

Final Re-Subdivision PLPZ 201900483	Elizabeth M. Grant and Thomas Angell, Co-Executors of the Estate of Marie D. Schwartz To divide the property into two (2) building lots with a third parcel of open space.
Location:	7 Dempsey Lane
Zone:	RA-2 (2-acre minimum)
Lot Area:	12.2752-acres
Number of Lots Proposed:	2

	EXISTING	REQUESTED
7 Dempsey Lane	12.2752-acres	
Lot 1		4.8060-acres
Lot 2	Exclusive of Accessway and Excluded Land	4.9684-acres
	Accessway	0.2498-acres
	Excluded Land	0.0415-acres
	Total	5.2597-acres
Open Space Parcel		2.2095-acres (18% of the total lot area)

STAFF REPORT UPDATE:

The applicant is requesting additional time to prepare and file the required subdivision Mylar, or “record sheet”, as required per Sec. 6-279 of the Town’s Subdivision Regulations. Per that same Section the applicant is requesting an additional 90 day filing period from the Commission to prepare and file the required record sheet.

Per Section 6-279, “In accordance with the general statutes, the original of the Subdivision Plan shall be filed with the Town Clerk within ninety (90) days of the date of approval. Upon request of the subdivider, the Commission, may extend the filing period for an additional ninety (90) days if deemed appropriate. The approval of any plan not so filed shall expire ninety (90) days from the date of approval. When a subdivision plan is approved and the time for any appeal therefrom has elapsed with no such appeal being taken, the Commission shall file in the office of the Town Clerk the record sheet of the Subdivision Plan, and the Declaration of Restriction for the reserved area.”

Per Section 8-25 of the Connecticut General Statutes regarding Subdivision of Land, “Any plan for subdivision shall, upon approval, or when taken as approved by reason of the failure of the commission to act, be filed or recorded by the applicant in the office of the town clerk not later than ninety days after the expiration of the appeal period under section 8-8...”

Per Section 8-8(b) of the Connecticut General Statutes, “(b) Except as provided in subsections (c), (d) and (r) of this section and sections 7-147 and 7-147i, any person

*aggrieved by any decision of a board, including a decision to approve or deny a site plan pursuant to subsection (g) of section 8-3 or a special permit or special exception pursuant to section 8-3c, may take an appeal to the superior court for the judicial district in which the municipality is located, notwithstanding any right to appeal to a municipal zoning board of appeals under section 8-6. The appeal shall be commenced by service of process in accordance with subsections (f) and (g) of this section within **fifteen days from the date that notice of the decision was published as required by the general statutes.**”*

The Commission acted upon this subdivision at the 1/7/2020 meeting. The legal notice acknowledging the Commission’s decision was published on 1/14/2020. Fifteen days from the published date of that notice of the decision would appear to be 1/29/2020 and the effective date of this decision. 90 days from the effective date would appear to make the initial filing date 4/28/2020. An additional 90-day extension of time would appear to make the new Mylar filing date on or before 7/27/2020.

Please find a copy of the decision letter and the map considered with this staff report.

FOGARTY COHEN RUSSO & NEMIROFF LLC

BRUCE F. COHEN
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1700 EAST PUTNAM AVENUE
SUITE 406
OLD GREENWICH, CT 06870
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March 30, 2020

BY EMAIL

Jacalyn Pruitt, Planner II
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

RE: Request for Extension to File Record Sheet
Final Re-Subdivision # PLPZ 2019 00483 (Approved)
7 Dempsey Lane, Greenwich; RA-2 Zone
Applicant/Owner:
Elizabeth M. Grant and Thomas Angell, Co-Executors of the Estate of Marie D. Schwartz

Dear Jackie:

On January 7, 2020, the Planning and Zoning Commission approved Final Re-Subdivision # PLPZ 2019 00483 to re-subdivide a 12.2752-acres property located at 7 Dempsey Lane into two (2) building lots of 4.8060-acres and 5.2597-acres, and an open space parcel of 2.2095-acres. Based on the Greenwich Subdivision Regulations, the filing deadline to record the approved Subdivision Map on the Greenwich Land Records for this matter is Tuesday, April 13, 2020.

