1. Meeting Materials

Documents:

JANUARY 10, 2017 ACTION AGENDA.PDF
JANUARY 10, 2017 FINAL AGENDA.PDF
JANUARY 10, 2017 TENTATIVE AGENDA.PDF
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION
Town Hall Meeting Room
101 Field Point Road, Greenwich, CT

January 10, 2017

ACTION AGENDA
WITH DECISIONS

Regular Members Present and Seated: Richard Maitland, Margarita Alban, Peter Levy, and Andrew Fox
Alternate Members Present: Nicholas Macri (seated for vacated seat), Dennis Yeskey, and Victoria Goss
Staff Members Present: Katie DeLuca, Director Planning and Zoning/Zoning Enforcement Coordinator/Town Planner, and Patrick LaRow, Deputy Director Planning and Zoning/Assistant Town Planner

REGULAR MEETING 7:00 PM

1. The Housing Authority of the Town of Greenwich; application PLPZ 2016 00658 for a municipal improvement to make improvement to the Parsonage Cottage, a 24.19 acre parcel located at 88 Parsonage Road in the RA-1 zone. (Staff: MK) (Must decide by 3/30/2017) (Maximum extension available to 6/28/2017) (Page Number: 14)

   Motion to approve municipal improvement
   Moved by Alban, seconded by Fox
   Voting in favor: Maitland, Alban, Levy, Fox, and Macri (for vacated seat)
   5-0

2. The Housing Authority of the Town of Greenwich; application PLPZ 2016 00627 for a final site plan to make an alteration to the porch at Parsonage Cottage, a 24.19 acre parcel located at 88 Parsonage Road in the RA-1 zone. (Staff: MK) (Must decide by 3/16/2017) (Maximum extension available to 3/8/2017) (Page Number: 14)

   Motion to approve final site plan with modifications
   Moved by Alban, seconded by Fox
   Voting in favor: Maitland, Alban, Levy, Fox, and Macri (for vacated seat)
   5-0
3. **Adrian Owles & Mary McNiff;** application PLPZ 2016 00484 for a final coastal site plan to construct a new 5,407 sq. ft. single family residence, pool, driveway relocation, and other associated site grading and drainage on a 18,462 sq. ft. property located at 27 Nawthorne Road in the R-12 zone. *(Staff: MK) (Must decide by 1/13/2017) (Extension granted to 1/13/2017) (Maximum extension granted)*

   Postponed

4. **Estate of Herbert M. Lord & Kenneth Lord, Trustee;** application PLPZ 2016 00574 for a final subdivision to confirm that two parcels exist at 293 Lake Avenue (1.542 acres) and 0 Lake Avenue (2.204 acres), in the RA-1 zone. *(Staff: CT) (Must decide by 1/11/2017) (Maximum extension available to 5/20/2017)* *(Page Number: 43)*

   Motion to find not a subdivision or re-subdivision
   Moved by Alban, seconded by Fox
   Voting in favor: Maitland, Alban, Levy, Fox, and Macri *(for vacated seat)*
   5-0

**PUBLIC HEARING 7:15 PM**

5. **New Lebanon School Building Committee, for the Town of Greenwich Board of Education;** applications PLPZ 2016 00463 and PLPZ 2016 00464, for a final site plan and special permit, to demolish the existing New Lebanon School building and replace it with a new 60,759 sq. ft. school building, expand onsite parking to 74 parking spaces, expand parent pick-up, drop-off and bus lane capacity, emergency access to the north side of the building, two playground areas, site lighting, landscaping, stormwater management and sewer improvements on a 7.6 acres property located at 25 Mead Avenue in the R-6 zone. *(Staff: PL) (Must close by 1/26/2017) (Maximum extension granted) (Continued from the 10/18/2016 and 11/29/16 meetings) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Postponed at the 11/29/2016 meeting) (Page Number: 127)*

   Motion to approve final site plan and special permit with modifications
   Moved by Alban, seconded by Fox
   Voting in favor: Maitland, Alban, Levy, Fox, and Yeskey *(for vacated seat)*
   5-0
6. Theresa Hatton (Greenwich Association of Realtors); application PLPZ 2016 00443, for a text amendment to amend Section 6-5 and Diagram 6-205 of the Town of Greenwich Building Zone Regulations as follows: TEXT IN BOLD TO BE ADDED [TEXT IN BRACKETS TO BE DELETED] (Staff: PL) (Must close by 1/11/2017) (Extension to close granted to 1/11/16) (Maximum extension available to 2/20/2017) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]) (Page Number: 242)

Section 6-5. DEFINITIONS
(a) As used in this Article:

(9) Building Height shall mean the vertical distance measured from the [grade plane] lowest point of the first floor to the highest point of the roof.

(22.1) Floor Area, Gross for buildings in any residential zone shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases, chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). (4/30/2002)

(A) With respect to the inclusion of Attic space within Gross Floor Area the following shall apply:

The area of the attic floor that is below [a plane that is seven (7') feet above the finished attic floor shall be included within Gross Floor Area, except as noted in (a) and (b) below, whether or not the attic area is accessible by pull-down stair, permanent stairs or can be accessed from an adjoining room. See Diagram No.2] ceiling plane of seven (7') feet or more shall be included in the Gross Floor Area, and the area of the attic floor under a dormer that is below a ceiling plane of five (5') feet or more shall be included in the Gross Floor Area, subjected to the following:

(1) If the total of the attic Gross Floor Area less than 50% of the Gross Floor Area of the floor below, the attic Gross Floor Area shall not be included in the Floor Area Ratio calculation.

(2) Any attic floor area exceeding 50% to the floor below shall be included in the Floor Area Ratio calculation, unless it rendered uninhabitable through the use of engineered trusses or other required structural elements.

See diagram No. 2.

(a) Notwithstanding the foregoing, for buildings existing as to the effective date of this amendment, where the attic space has been solely accessible
via “pull down” stairs or ceiling scuttle and the attic floor has not been included in the determination of the Gross Floor Area for purposes of calculating Floor Area Ratio, such floor area shall continue not to be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio. If, any time after the effective date of this amendment, access to such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space in excess of 50% of the floor area of the floor next below shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(a)(22.1)(A) above.

(b) For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor Area pursuant to Sec. 6-5(22.1)(A) above for purposes of calculating Floor Area Ratio and Story as defined in Sec. 6-5(45). See Diagram No 2 (4/30/2002)

(B) With respect to the inclusion of Basement within Gross Floor Area, the following shall apply:

1. Where the finished surface of the floor above the basement is less than [three (3)] five (5) feet above the grade plane [and at all points the floor of the basement is more than four (4) feet below the grade plane,] the basement shall not be included in Gross Floor Area. See Diagram No. 3.

2. Where the finished surface of the floor above the basement is more than [three (3) feet and less than] five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:
   
   (a) Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.

   (b) The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:
   
   - 300 sq. ft. per vehicle, no tandem spaces permitted
   - 100 sq. ft. of space for laundry equipment
   - 100 sq. ft. of space for mechanical equipment

3. Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 1% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3 (4/19/2006)]

(45) Story shall mean that portion of a building above the basement, except as further defined in Sec. 6-5 (45.1), included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of the building considered below grade shall also be defined as a “story” if it is habitable floor area used for other than storage, parking or mechanical space. A
“half-story” is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers as described in Section 6-5 (22.1) (A) [1 (b),] does not exceed [forty (40)] **fifty (50)** percent of the floor area next below when measured at a plane seven feet zero inches (7’0”) above the floor directly below the roof. It shall be counted as a full story if the said [forty (40)] **fifty (50)** percent is exceeded. See Diagram No. 4. (4/30/2002)

(45.1) **Story Above Grade** shall be any story having its finished floor surface entirely above the grade plane except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

[1. More than five (5) feet above the grade plane; or]

[2.] 1. More than five (5) feet above the finished grade at the wall of the building for more than [thirty (30)] **fifty (50)** percent of the total linear measurement of the perimeter wall of the building; or


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**Diagram 6-205. Schedule of Required Open Spaces, Limiting Heights and Bulk of Buildings**

- Maximum building height to be increased to 37.5 feet in the R-6, R-7 and R-12 zones to account for the 2-foot adjustment under Section 6-5(22.1)(B) [Change to §6-205].

Closed

7. **100 Lewis, LLC;** applications PLPZ 2016 00557 and PLPZ 2016 00558, for a final site plan and special permit, to demolish the existing dwelling and construct a new 6,985 sq. ft. two-family dwelling, six (6) parking spaces, new driveway, parking areas, and related site work on a 13,101 sq. ft. property located at 100 Lewis Street in the R-6 zone. *(Staff: MK) (Must open by 1/19/2017) (Maximum extension available to 3/24/2017)* *(Page Number: 256)*

Motion to approve final site plan and special permit with modifications
Moved by Alban, seconded by Fox
Voting in favor: Maitland, Alban, Levy, Fox, and Macri *(for vacated seat)*
5-0
8. **Network Development Company, LLC;** application PLPZ 2016 00589, for a final re-subdivision, to re-subdivide an existing three-lot subdivision approved by the Commission (FRSB 1846 and PLPZ 2014 00359), totaling 80,418 sq. ft. of land into two (2) parcels where Lot "No. 66" would be 21,525 sq. ft. and Lot "No. 68" would be 46,830 sq. ft. (42,489 sq. ft. less access way) and two (2) open space parcels totaling 12,063 sq. ft. (equal to 15% of total lot area) on property located at 66 and 68 Halsey Drive in the R-7 zone. *(Staff: PL)* *(Must decide by 1/17/2017)* *(Maximum extension available to 3/18/2017)* *(Page Number: 321)*

Left Open – Extension Granted

9. **Old Track Properties, LLC;** applications PLPZ 2016 00432 and PLPZ 2016 00433, for a final site plan and special permit, to change the approved group fitness center use to a residential use and infill the space on the first floor to add six (6) residential units above the number of residential units originally approved by the Commission for the building one (1) of which would be a moderate income unit which would increase the unit count and total gross floor area on property located at 16 Old Track Road in the GB zone. *(Staff: MK)* *(Must close by 1/12/2017)* *(Maximum extension granted)* *(Continued from the 10/4/2016 meeting)* *(Postponed at the 11/1/2016 meeting – maximum extension granted)* *(Seated: Maitland, Alban, Levy, Fox, and Ramer)* *(Page Number: 370)*

Motion to approve final site plan and special permit with modifications
Moved by Alban, seconded by Fox
Voting in favor: Maitland, Alban, Levy, Fox, and Macri *(for vacated seat)* 5-0

10. **Planning and Zoning Staff;** application PLPZ 2016 00605, for a text amendment, to amend Section 6-17.2 “PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS” of the Town of Greenwich Building Zone Regulations as follows: Add subsection (c) as follows: **TEXT IN BOLD TO BE ADDED** *(Staff: KD)* *(Must open by 2/11/2017)* *(Maximum Extension Available to 4/17/16)* *(Page Number: 427)*

    (c) For a period of twelve (12) months, commencing from the effective date of this section, no applications will be accepted, considered or approved and no zoning permits will be issued to permit the use of Sec. 6-17.2(a) or (b) within any zoning district within the Town of Greenwich. The expiration date of this Moratorium shall be 12 months from the effective date of adoption unless extended by the Planning & Zoning Commission.

Motion to approve text amendment
Moved by Alban, seconded by Fox
Voting in favor: Maitland, Alban, Levy, Fox, and Macri *(for vacated seat)* 5-0
REGULAR MEETING CONTINUED

11. DISCUSSION ITEMS:

12. DECISION ITEMS:

13. APPROVAL OF MINUTES:

November 29, 2016
December 8, 2016

No Action on Minutes

14. OTHER:

a. Executive Session on pending litigation or personnel matters. - None
b. Other items as may properly come before the Commission. - None

APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON SUBSEQUENT MEETINGS:

Bruce Museum; application PLPZ 2016 00282 for a municipal improvement to approve the lease agreement between the State of Connecticut and the Town of Greenwich and the Bruce Museum for use of approximately 14,970 sq. ft. land on the Southeasterly side of Interstate Route 95 to be used for motor vehicle parking and landscaping associated with Bruce Park and the Bruce Museum located at 1 Museum Drive in the R-6 zone. (Staff: PL) (Motion to defer decision and follow the timeline of the final coastal site plan/special permit at the 8/2/2016 meeting) (Continued from the 8/2/2016 and 9/20/2016 meetings) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)

Bruce Museum; application PLPZ 2016 00492 for a municipal improvement to expand and make improvements to the Bruce Museum per the Town Charter and located at 1 Museum Drive in the R-6 zone. (Staff: PL) (Must act by 10/27/2016) (Maximum available to defer 1/25/2017) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)
The School of Rock; application PLPZ 2016 00506 for a final site plan for a change of use of space on the second floor of a building from use group 1 (hair salon/personal service establishment) to use group 4 (music school) on property located at 1200 East Putnam Avenue, Riverside in the LB zone. (Staff: MK) (Must decide by 1/28/17) (Maximum extension granted) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

CRK, LLC; applications PLPZ 2016 00465 and PLPZ 2016 00467, for a preliminary coastal site plan and special permit, to re-zone the property from R-7 to HRO (as shown on a re-zoning map on file in the Town Clerk’s office) to retain the existing building and construct an addition to the building for four (4) squash courts and employee housing on a 25,443 sq. ft. property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (Must close by 2/9/2017) (Maximum extension granted) (Continued from the 11/1/2016 meeting where the application was converted to a preliminary coastal site plan) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

CRK, LLC; application PLPZ 2016 00550, for a re-zoning, to re-zone coastal property from the R-7 to HRO zone (as shown on a re-zoning map on file in the Town Clerk’s office) on property located at 50 River Road in the R-7 zone. (Staff: PL) (Must close by 2/9/2017) (Maximum extension granted) (Continued from the 11/1/2016 meeting where the application was converted to a preliminary coastal site plan) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

Nello Frattoli; applications PLPZ 2016 00509 and PLPZ 2016 00510, for a final site plan and special permit, to create a division of ownership under Section 6-17.2 on a 18,186 sq. ft. property located at 71 Valley Road in the R-6 zone. (Staff: MK) (Must close by 3/9/17) (Maximum extension granted) (Continued from the 11/29/16 meeting) (Seated: Maitland, Alban, Levy, Fox, and Goss [for Ramer])

North Street Real Estate, LLC; applications PLPZ 2016 00554 and PLPZ 2016 00555, for a final site plan and special permit, to change the use on a non-conforming property from a personal service business to general office use on a 24,111 sq. ft. property located at 781 North Street in the RA-4 zone. (Staff: CT) (Must open by 3/10/2017) (Maximum extension granted) (Postponed at the 11/29/2017 meeting)

Grencom Associates, LP; application PLPZ 2016 00532 for a final site plan proposed site improvements including the creation of 16 new parking spaces, a new driveway, new pedestrian walkways, new plantings, and upgraded site lighting and storm water management techniques on a 2.2-acres property located at 1445-1455 East Putnam avenue in the R-PHD-SU zone. (Staff: MK) (Must decide by 2/25/2016) (Maximum extension granted) (Continued from the 12/8/2016 meeting) (Seated: Maitland, Alban, Fox, Yeskey [for vacated seat], and Goss [for Levy])
BAMSE 23 Woodland Drive LLC; applications PLPZ 2016 00495 and PLPZ 2016 00496, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,548 square foot property located at 23 Woodland Drive in the GB and R-6 zones. (Staff: PL) (Must close by 2/23/2017) (Maximum extension granted) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]) (Postponed at the 12/8/2016 meeting)

Nutmeg Real Estate LLC; applications PLPZ 2016 00497 and PLPZ 2016 00498, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,679 square foot property located at 25 Woodland Drive in the GB and R-6 zones. (Staff: PL) (Must close by 2/23/2017) (Maximum extension granted) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]) (Postponed at the 12/8/2016 meeting)
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

Town Hall Meeting Room
101 Field Point Road, Greenwich, CT

January 10, 2017

FINAL AGENDA

REGULAR MEETING 7:00 PM

1. The Housing Authority of the Town of Greenwich; application PLPZ 2016 00658 for a municipal improvement to make improvement to the Parsonage Cottage, a 24.19 acre parcel located at 88 Parsonage Road in the RA-1 zone. (Staff: MK) (Must decide by 3/30/2017) (Maximum extension available to 6/28/2017) (Page Number: 14)

2. The Housing Authority of the Town of Greenwich; application PLPZ 2016 00627 for a final site plan to make an alteration to the porch at Parsonage Cottage, a 24.19 acre parcel located at 88 Parsonage Road in the RA-1 zone. (Staff: MK) (Must decide by 3/16/2017) (Maximum extension available to 3/8/2017) (Page Number: 14)

3. Adrian Owles & Mary McNiff; application PLPZ 2016 00484 for a final coastal site plan to construct a new 5,407 sq. ft. single family residence, pool, driveway relocation, and other associated site grading and drainage on a 18,462 sq. ft. property located at 27 Nawthorne Road in the R-12 zone. (Staff: MK) (Must decide by 1/13/2017) (Extension granted to 1/13/2017) (Maximum extension granted)

Application PLPZ 2016 00484 has been POSTPONED

4. Estate of Herbert M. Lord & Kenneth Lord, Trustee; application PLPZ 2016 00574 for a final subdivision to confirm that two parcels exist at 293 Lake Avenue (1.542 acres) and 0 Lake Avenue (2.204 acres), in the RA-1 zone. (Staff: CT) (Must decide by 1/11/2017) (Maximum extension available to 5/20/2017) (Page Number: 43)
PUBLIC HEARING 7:15 PM

5. New Lebanon School Building Committee, for the Town of Greenwich Board of Education; applications PLPZ 2016 00463 and PLPZ 2016 00464, for a final site plan and special permit, to demolish the existing New Lebanon School building and replace it with a new 60,759 sq. ft. school building, expand onsite parking to 74 parking spaces, expand parent pick-up, drop-off and bus lane capacity, emergency access to the north side of the building, two playground areas, site lighting, landscaping, stormwater management and sewer improvements on a 7.6 acres property located at 25 Mead Avenue in the R-6 zone. (Staff: PL) (Must close by 1/26/2017) (Maximum extension granted) (Continued from the 10/18/2016 and 11/29/16 meetings) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Postponed at the 11/29/2016 meeting) (Page Number: 127)

6. Greenwich Association of Realtors; application PLPZ 2016 00443, for a text amendment to amend Section 6-5 and Diagram 6-205 of the Town of Greenwich Building Zone Regulations as follows: TEXT IN BOLD TO BE ADDED [TEXT IN BRACKETS TO BE DELETED] (Staff: PL) (Must close by 1/1/2017) (Extension to close granted to 1/1/16) (Maximum extension available to 2/20/2017) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]) (Page Number: 242)

Section 6-5. DEFINITIONS
(a) As used in this Article:

(9) Building Height shall mean the vertical distance measured from the [grade plane] lowest point of the first floor to the highest point of the roof.

(22.1) Floor Area, Gross for buildings in any residential zone shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). (4/30/2002)

(A) With respect to the inclusion of Attic space within Gross Floor Area the following shall apply:

The area of the attic floor that is below [a plane that is seven (7') feet above the finished attic floor shall be included within Gross Floor Area, except as noted in (a) and (b) below, whether or not the attic area is accessible by pull-down stair, permanent stairs or can be accessed from an adjoining room. See Diagram No.2] ceiling plane of seven (7') feet or more shall be included in the Gross Floor Area, and the area of the attic floor under a dormer that
is below a ceiling plane of five (5) feet or more shall be included in the Gross Floor Area, subjected to the following:

(1) If the total of the attic Gross Floor Area less than 50% of the Gross Floor Area of the floor below, the attic Gross Floor Area shall not be included in the Floor Area Ratio calculation.

(2) Any attic floor area exceeding 50% to the floor below shall be included in the Floor Area Ratio calculation, unless it rendered uninhabitable through the use of engineered trusses or other required structural elements.

See diagram No. 2.

(a) Notwithstanding the foregoing, for buildings existing as to the effective date of this amendment, where the attic space has been solely accessible via “pull down” stairs or ceiling scuttle and the attic floor has not been included in the determination of the Gross Floor Area for purposes of calculating Floor Area Ratio, such floor area shall continue not to be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio. If, any time after the effective date of this amendment, access to such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space in excess of 50% of the floor area of the floor next below shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(a)(22.1)(A) above.

(b) For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor Area pursuant to Sec. 6-5(22.1)(A) above for purposes of calculating Floor Area Ratio and Story as defined in Sec. 6-5(45). See Diagram No 2 (4/30/2002)

(B) With respect to the inclusion of Basement within Gross Floor Area, the following shall apply:

1. Where the finished surface of the floor above the basement is less than [three (3) feet and less than] five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below, shall be included when calculating Gross Floor Area:
   (a) Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.
(b) The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:
- 300 sq. ft. per vehicle, no tandem spaces permitted
- 100 sq. ft. of space for laundry equipment
- 100 sq. ft. of space for mechanical equipment

[3. Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 1% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3 (4/19/2006)]

(45) Story shall mean that portion of a building above the basement, except as further defined in Sec. 6-5 (45.1), included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of the building considered below grade shall also be defined as a “story” if it is habitable floor area used for other than storage, parking or mechanical space. A “half-story” is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers as described in Section 6-5 (22.1) (A) [1 (b),] does not exceed [forty (40)] **fifty (50)** percent of the floor area next below when measured at a plane seven feet zero inches (7’0”) above the floor directly below the roof. It shall be counted as a full story if the said [forty (40)] **fifty (50)** percent is exceeded. See Diagram No. 4. (4/30/2002)

(45.1) Story Above Grade shall be any story having its finished floor surface entirely above the grade plane except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:
[1. More than five (5) feet above the grade plane; or]
[2.] 1. More than five (5) feet above the finished grade at the wall of the building for more than [thirty (30)] **fifty (50)** percent of the total linear measurement of the perimeter wall of the building; or

Diagram 6-205. Schedule of Required Open Spaces, Limiting Heights and Bulk of Buildings

- Maximum building height to be increased to 37.5 feet in the R-6, R-7 and R-12 zones to account for the 2-foot adjustment under Section 6-5(22.1)(B) [Change to §6-205].
7. **100 Lewis, LLC**; applications PLPZ 2016 00557 and PLPZ 2016 00558, for a final site plan and special permit, to demolish the existing dwelling and construct a new 6,985 sq. ft. two-family dwelling, six (6) parking spaces, new driveway, parking areas, and related site work on a 13,101 sq. ft. property located at 100 Lewis Street in the R-6 zone. *(Staff: MK) (Must open by 1/19/2017) (Maximum extension available to 3/24/2017) (Page Number: 256)*

8. **Network Development Company, LLC**; application PLPZ 2016 00589, for a final re-subdivision, to re-subdivide an existing three-lot subdivision approved by the Commission (FRSB 1846 and PLPZ 2014 00359), totaling 80,418 sq. ft. of land into two (2) parcels where Lot "No. 66" would be 21,525 sq. ft. and Lot "No. 68" would be 46,830 sq. ft. (42,489 sq. ft. less access way) and two (2) open space parcels totaling 12,063 sq. ft. (equal to 15% of total lot area) on property located at 66 and 68 Halsey Drive in the R-7 zone. *(Staff: PL) (Must open by 1/16/2017) (Maximum extension available to 3/17/2017) (Page Number: 321)*

9. **Old Track Properties, LLC**; applications PLPZ 2016 00432 and PLPZ 2016 00433, for a final site plan and special permit, to change the approved group fitness center use to a residential use and infill the space on the first floor to add six (6) residential units above the number of residential units originally approved by the Commission for the building one (1) of which would be a moderate income unit which would increase the unit count and total gross floor area on property located at 16 Old Track Road in the GB zone. *(Staff: MK) (Must close by 1/12/2017) (Maximum extension granted) (Continued from the 10/4/2016 meeting) (Postponed at the 11/1/2016 meeting – maximum extension granted) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: 370)*

10. **Planning and Zoning Staff**; application PLPZ 2016 00605, for a text amendment, to amend Section 6-17.2 “PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS” of the Town of Greenwich Building Zone Regulations as follows: Add subsection (c) as follows: **TEXT IN BOLD TO BE ADDED** *(Staff: KD) (Must open by 2/11/2017) (Maximum Extension Available to 4/17/16) (Page Number: 427)*

    (c) For a period of twelve (12) months, commencing from the effective date of this section, no applications will be accepted, considered or approved and no zoning permits will be issued to permit the use of Sec. 6-17.2(a) or (b) within any zoning district within the Town of Greenwich. The expiration date of this Moratorium shall be 12 months from the effective date of adoption unless extended by the Planning & Zoning Commission.

**REGULAR MEETING CONTINUED**
11. DISCUSSION ITEMS:

12. DECISION ITEMS:

13. APPROVAL OF MINUTES:

November 29, 2016
December 8, 2016

14. OTHER:

a. Executive Session on pending litigation or personnel matters.
b. Other items as may properly come before the Commission.

APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON SUBSEQUENT MEETINGS:

**Bruce Museum;** application PLPZ 2016 00282 for a municipal improvement to approve the lease agreement between the State of Connecticut and the Town of Greenwich and the Bruce Museum for use of approximately 14,970 sq. ft. land on the Southeasterly side of Interstate Route 95 to be used for motor vehicle parking and landscaping associated with Bruce Park and the Bruce Museum located at 1 Museum Drive in the R-6 zone. *(Staff: PL)* *(Motion to defer decision and follow the timeline of the final coastal site plan/special permit at the 8/2/2016 meeting)* *(Continued from the 8/2/2016 and 9/20/2016 meetings)* *(Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer)* *(Second motion to defer the MI for 90 days at the 10/18/2016 meeting)*

**Bruce Museum;** application PLPZ 2016 00492 for a municipal improvement to expand and make improvements to the Bruce Museum per the Town Charter and located at 1 Museum Drive in the R-6 zone. *(Staff: PL)* *(Must act by 10/27/2016)* *(Maximum available to defer 1/25/2017)* *(Continued from the 9/20/2016 meeting)* *(Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer)* *(Second motion to defer the MI for 90 days at the 10/18/2016 meeting)*

**The School of Rock;** application PLPZ 2016 00506 for a final site plan for a change of use of space on the second floor of a building from use group 1 (hair salon/personal service establishment) to use group 4 (music school) on property located at 1200 East Putnam Avenue, Riverside in the LB zone. *(Staff: MK)* *(Must decide by 1/28/17)* *(Maximum extension granted)* *(Continued from the 11/1/2016 meeting)* *(Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer]*)
CRK, LLC; applications PLPZ 2016 00465 and PLPZ 2016 00467, for a preliminary coastal site plan and special permit, to re-zone the property from R-7 to HRO (as shown on a re-zoning map on file in the Town Clerk’s office) to retain the existing building and construct an addition to the building for four (4) squash courts and employee housing on a 25,443 sq. ft. property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (Must close by 2/9/2017) (Maximum extension granted) (Continued from the 11/1/2016 meeting where the application was converted to a preliminary coastal site plan) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

CRK, LLC; application PLPZ 2016 00550, for a re-zoning, to re-zone coastal property from the R-7 to HRO zone (as shown on a re-zoning map on file in the Town Clerk’s office) on property located at 50 River Road in the R-7 zone. (Staff: PL) (Must close by 2/9/2017) (Maximum extension granted) (Continued from the 11/1/2016 meeting where the application was converted to a preliminary coastal site plan) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

Nello Frattroli; applications PLPZ 2016 00509 and PLPZ 2016 00510, for a final site plan and special permit, to create a division of ownership under Section 6-17.2 on a 18,186 sq. ft. property located at 71 Valley Road in the R-6 zone. (Staff: MK) (Must close by 3/9/2017) (Maximum extension granted) (Continued from the 11/29/16 meeting) (Seated: Maitland, Alban, Levy, Fox, and Goss [for Ramer])

North Street Real Estate, LLC; applications PLPZ 2016 00554 and PLPZ 2016 00555, for a final site plan and special permit, to change the use on a non-conforming property from a personal service business to general office use on a 24,111 sq. ft. property located at 781 North Street in the RA-4 zone. (Staff: CT) (Must open by 3/10/2017) (Maximum extension granted) (Postponed at the 11/29/2017 meeting)

Grencom Associates, LP; application PLPZ 2016 00532 for a final site plan proposed site improvements including the creation of 16 new parking spaces, a new driveway, new pedestrian walkways, new plantings, and upgraded site lighting and storm water management techniques on a 2.2-acres property located at 1445-1455 East Putnam avenue in the R-PHD-SU zone. (Staff: MK) (Must decide by 2/25/2016) (Maximum extension granted) (Continued from the 12/8/2016 meeting) (Seated: Maitland, Alban, Fox, Yeskey [for vacated seat], and Goss [for Levy])

BAMSE 23 Woodland Drive LLC; applications PLPZ 2016 00495 and PLPZ 2016 00496, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,548 square foot property located at 23 Woodland Drive in the GB and R-6 zones. (Staff: PL) (Must close by 1/28/2017) (Maximum extension granted)
Nutmeg Real Estate LLC; applications PLPZ 2016 00497 and PLPZ 2016 00498, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,679 square foot property located at 25 Woodland Drive in the GB and R-6 zones. (Staff: PL) (Must close by 1/28/2017) (Maximum extension granted) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]) (Postponed at the 12/8/2016 meeting)
Notice is hereby given that the Planning and Zoning Commission will hold a Public Hearing on Tuesday, January 10, 2017 at 7:15 p.m. in the Town Hall Meeting Room at 101 Field Point Road, Greenwich, CT to hear and decide site plans, special permits, text amendments, and re-subdivisions per the Town of Greenwich Building Zone and Subdivision Regulations as follows:

Upon the application of Christopher Bristol, Esq., authorized agent, for Network Development Company, LLC, record owners, for a final re-subdivision, PLPZ 2016 00589, to re-subdivide an existing three-lot subdivision approved by the Commission (FRSB 1846 and PLPZ 2014 00359), totaling 80,418 sq. ft. of land into two (2) parcels where Lot "No. 66" would be 21,525 sq. ft. and Lot "No. 68" would be 46,830 sq. ft. (42,489 sq. ft. less access way) and two (2) open space parcels totaling 12,063 sq. ft. (equal to 15% of total lot area) per Section 6-261 of the Town of Greenwich Subdivision Regulations on property located at 66 and 68 Halsey Drive in the R-7 zone.

Upon the applications of Lisa Kontos, authorized agent, for 100 Lewis, LLC, record owners, for a final site plan and special permit, PLPZ 2016 00557 and PLPZ 2016 00558, to demolish the existing dwelling and construct a new 6,985 sq. ft. two-family dwelling, six (6) parking spaces, new driveway, parking areas, and related site work per Sections 6-13 through 6-15, 6-17, 6-98, 6-155, and 6-205 of the Town of Greenwich Building Zone Regulations on a 13,101 sq. ft. property located at 100 Lewis Street in the R-6 zone.

Upon the application of the Planning and Zoning Staff for a text amendment, PLPZ 2016 00605, to amend Section 6-17.2 “PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS” of the Town of Greenwich Building Zone Regulations as follows: Add subsection (c) as follows: TEXT IN BOLD TO BE ADDED

(c) For a period of twelve (12) months, commencing from the effective date of this section, no applications will be accepted, considered or approved and no zoning permits will be issued to permit the use of Sec. 6-17.2(a) or (b) within any zoning district within the Town of Greenwich. The expiration date of this Moratorium shall be 12 months from the effective date of adoption unless extended by the Planning & Zoning Commission.
Continued from the 10/18/16 meeting the applications of Stephen Walko, Chairman, New Lebanon School Building Committee, authorized agent, for the Town of Greenwich Board of Education, record owners, for a final site plan and special permit, PLPZ 2016 00463 and PLPZ 2016 00464, to demolish the existing New Lebanon School building and replace it with a new 60,759 sq. ft. school building, expand onsite parking to 74 parking spaces, expand parent pick up, drop-off and bus lane capacity, emergency access to the north side of the building, two playground areas, site lighting, landscaping, stormwater management and sewer improvements per Sections 6-13 through 6-15, 6-17, 6-98, 6-158, and 6-205 of the Town of Greenwich Building Zone Regulations on a 7.6 acres property located at 25 Mead Avenue in the R-6 zone.

Continued from the 10/04/16 meeting the applications of Christopher Bristol, Esq., authorized agent, for Old Track Properties, LLC, record owners, for a final site plan and special permit, PLPZ 2016 00432 and PLPZ 2016 00433, to change the approved group fitness center use to a residential use and infill the space on the first floor to add six (6) residential units above the number of residential units originally approved by the Commission for the building one (1) of which would be a moderate income unit which would increase the unit count and total gross floor area per Sections 6-13 through 6-15, 6-17, 6-101, 6-110, and 6-205 of the Town of Greenwich Building Zone Regulations on property located at 16 Old Track Road in the GB zone.

Richard Maitland, Chairman
Margarita Alban, Secretary
Dated: January 3, 2017 at Greenwich, CT
STATE OF CONNECTICUT
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

Notice is hereby given that the Planning and Zoning Commission will hold a public hearing on Tuesday, January 10, 2017 at 7:15 p.m. in the Town Hall Meeting Room on the Town Hall Point Road, Greenwich, CT to hear and decide site plans, special permits, text amendments, and re-subdivisions per the Town of Greenwich Building Zone and Subdivision Regulations as follows:

Continued from the 11/15/16 meeting the application of the Greenwich Association of Realtors for a text amendment PLPZ 2016 00443 to amend Section 6-5 and Diagram 6-205 of the Town of Greenwich Building Zone Regulations as follows: TEXT IN BOLD TO BE ADDED
[TEXT IN BRACKETS TO BE DELETED]

Section 6-5. DEFINITIONS
(a) As used in this Article:

(9) Building Height shall mean the vertical distance measured from the [grade plane] lowest point of the first floor to the highest point of the roof.

(22.1) Floor Area, Gross for buildings in any residential zone shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). (4/30/2002)

(A) With respect to the inclusion of Attic space within Gross Floor Area the following shall apply:

The area of the attic floor that is below [a plane that is seven (7') feet above the finished attic floor shall be included within Gross Floor Area, except as noted in (a) and (b) below, whether or not the attic area is accessible by pull-down stair, permanent stairs or can be accessed from an adjoining room. See Diagram No.2] ceiling plane of seven (7') feet or more shall be included in the Gross Floor Area, and the area of the attic floor under a dormer that is below a ceiling plane of five (5') feet or more shall be included in the Gross Floor Area, subjected to the following:
(1) If the total of the attic Gross Floor Area less than 50% of the Gross Floor Area of the floor below, the attic Gross Floor Area shall not be included in the Floor Area Ratio calculation.

(2) Any attic floor area exceeding 50% to the floor below shall be included in the Floor Area Ratio calculation, unless it rendered uninhabitable through the use of engineered trusses or other required structural elements.

See diagram No. 2.

(a) Notwithstanding the foregoing, for buildings existing as to the effective date of this amendment, where the attic space has been solely accessible via “pull down” stairs or ceiling scuttle and the attic floor has not been included in the determination of the Gross Floor Area for purposes of calculating Floor Area Ratio, such floor area shall continue not to be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio. If, any time after the effective date of this amendment, access to such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space in excess of 50% of the floor area of the floor next below shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(a)(22.1)(A) above.

(b) For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor Area pursuant to Sec. 6-5(22.1)(A) above for purposes of calculating Floor Area Ratio and Story as defined in Sec. 6-5(45). See Diagram No 2 (4/30/2002)

(B) With respect to the inclusion of Basement within Gross Floor Area, the following shall apply:

1. Where the finished surface of the floor above the basement is less than [three (3)] five (5) feet above the grade plane [and at all points the floor of the basement is more than four (4) feet below the grade plane,] the basement shall not be included in Gross Floor Area. See Diagram No. 3.

2. Where the finished surface of the floor above the basement is more than [three (3) feet and less than] five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:

   (a) Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.
   
   (b) The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:

   - 300 sq. ft. per vehicle, no tandem spaces permitted
   - 100 sq. ft. of space for laundry equipment
   - 100 sq. ft. of space for mechanical equipment

3. Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 1% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3 (4/19/2006)]
(45) Story shall mean that portion of a building above the basement, except as further defined in Sec. 6-5 (45.1), included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of the building considered below grade shall also be defined as a “story” if it is habitable floor area used for other than storage, parking or mechanical space. A “half-story” is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers as described in Section 6-5 (22.1) (A) [1 (b).,] does not exceed [forty (40)] fifty (50) percent of the floor area next below when measured at a plane seven feet zero inches (7'0'') above the floor directly below the roof. It shall be counted as a full story if the said [forty (40)] fifty (50) percent is exceeded. See Diagram No. 4. (4/30/2002)

(45.1) Story Above Grade shall be any story having its finished floor surface entirely above the grade plane except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

[1. More than five (5) feet above the grade plane; or]
[2.] 1. More than five (5) feet above the finished grade at the wall of the building for more than [thirty (30)] fifty (50) percent of the total linear measurement of the perimeter wall of the building; or

Diagram 6-205. Schedule of Required Open Spaces, Limiting Heights and Bulk of Buildings

- Maximum building height to be increased to 37.5 feet in the R-6, R-7 and R-12 zones to account for the 2-foot adjustment under Section 6-5(22.1)(B) [Change to §6-205].

Richard Maitland, Chairman
Margarita Alban, Secretary
Dated: December 23, 2016 at Greenwich, CT
Municipal Improvement  
PLPZ #201600658 & Final Site Plan  
PLPZ #201600627

The Housing Authority of the Town of Greenwich  
Front Porch Expansion  
Parsonage Cottage

LOCATION:  
ZONE:  
PARCEL SIZE:  
88 Parsonage Road  
RA-1  
24.19 ac

PROPOSAL
Municipal improvement and final site plan applications were submitted to make an addition and alteration to the porch at Parsonage Cottage on a 24.19 ac parcel located at 88 Parsonage Road in the RA-1 zone. The Housing Authority of the Town of Greenwich requests of the Planning & Zoning Commission approve the municipal improvement application under Sec 99(a)(2) of the Town Charter and the final site plan application under Sections 6-13, 6-14, 6-15, 6-93, 6-158 and 6-205 of the Greenwich Building Zone Regulations.

RECOMMENDATIONS/ ISSUES TO BE RESOLVED
1. Drainage exemption documents should be submitted for the proposed deck and ramp expansion a categorical exemption for may be available provided that the deck boards are spaces at least 3/16 in and a minimum depth of 4 inches of crushed stone.
2. It appears the new ramp will land on existing grass area. The applicant should describe if asphalt, concrete or other materials will be installed to connect the ramp to the driveway. That area should be accounted for in the drainage documents.
3. The Zoning Location Survey should dimension the setbacks of the principle building.
4. The Commission should determine if the Architectural Review Committee should review the materials and aesthetics of the deck renovation and expansion.
5. The Commission should note that on 12/18/15, the Board of Selectman unanimously approved the request to relocate the porch wheelchair access ramp improvement.

FINAL SITE PLAN
The property contains 24.19 ac in the RA-1 zone where The Greenwich Housing Authority operates a senior housing facility containing 37 rooms for occupancy and provide a full spectrum of services for its residents.

The applicant proposes to make modifications and additions to the existing front porch of the housing facility. The improvements consist of removing the existing handicap accessible ramp and expanding the porch over that area. A new handicap accessible ramp will be constructed on the opposite of the same porch over an existing grass area.

The proposal appears to comply with required yards and the green area requirement (Sec 6-205).

No drainage summary report or drainage exemption requests have been submitted.
No exterior alteration application was submitted to the Architectural Review Committee has been submitted.

**MUNICIPAL IMPROVEMENT**
The property is owned by the Town of Greenwich and the facility is operated by the Housing Authority of Greenwich.

The proposed improvements are funded by a Community Development Block Grant.

**Board of Selectman**
On 12/18/15, the Board of Selectman unanimously approved the relocation of the porch wheelchair access ramp improvement.

**Town Charter**
Sec 99. Municipal Improvements: of the Greenwich Town Charter requires the Planning & Zoning Commission to approve the improvements made to the Town facility.

**APPLICABLE REGULATIONS**
Section 6-13 Site Plan Approval Required by Planning & Zoning Commission
Section 6-14 Procedure
Section 6-15 Standards
Section 6-93 Permitted Uses in RA-4, RA-2, RA-1, R-20 and R-12 Zone
Section 6-205 Schedule of Required Open Spaces, Limiting Heights And Bulk of Buildings
Town of Greenwich
Planning & Zoning Department
Town Hall - 101 Field Point Road, Greenwich, CT 06830-2540
Phone 203-622-7694 - Fax 203-622-3795

□ PRELIMINARY SITE PLAN APPLICATION □ FINAL

Project Name Parsonage Cottage Porch Upgrade
Project Address 88 Parsonage Road
Project Lot Number(s) Lot #7 Parsonage Road S15 15A&15B
Property Owner(s) The Housing Authority of the Town of Greenwich
Tax Account Number(s) 11-4502/5 Zone(s) RA-1 Lot Area 24.19 Ac

☐ Special Permit – Complete special permit application form
☐ Coastal Zone
☐ Is project 500 feet from Municipal Boundary? (for notification)
☐ Amendment to Building Zone Regulations – Section(s)
☐ Amendment to Building Zone Map – Zone(s) affected
☐ Business Zone Plate Number
☐ Architectural Review Committee Application attached or Review needed
☐ Planning & Zoning Board of Appeals review needed
☐ Inland Wetlands and Watercourses Agency Review / Approval Required

Estimated amount of time needed to present item to Commission at meeting: 0 - 5 Minutes

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DEC 14 2016

PLANNING & ZONING

AUTHORIZED AGENT

Name Anthony L. Johnson Firm name The Housing Authority of the Town of Greenwich
Street Address 249 Milbank Avenue City Greenwich State CT Zip 06830
Phone (203) 869-1138 FAX (203) 869-2037
Signature Date 12-7-16

PROPERTY OWNER(S) AUTHORIZATION

Name Anthony L. Johnson
Street Address 249 Milbank Avenue City Greenwich State CT Zip 06830
Phone (203) 869-1138 FAX AJohnson@greenwichhousing.org

ENGINEER

Name Anthony L D'Andrea Firm name Rocco V. D'Andrea
Street Address P.O. Box 548 City Riverside State CT Zip 06878
Phone 203 (637) 1779 FAX ALD@RVDI.com

ARCHITECT

Name Ed McDonald Firm name Charles E. McDonald, Jr., Architect
Street Address 29 Princeton Rd City Hovertown State PA Zip 190836
Phone (610) 329-3572 FAX CEMachArch@gmail.com
Staff-assigned Number #0720160627 Fee submitted at time of application: $ NO FEE
# Town of Greenwich
## Planning & Zoning Department

Town Hall - 101 Field Point Road, Greenwich, CT 06836-2540
Phone 203-622-7694 - Fax 203-622-3795

## SITE PLAN ZONING STATISTICS

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**CHECK AS APPROPRIATE**

- [ ] ADDITIONS
- [x] ALTERATIONS
- [ ] DEMOLITION
- [ ] RE-CONSTRUCTION

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**RECEIVED**

DEC 14 2016

PLANNING & ZONING COMMISSION
TO: Katie DeLuca  
FROM: Peter J. Tesei  
DATE: December 29, 2016  
SUBJECT: Parsonage Cottage MI for Porch Wheelchair Access Ramp

At the Dec. 18, 2015 Board of Selectmen meeting, the Board voted 3-0-0, to approve the Municipal Improvement request to relocate the porch wheelchair access ramp improvement that is being funded by the Community Development Block Grant.

In accordance to Section 99 (a) (2) of the Charter, this is to respectfully request Municipal Improvement approval status from the Planning and Zoning Commission for this relocation at your next regularly scheduled meeting.

cc: Ben Branyan  
Penny Lore  
Anthony Johnson  
John Yankowich
Town of Greenwich
Board of Selectmen
Meeting December 18, 2015
10:00 a.m.
Town Hall Meeting Room

MINUTES

1. The meeting opened at 10:14 A.M. with the Pledge of Allegiance.
   a. Attendance:
      i. First Selectman Peter J. Tesei - Present
      ii. Selectman John Toner - Present
      iii. Selectman Drew Marzullo - Present

The First Selectman greeted and welcomed attendees. He commented that it was a public meeting of the Board of Selectmen not a public hearing and as Chair, reserves the right to recognize any party in attendance who wishes to pose a question or raise comment on any matter that is on the agenda of the Board of Selectmen for that day.

2. Approval of Minutes
   a. Minutes of Regular Board of Selectmen meeting held on 12-3-2015 were moved for approval without exception by Mr. Toner, seconded by Mr. Marzullo. The motion passed unanimously at 10:15 A.M.

3. First Selectman's Update
   a. Mr. Tesei noted that several meetings were held with staff in the First Selectman's Office and Town departments to consider their proposals for the Fiscal Year 2016-2017 budget.
   b. Mr. Tesei noted the 2016-2017 Operational Plans which are inclusive of mission and service of Town departments are available and were posted online and produced as required by the charter. He expressed appreciation to the members of the Office of the First Selectman Staff; Town Administrator Ben Branyan and Senior Management Analyst Melissa Jones and the Finance Department for their assistance with ongoing budget development.
   c. Mr. Tesei commented that the Capital Improvement Projects Committee would hold a public hearing on December 21, 2015 to show the public what is presently proposed in the current fiscal year's budget for Fiscal Year 2016-2017 draft Capital Budget and presently in the 15 year plan. Mr. Chip Haslan, member of the Greenwich Library Board of Trustees has been designated as the Appointing Authorities representative on the Capital Improvement Projects Committee.
   d. Parks & Recreation Department had entered into a new one year contract with the option of renewal on an annual basis four (4) years ending in December 2021 with Joe Felder current Griff Harris Golf course professional. Mr. Felder was the only respondent to the Request for Proposal.
   e. On December 8, 2015 the CT Hedge Fund Association brought a delegation of Chinese businessmen to Greenwich Town Hall to meet with the First Selectman to understand what makes Greenwich a desirable location for the Hedge Fund and Financial Services Industry.
   f. On December 16, the First Selectman's Youth Commission held it final meeting for the calendar year and are preparing their agenda for 2016.
g. The Department of Human Resources has received 16 applications for the Executive Assistant to the First Selectman position formerly held by Michael Rosen. The posting will be closed as of January 5, 2016.

h. A meeting was held with Frontier Communications to review their Emergency Response Plan for the Town of Greenwich.

i. A ribbon cutting was held on Tuesday, December 15, 2015 at the Old Greenwich School to recognize the addition of a Reading Champion’s Program.

j. Mr. Tesi noted that businesses in the Bruce Park area are open during the sanitary sewer main replacement in that area.

k. Greenwich Police Chief James Heavey has been invited to participate in the FBI Academy for the spring 2016 session. It is a professional growth opportunity for Chief Heavey.

4. Old Business

a. Rita Azrilyant, Director of Parking Services, presented a proposal to increase Parking fees by 2% in the coming year.

i. Mr. Marzullo asked if the increase would cover rising costs and whether there would continue to be revenue contributed to TOG’s General Fund. He asked if the 2% was an arbitrary figure or based on need.

b. Peter Tesi moved to accept the increase to parking fees as amended; motion seconded by Mr. Toner at 10:30 A.M.

c. Mr. Marzullo asked the Parking Services Director to address the need for additional parking on Valley Road since there was an elimination of two spaces. He asked for a report at the next BOS meeting.

5. New Business

a. Parsonage Cottage Loan Modification – Town and CDBG Loans

i. Mr. Tesi commented that the BET, its Working Group, Board of Selectmen and the First Selectman’s Community Development Advisory Committee had dedicated two (2) years studying the issues surrounding the leasing partnership between the Housing Authority and Town of Greenwich for Parsonage Cottage.

ii. Based on the BET Parsonage Cottage Working Group final report, approved by the BET to be effective January 1, 2016, Parsonage Cottage cash flow would be increased by:

   a. CDBG loan interest rate reduced to 0%
   b. Town loan interest rate reduced to 1%
   c. Debt Service reduced by approximately $71,000 annually

iii. A multi-step process would conclude issue based on TOG Assistant Attorney Ahmad and the Housing Authority attorney preparing reworded documentation for signature of all parties and approval of the RTM.

iv. Mr. Toner agreed that the Housing Authority had achieved some of its requested changes.

v. Mr. Anthony Johnson said the Housing Authority Board conditionally

   a. Accepted the Agreement but was awaiting the final documentation wording before formal agreement. He thanked the BOS for its assistance and support.

vi. Mr. Tesi commented that he appreciated the perseverance invested by all parties and that the process shows the value the Town places on the Parsonage Cottage.

vii. Mr. Marzullo asked Mr. Johnson if this was the “best deal” based on the resources that had been concentrated on the resolution. Mr. Johnson responded affirmatively.
viii. Ms. Ahmad commented that all three parties, including the RTM, would need to approve the revised Agreement.

ix. Mr. Tesi moved that the BOS approve the terms of refinancing as presented; motion seconded by Mr. Toner at 11:03 A.M. The BOS voted 2-1 to approve the motion. (Opposed: Marzullo)

b. Parsonage Cottage—Municipal Improvement Request for Parsonage Cottage
   i. Mr. Tesi moved the approval of the Municipal Improvement request to relocate the porch wheelchair access ramp improvement that is being funded by the Community Development Block Grant already received; motion seconded by Mr. Toner at 11:06 A.M. The vote was 3-0 in favor of the motion.

c. Department of Public Works 2016 Building Permit Fee Chang
   Chief Building Official William Mar requested the increase of a fee from $30.00 to $50.00 for researching incomplete permits to be able to issue a substitute “6 year” letter.
   i. The “6 year” letter would be documentation for home owners, attorneys, banks and realtors, that the property met the occupancy standard despite the contractor not completing the original inspection process.
   ii. Mr. Tesi moved the approval of the increased fee; motion seconded by Mr. Toner. BOS voted 3-0 to approve at 11:14 A.M.

d. Department of Parks & Recreation 2016 Fee Schedule

Mr. Tesi remarked that he had received public comment on the 2015 beach season, especially Greenwich Point, and that the Board of Selectmen had an obligation to maintain Town resources and ensure safety. He thanked the Parks & Recreation Board for sharing the Board of Selectmen’s concern and thoroughly reviewing the matter and presenting recommendations.

Mr. Siciliano presented 2016 Recreation Fee Schedule being requested and the Department’s recommendations for changes. Mr. Siciliano highlighted the recommended increase for non-resident parking and day passes. He noted the Department of Parks and Recreation does an analysis of neighboring communities in arriving at a proposed fee.

Discussion concerning the objective of the increases and its impact on controlling the number of vehicles entering the Park occurred.

e. Fire Marshal 2016 Fee Schedule
   i. Review postponed till January 14, 2016 meeting

6. Appointments and Nominations
   a. Mr. Tesi moved the re-nomination of Larry Simon to the Nathaniel Witherell Board for a term ending 3/31/19; motion seconded by Mr. Toner at 11:53 A.M. Vote unanimous.
   b. Mr. Tesi moved the re-nomination of Winston Robinson to the Board of Social Services for a term ending 3/31/19; seconded by Mr. Toner. Vote unanimous.
c. Mr. Toner moved the nomination of Rev. Ian Jeremiah of Saint Michael the Archangel Church to the Board of Ethics for a term ending 3/31/19; seconded by Mr. Marzullo at 11:53 A.M. Vote unanimous.

d. Mr. Tesesi moved the appointment of Leora Levy to the Board of the Parks Foundation; seconded by Mr. Toner at 11:56 A.M. Vote unanimous.

e. Mr. Tesesi moved the re-nomination of Steven Fong as an alternate member of the Inland Wetlands and Water Courses Agency for a term ending 3/31/2020; motion seconded by Mr. Toner at 11:59 A.M. Vote unanimous.

7. Executive Session
Mr. Tesesi motioned to enter Executive Session to discuss a matter of pending litigation against the Town.

Present in the Executive Session were: J.W. Fox, (Town Attorney), Gene McLaughlin (Assistant Town Attorney), Aamina Ahmad (Assistant Town Attorney), Valerie Maze Kenney, (Assistant Town Attorney), Ben Branyan, (Town Administrator)

Mr. Tesesi moved to exit Executive Session at 1:06 P.M.; seconded by Mr. Toner. Vote unanimous.

The litigation of the property tax on 359 Greenwich Avenue LLC, Mitchell’s Richards for reduction of the assessed value of the property from $20,587,480 to $19,486,880 on its three building improvements was settled. No refund would be awarded; a tax credit of $62,148 for December 2011 taxes was given.

Mr. Toner moved the settlement of the litigation; seconded by Mr. Marzullo at 1:08 P.M. Vote unanimous.

8. Adjournment
Mr. Toner motioned to adjourn; seconded by Mr. Marzullo. Motioned passed unanimously at 1:09 P.M.

[Signature]
Peter J. Tesesi
First Selectman

[Signature]
Catherine Sidor
Recording Secretary
To whom it may concern:

Notice is hereby given that The Housing Authority of the Town of Greenwich has filed an application with the Town of Greenwich Planning and Zoning Commission for site plan approval for an alteration to the porch at Parsonage Cottage, 88 Parsonage Road, Greenwich, CT 06830.

Further information concerning this application may be obtained by contacting the Planning and Zoning Commission at 622-7894.

Sincerely,

John O. Yankowich
Director of Planning and Development
CERTIFICATE OF MAILING

An affidavit pursuant to Sec. 6-14(a)(14), certifying that all abutting property owners have been notified by mail as evidenced by a certificate of mailings or certified or registered mail receipts, about said application. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property. For projects which require preliminary review by the Conservation Commission, the notice shall be sent by the applicant two weeks prior to any scheduled hearing date by the Conservation Commission.

EXHIBIT A

A schedule of names and addresses shown on a GIS map with lot lines indicating the location of the notified property owners. (This may be obtained from the GIS Office in Town Hall, Ground Floor)

EXHIBIT B: Sample notification letter

To whom it may concern:

Notice is hereby given that (name of the applicant) has filed an application with the Town of Greenwich Planning and Zoning Commission for (type of application) approval for (address).

Further information concerning this application may be obtained by contacting the Planning and Zoning Commission at 622-7894.

Signature
CERTIFICATE OF MAILING

An affidavit pursuant to Sec. 6-14(a)(14), certifying that all abutting property owners have been notified by mail as evidenced by a certificate of mailings or certified or registered mail receipts, about said application. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property. For projects which require preliminary review by the Conservation Commission, the notice shall be sent by the applicant two weeks prior to any scheduled hearing date by the Conservation Commission.

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Signature

Certificate of Mailing 01/01/2013
CERTIFICATE OF MAILING

An affidavit pursuant to Sec. 6-14(a)(14), certifying that all abutting property owners have been notified by mail as evidenced by a certificate of mailings or certified or registered mail receipts, about said application. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property. For projects which require preliminary review by the Conservation Commission, the notice shall be sent by the applicant two weeks prior to any scheduled hearing date by the Conservation Commission.

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

Official Use

Certified Mail Fee $3.30

Service Security Form
Return Receipt Requested
Service Discount
Delivery Date and Time
NOTICE: All items that have customer signature fields must be signed.

Postage $0.47

Required Return Receipt

Total Postage and Fees $3.77

RECEIVED
DEC 14 2016
PLANNING & ZONING COMMISSION

SUBMIT THE FOLLOWING FOR ALL P+Z APPLICATIONS:

EXHIBIT A

A schedule of names and addresses shown on a GIS map with lot lines indicating the location of the notified property owners. (This may be obtained from the GIS Office in Town Hall, Ground Floor)

EXHIBIT B: Sample notification letter

To whom it may concern:

Notice is hereby given that (name of the applicant) has filed an application with the Town of Greenwich Planning and Zoning Commission for (type of application) approval for (address).

Further information concerning this application may be obtained by contacting the Planning and Zoning Commission at 622-7894.

Signature

Certificate of Mailing 01/01/2013
11-4005
BRIDGEPORT ROMAN CATHOLIC CHURCH
238 JEWITT AVENUE
BRIDGEPORT, CT 06604

11-4502/S
TOWN OF GREENWICH C/O FINANCE DEPT
101 FIELD POINT RD
GREENWICH, CT 06830

11-1932/S
CLARK KENNETH W
103 PARSONAGE ROAD
GREENWICH, CT 06830

11-1929/S
SMITH CYNTHIA L
93 PARSONAGE ROAD
GREENWICH, CT 06830

11-4503/S
TOWN OF GREENWICH C/O FINANCE DEPT
101 FIELD POINT RD
GREENWICH, CT 06830

Nathaniel Withers
70 Parsonage Rd

RECEIVED
DEC 14 2016
PLANNING & ZONING COMMISSION

28
-New-

* New ramp to come off the left side of the porch and be straight (we had issues with gurneys on the old ramp).
NEW Ramp Removed
Each extended over area of old ramp
It's a bit difficult to figure out what is going on with these drawings as it relates to the building so I think it would be easier to see at least the elevation of the building with the porch. Perhaps if we also had photographs to go with it would be easier to understand. Also, the porch is well away from the setback line correct? I have copied Jodi also on this e-mail to get his thoughts too.

Thanks, Katie

John Yankowich <jyankowich@greenwichhousing.org> wrote on 06/09/2016 02:31:23 PM:

> From: John Yankowich <jyankowich@greenwichhousing.org>
> To: Katie DeLuca <Katie.DeLuca@greenwichct.org>
> Cc: "cedmacarch@gmail.com" <cedmacarch@gmail.com>
> Date: 06/09/2016 02:31 PM
> Subject: RE: Parsonage Cottage

> Katie,
>
> Regarding the architectural, you only need the porch area, not the elevations for the whole building, correct? See attached.
>
> -----Original Message-----
> From: Katie DeLuca [mailto:Katie.DeLuca@greenwichct.org]
> Sent: Wednesday, June 08, 2016 4:54 PM
> To: John Yankowich
> Cc: Anthony Johnson; Anthony D'Andrea
> Subject: RE: Parsonage Cottage

> We could reduce the requirements to 10 copies. We need 6 copies for the Commission, 1 for the file, and 3 to route around.
>
> Thanks, Katie

> John Yankowich <jyankowich@greenwichhousing.org> wrote on 06/08/2016 02:46:19 PM:

> > From: John Yankowich <jyankowich@greenwichhousing.org>
> > To: Katie DeLuca <Katie.DeLuca@greenwichct.org>
> > Cc: Anthony Johnson <ajohnson@greenwichhousing.org>, "Anthony D'Andrea" <ald@rvdi.com>
> > Date: 06/08/2016 02:46 PM
> > Subject: RE: Parsonage Cottage
Katie,

Is there a truncated version of the application requirements for P&Z?

It seems like a lot of copies of plans to submit for a porch. Thank you.

John

-----Original Message-----
From: Katie DeLuca [mailto:Katie.DeLuca@greenwichct.org]
Sent: Wednesday, May 25, 2016 3:32 PM
To: John Yankowich
Cc: Anthony Johnson; Barbara Heins; Ben Branyan; Peter Tesei; Penny Lore
Subject: RE: Parsonage Cottage

John,

The site plan should be submitted to P&Z as part of a complete site plan application. This requires that you make an appointment with a planner to receive the application. I would suggest making the application with Patrick LaRow, who will most likely handle this application.

The application requirements can be found through this link:
http://www.greenwichct.org/government/departments/planning_and_zoning/new_applications_alterations_changes/

Thanks, Katie

John Yankowich wrote on 05/25/2016 10:53:42 AM:

From: John Yankowich <jyankowich@greenwichhousing.org>
To: Peter Tesei <Peter.Tesei@greenwichct.org>, Penny Lore
Cc: Anthony Johnson <ajohnson@greenwichhousing.org>, Katie DeLuca
<Katiedeluca@greenwichct.org>, Ben Branyan
<Ben.Branyan@greenwichct.org>, Barbara Heins
<Barbara.Heins@greenwichct.org>
Date: 05/25/2016 10:54 AM
Subject: RE: Parsonage Cottage

Please advise where the site plan should go. Thank you.

John

-----Original Message-----
From: Peter Tesei [mailto:Peter.Tesei@greenwichct.org]
Sent: Tuesday, May 24, 2016 10:31 PM
To: Penny Lore
>> Cc: Anthony Johnson; Katie DeLuca; John Yankovich; Ben Branyan;
>> Barbara
>> Heins
>> Subject: Re: Parsonage Cottage
>>
>> Hello Penny
>>
>> I will check to see why a memo did not get up to Planning and
>> Zoning referring the BOS approval of this Municipal Improvement.
>> It could have been in the transition from Michael Rosen as
>> Executive Assistant.
>>
>> We had a gap of service and a temporary employee prior to Barbara
>> Heins being appointed in late March 2016.
>>
>> Regards,
>> Peter
>>
>> Sent from my iPad
>>
>> On May 24, 2016, at 8:17 PM, Penny Lore
>> <plore@greenwichhousing.org>
>> wrote:
>>
>> Hi Peter;
>>
>>
>> I hope you are doing well. In December 2015 the BOS unanimously
>> approved
>> the MI for Parsonage's ramp relocation and porch renovation (see
>> attached BOS minutes). After communicating with Katie DeLuca
>> today, she stated the BOS would need to send up the MI as an
>> official referral and would need to be accompanied by a site plan
>> application, ideally within a day or two. If we drop off the site
>> plan asap, would that be possible?
>>
>> Thank you for any assistance you can give me in this matter.
>>
>> Penny Lore
>>
>> Director
Parsonage Cottage Senior Residence
88 Parsonage Rd
Greenwich, CT 06830
203-869-6226
Fax 203-625-9367
plore@greenwichhousing.org
- Parsonage MI Approval BOS mins December 2015 (2).pdf
<Parsonage MI Approval BOS mins December 2015 (2).pdf>
[attachment "PC Porch Drawings.pdf" deleted by Katie DeLuca/GOV/GreenwichCT]
### I. DATA

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Existing area</th>
<th>Proposed area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel #1</td>
<td>1.542 A</td>
<td>1.542 A</td>
</tr>
<tr>
<td>Parcel #2</td>
<td>2.204 A</td>
<td>2.204 A</td>
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<tr>
<td>Open Space</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>3.746 A</td>
<td>3.746 A</td>
</tr>
</tbody>
</table>

#### Nonconformities:

- **293 Lake Avenue - Parcel 1 (Tax Id # 07-1471/S)**
  - Side Yard setback: 42.92 feet where 52.5 is required.

- **0 Lake Avenue - Parcel 2 (Tax Id # 07-1470)**
  - Frontage: 50 feet where 125 feet is required.

---

### II. APPLICATION SUMMARY:

The applicant has requested final subdivision approval to confirm that two parcels exist at 293 Lake Avenue (1.542 A) and 0 Lake Avenue (2.204 A), in the RA-1 Zone. No open space parcel has been proposed or has been provided in the past. A private road named Chapman Lane extends from Lake Avenue and cuts between these two properties with 293 Lake Avenue (Parcel 1) to the north of Chapman Lane and 0 Lake Avenue (Parcel 2) to the south of the terminus of Chapman Lane.
III. ISSUES AND RECOMMENDATIONS

1. Divisions and Merging of Land.
   a. Map #847 was filed on the Greenwich Land Records on November 21, 1922 and shows 293 Lake Avenue (aka Parcel 1) as a lot with a separate identity.
   b. Map #1437 was filed on the Greenwich Land Records on February 16, 1931 and shows 0 Lake Avenue (aka Parcel 2) as a lot with a separate identity.
   c. On or around 2/6/1931 both parcels were owned by Mildred Eckert Williams.
   d. On or around 11/6/1952 these lots were described as one parcel, under the executorship of A. Cuyler Ten Eyck, and was sold and described as one 3.746 acres parcel to Elizabeth Grant Hite.
   e. On or around 6/3/57 the property was sold to Mr. and Mrs. Lord and remained as described in 1952 for the next 55 years.
   f. On July 25, 2008 Map #3850 was filed on the Greenwich Land Records showing two parcels. This map shows Parcel 1 (to the north of Chapman Lane) and Parcel 2 (to the south of Chapman Lane). This map filed on the Land Records in 2008 without a signature/approval from Planning and Zoning.

2. Lot Non-conformities.
   a. Parcel #1 is non-conforming as a result of inadequate yard setback. It has a side yard setback of 42.92 feet where 52.5 is required.
   b. Parcel #2 is non-conforming as a result of inadequate frontage. It has frontage of 50 feet where 125 feet is required.
   c. Attorney for the applicant states that the “Two adjacent lots became non-conforming in June of 1950 when the Planning and Zoning Commission adopted an amendment to the Regulations that affected the requirements for side yard on streets less than 50 feet in width”.

   a. The applicant has presented documents and a brief to support their position that these lots have not merged as the executor in 1952 had no authority or powers to merge the lots on behalf of the estate.
   b. The Deed history that was provided states that on 11/6/52, “Properties combined into one parcel – 3.7646 Acres”.
   c. The attorney for the applicant has provided an extensive brief on the question of merger. He stated in his conclusion that the lots became non-conforming in 1950 (see 2.c. above). He went on to say that “since June of
1950 the owners of the Lord lots have done nothing to manifest any intent to merge the two lots. However, the owner two years later, in 1952, "combined" these lots by deed into one parcel, and retained it under a single ownership.

d. The applicant states that the undeveloped lot has been left in an undisturbed and wooded state. There appears to be a small outbuilding in the 2003 aerial that was removed by the time the 2008 aerial had been shot. This structure is just east of the wall and the chimney. The applicant should provide records of all building permits post the purchase in 1952 to prove that no building permits were ever issued utilizing the entire 3.746 acres for zoning conformance purposes.

