



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Resubdivision of NINA Properties, 80, 82, 86, Hawthorn
for consideration on August 25th, 2020

STAFF REPORT

TO: Planning and Zoning Commission
PREPARED BY: Kate Montgomery
Kmontgomery@Freemancos.com

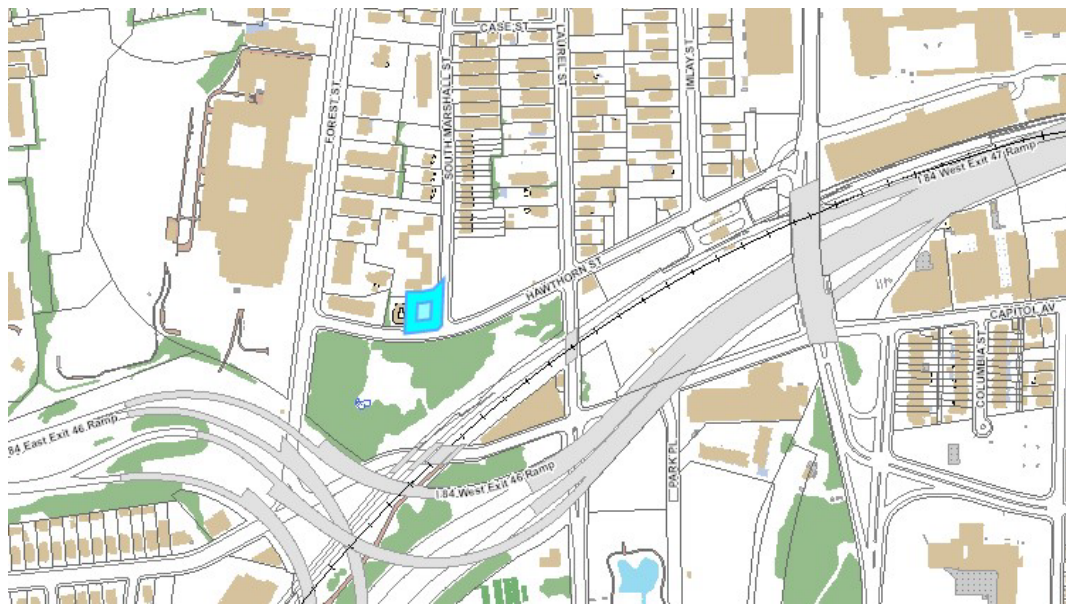
PROJECT: NINA Properties
80-82 Hawthorn Street
180-404-003
COMM-2020-0231

ZONE: NX-1 Neighborhood Mixed

TYPE: Resubdivision of Land per City of Hartford Planning and Zoning Subdivision Regulations last amended February 11, 2020 and Effective March 12, 2020. (From here on referred to as “The Subdivision Regulations”) and Zoning Regulations, Last Amended June 5, 2020 (hereinafter “Zoning Regulations”)

APPLICANT: NINA Properties, LLC / Kenneth D. Johnson, Manager

OWNER: NINA Properties, LLC / Kenneth D. Johnson, Manager



CITY OF HARTFORD GIS MAP, 80-82 Hawthorn shown in blue.

BACKGROUND INFORMATION

The 80-82, 86, and 88 Hawthorn were originally part of a parcel referred to as 80 Hawthorn Street. 80 Hawthorn Street was gifted to NINA Properties by Aetna in 2011. It was a paved lot used for parking by Aetna.

- The property has since been subdivided to create 80-82 and 86-88 Hawthorn Street.
- On March 21, 2017 the Zoning Board of Appeals granted 86 Hawthorn a Variance to “Section 4.13.2.A(2) to allow the minimum front line coverage to be less than 80%.”
- May 25, 2017 the Commission approved a lot split of 86-88 into two parcels, 86 and 88 Hawthorn Street for the construction of two, single-family attached Row Type Buildings that stand on the property today.

The applicant is requesting a resubdivision of the below parcels owned by NINA Properties to construct two single-family attached, Row Type Buildings on the resulting parcels 80 and 82. The resubdivision proposed includes:

1. A Lot Line Revision relocating the lot line between 86 Hawthorn Street (parcel 180-404-012) and 80-82 Hawthorn Street (parcel 180-404-003)
2. A Lot Split of the resulting lot at 80-82 Hawthorn Street in order to construct a row house style building as two attached single-family homes on the new lots.

The applicant has also submitted a proposal for variance from Zoning Regulations Section 4.13.2.A(2) regarding the minimum front lot line coverage for the building proposed for 82 Hawthorn.

STANDARD SPECIFIC TO THE USE

City of Hartford Zoning Regulations

Chapter 2, Sec. 2.2.1, Figure 2.2-A Table of Districts: “The NX-1 district is intended for neighborhood areas that currently include a mix of Apartment Buildings and House Type B with multiple units in each building. Row Buildings are permitted, though few exist in these areas.”

Chapter 3, Sec. 3.2.1 Table of Principal Uses: One-Unit Dwellings are permitted in the NX-1 District.

Chapter 4, Sec. 4.13.2.A: Row Building Type requirements for NX-1 district.

City of Hartford Subdivision Regulations, Article 1, Sec. 4: Definitions.

FINDING OF FACTS

- The parcel 80-82 Hawthorn is 10,614 square feet per the property record card.
- The parcel currently holds no buildings or structures and is being used as a staging area for the construction of 86-88 Hawthorn. It was previously a paved parking lot.
- The property is not located within a Historic District
- The lot line revision and lot split requested by the applicant include parcels previously subdivided and are therefore considered a resubdivision.
- The residential use and Row Type Building comply with the NX-1 zone.
- The properties 80-82, and 86 Hawthorn Street are in the NX-1 Mixed Neighborhood district which is defined as a mix of Apartment Buildings, House Type B, and Row Buildings.

- The proposed resubdivision complies with the intent of the NX-1 district by adjusting the lot lines to allow for a two building Row Building similar to the one at 86 and 88 Hawthorn Street.
- Per Sec. 4.13.2.A.8. there is no minimum lot width required for a Row Building in NX-1, therefore the proposed lot lines on the map comply.
- The included traffic report predicts a reduction in traffic for the proposed residential use compared to the previous use as a parking lot. The traffic report does not reference the access driveway for 82 Hawthorn off of Hawthorn Street shown on the Erosion Control Plan. The driveway locations should be addressed in Site Plan Review.
- The proposed two-story design is not concurrent with the medium-density residential (3-6 stories) envisioned in the Future Land Use Map for 2035.



View of 80-82 Hawthorn from South Marshall Street, roof of 140 Hawthorn in background, August 6, 2020.



View of 80-82 Hawthorn from the corner of Hawthorn and South Marshall Street, 140 Hawthorn in the background, August 6, 2020.



View of 80-82 Hawthorn from Hawthorn Street, August 6, 2020.



View of recently split lots with new row type building at 86 and 88 Hawthorn Street. August 6, 2020.

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)

A Traffic Impact Study and a Stormwater Management Plan by NINA Properties both dated 8/4/2020 were included with the application.

Will serve letters from Eversource Energy, Connecticut Gas, and comments from MDC were submitted with the application. A Declaration of Easements dated July 16, 2019 was submitted and a follow up letter dated August 4, 2020 states that a plan for sanitary service has been approved by MDC and the Declaration of Easements states it has been approved by MDC and recorded in the Hartford Land Records.

ANALYSIS

The resubdivision of 80-82 and 86 Hawthorn Street meets the legal requirements for a resubdivision per the City of Hartford Subdivision Regulations. All utilities service requirements and necessary easements required have been met. The intended residential use is expected to reduce traffic and the impervious cover on the parcels compared to the property's previous use as an overflow parking lot for Aetna.

The resubdivision of 80, 82, and 86 Hawthorn Street are concurrent with the building type and zone and will allow for the construction of a Row Type Building on the resulting properties of 80 and 82 Hawthorn Street. The adjustment of the 86 Hawthorn Street lot line will not create a nonconformity requiring a variance as a previous variance from Section 4.13.2.A(2) granted the property relief from the required 80% lot line coverage.

While the proposed two-story development is not concurrent with the medium-density residential (3-6 stories) envisioned in the Future Land Use Map for 2035, the resubdivision will allow for the development of quality homes near the CTfastrack station as concurrent with the goals of the City of Hartford's Plan of Conservation and Development, "One City, One Plan POCD 2020" (the "POCD").

