**STAFF REPORT UPDATE:**
The applicant was last before the Commission at their February 17, 2021 Meeting. At that time the Commission left the item open to address issues with the related final site plan and special permit for the project. (PLPZ 2020 00311).

**APPLICATION SUMMARY:**
The Applicant is before the Commission for a final re-subdivision, to relocate the common lot line and to transfer approximately 4-acres from Lot 1, to Lot 2 of approved subdivision #1197 located at 124 Old Mill Road in the RA-4 zone, and allow a proposed septic system to be located within the same parcel as the building it will serve (Lot 2), in accordance with Connecticut Public Health Code.

**COMMENTS / RECOMMENDATIONS:**
1) **SUBDIVISION REGULATIONS:**
   a) The Commission will need to make a determination on whether this action is, or is not, a subdivision or re-subdivision. If found to be a subdivision or re-subdivision the Commission should note that IWWA would need to grant conceptual approval of any Subdivision or Re-subdivision prior to a final action of the Commission;
   b) The applicant has not yet provided a subdivision plan in compliance with Sec. 6-268 and 6-269 of the Town’s Subdivision Regulations.
2) **DECLARATION OF RESTRICTIONS** – the Sylvanus Selleck Grist Mill is located on one of the subject parcels of this approved subdivision. It is registered on the National Register of Historic Places and has an Historic Façade Easement applied to it ensure its preservation.
3) **CONSERVATION** – Conservation Commission Staff has noted language in the approved declaration of restrictions for the subdivision that prohibited “laying out of foot or riding paths or trails.” Analysis of aerial photographs shows a dirt road located between the stone wall and the Converse Pond Brook which is not shown on the original subdivision survey or recently submitted one. They are asking the applicant to address the issue as it within the approved conservation easement. A copy of the aerial they used in the analysis is attached.
4) **ENGINEERING** – The Engineering Division has no objection to the Commission acting subject to revision to be addressed at Zoning Permit.

5) **HEALTH** – because the proposed septic seeks to serve two structures approval from the State Department of Health is required. Conceptual approval was granted on 1/28/2021.

**DEPARTMENT COMMENTS:**

- **ZEO** - see attached
- **ENGINEERING** - see attached
- **CONSERVATION** - see previous attached
- **HEALTH** - see attached

**ZONING:**

The proposed application seeks to transfer approximately 4-acres of land from Lot 1 to Lot 2. This is transfer is being necessitated by the proposal to erect and “Event Barn” on lot 2 (the subject of Final Site Plan / Special Permit PLPZ 2020 00311) which will need a new combined septic system. This septic would extend beyond the current property line, separating the building from the septic system. State Health Code requires the septic system to be contained on the same parcel as the building being served. The revisions of lot lines would do this. Both lots would appear to continue to meet or exceed the minimum lot area., lot shape, and lot frontage requirements for the RA-4 Zone.

The applicant has not yet provided a subdivision map depicting the proposal as required by Sec. 6-268 and Sec. 269 of the Town’s Subdivision Regulations.

**BACKGROUND:**

The current lot parcels and configuration was last reviewed and approved by the Commission in 1994, Final Subdivision #1197. It is noted that since the property was part of an approved subdivision, a re-subdivision application has been filed.

That approval included not just the subject two lots but four lots in total, comprising the entire address known as 124 Old Mill Road. That approval contained a declaration of restrictions that not only describes the conservation / open space but also required:

1) a minimum lot area of 10-acres.
2) A wetlands easement and a 50-foot setback around the noted wetlands and watercourses on site.
3) A conservation easement listing prohibited activities.

Conservation Commission Staff has noted, in analyses of the most recent aerial photography, shows a dirt road located between the stone wall and the Converse Pond Brook which is not shown on the original subdivision survey or recently submitted one. They note that the declaration of restriction prohibits the “laying out of foot or riding paths or trails.” They are asking the applicant to address the issue as it within the approved conservation easement.
The Historical Society and the Greenwich Preservation Network have written the Commission to support the continued preservation of the Selleck Grist Mill. They are asking that a new declaration of restrictions be enacted to reaffirm the historic protections so it may continue to existing going forward.

The applicant has indication they intend to continue to comply with the terms of the Commission’s 1994 approval and the associated Declaration of Restrictions (recorded in Volume: 2586, Page 255 of the Greenwich Land Records).

**OTHER DEPT. / AGENCY APPROVALS:**
IWWA - if approved as a revision of lot lines, no approval from the Agency is needed. If the Commission determines that the proposed action is a subdivision or re-subdivision, then the IWWA would need to approve the action prior to any approval of a subdivision or re-subdivision.

**APPLICABLE REGULATIONS:**
This application is regulated primarily by the Subdivision Regulations. Of particular significance are Sections 6-261, 6-281, 6-282, 6-283, 6-287, 6-296, 6-297, 6-302, and 6-304, of the Town of Greenwich Subdivision Regulations. In addition, the Commission should consider Sections 6-93 and 6-205 of the Building Zone Regulations.
ZONING ENFORCEMENT

Project No. PLPZ202000311

Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED: 124 OM LLC.

LOCATION: 124 Old Mill Rd.

PLAN DATE:

ZONE: RA-4

☐ Ok for Zoning Permit Sign-off with the following revisions:

☐ Resubmit the following prior to Site Plan/ Subdivision approval:

☒ The subject site plan/subdivision meets the requirements of the Building Zone Regulations, excluding sections 6-15 and 6-17, and is Ok for Zoning Permit Sign-off.

Reviewed by: Jodi Couture
Date: 2/10/2021

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. 20-5(39)  Department Project No. PLPZ202000311 & PLPZ202100026
Submittal Received Date: 2/26/2021

Submittal Reviewed For: Planning and Zoning
Traffic Review Requested: No  Review Type: Final Subdivision

PLAN SET INFORMATION

Plan Title: Foundation House - 124 OM LLC  Project Address: 124 Old Mill Road
Engineering Firm: Rocco V. D'Andrea, Inc.  Original Plan Date: 7/8/2020  Latest Plan Revision Date: 2/22/2021

DRAINAGE SUMMARY REPORT INFORMATION

Engineering Firm: Rocco V. D'Andrea, Inc.  Original Report Date: 8/20/2020  Latest Report Revision Date: 2/22/2021

Reviews provided by the Engineering Division are for compliance with the Town’s “Roadway Design Manual and Standard Construction Details” and “Drainage Manual” as amended. Reviews are based upon the information and plans 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.

All New Submittals for Commission Meetings must be received by the Engineering Division four weeks before scheduled Commission Meeting.

All Revised Submittals for Commission Meetings must be received by the Engineering Division three weeks before scheduled Commission Meeting.

Reviewed and Approved by: Scott Marucci - Senior Civil Engineer  Date: 3/4/21

Scott Marucci - Senior Civil Engineer

Digitally signed by Scott Marucci - Senior Civil Engineer
DN: cn=Scott Marucci - Senior Civil Engineer, o=Engineering Division, ou=DPW, email=scott.marucci@greenwichct.org, c=US
Date: 2021.03.04 15:33:03 -05'00'

COMMENTS AND CONDITIONS OF APPROVAL: Resubmit Prior to Zoning/Building Permit Approval

1. The Engineering Division has no issue with the lot line revision.
2. A revised Form SC-107 needs to be submitted.
3. The Drainage Summary Report is acceptable in concept for BMPs. The following revisions and additional information need to be submitted:
   a. The routing for the rain garden must be revised as follows:
      i. The overflow device was routed as a vertical 48” orifice/grate and it needs to be a 48” horizontal orifice/grate.
   b. Review and revise all other computations as needed.
4. The construction plan set needs to be revised as follows:
   a. Site Plan Sheets
      i. Show the footing drain network from the house/sump pump to the outfall.
   b. Traffic Signage, Pavement Markings, and Parking Space Layout Sheet (Required for Commercial Projects)
      i. Show all traffic signs.
      ii. Show all pavement markings (stop bar, arrows, etc.).
      iii. Show all parking space and travel lane dimensions.
   c. Building/House Section or Elevation Sheet
DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION
SITE DEVELOPMENT REVIEW

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 draft Operations and Maintenance Plan Report shall be revised as follows:
   a. Exhibit A will have a maintenance item added for the two proposed parking field areas. This will need to include erosion, revegetation, decompaction, and other maintenance.

Standard Conditions for Each Submittal

1. The Engineering Division will no longer keep any records for the submittals. All records for the submittal shall be obtained from the Town of Greenwich Department/Division that has taken in applications and/or submittals. These documents are maintained within each office (e.g. P&Z, IWWA, and DPW Building and Highway Divisions).

2. All revisions to the reports and plans must follow the requirements in the Town of Greenwich Drainage Manual February 2014 as amended.

3. All revisions must be accompanied by a point-by-point written response to the Engineering Division’s comments.

Standard Conditions of Approval

1. 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.

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

3. All requests for a Temporary Certificate of Occupancy (T.C.O.) or a Certificate of Occupancy (C.O.) shall be submitted one month before the T.C.O. or C.O. is required.

4. The submittal for a Temporary or Final Certificate of Occupancy must include the following:
   c. Field Inspection Record (All required photos) – Form SC-106 – Sealed and Signed by a Connecticut Licensed Professional Engineer.
   d. Bioretention Soil Testing Certification Sign-Off (as applicable with the bioretention soil gradation test and the phosphorous test for the mixed soil) – Form SC-104 – Sealed and Signed by a Connecticut Licensed Professional Engineer.
   h. A Letter discussing all the work that remains to be completed (Only for a Temporary Certificate of Occupancy Submittal).
MEMORANDUM

TO: Patrick LaRow, Deputy Director, P & Z / Assistant Town Planner
FROM: Aleksandra Moch, Environmental Analyst
DATE: February 7, 2021
RE: 124 OM, LLC, 124 Old Mill Road, PLPZ 2021 00026
      Site survey by Rocco V. D’Andraa, Inc., dated October 19, 2020

I have reviewed the above-referenced plan and visited the site. The following comments are offered for your consideration:

1. The proposed re-subdivision will partially move the new property boundary against the existing conservation easement area. The easement boundary is coincident with an existing stone wall which should be preserved as a permanent demarcation feature to protect the area for the future encroachments.

2. The deed restrictions under Section 3(b) prohibit “laying out of foot or riding paths or trails.” Analyses of aerial photographs has shown a dirt road located between the stone wall and the Converse Pond Brook which is not shown on the original subdivision survey or recently submitted one. The applicant should provide evidence of its existence prior to the subdivision approval. It appears this road may be associated with the past tree clearing within the conservation easement area.

cc: Conservation Commission
124 Old Mill Road – Open Space
January 28, 2021

Robert A. Morgan, RS / REHS
Greenwich Department of Health
101 Field Point Road
Greenwich, CT 06830

RE: Revised Plans for three Subsurface Sewage Disposal Systems Serving the 124 OM LLC / Foundation House Property Located at 124 Old Mill Road in Greenwich, CT

Dear Mr. Morgan:

We have received revised plans for three subsurface sewage disposal systems serving the 124 OM LLC / Foundation House property located at 124 Old Mill Road in Greenwich. The property contains a pre-existing single-family dwelling that will be utilized as offices as well as four other sewage generating structures. The other structures consist of a caretaker’s residence, event barn, stable building with 1 bedroom apartment and shed / restroom building. The event barn will be served by a sewage disposal system with sewage flows greater than 2000 gallons per day. Three sewage disposal systems will serve the four buildings with the event barn and shed / restroom building being served by a central sewage disposal system. The total sewage design flow for the property, including the pre-existing single-family residence was determined to be approximately 4500 gallons per day (gpd).

Plans were prepared by Rocco V. D’Andrea, Inc. and submitted to our office for review pursuant to Section 19-13-B103(d)(c) of the Public Health Code. The plans are dated October 22, 2020 with a final revision date of December 15, 2020.

The plans were found to be generally satisfactory and in accordance with the requirements of the Public Health Code. They are hereby APPROVED by this office with the following modifications and stipulations incorporated:

1.) The make and model of an approved septic tank outlet filter capable of receiving design flows greater than 2000 gpd shall be specified on the plan.

Phone: (860) 509-7296 • Fax: (860) 509-7295
Telecommunications Relay Service 7-1-1
410 Capitol Avenue, MS#12SEW, P.O. Box 340308
Hartford, Connecticut 06134-0308
www.ct.gov/dph
Affirmative Action/Equal Opportunity Employer
2.) The septic tank and pump chamber proposed to serve the caretakers residence were inadvertently removed from the revised plan. Please include this information on the revised plan.

3.) A separate central system approval has been issued to allow for the interconnection of the sewage piping from both the event barn and shed / restroom building into a common sewage disposal system.

4.) A water meter shall be installed on the water service line to the event barn and monitored by the applicant.

5.) This facility may be classified as a public water system. The Department of Public Health Drinking Water Section must be contacted as soon as possible to make that determination. This office does not recommend final approval of this application until all water supply matters have been approved by the Drinking Water Section.

With the above stipulations and modifications incorporated, this office recommends approval of this application.

If you have any questions, or you feel that there should be some changes, please contact our office.

Sincerely,

Matthew A. Pawlik, P.E., R.S.
Sanitary Engineer III
Environmental Engineering Program

Cc: Rocco V. D’Andrea, Inc., 8 Neil Lane, P.O. Box 549, Riverside, CT 06878
Thomas Chyra, PE, DPH, DWS
Environmental Health Section

NOTICE OF EXCEPTION

An exception is hereby granted to the requirements of Section 19-13-B103d (d) of the Connecticut Public Health Code for a central subsurface sewage disposal system serving an event barn and shed / restroom building located on the 24 OM LLC property, 124 Old Mill Road in the Town of Greenwich, Connecticut. A central system has been found to be technically preferable for the following reasons:

1. The shed / restroom building will generate limited sewage flows compared to the event barn.
2. The Greenwich Health Department has indicated that a code complying subsurface sewage disposal system will be installed on the property capable of serving both structures. In addition, code complying sewage disposal systems for all other sewage generating structures were indicated on the property.
3. The central system will provide an improved treatment and distribution of effluent.

Recorded at the Connecticut Department of Public Health, Hartford, Connecticut.

01/28/2021
DATE

Matthew A. Pawlik, P.E., R.S.
Sanitary Engineer III
Environmental Engineering Program
PERMIT-NEED QUESTIONNAIRE

This form is NOT an IWWA Application

Project Address: 124 Old Mill Road, Greenwich, CT 06831

Property Owner: 124 OM LLC

Contact information – Email or Cell Phone:

Authorized Agent: Heagney, Lennon & Slane, LLP

Contact information – Email or Cell Phone: Thomas J. Heagney (203) 661-8400 THeagney@HLS248.com

A PLOT PLAN IS REQUIRED SHOWING THE PROPOSED ACTIVITY.

IWWA staff will review the project proposal to determine if regulated activities are associated with the proposal and whether an IWWA permit is required. If an IWWA permit is required, the appropriate permit application packet will be provided.

Do not apply for a Building Permit until this review is complete.

No work may begin until an IWWA permit is issued and/or the “Building Permit Application Sign-Off Sheet” has been signed.

The issuance of a building permit alone does not constitute an authorization to proceed.

