

TOWN OF EAST GRANBY  
LAND USE APPLICATION FORM

Date December 21, 2022

Application to: Planning & Zoning Commission X PZC APPL.# 23-02  
Zoning Board of Appeals \_\_\_\_\_ Administrative Staff \_\_\_\_\_

Property location: 49 Russell Road

Purpose of the application: Text amendment to Regulations as set forth in the attached document.

Name, Address & Telephone # of Applicant:

Co Part of Connecticut, Inc.  
49 Russell Road  
East Granby, CT 06026  
Phone # 860 392-7700  
Email: brian.phillips@copart.com

Name, Address & Telephone # of Owner if different:

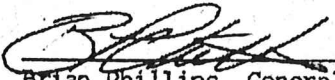
Same as Applicant  
\_\_\_\_\_  
\_\_\_\_\_

Please complete appropriate sections:

Proposed Use (if applicable) \_\_\_\_\_  
Is property under PA 490? Yes \_\_\_ No \_\_\_ Present Zone(s) of affected property: \_\_\_\_\_  
Property in acres: \_\_\_\_\_ Number of Lots: Existing \_\_\_\_\_ Proposed \_\_\_\_\_  
Total area in wetlands: \_\_\_\_\_ Area of wetlands affected by this proposal: \_\_\_\_\_  
Are there any easements or rights-of-way? Yes \_\_\_ No \_\_\_ (if yes, they must be shown)

Names & addresses of others involved in the project:

Thomas Fahey Ph: 860 627-8300  
Fahey & Landolina, Attorneys LLC tom@faheyland.com  
487 Spring St. Windsor Locks, CT 06096

  
Brian Phillips, General Manager  
Signature of applicant Duly Authorized

\_\_\_\_\_  
Signature of owner (if not applicant)

**PLEASE SUBMIT THIRTEEN (13) COMPLETE SETS OF ALL FORMS, MAPS OR DOCUMENTATION INCLUDED WITH YOUR APPLICATION.**

**TOWN OF EAST GRANBY  
PLANNING & ZONING APPLICATION FORM**

**SELECT & COMPLETE ONLY ONE (1) SECTION:**

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**Section #1**

- REVISED SITE PLAN** - \$110 Fee minimum **CHANGE OF USE** - Yes \_\_\_ No \_\_\_  
 **SPECIAL REVIEW - SIGNS** - \$110 Fee  
 **SITE PLAN** - \$160 plus \$100/acre or portion thereof (up to 20 acres) plus \$10/acre in excess of 20 with a maximum of \$3,000.

**Property Location** \_\_\_\_\_

Please check appropriate response.

- W.P.C.A. - Approval included \_\_\_ Application submitted \_\_\_ N/A \_\_\_  
 F.V.H.D. - Approval included \_\_\_ Application submitted \_\_\_ N/A \_\_\_  
 Inland/Wetlands - Approval included \_\_\_ Application submitted \_\_\_ N/A \_\_\_  
 Town Engineer - Approval included \_\_\_ Application submitted \_\_\_ N/A \_\_\_
- 

**Section #2**

- SPECIAL PERMIT** - \$160 plus \$100/acre or portion thereof (up to 20 acres) plus \$10/acre in excess of 20 with a maximum of \$3,000.

This includes the site plan review.  
Explain proposed use in a separate letter.

Please check appropriate response.

- Inland/Wetlands - Approval included \_\_\_ Application submitted \_\_\_ N/A \_\_\_  
 W.P.C.A. - Approval included \_\_\_ Application submitted \_\_\_ N/A \_\_\_  
 F.V.H.D. - Approval included \_\_\_ Application submitted \_\_\_ N/A \_\_\_  
 Town Engineer - Approval included \_\_\_ Application submitted \_\_\_ N/A \_\_\_

Affordable Housing proposed - yes \_\_\_ no \_\_\_

**Property Location** \_\_\_\_\_

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**Section #3**

- REGULATION CHANGE** - \$210 Fee

Explain proposed change and reason for the proposal in a separate letter. Be sure to include the exact Section numbers affected by this proposal.

