### Application Summary:
The applicant is requesting approval for a Final Site Plan and Special Permit to use part of the adjacent property at 85 Park Avenue for playground use with the church property, is a 1.434-acre property located at 350 Sound Beach Avenue in the R-12 zone and pursuant to Sections 6-13, 6-14, 6-15, 6-17, 6-94, 6-101 and 6-205 of the Town of Greenwich Building Zone Regulations.

### Issues/Recommendations:
1. **Sewer** – issued comments dated 7/27/21 indicating no comments to be addressed.
2. **ARC** – The applicant has not submitted an application for ARC review. The Commission should determine whether the playground should be reviewed by the ARC.
3. **ZEO** – Issued comments dated 7/28/21 indicating the site plan is OK.
4. **Conservation** – issued comments dated 7/27/21 indicating the endorsement of the playground and recommends two or more native trees be planted to shade the area.
6. **Easement** – The applicant provided a temporary easement agreement dated 6/18/21 between 350 Sound Beach Avenue and 85 Park Avenue for use of the property for playground use.
7. **P&Z does not have a record of original site plan approval. The church and nursery school have been operating since at least 1960.**
8. **P&Z received letters of opposition from a neighbor indicating opposition to playground equipment placed in the area that abuts the property at 10 St. Claire Avenue. The placement of the playground on the plans provided and the indication of location from the abutting neighbor appear to contradict. The applicant should address this issue.**

**DEPARTMENT COMMENTS:**
- **Zoning Enforcement** – 7/28/21 – See Attached
- **Sewer** – 7/27/21 – See Attached
- **Conservation** – 7/27/21 – See Attached
- **Fire** – Not Received

**APPLICATION DETAILS:**
The applicant is proposing a Final Site Plan and Special Permit to use part of the adjacent property at 85 Park Avenue for playground use with the associated nursery school at the church property at 350 Sound Beach Avenue. According to a letter from the director of the church, the playground has been fenced and used in its existing dimensions since 1977. Since then additional structures and garden beds have been added. The program operates year-round with the exception of two weeks in August.

The nursery school has been operating and licensed by the state of CT since 1972. The letter from the director noted original approval from 1960. Planning and Zoning does not have a record of an original site plan approval for the church and nursery school use.

**APPLICABLE ZONING REGULATIONS:**
- §6-13. Site Plan approval required.
- §6-15. Site Plan Standards.
- §6-17. Authorization of use by special permit.
- §6-94. Special Residential Uses
- §6-101. Special Permit for Business and Residential Zones
- §6-205. Zoning Requirements for Residential
I got this yesterday and meant to forward it to you. Do you want to respond to this neighbor, or I am happy to as well.

Jacalyn Pruitt, Planner II
Town of Greenwich Planning & Zoning

Hi Jacalyn,

I respectfully request that the attached photo be included in the P+Z teleconference that is scheduled regarding St. Saviour's Rezoning Permit Application scheduled for August 3rd. This expanded jungle gym equipment directly overlooks my back yard depriving me of privacy and is a gathering place for children and parents. Importantly, it is placed in the section of St. Saviour's property that is not zoned for a nursery school. I am requesting that this equipment be moved to the area that is zoned for the Nursery School or be removed entirely. Could you please confirm that this will be included.

Thanks Jacalyn - very much!

Andy Reid
(203) 637-4875

CAUTION: This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
Hi Jacalyn,

Thanks for forwarding this information.

Please notify P+Z and the Town of Greenwich that I am vehemently opposed to any playground equipment being placed in the lower portion of St Saviour’s property - the area that abuts my backyard. I request to be present at any meeting that addresses this issue. Please note as well that a large permanent jungle jim/playhouse has already been illegally installed in this area by St Saviour’s. It directly overlooks my backyard and infringes on privacy. I am requesting that this be immediately removed. Thank you!

Andy Reid

Sent from my iPhone

On Jun 25, 2021, at 11:11 AM, Pruitt, Jacalyn <jacalyn.pruitt@greenwichct.org> wrote:

Hello Mr. Reid,

Below are the two application files we have in our office. Please be mindful that the below links to the “Sharepoint” information will expire in 7 days per Town Hall policy.