As the property owner or, authorized agent [check one] I believe the information I have submitted is correct.

Signature ________________________________ Date 08/17/2020

STAFF NOTES

Office Rev Date 08/17/2020 Field Inv Date 08/17/2020 WET/WC? YES ☐ NO ☐ TIDAL ☐

Action Required? YES ☐ NO ☐ If yes, DRO ☐ AA ☐ AR ☐ SIA ☐ Staff __________________________

Soils Report Date __/__/____ Author ____________________________ Soils ______________________

Comments: all work outside 100' URA; no action required; see site plans

Received

Jenn Urena 8-20-2020

IWWA Questionnaire Revised 3/24/2020
March 11, 2021

Mr. Patrick LaRow
Deputy Director/Assistant Town Planner
Planning & Zoning
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

RE: PLPZ202000311 and PLPZ202100026
    Foundation House - 124 Old Mill Road, Greenwich, CT 06831

Dear Pat,

This is to follow up on a number of outstanding items as part of the scheduled hearing next week for Foundation House.

My client has been in touch with Diane Fox, who chairs the Greenwich Preservation Network, regarding the preservation of the Grist Mill on the easterly portion of the property at 124 Old Mill Road. Photographs of the existing conditions of the Grist Mill have been provided to Diane by my client and discussions are continuing as to how to proceed with stabilization of the structure.

My client has also had continuing discussions with the Board Members of the Round Hill Association to ensure that any concerns which they have regarding programs and events conducted by Foundation House will be addressed and that activities will not adversely affect Old Mill Road or the surrounding properties.

We also would like to confirm that while Foundation House LLC is a 501(c)(3) nonprofit organization the title to the property will continue to be held under 124 OM, LLC and the property will remain taxable on the Town Assessors rolls.

Our client has contacted Interstate Artesian Well Company regarding the classification of the well on the property under the transient non-community program. Transient non-community systems are non-residential water systems that serve 25 or more
people not necessarily the same people, on a daily basis for at least 60 days per year. It is not anticipated that Foundation House will have more than 60 events with more than 25 people in attendance over the course of any given year and therefore the well would be treated as a non-community well system.

Lastly, we have been unable to determine what trail the conservation comments were addressing regarding intrusion into a wetland area. My client purchased the property in the early part of 2020 and has not created any additional trails on the property. If there is more information regarding this we would be happy to address it.

Very Truly Yours,

Thomas J. Heagney

TJH/em
March 8, 2021

Mr. Patrick LaRow
Deputy Director/Assistant Town Planner
Planning & Zoning
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

RE: PLPZ202000311 and PLPZ202100026
Foundation House - 124 Old Mill Road, Greenwich, CT 06831

Dear Pat,

In addition to the revised site plan which we have previously submitted which coordinates the engineering documents with the landscape plan we would like to provide the following additional information.

Foundation House is under the auspice of The Giving Back Fund establishing its 501(C)(3) exemption status attached is a letter from giving back fund and its IRS designation as a 501(C)(3) organization.

After discussions between my client and representatives of the Round Hill Association, we would like to suggest the following conditions of approval regarding any large events which would occur at the foundation house property.

No more than two large events would be held on the property per week and no more than six large events per month. Large day events would be limited to 10 AM to 6 PM and evening events from 5 PM till 12 AM. No large events would be held Sunday evenings.

My client will maintain an open dialogue with representatives of the Round Hill Association and conduct yearly reviews to determine if any issues have arisen regarding Foundation House activities.

Please let me know if there is any further information believe would be important for us to share with the commission. Thank you for your assistance.

Very Truly Yours,

Thomas J. Heagney

TJH/em
2/01/2021

To Whom It May Concern:

This letter serves as confirmation that **Foundation House** is a project at The Giving Back Fund, a nonprofit organization with the Tax-ID # 04-3367888.

To clarify, **Foundation House** receives its tax-exempt status from The Giving Back Fund and is governed by The Giving Back Fund's Board of Directors. A copy of our 501(c)(3) letter is attached. All contributions to the Foundation are tax-deductible to the fullest extent of the law. Donations can be made payable to **Foundation House** and directed to The Giving Back Fund at 5757 West Century Blvd, Suite 410, Los Angeles, CA 90045.

Please feel free to contact me with any questions.

Best regards,

Marc Pollick
President & Founder
The Giving Back Fund, Inc.
Employer Identification Number: 04-3367888

Person to Contact: Robert C. Voss
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your request of Apr. 28, 2009, regarding your tax-exempt status.

Our records indicate that a determination letter was issued in July 1997, that recognized you as exempt from Federal income tax, and discloses that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(C)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

February 22, 2021

Mr. Scott Marucci  
c/o Planning and Zoning Dept.  
101 Field Point Road  
Greenwich, CT 06830

Re: 124 Old Mill Road  
     Final Site Plan Review

Mr. Marucci,

Enclosed please find the following items in response to comments from the Department of Public Works dated November 20, 2020 regarding the Final Site Plan Review Set for the above referenced property:

- One (1) copy of the revised Final Site Plan Review Set dated February 22, 2021
- One (1) copy of the revised Drainage Summary Report dated February 22, 2021
- One (1) copy of the Operations and Maintenance Plan Report dated August 20, 2020
- One (1) copy of revised Form SC-100
- One (1) copy of revised Form SC-107

The following is a summary of responses enumerated to the DPW comments:

1. A revised Form SC-100 is included in the revised Drainage Summary Report.

2. A revised Form SC-107 attached for your review.

3. At this time, we do not believe the installation of GrassPave2 is warranted in the proposed parking fields.

4. The Drainage Summary Report has been revised as follows:

   a. Rain Garden
      i. A mulch layer has been added to the proposed rain garden. The elevations of the crushed stone and bioretention sand layers were lowered by 0.2 ft to accommodate the mulch layer. As designed, the bottom of the stone layer is 259.8, the bottom of the bioretention sand layer is 260.3, the bottom of the mulch layer is 261.8 and the bottom of the basin is 262.0. Refer to the Drainage Summary Report and Sheet 2B of 4.
ii. An outlet control structure has been added to the rain garden with an overflow grate set at elevation 262.5. Refer to the Drainage Summary Report and Sheet 2B of 4.

iii. The elevations of the crushed stone and bioretention sand layers were lowered by 0.2 ft to accommodate the mulch layer.

b. The coverage areas in watershed 4B have been updated as requested. Refer to Appendix J.

c. The RRV computations have been updated to reflect the current design. Refer to Appendix “C”.

d. The conveyance computations are included in Appendix “E”.

e. All other computations have been revised based on the current design.

5. The Final Site Plan Review Set has been revised as follows:


b. Refer to the Low Impact Development Plan.

c. Refer to the Sedimentation and Erosion Control Plan.

d. Refer to the Driveway Profile Plan.

e. A Traffic Signage, Pavement Markings and Parking Space Layout sheet is not required for this project.

f. The rain garden detail has been revised to match the drainage report. A detail for the outlet control structure and Sedimentation and Erosion Controls have been added. Refer to Sheet 4 of 4.

g. Building sections and elevations will be provided prior to zoning/building permit sign-off.

We thank you for your time in reviewing this application. If you have any questions, please feel free to contact us.

Sincerely,

ROCCO V. D'ANDREA, INC.

[Signature]

Robert J. Natale, Jr., PE

cc: Inland Wetlands & Watercourses Agency
    124 OM LLC
DRAINAGE SUMMARY REPORT

For

124 Old Mill Road
Greenwich, Connecticut

Prepared For

124 OM, LLC

August 20, 2020

Revised: February 22, 2021

Anthony L. D'Andrea, PE
CT License No. 9673
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Project Summary

124 OM, LLC is proposing a lot line revision to 124 Old Mill Road while preserving the existing historic dwelling and outbuildings. Also proposed is the construction of a conference center to establish a center for learning. The subject property is approximately 75 acres in size, located in the RA-4 residential zone. The property is located on the southerly side of Old Mill Road, approximately 1,400 feet east of Round Hill Road. The parcel is bound by the Merritt Parkway to the southeast. According to FEMA Firm Map No. 09001C0481F (revised June 19, 2010), a portion of the parcel lies within Flood Hazard Zone “AE”, associated with Converse Pond Brook. Refer to Exhibit D for a copy of the FEMA Firm map of the subject property.

The proposed development will include the construction of an 8,000 square foot convention center, bituminous concrete driveways, patios and walks. Other improvements will include the construction of a subsurface sewage disposal system, stormwater management facilities, various underground utilities and associated site grading and landscaping.

The proposed development will increase onsite impervious coverage by approximately 21,024 square feet, therefore increasing the volume and peak rate of runoff generated during a storm event. This report outlines a stormwater management plan developed to collect site runoff and direct flows through various stormwater facilities to provide Water Quality improvements and runoff attenuation for the propose development.

For a depiction of existing conditions and the proposed development, refer to a plan set entitled “Final Site Plan Review Set, Foundation House, Location 124 Old Mill Road Greenwich, Connecticut, Prepared For 124 OM, LLC”, sheets 1 through 4 of 4, prepared by Rocco V. D'Andrea, Inc.

Watershed Analysis

The subject parcel is located within the East Branch of the Byram River watershed. The parcel supports two watercourses flowing north to south through the eastern and western portions of the property. The eastern watercourse is a portion of Converse Pond Brook, which enters the northeast corner of the subject property. According to Town Project No. 88-30 Watershed Management Study, approximately 4.2 square miles (2,688 acres) are tributary to the watercourse entering the subject property. Approximately 670 CFS enters the subject parcel via Converse Pond Brook during a 25-year design storm.

The western watercourse is an un-named tributary, which enters the northwest corner of the subject property, via 36” RCP crossing Old Mill Road. According to Town Project No. 88-30 Watershed Management Study, approximately 250 acres are tributary to the existing 36” RCP traversing Old Mill Road. Approximately 180 CFS enters the subject parcel via 36” RCP during a 25-year design storm.

The subject property is approximately 75 acres in size, which represents approximately 2.5% of the total overall watershed tributary to the two onsite watercourses.
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 three Points of Concern (POCs). POC A is designated as the existing bridge conveying Converse Pond Brook under the Merritt Parkway. POC B is designated as the wood foot bridge crossing the un-named tributary in the southwest portion of the site. POC C is designated as the existing wetland in the southwest corner of the subject parcel. Refer to the watershed maps in Exhibits A & B.

According to the USDA soil delineation map included in Exhibit C, the development area lies mainly within a mapped area of HSG-B soils with smaller sections of HSG-C and -D soils. On-site soil test pit results, as presented in Appendix D and the plan set, show a variety of soil conditions.

Existing Conditions

Under existing conditions, the eastern, western and southern portions of the parcel are undeveloped, supporting woodlands and meadows. The central portion of the parcel supports a large historic dwelling, in-ground pool, tennis court, cottage, several ancillary structures, bituminous concrete driveways and extensive landscaping. The property is served by private wells, propane, and subsurface sewage disposal systems. Onsite drainage infrastructure includes driveway catch basins and roof leaders piped to daylight. Two watercourses flow from north to south through the subject parcel. Approximately 14.6 acres of onsite inland wetlands are associated with the two watercourses.

Refer to Exhibit “A” for a depiction of the existing conditions drainage areas and flow paths. Refer to Appendix “J” 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 “H” for a summary of peak runoff rates and volumes for the proposed conditions drainage model.

Proposed Conditions

Under proposed conditions, total on-site impervious coverage is approximately 128,057 square feet, for a total increase of approximately 21,024 square feet as compared to existing conditions. The existing historic dwelling, in-ground pool and surrounding grounds are to remain. The existing driveway will be widened and extended to provide access to the proposed convention center. After construction of the proposed convention center, bituminous concrete driveways, patios and storm water management facilities, all disturbed areas will be graded, top-soiled and maintained as lawn or meadow.

The development envelope encompasses approximately 3 acres of onsite are between the two watercourses. Areas outside the limit of disturbance will be maintained as woodland, meadow or manicured lawn.
One LID BMP rain garden is proposed to collect and infiltrate the Water Quality Volume and Runoff Reduction Volume. Additional flows will be detained within the basin to reduce peak runoff rates during large storm events.

Refer to Exhibit "B" for a depiction of the proposed conditions drainage areas and flow paths. Refer to Appendix "J" 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 "H" for a summary of peak runoff rates and volumes for the proposed conditions drainage model.

**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, the drainage design is proposed to provide pre-treatment, treatment and peak runoff attenuation of site generated runoff prior to discharging off-site. Implementation of the drainage design will result in a decrease in the peak rate of runoff discharging off-site to all Points of Concern for all design storms up to a 100-year storm event.

Refer to Table 1 and Table 2 and Appendix H for additional information.

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 neighboring properties or drainage systems due to the development of this property.
OPERATIONS AND MAINTENANCE PLAN REPORT

For

124 Old Mill Road
Greenwich, CT

Prepared For

124 OM, LLC

August 20, 2020
Stormwater Management Practices
Maintenance Declaration
Stormwater Management Practices Maintenance Declaration

THIS DECLARATION is made this date, ____________, 20___, by and between the Town of Greenwich, a municipal corporation with principal offices located at 101 Field Point Road, Greenwich, CT 06830 and

124 OM, LLC

[Owner(s) Name]

124 Old Mill Road

[Address]

hereinafter referred to as “Owner(s)” of the “Property” as more fully described in a deed recorded in Book 7602  ____ at Page 51  ____ of the Greenwich Land Records. In accordance with the Town of Greenwich Drainage Manual as Amended, the “Owner(s)” agree to install and maintain stormwater management practice(s) on the subject Property in accordance with approved plans and conditions. The Owner further agrees to the terms stated in this document to ensure that the stormwater management practice(s) continues serving the intended function in perpetuity. This Declaration includes the following exhibits located in the project files of one or all of the following Town of Greenwich Departments:

- Building Division – Permit # ______________________
- Inland Wetlands and Watercourses Agency – Application # ______________________
- Planning and Zoning – Application # ______________________

Exhibit A: Long-term Maintenance Plan that prescribes those activities that must be carried out to maintain compliance with this Declaration. Approved Maintenance Plan dated August 20, 2020.

Exhibit B: Improvement Location Survey depicting “As-Built” conditions and showing an accurate location of each stormwater management practice affected by this Declaration. Approved Improvement Location Survey dated _______________.

Note: After construction has been verified and accepted by the Town of Greenwich for the stormwater management practices, this declaration shall be recorded by the Owner on the Greenwich Land Records and copies of the recorded document shall be submitted to all of the following Town of Greenwich Departments involved in the approval:

- Building Division
- Inland Wetlands and Watercourses Agency
- Planning and Zoning

Through this Declaration, the Owner(s) hereby subjects the Property to the following covenants, conditions, and restrictions:

1. The Owner(s), at its expense, shall secure from any affected owners of land all easements and releases of rights-of-way necessary for utilization of the stormwater practices identified in Exhibit B and shall record them with the Town Clerk. These easements and releases of rights-of-way shall
not be altered, amended, vacated, released or abandoned without prior written approval of the Town of Greenwich.

