ponus Ridge Rd. The property is located in a 2AC residential zone and appears to conform to zoning.

The site is improved with a two-story dwelling containing 3,480 square feet of gross living area (10/4/3.5) built in 1795.



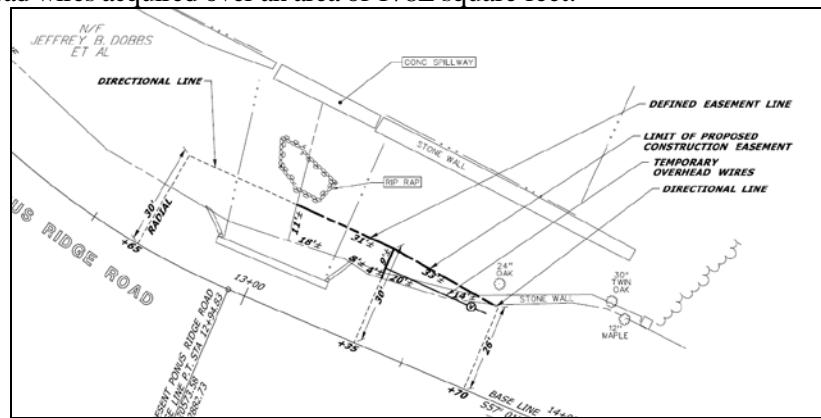
Highest and Best Use – As Vacant: Single family residential development.

Highest and Best Use – As Improved:

Conclusion - Highest and Best Use of the Subject Property: Considering the previous information, it is the opinion of the appraiser that the highest and best use of the subject property is for redevelopment with a single-family home.

The Taking: DOT will acquire the following:

- A Defined Easement for Highway Purposes acquired over an area of $294\pm$ square feet; and
- A construction easement for the purpose of construction access, clearing, grading and installation of overhead wires acquired over an area of $178\pm$ square feet.



The total land area for the subject will not change under DOT's plan to establish two easements on site. The defined easement for highway purposes is situated in the setback areas, which in this portion of the site are adversely impacted by wetland soils. This easement will not have an adverse impact on the existing structural improvements on site or the overall utility of the site for development. Still, the defined easement will afford DOT near full control over all activities in this area, diminishing the property owner's overall bundle of rights and warranting damages commensurate with the value of the encumbrance be paid for the loss of rights. The construction easement is temporary and will be extinguished upon completion of DOT's project, unless sooner extinguished by the State of Connecticut. Again, the property owner is entitled to damages associated with the temporary loss of rights.

Restricted Use/Short Form Value Finding - The DOT appraisal was completed November 22, 2022 by DOT Appraiser Matthew J. Dufour.

Land Valuation: Based on the sales comparison approach, the Appraiser considered five sales in New Canaan (2021-2022) and after adjusting for transactional, locational and physical characteristics concluded the fair market value of the subject land was \$16.00/sf (\$1,590,000 Lot Value).

As an additional check on the estimate of market value, the appraiser considered the recent transfer of the subject property, which sold to the current property owner for a conveyance price of \$1,600,000 on January 24, 2022. While the appraiser's opinion of value indicates the property essentially transferred based on its land value, this situation is typical in the subject market where improved lots are often bought for redevelopment with larger modern homes from say 5,000 to 10,000 square feet. Land values for 2.00 to 4.00 acre lots in this area generally range from \$1,200,000 to \$1,900,000. Land Sale 2, which was bought for redevelopment purposes, supports our opinion of the highest and best use of the subject property, as well as, the appraisers opinion of value. Considering the previous factors, the subject site appears to be one of many examples where the value contribution of the existing home is minimal as nearly all of the value is in the land.

The Appraiser then calculated the Permanent Damages, as follows:

Item	Calculation	Damages
Defined Easement	294 SF @ \$16.00/SF x 90%	\$4,234
Contributory Value of Affected Site Imp.	Lump sum	\$500
		Total: \$4,734
		Rounded \$4,800

The Appraiser then considered Temporary Damages as follows:

Item	Calculation	Value
Construction Easement #1	178 sf x \$16.00/sf x 10% x 6 months	\$171
		Rounded \$500

Calculation of Total Damages

Total damages are then Permanent Damages plus Temporary Damages, or \$4,800 + \$500 = \$5,300.

RECOMMENDATION: Board approval of damages in the amount of \$5,300 is recommended for the following reasons:

1. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes.
2. The acquisition value is supported by the DOT appraisal report.
3. The value is consistent with the valuation of DOT Project No 089-129-001, reviewed under PRB #23-020.