STAFF RECOMMENDATION

Staff recommends approval of this resubdivision application and map titled "Map Prepared for NINA Properties, LLC Showing the Resubdivision of 80-82 & 86 Hawthorn Street Hartford, Connecticut August 13, 2020." Scale 1"=20'. Prepared by Keefe Land Surveying, 492 Main Street, Winstead, Connecticut.

A draft resolution follows.

ATTACHMENTS

1. Application and attachments
 - A. Letter from Kenneth Johnson, Manager of NINA Properties
 - B. 80-82 Hawthorn Traffic Impact Study, 8/4/2020
 - C. 80-82 Hawthorn Stormwater Management Plan, 8/4/2020
 - D. Letter from Eversource Energy, May 16, 2017
 - E. Letter from Connecticut Natural Gas Corporation, "Natural Gas Service Availability Letter," May 15, 2017
 - F. Letter from The Metropolitan District (MDC), May 17, 2020
 - G. Letter from Kenneth Johnson regarding MDC Approval, August 4, 2020
 - H. Declaration of Easements and Exhibits filed with Hartford Land Records, July 16, 2019.
 - I. Permit from MDC for 86 & 88 Hawthorn Street 11/25/2019
2. Map Prepared for NINA Properties, LLC Showing the Resubdivision of 80-82 & 86 Hawthorn Street Hartford, Connecticut August 13, 2020." Scale 1"=20'. Prepared by Keefe Land Surveying, 492 Main Street, Winstead, Connecticut.
3. Erosion and Sediment Control Plan 7/27/20 Revised. 8/3/2020.
4. Notice of Zoning Variance for 86 Hawthorn from March 21, 2017 Hearing

REVIEWED AND EDITED BY,

Aimee Chambers, Director



**CITY OF HARTFORD
ZONING BOARD OF APPEALS
DRAFT VARIANCE APPROVAL RESOLUTION
80-82, 86 HAWTHORN STREET**

- Whereas,** The City of Hartford Planning and Zoning Commission has reviewed the requested resubdivision of the existing the 0.09 acre lot known as 86 Hawthorn and the 0.24 acre lot known as 80-82 Hawthorn; and
- Whereas,** The revision of the lot line between 86 Hawthorn Street (parcel 180-404-012) and 80-82 Hawthorn Street (parcel 180-404-003) will result in an enlargement of 86 Hawthorn; and
- Whereas,** The lot split of the resulting lot at 80-82 Hawthorn Street will create 80 Hawthorn, a 0.13 acre parcel on the eastern corner of the lot and 82 Hawthorn, a 0.11 acre parcel between 80 and 86 Hawthorn; and
- Whereas,** The parcels resulting from the resubdivision allow for the construction of an attached single-family row style building on both 80 and 82 Hawthorn with a shared wall on the property line between the two parcels; and
- Whereas,** The revision to the parcel 86 Hawthorn will not violate Zoning Regulations due to the variance granted on March 21, 2017 to Section 4.13.2.A(2) to allow the minimum front line coverage to be less than 80%; and
- Whereas,** The applicant has supplied letters from The Metropolitan District Commission, Connecticut Natural Gas, and Eversource stating that the entities have reviewed the proposed plans and the proposed development can be connected to and served by the respective utility companies; and
- Whereas,** The applicant has submitted a Traffic Impact Study stating that the proposed resubdivision and development will have a negligible, if not improved, impact on the traffic on Hawthorn Street; and
- Whereas,** The proposed work is consistent with the goal of the City of Hartford’s Plan of Conservation and Development, “One City, One Plan POCD 2020” (the “POCD”), to provide quality housing and homeownership opportunity near a CTfastrack station; and

Now Therefore Be It

Resolved, The City of Hartford Zoning Board of Appeals hereby approves the application for resubdivision of 86 Hawthorn and the lot split of 80-82 into two 80 and 82 Hawthorn as shown on the drawing entitled “Map Prepared for NINA Properties, LLC Showing the Resubdivision of 80-82 & 86 Hawthorn Street Hartford, Connecticut August 13, 2020.” Scale 1”=20’. Prepared by Keefe Land Surveying, 492 Main Street, Winstead, Connecticut

Be It Further,

Resolved, This 25th day of August 2020.

FOR OFFICE USE ONLY

Final Action: Approved _____ Denied _____ Withdrawn _____ Date of Action _____
Approved w/ Conditions _____ Approved By _____

City of Hartford
Planning Division
Department of Development Services

Return Form to the Planning Desk at the
Licenses & Inspections Division Counter
860-757-9239
260 Constitution Plaza
Hartford, Connecticut 06103-1822



For Assistance Contact Planning Division
860-757-9040,
250 Constitution Plaza, 4th Floor
Hartford, Connecticut 06103-1822
<http://planning.hartford.gov>

PLANNING AND ZONING APPLICATION

PLEASE CHECK THE ACTION(S) YOU ARE APPLYING FOR:

- Zoning Appeal
- Zoning Permit
- Zoning Variance
- Subdivision/Lot Line Revision
- Approval of Location
- Site Plan
- Special Permit
- Historic Review
- Special Exception
- Lot Combination
- Liquor Permit

Receiving Federal Funds:

- Yes No
- Demo Add. Repair

1. PROPERTY INFORMATION

Property Address: 80 Hawthorn Street City: Hartford State: CT Zip Code: 06105
 Zoning District: (can be found at <http://assessor1.hartford.gov/Default.asp?br=exp&vr=6>) NX-1
 Property Owner: NINA Properties, LLC
 Property Owner's Address: 20 Sargeant Street City: Hartford State: CT Zip Code: 06105
 Phone: 860-244-9390 Email: ninaken@sbcglobal.net

2. APPLICANT

Please check if "Applicant" is the same as "Property Owner"

Name of Applicant: _____ File Date: _____
 Address: _____ City: _____ State _____ Zip Code: _____
 Phone: _____ Email: _____

3. PRIMARY POINT OF CONTACT:

Name: Kenneth D. Johnson, Manager
 Phone: 860-244-9390
 Email: ninaken@sbcglobal.net

4. PROJECT NARRATIVE

Describe your application action(s) and provide as much detail as possible. Attach additional pages if necessary:

We request the following actions:

(1) a lot line revision relcoating the lot line between 86 Hawthorn Street (180-404-012) and 80-82 Hawthorn Street (180-404-003)

and

(2) a subdivision of the remaining lot at 80-82 Hawthorn Street in order to construct two new, attached single-family homes on the new lots

5. SIGNATURE(S)

*All work will be done in strict accordance with the LOCAL, STATE AND FEDERAL CODES.
All work covered by this application has been authorized by the owner of this property.*

Signature of Applicant: _____ Date: _____

Printed Name of Applicant: _____

Signature of Property Owner:  _____ Date: 8/4/20

Printed Name of Property Owner: Kenneth D. Johnson, Manager

Please read the following sections carefully.
ONLY FILL OUT THE SECTIONS PERTINENT TO YOUR APPLICATION.

A.

NINA

Rebuilding Asylum Hill

August 4, 2020

City of Hartford
Planning Division
250 Constitution Plaza, 4th Floor
Hartford, CT 06103-1822

**Re: Resubdivision/Lot Line Revision Application:
86 Hawthorn Street, Hartford
80-82 Hawthorn Street, Hartford**

Dear Sir/Madam:

Attached please find an application to: (1) relocate the previously established lot line between 86 Hawthorn Street (Parcel ID #: 180-404-0012) and 80-82 Hartford Street (Parcel ID #: 180-404-003); and (2) subdivide the remaining existing lot at 80-82 Hawthorn Street into two separate lots to be known as 80 Hawthorn Street, containing 5,545 square feet, and 82 Hawthorn Street, containing 4,623 square feet. These new lots will be part of a plan to redevelop the property with two new, attached single-family owner occupied housing units ("Row" Building Type).