2. The Owner(s) shall be solely responsible for the installation, maintenance and repair of the stormwater management practices, drainage easements and associated landscaping identified in Exhibit B in accordance with the Operation and Maintenance Plan (Exhibit A).

3. No alterations or changes to the stormwater management practice(s) identified in Exhibit B shall be permitted unless they are deemed to comply with this Declaration and are approved in writing by the Town of Greenwich.

4. The Owner(s) shall retain the services of a qualified inspector (as described in Exhibit A) to operate and ensure the maintenance of the stormwater management practice(s) identified in Exhibit B in accordance with the Operation and Maintenance Plan (Exhibit A).

5. The Owners(s) must maintain all records (logs, invoices, reports, data, etc.) and have them readily available for inspection at all times. Inspection Documentation must be maintained as frequently as required in Exhibit A.

6. The Town of Greenwich or its designee is authorized to access the property as necessary to conduct inspections of the stormwater management practices or drainage easements to ascertain compliance with the intent of this Declaration and the activities prescribed in Exhibit A. Upon written notification by the Town of Greenwich or their designee of required maintenance or repairs, the Owner(s) shall complete the specified maintenance or repairs within a reasonable time frame determined by the Town of Greenwich. The Owner(s) shall be liable for the failure to undertake any maintenance or repairs so that the public health, safety, general welfare or the environment shall not be endangered.

7. If the Owner(s) does not keep the stormwater management practice(s) in reasonable order and condition, or complete maintenance activities in accordance with the Operation and Maintenance Plan contained in Exhibit A, or the required maintenance or repairs under 6 above within the specified time frames, the Town of Greenwich is authorized, but not required, to perform the specified inspections, maintenance or repairs in order to preserve the intended functions of the practice(s) and prevent the practice(s) from becoming a threat to public health, safety, general welfare or the environment. In the case of an emergency, as determined by the Town of Greenwich, no notice shall be required prior to the Town of Greenwich performing emergency maintenance or repairs. The Town of Greenwich may levy the costs and expenses of such inspections, maintenance, repairs and appropriate fees against the Owner(s). The Town of Greenwich at the time of entering upon said stormwater management practice for the purpose of maintenance or repair may file a notice of lien upon the property affected by the lien. If said costs and expenses are not paid by the Owner(s), the Town of Greenwich may pursue the collection of same through appropriate court actions.

8. The Owner(s) hereby conveys to the Town of Greenwich an easement over, on and in the Property for the purpose of access to the stormwater management practice(s) for the inspection, maintenance and repair thereof, should the Owner(s) fail to properly inspect, maintain and repair the practice(s). The Town of Greenwich’s execution of any repair or maintenance does not alter the Owner(s) responsibility to maintain in future.
9. The Owner(s) agrees that this Declaration shall be recorded and that the land described in a deed recorded in Book _______ at Page _______ of the Greenwich Land Records shall be subject to the covenants and obligations contained herein, and this Declaration shall bind all current and future owners of the property.

10. The Owner(s) agrees in the event that the Property is sold, transferred, or leased to provide information to the new owner, operator, or lessee regarding proper inspection, maintenance and repair of the stormwater management practice(s). The information shall accompany the first deed transfer and include Exhibits A and B and this Declaration. The transfer of this information shall also be required with any subsequent sale, transfer or lease of the Property.

11. The Owner(s) agree that the rights, obligations and responsibilities hereunder shall commence upon execution of the Declaration.

12. The parties whose signatures appear below hereby represent and warrant that they have the authority and capacity to sign this declaration and bind the respective parties hereto.

13. The Proprietor, its agents, representatives, successors and assigns shall defend, indemnify and hold the Town of Greenwich harmless from and against any claims, demands, actions, damages, injuries, costs or expenses of any nature whatsoever, hereinafter “Claims”, fixed or contingent, known or unknown, arising out of or in any way connected with the design, construction, use, maintenance, repair or operation (or omissions in such regard) of the storm drainage system referred to in the permit as Exhibit “A” hereto, appurtenances, connections and attachments thereto which are the subject of this Declaration. The Proprietor, its agents, representatives, successors and assigns shall not be required to indemnify the Town, its officers, agents, servants, or employees, against any such damages occasioned solely by acts or omissions of the Town, its officers, agents, servants or employees, other than supervisory acts or omissions of the Town, its officers, agents; servants, or employees, in connection with such Claims or the enforcement of this Declaration.
IN WITNESS WHEREOF, the "Owner(s)" have executed this Declaration on this ______ day of ____________________, 20____.

By: ___________________________________________________________________
[Owner(s)]

By: ___________________________________________________________________
[Owner(s)]

STATE OF CONNECTICUT  
) 
COUNTY OF FAIRFIELD  
) ss: Greenwich

The foregoing instrument was acknowledged before me on this _______ day of 
_________________, 20____, by ____________________________________________________________________, the 
[Owner(s)]

"Owner(s)" of ____________________________________________________________________.
[Address]

__________________________________________________________________________
Notary Public

My Commission Expires On:

WHEN RECORDED RETURN COPY TO:
[All of the following departments involved in approval:
Building Division, Inland Wetlands & Watercourses Agency, and Planning & Zoning]
Exhibit "A"

Operation and Maintenance
Plan With Log
Exhibit A
Operations and Maintenance Plan
124 Old Mill Road, Greenwich CT
August 20, 2020

Scope:

The purpose of the Operations and Maintenance Plan is to ensure that the existing and proposed stormwater components installed on this property are maintained in operational condition throughout the life of the project. The service procedures associated with this plan shall be performed as required by the parties legally responsible for their maintenance.

Recommended Frequency of Service:

As further defined below, all stormwater components should be checked on a periodic basis and kept in full working order. Ultimately, the required frequency of inspection and service will depend on runoff quantities, pollutant loading, and clogging due to debris. At a minimum, we recommend that all stormwater components be inspected and serviced twice per year, once before winter begins and once during spring cleanup.

Qualified Inspector:

The inspections must be completed by an individual experienced in the construction and maintenance of stormwater drainage systems. Once every five years the inspections must be completed by a professional engineer.

Service Procedures:

1. Catch Basins & Drainage Inlets:
   a. Catch basins and drainage inlets shall be completely cleaned of accumulated debris and sediments at the completion of construction.
   b. For the first year, catch basins and drainage inlets shall be inspected on a quarterly basis.
   c. Any accumulated debris within the catch basins/inlets shall be removed and any repairs as required.
   d. From the second year onward, visual inspections shall occur twice per year, once in the spring and once in the fall, after fall cleanup of leaves has occurred.
   e. Accumulated debris within the catch basins/inlets shall be removed and repairs made as required.
   f. Accumulated sediments shall be removed at which time they are within 12 inches of the invert of the outlet pipe.
   g. Any additional maintenance required per the manufacturer's specifications shall also be completed.

2. Storm Drainage Piping and Manholes/Junction Boxes:
   a. All storm drainage piping shall be completely flushed of debris and accumulated sediment at the completion of construction.
   b. Manholes/Junction Boxes shall be inspected and repaired on an annual basis.
c. Unless system performance indicates degradation of piping, comprehensive video inspection of storm drainage piping shall occur once every ten years.
d. Any additional maintenance required per the manufacturer’s specifications shall also be completed.

3. Stormwater Control Structures:
a. All control structures (orifice, weir, etc.) shall be completely cleaned of accumulated debris and sediments at the completion of construction. Any repairs shall be performed.
b. For the first year, control structures (orifice, weir, etc.) shall be inspected on a quarterly basis.
c. Any accumulated debris shall be removed and any repairs made to the control structures (orifice, weir, etc.) as required.
d. From the second year onward, visual inspections shall occur twice per year, once in the spring and once in the fall, after fall cleanup of leaves has occurred.
e. Accumulated debris shall be removed and repairs made as required.
f. Any additional maintenance required per the manufacturer’s specifications shall also be completed.

4. Drainage Outfalls/Splash Pads/Scour Holes/Level Spreaders:
a. All outfalls shall be completely cleaned of accumulated debris and sediments at the completion of construction. Any repairs to outlet protection material (rip rap) shall be performed.
b. For the first year, outfalls shall be inspected on a quarterly basis.
c. Any accumulated debris shall be removed and any repairs made to the outfalls as required.
d. From the second year onward, visual inspections shall occur twice per year, once in the spring and once in the fall, after fall cleanup of leaves has occurred.
e. Accumulated debris shall be removed and repairs made as required.
f. Any erosion shall be promptly repaired and the cause of the erosion shall be identified and corrected.
g. Any additional maintenance required per the manufacturer’s specifications shall also be completed.

5. Bioretention/Biofiltration Basins and Rain Gardens:
a. Bioretention/Biofiltration basins and rain gardens shall be cleaned of debris and sediments upon the completion of construction. Any filter media (bioretention soil) impacted by the construction activities shall be removed and replaced at this time.
b. The filter media (bioretention soil) shall be visually inspected on a monthly basis for the first 6 months. Any erosion or displacement of the filter media (bioretention soil) shall be promptly repaired and the cause of the problem shall be identified and corrected. Monthly inspections shall continue until successful operation of the system is confirmed.
c. Bioretention/Biofiltration areas and rain gardens with grass shall not be mowed more than twice during the growing season, preferably only in late October. More frequent mowing will eliminate native forbs and sedges from the meadow cover.
d. Bioretention/Biofiltration areas and rain gardens with mulch and plantings shall be inspected during spring cleanup and one just prior to the winter season.
e. All dead plants and missing mulch shall be replaced and any necessary pruning of vegetation shall be completed.
f. The surface of these structures shall be inspected on a quarterly basis after the first six months of successful operation and after heavy runoff events (e.g. >3.0" in a 24-hour period). One inspection shall occur immediately following the completion of winter sanding and subsequent sweeping operations, and one shall occur just prior to the winter season. Any accumulated debris and sediments shall be removed.

g. Check draining time of bioretention/biofiltration areas and rain gardens annually. Check within 72 hours after a minimum one inch rain event. If there is no standing water, infiltration is acceptable. If draining time is excessive, quantitatively determine infiltration rate. Use a double ring infiltrometer or monitor drop in water level after a significant storm. If infiltration rate <0.5 in./hour, remedial action shall be taken.

h. A soil-core investigation may be used to identify the clogged portion of stormwater facility and depth of clogging. Remedial measures may include removal of clogged soil layer and replacement with suitable media, aeration, and mixing upper strata with lower soil strata. After corrective measures have been implemented, infiltration rate and draining time shall be retested.

6. Roof Gutters:

   a. Remove accumulated debris and inspect for damage. Any damage should be repaired as required.

Disposal of Debris and Sediment:

All debris and sediment removed from the stormwater structures and bioretention/biofiltration basins shall be disposed of legally. There shall be no dumping of silt or debris into or in proximity to any inland or tidal wetlands.

Maintenance Records:

The Owners(s) must maintain all records (logs, invoices, reports, data, etc.) and have them readily available for inspection at all times.
# Operations and Maintenance Log (Page 1 of 3)

124 Old Mill Road, Greenwich CT

<table>
<thead>
<tr>
<th>Type of Inspection:</th>
<th>☐ Spring</th>
<th>☐ Fall</th>
<th>☐ Other</th>
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<table>
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<tr>
<th>Inspector’s Name:</th>
<th>Date of Inspection:</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Affiliation:</th>
<th>Phone #:</th>
</tr>
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</table>

### Catch Basins & Drainage Inlets:
- Has accumulated debris been removed from grates? [☐ Yes ☐ No ☐ N/A]
- Do any basins require additional repair? (identify below): [☐ Yes ☐ No ☐ N/A]
- Have sumps been cleaned of sediment? [☐ Yes ☐ No ☐ N/A]

### Storm Drainage Piping and Manholes/Junction Boxes:
- Has accumulated debris been removed? [☐ Yes ☐ No ☐ N/A]
- Do any manholes require additional repair? (identify below): [☐ Yes ☐ No ☐ N/A]
- Is there any evidence of stormwater piping failure? [☐ Yes ☐ No ☐ N/A]
- Has a comprehensive video inspection been completed? [☐ Yes ☐ No ☐ N/A]

### Stormwater Control Structures:
- Has accumulated debris been removed? [☐ Yes ☐ No ☐ N/A]
- Are any repairs required? (identify below): [☐ Yes ☐ No ☐ N/A]
- Have orifices and weirs been cleaned of debris? [☐ Yes ☐ No ☐ N/A]

### Notes:

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Form MD-100
February 2014
Operations and Maintenance Log (Page 2 of 3)
124 Old Mill Road, Greenwich CT

Drainage Outfalls/Splash Pads/Scour Holes/Level Spreaders:
- Have all drainage outlets been cleared of debris? □ Yes □ No □ N/A
- Have all outlet protections been inspected/repaired? □ Yes □ No □ N/A
- Have all erosion issues been repaired? □ Yes □ No □ N/A

Notes:

Bioretention/Biofiltration Basins/Rain Gardens:
- Have basins been cleared of debris/sediments? □ Yes □ No □ N/A
- Have draining times of basins been verified? □ Yes □ No □ N/A
- Has vegetation been mowed (twice/year max.)? □ Yes □ No □ N/A
- Has plantings and mulch been replaced (twice/year)? □ Yes □ No □ N/A

Notes:

Roof Gutters:
- Has accumulated debris been removed from gutters? □ Yes □ No □ N/A
- Do any gutters require additional repair? (identify below): □ Yes □ No □ N/A

Notes:
Operations and Maintenance Log (Page 3 of 3)
124 Old Mill Road, Greenwich CT

Please make additional notes/observations and particular concerns below. Also record any additional maintenance that has been performed:

__________________________
Signature of Inspector:

__________________________
Date:
Engineer of Record Certification

Project Name: Foundation House

Project Address: 124 Old Mill Road

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 Site Plan Review Set, Foundation House, Location 124 Old Mill Road Greenwich, Connecticut, Prepared for 124 OM, LLC

Stormwater Management Report Last Revision Date: 2-22-21

Number of Plan Sheets: 9 Last Revision Date: 2-22-21


Engineer's Signature: ___________________________ Date: 2-22-21


Form SC-100

February 2014
DIRECTLY CONNECTED IMPERVIOUS AREA (DCIA) CERTIFICATION
PRE-CONSTRUCTION

Property Address: 124 Old Mill Road

Building Permit No.: 

Tax Account No.: 10-1791

PLANS & DRAINAGE SUMMARY REPORT INFORMATION

Engineering Firm: Rocco V. D'Andrea, Inc.

Design Plans Date: 2/22/2021

Drainage Report Date: 2/22/2021

PROPERTY INFORMATION FOR DIRECTLY CONNECTED IMPERVIOUS AREA (DCIA)

<table>
<thead>
<tr>
<th>Description</th>
<th>Area (SF)</th>
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<tr>
<td>Total Impervious Area Under Existing Conditions</td>
<td>107,033.00</td>
</tr>
<tr>
<td>Total Impervious Area Under Proposed Conditions</td>
<td>128,057.00</td>
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<tr>
<td>Total Disconnected Impervious Area Under Proposed Conditions</td>
<td>40,937.00</td>
</tr>
<tr>
<td>Total Directly Connected Impervious Area Under Proposed Conditions</td>
<td>87,120.00</td>
</tr>
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</table>

1 Impervious surfaces include but are not limited to roofs (including green roofs), buildings, houses, walks, patios, walls, tennis/sport courts (all surface types must be counted), landscape ponds, pools, paved streets/drives/parking areas constructed with concrete, asphalt, compacted dirt, gravel, or permeable pavements.