See attached.

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**PLANNING & ZONING APPLICATION FORM**

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**Section #4**

**ZONE CHANGE** - \$210 fee (Include map showing area of zone change and key map showing location of property.) Property Location \_\_\_\_\_

Present Zone \_\_\_\_\_

Proposed Zone \_\_\_\_\_

Area in acres \_\_\_\_\_

Affordable Housing - yes \_\_\_ no \_\_\_

Explain reason for proposal in a separate letter.

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**Section #5**

**SUBDIVISION** - \$25/Lot (\$50 minimum) Fee; \$60 State fee

Property Location \_\_\_\_\_

Please check appropriate response.

<input type="checkbox"/> Parks & Rec Open Space Review	- Approval included ___ Application submitted ___	N/A ___
<input type="checkbox"/> Inland/Wetlands	- Approval included ___ Application submitted ___	N/A ___
<input type="checkbox"/> D.E.P.	- Approval included ___ Application submitted ___	N/A ___
<input type="checkbox"/> State Archeologist	- Approval included ___ Application submitted ___	N/A ___
<input type="checkbox"/> F.V.H.D.	- Approval included ___ Application submitted ___	N/A ___
<input type="checkbox"/> Town Engineer	- Approval included ___ Application submitted ___	N/A ___

Open Space provided - yes \_\_\_ no \_\_\_

Affordable Housing proposed - yes \_\_\_ no \_\_\_

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**All correspondence will be sent to the applicant unless specifically requested otherwise in writing. All applications must be submitted to the Building Department during regular office hours. Checks should be made payable to the "Town of East Granby". (ALL FEES INCLUDE STATE FEE UNLESS OTHERWISE NOTED)**

Section V. BUSINESS & INDUSTRIAL ZONES

- g.g. Require landscape plan designed by licensed landscape architect
- g.h. Require sidewalks (if determined necessary)
- h.i. Require all utilities to be installed underground
- j. Require traffic analysis (if determined necessary)
- k. Limit maximum lot coverage to 60%

**5. Special Permit Uses**

All uses or activities in this section are only permitted subject to granting of a Special Permit and Site Plan approval by the Commission:

- a. Building footprint of 50,000 square feet or greater
- b. Uses or activities requiring more than 200 parking spaces (including truck parking and loading docks)

Automotive-Type Uses

- c. Automotive sales, new and used (excluding wholesale or auction sales of automobiles as primary or accessory use). Accessory service and repairs is allowed provided:
  - all service is performed indoors,
  - any external storage shall be specifically approved by the Commission, and
  - the provisions of Section IX.D. are also met.

Virtual (online) auction sales to institutional, commercial, and private owners of used, undamaged or damaged vehicles, and ancillary receiving, shipping, and administrative activities are allowed as a primary use provided:

- all Sales are conducted online, over the internet;
- all vehicles are sold intact with no dismantling, fluid draining, and crushing or part sales are conducted on site;
- external storage shall be subject to PZC Commission approval;
- the provisions of Section IX.D are also met.

All other forms of wholesale or auction sales of automobiles as primary or accessory uses are prohibited.

- d. Automotive service or repairs unrelated to automotive sales provided:
  - all service is performed indoors;
  - any external storage shall be specifically approved by the Commission, and
  - the provisions of Section IX.D. are also met.
- e. Motor vehicle recycling provided:
  - sales and/or service are performed exclusively indoors;
  - external storage areas do not exceed the internal area used for storage, repair or service;
  - not more than 30 motor vehicle bodies or major portions thereof are stored externally;

## Fahey & Landolina, Attorneys LLC

*A Connecticut Limited Liability Company*

Thomas W. Fahey, Jr.  
Carl T. Landolina

487 Spring Street  
Windsor Locks, CT 06096  
Telephone: 860 627-8300  
Facsimile: 860 627-6817  
Email: [tom@faheyland.com](mailto:tom@faheyland.com)  
[carl@faheyland.com](mailto:carl@faheyland.com)