While the Governor's Executive Order 7I extends by 90 days certain provisions in existing zoning law that allows for extensions of time, we are uncertain if this Order covers the subdivision filing requirements based on the fact that the Greenwich Subdivision Regulations arise from Home Rule action and not from the State statutes. As such, and in light of the fact that the Commission's only remaining scheduled public hearing within which to request an extension of time as permitted under Section 6-279 of the Subdivision Regulations is on April 7, 2020, we respectfully request a 90 day extension of time to file the record sheet for Final Re-Subdivision #PLPZ 2019 00483.

We look forward to "presenting" this request at the Commission's April 7, 2020 public meeting. Should you have any questions regarding the above, please feel free to contact me at 629-7330.

Very truly yours,



Bruce F. Cohen

cc: Katie DeLuca, Town Planner

KATIE DELUCA, AICP
DIRECTOR PLANNING AND ZONING/ZONING
ENFORCEMENT COORDINATOR/TOWN PLANNER



PATRICK LAROW, AICP
Deputy Director Planning and Zoning/Assistant
Town Planner
MARISA ANASTASIO, Senior Planner
BIANCA DYGERT, Planner II
JACALYN PRUITT, Planner II
SHANICE BECKER, Planner I
PETER MANGS, Applications Coordinator

PLANNING AND ZONING - LAND USE DEPARTMENT

CERTIFIED MAIL

January 21, 2020

John P. Tesei, Esq. and Christopher D. Bristol, Esq.
Gillbride, Tusa, Last & Spellane LLC
31 Brookside Drive
Greenwich, CT 06830

RE: The application of John P. Tesei, Esq., and Christopher D. Bristol, Esq., authorized agents, for Elizabeth M. Grant and Thomas Angell, Co-Executors of the Estate of Marie D. Schwartz, record owners, for a final re-subdivision, PLPZ 2019 00483, to re-subdivide the 12.2752-acres property located at 7 Dempsey Lane, in the RA-2 zone, per Section 6-261 of the Town of Greenwich Subdivision Regulations, into two (2) building lots where Lot 1 would be 4.8060-acres and Lot 2 would be 5.2597-acres (4.9684 acres for zoning purposes and less the accessway and excluded land) and an open space parcel of 2.2095-acres (equal to 18% of the total acreage to be subdivided) as shown on a subdivision map prepared by Rocco V. D'Andrea, Inc., last revised 10/28/2019 and a development plan prepared by Rocco V. D'Andrea, Inc., last revised 10/28/2019.

Dear Mr. Tesei and Mr. Bristol,

At a Public Hearing held on 1/7/2020 the Planning and Zoning Commission considered the above referenced applications and took the following action:

Upon a motion to approve the final re-subdivision application with a modification made by Mr. Macri and seconded by Mr. Fox, the following resolution was adopted 5-0. (Voting in favor of this item: Alban, Macri, Levy, Fox, and Yeskey (for Hardman).

WHEREAS the Commission held a Public Hearing on 1/7/2020 and took all testimony as required by law; and

WHEREAS the applicant requested a final re-subdivision, PLPZ 2019 00483, to re-subdivide the 12.2752-acres property located at 7 Dempsey Lane, in the RA-2 zone, per Section 6-261 of the Town of Greenwich Subdivision Regulations, into two (2) building lots where Lot 1 would be 4.8060-acres and Lot 2 would be 5.2597-acres (4.9684 acres for zoning purposes and less the

accessway and excluded land) and an open space parcel of 2.2095-acres (equal to 18% of the total acreage to be subdivided); and

WHEREAS the property is serviced by an existing well and a private septic system; and

WHEREAS the property is currently improved with a single-family dwelling, driveway, patio, pool and landscaping with many mature trees; and

WHEREAS the current dwelling is noted to be removed on the "Subdivision Map" and a proposed new single-family dwelling will be constructed on each of the proposed new residential lots; and

WHEREAS each proposed residential lot, Lot 1 and Lot 2, will conceptually consist of a single-family dwelling, driveway, pool and patio, septic system, stormwater management controls and landscaping as noted on the site development plan; and

WHEREAS the property is near the cul-de-sac western end of Dempsey Lane on the north side of the road; and

WHEREAS the two proposed lot shapes meet the standards set forth in Section 6-205 of the Building Zone Regulations (the "BZR") for both lot shape and lot area; and

WHEREAS the two proposed residential lots are located on the eastern edge of the property; and