2 All impervious surfaces that are directed to stormwater BMPs that meet the water quality volume (WQV) standard will be considered disconnected impervious cover. Acceptable stormwater BMPs are Bioretention (infiltrating/filtering), Constructed Stormwater Wetlands, Extended Dry Detention Basins (infiltration required), Gravel Wetlands, Constructed Wet Stormwater Ponds, Sand/Organic Filters (sand filters, tree filters, stormwater planters, etc.), Infiltration Systems (drywells, Culverts, etc.), Permeable Pavement Areas (infiltrating/filtering), Green Roofs, and Disconnected Impervious Area (must meet all the standards under Simple Disconnection on page 44 and 45 of the Drainage Manual).

3 Subtract the Total Disconnected Impervious Area Under Proposed Conditions (SF) from the Total Impervious Area Under Proposed Conditions (SF).

Engineer’s Signature: [Signature]

Date: 2/22/2021

Engineer’s Seal

Form SC-107

February 2021
FINAL SITE PLAN REVIEW SET

"FOUNDATION HOUSE"

LOCATION

124 OLD MILL ROAD
GREENWICH, CONNECTICUT

PREPARED FOR
124 OM LLC

SHEET INDEX

<table>
<thead>
<tr>
<th>SHEET</th>
<th>TITLE</th>
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<th>DATE</th>
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<td>1</td>
<td>ZONING LOCATION SURVEY</td>
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<td>EXISTING CONDITIONS</td>
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<td>1B</td>
<td>EXISTING CONDITIONS</td>
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<tr>
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<td>DEVELOPMENT PLAN – GRADING &amp; DRAINAGE</td>
<td>2</td>
<td>2-22-21</td>
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<tr>
<td>2B</td>
<td>DEVELOPMENT PLAN – GRADING &amp; DRAINAGE</td>
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<td>2-22-21</td>
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<td>SEDIMENTATION AND EROSION CONTROL PLAN</td>
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<tr>
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<td>DRIVEWAY PROFILE PLAN</td>
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</tbody>
</table>
TOWN OF GREENWICH
Town Hall ~ 101 Field Point Road ~ Greenwich, CT 06830
Planning & Zoning Department ~ 203-622-7894 ~ Fax. 203-622-3795

Subdivision Application

Property Address: 124 Old Mill Road

Property Owner: 124 OM LLC

Email: ___________________________ Cell Phone: ___________________________ Other Phone: ___________________________

Applicant: Foundation House LLC

Email: ___________________________ Cell Phone: ___________________________ Other Phone: ___________________________

Authorized Agent: Heagney, Lennon & Slane, LLP

Email: theagney@HLS248.com

Cell Phone: 203-661-8400

Address: 248 Greenwich Avenue, Greenwich, CT 06830

Address: c/o Ivey Barnum & O'Mara, LLC, 170 Mason Street, Greenwich, CT 06830

Tax ID: 10-1791; 10-3577; 10-3578

Zone(s): RA-4

Total Area: 75.72ac

Please select all relevant items below:

☐ Preliminary  ☑ Final  ☐ Coastal

☐ Subdivision  ☑ Resubdivision

Number of Lots:

Existing: 3

Proposed: 3

Zone:

Existing: RA-4

Proposed: RA-4

Land Reserved:

Area of Land Reservation: N/A

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

History:

Previous SB #: PSB #1188 and FSB #1197

GLR Map # of any previously filed subdivisions or surveys: #6994(A), 6882, 3182, 3083, 1202, 1148

Utilities:

☐ Septic  ☑ Well  ☑ Sewer  ☐ Public Water

Health Permit needed and received? Pending

IWWA Permit received? Green Sheet

IWWA Permit #: N/A

☐ Property is within 500 feet of a Municipal Boundary of ________________ (for notification)

☒ 10 lots or 10 or more acres requires Environmental Assessment § 6-266 (19)

To be completed by P&Z staff only:

Check # __________________  Check Amount: $ __________________

Application #: ___________________________  pzSubdivisionApp 2020
Application Signature Page

Property Address: 124 Old Mill Road

Property Owner 1: 124 OM LLC
Address: c/o Ivey Bamum & O'Mara, LLC, 170 Mason Street, Greenwich, CT 06830
Email: See Authorization Letter
Cell Phone: Other Phone:
Signature: Date:

Property Owner 2:
Address:
Email: 
Cell Phone: Other Phone:
Signature: Date:

Property Owner 3:
Address:
Email: 
Cell Phone: Other Phone:
Signature: Date:

Property Owner 4:
Address:
Email: 
Cell Phone: Other Phone:
Signature: Date:

Applicant: Foundation House LLC
Address:
Email: 
Cell Phone: Other Phone:
Signature: Date:

Authorized Agent: Heagney, Lennon & Slane, LLP
Address: 248 Greenwich Avenue, Greenwich, CT 06830
Email: theagney@HLS248.com
Cell Phone: 203-661-8400 Other Phone:
Signature: Date: 1/25/2021

pzSignaturePage 2020
5. A map at a scale of 1,000 feet to one inch showing the Lot Lines & Streets.

6. Two copies of declarations or easements relating to reservations for park and playground or conservation areas prepared in accordance with the Town's model documents.

7. Fee submitted at time of application: $1150 (see fee schedule)

8. Eight copies of a completed application form.

9. All items from the Preliminary Subdivision checklist.

"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."

I certify that the application includes all the above requirements as noted. Please explain reasons for any omissions: ____________________________

________________________________________
Owner name/ signature

________________________________________
Agent name / signature Date

________________________________________
P&Z Staff Signature

Applicant Comments:

________________________________________

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.
NARRATIVE

Applicant proposes to relocate the lot line to transfer approximately 4 acres from Lot 1, aka Tax ID 10-1791, to Lot 2, aka Tax ID 10-3577, at 124 Old Mill Road.

<table>
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<tr>
<th>Tax ID</th>
<th>Existing</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td>10-1791</td>
<td>Lot 1 – 28 acres</td>
<td>Lot 1R – 23.966 acres</td>
</tr>
<tr>
<td>10-3577</td>
<td>Lot 2 – 17.7 acres</td>
<td>Lot 2R – 21.77 acres</td>
</tr>
<tr>
<td>10-3578</td>
<td>Lot 3 – 15 acres</td>
<td></td>
</tr>
</tbody>
</table>

The lot line revision will allow a proposed septic system to be located on Lot 2R, the same lot as the building it will serve, in accordance with Connecticut Public Health Code §19-13-B103d(d).

Applicant requests that the Planning and Zoning Commission determine that the proposed lot line revision is neither a subdivision nor re-subdivision.

The current lot configuration was reviewed and approved by the Planning and Zoning Commission in 1994 as part of the approval of Preliminary Subdivision #1188 and Final Subdivision #1197. In addition to three lots that comprise 124 Old Mill Road, the subdivision included Lot 4, Tax ID 10-3574, aka 0 Old Mill Road. The property will continue to comply with the terms of the Commission’s 1994 approval and the associated Declaration of Restrictions recorded in Book 2586 at Page 255 of the Greenwich Land Records, including:

- Ensuring each building lot contain at least 10 acres;
- Refraining from activity within 50’ of the flagged wetlands without Inland Wetlands and Watercourses Agency approval; and
- Maintaining the Conservation Easement area as undeveloped, natural open space.

Since the property was part of a Commission-approved subdivision, the chain of title has been run back to 1994 rather than 1933. The properties have been held in common ownership since 1994, but remain compliant with the RA-4 zone criteria for lot size and lot shape.

Reviews are already being conducted by Zoning Enforcement and the Health Department.

Applicant requests that the Commission grant lot line revision approval to transfer the approximately 4 acres from Lot 1, aka Tax ID 10-1791, to Lot 2, aka Tax ID 10-3577, at 124 Old Mill Road.

Respectfully Submitted,
John J. Heagney
Dated January 27, 2021
This map was produced from the Town of Greenwich GIS. The Town expressly disclaims any liability that may result from the use of this map.
CERTIFICATE OF TITLE

124 Old Mill Road (Tax IDs 10-1791, 10-3577 & 10-3578)

THIS IS TO CERTIFY that after an examination of the Land Records, as indexed, of the Town of Greenwich, County of Fairfield and State of Connecticut, and of the books and pages to which they refer, to the date hereof, we are of the opinion that 124 OM LLC is the owner in fee simple, conveyed to it by a Warranty Deed from COSETTE PROPERTY LLC on December 18, 2019 in Book 7602 at Page 51 in the Greenwich Land Records.

The chain of title to the property is as shown on the attached schedule.

Dated at Greenwich, Connecticut this 26th day of January, 2021.

HEAGNEY, LENNON & SLANE, LLP

By: [Signature]

John Heagney
# Chain of Title for 124 Old Mill Road

<table>
<thead>
<tr>
<th>Recording Date</th>
<th>Book</th>
<th>Page</th>
<th>Conveyance</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 1994</td>
<td>2584</td>
<td>187</td>
<td>Executor's Deed from the Estate of Herbert Mayer to Bruce E. Davey and Nigel Sinclair, Trustees</td>
</tr>
<tr>
<td>May 3, 2000</td>
<td>3415</td>
<td>183</td>
<td>Certificate of Appointment of Successor Co-Trustee Removing Nigel Sinclair and Appointing Thomas Hansen as Successor Trustee</td>
</tr>
<tr>
<td>June 29, 2010</td>
<td>5970</td>
<td>226</td>
<td>Affidavit of Facts Under C.G.S. 47-12a appointing Vicki Christianson as the Sole Successor Trustee of The Millicent Trust</td>
</tr>
<tr>
<td>June 29, 2010</td>
<td>5970</td>
<td>235</td>
<td>Trustee's Deed from Vicki Christianson, Trustee under The Millicent Trust to Cosette Property LLC</td>
</tr>
<tr>
<td>December 18, 2019</td>
<td>7602</td>
<td>51</td>
<td>Warranty Deed from Cosette Property LLC to 124 OM LLC</td>
</tr>
</tbody>
</table>
TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, that HERBERT MAYER, JR. and BET MAYER, Co-Executors of the Will of HERBERT MAYER, late of the Town of Greenwich, County of Fairfield and State of Connecticut, deceased, in consideration of the sum of ONE ($1.00) DOLLAR and other good and valuable consideration, received to their full satisfaction of BRUCE E. DAVEY and NIGEL SINCLAIR, TRUSTEES, of Beverly Hills, California 90210, hereinafter referred to as the grantees, do grant, bargain, sell and confirm unto the said grantees, all the right, title, interest, claim and demand which the said HERBERT MAYER had at the time of his death, or which we, as such Executors, have or ought to have, in and to a certain piece or parcel of land with the buildings and improvements thereon, situated in the Town of Greenwich, County of Fairfield and State of Connecticut, more particularly described on Schedule A attached hereto, and conveyed subject to the encumbrances set forth on Schedule B attached hereto.

TO HAVE AND TO HOLD the above granted and bargained premises with the appurtenances thereof, unto them, the said grantees, their successors and assigns, to theirs and their own proper use and benefit forever. And the said Executors do hereby covenant with the said grantees, their successors and
assigns, that said Executors have full power and authority, as such Executors, to grant and convey the above-described premises in manner and form aforesaid and for themselves and their heirs, executors and administrators, do further covenant to warrant and defend the same to the said grantees, their successors and assigns, against the claims of any person or persons whomsoever, claiming by, from or under said Executors.

IN WITNESS WHEREOF, Herbert Mayer, Jr. and Bet Mayer, as such Executors, have hereunto set their hands and seal this 15th day of June, 1994.

Signed, Sealed and Delivered in the Presence of:

Herbert Mayer
Executor
Bet Mayer
Executor

STATE OF CONNECTICUT) ss.: Greenwich June 15, 1994
COUNTY OF FAIRFIELD }

Personally appeared, HERBERT MAYER, JR. and BET MAYER, Co-Executors as aforesaid, signers and sealers of the foregoing Instrument, and acknowledged the same to be their free act and deed as Executors as aforesaid, before me.

Kenneth M. Gamwell
Notary Public
Commissioner of Superior Court
My Commission Expires:

2829G
Schedule "A"

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

Beginning at a monument along the northwest side of the Merritt Parkway at the southwest corner of the property of the State of Connecticut at its intersection with the property to be conveyed,

THENCE South 56 degrees 40 minutes 25 seconds West for a distance of 737.74 feet along the northwest side of the Merritt Parkway to a monument.

THENCE South 54 degrees 39 minutes 46 seconds West for a distance of 1473.79 feet.

THENCE North 74 degrees 06 minutes 00 seconds West for a distance of 50.84 feet along land of the State of Connecticut to a monument.

THENCE North 74 degrees 00 minutes 00 seconds West for a distance of 54.99 feet.

THENCE North 80 degrees 12 minutes 30 seconds West for a distance of 46.82 feet.

THENCE North 77 degrees 18 minutes 30 seconds West for a distance of 80.94 feet.

THENCE North 82 degrees 17 minutes 40 seconds West for a distance of 95.83 feet.

THENCE North 73 degrees 00 minutes 00 seconds West for a distance of 74.10 feet.

THENCE North 71 degrees 35 minutes 00 seconds West for a distance of 190.54 feet to the land now or formerly of Szabo, Tr.

THENCE along a curve to the right having a radius of 275.00 feet and an arc length of 228.86 feet, being subtended by a chord of North 48 degrees 59 minutes 30 seconds East for a distance of 222.32 feet.

THENCE North 72 degrees 50 minutes 00 seconds East for a distance of 123.15 feet.

THENCE along a curve to the right having a radius of 60.00 feet and an arclength of 18.58 feet, being subtended by a chord of North 81 degrees 42 minutes 17 seconds East for a distance of 18.51 feet.

THENCE North 09 degrees 33 minutes 10 seconds West for a distance of 329.95 feet.

THENCE North 16 degrees 08 minutes 00 seconds West for a distance of 250.00 feet along the land now or formerly of Samuels to the land now or formerly of Jessop.

THENCE South 82 degrees 25 minutes 00 seconds East for a distance of 30.82 feet.