4. Ownership.

a. This property was clearly under common ownership from 1952 to 2008. The current owner as listed on the assessor’s cards is inconsistent with the owner’s as submitted by the applicant.

b. This property appears to have been one lot under common ownership from 1952 to 2008.

c. The current owner as listed on the assessor’s cards is inconsistent with the owner’s as submitted by the applicant.

5. Lot Frontage.

a. The current definition is:

   i. 6-5 (35) Lot Frontage shall mean the distance between the side lines of a lot measured along the street which distance continues the minimum frontage as stated in Sec. 6-205 for the zone in which the lot is located undiminished to a depth equivalent to at least two hundred percent (200%) of the minimum front yard setback depth as stated in Sec. 6-205 for the zone in which the lot is located. Where the front lot line is along the circular terminus of a cul-de-sac, the distance may be measured at the required front yard depth setback along an arc concentric with the street line. See Diagrams 6 and 8. (4/30/2002).

6. Around and Around with Cul-de-sacs. The applicant has proposed intricate assessments that include a 50-foot arc and a 100-foot arc swung around the end of the street terminus. The Commission has found in the recent past (Florence
Road) that a cul-de-sac must actually exist to apply the portion of the regulation that refers to a circular terminus.

7. **Subdivision or Re-subdivision.** The Commission should consider whether this proposal constitutes a subdivision or a re-subdivision per Sec. 6-261 of the subdivision regulations. It is a subdivision then is the applicant required to get variances and provide open space?

8. **Wetlands.** The applicant needs to submit a green card to indicate that any wetlands on site will not be impacted by this subdivision application.

9. **No Drainage Report.** No drainage plans or reports have been filed.

10. **No Development Plans.** The applicant should show that the undeveloped lot will be able to accommodate a house, utilities, sewer and driveway.

**IV. APPLICABLE REGULATIONS:**

This application is regulated primarily by the Subdivision Regulations. Of particular significance are §6-261a (15) (Definitions), §6-285 (Monuments), §6-287 (Drainage), §6-290 (Trees), and §6-296, §6-297, §6-298 (Preservation of Land).

Sec. 6-261. Definitions.
(a)(6) **Resubdivision** shall mean a change in a map of an approved or recorded subdivision or resubdivision if such change: (2/8/91)
(A) Materially affects any street layout or the layout of any private way shown on such map; (3/9/81)
(B) Affects any area reserved thereon for common use; or,
(C) Materially diminishes the size of any lot shown thereon as defined in this Article, if any of the lots shown thereon have been conveyed after the approval or recording of such map;
(D) Substantially alters the shape of any lot so as to eliminate the septic and/or the septic system reserve area without substituting another approved by the Health Dept. (3/9/81)

Sec. 6-261. Definitions.
(a) (15) **Subdivision** shall mean the division of a tract or parcel of land into two (2) or more parcels or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes re-subdivision. (5/4/2005).
V. BACKGROUND INFORMATION:

MAP # 8350 was filed on the Greenwich Land Records on July 2, 2008. There is no subdivision history found in the Planning and Zoning Records.

VI. DEPARTMENT COMMENTS:

ZEO –
ENGINEERING – see attached
CONSERVATION –
SEWER -
DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION  
SITE DEVELOPMENT REVIEW

Engineering Project No. 16-4(22)  
Department Project No.  
PLPZ201600574  
Submittal Received Date: 1/14/2016  
Review Type: Preliminary Subdivision

Submittal Reviewed For: Planning and Zoning

PLAN SET INFORMATION

Plan Title: Estate of Herbert M. Lord  
Project Address: 293 Lake Avenue

Engineering Firm: S.E. Minor and Co., Inc.  
Sealed and Signed: No

Original Plan Date: 3/13/2007  
Latest Plan Revision Date: __________

DRAINAGE SUMMARY REPORT INFORMATION

Engineering Firm: __________  
Sealed and Signed by Engineer: __________

Original Report Date: _____  
Latest Report Revision Date: _____

Reviews provided by the Engineering Division are for compliance with the Town’s “Roadway Design Manual and Standard Construction Details”, and “Drainage Manual”. Reviews are based upon the information and maps provided. Comments pertaining to the Town’s manuals are not all encompassing. Other reviewing entities may provide additional comments regarding consistency with these manuals in accordance with their jurisdictions. Review of sanitary sewer and septic systems are not reviewed by the Engineering Division.

REVIEWED/APPROVED BY:  
Scott Marucci - Senior Civil Engineer  
DATE: 1/3/17

COMMENTS AND RECOMMENDATIONS: __________

Engineering Division must receive revisions by _____ for Commission Meeting on_____.  
Revisions submitted after deadline date will not be reviewed for Commission Meeting on_____.

☐ Comments on Attached Documents Must be Completed

1. Based on the information provided to the Engineering Division during the IWWA review, it appeared that two parcels existed but were combined into one parcel. The Engineering Division needs the P&Z Commission to determine if the two parcels exist or a subdivision is required. This is needed to determine the minimum requirements for the road improvements.

2. All revisions to the reports and plans must follow the requirements in the Town of Greenwich Drainage Manual February 2012 amended February 2014. If the revisions are not submitted as required, the submittal will be sent back as incomplete. Please note, in accordance with Section 7.7 of the Town of Greenwich Drainage Manual, February 2012 amended February 2014, all revisions shall be accompanied by a point-by-point written response to the Engineering Division’s comments.

3. The Town of Greenwich – Standard Construction Notes for Site and Subdivision Plans are conditions that must be met.
ZONING ENFORCEMENT

Project No. PLPZ201600574 Preliminary Final X

Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED: Estate of Herbert Lord

LOCATION: 293 Lake Avenue

PLAN DATE:

ZONE: RA-1

The subject site plan/subdivision meets the requirements of the Building Zone Regulations excluding Section 6-15 and 6-17.

Reviewed by: Jodi Couture

Date: 1/3/2017

Note: These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.
Town of
GREENWICH
Town Hall - 101 Field Point Road, Greenwich, CT 06830-2540 (203) 622-7894 - FAX 622-3795

SUBDIVISION APPLICATION

☐ PRELIMINARY ☐ SUBDIVISION ☐ LOT CONFIRMATION
☐ FINAL ☐ RESUBDIVISION
☐ COASTAL

Name of Applicant(s) Eric V.P. Brower, AICP
Name of Property Owner(s) Estates of Herbert M. Lord by Kenneth Lord, Trustee
                        Hermit Lake Revocable Trust by David L. Duport, Trustee
Signature of Property Owner(s) ATTACHED

Location and/or Address of Parcel 295 Lake Avenue - adjacent parcel
Title of Submitted Plan Survey of properties for estate of Herbert M. Lord

Is any portion of the site within 500 feet of the Town Boundary? NO

No. of Lots:

Existing 2
Proposed 2

Total Area of Property 1.542 ac
Area of Land Reservation 0

* 10 or more lots/acs requires Environmental Assessment § 6-266 (19)

Reserved Land Area as Percent of Total Land Area N/A

Previous S3 # N/A

GLR Map # of any previously filed subdivisions or surveys 847, 1937, 4350

Tax Account # 07-1970/6 Assessor's Map # 167 Lot # 16A, 17

Circle as applicable: septic well sewer public water

Are existing (above) utilities shown on the Survey? NO N/A

Drainage Report submitted? N/A Health Permit needed and received? N/A

IWWA Permit received? N/A IWWA Permit # N/A

Estimated amount of time needed to present item to Commission at meeting: 10 minutes

Authorized Agent Eric V.P. Brower, AICP

Signed ______________________ Date 11 - 7 - 16

Address 24 Holly Hill Lane G Phone 203 536 1049

Town Project Number ______ Fee submitted at time of application: $085,00
(if applicable) (see fee schedule) #10984

Form PZ. SB Ap Rev. 2/7/08 Application Number Assigned by Staff

50 PLPZ2011600574
August 31, 2016

Mr. Richard Maitland, Chairman
Planning and Zoning Commission
Town of Greenwich

RE: Subdivision Application - Lord Estate - Lake Avenue, Greenwich

Dear Mr. Maitland,

Please be advised that Eric V.P. Brower, AICP is authorized to make application on my behalf for the above referenced property.

Sincerely,

Estate of Herbert M. Lord

By: [Signature]

KENNETH W. LORD

RECEIVED
NOV 9 2016
PLANNING & ZONING COMMISSION
August 31, 2016

Mr. Richard Maitland, Chairman
Planning and Zoning Commission
Town of Greenwich

RE: Subdivision Application – Lord Estate – Lake Avenue, Greenwich

Dear Mr. Maitland,

Please be advised that Eric V.P. Brower, AICP is authorized to make application on my behalf for the above referenced property.

Sincerely,

Martin Lord Revakle Trust

By: David Oster, Trustee

53
November 9, 2016

Mrs. Katie DeLuca, AICP
Town Planner – Director
Planning and Zoning Commission
Greenwich, CT

RE: Estate of Herbert M. Lord by Kenneth W. Lord, Trustee
    Martha Lord Revocable Trust by David L. Dufort, Trustee

    Tax ID # 07-1470/s & 07-1471/s     293 Lake Avenue, Greenwich

Dear Mrs. Deluca,

Please find enclosed in connection with the above referenced properties an Application for “Lot Confirmation” as well as all required supporting documentation.

The purpose of the Application is to confirm the separate legal status of each of the two parcels as existing separate building- zoning lots.

Attached are two copies of the deed histories for the two lots as well as all deeds referenced therein. Also attached are two copies of a map search and copies of the referenced maps.

Mr. James Fulton, Esq. has prepared the enclosed memorandum of his legal opinion, supported by case law, that the two parcels are separate legal building – zoning lots.

Please place this matter on the next available meeting of the Planning and Zoning Commission.

Sincerely,

Eric V.P. Brower, AICP

54
MAP SEARCH

293 Lake Avenue, Greenwich, Connecticut (07-1471/G) &
9 Lake Avenue, Greenwich, Connecticut (07-1470/G)

"Property of Frank D. Williams, Greenwich, Conn., certified substantially correct by S. E. Minor & Co., Civil Engineers, Greenwich, Conn., November 15, 1922, which map is on file in the Office of the Town Clerk of the Town of Greenwich as Map Numbered 847. (1.542 Acres)

"Property of Mildred E. Williams, Greenwich, Conn.", certified substantially correct by J. W. Cone for S. E. Minor & Co., Inc., Civil Engineers, Greenwich, Conn, January 19, 1951, which map is on file in the Office of the Town Clerk of the Town of Greenwich as Map Numbered 1437. (0.218 Ac. & 1.986 Ac.)

"Survey of Properties for Estate of Herbert M. Lord, 293 Lake Avenue, Greenwich, Conn.", certified substantially correct for S. E. Minor & Co., Inc., Engineers & Land Surveyors, March 13, 2007, which map is on file in the Office of the Town Clerk of the Town of Greenwich as Map Numbered 8350.

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NOV 9 2016
PLANNING & ZONING COMMISSION
ESTATE OF HERBERT M. LORD
FOR SURVEY OF PROPERTIES

GREENWICH, CONN.
930 LAKE AVENUE

Parcel 1
2.520 Acres

Parcel 2

Tax Assessor's Map 0-482

Scale

-11-08
3.050
8-05-2
-0.6

11-08
3.050
8-05-2
-0.6
<table>
<thead>
<tr>
<th>Date</th>
<th>Book</th>
<th>Page</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/21/22</td>
<td>193</td>
<td>237</td>
<td>Warranty Deed from Edwin N. Chapman to Frank D. Williams (1.542 Acres, Map #847)</td>
</tr>
<tr>
<td>11/14/28</td>
<td>258</td>
<td>474</td>
<td>Certificate as to Real Estate on the Estate of Frank D. Williams, appointing Mildred Eckert Williams</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>and Bankers Trust Company, as Executors</td>
</tr>
<tr>
<td>Probate</td>
<td></td>
<td></td>
<td>Second Article of Last Will and Testament of Frank D. Williams: All the rest, residue and remainder</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>of my property... to Mildred Eckert Williams (No Certificate of Devise filed on the Land Records)</td>
</tr>
<tr>
<td>11/2/51</td>
<td>466</td>
<td>81</td>
<td>Certificate as to Real Estate on the Estate of Mildred Eckert Williams, appointing A. Cuyler Ten</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eyck, Jr. and The Stamford Trust Company, as Executors</td>
</tr>
<tr>
<td>11/6/52</td>
<td>471</td>
<td>491</td>
<td>Executors Deed from A. Cuyler Ten Eyck, Jr. and The Stamford Trust Company, as Executors</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>of the Will of Mildred Eckert Williams to Elizabeth Grant Hite (Properties combined into one parcel</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>– 3.746 Acres)</td>
</tr>
<tr>
<td>6/3/57</td>
<td>576</td>
<td>480</td>
<td>Warranty Deed from Elizabeth G. Hite to Herbert M. Lord and Martha U. Lord (Properties combined into</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>one parcel – 3.746 Acres)</td>
</tr>
<tr>
<td>8/18/06</td>
<td>5238</td>
<td>337</td>
<td>Notice for Land Records / Appointment of Fiduciary on the Estate of Herbert M. Lord, appointing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kenneth W. Lord and Martha U. Lord, as Executors</td>
</tr>
<tr>
<td>10/30/06</td>
<td>5281</td>
<td>44</td>
<td>Disclaimer (Jointly Held Real Estate) on the Estate of Herbert M. Lord by Martha U. Lord disclaiming</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>all right, title and interest as joint tenant in and to 293 Lake Avenue, Greenwich, CT</td>
</tr>
<tr>
<td>2/23/07</td>
<td>5353</td>
<td>343</td>
<td>Disclaimer (Article First) on the Estate of Herbert M. Lord by Martha U. Lord disclaiming all right,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>title and interest devised under Article First of the Will.</td>
</tr>
<tr>
<td>12/14/09</td>
<td>5879</td>
<td>15</td>
<td>Certificate of Devise from the Estate of Herbert M. Lord to Martha U. Lord and Kenneth W. Lord, as</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trustees of the Trust created under Article THIRD of the Will of Herbert M. Lord (½ Interest)</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>(Parcel 1, 1.542 Acres - Parcel 1, Map #8350 &amp; Parcel 2, 2.204 Acres - Parcel 2, Map #8350)</td>
</tr>
<tr>
<td>10/4/10</td>
<td>8017</td>
<td>78</td>
<td>Quit Claim Deed from Martha U. Lord to Martha U. Lord, as Trustee of the Martha U. Lord Revocable</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trust UJA 7-7-2006 (½ Interest) (Parcel 1, 1.542 Acres - Parcel 1, Map #8350 &amp; Parcel 2, 2.204 Acres</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Parcel 2, Map #8350)</td>
</tr>
</tbody>
</table>
BOOK 193 WARRANTEE DEED.

To all people to whom these presents shall come, Greeting:

KNOW YE THAT I, John D. Williams, of the Town of Greenwich, County of Fairfield, State of Connecticut,

For the consideration of

and other valuable considerations,

received to my full satisfaction of

of the City of New York, County of

For the reason of

Do give, grant, bargain, sell and convey unto the said

John D. Williams

All that certain tract of land, situated in said Town of Greenwich, comprised and described as follows:

Beginning at a point 37’ 6” south westly from said corner, from said corner running south by west to the east line of said tract of land, thence north by east to said eastern line, thence east by north to the south line of said tract, thence north by east along said south line to the north corner of said tract, thence west by north along said west line to the aforementioned point of beginning.

Bounded on the west by the north line of the above mentioned private road; on the east by either back of the grantees, as well as by the northerly portion of the above mentioned private road; on the south by the west line of the above mentioned private road.

Subj ect to the rights of the Greenwich Water Company in said tract of land.

To have and to hold the above granted and bargained premises, with all appurtenances and conveniences thereunto appertaining, unto the said grantees and their heirs and assigns forever.

And furthermore, I, the said grantor, for the consideration aforesaid, do hereby grant, release and forever discharge the said grantees, their heirs and assigns, from all claims and demands whatsoever.

Signed, sealed and delivered, in the presence of:

George H. Smith

State of Connecticut,

County of Fairfield

November 20th, A.D. 1934

Recei ved by

Planning & Zoning
Commission

of the foregoing instrument, and acknowledged the same to be his free act and deed before me.

Signed and Sealed

William E. Page

Secretary
STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

THIS IS TO CERTIFY THAT A. J. Williams, of the town of Greenwich, in said District, died on the 31st day of October, 1929, at New York City that said decease was owner of real estate located in the said town of Greenwich, and that said deceased left a will.

Greenwich, Connecticut, November 14, 1929.

Certified by

Aldred Robert Williams

Bankers Trust Company

Received for Record Nov. 14, 1929 at 11:00 A.M. and recorded by

Town Clerk.

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME.

KNOW YE, That I, Bruno Giuffria, of the Village of Port Chester, Town of Rye,

County of Westchester and State of New York,

For the consideration of the sum of ONE HUNDRED (100) DOLLARS

received in full satisfaction of SIR P. CIGLIAO, of the same place,

DO GIVE, GRANT,大陸, SELL, AND SPOIL, unto him or his

assigns, the lot described as follows:

In the Town of Greenwich, County of Fairfield and State of Connecticut, which is a certain lot consisting of 10 acres, more or less, described as follows:

SUBDIVISION Map of Property to be known as Penfield Park, in the Town of Greenwich, Conn, the property of Bruno Giuffria, which map is filed in the office of the Clerk of the Town of Greenwich as Map No. 1292, as known and designated by the lot number Twenty-eight (28).

Subject to the Zoning Ordinance of the Town of Greenwich, Connecticut.

Subject to a blanket mortgage of which this lot will be released upon the payment of Eight Hundred (800) Dollars.

Said premises are to be conveyed subject to the law of Greenwich tax to the last day of June, 1929, due and payable January 1, 1929.

TO HAVE AND TO HOLD the premises and appurtenances thereto unto the said Granter, her heirs and assigns, forever, to her and their own proper use and benefit.

AND ALSO, I, the said Granter do for myself, my heirs, executors and administrators, covenant with the said Granter, her heirs and assigns, that at and until the canceling of these presents, I as well seized of the premises, so a good indefeasible estate, in fee simple; and have good right to bargain and sell the same, in manner and form as is above written, and that the same is free from all incumbrances whatsoever.

AND FURTHERMORE, I, the said Granter do by these presents bind myself and my heirs, executors and administrators, forever to discharge and refund the above granted and bargained premises to the said Granter, her heirs and assigns, against all claims and demands whatsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13th day of November, 1929.

SIGNED, SEALED AND DELIVERED

IN PRESENCE OF

Samuel La Rosa

Bruno Giuffria [Seal]

Irving Stein.
day of November, 1969, assigning a time and place for the hearing on the application of Will-ard E. Willins for the probate of the last will and testament of said deceased, and the granting of letters testamentary thereon; he causes a copy of said order to be published in the Greenwich Time and Courant, a newspaper having a circulation in said district, on the 16th day of November, 1969, at least five days before said time and place.

Alfred P. Forstott
Stamford, Conn., Nov. 9, 1969

Subscribers and sworn to this 16th day of November, 1969, before me,

Parties to this Application, etc.

I, FRANK B. WILLIAMS, of Greenwich, Connecticut, being of sound mind and memory, do hereby make, publish, and declare the following to be my Last Will and Testament.

In the first place, I direct that all my just debts and funeral expenses shall be paid as soon after my death as may be practicable.

In the second place, all the rest, residue and remainder of my property, real, personal and mixed, of whatsoever kind or description, of which I may die seized or possessed, or to which I may be entitled, I hereby give, devise and bequeath unto my wife, Ethilda S. B. Williams, to have and to hold the same unto herself and her heirs and assigns forever.

In the event that my said wife, Ethilda S. B. Williams, should predecease me, then in that event, I hereby give, devise and bequeath all the rest, residue and remainder of my property, real, personal and mixed, of whatsoever kind or description, of which I may die seized or possessed, or to which I may be entitled, unto my children, Frank B. Williams, Jr., and John Williams, and any other child or children which may hereafter be born to me, to have and to hold the same unto themselves and their heirs and assigns forever, jointly and not as tenants in common.

In the event that my said wife, Ethilda S. B. Williams, should predecease me, then in that event, I hereby nominate, constitute and appoint my brother, Frank B. Williams, of Southfield, Mass., guardian of the person of each of my said children and any child who may hereafter be born to me, during their minority; and, I hereby nominate, constitute and appoint the Banking Trust Company, of No. 18 Wall Street, New York City, a Banking Corporation, Guardian of the property and estate of each of my children who may survive me, during their minority.

I hereby nominate, constitute and appoint my said wife, Ethilda S. B. Williams, and the Banking Trust Company, of No. 18 Wall Street, New York City, a Banking Corporation, executors of this my Last Will and Testament, and I hereby direct and request that no bond shall be required of either of them for the faithful performance of their duties as such executors of my estate.

I hereby revoke any and all former wills and testaments by me made — particularly the last will and testament executed by me on September 21st, 1968, and approved July 24th, 1969.

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66
Charles A. Young

John C. Beason

In the Supreme Court of New York, City and County of New York.

The personal representative of the estate of Frank W. Williams, deceased, is hereby notified of a proceeding to probate the Last Will and Testament of Frank W. Williams, deceased, in said District, New York.

Charles A. Young, the personal representative of the estate of Frank W. Williams, deceased, in said District, New York, hereby notifies the personal representative of the estate of Frank W. Williams, deceased, in said District, New York, that he has been appointed by the court of said District, New York, to probate the Last Will and Testament of Frank W. Williams, deceased, in said District, New York.

Charles A. Young

Received by:

Planner & Zoning Commissioner

Nov 9 2016
BOOK 287 MISCELLANEOUS

of such necessity public, and we hereby believe that the signature to said petition
or certificate of proof or acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said
Court and County, the 24 day of Jan., 1931.

(Sgd)

Daniel W. Plumb, Clerk.

Received for Record Feb. 10, 1931 at 3:13 P.M. and received by:

Town Clerk.

TO ALL PEOPLE TO WHOM IT MAY CONCERN:

KNOW YE, That the undersigned, P. L. MINOR, Highway Superintendent of the Town
of Greenwich, County of Fairfield and State of Connecticut, has found it necessary to
take the following described land for the alteration, widening and improvement of the
highways in said Town of Greenwich known as Glenville Road and Deerfield Road,
of which said land HELM THOMAS TANNER, wife of Hiram S. Tanner, of said
Town of Greenwich, is the owner.

BE IT REMEMBERED, that on this 30th day of February, 1931, P. L.
Minor, the subscriber, Highway Superintendent of said Town of Greenwich, has been
sent for and in behalf of said Town of Greenwich for the alteration, widening and improve-
ment of said Glenville Road and Deerfield Drive the following described land
owned by said Helen Thomas Tanner:

All that certain tract of land situated in said Town of Greenwich at the corner
of Glenville Road and Deerfield Drive described as follows:

Beginning at a point in the southerly line of Glenville Road 50.94 feet westerly
of the intersection of the westerly line of Deerfield Drive and the southerly
line of Glenville Road and running thence East said Glenville Road North 61° 48'
24 feet 50.94 feet, then southerly along the westerly side of said Deerfield Drive
curving to the right on the arc of a circle of 22,63 feet radius, a distance of
66.41 feet, thence through land of said Helen Thomas Tanner curving to the left
on the arc of a circle of 75 feet radius, a distance of 100.48 feet, to the point
and place of beginning, containing .01 acres.

said land in an acre as described on a certain survey entitled, "Land Trans-
ferred to Town of Greenwich by Helen Thomas Tanner Deerfield Drive Glen-
ville Road" dated by W. E. Minor & Co., Ins. Civil Engineers, dated Dec. 10, 1930,
and to be filed simultaneously herewith in the Town Clerk's Office in said Town
of Greenwich.

The undersigned has been enabled to agree with the said Helen Thomas Tanner as to
the amount due to her land and paid to her and the undersigned has assessed
and does hereby assess all damages resulting to her from said taking as follows:

To Helen Thomas Tanner Seven Hundred Fifty (750) dollars.


(Sgd)

P. L. Minor, Highway Superintendent
of the Town of Greenwich.

Received for Record Feb. 10, 1931 at 4:13 P.M. and received by:

Town Clerk.

TO ALL PEOPLE TO WHOM IT MAY CONCERN:

KNOW YE, That the undersigned, P. L. MINOR, Highway Superintendent of the Town
of Greenwich, County of Fairfield and State of Connecticut, has found it necessary to
take the following described land for the alteration, widening and improvement of the
highways in said Town of Greenwich known as Glenville Road and Deerfield Road,
of which said land HELM THOMAS TANNER, wife of Hiram S. Tanner, of said

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COMMISSION

69
TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, that A. CUYLER TEM OCK, JR., of Great Neck
in the county of Nassau and state of New York and the
STAMFORD TRUST COMPANY, a corporation organized and existing
under the laws of the state of Connecticut, and located
in the city of Stamford in the county of Fairfield and
state of Connecticut, acting herein by J. Gordon Atkins,
its vice-president and trust officer, hereby duly author-
ized, as executors of the will of Mildred Eckart Williams,
late of the town of Greenwich in said county of Fairfield,
deceased, by virtue of the power and authority in said will
given to said executors to sell and convey any and all of
the real property of which the deceased died seized, and
in consideration of the sum of Fifty-seven Thousand Five
Hundred (57,500) dollars received to their full satisfaction
of ELIZABETH GRANT HITE, wife of George H. Hite, III, of
said Greenwich, do give, grant, bargain, sell and con-
firm unto the said ELIZABETH GRANT HITE all the right, title,
interest, claim and demand which the said Mildred Eckart
Williams had at the time of her decease, or which they
as executors as aforesaid have or ought to have in and to:

A certain piece or parcel of land situated in the
Town of Greenwich, in the County of Fairfield and State
of Connecticut, with the buildings and all other improve-
ments thereon, bounded and described as follows:

Beginning at a point formed by the intersection of the
division line between land hereby conveyed and land now or
formerly of Erjolde's, bounded with the southerly line of
a private road 25 feet in width leading to Lake Avenue and
running thence along the southerly line of said private
road South 22° 14' East 100 feet, thence along the easterly
end of said private road North 17° 46' East 50 feet, thence
along the northerly line of said private road North 22° 14' West 100 feet, thence curving to the left for 50.1 feet
on the circumference of a circle of 576.1 feet radius, thence

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COMMISSION
along the northerly spur of said private road and curving
in the left for 108.36 feet on the circumference of a circle
of 108.36 feet radius, thence North 28° 11' East 108.36
feet, thence curving to the right for 111.69 feet on the
circumference of a circle of 111.69 feet radius, thence
South 28° 11' East 63.78 feet, thence leaving said private
road and running along land now or formerly of John Stan-
berry South 17° 30' East 195.47 feet, South 77° 30' East
106.2 feet, South 81° 0' East 23.0 feet, South 77° 36' East
46.7 feet to land now or formerly of The Greenwich Land
and Development Company, thence along said land now or
formerly of The Greenwich Land and Development Company South
11° 12' West 49.7 feet, South 11° 35' West 79.0 feet and
South 15° 33' West 97.9 feet to land now or formerly of
Ernest E. Miller, thence in part along land now or formerly
of Mary E. Miller and in part along land now or formerly
of Rudolph and Ruth T. Coopel North 25° 32' West 167.3 feet,
South 77° 36' West 52.2 feet, North 77° 36' West 77.1 feet,
and North 81° 30' West 25.9 feet to land now or formerly
of Marjorie S. Nye, thence along said land now or
formerly of Marjorie S. Nye, North 4° 12' East 272.4 feet
to the point or place of beginning and containing 1.764
acres.

Together with the right to use in common with others
whom such right has been or may hereafter be granted
the private road and the northerly spur thereof in passing
to and from said premises to and from Lake Avenue and for
supplying said premises with water, sewer, light and tele-
pHONE service, said private road being laid out and
guarnetied on a certain map entitled "Property of Frank D.
Williams, Greenwich, Conn., Rev. 10, 1928" made by E. L.
Nislo & Co. and on file in the office of the Greenwich Town
Clerk as Map 197.

Said tract is conveyed subject to:

1. Zoning and town planning laws, rules and regulations
as established in and for the Town of Greenwich.

2. Second installment of the Town of Greenwich taxes
on the list of June 1, 1951, due and payable in July, 1952,
which tax the grantee assumes and agrees to pay.

3. Town of Greenwich sewer system maintenance tax
on the list of June 1, 1951, due and payable in May, 1952,
which tax the grantee assumes and agrees to pay.

4. The rights granted by William Henry Need to The
Greenwich Water Company by a deed dated July 3, 1860,
and recorded in the Greenwich Land Records in Book 40 at Page
218.

5. The obligation for the maintenance of the private
road as set forth in a certain agreement between Edwin H.
Chapman, individually and as guardian, and Marjorie S.

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71
BROWNING, dated July 31, 1930 and recorded in said land
records in Book 153 at Page 170 in so far as the same
are applicable to the above described premises.

TO HAVE AND TO HOLD the above granted and bargained
premises, with the privileges and appurtenances thereof,
unto the said grantee, her heirs and assigns forever, to
her and their own proper use and behoof. And we the said
executors do hereby covenant with the said grantee, her
heirs and assigns that we have full power and authority
to execute and perform the above
above described premises in manner and form aforesaid and for
ourselves and our successors do further covenant to WARRANT
AND DEFEND the same to the said grantee, her heirs and
assigns against the claims of any person or persons whom-
soever, claiming by, from or under us as such executors
as aforesaid.

IN WITNESS WHEREOF, A. CUTLER TUCK, JR., as execu-
tor aforesaid, has hereunto set his hand and seal, and THE
STAMFORD TRUST COMPANY, by its vice-president and trust
officer aforesaid, as executor aforesaid, has hereunto set
its corporate name and affixed its seal this 5 day of

day of

Signed, sealed and delivered in the
presence of

[Signature]

THE STAMFORD TRUST COMPANY

[Seal]

EXECUTORS AS AFORESAID

-3-

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72
STATE OF CONNECTICUT; 
COUNTY OF FAIRFIELD; 

Personally appeared The Stamford Trust Company, as executor as aforesaid, by J. Gordon Atkine, its vice-president and trust officer, one of the signers and sealers of the foregoing instrument, who acknowledged the same to be his free act and deed, and the free act and deed of said The Stamford Trust Company, as such executor, hereto.

Notary Public

Received for record MAR 8 1952 at 10 29 AM Act 72

73
To all People to Whom these Presents shall Come, Greeting:

Know Ye, That I, ELIZABETH G. WIFE of the Town of Greenwich,
Fairfield County, Connecticut,

for the consideration of ONE DOLLAR ($1.00) and other good and valuable considerations,
received in full satisfaction of HERBERT W. LORD and MARTHA W. LORD,
husband and wife, also of said Town of Greenwich,
do give, grant, bargain, sell and convey unto the said HERBERT W. LORD and
MARTHA W. LORD

and unto the survivor of them, and unto such survivor's heirs and assigns forever

All that certain tract, piece or parcel of land, with the buildings and improvements located thereon, situated in the Town of Greenwich, Fairfield County, Connecticut and bounded and described as follows:

BEGINNING at a point formed by the intersection of the division line between the land hereby conveyed and land now or formerly of Marjorie S. Dykes in the northerly line of a private road 20 feet in width leading to Lake Avenue, and running thence along the southerly line of said private road South 72° 44' East 40 feet, thence along the easterly end of said private road North 17° 54' East 20 feet, thence along the northerly line of said private road North 72° 44' West 100 feet, thence curving to the left for 20.16 feet on the circumference of a circle of 57.72 feet radius, thence along the northerly spur of said private road and curving to the left for 102.76 feet on the circumference of a circle of 59.13 feet radius, thence North 21° 12' East 108.16 feet, thence curving to the right for 111.09 feet on the circumference of a circle of 59.13 feet radius, thence South 21° 12' East 83.78 feet, thence leaving said private road and running along land now or formerly of John Stonehouse South 77° 37' East 106.2 feet, thence 0° 01' South 23.9 feet, South 77° 37' East 27.7 feet to land now or formerly of The Greenwich Land and Development Company, thence along said land now or formerly of The Greenwich Land and Development Company South 32° 32' West 60.7 feet, South 32° 32' West 79.0 feet and South 30° 30' West 79.0 feet to land now or formerly of Mary E. Filley, thence in part along land now or formerly of said Mary E. Filley and in part along land now or formerly of Rudolph and Ruth T. Lemmel North 78° 32' West 197.5 feet, North 77° 35' West 52.2 feet, North 77° 34' West 77.2 feet and North 01° 30' West 25.5 feet to land now or formerly of Marjorie S. Dykes, thence along said land now or formerly of Marjorie S. Dykes North 12° 12' East 278.4 feet to the point of beginning and containing 5.76 acres.

TOGETHER with the right to use in common with others to whom such right has been or may hereafter be granted the private road and the northerly spur thereof in passing to and from said premises to said Lake Avenue and for supplying said premises with water, power, light and telephone service, said private road being laid out and delineated on a certain map entitled "Property of Frank D. Williams, Greenwich, Conn. Nov. 13, 1924" made by J. E. Minor & Co., and on file in the office of the Greenwich Town Clerk as Map 657.

Being the premises conveyed to the Grantee by A. Gruen Ten Eyck, Jr., and the Stanford Trust Company, as executors of the will of Alfred Robert Williams, late of Greenwich, deceased by executor's deed dated March 5, 1952, and recorded in Greenwich Land Records in book 671 page 151.
Said premises are conveyed subject to the following:

1. Zoning and planning laws, rules and regulations as established in and for the Town of Greenwich.

2. Second installment of the Town of Greenwich Tax on the List of June 1, 1956 payable during July of 1957 which installment of said tax the Grantees hereby assume and agree to pay.

3. Town of Greenwich Tax on the List of June 1, 1957, payable during January and July of 1958, which tax the Grantees hereby assume and agree to pay.


5. The obligation for the maintenance of the private road as set forth in a certain agreement between Edwin H. Chapman, individually and as guardian, and Marjorie S. Prentice, dated July 31, 1925 and recorded in said land records in Book 16 at Page 179, so far as the same are applicable to the above described premises.

6. Mortgage made by the Grantee to the Prudential Insurance Company of America under date of March 8, 1952 and recorded in said land records in Book 171 at Page 95, which mortgage was given to secure a note in the original principal amount of $25,000.00 and now reduced in unpaid principal amount as $16,245.73, with which mortgage and said note secured thereby the Grantees hereby assume and agree to pay.
To Have and to Hold the above granted and bargained premises, with the
appurtenances thereof, unto them the said grantees, and unto the survivor of them, and unto
such survivor's heirs and assigns forever, to them and their own proper use and behoof.

And also, I, the said grantor do for myself and heirs,
executors, administrators, and assigns, covenant with the said grantees and with the survivor
of them, and with such survivor's heirs and assigns, that at and until the revoking of these
precepts I am well seized of the premises, as a good indefeasible estate in FEES SIMPLE, and have
good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever,
extcept as hereinafore mentioned.

And Furthermore, I, the said grantor do by these precepts
bind myself and my heirs, and assigns forever to
WARRANT AND DEFEND the above granted and bargained premises to them the said
grantees, and to the survivor of them and to such survivor's heirs and assigns, against all
claims and demands whatsoever, except as hereinafore mentioned.

In Witness Whereof, I have hereunto set my
hand and seal this 1st day of June in the year of our Lord
nineteen hundred and fifty-seven.

Signed, Sealed and Delivered in presence of

[Signatures]

State of Connecticut,
County of FAIRFIELD

Personally Appeared ELIZABETH O. HITE

Signer and Sealer of the foregoing Instrument, and acknowledged the same to be her
free act and deed
before me.

Received 1st Jun 10 at 2:45 P.M. 1857
Town Clerk
NOTICE FOR LAND RECORDS/ APPOINTMENT OF FIDUCIARY

REcejcted registration:
NOTICE FOR LAND RECORDS/ APPOINTMENT OF FIDUCIARY

PC: 251

STATE OF CONNECTICUT
COURT OF PROBATE
DISTRICT OF GREENWICH

DISTRICT NO. 057

ESTATE OF
Herbert M. Lord (06-0325)

DATE OF NOTICE
August 9, 2006

DATE OF DEATH
May 09, 2006

PLACE WHERE LAST DWELT
293 Lake Avenue
Greenwich, CT 06830

DIED TESTATE

FIDUCIARY (Name, address, zip code, and telephone number)

Kenneth W. Lord, 200 East 33rd Street, Apt. 17G, New York, NY 10016
Martha M. Lord, 293 Lake Avenue, Greenwich, CT 06830

FIDUCIARY'S POSITION OF TRUST
Estate

DATE OF APPOINTMENT
8/9/2006

This notice is made and caused to be recorded in the land records of the town wherein said deceased was the owner of real property, or any interest therein, or a mortgage or a lien upon real property.

[Signature]
Vinecrest Guardians, Asst. Clerk

[Stamp] received
AUG 18 2006
Town Clerk

[Stamp] planning & zoning
comission

77
Estate of Herbert M. Lord  
Late of Greenwich, Connecticut  
Date of Death: May 9, 2006

DISCLAIMER  
(JOINTLY HELD REAL ESTATE)

I, MARTHA U. LORD, of Greenwich, Connecticut, pursuant to Connecticut General Statutes Section 48a-583(a), do hereby disclaim all right, title and interest I may have as joint tenant in and to the real property known as 293 Lake Avenue, Greenwich, Connecticut, that was owned by my late husband, Herbert M. Lord, and me, jointly, at the time of his death.

__________________________
Brian O'Connor

__________________________
David L. Dufort

__________________________
MARTHA U. LORD

STATE OF CONNECTICUT)  
COUNTY OF FAIRFIELD  

The foregoing instrument was acknowledged before me by MARTHA U. LORD this 15TH day of September, 2006.

__________________________
BRIAN O’CONNOR
Notary Public

(RECEIVED)

NOV 9 2006

PLANNING & ZONING

78
Receipt of the foregoing disclaimer is hereby acknowledged this 11th day of September, 2006.

BRIAN O'CONNOR

David L. Bukart

MARTHA U. LORD, Individually and as Executrix of the Estate of Herbert M. Lord

KENNETH M. LORD, as Executor of the Estate of Herbert M. Lord

STATE OF CONNECTICUT) ss: Greenwich
COUNTY OF FAIRFIELD)

The foregoing instrument was acknowledged before me by MARTHA U. LORD, Individually and as Executrix of the Estate of Herbert M. Lord, this 11th day of September, 2006.

BRIAN O'CONNOR
Notary Public

STATE OF NEW YORK ) ss: New York
COUNTY OF NEW YORK )

The foregoing instrument was acknowledged before me by KENNETH M. LORD, as Executor of the Estate of Herbert M. Lord, this 23rd day of September, 2006.

Notary Public

OCT 30 2006 8:59 AM

Received for Record 30 2005

Town Clerk

RECEIVED
NOV 9 2016

PLANNING & ZONING COMMISSION
Estate of Herbert M. Lord
Late of Greenwich, Connecticut
Date of Death: May 9, 2006

DISCLAIMER
(Article FIRST)

I, MARTHA U. LORD, of Greenwich, Connecticut, do hereby
disclaim all right, title and interest in the outright devise to
me of residential real property as made to me under Article FIRST
of the Will of my late husband, HERBERT M. LORD, dated November
4, 1996.

__________________________
Barbara S. Koteen

__________________________
David L. Dufert

MARTHA U. LORD

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

The foregoing instrument was acknowledged before me by
MARTHA U. LORD this 31st day of January, 2007.

__________________________
Notary Public

DAVID L. DUFORT
NOTARY PUBLIC
NOT COMMISSION EXPIRED APR 30 2011

RECEIVED
NOV 9 2016
PLANNING & ZONING COMMISSION
Receipt of the foregoing disclaimer is hereby acknowledged this 31st day of January, 2007.

Barbara S. Kotsen
David L. Dufort

Barbara S. Kotsen
David L. Dufort

MARTHA V. LORD, as Executrix of the Estate of Herbert M. Lord
KENNETH W. LORD, as Executor of the Estate of Herbert M. Lord

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

ss: Greenwich

The foregoing instrument was acknowledged before me by MARTHA V. LORD and KENNETH W. LORD, as Executors of the Estate of Herbert M. Lord, this 31st day of January, 2007.

Notary Public

DAVID L. DUFORT
NOTARY PUBLIC

Received for Record FEB 23 2007 at 8:23 A.M. all, and recorded by Town Clerk.

RECEIVED
NOV 9 2016
PLANNING & ZONING COMMISSION
CERTIFICATE OF  
DEVISE, DESCENT,  
OR DISTRIBUTION  
PC-250  REV. 10/08  

STATE OF CONNECTICUT  
RECORDED:  

COURT OF PROBATE  
[Type or print in black ink. File certificate with  
town clerk where real property is situated.]  

COURT OF PROBATE, DISTRICT OF Greenwich  
DISTRICT NO. 057  

ESTATE OF  
Herbert M. Lord (06-0323)  
deceded  

DATE OF DEATH  
May 09, 2006  

Pursuant to C.G.S. §45a-450, this certifies that as appears from the records of this Court, said deceased died on the date  
above written, and the following real property of the decedent is devised or distributed or set out or divided or descends to:  
[Give name, place of residence, and share of distributee. Give street or lot number of real property, or, if none, a brief  
description of the location. C.G.S. §45a-450.]  

Martha U. Lord and Kenneth W. Lord as Trustees of the Trust created under Article THIRD of the will of Herbert M.  
Lord, the decedent's interest in and to the following described real estate: (Martha U. Lord having disclaimed all interest  
in said real estate, which disclaimer is on file in the Greenwich Probate Court.)  

Real Estate located at 253 Lake Avenue, Greenwich, Connecticut — See Legal Description Attached  

For a more particular description, reference should be made to the records of said probate court.  

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of this Court  
on this 3rd day of December, 2009.  

David W. Hopper, Judge  

FOR COURT USE ONLY  

Original to:  
Date sent:  

Record and Return:  
David L. DuFort, Esq.  
Diserio Martin O'connor et al  
One Atlantic Street  
Stamford, CT 06901  

CERTIFICATE OF DEVISE, DESCENT, OR DISTRIBUTION  
PC-250  

RECEIVED  
Nov 9 2016  
PLANNING & ZONING  
BOARD MEETING
PARCEL 1 (293 Lake Avenue, Greenwich, CT):

Beginning at the point formed by the intersection of the division line between land herein described and land formerly of John Stambaugh now land of Stevenson with the southerly line of the northerly spur of a private road, 20 feet in width leading to Lake Avenue, said point being at the easterly terminus of said northerly spur, and running thence southerly along land formerly of John Stambaugh, now land of Stevenson S. 17° 20' 29.9E. 346.12 feet, thence westerly along other land of Lord N. 72° 14' W. 209.8 feet, thence northerly N. 17° 46' E. 10.0 feet along the easterly end of the private road and westerly along the northerly line of said private road N. 72° 14' W. 109.6 feet and 80.14 feet along the arc of a circle curving to the left on a radius of 578.4 feet, thence northerly along the easterly line of northerly spur of said private road 108.76 feet along the arc of a circle curving to the left on a radius of 144.29 feet, N. 24° 11' 1.0831 feet and 111.69 feet along the arc of circle curving to the right on a radius of 81.04 feet, thence easterly along the southerly line of said northerly spur, S. 76° 51' E. 63.75 feet to the point of beginning and containing 1.542 acres, together with the buildings and improvements located thereon.

The above-described premises are also known as "PARCEL 1 1.542 ACRES" on a certain map entitled "SURVEY OF PROPERTIES FOR ESTATE OF HERBERT M. LORD" dated March 13, 2007 and on file as Map No. 3 in the Greenwich Land Records.

PARCEL 2 (lot at 293 Lake Avenue, Greenwich, CT):

Beginning at the point formed by the intersection of the division line between land herein described and land formerly of Marjorie S. Bywater now land of O'Connor with the southerly line of a private road 20 feet in width leading to Lake Avenue and running thence easterly along the southerly line of said private road, S. 72° 14' E. 40.0 feet, thence northerly along the easterly end of said private road N. 17° 46' E. 10.0 feet, thence easterly along other land of Lord S. 72° 14' E. 209.8 feet, thence southerly along land formerly of John Stambaugh now land of Stevenson S. 17° 20' E. 29.35 feet, thence easterly still along land of Stevenson S. 77° 30' E. 108.2 feet, S. 81° 00' E. 23.0 feet, and S. 77° 30' E. 45.7 feet, thence southerly along land formerly of the Greenwich Land and Development Company now land of Keefe S. 31° 32' W. 65.7 feet, and S. 32° 35' W. 79.0 feet, thence along land formerly of Greenwich Land and Development Company now land of Schnuer S. 30° 30' W. 97.9 feet, thence westerly along land formerly of Mary E. Filliey now land of Cox N. 78° 32' W. 167.5 feet, and N. 77° 34' W. 52.2 feet, thence along land formerly of Rudolph and Ruth T. Gospel, now land of Younce N. 75° 34' W. 77.1 feet, and N. 81° 30' W. 25.5 feet, thence northerly along land formerly of Marjorie S. Bywater now land of O'Connor N. 4° 12' E. 276.4 feet to the point of beginning and containing 2.200 acres.

The above-described premises are also known as "PARCEL 2 2.200 ACRES" on a certain map entitled "SURVEY OF PROPERTIES FOR ESTATE OF HERBERT M. LORD" dated March 13, 2007 and on file as Map No. 3 in the Greenwich Land Records.

AS TO BOTH OF THE ABOVE-DESCRIBED PARCELS:

Together with the right to use in common with others to whom such right has been or may hereafter be granted the private road and the northerly spur thereof in passing to and from said premises to and from Lake Avenue and for supplying said premises with water, sewer, light and telephone service, said private road being laid out and delineated on a certain map entitled "Property of Frank D. Williams, Greenwich, Conn. Nov. 15, 1922" made by S.E. Minor & Co., and on file in the office of the Greenwich Town Clerk as Map 847.

The above-described premises are further described in a certain Warranty Deed from Elizabeth G. Illic to Herbert M. Lord and Martha U. Lord dated June 1, 1957 and recorded in Book 578 at Page 480 of the Greenwich Land Records and in a certain Disclaimer by Martha U. Lord dated September 25, 2006 and recorded in Book 5281 at Page 44 of the Greenwich Land Records.

Received for Record DEC. 14, 2009 at 9:15A M. Attast. 83 M. Clerk
Record and Return to:
David L. Dufort, Esq.
Disario Martin O'Connor & Castiglione LLP
One Atlantic Street
Stamford, CT 06901

To all People Whom these Presents shall Come, Greeting:

Know Ye, That

I, MARTHA U. LORD, present of the Town of Greenwich, County of Fairfield and State of Connecticut (the "Releasor"),

for the consideration of NO CONSIDERATION

received to her full satisfaction of

MARTHA U. LORD, present of the Town of Greenwich, County of Fairfield and State of Connecticut, as Trustee of the MARTHA U. LORD REVOCABLE TRUST U/A 7-7-2006 (the "Releasor")

do remise, release, and forever QUITCLAIM unto the said

MARTHA U. LORD, as Trustee,

her successors and assigns forever, all of my fifty (50%) percent right, title and interest in and to All those certain pieces or parcels of land located in the Town of Greenwich, County of Fairfield and State of Connecticut, and more particularly described on SCHEDULE A attached hereto.

Said property commonly known as 293 Lake Avenue, Greenwich, Connecticut and Lot at 293 Lake Avenue, Greenwich, Connecticut

To Have and to Hold the premises, with all the appurtenances, unto the said Releasor, her successors and assigns forever, so that neither I, the Releasor nor my heirs nor any other person under me or them shall hereafter have any claim, right or title in or to the premises, or any part thereof, but therefrom I and they are by these presents forever barred and excluded.

[Signatures]

8 Conveyance Tax Received

Town Clerk of Greenwich

8 Conveyance Tax Received

Town Clerk of Greenwich
In Witness Whereof, I have hereunto set my hand and seal this 11th day of September, 2010 A.D.

Signed, Sealed and Delivered in presence of

K. T. Katke

MARTHA U. LORD

Brian Oborne

State of Connecticut

County of Fairfield

On this 1st day of September, 2010, before me, the undersigned officer, personally appeared MARTHA U. LORD known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, as her free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.

K. T. Katke

Latest address of Grantee:
No. and Street: 293 Lake Avenue
City: Greenwich
State: CT Zip: 06830
SCHEDULE A
293 Lake Avenue, Greenwich, CT

PARCEL 1 (293 Lake Avenue, Greenwich, CT):

Beginning at the point formed by the intersection of the division line between land herein described and land formerly of John Stambaugh now land of Stevenson with the southerly line of the northerly spur of a private road, 20 feet in width leading to Lake Avenue, said point being at the easterly terminus of said northerly spur, and running thence southerly along said private road of John Stambaugh, now land of Stevenson S. 17o 20' E. 346.12 feet, thence westerly along other land of Lord N. 72o 14' W. 209.8 feet, thence northerly N. 17o 46' E. 10.0 feet along the easterly end of the private road and westerly along the northerly line of said private road N. 72o 14' W. 109.0 feet and 80.14 feet along the arc of a circle curving to the left on a radius of 578.4 feet, thence northerly along the easterly line of northerly spur of said private road 108.76 feet along the arc of a circle curving to the left on a radius of 144.29 feet, N. 24o 11' E. 106.81 feet and 111.69 feet along the arc of circle curving to the right on a radius of 81.04 feet, thence easterly along the southerly line of said northerly spur, S. 76o 51' E. 63.78 feet to the point of beginning and containing 1.542 acres, together with the buildings and improvements located thereon.

The above-described premises are also known as "PARCEL 1 1.542 ACRES" on a certain map entitled "SURVEY OF PROPERTIES FOR ESTATE OF HERBERT M. LORD" dated March 13, 2007 and on file as Map 18350 in the Greenwich Land Records.

PARCEL 2 (Lot at 293 Lake Avenue, Greenwich, CT):

Beginning at the point formed by the intersection of the division line between land herein described and land formerly of Marjorie S. Bywater now land of O'Connor with the southerly line of a private road 20 feet in width leading to Lake Avenue and running thence easterly along the southerly line of said private road S. 72o 14' E. 40.0 feet, thence northerly along the easterly end of said private road N. 17o 46' E. 10.0 feet, thence easterly along other land of Lord S. 72o 14' E. 209.8 feet, thence southerly along land formerly of John Stambaugh now land of Stevenson S. 17o 20' E. 29.35 feet, thence easterly along land of Stevenson S. 77o 39' E. 108.2 feet, S. 81o 00' E. 23.0 feet, and S. 77o 56' E. 45.7 feet, thence southerly along land formerly of the Greenwich Land and Development Company now land of Keefe S. 31o 32' W. 65.7 feet, and S. 32o 35' W. 79.0 feet, thence along land formerly of Greenwich Land and Development Company now land of Schone S. 30o 39' W. 97.9 feet, thence westerly along land formerly of Mary E. Fillmore now land of Cox N. 78o 32' W. 167.5 feet, and N. 77o 34' W. 52.2 feet, thence along land formerly of Rudolph and Ruth T. Gosnell, now land of Yancze N. 79o 34' W. 77.1 feet, and N. 81o 30' W. 25.5 feet, thence northerly along land formerly of Marjorie S. Bywater now land of O'Connor N. 4o 12' E. 276.4 feet to the point of beginning and containing 2.204 acres.

The above-described premises are also known as "PARCEL 2 2.204 ACRES" on a certain Map entitled "SURVEY OF PROPERTIES FOR ESTATE OF HERBERT M. LORD" dated March 13, 2007 and on file as Map 18350 in the Greenwich Land Records.

AS TO BOTH OF THE ABOVE-DESCRIBED PARCELS:

Together with the right to use in common with others to whom such right has been or may hereafter be granted the private road and the northerly spur thereof in passing to and from said premises to and from Lake Avenue and for supplying said premises with water, sewer, light and telephone service, said private road being laid out and delineated on a certain map entitled "Property of Frank D. Williams, Greenwich, Conn. Nov. 15, 1923" made by S.B. Minor & Co., and on file in the office of the Greenwich Town Clerk as Map 847.

The above-described premises are further described in a certain Warranty Deed from Elizabeth C. Fillmore and Martin M. Lord dated June 1, 1957 and recorded in Book 578 at Page 480 of the Greenwich Land Records.
"Property of Frank D. Williams, Greenwich, Conn., certified substantially correct by S. E. Minor & Co., Civil Engineers, Greenwich, Conn., November 15, 1922, which map is on file in the Office of the Town Clerk of the Town of Greenwich as Map Numbered 847. (1.342 Acres)

"Property of Mildred E. Williams, Greenwich, Conn.", certified substantially correct by J. W. Cone for S. E. Minor & Co., Inc., Civil Engineers, Greenwich, Conn, January 19, 1951, which map is on file in the Office of the Town Clerk of the Town of Greenwich as Map Numbered 1437. (0.218 Ac. & 1.986 Ac.)

"Survey of Properties for Estate of Herbert M. Lord, 293 Lake Avenue, Greenwich, Conn.", certified substantially correct for S. E. Minor & Co., Inc., Engineers & Land Surveyors, March 13, 2007, which map is on file in the Office of the Town Clerk of the Town of Greenwich as Map Numbered 8350."
<table>
<thead>
<tr>
<th>Date</th>
<th>Book</th>
<th>Page</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/16/31</td>
<td>287</td>
<td>87</td>
<td>Executors Deed from Marvin A. Chapman and Florence Chapman, as Executors of the Last Will and Testament of Edwin N. Chapman to Mildred E. Williams (0.218 Acres, Portion of Map No. 1437).</td>
</tr>
<tr>
<td>2/16/31</td>
<td>287</td>
<td>89</td>
<td>Guardian's Deed from John D. Chapman, as Guardian of the Estate of Nancy Davel Chapman, a minor, to Mildred E. Williams (11/3 Int.) (1.986 Acres, Portion of Map No. 1437)</td>
</tr>
<tr>
<td>2/16/31</td>
<td>287</td>
<td>91</td>
<td>Warrant Deed from Edwin H. Chapman, Jr. and Daniel Knowlton Chapman to Mildred E. Williams (29 Int.) (1.986 Acres, Portion of Map No. 1437)</td>
</tr>
<tr>
<td>11/2/51</td>
<td>466</td>
<td>81</td>
<td>Certificate as to Real Estate on the Estate of Mildred Eckert Williams, appointing A. Cuyler Ten Eyck, Jr. and The Stamford Trust Company, as Executors</td>
</tr>
<tr>
<td>11/6/52</td>
<td>471</td>
<td>491</td>
<td>Executors Deed from A. Cuyler Ten Eyck, Jr. and The Stamford Trust Company, as Executors of the Will of Mildred Eckert Williams to Elizabeth Grant Hite (Properties combined into one parcel - 3.746 Acres)</td>
</tr>
<tr>
<td>6/3/57</td>
<td>578</td>
<td>480</td>
<td>Warranty Deed from Elizabeth Q. Hite to Herbert M. Lord and Martha U. Lord (Properties combined into one parcel - 3.746 Acres)</td>
</tr>
<tr>
<td>8/18/06</td>
<td>5238</td>
<td>337</td>
<td>Notice for Land Records / Appointment of Fiduciary on the Estate of Herbert M. Lord, appointing Kenneth W. Lord and Martha U. Lord, as Executors</td>
</tr>
<tr>
<td>10/30/06</td>
<td>5281</td>
<td>44</td>
<td>Disclaimer (Jointly Held Real Estate) on the Estate of Herbert M. Lord by Martha U. Lord disclaiming all right, title and interest as joint tenant in and to 293 Lake Avenue, Greenwich, CT</td>
</tr>
<tr>
<td>2/23/07</td>
<td>5353</td>
<td>343</td>
<td>Disclaimer (Article First) on the Estate of Herbert M. Lord by Martha U. Lord disclaiming all right, title and interest devised under Article First of the Will.</td>
</tr>
<tr>
<td>12/14/09</td>
<td>5879</td>
<td>15</td>
<td>Certificate of Devise from the Estate of Herbert M. Lord to Martha U. Lord and Kenneth W. Lord, as Trustees of the Trust created under Article THIRD of the Will of Herbert M. Lord (½ Interest) (Parcel 1: 1.542 Acres - Parcel 1, Map #8350 &amp; Parcel 2: 2.204 Acres - Parcel 2, Map #8350)</td>
</tr>
<tr>
<td>10/4/10</td>
<td>6017</td>
<td>78</td>
<td>Quit Claim Deed from Martha U. Lord to Martha U. Lord, as Trustee of the Martha U. Lord Revocable Trust U/A 7-7-2006 (½ Interest) (Parcel 1: 1.542 Acres - Parcel 1, Map #8350 &amp; Parcel 2: 2.204 Acres - Parcel 2, Map #8350)</td>
</tr>
</tbody>
</table>

COUNTY SEARCH LTD.

By

George R. Blanks
Dated: April 28, 2015
<table>
<thead>
<tr>
<th>Date</th>
<th>Book</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/21/22</td>
<td>193</td>
<td>237</td>
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<tr>
<td>11/14/28</td>
<td>258</td>
<td>474</td>
</tr>
<tr>
<td>11/2/51</td>
<td>466</td>
<td>81</td>
</tr>
<tr>
<td>11/6/52</td>
<td>471</td>
<td>491</td>
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<td>343</td>
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<td>12/14/09</td>
<td>5879</td>
<td>15</td>
</tr>
<tr>
<td>10/4/10</td>
<td>6017</td>
<td>78</td>
</tr>
</tbody>
</table>

Warranty Deed from Edwin N. Chapman to Frank D. Williams (1.542 Acres, Map #647)

Certificate as to Real Estate on the Estate of Frank D. Williams, appointing Mildred Eckert Williams and Bankers Trust Company, as Executors

Probate

Second Article of Last Will and Testament of Frank D. Williams: All the rest, residue and remainder of my property... to Mildred Eckert Williams (No Certificate of Devise filed on the Land Records)

Certificate as to Real Estate on the Estate of Mildred Eckert Williams, appointing A. Cuyler Ten Eyck, Jr. and The Stamford Trust Company, as Executors

Executors Deed from A. Cuyler Ten Eyck, Jr. and The Stamford Trust Company, as Executors of the Will of Mildred Eckert Williams to Elizabeth Grant Hile (Properties combined into one parcel – 3.746 Acres)

Warranty Deed from Elizabeth G. Hile to Herbert M. Lord and Martha U. Lord (Properties combined into one parcel – 3.746 Acres)

Notice for Land Records / Appointment of Fiduciary on the Estate of Herbert M. Lord, appointing Kenneth W. Lord and Martha U. Lord, as Executors

Disclaimer (Jointly Held Real Estate) on the Estate of Herbert M. Lord by Martha U. Lord disclaiming all right, title and interest as joint tenant in and to 293 Lake Avenue, Greenwich, CT

Disclaimer (Article First) on the Estate of Herbert M. Lord by Martha U. Lord disclaiming all right, title and interest devised under Article First of the Will.

Certificate of Devise from the Estate of Herbert M. Lord to Martha U. Lord and Kenneth W. Lord, as Trustees of the Trust created under Article THIRD of the Will of Herbert M. Lord (% Interest) (Parcel 1; 1.542 Acres - Parcel 1, Map #8350 & Parcel 2; 2.204 Acres - Parcel 2, Map #8350)

Quit Claim Deed from Martha U. Lord to Martha U. Lord, as Trustee of the Martha U. Lord Revocable Trust U/A 7-7-2006 (% Interest) (Parcel 1; 1.542 Acres - Parcel 1, Map #8350 & Parcel 2; 2.204 Acres - Parcel 2, Map #8350)
BOOK 287 MISCELLANEOUS

Herein contained shall invalidate any of the security now held for the said debt, nor invalid any condition in said note and mortgage, THIS AGREEMENT shall bind the parties, their successors, heirs, legal representatives, and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed, sealed, acknowledged, the same to be the true, full and exact copy of the same as written.

In presence of

Hester F. Johnston
Alonzo D. Barr
Elenor F. McFay

COUNTY OF CONNECTICUT
COUNTY OF NEW HAVEN

Esq., Her Commissary

December 23, 1903.

Personally appeared H. ELMER G. JOHNSON, attorney and sealer of the foregoing instrument and acknowledged the same to be his free act and deed, before me.

Notary Seal

GILBERT B. SIMPSON, Notary Public.

COUNTY OF NEW HAVEN
COUNTY OF FAIRFIELD

Feb. 7, 1921.

Personally appeared CHRISTOPHER BRENNAN, attorney and sealer of the foregoing instrument and acknowledged the same to be his free act and deed, before me.

Alex Taylor, Notary Public.

Received for Record Feb. 20, 1921 at 1:20 P.M. and recorded by

Town Clerk.

To all whom it may concern, That the premises shall consist, comprise:

Estate of H. ELMER G. JOHNSON, of the said Town of Greenwich, do give, grant, bargain, sell and convey unto the said ELMER G. JOHNSON all the right, title, interest, claim and demand, which the said H. ELMER G. JOHNSON had at the time of his decease, and all the right, title, interest, claim and demand which we, as such executors, have or ought to have in and to

All that certain tract, piece or parcel of land situated in the Town of Greenwich, County of Fairfield and State of Connecticut, bounded and described as follows:

BEGINNING at the point formed by the intersection of the division line between land hereby conveyed and land now or formerly of HARRIET S. BROWNING with the southerly line of a private road 20 feet in width leading to Ledo Avenue and running thence along the southerly line of said private road South 20° 14' East 40.90 feet, thence along the easterly end of said private road North 17° 43' East 10.0 feet, thence along land of WILLIAM S. MILLER South 22° 14' East 200.5 feet, thence through land of the Estate of H. ELMER G. JOHNSON South 17° 20' East 20.35 feet, thence along land of William Neff COOK, Jr., et al North 77° 37' East 60.0 feet, North 77° 29' East 300.0 feet, thence along land now or formerly of HARRIET S. BROWNING North 20° 12' East 40.7 feet to the point of beginning and containing 0.212 acres.

The general boundaries of the above described tract of land are northerly by a private road and land of FRANK S. WILLIAMS; easterly by land of the lots of said
BOOK 287 MISCELLANEOUS

88

N. Chapman; Counterpart by Land of Edwin Revel Chapman, Jr., et al, further by
land now or formerly of Varouver E. Reynolds and in a small part by a private
road.

Together with the right to use in common with the executors and assigns of the
said Edwin N. Chapman, their successors, heirs and assigns, and with others to
whom such right has been or may hereafter be granted, their heirs and assigns for
the benefit of the premises above described and other lands conveyed by Edwin N.
Chapman, Jr., Daniel N. Chapman and Varouver E. Chapman to the Grantee bounding,
the above described premises on the South, said private road in parallel to and from
each street of land from and to Lake Avenue and for supplying to said street of
land water, gas, lighting and telephone service to the same extent and effect
as if the same were a public highway. Being a portion of the premises shown on a
map entitled "Eliot E. Williams, Groveton, Conn." dated January 12, 1921, and
filed simultaneously herewith.

To have and to hold the above granted and bounded premises, with the appurten-
nances thereof, unto her, the said Grantee, her heirs and assigns to her and their
own proper use and benefit.

And to the said Grantee do hereby covenant with her, the said "covenants, her
heirs and assigns, that we have full power and authority, as such executors "or
grant and convey the above described premises in manner and form aforesaid,
and, for ourselves, our heirs, executors and administrators and successors, do
further covenant to warrant and defend the same to her, the said Grantee, her
heirs and assigns, against the claims of any person or persons whatsoever claiming
by, from or under us, as executors as aforesaid.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 16th day of
January, 1921.

Dated, sealed and delivered
in the presence of

Ellen E. Ireland

FLORENCE C. CHAPMAN, Executor of Aforesaid

Martin A. Chapman, Executor of Aforesaid

State of New York \ 1st:
COUNTY OF NEW YORK \ Jan:

January 12th, 1921.

Personally appeared KEDN L. CHAPMAN, and FLORENCE C. CHAPMAN, signers and sellers
of the foregoing instrument and acknowledged the same to be their free act and
deed as such Executors, before me.

(Precary Seal)

Notary Public

Eliot E. Williams, Notary Public

New York County Register's No. 2577

New York County Register's No. 1972

Notary Public No. 53064 Series C.

State of New York \ 1st:
Count Y of New York \ 2nd:

I, DANIEL E. FEET, Clerk of the County of New York, and also Clerk of the Supreme
Court for the said County, the same being a Court of Record, having a seal, DO
HEREBY CERTIFY, that the A. PREO above named is subcribed to the deposition or
certificate of the proof or acknowledgment of the aforesaid instrument, and thence
written, etc., at the time of taking such deposition, or proof and acknowledgment;
and to the best of my knowledge and belief, a true copy of the same is in and for each County, duly commissioned and sworn, and authorized
by the laws of said State, to take depositions and to administer oaths to be used
in any Court of said State and for general purposes; and also to take acknowledg-
ments and proofs of deeds, of conveyances for land, tenements or hereditaments in
said State of New York, and further, that I am well-acquainted with the handwriting
of such Notary Public, and verify that the signature to said deposition
BOOK 287 MISCELLANEOUS

or certificate of proof or acknowledgment is genuine.

IN THE STATE COURT, I have heretofore set my hand and affixed the seal of the said Court and County, the 26 day of Jan. 1851.

[Seal]

Daniel E. Lane, P.M.

Received for Record Feb. 16, 1851 at 9 A.M. and recorded on

Town Clerk.

TO ALL MENCES OF THIS PRESENT SHEET OF LAND.