PRB # 23-042
Transaction/Contract Type: RE – Release
Origin/Client: DOT/DOT
DOT Project #: 7-000-6B
Grantee: Town of Berlin
Property: Berlin, Berlin Turnpike (436)
Project Purpose: Release of Municipal Use Restriction
Item Purpose: Release of Deed Restriction

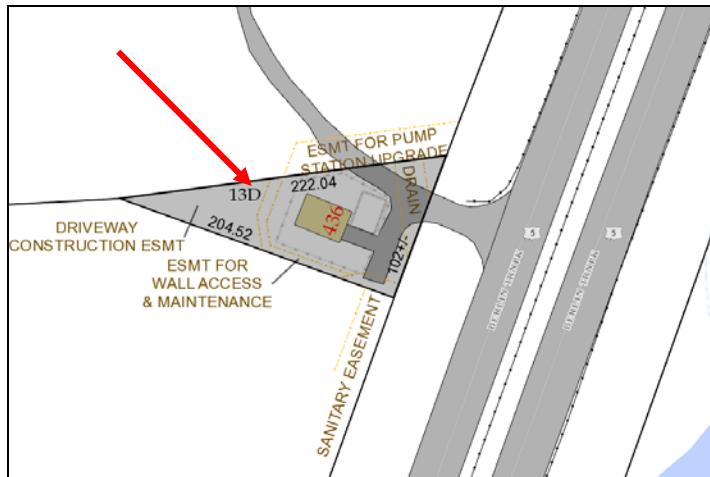
Release Price: \$15,000 (plus a \$1,000 Administrative Fee)

Project Background

The State of Connecticut Department of Transportation conveyed a 0.23 acre (10,019 sf) parcel to the Town of Berlin (Town) via a Quit Claim deed dated December 17, 1973 (DOT File # 7-000-6A) with the restriction that the parcel must be utilized for Municipal purposes only, subject to a reversionary clause.

The lot has a triangle site shape that is pointed westward. The terrain is cleared, with the lot having gently down sloping topography in a west direction which becomes generally level towards the middle and rear. Wetland soils are indicated on-site per a USDA soil survey, however the area has been developed with a sewer pump station; wetlands no longer appear to be an encumbrance to the release.

Under this Proposal (PRB #23-042), DOT seeks SPRB approval to release the municipal use restriction retained in the 1973 conveyance. The negotiated fee for the release is \$15,000 plus a \$1,000 Administrative Fee.



Berlin GIS Map



Courtesy: Google Maps

Highest and Best Use of the Subject Release Property

The subject Release Property is a small non-conforming lot that is triangular, with setback distances significantly limiting any potentially developable building envelope on-site. Assuming the municipal/infrastructure use is not required, the release has poor utility for most any economic use on its own despite an advantageous location on a high traffic corridor, and is best suited for assemblage purposes to an abutter. The release land abuts to three total commercial land parcels to the north, west, and south that are owned in common and approved for a high-intensity mixed-use development that is early in the construction process, and is identified as the Sole Abutter. It is the opinion of the appraiser that the "Highest and Best Use" for the Release Land "As-Vacant" is for assemblage to an abutting property, to which there is only one, the Sole Abutter.

The Sole Abutter (BT 2008 LLC) property totals $35.4853\pm$ acre ($1,545,739\pm$ square feet) parcel of land fronting the east side of Berlin Turnpike, located in the Berlin Turnpike Development Zone.

In whole, the Sole Abutter property totals $1,545,739\pm$ square feet ($35.4853\pm$ acres) per the developer's survey, and consists of commercial land zoned within the Berlin Turnpike Development Zone (BTD) along the western edge of Berlin Turnpike (Route 5 / 15), a limited-access highway with a center median and two-lane travel in each direction generally to the north and south. There is northerly frontage totaling $412\pm$ and southerly frontage totaling $533\pm$ lineal feet; there is noncontinuity of the two frontages caused by the presence of the triangular Release parcel in the "Before" valuation. Terrain along the frontage is mostly cleared and ranges in topography from level to gently sloping. Terrain towards the rear is low-lying wetland and moderately wooded with mainly deciduous trees and common vegetation. The site's developable area is generally near the frontage, while the rear/southerly land has diminished utility given inland wetlands and floodzone affiliated with the Sebethe River. All typical municipal utilities are available, including city water, city sewer, natural gas, storm drainage, electricity, cable/internet, and landline telephone. Fuel oil and bottled gas are available for delivery.

Further, the Sole Abutter assemblage received approvals for a phased mixed-use development as of May 20, 2021 and is comprised of:

- Apartment buildings totaling 200 dwelling units (20% affordable) with clubhouse, pool, garages, and amenities;
- 10-pump gasoline fueling station with convenience store totaling 3,320 square feet, with an additional retail space and drive-through;
- Commercial building totaling 7,280 square feet with drive-through lane;
- Hotel comprised of 100± rooms.