THENCE North 01 degrees 00 minutes 30 seconds West for a distance of 376.77 feet.
THENCE South 88 degrees 59 minutes 30 seconds West for a
distance of 187.00 feet to the land now or formerly of Lincoln
THENCE North 01 degrees 09 minutes 30 seconds West for a
distance of 235.95 feet
THENCE North 10 degrees 32 minutes 00 seconds East for a
distance of 385.74 feet along the land now or formerly of Scott
THENCE North 71 degrees 34 minutes 30 seconds West for a
distance of 62.00 feet
THENCE North 07 degrees 46 minutes 00 seconds East for a
distance of 100.00 feet along the land now or formerly of Ingersol
THENCE North 16 degrees 46 minutes 00 seconds East for a
distance of 386.74 feet along the land now or formerly of Scott
THENCE North 71 degrees 59 minutes 30 seconds West for a
distance of 62.00 feet
THENCE North 01 degrees 09 minutes 30 seconds West for a
distance of 235.95 feet
THENCE South 01 degrees 09 minutes 30 seconds West for a
distance of 235.95 feet
THENCE South 76 degrees 24 minutes 00 seconds East for a
distance of 189.20 feet along the land now or formerly of Jones
THENCE South 76 degrees 45 minutes 00 seconds East for a
distance of 147.25 feet along the land now or formerly of Schilt
THENCE South 76 degrees 39 minutes 00 seconds East for a
distance of 30.20 feet
THENCE South 81 degrees 05 minutes 00 seconds East for a
distance of 29.00 feet along the land now or formerly of Werbe
THENCE South 76 degrees 51 minutes 00 seconds East for a
distance of 106.30 feet
THENCE South 83 degrees 38 minutes 00 seconds East for a
distance of 28.30 feet
THENCE South 76 degrees 26 minutes 00 seconds East for a
distance of 59.50 feet
THENCE South 77 degrees 44 minutes 00 seconds East for a
distance of 98.60 feet
THENCE South 77 degrees 08 minutes 00 seconds East for a
distance of 34.50 feet
THENCE South 79 degrees 29 minutes 00 seconds East for a
distance of 64.95 feet to a drill hole set in ledge
THENCE North 25 degrees 43 minutes 00 seconds East for a
distance of 7.85 feet continuing along the land now or formerly of Werbe
THENCE North 32 degrees 59 minutes 00 seconds East for a
distance of 58.70 feet
THENCE North 45 degrees 05 minutes 00 seconds East for a
distance of 18.20 feet
THENCE North 12 degrees 31 minutes 00 seconds East for a
distance of 16.40 feet
THENCE North 27 degrees 33 minutes 00 seconds East for a
distance of 39.10 feet
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distance of 64.00 feet
THENCE North 28 degrees 08 minutes 00 seconds East for a
distance of 36.10 feet
THENCE North 17 degrees 22 minutes 00 seconds East for a
distance of 28.90 feet to the southerly edge of Old Mill Road
THENCE South 83 degrees 33 minutes 00 seconds East for a
distance of 240.70 feet along the southerly edge of Old Mill Road.

THENCE South 80 degrees 25 minutes 00 seconds East for a
distance of 137.90 feet.
THENCE South 77 degrees 31 minutes 00 seconds East for a
distance of 126.80 feet.
THENCE South 75 degrees 47 minutes 00 seconds East for a
distance of 146.00 feet.
THENCE South 83 degrees 10 minutes 00 seconds East for a
distance of 175.10 feet.
THENCE South 83 degrees 00 minutes 44 seconds East for a
distance of 98.93 feet.
THENCE South 58 degrees 26 minutes 24 seconds East for a
distance of 267.49 feet.
THENCE South 51 degrees 56 minutes 44 seconds East for a
distance of 159.74 feet.
THENCE South 57 degrees 19 minutes 44 seconds East for a
distance of 77.81 feet.
THENCE South 76 degrees 46 minutes 44 seconds East for a
distance of 15.69 feet.
THENCE South 10 degrees 30 minutes 10 seconds East for a
distance of 155.53 feet along the land of the State of Connecticut.

THENCE South 13 degrees 02 minutes 28 seconds East for a
distance of 325.83 feet returning to the point of beginning.

Together with the right to use for all purposes of travel
and for the purpose of laying and maintaining therein of public
utilities of all kinds, a tract of land fifty (50) feet in width,
which is set forth and described in a Warranty Deed between George
L. Ohstrom and the State of Connecticut dated June 3, 1932, and
recorded on the said date in the Land Records of the Town of
Greenwich in Book 298 at Page 155.

Being the same property depicted and described on a survey map
entitled "Survey- Property of the Estate of Herbert Mayer, 124 Old Mill Rd.
Greenwich, CT by Michael W. Finkbeiner, L.S. Scale 1"=100", dated June 10, 1994
and filed in the Greenwich Land Records as Map # 68A2.

Said property contains 75.72 acres.
SCHEDULE B

1. Any and all provisions of any ordinance, municipal regulation or public or private law, including but not limited to zoning, planning and building laws, rules and regulations as established in and for the Town of Greenwich.

2. Taxes of any tax district in which the premises are situated, and/or any dues, fees or charges of private associations or similar entities for which the owner of the premises may be liable, hereafter becoming due and payable, which taxes and/or dues, fees, or charges the Grantees assume and agree to pay.

3. Any and all real property taxes of the Town of Greenwich hereafter becoming due and payable, which taxes the Grantees assume and agree to pay.

4. Riparian rights of others, if any, in and to any brook, stream or pond upon or crossing subject premises.

5. Grant from Robert G. Jones to the American Telephone and Telegraph Company, dated July 7, 1904 and recorded in the Greenwich Land Records in Book 100 at Page 292.


11. Rights of others to use for all purposes of travel and for the purpose of laying and maintaining therein of public utilities of all kinds, a tract of land fifty (50) feet in width, which right is set forth and described in a Warranty Deed between George L. Ohstrom and the State of Connecticut dated June 3, 1932 and recorded on said date in the Land Records of the Town of Greenwich in Book 298 at Page 155.

2893G

Received for Record JUL 1 1994 at 12 h 21 m 09.4 and recorded by J. S. Pedder, Town Clerk.
TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, that HERBERT MAYER, JR. and BET MAYER,
Co-Executors of the Will of HERBERT MAYER, late of the Town
of Greenwich, County of Fairfield and State of Connecticut,
deceased, in consideration of the sum of ONE ($1.00) DOLLAR and
other good and valuable consideration, received to their full
satisfaction of BRUCE E. DAVEY and NIGEL SINCLAIR, TRUSTEES,
of Beverly Hills, California, hereinafter referred to as
the grantees, do grant, bargain, sell and confirm unto the said
grantees, all the right, title, interest, claim and demand
which the said HERBERT MAYER had at the time of his death, or
which we, as such Executors, have or ought to have, in and to a
certain piece or parcel of land with the buildings and
improvements thereon, situated in the Town of Greenwich, County
of Fairfield and State of Connecticut, more particularly
described on Schedule A attached hereto, and conveyed subject
to the encumbrances set forth on Schedule B attached hereto.

TO HAVE AND TO HOLD the above granted and bargained
premises with the appurtenances thereof, unto them, the said
grantees, their successors and assigns, to theirs and their own
proper use and benefit forever. And the said Executors do
hereby covenant with the said grantees, their successors and

[Signatures]

Conveyance Tax receipted
TOWN CLERK OF GREENWICH

Conveyance Tax receipted
TOWN CLERK OF GREENWICH
assigns, that said Executors have full power and authority, as
such Executors, to grant and convey the above-described
premises in manner and form aforesaid and for themselves and
their heirs, executors and administrators, do further covenant
to warrant and defend the same to the said grantees, their
successors and assigns, against the claims of any person or
persons whomssoever, claiming by, from or under said Executors.

IN WITNESS WHEREOF, Herbert Mayer, Jr. and Bet Mayer, as
such Executors, have hereunto set their hands and seal this 15th
day of June, 1994.

Signed, Sealed and
Delivered in the
Presence of:

/ / \ / \ / /
Kenneth N. Gammell

Herbert Mayer
Executor

/ / \ / \ / /
Lorraine M. Varian

Bet Mayer
Executor

STATE OF CONNECTICUT) ss.: Greenwich June 15, 1994
COUNTY OF FAIRFIELD

Personally appeared, HERBERT MAYER, JR. and BET MAYER,
Co-Executors as aforesaid, signers and sealers of the foregoing
Instrument, and acknowledged the same to be their free act and
deed as Executors as aforesaid, before me.

/ / \ / \ / /
Kenneth N. Gammell
Notary Public
Commissioner of Superior Court
My Commission Expires:
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THENCE South 13 degrees 02 minutes 28 seconds East for a distance of 325.83 feet returning to the point of beginning.

Together with the right to use for all purposes of travel and for the purpose of laying and maintaining therein of public utilities of all kinds, a tract of land fifty (50) feet in width, which is set forth and described in a Warranty Deed between George L. Ohnstrom and the State of Connecticut dated June 3, 1932, and recorded on the said date in the Land Records of the Town of Greenwich in Book 298 at Page 155.

Being the same property depicted and described on a survey map entitled "Survey Property of the Estate of Herbert Mayer, 124 Old Mill Rd. Greenwich, CT by Michael W. Finkbeiner, L.S. Scale 1"=100", dated June 10, 1994 and filed in the Greenwich Land Records as Map # 6883.

Said property contains 75.72 acres.
1. Any and all provisions of any ordinance, municipal regulation or public or private law, including but not limited to zoning, planning and building laws, rules and regulations as established in and for the Town of Greenwich.

2. Taxes of any tax district in which the premises are situated and/or any dues, fees or charges of private associations or similar entities for which the owner of the premises may be liable, hereafter becoming due and payable, which taxes and/or dues, fees, or charges the Grantees assume and agree to pay.

3. Any and all real property taxes of the Town of Greenwich hereafter becoming due and payable, which taxes the Grantees assume and agree to pay.

4. Riparian rights of others, if any, in and to any brook, stream or pond upon or crossing subject premises.

5. Grant from Robert G. Jones to the American Telephone and Telegraph Company, dated July 7, 1904 and recorded in the Greenwich Land Records in Book 100 at Page 202.


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2893G

Received for Record JUL 1 1994 at 12:21 PM and recorded by Town Clerk.
Property of
Emma Riggs Christom
Greenwich, Conn.
Scale 1" = 100 ft.
Area = 6.126 Acres

Hall & McCheery, Inc.
Surveyors

[Diagram of land with various labels and measurements]
DECLARATION OF RESTRICTIONS

WHEREAS, BRUCE E. DAVEY and NIGEL SINCLAIR, TRUSTEES, of
Beverly Hills, California (hereinafter referred to as the Grantors)
are the owners of certain real property in the Town of Greenwich,
County of Fairfield and State of Connecticut (the Property),
described and shown on a certain map entitled, "Property of Bruce
E. Davey and Nigel Sinclair, Trustees, 124 Old Mill Road,
Greenwich, Conn.", prepared by Ahneman Associates, Greenwich,
Connecticut, dated 1-26-94/7/31-1994 (the Map) submitted to the
Planning and Zoning Commission of the Town of Greenwich (the Town),
as a subdivision map and to be filed in the Greenwich Land Records
as Map No. 1994, said real property being comprised of Lots
Numbered 1 through 4 as shown on the Map; and

WHEREAS, said Grantors, in order to induce the Town to approve
the proposed subdivision of Grantors' real property as shown on
said Map, desire to create such covenants and restrictions as are
necessary to comply with the provisions of the Subdivision
Regulations of the Town of Greenwich, adopted September 10, 1970
by the Planning and Zoning Commission and approved September 14, 1970
by the Representative Town Meeting, and as amended from time to
time.

NOW THEREFORE, the Grantors, acting herein by BRUCE E. DAVEY,
TRUSTEE, do hereby declare the following covenants and
restrictions, which covenants and restrictions shall run with the
land in perpetuity and shall be binding on the Grantors, their
successors and assigns, and all future owners of any and all of the
Lots within the herein described subdivision.

Section 1. Subdivision

The Grantors desire to provide for the protection, preserva-
tion and conservation of the open space land and clear waters
on the Property; and to maintain the protection thereof,
Grantors agree that no part of the Property may be divided,
subdivided, or resubdivided into building lots containing less
than ten (10) acres. Nothing herein shall prohibit the exchange
or transfer of portions of the Property between Lot owners on
the Property, so long as no building lot shall contain less than
ten (10) acres, and so long as any such exchange or transfer is
approved by the Planning and Zoning Commission.

Section 2. Wetlands Easement

(a) In order to carry out and effectuate the purposes and
policies of the State of Connecticut as set forth in the
Connecticut General Statutes, Sections 22a-35 through 22a-45, a
Wetlands Easement is hereby granted to the Town of Greenwich
forever in, over and across all areas shown and designated on
the Map of the Property as "Wetlands," and all water bodies and
watercourses shown on said Map, together with an upland area
surrounding each such wetland area in the setback distance of fifty
(50') feet unless a lesser setback distance is deemed appropriate
by the Inland Wetlands and Watercourses Agency of the Town of Greenwich, as has been approved and is shown on the approved conceptual layout of driveways and wetland crossings, or in deemed in the future to be acceptable, but in no event shall such setback be less than fifteen (15') feet;

(b) No regulated activity, as defined in the Inland Wetlands and Watercourses Regulations of the Town of Greenwich, as the same may be from time to time amended ("Wetlands Regulations") which shall affect any wetland, water body or watercourse as referred to in subparagraph (a) above, shall be permitted except in accordance with the Wetlands Regulations.

(c) Nothing herein is intended to waive the authority of the Inland Wetlands and Watercourses Act of the State of Connecticut or the jurisdiction of the Inland Wetlands and Watercourses Agency of the Town of Greenwich acting pursuant thereto as to any wetlands or watercourses as may exist on the Property but not yet identified or shown on the subdivision Map of the Property.

Section 3. Conservation Basements

To insure that land designated as Conservation Basements Areas on the Map will remain as open space, as watershed protection areas, and in an undeveloped and natural state, a Conservation Basement is hereby granted to the Town of Greenwich in, over and across all areas shown and designated on the Map of the Property as "Conservation Basements Areas" for the purposes of keeping said
areas as open space and in their undeveloped and natural state
forever in accordance with the following provisions:

(a) Except as may be permitted pursuant to Section 4
hereafter, no building or other structure or improvement, either
temporary or permanent, shall be erected or caused to be placed on
any Conservation Easement Area as shown on said Map. No part of
said areas shall be paved for common parking.

(b) The topography of the landscape in said areas shall be
maintained in its present condition and no topographic changes
shall be made in said areas, including filling, grading, excavating
or the altering of natural or existing watercourses or drainage, or
the removal of stone walls without the prior approval of the
Planning and Zoning Commission. No septic system, grading of soil
for roads, drives or utilities, installation of electric and
telephone wires, cables and conduits, water wells and pipes, gas,
sewer, water and other utility pipes, paving, bridges, dams,
recreational facilities, laying out of foot or riding paths or
trails or any other activity or facility disturbing said areas
shall be made, conducted, installed, placed or done in said areas
without the prior approval of the Planning and Zoning Commission.
However, none of the foregoing shall apply with respect to work
permitted pursuant to Section 4 hereafter.

(c) No refuse, trash, debris, garbage, waste matter, sewage,
or other like substance or offensive material shall be placed,
caused to be placed or allowed to remain in or upon such
Conservation Easement Areas. The method and extent of the removal
of any of the foregoing shall first be approved by the Planning and
Zoning Commission. Nothing set forth herein shall require the removal, restoration or repair of the remains of the farm buildings shown on the Map on Lot 1.

(d) No live or undisposed tree or shrub shall be cut, removed or destroyed in said Areas without the prior approval of the Planning and Zoning Commission, except as shall be necessary for clearing of approved driveways, roadways, maintenance of the Mill, and other uses approved by the Planning and Zoning Commission.