WHEREAS the applicant is proposing an open space parcel titled "Open Space Parcel D" as noted in the Declaration of Open Space Restrictions. It is 2.2095-acres in size, which is equal to 18% of the total acreage to be subdivided, and is located on the western edge of the property; and

WHEREAS the Declaration of Open Space Restrictions is subject to review by Conservation, Staff, and the Law Department prior to filing with the subdivision record sheet on the Town's Land Records; and

WHEREAS Inland Wetlands & Watercourse Agency (IWWA) issued a permit, Permit #2019-074, on 7/2/2019 and the permit expires on 6/24/2024; and

WHEREAS the Zoning Enforcement Officer commented on 12/24/2019 with no comment; and

WHEREAS in compliance with Section 6-287 of the Subdivision Regulations, the Commission received comments from the Department of Public Works (DPW) Engineering Division, dated 12/31/2019, noting items to be completed prior to the signing of the subdivision map; and

WHEREAS the Conservation Department issued comments on 12/30/2019 and lists their recommendations for the project; and

WHEREAS the Health Department issued comments on 12/18/2019 and notes their office has approved two proposed septic system plans that will serve two (2) 7-bedroom houses. They also approved the abandonment of both the existing well and septic system on the lot; and

WHEREAS the Commission noted that the applicant shall prepare a record sheet, with the required notes, and in a form suitable for signature by the Chair of the Planning and Zoning Commission pursuant to Section 6-262 of the Subdivision Regulations; and

WHEREAS the Commission finds that the proposal meets the intents and purposes of the Town of Greenwich's Subdivision Regulations;

THEREFORE BE IT RESOLVED the application of John P. Tesei, Esq., and Christopher D. Bristol, Esq., authorized agents, for Elizabeth M. Grant and Thomas Angell, Co-Executors of the Estate of Marie D. Schwartz, record owners, for a final re-subdivision, PLPZ 2019 00483, to re-subdivide the 12.2752-acres property located at 7 Dempsey Lane, in the RA-2 zone, per Section 6-261 of the Town of Greenwich Subdivision Regulations, into two (2) building lots where Lot 1 would be 4.8060-acres and Lot 2 would be 5.2597-acres (4.9684 acres for zoning purposes and less the accessway and excluded land) and an open space parcel of 2.2095-acres (equal to 18% of the total acreage to be subdivided) as shown on a subdivision map prepared by Rocco V. D'Andrea, Inc., last revised 10/28/2019 and a development plan prepared by Rocco V. D'Andrea, Inc., last revised 10/28/2019 is hereby approved with modifications.

The requested modifications are as follows and shall be addressed prior to the Chair signing the final Mylar to be filed on the land records:

1. A record sheet, in a form suitable for signature of the Chair of the Planning and Zoning Commission shall be prepared, signed by the chairman, and filed on the Greenwich Land Records within 90 Days of the approval of this action;
2. The applicant shall prepare Open Space declaration and maintenance agreements for both the Fee Dedicated Open Space as well as the Open Space Easement, and they shall be reviewed and accepted by the Law Department, Conservation, and staff, prior to being filed with the subdivision map.
3. Notes, as follows, shall be placed on the subdivision map (the "Record Sheet") filed on the land records:
 - a. 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.
 - b. 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.
 - c. Any proposed blasting will require the preparation of a pre-blast survey.
 - d. 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.

- e. The endorsement block for Commission action required to appear on Record Sheet shall be shown as follows:

Approved by Resolution of the Planning and Zoning Commission, Town of Greenwich, Connecticut, dated _____

(Signature of Chair) (Date)

- f. A note indicating the type of sewage disposal and water supply facilities to be provided.

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on January 7, 2020.

If you have any questions, please call.