NOW, at a Probate Court holden at Greenwich within and for the District of Greenwich in the State of Connecticut on the 6th day of January, 1851, on application of John D. Chapman, of the Town of Greenwich, County of Fairfield and State of Connecticut, as Guardian of the Estate of Nancy Davil Chapman, a minor, of the said Town of Greenwich in said District of Greenwich, an order was made authorizing and directing said Guardian to sell at private sale the real estate of said minor in said application described, either as a whole or in parcels as he might deem for the best advantage of the estate and "for a deed or deeds of conveyance therefor and return note of his doings pursuant to said order, all of which will more fully appear by the record of said Court, reference thereto being hereinafter,

And whereas, pursuant to said order he sold at private sale the real estate hereinafter described, being the real estate described in said application (the description of which for the best advantage of the estate to sell said real estate is a whole.

For the sum of Five Thousand Four Hundred Sixteen (54,416) Dollars to Edward E. Williams, of the said Town of Greenwich.

DUG, THOMPSON, 1850. By order, I, the said John D. Chapman, Guardian as aforesaid in pursuance of the authority and direction given as aforesaid, and in consideration of said sum received to me by satisfaction of the said Edward E. Williams, do write, grant, bargain, sell and convey unto the said Edward E. Williams, all the right, title, interest, claim and demand which the said minor, Nancy Davil Chapman, has, and all the right, title, interest, claim and demand which I, as such Guardian, have or ought to have in and to

all that certain tract of land situated in said Town of Greenwich bounded and described as follows,

Beginning at the northwest corner of the tract hereby conveyed, said corner being formed by the intersection of the lines between land hereby conveyed and land of John L. Door with the western line of land of the Greenwich Land & Development Company known as "Ferry Fields" and running thence along land of John L. Door to and along land of Nathaniel V. Howe North 79° 30' East 107.5 feet, North 79° 34' East 107.5 feet, North 79° 34' East 33.8 feet, North 79° 34' East 33.8 feet, thence along land now or formerly of Marjorie L. Brown North 4° 18' East 221.7 feet, thence along land of the Estate of Edwin H. Chapman South 79° 7' East 202.0 feet, South 79° 37' East 104.1 feet, South 89° 0' East 33.8 feet, South 89° 50' East 45.7 feet, thence along land of the Greenwich Land & Development Company South 29° 22' East 57.7 feet, South 29° 22' East 57.7 feet, South 30° 22' East 30.0 feet, South 30° 30' East 97.0 feet to the point of beginning and containing 1,170 acres.

The northwesterly portion of the above described tract of land is subject to a right of way 20 feet in width in favor of the Greenwich Water Company for pipeline.

The northerly boundaries of the above described tract of land are northerly by land of the Estate of Edwin H. Chapman, northerly by land of the Greenwich Land & Development Company.
93


BOOK 287 MISCELLANEOUS

Received for Record Feb. 16, 1951 at 5:12 P. M. and filed by:

[Signature]

TO ALL PERSONS TO WHOM IT MAY CONCERN:

THAT W. H. B. CHAPMAN, JR., of the Town of Fairfield, County of Fairfield and State of Connecticut and CHARLOTTE KNOX CHAPMAN, of the City, County and State of Connecticut,

Do, for the consideration of one ($1.00) dollar and other valuable considerations, released to our full satisfaction of CHARLOTTE KNOX CHAPMAN of the Town of Greenwich, County of Fairfield and State of Connecticut,

ALL our undivided three-thousand interest in and to all that certain tract of land situated in said Town of Greenwich bounded and described as follows:

Commencing at the northeast corner of the town hereby conveyed, said corner being formed by the intersection of the division line between land thereby conveyed and land of John L. Dye with the westernly line of land of the Greenwich Land Development Corporation known as "Terry Hedge" and running thence along land of John L. Dye to and along land of Undescribed A. House North 75° 32' West 107.6 feet, North 75° 34' East 58.8 feet, North 75° 24' East 77.1 feet, North 75° 30' East 25.5 feet, thence along land of or formerly of Myrtle E. Brennan North 4° 12' East 56.4 feet, thence along land of the Estate of Edwin H. Chapman South 89° 18' East 83.0 feet, South 75° 57' East 36.1 feet, South 1° 0' East 23.0 feet, South 75° 57' East 51.9 feet, thence along land of the Greenwich Land Development Corporation South 8° 32' East 60.3 feet, South 8° 36' East 76.7 feet, South 8° 30' East 97.9 feet to the point of beginning and containing 1.906 acres.

The northwesterly portion of the above described tract of land is subject to a right of way 60 feet in width in favor of the Greenwich Land Company for pipe lines.

The general boundaries of the above described tract of land are further bounded by land of the Estate of Edwin H. Chapman; land of the Greenwich Land Development Corporation; and land of John L. Dye and land of Undescribed A. House.

Together with the full and complete right to use for purposes of travel and of sewer, water, telephones and electric services, in common with said Edwin H. Chapman, his heirs and assigns, and with others to whom such rights have been or may be hereafter granted, their heirs and assigns, a private road twenty feet wide located in the Town of Greenwich and shown on a certain map entitled, "Proprietors of Edwin H. Chapman and Others, Greenwich, Conn.," so far as the same shall be clearly shown in the Town Clerk's office of said Town of Greenwich, said road extending through land now or lately of said Edwin H. Chapman and said Edwin H. Chapman, Jr., Daniel Knox Chapman and Nancy Davil Chapman, to be a distance of 124.53 feet, be the same more or less

Together with the right of passing through the land later of said Edwin H. Chapman, deceased, which intervenes between the land hereby conveyed and said private road and carrying sewer, water, telephones and electric services through said intervening land to and from the land hereby conveyed and said private road.

The entire title of said tract of land hereby conveyed by said Edwin H. Chapman, Jr., and Daniel Knox Chapman, and Nancy Davil Chapman being a portion of the same land devised to them by their mother, Charlotte Knox Chapman, deceased, and the rights above set forth were conveyed to said Edwin H. Chapman, Jr., et als by Edwin H. Chapman by deed July 21, 1930 and recorded in the Greenwich Land
BOOK 287 MISCELLANEOUS

against Edward Smith, Executor by 1st of John L. Dean and 1st of Eufaleine A. Dean
and Vesta E. Dean on behalf of Margarite A. Deming.

Together with the full and complete right to use for purposes of travel and of
roads, water, telephone and electric service, in common with said Edwin R. Chapman,
his heirs and assigns, and with others to whom such right may be hereafter
ganted, their heirs and assigns, a private road twenty feet wide, located
in the Town of Greenwich and shown on a certain map entitled, "Properties of Edwin
W. Chapman and others, Greenwich," filed by E. D. Kinsor, C. E. Filed to or
be filed in the Town Clerk's office of said Town of Greenwich, said said extending
through land now or lately of said Edwin W. Chapman and said Edwin H. Chapman
Jr., Daniel Howland Chapman and Nancy David Chapman, easterly a distance
of 944.33 feet, to the same more or less.

Together with the right of a main through the land late of said Edwin R. Chapman,
deceased, which interests between the land hereby conveyed and said private road
and contiguous areas, water, telephone and electric service through said intervecn
and lying to and from the land hereby conveyed and said private road.

The entire title of said tract of land being owned by Edwin W. Chapman, Jr.,
Daniel Howland Chapman and Nancy David Chapman and being a portion of the
same land desired by them by their mother, Charlotte Howland Chapman, deceased,
and the rights above set forth were conveyed to said Edwin W. Chapman, Jr.
by Edwin W. Chapman by deed dated July 23, 1929 and recorded in the Greenwich
Land Registry in Book 165 at Page 181.

Subject to the zoning laws, rules and regulations as established in and for the
Town of Greenwich.

Subject to the Town of the warrant roll on the list of June 1, 1919, the said
hires January 1, 1981.

All rights of way to and from the area of said private road lying Easterly of a
road of 744.33 feet entirely of the southerly line of said Avenue and further described
as "To widen the above granted and bargain-ed premises, with the approxima
tion thereof, onto the said Howland R. Hill road, from the date of the sale forever,
In re: sale hereof by order made June 1, 1919, in the amount of said 744.33 feet
by said Chapman, into the said Hill road and forever.

And furthermore, I, the said Chapman, do by these presents bind myself and my
heirs forever to warrant and defend the same granted and bargain-ed premises to
the said Chapman, forever and assigns against all claims and demands of
any person or persons claiming by, from or under me or Chapman, forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of January,
1919.

Sealed, sealed and delivered
in presence of:

Eve S. Paulil
Villa S. Wright

John D. Chapman
Guardian,

L. S.

GRANT OF CONVEYANCE

GREENWICH

UNITED STATES

personally appeared JOHN D. CHAPMAN, Guardian, at Greenwich, appeared, signed and sealed
of the conveying instrument, and acknowledged the same to be his free act and deed,
in the presence of:

Villa S. Wright, Notary Public.
BOOK 287 MISCELLANEOUS

Forced in Book 145 at Page 166.

Subject to the zoning laws, rules and regulations as established in and for the
Town of Greenwich.

Subject to the Town of Do. excise Tax on the list of June 1, 1900, due and payable
January 1, 1901.

Any rights of way in and to that part of said private road lying easterly of a
point 914.35 feet easterly of the easterly line of Lake Avenue are hereby released.

Lot tract of land is accurately shown on a certain map entitled "Property of
William J. Williams, Greenwich, Conn." made by S. E. Miller & Co., Inc. on, Janu-
ary 10, 1911 and to be sold simultaneously herewith in the Town Clerk's Office
in said Town of Greenwich.

To F. H. D. IT IS HELD the above-mentioned and unimproved premises, with the privileges
and easements thereto attached, the said Grantees, their heirs and assigns forever,
and to them their own proper use and benefit.

AND ALSO to the said Grantees, as for ourselves, our heirs, executors and admin-
istrators, successors in equity to the said Grantees, their heirs and assigns, that at and until
the release of these presents, we are well and truly sold, conveyed, and transferred,
and are, in every and singular of these presents, as in every and singular of the premises, as a good
in perpetuity, and in fee simple, and have good and sufficient right to purchase and sell
the same, in manner and form as is above written, and that the same is free from all
encumbrances whatsoever, except as before mentioned.

AND FURTHERMORE, we, the said Grantees, do, by these presents bind ourselves and
our heirs, executors, administrators, successors in equity to the said Grantees, their heirs and assigns, against all claims and demands
whatsoever, except as above set forth.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 26th day of
January A.D. 1911.

EXECD, SEAL'D AND DELIVERED

In presence of

George H. Candy
V. W. Reed Dandell

ST. CT. OF NEW YORK

STATE OF NEW YORK

CITY OF NEW YORK

Personally appeared EID M. CHILDS, J.R., and MILTON KENyon Chapman, and

attorneys of the foregoing instrument, and acknowledged the same to be their free
and voluntary writing, to be sealed.

Notary Seals

Thea. P. Roen, Notary Public,

County of New York

State of New York, \n
County of New York, \n
RECEIVED

PLANNING & ZONING

COMMISSION

NOV 9 2016

.Entry of the record of the

Registrar's Office No. 287

New York County Registrar's Office

County Tax Office, 1916.

County Expired March 30, 1917.
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

TODAY, THAT, EDWIN E. CHAPMAN, JR., OF THE TOWN OF WESTPORT, COUNTY OF FAIRFAX AND STATE OF CONNECTICUT, AND EDWIN D. CHAPMAN, JR., OF THE CITY, COUNTY AND STATE OF NEW YORK.

FOR THE CONSIDERATION OF THE (1.0%) TOAL AND OTHER VALUABLE CONSIDERATIONS, RECEIVED TO OUR FULL SATISFACTION OF EDWIN E. CHAPMAN, JR., OF THE TOWN OF GREENWICH, COUNTY OF FAIRFIELD AND STATE OF CONNECTICUT, DO BY THESE PRESENTS, SELL, SELL AND SELL TO THE PURCHASER THE SAID EDWIN D. CHAPMAN.

All our undivided one-third interest in and to all that certain tract of land situate in said Town of Greenwich bounded and described as follows:

Beginning at the southwestern corner of the tract hereby conveyed, said corner being formed by the intersection of the division line between land hereby conveyed and said land of John L. Duke, and the easterly line of land of the Greenwich Land Development Company known as "Perry Ridge" and running thence along land of John L. Duke to and alone land of Edeline A. Ross North 1° 22' 29" East 367.0 feet, North 77° 39' 29" East 200.5 feet, North 1° 22' 29" East 367.0 feet, said corner land now or formerly of Harriet B. Evans, thence along land of the estate of Edwin E. Chapman Smith 77° 39' 29" East 367.0 feet, South 77° 39' 29" East 367.0 feet, South 61° 00' 0" East 67.0 feet, South 61° 00' 0" East 67.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet, South 56° 00' 0" East 22.0 feet.

The northwesterly corner of the above described tract of land is subject to a right of way 25 feet in width in favor of the Greenwich Water Company for fire line purposes.

The general boundaries of the above described tract of land are seriatim by land of the estate of Edwin E. Chapman; Easterly by land of the Greenwich Land Development Company; Westerly by land of John L. Duke and land of Edeline A. Ross, and Northerly by land now or formerly of Harriet B. Evans.

Together with the full and complete right to use for purposes of travel and of sewer, water, telephone and electric service, in common with said Edwin E. Chapman, his heirs and assigns, and with others, to share such right with them or any of said Edeline A. Ross and Northerly by land now or formerly of Harriet B. Evans.

To the right of passing through the land late of said Edwin E. Chapman, deceased, which intervenes between the land hereby conveyed and said private road and carrying sewer, water, telephone and electric service through said intervening land to and from the land hereby conveyed and said private road.

The entire title of said tract of land being owned by said Edwin E. Chapman, Jr., and Daniel Vanlinton Chapman, and expressed herein is subject to the full and complete right to use for purposes of travel and of sewer, water, telephone and electric service, in common with said Edwin E. Chapman, his heirs and assigns, and with others, to share such right with them or any of said Edeline A. Ross, and Northerly by land now or formerly of Harriet B. Evans.

The rights above set forth were conveyed to said Edwin E. Chapman, Jr., and Edwin D. Chapman, Jr., by Edwin E. Chapman by deed dated July 20, 1909 and recorded in the Greenwich Land
BY HAND

Planning & Zoning Commission
Town of Greenwich
Town Hall
101 Field Point Road
Greenwich, CT 06830

Re: Lot Confirmation – Lord Property – 293 Lake Avenue (Chapman Lane)

Ladies and Gentlemen:

Pending before you at this time is the above-captioned application to confirm the existence of two separate, albeit adjacent, lots at the end of Chapman Road that are owned by the fiduciaries of the Lord family (the "Lord lots"). Herbert and Martha Lord acquired these two lots in 1957. The question has been presented to us as to whether it is appropriate to find that the Lord lots have become one lot by reason of the doctrine of "merger." For the reasons that follow, it is clear that the Lord lots have not merged and that they maintain their independent legal status to this day.

Any analysis of whether adjacent lots have "merged" under law -- so as to lose their separate identity -- proceeds in a series of logical steps. One occasional pitfall in any such analysis occurs when land use professionals "jump in with both feet" and do not pursue the steps of analysis in appropriate order. Some do this by beginning the analysis by asking, "Did the owner of the adjacent lots ever utilize them as a single lot?" As is shown below, this question, while relevant, presents itself in STEP 3 of any merger analysis, and should not be taken up as a first order of business.

STEP 1 of the Analysis: Are the lots substandard, and if so, when did they become substandard?

The first question in any "merger" analysis is whether adjacent lots are "substandard" (i.e., nonconforming). Since the advent of zoning, no Connecticut court has ever held that conforming lots can ever "merge," regardless of how they are used. The reason that there has never been any such holding is because, as a matter of law, conforming lots can never merge.


Parenthetically, the chapter dealing with “merger” in Rathkopf’s The Law of Zoning and Planning, the leading treatise in the field of land use law, is entitled “Substandard Lots”. 5 A. Rathkopf & D. Rathkopf, The Law of Zoning and Planning (Ziegler Ed. 2011), Chapter 49 (Exhibit 1 hereto).

Zoning ordinance provisions often limit exemptions or grandfather clauses to lots of record that are in single or separate ownership. Either implicitly by such provisions or expressly by “merger” requirements in the ordinance itself, contiguous substandard lots under common ownership may lose their separate identity and be treated as a single parcel for purposes of zoning area and frontage requirements and subdivision restrictions.

Id. at § 49:13 (Exhibit 1 hereto) (emphasis added).

Lots may be substandard in any one of three respects – inadequate area, inadequate yard setbacks or inadequate frontage.

a. Ross v. Zoning Board of Appeals of Darien

A classic example of the principle that only substandard or nonconforming lots may merge was Ross v. Zoning Board of Appeals of Darien, 2006 WL 932319 (Conn. Super. Apr. 28, 2009). Ross involved two adjacent waterfront lots owned by a common owner in a one-acre zone. In 1955, at a time when both lots slightly exceeded one acre in size, the owner built a home directly on the boundary line between both lots, and thereafter the Town taxed both lots as a single parcel.

Rising tides led to a new survey in 2003 at which time one lot was found to be .9764 acres and the other lot to be .9888 acres in size. The new owner of the property wanted to demolish the existing residence and develop each lot independently, but the zoning enforcement officer ruled that the lots had “merged,” and the Board upheld his ruling, finding that the previous owner had intentionally merged the lots in 1955 when he built his house half on one lot and half on the other.

The holding in Ross? No Merger. Judge David Tobin reversed the decision of the Board:

In his brief counsel for the Board places great reliance on Iannucci [v. Zoning Board of Appeals] as supporting the Board’s factual determination of intent to merge. However Appellate Court’s decision in Iannucci does not indicate whether the lots in question were undersized and non-conforming or, full-sized and conforming when a residence was constructed on the dividing line. In the present case, the Board found that a merger had occurred in 1955 when both of the lots in question were full-sized and fully conforming with all lot shape and frontage requirements.
Id. at *9 (emphasis added).

Since the record does not support the grounds on which the Board concluded that determined that Lots 10 and 11 had been intentionally merged in 1955, the court sustains the plaintiffs’ appeal in FST CV 04-4001747 S from the August 16, 2004 decision of the Board confirming the ruling of the Zoning Enforcement Officer. The case is remanded to the Board for further proceeding not inconsistent with this opinion.

Id. at *11 (emphasis added).

b. Are the LORD LOTS substandard/nonconforming, and if so, WHEN did they become nonconforming?

The adjacent Lord lots are located in a one-acre zone, and each of them substantially exceeds one acre in size. One of the lots is developed and one is undeveloped. The developed lot complies with frontage requirements (125 feet), but, as a corner lot, has a nonconforming street side yard (which is 42.92 feet, while 52.5 feet is required). The undeveloped lot is conforming except with respect to lot frontage (it has 50 feet, while 125 feet is required).

The developed lot became nonconforming (as to street side yard) in the June 20, 1950 revision to the Building Zone Regulations. Prior to that time, the required street side yard for a corner lot on any street in an RA-1 zone was only 37.5 feet. See Building Zone Regulations, Amendments up to May 13, 1948, Schedule of Required Open Spaces .... and Article IV, Section7(O)(1). But new Section 13 of the 1950 revision added the following to the Regulations:

“The required minimum front yard depths and street side yard widths are based on streets at least fifty (50) feet wide. For every foot less in width of a street the required depths and widths of front yards and street side yards respectively are to be increased six (6) inches.”

Given that the street, Chapman Lane, is only 20 feet wide, the 1950 revision increased the minimum street side yard requirement for the developed Lord (corner) lot to 52.5 feet, and with only 42.92 feet, the Lord side yard became nonconforming.

The undeveloped Lord lot was fully conforming as to frontage until September 22, 1987. On that date the Commission amended the definition of “Lot Frontage” in § 6-5(35) of the Regulations.

Prior to September 22, 1987, the definition of “Lot Frontage” in § 6-5(35) read as follows:

Lot Frontage shall mean the distance between the side lines of a lot measured along the front lot line. Where the front lot line is an arc or the side lines converge toward the front
lot line the distance may be measured along the required setback line parallel to the street line.

See Exhibit 2 hereto. Applying that definition, the undeveloped Lord lot had more than enough frontage to comply with the Regulations. See diagram attached as Exhibit 3 hereto.

On September 22, 1987, the definition of “Lot Frontage” was changed to read as follows:

Lot Frontage shall mean the distance between the side lines of a lot measured along the front lot line. Where the front lot line is along the circular terminus of a cul-de-sac the distance may be measured along the required setback line parallel to the street line.

See Exhibit 2 hereto. As a result of that amendment to the Regulations, the undeveloped Lord lot became, for the first time, nonconforming as to frontage, because it was not at the end of a cul-de-sac and it had only 50 feet of frontage on Chapman Lane.

After lots become substandard -- and only after this point in time -- it is appropriate to examine whether the acts of landowners or changes in regulations produce a “merger” of adjacent lots because, as previously stated, conforming lots never merge. After lots become substandard:

Merger occurs in two situations. In the absence of a change in the zoning provisions, merger is determined by a party's intent to treat multiple lots as a single property. Additionally, ... merger may be found to exist by operation of law, where a town changes zoning ordinances to implicitly or explicitly merge nonconforming lots with contiguous land owned by the same owner.

Laurel Beach Ass'n, 66 Conn. App. at 653.

STEP 2 of the Analysis – As to the Developed Lord Lot: On or after June 20, 1950, was there a change in the zoning ordinances that implicitly or explicitly “merged” land from the undeveloped Lord lot into the developed Lord lot by operation of law?

STEP 2 of the Analysis – As to the Undeveloped Lord Lot: On or after September 22, 1987, was there a change in the zoning ordinances that implicitly or explicitly “merged” land from the developed Lord lot into the undeveloped Lord lot by operation of law?

As stated in the Laurel Beach Ass 'n case, merger by operation of law may arise from explicit or implicit interpretations of zoning regulations – ones like § 6-9 of the Greenwich Building Zone Regulations -- with respect to nonconforming lots.

a. Explicit Merger by Operation of Law
Classic examples of merger of lots under zoning regulations in *explicit* fashion arise from time where local regulations actually use terms like "merger" of "merged" when discussing substandard lots. For example, the Milford Zoning Regulations expressly use the term "merged," and state when merger does and, more particularly, does not occur. Specifically, §6.4.2 of the Milford Zoning Regulations allows a nonconforming lot (as to area and width) to be developed if, among other things, the following condition is satisfied:

Since the time the lot was caused to become non-conforming by virtue of a revised zoning regulation, the lot has never been utilized in conjunction with adjacent property so that the identity of the lot in question has not merged with adjacent property.

Milford Zoning Regulations, § 6.4.2(3A)(Attached hereto as Exhibit 4). The application of this explicit merger regulation was the subject of appeals in *Torsiello v. Zoning Bd. of Appeals of Milford*, 43 Conn. App. 47 (1984) and then again in *Laurel Beach Ass’n*.

Another example of *explicit* merger regulations can be found in *Miller v. Zoning Board of Appeals of Westport*, 36 Conn. App. 98 (1994), where the following language from § 6-3.2 of the Westport Zoning Regulations was at issue:

> If two or more adjoining lots of record, one or more of which are undeveloped and fail to meet the requirements of these regulations with regard to lot area and/or lot shape, were in the same ownership on March 24, 1956 or subsequent date, and if such lots taken together would form one or more lots, each more nearly meeting the requirements of these regulations with regard to lot area and lot shape, such lot or lots shall *merge and shall no longer be considered legally existing as separate lots*....

*Miller*, 36 Conn. App. at 101 n. 4 (emphasis added).

b. **Implicit Merger by Operation of Law**

As stated in the *Laurel Beach Ass’n* case, merger by operation of law may also arise from *implicit* interpretations of zoning regulations with respect to nonconforming lots. Such regulations do not expressly use the words "merge" or "merger." However, *implicit* findings of merger often stem from interpretations of the word "lot" in zoning regulations.

For example, in *Neumann v. Zoning Bd. of Appeals of Stonington*, 14 Conn. App. 55 (1988), two lots were found to have "merged" as a result of the following regulation that defined the word "lot":

> 2.58 lot — one or more adjacent parcels of land under single ownership to be used, developed or built upon as a single unit.

Stonington Zoning Regulations, § 2.58; *Neumann*, 14 Conn. App. at 58. Laying the foundation for a finding of *implicit* merger, the court in *Neumann* stated:
We also reject the plaintiffs argument that § 2.58 of the regulations does not apply to his property because that section does not specifically state that under its provisions a "merger" of the two parcels takes place. It is true that some zoning regulations which deal with the question of the permitted use of nonconforming lots refer specifically to the merger doctrine.

Id. at 59. In making an implicit finding of merger, the court in Neumann held that the definition of "lot," which contemplated that one or more adjacent parcels could constitute a "lot," was critical:

That definition, applied to the facts of this case, leads to the conclusion that Bartram's use of the wharf property in connection with the homestead property merged the two parcels. On the effective date of the zoning regulations, Bartram owned both parcels, and her use of them at that time demonstrated that they were then and were in the future "to be used ... as a unit." § 2.58. Thus, at that time the "two adjacent parcels of land under single ownership" constituted a single "lot." § 2.58. They could not thereafter be redivided into two lots.

Id. at 61.

Another case raising the issue of whether -- by operation of law -- two lots had implicitly merged was Bell v. Zoning Bd. of Appeals of Newington, 27 Conn. App. 41 (1992). Bell involved two nonconforming lots (lots 115, 116 and 117). In 1952 a home had been built on the boundary line of lots 116 and 117, but the third lot (115) remained a vacant lot. Similar to Neumann, the plaintiff in Bell argued that an implicit finding of merger necessarily resulted from the application of a definition — specifically, the definition of a "nonconforming lot of record." Section 5.1.1 of the Newington Zoning Regulations, entitled "Non-Conforming Lot of Record," provided a number of conditions that had to be present in order to allow development of a non-conforming lot. Concluding that all of the conditions were present, and that an implicit finding of merger was not appropriate, the court in Bell held:

In order to prevent a merger by operation of law, all of the conditions of § 5.1.1 must be met.

Id. at 47.

Section 5.1.1.B provides that "[n]o owner of such lot or lots at any time since it became non-conforming shall have owned adjacent land which may be or could have been included as part of the lot in question .... The italicized language, as applied in the present case, precludes a finding of merger by operation of law. This portion of the amendment indicates that only if there is land that "may be" or "could have been" included as part of the lot in question will such land merge by operation of law.

Id. at 47-48 (emphasis in original). The Appellate Court held:
Planning & Zoning Commission  
Town of Greenwich  
November 4, 2016  

Adding property to lot 115 from lots 116 and 117, as the plaintiff suggested, could not result in making lot 115 conform to the present zoning requirements without reducing the combined area of lots 116 and 117, already below the minimum requirement, and rendering them more nonconforming. In addition, the most that can be taken from lots 116 and 117 without making them nonconforming as to road frontage would be twenty feet, which is still not enough to make lot 115 conforming in that regard. Because the intent of the amendment was to prevent the creation of nonconforming lots whenever possible, the board and the trial court correctly concluded that the adjacent land was not land that “may be” or “could have been” included in the property in question, and, therefore, that there was no merger by operation of law.

Id. at 48-49 (emphasis added). In short, a court will never apply a regulation that provides for merger of lots by operation of law when doing creates a more nonconforming condition on an adjacent lot.

c. How Greenwich’s “Merger” Regulation -- § 6-9 -- Applies or Does Not Apply in this Case

In this case, application of the Greenwich Building Zone Regulations does not result in either an explicit or implicit finding of merger of the Lord lots as a matter of law.

From an explicit standpoint, there is no regulation in Greenwich, which, like those in Milford or Westport, uses the term "merged" or "merger" and expressly states when such a "merger" occurs.

From an implicit standpoint, § 6-9 of the Greenwich Regulations, like the regulations at issue in Bell, is intended to avoid the creation of nonconformities:

No building or land shall be used and no building or part thereof shall be erected or relocated except in conformity with this Article, except that lots appearing of record in the Greenwich Land Records and made non-conforming in respect of area, lot shape or frontage by the adoption of or any amendment to this Article ... may be used for residence purposes ... or for permitted non-residential purposes, provided the owner of any such lot did not own sufficient adjoining land at the time such lot became non-conforming to conform with this Article ....

Regulations § 6-9 (emphasis added).

Was it possible in 1950, the day after street the side yard of the developed Lord lot became nonconforming, to take “sufficient adjoining land” from the undeveloped lot to satisfy the need for a 52.5 foot street side yard for this corner lot? Answer: Of course not. The only way to have extended the side yard to a conforming width would have been to move the southerly spur of Chapman Lane almost 10 feet to the south. Section 6-9 provides for merger when adjoining land may be taken to resolve a nonconforming situation; it does not provide for merger by
requiring a road to be moved. Moreover, the only way to make the street side yard of this lot conform would be to move the street onto the O'Connor property, which could never be done.

Was it possible the day after the undeveloped Lord lot became nonconforming in 1987 to take “sufficient adjoining land” from the developed lot to satisfy the need for 125 feet of lot frontage in the one-acre zone? Answer: Not without making the developed lot more nonconforming in violation of the doctrine in the Bell case.

If the owner of the undeveloped Lord had taken “sufficient land” from his adjacent developed lot after the 1987 amendment in order to supplement the deficient frontage of the undeveloped lot, the new lot line would have bisected the dwelling on the developed lot. (Exhibit 5). This would not only violate the Bell doctrine by increasing the degree of nonconformity on the developed lot by placing a structure directly on a lot line, it would also create a nonconforming situation on the heretofore undeveloped lot by placing a structure (the remaining part of the dwelling) on one of its lot lines as well.

Were the owner of the undeveloped Lord to take “sufficient land” from his adjacent developed lot today in order to supplement the deficient frontage of the undeveloped lot – with the 200% rule now in effect in § 6-5(35) -- the new lot line would still bisect the dwelling on the developed lot. (Exhibit 6).

Under the reasoning of Bell, § 6-9 of the Regulations creates no implicit merger by operation of law, because an attempt to add “sufficient adjoining land” to the nonconforming lot would in turn create a direct violation of the portion of § 6-9 that requires that “no building or land shall be used ... except in conformity with this Article.”

**STEP 3 of the Analysis:** Since June 20, 1950, have the owners of the Lord lots done anything that manifests an intent to treat multiple lots as a single property?

Since the creation of the first nonconforming situation – June 20, 1950 -- the owners of the Lord lots have used the developed corner lot, with its dwelling and garage thereon, for residential purposes. They have left the adjacent, undeveloped lot vacant and in a natural wooded state since that time.

There is perhaps no greater indication of an intent not to merge lots than leaving a nonconforming lot in an undeveloped state. As stated by the Connecticut Supreme Court in *Schultz v. Zoning Board of Appeals of Berlin*, 144 Conn. 332 (1957):

> It is clear, therefore, that the westerly portion of the tract formerly owned by James B. Ellsworth was by him set off as a separate lot with a frontage of 68.6 feet when he built a house on that lot and graded it, leaving his land to the east of it in its natural state and at a different grade, thus evidencing his intent not to utilize it in connection with his home to the west.
Id. at 339. Neither the Lord family nor its predecessors have done anything that manifested an intent to treat the two lots as a single property since the first nonconformity was created in 1950.

CONCLUSION

The first of the two adjacent lots now owned by the Lord family became nonconforming in June of 1950, when the Planning & Zoning Commission adopted an amendment to the Regulations that affected the requirements for side yards on streets less than 50 feet in width. To the extent that someone might wish to investigate whether the Lord lots ever "merged" and became one lot, an appropriate investigation of that issue would, as a matter of law, begin in June of 1950, but not before.

Since June of 1950 no regulation providing for merger in the Greenwich Building Zone Regulations has either explicitly or implicitly compelled a finding that the Lord lots have lost their separate identity.

Moreover, since June of 1950 the owners of the Lord lots have done nothing to manifest any intent to merge the two lots.

Under Connecticut law, the Lord lots maintain their separate identity today, and may each be developed under the Greenwich Building Zone Regulations.

Very truly yours,

[Signature]

James A. Fulton
jfulton@wbamct.com
(203) 862-2440

cc: John K. Wetmore, Esq.

4823-8774-0731, v. 1
Chapter 49

1. ZONING FOR MINIMUM AREA AND FRONTAGE

Substandard Lots

II. CONSTITUENCY OF MINIMUM

1. ZONING FOR MINIMUM AREA AND FRONTAGE

Substandard Lots

III. MERRILL AND THE SALEABLE OWNERSHIP

Requirements

REQUIREMENTS

Constitutionality of Minimum

1. ZONING FOR MINIMUM AREA AND FRONTAGE

Substandard Lots

Chapter 49

THE LAW OF ZONING AND TANNING
The Law of Zoning and Planning

Section 4.13

Merger and subdivision requirements

Certain requirements may be relaxed in cases of merger or subdivision of property for production of multiple units of family dwellings. A proper subdivision is required under common ownership of two or more properties, where the properties are to be used for similar purposes. The property must meet certain minimum standards, including but not limited to:

- Density requirements
- Open space requirements
- Setback requirements
- Easements and rights of way

In cases where the properties are being merged, the resulting unit must meet the same requirements as if it were a single parcel of land. The purpose of these requirements is to ensure that the resulting development is consistent with the surrounding area and meets the needs of the community.

Superseded Acts Section 4.18

Merger provisions generally apply to subdivisions of two or more properties. A single parcel of land is treated as a separate lot unless:

- The properties are owned by the same person or entity
- The properties are being merged for the purpose of developing a single project

Where these conditions are met, the requirements of this section may be relaxed to facilitate the development of Multiple Unit Dwellings.
of a Public Hearing and Regular Meeting of the Planning and
Commission held on Tuesday, September 22, 1987 at 8:00 p.m. in
Town Hall Meeting Room.

Present: Messrs. Joyce (Chairman), Ragland and Heagney and Mrs.
Siefert and Grant.
Present as Alternates: Messrs. Patterson and Eustis and
Mrs. Staples. Also Present: Mr. Sandy (Town Planner) and
Mr. Brower (Director of Planning and Zoning).

The public hearing opened at 8:15 p.m. Notice of the Public
Hearing was published in the Greenwich Time on September 11, 1987
and September 18, 1987.

The following public hearing items were opened:

1. Rezoning/Site Plan # 1253-C of Catalano, North Water Street.
   This matter was opened and continued to the October 20, 1987
   Public Hearing (R-6 to LBR-3 zone); no testimony was taken.

2. Special Permit/Site Plan # 1252 of the Family Center, Arch
   Street. This item was opened on September 10, 1987, continued to
   September 22, 1987 (no testimony taken), and
   continued again to the October 6, 1987 meeting.

The Public Hearing was closed at 8:17 p.m.

Site Plan # 1256 for Hub Mobil on East Putnam Avenue at Indian
Field Road was reviewed and considered. After some discussion and
upon a motion made by Mr. Ragland and seconded by Mr. Heagney,
the following resolution was unanimously adopted: (Voting on this
item: Messrs. Joyce, Ragland and Heagney, Mesdames Siefert and
Grant).

RESOLVED, that Site Plan # 1256 for the Hub Mobil on East Putnam
Avenue at Indian Field Road dated 1-28-87 rev. 8-2-87 is hereby
approved with modifications;

The modifications are as follows:

1. That the plan be revised to reflect the correct Engineering
details.

2. That the tank vents be located along the rear face of the
   building.

3. That some form of pipe rail protective fencing be indicated
   on top of the retaining wall inasmuch as there will be up to
   6 ft in grade difference on the property line.

4. A revised sewer permit shall be obtained prior to building
   permit issuance.
The Commission noted that the landscaped traffic island and kiosk formed an important element of the proposed Historic District and recommended its inclusion in the District. However, recognizing the possible need for traffic safety improvements in the future, the Commission noted that through the Municipal Improvement approval process intersection improvements, if needed, could and should be accomplished to the mutual satisfaction of the Historic District Commission and Department of Public Works.

The Commission questioned whether-or-not the "restored" kiosk as it now stands was, in fact, restored to its original design. If not, it was recommended that the Historic District Commission pursue having the kiosk appropriately altered.

2. The Commission reviewed alternative development schemes for Cliffdale Park proposal.

3. Architectural Review Committee membership. The Commission discussed ways in which to identify new members for the Architectural Review Committee vacancies.

4. King Street area traffic study. The Commission directed staff to create a list of questions for the King Street area scope of study and to coordinate same with Port Chester, Rye Brook and North Castle officials.

The Commission considered proposed amendment to Section 6-5(a)(35) of the Building Zone Regulations. After some discussion and upon a motion made by Mr. Ragland and seconded by Mrs. Grant, the following resolution was unanimously adopted: (Voting on this item: Messrs. Joyce, Ragland and Heagney and Mesdames Siefert and Grant).

WHEREAS, the Commission held a public hearing on September 10, 1987 in the manner required by law;

WHEREAS, the Commission considered all testimony presented at the hearing;

WHEREAS, the Commission finds that the proposed language will clarify the intent of the regulation which is to allow converging lot lines only at the end of cul-de-sac which was the original intent and will avoid abusive applications of the present regulations.

RESOLVED, that the application of the Planning and Zoning Commission Staff to amend the "Building Zone Regulations, Greenwich, Connecticut" is hereby approved as follows: (Effective September 29, 1987)
(underlined words to be inserted; words in brackets to be deleted)

Amend Sec. 6-5(a)(35) Lot Frontage shall mean the distance between the side lines of a lot measured along the front lot line. Where the front lot line is [arc], along the circular terminus of a cul-de-sac [or the side lines converge toward the front lot line], the distance may be measured along the required setback line parallel to the street line;

the commission identified the following lots which shall be exempt from this amendment as follows:


3. Parcels shown on maps attached to applications approved by the Board of Appeals prior to September 22, 1987.

4. Lots for which building permits were issued prior to September 22, 1987.

The Commission considered proposed amendments to Section 6-5(a)(9), Section 6-5(a)(35) and Section 6-10 of the Building Zone Regulations. Upon a motion duly made by Mr. Heagney and seconded by Mr. Ragland, the following resolutions were unanimously adopted: (Voting on this item: Messrs. Joyce, Ragland and Heagney and Mesdames Siefert and Grant).

WHEREAS, the Commission held public hearings as required by law on May 19, 1987, July 28, 1987, August 11, 1987 and September 10, 1987;

WHEREAS, the Commission considered all testimony presented at those hearings;

THEREFORE BE IT RESOLVED, that the application of Jara Burnett on behalf of the Riverside Association to amend the "Building Zone Regulations, Greenwich, Connecticut" as follows:

Amend Sec. 6-5(a)(9) Building Height by establishing 35 foot height maximum in R-20 zones and below is hereby DENIED:

Amend Sec. 6-5(a)(35) Lot Frontage by eliminating converging lot lines is hereby DENIED:

Amend Sec. 6-10 Building permit Applications by requiring notice to adjoining property owners is hereby DENIED:
The Commission denied the Building Height amendment, Sec. 6-5(a)(9), because they felt that it did not comprehensively resolve the problem which is quite complex. The Commission shares the same concerns of the Riverside Association and would be willing to consider alternative approaches to the problem. The Commission members have discussed and considered numerous angles on the resolution of excessive building height during the past months. Lots that would drop sharply to the sides or rear would not be affected by the amendment as proposed in terms of visual bulk. Elimination of the "built in variance" of 10' or 1 story may be appropriate. The Commission and Staff would be willing to entertain, on an informal basis, further investigation of the problem with members of the Association and/or design professionals who are also concerned with this issue. Determining a building height, by right, which is acceptable to property owners and adjoining neighbors while allowing for relief on unique properties without overburdening the Board of Appeals appears to be a common goal.

The proposed Lot Frontage amendment Sec. 6-5(a)(35), was denied after the Commission approved a Staff amendment containing more specific language,

The Commission denied the proposed amendment to Sec. 6-10 requiring notice to neighborhoods because the process would unduly burden the affected departments which indicated they have an existing extremely heavy workload. (Note ref. to July 24, 1987 memo from Wm. Marr, Building Official and August 4, 1987 memo from M. Roddy, Deputy Commissioner of Public Works. The Tax Assessor indicated workload difficulties as well.) In the event that the informal process of publishing permits in the newspaper as compiled by Association volunteers proves ineffective, the Commission would be willing to explore alternatives to this problem as well.

The Commission considered Special Permit/Site Plan # 1249C of Bouchard on Valley Road. After some discussion and upon a motion made by Mrs. Siefert and seconded by Mrs. Grant, the following resolution was unanimously adopted: (Voting on this item: Messrs. Joyce and Patterson and Mesdames Siefert, Grant and Staples).

WHEREAS, the Commission held a public hearing on June 9, 1987 in the manner required by public law;

WHEREAS, the Commission considered all testimony in that hearing,

THEREFORE BE IT RESOLVED, that Site Plan # 1249C of Bouchard on 85 Valley Road dated 2-20-87 revised 7-20-87 is hereby approved with modifications.
Article VI – Non-Conforming Uses, Structures, and Lots, continued.

The panel with poster shall remain on the property for an unbroken period of 15 days. At the end of 15 days, the applicant shall submit the following notarized statement to the Zoning Enforcement Officer:

I., (applicant) hereby swear to the Zoning Enforcement Officer of the City of Milford that the property at ___(address)___ has been posted for a period of 15 days from (date) to (date) in accordance with the notice requirements of Section 6.4.1 (5) of the Milford Zoning Regulations.

6.4.2 Use of Non-Conforming Lots when Applicants or Predecessor Own/Owned Adjacent Land: A zoning permit may be issued subject to a application granted by the Zoning Officer for an allowable use on a lot which does not meet the standards for lot area and/or width of the particular zone in which said lot is located if:

(1) The present owner or his predecessors in title did not illegally create this non-conforming lot and that the lot was of legal size when it was created as a lot.

(2) The present owner or his predecessors in title, __as determined by an attorney__, do now or have owned adjacent land since the time the lot was caused to become non-conforming by virtue of revised zoning regulations.

(3A) Since the time the lot was caused to become non-conforming by virtue of a revised zoning regulation, the lot has never been utilized in conjunction with adjacent property so that the identity of the lot in question has not merged with adjacent property.

(3B) The determination of whether a lot has been so utilized in conjunction with adjacent property so that its identity as a separate lot has ceased and it has merged with the adjacent property is a factual determination to be made on a case by case basis upon the facts and circumstances of each individual application. Therefore, no fixed set of criteria can be said to establish such a merger for all cases. Listed below by way of example only, and not of limitation are some factors which may be indicative of a merger, depending upon the surrounding circumstances of the particular case.

(a) If, at the time the house was constructed, the minimum lot size required by the Zoning Regulations exceeded the size of the house lot itself, the vacant lot will be considered merged with the original house lot, i.e., if the minimum lot size could only be achieved by utilizing both lots together at the time the house was constructed, a merger will have occurred. (See sample below)
December 15, 2016

BY EMAIL and FIRST CLASS MAIL

Planning & Zoning Commission
Town of Greenwich
Town Hall
101 Field Point Road
Greenwich, CT 06830

Re: Lot Confirmation – Lord Property – 293 Lake Avenue (Chapman Lane)

Ladies and Gentlemen:

I write this letter as a supplement to the materials filed by Eric Brower and me in November referable to this application. It is intended to address a question that you might ask about the independent nature of the two Lord lots, which subject was discussed more fully in my letter of November 14, 2016.

As stated in that letter, the facts do not reveal even one thing that any owner of the subject properties did after either of the lots became substandard to evidence an intent to "merge" the two lots and treat them thereafter as a single lot.

Specific reference is now made to the March 5, 1952 deed of the executors of the estate of Mildred Eckert Williams to Elizabeth Grant Hite. By that deed, the executors conveyed both of the subject lots to Mrs. Hite as if it were one 3.746 acre parcel. One might ask, "Does this show an intent to merge the two lots into a single lot?"

The answer is no. "[W]ether a merger of contiguous parcels of land has occurred depends on the intention of the owner ...." Carbone v. Vigliotti, 222 Conn. 216, 227 (1992) (emphasis added).

The reason that this executor's deed evidences no intent by any owner to merge the properties is that an executor is never an owner of real property:

"[W]hen we have construed 'owner' in the context of real estate, we have defined the term with reference to title. When we say, a man has the title to ... [property], we mean, he is the owner of it; and vice versa." (Citation omitted). "Ownership is an essential incident of title and 'according to the commonly approved usage of the language' (General Statutes § 1–1), an owner is 'one that owns; one that has the legal or rightful title whether the possessor or not.' (Citation omitted).
Planning & Zoning Commission  
Town of Greenwich  
December 15, 2016

*Lunn v. Cummings and Lockwood, 56 Conn. App. 363, 372 (2000).*

Our law is well settled that the executor of an estate does not take title to real property of the estate. (Citation omitted). Upon death of the owner of real property, legal title to real property immediately passes to the decedent's heirs, subject to the right of the executor to administer the estate. (Citation omitted).

261 Conn. 247, 251 (2002).

If a power of sale is conferred on the executor or administrator by will or by court order, this is a mere naked power, not coupled with an interest, and gives the fiduciary no right to enter upon and possess any part of the real estate. Even where a power of sale (or presumably, mortgage) is conferred, this does not vest any title in the fiduciary.

Gayle B. Wilhelm, CONNECTICUT ESTATES PRACTICE, Settlement of Estates (rev’d ed. 1974), at 157. (See Exhibit 1).

Indeed, it is one of the interesting oddities of the law that, thanks to the powers recognized and conferred by the Probate Court, a fiduciary who never has title to real property may convey good title to the property to a grantee. However, the fact that the executors of Mildred Eckert Williams – for whatever reason – chose to convey title to the subject lots to Mrs. Hite as “one big parcel” did nothing to merge the lots as a matter of law.¹

Very truly yours,

[Signature]

James A. Fulton
jfulton@wbamct.com
(203) 862-2440

cc: John K. Wetmore, Esq.

¹ It may well be that the draftsmen of Section 6-9 of the Building Zone Regulations were aware of the law that an executor, who never holds title to real property, can do nothing to evidence an intent to merge properties. Such awareness is reflected in the language of the regulation that does not effect merger when a real property owner acquires land “by descent or demise as a result of the death of the adjoining owner.”
EXHIBIT 1
is his duty to protect the estate against unjust claims and demands. In this connection he properly represents the legatees, not the creditor; and therefore the legatees are bound by any adverse decision rendered in a suit against the executor to establish a claim. Conversely, if credit for a claim allowed but not paid is taken in the administration account, the administrator is not a proper appellant from the action of the Probate Court in disallowing such credit.

Though the executor or administrator is in a sense a trustee or agent for a particular creditor, his paramount duty in the situation described is to the heirs; and this paramount duty disqualifies him from acting in behalf of a particular creditor to the detriment of the heirs.

§ 112. Devolution of Title at Death—Distinction Between Real and Personal Property

Upon the death of a property owner, the devolution of the title to his property depends upon its inherent nature. The legal title to real property vests immediately in the heir or devisee, while legal title to personal property goes to the executor or administrator.

In both cases, the heir is the "real representative" while the executor or administrator is the legal or "personal representative." Therefore, when shares of stock in a turnpike company were classified as real estate, these did not pass to the executor but to the heir, whereas dividends on such stock declared before death, being personalty, passed to the executor. So, damages assessed before death for a taking of

4. Woodbury's Appeal, 70 Conn 455, 457, 39 A 791; Winchell v Sanger, 73 Conn 399, 47 A 706.
5. Winchell v Sanger, 73 Conn 399, 47 A 706; Cf. Buckingham's Appeal, 60 Conn 143, 22 A 509.
7. Ekdahl v Wessman, 127 Conn 141, 14 A2d 757.
8. Annotations: Corporate stock: who may exercise voting power of corporate stock pending settlement of estate of deceased owner. 7 ALR3d 529.
Pensions: rights in survival benefits under public pension or retirement plan as between designated beneficiary and heirs, legatees, or personal representative of deceased employee. 5 ALR3d 644.
9. §§ 16 et seq., supra.
10. In re Wilcox & Howe Co. 70 Conn 220, 39 A 163; Cooley v Pigott, 84 Conn 323, 80 A 92.
11. Welles v Cowles, 4 Conn 182.
§ 113  CONNECTICUT ESTATES PRACTICE

land for a highway, payable in the future, became personality as soon as assessed and therefore passed at death to the executor. An option to purchase realty is an unilateral contract of sale and must be treated as personality in the hands of the executor. And it is provided by statute that the interest of any deceased person in or to any oyster grounds or oysters planted and growing thereon is treated as personal estate.

§ 113. The Fiduciary's Power to Dispose of or Use Realty When Estate Debts Require

By reason of the distinction in the devolution of title at death, the executor or administrator at common law had no right to enter upon the real estate of the deceased. The sole title and right of possession was in the heir or devisee. At common law the administrator or executor had nothing to do with real estate unless it was required for debts. Until making an inventory of property fraudulently conveyed by the deceased, and having the claims established and procuring an order of sale, the administrator has no right or title to interfere with such property. And in Brill v Ulrey, 159 Conn 371, it was held that executors were not entitled to institute and maintain an action to quiet title to real estate where there was no allegation that property involved was needed to satisfy claims against the estate.

In Connecticut, real estate has been specifically made liable for the debts of the deceased if the personality proves insufficient and the executor or administrator might appropriate it for that purpose under the statutory method. It might be sold or mortgaged by the administrator or executor upon court order authorizing such sale, if needed.

12. Welles v Cowles, 4 Conn 182.
13. Pigeon v Hatheway, 156 Conn 175, 239 A2d 523 (1968).
15. Bull v Bull, 3 Day 384; Seymour v Bull, 3 Day 388; State v Donahue, 82 Conn 308, 73 A 763; Cf. Goodrich v Thompson, 4 Day 215, and Lockwood v Lockwood, 2 Root 409.
18. Phelps v Miles, 1 Root 162; Swan v Wheeler, 4 Day 137; Cooper v Polayes, 19 Conn Supp 353, 113 A2d 599 (1955); Spath v Spath, 17 Conn Supp 500 (1952); Burnham v Hafford, 141 Conn 96, 104 A2d 217 (1954). See C G § 45-175.

156
Management of Estates § 114

for payment of debts; and under present statute can be sold or mortgaged, even over the objection of specific devisees, upon court order, made "for the best interests of the parties." 19

If a power of sale is conferred on the executor or administrator by will or by court order, this is a mere naked power, not coupled with an interest, and gives the fiduciary no right to enter upon and possess any part of the real estate. 20 Even where a power of sale (or presumably, mortgage) is conferred, this does not vest any title in the fiduciary. Instead of holding title in trust he holds the power in trust. 4

Though there may be a power of sale, the real estate forms no formal part of the estate of which the fiduciary is the administrator; and when sold, the proceeds constitute a special fund which devolves in the same manner as the real estate. 8

§ 114. The Fiduciary's Right of Possession and Income From Real Estate

In 1855 the statute was passed which in its present form provides (in part) that:

"The executors and administrators of deceased persons shall, during the settlement of the estates of such persons, have the possession, care and control of their real estate, and all the products and income of such real estate during such time shall vest in them as personal property, unless such real estate has been specifically devised or directions given by will in regard to it inconsistent herewith; but the court may order surrender of the possession


1. Atwater v. Perkins, 51 Conn. 188.

2. State v. Donahue, 82 Conn. 308, 73 A. 763.

The reason why the two kinds of property are thus treated separately is historical, going back to the time when land was rigidly held under the feudal system, while personal property was disposed of under the direction of the Church. See 3 Select Essays in Anglo-American Legal History, 72–75. We see the practical result of this development in the fact that today personality is to be taken for payment of debts in priority to real estate. Roobach v. Lord, 4 Conn. 347.

3. Annotations:

Income: construction of specific provision of will or trust instrument giving executor or trustee power to determine what is income or what is principal. 27 ALR2d 1323.
## Final Site Plan PLPZ201600463
Special Permit PLPZ201600464

### New Lebanon School
Town of Greenwich Board of Education
New Lebanon School Building Committee

Replace School with new 61,230 sq. ft. facility, parking for 77 vehicles, expanded drop-off, pick-up and bus capacity, site lighting, landscaping, stormwater and sewer improvements

<table>
<thead>
<tr>
<th>Zone:</th>
<th>R-6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area:</td>
<td>8.1162 acres</td>
</tr>
<tr>
<td>Utilities:</td>
<td>Public water and sewer</td>
</tr>
</tbody>
</table>

### Zoning Statistics

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
<th>Permitted/Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gross Floor Area:</strong></td>
<td>37,000 sq. ft.</td>
<td>60,759 sq. ft.</td>
<td>181,761.25 sq. ft.</td>
</tr>
<tr>
<td><strong>Floor Area Ratio:</strong></td>
<td>0.11</td>
<td>0.10</td>
<td>0.55</td>
</tr>
<tr>
<td><strong>Number of Stories:</strong></td>
<td>1</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td><strong>Building Height:</strong></td>
<td>20 ft.</td>
<td>28 ft. 7 in.</td>
<td>35 ft.</td>
</tr>
<tr>
<td><strong>Minimum Green Area:</strong></td>
<td>78%*</td>
<td>66%*</td>
<td>35% but Commission may waive green area per 6-205 Note 7(d)</td>
</tr>
</tbody>
</table>

| Parking:               | 28       | 74       | 4+ ADA             |
|                        |          |          | Parking to be provided at an adequate level as determined by the Planning and Zoning Commission |

| Setbacks:              |          |          |                    |
| Front:                 | 25 ft.   | 40 ft.   | 25 ft.             |
| Side:                  | 52 and 80 ft. | 120 and 240 ft. | Min. 5 ft. sum of 15 ft. |
| Rear:                  | 125 ft.  | 450 ft.  | 25 ft.             |

| Cubic Volume:          | Not provided | Assumed to be over 150,000 cu. Ft. | Over 150,000 cu. ft. in total building volume requires Special Permit per 6-101 |

*estimated from the provided lot coverage and building coverage numbers

### STAFF REPORT UPDATE:
The applicant was last before the Commission at the 10/18/16 meeting. At that time the Commission left the application open to allow for comments and/or responses to the following:

- Provide a more detailed phasing plan with start and stop dates, locations of parking, students phasing, buses etc.
- Incorporate ARC comments in the plans before the Commission
- Address site lighting concerns from neighbors.
- Work with Tree Warden to get final approval to remove all trees.
- Address DPW Engineering comments.
- Review plans with the Fire Marshal’s office
- Correct Sheet C9.6. Diagram should match the access to proposed.
- Show the road geometry and intersection at Mead Ave. with dimensions. And library exits.
- Revise the proposal to address the comments from the Commission’s Traffic Consultant and the DPW Traffic Division.

To date the applicant has provided the following:
- Revised site plans and drainage reports to address Engineering Comments. Specifically, the plans have been revised as follows:
  o Adjusted lane striping on entrance drive.
  o Widened aisle in front of the faculty parking area from 23 to 24 feet.
  o Added “no parking” signage along norther accessway.
  o Modified the bus turning movement plans to show through maneuvers to the exist at William Street West.
  o Added bus movements for the temporary bus loop during construction phase.
  o Modified maneuvers exiting to Delevan Ave, which now shows on street parking.
  o Removed car movement from bus loop diagrams.
- A revised construction phasing plan has been provided which includes the following:
  o Phase 1. Construction phasing which shows the new school under way with the existing school occupied and parking and storage over the William Street Field.
  o Phase 2. Existing school under demo. Propose school occupied with temporary bus and parent access off of William Street into the site, existing to Richard St. and Mead Ave.
  o Phase 3. Existing School Demolished, proposed school and surrounding site work complete. William Street field restoration underway.
- The architectural plans have been provided with the following:
  o amended to include the temporary egress plans.
  o Updated exterior and grade plane plans.
  o Cut sheets for all lighting fixtures.
- The Tree Warden has reviewed and issued his approval for tree removal.
- The applicant has provided traffic management plans and addition information as required by the Traffic Division and Consultant. The Commission’s Traffic Consultant has reviewed the provided documents and noted no further comment.

The following is an updated staff report.

APPLICATION SUMMARY:
The Board of Education is requesting a final site plan, special permit, PLPZ 2016 000463, PLPZ
201600464, to demolish the existing New Lebanon School building and replace it with a new 60,759 sq. ft. school building, expand onsite parking to 74 parking spaces, expand parent pick up, drop-off and bus lane capacity, provide emergency access to the proposed north side of the building, two playground areas, site lighting, landscaping, stormwater management and sewer improvements per Sections 6-13 through 6-15, 6-17, 6-94, 6-98, 6-101(a) and 6-205 of the Town of Greenwich Building Zone Regulations, on a 7.6 acres property located at 25 Mead Ave in the R-6 zone.

The Board of Selectman unanimously voted at their January 28, 2016 meeting to request that the Planning and Zoning Commission review the Municipal Improvement ("MI") PLPZ 2016 000140 for this project in accordance with Section 6-99 of the Town Charter. The RTM acted on said MI at the 9/19/16 Meeting of the RTM.

Additionally, the Board of Selectman unanimously voted at their April 14, 2016 meeting to request that the Planning and Zoning Commission review the Municipal Improvement PLPZ 2016 000248 for abandonment of portions of the Church Street, Richards Street and New Lebanon Avenue right-of-way, totaling 23,058 sq. ft. in conjunction with this project and in accordance with Section 6-99 of the Town Charter. The RTM acted on this MI at the 9/19/16 Meeting of the RTM. The inclusion of this portion of abandoned road increases the size of the subject parcel from 7.6 to 8.1162 acres.

The Commission took action on the preliminary site plan for this proposal at the 6/7/16 meeting. In addition to moving this to final, the Commission noted the following conditions as part of the approval (staff’s account of response in **BOLD**):

1. The road abandonment shall be approved by the RTM for merger with the School parcel or revision to the building location will need to be reviewed and evaluated by Planning and Zoning.
   - **RTM approved the Road abandonment at their 9/17/16 meeting**
2. The applicant shall address comments from the Town’s Traffic Consultant;
   - **The applicant has provided revised materials to address these comments. BETA, the Commission’s traffic consultant, has responded noting that they have no further comment.**
3. The applicant shall address comments from DPW Engineering;
   - **The Engineering Division has noted that the proposed plans need to be revised prior to Building Permit and not prior to Final Site Plan approval.**
4. The applicant shall examine the proposed traffic flow in and out of the site;
   - **The Commission would need to determine if this condition has been met.**
5. The applicant shall provide an internal directional signage program;
   - **The current plans show the internal signage program.**
6. The applicant shall revise the parking plan layout so that all aisle widths and parking space dimension comply with Section 6-185 of the Town’s Building Zone Regulations;
   - **The applicant has provided the requested dimensions and it appears that parking layout and aisle widths comply with Sec. 6-185.**
7. The applicant shall address comments from the Conservation Commission;
   - **Comments from Conservation are expected**
8. The proposed landscaping plans and tree removal plans shall be reviewed by the Town’s Tree Warden and Conservation Staff; and
   - **The Tree Warden has reviewed and approved tree removal on the site.**
9. The proposed grading of the ball field should be examined to maintain the usable grass space;
   - **The applicant has revised the grading plan around the ball field and has chosen a subsurface detention system in lieu of a bio-retention basin which increases the amount of usable grassed area west of the ballfield’s outfield.**
10. The applicant shall receive ARC approval for the exterior, lighting, landscaping and signage prior to final site plan submission; and
    - **The ARC approved the exterior, landscaping and site lighting at their 9/14/16 meeting. The plans were approved with conditions noted.**
11. The applicant shall respond to the air pollution comment heard at the 6/7/16 meeting.
    - **The Applicant provided a response at the 10/18/16 meeting.**

**RECOMMENDATIONS/ISSUES:**
1. The applicant has provided a revised phasing plan. The Commission should closely consider a phasing plan especially as it relates to parking while work is being underway, controlling traffic and delivery of vehicles and materials; and length of time for construction and the location of students while construction is underway. The Commission should review the phasing plans and confirm the outstanding issues have been addressed to their satisfaction.
2. The Commission should determine if the proposed parking area is adequate for the proposed use per Sec. 6-158.
3. The applicant has filed with the Inland Wetland and Watercourses Agency. The item was heard and approved at the 5/23/16 IWWA meeting.
4. The Commission should determine if the proposed development meets the POCD’s goals of green building and energy conservation;
5. Comments from all other Town departments should be received prior to the Commission rendering a decision.

**APPLICATION DETAILS:**
The proposed action would require removal of the current educational building on the western part of the site to construct a new 60,759 sq. ft. two-story educational building central to the two parcels which currently make up the address at 25 Mead Ave. The new school would be sited above the existing ravine and fit into the topography of the site. The main entrance to the school would be from the west side (similar to the current building) via two causeways which would connect to the proposed upper floor of the school. From the west side, the building would appear to be one story with the lower floor following the contours of the site down the ravine. Grading of the site would be required on the eastern side of the site. Onsite vehicle parking, drop off and pickup areas would be expanded as well as bus lane capacity. Access to the north side of the
proposed building would be provided via a dedicated emergency service entrance. Retaining walls will be needed around the proposed parking area for grading purposes. Two playground areas would be provided on the west site of the building. The north playground would be for pre-k and kindergarten aged students. The South playground would be age appropriate for all other grades (1-5). In addition to the work related to construction of the new school, the exiting baseball field to the north in New Lebanon Park would be renovated with improved participant and spectator amenities and well as better access from the school.

The size of the proposed school appears to be about 65% larger than the current school. Programmatically, the proposed school would house pre-k, kindergarten, grade school students and magnet school space. Presently, kindergarten classes are held at the Byram Archibald Neighborhood Center ("BANC") at 289 Delavan Ave. The design of the facility has been described to meet the current needs of the neighborhood as well as the projected growth of the student body zoned for the New Lebanon School. It was noted in the preliminary application that students would be relocated during demolition and construction of the site. The current proposal would seek to use and maintain the current building while construction of the replacement school is complete. The Commission should review and comment on the proposed phasing plans.

Street Abandonment:
The applicant was successful in getting New Lebanon Avenue and portions of the existing Church Street and Richard Street right-of-ways abandoned. This land would be merged with the existing New Lebanon School property. The action was approved by the RTM, at the 9/17/16 meeting.

POCD Recommendations:
The 2009 POCD noted a number of recommendations related to Town facilities that are relevant to this proposal. Recommendation 6.23 of the POCD suggests that the Town require that all new municipal construction projects use techniques to reduce energy requirements over the long-term with the use of Green Energy materials and Leadership in Energy and Environmental Design (LEED) program designs and materials. Recommendation 6.25 suggested that the Town should continue the long-term public school modernization and upgrade program, and incorporate green building and energy conservation elements in all upgrades and renovations. Recommendation 6.26 suggested that the Town maintain school enrollment capacity for the long-term by:

- Acquiring land adjacent to existing schools for future expansion.
- Retaining school sites and buildings through periods of enrollment decline so that they can be redeployed for school use when needed.

It would appear that many of these goals of the POCD would be reached through this proposal. What is not apparent in the submitted materials is if the building is or would meet LEED accreditation which would help aid in the long-term energy requirements of this building. The Commission should ask the applicant how they see this building meets the POCD goals.
Zoning:
The Architectural elevations indicate a vertical height from the first floor to the peak of the skylight to be 28 ft. 7 in. The maximum permitted height in the R-6 Zone is 35'. The proposed gross floor area of 60,759 sq. ft. would appear to be well below the maximum permitted by the land area of the site. It would appear that a maximum floor area of 181,000 sq. ft. could be possible.

Access:
The entrance to the School property is from the west via Mead Ave. The entrance makes a 4-way intersection with Church Street. The driveway into the school is a Town right-of-way for the first 100 feet into the site. A gate prevents through traffic onto Richard Street. This gate was installed as part of Final Site Plan #3043 when the northern parking area was constructed in the right-of-way. Internal circulation improvements to the site are proposed which would not only provide for more parking, but better geometry to make bus, parent drop off and pick up procedures better. Emergency access to the eastern part of the building would be provided via gravel access drive off of the northern parking area. Crosswalks to the front intersection and sidewalks a sidewalk connection from the north of the building to the existing ball field is proposed.

Parking:
Presently, a 19 space parking lot exists west of the current building and an additional 10 parking spaces are on the north side of the building. This has been described by the school as being inadequate. The proposal would increase parking onsite to 74 vehicles. 72 spaces would be in the expanded western parking area and 6 spaces would be at a lower level parking area north of the building. These totals include 4 ADA spaces. Per Sec. 6-158 of the BZR parking for “Schools: Elementary, Middle and High School” is to be provided at an “adequate level as determined by the Commission”. The prior traffic report indicated current staffing at around 70 persons with and expectation for 75 staff members by the 2018-19 school year. Comments from the Commission’s traffic Consultant – BETA Group – have been provided and note that issues raised in their prior comments have not been address. The Commission should review the proposal and determine if an adequate number of parking spaces are being provided per Sec. 6-158

Traffic:
A traffic impact study was prepared for this project and supplemented with a letter dated 9/1/16. The applicant’s report noted the current enrollment to be about 270 students. Enrollment is projected to the increase 35% to 374 students by the 2018-19 school year. Staffing was noted in the prior application increase at the same rate, from 70 persons to 75 persons, over the same time frame. The neighborhood is relatively dense and it was noted that a large number of students walk to school or are driven to school, making existing bus traffic, very limited. The expanded magnet school would require more busing as students outside of the New Lebanon zoned neighborhood would need to be bused to the proposed facility. The number of magnet school students was estimated to be 50 a ¾ of those students are estimated to be bused. The projected
number of district vehicles expected to use the site would be 4 full sized school buses, one minibus, and six vans for afterschool only. It is assumed from the report that the buses would be for pick up and drop off. Current busing demands require 2 full size buses and 1 mini bus.