As part of this application, enclosed please find three copies of the following documentation:

- Subdivision Application dated August 4, 2020
- Lot Line Revision Map prepared by Keefe Land Surveying dated August 4, 2020 showing the relocation of the lot line between 86 Hawthorn Street and 80-82 Hawthorn Street and the division of 80-82 Hawthorn Street
- Traffic Impact Study
- Stormwater Management Plan
- Erosion and Sediment Control Plan ("L-3")
- Letters from Eversource, Connecticut Natural Gas, and The Metropolitan District Commission (including follow-up letter re: MDC approval) stating that the proposed development can be connected to and served by the respective utility companies.

Thank you for your consideration of our application. Should you have any questions or need for additional information please do not hesitate to contact me.

Sincerely,



Kenneth D. Johnson, Manager

B.

**80-82 HAWTHORN STREET
TRAFFIC IMPACT STUDY**

The proposed development at 80 and 82 Hawthorn Street will add two new attached single-family townhomes to a site that was last utilized as an overflow parking lot by Aetna Insurance Company. This parking lot could accommodate up to thirty vehicles, and it affected traffic during rush hours on business days. The two new townhomes will take advantage of transit-oriented development principles due to their proximity to the CTfastrak station at Sigourney Street. The new townhomes will have parking spaces for no more than four vehicles total (two for 80 and two for 82). These vehicles will enter traffic onto South Marshall Street, near its intersection with Hawthorn Street.

Hawthorn Street is 0.38 mile long, and it runs between Forest Street (west) and Sigourney Street (east). It is intersected by South Marshall Street and Laurel Street. It is used as follows:

- 1) Connector to Interstate 84 Westbound: commuters who live west of Hartford utilize Hawthorn Street as access to Aetna parking lots along Hawthorn Street and south of the main building in the morning and then as a connector to Capitol Avenue to reach the highway interchange at Sisson Avenue.
- 2) Waystation for CTTransit buses: commuter buses, which can also use the CTfastrak pathway, park along Forest Street when they are not in use, and they use Hawthorn Street to get to and from the CTfastrak station at Sigourney Street.
- 3) Route to and from Hartford Public High School: Traffic to and from the high school uses Hawthorn Street, but the more common use is by traffic departing the high school as Forest Street is one-way southbound. Hawthorn Street also provides on-street parking for faculty, students, and visitors at the high school, especially for events such as interscholastic athletic events.
- 4) Route from multi-unit apartment buildings on Forest Street: there are six multi-unit apartment buildings on Forest Street, and all of these buildings have off-street parking lots accessible only via Forest Street.
- 5) Route from Mark Twain House and Harriet Beecher Stowe Center: Both sites have parking lots on Forest Street, and vehicles departing these lots use Hawthorn Street to head into Hartford or to leave the city via Interstate 84 Eastbound at Sigourney Street.
- 6) Gateway to South Marshall Street: South Marshall Street between Case Street (north) and Hawthorn Street (south) is one way northbound, and all residents along that block arrive home via Hawthorn Street. These residents include the new Habitat for Humanity homeowners as well as the tenants at the five apartment buildings along the east side of South Marshall Street and the residents of the five connected apartment buildings and the Marshall House on the west side.

It is considered likely that the four vehicles that the proposed development at 80 and 82 Hawthorn Street will have a negligible impact on traffic on Hawthorn Street and South Marshall Street.



Preparer, NINA Properties



Endorsement, Close Jensen Miller

8/4/2020

Date

8/04/2020

Date

C.

**80-82 HAWTHORN STREET
STORMWATER MANAGEMENT PLAN**

The proposed development at 80 and 82 Hawthorn Street will add two new attached single-family townhomes to a site that was last utilized as an overflow parking lot by Aetna Insurance Company. The stormwater management plan will result in a net volume decrease in stormwater run-off as compared to the existing conditions.

Removal of existing asphalt: The site previously served as an overflow parking lot by Aetna Insurance Company, and was entirely paved. The old asphalt will be completely removed as part of the redevelopment of the site.

No encroachment on an existing natural system: There is no existing natural system at the site, as it was previously a parking lot. The proposed development will include greenspace and appropriate landscaping.


Exclusion of run-off into adjoining property: The proposed development will be graded to exclude run-off into neighboring properties.

Installation of natural landscaping: The development will add new landscaping to the site, and this landscaping will include greenspace around the entire perimeter of the site. Indigenous plants and trees will be planted, and landscaping will be graded to encourage absorption of stormwater.

Minimal parking as part of transit-oriented development: Because of the site's proximity to the Sigourney Street CTFastrak station, the future owners will have the option of utilizing mass transit, making it less likely they will need vehicles.

No effect on floodplain: The site is not located in a floodplain.

 8/4/2020
Preparer, NINA Properties, LLC

 8/04/2020
Endorsement, Close Jensen Miller

D.



410 Sheldon Street
Hartford, CT 06106

May 16, 2017

David Corrigan
20 Sargeant Street
Hartford, CT 06105

Re: 80 Hawthorne Street
Hartford, CT

Dear Mr. Corrigan;

In response to your request, Eversource Energy has or will have the facilities necessary to provide electric service to the above mentioned property. Upon receipt of a Work Request for this building and having met all of our requirements, including City Electrical Inspector's approval, we will schedule the service installation.

If you should have any further questions please contact me at, 860-280-2445.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. O'Brien", with a horizontal line extending to the right.

Kevin O'Brien, Supervisor
Field Engineering Design
Hartford, CT

E.

Connecticut Natural Gas Corporation
76 Meadow Street
East Hartford, CT 06108

May 15, 2017

Mr. Dave Corrigan
Nina Properties
20 Sargeant Street
Hartford , CT 06105

Re: Natural Gas Service Availability Letter

Dear Mr. Corrigan:

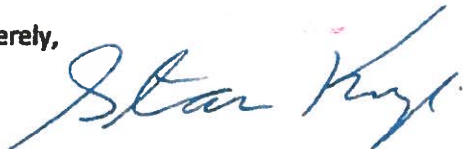
Connecticut Natural Gas Corporation (CNG) has the ability to serve to serve the proposed development at 86-88 Hawthorne Street, Hartford CT 06105 when the following requirements are met:

1. Developer provides site utility drawings, gas loads for each piece of natural gas equipment, and a construction schedule
2. Review and analysis by Connecticut Natural Gas - Engineering and/or Distribution Department to determine load requirements, and system reinforcement requirements
3. CNG determines and Nina Properties agrees to pay any costs associated with bringing natural gas to project
4. CNG obtains state and local permits as required

Upon completion of Connecticut Natural Gas' review of the developments natural gas requirements, a new service installation agreement will be prepared and forwarded to Nina Properties for signing. Any charges associated with installing mains or services must be paid in advance.

If you have any questions please feel free to contact me at 860-727-3095 or by email at skurys@ctgcorp.

Sincerely,



Stan Kurys
Residential Gas Sales

F.



The Metropolitan District
water supply · environmental services · geographic information

May 17, 2017

Kenneth D. Johnson
20 Sargeant Street
Hartford, CT 06105

RE: 86 – 88 Hawthorn Street Hartford, CT

To Whom It May Concern:

In response to your request, we are confirming that the Metropolitan District has a 24" concrete sanitary sewer, 66" concrete storm sewer and 10" water main to service the above referenced property. The MDC has a 48" brick sewer that intersects the corner of your property. Any encroachment on this pipe or right of way must be approved by The MDC Engineering Department; which may include MDC Board of Commissioners approval. No permits will be issued until the plans are submitted and approved by the MDC. There will also be a possible water and sewer assessment due for the proposed property that must be satisfied prior to the connections being made. A certified plot plan, property deed and interior plumbing plan as well as a site plan must be submitted to this office, 125 Maxim Rd., Hartford, CT 06114

Please feel free to call Tania Stavola at (860) 278-7850 ext. 3702 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Mario Calderon".

Mario Calderon
Manager of Command Center / Utility Services
MDC Operations

G.

NINA

Rebuilding Asylum Hill

August 4, 2020

City of Hartford
Planning Division
250 Constitution Plaza, 4th Floor
Hartford, CT 06103-1822

Re: MDC Approval for 80-82 Hawthorn Street, Hartford

Dear Sir/Madam:

As an addendum to the MDC letter of May 17, 2017, please be advised that NINA Properties, LLC met with representatives of the Metropolitan District Commission to review plans for the development of the two townhomes at 86-88 Hawthorn Street (currently under construction) and the proposed development of two additional townhomes at 80-82 Hawthorn Street. The location of the existing sewer lines underneath Hawthorn and South Marshall Street were reviewed and considered for storm and sanitary connection. As a result of these meetings, it was determined the most efficient way to provide sanitary sewer service to both 86-88 Hawthorn Street and 80-82 Hawthorn Street was by way of the 48" brick sewer that runs underneath South Marshall Street.