December 22, 2022

Tom Derlinga, Chair & Member  
Planning & Zoning Commission  
Town of East Granby  
9 Center Street  
East Granby, CT 06026

Robin Newton, AICP, CZEO  
Consulting Town Planner  
Town of East Granby  
9 Center Street  
East Granby, CT 06026

**Re: Application of Copart of Connecticut, Inc.  
For a text amendment to Section V Business & Industrial  
Zones; Commerce Park Zone B: 5. Special Permit Uses;  
Automotive Type Uses**

Dear Chair Derlinga and Ms. Newton:

On behalf of Copart of Connecticut, Inc. I am submitting this application to the East Granby Planning & Zoning Commission for approval of a text amendment to East Granby Zoning Regulations. The purpose of this letter is to explain the application.

### **1. Background**

The Applicant, Copart of Connecticut, Inc. ("Copart") acquired property located at 49 Russell Road from 49 Russell Road LLC on June 20, 2019. (Copy of deed attached) This property is in the Commerce B Zone. 49 Russell Road LLC leased the property to Hartford Springfield Auto Auction, Inc. ("HSA").

HSAA received special permit approval on September 12, 2008, and revised site plan approval on August 12, 2009, and on or about January 1, 2010, relocated to 49 Russell Road from its prior location at 153 Rainbow Road. The Hartford-Springfield Auction operated at 49 Russel Road as a physical on-site auction facility. Live, on-site auctions for dealers and registered members were held weekly at the facility. If the vehicles did not receive enough bids or if the reserve price was not met, they would be returned to the storage area to be offered at a future sale.

On May 1, 2010, a few months after HSAA began operation at 49 Russell Road, the Planning & Zoning Commission eliminated automobile auctions as a permitted use in the Commerce B Zone. As a result, HSAA operated as a nonconforming use, and it remained as such when the applicant Copart acquired the property on June 20, 2019. Although Copart's right to conduct auctions is grandfathered, it is currently prohibited from expanding its vehicle storage to other available areas of its property.

## **2. Copart Business Model**

Copart has a much different business model than Hartford-Springfield Auction. Digital technology and the internet have transformed how buyers and sellers interact in the market place. Online buying confidence is the result of reliable condition reports due to standardized inspections, digital photographs and VIN based vehicle histories.

Copart provides cutting edge online auction services to institutional, commercial, and private owners of used, undamaged or damaged vehicles. Most vehicles are obtained from insurance companies, licensed dealers, financial institutions, charities, municipalities and fleet operations. All vehicles are sold intact meaning no dismantling, draining of fluids, crushing or sale of parts occurs at its facility. Vehicles leave the facility in pretty much the same condition as they arrived. A majority of vehicles come to the facility one or two at a time on tow trucks.

Since commencement of operations, Copart has been very successful and would like to expand its operation to other appropriate areas on site. It has prepared an amendment to the existing zoning regulations to permit internet auctions by special permit in Commerce B Zones.

## **3. The Proposed Zoning Amendment**

In accordance with the requirements of Section X of your regulations, the proposed text amendment shows the proposed revisions highlighted in blue.

The new language permits online only auctions subject to the listed limitations as well as the special permit criteria. This requires a public hearing and allows Commission review.

The new language also prohibits all other forms of automobile auctions. The purpose of this is to eliminate on-site auctions and any other form of auction that would be more site intensive such as traffic flow and on-site activities.

#### **4. Basis for Approval**

When the Commission issued a special permit to HSAA to permit an automobile in the Commerce B Zone, it made a determination that such use was appropriate for the zone, and therefore consistent with the plan of development, and that the public health, safety and welfare of the community would not be adversely affected. It seems incongruous that just a few months later such use was the only automotive use to be eliminated. According to the plan of development, only .9% of the Town is being utilized for Commercial uses (retail and personal services), and only 2.7 % of the Town is being categorized for Industrial uses, (primarily in the Village center and Commerce Park Zones). Automotive uses in East Granby and are only permitted in the Commerce Park B and Business B Zones. Based on the zoning map included with the Plan of Development (see attached), Commerce B, and Business B make up less than ½ of the Commercially zoned areas. It's obvious that the Commission felt that automotive uses were only appropriate in very few places in East Granby.