(e) With the prior approval of the Planning and Zoning Commission, the owner of each Lot affected by any such Conservation Basement shall have the right to protect from erosion portions of said Conservation Basement Areas by planting trees, plants and shrubs where and to the extent necessary or by other appropriate means as have received prior approval of the Planning and Zoning Commission. Each such Owner shall also have the right, with such prior approval, to cut fire breaks, or perform other necessary tree cutting operations in such Conservation Basement Areas, all only with prior approval of the Planning and Zoning Commission. Each such Owner shall also be permitted to remove any dead trees, and to plant such trees, plants and shrubs as may be required for the creation of a natural screening barrier to maintain and stabilize any disturbed ground surfaces without the Planning and Zoning Commission's approval.

(f) Grantors expressly reserve to themselves, their successors and assigns, reasonable passive use and enjoyment of said Conservation Basement Areas, in a manner not inconsistent with the intent and provisions of this Declaration and of this Section.
(g) The granting of this easement in no way grants to the public or to the owners of any surrounding or adjacent land, the right to enter such Conservation Easement Areas without the express permission of the Owner of any Lot affected by such Conservation Easement.

(h) All wetlands, waterbodies and watercourses located within any area shown on the subdivision Map as "Conservation Easement Area" shall also be subject to the easements referred to in Section 2 "Wetlands Easement" above.

(i) In the event the Grantors, as herein defined, shall fail to comply with their obligations under this Conservation Easement and Declaration, (excluding the obligation of maintaining the exterior of the Mill Building in good repair) the Grantee has the right and authority to enforce the covenants and agreements herein by giving to the Grantors written notice of such failure specifying the noncomplying condition complained of, and affording the Grantors thirty (30) days in which to correct such condition. If, upon the expiration of a reasonable period of time the Grantors have failed to commence performing the appropriate work needed to correct the condition, the Grantee may take any and all available and necessary action to assure proper compliance and may assess the cost thereof, including attorneys' fees, against the Grantors. Any such assessment not paid within thirty (30) days after demand therefore shall bear interest from the date of demand at the rate established by law for interest upon money judgments, and the Grantee may bring an action at law and/or in equity against the Grantors, their successors or assigns to collect such assessments.
and/or to compel compliance with the covenants and agreements contained herein. Furthermore, in the event the Grantee commences an action at law or in equity to enforce the terms or conditions of this agreement, the Grantors, their successors and assigns shall be responsible for all costs incurred by the Grantee, including reasonable attorney's fees.

Section 4. Historic Facade Easement

(a) The Sylvanus Selleck Grist Mill located on Old Mill Road and shown on the subdivision map of the Property has been designated a structure of historical significance by its inclusion in the National Register of Historic Places.

(b) To ensure the preservation of the exterior appearance of the Mill building in its existing, or an approved historically appropriate and enhanced state of repair, a facade easement is hereby granted to the Town of Greenwich which shall run with the land and be binding upon the successors and assigns of the parties hereto.

(c) The roof, exterior walls, windows, doors, shutters, and structural framework shall be maintained utilizing reasonably historically appropriate materials so that the structural integrity and appearance of the Mill are maintained to at least the existing state of repair and appearance as of the date of this document. However, no such repairs, maintenance or reconstruction shall be required if the Mill is destroyed or damaged by an Act of God, or casualty beyond the control of the owner of the Mill. Any expansion or addition to the Mill may only be made with the
approval of the Planning and Zoning Commission and any other agency having proper jurisdiction over the structure.

(d) The Historical Society of the Town of Greenwich, or any successor thereto, shall be authorized, upon prior notice to the then owner of the Mill, to make periodic annual inspections of the Mill to assure that this facade easement is being reasonably maintained to the standards herein. Any violation of this easement, or the need for any required maintenance, shall be reported to the then owner of the Mill who shall make the required repairs, and if same are not instituted within one year, the Town of Greenwich, or its designee, shall be given access to the Mill to make the required repairs.

(e) The owner shall be permitted to utilize such grilles and grates in the raceway area and to provide locks as may be required to keep the Mill secure from trespassers.

(f) Interior use and modification of the space therein shall be in accordance with the rules and regulations of the Town and shall be such that the use or modification shall not violate this facade easement or damage the existing structure, the millstone or the turbine without the Planning and Zoning Commission's prior approval.

The covenants and restrictions declared herein shall not be amended, released or altered in any way without the prior written consent of the Planning and Zoning Commission, the Board of Selectmen, and the Representative Town Meeting, and all adjoining property owners.
The covenants and restrictions declared herein shall not be affected in any manner by any change of zoning of land use subsequent to the final approval of the subdivision hereinbefore described. The provisions of this Declaration and any approvals called for herein shall be enforced by the Planning and Zoning Commission of the Town of Greenwich, or any successor governmental body of the Town of Greenwich.

If any provision of this document is subsequently found to be in contravention of the law, such provision will be deemed null and void, and the remainder of the document shall remain in full force and effect.

Notwithstanding any other requirement concerning modification of this instrument, or any document filed previously in the Greenwich Land Records with respect to the real property of Grantees herein described, no modification or instrument purporting to modify any condition, term or provisions of this Declaration of Restrictions shall be valid unless it is filed on the Greenwich Land Records and approved by the Planning and Zoning Commission of the Town of Greenwich and the signature of the Chairman of such Planning and Zoning Commission appears thereon.

Executed this 31st day of August, 1994.

Witnessed by:

[Signatures]

Bruce E. Davy, Trustee
STATE OF CALIFORNIA)  
COUNTY OF Los Angeles)  

Personally appeared Bruce E. Davey, signer and sealer of the  
foregoing instrument, who acknowledged that he has executed this  
instrument in his capacity as Trustee with full authority to do so.

Notary Public  
My Commission Expires:  

PHYLIS MORTIMER  
COMMISSION #533569  
Los Angeles County  
Los Angeles County  

August 31, 1994  

Acknowledgement

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On the day of August, 1994, before me, Phyllis Mortimer, Notary Public,  
personally appeared Bruce E. Davey, who is personally known to me or  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  
are subscribed to the within instrument and acknowledged to me that he/she executed  
the same instrument in his/her authorized capacity (as the case may be) and that  
by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which  
the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

PHYLIS MORTIMER  
SIGNATURE OF NOTARY

Title or Type of Document:  

Optional Section

CITY

Optional Section

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

Received for Record

SFP 1 1994  

Town Clerk

©1992 NATIONAL NOTARY ASSOCIATION  625 Terminal Ave., P.O. Box 7184  
Garner, CA 95684-7184
February 10, 2021

Mr. Patrick LaRow  
Deputy Director/Assistant Town Planner  
Planning & Zoning  
Town of Greenwich  
101 Field Point Road  
Greenwich, CT 06830  

RE:  Foundation House – PLPZ202000311  
Final Site Plan & Special Permit  
124 Old Mill Road  

Dear Pat,  

In connection with the above application we enclosed the following:  

1. Traffic Report from Adler Consulting;  
2. Letter of approval from the State Department of Public Health regarding the septic system;  
3. Updated Landscape Plans approved by ARC;  
4. Updated Architectural Plans; and  
5. Outline of Foundation House artist in residence program.  

In the traffic report Mr. Adler details the traffic counts and intersection analysis that was conducted and finds that the proposed activity at Foundation House will not have a significant adverse impact on area traffic operating conditions. Even with the projected volume of cars, the road network can more than handle the increased traffic.  

The revised landscape plan shows handicap accessible paths between the greenhouse, handicap parking and event barn. Five handicap spaces are now provided. These changes are in response to comments made by the Commission and also ARC members concerning making the plan handicap accessible. Two turn around areas are provided for as part of facilitating the valet parking along with a drop off lane on the north side of the event barn.  

The architectural plans have added elevations and sections along with a site section and additional renderings showing the exterior materials to be used in the construction.
The State Health Department has approved the septic plan for the property and Rocco V. D’Andrea Inc. has made the modifications to the plans are requested by the State sanitary engineer.

Also enclosed is a description of the artist in residence program that will be conducted as part of the Foundation House program of activities. As indicated, it will involve the three-week programs of 6 to 7 artists each year who would reside in the main house.

When finalized, we will forward to you the lot line revision map, revised site plan and proposed calendar of activities.

Thank you for your assistance in this matter.

Very Truly Yours,

Thomas J. Heagney

TJH/em
Hand Delivered
February 5, 2021

Ms. Mimi Sternlicht
124 Old Mill Road
Greenwich, CT 06831

Re: Traffic Letter Report
Foundation House
Greenwich, Connecticut
Chazen Project # 72009.00

Dear Ms. Sternlicht:

At your request, The Chazen Companies (Chazen), has investigated the potential traffic impacts associated with the added traffic volumes associated with the proposed Foundation House, a safe place for robust convenings, workshops and lectures to be located at 124 Old Mill Road in the Town of Greenwich, Fairfield County, Connecticut. Based on our analyses, documented hereinafter, it is the considered professional opinion of Chazen that the proposed action would not have an adverse impact on traffic operating conditions of the street system in the vicinity of the Site.

A. PROJECT DESCRIPTION

The existing property is approximately 75 acres and consists of an existing mansion and outbuildings. The existing property (Project Site) is located at 124 Old Mill Road and is bounded by the properties on Round Hill Road to the west, Merritt Parkway to the southeast, and residential development in the north (See Figure 1). The Project Site can be accessed via a gated driveway on Old Mill Road. It is proposed to establish this Project Site as a center for learning focused on the health and wellness sector and provide a safe place for robust convenings, workshops and lectures. The existing mansion, named Foundation House, and the outbuildings will be retained, and a new glass barn will be constructed. Two at-grade parking lots are also proposed south of the outbuildings to accommodate the parking for the events. There is no change in the existing access to the Site is proposed.
B. SCOPE OF STUDY

This traffic study follows standard engineering principles and practices and examines the potential traffic impacts associated with the proposed development. During the course of this study, Chazen performed the following tasks:

- Collected manual turning-movement traffic volume counts on a typical weekday for the Peak AM and PM Highway Hours at the following intersections considered to be strategically important to define the traffic impacts of the proposed development:
  - Old Mill Road and Lake Avenue; and,
  - Old Mill Road and Round Hill Road

- Installed an Automatic Traffic Recorder (ATR) on Old Mill Road in the vicinity of the driveway to the Foundation House to record 24-hour traffic volumes in both directions, as well as vehicle operating speeds for a full week.

- Visually collected traffic-related information about the strategic locations and the roadway system in the near vicinity of the Site as it affects intersection capacities.

- Circumstances created by the COVID-19 pandemic have had an effect on travel patterns such that the current traffic volumes collected may not be completely representative of typical volumes during pre-COVID conditions. Therefore, the current traffic volumes were compared to the Connecticut Department of Transportation (CTDOT) historic Traffic volume data. Existing traffic volumes were adjusted and were used to determine the highest periods of adjacent street traffic for the Weekday Peak AM and PM Highway Hours (Existing Conditions);

- The Horizon year for this project is 2021 and hence the traffic growth rate for the area is not considered;

- Based on discussions with local jurisdictional agencies, one planned project was identified in the area which may affect traffic flows into the area.

- Based on the programs and events expected at the proposed Site, determined the traffic expected to be generated by the proposed Foundation house;

- Established the arrival/departure patterns for the Site-generated traffic based on the existing intersection turning-movement counts;

- Assigned the additional Site-generated trips to the roadway system in accordance with the arrival/departure traffic patterns that were previously determined;
• Added the additional Site-generated trips to the “Existing” conditions to establish the “Build” condition traffic volumes;

• Executed intersection capacity analyses for the “Existing” and “Build” conditions during the weekday Peak AM and PM Hours for the Strategic Intersections;

• Determined the operating conditions on Old Mill Road for Existing conditions as well as for Build conditions; and,

• Obtained and analyzed the accident data near the proposed Site and for the study intersections for three-year periods from the Connecticut Crash Data Repository.

C. INTERSECTION STUDY LOCATIONS

The Site is located in the Town of Greenwich just east of the New York State/Connecticut Border. Detailed analyses were conducted at the following two (2) intersections located in the vicinity of the Site.

Old Mill Road and Round Hill Road
This is an unsignalized four-legged intersection. The northbound and southbound Round Hill approaches each operate with a single lane. The eastbound and westbound Old Mill Road consists of a single lane and is controlled by a STOP sign.

Old Mill Road and Lake Avenue
This is an unsignalized T-intersection. The northbound and southbound Lake Avenue approaches operate with a single lane. The eastbound Old Mill Road approach consists of a single lane and is controlled by a STOP sign.

D. FIELD STUDIES

The busiest periods of traffic activity in the vicinity of the Site are during the morning and evening commuter periods and the busiest periods for the proposed project is late morning or in the evening. To develop baseline data for the peak hours, Chazen collected vehicle turning-movement counts on a typical weekday during the peak morning and afternoon hours at the study intersections. All data were collected on Wednesday, January 6, 2021 between 7:00 a.m. and 10:30 a.m. and between 3:00 p.m. and 7:00 p.m.

No unusual traffic events were reported during the data collection effort and clear weather conditions prevailed. Furthermore, schools were in session during the time when the traffic counts were collected. However, the schools were scheduled for both in-person and remote learning. It is also noted that the existing volumes were compared to the CTDOT historic traffic data and were increased accordingly to
represent the pre-COVID condition which accounted for a 54 percent increase in the morning and 26 percent in the afternoon peak hours (as explained below). Further, an Automatic Traffic Recorders (ATR) was installed on Old Mill Road near the proposed Site Driveway to record the traffic speed and volume data. The ATR was in place for a full week from January 6, 2021 to January 13, 2021.

A review of the ATR data revealed that the Average Daily Traffic (ADT) on Old Mill Road is approximately 239 vehicles. The weekday average traffic volume on Old Mill Road is approximately 284. The AM Peak Hour occurred from 8:00 a.m. to 9:00 a.m. where there were nine (9) vehicles travelling on Old Mill Road in the eastbound direction and 27 vehicles traveling in the westbound direction. The PM Peak Hour was from 2:00 p.m. to 3:00 p.m. where 13 vehicles traveled in the eastbound direction and 27 vehicles traveled in the westbound direction. The Saturday traffic volume (181) is 36 percent lower than the weekday volumes and Sunday traffic volumes (137) is 48 percent lower that the weekday volume.

The ATR data also showed that the 85th percentile speed measured along Old Mill Road is 33 miles per hour (mph) in both the eastbound and westbound directions. The manual turning-movement traffic counts are similar to the ATR data. The ATR data are attached to this Report in Appendix C.

E. PEAK HOURS

A review of the surveyed traffic data revealed the peak hours of traffic activity on the roadway system in the vicinity of the Site to be:

- Weekday Peak AM Highway Hour: 7:45 a.m. to 8:45 a.m.
- Weekday Peak PM Highway Hour: 3:00 p.m. to 4:00 p.m.

F. EXISTING TRAFFIC VOLUMES

The assembled traffic volumes at the study intersections were reviewed to verify their validity. Due to the current circumstances created by the COVID-19 pandemic, the travel patterns are changed and may not be completely representative of typical volumes during pre-COVID conditions. Therefore, the current traffic volumes were compared to volume data and projections contained in CTDOT’s Traffic Monitoring Station Viewer, GREE- 496, located on Old Mill Road west of Lake Avenue.