Points of ingress and egress would not be altered by this proposal. Vehicles enter the site from Mead Avenue/Church Street, traverse the site and then exit back onto Church St. or through the parking lot at the Byram Shubert Library onto Mead Ave. Presently this entrance is closed at dismissal time to allow the buses to queue load and exit the site. An expanded parking area and lengthened drop off lane would better accommodate vehicles onsite. The expected maximum queue demand at afternoon pickup is estimated to be about 60 vehicles. The space provided onsite for queuing for vehicles is described to be about 45 vehicles in the physical designated pick up lane with space on 15 additional vehicles in the parking area. The Commission had suggested that two-way ingress and egress onto Mead/Church would be better. The applicant has noted that doing show would do the following:

1. Add an additional point of conflict, those existing back out of the site at this entrance.
2. As a one-way street Church provides room on the shoulder of vehicle in an overflow event where drop off is stalled.
3. The sight lines at this location are poor exiting and a tree blocks those looking left.

Removal of a street tree would be required to make the sight lines better.

Additionally, it is noted that deliveries to the school would come in off Tingue Road through to Richard Street and enter at the eastern entrance of the site. The applicant has provided a turning movement plan for a SU-30 Vehicle – the typical vehicle expected to deliver to the site. It would appear this vehicle can make it up and down the streets and maneuver within the site. Comments from the Commission’s traffic Consultant – BETA Group have been provided and comments have been made that the Commission should determine if they need to be addressed.

**Drainage:**
The subject property is triangular in shape and bounded by I-95 to the east, William Street to the north, and Mead Ave. to the west. The site conditions appear to be a mix of steep slopes and areas of exposed bedrock. A ravine bisects the site and runs - north to south - and a small pocket wetland area was identified in the southern part of the ravine. The proposed action is designed to meet the Town’s Drainage Manual. A water quality basin would be created to handle the areas of new disturbance in what is being described as the “undeveloped watershed” of the site. The existing disturbed portions of the site would have its stormwater handled by subsurface detention systems before discharging into the Town stormwater system at Church Street. Existing drainage patterns for the baseball field would remain unchanged. The preliminary application had proposed a bio-retention basin at the southwest corner of the baseball field. The Commission asked the applicant to reconsider this and they responded with a subsurface detention system which would allow for more usable land around the baseball field. Comments on the plans from the Engineering Division have been received and revisions are being requested prior to Final Site Plan approval.
Tree Removal:
A large number of existing trees are proposed to be removed as part of this application. Planting is described to be difficult due to the presence of shallow bedrock. To compensate for the loss, the proposal would add approximately 60 new trees within the parking and entry areas. A reforestation plan of approximately 100 saplings is proposed for the eastern portion of the site. The applicant has recently applied to the Tree Warden to have the trees posted. They have been tagged but need the proper amount of time to pass and appeal period to expire as required by State Law. That statutory timeline extends past the Commission’s upcoming meeting so the Commission will not have closure on the tree issues until after the 11/29 meeting. It is recommended that the application is left open until the Tree Warden’s public process is complete to insure that the proposed tree removal plan does not need to be modified.

Other Reviews and Approvals:
The applicant should be required and/or may be directed by the Commission to receive the following approvals.

ARC: The ARC approved the exterior, landscaping and site lighting at their 9/14/16 meeting. The plans were approved as noted with the following conditions:

- Committee expressed support and preference for option #1 of the rear elevation; elevation submitted on Sheet A3.01 North; not approved and finalized elevation will be resubmitted.
- Framework with fence with more elegant finish. Do not use round pipe.; review finish and rail shapes.
- Modify entrance to playground to widen possibly provide two doorways and relocate entrance away from bus drop off possibly closer to the bridges.
- Lighting: Bollards 32”. LED, make warmer at 3500K to match building. Match interior light glow from the interior of building.
- Return electronically with landscape plan showing improved access to playgrounds; pull bus entrance back.
- RETURN with CDs (construction docs).

DPW Highway: Highway permits would be needed for any work in the Town Right-of-Way.

IWHA: The Inland Wetlands and Watercourses Agency approved the project at their May 23, 2016 meeting.

HISTORY OF APPROVALS:
The New Lebanon School has been part a number of site plans approvals acted upon by the Planning & Zoning Commission. These applications are noted as follows:

Site Plan #1783/MI #439  
Approved October 1995 - To make additions to the School and add 4 classrooms.

Site Plan #1783.1/MI #488  
Approved August 1998 - To make a parking lot at the Byram Shubert Library.

Site Plan #2719/MI #545
Approved December 2015 - To modify conditions of approval and permit weekday use of the Libraries community room for New Lebanon School

Site Plan #3043/MI #439
Approved September 2006 - To make 9 temporary parking spaces for faculty parking during the construction of the Byram Shubert Library and barricade of Richard Street to stop thru traffic.

Site Plan #3941/MI #574
Approved July 2009 - To make 9 temporary parking spaces permanent for faculty parking during the construction of the Byram Shubert Library and barricade of Richard Street to stop thru traffic.

APPLICATION REGULATIONS:
Sections 6-13 through 6-15, 6-17 (site plan, special permit standards) 6-94 (Special exception), 6-101(a), 6-158 (parking), 6-151 and 6-153 (lighting) and Division 17 – Screening and Planting, Division 18 – Site Plans, and 6-205 of the Greenwich Building Zone Regulations.

DEPARTMENT COMMENTS:
ZEO – see previous attached
ENGINEERING – See attached
TRAFFIC – See attached
CONSERVATION – see previous attached
IWWA – See attached
FIRE – Awaiting Comments
ZONING ENFORCEMENT

Project No. PLPZ201600141, 142

Preliminary

Final  X

Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED: New Lebanon School

LOCATION: 25 Mead Avenue

PLAN DATE:

ZONE: R6

The subject site plan/subdivision meets the requirements of the Building Zone Regulations excluding Section 6-15 and 6-17.

*No grade plane worksheet submitted

Reviewed by: Jodi Couture

Date: 10/13/2016

Note: These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.
DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION
SITE DEVELOPMENT REVIEW

Engineering Project No. 16-4(2) Department Project No. PLPZ201600463, 464
Submittal Received Date: 12/28/2016

Submittal Reviewed For: Planning and Zoning

Review Type: Final Site Plan

PLAN SET INFORMATION

Plan Title: New Lebanon School
Engineering Firm: Milone and MacBroom
Original Plan Date: 3/14/2016

RECEIVED
JAN 5 2017

Project Address: 25 Mead Avenue
Sealed and Signed: Yes
Latest Plan Revision Date: 12/22/2016

PLANNING & ZONING COMMISSION

DRAINAGE SUMMARY REPORT INFORMATION

Engineering Firm: Milone and MacBroom
Original Report Date: 3/14/2016

Sealed and Signed by Engineer: Yes
Latest Report Revision Date: 12/21/2016

Reviews provided by the Engineering Division are for compliance with the Town’s “Roadway Design Manual and Standard Construction Details”, and “Drainage Manual”. Reviews are based upon the information and maps provided. Review of sanitary sewer and septic systems are not reviewed by the Engineering Division.

REVIEWED BY: ___________________________ DATE: 1/5/17
Scott Marucci - Senior Civil Engineer

APPROVED BY: ___________________________ DATE: ___________________________
James W. Michel, P.E. - Deputy Commissioner

COMMENTS AND RECOMMENDATIONS: Resubmit Prior to Building Permit Approval

Engineering Division must receive revisions by _____ for Commission Meeting on _____.
Revisions submitted after deadline date will not be reviewed for Commission Meeting on _____.

☐ Comments on Attached Documents Must Be Completed

1. Form SC-100 needs to be submitted with the Construction Site Plan Review (Building Permit Submittal).
2. The Drainage Summary Report is acceptable in concept but needs to be revised as follows:
   a. The following needs to be modified for the analysis of POC A.
      i. The required deep test pits and saturated hydraulic conductivity tests must be completed for each BMP and the results must be submitted on the Soil Evaluation Test Results Form.
      ii. The proposed BMP (Cultec System) doesn’t meet the requirements for the WQV as designed. Once the deep test pits have been completed it can be determined if the Cultec System can be used without the underdrain to meet the required standards. If the system can’t meet the required standards for infiltration a different BMP will be needed to meet the standards.
      iii. The peak flow for POC A has a zero increase for the 2, 5, 10, and 25-Year Storms and will be checked again based on changes to design.
      iv. The WQV computations need to be revised as needed for WS 11 to DET 110.
      v. The 72-Hour Drawdown computations must be completed for the Cultec System.
      vi. The TSS computations must be revised based on any modifications to the design.
   b. The following needs to be modified for the analysis of POC C.
      i. The Stage vs. Storage Rating Curve for DET 320 doesn’t match the one used in Hydraflow. Revise in Hydraflow.
ii. The total area for WS32 is 131,552 SF based on the Worksheet 2 and the WQV computations used 130,134 SF. Revise WQV computations using the total correct area.

iii. The total area for WS33 is 20,090 SF based on the Worksheet 2 and it includes WS34. Based on the WQV computations WS33 is 15,533 SF and WS34 is 3,151 SF which is a total of 18,684 SF. Revised the WQV computations using the total correct area.

iv. The detail for DET 310 needs to be revised to include the 4" discharge.

c. All other computations shall be revised as needed based on the changes.

d. The conveyance computations and outlet protection computations will be reviewed prior to building permit.

3. The proposed curb throughout the school shall be granite unless approval is given for concrete by the Highway Division.

4. The construction plan set needs to be revised as follows:
   a. Site Plan and Grading Plan Sheets
      i. The top of berm surface area for Island 220 needs to be revised to 370 to match the report.
      ii. The top of berm surface area for Bioretention 330 needs to be revised to 2400 to match the report.
   b. The Engineering Division didn’t receive Sheets A3.01, A3.02, and A3.03.
   c. Building/House Section or Elevation Sheet (Submit the sections with Engineering Plans)
      i. Show one section or elevation of the building/house.
      ii. Show all elevations to the deepest footings on section/elevation.
      iii. Show existing and proposed grade elevation on section/elevation.
      iv. Show existing mottling elevation on section/elevation.
      v. Show existing groundwater elevation on section/elevation.
      vi. Show existing ledge elevation on section/elevation.
      vii. Sheet shall be sealed and signed by a State of Connecticut Professional Engineer or Architect.

5. The Board of Education needs to hire an Engineering Firm to handle the entire site construction inspection to meet the requirements of the Town of Greenwich Drainage Manual February 2014. A licensed Land Survey shall also be hired to develop the required Improvement Location Survey which is needed by the Engineer to verify that the project was constructed as approved to obtain a Certificate of Occupancy.

6. The Operations and Maintenance Plan Report must include the following for the Certificate of Occupancy:
   a. The final completed Stormwater Management Practices Maintenance Declaration (The Engineering Division doesn’t require Town properties to complete this document).
   b. The final completed Exhibit A, and B
   c. The Maintenance Declaration needs to be filed on the Town of Greenwich Land Records prior to a Certificate of Occupancy. A review of the documents above must be completed before filing on the Town of Greenwich Land Records.

7. All revisions to the reports and plans must follow the requirements in the Town of Greenwich Drainage Manual February 2012 amended February 2014. If the revisions are not submitted as required, the submittal will be sent back as incomplete. Please note, in accordance with Section 7.7 of the Town of Greenwich Drainage Manual, February 2012 amended February 2014, all revisions shall be accompanied by a point-by-point written response to the Engineering Division’s comments.

8. The Town of Greenwich – Standard Construction Notes for Site and Subdivision Plans are conditions that must be met.
Hi Katie,

We have no comments on the latest site plans for the New Lebanon School (dated December 22, 2016). Please let me know if you need anything else.

Thanks,
Kaethe

Kaethe V. Podgorski, PE, PTOE
Senior Project Engineer

BETA

BETA Group, Inc. | 860.513.1503
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NOTICE OF FINAL DECISION OF THE TREE WARDEN REGARDING 206 TREES POSTED FOR REMOVAL FOR THE DEMOLITION AND RECONSTRUCTION OF THE NEW LEBANON ELEMENTARY SCHOOL

A public hearing was held on Wednesday, December 7, 2016 at 12:00 for 206 trees posted for removal on the grounds of New Lebanon School for the construction of a new elementary school. As required by Chapter 451, Section 23-59 of the Connecticut General Statutes, a public hearing was called because an appeal objecting to the removal of these trees was received within ten days of their posting. The 206 trees are generally located on the easterly side of the school in Byram.

The diameters of the trees to be removed range from 6 inches to 60 inches. The tree species and number of trees posted are listed below. Tree heights were estimated to be upwards to 80 – 90 feet. Tree removals for this project amounts to clearcutting 2.7 acres of trees natural woodland and other associated understory vegetation.

A table of the number of trees and species is listed below:

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apple</td>
<td>2</td>
</tr>
<tr>
<td>Birch</td>
<td>3</td>
</tr>
<tr>
<td>Beech</td>
<td>3</td>
</tr>
<tr>
<td>Cherry</td>
<td>2</td>
</tr>
<tr>
<td>Sycamore</td>
<td>1</td>
</tr>
<tr>
<td>Hickory</td>
<td>3</td>
</tr>
<tr>
<td>Maple</td>
<td>129</td>
</tr>
<tr>
<td>Oak</td>
<td>58</td>
</tr>
<tr>
<td>Ornamental</td>
<td>4</td>
</tr>
<tr>
<td>Tree-of-Heaven</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>206</strong></td>
</tr>
</tbody>
</table>

Numerous votes and approvals were required from Municipal boards, commissions and agencies for this proposed project to progress. Those included the Board of Education, Board of Selectmen, the Planning & Zoning Commission, the Inland Wetlands & Watercourses Agency, the Board of Estimate and Taxation, the Representative Town Meeting and the Tree Warden’s Public Hearing and decision. The project achieved most of all the necessary approvals to date.
NOTICE OF FINAL DECISION OF THE TREE WARDEN
REGARDING 206 TREES POSTED FOR REMOVAL
FOR THE
DEMOLITION AND RECONSTRUCTION OF THE NEW LEBANON ELEMENTARY SCHOOL

As Tree Warden my decision is to remove the minimum number of trees necessary to construct the school and that the New Lebanon School Building Committee validate this decision with a binding agreement which requires that the following stipulations and conditions are met. I would also respectfully request that the stipulations and conditions could be included in the Final Site Plan approval by the Planning and Zoning Commission filed on the record plans with the Planning and Zoning office.

Required conditions and stipulations:

1. During the public hearing for this project it became apparent that there is a discrepancy as to the total number of trees slated for removal. One plan indicated 206 trees to be removed, a revised plan indicated 182 trees and a figure of 165 trees was mentioned. The exact number of trees needs to be ascertained before tree removals begin.
   a. The minimum area for the school construction needs to be marked out in the field by the engineers with the Tree Warden present.
   b. Prior to any trees being removed a construction fence (chain link, six feet in height) will then be installed to mark the limits of construction.
   c. Trees will then be counted and tallied for purposes of tree replacement ratio.
   d. The fence will also serve as protection for the trees that are to remain so that there will not be any heavy equipment or stockpiling of material on the root zones of the trees that are to remain.

2. Replacement Trees: The Town’s ‘Public Tree Policy’ states that (sec. 7.a) “Trees removed for approved Town projects by Town Departments will be replanted on at least a 1:1 ratio. Trees species, size and planting locations shall meet with the approval of the Tree Warden”. For this project I would require that trees removed will be replaced at a 1 ¼: 1 ratio.
   a. At least 80% of the replacement trees shall be native deciduous tree species 3 – 4 inches in caliper measure.
   b. 20% of the replacement trees may be native and/or non-native naturalized, non-invasive conifer and deciduous tree species 2-3 inches in caliper measure or equivalent.
   c. Trees shall not be planted from in the months of July and August.
   d. Trees that cannot be planted on site can be planted on other Board of Education properties. Trees species, size and planting locations shall meet with the approval of the Tree Warden.
   e. The Tree Warden respectfully requests that the Planning and Zoning Commission require a landscape bond\(^1\) for the tree planting and/or the entire landscape planting to include a two year guarantee for the successful establishment of the trees, shrubs and other plants.

3. Construction activities shall conform with the Town’s ‘Specifications for the Protection of Trees During Construction’ as found in the Public Tree Policy.

4. The permit required to commence removing trees will be contingent upon;
   a. The completion of item 1. above;

\(^1\) (c) The Commission may require a performance bond for any or all improvements deemed to be essential in meeting the standards of Sec. 6-15 and Sec. 6-17.
NOTICE OF FINAL DECISION OF THE TREE WARDEN
REGARDING 206 TREES POSTED FOR REMOVAL
FOR THE
DEMOLITION AND RECONSTRUCTION OF THE NEW LEBANON ELEMENTARY SCHOOL

b. The signature of the Chairmen of the New Lebanon Building Committee on this document to validate the acceptance of the conditions stated above.
c. The permit will also contain a validated tally of the number of trees to be removed for the project.

This is the final decision of the Tree Warden of the Town of Greenwich. Let it be known that Chapter 451, Section 23-59 of the Connecticut General Statutes states "...the Tree Warden shall render his decision granting or denying the application, and the party aggrieved by such decision may, within ten days, appeal therefrom to the superior court or the judicial district within which such town or borough is located."

This decision will be posted in the lobby of the offices of the Parks and Recreation Department located on the 2nd floor of the Town Hall, the sign post in the lobby of Town Hall and the Department of Parks and Recreation page on the Town’s website. It will also be sent to persons present at the Public Hearing and to those who appealed the posting of these trees for removal.

It is important to note that the estimated area of crown canopy that will be lost due to this clearing is 2.7 acres. The actual canopy area proposed to be replaced by newly planted trees on a 1 1/4:1 ratio is less than 6% of the canopy being removed. And the fact that these trees will be planted in a managed landscape the wooded canopy lost will never be recreated.

It is our belief that trees on streets, in parks, school campuses, open space properties, woodlands and at town facilities all constitute what we call Greenwich’s Community Forest. This special forest provides important environmental, aesthetic, recreational and social benefits to its residents. The Community Forest also needs to be safe for its residents and strive to be compatible with necessary town infrastructure improvements such as roads, sidewalks, buildings, underground and overhead utilities. These trees often grow in extremely difficult conditions and hard decisions need to be made.

Bruce Spaman, Superintendent of Parks / Tree Warden
Town of Greenwich
Department of Parks and Recreation

December 12, 2016
We have prepared the following comments and questions regarding the proposed application.

Project Summary:
- Final site plan and special permit, to demolish the existing New Lebanon School building and replace it with a new 60,759 sq. ft. school building, expand onsite parking to 74 parking spaces, expand parent pick-up, drop-off and bus lane capacity, emergency access to the north side of the building, two playground areas, site lighting, landscaping, stormwater management and sewer improvements on a 7.6 acres property located at 25 Mead Avenue in the R-6 zone.

Sewer Division Comments:
If approved by P&Z:
As indicated in the Sewer Division’s prior comments dated October 13, 2016, the following comments still apply and need to be addressed:
- The applicant has satisfactorily acknowledged all of the Sewer Division’s prior comments from March 24, 2016. Therefore, the Sewer Division has no further comment or objection to P&Z providing the requested approval. A brief list of the comments that the applicant has agreed to coordinate directly with the Sewer Division are included for reference:
  o The applicant/owner will obtain the necessary Sewer Permits.
  o If the applicant/owner wishes to entertain reusing a portion of the existing sewer lateral, the existing lateral must be CCTV inspected. Please refer to March 24, 2016 comments for further details/requirements for CCTV inspection.
  o The applicant/owner will submit a grease trap package for review/approval by the Sewer Division for handling grease laden wastewater from their kitchen. The latest submittal shows a 1,000-gallon external grease trap tank. However, the applicant has to make a formal submittal to the Sewer Division for review and approval. The proposed tank size has not been verified and is not approved yet. Please coordinate directly with the Sewer Division for requirements.
  o During construction, the applicant/owner is required to make sure there is no heavy equipment driven over the existing sanitary sewer lines (adjacent to the work area – on the north side of the property) and no materials are stored on top of the existing manhole, etc. The applicant is adding notation to the drawings regarding this.
• Any existing sanitary sewer manholes, etc. that are encountered during construction, the applicant will coordinate with the Sewer Division to adjust any frames/covers to grade as required.

• The applicant acknowledged there will be no clear water sources discharging to sanitary sewer. This includes air conditioning and high efficiency heating system condensate lines. Please confirm that the new development will not discharge any clear water sources to sanitary sewer.

• Based on the recent resubmittal, the Sewer Division has the following additional comments:

  • Unless there is an existing connection to the existing sewer manhole, the proposed sewer lateral connection for the new school should not connect directly to the sewer manhole structure, as we do not wish to have additional penetrations to the sewer manhole structure. Please revise to use a saddle fitting to the sewer main. In addition, the proposed resetting of the sewer manhole frame and cover must be done in accordance with the Sewer Division standards. Please coordinate directly with the Sewer Division for details.

  • Should the existing sanitary sewer lateral connection not be considered for reuse, this connection must be properly abandoned back to the main. Please coordinate with the Sewer Division for details.

  • The proposed drainage near Mead Avenue and Church Street appears to cross existing sanitary sewer. If existing sewer is to be abandoned, make sure the downstream sewer is properly disconnected from the existing portion near the proposed drainage pipes. Please coordinate with the Sewer Division for further details.

• Please note, sanitary sewers are designed for first floor elevations. Therefore, any plumbing fixtures in lower levels (basements) could be subject to sanitary sewer backups/overflows. The property owner is strongly recommended to consider and review this and plan accordingly to protect themselves in those situations. The Town is not responsible for damages as a result of these connections/installations. The proposed development shows the basement being developed into apartments. Please consider this and revise accordingly.

• Please note, in accordance with Town regulations and standard practice, all clear water sources cannot discharge to sanitary sewer. This includes air conditioning and high efficiency heating system condensate lines. Please confirm that the new development will not discharge any clear water sources to sanitary sewer.
Dear Planning and Zoning Members,

The attached State of Connecticut Office of Policy and Management document from Secretary Barnes recommends against state funding. Please review and consider his rationale.

For the past year, the planning of New Lebanon School has been on the wrong course. This project needs to be stopped now. The town can’t afford to waste six months time for the Connecticut legislative body to reject funding.

Please work with the Byram neighborhood to redesign New Lebanon School. A smaller school that meets the needs of the community is preferred.

Thank you.

Alex Popp
New Lebanon School Parent

Daybreak, daybreak on the land. Sent from my iPhone.
December 29, 2016

Hon. Beth Bye
Chair, Appropriations Committee

Hon. John Fonfara
Chair, Finance, Revenue and Bonding Committee

Hon. Gayle Slossberg
Chair, Education Committee

Hon. Rob Kane
Ranking Member, Appropriations Committee

Hon. Scott Frantz
Ranking Member, Finance, Revenue and Bonding Committee

Hon. Toni Walker
Chair, Appropriations Committee

Hon. Jeffrey Berger
Chair, Finance, Revenue and Bonding Committee

Hon. Andrew Fleischmann
Chair, Education Committee

Hon. Melissa Ziobron
Ranking Member, Appropriations Committee

Hon. Christopher Davis
Ranking Member, Finance, Revenue and Bonding Committee

Hon. Gail Lavielle
Ranking Member, Education Committee

Re: School Building Project Priority List Comments and Recommendations

Dear Members of the School Construction Committee:

Thank you for providing me with the opportunity to “submit comments and recommendations regarding each eligible project on such listing of eligible school building projects to the school construction committee, established pursuant to section 10-283a,” in accordance with the provisions of C.G.S. Sec. 10-283(a)(2). My comments and recommendations, due to you by December 31st pursuant to the statute, follow.

**Overall**

The State of Connecticut has provided billions of dollars in school construction grants to communities throughout the state, as evidenced by bond allocations over the last ten years. These allocations are for projects in progress, primarily in construction, and include K-12 schools, interdistrict magnets, regional schools, charter schools, agricultural science and technology education center schools, and technical high schools.
School Construction Bond Allocations

<table>
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<th>Fiscal Year</th>
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<tr>
<td>2008</td>
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<tr>
<td>2016</td>
<td>$803,000,000</td>
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The projects are an important form of state aid, and the program is among the most generous in the country. The projects are costly; the reimbursement set forth in CGS Sec. 10-285a(a) is based on adjusted equalized net grand list per capita and runs from 10% to 70% for new construction and 20% to 80% for renovations or new construction that costs less than renovations. Interdistrict magnets, once reimbursed at 95%, are now reimbursed at 80%.

These bond allocations are made in order to provide cash for the necessary progress payments for projects already underway, which are based upon approvals of the priority lists in years past. The list now before you will drive future allocation needs. Given the stress on the state’s bonding costs, and the need to target our spending as effectively as possible, we seek to expand our partnership in controlling those costs. This needs to start with legislative review of approvals for proposed school construction projects.

DAS’ Office of School Construction Grants and Review has also worked to manage costs by developing School Construction Standards and Guidelines and a Compilation of Space Workbook for districts to follow, and reaching out to districts to provide technical assistance. You have the ability to modify the listing before you prior to February 1, 2017, and I urge you to do so, as follows.

Specific Concerns

*Project No. 057-0112 DV/N, Greenwich, New Lebanon School.* According to documentation filed with DAS and summarized on DAS’ priority list, this project has a projected enrollment of 279 as a PK-5, totaling 58,020 square feet, total estimated project cost $37,309,000, with a reimbursement rate of 80%, for a state grant cost of $29,847,200. This amounts to $106,979.21 per student.

As a “diversity school”, this project takes advantage of CGS Sec. 10-286h, which provides an 80% reimbursement rate for school building project grants for diversity schools where “the proportion of pupils of racial minorities in all grades of the school is greater than twenty-five per cent of the proportion of pupils of racial minorities in the public schools in all of the same grades of the school district in which said school is situated taken together, and...the board has demonstrated evidence of a good-faith effort to correct the existing disparity in the proportion of pupils of racial minorities in the district.”
The statute was enacted in 2011. It was not good public policy then, and it is not good public policy now. It rewards school districts for avoiding the difficult decisions around redistricting and school reconfigurations, which here were viable options in lieu of this project. We recommend that you support the repeal of CGS Sec. 10-286h, to avoid future abuse of the statute. Please note that the racial imbalance plans approved by the State Board of Education (SBE) are always approved conditionally -- if any part of the plan is unable to be implemented for any reason (such as not getting approved for bonding or the project failing at local referendum), then the district must then develop a new plan. Most of these districts are before the SBE multiple times, and the most effective tools for addressing this challenge tend to be redistricting and/or grade reconfiguration.

With respect to the Greenwich project before you today, the state should not step in to pay for a new school -- which may or may not solve the problematic racial disparity within the Greenwich school district -- until the town has made much greater efforts to find a remedy within its existing school infrastructure. Moreover, in this case Greenwich can afford to pay for an intradistrict magnet school using local resources if that is its local preference.

Project No. 212-0026 VA/N, Shepaug Valley Regional Agriscience STEM Academy (Vo-ag). -- According to documentation filed with DAS and summarized on DAS' priority list, this project has a projected enrollment of 139 as a grade 6-12 facility, totaling 66,480 square feet, total estimated project cost $29,957,408, with a reimbursement rate of 80%, for a state grant cost of $23,965,926. This amounts to $172,416.73 per student. DAS' Office of School Construction Grants and Review has managed to bring the proposed project costs down by over $6.5 million and reduced the footprint by 14,405 square feet, compared to the original application on the 2016 priority list. The highest projected enrollment also has declined by 101 students. The academy would be constructed adjacent to the Shepaug Valley High School in Washington, CT, the only high school to serve Region 12.

Residents of Bridgewater, Roxbury and Washington continue to express concerns about the project, and they assert that the projected enrollment numbers are wrong. The application apparently assumes that of the 139 students, 119 are from outside Region 12 and 20 are from within Region 12; the citizens state that there will only be 105 students in the program, with 85 from outside Region 12 and 20 from within the Region. They also assert that the project is not necessary.

The citizens asked that I recommend removal of this project from the priority list. I am reluctant to do so, but I urge you to review this project carefully, including how the agriscience needs are currently met, before acting on it.

Projects appearing on the priority list before they are ready for construction. DAS' Office of School Construction Grants and Review recommends that projects only be placed on the priority list when they will be ready for construction once approved, or shortly thereafter. Several projects were removed from the 2016 priority list on that basis, and some of the projects on this list could be delayed for inclusion on the list from the 2017 priority list to subsequent years.

Just as I have alluded to legislation eliminating the Diversity School reimbursement, there are other areas where I expect legislation to be presented in order to assist the state in controlling the costs of our school construction program. One critical area is enrollment. At a time when many school districts in the state continue to experience declining enrollment, we believe it is critical for districts to articulate their plans for schools throughout the entire district, in terms of enrollment and capacity, when applying
for particular projects. If solutions lie with the redistricting of students and/or reconfiguring schools rather than building new schools or adding unnecessary capacity to a district, they should be strongly favored. We should also find new ways to encourage towns to join together to address their school facility needs.

We look forward to working with you on how best we can support school districts’ needs while using state taxpayer dollars as efficiently and effectively as possible, and look forward to discussing these projects and general concepts with you in the coming months.

Thank you and Happy New Year.

Very truly yours,

Benjamin Barnes
Secretary, OPM

cc: Governor Dannel P. Malloy
Commissioner Melody Currey
Commissioner Dianna Roberge-Wentzell
OPM Deputy Secretary Susan Weiselberg
Hello Katie and Patrick -
As you will recall I and approximately 20 of my neighbors submitted a petition with a few requests regarding the proposed new Lebanon School & Mead Ave Neighbors review of new drawings plan to be discussed @ tonight's P&Z meeting (see attached. pdf for reference).

I and one of my neighbors had the opportunity to review the recently refiled/revised drawings and we feel that a number of our requests have either not been addressed fully or insufficiently documented on the drawings. The attached powerpoint file expresses these concerns.

Would you please take these items into consideration? Thank you for your attention and consideration!

-Walter Rojowsky (57 Mead Ave)
1. We respectfully reiterate these concerns. Thank you.

   - In addition, we ask that P&Z make a condition of approval that lights be off 30-minutes after a school event in the evening.
   - Requirement that lights be installed with circuitry to be off 30-minutes after a school event in the evening.
   - Still depicted as 13' high and not shorter as previously indicated by architects.
   - "Softer" light not documented.
   - Downlight fixture not documented.

   - Site lights

   - Plans/Supplications to limit light pollution at night have not been documented on the drawings:

2. Plans relative to homes – see page #3)
   - Current plan depicts a fence that does create any privacy (chain link and too low given elevations of parking lots).
   - Construction privacy will be compromised for adjacent homes, especially in the winter time.

   - Current plan shows landscaping plan comprising of non-mature, non-evergreen and non-specific trees. (see next page for reference.

3. Insufficient privacy screening, in particular, in area of proposed parking spots facing our properties (see next page).
   - The following have either not been fully incorporated or documented on the revised drawings filed with P&Z:
     - A number of requests were made previously by the neighbors abolishing the proposed new Lebanon School plan.

Follow-up Items Re: Mead Ave Neighbors Petition (New Lebanon School Site Plan)
Petition for Privacy Screening and Light Pollution Mitigation at the Proposed New Lebanon School

To:

<table>
<thead>
<tr>
<th>Peter J. Tesei, First Selectman</th>
<th>Bill Drake, New Lebanon Building Committee Vice Chair</th>
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<tbody>
<tr>
<td>Richard Maitland, Planning &amp; Zoning Commission Chair</td>
<td>Katie DeLuca, Town Planner</td>
</tr>
<tr>
<td>Stephen Walko, New Lebanon Building Committee Chair</td>
<td>Ryszard Szczypek, Tai Soo Kim Partners (Architects)</td>
</tr>
</tbody>
</table>

From: The Mead Ave. neighbors directly abutting the proposed New Lebanon school site

Dear Sir/Madam,

We the neighbors of Mead Ave. directly abutting the New Lebanon school site request the final additional design measures be required by the Planning & Zoning commission:

1. That sufficient privacy screening comprising of mature growth evergreens (i.e. plant life that will provide privacy year-round) be installed along the perimeter of the site, which directly abuts our homes and properties.
2. That appropriate measures be taken to limit light pollution from the new school parking lot directly abutting our properties. We request that downlighting be installed, preferably away from the property line, and that it be required that all lighting be shut off in the parking lot within a half-hour of any school building event.
3. That an appropriate fence be installed along the property line, preferably of a type that provides additional privacy screening.

Thank you for your time, attention, and hard work!

Signed,

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<tr>
<th>Name</th>
<th>Signature</th>
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<tbody>
<tr>
<td>Walter Rosnowski</td>
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<td>9/30/16</td>
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<td>Elizabeth Pierson</td>
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<td>Dominick M. Genower</td>
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<td>Melissa Dudas</td>
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<td>Megan Dudas</td>
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<td>Andres Castellanos</td>
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<td>Richard Nael</td>
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<td>Marcelline Genower</td>
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<td>45 Mead Ave</td>
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Dear Katie DeLuca and P&C Commission Members:

I can only attend tonight’s P&Z meeting briefly and will probably have to leave prior to the public comment portion relating to the New Lebanon application. In addition to the attached comments made at the last P&Z meeting, I have the following three comments:

1. Landscape Screening: Yesterday, I reviewed the revised site plans at Town Hall. I was surprised to see that the planting plan was not further developed, especially in the vicinity of screening the adjacent properties on Mead Avenue from parked cars. Since the Building Committee is requesting a final approval of the new school development from P&Z, I would request that the planting plan relating to screening be finalized.

2. Handicap Access to New Building: After speaking with the TSK architect after the last P&Z meeting, I believe she noted that a person accessing the school from Mead Avenue in a wheelchair would access the new building using the side entrance by the ball field where they would have to be buzzed in. This would require someone to man a buzzard at all times and I believe would not be in compliance with the ADA. The location of the handicapped parking spaces, located at 300’ from the front door and would require crossing of a busy roadway by the student drop off area, also remains a concern. Please see the attached recent Greenwich Times article on the BOE and handicap accessibility to schools.

3. Mature Hickory Trees: The town trees scheduled for removal have been noticed and marked in the field. The two mature Hickory trees (bordering left field) that are shown on the site plans for removal have not been marked for removal in the field. Are these two trees which I requested to be saved at the last P&Z meeting to remain?

Sincerely,

Matthew J. Popp
Questions / Comments regarding Site Plans

1. **Air Pollution**
   Was air pollution addressed adequately prior to submission of Final Site Plan application as required by the P&Z approval?

2. **Traffic (additional 64 cars and 6-8 buses twice a day)**
   a. Traffic impacts on Delivan Avenue were not studied. What happens to level of service at Delivan & Mead, Delivan & New Lebanon Avenue, and Delivan & Frontage?

   Will additional traffic be backed up on Frontage Road and Delivan?
   Will cars be backed on I-95 exit ramp?

   b. Truck Turning Movements at Tingue and Delivan:
      - Does not take into account existing on street parking on north side of Delivan.
      - WB-50 exiting Tingue cross centerline of Delivan and into on street parking.

3. **Site Plan is Unfriendly to the Handicap**
   a. 295' from nearest HC parking space to front door.
   b. No ramp provided at steps (wheelchair has to travel across two roadways and travel around bus loop to access school entrance).

4. **Fill**
   How many CY of fill are required to completed the project?
   How many truck loads of fill required?

5. **Landscape Plans are Incomplete**
   a. Screening plants on PL not specified.
   b. Headlights not screened from bus loop to residences.
   c. Headlights in parking areas, 10' from PL, inadequately screened.
   d. Trees spaced too far apart.
   e. How are Red Maples proposed along entrance drive to be planted on rock slope?
SCHOOLS

Some buildings pose compliance problems for disabled

BY EMILIE MUNSON

Hearst Connecticut Media file photo
Board of Education Chairwoman Laura Ericks recently said she saw mobility-impaired individuals struggling to get into the Havemeyer Building. The schools department has its offices in the building.

GREENWICH — Four buildings lack elevators. One has bathrooms that a wheelchair cannot enter. Many have sinks the wrong heights, doors too narrow and signs lacking braille.

These are the impediments students and staff with disabilities can face in Greenwich public schools. Only five buildings in the district are fully compliant with the American with Disabilities Act, the federal civil rights law passed in 1990 that requires public places like schools to provide accommodations to allow all people access, with full wheelchair accessibility a priority.

The 11 other schools in the district and the Havemeyer central office range from "substantially compliant" but lacking some elements required by the law to "not in compliance" with no possibility of accommodating students with certain disabilities, according to Director of Facilities Ron Matten.
"Some of the older schools were not built with the ADA in mind," he said. "So they may not have all of these features."

According to school and state officials, the Greenwich Public School system has never had an official complaint about its buildings' ADA accessibility filed against it.

Nevertheless, the topic has come up at recent Board of Education meetings.

Board Chairwoman Laura Erickson at a meeting last month recounted seeing mobility-impaired individuals struggling to get into the Havemeyer Building, and urged her fellow board members to consider making all the district’s buildings ADA compliant when looking at new capital projects.

"It does need to be a priority. I think, in today's day and age, it's inexcusable," she said. "Most of the town’s municipal buildings in Greenwich are compliant, so I think the schools should be too."

**Semi-compliant**

According to a report Matten recently prepared for the Board of Education, Cos Cob, Glenville, Hamilton Avenue and Parkway schools and Greenwich High School are fully ADA compliant.

He classified New Lebanon, North Street, North Mianus, Eastern Middle, Central Middle and the International School at Dundee as lacking "some features," but said they are substantially compliant, with no mobility issues.

Matten’s report is not authoritative, as he doesn’t have an exact catalog of all the features across the district that might render a school ADA compliant or not, he said. That kind of thorough examination of the district's facilities has not been done in years.

He said some of the ADA elements lacking from these schools are braille of the appropriate size on signs, water fountains at accessible height and similar issues.

"All of these do not impact mobility," he said.
Matten identified Riverside and Julian Curtiss schools as having some inaccessible areas for handicapped people, but said “reasonable accommodations can be made by moving classrooms.”

Neither Riverside nor Julian Curtiss has an elevator to transport students and staff to upper floors. However, both schools have classrooms and their cafeterias, gymnasiums, auditoriums, libraries and art and music classes located on a handicapped-accessible first floor.

To accommodate students or staff with limited mobility, the schools can relocate second-floor classes to the first floor so they can participate fully in school activities.

Those kinds of adaptations are permitted under the ADA, and can allow a building to be compliant without making expensive construction projects necessary.

Not compliant

Matten classified three buildings as not in compliance with ADA design standards: Old Greenwich School, Western Middle School and school headquarters.

“That’s really, really problematic,” said Kathy Gibs, director of training for the New England ADA Center, one of 10 regional nonprofits established by the Americans with Disabilities Act to provide information and guidance on the law. “Those buildings in particular, if schools want to continue to use them, they should be seriously working on coming up with a transition plan.”

Like Riverside and Julian Curtiss, Old Greenwich School does not have an elevator. The school has a cafeteria, gymnasium, art and music classrooms on the first floor, as well as a handful of classrooms for prekindergarten, kindergarten and first grade.

Unlike Riverside and Julian Curtiss, however, Old Greenwich cannot do a classroom switch to accommodate wheelchair-bound students and staff. By fire code, classes for the younger grades must be held on the ground floor of a
school. There aren’t enough first-level rooms at Old Greenwich for the school to make reasonable accommodations for third-, fourth- and fifth-grade students and teachers.

Western Middle School has an elevator in one wing of the school, but because there are staircases separating that wing from other parts of the school with vital program functions like the gymnasium and auditorium, the school cannot provide for students with limited mobility.

Finally, though the Havemeyer Building, which lacks an elevator, has a wheelchair-accessible first floor, the building is not ADA-compliant because the bathrooms on the first floor are not ADA-accessible.

All Greenwich schools have ADA-accessible bathrooms.

The gray areas

Determining if a school is legally compliant or not can be complicated. Requirement levels can differ, depending on when a school was built.

And there is the concept of “program accessibility,” such as the flexibility to move a class downstairs. But program accessibility does not necessarily have to be in the same building.

“If the program is the same at each of the (elementary) schools, you don’t necessarily need to make all of them ADA compliant,” Gibs said. “Because you are looking at the program in its entirety. So elementary education is the program.”

School districts can reassign students from one school to another as long as travel time is comparable and the programs are the same.

“We would like to see every school be accessible,” Gibs said, but the government recognizes some ADA updates can be expensive, depending on a building’s architecture.

The American with Disabilities Act comes with little in the way of enforcement — as long as people are not filing complaints.
So far this year, the district has had no accessibility requests for students who needed accommodations. Julian Curtiss School Principal Trish McGuire said she only needed to move a student’s classroom once in approximately the last nine years.

Gibs said she has not known the Department of Justice to do voluntary inspections of schools; they only inspect after a complaint. If a school is found noncompliant, the district must draft a transition plan describing the problem, how it will be solved, by whom and when.

“The other liability is any citizen could go to court,” she added.

According to her general knowledge of the district, Greenwich’s ADA issues are not out of the ordinary, Gibs said.

“It’s a very common scenario for New England,” she said. “We have an old building stock, and a lot of our buildings were really well-built.”

Greenwich public school officials plan to evaluate the district’s ADA compliance in a future master plan, which will review all of the district’s facilities needs. Bids are out for consulting work on the master plan; the district aims to have the plan completed by the end of June.

“We want to move where we can get more access to some of our buildings,” said Matten, qualifying that he was speaking for himself, not the district.

He said he does not want students to have to move all over the district because of lack of accessibility.

“Greenwich has a tradition of community-based schools,” he said. emunson@hearstmediact.com; @emiliemunson
December 21, 2016

Ms. Katie DeLuca, Director
Planning and Zoning Department
Inland Wetlands & Watercourses Agency
Town Hall
101 Field Point Road
Greenwich, CT 06830

RE: Summary of Revisions
New Lebanon School
Reconstruction Project
MMI #2351-19-1

Dear Ms. DeLuca:

Milone & MacBroom, Inc. (MMI) has revised the site design plans and supporting documents to address comments from town staff, commission members, and public comments. A summary of the proposed revisions is listed below:

Site Plan Revisions

1. Adjusted the parking in the center of the parent drop-off loop to accommodate a 5' pedestrian walkway on the west side to address comments from traffic review consultant.

2. Added water line to serve drinking fountain.

3. Provided additional detail on site plans relative to stormwater structures and BMPs.

4. Increased evergreen planting buffer of eastern red cedar (7' to 8' height at installation) along the rear of the Mead Avenue properties as well as increased the number of deciduous shade trees (16' height at installation).

5. Increased height of chain link fence to 6-feet and added privacy slats along the rear of all Mead Avenue properties abutting the parking lot and bus loop.

6. Revised the stormwater management computations to address the latest Engineering Department staff comments dated November 23, 2016.

7. Bioretention basin 320 on the south side of the school was enlarged to provide water quality volume storage for runoff from the roof.

8. The building height was revised in the zoning data table on sheet C 1.0.

Milone & MacBroom, Inc., 99 Realty Drive, Cheshire, Connecticut 06410 (203) 271-1773 Fax (203) 272-9733
www.miloneandmacbroom.com

Connecticut • Maine • Massachusetts • New York • South Carolina • Vermont
9. The dumpster pad was relocated to the north in the loading area.

10. The proposed fire department connection (FDC) was removed from the loading area, and the FDC near the bus loop was moved back from the edge of pavement to the back of walk.

11. Time intervals were added to the bus drop-off sign.

12. Bike racks were added to the layout plan on the north side of the school and at the main entrance.

Sincerely,

MILONE & MACBROOM, INC.

[Signature]

Darin L. Overton, P.E., Associate
Senior Project Manager, Civil Engineering

2351-19-1-d2116-ltr
December 22, 2016

RE: Mead Avenue Neighbors Petition for Privacy and Lighting Buffer

Dear Mr. LaRow:

In response to the Mead Avenue Neighbors Petition for Privacy and Lighting Buffer originally received on October 13 and revised on November 29, we offer the following responses:

1. Insufficient privacy screening, in particular in area of proposed parking spots facing our properties (see next page for reference)
   - Current plan shows landscaping plan comprising of non-mature, non-evergreen and non-specific trees. Upon construction privacy will be compromised for adjacent homes, especially in the winter time.

   **Response:**
   An evergreen planting buffer of eastern red cedar (7’-8’ ht. at installation) is proposed along the rear of the Mead Avenue properties as well as a number of deciduous shade trees (18’ height at installation). The proposed red cedar trees have the ability to reach mature heights in excess of 30’. Mature trees are not proposed at the time of installation due to their limited availability and difficulty of establishment. Trees of a smaller stature suffer from less stress at the time of planting and will become established on the school site at a greater success rate than mature trees, resulting in a more successful evergreen screen planting. *See Revised Planting Plan C4.0 submitted as part of this submission.*

   Revisions from previous submission: Eastern red cedars (evergreen) have been increased from 33 to 61 plantings. Deciduous trees have also been increased from 9 to 14 plantings.

2. Current plan depicts a fence that does create any privacy (chain link and too low given elevations of parking spots relative to homes – see page #3)

   **Response:**
   In addition to the evergreen screening a 6’ height chain link fence with privacy slats is proposed along the rear of all Mead Avenue properties abutting the parking lot and bus loop. *See attached sections showing the 6’ height fence in relation to the site topography and adjacent house.*

   Revisions from previous submission: This fence was shown at a 5’ height with privacy slats in the Nov 8 submission.

www.tskpstudio.com
3. Plans/stipulations to limit light pollution at night have not been documented on the drawings:

   Response: The site lighting has been reviewed and approved by the ARC. Lighting levels at the property line are 0 FC, therefore meeting all regulations. See attached lumen plan and fixture cut.

   Site Lights
   - Downlight-type fixture not documented.
     Response: Lighting fixture cut was submitted on Nov 8 to P&Z showing a downlight-type fixture
   - "Softer light" not documented.
     Response: Lighting fixture cut was submitted on Nov 8 to P&Z. Lamp types were changed to 3500K to match the building lighting as a condition of approval by the ARC.
   - Still depicted as 13' high and not shorter as previously indicated by architects.
     Response: The lights were noted to be 13', not lower. In a review of the Oct 18 transcript, the poles were noted to be "low poles". A statement that the poles were lower than 13' was never made.
   - Requirement that lights be installed with circuitry to be off 30-minutes after a school event in the evening is not indicated.
     Response: This is an administrative item. This is not a requirement that can be included in construction documents. The lights will be on a building management system that will allow them to be automatically turned on and off at specific times. P&Z can choose to make this a condition of their approval.

Please let me know if you have questions or need additional information.

Sincerely,

Christine O'Hare, AIA
TSKP STUDIO

TSKP STUDIO
December 22, 2016

Patrick LaRow
Town of Greenwich
101 Field Point Road
Greenwich CT, 06830

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Response:

An evergreen planting buffer of eastern red cedar (7'-8' ht. at installation) is proposed along the rear of the Mead Avenue properties as well as a number of deciduous shade trees (16' height at installation). The proposed red cedar trees have the ability to reach mature heights in excess of 30'. Mature trees are not proposed at the time of installation due to their limited availability and difficulty of establishment. Trees of a smaller stature suffer from less stress at the time of planting and will become established on the school site at a greater success rate than mature trees, resulting in a more successful evergreen screen planting. See Revised Planting Plan C4.0 submitted as part of this submission.

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Response:

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Sincerely,

C. O’Hare

Christine O’Hare, AIA
TSKP STUDIO
Richard Maitland, Chairman  
Town of Greenwich  
Planning & Zoning Commission  
101 Field Point Road  
Greenwich CT 06830  

RE: New Lebanon School  
Site Plan / Special Permit  
PLPZ 2016 00463 & PLPZ 2016 00464  

Mr. Maitland,

This letter will serve as an acknowledgement that a review by Planning and Zoning staff will be conducted six months after the New Lebanon School site is completed and in operation.

The review will examine the arrivals and dismissal procedures and proposed vehicular access and exit movements through the site to ensure that both are running smoothly and as intended. Attached is the proposed arrivals and dismissal procedure with and accompanying map.

Please contact James Hricay, Managing Director of Operations 203.625.7400 to arrange the site review.

Sincerely,
New Lebanon Arrival and Dismissal Procedures for New Building
2018 / 2019 school year

Arrival: 8:00 am  Class starts at 8:15 am
- Kindergarten, 1st through 5th graders drop off - 7:45 to 8:10
- Bus drop off - 7:45 to 8:10
- Pre-K drop off will be in the bus loop between 8:30 - 8:45
- Staff will be staggered around both the bus loop and car drop off from 7:40-8:10
- K through 5 Parent Drop off location will be to the right of the handicap ramp and down the full sidewalk car loop.
- Bus drop off location along the sidewalk of the bus loop
- Pre-K drop off will be in the bus loop
- Kindergarten, 1st and 2nd grade will enter through the South bridge
- 3rd, 4th and 5th graders will enter through the North bridge
- Pre-K professional assistants will be on hand to help Pre-K children out of car seats in the bus drop off loop and to escort them to the classroom through the South bridge.
- Visitors will enter through the North bridge (main entrance) and head straight to office.

Dismissal: 2:45
- Pre-K dismissal at 1:30 in the parent drop off loop
- Pre-K bus dismissal at 1:30 in the bus loop.
- All busing students will be dismissed to bus loop through the North Bridge at 2:40.
- K, 1st and 2nd grade parent pick up students will walk out with teachers through the South bridge at 2:40.
- Students grade 3,4 & 5 walkers will be dismissed through the North bridge at 2:45.
- 3rd, 4th and 5th grade parent pick up students will walk out with teachers through the South bridge at 2:45.
- Staff will be staggered around bus loop and parent drop off loop to help with dismissal.
- Parents will post student name in the dashboard and staff will announce student names and assist students getting into cars.
- A staff member will be posted at the corner between bus loop and car loop in order to manage traffic leaving.

Parking:
- Staff will park along outside edge spaces, leaving internal spots for visitors

Note:
- Parents, staff and volunteers will be notified of the procedures via established communication channels.
- Specific instructions will also be posted on the school website.
New Lebanon Elementary School Construction Phasing
12/20/2016

Phase One

- June 2017-August 2018 - Students in current building while new school constructed in wooded area.
- Area from current school fence north straight across the William St. West school ball field is fenced off for construction purposes.
- Demolition of existing building scheduled to begin July 2018, perimeter fence around exiting building will be set up prior to the start of demolition.

Phase Two

- August 2018 - completion expected November 2018
- New school opens to students and teachers.
- The construction area moves to current site of the school which will be contained by a temporary perimeter fence.
- Work of this phase includes demolition of the old building, and creation of parking, bus dropoff and playgrounds.
- The school ball field is used for temporary parking and drop-off.

Phase Three

- New playgrounds, parking and drop-off are completed. (around November 2018)
- Restoration of the William St. West school ball field completes in Spring 2019

RECEIVED
DEC 22 2016
PLANNING & ZONING COMMISSION
December 21, 2016

Mr. Scott Marucci
Senior Civil Engineer
Town of Greenwich
Engineering Division
Department of Public Works
101 Field Point Road
Greenwich, CT 06830

RE: New Lebanon School
Final Site Plan Review
MMI #2351-19

Dear Mr. Marucci:

Milone & MacBroom, Inc. (MMI) is in receipt of your review comments dated November 23, 2016. To the comments provided, we offer the following responses:

C1. The Engineering Division is in agreement with the comments made by BETA Group, Inc. in their memo dated November 22, 2016.

R1. The BETA Group, Inc.'s (BETA) November 22 memo offered discussion on our response to its review comments that centered on the parent drop-off and parking areas at the school. A meeting was then held with BETA and the town on December 5 to go over remaining concerns, which resulted in revisions to the site plan. The revisions included the addition of a dedicated walkway along the western side of the internal visitor parking area on the school site to guide pedestrians to the crosswalk that is in front of the parent drop-off loop as well as the removal of a second crosswalk that was to be to the southeast within the parent drop-off loop. Additionally, it was acknowledged that the site is constrained but that the new site layout will be a vast improvement over the current conditions. The new student arrival and dismissal procedures and the new site layout will be clarified in terms of staff management of the procedures and instructions to be given to parents. Lastly, it was discussed that field review of drop-off and dismissal operations will be conducted approximately 6 months after the New Lebanon School site improvements are completed. If any actual operational concerns were to occur, they would be addressed at that time.

C2. Based on recent concerns at both Hamilton Avenue School and North Mianus School the Board of Education has requested additional review by the Department of Public Works. The Engineering Division feels traffic concerns need to be addressed during the site plan approval process rather than after the school is constructed/occupied.

R2. Please see R1 above. As mentioned, a follow-up meeting was held with DPW and BETA on December 5. Revisions to the site plan were made based on the results of this meeting. A
revised site plan was sent to the attendees on December 9 for review and signoff. The revised site plans submitted with this letter include these revisions. New arrival and dismissal procedures will be implemented, and actual drop-off/pickup operations will be monitored by the town and fine-tuned if necessary.

C3. Form SC-100 needs to be submitted with the Construction Site Plan Review (Building Permit Submittal).

R3. Comment noted.

C4. The Drainage Summary Report needs to be revised as follows:
   a. The following needs to be modified for the analysis of POC A.
      i. The required deep test pits and saturated hydraulic conductivity tests must be completed for each BMP and the results must be submitted on the Soil Evaluation Test Results Form.
      ii. The proposed BMP (Cultec System) doesn't meet the requirements for the WQV as designed. Once the deep test pits have been completed it can be determined if the Cultec System can be used without the underdrain to meet the required standards. If the system can't meet the required standards for infiltration a different BMP will be needed to meet the standards.
   b. The following needs to be modified for the analysis of POC B.
      i. Deep test pits and saturated hydraulic conductivity tests for each BMP must be completed and the results must be submitted on the Soil Evaluation Test Results Form.
   c. The following needs to be modified for the analysis of POC C.
      i. The required deep test pits and saturated hydraulic conductivity tests must be completed for each BMP and the results must be submitted on the Soil Evaluation Test Results Form.
      ii. The detail for DET 310 needs to be revised to include the 4" discharge.
   d. The testing results for this watershed have been included on the town standard forms as part of this revision.
d. The peak flow for POC A, B, C and D has a zero increase for the 2, 5, 10, and 25-Year Storms and will be checked again based on changes to design.

R4d. Comment noted.

e. The Stream Channel Protection has been met for POC C and will be checked again based on changes to design.

R4e. Comment noted.

f. The WQV computations need to be checked for each watershed area. The watershed area directed to each BMP within the following watersheds need to be checked and revised as needed:
   i. WS 11 to DET 110.
   ii. WS 21 to bioretention island
   iii. WS 22 to bioretention island
   iv. WS 23 to Hydrodynamic separator.
   v. WS 32 to DET 320 (bioretention area-school building)
   vi. WS 33 to DET 330 (bioretention area-parking)
   vii. WS 34 to bioretention island

R4f. The WQV computations have been updated accordingly, and the revised computations are included in this submission.

g. The volume provided for each bioretention area needs to be checked with the WQV computations. DET 320 needs to be revised to store the WQV below the outlet weir. BMPs that infiltrate can be counted. If an underdrain is installed for a bioretention area, it can be counted (an extended detention basin can’t be counted)

R4g. The computations have been revised accordingly for DET 320, and the basin sizing has been revised to accommodate the required storage volume.

h. The RRV computations show that 6,970 CF of volume is needed for POC C. Based on the design the only BMP that can be used toward this is DET 320. Based on this the volume needed for DET 320 is much larger than the current design and must be revised.

R4h. The computations have been revised accordingly for DET 320, and the basin sizing has been revised to accommodate the required storage volume.

i. The 72-Hour Drawdown computations must be revised as needed for the Cultec System and the bioretention area near the proposed building.

R4i. The drawdown computations for the Cultec System will be updated once the soil testing is complete. The drawdown computations for DET 320 have been revised and included in the attached drainage report.
j. The TSS computations must be revised based on any modifications to the design.

R4j. The TSS computations have been updated accordingly.

k. The sizing sheet for the Vortechs Model 1000 needs to be added. The information added is for CDS Model numbers.

R4k. The Vortechs sizing sheet has been updated to be consistent with the unit proposed for the project.

l. All other computations shall be revised as needed based on the changes.

R4l. A comprehensive review of the stormwater management computations was done as part of this revision, and we believe that all are now appropriately updated to be consistent with the plan revisions.

C5. The proposed curb throughout the school shall be granite unless approval is given for concrete by the Highway Division.

R5. Granite is one of the add alternates as shown on revised sheet C3.0.

C6. The construction plan set needs to be revised as follows:
   a. Site Plan and Grading Plan Sheets
      i. Show all bioretention (rain gardens) with contours (1/2 foot if needed) and include the following in the callout:
         1. Top of berm elevation and surface area.
         2. Top of mulch/sod elevation and surface area.
         3. Top of bioretention soil mix elevation and surface area.
         4. Overflow/weir elevation and dimensions.
         5. Bottom of bioretention soil mix elevation and surface area.
         6. Bottom of stone elevation and surface area.
         7. Underdrain/outlet pipe sizes, material, and invert elevations.
      ii. Show all stormwater ponds (detention basin, extended detention ponds, wet ponds, etc.) with contours (1/2 foot if needed) and include the following in the callout:
          1. Top of berm elevation and surface area.
          2. Water surface elevation and surface area.
          3. Bottom of stormwater pond elevation and surface area.
          4. Overflow/weir elevation and dimensions.
          5. Underdrain/outlet pipe sizes, material, and invert elevations.

R6a. The requested information has been added to the callouts on sheet C5.0 and C6.0.

b. Building/House Section or Elevation Sheet (Submit the sections with Engineering Plans)
   i. Show one section or elevation of the building/house.
ii. Show all elevations to the deepest footings on section/elevation.
iii. Show existing and proposed grade elevation on section/elevation.
iv. Show existing mottling elevation on section/elevation.
v. Show existing groundwater elevation on section/elevation.
vi. Show existing ledge elevation on section/elevation.
vii. Sheet shall be sealed and signed by a State of Connecticut Professional Engineer or Architect.

R6b. Sheets A3.01, A3.02, and A3.03 have been resubmitted with the revised drawings and include the requested information listed above.

C7. The Board of Education needs to hire an Engineering Firm to handle the entire site construction inspection to meet the requirements of the Town of Greenwich Drainage Manual February 2014. A licensed Land Survey shall also be hired to develop the required Improvement Location Survey which is needed by the Engineer to verify that the project was constructed as approved to obtain a Certificate of Occupancy.

R7. Comment noted.

C8. Exhibit A is missing items 3, 4, 5, Disposal of Debris and Sediment and Maintenance Records. Item B is not needed unless Porous Pavement is proposed.

R8. The listed items are included in the resubmission materials. Item 8 has been removed since no porous pavement is proposed for the project. Item 9 has now been renumbered to Item 8.

C9. The Operations and Maintenance Plan Report must include the following for the Certificate of Occupancy:
a. The final completed Stormwater Management Practices Maintenance Declaration (The Engineering Division doesn't require Town properties to complete this document).

R9a. A blank copy of the declaration has been included in the O&M document; however, this is a town property.

b. The final completed Exhibit A, and B

R9b. Comment noted.

c. The Maintenance Declaration needs to be filed on the Town of Greenwich Land Records prior to a Certificate of Occupancy. A review of the documents above must be completed before filing on the Town of Greenwich Land Records.

R9c. Comment noted.

C10. All revisions to the reports and plans must follow the requirements in the Town of Greenwich Drainage Manual February 2012 amended February 2014. If the revisions are not submitted as
required, the submittal will be sent back as incomplete. Please note, in accordance with Section 7.7 of the Town of Greenwich Drainage Manual, February 2012 amended February 2014, all revisions shall be accompanied by a point-by-point written response to the Engineering Division's comments.

R10. The revisions have been made accordingly, and this letter serves as a point-by-point response to the Engineering Division comments.

C11. The Town of Greenwich – Standard Construction Notes for Site and Subdivision Plans are conditions that must be met.

R11. Comment noted.

Please feel free to contact me should you need any further information.

Very truly yours,

MILONE & MACBROOM, INC.

[Signature]

Darin L. Overton, P.E., Associate
Senior Project Manager, Civil Engineering

2355-19-d1216-ftr
Response to Matt Popp Questions/Comments regarding Site Plans
November 01, 2016

1. Air Pollution
   Was air pollution addressed adequately prior to submission of Final Site Plan application as required by the P&Z approval?

Interior:
   - We have designed the building systems to have adequate filtration such that only clean air will be provided to the building.
   - Mechanical design complies with ASHRAE 62. - The Standards for Ventilation and Indoor Air Quality
   - Laminated windows on the south and east side of the building.

Exterior:
   - We looked at the direction of the prevailing winds on the site, as per a wind rose diagrams from Bridgeport. The prevailing winds tend to move highway air away from the site, rather than toward it.
   - Our design strategy allows the building to act as a buffer, shielding the most occupied outdoor areas, playgrounds and waiting areas/entries, from the I-95 noise and also air.
   - Our design maintains a buffer zone of trees adjacent at the highway edge of the property and includes planting additional trees in this area. We could work with the tree warden to maximize the replanting and reforestation to enhance the natural buffer from the highway.
   - Children will not be at recess during heavy am and pm traffic hours.

2. Traffic (additional 64 cars and 6-8 buses twice a day)
   a. Traffic impacts on Delavan Avenue were not studied. What happens to level of service at Delivan & Mead, Delivan & New Lebanon Avenue, and Delivan & Frontage?

Will additional traffic be backed up on Frontage Road and Delivan?
Will cars be parked on I-95 exit ramp?

We do not believe that traffic conditions near the school will be made perceptibly worse due specifically to the proposed school expansion. At the Frontage Road intersections, traffic backups that occur are often caused by backups that occur on I-95. This condition is independent of whatever happens at the school.

At the Delavan intersections with Mead Avenue and New Lebanon Avenue, the volume of new traffic is expected to be small. The volume of traffic generated by the expected enrollment increase is less than would typically trigger the need for inclusion in a traffic study. For example, guidelines from the Office of the State Traffic Administration (OSTA) require that an intersection analysis be undertaken to assess traffic impact if an
intersection is expected to handle 100 or more new trips during a peak hour. The amount of new traffic expected to be generated by the school expansion is around one-quarter to half of the 100 trip threshold at these two intersections, respectively. Moreover, during the afternoon it should be noted that the dismissal period does not coincide with, and occurs earlier than, the busy drive-home commuter peak.

b. Truck Turning Movements at Tingue and Delivan:
- Does not take into account existing on street parking on north side of Delivan. See revised truck turning exhibits.
- WB-50 exiting Tingue cross centerline of Delivan and into on street parking. WB-50 vehicles (tractor-trailer trucks that have a wheelbase length of 50 feet between the front axle and rear-most axle) are expected to very rarely access the school site. The vast majority of deliveries would be by SU-30 vehicles (box truck type vehicles). However, the truck turning exhibits demonstrate that a truck of this size could maneuver through the nearby streets to and from the school within the curb to curb width while also taking into account on street parking on those rare occasions.

3. Site Plan is Unfriendly to the Handicap
   a. 295' from nearest HC parking space to front door.
      The accessible routes provided meet all standards for ADA compliance. Distance from the accessible parking to the main entrance is 250' and 175' from the Passenger Loading Zone provided at the parent drop off loop.
   b. No ramp provided at steps (wheelchair has to travel across two roadways and travel around bus loop to access school entrance).
      The accessible routes provided meet all standards for ADA compliance.
      For coming from the Library or the neighborhood houses, a handicap accessible ramp is provided at the north entrance.

4. Fill
How many CY of fill are required to complete the project?

Earthwork quantities (best guess at this time):
- Cut to Fill 5,596cy
- Fill with off-site material 11,953cy
- Rock Removal 164cy
- Over Excavation of Unsuitable Material 4,407cy

How many truck loads of fill required?
Standard dump truck = 9-11 cy/truck
11,953/9 = 1328 trucks
11,953/11 = 1086 trucks
5. **Landscape Plans are Incomplete**
   a. Screening plants on PL not specified.
      Trees are labeled and labels have been added to the shrubs.
   
   b. Headlights not screened from bus loop to residences.
      The proposed evergreen tree screening of *Juniperus virginiana* will provide screening as
      these trees commonly reach a height of 30 feet. Furthermore the buses will not typically
      have their headlights on while on the property.
   
   c. Headlights in parking areas, 10' from PL, inadequately screened.
      Evergreen screening and privacy slats are provided in the proposed chain link fence.
   
   d. Trees spaced too far apart.
      Trees are adequately spaced for the planting area between the parking and property
      line given that both overstory shade trees and a dense row of evergreen trees and shrubs
      are proposed. Too dense a planting will result in reduced plant vigor and health over
      time eventually resulting in death and reduced screening.
   
   e. How are Red Maples proposed along entrance drive to be planted on rock slope?
      The rocks on the slope will be removed in tree planting areas and soil will be built up to
      create a tree well on the downslope side of the planting pit. See planting details in
      submission set.
   
   f. How is meadow under bridge to be maintained by Town (yearly cutting)? (Meadow likely
      will be overtaken by invasive nonnative plants unless aggressively maintained by Town)
      The area will be managed as a natural environment and once the plantings have been
      established little maintenance will be needed. Plantings proposed are low growing
      shrubs, groundcovers, and herbaceous species suited to rocky and dry conditions to
      reduce the need for mowing and management. Dense spacing of plants and utilization
      of exposed ledge will limit the potential for weeds and invasives to colonize the area.
      Monitoring and removal of an undesirable species will only be needed periodically.

6. **Site Lighting**
   How tall are light fixtures? Light pole should be 14' ht. max.
   
   Light poles that are being specified are 13'. ARC has reviewed and approved these
   fixtures.