Sincerely,

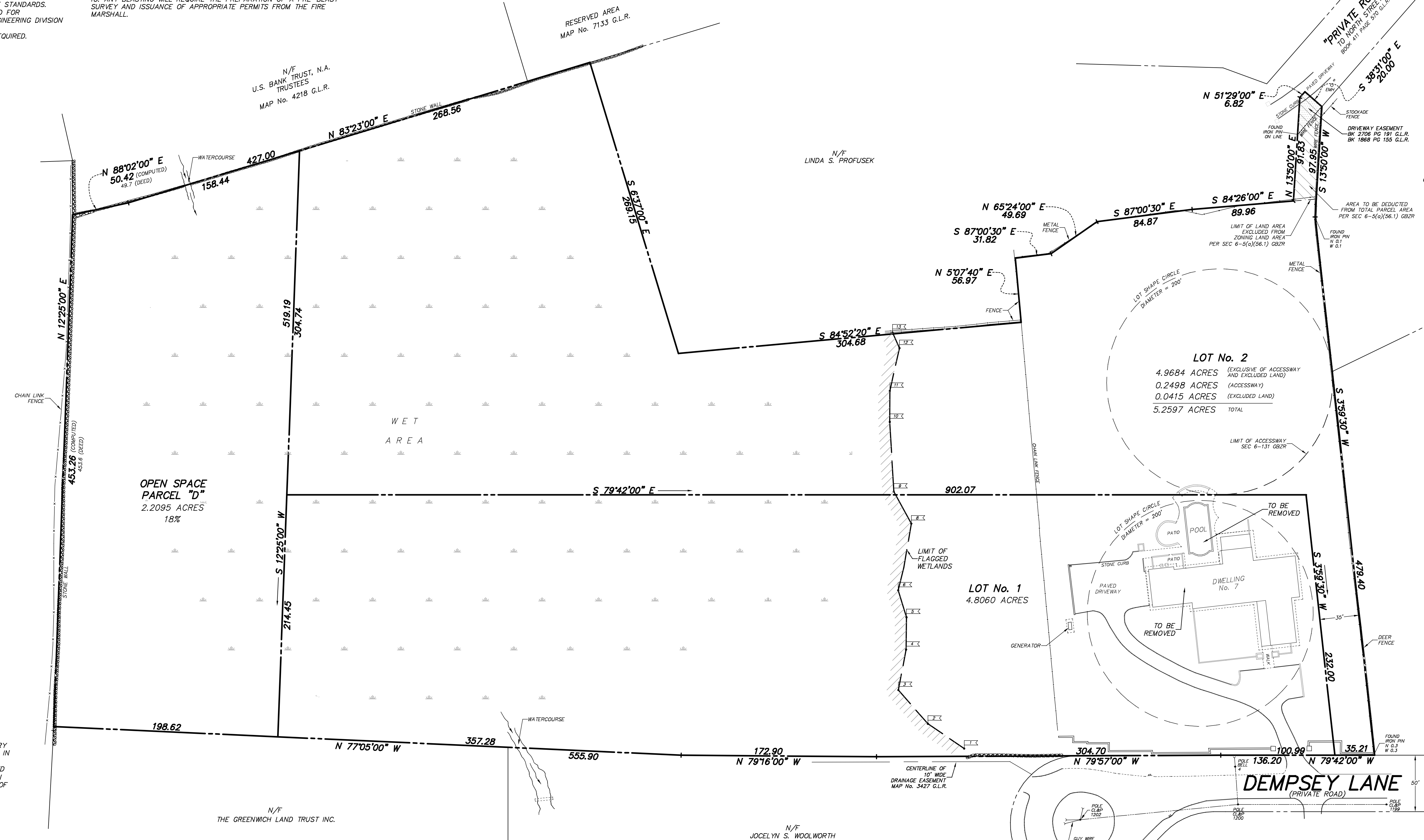
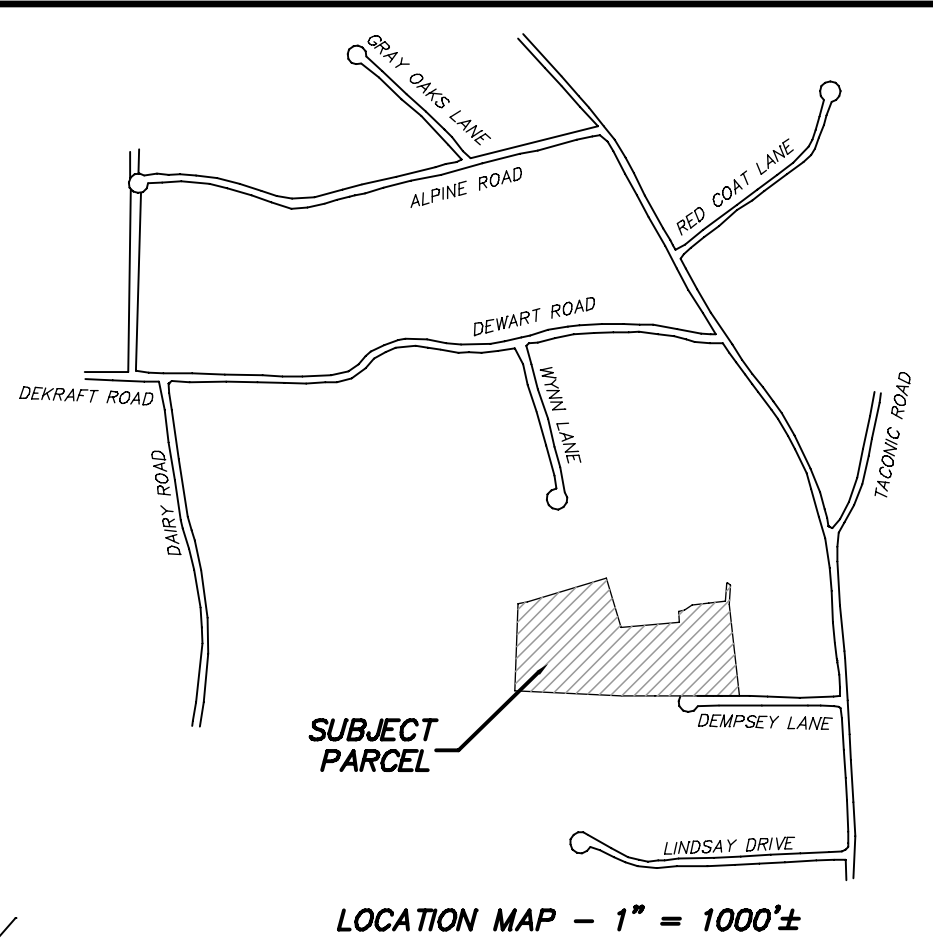