Accordingly, with MDC's review and approval, a Declaration of Easements dated July 16, 2019 was established and recorded in the Hartford Land Records creating an easement running along the rear of the proposed townhomes at 80-82 Hawthorn Street and 86-88 Hawthorn Street for the purpose of providing sanitary sewer service for all four townhomes. A copy of the Declaration of Easements is attached for your reference.

Pursuant to this plan, an MDC permit was secured (see attached) and the sanitary sewer line was constructed by our site contractor. It now serves 86-88 Hawthorn Street and is available to serve 80-82 Hawthorn Street should this proposed development obtain the requisite regulatory approvals from the City of Hartford.

Thank you for your consideration of our resubdivision application. Should you have any questions with respect to this matter, Michael Curley of MDC is available to answer questions.

Sincerely,



Kenneth D. Johnson
Manager

H.

DECLARATION OF EASE

Receipt # 14127



Instr # 2019-9454
Local Tax \$ 0
State Tax \$ 0

VOL 7503 PG 262

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6 Pages

EASEMENT

John V. Bazzano, Hartford City
Clerk:KA

THIS DECLARATION OF EASEMENTS (hereinafter referred to as the "**Declaration**") made this 16th day of July, 2019 by **NINA Properties, LLC**, a Connecticut limited liability company with an office at 20 Sargeant Street, Hartford, CT 06105 (hereinafter referred to as the "**Declarant**").

STATEMENT OF FACTS:

- A. Declarant is the owner of certain premises situated in the City of Hartford, County of Hartford, State of Connecticut on the northerly side of Hawthorn Street, known as 80-82, 86 and 88 Hawthorn Street, and being more particularly bounded and described in Exhibit A attached and made a part hereof (herein collectively referred to as "Hawthorn Street Properties").
- B. The Declarant wishes to establish this Declaration to create certain easements and covenants running with the land, binding upon the Hawthorn Street Properties, governing the location, operation, repair, maintenance, upkeep, alteration, replacement and use of any and all shared storm and sanitary sewer improvements at the Hawthorn Street Properties.

NOW THEREFORE, in consideration of the foregoing Statement of Facts and the mutual covenants contained herein, the Declarant does hereby submit the Hawthorn Street Properties to the terms, covenants, easements, restrictions and reservations set forth herein, as follows:

AGREEMENT

- 1. **STATEMENT OF FACTS.** The foregoing Statement of Facts is hereby incorporated herein by reference as part of this Declaration as though fully set forth herein.
- 2. **GRANT OF EASEMENT.** For purposes of governing the location, operation, repair, maintenance, upkeep, alteration, replacement and use of any and all shared storm and sanitary sewer improvements at the Hawthorn Street Properties (the "Sewer Improvements"), Declarant hereby grants and declares a permanent easement to each of the subsequent owners of the individual lots (the "Lot Owners"), in common with the other owners of the individual lots that comprise the Hawthorn Properties, for the purposes of locating, operating, repairing, maintaining, altering, replacing and using the Sewer Improvements. The herein established easements shall be covenants running with, appurtenant to and for the benefit of the Lot Owners (as hereinafter defined) of the Hawthorn Street Properties, and shall be binding upon and inure to the benefit of the present and future owners of the current and any future individual lots of the Hawthorn Street Properties, their respective heirs, personal representatives, successors, and assigns (hereinafter referred to collectively as the "Lot Owners," individually as "Lot Owner"), for their use and benefit and for the use and benefit of their respective agents, contractors, lessees, licensees, invitees and occupants of the buildings and improvements now or hereafter situated thereon. The herein established easements shall be located within the shaded areas shown on the map set forth in Exhibit B attached hereto.

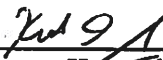
3. **LOT OWNER'S RESPONSIBILITY.** Each Lot Owner shall be solely responsible for the cost of the installation, repair, maintenance, and replacement of the Sewer Improvements (collectively, the "Maintenance") that services exclusively such Lot Owner's Property.

4. **MUTUAL MAINTENANCE AGREEMENT.** The cost for Maintenance of Sewer Improvements that services more than one (1) Lot Owner shall be shared equally between the Lot Owners that benefit from such Sewer Improvement. Notwithstanding the foregoing, if the need for such Maintenance is caused by the willful or negligent affirmative acts of any Lot Owner(s), or that Lot Owner(s)' agents, that Lot Owner(s) shall promptly cause the needed Maintenance to be made, at such Lot Owner(s)'s sole cost and expense. Payment of all Maintenance conducted in accordance with this Section shall be made no later than thirty (30) days from the Lot Owner(s)' receipt of a bill for same. If any Lot Owner fails to pay any costs and expenses that are rightly attributable to such Lot Owner(s) as set forth in this Section within thirty (30) days of receiving a statement or demand for payment, such failure shall constitute a default under this Agreement, and the other Lot Owner(s) may, but shall have no obligation to, advance funds on behalf of the defaulting Lot Owner(s), and thereafter, without further notice to the defaulting Lot Owner(s), institute legal action for collection of funds, interest and costs of collection, including, without limitation, reasonable attorneys' fees advanced on behalf of such defaulting Lot Owner.

5. **RIGHTS AND RESTRICTIONS OF DECLARANT.** Declarant shall have the right to full use and enjoyment of the Hawthorn Street Properties except for such use as may unreasonably interfere with the exercise of the rights granted herein. Declarant shall not construct or permit to be constructed any house, structure, or obstruction on or over or interfering with the construction, maintenance, or other operation of any Sewer Improvements or appurtenance constructed pursuant to this instrument.

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Easements.

NINA Properties, LLC
 By: Northside Institutions Neighborhood Alliance, Inc.,
 its Sole Member

By: 
 Name: Kenneth D. Johnson
 Title: Executive Director

Date: July 16, 2019


 Witness Shannon L. Nolan

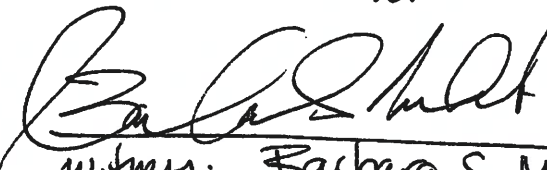

 witness: Barbara S. McGrath

Exhibit A

**PARCEL ONE
PROPERTY DESCRIPTION
80-82 HAWTHORN STREET**

A certain piece or parcel of land, together with all its improvements, situated in the City of Hartford, Connecticut, known as 80-82 Hawthorn Street, described in a map title, "Map Prepared for NINA Properties LLC 80-82 & 86-88 Hawthorn Street Hartford, Connecticut January 31, 2017" prepared by Keefe Land Surveying, 492 Main Street, Winsted, Connecticut, and further bounded and described as follows:

Beginning at a point on the northerly street-line of Hawthorn Street, that point being the southeasterly corner of land now or formerly of NINA Properties, LLC;

thence running North $02^{\circ}-08'-05''$ East along the land now or formerly of NINA Properties, LLC, a distance of one-hundred eleven and sixty one-hundredths (111.60) feet to a point on the southerly line of property now or formerly of Eternal Enterprises, Inc.;

thence running South $87^{\circ}-51'-55''$ East a distance of thirty-five and thirteen one-hundredths (35.13) feet to a point;

thence running North $77^{\circ}-12'-05''$ East a distance of sixty-one and ninety-six one-hundredths (61.96) feet to a point on the westerly street-line of South Marshall Street;

the last two of the above described courses being along the land now or formerly of Eternal Enterprises, Inc.;

thence running South $02^{\circ}-08'-05''$ West along the westerly street-line of South Marshall Street a distance of one-hundred seven and sixty one-hundredths (107.60) feet to a point of curvature;

thence running southwesterly along a curve to the right having a radius of ten and no one-hundredths (10.00) feet a distance of thirteen and ninety-one one-hundredths (13.91) feet to a point of compound curvature on the northerly street-line of Hawthorn Street;

thence running southwesterly along a curve to right having a radius of six-hundred twenty-nine and seventy-three one-hundredths (629.73) feet a distance of twenty-four and sixty one-hundredths (24.60) feet to a point of compound curvature;

thence running southwesterly along a curve to the right having a radius of seven hundred fifty-one and fifty-nine one-hundredths (751.59) feet a distance of sixty-two and eighty-two one-hundredths (62.82) feet to the point and place of beginning;

the last two of the above described courses being along the northerly street-line of Hawthorn Street.