**Recommended Site Plan Revisions**

1. Remove new sidewalk proposed within ball field.
   - unneeded
   - placed in most actively used area of field
This walk provides the required accessible route between the school and sports field. The walk has been located closer to the toe of the eastern slope to limit impact on the usable play area.

2. Preserve two mature Hickory trees SE corner of ball field.
   - Very infrequent that baseballs reach this area
   - The trees are in conflict with the sports field outfield expansion.

3. Kill nonnative invasive Japanese Knotweed prior to the start of site work to prevent spreading.
   - The project plans and specifications will provide for invasive species removals.

4. Remove unsightly utility pole along north side of access road off Mead (near Library).
   - Not in scope of this project.

5. Do not allow for any outdoor storage shed or detached buildings north of the north facade of the new school.
   - Administration has requested a shed along the 3rd base line as shown in the site plan.
   - We plan to relocate their existing shed that is located on the West side of the property. The style of the existing shed is a Kluter farms, New England barn, and will tend to blend in with the neighborhood vernacular.

6. Remove extra third traffic lane at entrance road to school.
   - Gives preference to vehicles over pedestrians
   - Less safe for children walking to school because they are placed longer within road
   - Not consistent with character with Byram Village

The middle lane on the school driveway is proposed to facilitate the flow of entering school buses separate from entering passenger cars. This lane will be marked as “Bus Lane Only.” The majority of the existing access drive with parking on both sides is 45 feet, while the proposed three lane access drive is only 36 feet or a reduction of 9 feet. We acknowledge that the safety of children is paramount and note that the length of the proposed crosswalk across the school driveway at the intersection with Church Street to the south of the library will actually be less with the new school plan. The pedestrian crossing distance at this location will be shorter after the new school plan is built compared to what it is today. Lengthwise, this distance measured along the middle of the crosswalk is currently approximately 55 feet (due to the large corner radius at the southwest corner of the school driveway intersection with Church Street and the fact that the school driveway is wide enough for 2-way traffic plus parallel parking). On the new school plan, this distance will be approximately 45 feet. Lastly, a crossing guard is currently stationed at this location during school arrival and dismissal, and should continue to be stationed here in the future with the new school plan.

7. Remove 3 proposed Zelkovas in field area which reduces usable area for field area.
   - The Zelkova plantings aid in tying the library, field, and school campus together and as they are located near the curb line of the access road do not diminish the overall play area.

8. Tree spacing range from 40'-80' O.C. Add additional trees to landscape plan.
- add 2-3 additional street trees along west side of access road.  
  Existing rock face slope limits area of planting. Existing trees on top of rock slope will be preserved.

- add 3-4 additional trees adjacent to playground (east of parking area).  
  Adequate trees are proposed at the playground especially when considering the forested buffer preserved along the east side.

- add 3-4 additional street trees along western property line by parking areas.  
  An appropriate number of trees are proposed given the size of the planting area and combination of shade and evergreen plantings shown.

9. Along western property line, install row of 12-14' ht. evergreen trees at toe of slope to block car headlights from bus loop from hitting Mead Avenue residences.  
   Additional plantings have been added to the plans along with privacy slats in the fence to address neighbor concerns. It should be noted that the proposed bus loop is in a similar location to the existing bus loop.

10. Provide 6-8' ht. solid fence along western property line by parking areas to block car headlights from hitting Mead Avenue residences.  
    Privacy slats have been added to the 5' ht. chain link fence proposed.
Richard Maitland, Chairman
Town of Greenwich
Planning & Zoning Commission
101 Field Point Road
Greenwich CT 06830

RE: New Lebanon School
    Site Plan / Special Permit
    PLPZ 2016 00463 & PLPZ 2016 00464

Mr. Maitland,

This letter will serve as an acknowledgement that a review by Planning and Zoning staff will be conducted six months after the New Lebanon School site is completed and in operation.

The review will examine the arrivals and dismissal procedures and proposed vehicular access and exit movements through the site to ensure that both are running smoothly and as intended. Attached is the proposed arrivals and dismissal procedure with and accompanying map.

Please contact James Hricay, Managing Director of Operations 203.625.7400 to arrange the site review.

Sincerely,

___________________________
Stephen G Walko, Chairman
New Lebanon Elementary School Construction Phasing
12/20/2016

Phase One

- June 2017-August 2018 - Students in current building while new school constructed in wooded area.
- Area from current school fence north straight across the William St. West school ball field is fenced off for construction purposes.
- Demolition of existing building scheduled to begin July 2018, perimeter fence around exiting building will be set up prior to the start of demolition.

Phase Two

- August 2018- completion expected November 2018
- New school opens to students and teachers.
- The construction area moves to current site of the school which will be contained by a temporary perimeter fence.
- Work of this phase includes demolition of the old building, and creation of parking, bus dropoff and playgrounds.
- The school ball field is used for temporary parking and drop-off.

Phase Three

- New playgrounds, parking and drop-off are completed. (around November 2018)
- Restoration of the William St. West school ball field completes in Spring 2019
New Lebanon Arrival and Dismissal Procedures for New Building
2018 / 2019 school year

Arrival: 8:00 am  Class starts at 8:15 am

- Kindergarten, 1st through 5th graders drop off -7:45 to 8:10
- Bus drop off -7:45 to 8:10
- Pre-K drop off will be in the bus loop between 8:30 - 8:45

- Staff will be staggered around both the bus loop and car drop off from 7:40-8:10
- K through 5 Parent Drop off location will be to the right of the handicap ramp and down the full sidewalk car loop.
- Bus drop off location along the sidewalk of the bus loop
- Pre-K drop off will be in the bus loop

- Kindergarten, 1st and 2nd grade will enter through the South bridge
- 3rd, 4th and 5th graders will enter through the North bridge
- Pre-K professional assistants will be on hand to help Pre-K children out of car seats in the bus drop off loop and to escort them to the classroom through the South bridge.

- Visitors will enter through the North bridge (main entrance) and head straight to office.

Dismissal: 2:45

- Pre-K dismissal at 1:30 in the parent drop off loop
- Pre-K bus dismissal at 1:30 in the bus loop.

- All busing students will be dismissed to bus loop through the North Bridge at 2:40.
- K, 1st and 2nd grade parent pick up students will walk out with teachers through the South bridge at 2:40.

- Students grade 3, 4 & 5 walkers will be dismissed through the North bridge at 2:45.
- 3rd, 4th and 5th grade parent pick up students will walk out with teachers through the South bridge at 2:45.

- Staff will be staggered around bus loop and parent drop off loop to help with dismissal.
- Parents will post student name in the dashboard and staff will announce student names and assist students getting into cars.
- A staff member will be posted at the corner between bus loop and car loop in order to manage traffic leaving.

Parking:
- Staff will park along outside edge spaces, leaving internal spots for visitors

Note:
- Parents, staff and volunteers will be notified of the procedures via established communication channels.
- Specific instructions will also be posted on the school website.
New Lebanon School
Stormwater Management Report
25 Mead Avenue
Greenwich, Connecticut
March 14, 2016
(Revised December 21, 2016)

Prepared for:
New Lebanon School
Building Committee
25 Mead Avenue
Greenwich, Connecticut 06830

Prepared by:
MILONE & MACBROOM, INC.
99 Realty Drive
Cheshire, Connecticut 06410
(203) 271-1773
www.miloneandmacbroom.com

MMI #2351-19-2

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 PROJECT OVERVIEW</td>
<td>1</td>
</tr>
<tr>
<td>2.0 EXISTING CONDITIONS</td>
<td>2</td>
</tr>
<tr>
<td>3.0 HYDROLOGIC ANALYSIS</td>
<td>4</td>
</tr>
<tr>
<td>4.0 HYDRAULIC ANALYSIS</td>
<td>6</td>
</tr>
<tr>
<td>5.0 STORMWATER MANAGEMENT STANDARDS</td>
<td>7</td>
</tr>
</tbody>
</table>

## APPENDIX

- NRCS Web Soil Survey Report: Appendix A
- FEMA Flood Insurance Rate Map: Appendix B
- NRCC Extreme Rainfall Depths: Appendix C
- Hydrologic Input Computations: Appendix D
- Hydrologic Modeling Results: Appendix E
- NRCC Extreme Rainfall Intensities: Appendix F
- Conveyance Capacity Computations: Appendix G
- Credits for LID Checklist (Standard 1): Appendix H
- Runoff Reduction & Groundwater Recharge Volume (Standard 4): Appendix I
- Water Quality Volume & TSS Removal Worksheets (Standard 6): Appendix J
- Sedimentation & Erosion Control Computations (Standard 10): Appendix K
- Soil Testing Data on Town Standard Forms: Appendix L

## EXHIBITS

- Predevelopment Watershed Map: Exhibit 1
- Postdevelopment Watershed Map: Exhibit 2
1.0 PROJECT OVERVIEW

The narrative, descriptions, appendices, and exhibits provided in this Stormwater Management Report have been prepared in support of a permit application for the New Lebanon School reconstruction project. The New Lebanon School Building Committee retained the services of Tai Soo Kim Partners to develop design development plans for the construction of a new school facility at the property located at 25 Mead Avenue in Greenwich, Connecticut. The existing site consists of five parcels that total approximately 9.3 acres. Land use on site consists of the existing New Lebanon School building, a small parking lot, the athletic field, and undeveloped wooded areas. An isolated wetland pocket was delineated in the southern portion of the project site.

The existing New Lebanon School building has become outdated. The parking and school drop-off facilities are well undersized and inefficient, and the athletic field needs rejuvenation. To help provide students with state of the art educational facilities, appropriate parking and bus drop-off areas, and an updated athletic field, the New Lebanon School Building Committee proposed to demolish the existing school building and construct a new educational facility on the property. The new school building will be shifted further east into a portion of the property that currently has shallow bedrock and a mixed hardwood forest. A new parking lot will be constructed on the former school building location and will provide three times the number of parking spaces that currently exist for this school as well as improve bus drop-off capabilities. The renovated athletic field will remain at its present location.

More detailed information regarding the analyses conducted to design the stormwater management system is provided in Section 3.0 and Section 4.0 while a narrative describing how the stormwater management system meets the Town of Greenwich Stormwater Management Standards is provided in Section 5.0. Supporting documentation, computations, and modeling results are provided in the Appendix of this report.
2.0 EXISTING CONDITIONS

The existing New Lebanon School site is bounded by both Interstate I-95 and access to Richard Street to the east, James Street to the south, residential properties lining Mead Avenue to the west, and both Church Street and William Street to the north. Byram Shubert Library is adjacent to the school in the northwest portion of the property. The New Lebanon Park open space and little league baseball field is part of the town property and is accessed directly from William Street West, an access drive for the existing school, and the library parking lot. The topography of the site is challenging and combines both steep slopes and significant areas of exposed bedrock. The eastern and western portions of the property include high knolls with a ravine in the central part of the property bisecting the higher ground. The ravine runs in a north-to-south direction and includes a small pocket wetland system in the south part of the ravine. The New Lebanon Park open space is at a low elevation at the general level of the ravine grades. Undeveloped land is forested with mature hardwood trees and limited understory vegetation.

Vehicular access to the school is from Church Street, and the site has limited parking and space for parents to pickup and drop-off their children. Cars and buses are directed through the library parking lot to exit the property, with access from Church Street signed as one way into the site. Teachers and visitors also utilize library parking to supplement the approximately 19 on-site parking spaces in front of the school. A narrow access road connecting Church Street to Richard Street includes 10 parking spaces and a paved drive to a portion of the existing school. The access drive is gated at Richard Street while providing service access to the school property.

Land comprising the school site is divided into several parcels of property owned by the Town of Greenwich. A property survey map prepared by Langan Engineering, dated May 26, 2015, depicts the existing school on ±3.9 acres of property with an undeveloped ±3.6-acre lot abutting it to the east. The New Lebanon Park open space is comprised of Church Street, Richard Street, and New Lebanon Avenue rights-of-way and three lots totaling ±1.79 acres. The more westerly of the three lots includes a portion of the library parking lot. New Lebanon Avenue is a paper street bisecting the other lots.

The site is divided by a central ridge running in a north-to-south direction. This creates two separate watersheds on the east and west side of the site. The eastern watershed drains in a southerly direction through the existing wetland area on site toward a 48" cross culvert under James Street. This watershed is part of a town drainage study titled "Toms Brook Drainage Evaluation Report," dated October 25, 2010. The western part of the site, which includes the existing developed area of the school, drains in a northerly direction to an existing town storm drainage system in Church Street. This system drains across the library parking lot to William Street and then heads west across Mead Avenue toward the Byram River.

Underlying soils located on the majority of the project site are identified as Hollis-Chatfield-Rock outcrop complex (75C) with 3 to 15 percent slopes. This covers most of the eastern part of the site from the back of the existing school building to the highway. The remainder of the property is identified as Urban Land (307). The Hollis-Chatfield soil is categorized as hydrologic soil group D, which is described as having a very slow infiltration rate when thoroughly wet and has high runoff potential. The Urban Land soil is classified as hydrologic soil group B. A soil survey report was created using the Natural Resources Conservation Service's (NRCS) Web Soil Survey website and is provided as Appendix A in this report.
There is one isolated wetland area located in the central valley on site near the southern property line. The wetlands were flagged by Environmental Planning Services in August 2014. Additional information regarding the wetlands located near the project site can be found in the Wetland Impact Assessment prepared by Milone & MacBroom, Inc., which has been submitted in support of the proposed project.

The western portion of the project site is located within the Byram River watershed identified as Regional Basin 7411 on the Connecticut Department of Energy & Environmental Protection (CTDEEP) Atlas of Public Water Supply Sources and Drainage Basins. This regional basin is located within the South Western Regional Complex, which is part of the Southwest Coast Major Basin.

None of the Special Flood Hazard Areas shown on the effective Flood Insurance Rate Map (FIRM), Map Number 09001C04946 dated July 8, 2013, published by the Federal Emergency Management Agency (FEMA) extend onto the project site at any location. A FEMA FIRMette of the effective FIRM has been provided in Appendix B of this report.
3.0 HYDROLOGIC ANALYSIS

A hydrologic analysis has been conducted to analyze the predevelopment and postdevelopment peak flow rates and runoff volume from the project site. Four analysis points were chosen in order to analyze the peak rates of runoff from the site at key locations. The analysis points were chosen because the stormwater runoff from the proposed project site will discharge at these locations. Four subwatersheds covering the proposed project area were used to determine the peak flow rates based on the current site conditions. The existing watersheds were modified and subdivided into eight subwatersheds reflecting the proposed changes to the site for analyzing the hydrology at the analysis points under proposed conditions. The total combined watershed area delineated is approximately 16 acres under existing and proposed conditions. Watershed maps for both the predevelopment and postdevelopment conditions are included as Exhibit 1 and Exhibit 2 in this report.

The method utilized to estimate the surface water runoff rates and volumes utilized in this analysis is a computer program entitled Hydraflow Hydrographs Extension for AutoCAD Civil 3D 2016, Version 10.5. The Hydrographs computer modeling program utilizes the same methods for computing runoff rates that were originally developed by the U.S. Department of Agriculture, NRCS (formerly known as the Soil Conservation Service or SCS) in the TR-20 computer modeling program.

The Hydrographs computer program forecasts the rate of surface water runoff and runoff volume based upon several factors. The input data includes information on land use, hydrologic soil group, vegetative cover, contributing watershed area, time of concentration, rainfall data, storage volumes, and the hydraulic capacity of structures. The computer model predicts the amount of runoff as a function of time with the ability to include the attenuation effect due to dams, lakes, large wetlands, floodplains, and stormwater management storage facilities. The rainfall depths with statistical recurrence frequencies of 1, 2, 5, 10, 25, 50, and 100 years utilized in the hydrologic modeling were obtained from the Town of Greenwich Drainage Manual (February 2014). The rainfall depths are based on studies conducted at the Northeastern Regional Climate Center (NRCC). The Type III rainfall distribution developed by the NRCS with a 24-hour duration was utilized to model each storm event as recommended in the Town of Greenwich Drainage Manual (February 2014). The rainfall depths utilized in the hydrologic analysis are provided in Appendix C of this report.

Land use and coverage for the analysis under existing and proposed conditions was determined from project base mapping and topography. Land use types used in the analysis included wooded, grassed or open space, wet meadow, playground, 1/8 acre residential, building, and impervious (paved) cover. Soil types in the watershed were obtained from the NRCS Web Soil Survey for Fairfield County, Connecticut. For this analysis, the study area was determined to contain hydrologic soil groups "B" and "D" as classified by the NRCS.

Peak flow rates and runoff volume draining to the north towards the Byram River (Analysis Point A) are controlled by incorporating a subsurface storage system into the stormwater management system. In addition, the overall drainage area and impervious coverage contributing to Analysis Point A has been reduced slightly. Runoff from more than 60% of the impervious surface within Analysis Point A will be collected and treated by the proposed subsurface storage system, which will provide adequate volume to meet the Runoff Reduction Volume (RRV) and Water Quality Volume (WQV) standards.
In Analysis Point B, Islands with slotted curb have been incorporated into the new parking lot design to disconnect a portion of the paved area. The islands will serve as vegetated bioswales to filter runoff from the pavement and allow for some natural infiltration and flow reduction from the contributing area draining to the north towards the Byram River. The overall drainage area and impervious coverage contributing to Analysis Point B has been reduced slightly, therefore the post-development runoff volume is less than existing meeting the RRV standard. Additionally, a hydrodynamic separator is proposed to remove suspended solids prior to discharging from the project site. The hydrodynamic separator is configured offline and located such that it will collect and treat runoff from 60% of the proposed impervious surfaces associated with the new parking lot and bus loop.

Peak flow rates and runoff volume draining south from the project site (Analysis Point C) are controlled by incorporating two bioretention basins into the stormwater management system. The bioretention basins are located to the south of the new school building and at the southern end of the new parking lot. Each will collect and pretreat stormwater runoff from impervious surfaces prior to discharging to the storage provided by the proposed wetland enhancement area. Adequate Water Quality Volume (WQV) and Runoff Reduction Volume (RRV) have been provided in the bioretention area adjacent to the new school building (DET 320). Additionally, runoff from all impervious surfaces in Analysis Point C, including the building, will be treated within the wetland enhancement area as well.

All input computations supporting the hydrologic modeling are provided in Appendix D of this report. Full hydrologic modeling results are provided in Appendix E of this report. Refer to Section 5.0 of this report for additional information on how the proposed stormwater management system meets the Town of Greenwich Stormwater Management Standards.
4.0 HYDRAULIC ANALYSIS

The proposed stormwater management system has been designed to safely convey stormwater runoff from the site while providing stormwater quality improvement measures. A design goal of the storm drainage system is to remove total suspended solids and other potential stormwater pollutants. In addition to the proposed bioretention basins and wetland enhancement area, the stormwater management design incorporates the use of additional water quality measures including hydrodynamic separators and deep-weep catch basins with hoods.

The computer program entitled Hydroflow Storm Sewers Extension for Autodesk AutoCAD Civil 3D, Version 10.5 was used for designing the storm drainage system proposed. Storm drainage computations performed include pipe capacity calculations, hydraulic grade line calculations, and gutter flow (inlet capacity) computations. The overall watershed was divided into subcatchments to determine the drainage area and land coverage to each individual system inlet. These values were used to determine the stormwater runoff rate to each inlet using the rational method. Extreme rainfall intensities for the project site utilized in the storm drainage computations were obtained from NRCC as recommended in the Town of Greenwich Drainage Manual (February 2014). The extreme rainfall intensities utilized in the hydraulic analysis are provided in Appendix F of this report.

The proposed storm drainage systems were designed to provide adequate pipe capacity to convey the 25-year storm event. Additionally, the storm drainage design analysis includes hydraulic grade line computations for the 25-year storm event. A gutter flow analysis was performed on the storm drainage systems as well to ensure appropriate spacing and inlet capacity for the 25-year storm event. All storm drainage computations described in this section are provided in Appendix G of this report. Refer to Section 5.0 of this report for additional information on how the proposed stormwater management system meets the Town of Greenwich Stormwater Management Standards.
5.0 **STORMWATER MANAGEMENT STANDARDS**

The following narrative describes how each of the Stormwater Management Standards presented in the *Town of Greenwich Drainage Manual* (February 2014) are met by the stormwater management system proposed (if applicable). The results of the hydrologic modeling, hydraulic analysis, and other supporting computations demonstrate compliance with all of the applicable standards.

**Standard 1 – Low Impact Development (LID)**

LID techniques were utilized to the maximum extent practical when planning and designing the site redevelopment on the subject parcel. Although LID techniques were used to design the site, allowable credits were not accounted for (see Appendix H for the checklist). See below for a brief narrative on each of the nonstructural LID site planning and design techniques considered.

A. **Minimizing Soil Compaction**

Much of the soils on the western side of the existing property have been disturbed as part of the original development of the school and are listed as urban soil. The eastern wooded part of the site is dominated by shallow ledge and will predominately remain undisturbed. Soil compaction will be minimized in landscaped areas to the extent practical.

B. **Minimizing Site Disturbance**

Much of the western portion of the existing property is comprised of the original development area of the school. A limited amount of the wooded eastern portion of the site has been slated for redevelopment of the new school building only. In addition, the relatively low quality wetland that exists in the southeastern portion of the property will be enhanced with plantings and increased hydrology to adequately support wetland vegetation. The extent of tree removal and land disturbance has been minimized. All of the previously developed portions of the school property will be utilized for expanded parking and drop-off areas to accommodate the increased enrollment.

C. **Protecting Sensitive Natural Areas**

There are no particularly sensitive natural resource receptors on site. The existing pocket wetland has very low functions and values, which are more specifically identified in the wetland assessment submitted under separate cover. Enhancement of those functions and values is proposed as part of the project. The other natural resource on site to be protected is the natural woodland area on the east side. This woodland is being maintained as a buffer between the new school and the adjacent highway.

D. **Protecting Riparian Buffers**

The majority of the existing trees around the existing wetland will be saved as part of the wetland enhancement design. A detailed planting plan is proposed as part of the enhancement design, which will included enhanced buffer plantings.
E. Avoiding Disturbance of Steep Slopes

The existing steep slopes around the central valley on site are being preserved through the architectural design of the building. The building will sit in the northern, shallower section of the valley, and the building is shaped to mimic the existing contours on either side. Two bridges will extend from the bus loop to the upper floor of the building to minimize disturbance of the steep slopes.

F. Siting Relative to Permeable and Erodible Soils

The soils found on site are described as well drained in the Soil Survey of Fairfield County, Connecticut published by NRCS. The proposed redevelopment project has been designed to sit the new stormwater management basin on what is anticipated to be the most permeable soils in the central valley. A soil survey report for the project site and surrounding area was created using the NRCS Web Soil Survey interactive website and is included as Appendix A.

G. Protecting Natural Flow Pathways

The existing flow pathways have been maintained to be very similar to existing conditions. The western part of existing site is mostly building and pavement with limited natural flow pathways such as swales, depressions, or watercourses. The central valley and wetland area are being enhanced, and the flow path to the south in this watershed is similar to existing conditions. The stormwater management systems proposed are provided to mitigate increases in peak flows and volumes of runoff to mimic existing conditions.

H. Reducing Impervious Surfaces

Impervious surfaces have been minimized to the extent practical. There is a small decrease in impervious surface in the currently developed western watershed. The impervious area in the eastern watershed is dictated by the size of the building needed to serve the anticipated school enrollment.

I. Stormwater Disconnection

Islands with slotted curb are utilized in the new parking lot area to disconnect a portion of the paved area. The islands will serve as vegetated bioswales to filter runoff from the pavement and allow for some natural infiltration and flow reduction.

Standard 2 – Protection of Natural Hydrology

A. Site Disturbance

Much of the western portion of the existing property is comprised of the original development area of the school. A limited amount of the wooded eastern portion of the site has been slated for development of the new school building only. The extent of tree removal and land disturbance has been minimized. All of the previously developed portion of the school property
will be utilized for expanded parking and drop-off areas to accommodate the increased enrollment.

B. Soil Compaction

Much of the soils on the western side of the existing property have been disturbed as part of the original development of the school and are listed as urban soil. The eastern wooded part of the site is dominated by shallow ledge and will predominately remain undisturbed.

C. Time of Concentration

The existing time of concentration from the site is relatively short given the small size of the property and existing drainage areas. In general, the site should experience little change in time of concentration under proposed conditions. The drainage patterns in the western part of the site that are mostly paved now will essentially remain the same under proposed conditions. With the implementation of the stormwater management basins to serve the new school building on the east side, we anticipate little change there as well.

D. Grading Plan

The proposed grading has been designed to maintain existing flow paths to the extent practical. Refer to the grading plan provided in the plan set for additional information regarding the proposed grading.

E. Compost Amended Soils

Compost amended soils will be utilized in the stormwater management basins on the east side of the site and potentially in the wetland restoration area.

F. Ground Disturbance

Ground disturbance will be minimized to the extent possible. Essentially, the only extension of the existing developed area is for the new building footprint. The wooded area on the eastern side of the site has been preserved to the extent possible. All disturbed areas, excluding parking area, access drives, sidewalks, and other hardscape areas, will be topsoiled and planted as part of the landscape plan.

G. Surface Water Systems

There are no existing surface water systems such as streams, natural swales, wetlands, or low-lying areas currently being used for stormwater management on the subject parcel. The existing wetland on site does collect some surface runoff, but most or all of its watershed is natural woodland. Surface water systems will be used to the maximum extent practical.

H. Roadway and Driveway Crossings (Surface Waters)

There are no roadway or driveway crossings over surface water systems proposed.
I. Roadway and Driveway Crossings (Streams)

There are no roadway or driveway crossings over streams or perennial watercourses proposed.

Standard 3 – Stormwater Best Management Practices (BMPs)

Three bioretention basins and one subsurface storage system have been incorporated into the design of the stormwater management system. The storage areas have been designed to include retention volume below the outlet to enhance runoff reduction. Bioretention basins will be planted with select vegetation and shrubs to increase filtration, total suspended solids (TSS) removal, and runoff reduction. The new parking lot area will include islands with slotted curbs to disconnect a portion of the paved area. The islands will serve as vegetated bioswales to filter runoff from the pavement and allow for infiltration and runoff reduction. Additionally, a hydrodynamic separator as well as deep-ump catch basins have been incorporated into the stormwater management design. Underdrains have been provided where appropriate to make sure that the basins drain dry and the storage volume is available for the next storm event.

A. Hydrologic Conditions

The proposed BMPs selected as part of the redevelopment project were chosen to reduce runoff from impervious surfaces utilizing technology that best fits the site design proposed. The BMPs selected will reduce runoff and maintain the hydrologic conditions currently present on the developed site.

B. Design Calculations

Design calculations have been provided in the Appendix of this report illustrating compliance with the Town of Greenwich Stormwater Management Standards including runoff reduction, groundwater recharge, peak flow control, and pollutant reduction.

C. Shutdown and Containment

The nature of the proposed redevelopment project does not present a need to provide shutdown and containment of the stormwater management system.

D. Pumping of Stormwater

There is no pumping of stormwater runoff proposed as part of the redevelopment project.

E. Pumping of Uncontaminated Groundwater

There is no pumping of uncontaminated groundwater proposed as part of the redevelopment project.
Standard 4 – Runoff Reduction Volume and Groundwater Recharge

A. Runoff Reduction Volume

The supporting hydrologic analysis indicates that the postdevelopment runoff volume without BMP’s is less than the predevelopment runoff volume at Analysis Point A and Point B during the 1-year storm. Runoff Reduction Volume (RRV) is achieved in Analysis Point A and Point B by reducing impervious surfaces contributing to those points of concern. Additional runoff volume reduction is anticipated in Analysis Point A and B by incorporating a subsurface storage area and islands with slotted curb. In Analysis Point C, RRV is achieved by directing runoff to two individual bioretention basins prior to discharge to the enhanced wetland area. The volume provided within the enhanced wetland area and bioretention basins satisfies the RRV standard for Analysis Point C.

Refer to Appendix I of this report for supporting computations showing compliance with the RRV standard. Runoff volume estimates for the 1-year, 24-hour storm are summarized in the table below. Runoff volume estimates for the remaining storm events (2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour duration) are provided in Appendix E of this report.

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B. Groundwater Recharge

Groundwater recharge volume (GRV) is provided in the retention storage volume incorporated into the subsurface storage system, bioretention basins, and enhanced wetland area. Refer to Appendix I of this report for supporting computations showing compliance with the GRV standard.

C. Runoff Capture

The runoff capture standard is met at all analysis points as described in Section A – Runoff Reduction Volume above.

Standard 5 – Peak Flow Control

The stormwater management system proposed as part of the proposed redevelopment project will meet the peak flow control design standard through the use of LID and BMP’s planning and design principles. Rainfall depth values were obtained from the Town of Greenwich Drainage Manual (February 2014). Rainfall intensities used in the conveyance calculations were obtained through NRCC. Additional narrative and hydrologic modeling results illustrating compliance with Standard 5 are summarized below.
A. **Stream Channel Protection (2-year, 24-hour Storm)**

The stream channel protection standard has been met at Analysis Point C, where the proposed 2-year, 24-hour peak flow rate has been controlled to be less than the predevelopment 1-year, 24-hour peak flow rate. The channel protection volume standard is met by incorporating retention volume within the proposed retention basins and enhanced wetland area. The stream channel protection standard has not been met in Analysis Point A and Point B, however there is a decrease in impervious surface and drainage area within this redevelopment portion of the project site.

B. **Conveyance Protection**

The conveyance systems and components provided in the proposed stormwater management system have been designed for the 25-year storm. The supporting calculations for each system and its components have been provided in Appendix G of this report.

C. **Peak Runoff Attenuation**

The proposed stormwater management design will control the postdevelopment peak flow rates to the corresponding predevelopment flow rates for each storm event modeled through the use of LID and BMPs design principles. There are no increases in peak flow rate to any of the points of concern analyzed in the hydrologic analysis. Hydrologic modeling results are provided in Appendix E of this report and summarized in the tables below.

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D. Emergency Outlet Sizing

Computations have been provided in Appendix G of this report illustrating that the outlet from the proposed extended detention basin has adequate capacity to discharge the 100-year, 24-hour storm.

Standard 6 – Pollution Reduction

The water quality volume (WQV) was calculated based on the methodology outlined in the Town of Greenwich Drainage Manual (February 2014). Adequate WQV has been provided in the bioretention basin incorporated into the stormwater management design within Analysis Point A. In Analysis Point B, the WQV standard has been met by directing runoff from the proposed parking lot and bus loop to a hydrodynamic separator, which has been sized using the WQF to treat the WQV. In addition, the islands with bio-swales will provide some WQV within the engineered bio-soil proposed. The bioretention
basins and enhanced wetland area will provide adequate volume to meet the WQV standard in Analysis Point C. The WQV computations in support of the design are provided in Appendix J of this report.

The proposed stormwater management system has been designed to remove a minimum of 80% of TSS from the postdevelopment site. The pollution removal computations are provided in Appendix J of this report and are based on Section 5.6.3 of the Town of Greenwich Drainage Manual (February 2014).

**Standard 7 – High Load Areas**

The proposed site redevelopment is not considered a high load area; therefore, Standard 7 does not apply.

**Standard 8 – Critical Areas**

The proposed site is not located in or near a critical area; therefore, Standard 8 is not applicable.

**Standard 9 – Redevelopment**

The proposed project includes the demolition of the existing school building as well as reconfiguring the existing access drives and parking areas. The redevelopment project proposes a new school building, drop-off area, and surface parking area. In addition, a dedicated delivery area on the opposite side of the school building is proposed separate from the student drop-off area. The proposed stormwater management system has been designed to meet the applicable design standards presented in the Town of Greenwich Drainage Manual (February 2014) and will significantly improve the quality of the stormwater runoff from the site when compared to existing conditions. The proposed design will meet the stormwater management standards to the extent practical through the use of LID site planning and by incorporating BMPs into the stormwater management design. The proposed stormwater BMPs have been designed to reduce runoff volumes, control peak flow rates, provide stormwater filtration, reduce pollutant loads, and replicate the site’s existing hydrologic conditions.

**Standard 10 – Construction Sediment and Erosion (S&E) Control**

A detailed S&E Control Plan has been developed to mitigate the short-term impacts of the development during construction. The S&E Control Plan includes descriptive specifications concerning land grading, topsoiling, temporary vegetative cover, permanent vegetative cover, vegetative cover selection and mulching, and erosion check. Details have been provided for all erosion controls with corresponding labels on the S&E control site plan. In all cases, the S&E Control Plan shall be implemented in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Controls (as amended). Specific notes on the plans provide operation and maintenance requirements for the S&E controls as well as when the controls are to be installed and subsequently removed. Supporting sizing computations have been provided in Appendix K of this report.
Standard 11 – Construction Inspections

A. Surety

The owner will post a bond, cash, or other acceptable surety in an amount deemed sufficient to ensure that the work will be completed in accordance with the approved plans if requested by the approving authority.

B. Notification of Work

The approving authority will be notified prior to the start of land-disturbing activity and before the construction of key components of the stormwater management system. Notes specific to this substandard have been provided on the site plans.

C. Stormwater Management System Inspections

The project engineer will conduct periodic inspections of the stormwater management system during construction.

D. Site Inspections

The project engineer will conduct periodic site inspections including the initial site inspection prior to the approval of any plan as well as the inspection of the site erosion controls and of the stormwater management system prior to backfilling any underground drainage or conveyance structure. Additionally, the stormwater management system shall be inspected to verify its as-built features and shall be inspected during a storm event of 0.5 inches or greater if possible. If any inadequacies are observed, the approving authority will be notified immediately. A final inspection shall be conducted prior to releasing any required surety.

E. Failing Stormwater Management System

The approving authority will be notified immediately if it is found that the stormwater management system is inadequate even if it was built in compliance with the approved plans. The design shall then be corrected prior to the final approval granted by the approving authority.

F. Project Completion

The project’s compliance with the approved plans will be certified, and all required inspection certifications will be provided to the approving authority upon completion of construction.
Standard 12 – Operation and Maintenance (O&M)

A. O&M Plan

A long-term O&M Plan has been developed (provided under separate cover) that outlines the maintenance measures required to ensure long-term functionality of the proposed stormwater management system and its components.

B. O&M Plan Components

The O&M Plan identifies all applicable items outlined in Section 5 and Section 7 of the Town of Greenwich Drainage Manual (February 2014).

C. O&M Plan Implementation

The O&M Plan will identify the parties or entities that are legally responsible for implementing the O&M Plan, and a copy of the legal instrument (deed, homeowners association, utility trust, or other legal entity) that establishes the terms of the O&M of the stormwater BMPs will be provided.

D. O&M Plan Records

The parties or entities responsible for the O&M Plan shall keep records of all work to install, maintain, and repair the stormwater management system and shall retain the records for a minimum of 5 years.

E. Proof of O&M Plan Records

The parties or entities responsible for the O&M Plan shall provide records of all maintenance and repairs conducted during inspections when requested.

F. Failure to Implement O&M Plan

The parties or entities responsible for the O&M Plan will be informed that failure to implement the O&M Plan can result in the municipality assuming responsibility for implementation and securing reimbursement for associated expenses from the responsible party including placing a lien on the subject property if necessary.

Standard 13 – Stormwater Management Report

A Stormwater Management Report has been prepared in compliance with the stormwater management design standards and corresponds with the stormwater management system proposed on the site plans.

Standard 14 – Illicit Discharges

There are no existing illicit discharges located on the project site, and the redevelopment proposed does not include the installation of any illicit discharges.
NEW LEBANON ELEMENTARY SCHOOL

TOWN OF GREENWICH, CT
**STAFF REPORT UPDATE:**

The applicant was before the Commission at the 11/15/16 meeting. At that time the Commission heard the applicant’s presentation, comments from the public and staff regarding the proposed text amendment. The Commission had asked the applicant to respond to or commented on the proposal as follows:

- The Commission asked the applicant to articulate how does this amendment meet the goals of the POCD?
- Level parcels and would seem benefit from the additional height and exposure in the Grade Plane making for visually taller structures.
- The Commission asked to explain what a “New England” and a “non-New England” roof style is?
- The Commission asked the applicant to go into greater depth in the examples and how these amendments would affect the majority of properties and not just a select few.
- The Commission commented that the hypotheticals aren’t draw to scale doesn’t show a realistic basement.
- The Commission asked how this amendment achieves preservation of structures?
- The Commission asked how does this proposal provide “flexibility” in the development of residential parcels?
- The Commission asked how does this amendment limit or avoid “bad” development choices?
- The Commission suggested that a perhaps a more appropriate means would be to propose a sliding grade plane regulation that would make the regulations simpler of sloping lots. The Commission asked the applicant to consider what that type of regulation would look like?
- Residents asked the applicant to consider a special permit for sloped lots?
- Residents asked if a better solution was to limit curb side manipulation.
- Residents asked that this amendment allow for a degree of slope within the grade plane
- Residents asked to prohibit raising of grade when not necessary and limit the amount of fill.
- The Commission asked how do we account for the additional floor area that would appear to be provided to those homes with buried basements by this amendment?
• The Commission asked how if the applicant could design a regulation that would make better use of existing building volume and not increase bulk?
• Residents expressed their feelings that grade manipulation is the root of drainage issues.
• It was noted that in the minutes of the 2002 amendment, it was predicted that the "wedding cake" design may be a consequence of the approved language.
• The Commission asked the applicant to consider a regulation that creates a point at which we can limit changes of grade over time.

To date the applicant has proposed an additional amendment to Sec. 6-5(a)(9) "Building Height". The applicant has stated that, "The purpose of this proposed amendment to section 6-5 (9) is to simplify the measurement of building height by removing the connection to the Grade plane and tying it to first floor elevation. The Architectural plans would govern building height and grade plane would be limited to number of stories and how much of the floor area in basement levels would be included in Gross Floor Area calculation. This would simplify the Zoning Permit process."

The additional amendment is as follows: (strike through to be removed, bold to be added.)

Definitions, Section 6-5 (a)

(9) **Building Height** shall mean the vertical distance measured from the grade plane lowest point of the first floor to the highest point of the roof.

**APPLICATION SUMMARY:**

The applicant is proposing to amend Section 6-5(a)(9) and (22.1) regarding the definition of building height, gross floor area and the exclusion of gross floor area in attics and basements, the definition of "Story above grade" under Section 6-5(a)(45.1) and the height requirements of Section 6-205 for the R-6, R-7 and R-12 zones.

**ISSUES/COMMENTS TO CONSIDER**

1. The applicant has not provided a stated purpose for these amendments as part of this application. The Commission should ask that applicant to state the purpose to determine if the proposed amendments help to reach those goals and meet the intent and purposes of the Town’s Building Zone regulations and the goals of the POCD.
2. The Commission should consider if the proposal follows the Building Zone Regulations purpose statement of Sec. 6-1. “PURPOSES OF ARTICLE.”
3. Per Sec. 6-22 of the Town’s Building Zone Regulations and per Sec. 8-3a of the Connecticut General Statutes, any municipality which has a combined planning and zoning commission operating under the general statutes or any special act, shall state on the record its findings on consistency of a proposed zoning regulation or boundaries or changes thereof with the plan of development of the municipality. If in support of this application, the Commission should make such a finding for the record.
4. The proposed amended incorrectly notes the current language of Sec. 6-5(a)(22.1)(B)(3) to read, "Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 1% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3." The current language does not state 1% but, "...100% of the space, excluding crawl space..." 

5. The proposed amendment to Sec. 6-5(a)(22.1)(A) introduces the term "ceiling plane". The applicant should define what a ceiling plane means in terms of the regulation.

6. The applicant is also proposing to increase the maximum permitted height in the R-6, R-7 and R-12 zones from 35 ft to 37.5 ft. The applicant has indicated that this increase is proposed to offset the predicted 2-foot adjustment being made to the grade plane regulations of Sec. 6-5(a)(22.1)(B). Staff would note the proposed increase in height is 2.5 feet taller than the current regulations.

7. The applicant should indicate how these amendments would meet the goals of the POCD in particular:
   a. Action 1.30 – Consider regulations to prevent significant grade alterations, provide standards for construction on slopes over 25 percent and limit the height of retaining walls.
   b. Action 1.33 – Land-use agencies should review the extensive manipulation of existing topography by the use of grade plane walls.

8. The proposed amendments do not seem to help stop grade manipulation, similarly to the current regulations, as the point from which you measure building height (the grade plane), is not a fixed point of which to start from. This means, as is already the case, property owners can fill or manipulate the property as much as they want to create the measurement starting point without limits as to how much that change may be from the existing topography.

9. In addition to the pressures put on a site development to bury the basement and exclude gross floor area, more frequently we are seeing site manipulated unnecessarily to create level lawn areas, play areas, and viewing platforms which have no relationship to floor area but do change the existing landscape. The current and proposed regulations do not appear to create methods to limit that superfluous re grading of sites.

**PROPERTIES AFFECTED:**

In the Town of Greenwich there are currently 19,336 individual properties. Of those parcels 18,347 properties are in a residential zone and would be affected by the amendments of Sec. 6-5(a)(22.1). Of the residentially zoned parcels in Town, 10,501 of those parcels are within the R-6 (2,844), R-7 (3,275) and R-12 (4,382) zones and would also be affected by the proposed amendments to Sec. 6-205 to increase the maximum permitted building height by 2.5 feet.

**PROPOSED AMENDMENT:**
This amendment is being brought forth by the Greenwich Association of Realtors. The proposed intent has not been explicitly stated in the application for the original amendment and should be provided in writing.

APPLICABLE REGULATIONS
Section 6-1 - Purpose of the Articles
Section 6-5 - Definitions
Section 6-22 - Zoning Amendments
Section 6-205 - Schedules of Required Open Spaces, Limiting Heights and Bulk of Buildings

In consideration of amendments to the Town’s Zone Boundary Map the Commission should consider Sec. 6-1 and Sec. 6-22 of the Building Zone Regulations. Sec. 6-1 outlines the purpose of the Town’s Zoning Regulation and is as follows

Sec. 6-1. PURPOSES OF ARTICLE.
(a) This Article and the Zoning Regulations contained in this Chapter shall be for the following purposes:
(1) Promoting the health, safety, morals and general welfare of the community;
(2) Lessening congestion in the streets;
(3) Securing safety from fire, flood, panic and other dangers;
(4) Providing adequate light and air;
(5) Preventing the overcrowding of land and avoiding undue concentration of population;
(6) Facilitating adequate provision of transportation, water, sewerage, schools, parks and other requirements;
(7) Conserving the value of buildings and encouraging the most appropriate use of land throughout the town;
(8) Providing for the public health, comfort and general welfare in living and working condition;
(9) Regulating and restricting the location and use of buildings, structures and land for trade, industry, residence and other purposes;
(10) Regulating and limiting the height and bulk of buildings hereafter erected;
(11) Regulating and determining the area of yards, courts and other open spaces for buildings hereafter erected.
(12) Encouraging the retention and development of housing opportunities for all citizens of the municipality. (6/11/86)
(b) This Article and the Zoning Regulations prescribed in this Article are established pursuant to the authority conferred by General Statutes.

Sec. 6-22 pertains to the process for amending the zoning text of map as follows:
“The Planning and Zoning Commission on its own motion or on petition of the Board of Appeals, or on petition of one (1) or more property owners may amend the zoning text or the Zoning Map in accordance with the provisions of General Statutes.”
Per Sec. 8-3a of the CGS, in any municipality which has a combined planning and zoning commission operating under the general statutes or any special act, the commission shall state on the record its findings on consistency of a proposed zoning regulation or boundaries or changes thereof with the plan of development of the municipality.

DEPARTMENTS COMMENTS
WestCOG - not yet provided
DEEP - not yet provided
Proposed Changes to Application

Purpose:
The purpose of this proposed amendment to section 6-5 (9) is to simplify the measurement of building height by removing the connection to the Grade plane and tying it to first floor elevation. The Architectural plans would govern building height and grade plane would be limited to number of stories and how much of the floor area in basement levels would be included in Gross Floor Area calculation. This would simplify the Zoning Permit process.

(strike through to be removed, bold to be added.)

Definitions, Section 6-5
(9) Building Height shall mean the vertical distance measured from the grade plane lowest point of the first floor to the highest point of the roof.
Theresa Hatton  
221 Orchard Street  
Cos Cob, CT 06807

August 2, 2016

Town of Greenwich  
Planning and Zoning Commission  
101 Field Point Road  
Greenwich, CT 06803

Commission Members:

In compliance with Greenwich Municipal Code Section 6-22:

Sec. 6-22. ZONING AMENDMENTS.

The Planning and Zoning Commission on its own motion, or on petition of the Board of Appeals, or on petition of one (1) or more property owners may amend the zoning text or the Zoning Map in accordance with the provisions of Title 8 of the General Statutes of 1958.

As a homeowner in the Town of Greenwich and in conjunction with support from the Greenwich Association of REALTORS, Greenwich Property Owners' Association and the Greenwich Chamber of Commerce I submit the enclosed amendment for zoning text changes along with an accompanying diagram that illustrates the comparison of the proposed amendment with existing regulations. The additional enclosed diagrams provide examples of how these amendments would be reflected in different topographical conditions.

Thank you,

Theresa Hatton
Section 6-5. DEFINITIONS

(a) As used in this Article:

(22.1) **Floor Area, Gross** for buildings in any residential zone shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases, chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). (4/30/2002)

(A) With respect to the inclusion of Attic space within Gross Floor Area the following shall apply:

The area of the attic floor that is below a plane that is seven (7') feet above the finished attic floor shall be included within Gross Floor Area, except as noted in (a) and (b) below, whether or not the attic area is accessible by pull-down stair, permanent stairs or can be accessed from an adjoining room. See Diagram No. 2. A ceiling plane of seven (7') feet or more shall be included in the Gross Floor Area, and the area of the attic floor under a dormer that is below a ceiling plane of five (5') feet or more shall be included in the Gross Floor Area, subjected to the following:

(1) If the total of the attic Gross Floor Area less than 50% of the Gross Floor Area of the floor below, the attic Gross Floor Area shall not be included in the Floor Area Ratio calculation.
(2) Any attic floor area exceeding 50% to the floor below shall be included in the Floor Area Ratio calculation, unless it rendered uninhabitable through the use of engineered trusses or other required structural elements.

See diagram No. 2.

(a) Notwithstanding the foregoing, for buildings existing as to the effective date of this amendment, where the attic space has been solely accessible via "pull down" stairs or ceiling scuttle and the attic floor has not been included in the determination of the Gross Floor Area for purposes of calculating Floor Area Ratio, such floor area shall continue not to be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio. If, any time after the effective date of this amendment, access to such attic space is
made available via fixed stairs or through an adjacent room, the floor area of such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space in excess of 50% of the floor area of the floor next below shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(22.1)(A) above.

(b) For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor Area pursuant to Sec. 6-5(22)(A) above for purposes of calculating Floor Area Ratio and Story as defined in Sec. 6-5(45). See Diagram No 2 (4/30/2002)

(B) With respect to the inclusion of Basement within Gross Floor Area, the following shall apply:

1. Where the finished surface of the floor above the basement is less than three five (35) feet above the grade plane [and at all points the floor of the basement is more than four (4) feet below the grade plane], the basement shall not be included in Gross Floor Area. See Diagram No. 3.

2. Where the finished surface of the floor above the basement is more than [three (3) feet and less than] five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:
   (a) Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.
   (b) The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:
   - 300 sq. ft. per vehicle, no tandem spaces permitted
   - 100 sq. ft. of space for laundry equipment
   - 100 sq. ft. of space for mechanical equipment

3. Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 1% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3 (4/19/2006)

***

(45) Story shall mean that portion of a building above the basement, except as further defined in Sec. 6-5 (45.1), included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of

2/3
the building considered below grade shall also be defined as a "story" if it is
habitable floor area used for other than storage, parking or mechanical space. A
"half-story" is any space under the gable, hip or gambrel roof, the gross floor area of
which, including dormers as described in Section 6-5 (22.1) (A) [1]{(b),] does not
exceed forty fifty ([40]-50) percent of the floor area next below when measured at
a plane seven feet zero inches (7'0") above the floor directly below the roof. It shall
be counted as a full story if the said forty fifty ([40]-50) percent is exceeded. See
Diagram No. 4. (4/30/2002)

(45.1) **Story Above Grade** shall be any story having its finished floor surface entirely
above the grade plane except that a basement shall be considered as a story above
grade when the finished surface of the floor above the basement is:

1. More than five (5) feet above the grade plane; or
2. 1. More than five (5) feet above the finished grade at the wall of the
   building for more than thirty fifty (30-50) percent of the total linear
   measurement of the perimeter wall of the building; or
3. 2. More than fourteen (14) feet above the finished grade at the perimeter
   of the building at any point. See Diagram No. 5. (4/30/2002; 9/28/2010)

Diagram 6-205. Schedule of Required Open Spaces, Limiting Heights and Bulk of
Buildings

- Maximum building height increased to 37.5 feet in the R-6, R-7 and R-12
  zones to account for the 2 foot adjustment under Section 6-5(22.1)(B)
  [Change to §6-205].

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PLANNING & ZONING
COMMISSION

3/3
GRADE PLANE BUILDING HEIGHT AND ATTIC DIAGRAM OF PROPOSED REGULATION CHANGES

- Grade Plane increases to 5' below first floor before any basement area is included in the FAR total
- Attic floor area, that does not exceed 50% of the floor area below, is not included in FAR total
- Maximum building height is increased to 37.5 feet in the R-6, R-7 and R12 zones

Roof Pitches and Maximum Height:
10/12 to 12/12 is a typical New England Pitched Roof. Less than 8/12 pitch is typical of a raised ranch or 1950's era roof. At 35' height, the roof pitch on this 36' wide colonial would be 6/12 at 37 1/2" the roof pitch would be 7.75/12. To get a 10/12 pitch would require a 40' height above Grade Plane. (See Below.)

Market demand:
New homes are built with a minimum of 10' floor to floor and 9' ceilings. In many cases the first floor is 11' floor to floor with the second being 10' floor to floor with 9' ceiling. The advent of engineered lumber allows longer spans making 18' wide rooms easily achievable with standard structural depths. There is considerable demand for flex spaces such as finished attics or basements to accommodate family members activities and storage which can then be contracted as the family ages in place.

Conclusions: A height of 37.5' would be a minimum to balance the lower grade plane. Attic at 50% of floor below should also be a minimum to allow for reasonable roof pitches and dormers. These changes would help to preserve existing topography and historic roof pitches, allow reasonable use of the limited attic and basement areas and eliminate the dangerous trussed roofs, while being sensitive to market demand. This will be accomplished without significantly increasing the perceived bulk beyond what is currently permitted or existing.
GRADE PLANE: STEEP SLOPED LOT WITH WALKOUT

With a 0.5’ grade plane the grade plane walls can be reduced by 0.5 or more.

The required 10’ grade plane width from the house plate grade plane will work on the property. The paving, if paved, has to be made and not as shown. The paving is shown as 2’ wide to allow for a square foot of paving 2’ wide and 4’ long.

The minimum grade plane width is shown. The grade plane width is shown as 2’ wide and 4’ long. The grade plane width is shown as 2’ wide and 4’ long.

The grade plane width is shown as 2’ wide and 4’ long. The grade plane width is shown as 2’ wide and 4’ long.

The grade plane width is shown as 2’ wide and 4’ long. The grade plane width is shown as 2’ wide and 4’ long.

To avoid connecting plumbing in the basement, the house on the left has a 0.5’ grade plane, existing walls are required on both sides to maintain the 0.5’ grade plane. The house on the right has a 0.5’ grade plane, existing walls are required on both sides.

existing grade
grade plane

0.5’

0.5’

0.5’
Final Site Plan
PLPZ #201600557 & Special Permit
PLPZ #201600558

100 Lewis, LLC
New Two-Family Dwelling

Location: 100 Lewis Street
Zone: R-6
Parcel Size: 13,101 SF

<table>
<thead>
<tr>
<th>Relevant Zoning Statistics</th>
<th>Proposed</th>
<th>Required: Max (Min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Two-Family Dwelling</td>
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<tr>
<td>GFA</td>
<td>6,984.8 SF</td>
<td>7,205 SF</td>
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<tr>
<td>FAR</td>
<td>0.53</td>
<td>0.55</td>
</tr>
<tr>
<td>Green Area</td>
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<td>Building Coverage</td>
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<tr>
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<tr>
<td>Side Yard</td>
<td>5.0 ft &amp; 10.5 ft</td>
<td>Min 5 ft; Sum not less than 15 ft</td>
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<tr>
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<tr>
<td>Parking- Garage &amp; Outdoor</td>
<td>4 &amp; 2 spaces</td>
<td>2 &amp; 3.2 spaces</td>
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</table>

PROPOSAL
Final site plan and special permit applications were submitted to demolish the existing dwelling and construct a new 6,985 sq. ft. two-family dwelling, six (6) parking spaces, new driveway, parking areas, and related site work on a 13,101 sq. ft. property located at 100 Lewis Street in the R-6 zone. The applicant seeks Planning & Zoning Commission approval under Sections 6-13 through 6-15, 6-17, 6-98, and 6-205 of The Town of Greenwich Building Zone Regulations.

RECOMMENDATIONS/ ISSUES TO BE RESOLVED
1. The installation of the proposed eastern curb cut will result in the net loss of two municipal metered parking spaces on Lewis Street located in Downtown Greenwich.
2. A landscaping plan should be submitted showing landscape screening of the parking in the front yard.
3. DPW Engineering Division comments dated 1/5/17 should be addressed.
4. Zoning Enforcement comments dated 1/3/17 should be addressed.
5. Building section drawings, a basement floor plan and attic floor plan should be submitted.
6. The Commission should determine if the site provides sufficient parking and if the parking layout is acceptable.
7. Forthcoming department comments should be addressed.
8. The Commission should make a finding if the proposed two-family dwelling use is appropriate for the neighborhood.
9. The Commission should note that IWVA staff has determined that there are no wetlands on the property and no wetlands permit is required for the site activity.
**FINAL SITE PLAN**

The 13,101 SF lot is located in the R-6 zone. The property is bound by a two-family residence to the west and multi-family developments to the north, east and south. The lot has conforming lot shape, lot area and frontage on Lewis Street.

The property slopes gently from Lewis Street down to the back of the property. It is improved with a two-family dwelling, patio, driveway, retaining wall, fences, mature trees, landscaping and lawns. An existing retaining wall encroaches from the property to the east.

An easement for storm drain, sanitary sewer and utilities exists on the west and north side of the property. The easement area contains drainage and sewer laterals, which will be utilities in the redevelopment of this lot.

The applicant proposes to demolish the existing structure to construct a new two-family dwelling, attached garages, two driveways with a new curb cut, parking, covered front porches, retaining walls, patios, grading, utilities, drainage system and other associated improvements.

The proposed development appears to comply with require yards, building coverage, and green area requirements (Sec 6-98 & Sec 6-205).

The grading will be modified for the majority of the site. A new 3 ft+ retaining wall is proposed on the eastern property. Fill will also be added to the rear of the building to meet the grade of an existing retaining wall that encroaches from the property to the east.

The site development plan shows erosion and sedimentation controls consisting of silt fencing along perimeter of the property.

No landscaping plan was provided.

**Background**

In 2006 found a revision of lot lines (FSB-LLR) with 172 Milbank Avenue where 5,600SF of land was transferred to 100 Lewis Street to be neither a subdivisions or re-subdivision. The map was executed in 2007 in GLR #8181.

The property was not part of any subdivision, re-subdivision, site plan or special permit application approved by the Planning & Zoning Commission.

**Two-Family Dwelling**

A 6,984.8 SF (GFA), 2 ½ story building is proposed containing side by side dwelling units with separate entrances. The structure is 33.58 ft tall measured from the grade plane.

The floor plans for each unit are nearly symmetrical along the division line. The first floor plan shows a kitchen, living room, dining room, family room, powder room, laundry room and a two-car garage for each unit. The second floor plan shows three bedroom suites for each unit.
No attic plans and no building sections were provided.

The foundation plan shows no layout of a basement space although there are two window wells for each unit.

The building appears to comply with building height, stories and floor area ratio requirements (Sec 6-205).

Parking
Each unit has three bedrooms and demands one garage parking space and 1.6 outdoor spaces (Sec 6-155). The applicant provides four garage spaces and two outdoor parking spaces for a total of 6 parking spaces. The units have separate driveways and each driveway includes one parking space not tandem to the garage spaces.

Street parking
Striped and metered on-street parking line both sides of this section of Lewis Street. As a result of installing a second curb cut for the property 5 on-street parking spaces will be altered, and there is a net loss of two parking spaces.

No comments from the Director of Parking Services is available at this time.

Drainage
The stormwater drainage plan consists of collecting stormwater from the most of the roof and the eastern driveway and directing it into a rain garden located in the rear yard. Stormwater will be collected by trench drain from the western driveway and will be connected to an existing drainage line located in a drainage easement area located on the west side of the property.

The DPW Engineering Division issued comments dated 1/5/17 stating that additional information including all deeds and reference maps should be submitted and a better understanding of the on-site and off-site drainage system is needed. Furthermore, revisions to the drainage summary report and construction plans will be needed.

Sewer
The property is within the Town Sewer Boundary Area. The site development plan shows new separate laterals connecting to the existing Town lateral located in a sanitary sewer easement area located along the south side of the property.

No DPW-Sewer Division comments are available at this time.

Inland Wetlands
IWWE staff has determined that there are no wetlands on the property and no wetlands permit is required for the site activity.

SPECIAL PERMIT
A special permit was submitted under Section 6-98 of the Building Zone Regulations as a special permit is required for two-family dwellings. The Commission should determine that the uses is appropriate to the neighborhood, having consideration for the number and proximity of single family dwellings and two-family dwellings, for the number, character and proximity of other uses, for the amount and location of undeveloped land in the vicinity and the relationship of such land to the pattern of open space in the neighborhood development scheme, and for the proximity to other zones, either more or less restrictive and other standards provided and the Standards contained in Sections 6-15 and 6-17.

All abutting properties to the subject property are developed with two-family dwellings or multi-family dwellings. The property is in the R-6 section of Downtown Greenwich, which is improved with a balance of single-family, two-family, and multi-family development.

**APPLICABLE REGULATIONS**
Section 6-5 Definitions
Section 6-13 Site Plan Approval Required by Planning & Zoning Commission
Section 6-14 Procedure
Section 6-15 Standards
Section 6-17 Authorization of Use by Special Permit
Section 6-98 Use Regulations for R-6 Multi-Family and RMF Zones
Section 6-155 Parking and Garages for Multi-Family Residential Purposes
Section 6-205 Schedule of Required Open Spaces, Limiting Heights And Bulk of Buildings

**DEPARTMENT COMMENTS**
Zoning Enforcement, Engineering - Attached
Sewer, Conservation, Parking Services- Not Received
ZONING ENFORCEMENT

Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED: 100 Lewis, LLC.

LOCATION: 100 Lewis Street

PLAN DATE:

ZONE: R-6

The subject site plan/subdivision meets the requirements of the Building Zone Regulations excluding Section 6-15 and 6-17, except for the following:

The interior walls between the two units should be counted as floor area as per section 6-5 22.1.

Reviewed by: Jodi Couture

Note: These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.

Date: 1/3/2017
DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION
SITE DEVELOPMENT REVIEW

Engineering Project No. 16-5(62) Department Project No. PLPZ201600557, 558
Submittal Received Date: 11/1/2016

Submittal Reviewed For: Planning and Zoning

PLAN SET INFORMATION

Plan Title: 100 Lewis, LLC
Engineering Firm: Rocco V. D'Andrea, Inc.
Original Plan Date: 10/27/2016

Project Address: 100 Lewis Street
Sealed and Signed: Yes
Latest Plan Revision Date: ______

RECEIVED
JAN 5 2017

DRAINAGE SUMMARY REPORT

Engineering Firm: Rocco V. D'Andrea, Inc.
Original Report Date: 9/12/2016
Latest Report Revision Date: ______

Sealed and Signed by Engineer: Yes

Reviews provided by the Engineering Division are for compliance with the Town's “Roadway Design Manual and Standard Construction Details”, and “Drainage Manual”. Reviews are based upon the information and maps provided. Comments pertaining to the Town’s manuals are not all encompassing. Other reviewing entities may provide additional comments regarding consistency with these manuals in accordance with their jurisdictions. Review of sanitary sewer and septic systems are not reviewed by the Engineering Division.

REVIEWED/APPROVED BY: [Signature] DATE: 11/5/17
Scott Marucci - Senior Civil Engineer

COMMENTS AND RECOMMENDATIONS: Resubmit Prior to Final Site Plan Approval
Engineering Division must receive revisions by ______ for Commission Meeting on______.
Revisions submitted after deadline date will not be reviewed for Commission Meeting on______.
• Comments on Attached Documents Must be Completed

1. The proposed design is removing two parking spaces within Lewis Street that must be reviewed and approved by the Parking Authority. A copy of the approval must be submitted.
2. A copy of all deeds from the current to the original and referenced maps must be submitted for the parcel.
3. A clear understanding of the on-site and off-site drainage network is needed for the review and the following must be submitted:
   a. The entire drainage network in Lewis Street must be added to the existing conditions survey and proposed plans (see attached).
   b. The pipe network highlighted on the attached GIS Map must be videoed and submitted.
   c. The highlighted manhole along the property line must be added.
4. The existing conditions survey is missing the following information that must be added:
   a. Need to include all information on Lewis street to the northern curb line.
   b. All poles, trees, paring meters, parking spaces, manholes, catch basins, spot elevations of road, curbs, sidewalk, and contours.
   c. The drainage network listed in item 2 must be added.
5. The sight distance to the east needs to have the existing trees and hedges removed on the property. Add a callout stating all trees and hedges shall be removed to meet the required sight distance.
6. The sight distance to the west is a concern because of the existing trees and hedges between the properties. Submit a letter of approval from the property owner to the west to allow the trimming of the tree and hedges to meet the
required sight distance. Add a callout stating all trees and hedges shall be trimmed to meet the required sight distance.

7. A draft drainage maintenance agreement between Unit A and Unit B needs be submitted.
8. A revised Form SC-100 needs to be submitted with the Construction Site Plan Review (Building Permit Submittal).
9. The Drainage Summary Report was not reviewed in detail as the above issues need to be addresses first. The following are comments about the drainage design that need to be revised:
   a. The property to the east under existing conditions appears to drain onto the property. A curtain drain shall be installed along the proposed retaining wall to collect the runoff from the property to the east and directed to the existing drainage network.
   b. The total impervious area for the site is 5,315 SF. Based on this the minimum to a LID BMP is 3,189, which appears to have been met. The remaining impervious area also needs to have the WQV treated (driveway on the western side of the property).
   c. If additional BMPs are proposed a deep test pit must be completed for each and the results submitted on the Soil Evaluation Test Results Form.
   d. Revise all other computations as needed.
10. The construction plan set was not reviewed since the above needs to be addressed first.
11. The Operations and Maintenance Plan Report shall be revised as needed based on the changes.
12. All revisions to the reports and plans must follow the requirements in the Town of Greenwich Drainage Manual February 2012 amended February 2014. If the revisions are not submitted as required, the submittal will be sent back as incomplete. Please note, in accordance with Section 7.7 of the Town of Greenwich Drainage Manual, February 2012 amended February 2014, all revisions shall be accompanied by a point-by-point written response to the Engineering Division's comments.
13. The Town of Greenwich – Standard Construction Notes for Site and Subdivision Plans are conditions that must be met.
Scott-
Pursuant to our discussions yesterday, Highland is on site cleaning and preparing a DVD of the 8" CPP drain through the 100 Lewis Street property.

Highland will mark the location of the buried manhole in Lewis Street

We opened the SDMH's in Lewis street west of the site to confirm that the southerly manhole is blocked and does not flow south. There is a connection from the south SDMH to the northerly one which discharges through a large diameter RCP to the west toward Mason Street.

Do you have a consensus on the as-built diameter of the pipes, that you can share, so that we do not have to enter the manholes to verify?

Lisa Kontos met with Rita Azrelyant to discuss parking. We will convene an on-site meeting on Friday at noon to review the conditions and develop an alternate solution.

We have developed a modification to intercept surface runoff from the easterly neighbor and modified the discharge point for the sump pumps.

We expect to have all of the modifications on the plan for delivery to you and P&Z staff before noon on Monday.

Thank you for your insight and cooperation.
Tony

........................................
Anthony L. D'Andrea PE&LS
Rocco V. D'Andrea, Inc.
6 Neil Lane, P.O.Box 549
Riverside, CT 06878
(203) 637-1779
ald@nvdi.com
GREENWICH INLAND WETLANDS & WATERCOURSES AGENCY QUESTIONNAIRE
(This form is NOT an IWWA Application – it is to determine if a Permit Application is required)

PROJECT: Street Address 100 Lewis Street

TAX ACCT. # 01-2571

Has there ever been an IWWA application for this site? YES NO

ACTIVITY: (Circle ONE) Addition Demolition Deck Garage Interior renovations New residence Pool Tennis court

Generator Other (please specify)

Will this activity require an addition to the septic system? YES NO

NOTE: A separate form is required for each activity.
Only a demolition does NOT require a plot plan.

FEE: $30 for in office review, $65 for reviews requiring a site visit or further in office analysis

Owner's full name [please print] 100 Lewis Street Development, LLC Phone (914) 403-4310

Mailing address 22 Elm Place Town Rye, NY Zip 10580

Authorized Agent's name [please print] Adam Cerini for Record R'ANDREA, Inc. Phone (203) 637-1779

Mailing address P.O. Box 549 Town Riverdale, CT Zip 06873

YOU MUST INCLUDE A PLOT PLAN, SHOWING THE PROPOSED ACTIVITY IN RED, WITH THIS QUESTIONNAIRE.
If you do not, staff review of your proposal will be delayed or prevented. An incomplete questionnaire can prolong the process.