As I mentioned on the phone, please send us your comments in an email so we may include them in the file for the Commission. Thank you.

Pre-Application: PLPZ 2021 00122
Heard by the Planning and Zoning Commission on April 27, 2021
https://greenwichct-my.sharepoint.com/:f:/g/personal/katie_deluca_greenwichct_org/Eh9btTCG9FRCg-5WpidSAY0BcCw1mtHpzRob33fenX5Z2w?e=k1KBh7

The audio recording and transcript from the pre-application meeting can be found on the Town’s website:
https://www.greenwichct.gov/DocumentCenter/Index/2097

Final Site Plan and Special Permit Applications: PLPZ 2021 00285
https://greenwichct-my.sharepoint.com/:f:/g/personal/katie_deluca_greenwichct_org/EkQxdTrZ9ZPuKEd5CdBo-UBj9XCwmMY3WqlJf-tMAxfAQ?e=PcrPCa

Jacalyn Pruitt, Planner II
Town of Greenwich Planning & Zoning
101 Field Point Road
Greenwich, CT 06830
This is what St Saviour’s property has become......not a pretty sight.
Please apprise me of your forward action.
Thanks Bianca - very much!
Andy Reid
203 637 4875

CAUTION: This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
## ZONING ENFORCEMENT

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<th>PLPZ202100285</th>
<th>Preliminary</th>
<th>Final</th>
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Reviewed for Planning and Zoning Commission.

**TITLE OF PLAN REVIEWED:** Saint Saviors

**LOCATION:** 350 Sound Beach

**PLAN DATE:**

**ZONE:** R-12

☐ 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:** 7/28/2021  
**Note:** These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.
Date: July 27, 2021

To: Katie Deluca, Director, Planning & Zoning

From: Richard C. Feminella, Wastewater Division Manager

Copy: Chris Mandras, Maintenance Manager - Sewer Division
      Al Romano, Environmental Asset Engineer – Sewer Division

Re: PLPZ202100285: 350 Sound Beach Avenue, Saint Saviour's Episcopal Church

We have prepared the following comments and questions regarding the proposed application.

Project Summary:
  • Proposal to amend restrictions from a previous approval to allow for playground equipment in the back of the church.

Sewer Division Comments:

Comments to be addressed during P&Z phase:
  • None.

Comments to be addressed during Sewer and Building Permit phase:
  • None applicable to current project summary.

Please NOTE: These comments are intended for P&Z review only. These comments do not take the place of Sewer Permit(s). Any Sewer Permit Applications receive thorough reviews and may result in additional comments/requirements at that time. In addition, please be reminded that in order to receive Building Permits, the applicant must have secured all other necessary permits, including, but not limited to, Sewer Permits PRIOR to obtaining their Building Permits.

Also, please note, the applicant should NOT submit for Sewer Permits until the project has received approval from P&Z.
MEMORANDUM

TO: Bianca Dygert, Planner II
FROM: Aleksandra Moch, Environmental Analyst
DATE: July 27, 2021
RE: Saint Saviour’s Episcopal Church, 350 Sound Beach Avenue, PLPZ 2021 00285
Aerial photograph

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

1. The Conservation Commission staff supports the site to be used as a playground. We recommend two or more trees be planted to shade the area. Planting native trees will attract birds and other wildlife, absorb noise, filter air pollution and help with storm water management within the areas compacted by the heavy foot traffic. In addition to the basic ecological services trees provide, shade will prevent the playground equipment from heating up during the summer months.

cc: Conservation Commission
TOWN OF GREENWICH
Town Hall ~ 101 Field Point Road ~ Greenwich, CT 06830
Planning & Zoning Department ~ 203-622-7894 ~ Fax: 203-622-3795

Site Plan Application

Property Address: 350 Sound Beach Avenue, Old Greenwich, CT 06870
Property Owner: St. Saviour's Episcopal Church
Address: 350 Sound Beach Avenue, Old Greenwich, CT 06870
Tax ID: 06-4004/S

Email: office@saintsaviours.org
Cell Phone: 203-637-2262
Other Phone: 

Applicant: St. Saviour's Episcopal Church
Address: 350 Sound Beach Avenue, Old Greenwich, CT 06870