Jacalyn Pruitt, Planner II

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DESCRIBE A SUBDIVISION OF PROPERTY PREPARED IN ACCORDANCE WITH CURRENT APPLICABLE SUBDIVISION REGULATIONS OF THE TOWN OF GREENWICH.
2. LOTS SHALL BE SERVED BY ON-SITE WELLS.
3. THESE LOTS ARE TO BE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS. DEVELOPMENT OF THESE LOTS WILL REQUIRE ISSUANCE OF A SEPTIC SYSTEM PERMIT FOR EACH LOT.
4. ALL NEW UTILITIES SHALL BE INSTALLED UNDERGROUND.
5. DEVELOPMENT OF THESE PARCELS DEPICTED HEREON MAY BE SUBJECT TO REVIEW AND APPROVAL FROM THE ZONING ENFORCEMENT OFFICER, THE HEALTH AND BUILDING DEPARTMENTS, DPW-ENGINEERING DIVISION, THE INLAND WETLANDS AND WATERCOURSES AGENCY AND OTHER TOWN DEPARTMENTS THAT MAY HAVE JURISDICTION OVER CONSTRUCTION.
6. THERE SHALL BE NO EARTH DISTURBANCE, GRADE CHANGES OR REMOVAL OF TREES UNTIL A DESIGNEE OF THE PLANNING AND ZONING COMMISSION HAS CONFIRMED THAT REQUIRED S & E CONTROLS ARE IN PLACE AND ARE SUFFICIENT TO MINIMIZE IMPACT TO NATURAL RESOURCES AND TREES DURING THE CONSTRUCTION PROCESS.
7. EACH HOMEOWNER SHALL BE RESPONSIBLE FOR MAINTAINING DRAINAGE FACILITIES ON HIS/HER LOT AS SPECIFIED IN THE DRAINAGE MAINTENANCE AGREEMENT THAT SHALL BE REVIEWED BY A DESIGNEE OF THE PLANNING AND ZONING COMMISSION AND FILED IN THE LAND RECORDS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE DWELLINGS TO BE CONSTRUCTED.
8. PURSUANT TO SECTION 6-287 ALL SUBDIVISION LOTS SHALL BE REVIEWED FOR COMPLIANCE WITH TOWN DRAINAGE STANDARDS. A DETAILED DRAINAGE PLAN SHALL BE SUBMITTED FOR REVIEW BY PLANNING AND ZONING AND DPW-ENGINEERING DIVISION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. DRAINAGE MAINTENANCE AGREEMENTS MAY BE REQUIRED.
9. ANY PROPOSED CHANGE IN THE STATUS OF THE OPEN SPACE SUCH AS A CHANGE IN SIZE OR OWNERSHIP, AND ANY CHANGE IN THE SIZE OF APPROVED SUBDIVISION LOTS SHALL REQUIRE SUBMISSION OF A REVISED SUBDIVISION PLAN AND DECLARATION OF RESTRICTIONS FOR REVIEW BY THE CONSERVATION DEPARTMENT AND APPROVAL BY THE PLANNING AND ZONING COMMISSION. THE REVISED MAPS MAY REQUIRE APPROVAL FROM THE COMMISSION AND THE DECLARATION OF RESTRICTIONS MAY REQUIRE AMENDMENTS TO REFLECT THE CHANGES.
10. A DRAINAGE MAINTENANCE AGREEMENT FOR SHARED DRAINAGE STRUCTURES AND SYSTEMS SHALL BE FILED IN THE LAND RECORDS SIMULTANEOUSLY WITH THE RECORD SHEET.
11. THE DECLARATION OF RESTRICTIONS FOR THE OPEN SPACE AREA SHALL BE REVIEWED BY THE LAW DEPARTMENT AND APPROVED BY THE TOWN PLANNER AND FILED IN THE LAND RECORDS SIMULTANEOUSLY WITH THE RECORD SHEET.
12. THE PURPOSE OF OPEN SPACE PARCEL "D" IS TO PROVIDE OPEN SPACE FOR THE BENEFIT OF RESIDENTS OF LOTS IN THIS SUBDIVISION AS DEFINED IN SEC. 6-299 OF THE TOWN OF GREENWICH SUBDIVISION REGULATIONS.
13. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR LOT No. 1 ALL OF THE EXISTING DWELLING AND POOL ON LOT No. 1 SHALL BE REMOVED.
14. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR ANY LOT IN THIS SUBDIVISION A DETAILED DEVELOPMENT PLAN SHOWING THE DWELLING, DRIVEWAY, GRADING, DRAINAGE, TOP AND BOTTOM ELEVATION OF ANY PROPOSED WALLS, EROSION CONTROLS AND TREE PROTECTION MEASURES SHALL BE SUBMITTED TO THE PLANNING AND ZONING COMMISSION STAFF AND CONSERVATION FOR REVIEW.
15. ANY BLASTING WILL REQUIRE THE PREPARATION OF A PRE-BLAST SURVEY AND ISSUANCE OF APPROPRIATE PERMITS FROM THE FIRE MARSHALL.