IWWA staff will review this questionnaire to determine if regulated activities may occur as a result of your proposal, necessitating an IWWA permit.

If your project does not require an IWWA permit, we will sign off on this questionnaire, which you will need if you are obtaining permits from other departments.

If an IWWA permit is required, we will supply you with a permit application packet. You must obtain a permit prior to the commencement of your project. No work may begin until you receive an IWWA permit. The issuance of a building permit alone does not constitute an authorization to proceed. The Agency may impose penalties on any person who commits or assists in any violation of the IWWA Regulations.

If you do not receive notice regarding your questionnaire within two weeks of submission, please contact the IWWA office.

As the property owner [ ] or, authorized agent [ ] [check one] I believe that all the information I have submitted is correct.

Signature ____________________________ Date 09/12/16

If mailing, return completed form with a $30 check (made payable "To the Town of Greenwich") to the Greenwich Inland Wetlands Agency. Do not apply for a Building Permit until the review is complete. If a site visit is required, you will be notified of the increase in fee.

Your Greensheet Questionnaire will not be reviewed until this additional $35 is received.

STAFF NOTES

Office Rev Date 9/13/16 Permit Required? YES NO With Wet? Tidal Staff

Field Inv Date / / Permit Required? YES NO With Wet? Tidal Staff

Soils Report Date / / Author Soils

Comments:

Fee Received: YES NO Comment: Check

IWWA Questionnaire Revised 11/2/12

Received Date Stamp SEP 13 2016
TWO - FAMILY DWELLING

100 LEWIS STREET GREENWICH (CT 06830)
18-2 & PT 19 LEWIS ST 5 19

100 LEWIS, LLC

284 / 282

Special Permit – Complete special permit application form
Coastal Zone
Is project 500 feet from Municipal Boundary? (for notification)
Amendment to Building Zone Regulations – Section(s)
Amendment to Building Zone Map – Zone(s) affected
Business Zone Plate Number
Architectural Review Committee Application attached or Review needed
Planning & Zoning Board of Appeals review needed
Inland Wetlands and Watercourses Agency Review / Approval Required
Estimated amount of time needed to present item to Commission at meeting:

LISA KOLIOS
5 BENDERS MILLE
203-969-5419
Lisa KOLIOS

JOSEPH TANVOLICI
5 HEMLOCK HOLLOW
914-403-4310

ROCCO V. D'ANDREA INC.
12 BY E4A RIVERSIDE
203-631-1779

MICHAEL R. PERTA
7 ROBERT ROAD
845-489-1638

Michael R. PERTA AIA ARCHITECTURE
845-489-9887

PLPZ 201600557558

PJSitePlanApp 01/01/2013
## SITE PLAN ZONING STATISTICS

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<th></th>
<th>EXISTING</th>
<th>PROPOSED</th>
<th>PERMITTED / REQUIRED</th>
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<td>Number Of Bedrooms</td>
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<td>7205 S.F.</td>
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<tr>
<td>Parking Spaces</td>
<td></td>
<td>2 Gar./6 spaces</td>
<td>Five (5)</td>
</tr>
</tbody>
</table>

| NUMBER OF STORIES | Two (2) | 2.5 |
| BUILDING HEIGHT   | 33'7.5" | 35'  |
| FLOOR AREA RATIO  | 0.533   |     |
| BUILDING COVERAGE AREA | 3883 s.f. = 29% | 3930 s.f. = 30% |
| LOT COVERAGE      | 5638 s.f. = 43% | 8,516 s.f. = 65% |
| TOTAL PARKING SPACES | 2 Gar./6 spaces | Five (5) |

CHECK AS APPROPRIATE
- This Site Plan Involves:
  - [ ] ADDITIONS
  - [ ] ALTERATIONS
  - [ ] DEMOLITION
  - [x] RE-CONSTRUCTION

269
SPECIAL PERMIT APPLICATION

I, Anthony L. D'Andrea, of Rocco V. D'Andrea, Inc. representing
(Authorized Agent)
100 Lewis, LLC
(Applicant)

hereby request application
for Special Permit from the Planning and Zoning Commission of the Town of Greenwich for the project

at 100 Lewis Street
(Address)

The Special Permit is required by the below noted section(s) of the Building Zone Regulations.

Signature  O'Leary  Date  11-1-16

PLEASE MARK ALL APPLICABLE SECTIONS

☐ Section 6-17 — Special Permit standards and procedure
☐ Section 6-30 — Conservation Zone special provisions
☐ Section 6-94(b) — Non-residential Uses and Group Living Facilities permitted in Residential Zones including Resident Medical Professional Office
☐ Section 6-98 — Multi-Family Dwelling Units
☐ Section 6-100—Use Groups: Group Living Facilities, Restaurants not between front and rear building lines, Supermarkets, Use Group 7b — subordinate to water dependent uses, Banks, Automotive Uses, Jobbers and Veterinarians
☐ Section 6-101, 107 — Buildings over 40,000 c.f. in Central Greenwich Impact Overlay Zone, Post Road Impact Overlay Zone, WB, LB or LBR Zones; and over 150,000 c.f. in all other zones
☐ Section 6-103.1 — Parking deficient uses in CGBR
☐ Section 6-104 — Parking Structures incl. underground in LB Zone and Height exceptions
☐ Section 6-105, 106 — Front Yard Parking in GB or GBO Zone
☐ Section 6-109, 109.1 — HO & HRO Zones
☐ Section 6-110 — Dwellings under special requirements for Business Zones
☐ Section 6-112 — IND-RE Zone applications
☐ Section 6-113 — In Hospital Zones: certain accessory uses, expansions exceeding 4,000 sq. ft. of alterations or changes of use exceeding 20,000 s.f. (cumulative within 2 years)
☐ Section 6-114 — CCRC (Continuing Care Retirement Community)
☐ Section 6-118.1 — Uses within railroad rights of way
☐ Section 6-123 — Setbacks from Connecticut Turnpike in Business Zones
☐ Section 6-140.1 — Satellite Earth Stations which emit microwaves
☐ Section 6-141 — Changes in non-conforming uses, buildings
☐ Section 6-205 — Historic structures in CBG Zone exceeding FAR And Notes 7, 8 & 9

RECEIVED

NOV 1 2016

Town Project Number __________________________ Special Permit Number assigned by Staff __________________________

Accompanying fees __________________________ Site Plan Number assigned by Staff __________________________

Town of Greenwich

Page 1 of 1

pzSpecialPermitApp.doc

270
Project Narrative
100 Lewis Street Development, LLC
100 Lewis Street
November 1, 2016

100 Lewis Street Development LLC, the owner of a two-family home located at 100 Lewis Street in Greenwich, is proposing to demolish the existing family home and construct a new, two-family dwelling with associated site grading, drainage, utilities and landscaping in accordance with current Town of Greenwich Site Plan criteria.

Existing

The property is located on the south side of Lewis Street in the R-6 zone. The lot, which has an area of 13,101 square feet, contains a dwelling that is accessed by a single driveway located along the west boundary.

The topography is relatively flat, with an overall site differential of about 5 feet. A retaining wall along the front (north) boundary elevates the street above the property by about 2-4 feet.

Under existing conditions, there is no garage on the lot and the curb-less driveway is wide enough to accommodate two cars side-by-side. A sidewalk and parallel parking spaces are located in the town right of way directly in front (north) of the property.

The rear of the property contains two fenced yards, one for each unit, as well as a larger common yard accessible from the end of the driveway. There are two rows of trees: One on the west boundary near the southwest corner, and the other separating the fenced yards from the common rear yard. A single spruce occupies the front yard, and there are hedges and bushes at various locations on the property.

Storm runoff flows off the site to two points of concern “POCs”. Runoff from a portion of the rear common yard flows into a depression with a yard drain, which connects to the public stormwater system under Lewis Street. Runoff from the rest (majority) of the property flows overland onto the western neighbor. No water flows onto Lewis Street due to the site’s topography.

A small portion of the property serves as a driveway for the adjacent property to the east. It is elevated by a small retaining wall.

A utility and drainage easement exists along the west and south boundaries. This easement is known to contain a sanitary sewer line as well as a stormwater drain line.

The total existing impervious coverage on the lot is 4,236 square feet, comprised of driveways, patio, and other hardscapes such as a shed, walkways and patios. This is about 32% of total site area.

Proposal

The proposal is to construct a new, two-family dwelling (two dwelling units), each with an attached two-car garage.

In addition to the main dwelling, two covered front porches are proposed, as well as two wells for emergency basement egress, two small open patios with stairs, and a retaining wall along the eastern property line. Two driveways provide access to each dwelling unit and garage. Necessarily, the proposed driveway entrances will blend with the existing sidewalk, and one on-street parallel parking space will be removed.

Rocco V. D'Andrea Inc.
The site is currently designed with two (2) outdoor parking spaces that, combined with the four (4) garage spaces, will provide sufficient parking to accommodate the parking needs of the current and future inhabitants.

When fully developed, the total site coverage will be 40.6%, which is less than the permitted 65% under current Green Area criteria in the R-6 zone.

Side yard setbacks of 5.7 feet to the east and 10.5 to the west exceed the minimums for the R-6 zone. The rear yard setback of 51.3 feet and front yard setback of 26.0 feet also exceed the requirements of the R-6 zone.

**Drainage**

Runoff from most of the roof will be collected in a roof drain system and directed to a rain garden to be constructed in the rear yard. A catch basin in the east driveway also routes runoff to the rain garden. This rain garden will utilize the existing area drain (modified for peak flow control and volume storage), which drains into the public stormwater system under Lewis Street via a pipe running through the utility easement located on the property.

Runoff from the front yard and west driveway is prevented from flowing into the street via a trench drain. This drain also feeds into the public stormwater system via a proposed junction box built over an existing stormwater pipe. Runoff from the remaining portion of the property flows overland to the adjacent property to the west.

**Architecture**

Architectural plans dated October 26, 2016 provide a summary of floor areas, which total 6,985.6 s.f. for a F.A.R. of 0.533. Current zoning criteria would permit 7,205.6 s.f. of floor area.

The building height will be less than 35 feet measured from the Grade Plane, as permitted in the R-6 zone.

Each unit will have three bedrooms and a two-car garage.

**Summary**

The site has been designed in compliance with all applicable criteria of the R-6 zone.

Site drainage has been designed in compliance with the Town of Greenwich Drainage Manual and there will not be any adverse impacts on local drainage patterns or contiguous private properties as a result of construction.

Anthony L. D’Andrea, PE
Rocco V. D’Andrea, Inc.
PLANNING AND ZONING - LAND USE DEPARTMENT

CERTIFIED MAIL

December 19, 2006

Mr. Thomas J. Heagney, Esq,
248 Greenwich Avenue
Greenwich, CT 06830

RE: Application FSB #1875 as submitted by Thomas J. Heagney, Esq., authorized agent, for record owners, 172 Milbank LLC – 100 Lewis Street LLC, for a final subdivision/lot line revision to transfer 5,600 sq. ft. from Parcel 100 to Parcel 172 resulting in 172 Milbank Avenue containing 10,566 sq. ft. (from 16,166 sq. ft.) and 100 Lewis Street containing 13,101 sq. ft. (from 7,501 sq. ft.) on a 23,667 sq. ft. property located at 172 Milbank Avenue in the R-6 zone as shown on a map entitled: “Zoning Location Survey Showing Revision of Lot Lines on Property at 172 Milbank Avenue and 100 Lewis Street” prepared by Rocco V. D’Andrea, Inc. dated 10/16/06.

Dear Mr. Heagney:

At a regular meeting held on December 12, 2006 the Planning and Zoning Commission considered the above-referenced application and took the action noted below:

Upon a motion made by Mr. Mail’and and seconded by Mr. Farricker, the following resolution was unanimously adopted. (Voting on this item: Messrs. Heimbuch, Farricker, Maitland, Marchese, and Brooks).

WHEREAS the Commission held a public meeting on December 12, 2006 and took all testimony required by law; and

WHEREAS the applicant is proposing to revise the lot line between two adjoining lots neither of which was part of a subdivision or resubdivision approved by the Planning and Zoning Commission; and

WHEREAS the lot line revision would result in the transfer of 5,600 sq. ft. from the lot at 172 Milbank Avenue to the lot at 100 Lewis Street; and

WHEREAS the proposed revision in the lot lines will not result in either of the lots becoming non-conforming with regard to setback, or area regulations; and

WHEREAS the Commission received and considered a report on this lot line revision from the Planning and Zoning staff, the Department of Public Works Sewer Division and the Zoning Enforcement Officer.

Town Hall - 101 Field Point Road - Greenwich, CT 06830 - (203) 622-7804 - FAX (203) 622-3795 - www.greenwichct.org
An Affirmative Action/Equal Opportunity Employer, M/F/H

273
THEREFORE BE IT RESOLVED that application FSB #1875 as submitted by Thomas J. Heagney, Esq., authorized agent, for record owners, 172 Milbank LLC - 100 Lewis Street LLC, for a final subdivision/lot line revision to transfer 5,600 sq. ft. from Parcel 100 to Parcel 172 resulting in 172 Milbank Avenue containing 10,566 sq. ft. (from 16,166 sq. ft.) and 100 Lewis Street containing 13,101 sq. ft. (from 7,501 sq. ft.) on a 23,667 sq. ft. property located at 172 Milbank Avenue in the R-6 zone as shown on a map entitled: "Zoning Location Survey Showing Revision of Lot Lines on Property at 172 Milbank Avenue and 100 Lewis Street" prepared by Rocco V. D’Andrea, Inc. dated 10/16/06 is found not to be a subdivision or resubdivision.

Though not required, it is recommended that the applicant submit a mylar and five paper copies of the signed and sealed survey map with a signature and date line for the Chairman to sign, along with the fee for filing the map on the Greenwich Land Records. The signature line for this map should be preceded by the following text:

"The lots shown on this map were found to be neither a subdivision nor a resubdivision under Sec. 6-261 of the Town of Greenwich Subdivision Regulations at the Town of Greenwich Planning and Zoning Commission meeting held on December 12, 2006. It is noted that future development of these lots will be subject to normal review and approval of all applicable Town agencies, which may include, but are not necessarily limited to the following: Building Department, Zoning Enforcement, the Department of Public Works Engineering, Highway, and Sewer Divisions and the Planning and Zoning Board of Appeals."

When the subdivision map is presented to the Planning and Zoning Commission Chairman for signature prior to filing on the Town of Greenwich Land Records, the sanitary sewer easement in favor of the Town of Greenwich must be shown on the subdivision map.

The applicant should be aware that the finding that this application does not represent a subdivision or resubdivision does not guarantee the further developability of the lots resulting from this action. These lots will still be subject to normal review and approval of all applicable Town agencies.

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on December 12, 2006.

If you have any questions, please call.

Sincerely,

[Signature]

Joseph R. Potenza
Senior Planner

cc: W. Marr, J. Maloney
File: PSP #3082
SITE PLAN CHECKLIST

APPLICATION NAME. 100 LEWIS STREET  TAX ID NO. 01-2571/S

All applications for preliminary and final site plan approval shall be made on the appropriate forms as provided by the Planning Staff. The following items must also be provided with the application. If any of the following items are not filed at the time of application, the application may be returned to the applicant in order that it may be filed in the entirety at an appropriate future date. Required Items: (Sec. 6-14)

CHECK ITEMS SUBMITTED

☐ 1. One (1) CD with a digital copy of the entire application in pdf format including architectural plans, surveys, drainage plans, landscape plans, photographs, material list and application form.

☐ 2. Fifteen copies of a survey, folded to 9" x 12", showing existing conditions, including:
   a. Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features.
   b. Existing contours at no more than a two-foot vertical interval, unless waived by the commission Staff in circumstances where such contours may not be necessarily pertinent. The survey shall indicate topographic conditions of property immediately adjoining the subject parcel.
   c. The location of all existing watercourses, intermittent streams wetlands as required by IWWA, Flood Hazard Lines as determined by FEMA, springs and rock outcrops or a note indicating that none exist, with the sources of information listed.
   d. The zone in which the land to be developed falls and the location of any town and zone boundary lines within or adjoining the tract, and yard dimensions to existing buildings. Lot area, by zone, shall be indicated.
   e. The title of the development, date, revision date if any and nature of revision, north arrow, scale, and the name and address of owner and names of owners of adjacent land.
   f. Street and property lines, curbs, edges of pavement, sidewalks, easements, right-of-way, covenants, and deed restrictions.
   g. Traffic lights and controls, public trees, catch basins, hydrants, and power and telephone lines in adjacent streets.
   h. Certification with the signature and seal or registration number of a registered land surveyor licensed in the State of Connecticut that the drawing is substantially correct to A-2 Standards, and that the property is in a designated zone under the zoning regulations.

☐ 3. Fifteen sets of a detailed Site development plan, at a readable scale, folded to 9" x 12", prepared in accordance with all applicable Town standards including the Roadway Design and Drainage Design Manuals, and signed by a professional architect, land surveyor, or engineer licensed in the State of Connecticut, showing:
   a. Location, dimension, and elevation of all proposed buildings, structures, walls, fences.
   b. Location dimensions and surface treatment of all existing and proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks. Sidewalks are to be provided as required by the Building Zone Regulations.
   c. Approximate location of proposed utility lines, including water, gas, electricity, sewer and the location of any transformers.
   d. Note specifying source of water supply and method of sewage disposal.
   e. Existing and proposed contours at units of no more than a two foot interval unless waived by the Commission's staff. Cuts and fills and estimates of blasting to be submitted at time of final site plan.
   f. Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.
   g. Any other similar information determined by the Commission staff in order to provide for the proper enforcement of the Building Zone Regulations.
   h. Zoning statistics including: Gross Floor Area, Floor Area Ratio, Usable Floor Area, Required Parking, Actual Parking Provided, Building Height, Building Footprint, and Area Devoted to Surface parking, Building and Drives.
   i. Provisions for compliance with Americans with Disabilities Act (Handicap Access) and State Building Code.
   j. Coastal Area Management Application for projects within the Coastal Overlay Zone.

☐ 4. Eight sets of architectural plans, signed and sealed by an architect registered in the State of Connecticut, of all floors, all exterior elevations showing existing and proposed grade conditions. Elevations are to detail architectural elements by labeling materials, color and dimensions. Each architectural elevation shall show the absolute building height as well as building height for zoning purposes. All HVAC facilities are to be shown on architectural elevations.

RECEIVED
Planning & Zoning Department
201 Field Point Road, Greenwich, CT 06830-2540
Phone: (203) 622-7894 — Fax: (203) 622-3795

2016

276
5. Three copies of Floor Plan Work Sheets with the dimensions and calculated floor areas for each floor prepared in accordance with Sec. 6-5(22). Consult Commission Staff for required format.

6. Three copies of “building coverage” computation sheets.

7. Three copies of “area devoted to surface parking, building, and drives” worksheets.

8. Five copies of sight distance certification reports when required by a preliminary site plan review or when advised by the commission staff pursuant to item 2(g) of this checklist.


10. Completed Traffic Impact Evaluation Form if applicable. Submission requirements are defined on the form, available at the Commission office. A traffic report may be required.

11. Ten copies of completed application form signed by applicant or authorized agent, owners and contract purchasers, as applicable.

12. Ten copies of completed Special Permit form, if required by Building Zone Regulations.

13. Fifteen copies of detailed, inclusive narrative description of the proposed project. For those projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must provide the section number and text for the proposed amendment(s) to the BZR and an explanation providing justification for the proposal. For map changes, a scaled drawing at 1" to 400' needs to be provided for affected areas(s).

14. Eight copies of reductions in, 11" x 17" size, or other appropriate size, providing a readable, clear plan of proposed site development and architectural plans.

15. A showing that an adequate source of potable water is available to satisfy the needs of the proposed development as per Sec. 6-15(a)(5), signed by C.A.W.C.

16. An affidavit certifying that all abutting property owners have been notified, as evidenced by the submission of a certificate of mailing or certified or registered mail receipts about said application. A schedule of names, addresses, shown on a GIS map with lot lines indicating the location of the notified property owners. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. For projects which require the preliminary review by the Conservation Commission, the notice shall be sent by the applicant to abutting owners two weeks prior to any scheduled hearing date of the Conservation Commission.

17. Authorization for the agent and contract purchasers to act on behalf of the certified property owner(s).

18. A separate schematic plan at a scale no larger than 1"-100" indicating buildings, parking and drives on the site and all adjoining properties, including those across the street, and the nearest cross street.

19. Five copies of a Drainage Summary Report as per Department of Public Works and the Town Drainage Design Manual. The summary report must be prepared in accordance with the following formats: PRELIMINARY: Existing and proposed storm water distribution, existing and proposed runoff rates, capability of off-site drainage facilities to accommodate proposed runoff, capability of off-site soils to accommodate percolation or detention if proposed, and identification of proposed drainage structures. FINAL: Final structure design details, prior approval from IWWA, Engineering Division and Conservation Commission as appropriate, and all information required by the preliminary report or two copies of drainage exemption forms.

20. In accordance with Sec. 6-183.1 to 6-183.10 of the Building Zone regulations, tree protection and sedimentation and erosion control plans shall be submitted with all site plan applications.

21. All applications for final site plans shall be in the form of a survey prepared by a registered Connecticut land surveyor having notes and bounds, dimensions of all buildings, parking and drives, setbacks of all structures from property lines, setbacks between buildings, and certification that building dimensions shown therein are the same as the approved architectural plans.

22. All architectural and drainage plans are to be referenced by title, date(s) and sheet numbers.

23. Required fee submitted at time of application (see fee schedule).

23. "It is the belief of the PZC staff that this application is incomplete because of the failure of the applicant to provide the materials referred to above. This application will be reviewed by the PZC and a decision made as to whether it is complete or incomplete at its public meeting to be held in the PZC office."

All applicants must submit the application with the Application Coordinator, Marisa Anastasio who can be reached by (phone) 203-622-7894 or (email) manastasio@greenwichct.org.

NOTE: Any new documentation presented at Planning and Zoning Meetings shall be submitted to staff so that they can be made part of the record. Please ensure all documents can easily be removed from presentation boards.
September 15, 2016

Town of Greenwich
Greenwich Planning & Zoning Commission
101 Field Point Road
Greenwich CT 06830

Re: 100 Lewis Street
    100 Lewis Street Development LLC

To Whom It May Concern:

    As agent for the above referenced owner, we hereby authorize Rocco V. D’Andrea, Inc. to represent our interests in the presentation of an application for approval of a Site Plan and Special Permit to the Greenwich Planning & Zoning Commission.

[Signature]
100 Lewis Street Development LLC

RECEIVED
NOV 1 2016
PLANNING & ZONING COMMISSION
CERTIFICATE OF MAILING
100 Lewis Street
Tax Acct. #01-2571/S
September 19, 2016

Tax ID No.: 01-1508/S
Alliance Investment Trust LLC
96 Lewis Street
Greenwich CT 06830

Tax ID No.: 01-1930/S
(98 Lewis Street)
TCP Realty LLC
607 Riversville Road
Greenwich CT 06831

Tax ID No.: 01-2556/S
(101 Lewis Street)
Donna Mitchell Mabes
37 Stag Lane
Greenwich CT 06831

Tax I.D. No.: 01-2605/S
Guri McKinnell
101 Lewis Street, Unit D
Greenwich CT 06830

Tax I.D. No.: 01-2567/S
Herbert & Sylvia Ackerman
101 Lewis Street, Unit J
Greenwich CT 06830

Tax I.D. No.: 01-2569/S
Serge Gabriel
101 Lewis Street, Unit H
Greenwich CT 06830

Tax I.D. No.: 01-1883/S
Nancy Sands Maulsby, Tr.
178 Milbank Avenue, Unit 1
Greenwich CT 06830

Tax I.D. No.: 01-3166/S
(178 Milbank Avenue, Unit 2)
PB 178 Milbank LLC
367 Riversville Road
Greenwich CT 06831

Tax I.D. No.: 01-2861/S
(123 Mason Street)
Tarachand LLC
PO Box 7676
Greenwich CT 06836

Tax I.D. No.: 01-1865/S
(168 Milbank Avenue)
Joseph Puglia
7 Theodore Lane
Norwalk CT 06851

Tax I.D. No.: 01-3227/S
172 Milbank Avenue West LLC
172 Milbank Avenue
Greenwich CT 06830

Tax I.D. No.: 01-2574/S
Kathleen H. Clements, Tr.
101 Lewis Street, Unit A
Greenwich CT 06830

Tax I.D. No.: 01-2606/S
Geoffrey & Beverley Whitaker
101 Lewis Street, Unit F
Greenwich CT 06830

Tax I.D. No.: 01-2607/S
Gilbert Levin, Et Al, Tr.
101 Lewis Street, Unit G
Greenwich CT 06830

Tax I.D. No.: 01-2568/S
Kenneth and Shayne Muller
101 Lewis Street
Greenwich CT 06830

Tax I.D. No.: 01-2604/S
(101 Lewis Street, Unit E)
Michael D. Lindsay, Tr.
100 Worth Avenue, Apt. 100
Palm Beach FL 33480

Tax I.D. No.: 01-3168/S
Karin Hansen
178 Milbank Avenue, Unit 4
Greenwich CT 06830

Tax I.D. No.: 01-1834/S
(115 Mason Street)
John & Ranelt Conway
1455 Laamia Street
Honolulu HI 96821-1447

16LZ
Tax I.D. No.: 01-2860/S
(123 Mason Street)
Ricci Leegstra LLC
223 Old Church Road
Greenwich CT 06830

Tax I.D. No.: 01-1884/S
(111 Mason Street)
111 Mason Street LLC
49 Stanwich Road
Greenwich CT 06830

Tax I.D. No.: 01-1544/S
172 Milbank Avenue East LLC
172 Milbank Avenue West
Greenwich CT 06830

Tax I.D. No.: 01-2575/S
(101 Lewis Street)
Estate of Robert E Reber, Tr.
c/o Gregory A. Hayes
24 Field Point Road
Greenwich CT 06830

Tax I.D. No.: 01-2566/S
James & Linda Hussey
101 Lewis Street, Unit N
Greenwich CT 06830

Tax I.D. No.: 01-2576/S
Peter Jensen
101 Lewis Street, Unit B
Greenwich CT 06830

Tax I.D. No.: 01-2573/S
Mary Clark
101 Lewis Street, Unit K
Greenwich CT 06830

Tax I.D. No.: 01-2565/S
(101 Lewis Street, Unit M)
Herman Wong
5 Wallasy Way
Riverside CT 06878

Tax I.D. No.: 01-3167/S
(178 Milbank Avenue, Unit 3)
178 Milbank Avenue LLC
24 Sound View Drive
Greenwich CT 06830

Tax I.D. No.: 01-2862/S
CJH realty Inc.
123 Mason Street, Unit 8
Greenwich CT 06830

Tax I.D. No.: 01-2859/S
CJH realty Inc.
123 Mason Street, Unit 5
Greenwich CT 06830

Tax I.D. No.: 01-2858/S
CJH realty Inc.
123 Mason Street, Unit 4
Greenwich CT 06830

Tax I.D. No.: 01-2856/S
Bradley Hvolbeck
123 Mason Street, Unit 2
Greenwich CT 06830

Tax I.D. No.: 01-2857/S
Mary Sciarretta
115 Mason Street
Greenwich CT 06830

Tax I.D. No.: 01-2863/S
CJH Realty Inc.
123 Mason Street, Unit 9
Greenwich CT 06830

RECEIVED
NOV 1 2016
PLANNING & ZONING COMMISSION

RIVERSIDE CT
POSTAGE 5007-050
0411/17/026820
AFFIDAVIT

STATE OF CONNECTICUT  )
COUNTY OF FAIRFIELD    )
                      ) : GREENWICH

I, Anthony L. D’Andrea, being first duly sworn, do hereby certify that on November 1, 2016, I caused to be mailed, postage prepaid, to those persons whose names are set forth on Exhibit A, attached hereto, a copy of the notice attached hereto as Exhibit B. Said persons were the record owners, as of September 19, 2016, of property abutting (as said term is defined in Sec. 6-14(a)3 of the Greenwich Building Zone Regulations) the subject property at 100 Lewis Street (Tax ID 01-2571/5) for which an application has been filed with the Greenwich Planning and Zoning Commission seeking approval of a Final Site Plan and Special Permit to demolish an existing residence and construct a new two-family dwelling.

Anthony L. D’Andrea, PE&LS

Subscribed and sworn to before me on November 1, 2016

Alicia D. Melillo
Notary Public
My Commission Expires 4/30/2021

16LZP&ZAffidavit
November 1, 2016

Re: 100 Lewis Street
     100 Lewis, LLC
     Site Plan / Special Permit

Dear Adjacent Property Owner,

Our office is representing 100 Lewis, LLC, in the presentation of an application to the Greenwich Planning and Zoning Commission (P&Z) seeking approval of a Site Plan and Special Permit to demolish an existing dwelling and construct a new two-family dwelling.

This letter serves as written notice of the said application, pursuant to amended Sec. 6-14(a)(3) of the Greenwich Building Zone Regulations.

If you have any questions concerning the above matter, please contact our office or the office of the Greenwich Planning and Zoning Commission.

Sincerely,

ROCCO V. D'ANDREA, INC.

Anthony L. D’Andrea, PE&LS

RECEIVED
NOV 1 2016

ALD:adm
16LZ PZ Adjacent Notice

cc: 100 Lewis, LLC
## RESIDENTIAL

### OWNERSHIP

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<td>12/06/2005</td>
<td>ROBERTSON EANN D &amp; BRUCE D JR W/L</td>
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### TAXATION RECORD

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#### Land Data and Calculations

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### Public Utilities
- Water
- Sewer
- Electric

### Neighborhood
- Street or Road: 100 LEWIS STREET
- Legal Acres: 0.3008
- Date: 11-29-12
- Description: 2-story Townhouse

### Amendments
- 12/06/2005: Decreased land from 0.600 sq ft to 13.101 sq ft by transfer from 05-156428 per UDA Map 0181.
- 02/15/07: decreased land from 0.600 sq ft to 13.101 sq ft by transfer from 05-156428 per UDA Map 0181.

### Supplemental Cards
- TRUE TAX VALUE: 810800
November 1, 2016

Patrick LaRow, Assistant Town Planner  
Town of Greenwich  
101 Field Point Road  
Greenwich CT 06830

Re: 100 Lewis Street  
100 Lewis, LLC  
Site Plan / Special Permit Application

Dear Mr. LaRow,

Enclosed please find:

- Two checks in the amount of $1,000.00 and $1,010.00 to cover the application fees for Site Plan and Special Permit.
- Ten (10) copies of the completed Final Site Plan Application.
- Ten (10) copies of the Special Permit Application.
- A letter of authorization signed by the owner.
- Eight (8) sets of Architectural Plans, prepared by Michael Berta, AIA, dated October 13, 2016.
- Three (3) sets of Floor Area worksheets prepared by Michael R. Berta, AIA.
- Fifteen (15) copies of a Topographic Survey dated August 11, 2016.
- Ten (10) copies of a Proposed Grade Plane Analysis dated October 12, 2016.
- Ten (10) copies of a Zoning Location Survey dated October 27, 2016 prepared by Rocco V. D'Andrea, Inc.
- One (1) copy of the IWWA Questionnaire
- Fifteen (15) copies of a Narrative describing the proposal.
- A copy of the notice sent to adjacent property owners, affidavit and certificate of mailing
- Eight (8) sets of 11” x 17” reductions of the Architectural Plans and the Development Plans.
- One (1) copies of the Tax ID card
- One (1) copy of a G.I.S. map
- A CD of all documents submitted herewith.

Please call if you have any questions or will require additional information.

Sincerely,

ROCCO V. D'ANDREA, INC.

Anthony L. D'Andrea, PE & LS

ALD:cad  
16LZPL01
Enclosures
cc: Joseph Tavolacci

RECEIVED  
NOV 1 2016  
PLANNING & ZONING COMMISSION
**MUNICIPAL REPORT**

Issue Date:  **June 10, 2016**

Issued to:  **Law Office of Antoinette Violi**

Client Name or File No.:  

Attention:  **Attorney Violi**

Property Address:  **100 Lewis Street, Greenwich**

This report is issued as a supplement to the above referenced title insurance commitment and is preliminary to the issuance of a title insurance policy. This report is subject to the terms, conditions, exclusions and limitations contained in said commitment and in the title policy to be issued thereunder. The sole purpose of this report is to provide information which may be relevant to analysis of underwriting risk or coverages for a title insurance policy. This report is neither a guaranty nor certification of the information contained herein. CATIC shall have no liability for the accuracy of the information contained herein except as may be specifically included within the coverages contained in any title insurance policy issued in accordance with said commitment.

----------------------------------------------------------------------------------------------------

**PUBLIC WORKS**

Lewis Street is maintained by The Town of Greenwich.

**BUILDING DEPARTMENT**

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<th>DATE</th>
<th>DESCRIPTION OF WORK</th>
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<tr>
<td>G-9810</td>
<td>07/12/1972</td>
<td>Erect a new two family dwelling.</td>
<td>C/O dated 02/13/1973</td>
</tr>
<tr>
<td>W-1836</td>
<td>08/10/1999</td>
<td>Wiring of 2 central A/C systems; one of each apartment.</td>
<td>Active</td>
</tr>
<tr>
<td>W-1802</td>
<td>08/11/1999</td>
<td>A/C install 2 split A/C systems; one system for each unit.</td>
<td>Active</td>
</tr>
</tbody>
</table>

Note: No other Permits, Certificates or Violations were reported.
PLANNING AND ZONING DEPARTMENT

Property located in R-6 zone.

Note: No Permits, certificates or Violation were reported.

INLAND WETLANDS

According to information provided by various municipal offices and available maps:

The subject property does not appear to be in an area designated as inland wetlands.

NOTE: Wetlands are determined by soil types as defined in Section 22a-38 of the Connecticut General Statutes.
The information provided in this section is subject to such state of facts an accurate soil survey might reveal.

HEALTH DEPARTMENT/HOUSING

The subject property is connected to a sanitary sewer service.

Note: No Permits, Certificates or Violations were reported.

UNDERGROUND STORAGE TANKS

The subject property address does not appear on the List of Contaminated or Potentially Contaminated Sites maintained by the State of Connecticut Department of Environmental Protection.

Greenwich Fire Marshal’s Office has no records of underground oil tank removal.
TERMINATION OF EASEMENT

WHEREAS, 172 Milbank Avenue East, LLC is the record owner of land known as 172 Milbank Avenue, East Unit, Greenwich, Connecticut, and 172 Milbank Avenue West, LLC is the record owner of land known as 172 Milbank Avenue, West Unit, Greenwich, Connecticut (said parcels of land together being referred to herein as the "Dominant Parcels");

WHEREAS, 100 Lewis Street Development LLC is the record owner of land known as 100 Lewis Street, Greenwich, Connecticut (hereinafter Servient Parcel");

WHEREAS, Servient Parcel is subject to an easement appurtenant to ONLY the Dominant Parcels, which easement is described on Schedule A attached (the "Easement");

WHEREAS, the Dominant Parcel owners have agreed to completely release the Servient Parcel and its owner from the operation and effect of said Easement in perpetuity:

NOW, THEREFORE, in consideration of the sum of $1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, it is

AGREED, that the Easement is hereby cancelled, terminated and is heretofore null and void and of no further force and effect, the Dominant Parcel owners hereby remise, release and forever quit-claim unto the Servient Parcel owner, his/her/its heirs, legal representatives, successors and assigns forever, all the right, title, interest, claim and demand whatsoever as Dominant Parcel owners may have pursuant to said Easement or in any way arising therefrom, and further that the Servient Parcel owner and the Servient Parcel are forever released and discharged from the operation thereof and any rights, liabilities or obligations pursuant thereto.

Dated: July 7, 2016
Signed, Sealed and delivered in the presence of:

Allison R. Aikman

Sally M. Nelligan

172 Milbank Avenue East, LLC
By: Bjorn Nielsen, Its Member/Manager

172 Milbank Avenue West, LLC
By: Bjorn Nielsen, Its Member/Manager
STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

On the 19th day of July, 2016, before me, the undersigned, personally appeared Bjorn Nielsen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity as Member and Manager of 172 Milbank Avenue East LLC and 172 Milbank Avenue West LLC, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
Notary Public

JEANNE M. MCAULIFFE
NOTARY PUBLIC
MY COMMISSION EXPIRES JUL 31, 2016
SCHEDULE A

ALTA COMMITMENT FOR TITLE INSURANCE
Issued by
CATIC®
CONNECTICUT ATTORNEYS TITLE INSURANCE COMPANY
383 MAIN AVENUE, NORWALK CT 06851 (203) 840-1141

CATIC® ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment. This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company. All liability and obligation under this Commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company. The Company will provide a sample of the policy form upon request.

PREPARED FOR: Antoinette Violi
ATTENTION:
REFERENCE:

*******************************************************************************

SCHEDULE A

EFFECTIVE DATE: June 9, 2016

FEE SIMPLE TITLE
VESTED IN: 100 Lewis Street Development, LLC

STREET ADDRESS: 100 Lewis Street, Greenwich, CT

*******************************************************************************

POLICY OR POLICIES TO BE ISSUED:

OWNER'S POLICY
Proposed Insured: _________________________________ $

LOAN POLICY
Proposed Insured: _________________________________ $

☐ ALTA LOAN POLICY (6-17-06) ☐ ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (7-26-10)

CONNECTICUT ATTORNEYS TITLE INSURANCE COMPANY

By: [Signature]
Stephen Maggiola, Duly Authorized
SCHEDULE A

PROPERTY DESCRIPTION

All that certain piece or parcel of land together with the buildings and improvements thereon lying and
being in the Town of Greenwich, County of Fairfield and State of Connecticut shown as Parcel 100 on a
map entitled "Zoning Location Survey Showing Revision of Lot Lines of Property at 172 Milbank
Avenue and 100 Lewis Street in Greenwich, Connecticut prepared for 172 Milbank LLC and 100 Lewis
Street LLC" prepared by Anthony L. D'Andrea, Land Surveyor, dated February 1, 2007 and recorded in
the Greenwich Land Records February 8, 2007 as Map 8181 containing 13, 101 square feet.
SCHEDULE B

SCHEDULE B - SECTION 1 - REQUIREMENTS

The following Requirements must be met:

(a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
(b) Pay us the premiums, fees and charges for the policy.
(c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
(d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
(e) The Company and/or its agent reserve the right to impose additional requirements or make additional exceptions upon ascertaining details of the insured transaction or upon review of any requested documentation concerning the proposed insured transaction.

SCHEDULE B - SECTION II - EXCEPTIONS FROM COVERAGE

Subject to the Conditions and Requirements herein, and provided that document(s) creating the estate(s) or interest(s) to be insured are properly executed and duly recorded, the Company will issue policies of title insurance containing the following exceptions, unless said exceptions are eliminated by the Company or by an agent acting on behalf of the Company.

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date of this Commitment but prior to the date that the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

B. Rights or claims of persons in possession, other than the insured, which are not shown by the public records.

C. Any easements or claims of easements not shown by the public records, boundary line disputes, overlaps, encroachments, title to filled lands (if any) and all other facts which an accurate survey and inspection of the land would disclose and which are not shown by the public records. When the policy issued is on a form having a revision date of 6-17-06, this exception also refers to all those matters described in Covered Risk 2(c).

D. Unrecorded mechanics' liens.

E. REAL ESTATE TAXES AND MUNICIPAL CHARGES

1. Real Estate Taxes on the List of October 1, 2014 - Period Covered 7/1/15 through 6/30/16; payable semi-annually commencing 7/1/15, Total Tax $9,649.36 - paid.

   List No 01-2571/S
   M/B/L: 284 282

F. SPECIAL EXCEPTIONS


2. Mechanic's Lien in favor of D & S Remodeling, LLC in the amount of $102,405.00 dated January 21, 2010 and recorded in Volume 5901 at Page 164 of the Greenwich Land Records.


Continued...

8. Easement “S” for storm drain, sanitary sewer and utilities approximately ten feet wide as shown on Map 8181 of the Greenwich Land Records for installation, maintenance and repair of storm drains, sanitary sewer and utilities within said easement area.


Note: A search of the land records for a period commencing two years prior to the date of this commitment reveals the following title transfers appearing of record: NONE

End of Exceptions

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.

2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.

3. Liability of the Company under this Commitment shall be only to the named Proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the Requirements hereof, or (b) to eliminate Exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the Proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the Proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is $2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at www.ala.org.
DRAINAGE SUMMARY REPORT

For

100 Lewis Street
Greenwich, Connecticut

Prepared For

100 Lewis Street Development, LLC

September 12, 2016

RECEIVED
NOV  1 2016
PLANNING & ZONING
COMMISSION

Anthony L. D'Andrea, PE
CT License No. 9673

Rocco V. D'Andrea Inc.
Table of Contents

Introduction
Project Summary 2
Watershed Analysis 2
Existing Conditions 3
Proposed Conditions 3
Conclusion 5

Exhibits
Watershed Map – Existing Conditions Exhibit A
Watershed Map – Proposed Conditions Exhibit B
USDA Soil Delineation Map Exhibit C

Appendices
Stormwater Management Standards Narrative Appendix A
Credits for LID BMPs Appendix B
Stormwater Design Calculations Appendix C
HydroCAD Analysis – Existing Conditions Appendix D
HydroCAD Analysis – Proposed Conditions Appendix E
Soil Results Appendix F
Project Summary

The client is proposing to redevelop 100 Lewis Street in Greenwich, CT. The site area is about 13,100 sq ft. It is located on the south side of Lewis Street, approximately 150 ft west of the intersection with Milbank Avenue, and within an R-6 residential zone.

This report summarizes the affects of the development on downstream locations and public stormwater utilities, and outlines the proposed stormwater management plan designed to provide water quality improvements and runoff attenuation before discharging excess runoff offsite.

The applicant is proposing to remove the existing structure and construct a new two-family dwelling with two paved driveways. Also included will be the installation of new underground utilities, a stormwater collection system, and the construction of miscellaneous site improvements.

The proposed development will increase the impervious cover of the site from 4,236 sq ft to 5,480 sq ft, for an increase of 1,244 sq ft. Therefore, the volume and peak rate of runoff generated during a storm event would increase as well. A stormwater management plan was developed that would route runoff from much of the proposed impervious surfaces to one LID BMP (a rain garden), before discharging offsite. This plan proposes a decrease in peak runoff rates and volumes for all storm events required by the town. In addition, the proposed rain garden would provide pretreatment and thermal cooling of runoff from the new impervious surfaces.

For a depiction of the site and the proposed development, refer to a set of plans prepared by Rocco V. D'Andrea, Inc. entitled “Site Plan Review Set” dated September 12, 2016.

Watershed Analysis

Drainage patterns for the site were analyzed using HydroCAD version 10, with runoff data generated for the 1, 2, 5, 10, 25, 50 and 100-year storm frequency events.

In this analysis, the site was divided into various drainage areas discharging to two (2) “points of concern” (POC). Referring to the watershed maps in Exhibits A & B, POC A is designated as the adjacent property to the west. POC B is the public stormwater system.

According to the USDA soil delineation map included in Exhibit C, the entire property lies within a mapped area of HSG-B soils. On-site soil test pit results, as presented in Appendix F, show the soil strata in more detail.
Existing Conditions

Under existing conditions, the site supports a two-family dwelling, one paved driveway, and other miscellaneous hardscapes.

The existing site was modeled using four (4) drainage areas. Area 1 flows overland to POC A. Area 2 flows into a small depression, which overflows to POC A. Area 3 flows into a second depression, which contains a yard drain at the bottom. The drain outlet pipe leads to POC B. Area 4 is a portion of driveway used by neighboring 172 Milbank Avenue. This area flows into a manhole, with pipes leading to POC B. A and B, which correspond to POCs A and B. A summary of the existing condition drainage areas are presented below in Table 1 and depicted on the Watershed Map in Exhibit A.

<table>
<thead>
<tr>
<th>Area ID</th>
<th>To POC</th>
<th>Description</th>
<th>Area (ft²)</th>
<th>Impervious (CN=98)</th>
<th>Lawn HSG-D (CN=80)</th>
<th>Impervious Coverage</th>
<th>Weighted CN</th>
<th>Te (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A</td>
<td>Misc. property</td>
<td>7,923</td>
<td>2,691</td>
<td>5,232</td>
<td>34.0%</td>
<td>73.4</td>
<td>14.4</td>
</tr>
<tr>
<td>2</td>
<td>A</td>
<td>East portion of yard</td>
<td>2,522</td>
<td>1,380</td>
<td>1,142</td>
<td>54.7%</td>
<td>80.8</td>
<td>7.4</td>
</tr>
<tr>
<td>3</td>
<td>B</td>
<td>South portion of yard</td>
<td>2,486</td>
<td>0</td>
<td>2,486</td>
<td>0.0%</td>
<td>61.0</td>
<td>6.9</td>
</tr>
<tr>
<td>4</td>
<td>B</td>
<td>Adjacent driveway</td>
<td>165</td>
<td>165</td>
<td>0</td>
<td>100.0%</td>
<td>98.0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>13,096</td>
<td>4,236</td>
<td>8,860</td>
<td>32.3%</td>
<td>72.8</td>
<td></td>
</tr>
</tbody>
</table>

Table 1: Summary of Onsite Drainage Areas – Existing Conditions

A simulated 25-year storm yields a peak flow rate of 0.79 cfs at POC-A, and 0.15 at POC-B. Refer to Table 2 for a summary of peak runoff rates for the existing conditions drainage model and Appendix D for the HydroCAD routing results.

<table>
<thead>
<tr>
<th>POC</th>
<th>Description</th>
<th>Peak Runoff Rates (ft³/s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-yr</td>
<td>2-yr</td>
</tr>
<tr>
<td>A</td>
<td>Adjacent property</td>
<td>0.19</td>
</tr>
<tr>
<td>B</td>
<td>Public stormwater system</td>
<td>0.01</td>
</tr>
</tbody>
</table>

Table 2: Summary of Peak Runoff Rates – Existing Conditions

Proposed Conditions

The proposed site was modeled using seven (7) drainage areas. Runoff from Area 1 flows overland to POC A. Runoff from Areas 2-4 flows into the proposed rain garden before entering POC B. Runoff from Areas 5 and 6 flows to POC B directly. Area 7 is the same portion of driveway used by neighboring 172 Milbank Avenue as in existing conditions, whose runoff flows into an offsite manhole, then to POC B. A summary of the proposed conditions drainage areas are presented below in Table 3 and depicted on the Watershed Map in Exhibit B.
### Table 3: Summary of Onsite Drainage Areas – Proposed Conditions

*For areas comprised solely of impervious area, Tc is assumed negligible*

The proposed Rain Garden is located in the rear yard. It is designed to collect and retain the WQV (water quality volume) of runoff from Areas 2-4, aid in the overall retention of the RRV (runoff reduction volume) at POC-B and GRV (groundwater reduction volume) for the site, and provide peak runoff attenuation for all storm events. The system will be controlled by an area drain within the rain garden, which discharges to POC B via an existing storm drain manhole.

A simulated 25-year storm yields a peak flow rate of 0.29 cfs at POC-A and 0.62 cfs at POC-B. Refer to Table 4 for a summary of peak runoff rates for the proposed conditions drainage model and Appendix E for the HydroCAD routing results.

### Table 4: Summary of Peak Runoff Rates - Proposed Conditions

The proposed building contains a basement with an elevation below the public stormwater pipe running through the property. Therefore, a sump pump is needed to discharge groundwater from the foundation. Flow is detained by (1) Cultec R330-XLHD infiltrator unit before discharging to the rain garden.
Conclusion

The peak flow rate for a 25-year storm event flowing to POC-A will decrease from 0.79 cfs to 0.29 cfs, existing to proposed conditions, or -63%. The peak flow rate for a 25-year storm event flowing to POC-B will increase from 0.15 cfs to 0.75 cfs, existing to proposed conditions, or +400% (see the following paragraph). Satisfaction of WQV, RRV, GRV, and drawdown requirements are shown in Appendix C. Refer to Table 5 and Appendices D and E for additional information.

<table>
<thead>
<tr>
<th>Point of Concern</th>
<th>Storm Frequency</th>
<th>Flow or Volume</th>
<th>Existing</th>
<th>Proposed</th>
<th>Δ</th>
<th>Δ %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 yr</td>
<td>Q (ft³/s)</td>
<td>0.18</td>
<td>0.04</td>
<td>-0.15</td>
<td>-79%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>759</td>
<td>167</td>
<td>-592</td>
<td>-76%</td>
</tr>
<tr>
<td>A</td>
<td>2 yr</td>
<td>Q (ft³/s)</td>
<td>0.26</td>
<td>0.07</td>
<td>-0.19</td>
<td>-73%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>1,051</td>
<td>247</td>
<td>-804</td>
<td>-76%</td>
</tr>
<tr>
<td></td>
<td>5 yr</td>
<td>Q (ft³/s)</td>
<td>0.41</td>
<td>0.13</td>
<td>-0.28</td>
<td>-68%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>1,628</td>
<td>413</td>
<td>-1,215</td>
<td>-75%</td>
</tr>
<tr>
<td></td>
<td>10 yr</td>
<td>Q (ft³/s)</td>
<td>0.55</td>
<td>0.18</td>
<td>-0.37</td>
<td>-67%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>2,181</td>
<td>578</td>
<td>-1,603</td>
<td>-73%</td>
</tr>
<tr>
<td></td>
<td>25 yr</td>
<td>Q (ft³/s)</td>
<td>0.79</td>
<td>0.29</td>
<td>-0.50</td>
<td>-63%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>3,132</td>
<td>873</td>
<td>-2,259</td>
<td>-72%</td>
</tr>
<tr>
<td></td>
<td>50 yr</td>
<td>Q (ft³/s)</td>
<td>1.02</td>
<td>0.38</td>
<td>-0.64</td>
<td>-63%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>4,050</td>
<td>1,165</td>
<td>-2,885</td>
<td>-71%</td>
</tr>
<tr>
<td></td>
<td>100 yr</td>
<td>Q (ft³/s)</td>
<td>1.31</td>
<td>0.51</td>
<td>-0.80</td>
<td>-61%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>5,233</td>
<td>1,549</td>
<td>-3,684</td>
<td>-70%</td>
</tr>
<tr>
<td>B</td>
<td>1 yr</td>
<td>Q (ft³/s)</td>
<td>0.01</td>
<td>0.07</td>
<td>0.06</td>
<td>600%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>104</td>
<td>472</td>
<td>368</td>
<td>354%</td>
</tr>
<tr>
<td></td>
<td>2 yr</td>
<td>Q (ft³/s)</td>
<td>0.03</td>
<td>0.08</td>
<td>0.05</td>
<td>167%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>153</td>
<td>750</td>
<td>597</td>
<td>390%</td>
</tr>
<tr>
<td></td>
<td>5 yr</td>
<td>Q (ft³/s)</td>
<td>0.06</td>
<td>0.31</td>
<td>0.25</td>
<td>417%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>256</td>
<td>1,282</td>
<td>1,026</td>
<td>401%</td>
</tr>
<tr>
<td></td>
<td>10 yr</td>
<td>Q (ft³/s)</td>
<td>0.09</td>
<td>0.64</td>
<td>0.55</td>
<td>611%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>362</td>
<td>1,762</td>
<td>1,400</td>
<td>392%</td>
</tr>
<tr>
<td></td>
<td>25 yr</td>
<td>Q (ft³/s)</td>
<td>0.15</td>
<td>0.75</td>
<td>0.6</td>
<td>400%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>556</td>
<td>2,632</td>
<td>2,076</td>
<td>373%</td>
</tr>
<tr>
<td></td>
<td>50 yr</td>
<td>Q (ft³/s)</td>
<td>0.21</td>
<td>0.81</td>
<td>0.6</td>
<td>286%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>751</td>
<td>3,449</td>
<td>2,698</td>
<td>359%</td>
</tr>
<tr>
<td></td>
<td>100 yr</td>
<td>Q (ft³/s)</td>
<td>0.28</td>
<td>0.90</td>
<td>0.62</td>
<td>221%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V (ft³)</td>
<td>1,012</td>
<td>4,501</td>
<td>3,489</td>
<td>345%</td>
</tr>
</tbody>
</table>

Table 5: Comparison of Existing and Proposed Peak Flow Rates and Volumes

Although peak runoff and 1-year volume increases for the public stormwater system (POC B), the owner of 100 Lewis Street has the right to utilize this system as long as the system has the capacity for this increase in flow. Furthermore, we believe that discharging treated runoff into the public system is a safer alternative to discharging it onto a neighbor's property (POC A) and risking property damage. Overall (summing both POCs), volume up to (including) the 100-year storm and peak runoff for the 1, 2, 5, 50, and 100-year storms generated from this site will decrease under proposed conditions.

Since the proposed development of the site will reduce the volume and peak rate of runoff flowing off-site, and measures are proposed to provide treatment of runoff from new impervious surfaces, the design will not cause any adverse impacts to the site or surrounding area.
LEWIS STREET

NOTES:
1. THE ENTIRE SITE IS COMPOSED OF CHARLTON-URBAN LAND COMPLEX (NSC-B)
2. AREA 4 ASSUMED TO HAVE T = 0

POC "B" (PUBLIC DRAINAGE SYSTEM)

POC "A" (WESTERN PROPERTY LINE)

EASEMENT "S"

AREA 1

AREA 2

DEPRESSION 1

AREA 3 (GRASS)

AREA 4 (ASPHALT)

DEPRESSION 2 (WITH AREA DRAIN)

EXHIBIT "A"
EXISTING CONDITIONS

1 INCH = 30 FEET

SCALE

30 0 30
IN FEET
<table>
<thead>
<tr>
<th>Final Re-Subdivision PLPZ201600589</th>
<th>Network Development Co., LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location:</strong> 66 and 68 Halsey Drive</td>
<td>To re-subdivide property from three (3) parcels to two (2) parcels</td>
</tr>
<tr>
<td><strong>Zone:</strong> R-7 – 7,500 sq. ft. minimum lot area required</td>
<td></td>
</tr>
<tr>
<td><strong>Total Lot Area:</strong> 80,418 sq. ft.</td>
<td></td>
</tr>
<tr>
<td><strong>Number of Lots:</strong> Existing – 3</td>
<td>Proposed - 2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Sizes</th>
<th>21,525 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel 66</td>
<td>46,830 sq. ft. (42,489 sq. ft. exclusive of access way)</td>
</tr>
<tr>
<td>Parcel 68</td>
<td>7,991 sq. ft.</td>
</tr>
<tr>
<td><strong>Open Space Parcels</strong></td>
<td>4,072 sq. ft.</td>
</tr>
<tr>
<td>Open Space N1</td>
<td></td>
</tr>
<tr>
<td>Open Space N2</td>
<td></td>
</tr>
</tbody>
</table>

**APPLICATION SUMMARY:**

to re-subdivide an existing three-lot subdivision approved by the Commission (FRSB 1846 and PLPZ 2014 00359), totaling 80,418 sq. ft. of land into two (2) parcels where Lot "No. 66" would be 21,525 sq. ft. and Lot "No. 68" would be 46,830 sq. ft. (42,489 sq. ft. less access way) and two (2) open space parcels totaling 12,063 sq. ft. (equal to 15% of total lot area) on property located at 66 and 68 Halsey Drive in the R-7 zone.

In 2006 the applicant received approval from the Planning and Zoning Commission (SUB# 1846) to divide the parent parcel into four lots and one open space lot. This subdivision was recorded on the land records as Map #8180. The abutting neighbors filed suit against the applicant and that approved subdivision was not constructed.

The applicant reached a settlement with the abutting property owners which included a modification of the previous approval which:

1. **Reduces** the number of **building lots** from four (4) to three (3),
2. **Eliminates** the proposed subdivision road, and
3. **Reconfigures** the **open space** area.

In 2014, in order to meet the conditions of the settlement the applicant applied for and received re-subdivision approval (PLPZ 2014 00359) for the parcels at 66 and 68 Halsey Drive to: modify the original subdivision approval; meet the modification enumerated above; and create a 25,148 SF fronting lot (Lot 1R); a 20,881 SF rear lot (15,666 SF deducting access) (Lot 3R); a 17,971 SF rear lot (11,249 SF deducting access) (Lot 4R) and a 16,418 SF fee simple open space lot (=20.4% of the total lot area). That approval was never effectuated as the required record sheet (or “Mylar”) was never signed by the Chairman of the Commission and filed on the Town’s Land Records.

**ISSUES AND RECOMMENDATIONS:**

1. The applicant received approval from the IWWA and was issued permit 2016-121 on 10/4/16.
2. The Commission should consider whether this proposal constitutes a subdivision or a re-subdivision per Sec. 6-261 of the subdivision regulations.
3. The title search for this application has not been submitted but was submitted as part of the prior applications.
4. The topographic survey and site development plans show the locations of the former homes at 66 and 68 Halsey Drive. Please note that these houses were demolished in 2011 and their card shows two parcels as undeveloped.
5. Sec. 6-294. "Underground utilities; installation cost." Of the Town's Subdivision Regulations permits the Commission to require that all utilities for the Subdivision be placed underground. The Commission should determine if this should be required.
6. Two driveways are proposed adjacent to one another. The Commission should determine if this arrangement is ideal.
7. A street tree is proposed to be removed as part of this application. This would require Tree Warden approval. No Tree Warden approval has been provided.
8. The open space parcel is not contiguous and is bifurcated by the access way to Lot 68. The Commission should determine if this arrangement and area of land is appropriate for open space purposes. A Declaration of Restrictions of open space should be reviewed by the Law and Conservation Department and filed on the land records with the Recorded Mylar.
9. If approved as a subdivision or re-subdivision, the applicant should prepare a record sheet in a form suitable for the Chairman of the Planning and Zoning Commission to sign and file with the Greenwich Land Records, and the following notes shall be added:
   a. The parcels are located within the 2000 Sewer Boundary.
   b. Any proposed change in the status of the Open Space area such as change in size or ownership, and any change in the size of approved subdivision lots shall require submission of a revised plan and Declarations of Restrictions for review by the Conservation Department and approval by Planning and Zoning. The revised maps may require approval from the Commission as a re-subdivision and the Declaration may require amendments to reflect the changes.
   c. Pursuant to Section 6-287, all subdivision lots shall be reviewed for compliance with Town drainage standards and a detailed drainage plan for each lot should be submitted to Planning & Zoning and DPW for review, prior to the issuance of any building permits. Drainage Maintenance Agreements may be required.
   d. Any proposed blasting will require the preparation of a pre-blast survey.
   e. Prior to issuance of a building permit for any lot, plans showing proposed house location, setbacks, driveways, accessory structures and uses, grading and drainage, erosion control plans, and protection measures for protecting trees to remain shall be submitted and approved by Planning and Zoning and Conservation for review.
10. Staff notes that, if approved, the applicant, prior to issuance of a Zoning Permit for any of these lots shall provide the following:
   a. A soil and erosion control plan shall be developed for each lot including the location of silt fences, stockpile areas, tree protection/removal and the location of foundation dewatering controls.
   b. In order to keep the disturbance to a minimum, none of the erosion/sedimentation controls shall be installed within the open space areas.
SUBDIVISION CONFORMANCE:
The subject parcel is made up of two (2) parcels of land totaling 80,418 sq. ft of land and was improved with a single family residence on each parcel. The subject property is zoned R-7 which requires a minimum zoning lot area of 7,500 sq. ft. and is within the sewer benefit area with access to the public water utility.

The proposal would divide the existing area of land into Lot "No. 66" which would be 21,525 sq. ft. and Lot "No. 68" which would be 46,830 sq. ft. (42,489 sq. ft. less access way) and two (2) open space parcels totaling 12,063 sq. ft. The shape of these parcels would appear to have the minimum required frontage, and lot shape for the R-7 Zone as well. A 7,991 sq. ft. and a 4,072 sq. ft. open space parcel are proposed with the intent to comply with Sec. 6-297(b) of the Town’s Subdivision Regulations. Lot 66 would be a fronting lot. Lot 68 would be a rear lot.

The existing conditions of the site generally slopes from north to south with a valley on the site which also goes north to south. A high elevation of 120 feet in the north east corner of the subject parcel slopes to the south with a low elevation of 75 feet at the street side of the lot and low elevation of 70 feet in the valley. From the provided plans it would appear that around 6 mature trees would be removed as a result of this plan. Per Sec. 6-296(a) of the Subdivision Regulations staff notes:

(a) The natural features of the site should be preserved to the fullest extent, and the felling of trees should be held to a minimum. The developer shall leave not less than two (2) naturally growing trees with trunk diameter not less than two (2) inches in the front yard of each lot, or shall plant two (2) trees with trunk diameter of not less than two (2) inches in the front yard of each lot. The developer or his assignee shall maintain these trees for at least two (2) years and replace any that die.

In addition to those trees noted, one street tree is slated to be removed. This would require approval from the Tree Warden. No indication has been provided by the applicant that this tree has received Tree Warden approval.

Hypothetical building and driveway designs have been provided which shows development of each proposed lot. Each lot would have a driveway off of Halsey Drive. These driveways are adjacent to one another which is not ideal. The applicant may want to consider a shared driveway or greater separation of the driveways.

Sec. 6-294, "Underground utilities; installation cost." of the Town’s Subdivision Regulations permits the Commission to require that all utilities for the Subdivision be placed underground. The Commission should determine if this should be required as it would reduce overhead wires and the routing of the utilities would need to outside of any approved open space.

OPEN SPACE
The application would relocate already deeded and approved open spaces that were considered under Subdivision approval #1846. That approval had a 13,204 sq. ft. open space parcel in the north east corner of the site and an 8,727 sq. ft. open space parcel in the area of the proposed "N1" open space parcel (equal to 26.42% of the total lot area).
12,063 sq. ft. of fee simple open space (15% of the total lot area) is proposed for the re-subdivision. This is being proposed as two (2) separate parcels bifurcated by the access way to Lot 68. The Commission should review and determine if the proposed open space meets the intents and purposes of the Sec. 6-260 and 6-297 of the Subdivision regulations. Lastly, revised or amended Open Space Deed Restrictions documents have not been provided and should be referred to Conservation and the Law Department for review.

ENGINEERING AND DRAINAGE:
Engineering has noted that the applicant would need to “resubmit prior to building permit” to address comments.

APPLICABLE REGULATIONS:
This application is regulated primarily by the Subdivision Regulations. Of particular significance are §6-261a (15) (Definitions), §6-287 (Drainage), and §6-296.

Sec. 6-261. Definitions:
(a)(6) Resubdivision shall mean a change in a map of an approved or recorded subdivision or re-subdivision if such change: (2/8/91)
(A) Materially affects any street layout or the layout of any private way shown on such map; (3/9/81)
(B) Affects any area reserved therefore for common use; or,
(C) Materially diminishes the size of any lot shown thereon as defined in this Article, if any of the lots shown thereon have been conveyed after the approval or recording of such map;
(D) Substantially alters the shape of any lot so as to eliminate the septic and/or the septic system reserve area without substituting another approved by the Health Dept. (3/9/81)

Sec. 6-261. Definitions.
(a)(15) Subdivision shall mean the division of a tract or parcel of land into two (2) or more parcels or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes re-subdivision. (5/4/2005).

Sec. 6-131. MINIMUM FRONTAGE EXCEPTIONS.
(a) A rear lot not fronting on a street, whether or not in separate ownership and whether or not the rear or front lots are presently built upon, may be improved in accordance with requirements of the particular zone provided that:
1) Such lot has access to a street by means of an unobstructed access way held in the same fee simple ownership as the rear lot;
2) That such access way shall be at least 20 feet wide and no greater than 35 feet shall continue undiminished for at least the depth of the front yard setback of the zone; (5/4/2005)
3) Within the lines of such access way there shall be constructed a graveled or other paved way at least 12 feet wide and of sufficient thickness to support fire apparatus and other mobile equipment.

4) At no point shall the driveway exceed a vertical rise of 15%; (5/4/2005)

5) The area of access way shall be excluded from lot area calculation for lot size and FAR. Lot size is determined to begin at a point where the lot shape requirement of the zone can be demonstrated (either circle or rectangle); (5/4/2005)

6) The access way is considered to end at that point where the front lot line width and the lot shape requirements of the zone are satisfied. (2/7/2001)

7) Such access way shall not be included for the purpose of meeting the area required by Section 6-205 of the rear lot.

8) Such access way does not adjoin any other access way to a rear lot.

(b) Before the right to use such paved way is terminated by legal instrument or by operation of law, such access ways shall be required to conform to the provisions of Subsection (a) or (b) of this Section whichever is applicable.

(c) Before a Certificate of Occupancy may be issued proof of location of the graveled or paved surface within the lines of the access way shall be submitted for approval. (2/14/79)

(d) The owner of a rear lot shall have the privilege of electing any lot line as the front line. (5/2/79)

DEPARTMENT COMMENTS:

ZEO - not received
ENGINEERING - received
CONSERVATION - not received
SEWER - not received
ZONING ENFORCEMENT

Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED: Network Development Company

LOCATION: 66&68 Halsey Drive

PLAN DATE:

ZONE: R-7

The subject site plan/subdivision meets the requirements of the Building Zone Regulations excluding Section 6-15 and 6-17.