The comparison showed that the newly collected traffic volumes are lower, possibly due to the circumstances created by the COVID-19 pandemic. The data collected during 2011 and 2008 had approximately 2,000 AADT on Old Mill Road. Further, CTDOT collected data during pandemic in the month of July 2020, which revealed that the AADT was reduced to 1,200. The 2021 counted hourly volumes were also compared with the July 2020, 2011 and 2008 hourly volumes. Accordingly, the 2021 AM Peak Hour volumes were increased by 54 percent and the PM Peak hour were increased by 26 percent. The adjusted existing traffic volumes are shown on Figure 2 for the Peak Highway.
G. INTERSECTION CAPACITY ANALYSIS PROCEDURES

Traffic impacts are measured by intersection capacity analyses, computed in accordance with procedures outlined in the Highway Capacity Manual (HCM) 6 Edition, published by the Transportation Research Board. In general, the intersection capacity analyses results are a measure of the ability of a roadway network’s individual intersections to process vehicles. This is evaluated for each approach to the intersection as well as for the entire intersection. The performance of the individual intersection approaches as well as the intersection overall is quantified based on the average delay per vehicle. The calculated delay is assigned a performance grade called a Level-of-Service (LOS) which ranges from “A” through “F,” with LOS “A” representing the least delays and LOS “F” representing longer delays or capacity-deficient operations.

According to generally accepted practice, LOS “A”, “B” and “C” reflect clearly acceptable conditions, LOS “D” reflects the existence of delays within a generally tolerable range, LOS “E” is generally only tolerated on minor movements and LOS “F” indicates typically undesirable delays often associated with breakdown conditions.

The parameters considered in the calculations of intersection capacity include: the type of control, the volumes on each approach, the distribution of vehicles by direction (left, through and right) and other factors. Roadway parameters relate to the geometry of the intersection, specifically, the number of lanes, the widths of lanes and lane-use considerations. Other network parameters include the number of lanes of travel per direction and the ideal operating speed.

The computed LOS is defined in terms of the average control delay per vehicle for the peak 15-minute period within the peak one-hour period. Control delay includes initial deceleration delay, queue move-up-time, stopped delay, and final acceleration delay.

For unsignalized intersections, Levels-of-Service and delay are reported for the individual lane groups in that they provide a more meaningful representation of operating conditions than the overall intersection LOS and delay. Lower-case letters are used to show that the Level-of-Service refers to unsignalized intersections. The range of delay within each unsignalized Level-of-Service category are as follows:

<table>
<thead>
<tr>
<th>LEVEL-OF-SERVICE</th>
<th>CONTROL DELAY PER VEHICLE (Seconds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Less than or equal to 10.00</td>
</tr>
<tr>
<td>b</td>
<td>Between 10.01 and 15.00</td>
</tr>
<tr>
<td>c</td>
<td>Between 15.01 and 25.00</td>
</tr>
<tr>
<td>d</td>
<td>Between 25.01 and 35.00</td>
</tr>
<tr>
<td>e</td>
<td>Between 35.01 and 50.00</td>
</tr>
<tr>
<td>f</td>
<td>Greater than 50.00</td>
</tr>
</tbody>
</table>

These delay ranges for the unsignalized Level-of-Service categories are less than those at signalized intersections because it is assumed that motorists will tolerate longer delays at a signalized intersection in exchange for guaranteed entry into the intersection in a definite period of time.
H. EXISTING CAPACITY ANALYSIS RESULTS

The client’s information about the proposed events at the Site are as follows:

- Systems Convening Workshops, occurring approximately three (3) times a month, on weekdays between 10:00am and 4:00pm, accommodating 25 guests.
- Systems Convening Workshops, occurring approximately once a month, on weekdays between 10:00am and 4:00pm, accommodating 100 guests.
- Public Evening Program, occurring approximately once a month, on weekdays between 5:00pm and 9:00pm, accommodating 70 guests.
- Day Fundraiser/Large Private Event, occurring approximately twice a month, on weekends between 11:00am and 2:00pm, accommodating 200 guests. 30 staff members will arrive between 8:00am and 6:00pm. Valets will be available to park the cars.
- Evening Fundraiser/Large Private Event, occurring approximately twice a month, on weekends between 6:00pm and 11:00pm, accommodating 250 guests. 30 staff members will arrive between 8:00am and 12:00am. Valets will be available to park the cars.

Based on the above information, the peak traffic generator hour for the proposed project will be between 9:00 a.m. and 10:00 a.m. and during PM it will be between 4:00 p.m. and 5:00 p.m. Thus, the peak Highway Hour is different from the peak generator hours. The Existing Peak Generator Traffic Volumes are shown in Figure 3. The Existing traffic volumes were compared with current roadway capacities using the Synchro software, Version 10.1 for both the Peak Highway Hours and Peak Generator Hours. Detailed capacity analysis worksheets for the Existing conditions are included in Appendix A.

Analysis of Existing traffic operating conditions revealed that, almost all the approaches of the studied unsignalized intersections are currently operating with LOS “c” or better conditions during both the AM and PM Peak Hours for both the Peak Highway Hours and the Peak Generator Hours.

I. VICINITY DEVELOPMENTS

The Town of Greenwich planning staff identified that a new Fire House in proposed at 166 Round Hill Road. It is noted, however, that the existing approximately 7,000 sf of fire station at 166 Round Hill Road is being renovated to add approximately 1,350 sf space to the existing building. Based on information from ITE’s Trip Generation Manual, no new trips are expected to be generated by the proposed new Fire House.
J. PROJECT GENERATED TRAFFIC

The existing Site is approximately 75 acres in size and consists of an existing mansion and outbuildings. It is proposed to establish this Project Site as a center for learning focused on the health and wellness sector and provide a safe place for robust convenings, workshops and lectures. The existing mansion, named Foundation House, and the outbuildings will be retained, and a new glass barn will be constructed. Two at-grade parking lots are also proposed south of the outbuildings to accommodate the parking for the events.

The proposed Site offers various sized venues within the outbuildings for a variety of programs. A total of four (4) buildings is projected to serve programs on the property. The Glass House, The Log Cabin, The Stone Stables, and the Foundation House are all venues that will provide space for various workshops, lectures and fundraisers based on the occupancy of each building.

- The Foundation House, currently the mansion on the Project Site, will be restored and preserved. The mansion will be able to host up to 25 guests for round table events;
- The Log Cabin, which is located near the Great Pond, can occupy 15 guests for a spiritual wellness retreat;
- The Stone Stables, formerly a horse barn, will be restored and used as a pre-function or small lecture space. The stable will be able to accommodate approximately 100 guests; and,
- The Glass Barn will be newly constructed using salvaged materials, keeping the historic feel of the existing buildings. The barn will serve as a conference room and can accommodate up to 250 guests, where valet parking will be provided.

The client’s information about the proposed events at the Site are as below:

- Systems Convening Workshops, occurring approximately three (3) times a month, on weekdays between 10:00am and 4:00pm, accommodating 25 guests.
- Systems Convening Workshops, occurring approximately once a month, on weekdays between 10:00am and 4:00pm, accommodating 100 guests.
- Public Evening Program, occurring approximately once a month, on weekdays between 5:00pm and 9:00pm, accommodating 70 guests.
- Day Fundraiser/Large Private Event, occurring approximately twice a month, on weekends between 11:00am and 2:00pm, accommodating 200 guests. 30 staff members will arrive between 8:00am and 6:00pm. Valets will be available to park the cars.
- Evening Fundraiser/Large Private Event, occurring approximately twice a month, on weekends between 6:00pm and 11:00pm, accommodating 250 guests. 30 staff members will arrive between 8:00am and 12:00am. Valets will be available to park the cars.

Based on the above projected events with time frames, the maximum number of vehicles expected per event are summarized in Table 1. The previously submitted Parking Need Study, dated October 2, 2020 stated that the maximum number of cars per event was derived using a vehicle occupancy factor of 2.02 for social /recreational events per the National Household Travel Survey (NHTS\textsuperscript{1}).

\textsuperscript{1} 2009 National Household Travel Survey – Average Vehicle Occupancy by Mode and Purpose
Table 1. Projected Trips based on Proposed Events

<table>
<thead>
<tr>
<th>WEEKDAYS</th>
<th>EVENT</th>
<th>TIME</th>
<th># OF GUESTS</th>
<th># OF CARS/TRIPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>System Convenings Workshop</td>
<td>10am-4pm</td>
<td>25</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>System Convenings Workshop</td>
<td>10am-4pm</td>
<td>100</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Public Evening Events</td>
<td>5pm-9pm</td>
<td>70</td>
<td>35</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WEEKENDS</th>
<th>EVENT</th>
<th>TIME</th>
<th># OF GUESTS</th>
<th># OF CARS/TRIPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Fundraisers/Private Functions</td>
<td>8am-6pm*</td>
<td>30 (Staff)</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11am-2pm</td>
<td>200</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Evening Fundraisers/Private Functions</td>
<td>8am-12am*</td>
<td>30 (Staff)</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6pm-11pm</td>
<td>250</td>
<td>125</td>
<td></td>
</tr>
</tbody>
</table>

Note: * indicates staff arrival and departure for fundraisers and larger private functions

The above table shows that the weekday events start at 10:00 a.m. and end 4:00 p.m. The major weekday evening fundraiser starts at 5:00 p.m. Thus, the weekday AM Peak Generator Hour at the project site is when the guests arrive before the start of the event at 10:00 a.m. and the PM Peak Generator Hour would occur after the end of the event at 4:00 p.m. Thus, the AM peak generator hour at the project site is between 9:00 a.m. and 10:00 a.m. and the PM Peak Generator Hour is between 4:00 p.m. and 5:00 p.m. As seen from the above Table 1, two workshops will possibly take place on the same day at the same time, from 10:00 am to 4:00 pm. Thus, there would be a maximum of 65 entering trips during the AM Peak Generator Hour and zero exiting trips. An evening event will take place from 5:00 p.m. which will generate 35 entering trips. The two morning workshops end at 4:00 p.m. generating 65 exiting trips during PM Peak Generator Hour.

No event or activities are scheduled at the Site during the AM Peak Highway Hour (7:45 to 8:45 a.m.). To do a conservative analyses and considering the worst-case scenario, it is assumed that 15 staff trips arrive at the Site during the AM Peak Highway Hour and depart the Site at 6:00 p.m. which is after the peak hours. Table 2 summarizes the Peak Generator and Peak Highway trips at the proposed Site.
The anticipated new trips generated by proposed Foundation House were distributed onto the roadway network based on the existing traffic patterns.

Further, a maximum of 125 entering trips are expected during the weekend evening fundraiser. The weekend analyses are not considered in this report as the volume on Old Mill Road during weekends are much lower than the weekday Peak Highway or Peak Generator hours and thus, the operating condition of Old Mill Road will not be impacted.

K. BUILD TRAFFIC VOLUMES

The “Build” traffic volumes are the sum of the adjusted Existing traffic volumes and the Project-generated traffic volumes. The resultant Build traffic volumes for Peak Highway Hour are depicted in Figure 4 and the Build traffic volumes for Peak Generator Hour are depicted in Figure 5.

L. BUILD CAPACITY ANALYSIS RESULTS

The Build traffic volumes for both the Peak Highway Hour and the Peak Generator Hour were compared with future roadway capacities using Synchro software, Version 10.1. Detailed capacity analysis worksheets are included in Appendix A.

A review of the analysis worksheets indicates that all the approaches of the unsignalized intersections are projected to operate with LOS “c” or better operating conditions during both the AM and PM peak hours.
Not to Scale

Legend

AM Peak Hour Volume

Legend

PM Peak Hour Volume

Foundation House
Town of Greenwich, Fairfield County, Connecticut

2021 Build Peak Generator Hour Traffic Volumes

Project # 72009.00  Date: 02/04/2021  Figure: # 5
M. LEVEL-OF-SERVICE COMPARISON

To evaluate the potential traffic impact of the proposed development on Old Mill Road, the Existing and Build traffic operating conditions at the analyzed intersections were compared. This comparison is summarized in Table 3 for the Peak Highway Hour and in Table 4 for the Peak Generator Hour.

As can be seen in Table 3, during the Peak Highway Hour, the approaches of all the unsignalized intersection would remain same as in the Existing condition with the proposed action. Similarly, as seen from Table 4, during the Peak Generator Hour also, the approaches of all the unsignalized intersection would remain same as in the Existing condition with the proposed action.

Table 3. Level-of-Service Comparison, Peak Highway Hour

<table>
<thead>
<tr>
<th>Intersection</th>
<th>App²</th>
<th>Peak AM Highway Hour</th>
<th>Peak PM Highway Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Existing</td>
<td>Build</td>
</tr>
<tr>
<td>Round Hill Road and Old Mill Road</td>
<td>EB l/t/r</td>
<td>b (10.9)</td>
<td>b (10.9)</td>
</tr>
<tr>
<td></td>
<td>WB l/t/r</td>
<td>b (11.1)</td>
<td>b (11.1)</td>
</tr>
<tr>
<td></td>
<td>NB l/t/r</td>
<td>a (7.9)</td>
<td>a (7.9)</td>
</tr>
<tr>
<td></td>
<td>SB l/t/r</td>
<td>a (7.8)</td>
<td>a (7.8)</td>
</tr>
<tr>
<td>Lake Avenue and Old Mill Road</td>
<td>EB l/r</td>
<td>c (16.1)</td>
<td>c (16.5)</td>
</tr>
<tr>
<td></td>
<td>NB l/t</td>
<td>a (7.9)</td>
<td>a (7.9)</td>
</tr>
<tr>
<td>Site Driveway and Old Mill Road</td>
<td>WB l/t</td>
<td>a (0.0)</td>
<td>a (7.3)</td>
</tr>
<tr>
<td></td>
<td>NB l/r</td>
<td>a (0.0)</td>
<td>a (0.0)</td>
</tr>
</tbody>
</table>

Notes:
1. Letters indicate Levels-of-Service, delays (in parentheses) are in seconds per vehicle.
2. EB = eastbound; WB = westbound; NB = northbound; SB = southbound; l = left; t = through; r = right.
3. Lowercase letters indicate unsignalized intersections.
Table 4. Level-of-Service Comparison, Peak Generator Hour

<table>
<thead>
<tr>
<th>Intersection</th>
<th>App</th>
<th>Peak AM Generator Hour</th>
<th>Peak PM Generator Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Existing</td>
<td>Build</td>
</tr>
<tr>
<td>Round Hill Road and Old Mill Road</td>
<td>EB l/t/r</td>
<td>b (10.3)</td>
<td>b (10.4)</td>
</tr>
<tr>
<td></td>
<td>WB l/t/r</td>
<td>b (11.5)</td>
<td>b (11.8)</td>
</tr>
<tr>
<td></td>
<td>NB l/t/r</td>
<td>a (7.8)</td>
<td>a (7.8)</td>
</tr>
<tr>
<td></td>
<td>SB l/t/r</td>
<td>a (7.7)</td>
<td>a (7.7)</td>
</tr>
<tr>
<td>Lake Avenue and Old Mill Road</td>
<td>EB l/r</td>
<td>a (9.4)</td>
<td>a (9.8)</td>
</tr>
<tr>
<td></td>
<td>NB l/t</td>
<td>a (7.4)</td>
<td>a (7.5)</td>
</tr>
<tr>
<td>Site Driveway and Old Mill Road</td>
<td>WB l/t</td>
<td>a (0.0)</td>
<td>a (7.4)</td>
</tr>
<tr>
<td></td>
<td>NB l/r</td>
<td>a (0.0)</td>
<td>a (0.0)</td>
</tr>
</tbody>
</table>

Notes:
1. Letters indicate Levels-of-Service, delays (in parentheses) are in seconds per vehicle.
2. EB = eastbound; WB = westbound; NB = northbound; SB = southbound; l = left; t = through; r = right.
3. Lowercase letters indicate unsignalized intersections.