The above parcel contains an area of 10,614.22 square feet or 0.244 acres, more or less.

**PARCEL TWO
PROPERTY DESCRIPTION
86 HAWTHORN STREET**

A certain piece or parcel of land, together with all its improvements, situated in the City of Hartford, Connecticut, known as 86 Hawthorn Street, described in a map title, "Map Prepared for NINA Properties LLC 80-82 & 86-88 Hawthorn Street Hartford, Connecticut January 31, 2017 Revised 4/4/17 to show for proposed division of 86-88 Hawthorn Street" prepared by Keefe Land Surveying, 492 Main Street, Winsted, Connecticut, and further bounded and described as follows:

Beginning at a point on the northerly street-line of Hawthorn Street, that point being the southeasterly corner of land now or formerly of NINA Properties, LLC;

thence running North 02°-08'-05" East along the land now or formerly of NINA Properties, LLC, a distance of one-hundred twelve and seventy-eight one-hundredths (112.78) feet to a point on the southerly line of property now or formerly of Eternal Enterprises, Inc.;

thence running South 87°-51'-55" East along the land now or formerly of Eternal Enterprises, Inc., a distance of thirty-five and seventeen one-hundredth (35.17) feet to a point, that point being the northwesterly corner of land now or formerly of NINA Properties, LLC;

thence running South 02°-08'-05" West along the land now or formerly of NINA Properties, LLC, a distance of one-hundred eleven and sixty one-hundredths (111.60) feet to a point being the northerly street-line of Hawthorn Street;

thence running southwesterly along a curve to the right having a radius of seven hundred fifty-one and fifty-nine one-hundredths (751.59) feet a distance of thirty-five and nineteen one-hundredths (35.19) feet along the northerly street-line of Hawthorn Street to the point and place of beginning.

The above parcel contains an area of 3,950 square feet or 0.091 acres, more or less.

**PARCEL THREE
PROPERTY DESCRIPTION
88 HAWTHORN STREET**

A certain piece or parcel of land, together with all its improvements, situated in the City of Hartford, Connecticut, known as 88 Hawthorn Street, described in a map title, "Map Prepared for NINA Properties LLC 80-82 & 86-88 Hawthorn Street Hartford, Connecticut January 31, 2017 Revised 4/4/17 to show for proposed division of 86-88 Hawthorn Street" prepared by Keefe Land Surveying, 492 Main Street, Winsted, Connecticut, and further bounded and described as follows:

Beginning at a point on the northerly street-line of Hawthorn Street, that point being the southeasterly corner of land now or formerly of Carriage Place Apartments II, LLC;

thence running North $10^{\circ}-57'-05''$ East along the land now or formerly of Carriage Place Apartments II, LLC, a distance of one-hundred eleven and sixty-nine one-hundredths (111.69) feet to a point, that point being the southwesterly corner of land now or formerly of Eternal Enterprises, Inc.;

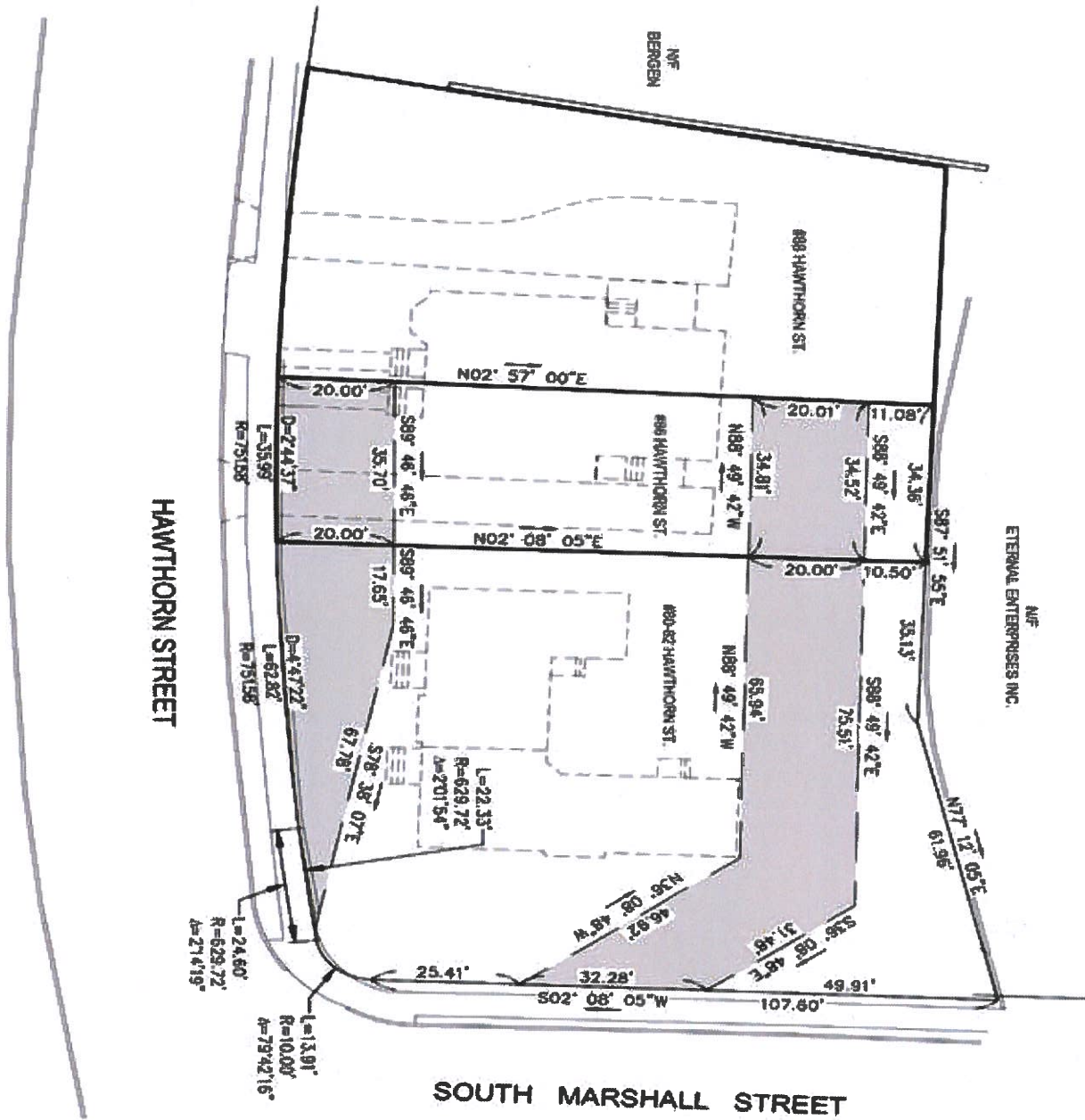
thence running South $87^{\circ}-51'-55''$ East along the land now or formerly of Eternal Enterprises, Inc., a distance of fifty-one and twenty one-hundredth (51.20) feet to a point, that point being the northwesterly corner of land now or formerly of NINA Properties, LLC;

thence running South $02^{\circ}-08'-05''$ West along the land now or formerly of NINA Properties, LLC, a distance of one-hundred twelve and seventy-eight one-hundredths (112.78) feet to a point being the northerly street-line of Hawthorn Street;

thence running southwesterly along a curve to the right having a radius of seven hundred fifty-one and fifty-nine one-hundredths (751.59) feet a distance of sixty-eight and thirty-eight one-hundredths (68.38) feet along the northerly street-line of Hawthorn Street to the point and place of beginning.

The above parcel contains an area of 6,710 square feet or 0.154 acres, more or less.

Exhibit B



I.