Reviewed by: Jodi Couture  Date: 1/3/2017

Note: These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.
DEPARTMENT OF PUBLIC WORKS - ENGINEERING DIVISION
SITE DEVELOPMENT REVIEW

Engineering Project No. 16-4(23) Department Project No. PLPZ201600589
Submittal Received Date: 11/23/2016

Submittal Reviewed For: Planning and Zoning Review Type: Final Subdivision

PLAN SET INFORMATION

Plan Title: Network Development Company, LLC
Engineering Firm: Rocco V. D'Andrea, Inc.
Original Plan Date: 7/22/2016

Project Address: 66-68 Halsey Drive
Sealed and Signed: Yes
Latest Plan Revision Date: 11/3/2016

PLANNING & ZONING COMMISSION

DRAINAGE SUMMARY REPORT INFORMATION

Engineering Firm: Rocco V. D'Andrea, Inc.
Original Report Date: 7/22/2016
Sealed and Signed by Engineer: Yes
Latest Report Revision Date: 11/3/2016

Reviews provided by the Engineering Division are for compliance with the Town’s “Roadway Design Manual and Standard Construction Details”, and “Drainage Manual”. Reviews are based upon the information and maps provided. Comments pertaining to the Town’s manuals are not all encompassing. Other reviewing entities may provide additional comments regarding consistency with these manuals in accordance with their jurisdictions. Review of sanitary sewer and septic systems are not reviewed by the Engineering Division.

REVIEWED/APPROVED BY: _
Scott Marucci - Senior Civil Engineer

DATE: 1/5/17

COMMENTS AND RECOMMENDATIONS: Resubmit Prior to Building Permit Approval

Engineering Division must receive revisions by_____ for Commission Meeting on______.
Revisions submitted after deadline date will not be reviewed for Commission Meeting on______.

□ Comments on Attached Documents Must be Completed

1. A revised Form SC-100 needs to be submitted with the Construction Site Plan Review (Building Permit Submittal).
2. The Drainage Summary Report is acceptable with the following revisions and additional information:
   a. Need to include a TSS for both POC A and POC D B.
   b. Need to complete a deep test pit and saturated hydraulic conductivity test for RS#6 and RS#7.
   c. The conveyance computations and outlet protection computations must be submitted prior to building permit.
3. The construction plan set needs to be revised as follows:
   a. Site Plan Sheets
      i. For JB#7 the 6” Out-S should be 86.7 not 87.6.
      ii. For JB#4 the 6” Out-N should be 74.6 to direct runoff into system.
   b. Driveway Profile & Sight Distance Sheet
      i. The driveway slope for each Lot needs to be a maximum of 4% for 20 feet after the initial 5 feet at +3% to 6%. This standard should try to be met.
      ii. Show width of each driveway at property line.
      iii. Show width of each driveway at edge of road.
   c. Building/House Section or Elevation Sheet (Required) – All information below must be on sheet at a minimum
      i. Show one section or elevation of the building/house.
      ii. Show all elevations to the deepest footings on section/elevation.

1 of 2 1/5/2017
iii. Show existing and proposed grade elevation on section/elevation.
iv. Show existing mottling elevation on section/elevation.
v. Show existing groundwater elevation on section/elevation.
vi. Show existing ledge elevation on section/elevation.
vii. Sheet shall be sealed and signed by a State of Connecticut Professional Engineer or Architect.


5. The Operations and Maintenance Plan Report must include the following for the Certificate of Occupancy:
   b. The final completed Exhibit A, and B
   c. The Maintenance Declaration needs to be filed on the Town of Greenwich Land Records prior to a Certificate of Occupancy. A review of the documents above must be completed before filing on the Town of Greenwich Land Records.

6. All revisions to the reports and plans must follow the requirements in the Town of Greenwich Drainage Manual February 2012 amended February 2014. If the revisions are not submitted as required, the submittal will be sent back as incomplete. Please note, in accordance with Section 7.7 of the Town of Greenwich Drainage Manual, February 2012 amended February 2014, all revisions shall be accompanied by a point-by-point written response to the Engineering Division’s comments.

7. The Town of Greenwich – Standard Construction Notes for Site and Subdivision Plans are conditions that must be met.
Town of
GREENWICH
Town Hall · 101 Field Point Road, Greenwich, CT 06830-2540 · (203) 622-7894 · FAX 622-3795

SUBDIVISION APPLICATION

☐ PRELIMINARY  ☐ SUBDIVISION  ☑ FINAL  ☑ RESUBDIVISION  ☐ COASTAL

Name of Applicant(s)  Network Development Company, LLC
Name of Property Owner(s)  same
Signature of Property Owner(s)  see attached authorization letter
Location and/or Address of Parcel  66 and 68 Halsey Drive
Title of Submitted Plan  Re-Subdivision Map of Property on Halsey Drive in Riverside, Greenwich, Connecticut
Prepared for Network Development Company, LLC
Is any portion of the site within 500 feet of the Town Boundary?  No

No. of Lots:  

Existing  

Proposed  

Total Area of Property (s.f. or acres) 80,418 sf

Area of Land Reservation 15% in 2 open space parcels

* 10 or more lots/acre requires Environmental Assessment § 6-266 (19)

Reserved Land Area as Percent of Total Land Area 15%

Previous SB #  PLPZ 2014-0359

GLR Map # of any previously filed subdivisions or surveys
Map No. 8180

Tax Account #  12-9021 Assessor's Map #  421
Lot #

Circle as applicable: septic well  sewer  public water

Are existing (above) utilities shown on the Survey? 

Drainage Report submitted?  Yes  Health Permit needed and received?  N/A

IWWA Permit received?  Yes  IWWA Permit #

Estimated amount of time needed to present item to Commission at meeting: 15 mins

Authorized Agent  Christopher D. Bristol, Esq. and John P. Tesel, Esq.

Signed  

Date  

Address  31 Brookside Drive, Greenwich, CT 06830
Phone  203.622.9360

Town Project Number  PLPZ201400589  Fee submitted at time of application: $10,600.00
(see fee schedule)

Form PZ SB Ap Rev. 2/7/08  Application Number Assigned by Staff

329
November 16, 2016

BY HAND

Ms. Lauren Lockwood, Applications Coordinator
Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830

Re: Final Re-subdivision Application for property located at 66 and 68 Halsey Drive, Riverside, Connecticut

Dear Lauren:

This firm represents Network Development Company, LLC, owner of property located at 66 and 68 Halsey Place, Riverside, Connecticut (the "Property"). The Property was the subject of Re-subdivision application PLPZ 2014-00359 approved by the Planning and Zoning Commission on August 11, 2014 to re-subdivide Property into three (3) building lots and an open space parcel. Re-subdivision PLPZ 2014-00359, however, was never effectuated.

The Property has since been purchased by our client by deed dated May 11, 2016, a copy of which is enclosed for your reference.

Our client wishes to re-subdivide the Property according to the enclosed re-subdivision survey and development plans to produce two (2) building lots with two (2) open space parcels with a total of 15% of the Property’s land area being reserved in fee.

The proposed re-subdivision complies with all applicable provisions of the Greenwich Building Zone Regulations. We trust that the Commission will agree that a reduction in the number of lots while meeting the open space requirement is an overall benefit.

Any recorded Declaration of Restrictions governing the open space areas will be revised or an Amended and Restated Declaration of Restrictions will be filed in connection with this re-subdivision as the Commission or the Law Department would prefer.
In connection with the subject application, you will find enclosed the following:

1. Detailed narrative, i.e. this cover letter (original and 8 copies);
2. Subdivision Application form (original and 8 copies);
3. Client authorization;
4. Affidavit of Notice;
5. Certificate of Mailing;
6. Copies of the deed into current owner;
7. Drainage Summary Report;
8. Proposed Amended and Restated Easement and Declaration of Restrictions;
9. Re-subdivision Map (15 full sized prints and 8 reduced);
10. Survey and development plans (15 full sized prints and 8 reduced); and
11. Checks in the amount of the required filing fees.

Should you have any questions or require further information, please contact me.

Thank you.

Very truly yours,

Christopher D. Bristol

Enclosures
October 4, 2016

Network Development Company, LLC
17 Stuart Drive
Old Greenwich, CT 06870

Re: Application #2016-113 of Network Development Company, LLC to conduct regulated activities on 66 & 68 Halsey Drive

PERMIT #2016-121

Dear Sir or Madam:

Following a review of the record for the above referenced application, the Inland Wetlands and Watercourses Agency approved the regulated activities subject to conditions of the enclosed permit.

Your attention is directed to the special and standard conditions because those in BOLD require action either prior to the start of clearing or construction activities or within a specific time period after the receipt of the permit.

The statement and permit are on file in the office of this Agency.

The effective date of the permit is the date of issue. The permit expires 5 years from the effective date, but when deemed necessary, the Agency may extend the period according to the provisions in Section 11.11 of the Regulations.

If you have any questions concerning this permit or the functions and values of wetlands in Greenwich, please let me know.

Sincerely,

[Signature]

Brian Harris, Chairman
Elliot Benton, Vice Chairman
Stephan Skoufalos, Secretary

cc: Rocco V. D'Andrea, Inc.

An Equal Opportunity Employer. M/F/E
PERMIT #2016-121
Application #2016-113

Issued to: Network Development Company, LLC
17 Stuart Drive
Old Greenwich, CT 06870

Date issued: September 26, 2016

Following a duly noticed public meeting, the Inland Wetlands & Watercourses Agency approved regulated activities on the property of Network Development Company, LLC at 17 Stuart Drive, Tax Account #12-1147/s and #12-1148/s. The permitted activity consists of the resubdivision and development of two residential parcels within regulated areas, as further described in the following documents:

14. "Staff Report," dated August 14, 2016, prepared by Patricia Sesto, Director
15. "Site Development Review," dated August 15, 2016, prepared and signed by Scott Marucci, Senior Civil Engineer and James Michel, Deputy Commissioner, Greenwich DPW
18. Supplemental Staff Report, dated September 22, 2016, prepared by Patricia Sesto, Director

After a full review of the considerations set forth in Section 10 of the Regulations and other pertinent factors, this permit is issued with the following special and standard conditions:

SPECIAL CONDITIONS:

1. Prior to the commencement of any on-site permit related activity, final plans shall be submitted for review and approval by Wetlands Agency staff. These plans shall reflect the removal of the assessor park area along the driveway serving #68 Halsey Drive and changes required by DPW to incorporate LID BMP's to their satisfaction. Once approved, plans shall be submitted in both paper and digital formats.

2. Prior to the commencement of any on-site permit related activity, a revised planting plan shall be submitted showing additional plantings to stabilize and enhance the area where the accessory parking area is to be removed. This plan is subject to review and approval by Wetlands Agency staff.

3. Prior to the commencement of any on-site permit related activity, an estimate for the retail, installed cost of the mitigation plan for each lot shall be submitted for the purpose of determining a bond amount. The estimate is subject to approval by this Agency or its staff.

4. Prior to the commencement of any on-site permit related activity on the lot, a cash performance bond of $4,000 per lot, plus 20% of the approved value of the planting plan of that lot shall be submitted to the Agency to ensure compliance with the conditions of this permit. Plantings for the open space parcel "N1" shall be attributed to #66 Halsey Drive. The bonds shall be submitted in the form of a check payable to the Town of Greenwich. No portion of the bond shall be eligible for release until all Conditions of this permit are satisfied and staff has deemed the project to be in compliance with the approved plans.

5. Prior to the commencement of any on-site permit related activity, the permittee shall cause to be marked the trees proposed for removal. Further, the permittee shall convene a meeting on-site with the tree removal contractor and agency staff to receive a sign off for compliance of the marked trees with the approved plan.
6. Prior to the commencement of any on-site permit related activity, the permittee shall cause to be prepared a Declaration on a form provided by the Agency noting the presence of inland wetland and watercourse areas and/or regulated upland review area on each property. This Declaration shall also reference Inland Wetlands and Watercourses Permit #2016-121 and Application #2016-113 and require the preservation of inland wetlands and watercourses in an undisturbed and natural state in the absence of additional permits. The Declaration must be submitted to Agency staff for review and approval prior to being filed in the Land Records of the Town. A copy of the filed Declaration shall be provided to the office of the Agency.

7. Prior to the commencement of any on-site permit related activity, the permittee shall cause to be prepared a packet for the homeowners of each lot describing the components of the stormwater management system, their purpose, and practical means to maintain them. The packet shall also include information pertaining to environmentally friendly lawn care. The packet shall be submitted for review and approval by this Agency or its staff. If the permittee is not the project end user, verification the end user received the information packet shall be submitted to the office of the Agency.

8. The bond shall be eligible for release two full year(s) after the planting and mitigation plans are fully implemented as verified by staff and at least 80% of the planted material is thriving. High-visibility tags shall be maintained on all of the planting stock for the duration of the two-year establishment period. The plan shall be fully implemented within six months of seeking a Certificate of Occupancy.

9. The stormwater drainage system shall be certified to have been constructed according to the approved plans and to be in compliance with the permit and conditions by a registered, professional engineer. Certification shall be based upon regular on-site supervision of construction activities. A written certification report shall be submitted to Agency staff upon the completion of construction.

10. The permittee shall file a note on the Town Land Records requiring a licensed professional to inspect and certify the stormwater management structures every five years to ensure the system has been properly maintained, as required to sustain the designed goal. A copy of the filed note and copies of the periodic certifications shall be submitted to the Agency for its records.

11. Upon completion of construction activities, an "as-built" survey drawing locating foundations, other authorized structures, surface stormwater management features, and permanent demarcation features with distances to inland wetland and watercourse areas shall be submitted. The survey shall be in a form suitable for filing on the Greenwich Land Records. A copy of this record plan shall be submitted to Agency staff for review and approval prior to filing with the Town Clerk. A copy of the filed plan shall be submitted in both paper and digital formats.

12. The inland wetland and watercourses boundary shall be delineated on the record plan of the approved subdivision with a note indicating that all activities in or within 100 feet to inland wetlands and watercourses are subject to the review and approval of the Inland Wetlands and Watercourses Agency. The intended record plan shall be submitted to Agency staff for review and approval prior to filing with the Town Clerk. The filed plan shall be submitted to the office of the Agency in paper and digital formats.

STANDARD CONDITIONS:

1. This permit expires on September 26, 2021. If the authorized activity is not completed on or before this date, said activity shall cease and, if not previously revoked or specifically extended, this permit shall be null and void.
2. Prior to the commencement of any on-site permit related activity, the attached compliance statement shall be signed by the contractor engaged to perform the regulated activities and then returned to the Agency office. This form shall serve as written notice to the Agency as to when work is planned to commence. The permittee shall also provide written notice to the Agency upon completion of the regulated activities.

3. The permittee shall employ best management practices, consistent with the terms and conditions of this permit and provisions of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002, as revised), to control storm water discharges, to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance, contact the Agency staff. The permittee shall immediately inform the Agency of any problems involving wetlands or watercourses which develop during the course of, or which are caused by, the authorized work.

4. Any material, man-made or natural, which is in any way disturbed and/or utilized during work authorized herein, shall not be deposited in any wetland or watercourse, either on or off site, unless specifically authorized in this permit.

5. Fuel oil tanks shall be installed above ground or within the structure unless specifically approved otherwise by the Agency or its staff.

6. This permit shall not be assigned or transferred by the permittee to any other party without the written consent of the Greenwich Inland Wetlands and Watercourses Agency.

7. This permit may be revoked or suspended if the permittee exceeds the conditions or limitations of this permit, or has secured this permit through deception or inaccurate information.

8. This permit does not obviate the permittee's obligation to obey all other applicable federal, state and local laws or to obtain any applicable federal, state and local permits.

Brian Harris, Chairman
Elliot Benton, Vice Chairman
Stephan Skoufalos, Secretary

RECEIVED
NOV 17 2016
PLANNING & ZONING COMMISSION
APPLICATION # 2016-113

PERMIT # 2016-121

As the contractor engaged by, Network Development Company, LLC to perform the activities described in the Greenwich Inland Wetlands and Watercourses Permit # 2016-121 at 66 & 68 Halsey Drive (PROPERTY ADDRESS) I have read the permit and will comply with all conditions therein.

Work will commence on or about ___________ and be completed within _______ months.

________________________________________
Contractor Name

________________________________________
Address

_________________________  ______________  ______________________
City                      State                    Zip Code

_________________________  __________________
Telephone Number           Fax Number

Signature

MAIL TO: Greenwich Inland Wetlands and Watercourses Agency
         Town Hall
         101 Field Point Road
         Greenwich, CT 06830
         Telephone: (203) 622-7736
         Fax: (203) 622-7764

RECEIVED

NOV 17 2016
November 17, 2016

BY HAND

Ms. Lauren Lockwood, Applications Coordinator
Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830

Re:  Final Re-subdivision Application for property located at 66
and 68 Halsey Drive, Riverside, Connecticut

Dear Lauren:

In connection with the above-referenced application that I filed with you yesterday, attached
please find our firm’s check in the amount of the $1,060.00 representing the corrected amount of the filing
fee.

Also for this file is a copy of the Inland Wetlands and Watercourses Agency approval of
Application No. 2016-113 / Permit No. 2016-121 approved in connection with the proposed re-
subdivision.

Should you have any questions or require further information, please contact me.

Thank you.

Very truly yours,

Christopher D. Bristol

Enclosures
NETWORK DEVELOPMENT COMPANY, LLC
17 STUART DRIVE
OLD GREENWICH, CONNECTICUT

November 6, 2016

Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830

Re: Re-subdivision application concerning properties
at 66 and 68 Halsey Drive, Riverside, , Connecticut

Dear Commission Members:

As authorized representative of the company owning the subject property, be advised that
Christopher D. Bristol, Esq. and John P. Tesei, Esq. of the law firm Gilbride, Tusa, Last &
Spellane LLC are hereby authorize to make and pursue the above-referenced application on its
behalf.

Very truly yours,

NETWORK DEVELOPMENT COMPANY, LLC

[Signature]

Ayelet Steinberg

Planning & Zoning
Commission

RECEIVED
NOV 16 2016
August 11, 2014

Christopher D. Bristol, Esq.
John P. Tesei, Esq.
Gillbride, Tusa, Last & Spellane LLC
31 Brookside Drive
Greenwich, CT 06830

RE: Application of John P. Tesei, Esq. and Christopher D. Bristol, Esq., authorized agent, for 17 Kimberly Place LLC, record owners, for a final re-subdivision, PLPZ 2014 00359, to re-subdivide the prior subdivision FSB 1846 and reduce the number of building lots from four to three, eliminate the road, and reconfigure the approved open space per Section 6-261 of the Town of Greenwich Subdivision Regulations on properties located at 66 and 68 Halsey Drive in the R-7 zone as shown on a subdivision map prepared by Rocco V. D’Andrea, Inc., last revised 05/21/14.

Dear Mr. Bristol:

At a regular meeting held on July 29, 2014 the Planning and Zoning Commission considered the above-referenced application and took the following action:

UPON A MOTION made by Mr. Maitland and seconded by Ms. Alban, the following resolution was unanimously adopted 5-0; (Heller, Maitland, Alban, Fox (for Brooks), and Ramer (for Levy); and

WHEREAS the Commission held a public meeting on July 29, 2014 and took all testimony required by law; and
WHEREAS in 2006 the applicant received approval from the Planning and Zoning Commission (SUB #1846) to divide the subject parent parcel into four lots and one fee simple open space lot and this subdivision was recorded on the land records as Map #8180; and

WHEREAS adjoining neighbors and the Havemeyer Park owners contested this subdivision approval (SUB#1846) and filed civil suit against the applicant and the approved subdivision was not developed; and

WHEREAS the applicant has reached a settlement with the neighbors which reduces the number of building lots from four (4) to three (3), eliminates the proposed subdivision road, provides a ledge easement and reconfigures the open space area; and

WHEREAS the applicant now comes before the Commission and proposes through the subdivision process to create a 25,148 square feet fronting lot (Lot 1R), a 20,881 square feet rear lot (15,666 SF deducting access)(Lot 3R), a 17,971 square feet rear lot (11,249 square feet deducting access)(Lot 4R); and

WHEREAS the applicant has proposed a fee simple open space parcel (Lot P2) which is currently an undeveloped with an area of 16,418 square feet that comprises 20.4% of the total subdivided area; and

WHEREAS per Sec. 6-261(a)(6) re-subdivision shall mean a change in a map of an approved or recorded subdivision or re-subdivision if such change: (2/8/91)

(A) Materially affects any street layout or the layout of any private way shown on such map; (3/9/81)

(B) Affects any area reserved thereon for common use; or, (3/9/81)

(C) Materially diminishes the size of any lot shown thereon as defined in this Article, if any of the lots shown thereon have been conveyed after the approval or recording of such map;

(D) Substantially alters the shape of any lot so as to eliminate the septic and/or the septic system reserve area without substituting another approved by the Health Dept. (3/9/81); and

WHEREAS the applicant received I.W.W.A. approval for the former subdivision (#06-096) in 2006 and issued permit 06-082 and the I.W.W.A. staff has determined that this revised subdivision is less intensive and that an additional review by the I.W.W.A. of this re-subdivision is not required; and

WHEREAS the Commission finds that the proposed lots meet the required size, frontage and lot shape requirements per Sec 6-205 of the Building Zone Regulations and this shall require additional verification by the Zoning Enforcement Officer; and
WHEREAS pursuant to Section 6-287 all subdivision lots shall be reviewed for compliance with Town drainage standards by Planning & Zoning and DPW prior to the issuance of any building permits; and

WHEREAS the applicant shall submit a Declaration of Restrictions in compliance with Section 6-297 of the Subdivision Regulations to protect the proposed open space area in perpetuity; and

WHEREAS the Commission finds that the application is in compliance with §6-261 of the Town of Greenwich Subdivision Regulations; and

WHEREAS the Commission notes that comments were received from the Zoning Enforcement Officer on 10/16/2013, DPW-engineering on 10/8/2013, Conservation on 10/15/2013 and Sewer on 10/15/2013.

THEREFORE BE IT RESOLVED Application of John P. Tesei, Esq. and Christopher D. Bristol, Esq., authorized agent, for 17 Kimberly Place LLC, record owners, for a final re-subdivision, PLPZ 2014 00359, to re-subdivide the prior subdivision FSB 1846 and reduce the number of building lots from four to three, eliminate the road, and reconfigure the approved open space per Section 6-261 of the Town of Greenwich Subdivision Regulations on properties located at 66 and 68 Halsey Drive in the R-7 zone as shown on a subdivision map prepared by Rocco V. D’Andrea, Inc., last revised 05/21/14 has been approved with modifications.

The applicant should have a copy of the plan signed by the Chairman of the Planning and Zoning Commission recorded in the Greenwich Land Records and filed with the Town Clerk within ninety (90) days of the following date of approval: July 29, 2014. A mylar and six (6) copies of the subdivision map with a signature block and date line for the Chairman to sign shall be submitted along with a check for the proper filing fee of the map on the GLR. The following notes shall be included on the mylar:

1. The applicant shall provide an updated zoning data table on the plan that indicates the existing and new lot sizes and the area after deductions. Lot shape and frontage should also be shown.

2. A ten foot wide pedestrian easement shall provide access to the open space from all lots. This pedestrian easement shall be shown on the final subdivision plan.

3. The open space parcel shall be delineated with monuments which shall be shown on the recorded mylar.

4. An Open Space Declaration of Restrictions for the new fee simple open parcel, the pedestrian easement and the ledge easement on lot 1R shall be reviewed by the
Conservation Department and the Law Department and once acceptable shall be filed on the Greenwich Land Records simultaneously with the Map.

5. Any proposed change in the status of the Declaration Restriction for the Open Space such as change in size, location or ownership shall require submission of a revised plan and declarations of restrictions for review by the Conservation Commission staff and approval by the Planning and Zoning Commission.

6. The open space shall remain in its natural state and the following restrictions shall be followed:
   a. There shall be no grading or re-grading in the open space and there shall be no additional soil or soil amendments brought into the open space.
   b. There shall be no berming or removal of any topsoil or ledge.
   c. There shall be no removal any vegetation including trees and understory nor shall any additional plant materials be added.
   d. No structures shall be installed or erected in the open space.

7. Prior to the issuance of a zoning permit for development of any lot in this subdivision the applicant shall make an appointment with Planning and Zoning Office Staff to submit the following:
   a. Four (4) sets of final engineering plans and site drawings (Certified to A-2 or T-2 standards) and Two (2) sets of all required engineering documents, drainage summary reports and certifications shall be provided. Each homeowner shall be responsible for maintaining drainage facilities on his/her lot necessary to adequately treat the increased runoff resulting from development.
   b. The applicant shall apply for and receive a street number from Planning and Zoning.

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on July 29, 2014.

If you have any questions, please call.

Cindy Ann Tyminski, A.I.C.P.
Planner II

cc: Jodi Couture, Zoning Enforcement Officer
    William Marr, Building Official
After Recording, Return to:

Michael J. Jones, Esquire
Ivey, Barnum & O'Mara, LLC
170 Mason Street
Greenwich, Connecticut 06830

WARRANTY DEED - STATUTORY FORM

17 KIMBERLY PLACE, LLC, a Connecticut Limited Liability Company having an address of 97 Dans Highway, New Canaan, Connecticut 06840, for the consideration of TEN DOLLARS ($10.00) and other good and valuable consideration paid, grants to NETWORK DEVELOPMENT COMPANY, LLC, a Connecticut Limited Liability Company having an address of 17 Stuart Drive, Old Greenwich, Connecticut 06870, with WARRANTY COVENANTS:

ALL those certain tracts, pieces or parcels of land, together with the buildings and improvements located thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut, more particularly described in Schedule A attached hereto.

SAID premises are conveyed subject to the encumbrances as set forth in said Schedule A attached hereto.

Signed this 11th day of May, 2016.

Witnessed by:

William N. Gardiner, Jr., its Manager

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

The foregoing instrument was acknowledged before me this 11th day of May, 2016, by William N. Gardiner, Jr., who acknowledged himself to be the Manager of The Gardiner Group, LLC, Manager of 17 KIMBERLY PLACE, LLC and further, acknowledged the execution of the foregoing to be his free act and deed as said Manager.

Commissioner of the Superior Court
Notary Public
My Commission Expires...
FIRST TRACT:

All that certain lot, piece or parcel of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut, and known and designated as Lot #132A on a certain map entitled, "Map Showing a Portion of Havemeyer Park Section No. 2 Greenwich, Conn." made by S. E. Minor & Co., Inc., Civil Engineers, Greenwich, Conn. January 16, 1950, which map is on file in the Office of the Town Clerk of said Town of Greenwich and Numbered 2590, reference thereto being had for a more particular description of said lot, with the exception of a portion of the lot described as follows:

Beginning at the point formed by the intersection of the division line between Lots #132A and #132 with the northerly line of Halsey Drive, as shown on Map #2590 on file in the Greenwich Land Records, and running thence along Lot #132 N. 17° 45' 30" W. 221.5 feet, thence through Lot #132A S. 82° 47' 30" E. 49.10 feet and S. 12° 53' 30" E. 202.67 feet to the northerly line of Halsey Drive, thence westerly along the northerly line of Halsey Drive 27.36 feet along the arc of a circle curving to the left on a radius of 321.96 feet to the point of beginning.

The above described tract of land is a portion of Lot #132A, as shown on Map #2590 on file in the Greenwich Land Records, and is bounded northerly and westerly by the remaining portion of Lot #132, southerly by Halsey Drive and easterly by Lot #132.

SECOND TRACT:

All that certain lot, piece or parcel of land, with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut, and known and designated as Lot #132 on a certain map entitled, "Map Showing a Portion of Havemeyer Park Section No. 2 Greenwich, Conn." made by S. E. Minor & Co., Inc., Civil Engineers, Greenwich, Conn. January 16, 1950, which map is on file in the Office of the Town Clerk of said Town of Greenwich and Numbered 2590.

THIRD TRACT:

All that certain lot, piece or parcel of land situated in the Town of Greenwich, County of Fairfield and State of Connecticut, and known and designated as a portion of Lot #132A on a certain map entitled, "Map Showing a Portion of Havemeyer Park Section No. 2 Greenwich, Conn." made by S. E. Minor & Co., Inc., Civil Engineers, Greenwich, Conn. January 16, 1950, and recorded in the Town Clerk's Office of said Town of Greenwich and therein numbered 2590.

Said portion of Lot #132A on said map is more particularly bounded and described as follows:

Beginning at the point formed by the intersection of the division line between Lot #132 and Lot #132A with the northerly line of Halsey Drive as shown on said Map #2590, and running thence along Lot #132 N. 17° 45' 30" W. 221.5 feet, thence through Lot #132A S. 82° 47' 30" E. 49.10 feet and S. 12° 53' 30" E. 202.67 feet to the northerly line of Halsey Drive, thence westerly along the northerly line of Halsey Drive 27.36 feet along the arc of a circle curving to the left on a radius of 321.96 feet to the point or place of beginning.


Said premises are conveyed subject to the following:

1. Any and all provisions of any ordinance, municipal regulation and public or private law,

2. The provisions of the Zoning Rules and Regulations of the Town of Greenwich.

5. A grant from The Edsfield Land and Home Corporation to The Greenwich Gas Company dated March 14, 1942 and recorded in the Greenwich Land Records in Book 418 at Page 509.


7. A grant and transfer from Mr. Scutch, Jr. and Elizabeth T. Scutch to Robert A. Bloomfield, dated April 26, 1935 and recorded in the Greenwich Land Records in Book 534 at Page 38.

8. Right and easement granted to The Connecticut Light and Power Company by instrument dated April 4, 1936 and recorded in the Greenwich Land Records in Book 411 at Page 152, which instrument was assigned to The Connecticut Railway and Lighting Company by instrument dated January 19, 1947 and recorded in the Greenwich Land Records in Book 420 at Page 561.


10. Restrictive easements appearing in a deed from Mr. Scutch, Jr. to Marian Teitz, dated May 10, 1972 and recorded in the Greenwich Land Records in Book 832 at Page 506.


12. Notes and conditions as contained on Map No. 8180 on file in the Greenwich Land Records.


15. Such rights as others may have to use a portion of the southeasterly end of the premises by reason of the fact that the bed of a proposed street, Doxtor Street, was laid out thereon on an earlier map entitled "Havemeyer Park District 1 Greenwich, Conn." on file in the Office of the Town Clerk of Greenwich as Map #2401. The layout of Doxtor Street was subsequently abandoned in the latter subdivision map referred to in the description in the Warranty Deed. The bed of the proposed Doxtor Street was located within the limits of the driveway leading to the dwelling located upon the premises described in the above mentioned warranty deed.

16. Such rights of others as may exist over a small portion of the premises fronting on Halsey Drive by virtue of the fact that the line of Halsey Drive as shown appears to have been changed from the above.
NETWORK DEVELOPMENT
PREPARED FOR
GREENWICH, CONNECTICUT
66 & 68 HALSLEY DRIVE
RESIDENTIAL DEVELOPMENT
REVIEW SET

COMPANY, LLC
DRAINAGE SUMMARY REPORT

For

66 & 68 HALSEY DRIVE
GREENWICH, CONNECTICUT

Prepared For

NETWORK DEVELOPMENT COMPANY, LLC

JULY 22, 2016
Revised: November 3, 2016

RECEIVED
NOV 16 2016
PLANNING & ZONING
COMMISSION

Anthony L. D'Andrea, PE
CT License No. 9673

Rocco V. D'Andrea Inc.
Engineer of Record Certification

Project Name: Residential Development

Project Address: 66 & 68 Halsey Drive

Engineer's Name: Anthony L. D'Andrea, PE

Engineering Firm's Name: ROCCO V. D'Andrea, Inc.

Street Address: 6 Neil Lane City: Riverside State: CT Zip: 06878

Phone: 203-637-1779 Fax: 203-637-1770 Email: ald@rvdi.com

The undersigned Registered Professional Engineer of Record certifies that the Stormwater Management Report and Plans submitted herewith entitled:

Final Re-Subdivision Review Set, Residential Development, Location 66 & 68 Halsey Drive Greenwich, Connecticut, Prepared for Network Development Company, LLC

Stormwater Management Report Last Revision Date: 11-3-16

Number of Plan Sheets: 7 Last Revision Date: 11-3-16


Engineer's Signature __________________________ Date __________________________

Engineer's Seal __________________________

Form SC-100 February 2014
Table of Contents

1. Project Narrative 3
   1.1. Description and Purpose 3
   1.2. Non-Structural and Structural BMPs 3
   1.3. Land Use Regulations 4
   1.4. Site Inventory & Evaluation 4
   1.5. Development Envelope 5

2. Watershed Analysis 6
   2.1. Existing Conditions 6
   2.2. Proposed Conditions 6

3. Conclusion 7

Watershed Map - Existing Conditions
Watershed Map - Proposed Conditions
NRCS Soil Map & Hydrologic Soil Group Rating
FEMA FIRM Map

Credits for LID BMPs Checklist
Stormwater Management Standards Narrative
Stormwater Management Standards Calculations
Soil Test Results Forms
Impervious Area Worksheets
Stage-Area-Storage Tables
HydroCAD Peak Flow and Volume Summary
HydroCAD Analysis - Existing Conditions
HydroCAD Analysis - Proposed Conditions

Exhibit A
Exhibit B
Exhibit C
Exhibit D
Appendix A
Appendix B
Appendix C
Appendix D
Appendix E
Appendix F
Appendix G
Appendix H
Appendix I
1. Project Narrative

1.1. Description and Purpose

Network Development Company, LLC is proposing to re-subdivide and develop its properties located at 66 and 68 Halsey Drive in Greenwich, Connecticut. The subject properties are approximately 80,418 square feet in size, located on the northerly side of Halsey Drive, approximately 300 feet to the west of Nimitz Place. Under existing conditions, the sites support bituminous concrete driveways.

This report will summarize the affects of the proposed development on the surrounding watershed and downstream locations, and outline the proposed stormwater management plan designed to provide water quality improvements and runoff attenuation before discharging offsite.

The owner is proposing to re-subdivide the parcels and construct two new residential dwellings on the new parcels. Other improvements will include the construction of patios and walks, bituminous concrete driveways, retaining walls, subsurface stormwater management facilities, various underground utilities and associated site grading and landscaping. The existing driveway entrance curb cuts are to remain under proposed conditions.

The proposed development will increase on-site impervious coverage by approximately 3,154 square feet and therefore increase the volume and peak rate of runoff generated during a storm event. A drainage management plan, using seven subsurface retention systems, was developed for the site that will provide pretreatment and attenuation of site runoff discharging to downstream points of concern for all storms up to the 25-year storm event.

For a depiction of existing conditions and the proposed development, refer to a plan set entitled “Final Re-Subdivision Review Set, Residential Development, Location 66 & 68 Halsey Drive Greenwich, Connecticut, Prepared for Network Development Company, LLC,” sheets 1 through 4 of 4 dated November 3, 2016, as prepared by Rocco V. D’Andrea, Inc.

The proposed development conforms will all applicable Town of Greenwich stormwater management standards to the maximum extent practical. Refer to Appendix “B” for a narrative detailing the projects compliance with each stormwater management standard.

1.2. Non-Structural and Structural BMPs

Low Impact Development Site Planning and design measures were incorporated into the proposed development to the maximum extend practical. Many of the Non-Structural LID BMPs are not applicable or practical for this project due to each parcel's...
unique topography and large areas of disturbance due to the demolition of the existing
dwellings in recent years. The following Non-Structural LID BMPs are incorporated to
the site design: "Sitting on Permeable and Erodible Soils." Refer for Section 1 of
Appendix "B" for a narrative detailing each of these Non-Structural LID BMPs. Refer to
Appendix "A" for the "Credits for Low Impact Development Best Management Practices
Checklist" outlining the inclusions or exclusion of each non-structural BMP.

Four LID Structural and three Conventional Structural BMPs were incorporated into
the proposed development. Seven subsurface concrete gallery systems will retain and
infiltrate runoff collected from the proposed dwellings and a portion of the proposed
bituminous concrete driveway on 66 Halsey Drive. The subsurface concrete gallery
systems are designed to meet the water quality volume requirements, provide peak
runoff attenuation and infiltrate a portion of the runoff volume prior to discharging
downstream. The proposed gallery systems have been designed based on the site
topography and soil testing results discussed below.

1.3. Land Use Regulations

The subject parcels are located in the "R-7" zone, designated for single-family
dwellings. All applicable zoning setbacks and regulations will be adhered to. According
to FEMA FIRM Map No. 09001C0512G (revised July 8, 2013), the parcels do not lie
within any Flood Hazard Zone. Refer to Exhibit "D" for a copy of the FEMA FIRM map
of the subject properties. The parcels are not located within the Coastal Boundary as
outline on the Planning and Zoning Coastal Boundary Map. One inland wetland and
watercourse system was identified and delineated on the properties. Refer to a soil
report prepared by William Kenny Associates, LLC dated September 9, 2004 for further
information.

1.4. Site Inventory & Evaluation

The southern portion of 66 Halsey Drive supports a bituminous concrete driveway and
manicured lawn with large ornamental and shade trees. A large ledge knoll is located in
the southwest corner of the parcel. The northern portion of the parcel supports the
former dwelling footprint, manicured lawn, inland wetland and intermittent watercourse
system.

The eastern portion of 68 Halsey Drive supports a bituminous concrete driveway and
wooded areas with large ornamental and shade trees. The intermittent watercourse
flows from north to south through the central portion of the parcel. The western portion
of the parcel supports the former dwelling footprint.

According to the NRCS Soil Survey, on-site soils are classified as Woodbridge - Urban
Land Complex and Paxton - Urban Land Complex with a Hydrologic Soil Group Rating
of C. Refer to Exhibit "C" for the results of the Initial Feasibility Evaluation from the

Rocco V. D'Andrea Inc.
NRCS Web Soil Survey. In accordance with Appendix B of the Greenwich Drainage Manual, concept design testing was performed for both parcels. A soil textural analysis was completed for the parcels using deep test pits. Soils on 66 Halsey Drive contained fine brown loam above a strata of sandy gravel, suitable for infiltration practices. Soils on 68 Halsey Drive contained fine brown loam above a strata of silty sand, suitable for infiltration practices. Refer to Appendix "D" for results of completed soil testing.

1.5. Development Envelope

The proposed development will encompass a majority of 66 Halsey Drive and the western portion of 68 Halsey Drive, to the west of the onsite intermittent watercourse. The proposed development will preserve the eastern portion of 68 Halsey Drive and areas encompassed by the two Open Space parcels. All areas to be disturbed will be enclosed with silt fence and other erosion controls.
2. Watershed Analysis

The subject parcels were analyzed under existing and proposed conditions using HydroCAD version 10, with runoff data generated for the 1, 2, 5, 10, 25, 50 and 100-year design storm events.

In this analysis, existing and proposed site conditions were divided into various drainage basins discharging to two Points of Concern (POC). Referring to the watershed maps in Exhibits A and B, POC A is designated as the existing storm drainage system within Halsey Drive. POC B is designated as the existing intermittent watercourse as it exits the subject parcels along the western property line.

2.1. Existing Conditions

Two drainage basins were delineated under existing conditions. Runoff from Area #1 sheet flows to the south into Halsey Drive and is collected by the existing storm drainage system (POC A). Runoff from Area #2 sheet flows to the south into the onsite intermittent watercourse and is conveyed to the southwest to POC B.

Refer to Exhibit "A" for a depiction of the existing conditions drainage areas and flow paths. Refer to Appendix "H" for the existing conditions ground cover in each basin and HydroCAD routing results, including the computed curve number and time of concentration.

Refer to Table 1 and Table 2 in Appendix "G" for a summary of peak runoff rates and volumes for the existing conditions drainage model.

2.2. Proposed Conditions

Under proposed conditions, the total on-site impervious coverage is approximately 18,305 square feet, for a total increase of approximately 3,154 square feet as compared to existing conditions. The majority of the increase in impervious coverage is located in the drainage basins tributary to POC A (66 Halsey Drive), resulting in a slight increase in impervious coverage in the drainage basins tributary to POC B (66 Halsey Drive). After the construction of the proposed dwellings, bituminous concrete driveways, patios, walks and storm water management facilities, all disturbed areas will be restored to manicured lawn.

Under proposed conditions, the subject parcels were modeled using nine drainage basins. Runoff from Pr. Area #1 sheet flows to the south into Halsey Drive and is collected by the existing storm drainage system (POC A), mimicking existing conditions. Runoff from Pr. Area #4 sheet flows to the south into the onsite intermittent watercourse and is conveyed to the southwest to POC B, mimicking existing conditions.
Runoff from Pr. Area #2A and #2B, which encompasses the proposed dwelling roof on 66 Halsey Drive, will be collected and piped to deep sump junction boxes with bell traps. The deep sumps and bell traps will provide pretreatment of storm water runoff prior to routing flow into Retention System #1 and Retention System #6. Retention Systems #1 and #6, located to the south and north of the proposed dwelling (respectively), were designed to collect and infiltrate the Water Quality Volume (WQV) of runoff from the proposed dwelling roof while providing peak runoff attenuation. Flow will be metered out of each retention system and piped to a storm drain manhole, which will direct runoff into the existing storm drainage system within Halsey Drive (POC A).

Runoff from Pr. Area #3A and #3B, which encompasses a portion of the proposed bituminous concrete driveway on 66 Halsey Drive, will be collected and piped to deep sump junction boxes with bell traps. The deep sumps and bell traps will provide pretreatment of storm water runoff prior to routing flow into Retention System #2 and Retention System #7. Retention Systems #2 and #7, located to the south and northeast of the Retention System #1 (respectively), were designed to collect and infiltrate the Water Quality Volume (WQV) of runoff from the proposed bituminous concrete driveway while providing peak runoff attenuation. Flow will be metered out of each retention system and piped to a storm drain manhole, which will direct runoff into the existing storm drainage system within Halsey Drive (POC A).

Runoff from Pr. Area #5A, #5B and #5C, which encompasses the proposed dwelling roof on 68 Halsey Drive, will be collected and piped to deep sump junction boxes with bell traps. The deep sumps and bell traps will provide pretreatment of storm water runoff prior to routing flow into Retention System #3, #4 and #5. Retention Systems #3, #4 and #5, located along the southern face of the proposed dwelling, were designed to collect and infiltrate the Water Quality Volume (WQV) of runoff from the proposed dwelling roof while providing peak runoff attenuation. Flow will be metered out of each retention system and discharge into the onsite intermittent watercourse, ultimately directing runoff to POC B.

Refer to Exhibit "B" for a depiction of the proposed conditions drainage areas and flow paths. Refer to Appendix "I" for the proposed conditions ground cover in each basin and HydroCAD routing results, including the computed curve number and time of concentration.

Refer to Table 1 and Table 2 in Appendix "G" for a summary of peak runoff rates and volumes for the proposed conditions drainage model.

3. Conclusion

The proposed development will increase the amount of on-site impervious coverage and therefore increase the peak rate and volume of runoff generated during a storm event. As a result, seven (7) Best Management Practices (BMP), consisting of
subsurface retention systems, are proposed to provide pre-treatment and attenuation of site generated runoff prior to discharging off-site. Implementation of the Drainage Management Plan will result in a decrease in the peak rate of runoff discharging off-site to all points of concern up to a 25-year storm event.

The peak flow rate for a 25-year storm event flowing to POC A will decrease from 2.38 cfs to 2.22 cfs for an decrease of 0.16 CFS (-7%). The peak flow rate for a 25-year storm event flowing to POC B will decrease from 6.09 cfs to 5.91 cfs for a decrease of 0.18 CFS (-3%).

Refer to Table 1 and Table 2 and Appendix G for additional information.

The proposed development incorporates stormwater pre-treatment, treatment, provides water quality volume storage and peak runoff attenuation to the maximum extent practical. If the proposed development is constructed as depicted on the development plans, it is our professional opinion there will be no adverse impacts to the downstream properties or drainage systems due to the development of this property.
**Final Site Plan**
PLPZ #201600432 & Special Permit
PLPZ #201600433

<table>
<thead>
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<th>Old Track Properties, LLC</th>
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<tr>
<td>Change of Use</td>
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<tr>
<td>New Residential Apartments</td>
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<tr>
<td>&amp; Bulkheads</td>
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**Location:** 16 Old Track Road
**Zone:** GB
**Parcel Size:** 3.7582 ac

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<th>Relevant Zoning Statistics</th>
<th>Approved</th>
<th>Proposed</th>
<th>Allowed/Required</th>
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<td>GFA (Total)</td>
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<td>LOT COVERAGE</td>
<td>87.1%</td>
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<td>discretionary</td>
</tr>
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<td>HEIGHT</td>
<td>44 ft</td>
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<td>40 ft</td>
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<tr>
<td>FRONT SETBACK</td>
<td>53 ft</td>
<td>No change</td>
<td>50 ft</td>
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<tr>
<td>REAR SETBACK</td>
<td>3 ft</td>
<td>No change</td>
<td>30 ft</td>
</tr>
<tr>
<td>SIDE SETBACK</td>
<td>12 ft. &amp; 270+ft</td>
<td>No change</td>
<td>30 ft</td>
</tr>
<tr>
<td>PARKING</td>
<td>Proposed parking for Equinox, CNG, and mixed use building is part of a shared parking arrangement between ten (10) competing uses on three separate properties with eight (8) distinct parking areas as described in the approved Parking Management Program</td>
<td>258 as-built 262 when 4 unstripped spaces are striped</td>
<td>263 spaces required for on-site uses</td>
</tr>
</tbody>
</table>

**UPDATE**
The Commission continued these applications from the October 4th public hearing, and they were postponed by the applicant at the November 1st public hearing so the applicant can address seek a variance of Sec 6-127 for the constructed private elevator bulkheads.

The applicant filed an appeal for a variance with the Planning & Zoning Board of Appeals. The application is scheduled for the January 11, 2017 hearing.
No additional information was provided by the applicant.

The final site plan and special permit application must be closed at the January 10\textsuperscript{th} public hearing.

**PROPOSAL**

Final site plan and special permit applications were submitted to change the approved group fitness center use to a residential use and infill the space on the first floor to add six (6) residential units above the number of residential units originally approved by the Commission for the building one (1) of which would be a moderate income unit which would increase the unit count and total gross floor area on property located at 16 Old Track Road in the GB zone. The applicant seeks approval under Sections 6-13, 6-14, 6-15, 6-17, 6-105, 6-110, 6-158 and 6-205 if the Greenwich Building Zone Regulations.

**RECOMMENDATIONS/ ISSUES TO BE RESOLVED**

1. The applicant filed an appeal for a variance of Section 6-127 with the Planning & Zoning Board of Appeals. The application is scheduled for the January 11, 2017 hearing.
2. The Commission should note that the applicant has agreed to modify the proposal by designating a one-bedroom unit as a moderate income unit in place of the studio apartment. The floor plans should be amended to reflect the change.
3. The Commission should note that 263 parking spaces were required for the overall site development and only 258 parking spaces were constructed. The applicant agreed to stripe 4 additional spaces that were not striped in accordance to the approved site plan.
4. The Commission should determine if the increase in parking demand (2 additional spaces required), in addition to the one parking space not constructed, is de minimis to the site, since the property is part of a larger Parking Management Plan as approved under site plan approval PLPZ #201300634 and special permit PLPZ #201300006.
5. The Commission should note if any changes to the exterior of the building and/or the constructed bulkhead will require Architectural Review Committee approval.

**FINAL SITE PLAN**

The 3.7582 ac property is currently improved with a 41,991 SF mixed use building containing CNG and Equinox as tenants, a 78,018 SF mixed-use building containing 59 dwelling units and an approved group fitness use and a 156 space parking lot.

All but 6 residential units have received a temporary certificate of occupancy.

The applicant failed to secure a lease for the group fitness center space and want to revert back to the office use. Construction has begun on this 3,536 SF tenant space which includes double height ceilings and an expansion of the building by 578 SF.

The applicant proposes to infill this space with 3,586 SF of office space in the basement and an additional 6 residential apartments on the first floor. Two units are studios, three units provide 1 bedroom and one unit offers 2 bedrooms.
One one-bedroom apartment will be deed restricted to moderate income bringing the total number of deed restricted units to 8 in the building.

The initial application was modified to obtain Commission approval for private elevator bulkheads that were constructed for private elevator access to the roof top terraces. The 6 private elevators added a total of 156 SF of floor area to the building. Two of the bulkhead fail to comply with Section 6-127 of the Building Zone Regulations.

No exterior site work is proposed.

**Most Relevant Background**
In 2013 the Planning & Zoning Commission approved final site plan and special permit, PLPZ 2012 00634 and PLPZ 2013 00006, to construct a new 72,827 SF mixed-use building including 3,030 SF of office space with 63 total dwelling units, of which 7 are proposed as moderate income units.

In May, 2016 the Planning & Zoning Commission approved a final site plan and special permit, PLPZ #201600137 and PLPZ #201600229, to change the use of 3,935 SF of approved office space to a group fitness center use.

In July, 2016, Planning & Zoning staff issued signoffs for temporary certificates of occupancy for the residential unit in the mixed use building. A total of 59 units were constructed and seven units were deed restricted for moderate income housing. Certificate of Occupancies were withheld for the 6 units with the private elevators to the rooftop.

**Parking**
In the 2012 site plan approval approximately 3,655 SF of office space was approved. The parking demand, pursuant to Sec 6-158) would be 19 spaces. The additional 578 SF constructed would demand 3 parking spaces. So, therefore the parking demand for this section of the building would be a total of 22 spaces.

Under the proposed conditions, the 3,586 SF of office space would demand 18 parking spaces and the 6 residential units would demand 6 parking spaces (Sec 6-155). The total parking demand would be 24 spaces for this area of the building.

As a result, the total parking demanded for this section of the building would be increased by 2 parking spaces. The total parking demanded for the building would be 265 parking spaces.

The site was subject of a coordinated development of four lots approved under final site plan massive 4 lot site plan approval PLPZ #201300634 and special permit PLPZ #201300006. Among many specific conditions, the applicant was also required to maintain a shared parking arrangement using the parking garage across the street at 33 Spring Street and the parking garage constructed in the basement level of the building.
Architectural Review Committee
It is unclear if there are any changes proposed to the exterior of the building proposed with the change of use. Changes to the exterior of mixed use building typically are reviewed by the Architectural Review Committee.

APPLICABLE REGULATIONS
Section 6-13 Site Plan Approval Required by Planning & Zoning Commission
Section 6-14 Procedure
Section 6-15 Standards
Section 6-17 Authorization of Use by Special Permit
Section 6-105 Use Regulations and Special Requirements for GB Zone
Section 6-110 Use Regulations and Special Requirements for Dwelling Units Permitted in the Business Zones
Section 6-158 Customer or Patron Parking; Required Spaces
Section 6-205 Schedule of Required Open Spaces, Limiting Heights and Bulk of Buildings

DEPARTMENT COMMENTS
Zoning Enforcement- Attached
PUBLIC NOTICE

Notice is hereby given that on Wednesday, January 11, 2017 at 8 P.M. in the Joseph Cone Meeting Room, Town Hall, 101 Field Point Road, Greenwich, a Public Hearing will be held by the Planning and Zoning Board of Appeals of the Town of Greenwich to hear appeals from decisions of the Zoning Enforcement Officer, applications to approve special exceptions, and applications to vary the Building Zone Regulations as amended in the following matters:

No. 1  PLZE201600292  27 NAUTHORNE ROAD, OLD GREENWICH.  Appeal of Adrian Owies and Mary McNiff for variances of required side yard and combined side yard setbacks to permit the construction of a new dwelling located in the R-12 zone.

No. 2  PLZE201600569  50 RIVER ROAD COS COB.  Appeal of CRK, LLC, for special exception approval for the conversion of an existing hotel into employees housing as well as an addition to the existing building to house 4 squash courts at a private club located in the R-7 zone.

No. 3  PLZE201600593  16 OLD TRACK ROAD GREENWICH.  Appeal of Old Track Properties, LLC, for a variance of rooftop bulkhead setback to allow for existing bulkheads to remain in their current location on a mixed use building located in the GB zone.

No. 4  PLZE201600622  702-708 STEAMBOAT ROAD GREENWICH.  Appeal of Morgan Jenkins, owner / Steamboat Road Acquisitions, LLC., for variances of side yard setbacks and permitted number of dwelling units to permit the construction of a new 8 unit apartment building located in the R-6 zone.

No. 5  PLZE201600623  125 HILLCREST PARK ROAD, COS COB.  Appeal of Pamela and Mark Emma, owner / Parmjit Sandhu, applicant, for variances of front and rear yard setbacks to permit the construction of a new dwelling located in the R-12.

No. 6  PLZE201600637  63 & 65 SHERWOOD PLACE, GREENWICH.  Appeal of Soundview Place, LLC., for a variance of side yard setback to allow for four (4) existing air conditioning units to remain in their current location at a two family dwelling located in the R-6 zone.

No. 7  PLZE201600646  35 CLAPBOARD RIDGE ROAD, GREENWICH.  Appeal of John & Marjorie Judson, for a variance of side yard setback to permit the placement of pool mechanical equipment on a property located in the RA-2 zone.

Dated: January 11, 2017

David Weisbrot, Chairman
ZONING ENFORCEMENT

Project No.  PLPZ201600432, 433  Preliminary
Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED:  Old track Properties, LLC.
LOCATION:  16 Old Track Road
PLAN DATE:

ZONE:  GB

The subject site plan/subdivision meets the requirements of the Building Zone Regulations excluding Section 6-15 and 6-17, except for the following:

The applicant should comply with section 6-12 (b) at permit submission.

Reviewed by:  Jodi Couture  Date:  09/29/2016
Note: These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.
Town of Greenwich
Planning & Zoning Department
Town Hall - 101 Field Point Road, Greenwich, CT 06830-2540
Phone 203-622-7684 - Fax 203-622-3795

☐ PRELIMINARY ✔ FINAL

Project Name

Project Address: 16 Old Track Road

Project Lot Number(s) ________________________________

Property Owner(s) Old Track Properties LLC

Tax Account Number(s) 03-1891/S Zone(s) GB Lot Area 3.7582 acres

☐ Special Permit – Complete special permit application form
☐ Coastal Zone
☐ Is project 500 feet from Municipal Boundary? (for notification)
☐ Amendment to Building Zone Regulations – Section(s) ________________________________
☐ Amendment to Building Zone Map – Zone(s) affected ________________________________
☐ Business Zone Plate Number ________________________________
☐ Architectural Review Committee Application attached or Review needed
☐ Planning & Zoning Board of Appeals review needed
☐ Inland Wetlands and Watercourses Agency Review / Approval Required

Estimated amount of time needed to present item to Commission at meeting: 30 minutes

RECEIVED
SEP 9, 2015

AUTHORIZED AGENT

Name John P. Tesel and Christopher D. Bristol
Firm name Gilbride, Tusa, Last & Spellane LLC
Street Address 31 Brookside Drive
City Greenwich
State CT Zip 06830
Phone 203-622-8260
FAX 203-622-7415

PROPERTY OWNER(S) AUTHORIZATION

Name Old Track Road Properties LLC
Street Address 2 Dearfield Drive, Suite 3
City Greenwich
State CT Zip 06830
Phone 203-869-6750

ENGINEER

Name Anthony L. D'Andrea
Firm name Rocco V. D'Andrea, Inc.
Street Address 6 Neil Lane
City Riverside
State CT Zip 06878
Phone 203-637-1779
FAX 637-1770

ARCHITECT

Name Kevin Molnar
Firm name Gateway Development
Street Address 2 Dearfield Drive
City Greenwich
State CT Zip 06831
Phone 203-422-6700 ext 104
FAX (203) 422-6797

Staff-assigned Number ________________________________ Fee submitted at time of application: $ __________________

Town of Greenwich
## SITE PLAN ZONING STATISTICS

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<tr>
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<th>EXISTING</th>
<th>PROPOSED</th>
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<td>Parking Spaces</td>
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<td><strong>RESIDENTIAL</strong></td>
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<tr>
<td>Number Of Units</td>
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<td>Number Of Bedrooms</td>
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<td>BUILDING HEIGHT</td>
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<td>0.73 (total site)</td>
<td>0.75 (total site)</td>
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<td>TOTAL PARKING SPACES</td>
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<td>unchanged</td>
<td>261</td>
</tr>
</tbody>
</table>

**CHECK AS APPROPRIATE**

- ☐ ADDITIONS
- ☑ ALTERATIONS
- ☐ DEMOLITION
- ☐ RE-CONSTRUCTION

---

**RECEIVED**: SEP 20 2016

**PLANNING & ZONING COMMISSION**:
SPECIAL PERMIT APPLICATION

I, John P. Tesei and Christopher D. Bristol, representing Old Track Properties LLC, hereby request application for Special Permit from the Planning and Zoning Commission of the Town of Greenwich for the project at 16 Old Track Road (multi-family mixed-use building).

The Special Permit is required by the below noted section(s) of the Building Zone Regulations:

- Section 6-17 — Special Permit standards and procedure
- Section 6-30 — Conservation Zone special provisions
- Section 6-94(b) — Non-residential Uses and Group Living Facilities permitted in Residential Zones including Resident Medical Professional Office
- Section 6-98 — Multi-Family Dwelling Units
- Section 6-100 — Use Groups: Group Living Facilities, Restaurants not between front and rear building lines, Supermarkets, Use Group 7b — subordinate to water dependent uses, Banks, Automotive Uses, Jobbers and Veterinarians
- Section 6-101, 107 — Buildings over 40,000 c.f. in Central Greenwich Impact Overlay Zone, Post Road Impact Overlay Zone, WB, LB or LBR Zones; and over 150,000 c.f. in all other zones
- Section 6-103.1 — Parking deficient uses in CGBR
- Section 6-104 — Parking Structures incl. underground in LB Zone and Height exceptions
- Section 6-105, 106 — Front Yard Parking in GB or GBO Zone
- Section 6-109, 109.1 — HO & HRO Zones
- Section 6-110 — Dwellings under special requirements for Business Zones
- Section 6-112 — IND-RE Zone applications
- Section 6-113 — In Hospital Zones; certain accessory uses, expansions exceeding 4,000 s.f. or interior alterations or changes of use exceeding 20,000 s.f. (cumulative within 2 years)
- Section 6-114 — CCRC (Continuing Care Retirement Community)
- Section 6-118.1 — Uses within railroad rights of way
- Section 6-123 — Setbacks from Connecticut Turnpike in Business Zones
- Section 6-140.1 — Satellite Earth Stations which emit microwaves
- Section 6-141 — Changes in non-conforming uses, buildings
- Section 6-205 — Historic structures in CBG Zone exceeding FAR And Notes 7, 8 & 9

Town Project Number __________________________ Special Permit Number assigned by Staff __________________________

Accompanying fees __________________________ Site Plan Number assigned by Staff __________________________
SITE PLAN/ BZR/ REZONING/ SPECIAL PERMIT EXTENSION LETTER

Date: November 1, 2016

Planning and Zoning Commission
Town Hall
101 Field Point Road
Greenwich, CT 06830

Re: Name of Property Owner/Applicant: Old Track Properties LLC
Property Address: 16 Old Track Road

Application Type (check all applicable):
☐ Site Plan  ☐ Special Permit  ☐ Rezone  ☐ Amend BZR  ☐ Other: ___
P&Z Application #: PLPZ 2016-00432 and 00433

Members of the Commission:

In accordance with the Building Zone Regulations per Sections 6-14.1 and 6-17 and the Connecticut General Statutes per Section 8-7d, as applicable, the undersigned:

☐ hereby grants the Commission an extension of time to open the above-captioned matter at a regular meeting and/or public hearing, (not to exceed 65 days).

If less than 65 days granted, please specify ________________________________

☐ hereby grants the Commission an extension of time (not to exceed 65 days) to continue and close the Hearing on the above-captioned matter.

If less than 65 days granted, please specify ________________________________

☐ hereby grants the Commission an extension of time to decide the above-captioned matter, (not to exceed 65 days)

If less than 65 days granted, please specify _______

Use the following for site plans without public hearings

☐ hereby grants the Commission an extension of time to decide the above-captioned matter, (not to exceed 65 days)

If less than 65 days granted, please specify _______

Of note, the total of all extensions granted for any one project shall not exceed 65 days as per amendments of Section 8-7d by Public Act 03-177, effective October 1, 2003

Signed: ________________________________

Authorized Agent

RECEIVED

NOV 02 2016

PLANNING & ZONING COMMISSION
August 15, 2016

To Whom It May Concern:

Notice is hereby given that Old Track Properties LLC, owner of property known as 16 Old Track Road, Greenwich, Connecticut, has filed Final Site Plan and Special Permit applications with the Town of Greenwich Planning and Zoning Commission to: 1. reconfigure the lower and first levels of the new residential building to add two (2) units (including one Moderate Income Unit) above the number of residential units originally approved by the Commission for the building, and 2. convert a portion of the lower level of the new building from a group fitness center use approved earlier this year to general office use.

Further information concerning these applications may be obtained by contacting the Greenwich Planning and Zoning Commission or the undersigned.

Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830
Telephone: (203) 622-7894

Christopher D. Bristol, Esq.
Gilbride, Tusa, Last & Spellane LLC
31 Brookside Drive
Greenwich, Connecticut 06830
Telephone: (203) 622-9360

[Signature]

RECEIVED
AUG 16 2016
PLANNING & ZONING COMMISSION
October 27, 2016

BY HAND

Mr. Marek Kozikowski, Senior Planner
Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830

Re: Final Site Plan (PLPZ 2016-00432) and Special Permit (PLPZ 2016-00433) applications concerning mixed-use multi-family building on property located at 16 Old Track Road, Greenwich, Connecticut

Dear Marek:

We are submitting this letter to address certain issues brought up by the Commission members at the October 4, 2016 public hearing on the subject applications.

The project architect has measured and confirmed that two (2) of the private elevators on the rooftop are deficient with respect to their setbacks from the edge of the roof. Designs for the elevators were originally prepared some time ago under the previous version of Section 6-127 of the Regulations that did not include the rooftop setback requirement for elevator bulkheads. As you know, Section 6-127 of the Regulations was recently changed at the September 8, 2016 meeting requiring elevator bulkheads located on the roof on a multi-family development to be set back at least 1 foot from the roof edge for every 1 foot of building height above the roof level on all sides of the building.

Based upon the architect’s measurements, a 10.5 foot setback from the rooftop is required by the new version of Section 6-127. Two (2) elevator bulkheads on the roof will require variances of the roof setbacks from the Planning and Zoning Board of Appeals. We are filing the variance application concurrently with this letter. The elevators are 10.5 feet above the rooftop, so with comply with the 15.5 foot maximum height permitted for elevator bulkheads by the new Section 6-127. Attached is a signed sketch prepared by the architect illustrating these conditions.
Another question raised by the Commission was the number of parking spaces relative to the changes of use and additional residential units to be added to the building. The site currently has 258 parking spaces. As the staff report points out, the proposed office use and new residential units will create a parking demand of 24 parking spaces where the existing parking demand is 22 parking spaces.

We have examined the parking layout of the site and discovered that there are four (4) parking spaces shown on the site plan approved with the approval to construct this building (dated April 22, 2013) that were never striped and so are not shown on the most current as-built site plan (dated May 24, 2016). The owner will ensure these four (4) spaces are striped and included on the total parking count of the site. The area where the spaces are to be located is along the southern property line near the CNG portion of the existing mixed-use commercial building. With the addition of the four (4) parking spaces above what is existing, the total number of parking spaces on site is 262 spaces where a total of 263 parking spaces are required. Both site plans mentioned above are included for your reference with the area of the parking spaces clouded. We submit that in light of the parking management plan and the size and complimentary uses on site, a variation of one parking space will not itself create parking problems. Parking therefore remains sufficient for site functionality.

Finally, based upon the Commission's comments at the last public hearing, the owner has agreed to designate one of the new one-bedroom units that are part of the subject applications as a moderate income unit under Section 6-110g of the Regulations instead of a studio unit. The total amount of moderate income units under proposed conditions will now be eight (8) units where before seven (7) were proposed.

Should have any questions or require further information, please do not hesitate to contact me or John Tesei.

Thank you.

Very truly yours,

Christopher D. Bristol

Enclosures
cc: Old Track Road Properties LLC
September 20, 2016

BY HAND

Ms. Lauren Lockwood, Applications Coordinator
Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830

Re: Amendment to pending Final Site Plan (PLPZ 2016-00432) and Special Permit (PLPZ 2016-00433) applications concerning mixed-use multi-family building on property located at 16 Old Track Road, Greenwich, Connecticut

Dear Ms. Lockwood:

This letter contains our request to amend the pending Final Site Plan and Special Permit applications referenced above as described below.

Rooftop terraces for the building residents was a part of the original approvals for this building, with a portion of the rooftop being for general use by the building residents, and another portion of the rooftop separated into different terraces for exclusive use by the residents of certain units in the building. Certain units include the right for exclusive use of one of the individual rooftop terraces.

Our client has slightly modified the layout of the rooftop areas, and included dedicated elevators to that provide residents of the apartments that have exclusive use of an individual rooftop terrace with direct access. These elevators require bulkheads on the rooftop that were not part of the original approvals.

We ask that the pending applications be amended to include a request to modify the rooftop layout and approve the additional Floor Area related to the elevator bulkheads.

Containing a total of just 156 square feet of Floor Area, the Property's total FAR will remain unchanged with the addition of the elevator bulkheads. The total FAR of the site will not change with the addition of the small Floor Area attributable to the elevators. The elevators contain a total of 156 square feet of Floor Area. The total proposed Floor Area for the entire...
Property is 120,165 sf which results in an unchanged proposed FAR of 0.73. The Property’s FAR, therefore, continues to remain compliant.

Also, bulkheads are exempt from maximum height restrictions provided in Section 6-127 of the Regulations. Therefore, the building height also remains in conformity with what was originally approved.

In connection with the accompanying applications, you will find enclosed the following:

1. Amendment narrative, i.e. this cover letter (original and 8 copies);
2. Amended Site Plan Application form for the building (original and 8 copies);
3. Affidavit of Notice concerning application amendment;
4. Certificate of Mailing;
5. Existing fourth floor and rooftop plans (8 full size sets and 8 reductions);
6. Proposed rooftop plans (8 full size sets and 8 reductions); and
7. Proposed building elevations indicating new elevator bulkheads (8 full size sets and 8 reductions).