16. UPON APPROVAL OF THIS SUBDIVISION PLAN, THE OWNERS AGREE WITH THE TOWN THAT UNLESS OTHERWISE SPECIFIED HEREON, THE AREAS WITH AT LEAST TEN (10) FEET OF THE CENTERLINE OF ANY DRAINAGE FACILITY (20 FEET TOTAL), DITCH OR STREAM SHOWN HEREON ARE DEDICATED FOR DRAINAGE, THAT NOT BUILDING OR OTHER STRUCTURE SHALL BE LOCATED THEREON AND THAT THE TOWN SHALL NOT BE UNDER ANY OBLIGATION TO MAINTAIN, CLEAN, ENCLOSE OR OTHERWISE ALTER OR IMPROVE, SUCH DRAINAGE FACILITY. HOWEVER, ANY DRAINAGE LINE DITCH OR STREAM, WHETHER OR NOT DEPICTED HEREON AND NOT WITHIN AN ESTABLISHED EASEMENT, MAY BE RELOCATED BY THE OWNER WITH PRIOR APPROVAL OF THE INLAND WETLANDS AND WATERCOURSES AGENCY.
17. THE GRANTEE OF ANY PARCEL HAVING A WATERCOURSE AGREES TO MAINTAIN THE WATERCOURSE SO AS TO PERMIT THE FREE FLOW OF WATER THEREIN, AFTER OBTAINING APPROVAL FOR THE REQUIRED WORK FROM THE INLAND WETLANDS AND WATERCOURSES AGENCY. IF ANY GRANTEE FAILS TO MAINTAIN THE WATERCOURSE THE TOWN OF GREENWICH SHALL HAVE THE PRIVILEGE OF ENTERING UPON THE PROPERTY TO PERFORM THE REQUIRED WORK AND THE COST THEREOF SHALL BE PAID BY THE OWNER OF THE PARCEL IN DEFAULT.
18. THE DRAINAGE DESIGN FOR EACH PARCEL SHALL MEET THE STANDARDS OF THE TOWN OF GREENWICH DRAINAGE MANUAL IN EFFECT AT THE TIME A BUILDING PERMIT APPLICATION IS SUBMITTED. THE FULL STANDARDS OF THE TOWN OF GREENWICH DRAINAGE MANUAL SHALL BE MET. NO WAIVERS OR EXCEPTIONS WILL BE GRANTED FOR ANY OF THE STANDARDS.
19. DEVELOPMENT OF EACH PARCEL SHALL REQUIRE SUBMISSION OF A DRAINAGE SUMMARY REPORT ALONG WITH CONSTRUCTION PLANS FOR REVIEW BY PLANNING AND ZONING AND DPW-ENGINEERING DIVISION PRIOR TO ISSUANCE OF A BUILDING PERMIT.
20. IF RUNOFF FROM ANY OF THE SITES CAUSES AN ICING CONDITION ON DEMPSEY LANE, MODIFICATIONS TO THE STORMWATER BMP AND STORMWATER/GROUNDWATER CONTROLS WILL BE REQUIRED TO CORRECT THE ICING CONDITION.
21. DEVELOPMENT OF THESE LOTS SHALL BE IN ACCORDANCE WITH IWMA CONCEPTUAL APPROVAL No. 2019-02 AND IWMA PERMIT No. 2019-74 DATED JUNE 24, 2019. THE IWMA PERMIT WILL EXPIRE ON JUNE 24, 2024.
22. REFER TO THE PLANNING AND ZONING COMMISSION DECISION REVOLUTION ON PLPZ 2019 483 FOR CONDITIONS AFFECTING DEVELOPMENT OF THESE LOTS.