Email: office@saintsaviours.org
Cell Phone: 
Other Phone: 

Authorized Agent: Anna Waters
Address: 181 Shore Road, Old Greenwich, CT 06870

Email: amwaters2@gmail.com
Cell Phone: 203-918-6292
Other Phone: 203-637-1922

Select One: [ ] Pre-Application [X] Final
Zone(s): R-7
Lot Area: 442/093

Please select all relevant items below:

☐ Special Permit – Complete special permit application form
☐ Coastal Overlay Zone
☐ Property is within 500 feet of a Municipal Boundary of ________________ (for notification)
☐ Amendment to Building Zone Regulations – Section(s) __________________________
☐ Amendment to Building Zone Map – Zone(s) affected __________________________
☐ Health Department review needed
☐ Sewer Department review needed
☐ Architectural Review Committee Application attached or Review needed
☐ Planning & Zoning Board of Appeals review needed
☐ Inland Wetlands and Watercourses Agency Review / Approval Required
☐ Scenic Road Designation

To be completed by P&Z staff only:
Check # __________________________ Check Amount: $__________
Application # __________________________

pzSitePlanApp 2020
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pzSitePlanApp 2020
Special Permit Application

Property Address: 350 Sound Beach Avenue, Old Greenwich, CT 06870
Tax ID: 06-4004/S

Property Owner: St. Saviour's Episcopal Church
Address: 350 Sound Beach Avenue, Old Greenwich, CT 06870

Email: office@saintsaviours.org

Cell Phone: ________ Other Phone: 203-637-2262

Applicant: St. Saviour's Episcopal Church
Address: 350 Sound Beach Avenue, Old Greenwich, CT 06870

Email: office@saintsaviours.org

Cell Phone: ________ Other Phone: 203-637-2262

Authorized Agent: Anna Waters
Address: 181 Shore Road, Old Greenwich, CT 06870

Email: amwaters2@gmail.com

Cell Phone: 203-918-6292 Other Phone: 203-637-1922

Zone(s): R-7 Lot Area: 442/093

PLEASE SELECT ALL RELEVANT ITEMS BELOW:

☐ Section 6-17 — Special Permit standards and procedure
☐ Section 6-30 — Conservation Zone special provisions
☐ Section 6-94(b) — Non-residential Uses and Group Living Facilities permitted in Residential Zones including Resident Medical Professional Office
☐ Section 6-98 — RMF Zone
☐ Section 6-100 — Use Groups for Business Zones
☐ Section 6-101, 107 — Buildings over 40,000 c.f. in Central Greenwich Impact Overlay Zone, Post Road Impact Overlay Zone, WB, LB or LBR Zones; and over 150,000 c.f. in all other zones
☐ Section 6-103.1 — Parking deficient uses in CGBR
☐ Section 6-104 — Parking Structures incl. underground in LB Zone and Height exceptions
☐ Section 6-105, 106 — Front Yard Parking in GB or GBO Zone
☐ Section 6-109 — HO & HRO Zones
☐ Section 6-110 — Dwellings under special requirements for Business Zones
☐ Section 6-112 — IND-RE Zone applications
☐ Section 6-113 — In Hospital Zones: certain accessory uses, expansions exceeding 4,000 s.f. or interior alterations or changes of use exceeding 20,000 s.f. (cumulative within 2 years)
☐ Section 6-114 — CCRC (Continuing Care Retirement Community)
☐ Section 6-118.1 — Uses within railroad rights of way
☐ Section 6-123 — Setbacks from Connecticut Turnpike in Business Zones
☐ Section 6-140.1 — Satellite Earth Stations that emit microwaves
☐ Section 6-141 — Changes in non-conforming uses, buildings
☐ Section 6-205 — Historic structures in CBG Zone exceeding FAR And Notes 7, 8 & 9

To be completed by P&Z staff only:
Check # ____________ Check Amount: $__________
Application # ___________________________ pzSpecialPermitApp 2020
Application Signature Page

Property Address: 350 Sound Beach Avenue, Old Greenwich, CT 06870
Tax ID: 06-4004/S

Property Owner 1: St. Saviour's Episcopal Church
Email: office@saintsaviours.org
Address: 350 Sound Beach Avenue, Old Greenwich, CT 06870
Cell Phone: Other Phone: 203-637-2262
Signature: Date:

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

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

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

Applicant: 
Email: 
Cell Phone: Other Phone: 203-637-2262
Signature: Date:

Authorized Agent: Anna Waters
Email: amwaters2@gmail.com
Address: 181 Shore Road, Old Greenwich, CT 06870
Cell Phone: 203-918-6292 Other Phone: 203-637-1922
Signature: Date: 6/18/2021

pzSignaturePage 2020
Site Plan Review Checklist

Property Address: 350 Sound Beach Avenue, Old Greenwich, CT 06870

Tax ID: 06-4004/S

Anticipated Type of Application:
Amendment to a previous permit dated 1960, to allow permanent playground equipment on the grounds of St. Saviour’s Church. A revocable easement is included from the adjoining property (85 Park Ave) also owned by the church.

All applications for preliminary and final site plan approval shall be made on the appropriate forms as provided by the Planning Staff. The following items must also be provided with the application. If any of the following items are not filed at the time of application, the application may be returned to the applicant in order that it may be filed in the entirety at an appropriate future date. Required Items:
(Sec. 6-14)

Please check the items submitted below:

☐ 1. Fifteen copies of a survey, folded to 9” x 12”, showing existing conditions, including:
   a. Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features.
   b. Existing contours at no more than a two-foot vertical interval, unless waived by the commission Staff in circumstances where such contours may not be necessarily pertinent. The survey shall indicate topographic conditions of property immediately adjoining the subject parcel.
   c. The location of all existing watercourses, intermittent streams, wetlands as required by IWWA, Flood Hazard Lines as determined by FEMA, springs and rock outcrops or a note indicating that none exist, with the sources of information listed.
   d. The zone in which the land to be developed falls and the location of any town and zone boundary lines within or adjoining the tract, and yard dimensions to existing buildings. Lot area, by zone, shall be indicated.
   e. The title of the development, date, revision date if any and nature of revision, north arrow, scale, and the name and address of owner and names of owners of adjacent land.
   f. Street and property lines, curbs, edges of pavement, sidewalks, easements, right-of-way, covenants, and deed restrictions.
   g. Traffic lights and controls, public trees, catch basins, hydrants, and power and telephone lines in adjacent streets.
   h. Certification with the signature and seal or registration number of a registered land surveyor licensed in the State of Connecticut that the drawing is substantially correct to A-2 Standards, and that the property is in a designated zone under the zoning regulations.

☐ 2. Fifteen sets of a detailed Site development plan, at a readable scale, folded to 9” x 12”, prepared in accordance with all applicable Town standards including the Roadway Design and Drainage Design Manuals, and signed by a professional architect, land surveyor, or engineer licensed in the State of Connecticut, showing:
   a. Location, dimension, and elevation of all proposed buildings, structures, walls, fences.
   b. Location dimensions and surface treatment of all existing and proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks. Sidewalks are to be provided as required by the Building Zone Regulations.
   c. Approximate location of proposed utility lines, including water, gas, electricity, sewer and the location of any transformers.
   d. Note specifying source of water supply and method of sewage disposal.
   e. Existing and proposed contours at units of no more than a two-foot interval unless waived by the Commission’s staff. Cuts and fills and estimates of blasting to be submitted at time of final site plan.
   f. Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.
   g. Any other similar information determined by the Commission staff to provide for the proper enforcement of the Building Zone Regulations.
   h. Zoning statistics including: Gross Floor Area, Floor Area Ratio, Usable Floor Area, Required Parking, Actual Parking.
Provided, Building Height, Building Footprint, and Area Devoted to Surface parking, Building and Drives.

- i. Provisions for compliance with Americans with Disabilities Act (Handicap Access) and State Building Code.
- j. Coastal Area Management Application for projects within the Coastal Overlay Zone.

3. Eight sets of architectural plans, signed and sealed by an architect registered in the State of Connecticut, of all floors, all exterior elevations showing existing and proposed grade conditions. Elevations are to detail architectural elements by labeling materials, color and dimensions. Each architectural elevation shall show the absolute building height as well as building height for zoning purposes. All HVAC facilities are to be shown on architectural elevations.