HARTFORD, CT

002845

Permit #

Work at on the NORTH side, in the town of HARTFORD Lot # Connecticut.

between SOUTH MARSHAL STREET at premises owned by NINA PROPERTY'S whose address is

Nature of v Z: [X] House Conn., [] Lot Drain, Catch Basin, [] Main Sewer; [X] New; [] Repair; [] BULKHEAD [] Utility Drain; [] Other. Occupancy or Use: [X] Residential family units; [] Commercial [] Industrial [] Other

Public Sewer or Drain is: [X] Sanitary [] Storm [] Combined

Only the following SEWAGE OR DRAINAGE is allowed to this connection: [X] Sanitary Sewage [] Other [] Storm Drainage including surface and sub-soil water

Connection will be made with 8" & 6" SDR35 CONNECTING 8" SDR 35 TO 48" COMBINED SEWER MAIN TO MAN HOLE ON PROPERTY AND HEADING WEST BEHIND 86 & 88 AND ADDING 4- 6" SDR 35 LATERALS TO THESE PROPERTY'S

Located FABRIC AND STONE IN PUBLIC ROW ALL WORK TO BE DONE AS SHOWN ON APPROVED PLAN

Special Conditions MUST MAINTAIN 2%-10% SLOPE AND MAINTAIN A MIN OF 3.5' OF COVER ALL WORK TO MDC STANDARD. TRANSIT MUST BE ON SITE TO CHECK ELEVATIONS MUST BE EMBEDDED IN STONE PER MDC STANDARDS

Data from Plan # # Required plans, submitted and approved Job Code: Contractor's State License # P7-0287841 Contract # Contractor's Insurance expires 3/4/2020 Plumbing Licensee: SAL CAMINITO Plumbing License #: SAME

Main Sewer Approved for Connection [] Street excavation permit # BC19 - A Sewer Tributary to W.P.C.F. Call - Before - You - Dig # 20194800612

[X] Property Assessed for Sewer [] Outlet Charge Paid on Deferred Assessment to become Due and Payable as Requested by Owner on Sewer Connection Charge Agreement Signed by Owner on Voluntary Sewer Lien Signed by Owner and initial Installment Paid on Connection Charge Paid in Full on

*** P1 or P7 Licensee must be on site performing or directly supervising all regulated piping work! ***

MUST CALL 860-278-7850 x 3780 DURING NORMAL BUSINESS HOURS FOR INSPECTIONS. ALL OTHER TIMES CALL 860-278-7850 X3600

The undersigned agrees to perform the approved description of work in accordance with all applicable MDC ordinances, CT state and Federal laws and regulations. All work is subject to inspection and approval by The Metropolitan District.

Will there be heavy equipment at or near the work site (such as crane, heavy rollers)? Yes [] No [X]

If the response to question above is positive, it is the obligation of the contractor to provide any and all prudent information to MDC

Permit to be issued to SSC CONSTRUCTIONS LLC The undersigned agrees to perform all work in accordance with MDC Ordinances

Contractor Signature:

Plumbing Licensee Signature: If plumbing licensee is not employee of contractor, signature required.

Permit Issued By DV Date 11/25/2019 First Inspection Called To Inspect Final Inspection Called To Inspect By

#80 HAWTHORN STREET LEGAL DESCRIPTION

Beginning at a point in the northerly street line of Hawthorn Street, which point is the southeasterly corner of #82 Hawthorn Street and the southwesterly corner of parcel herein described.

Thence running North 02° 08' 05" East along the easterly line of #82 Hawthorn Street a distance of one hundred ten and fifty-seven one-hundredths (110.57) feet to a point.

Thence turning and running North 77° 12' 05" East along property now or formerly of Eternal Enterprises Inc. a distance of forty-nine and eighty-five one-hundredths (49.85) feet to a point in the westerly street line of South Marshall Street.

Thence turning and running South 02° 08' 05" West along said westerly street line of South Marshall Street, a distance of one hundred seven and sixty one-hundredths (107.60) feet to a point.

Thence turning and running in a generally southwesterly and westerly direction following a curve to the right having a radius of ten and no one-hundredths (10.00) feet a distance of thirteen and ninety-one one-hundredths (13.91) feet to a point.

Thence running in a generally westerly direction following a curve to the right having a radius of six hundred twenty-nine and seventy-three one-hundredths (629.73) a distance of twenty-four and sixty one-hundredths (24.60) feet to a point.

Thence running in a generally westerly direction following a curve to the right having a radius of seven hundred fifty-one and fifty-nine one-hundredths (751.59) a distance of fifteen and eighty one-hundredths (15.80) feet to the point and place of beginning.

The above described parcel contains 5,455 square feet of land.

#82 HAWTHORN STREET LEGAL DESCRIPTION

Beginning at a point in the northerly street line of Hawthorn Street, which point is the southwesterly corner of #80 Hawthorn Street and the southeasterly corner of parcel herein described.

Thence running in a generally westerly direction along said northerly street line of Hawthorn Street, following a curve to the right having a radius of seven hundred fifty-one and fifty-nine one-hundredths (751.59) feet, a distance of forty-three and sixty-eight one-hundredths (43.68) feet to a point.

Thence turning and running North 02° 08' 05" East along the easterly line of #88 Hawthorn Street a distance of one hundred eleven and sixty one-hundredths (111.60) feet to a point.

Thence turning and running South 87° 51' 55" East along property now or formerly of Eternal Enterprises Inc. a distance of thirty-one and thirteen one-hundredths (31.13) feet to a point marked by an iron pin.

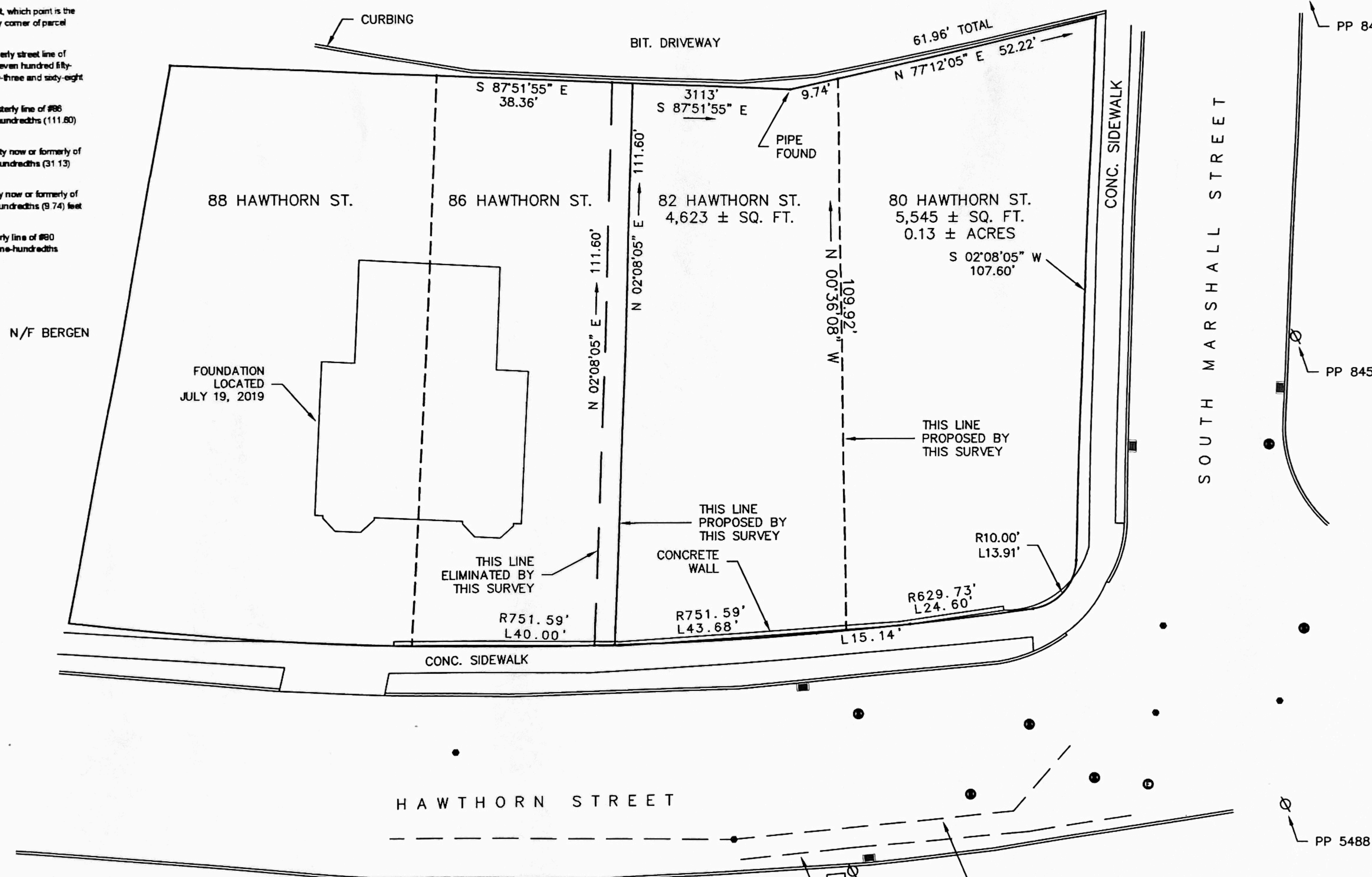
Thence turning and running North 77° 12' 05" East along property now or formerly of Eternal Enterprises Inc. a distance of nine and seventy-four one-hundredths (9.74) feet to a point.