Restricted Use Appraisal – With the release of this parcel via a Sale by Sole Abutter Bid, DOT Appraiser Steven C. Miller appraised the property, as of August 30, 2022, and considered three sales (2022) in Rocky Hill and Newington and concluded the market value of the land was \$5.00/square foot, calculated as follows:

Item – Before Valuation	Calculation	Value
Fee Simple	1,545,739 sf x \$5.00/sf x 100%	\$7,728,695
Release Parcel subject to Restriction	10,019 sf x \$5.00/sf x 10%	\$5,010
	Total	\$7,733,705
	Rounded	\$7,734,000

Subject Property (in the “After” Condition)

It is the opinion of the appraiser that the Subject Property in the “After” condition has unchanged site utility overall when compared with the “Before” condition, with no change to the per square foot rate warranted.

While the deed restriction is fully lifted, in a realistic sense there remains a significant portion of the Release Parcel’s 10,019± square feet that continues to be dedicated to the established sewer pumpstation use. Given the role the infrastructure plays in supporting the Sole Abutter’s approved mixed use development, it is likely the pumpstation use will remain in perpetuity despite the extinguishment of the deed restriction. Easement areas totaling 3,099± square feet are appropriated to a differing use in the “After” condition. The remaining Release Parcel totaling 6,920± square feet shall effectively remain committed to the pumpstation use in perpetuity.

Item – Before Valuation	Calculation	Value
Fee Simple	1,545,739 sf x \$5.00/sf x 100%	\$7,728,695
Release Parcel - Restriction Released	3,099 sf x \$5.00/sf x 100%	\$15,495
Release Parcel – Remaining Encumb.	6,920 sf x \$5.00/sf x 10%	\$3,460
	Total	\$7,747,650
	Rounded	\$7,748,000

Release Value

Item	Value
After Valuation	\$7,748,000
Before Valuation	\$7,734,000
Release Value	\$14,000

Release Negotiations

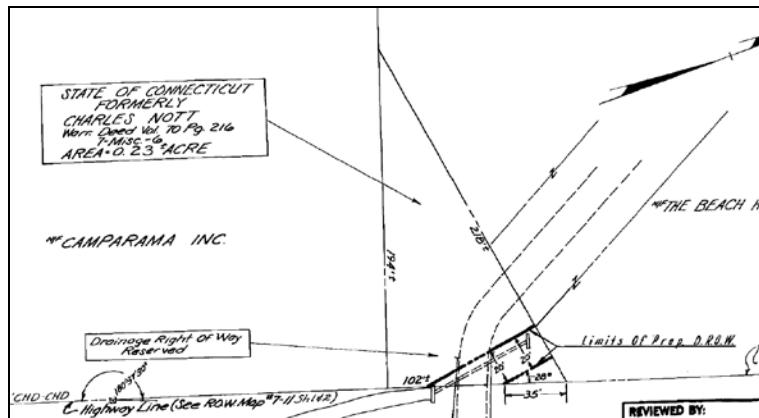
The property was conveyed by the Department to the Town of Berlin (Town) via a Quit Claim deed dated December 17, 1973 (DOT File # 7-000-6A) with the restriction that the parcel must be utilized for Municipal purposes only, subject to a reversionary clause. The Town approached the Department, on behalf of a developer, seeking the release of the municipal purposes restriction in order to facilitate a new development which will include the parcel released by the Department.

The release of the restriction was appraised on August 30, 2022, by staff appraiser Steven Miller who determined the value of the release to be \$14,000.00, which was accepted and registered by the Department on October 14, 2022.

On August 17, 2021, an offer was made to the Town in the amount of \$20,000.00 plus a \$1,000.00 Administrative Fee. On December 19, 2022, the Town submitted a counteroffer of \$10,000.00 plus the Administrative fee, which the Department declined the counter offer as it was too far below the appraised value. On December 20, 2022, the Town presented another offer of \$15,000.00 plus the \$1,000.00 Administrative Fee, which was accepted by this office.

Recommendation – Staff recommend approval of the proposed Release of Deed Restriction to the Town of Berlin for \$15,000 (plus a \$1,000 Admin Fee) for the following reasons:

- The release value of \$15,000 is reasonable in that it represents 107% of the appraised value.



5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS

6. ARCHITECT-ENGINEER – NEW BUSINESS

7. OTHER BUSINESS

8. VOTES ON PRB FILE:

PRB FILE #23-021 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #23-021. The motion passed unanimously.

PRB FILE #23-023 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #23-023. The motion passed unanimously.

PRB FILE #23-042 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #23-042. The motion passed unanimously.

9. NEXT MEETING – Thursday, March 23, 2023.

The meeting adjourned.

APPROVED: _____ **Date:** _____
John Valengavich, Secretary