It's noteworthy that automotive sales and service of new and used cars are allowed in the Commerce B zone. New and used car dealers today have a large presence on the internet and conduct a lot of business online. The online components of their business are very similar to Copart's use of the internet, except for the auction component. While both uses require inventory storage, new and used car dealers also provide repairs, oil changes, and related services, that are not permitted for online auctions under the proposed text amendment. Arguably the proposed amendment permits a use that is no more, if not less, offensive, intensive or intrusive than the permitted use of new and used car dealerships. The same can be said for a number of other uses that are permitted in the Commerce B Zone, such as: motor vehicle recycling, recycling and disposal services and contractors' yards. These are all activities for which there is a demand as East Granby has recognized by regulating them by special permit in only a few places in Town. The limitations contained in the proposed text amendment provide adequate safeguards to allow internet only auto auctions to be regulated on an equal footing with the other special permit uses listed in the Commerce B Zone.

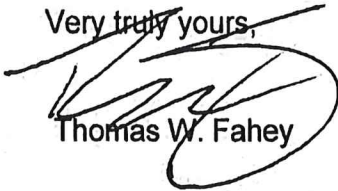
#### **5. Conclusion**

Tom Derlinga  
Robin Newton  
December 22, 2022  
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The applicant hopes that this letter and the application materials will be helpful to the Commission, Town Staff, and the Public in reviewing and understanding its text amendment application.

Thank you for your attention.

Very truly yours,



Thomas W. Fahey



December \_\_, 2022

Copart of Connecticut, Inc.  
49 Russell Road  
East Granby, CT 06026

Mr. Tom Derlinga, Chair  
& Members of the Planning & Zoning Comm'n  
Town of East Granby  
9 Center Street  
East Granby, CT 06026

**Re: Application of Copart of Connecticut, LLC**


Dear Chair Derlinga and Commission Members:

Copart of Connecticut, Inc. (Copart) is the current owner of the real property located at 49 Russell Road in East Granby, Connecticut (the "Property"). Copart will be filing an application with the Planning and Zoning Commission requesting a text amendment to the zoning regulations.

The law firm of Fahey & Landolina, Attorneys LLC is our legal counsel for this application. Copart hereby authorizes Fahey & Landolina, Attorneys LLC to execute any application forms or other documents in connection with these applications, and to submit documentation pertaining to the applications on its behalf. Attorneys Thomas Fahey and Carl Landolina of Fahey & Landolina, Attorneys LLC will be the primary contacts on this matter.

Thank you for your consideration concerning this matter.

Very Truly yours,

By:   
Brian Phillips, General Manager  
Copart of Connecticut, Inc.  
Duly Authorized

Return Original To:

**WARRANTEE DEED**

KNOW YE, THAT, **49 RUSSELL ROAD LLC**, a limited liability company existing pursuant to the laws of the State of Florida and authorized to do business in the State of Connecticut, with a place of business in the Town of East Granby, County of Hartford and State of Connecticut, for the sum of NINE MILLION TWO HUNDRED THIRTY THOUSAND THREE HUNDRED NINETY SIX AND 45/100 (\$9,230,396.45) DOLLARS received to its full satisfaction of **COPART OF CONNECTICUT, INC.**, a Connecticut corporation having its principal offices in the City of Dallas, State of Texas, does give, grant, bargain, sell and confirm unto the said COPART OF CONNECTICUT, INC., its successors and assigns, a certain parcel located in the Town of East Granby, County of Hartford and State of Connecticut, being described as follows:

That certain piece or parcel of land with all the buildings and improvements thereon located at 49 Russell Road, Town of East Granby, County of Hartford and State of Connecticut, and known as Lot 4 on East Granby Assessor's Map No. 13, being more particularly bounded and described as follows:

A certain piece or parcel of land being known as "N/F by Roncari Development Company, Area: 2216707 sq. ft. or 50,889 Ac." as shown on a certain map or plan entitled "Property of Roncari Development Company Russell Road East Granby, Connecticut Property Survey, Close, Jensen & Miller, P.C. Consulting Engineers, Land Planner and Surveyors 1137 Silas Deane Highway, Wethersfield, Conn. 06109, Tel (860) 563-9375 Scale 1" == 10' Date 3/29/05 Sheet Of 1", which map is recorded in the East Granby Land Records as Map Number 1979.

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto it, the said Grantee, its heirs, successors, and assigns forever to and their own proper use and behoof. And also, it, the said Grantor does for itself, its heirs, executors, administrators, and successor, covenant with the said Grantee, its heirs, successors, and assigns, that at and until the ensembling of these premises, it is well seized of the premises, as a good indefeasible estate in FEE SIMPLE and has a good right to bargain and sell the same in manner and form as is above written and that the same is free from all encumbrances whatsoever, except as is above written.

AND FURTHERMORE, It, the said Grantor does by these presents bind itself and its successors and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to It the said Grantee, its heirs, successors, and assigns, against all claims and demands whatsoever, except as is above written.

The premises are hereby conveyed subject to any and all provisions of any ordinance, municipal regulation of public or private law, declarations, restrictions, covenants and easements of record, and to taxes on the List of October 1, 2018 and thereafter to the Town of

East Granby, which taxes the grantée assumes and agrees to pay as part consideration this deed.

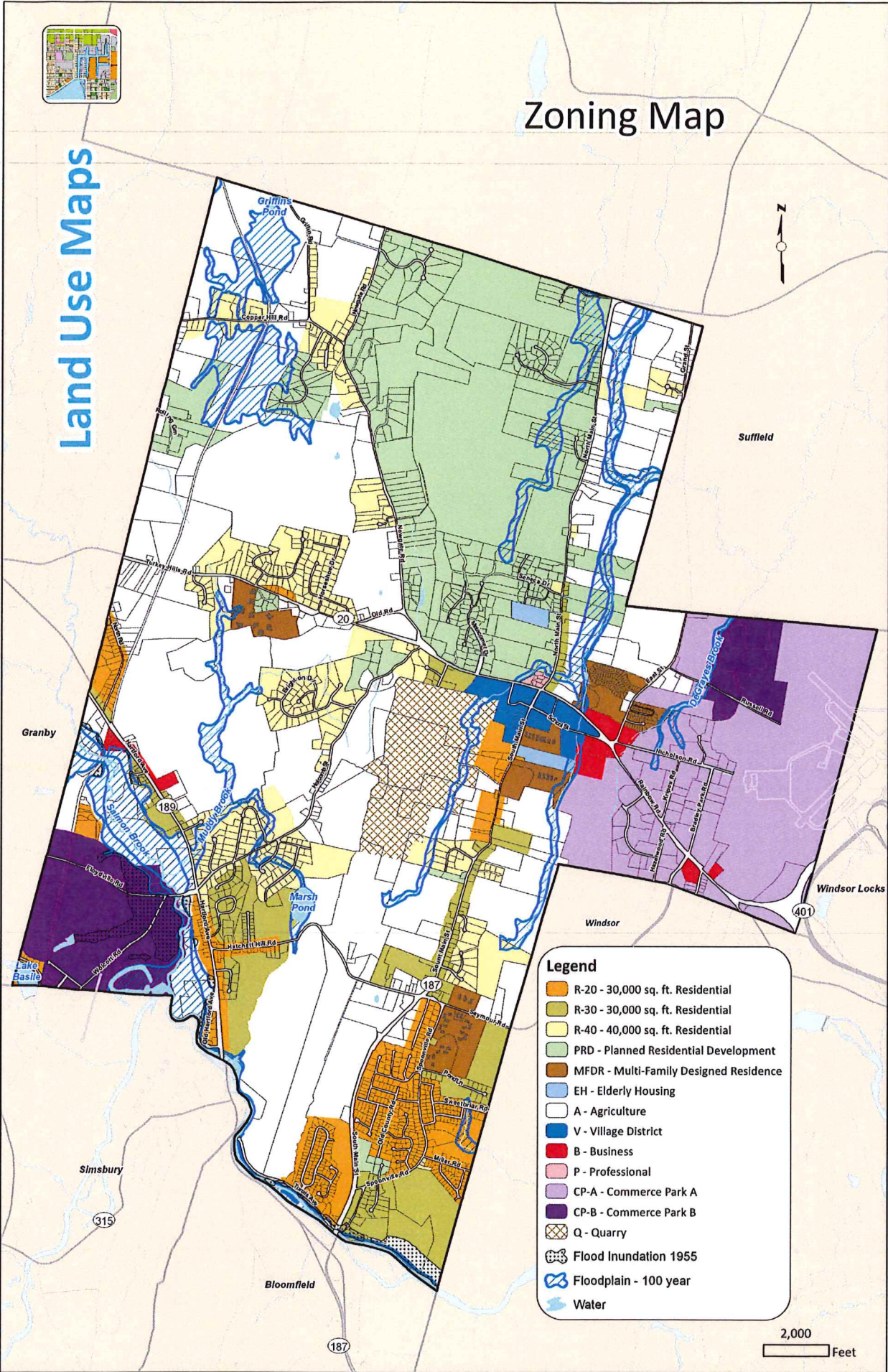
The premises are hereby conveyed further subject to the following:

1. Right of Way Agreement dated July 6, 1951 and recorded in Volume 119 at Page 364 of the East Granby Land Records, as amended by Amending Right of Way Agreement dated July 14, 199 and recorded in Volume 122 at Page 818 of said Land Records; as amended by Amendment to Right of Way and Easement dated May 27, 2015 and recorded in Volume 205 at Page 478 of said Land Records.
2. Caveat Re Deferral of Assessment of Water Main Benefits by the Water Pollution Control Authority of the Town of East Granby dated August 24, 1992 and recorded in Volume 96 at Page 483 of the East Granby Land Records.
3. Caveat Re Deferral of Assessment of Sewer Benefits by the Water Pollution Control Authority of the Town of East Granby dated August 24, 1992 and recorded in Volume 96 at Page 511 of the East Granby Land Records.
4. State of Connecticut Department of transportation Traffic Investigation Report to the State Traffic Commission dated September 16, 2008 and recorded in Volume 175 at Page 407 of the East Granby Land Records.
5. Declaration of Conservation Restrictions dated September 23, 2008 and recorded in Volume 175 at Page 487 of the East Granby Land Records.
6. Conditions of revised site plan approval by the Town of East Granby Planning & Zoning Commission dated June 24, 2009 and recorded in Volume 180 at Page 1186 of the East Granby Land Records, and dated August 12, 2009 and recorded in Volume 180 at Page 1188 of said Land Records.
7. Wetlands designation and 30' Tenneco Right-of-Way as shown on Map No. 1979 on file in the East Granby Town Clerk's Office.



# Zoning Map

Land Use Maps



**Legend**

- R-20 - 30,000 sq. ft. Residential
- R-30 - 30,000 sq. ft. Residential
- R-40 - 40,000 sq. ft. Residential
- PRD - Planned Residential Development
- MFDR - Multi-Family Designed Residence
- EH - Elderly Housing
- A - Agriculture
- V - Village District
- B - Business
- P - Professional
- CP-A - Commerce Park A
- CP-B - Commerce Park B
- Q - Quarry
- Flood Inundation 1955
- Floodplain - 100 year
- Water

2,000 Feet