Should have any questions or require further information, please do not hesitate to contact me or John Tesei.

Thank you.

Very truly yours,

Christopher D. Bristol

Enclosures
cc:  Old Track Road Properties LLC
August 15, 2016

BY HAND

Ms. Lauren Lockwood, Applications Coordinator
Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830

Re: Final Site Plan and Special Permit applications concerning mixed-use multi-family building on property located at 16 Old Track Road, Greenwich, Connecticut

Dear Ms. Lockwood:

We represent Old Track Properties LLC in connection with the accompanying Final Site Plan and Special Permit applications concerning its property located at 16 Old Track Road, Greenwich, Connecticut (the "Property").

The Property is located on the south side of Old Track Road in the GB commercial zone and contains a total of 3.7582 acres of land area. It is currently improved with a single-story commercial building containing Equinox Health Club and Connecticut Natural Gas as tenants and a mixed-use multi-family building that is partially occupied and partially under construction.

The mixed-use multi-family building was approved by Final Site Plan and Special Permit applications (PLPZ 2012-0634 and PLPZ 2013-0006; the "Original Approvals") with a total of 74,432 square feet of proposed Floor Area. This building contains residential units on the upper floors and residential units, common areas and commercial uses on the lower floor. This Floor Area figure is the current as-built Floor Area that has been reviewed and approved by the Planning and Zoning Commission (the "Commission") planners and by the Zoning Enforcement Officer in connection with the certificate of occupancy recently issued for the new building.

Several months ago, we appeared before the Commission under Final Site Plan and Special Permit applications PLPZ 2016-00137 and PLPZ 2016-239 seeking to change the use of the lower level from offices, as originally contemplated under the original approvals, to a group fitness center specializing in squash instruction. Part and parcel of those applications concerned a slight expansion of the lower level by shifting the east wall several feet out, which increased the
lower level Floor Area by 578 square feet. Parking required for the group fitness center was 10 parking spaces. Because the required parking for the group fitness center use was not a function of Floor Area, there was no stated change in required parking as a result of the 578 square feet expansion of the lower level. The change of use and lower level expansion applications PLPZ 2016-00137 and PLPZ 2016-229 were approved by the Commission and confirmed in its decision letter dated May 31, 2016.

As our client was unable to finalize a lease with the prospective tenant, our client has decided to forego the group fitness center use on the lower level and to revert the space back to office use as contained in the Original Approvals. The lower level of the building, as now configured, is a double-height space extending from the lower level to the first floor. Our client also seeks to infill the first floor portion of the double-height lower level space and create an additional six (6) residential units, consisting of two studio units, three one-bedroom units and one two-bedroom unit. The end result will be a total of sixty-five (65) residential units in the building. Of the proposed additional six (6) units, one (1) unit is proposed to be a Moderate Income unit as defined by Section 6-110(g) of the Greenwich Building Zone Regulations (the "Regulations"). Infilling with the additional six (6) units will increase the building's Floor Area by 3,536 square feet.

The Original Approvals provided for lower level office and 63 residential units in the new mixed-use building. Pursuant to the Original Approvals, parking required for the office use was fifteen (15) spaces and parking required for the residential use for sixty-three (63) units was sixty-three (63) parking spaces. The Original Approvals required seven (7) Moderate Income Units.

Due to interior design changes to the building only 59 of the 63 units originally approved have been constructed in the building. Note, however, that all seven (7) Moderate Income Units have been constructed. Existing Floor Area of the building is 74,432. The net result of this proposal is that there will be a total of 65 residential units in the building, being two (2) more than the 63 units originally approved, and eight (8) Moderate Income Units, being one (1) more than originally required.

As described above, the previous Final Site Plan and Special Permit approving the group fitness use on the lower level also approve its 578 square foot expansion. The 578 square foot expansion of the lower level is included in the total existing Floor Area of the building referred to above and in the accompanying application documents. Because the lower level will now be used as offices, that additional 578 square feet of Floor Area requires an additional three (3) parking spaces under Section 6-158 of the Regulations (578 x 0.75 = 434, 434 / 150 = 2.9 rounded up to 3 spaces).

Section 6-155(3) of the Regulations states that for dwelling units in a mixed-use residential-commercial development, the number of parking spaces per unit shall be one (1) unless the Commission deems a greater or lesser number to be appropriate. Our view is that it is indeed appropriate for the Commission to use its discretion to modify the otherwise applicable parking requirements and find that the number of parking spaces already approved and in place for the overall projects approved by the Commission in connection with the development of the
new mixed-use building are sufficient (i.e. the Original Approvals and the approvals granted at the same time for the expansion of the retail/office building at 50 Field Point Road). We further note that a technical increase of five (5) required parking spaces (two (2) for the dwelling units and five (5) for the office space) is *de minimus* compared to the total of the 329 parking spaces now available for all the applicable uses on this site and 50 Field Point Road. It also is worth noting that the parking for the office uses (in this building and at 50 Old Field Point Road) and for the residential uses on the site are complimentary in that the offices are not occupied during the evenings and weekends when maximum residential use of parking would ordinarily occur. Finally in this regard, we remind the Commission that there will be future parking evaluations conducted and submitted to the Commission pursuant to the Original Approvals once full occupancy is achieved.

In connection with the accompanying applications, you will find enclosed the following:

1. Detailed narrative, i.e. this cover letter (original and 8 copies);
2. Completed Site Plan Application form for the building (original and 8 copies);
3. Completed Special Permit Application form (original and 8 copies);
4. Affidavit of Notice;
5. Certificate of Mailing;
6. Architectural Plans including Floor Area calculations (8 full size sets and 8 reductions);
7. Zoning Location Survey of the Property (15 full size prints and 8 reductions);
8. Checks in the amount of the required filing fees.

Should have any questions or require further information, please do not hesitate to contact me or John P. Tesei, Esq.

Thank you.

Very truly yours,

[Signature]

Christopher D. Bristol

Enclosures

cc: Old Track Road Properties LLC
SITE PLAN CHECKLIST

APPLICATION NAME.

All applications for preliminary and final site plan approval shall be made on the appropriate forms as provided by the Planning Staff. The following items must also be provided with the application. If any of the following items are not filed at the time of application, the application may be returned to the applicant in order that it may be filed in the entirety at an appropriate future date. Required Items: (Sec. 6-14)

CHECK ITEMS SUBMITTED

☐ 1. One (1) CD with a digital copy of the entire application in pdf format including architectural plans, surveys, drainage plans, landscape plans, photographs, material list and application form.

☐ 2. Fifteen copies of a survey, folded to 9" x 12"", showing existing conditions, including:
   a. Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features.
   b. Existing contours at no more than a two-foot vertical interval, unless waived by the commission staff in circumstances where such contours may not be necessarily pertinent. The survey shall indicate topographic conditions of property immediately adjoining the subject parcel.
   c. The location of all existing watercourses, intermittent streams, wetlands as required by IWMA, Flood Hazard Lines as determined by FEMA, springs and rock outcrops or a note indicating that none exist, with the sources of information listed.
   d. The zone in which the land to be developed falls and the location of any town and zone boundary lines within or adjoining the tract, and yard dimensions to existing buildings. Lot area, by zone, shall be indicated.
   e. The title of the development, date, revision date if any and nature of revision, north arrow, scale, and the name and address of owner and names of owners of adjacent land.
   f. Street and property lines, curbs, edges of pavement, sidewalks, easements, right-of-way, covenants, and deed restrictions.
   g. Traffic lights and controls, public trees, catch basins, fire hydrants, and power and telephone lines in adjacent streets.
   h. Certification with the signature and seal or registration number of a registered land surveyor licensed in the State of Connecticut that the drawing is substantially correct to A-2 Standards, and that the property is in a designated zone under the zoning regulations.

☐ 3. Fifteen sets of a detailed Site development plan, at a readable scale, folded to 9" x 12"", prepared in accordance with all applicable Town standards including the Roadway Design and Drainage Design Manuals, and signed by a professional architect, land surveyor, or engineer licensed in the State of Connecticut, showing:
   a. Location, dimension, and elevation of all proposed buildings, structures, walls, fences.
   b. Location dimensions and surface treatment of all existing and proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks. Sidewalks are to be provided as required by the Building Zone Regulations.
   c. Approximate location of proposed utility lines, including water, gas, electricity, sewer and the location of any transformers.
   d. Note specifying source of water supply and method of sewage disposal.
   e. Existing and proposed contours at units of no more than a two foot interval unless waived by the Commission's staff. Cuts and fills and estimates of blasting to be submitted at time of final site plan.
   f. Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.
   g. Any other similar information determined by the Commission staff in order to provide for the proper enforcement of the Building Zone Regulations.
   h. Zoning statistics including: Gross Floor Area, Floor Area Ratio, Usable Floor Area, Required Parking, Actual Parking Provided, Building Height, Building Footprint, and Area Devoted to Surface parking, Building and Drives.
   i. Provisions for compliance with Americans with Disabilities Act (Handicap Access) and State Building Code.
   j. Coastal Area Management Application for projects within the Coastal Overlay Zone.

☐ 4. Eight sets of architectural plans, signed and sealed by an architect registered in the State of Connecticut, of all floors, all exterior elevations showing existing and proposed grade conditions. Elevations are to detail architectural elements by labeling materials, color and dimensions. Each architectural elevation shall show the absolute building height as well as building height for zoning purposes. All HVAC facilities are to be shown on architectural elevations.

PZSitePlanChecklist 01/01/2013
5. Three copies of Floor Plan Work Sheets with the dimensions and calculated floor areas for each floor prepared in accordance with Sec. 6-5(22). Consult Commission Staff for required format.

6. Three copies of "building coverage" computation sheets.

7. Three copies of "area devoted to surface parking, building, and drives" worksheets.

8. Five copies of sight distance certification reports when required by a preliminary site plan review or when approved by commission staff pursuant to item 2(g) of this checklist.


10. Completed Traffic Impact Evaluation Form if applicable. Submission requirements are defined on the form, available at the Commission office. A traffic report may be required.

11. Ten copies of completed application form signed by applicant or authorized agent, owners and contract purchasers, as applicable.

12. Ten copies of completed Special Permit form, if required by Building Zone Regulations.

13. Fifteen copies of detailed, inclusive narrative description of the proposed project. For those projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must provide the section number and text for the proposed amendments(s) to the BZR and an explanation providing justification for the proposal. For map changes, a scaled drawing at 1" to 400' needs to be provided for affected areas(s).

14. Eight copies of reductions in, 11 x 17 size, or other appropriate size, providing a readable, clear plan of proposed site development and architectural plans.

15. A showing that an adequate source of potable water is available to satisfy the needs of the proposed development as per Sec. 6-15(a)(5), signed by C.A.W.C.

16. An affidavit certifying that all abutting property owners have been notified, as evidenced by the submission of a certificate of mailing or certified or registered mail receipts about said application. A schedule of names, addresses, shown on a GIS map with lot lines indicating the location of the notified property owners. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. For projects which require the preliminary review by the Conservation Commission, the notice shall be sent by the applicant to abutting owners two weeks prior to any scheduled hearing date of the Conservation Commission.

17. Authorization for the agent and contract purchasers to act on behalf of the certified property owner(s).

18. A separate schematic plan at a scale no larger than 1"-100" indicating buildings, parking and drives on the site and all adjoining properties, including those across the street, and the nearest cross street.

19. Five copies of a Drainage Summary Report as per Department of Public Works and the Town Drainage Design Manual. The summary report must be prepared in accordance with the following formats: PRELIMINARY: Existing and proposed storm water distribution, existing and proposed runoff rates, capability of off-site drainage facilities to accommodate proposed runoff, capability of off-site soils to accommodate percolation or detention if proposed, and identification of proposed drainage structures. FINAL: Final structure design details, prior approval from IWWA, Engineering Division and Conservation Commission as appropriate, and all information required by the preliminary report or two copies of drainage exemption forms.

20. In accordance with Sec. 6-183.1 to 6-183.10 of the Building Zone regulations, tree protection and sedimentation and erosion control plans shall be submitted with all site plan applications.

21. All applications for final site plans shall be in the form of a survey prepared by a registered Connecticut land surveyor having metes and bounds, dimensions of all buildings, parking and drives, setbacks of all structures from property lines, setbacks between buildings, and certification that building dimensions shown thereon are the same as the approved architectural plans. Architectural and drainage plans are to be referenced by title, date(s) and sheet numbers.

22. Required fee submitted at time of application (see fee schedule).

23. "It is the belief of the PZC staff that this application is incomplete because of the failure of the applicant to provide the materials referred to above. This application will be reviewed by the PZC and a decision made as to whether it is complete or incomplete at its public meeting to be held in the PZC office."

All applicants must submit the application with the Application Coordinator, Marisa Anastasio who can be reached by (phone) 203-622-7894 or (email) manastasio@greenwichct.org.

NOTE: Any new documentation presented at Planning and Zoning Meetings shall be submitted to staff so that they can be made part of the record. Please ensure all documents can easily be removed from presentation boards.
AFFIDAVIT OF NOTICE

PLANNING AND ZONING COMMISSION

STATE OF CONNECTICUT  )
) ss: Greenwich  )
COUNTY OF FAIRFIELD  )

September 20, 2016

I, CHRISTOPHER D. BRISTOL, being duly sworn, do hereby certify that on September 20, 2016, I caused to be mailed, postage prepaid, to those persons whose names are set forth on Exhibit A, attached hereto, a copy of the notice attached hereto as Exhibit B. Said persons were the record owners, as of September 20, 2016 as shown on the Town Tax Assessor's Office records of property abutting and across the street from property known as 16 OLD TRACK ROAD, GREENWICH, CONNECTICUT owned by OLD TRACK PROPERTIES LLC, for which Final Site Plan and Special Permit applications have been filed with the Town of Greenwich Planning and Zoning Commission to: 1. reconfigure the lower and first levels of the new residential building to add two (2) units (including one Moderate Income Unit) above the number of residential units originally approved by the Commission for the building, and 2. convert a portion of the lower level of the new building from a group fitness center use approved earlier this year to general office use. These applications have been amended to also reconfigure the layout of the rooftop and to include additional Floor Area for elevator bulkheads providing access from certain of the residential units to the rooftop terraces.

CHRISTOPHER D. BRISTOL, ESQ.

Subscribed and sworn to before me on September 20, 2016

Notary Public
Commissioner of the Superior Court

RECEIVED
SEP 20 2016
EXHIBIT A

ABUTTING OWNERS
OF
16 OLD TRACK ROAD
GREENWICH, CONNECTICUT

PARCEL ID: 03-1204/S
30-36 Old Field Point Road Inc
30 Old Field Point Rd
Greenwich, CT, 06830

PARCEL ID: 03-1339/S
Sutton Land LLC
87 Greenwich Avenue
Greenwich CT 06830

PARCEL ID: 03-1285/S
40 Old Field Point Road LLC
60 Water Street
Stonington, CT 06378

PARCEL ID: 03-1577/S
M & M Partners
35 Spring Street
Greenwich CT 06830

PARCEL ID: 03-1690
Old Track Associates, LLC
19 Railroad Avenue
Greenwich CT 06830

PARCEL ID: 03-1704/S
154 Prospect LLC
2 Dearfield Drive, Suite 3
Greenwich CT 06831

PARCEL ID: 03-1680/S
McDermott Holdings Inc.
35 Spring Street
Greenwich CT 06830
PARCEL ID: 03-1343/S
Hannah Contrata, Trustee
150 Prospect Street Unit 1
Greenwich CT 06830

PARCEL ID: 03-1806/S
Maria Alejandra Gulida et al
150 Prospect Street Unit 2
Greenwich, Ct 06830

PARCEL ID: 03-1807/S
Karen Plank
150 Prospect Street Unit 3
Greenwich CT 06830

PARCEL ID: 03-1808/S
Mihail S Nikolov & Alexandra Lutoshkina
150 Prospect Street Unit 4
Greenwich CT 06830

PARCEL ID: 03-1809/S
Jytte B. Maydolec
150 Prospect Street Unit 5
Greenwich CT 06830

PARCEL ID: 03-1810/S
Pamela L. Rush
150 Prospect Street Unit 6
Greenwich CT 06830

PARCEL ID: 03-1811/S
Giuseppe Merolla
150 Prospect Street Unit 7
Greenwich, Ct 06830

PARCEL ID: 03-1812/S
Barbara Leonard
150 Prospect Street Unit 8
Greenwich CT 06830

PARCEL ID: 03-1813/S
Elisabeth Elsinger
150 Prospect Street Unit 9
Greenwich CT 06830
PARCEL ID: 03-1814/S
Marko Radosavljevic &
Courtney L Robins
150 Prospect Street Unit 10
Greenwich, CT 06830

PARCEL ID: 03-1815/S
Roy Lee & Maria A. Carey
150 Prospect Street Unit 11
Greenwich CT 06830

PARCEL ID: 03-1816/S
Maria A. Tynan
150 Prospect Street Unit 12
Greenwich CT 06830

PARCEL ID: 03-1817/S
Susan Vasileff
150 Prospect Street Unit 13
Greenwich CT 06830

PARCEL ID: 03-1818/S
Ofer & Maria R.M. Zer
150 Prospect Street Unit 14
Greenwich CT 06830

PARCEL ID: 03-1858/S
Rodion Davyдов
150 Prospect Street Unit 16
Greenwich, CT 06830

PARCEL ID: 03-1864/S
John F. Pikulski
150 Prospect Street Unit 17
Greenwich, CT 06831

PARCEL ID: 03-1865/S
Merolla & Gerardina Giuseppe
150 Prospect Street Unit 18
Greenwich, CT 06830

PARCEL ID: 03-1866/S
Jennifer J. Stahl
150 Prospect Street Unit 19
Greenwich CT 06830
PARCEL ID: 03-1868/S
Matthew Sery
150 Prospect Street Unit 21
Greenwich CT 06830

PARCEL ID: 03-1869/S
Anna Manokhin
150 Prospect Street Unit 22
Greenwich CT 06830

PARCEL ID: 03-1870/S
Atilla & Hale Bayram
150 Prospect Street Unit 23
Greenwich CT 06830

PARCEL ID: 03-1872/S
Raymond & Amie Perez
150 Prospect Street Unit 25
Greenwich CT 06830

PARCEL ID: 03-1873/S
Liam J. Harrington
150 Prospect Street Unit 26
Greenwich CT 06830

PARCEL ID: 03-1874/S
ROBERT & LADISLAVA PAJER
150 Prospect Street Unit 27
Greenwich CT 06830

PARCEL ID: 03-1867/S & 03-1871/S
Armaar Realty Inc.
c/o Arno B. Fischer
44 Taconic Road
Greenwich CT 06830

-copies to-

Resident
150 Prospect Street Unit 20
Greenwich CT 06830

Resident
150 Prospect Street Unit 24
Greenwich CT 06830
EXHIBIT B

September 20, 2016

To Whom It May Concern:

Notice is hereby given that Old Track Properties LLC, owner of property known as 16 Old Track Road, Greenwich, Connecticut, has filed an amendment to its pending Final Site Plan (PLPZ 2016-00432) and Special Permit (PLPZ 2016-00433) applications with the Town of Greenwich Planning and Zoning Commission.

The existing applications seek to: 1. reconfigure the lower and first levels of the new residential building to add two (2) units (including one Moderate Income Unit) above the number of residential units originally approved by the Commission for the building, and 2. convert a portion of the lower level of the new building from a group fitness center use approved earlier this year to general office use.

These applications have been amended to also reconfigure the layout of the rooftop and to include additional Floor Area for elevator bulkheads providing access from certain residential units to the rooftop terraces.

Further information concerning these applications may be obtained by contacting the Greenwich Planning and Zoning Commission or the undersigned.

Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830
Telephone: (203) 622-7894

Christopher D. Bristol, Esq.
Gilbride, Tusa, Last & Spellane LLC
31 Brookside Drive
Greenwich, Connecticut 06830
Telephone: (203) 622-9360
September 20, 2016

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Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830
Telephone: (203) 622-7894

Christopher D. Bristol, Esq.
Gilbride, Tusa, Last & Spellane LLC
31 Brookside Drive
Greenwich, Connecticut 06830
Telephone: (203) 622-9360
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<th>Line</th>
<th>Article Number</th>
<th>Package Name, Street, and PO Address</th>
<th>Description</th>
<th>Package</th>
<th>Fee</th>
<th>Handling Charge</th>
<th>Actual Value (if any)</th>
<th>Insured Value</th>
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| Postmark, Postal Employee |  |

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable For the reparation of moneys and documents under Express Mail, domestic insurance is $10,000 per piece subject to a limit of $500,000 per occurrence. The maximum indemnity payable on Express Mail is $25,000. The maximum indemnity payable is $25,000 for registered mail and $25,000 for insured mail for letters or documents weighing up to 4.5 kg (10 pounds). See Domestic Mail Manual for limitations of coverage. See International Mail Manual for limitations of coverage on international mail.
| Line | Address Number | Address Line 1 | Address Line 2 | City, State Zip Code | Postage | Fee | Handling Charge | Actual Value (If Neg.) | Insured Value | Due Seller | COD Fee | SC Fee | SH Fee | SD/RD Fee | Remarks |
|------|----------------|----------------|----------------|---------------------|---------|----|----------------|----------------------|---------------|------------|---------|---------|--------|--------|----------|---------|
| 1    | 1100 South St 1 | 110 Prospect St Unit 9 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 2    | 123 Main St 2   | 100 Park Ave Unit 10 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 3    |               | 246 Smith St Unit 7 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 4    |               | 365 Johnson St Unit 12 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 5    |               | 567 Elm St Unit 13 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 6    |               | 678 Market St Unit 17 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 7    |               | 789 Broadway Unit 9 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 8    |               | 890 Park St Unit 14 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 9    |               | 900 Main St Unit 18 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 10   |               | 100 South St Unit 19 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 11   |               | 110 Main St Unit 21 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 12   |               | 123 Park Ave Unit 22 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 13   |               | 135 Market St Unit 23 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 14   |               | 146 Broadway Unit 24 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |
| 15   |               | 158 Park St Unit 26 | Greenwich, CT 06830 |         |       |    |                |                      |               |            |         |         |        |         |          |         |

Total Number of Pieces Listed by Sender: 15

Remarks: Please list any additional information or notes here.
May 31, 2016

Mr. John P. Tesei
Gilbride, Tusa, Last & Spellane LLC
31 Brookside Drive
Greenwich, CT 06830

RE: the applications of John P. Tesei, Esq., authorized agent for Old Track Properties, LLC, for final site plan and special permit PLPZ 2016 00137 and PLPZ 2016 00229 to: make changes to a building approved and under construction (PLPZ 2012 00634 and PLPZ 2013 00006) and move an wall on the lower level of the building, increasing the gross floor area by 578 sq. ft.; change 3,935 sq. ft. of existing office use space located on the lower level of the approved mixed-use building to a group fitness center/squash instruction center use; modify the sidewalk along the east side of the building from 5 feet wide to 3 feet wide; and relocate the required ADA access to the lower level to the north side of the building per Sections 6-13 through 6-15, 6-17, 6-101, 6-110, and 6-205 of the Town of Greenwich Building Zone Regulations on a 3.7582 acre property located at 16 Old Track Road in the GB zone as shown on a site plan prepared by Rocco V. D'Andrea, Inc., dated 04/04/16 and architectural plans prepared by Gateway Development Group, dated 04/01/16.

Dear Mr. Tesei:

At a regular meeting held on May 17, 2016 the Planning and Zoning Commission considered the above referenced application and took the following action:

Upon a motion to approve the final site plan and special permit made by Mme. Alban and seconded by Mr. Fox, the following resolution was unanimously adopted. (Voting in favor of this item: Messrs. Maitland, Yeskey (for Levy), Fox and Mmes. Alban and Ramer)

WHEREAS the Commission held public hearings on May 3, and May 17, 2016 and took all testimony as required by law; and
WHEREAS a final site plan and special permit was to make additions to the lower level and to change 3,935 sq. ft. of approved office use space to a group fitness center/squash instruction center use, also in the lower level, of the mixed use building, already under construction, on property located at 16 Old Track Road in the GB zone; and

WHEREAS the subject property is approved to construct a new 72,827 sq. ft., mixed use building for 63 residential units (including 7 moderate income units) and 3,665 square feet of office under Sec. 6-110 and per application PLPZ 2012 00634 and PLPZ 2013 00006 approved in June 2013; and

WHEREAS the property also already improved with a 41,991 square foot building occupied by the Equinox Gym and Connecticut Natural Gas (CNG). The site is within in the GB zone; and

WHEREAS the applicant proposed to make a small addition and a change of use to the lower level of the approved mixed use building from office use to a group fitness use/squash instruction center; and

WHEREAS to accommodate the proposed group fitness use, the exterior wall of the lower level would be moved out flush with the upper floors, increasing the gross floor area by 576 sq. ft.; and

WHEREAS the expanded space would take place in area of an existing, approved, covered walkway, which has already been counted as contributing to building volume, building coverage and site coverage; and

WHEREASA planters originally proposed for the site on the east side of the building would need to be eliminated; and

WHEREAS the originally proposed lower level was to be two (2) feet higher than the parking level building below but with the introduction of squash courts, the floor of this level would now be at the same level of the parking level below; and

WHEREAS the proposed group fitness use would consist of three, three-person squash courts; and

WHEREAS the proposed use would also provide space for locker rooms and a reception area; and

WHEREAS the applicant has indicated that no more than 9 person could use the space based on a three student per court limit. One instructor would be needed for each court as well as one receptionist for entire the facility. In total, 9 persons could be actively using the facility at one time; and

WHEREAS the primary use of this facility is for instruction and the applicant has stated that classes would be staggered and not run consecutively; and
WHEREAS the Commission requested and the applicant agreed to not host tournaments at this facility; and

WHEREAS the Commission requested and the applicant agreed to limit the hours of operation to MON - THU 5:00AM - 10:00PM, FRI 5:00AM - 9:00PM, SAT 7:00AM - 8:00PM, and SUN 7:00AM - 7:00PM which are the same hours of operation as the Equinox Fitness Club which shares the subject site; and

WHEREAS based on the current use (office) the projected parking required would be 16 spaces; and

WHEREAS as a group fitness use per Section 6-158 of the BZR - One parking space for each participant/student and instructor and using this standard, the proposed space would appear to require 10 parking spaces - less than the required parking for the prior approved use; and

WHEREAS the site was part of and subject of a four (4) lot site plan approval (PLPZ 2013 00634 and PLPZ2013 00006). Among many specific conditions, the applicant was also required to maintain a shared parking arrangement using parking across the street at 33 Spring Street; and

WHEREAS as the Commission noted that as a part of a shared Parking Management Program dated 3/19/13 and approved under final site plan PLPZ #201300632 and special permit PLPZ# 20130004, a total of 349 parking spaces across 16 Old Track Road, 33 Spring Street and street parking along Old Track Road will be made available for parking for the uses on 16 Old Track Road, 50 Old Field Point Road and Boxcar Cantina restaurant at 44 Old Field Point Road; and

WHEREAS the Commission finds that all conditions and approvals for the Parking Management Program that governs this site and other sites for mentioned shall continue forward with this final site plan and special permit approval; and

WHEREAS the Commission also noted that the applicant shall maintain the pedestrian access approved under the prior site plan approval; and

WHEREAS the commission noted that any changes to the site plan and/or approved use will require approval from the Commission; and

WHEREAS the Commission noted that the Applicant will require advisory approval from the ARC for the exterior, signage, landscaping and exterior lighting changes; and

WHEREAS the Commission received staff reports dated 5/3/16 and 5/17/16 as well as department comments from DPW Sewer Division and the Zoning Enforcement Officer; and

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PLANNING & ZONING COMMISSION
WHEREAS the Commission finds that this final site plan and special permit complies with Sections 6-13, 6-14, 6-15, 6-17, 6-103, 6-110, 6-158, 6-161 and 6-205 of The Town of Greenwich Building Zone Regulations; and

THEREFORE be it resolved that the applications of John P. Tesei, Esq., authorized agent for Old Track Properties, LLC, for final site plan and special permit PLPZ 2016 00137 and PLPZ 2016 00229 to: make changes to a building approved and under construction (PLPZ 2012 00634 and PLPZ 2013 00006) and move an wall on the lower level of the building, increasing the gross floor area by 578 sq. ft.; change 3,935 sq. ft. of existing office use space located on the lower level of the approved mixed-use building to a group fitness center/squash instruction center use; modify the sidewalk along the east side of the building from 5 feet wide to 3 feet wide; and relocate the required ADA access to the lower level to the north side of the building per Sections 6-13 through 6-15, 6-17, 6-101, 6-110, and 6-205 of the Town of Greenwich Building Zone Regulations on a 3.7582 acre property located at 16 Old Track Road in the GB zone as shown on a site plan prepared by Rocco V. D’Andrea, Inc., dated 04/04/16 and architectural plans prepared by Gateway Development Group, dated 04/01/16 are hereby approved with modifications.

The applicant shall submit three sets of final revised site plans and three sets of architectural plans to P&Z staff for review and signoff prior to permit issuance. The plans shall address the following issues:

1. The proposed use is a group fitness use and requires 10 parking spaces;
2. No more than three players may use a single court at any time;
3. The hours of operation are to be MON - THU 5:00AM - 10:00PM, FRI 5:00AM - 9:00PM, SAT 7:00AM - 8:00PM, and SUN 7:00AM - 7:00PM which are the same hours of operation as the Equinox Fitness Club;
4. The applicant shall receive all require approvals from the ARC;
5. The applicant shall maintain the approved pedestrian access from the garage at 33 Spring Street to the subject site;
6. No tournaments are permitted;
7. Any changes in the conditions of this approval shall require approval from the Commission; and
8. All conditions and approvals for the Parking Management Program dated 3/19/13 that governs this site and other affected sites for mentioned shall continue forward with this final site plan and special permit approval;

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on May 17, 2016.

Sincerely,

[Signature]
Patrick LaRow, AICP
Deputy Director/Assistant Town Planner

RECEIVED
AUG 16 2016
PLANNING & ZONING COMMISSION
RE: Application of John P. Tesei, Esq. authorized agent, for Old Track Properties LLC, record owners, for a final site plan and special permit, PLPZ 2012 00634 and PLPZ 2013 00006, to construct a new 72,827 sq. ft. mixed use building including 3,030 sq. ft. of office space with 63 total dwelling units, of which 7 are proposed as moderate income units per Sections 6-13 through 6-15, 6-17, 6-101, 6-110, 6-110g, and 6-205 of the Town of Greenwich Building Zone Regulations on a 3.7582 acre property located at 16 Old Track Road in the GB zone as shown on a site plan prepared by Rocco V. D’Andrea, Inc. dated 04/17/13 with revisions dated 04/22/13 and architectural plans prepared by Gateway Development Group dated 03/25/13.

Dear Mr. Tesei:

At a regular meeting held on June 11, 2013 the Planning and Zoning Commission considered the above referenced applications and took the following action:

Upon a motion to approve the final site plan and special permit made by Mr. Maitland and seconded by Mr. Brooks, the following resolution was adopted. (Voting in favor on this item: Messrs. Heller, Maitland, Brooks, and Borkowski (for Marchese), and Ms. Alban).

Whereas the Commission held public hearings on March 12th, April 23rd, and June 11, 2013 and took all testimony required by law; and

Whereas the applicant has addressed the modifications of the preliminary site plan listed in the July 2012 letter; and

Whereas the proposal is to construct a mixed use building comprising 63 residential units in a building of 72,827 square feet, ranging from studio units to two-bedroom units with 7 moderate-income units (11%),
3,030 square feet of office, a new lobby, associated mechanical and storage rooms, and parking under the building totaling approximately 25 spaces exclusive of 1 handicap accessible space per Sections 6-13 through 6-15, 6-17, 6-101, 6-110(g), and 6-205 of the Town of Greenwich Building Zone Regulations on a 3.7582 acre property currently improved with a 40,435 square feet building occupied by the Equinox Health Club and CNG located at 16 Old Track Road in the GB zone; and

Whereas the units are a mix of studio, 1-bedroom, and 2-bedroom units, distributed over four floors, as described in the following table:

<table>
<thead>
<tr>
<th>Level</th>
<th># of Studio units</th>
<th># of 1-bedroom units</th>
<th># of 2-bedroom units</th>
<th>Total # of Units</th>
<th>SQ.FTG</th>
</tr>
</thead>
<tbody>
<tr>
<td>4th</td>
<td>5</td>
<td>7</td>
<td>5</td>
<td>18</td>
<td>18,679</td>
</tr>
<tr>
<td>3rd</td>
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<td>2nd</td>
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<td>18,222</td>
</tr>
<tr>
<td>1st</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>8</td>
<td>17247</td>
</tr>
<tr>
<td>Parking Level</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>21</td>
<td>25</td>
<td>17</td>
<td>63</td>
<td>72,827</td>
</tr>
</tbody>
</table>

Whereas the Commission notes that the applicant stated the moderate-income dwelling units will be "dispersed throughout the building and will be constructed and finished similar to the market units." The moderate income units have been identified on the plans and all 63 units will be rental units; and

Whereas the Commission finds that the applicant proposes 11% of the units as moderate-income units and pursuant to Section 6-110(g), is seeking an FAR bonus (to 0.70), a density bonus of 5 units and an increase in the number of stories allowed with a proposed overall height of 45 feet, which is the maximum permitted; and

Whereas the Commission has approved the applicant's application for changes to Section 6-110g for the GB and GBO zone, which allows for an additional 5 feet of building height and requires twice (2 times) as many moderate cost units as presently required in the GB and GBO zone and therefore this application meets the new zoning regulation changes of Section 6-110g for the GB zone; and

Whereas the Commission finds that the modifications of FAR, lot coverage, building coverage, number of stories and side yards are also acceptable under Section 6-110(g); and

Whereas the Commission notes that a variance of front yard was obtained from the Board of Appeals; and

Whereas the Commission notes that the total floor area proposed on this site is 113,262 sq. ft., comprising 72,827 sq. ft., residential /office (3030 sq. ft.) building and the existing Equinox Health Club/CNG building of 40,435 sq. ft.; and

Whereas the Commission notes that more than 50% of the gross floor area of 113,262 sq. ft. will be maintained as residential use (72,827 sq. ft. of residential in the new building) versus 43,465 sq. ft. of commercial (40,435 sq. ft. Equinox/CNG building + 3,030 in new building); and

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SEP 20 2016
PLANNING & ZONING COMMISSION

Page 2 of 7

408
Whereas the Commission notes that pursuant to Sections 6-110(g)(2)(C) and 6-110(a), a property with 3.7582 acres in the GB zone reduced by the floor area of uses devoted to uses other than dwelling units (43,465 sq. ft.) can construct 60 units and a bonus of up to 18 units could be permitted without discounting the existing floor area on site in the calculation per Section 6-110(a) 82 units are permitted; and

Whereas the Commission finds that modifying the requirement for subtraction of floor area devoted to uses other than dwelling units, for the purposes of computing the number of units is acceptable; and

Whereas the Commission finds that a different allocation of bedrooms per dwelling to be more responsive to current housing needs and as such, pursuant to Sections 6-110(g)(2)(C)(1), the seven (7) moderate income units can have less than one-bedroom, however they will be in ratio to the mix of overall units of studios, 1-bedroom or 2-bedroom units; and

Whereas the Commission finds that a Declaration of Restrictions per Section 6-110(g)(4)(E) shall be submitted reviewed and approved by Planning and Zoning staff, Law Department and Community Development offices and said Declaration shall have the floor plans and location and number of the units so described in this document and filed on the GLR after approvals by the three Departments; and

Whereas the Commission notes that pursuant to Section 6-155(3), the parking requirement for dwelling units in mixed-use residential-commercial development is one space per dwelling unit unless a greater or lesser number is deemed appropriate by the Commission and the Commission finds that the proposed development requires 63 spaces for the residential units and 15 spaces for the office (3,030 sq. ft. * .75 / 150 = 15 spaces); and

Whereas the required parking for 16 Old Track Road is 261 spaces comprising 178 spaces for Equinox/CNG and 83 spaces for the 63 unit residential/office mixed use building; and

Whereas the Commission notes that the total on-site parking is 182 spaces, where the 26 spaces within the new building are for residents only; and the residents will also use the lower level of the parking garage, and the parking for the office at 16 Old Track Road will be on the second floor of the parking garage; and

Whereas the Commission finds that a Zoning Summary Table showing parking, coverage, number of units, number of moderate income units and bonus units, FAR, stories, setbacks and height should be included on the site plan; and

Whereas the Commission finds that a detailed blasting plan must be submitted given the activity level on Old Track Road, proximity to the railroad and that the rock outcropping has a top elevation of 90' and the proposed final grade is approximately 55'; and

Whereas the Commission further finds that a geotechnical engineer must certify the stability of all ledge removal; and

Whereas the applicant represented they considered ways to orient the units away from the train tracks so that the rear wall of the building acts as a sound barrier; and have agreed to extend the sound barrier an additional 180 feet behind the CNG portion of the property and building so as to reduce noise levels from the train and I-95; and
Whereas the Commission finds that the applicant shall work to satisfy the federal housing standard and the Connecticut Building Code for the interior space regarding the permitted decibel noise level that is permitted to enter the building from any source, whether it's railroad or other; and

Whereas the Commission notes that the applicant presented a conceptual construction phasing and soil and erosion control plan that should be finalized for the final site plan and special permit submission; and

Whereas the Commission notes that an enclosed refuse area and a bicycle rack must be included on the final plans; and

Whereas the Commission is concerned about noise and lighting on the rooftop terrace of this building, which could be a nuisance to the adjoining residential neighbors on Spring Street which residences are at a higher elevation than 16 Old Track Road and therefore could be adversely impacted, and the Commission therefore requires no outdoor lighting or loud music or noise and compliance with the Town's noise ordinance is required; and

Whereas the Commission notes that they received a letter dated April 11, 2013 from McDermott the owner of the paint store that sits between Spring Street and Old Track Road and who has access rights over Old Track for customers, employees and delivery vehicles and that letter states that the owner of Old Track Road and McDermott will work together to resolve the cut through problem on McDermott's property to and from Spring Street and Old Track Road and a chain will be put up on McDermott's property after morning deliveries to preclude vehicles from using his driveway and parking lot as a cut through to and from both streets; and

Whereas the applicant has addressed the modifications of the preliminary site plan listed in the July 2012 letter and has submitted a detailed Parking Management program and agreed to have a professional parking management company to perform parking supervision and enforcement for 16 Old Track Road, 50 Old Field Point Road, and 33 Spring Street and after full occupancy of all the residential units and the offices there will be 2 parking evaluations on how the parking is functioning in this garage every 6 months thereafter over the following year and then return to the Commission for review of the functioning of the garage and address the issue of continued use of the professional parking management company for the garage; and

Whereas the applicant has requested and the Commission has agreed that parking for the residential units will be assigned in the residential building, but unassigned in the parking garage; and

Whereas the Commission notes that the upper level of the garage will be for Equinox patrons and employees of the 3,030 square feet of office space in the proposed new building at 16 Old Track Road, and the lower level will be used by the residents of the new building at 16 Old Track Road and for patrons of 50 Old Field Point Road (retail/office building) and 44 Old Field Point Road (Boxcar Cantina Restaurant); and

Whereas the applicant has received all necessary variances from the Board of Appeals and meets the standards of Sections 6-13 through 6-15, 6-17, 6-101, 6-105, and 6-205 of the Town of Greenwich Building Zone Regulations on a 0.76 acre property located at 33 Spring Street in the GB zone; and
Whereas DPW Engineering has requested additional information prior to any zoning or building permits in their memos of 6/7/2013 and 6/11/2013 which items should be addressed on the final plans submitted for Planning and Zoning, and Engineering staff signoffs; and

Whereas the Commission further finds a raised walkway from the garage to 16 Old Track Road has been shown on the final plans and address pedestrian safety; and

Whereas the Commission finds that 33 Spring Street, 16 Old Track Road, and 50 Old Field Point Road must be in common ownership so as to satisfy the requirements of Section 6-158(a)(1) that states parking must be on the same site or on property under the same ownership as the site, with the nearest entrance within one thousand (1,000) feet of the main entrance of the building; and

Whereas the Commission notes department comments from ZEO, DPW Engineering, DPW Sewer, Conservation and Traffic; and

Whereas the Commission notes that Sections 6-15, 6-17, 6-110(g), 6-104, 6-155 (parking), 6-185 (Site Plan), and 6-205 of the Town of Greenwich Building Zone Regulations have been addressed.

Therefore Be It Resolved that the application of John P. Tesi, Esq. authorized agent, for Old Track Properties LLC, record owners, for a final site plan and special permit, PLPZ 2012 00634 and PLPZ 2013-00006, to construct a new 72,827 sq. ft. mixed use building including 3,030 sq. ft. of office space with 63 total dwelling units, of which 7 are proposed as moderate income units per Sections 6-13 through 6-15, 6-17, 6-101, 6-110, 6-110g, and 6-205 of the Town of Greenwich Building Zone Regulations on a 3.7582 acre property located at 16 Old Track Road in the GB zone as shown on a site plan prepared by Rocco V. D’Andrea, Inc. dated 04/17/13 with revisions dated 04/22/13 and architectural plans prepared by Gateway Development Group dated 03/25/13 is hereby approved with modifications.

The modifications will be addressed on the 5 sets of final construction plans submitted for Planning and Zoning and Engineering review and approval prior to any activity on site or permit issuances:

1. Survey and Development plans and deeds be submitted to Planning and Zoning for filing on GLR showing that all properties (16 Old Track Road, 50 Old Field Point Road and 33 Spring Street) so as to comply with Section 6-158(a)(1) that states parking must be on the same site or on property under the same ownership as the site, with the nearest entrance within one thousand (1,000) feet of the main entrance of the building. These documents will be submitted prior to any activity on site or permits issued.

2. A professional parking management team be hired and will manage the parking on Old Track Road, the parking garage usage, and on the residential site and Equinox. After 6 months of full occupancy of the offices and residential units, an evaluation of functions and parking will be done by the management company and submitted to Planning and Zoning Commission for review and approval. A second evaluation will be done at the end of the first year and again in 18 months from full occupancy.

3. An acoustical sound barrier wall between the building and the railroad will be extended 180 feet on the property (behind CNG) to ensure it meets the federal housing standard and the Connecticut Building Code.

4. Road improvements per DPW Engineering comments be shown in detail on the final site plans for signoff by Planning and Zoning staff and Engineering.
5. Pedestrian connection between 16 Old Track Road and the parking garage at 33 Spring Street shall be shown in detail on the final plans.
6. A written parking evaluation report with accompanying table on plans shall be provided every six months after full occupancy of the residential units and offices.
7. The Declaration of Restrictions and floor plans for the 6-110g Moderate Income Units will be reviewed and approved by the Law Department, Community Development Office, and Planning and Zoning staff prior to signing and filing on the GLR.
8. Tables should be added to the final site plan that explains the breakdown of the rental units by number of bedrooms, the moderate income unit locations and the assigned parking spaces in the building's garage for the units.
9. Details of the construction phasing plan should be submitted. A Soil and Erosion control plan be submitted.
10. A Zoning Summary Table showing parking, coverage, number of units, number of moderate income units and bonus units, FAR, stories, setbacks and height should be included on the site plan.
11. A detailed blasting plan must be submitted given the activity level on Old Track Road, proximity to the railroad and that the rock outcropping has a top elevation of 90' and the proposed final grade is approximately 55'.
12. A geotechnical engineer shall certify the stability of all ledge removal.
13. A maximum density in the proposed office space area is subject to Section 6-100.1 of the BZR which means 18 employees for the 15 parking spaces for the 3,030 gsf office area.
14. An enclosed refuse area and a bicycle rack must be included on the final plans.
15. Any revisions to the landscaping, lighting and architectural plans must be re-reviewed by the ARC. A photometric plan showing the foot-candles should be included.
16. This will be a ventilated garage and the exhaust fans must be shown.
17. Directional arrows and all signage shall be included on the finals plans to indicate the intended flow of traffic.
18. Notes be added to the final plans that no outdoor lighting of the rooftop terraces of this building is permitted without returning for Planning and Zoning Commission approval. The Noise Ordinance will govern both day and night time use of this amenity.
19. All DPW Engineering comments dated 6/7/13 and 6/11/13 be addressed on final plans.
20. All department comments be addressed on final plans.
21. Note be placed on the final plans that there will be a chain across the McDermott property to block through traffic cut-through to and from Spring Street and Old Track Road after early morning deliveries are made. This will be enforced by the property owner McDermott.
22. Final plans will provide details on the 16 feet height clearance of the balcony over the garage exit.

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on June 11, 2013

Sincerely,

Diane W. Fox
Director Planning and Zoning/Zoning Enforcement Coordinator/Town Planner

c.c. Scott Marucci, Indi Couture
APPLICATION SUMMARY:
The purpose of this text amendment is to establish a 12-month moratorium on Section 6-17.2 of the Building Zone Regulations.

PROPOSED LANGUAGE:
Proposed language in bold, deleted language in strikethrough:

Sec. 6-17.2. PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS.
(a) Where the Planning and Zoning Commission has granted site plan approval or special permit approval for a mixed use development or a residential or nonresidential single use development, and where the owner or developer wishes to create separate condominium, then a division of the approved tract into two parcels or lots for the purpose of sale or building development may be permitted by the Commission after the filing of an amended site plan and a certified map to be filed in the Town Clerk's Office showing such division, referring to the site plan number and containing a notation that the property shown thereon is subject to the site plan approved for said property. Any conveyance relating to said approval or any portion thereof shall make reference to said certified map. The amended site plan shall not be changed without the prior approval of the Commission by way of special permit procedure or site plan review. Cross easements shall be provided to enable each parcel or lot to be a self-sufficient entity. For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. (6/30/92)
(b) A division into two or more parcels or lots may only be effected by the procedures set forth in the subdivision regulations. (4/24/2013)
(c) For a period of twelve (12) months, commencing from the effective date of this section, no applications will be accepted, considered or approved and no zoning permits will be issued to permit the use of Sec. 6-17.2(a) or (b) within any zoning district within the Town of Greenwich. The expiration date of this Moratorium shall be 12 months from the effective date of adoption unless extended by the Planning & Zoning Commission.

Purpose of Moratorium
1. The purpose of the moratorium is to provide the Planning and Zoning Commission sufficient time to:
   a. Review and study the intent of this section,
   b. Review and study how the various terms describing division of either land or ownership work together;
   c. Review and study the relationship between the intent of the section and the Connecticut General Statutes Title 47 - Land and Land Titles; Chapter 828 - Common Interest Ownership Act; and Section 47-254 – Conveyance or
encumbrance of common elements; as appropriate. Section 6-17.2(b) refers to when one would use the subdivision regulations and the other is whether this really is a procedure to create condominiums as the title suggests.

i. Subdivision – Section 6-17.2 was amended from “A division of three or more lots” to “A division of two or more lots” to be coincident with the 2005 change to the subdivision regulations that defined a subdivision as a division into two or more lots as opposed to a division into three or more lots. Section 6-17.2 allows for two owners, two parcels, but one zoning lot whereas a subdivision creates two zoning lots that are independent of each other. The section has been interpreted to provide for flexibility in creating separate financial structuring. The question, and reason for the moratorium is to determine whether this interpretation is sound.

ii. Condominium Act - Is Section 6-17.2 in keeping with Section 47-67 through 47-90 of the Connecticut General Statutes?

2. Prior to the expiration of the 12-month moratorium, the Town of Greenwich may draft zoning regulations.

3. A moratorium is a common method that municipalities can utilize to postpone having to review certain types of zoning applications or drafting of regulations until they have had sufficient time to study the issues and establish appropriate regulations. Moratoria are temporary in nature and a may be extended if necessary as long as the municipality is working towards adopting regulations to address the land use issues.

EXISTING REGULATION:

Sec. 6-17.2. PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS.

(a) Where the Planning and Zoning Commission has granted site plan approval or special permit approval for a mixed use development or a residential or non-residential single use development, and where the owner or developer wishes to create separate condominium, then a division of the approved tract into two parcels or lots for the purpose of sale or building development may be permitted by the Commission after the filing of an amended site plan and a certified map to be filed in the Town Clerk’s Office showing such division, referring to the site plan number and containing a notation that the property shown thereon is subject to the site plan approved for said property. Any conveyance relating to said approval or any portion thereof shall make reference to said certified map.

The amended site plan shall not be changed without the prior approval of the Commission by way of special permit procedure or site plan review.
Cross-easements shall be provided to enable each parcel or lot to be a self-sufficient entity. For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. (6/30/92)

(b) A division into two or more parcels or lots may only be effected by the procedures set forth in the subdivision regulations. (4/24/2013)
RECENT PAST APPROVALS UNDER SECTION 6-17.2:
There appear to be three examples of properties that have utilized Section 6-17.2:

1) Abilis – 50 Glenville Street – formerly known as the Greenwich Association for Retarded Citizens. Divided up the property under a lot split so they could get separate funding but maintained the two properties in common ownership. Use of parcel A and parcel B is accomplished through cross-easements.

2) Old Track Properties LLC and 44 Old Field Point Road - Parcel A is office space and Parcel B is the Boxcar Cantina restaurant. The Planning and Zoning Commission approved the division of the property pursuant to Section 6-17.2 [Procedure For The Subdivision Of Land In Mixed Use – Condominium Developments] of the Building Zone Regulations under FSP #306.2 (see GLR Map #6547). The property is considered one zoning lot with Parcel A and Parcel B in separate ownership.

3) Palmer Point Development – River Road - On March 27, 1978 the Commission granted site plan approval (FSP #429) to the Palmer Point Development and as part of that approval a 150 seat restaurant was approved with 60 parking spaces. Section 6-17.2 was used to divide the parcels, for title purposes, but the entire parcel exists for zoning purposes as one zoning lot.

4) Greenwich Woods - On November 13, 2014 the Commission granted site plan approval (PLPZ 2014 00564 and PLPZ 2014 00565) to modify condition Note #5 of Final Site Plan 1440.3 to allow a “subdivision of land in mixed use – condominium, developments”, as long as a continuum of care on a 20.393 acre property located at 1155 and 1165 King Street in the RA-4 zone.

5) 200 Pemberwick Road - On June 23, 2016 the Commission granted site plan approval (PLPZ 2016 00315 and PLPZ 2016 00316) to create separate ownership of one piece of property under Section 6-17.2 of the Building Zone Regulations, while maintaining a single zoning lot of the 5.5658 acres property located at 200 Pemberwick Road in the GB, LB and R-7 zones.

DEPARTMENT COMMENTS:
ZEQ – Awaiting comments
West COG – See attached (no issues)
DEEP – See attached (no issues)
Neighboring Municipalities – None received
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

Town Hall Meeting Room
101 Field Point Road, Greenwich, CT

January 10, 2017

TENTATIVE AGENDA

REGULAR MEETING 7:00 PM

1. The Housing Authority of the Town of Greenwich; application PLPZ 2016 00658 for a municipal improvement to make improvement to the Parsonage Cottage, a 24.19 acre parcel located at 88 Parsonage Road in the RA-1 zone. (Staff: MK) (Must decide by 3/30/2017) (Maximum extension available to 6/28/2017)

2. The Housing Authority of the Town of Greenwich; application PLPZ 2016 00627 for a final site plan to make an alteration to the porch at Parsonage Cottage, a 24.19 acre parcel located at 88 Parsonage Road in the RA-1 zone. (Staff: MK) (Must decide by 3/16/2017) (Maximum extension available to 3/8/2017)

3. Adrian Owles & Mary McNiff; application PLPZ 2016 00484 for a final coastal site plan to construct a new 5,407 sq. ft. single family residence, pool, driveway relocation, and other associated site grading and drainage on a 18,462 sq. ft. property located at 27 Nawthorne Road in the R-12 zone. (Staff: MK) (Must decide by 1/13/2017) (Extension granted to 1/13/2017) (Maximum extension available to 1/28/2017) (Continued from the 11/1/2016 meeting) (Postponed at the 11/29/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

4. Estate of Herbert M. Lord & Kenneth Lord, Trustee; application PLPZ 2016 00574 for a final subdivision to confirm that two parcels exist at 293 Lake Avenue (1.542 acres) and 0 Lake Avenue (2.204 acres), in the RA-1 zone. (Staff: CT) (Must decide by 1/11/2017) (Maximum extension available to 5/20/2017)
PUBLIC HEARING 7:15 PM

5. New Lebanon School Building Committee, for the Town of Greenwich Board of Education; applications PLPZ 2016 00463 and PLPZ 2016 00464, for a final site plan and special permit, to demolish the existing New Lebanon School building and replace it with a new 60,759 sq. ft. school building, expand onsite parking to 74 parking spaces, expand parent pick-up, drop-off and bus lane capacity, emergency access to the north side of the building, two playground areas, site lighting, landscaping, stormwater management and sewer improvements on a 7.6 acres property located at 25 Mead Avenue in the R-6 zone. (Staff: PL) (Must close by 1/26/2017) (Maximum extension granted) (Continued from the 10/18/2016 and 11/29/16 meetings) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Postponed at the 11/29/2016 meeting)

6. Greenwich Association of Realtors; application PLPZ 2016 00443, for a text amendment to amend Section 6-5 and Diagram 6-205 of the Town of Greenwich Building Zone Regulations as follows: TEXT IN BOLD TO BE ADDED [TEXT IN BRACKETS TO BE DELETED] (Staff: PL) (Must close by 1/11/2017) (Extension to close granted to 1/11/16) (Maximum extension available to 2/20/2017) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer])

Section 6-5. DEFINITIONS

(a) As used in this Article:

(9) Building Height shall mean the vertical distance measured from the [grade plane] lowest point of the first floor to the highest point of the roof.

(22.1) Floor Area, Gross for buildings in any residential zone shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). (4/30/2002)

(A) With respect to the inclusion of Attic space within Gross Floor Area the following shall apply:

The area of the attic floor that is below [a plane that is seven (7') feet above the finished attic floor shall be included within Gross Floor Area, except as noted in (a) and (b) below, whether or not the attic area is accessible by pull-down stair, permanent stairs or can be accessed from an adjoining room. See Diagram No.2] ceiling plane of seven (7') feet or more shall be included in the Gross Floor Area, and the area of the attic floor under a dormer that
is below a ceiling plane of five (5) feet or more shall be included in the Gross Floor Area, subjected to the following:

(1) If the total of the attic Gross Floor Area less than 50% of the Gross Floor Area of the floor below, the attic Gross Floor Area shall not be included in the Floor Area Ratio calculation.

(2) Any attic floor area exceeding 50% to the floor below shall be included in the Floor Area Ratio calculation, unless it rendered uninhabitable through the use of engineered trusses or other required structural elements.

See diagram No. 2.

(a) Notwithstanding the foregoing, for buildings existing as to the effective date of this amendment, where the attic space has been solely accessible via “pull down” stairs or ceiling scuttle and the attic floor has not been included in the determination of the Gross Floor Area for purposes of calculating Floor Area Ratio, such floor area shall continue not to be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio. If, any time after the effective date of this amendment, access to such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space in excess of 50% of the floor area of the floor next below shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(a)(22.1)(A) above.

(b) For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor Area pursuant to Sec. 6-5(22.1)(A) above for purposes of calculating Floor Area Ratio and Story as defined in Sec. 6-5(45). See Diagram No 2 (4/30/2002)

(B) With respect to the inclusion of Basement within Gross Floor Area, the following shall apply:

1. Where the finished surface of the floor above the basement is less than [three (3)] five (5) feet above the grade plane [and at all points the floor of the basement is more than four (4) feet below the grade plane,] the basement shall not be included in Gross Floor Area. See Diagram No. 3.

2. Where the finished surface of the floor above the basement is more than [three (3) feet and less than] five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:

   (a) Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.
(b) The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:
- 300 sq. ft. per vehicle, no tandem spaces permitted
- 100 sq. ft. of space for laundry equipment
- 100 sq. ft. of space for mechanical equipment

[3. Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 1% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3 (4/19/2006)]

(45) Story shall mean that portion of a building above the basement, except as further defined in Sec. 6-5 (45.1), included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of the building considered below grade shall also be defined as a “story” if it is habitable floor area used for other than storage, parking or mechanical space. A “half-story” is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers as described in Section 6-5 (22.1) (A) [1 (b),] does not exceed [forty (40)] fifty (50) percent of the floor area next below when measured at a plane seven feet zero inches (7'0”) above the floor directly below the roof. It shall be counted as a full story if the said [forty (40)] fifty (50) percent is exceeded. See Diagram No. 4. (4/30/2002)

(45.1) Story Above Grade shall be any story having its finished floor surface entirely above the grade plane except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:
[1. More than five (5) feet above the grade plane; or]
[2.] 1. More than five (5) feet above the finished grade at the wall of the building for more than [thirty (30)] fifty (50) percent of the total linear measurement of the perimeter wall of the building; or

Diagram 6-205. Schedule of Required Open Spaces, Limiting Heights and Bulk of Buildings

- Maximum building height to be increased to 37.5 feet in the R-6, R-7 and R-12 zones to account for the 2-foot adjustment under Section 6-5(22.1)(B) [Change to §6-205].
7. **100 Lewis, LLC;** applications PLPZ 2016 00557 and PLPZ 2016 00558, for a final site plan and special permit, to demolish the existing dwelling and construct a new 6,985 sq. ft. two-family dwelling, six (6) parking spaces, new driveway, parking areas, and related site work on a 13,101 sq. ft. property located at 100 Lewis Street in the R-6 zone. *(Staff: MK) (Must open by 1/19/2017) (Maximum extension available to 3/24/2017)*

8. **Network Development Company, LLC;** application PLPZ 2016 00589, for a final re-subdivision, to re-subdivide an existing three-lot subdivision approved by the Commission (FRSB 1846 and PLPZ 2014 00359), totaling 80,418 sq. ft. of land into two (2) parcels where Lot "No. 66" would be 21,525 sq. ft. and Lot "No. 68" would be 46,830 sq. ft. (42,489 sq. ft. less access way) and two (2) open space parcels totaling 12,063 sq. ft. (equal to 15% of total lot area) on property located at 66 and 68 Halsey Drive in the R-7 zone. *(Staff: PL) (Must open by 1/16/2017) (Maximum extension available to 3/17/2017)*

9. **Old Track Properties, LLC;** applications PLPZ 2016 00432 and PLPZ 2016 00433, for a final site plan and special permit, to change the approved group fitness center use to a residential use and infill the space on the first floor to add six (6) residential units above the number of residential units originally approved by the Commission for the building one (1) of which would be a moderate income unit which would increase the unit count and total gross floor area on property located at 16 Old Track Road in the GB zone. *(Staff: MK) (Must close by 1/12/2017) (Maximum extension granted) (Continued from the 10/4/2016 meeting) (Postponed at the 11/1/2016 meeting – maximum extension granted) (Seated: Maitland, Alban, Levy, Fox, and Ramer)*

10. **Planning and Zoning Staff;** application PLPZ 2016 00605, for a text amendment, to amend Section 6-17.2 “PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS” of the Town of Greenwich Building Zone Regulations as follows: Add subsection (c) as follows: **TEXT IN BOLD TO BE ADDED (Staff: KD) (Must open by 2/11/2017) (Maximum Extension Available to 4/17/16)**

    (c) For a period of twelve (12) months, commencing from the effective date of this section, no applications will be accepted, considered or approved and no zoning permits will be issued to permit the use of Sec. 6-17.2(a) or (b) within any zoning district within the Town of Greenwich. The expiration date of this Moratorium shall be 12 months from the effective date of adoption unless extended by the Planning & Zoning Commission.

**REGULAR MEETING CONTINUED**
11. DISCUSSION ITEMS:

12. DECISION ITEMS:

13. APPROVAL OF MINUTES:

   November 29, 2016
   December 8, 2016

14. OTHER:

   a. Executive Session on pending litigation or personnel matters.
   b. Other items as may properly come before the Commission.

APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON SUBSEQUENT MEETINGS:

**Planning and Zoning Staff;** application PLPZ 2016 00410, for a text amendment, to modify Section 6-17.2 of the Town of Greenwich Building Zone Regulations as follows: [TEXT IN BRACKETS TO BE DELETED] *(Staff: KD)* *(Must decide by 1/16/2017)* *(Maximum extension taken)* *(Continued from the 9/8/2016 meeting)* *(Seated: Maitland, Alban, Levy, Fox, and Ramer)*

[Sec. 6-17.2. PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS.]

(a) Where the Planning and Zoning Commission has granted site plan approval or special permit approval for a mixed use development or a residential or non-residential single use development, and where the owner or developer wishes to create separate condominium, then a division of the approved tract into two parcels or lots for the purpose of sale or building development may be permitted by the Commission after the filing of an amended site plan and a certified map to be filed in the Town Clerk’s Office showing such division, referring to the site plan number and containing a notation that the property shown thereon is subject to the site plan approved for said property. Any conveyance relating to said approval or any portion thereof shall make reference to said certified map.

   The amended site plan shall not be changed without the prior approval of the Commission by way of special permit procedure or site plan review.

   Cross-easements shall be provided to enable each parcel or lot to be a self-sufficient entity.

   For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. *(6/30/92)*
(b) A division into two or more parcels or lots may only be effected by the procedures set forth in the subdivision regulations. (4/24/2013)]

Application PLPZ 2016 00410 has been WITHDRAWN

Bruce Museum; application PLPZ 2016 00282 for a municipal improvement to approve the lease agreement between the State of Connecticut and the Town of Greenwich and the Bruce Museum for use of approximately 14,970 sq. ft. land on the Southeasterly side of Interstate Route 95 to be used for motor vehicle parking and landscaping associated with Bruce Park and the Bruce Museum located at 1 Museum Drive in the R-6 zone. (Staff: PL) (Motion to defer decision and follow the timeline of the final coastal site plan/special permit at the 8/2/2016 meeting) (Continued from the 8/2/2016 and 9/20/2016 meetings) (Seated: Maitland, Alban, Levy, Goss [for Fox who recused], and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)

Bruce Museum; application PLPZ 2016 00492 for a municipal improvement to expand and make improvements to the Bruce Museum per the Town Charter and located at 1 Museum Drive in the R-6 zone. (Staff: PL) (Must act by 10/27/2016) (Maximum available to defer 1/25/2017) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Goss [for Fox who recused], and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)

The School of Rock; application PLPZ 2016 00506 for a final site plan for a change of use of space on the second floor of a building from use group 1 (hair salon/personal service establishment) to use group 4 (music school) on property located at 1200 East Putnam Avenue, Riverside in the LB zone. (Staff: MK) (Must decide by 1/28/17) (Maximum extension granted) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

CRK, LLC; applications PLPZ 2016 00465 and PLPZ 2016 00467, for a preliminary coastal site plan and special permit, to re-zone the property from R-7 to HRO (as shown on a re-zoning map on file in the Town Clerk’s office) to retain the existing building and construct an addition to the building for four (4) squash courts and employee housing on a 25,443 sq. ft. property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (Must close by 2/9/2017) (Maximum extension granted) (Continued from the 11/1/2016 meeting where the application was converted to a preliminary coastal site plan) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

CRK, LLC; application PLPZ 2016 00550, for a re-zoning, to re-zone coastal property from the R-7 to HRO zone (as shown on a re-zoning map on file in the Town Clerk’s office) on property located at 50 River Road in the R-7 zone. (Staff: PL) (Must close by 2/9/2017) (Maximum extension granted) (Continued from the 11/1/2016 meeting where the application was converted to a preliminary coastal site plan) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])
Nello Frattoli; applications PLPZ 2016 00509 and PLPZ 2016 00510, for a final site plan and special permit, to create a division of ownership under Section 6-17.2 on a 18,186 sq. ft. property located at 71 Valley Road in the R-6 zone. (Staff: MK) (Must close by 3/9/17) (Maximum extension granted) (Continued from the 11/29/16 meeting) (Seated: Maitland, Alban, Levy, Fox, and Goss [for Ramer])

North Street Real Estate, LLC; applications PLPZ 2016 00554 and PLPZ 2016 00555, for a final site plan and special permit, to change the use on a non-conforming property from a personal service business to general office use on a 24,111 sq. ft. property located at 781 North Street in the RA-4 zone. (Staff: CT) (Must open by 3/10/2017) (Maximum extension granted) (Postponed at the 11/29/2017 meeting)

Grencom Associates, LP; application PLPZ 2016 00532 for a final site plan proposed site improvements including the creation of 16 new parking spaces, a new driveway, new pedestrian walkways, new plantings, and upgraded site lighting and storm water management techniques on a 2.2-acres property located at 1445-1455 East Putnam avenue in the R-PHD-SU zone. (Staff: MK) (Must decide by 2/25/2016) (Maximum extension granted) (Continued from the 12/8/2016 meeting) (Seated: Maitland, Alban, Fox, Yeskey [for vacated seat], and Goss [for Levy])

BAMSE 23 Woodland Drive LLC; applications PLPZ 2016 00495 and PLPZ 2016 00496, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,548 square foot property located at 23 Woodland Drive in the GB and R-6 zones. (Staff: PL) (Must close by 1/28/2017) (Maximum extension granted) (Continued from the 2/23/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]) (Postponed at the 12/8/2016 meeting)

Nutmeg Real Estate LLC; applications PLPZ 2016 00497 and PLPZ 2016 00498, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,679 square foot property located at 25 Woodland Drive in the GB and R-6 zones. (Staff: PL) (Must close by 1/28/2017) (Maximum extension granted) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]) (Postponed at the 12/8/2016 meeting)