Thence turning and running South 02° 36' 08" West along westerly line of #80 Hawthorn Street, a distance of one hundred nine and ninety-two one-hundredths (109.92) feet to the point and place of beginning.

The above described parcel contains 4,623 square feet of land.

N/F ETERNAL ENTERPRISES INC.

THIS SPACE RESERVED FOR THE USE OF THE H. P. & E. D. D.



KEEFE LAND SURVEYING
 THE COMPLETE PRACTICE OF
 PROFESSIONAL LAND SURVEYING
 492 MAIN STREET
 WINSTED, CT 06098-1507
 (860)-379-7322

MAP PREPARED FOR
 NINA PROPERTIES LLC
 SHOWING THE RESUBDIVISION OF
 80-82 & 86 HAWTHORN STREET
 HARTFORD, CONNECTICUT
 AUGUST 13, 2020

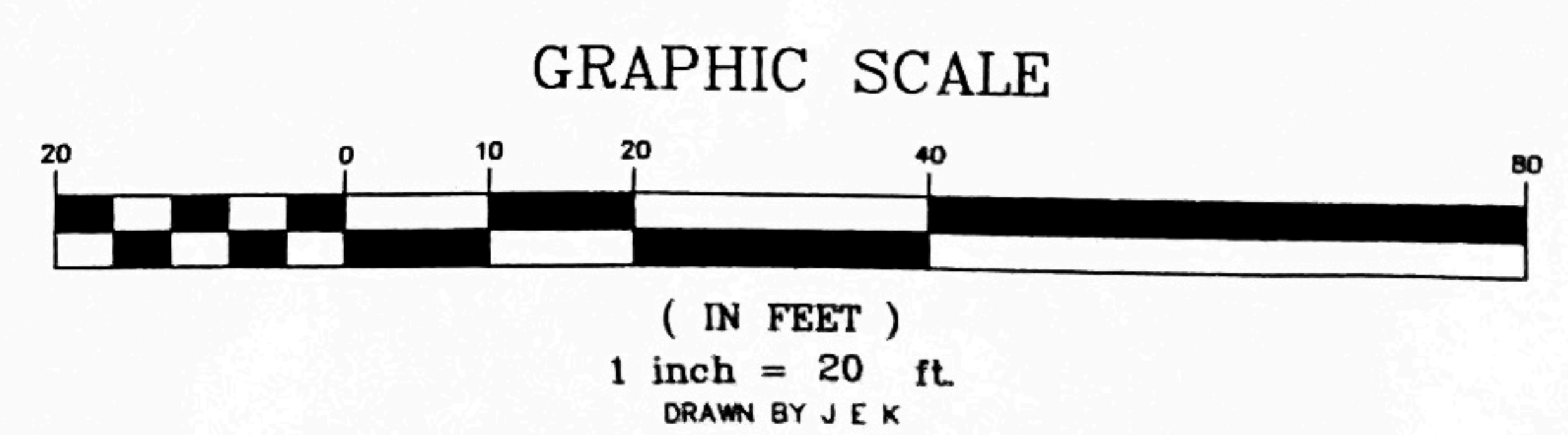
NOTE:
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 NOT VALID OR OFFICIAL WITHOUT LIVE SIGNATURE
 AND SEAL OF THE AUTHOR / SURVEYOR.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP
 IS SUBSTANTIALLY CORRECT AS NOTED HEREON

Peter B. Keefe
 PETER B. KEEFE CONN L.S. # 9677

THIS MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF
 CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH
 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE
 STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOC.
 OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996;

THIS IS AN ORIGINAL SURVEY
 TYPE OF SURVEY: RESUBDIVISION
 HORIZONTAL ACCURACY CLASS A-2





FOR CHFA USE

Consultants

SITE PLANNING/ LANDSCAPE ARCHITECT:
CLOSE, JENSEN AND MILLER, P.C.
(860) 563-9375

STRUCTURAL ENGINEER:
SZENCZAK ASSOCIATES
(860) 677-4570

EROSION AND SEDIMENTATION CONTROL NARRATIVE

GENERAL CONSTRUCTION SEQUENCE

1. INSTALLATION OF SILT SACKS AT STREET CATCH BASINS, SILT FENCING AND CONSTRUCTION ENTRANCE.
2. CLEARING AND GRUBBING, GENERAL SITE CLEARING.
3. BUILDING CONSTRUCTION CONCURRENT WITH INSTALLATION OF UNDERGROUND UTILITIES.
4. CONSTRUCTION OF CONCRETE SIDEWALKS AND PAVED DRIVEWAYS.
5. PLANTING OF LANDSCAPING & LAWN.
6. FINAL SITE SWEEPING, CLEANING OF YARD DRAINS AND CATCH BASINS.
7. REMOVAL OF EROSION CONTROL MEASURES AFTER SITE IS STABILIZED.

DURING CONSTRUCTION

IN GENERAL, THE EROSION AND SEDIMENTATION CONTROL DEVICES AND MEASURES AS SHOWN ON THESE PLANS SHALL BE INSTALLED AND MAINTAINED IN CONFORMANCE TO THE "GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL" PUBLISHED BY THE CONNECTICUT COUNCIL OF SOIL AND WATER CONSERVATION, MAY 2002, LATEST EDITION.

IT MAY BE NECESSARY TO USE ADDITIONAL EROSION CONTROLS OTHER THAN THOSE INDICATED ON THE PLANS AS FIELD CONDITIONS WARRANT OR AS DIRECTED BY THE CITY OF HARTFORD ZONING ENFORCEMENT OFFICER. ADDITIONAL EROSION CONTROLS MAY CONSIST OF, BUT SHALL NOT BE LIMITED TO, CHECK DAMS, HAY BALES, FILTER FABRICS, ETC. ALL EROSION CONTROLS SHALL BE PROPERLY INSTALLED, MONITORED AND MAINTAINED AS FOLLOWS UNTIL ALL EXPOSED AREAS ARE PERMANENTLY STABILIZED:

SILT FENCING:

- CHECK ONCE PER WEEK AND WITHIN 24 HRS. OF A 0.1 INCH OR GREATER STORM EVENT.
- DO NOT ALLOW SEDIMENT TO BUILD UP MORE THAN ONE THIRD THE HEIGHT OF THE SILT FENCE.
- REMOVE SEDIMENT AS REQUIRED AND RESTAPLE AND/OR REPLACE SILT FENCING AS REQUIRED.
- REPLACE ALL SILT FENCING WHICH REMAINS IN THE FIELD FOR PERIODS OF TIME GREATER THAN ONE YEAR. REPEAT AS REQUIRED.

STONE ANTI-TRACKING PAD:

- CHECK ONCE PER WEEK AND WITHIN 24 HRS. OF A 0.1 INCH OR GREATER STORM EVENT.
- IF SEDIMENT BUILD UP CAUSES STONE TO LOSE ITS EFFECTIVENESS, REMOVE EXISTING STONE & FILTER FABRIC AND REPLACE WITH CLEAN FILTER FABRIC AND STONE AND REPEAT AS REQUIRED.