4. Three copies of Floor Plan Work Sheets with the dimensions and calculated floor areas for each floor prepared in accordance with Sec. 6-5(22). Consult Commission Staff for required format.

5. Three copies of "building coverage” computation sheets.

6. Three copies of "area devoted to surface parking, building, and drives” worksheets.

7. Five copies of sight distance certification reports when required by a preliminary site plan review or when advised by the commission staff pursuant to item 2(g) of this checklist.

8. Three copies of Volume calculations per 6-101.

9. Completed Traffic Impact Evaluation Form if applicable. Submission requirements are defined on the form, available at the Commission office. A traffic report may be required.

10. Ten copies of completed application form signed by applicant or authorized agent, owners and contract purchasers, as applicable.

11. Ten copies of completed Special Permit form, if required by Building Zone Regulations.

12. Fifteen copies of detailed, inclusive narrative description of the proposed project. For those projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must provide the section number and text for the proposed amendments(s) to the BZR and an explanation providing justification for the proposal. For map changes, a scaled drawing at 1" to 400’ needs to be provided for affected areas(s).

13. Eight copies of reductions in, 11 x 17 size, or other appropriate size, providing a readable, clear plan of proposed site development and architectural plans.

14. A showing that an adequate source of potable water is available to satisfy the needs of the proposed development as per Sec. 6-15(a) (5), signed by C.A.W.C.

15. An affidavit certifying that all abutting property owners have been notified, as evidenced by the submission of a certificate of mailing or certified or registered mail receipts about said application. A schedule of names, addresses, shown on a GIS map with lot lines indicating the location of the notified property owners. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. For projects which require the preliminary review by the Conservation Commission, the notice shall be sent by the applicant to abutting owners two weeks prior to any scheduled hearing date of the Conservation Commission.

16. Authorization for the agent and contract purchasers to act on behalf of the certified property owner(s).

17. A separate schematic plan at a scale no larger than 1”-100” indicating buildings, parking and drives on the site and all adjoining properties, including those across the street, and the nearest cross street.

18. Five copies of a Drainage Summary Report as per Department of Public Works and the Town Drainage Design Manual. The summary report must be prepared in accordance with the following formats: PRELIMINARY: Existing and proposed storm water distribution, existing and proposed runoff rates, capability of off-site drainage facilities to accommodate proposed runoff, capability of off-site soils to accommodate percolation or detention if proposed, and identification of proposed drainage structures. FINAL: Final structure design details, prior approval from IWQA, Engineering Division and Conservation Commission as appropriate, and all information required by the preliminary report or two copies of drainage exemption forms.

19. In accordance with Sec. 6-183.1 to 6-183.10 of the Building Zone regulations, tree protection and sedimentation and erosion control plans shall be submitted with all site plan applications.

20. All applications for final site plans shall be in the form of a survey prepared by a registered Connecticut land surveyor having metes and bounds, dimensions of all buildings, parking and drives, setbacks of all structures from property lines, setbacks between buildings, and certification that building dimensions shown thereon are the same as the approved architectural plans. Architectural and drainage plans are to be references by title, date(s) and sheet numbers.

21. Required fee submitted at time of application (see fee schedule).

22. “It is the belief of the PZC staff that this application is incomplete because of the failure of the applicant to provide the materials
Saint Saviour’s Episcopal Church
350 Sound Beach Avenue,
Old Greenwich, CT 06870

June 20th, 2021

Dear Neighbor,

Notice is hereby given that St. Saviour’s Episcopal Church has filed an application with the Town of Greenwich Planning and Zoning Commission for a final approval for 350 Sound Beach Avenue, Old Greenwich.

This application is for an amendment to a previous planning and zoning commission approval dated 1960 to allow for playground equipment in the grounds of St. Saviour’s Church.

Further information concerning this application may be obtained by contacting the Planning and Zoning Commission at 203-622-7894.