THE LIMIT OF FLAGGED WETLANDS DEPICTED HEREON WAS DELINEATED IN THE FIELD BY JAY FAIN, SOIL SCIENTIST ON DECEMBER 21, 2018.

THIS MAP IS A SUBDIVISION MAP. EXTERIOR BOUNDARY INFORMATION IS BASED ON A RESURVEY CONDUCTED IN ACCORDANCE WITH HORIZONTAL ACCURACY CLASS "A-2". THE PROPERTY LINES BETWEEN LOTS 1, 2 AND OPEN SPACE PARCEL "D" DEPICTED HEREON, ARE AN ORIGINAL SURVEY AS DEFINED IN THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH SEC. 20-300b-20.

NEW MONUMENTATION HAS NOT BEEN SET IN THE COURSE OF MAKING THIS SURVEY.

ONLY COPIES OF THIS MAP, BEARING AN ORIGINAL IMPRINT OF THE SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE TRUE, VALID COPIES.

AREA = 12.2752 ACRES (TOTAL)
REFER TO MAP No. 3427 G.L.R.

LAND LIES IN "RA-2" ZONE

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

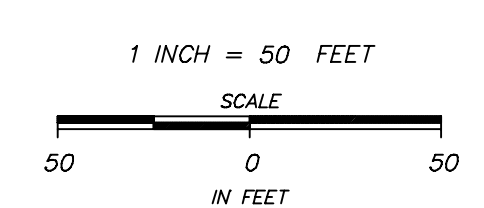
ROCCO V. D'ANDREA, INC.

_____, SURVEYOR
ANTHONY L. D'ANDREA, CT PE LS No. 9673
RIVERSIDE, CONNECTICUT

The Greenwich Planning and Zoning Commission reviewed Application PLPZ 2019 483 at a meeting held on January 7, 2020. The lots shown on this map were found to be a Subdivision as defined in Sec. 6-261 of Town of Greenwich Subdivision Regulations. The finding does not imply approval of the lots for purposes of zoning compliance or future development, which will be subject to review and approval by all applicable Town agencies.

_____,
Margarita Alban, Chair

_____,
Date



SUBDIVISION MAP
OF PROPERTY ON
DEMPSEY LANE
IN
GREENWICH, CONNECTICUT
PREPARED FOR
ELIZABETH M. GRANT
AND
THOMAS ANGELL
CO-EXECUTORS OF
THE ESTATE OF
MARIE D. SCHWARTZ

SCALE: 1/4\"/>

18/01