HAYBALE DAM:

- CHECK ONCE PER WEEK AND WITHIN 24 HRS. OF A 0.1 INCH OR GREATER STORM EVENT.
- REMOVE DEBRIS AND REPLACE BALES WHICH IMPEDE STORM FLOW OR DRAINAGE. RE-STAKE AS REQUIRED.

SILT SACKS:

- CHECK ONCE PER WEEK AND WITHIN 24 HRS. OF A 0.1 INCH OR GREATER STORM EVENT.
- IF SEDIMENT CAUSES SACK TO LOSE ITS EFFECTIVENESS, REMOVE SACK, EMPTY SEDIMENT, AND RE-INSTALL SACK. REPEAT AS REQUIRED.
- IF SACK BECOMES TORN, REMOVE AND REPLACE WITH NEW SACK.

DURING CONSTRUCTION, THE SELECTED SITE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MONITORING AND MAINTENANCE REQUIREMENTS OF ALL EROSION CONTROLS. CITY STREET ALONG PROPERTY FRONTAGE SHALL BE SWEEP AS CONDITIONS WARRANT.

POST CONSTRUCTION

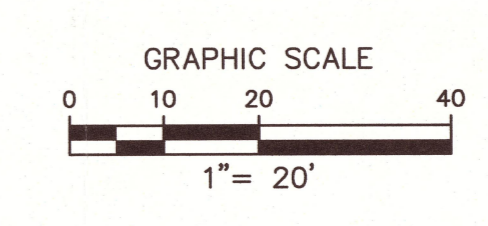
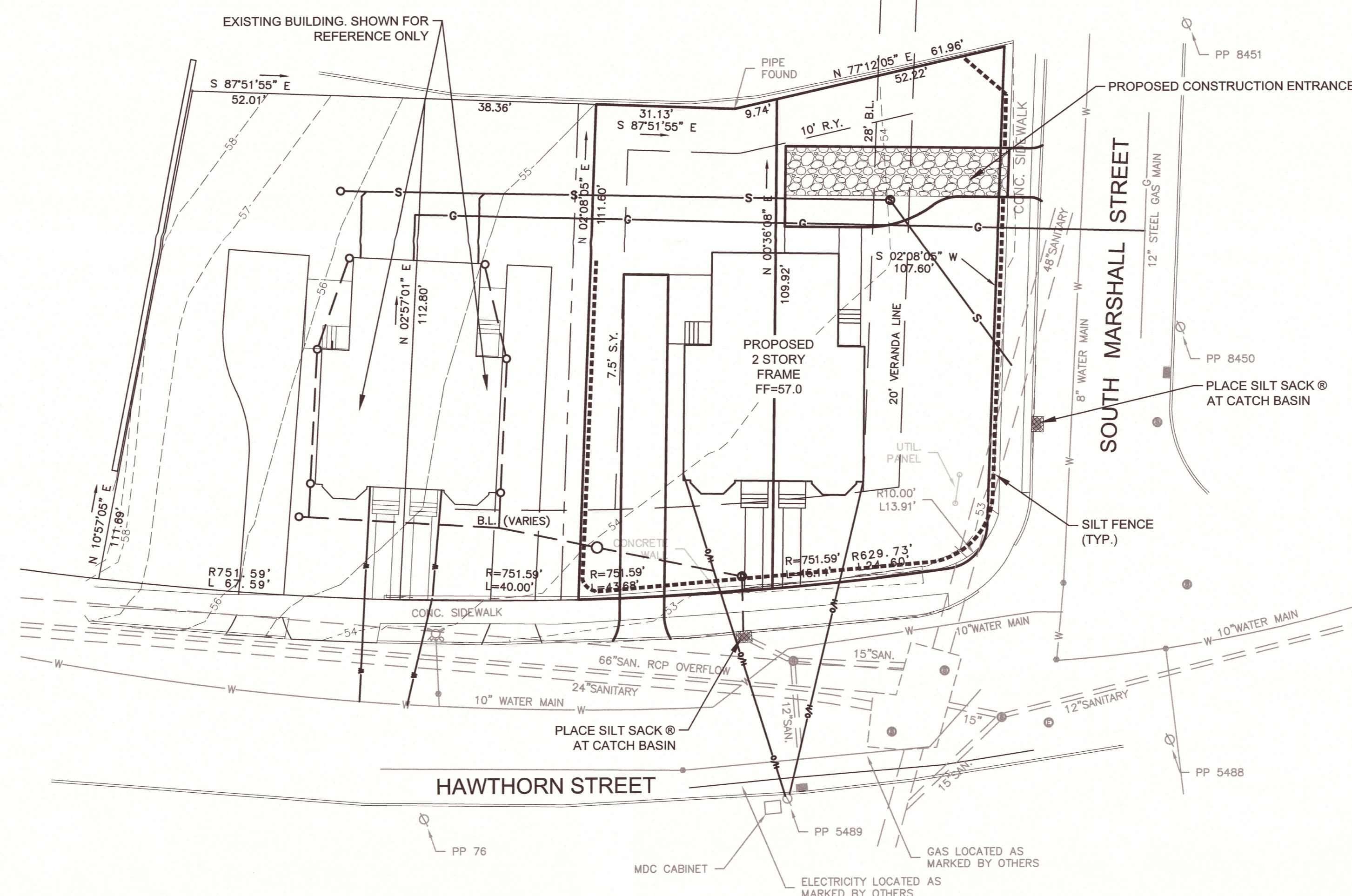
AT THE CONCLUSION OF CONSTRUCTION THE FOLLOWING EROSION CONTROLS MUST BE MONITORED AS FOLLOWS:

VEGETATED AREAS:

- CHECK ONCE PER MONTH FOR 3 MONTHS AND WITHIN 24 HRS. OF A 0.1 INCH OR GREATER STORM EVENT. SEED WITH MIXTURE AS NOTED ON THESE PLANS. MONITOR UNTIL STABILIZED.

STREET SWEEPING/CATCH BASINS IN HAWTHORN STREET & SOUTH MARSHALL STREET:

- CITY CATCH BASINS ALONG PROPERTY FRONTAGE SHALL BE CLEANED AT THE COMPLETION OF CONSTRUCTION AND AS NECESSARY UNTIL SITE LANDSCAPING AND DISTURBED AREAS ARE STABILIZED, OR AS CONDITIONS WARRANT. ALL SWEEP AND VACUUMED MATERIAL FROM CATCH BASINS SHALL BE REMOVED FROM THE SITE AND DISPOSED IN ACCORDANCE TO APPLICABLE LOCAL ORDINANCES AND RULES AND REGULATIONS OF THE CONN. DEEP.



Erosion and Sediment Control Plan

**HARTFORD HERITAGE HOMES
NEW GOTHIC TOWNHOUSES**
 80 & 82 Hawthorn Street
 Hartford, CT

Revisions	
1 - 8/03/20 - BUILDING ORIENTATION REVISED	PER OWNER

Date: 7/27/20
 Scale: 1" = 20'
 Project Number: 16166
 Drawn By: ETJ

L-3

No. Fee: JAB

ATTACHMENT 4

VOL: 7197 PG: 339



**NOTICE OF ZONING VARIANCE
ZONING BOARD OF APPEALS**

DATE OF HEARING: March 21, 2017

ADDRESS: 86 Hawthorne Street

OWNER OF RECORD: NINA Properties LLC

VOL: 7197 PG: 339

DESCRIPTION OF PREMISES: MX-2

00006765
May 19, 2017 12:16P
Hartford, CT

PARCEL ID# 180-404-012

APPLICANT: Ken Johnson

VARIANCE DETAILS:

That the City of Hartford Zoning Board of Appeals GRANTS a Variance request to Section 4.13.2 (A)(2) to allow the minimum front line coverage to be less than 80% for a lot split proposal and construction of two new townhomes in the NX-1 zoning district.

DATE GRANTED: March 21, 2017

EFFECTIVE DATE: April 6, 2017

EXPIRATION: N/A

ATTEST:

DATE:

4/26/17

Jamie Bratt
Director of Planning & Economic Development
City of Hartford

RETURN COPY TO THE PLANNING DIVISION

* IN ACCORDANCE WITH SECTION 8-3d

* PLEASE INDEX IN THE GRANTOR'S INDEX UNDER THE NAME OF THE OWNER OF RECORD.