[Signature]

Anna Waters
Junior Warden
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PS Form 3665, January 2016 (Page 1 of 1) PSN 7530-13600-5549
TOWN OF GREENWICH
Town Hall ~ 101 Field Point Road ~ Greenwich, CT 06830
Planning & Zoning Department ~ 203-622-7894 ~ Fax. 203-622-3795

Affidavit of Notification of Application for Rezoning / Special Permit /
Site Plan / Subdivision Applications

(STATE OF CONNECTICUT) : GREENWICH

(COUNTY OF FAIRFIELD)


ANNA WATER

June 18, 2021

I (name), being first duly sworn, do hereby certify that on (date), I caused to be mailed, postage prepaid, to those persons whose names are set forth on Exhibit A attached hereto a copy of the notice attached hereto as Exhibit B. Said persons were the record owners, as of (date) as shown on the Town Tax Assessor’s Office records of property abutting (as said term defined in Sec. 6-14 (a)(3) of the Greenwich Building Zone Regulations) the property belonging to (owner name) for which an application for (type of application) has been filed with the Greenwich Planning and Zoning Commission.

Subscribed and sworn to
Before me on June 18, 2021

Notary Public

BEATA JANKOWSKI
NOTARY PUBLIC OF CONNECTICUT
MY COMMISSION EXPIRES 06/30/2025

pzAffidavitNotification 2020
TOWN OF GREENWICH
Town Hall - 101 Field Point Road - Greenwich, CT 06830
Inland Wetlands & Watercourse Agency - 203-622-7756 - Fax.203-622-7764

PERMIT-NEED QUESTIONNAIRE
This form is NOT an IWWA Application

Project Address: 350 Sound Beach Ave, Greenwich, CT 06830, Tax ID: 06-4-014-15
Property Owner: SAINT SAVIORE'S EPISCOPAL CHURCH
Contact Information - Email or Cell Phone: office@st. savoire.org
Authorized Agent: ANNA WATERS (Junior Warden), Address: 18 Shore Road, Old Greenwich

Contact Information - Email or Cell Phone: annawater2@gmail.com / 203-918-6292

Has there ever been an IWWA application for this site? YES [ ] NO [ ]

ACTIVITY: (Circle) Tennis Court Pool Site Work/Landscaping Septic Other (specify) Amendment to previous planning commission approval or approval by zoning commission approval for playground equipment.

Will this activity require an addition to the septic system or a B100a? YES [ ] NO [ ]

FEE: $65 for reviews requiring a site visit

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: [Signature] Date: 3/29/2021

STAFF NOTES
Office Rev Date: 3/29/21 Field Inv Date: WET/WC? YES [ ] NO [ ] TIDAL [ ]
Action Required? YES [ ] NO [ ] If yes, OR AA AR SSA Staff [ ]
Soils Report Date: Author: Soils [ ]
Comments: No work proposed. No inland wetlands

IWWA Questionnaire Revised 3/4/2020
Return to:
James B. Dougherty, Esq.
28 Sound View Drive
Greenwich, CT 06830

TEMPORARY EASEMENT AGREEMENT

This Temporary Easement Agreement, dated June 18, 2021, is by and between SAINT SAVIOURS CHURCH of 85 Park Avenue, Old Greenwich, CT owner of certain property located at 85 Park Avenue, Old Greenwich, Connecticut, hereinafter referred to as the “Grantor” and SAINT SAVIOURS CHURCH of 350 Sound Beach Avenue, Old Greenwich, CT, owner of certain property located at 350 Sound Beach Avenue, Old Greenwich, Connecticut (hereinafter referred to as the “Grantee”). The Grantor and Grantee collectively may be referred to herein as the “Parties”.

Whereas, the Grantor is the fee owner of certain land located in the Town of Greenwich, County of Fairfield and State of Connecticut known as 85 Park Avenue, Old Greenwich;

Whereas the Grantee is the fee owner of certain land located in the Town of Greenwich, County of Fairfield and State of Connecticut known as 350 Sound Beach Avenue, Old Greenwich;

Whereas the Parties are desirous of creating a Temporary Easement for the purpose of permitting a portion of the existing playground of Grantee to remain on the property of Grantor for playground use, along with the right to maintain, repair and replace playground equipment within the Easement Area;

Whereas the parties have caused a certain Map to be made entitled “Survey of Property For Saint Saviour’s Church 350 Sound Beach Road – Old Greenwich Town of Greenwich, Conn” said Map dated April 15, 2021, and certified substantially correct by S.E. Minor & Co., Inc., Engineers & Land Surveyors and, Whereas said Map shows the location of the Playground and its Equipment.