N. ACCIDENT DATA

The Connecticut Crash Data Repository reported four (4) accidents in the three-year period from January 1, 2018 to January 1, 2021 in the vicinity of the Site. The accident data are attached in Appendix B of this report.

A review of the crash data revealed that three (3) accidents occurred on Old Mill Road between Round Hill Road and Lake Avenue. One (1) crash was reported on Round Hill Road at the intersection of Old Mill Road. There were no crashes reported at the intersection of Lake Avenue and Old Mill Road. All three accidents on Old Mill Road were with a fixed object accident. The one (1) accidents on Round Hill Road is a right-angle crash. All accidents resulted in property damage. There were no fatalities.

The review of the accident data indicated that there was no causal relationship between the type of collisions and the roadway conditions in the vicinity of the Site.
O. OLD MILL ROAD OPERATIONS

As seen from the ATR data, Old Mill Road has an average of 284 vehicles per day on a weekday and 181 vehicles on Saturday. These volumes are lower when compared with the CTDOT historic data possibly due to the current COVID-19 pandemic situation. Hence the ATR data were increase by 1.54 percent during the AM period and the PM volumes were increased by 1.26 percent. The increased traffic volume resulted in an average of 398 vehicles per day near the vicinity of the Site. As per the Traffic Engineering Handbook promulgated by the Institute of Transportation Engineers (ITE), the Local Street’s capacity which includes the circulation in the neighborhood and district is 2,000 vehicles per day. Based on this, Old Mill Road in the vicinity of the Site has only 20 percent of the daily volume capacity.

Based on the details in the Project Generated Traffic section, the proposed project would add a total of 80 vehicles in the morning time period and 115 in the evening time period. These total trips were added to the increase ATR data resulting in a total volume of 593 total average volume in the vicinity of the Site. Thus, the project average daily traffic will be 30 percent of the daily volume capacity.

Further, Level-of-Service (LOS) criteria is used to measure the existing performance of Old Mill Road and compare with additions of the proposed Foundation House volumes. Based on the Highway Capacity Manual 6th Edition (HCM), Roadway Density (in passenger cars per mile) is used to designate each LOS. The Density is the number of vehicles occupying a given roadway at a particular instant. The Density is expressed as vehicles per mile and is calculated using the flow rate (vehicles/hour) over the average travel speed (miles/hour). The ATR data showed that the average travel speed on Old Mill Road is 29 mph. Based on the average speed, the Density for Old Mill Road was calculated using the adjusted hourly volume from the ATR data. The proposed new trips from the Foundation House were added to the adjusted hourly volume. The Density for the future volumes were calculated using the same average speed 29 mph. The volumes and corresponding density for the existing and future conditions are shown in Chart 1.

As seen from the Chart 1, the existing density of 1.86 passenger cars per mile per lane (pc/mil/ln), is lower than the LOS A threshold with a Density less than 11 pc/mil/ln. It also shows that the projected volume with the proposed development also falls lower than the LOS A threshold, with a maximum of 4.3 pc/mil/ln. Based on the above analyses, the proposed development will not deteriorate from the existing LOS A on Old Mill Road.
Los Angeles - 2019

Chart 1 - Volume-Density Curve

- LOS A (< 11 pc/mile/ln)
- LOS B (11-18 pc/mile/ln)
- LOS C (18-26 pc/mile/ln)
- LOS D (26-35 pc/mile/ln)
- LOS E (35-45 pc/mile/ln)
- LOS F (>45 pc/mile/ln)

Projected Volume (vph) (12 am to 11 pm)
P. CONCLUSION

Based on the detailed analyses conducted for this study, it is the considered professional opinion of Chazen that the proposed Foundation House development will not have a significant adverse impact on area traffic operating conditions.

Respectfully submitted,

Bernard Adler, P.E.
Connecticut Professional Engineer 16054
Senior Director of Transportation, The Chazen Companies
January 28, 2021

Robert A. Morgan, RS / REHS
Greenwich Department of Health
101 Field Point Road
Greenwich, CT 06830

RE: Revised Plans for three Subsurface Sewage Disposal Systems Serving the 124 OM LLC / Foundation House Property Located at 124 Old Mill Road in Greenwich, CT

Dear Mr. Morgan:

We have received revised plans for three subsurface sewage disposal systems serving the 124 OM LLC / Foundation House property located at 124 Old Mill Road in Greenwich. The property contains a pre-existing single-family dwelling that will be utilized as offices as well as four other sewage generating structures. The other structures consist of a caretaker’s residence, event barn, stable building with 1 bedroom apartment and shed / restroom building. The event barn will be served by a sewage disposal system with sewage flows greater than 2000 gallons per day. Three sewage disposal systems will serve the four buildings with the event barn and shed / restroom building being served by a central sewage disposal system. The total sewage design flow for the property, including the pre-existing single-family residence was determined to be approximately 4500 gallons per day (gpd).

Plans were prepared by Rocco V. D’Andrea, Inc. and submitted to our office for review pursuant to Section 19-13-B103(d)(c) of the Public Health Code. The plans are dated October 22, 2020 with a final revision date of December 15, 2020.

The plans were found to be generally satisfactory and in accordance with the requirements of the Public Health Code. They are hereby APPROVED by this office with the following modifications and stipulations incorporated:

1.) The make and model of an approved septic tank outlet filter capable of receiving design flows greater than 2000 gpd shall be specified on the plan.
2.) The septic tank and pump chamber proposed to serve the caretakers residence were inadvertently removed from the revised plan. Please include this information on the revised plan.

3.) A separate central system approval has been issued to allow for the interconnection of the sewage piping from both the event barn and shed / restroom building into a common sewage disposal system.

4.) A water meter shall be installed on the water service line to the event barn and monitored by the applicant.

5.) This facility may be classified as a public water system. The Department of Public Health Drinking Water Section must be contacted as soon as possible to make that determination. This office does not recommend final approval of this application until all water supply matters have been approved by the Drinking Water Section.

With the above stipulations and modifications incorporated, this office recommends approval of this application.

If you have any questions, or you feel that there should be some changes, please contact our office.

Sincerely,

[Signature]

Matthew A. Pawlik, P.E., R.S.
Sanitary Engineer III
Environmental Engineering Program

Cc: Rocco V. D’Andrea, Inc., 8 Neil Lane, P.O. Box 549, Riverside, CT 06878
Thomas Chyra, PE, DPH, DWS
Environmental Health Section

NOTICE OF EXCEPTION

An exception is hereby granted to the requirements of Section 19-13-B103d (d) of the Connecticut Public Health Code for a central subsurface sewage disposal system serving an event barn and shed / restroom building located on the 24 OM LLC property, 124 Old Mill Road in the Town of Greenwich, Connecticut. A central system has been found to be technically preferable for the following reasons:

1. The shed / restroom building will generate limited sewage flows compared to the event barn.
2. The Greenwich Health Department has indicated that a code complying subsurface sewage disposal system will be installed on the property capable of serving both structures. In addition, code complying sewage disposal systems for all other sewage generating structures were indicated on the property.
3. The central system will provide an improved treatment and distribution of effluent.

Recorded at the Connecticut Department of Public Health, Hartford, Connecticut.

01/28/2021

Matthew A. Pawlik, P.E., R.S.
Sanitary Engineer III
Environmental Engineering Program
FOUNDATION HOUSE
THE ARTIST IN RESIDENCE PROGRAM

OUR MISSION

To recognize and encourage artistic expression as a means to shed light on and stimulate conversations that promote environmental, mental and community health.

THE PROGRAM

FH will put out an open call for applications to invite artists that work in various media and have varied experience to work and collaborate at the Foundation House estate. Artists will be chosen whose creative missions align with the FH missions of advancing understanding of issues in community, environmental and mental health. For example, a cohort may include a sculptor working with recycled materials shedding light on sustainability, a painter telling visual stories of oppression or social justice, a writer recounting experiences growing up in an underserved community, a documentary filmmaker examining how depression affects a family.

THE DETAILS

FH will host three six-week cohorts of 6-7 artists each year. Artists will live as full time residents in the main estate house, with all meals provided. Our concept is threefold: to give artists time and space to create, to create community and collaboration among artists to enhance their work, and to share their ideas and expertise with the Greenwich community. In order to accomplish the third goal, each of the Artists In Residence will be required to 1. Teach a two hour class or studio for the outer community during their session and 2. Participate in a 4 hour “Meet The Artists” open house at the end of each cohort.

OUR PARTNERS

We have formed a partnership with RISD to help us select candidates; as the program grows and we receive more applicants, we will be formalizing a larger committee to review applications and establish a board of directors.
The FHAIR program is a member of the Alliance of Artist Communities, a not for profit accreditation and advocacy group that advises and supports over 1500 Artist Residency Programs worldwide.
Via Electronic Mail

March 11, 2021

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

Re:  PLPZ202000311 and PLPZ202100026 (the “Application”)
    Foundation House – 124 Old Mill Road, Greenwich, CT 06831

Dear Chairperson Alban and Members of the Planning & Zoning Commission:

Our firm represents the Round Hill Association (“RHA”). This letter is written to address two issues with Mr. Heagney’s letter to the Commission, dated March 8, 2021: First, he has not accurately represented the conditions to which RHA agreed in a meeting with members of the RHA Board and Mr. Heagney’s client (at which counsel were not present). Second, there does not appear to exist a legal relationship between Foundation House and The Giving Back Fund, conferring on the prospective special permit holder the status of a charitable institution, under the IRS 501(C)(3) definition.

I. The Proposed Conditions of Approval

Since the Commission’s public hearing on February 17, 2021, members of RHA’s Board and the Applicant met to discuss mutually acceptable conditions of approval. The meeting was largely successful, as the Applicant and RHA agreed to several conditions to protect the residential uses in this residential zone from the adverse effects of the non-residential use proposed by the Applicant. The Commission has consistently recognized the potential for such impacts in residential zones. A special permit use “must satisfy standards set forth in the zoning regulations themselves as well as the conditions necessary to protect the public health, safety, convenience and property values.” Putnam Park Apartments, Inc. v. Planning and Zoning Comm’n of the Town of Greenwich, 193 Conn. App. 42, 53 (2019) (emphasis added).
Mr. Heagney has not accurately reported the conditions to which his client agreed. What was, in fact, agreed to is as follows:

**Condition No. 1:** Large events (events with 101 to 250 persons, not including staff or caterers) to be limited to weekends (i.e., Friday evening or Saturday day or evening or Sunday day).

**Condition No. 2:** There shall be no more than 4 large events per month from May 2021 to May 2022.

**Condition No. 3:** There shall be a trial period from June 2022 through September 2022 to allow up to 6 large events per month.

**Condition No. 4:** All activities associated with large events in the evening shall cease by 12:00 a.m., including all clean-up and closing activities, meaning that the site is quiet and dark by this deadline.

**Condition No. 5:** There shall be a website and calendar for large events which is updated weekly so neighbors can see scheduled events.

**Condition No. 6:** Foundation House shall conduct a review of large events 6 months after the special permit is issued and activities begin. Foundation House shall maintain an open dialogue with RHA and meet with RHA as necessary if any issues have arisen regarding large events.

To avoid any confusion, RHA respectfully requests that the Commission impose 2 additional conditions. These conditions were either not discussed or agreed to by RHA and the Applicant:

**First,** the Applicant must obtain Commission approval to amend these conditions to expand its large events from 4 to 6 per month following the expiration of the trial period noted above. If the Applicant seeks to expand the number of large events from 4 to 6 per month, it may seek the Commission’s approval to do so. If, based on the experience of the trial period, RHA objects to the expansion of large events from 4 to 6 per month, RHA may appear before the Commission to raise its objection and the Commission shall take its objection under advisement.
Second, that the Applicant be limited to no more than 2 Gala events (events with more than 250 people, excluding staff and catering) per year, subject to the conditions noted above. If the Applicant chooses to hold a Gala event, the Gala event shall be counted towards the limitation on the number of large events per month.

RHA respectfully urges the Commission to impose these terms as conditions of approval of the Application.

II. The Relationship Between Foundation House and The Giving Back Fund, Inc.

RHA is concerned that the Applicant has not established that it is an IRS-qualified 501(c)(3) entity, so as to qualify it for a special permit as and educational center not for profit, under § 6-94(a) of the Building Zone Regulations. It is our understanding that the Commission’s treatment of other special permit uses not operated for commercial profit has been to require this status, as a built-in protection against expansion of the special permit use by the holder. See, Fitzgibbons v. Town of Greenwich Planning & Zoning Comm’n, Docket No. LND CV-18-6097210-S (2020) and May 15, 2018 Resolution of the Planning and Zoning Commission, App. Nos. PLPZ 2017 00460 and PLPZ 2017 00461, Application of Greenwich Center for Hope & Renewal and Stanwich Congregational Church.

Here, the Applicant apparently agrees that it must establish that it is a 501(c)(3) entity to qualify for a special permit. Mr. Heagney claims in his letter that the Applicant (Foundation House) “is under the auspices” of another entity, called The Giving Back Fund, a California charity. He encloses a letter from The Giving Back Fund stating that the Applicant is a “project” of The Giving Back Fund. Respectfully, neither of these terms conveys any binding legal effect between the Applicant, as owner/prospective special permit holder, and the California charity, such that one could conclude that the element of “not operated for commercial profit” of the BZR has been met. It seems clear that the Applicant itself has not been awarded the status of an IRS 501(c)(3) entity. Further, based on our review of Connecticut Secretary of State records, it does not appear that either the Applicant or The Giving Back Fund is even registered to do business in Connecticut.

RHA respectfuully suggests that the Commission consult counsel from the Town Attorney’s office who handled the Fitzgibbons litigation for guidance on this issue, in order to achieve a consistent application of the BZR, and to avoid inadvertently permitting an illegal commercial use in the RA-4 zone.
As with the conditions regarding site activity, above, RHA would support an approval of this application conditioned on the Applicant demonstrating that it has achieved the IRS 501(c)(3) status and is properly qualified to do business in Connecticut.

Thank you for your consideration. RHA looks forward to the opportunity to participate at the next session of the public hearing in this matter.

Sincerely,

Evan J. Seeman

Copy: Patrick LaRow, Deputy Director Planning and Zoning/Assistant Town Planner
Thomas J. Heagney, Esq.