

O'Evergreen LLC
800 Kelly Way
Holyoke, MA 01040

January 17, 2023

BY ELECTRONIC MAIL

Ms. Michele M. Lipe, AICP
Director of Planning
1540 Sullivan Ave
South Windsor, CT 06074
michele.lipe@southwindsor-ct.gov

Re: Town of South Windsor (the "Town") Zoning Regulation Determination for the Proposed Development of Unit 5 of Evergreen Walk ("Unit 5")

Dear Ms. Lipe:

I am writing on behalf O'Evergreen LLC ("O'Evergreen"). As you are probably aware, O'Evergreen purchased Unit 5 in November 2022. We are currently evaluating various development options and before committing to a particular end-user or site layout, are seeking a determination of a threshold matter, and are appreciative of any guidance that be provided.

In our review of Section 4.2.5 Permitted Uses, and more specifically Subsection E., we would request an interpretation of the last criteria (the "Criterion") as it relates to future development at the site. That section states that a drive through facility "must be part of a planned unit development of at least two-hundred thousand (200,000) square feet of gross building area". Unit 5 has been and continues to be, both legally and financially, part of the larger Evergreen Walk Planned Community ("Evergreen Walk"). Evergreen Walk has been approved for General Plan of Development ("GPD") from the Town's Planning and Zoning Commission (the "Commission") since October 2001, and from that date, multiple owners have constructed projects now totaling more than two-hundred thousand square feet. The GPD provides flexibility (in the sense that it can be responsive to the market) because the main components—such as traffic generation—are viewed on an overall, cumulative basis rather than on an individual unit basis. On numerous occasions, the GPD has been subject to modifications, whereby previously allocated square footages have been decreased/increased to accommodate certain uses. Similarly, it is O'Evergreen's understanding that this Criterion is measured against the cumulative building square footage of all of Evergreen Walk, and not the site-specific development size of Unit 5.

This position is consistent with previously approved projects with drive-through (and drive-up) features elsewhere in Evergreen Walk. Both the Panera Bread and Shake Shack are significantly less than the 200,000 gross square foot minimum, suggesting the Commission viewed each as components of a larger planned unit development. As is the case here, O'Evergreen is not seeking removal from the master association; Unit 5 will remain part of Evergreen Walk and subject to its corporate bylaws and associated fees.

We look forward to having this determination request reviewed at the Commission's meeting scheduled to occur on January 24, 2023. Please let me know if you require any additional information.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Welter", with a long horizontal flourish extending to the right.

Matthew Welter
On behalf of O'Evergreen LLC