Now, Therefore, for good and valuable consideration, the Parties agree as follows:

1. The Playground and its Equipment shall be allowed to exist in its current location and to be used by Grantee and its school and/or camp programs.
2. This Temporary Easement Agreement may be terminated by Grantor at any time upon Sixty (60) days written notice to Grantee.
3. This Temporary Easement Agreement shall automatically terminate upon the sale of its property by either Grantor or Grantee.
4. The cost of maintaining, repairing or replacing the Playground and its equipment shall be the sole responsibility of the Grantee.

5. The Grantee shall indemnify and hold Grantor harmless from any and all claims, damages or injuries that may result to anyone using the playground and its equipment with the expressed or implied consent of the Grantee. The Grantee shall maintain insurance covering its use of the playground and its equipment and shall provide the Grantor with evidence of such insurance annually.

Signed this 18th day of June, 2021.

Witnessed by:

Kathleen Stewart

Christine Miles

Saint Saviour's Church, Grantor
By:
Its:

Saint Saviour’s Church, Grantee
By:
Its:
STATE OF CONNECTICUT )
) ss: Greenwich 18th June, 2021
COUNTY OF FAIRFIELD )

Personally appeared, ANNA WATERS, the duly authorized Officer of
Grantor, signer and sealer of the foregoing Instrument, and acknowledged the same to be his/her
free act and deed, before me..

[Signature]

Commissioner of the Superior Court
Notary Public
My Commission Expires: 06/30/2025

STATE OF CONNECTICUT )
) ss: Greenwich 18th June, 2021
COUNTY OF FAIRFIELD )

Personally appeared, ANNA WATERS, the duly authorized Officer of
Grantee, signer and sealer of the foregoing Instrument, and acknowledged the same to be his/her
free act and deed, before me..

[Signature]

Commissioner of the Superior Court
Notary Public
My Commission Expires: 06/30/2025
The Saint Saviour’s Church Nursery School was established and originally licensed in 1972. Five years later, in 1977, Mary Brennan became Director. The playground expanse has been fenced, its dimensions unchanged, since at least 1977. We have been in touch and she confirms that, even at that time, there was permanent playground equipment on the playground consisting of a large metal slide and swings. As time went on, Mary Brennan recounts adding to the structures. Throughout her tenure, the program operated year-round, closing for two weeks in August.

In 2002, Mrs. Brennan retired and I took over as Director. Over the following almost twenty years, the playground/outdoor classroom received some natural additions, such as garden beds. We purchased a wide variety of interesting materials such as ramps, hollow blocks, a water pump, etc., that would foster discovery. We removed a climbing structure that incorporated old tires and purposefully did not replace it. Summers saw continued harvesting of our busy garden beds.

Since 1972, the nursery school has been continually licensed by the State of CT, which requires annual inspections by state inspectors from the (relatively newly named) Office of Early Childhood, Greenwich Department of Health and Environmental inspectors, and the Greenwich Fire Marshal. Since 2003, the nursery school has also been continuously accredited by the National Association for the Education of Young Children (the NAEYC), which has inspected every possible criterion by which a school for young children can be measured every five years. We have consistently met the highest standards of the above regulatory and accrediting agencies.

At this moment we find ourselves, unknowingly, in the position of having contravened several conditions devised in 1960 for use of the property and seeking an amendment that allows for a playground that has been a part of this landscape for fifty years. In Greenwich, most nursery schools or preschools are attached to religious institutions and set among neighborhoods, and all are accompanied by a playground. We have used equipment thoughtfully and sparingly. The space contains a beautiful wooden playhouse, two climbers with slides, a tire swing (although removed during COVID), a couple of small ‘ride-upons,’ a table for discovery, two large organic garden beds for vegetables and flowers. As much as the space is used for gross motor development, it is now deliberately used for inquiry and exploration of the natural world.

We have carefully maintained a deep sand base over the bulk of the area, grass upon the rest, as a natural aid to drainage. We have been thoughtful stewards of the property and good neighbors to the families that surround us.

Kathleen Stewart
Director, Saint Saviour’s Church Nursery School